

**Vol. 6, No. 1**  
**February 2011**

# **CEU Political Science Journal**

**Department of Political Science**  
**Central European University**

**CEU Political Science Journal**  
**Department of Political Science**  
**Central European University, Budapest**  
**February 2011**

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## **TRIBUNES VERSUS EXPERTS: AN ANALYSIS OF THE ROMANIAN MEPs' QUESTIONS**

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### ***Abstract***

*The article proposes an original framework for analyzing all the questions addressed to the European Council and Commission by the thirty-three Romanian Members of the European Parliament (EP) in the first year of their European mandate. We rely on a complex dataset that includes the parliamentarians' age, gender, previous experience in the European legislature, position on the party list, when elected and the party national status (in opposition or government). The nearly 400 interpellations are content-analyzed and then multivariate statistical techniques are applied in order to explain first, the questions' frequency and second, their connections to topics related either to Romania or to the MEPs' committee work. Our results reflect the Romanian MEPs' adaptation to the major patterns of interpellation in the EP, while at the same time emphasizing the importance of re-election seeking motivations, as well as a rather novel gender-related difference in parliamentary behaviour.*

**Keywords:** parliamentary questions; Romanian MEPs; committee work; gender.

### **1. Introduction**

The analysis of parliamentary questions was and still is a rather understudied topic in legislative studies, be it focused on national

parliaments<sup>1</sup>, or the European Parliament<sup>2</sup>. Although the subject is not marginal in itself, considering the time and energy spent by MPs everywhere to address questions to various executive bodies, there is a major lack of both comparative studies and theorization, only poorly compensated by the few existing empirical studies.

The causes are extremely varied: from the lack of drama (except the famous "Question Time" in the UK and other Westminster systems) which explains the media and, consequently, public disinterest in parliamentary questions, to the low-level impact such questions have on public policies. However, the impressive functionality of parliamentary questions, as well as the very low costs involved made them sufficiently attractive in the eyes of national or European legislators.

The literature has identified seven different functions for parliamentary interpellations: 1) to ask for (technical) information; 2) to attack the government or a minister; 3) to ask for an explanation; 4) to pressure the government to act in a certain manner; 5) to gain popularity<sup>3</sup>; 6) to protect or promote certain special interests or those of their own constituency; 6) to pressure the government to take up a certain official position on a certain issue or 7) to inform the policy-makers of certain problems unknown to them at the time<sup>4</sup>. Furthermore, there are

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1 Mark Franklin and Philip Norton, eds.. *Parliamentary questions*, (Oxford: Clarendon Press, 1993); Matti Wiberg, 'Parliamentary questioning: Control by communication?' in Herbert Döring (ed.), *Parliaments and majority rule in Western Europe*. (New York: St. Martins Press, 1995). Rob Salmond, *Parliamentary Question Times: How Legislative Accountability Mechanisms Affect Mass Political Engagement*, working paper, (Michigan: University of Michigan Press, 2009).

2 Shaun Bowler and David M. Farrell, 'The Organizing of the European Parliament: Committees, Specialization and Co-ordination', *British Journal of Political Science*, 25 (1995): 219 – 243; Tapio Raunio, 'Parliamentary questions in the European parliament: Representation, information and control', *The Journal of Legislative Studies*, 2, 4, (1996): 356 – 382; Julien Navarro, 'Questions in the European Parliament: What for? Preliminary Findings', paper presented at The Second ECPR Conference on Parliamentary Accountability, (Paris, March 12-14 2009); Sven-Oliver Proksch and Jonathan B. Slapin, 'Parliamentary questions and oversight in the European Union', *European Journal of Political Research*, (online preview March 2010).

3 Matti Wiberg, 'Parliamentary questioning', 181.

4 Tapio Raunio, 'Parliamentary questions', 357-358.



few institutional or procedural impediments while the research effort is infinitely less compared to that necessary for legislative proposals, reports or various amendments. Consequently, the main point would be that there are extremely low costs for making use of this legislative mechanism.

The questions session in the European Parliament (EP) constitute a relatively new, but important topic not only for the politicians, but for the European citizens at large seeing that MEPs can use this mechanism to offer feedback from and about their constituencies, be they local, national or regional. Therefore, the present case study aims at improving the general understanding of the topic by providing a qualitative and quantitative analysis of the questions addressed to both the Commission and the Council by the Romanian MEPs who are in their first year of mandate in the 7<sup>th</sup> European legislature: July 2009-July 2010.

The reasons for which the Romanian MEPs were chosen as a unit of analysis for this research are twofold. Firstly, Romania is a new member of the European Union, having held its first EP elections for a full mandate in 2009<sup>5</sup>. Secondly, Romania uses a closed list system for the EP elections, a fact which, as we shall develop in the following sections, influences the intensity of parliamentary activity. Consequently, such an examination can only enhance the available information regarding the adaptability capacity and activity level of rookie MEPs, aspects which are significant not only for the national parties, but for the European citizens whom they represent in Strasbourg and Brussels.

The research questions we shall examine are the following: 1) what are the determining factors for the number of questions asked by the Romanian MEPs? And 2) what do the questions focus on: specialization regarding the activity conducted in the parliamentary committees or constituency service/ promoting the interests of the Romanian citizens?

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5 The Romanian MEPs have a maximum of two years and 6 months experience inside the European legislative body, i.e. the ones who held a previous mandate from January 1st 2007.

This analysis has a double relevance, that is not only at a theoretical but also at an empirical level. At the theoretical level, we contribute to filling a gap in the literature by focusing on both the determining factors and the content of the questions posed by the Romanian MEPs. Up to the present moment, few studies have been made from this dual perspective and the recent analysis of the activity of MEPs coming from the new Member States did not take into consideration the questions. The theoretical importance for the legislative studies literature is enhanced by a systematic analysis of an original dataset compiled by the authors. Therefore, the present study represents an effort to decrease the scarcity of information regarding the MEPs coming from the former communist states and the data can later be used for comparative studies inspired by the convergence thesis<sup>6</sup>. In addition, the statistical models are easily replicable and can constitute a reference point for subsequent analyses and comparisons in the study of EP questioning.

The structure of the article is the following: the first section reviews the rules and the ways in which one can address questions in the EP system. The second section presents the working hypotheses which result from the literature about both the MEPs in general and the Romanian deputies in particular. The third section deals with the methodology, discussing the cases under analysis, the chosen variables and the methods deployed. The fourth section contains some of the general characteristics of the Romanian MEPs and of their questions both at the level of the party delegations and overall, while the last section discusses the results of the statistical models. The conclusion points out the most important results and implications of the analysis, its limitations and presents the possible future research avenues regarding this topic.

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6 The convergence thesis is based on the idea that we are witnessing the creation of a new supranational elite which shares similar values and career paths and, at the same time, it assumes for itself multiple representation roles. See: Luca Verzichelli & Michael Edinger, 'A Critical Juncture? The 2004 European Elections and the Making of a Supranational Elite', *The Journal of Legislative Studies*, 11, 2 (2005): 256-258.

## 2. Questions in the European Parliament – a taxonomy

The questions addressed by the MEPs have usually been classified according to two criteria: the addressee and the method. MEPs can question the Commission – a right established in the Treaty of Rome –, the Council and, since 2002, the European Central Bank<sup>7</sup>.

The taxonomy of the methods of questioning is more complex. MEPs can choose between written questions, oral questions followed by a debate or to put themselves on a questioning list during the questioning session (Question Time). The written questions are the simplest – any MEP can ask any question without any procedural constraint. This explains the popularity and the quasi-absolute dominance of written questions in contrast to the other types of questions<sup>8</sup>. Every MEP has the right to one priority written question once a month, to which either the Commission or the Council should answer in three weeks. The other questions should get an answer in a maximum of six weeks. The time constraints were imposed unilaterally by the EP in 1994<sup>9</sup>.

The oral questions followed by a debate can be initiated only by a parliamentary committee, a parliamentary group or by any group of 40 MEPs. In the past, the minimum number of MEPs necessary to initiate this mechanism was 29<sup>10</sup>. Moreover, until 1993 there was also the possibility to have oral questions without a debate. A question time after each parliamentary sitting was introduced in 1973 following the British example.<sup>11</sup> The President of the session

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7 Julien Navarro, 'Questions in the European Parliament', 4.

8 Tapio Raunio, 'Parliamentary questions', 359; Julien Navarro, 'Questions in the European Parliament', 8.

9 Tapio Raunio, 'Parliamentary questions', 360; Julien Navarro, 'Questions in the European Parliament', 5.

10 Simon Hix et al, 'An Institutional Theory of Behaviour in the European Parliament', EPRG Working Paper presented at the ECPR Joint Sessions, (Mannheim: March 31st, 1999): 23. Tapio Raunio, 'Parliamentary questions', 359.

11 Richard Corbett et al, *The European Parliament*, 5th edition, (London: John Harper 2003): 244.

is the one who decides if a question will or will not be asked (all questions must be sent to him/her in advance) as well as the order in which they are posed. Statistically and unsurprisingly, most questions being asked in such sessions are posed by MEPs coming from Member States with such a parliamentary tradition such as the UK, Ireland and Greece<sup>12</sup>.

### 3. Literature and hypotheses

Up to the present, there have been published two reports on the activity of Romanian MEPs done by the Qvorum Institute<sup>13</sup> and one academic analysis<sup>14</sup>. The latter tested the ability of variables, such as previous political experience, the length and type of mandate (elected/ appointed), but also a number of socio-demographics, to account for four indicators of activity in the EP. These were the following: the participation intensity, the number of oral interventions, the reports and the amendments made by the Romanian MEPs from January 2007 to March 2009. Since this first and sole exploratory study did not deal with parliamentary questions, the present article will fill this gap by also retesting some of the explanatory factors proposed by the two authors.

In the abovementioned article, Gherghina and Frăntescu showed that a longer mandate in the supranational legislative is correlated with a more intense activity for all the four legislative indicators outlined earlier<sup>15</sup>. The same relationship, but applied to questions (more days spent as an MEP – more questions asked), resulted from one of the statistical models used by Sven Proksch and Jonathan Slapin.<sup>16</sup> The main assumption – inspired by

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12 Sven-Oliver Proksch and Jonathan B. Slapin, 'Parliamentary questions and oversight', 18

13 Doru Frăntescu and Ruxandra Filoreanu, eds., Euro-parlamentarii la raport. Evaluarea activității euro-parlamentarilor români 2008-2009, (Bucharest: Institutul European pentru Democrație Participativă – Qvorum, 2009); Doru Frăntescu et al (eds.), Europarlamentarii la raport. Legislatura 2009-2014, Vol. 1, (Bucharest, Bruxelles: Institutul European pentru Democrație Participativă – Qvorum, 2010).

14 Sergiu Gherghina and Doru Frăntescu, 'Improving Rookies' Performance: An Assessment of the Romanian MEPs' Activity', European Review, 18, 2 (2010): 155-176.

15 Sergiu Gherghina and Doru Frăntescu, 'Improving Rookies', 167-172.

16 Sven-Oliver Proksch and Jonathan B. Slapin, 'Parliamentary questions and oversight', 17

socialization theories in the EP<sup>17</sup> – behind those hypotheses was that more time spent in the EP leads to a better understanding of the procedures and adaptation to the legislative's workings<sup>18</sup>. Therefore, we hypothesize that:

*Previous experience in the EP leads to more frequent questions.*

There is almost universal consensus among those who study legislative behaviour concerning the most important objectives for a MP's career<sup>19</sup> being re-election, influencing public policy and/or acquiring a top legislative position (committee chair, speaker of the Chamber, etc.). Obviously, re-election is in a position of lexicographical priority against the others.

Experts have mixed feelings about the usefulness of questions to the re-election of MEPs. On the one hand, some authors underline their lack of visibility for the electorate or the public opinion<sup>20</sup> in view of the low level of media attention for the supranational legislative<sup>21</sup> and of the fact that the European elections are generally of secondary importance<sup>22</sup>. On the other hand, other

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17 Mark Franklin and Susan Scarrow, 'Making Europeans? The socializing power of the European Parliament' in: R. Katz and B. Wessels, eds., *The European Parliament, the National Parliaments, and European Integration*, (Oxford: Oxford University Press, 1999); Amie Kreppel, *The European Parliament and Supranational Party System: a study in institutional development*, (Cambridge: Cambridge University Press, 2002); Roger Scully, *Becoming Europeans? Attitudes, Behavior and Socialization in the European Parliament*, (Oxford: Oxford University Press, 2005).

18 From the current Romanian MEPs, 18 had previous experience in the EP after being named by their parties at January 1st, 2007 or after the November 2007 elections or as replacements for some members who quit their mandate.

19 Wolfgang C. Muller and Kaare Strom, *Policy, Office, or Votes? How Political Parties in Western Europe Make Hard Decisions*, (Cambridge: Cambridge University Press, 1999); Simon Hix et al, 'An Institutional Theory'

20 Julien Navarro, 'Questions in the European Parliament', 2; Sven-Oliver Proksch and Jonathan B. Slapin, 'Parliamentary questions and oversight', 8

21 Jochen Peter et al, 'EU politics on television news', *European Union Politics*, 4, 3, (2003): 305–327.

22 Karlheinz Reif and Hermann Schmitt, 'Nine Second-Order National Elections: A Conceptual Framework for the Analysis of European Election Results', *European Journal of Political Research*, 8 (1980): 3–44.

authors emphasize that different electoral systems offer different stimuli for the MEPs to stand out in the EP. For instance, when there is a closed list system and thus the nomination equals election, a portfolio with a rich parliamentary activity can be a significant advantage in the eyes of the selection committees.<sup>23</sup> Considering that the closed list system is used in Romania as well, and that many of the politicians who headed the lists in 2009 are party leaders and, therefore, confident regarding their re-nomination, we shall test the following hypothesis:

*The MEPs who found themselves on a lower position on the party lists at the moment of election will address more questions so as to increase their chances to climb up the list at the next elections*

In a very recent study, it was demonstrated that parliamentary questions are the most important instrument to check the Commission for the national parties who are in opposition in the Member States.<sup>24</sup> These parties cannot check the Commission through the Council since they are not represented there and have only limited access to information about European affairs through the national parliaments.<sup>25</sup> The authors' statistical analysis, done on every possible pair of MEPs questioning and Commissioners questioned from 2004 to 2009 (almost 40 000 cases), confirmed the hypothesis that those coming from opposition parties are more active in addressing questions. Because of the fact that this hypothesis was valid also for the Romanian politicians present in the sixth European legislative, we wished to retest it for this first year of the new mandate. Therefore,

*The MEPs coming from governing parties in Romania will ask fewer questions than their colleagues who are in opposition.*

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23 Simon Hix, 'Electoral institutions and legislative behavior: Explaining voting defection in the European parliament', *World Politics*, 56 (2004): 194–223. Sergiu Gherghina and Doru Frăntescu, 'Improving Rookies' Performance', 157; Sergiu Gherghina and Mihail Chiru, 'Practice and Payment: Determinants of Candidate List Position in European Parliament Elections', *European Union Politics*, forthcoming 11, 4 (2010).

24 Sven-Oliver Proksch and Jonathan B. Slapin, 'Parliamentary questions and oversight'

25 Idem, 2

The small number of researchers who studied the EP question time did not stop at analyzing the factors which determine the number of questions, but were on the other hand interested in their content. A series of interpretative patterns have been confirmed by subsequent studies. The most important is the informational model, based on the specialization logic: most questions are related to issues discussed in the specialized committees or have a direct connection with the agenda of those committees.<sup>26</sup>

The second pattern concerns those questions addressed by the MEPs which signal to the Commission or Council local or national problems/ events taking place in their constituencies. This behaviour is constitutive part of what in legislative studies bears the name "casework" or "constituency work". Indeed, these types of questions represent ¼ of the sample studied by Navarro.<sup>27</sup> Even more interesting is the hypothesis launched by Bowler and Farrell<sup>28</sup> according to which most questions related to national/ local issues come from MEPs from the peripheral Member States, while their colleagues from the six founding members – except Italy – have posed questions related mostly to pan-European/ common problems. This hypothesis was later confirmed, but the discrepancy was not so wide.<sup>29</sup>

#### **4. Research Design: Cases, Methods and Data**

The general analysis includes all the questions posed by the 33 Romanian MEPs from the start of their mandate (July 2009) until mid July 2010. Since they represent the whole universe of cases, and thus we do not use a representative sample, the level of

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26 Shaun Bowler and David M. Farrell, 'The Organizing of the European Parliament', 235-236; Julien Navarro, 'Questions in the European Parliament', 19; Sven-Oliver Proksch and Jonathan B. Slapin, 'Parliamentary questions and oversight', 16-17

27 Julien Navarro, 'Questions in the European Parliament', 12.

28 Shaun Bowler and David M. Farrell, MEPs, Voters and Interest Groups: Representation at the European Level, Final Report to the European Community Commission, the General Directorate for Information, Culture and Communication (1992).

29 Tapio Raunio, 'Parliamentary questions', 371-372.

significance displayed by the statistical tests indicates the robustness of the relationship, rather than the confidence in generalizing upon them. Consequently, we will interpret a level close to 0.01 as indicating very small chances for the revealed relationship to be accidental.

Besides the hypothesized effects we controlled additionally for the impact that age and gender have on the frequency of the interpellations. In order to observe the common (additive) explanatory potential of these variables, we used the following OLS regression model:

The number of questions = constant +  $\beta_1$  list position +  $\beta_2$  EP experience +  $\beta_3$  opposition status +  $\beta_4$  gender +  $\beta_5$  age +  $\mu$ .

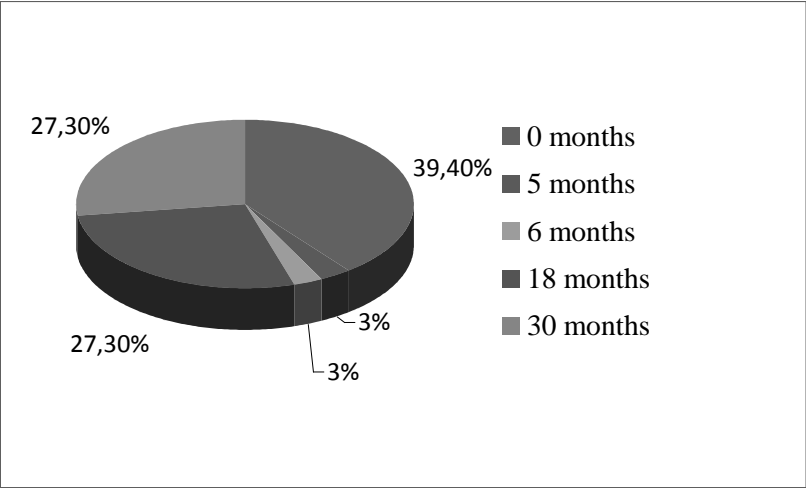
Building on the abovementioned distinction of parliamentary questioning models, the next step was to analyze the content of the 373 interpellations initiated by the Romanian MEPs. This qualitative inquiry established which questions belonged to the MEP's committee agenda and which referred to Romania's or the Romanian Diaspora's interests. Moreover, we tested two parallel multivariate models, in order to see how well the same determinants emphasized earlier predict the frequency of interpellations following the specialization logic, or that of „constituency work” respectively. For the detailed operationalization of the variables see the codebook in the appendix.

## **5. General Characteristics**

Starting with the gender distribution, we must say that out of the 33 MEPs, twelve were women and 21 were men. Furthermore, Figure 1 below illustrates the MEPs' previous experience in the supranational legislative. Nine politicians had the most activity (30 months) in the EP prior to the 2009 elections. Other nine MEPs were present in Brussels/ Strasbourg for 18 months. The list closes with two politicians having 6 and 5 months of experience respectively. Thirteen MEPs are absolute newcomers.



**Figure 1. Previous EP experience**



Thirty-eight out of the three hundred seventy-three questions posed by the Romanian MEPs were co-signed. They were taken into account individually for each Romanian MEP signing it: nineteen for the Democratic Liberal Party (PDL), eleven for the Social Democrats (PDL), six for the Liberals and two for the Democratic Alliance of Hungarians in Romania (UDMR).

As it can be easily observed from Table 1, generally the PSD MEPs were the ones who questioned the Council and the Commission the most (183), with an average of 16.6 questions per parliamentarian. Coming in second were the PDL MEPs with an average of 13.2 interpellations.

**Table 1. Question Distribution in Party Delegations**

Party	Average	Std. Deviation	Min.	Max.	Total
PNL	6.8	5.0	2	14	34
PDL	13.2	16.3	0	46	147
PSD	16.6	13.8	2	45	183
UDMR	2.3	0.5	2	3	7
PRM	0.6	1.1	0	2	2

The large standard deviations indicate that actually a minority from each party delegation asked the majority of questions. Accordingly, Oana Antonescu and Rareș Niculescu are the initiators of 60% of the PDL questions, while Daciana Sârbu, Corina Crețu and Adriana Țicău have authored 57% of the Social Democrats' interpellations.

A similar uneven distribution of questions exists in the case of the PNL delegation, where Cristian Bușoi posed 40% of the questions. While the UDMR MEPs launched only seven interpellations, two out of the three deputies of the Greater Romania Party (PRM) never asked anything.<sup>30</sup>

**Table 2. Questions regarding Romania or Romanian citizens**

Party	Average	Std. Deviation	Min.	Max.	Total
PNL	2,8	2,3	1	7	15
PDL	2,7	3,9	0	13	30
PSD	6,5	4,8	0	15	72
UDMR	1,6	0,5	1	2	4
PRM	0,3	0,5	0	1	1

Table 2 summarizes the distribution of interpellations related to Romania or the Romanian citizens' interests in the EU. Once again, in absolute terms, most of the questions came from the PSD (59%) and from the PDL. However, if we compare the means then the second place is taken by the PNL, followed closely by the PDL.

The nature of the inquiries was related to topics on the MEPs' committee agenda. This is synthesized in Table 3. The Social Democrats were the most active – with 11.4 questions on average – while the Democratic Liberals come second (10.9 interpellations on average). Once again, it becomes obvious when looking at the standard deviations that few MEPs were actually

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<sup>30</sup> In the same situation were at the time of the analysis Theodor Stolojan and Traian Ungureanu, both PDL members. For the full ranking see Appendix 2.

responsible for the majority of questions, irrespective of the party delegation.

**Table 3. Questions related to the MEP's committee work**

Party	Average	Std. Deviation	Min.	Max.	Total
PNL	5.4	4.7	1	11	27
PDL	10.9	12.6	0	37	120
PSD	11.4	10	1	33	126
UDMR	1.3	0.5	1	2	3
PRM	0	0	0	0	0

By comparing Tables 2 and 3, we can conclude that the Romanian MEPs use the questions mainly for problems encountered in their committee work, while the questions related to events or matters of national, regional or local interest remain of secondary interest.

## 6. What makes them question?

The general model explaining the frequency of all questions performs well. It accounts for almost 60% of the variance ( $R^2=0.58$ ), a significant percentage if we keep in mind its parsimony (i.e., the small number of explanatory factors included). By far the most important predictors for the number of questions posed by the Romanian MEP's are their gender and their position on the party ballot when elected at the 2009 elections.

The relationship between parliamentary questioning and list ranking takes place in the hypothesized direction and it is quite robust from a statistical point of view. In other words, being elected while on a lower list position, i.e. quite far from those occupying the top positions, makes the former MEPs more active than the latter when it comes to interpellations. The impressive gender coefficient indicates that the Romanian women MEPs tend to initiate, on average, more than eight questions in contrast to their male colleagues. The finding is surely unique, as no gender

related gap was ever documented in the literature on parliamentary questioning.

Previous experience in the EP is also a contributing factor for posing questions, but, although the relationship is statistically significant, its effect is several times smaller than that of the other two predictors previously discussed. Furthermore, being a member of an opposition party in the national legislature seems to increase the number of questions asked but the relationship is not significant from a statistical point of view. Regarding the age variable, in nine cases out of ten ( $p=0.055$ ), younger MEPs pose more questions than those who are older.

**Table 4. Determinants of interpellation frequency (OLS Regression)<sup>31</sup>**

**Model 1**

<b>Variables</b>	<b>B</b>	<b>Standard Error</b>
List Position	1.904**	0,671
Experience in EP	0.296*	0,136
Opposition Member	-2.177	2,175
Gender	-7.822*	3,781
Age	-0.398	0,198
Constant	21.117	10,815
R <sup>2</sup>	0.585	
N	33	

Notes: significance at \*  $p<.05$ ; \*\*  $p<.01$ ; \*\*\*  $p<.001$ ; Reported coefficients are un-standardized

As can be understood from Table 5, the explanatory factors proposed account slightly better for the MEPs' specialization through interpellations than for the questioning of European institutions on subjects related to their constituency. In the latter case, 50% of the variance is explained while the percentage rises to 60% for the former. Although for both models the position on the party list is an important predictor, the impact of the relationship is twice as big when it comes to questions on expertise/committee issues.

31 We checked for multicollinearity, autocorrelation and heteroscedasticity. None of these problems appeared.

The Romanian women MEPs are once again much more active than their male counterparts on topics related to their committees' agendas. The gender gap is much attenuated in the case of the Romania-focused questions, while the relationship itself lacks statistical robustness.

In contrast, the impact of previous experience in the EP appears to be the most important predictor only in relation to the questions regarding Romania. Therefore, having a second EP mandate makes the MEP slightly more likely to ask constituency-related questions. However, in neither model do the MEPs' age nor the status of being a member of the opposition produce any significant effect.

**Table 5. Specialization versus constituency work (OLS Regression)s<sup>32</sup>**

Variables	Specialization Model		Model Casework	
	B	Std. Error	B	Std. Error
List Position	1.443**	0.494	0.650**	0.230
Experience in EP	0.188	0.100	0.153**	0.047
Opposition Member	-2.229	1.601	0.264	0.747
Gender	-6.987*	2.783	-1.256	-1.299
Age	-0.253	0.146	-0.082	0.068
Constant	14.716	7.960	3.227	3.717
R <sup>2</sup>	0.593		0.501	
N	33		33	

Notes: significance at \* p<.05; \*\* p<.01; \*\*\* p<.001; Reported coefficients are un-standardized

7. Conclusion

This study represents the first systematic analysis of the interpellations initiated by the Romanian MEPs. Thus, we gathered and interpreted data on how the parliamentarians' previous experience in the EP, their list position when elected,

32 We checked for multicollinearity, autocorrelation and heteroscedasticity. None of these problems appeared.

their party status, plus the usual socio-demographic elements influence the frequency and the type of questions they addressed to the Commission and Council.

Besides corroborating already existing hypotheses, the results of our statistical models revealed interesting relationships about both the main effects and the control variables.

The first significant finding refers to the apathetic attitude of most MEPs, given that a minority from each party delegation has initiated more than half of the questions. Moreover, the majority of interpellations concerned topics from the MEPs' committee agendas.

The best predictors of parliamentary questioning proved to be the gender and the MEPs' ranking on the party ballot. Thus, interestingly enough the Romanian women MEPs tend to ask significantly more questions than their colleagues. As a safe re-nomination and subsequent re-election are the main objectives of any MP, it seems reasonable that those MEPs initially elected from lower list positions exhibited more substantial questioning activity.

With regards to the interpellations connected to the MEPs' committee work, the party ballot position and the gender are once more the most significant determinants. On the contrary, the frequency of the constituency-oriented questions is best predicted by the previous experience in the EP and by the list position.

The main limitation of the present study resides in the fact that the analyzed universe contains only 33 cases, that is only one of the national delegations of MEPs. This in turn makes the generalization of the findings to all the European parliamentarians rather inappropriate. However, our results are of high value for those interested in understanding the manner in which the adaptation and specialization of the newcomer MEPs occurs, irrespective of their national delegation or affiliation to a party group. Even more so as the period investigated – the first year of

mandate – is a critical one from the perspective of the accommodation with the rules and working procedures in the EP. A further possible direction of study could be to compare the interpellations of the MEPs from the new, CEE Member States with those of the Western MEPs so as to see if indeed the former are more active with respect to national/regional or local problems as opposed to pan-European issues, given their countries' rather peripheral status in the Union.

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**Appendix 1. Variable Codebook**

<b>Variable</b>	<b>Operationalization</b>
Age	Exact age at the moment of the 2009 elections
Gender	0 = woman, 1 = man
List Position	Number on the party ballot when elected
Experience in EP	Number of months acting as MEP before the 2009 elections
Opposition Member	-1 = politician from a party governing Romania for the whole analyzed period, 0 = politician from a party being in both situations, 1 = politician from an opposition party

**Appendix 2. The Romanian MEPs' Questions Ranking**

	<b>Total</b>	<b>Romania</b>	<b>Specialization</b>	<b>Written Questions</b>
Antonescu	46	6	37	36
Sârbu	45	15	33	33
Niculescu	43	13	31	36
Țicău	38	5	25	9
Crețu	22	14	14	14
Dăncilă	18	4	15	10
Luhan	17	2	14	14
Ivan	14	10	5	11
Plumb	14	9	12	2
Busoi	14	7	11	2
Cuțat	11	3	8	6
Enciu	11	6	9	7
Weber	10	3	10	6
Preda	9	0	9	0
Băsescu	8	2	8	8
Marinescu	7	4	7	3
Matula	7	2	6	6
Patcu	6	4	3	3
Vălean	5	2	3	2
Bodu	4	0	4	4
Macovei	4	1	4	3
Tokes	3	1	2	0
Nicolai	3	2	2	1
Bostinaru	2	2	1	1
Severin	2	0	1	1
Becali	2	1	1	1
Sogor	2	1	1	0

Winkler	2	1	1	0
Mănescu	2	1	1	1
Vadim Tudor	0	0	0	0
Tănăsescu	0	0	0	0
Stolojan	0	0	0	0
Ungureanu	0	0	0	0

## **THE USE OF GENDERED VICTIM IDENTITIES BEFORE AND DURING THE WAR IN FORMER YUGOSLAVIA**

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### **Abstract**

*The article discusses the construction of the self-victimization identities of former Yugoslav nations, which were developed through certain discourses and representational practices of the media controlled by nationalistic political elites. The victim identities analysed were largely constructed in gendered terms. Thus, the article analyzes examples of media reporting which used gendered victimization practices, in an attempt to reveal how national identity can be constructed as victim identity and how gender can be used to achieve this. In order to do this, the article looks at examples of articles published in some of the most prominent printed media from countries involved in the war (Serbia, Croatia and Bosnia and Herzegovina) reporting about gender-based sexual violence. It discusses the way in which the media covered events happening before the outbreak of war, which had consequences for later developments as it introduced the idea that sexual violence could be used as ethnic violence and as an effective tool of war.*

**Keywords:** gender, ethnicity, victim identity, media, former Yugoslavia

### **1. Introduction**

Some elements of collective identities in the former Yugoslavia started to develop during the 1980s, before the war had even begun. This happened during the course of a process of constructing victim identities of former Yugoslav nations. These victim identities were to a large extent gendered and based on the (re)construction of the national 'self' in direct opposition to 'the Other', as well as developed through the creation of national

myths and 'Truths'. However, since the question of victimization of national identities before and during the war in former Yugoslavia cannot be addressed without paying special attention to the issue of gender<sup>1</sup> and to violence committed against women, this article focuses on gendered victimization of national identities and analyzes how it was interconnected with sexual violence, such as rape, which, for the most part, affected women and their role in the process of nation-building.

Thus, this article attempts to analyze examples of discourses which used such gendered victimization practices, in order to answer the question how national identity can be constructed as victim identity and how gender can be used in order to achieve this. I use discourse analysis that focuses on the idea that all meaning is contextual, relational and contingent. The main proposition of discourse analysis is that our access through reality is inevitably and always through language and that our discursive representations of reality contribute to the construction of our social and cultural realities. Discourse analysis claims that language is central to our knowledge of reality and that it is possible to know reality through linguistic construction only<sup>2</sup>. The language does more than just describe, so that the meaning of words is dependant on their discursive context Or, as Thomas Diez put it, "discourses do not 'cause' but 'enable'"<sup>3</sup>.

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1 Gender can be understood as socially constructed differences between groups categorized as of either 'male' or 'female' sex, but it is sometimes very difficult to tell which differences are biological and which are socially constructed. However, as Laura Sjoberg notes: "the dynamic construction of sex and gender is generally divisible into masculinities and femininities – stereotypes, behavioural norms and rules assigned to people based on their perceived membership in sex categories. Gender, then, is not static, but a contingent and changing social fact and process." Laura Sjoberg, "Agency, Militarized Femininity and Enemy Others: Observations from the War in Iraq", *International Feminist Journal of Politics*, vol. 9, no. 1, (2007), 84.

2 Ole Weaver. "Discursive Approaches", in Antje Wiener and Thomas Diez: *European Integration Theory*, Oxford University Press (2005).

See also Teun A. Van Dijk. "Principles of Critical Discourse Analysis". *Discourse & Society*, Vol. 2, No. 4, 1993, 249-283.

3 Thomas Diez. "Speaking 'Europe': the Politics of Integration Discourse", in *Journal of European Public Policy* 6:4, Special Issue, 1999, 598-613.

This analysis includes the war and pre-war media reporting on rapes, since gendered construction of the enemy was most easily used when reporting about sexual violence, such as rape. This will be done by analyzing the reporting employed by some of the media in Serbia, Croatia and Bosnia and Herzegovina, which was done in order to create an atmosphere of fear and a feeling of threat for one's nation and to mobilize people for the war. The three countries are selected due to the most well-known cases of inter-ethnic rapes that happened there before the outbreak of war or during the conflicts. The examples of media discourses that I analyze have been chosen because they are representative of a certain reporting practices, because they are considered to be especially influential or because they comprise the most important arguments.

The article first discusses the use of discourses of victimization of different nations employed by government-controlled media from different Yugoslav republics. This kind of reporting, at the end of 1980s, resulted in a competition over which nation would be presented as a greater victim of other nations. It then moves to show how these victimization discourses were often gendered, since they were used to talk about sexual violence between members of different ethnic groups. Sexual violence was largely presented not as an assault on an individual victim, but the rape victim was shown as a symbol of suffering of its whole ethnic group. The article analyzes the reporting employed by some of the mainstream media of former Yugoslav republics when writing about inter-ethnic rapes and discusses how this contributed to later understanding of rape as a tool of war.

## **2. The Politics of 'the Truth'**

The media played an important role in a series of violent events which lead in the late 1980s and early 1990s to the disintegration of former Yugoslavia. The discourses used by the media contributed to the emerging crisis and, at the same time, indicated the formation of deep divisions among different ethnic

groups and helped establishing the legitimacy of newly-formed political elites.<sup>4</sup> The influence that the media had on the conflicts that followed the disintegration of Yugoslavia mostly consisted of the creation of a certain general discursive framework within which a public debate took place and which limited other possible interpretations of the events and processes.

The 'media war', a term widely used in former Yugoslavia, resulted in the direct engagement by the media in defending political leaders and the politics of their own republics and attacking those in other republics which belonged to different nations. This was possible, in the first place, due to the closed and divided media space that existed at the end of the 1980s and the beginning of the 1990s and to very low exchange of information among different republics. This, in turn, was due to censorship of other republics' media, which existed in the form of controlled broadcasting of TV stations from other republics or difficult access to print media from other parts of former Yugoslavia. The main media (such as best-selling dailies and national TV stations) were owned and controlled by nationalist governments and were 'servants to the regime', so that the messages sent out to the public reflected the governments' interpretations of events and their politics. As Dubravka Žarkov noted,

"already by [the] mid-1980s the involvement of the media in the growing nationalism in the former Yugoslavia had become apparent. Hostile communication between media of different republics became part and parcel of mutual accusations that engaged political leaders, prominent cultural figures and social scientists of the different Yugoslav republics."<sup>5</sup>

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4 For a more detailed discussion on the role of the media in the disintegration of former Yugoslavia see Gordana Đerić, ed.: *Intima javnosti* (The Intimacy of the Public), Fabrika knjiga, Beograd, 2008 and Nena Skopljanac Brunner et al. (eds.), *Media & War* (Centre for transition and civil society Zagreb; Agency Argument, Belgrade, 2000).

5 Dubravka Žarkov, "Pictures of the Wall of Love. Motherhood, Womanhood and Nationhood in Croatian Media", *European Journal of Women's Studies*, vol. 4, issue 3, (August 1997), 305.

However, it should also be mentioned that in the late 1980s and early 1990s, before the violence started in 1991, it was still possible to read different or completely opposite political perspectives in the mainstream media. It was also possible to find similar positions in newspapers from different republics across the former Yugoslavia. Later, during the war, alternative media belonging to opposition parties existed, but the problem was that this space for alternative writing was very limited and marginalized, thus accessible to a narrow reading public.

One of the most important strategies in war propaganda used by the media was reporting on 'our' victims. Discourses of victimization of certain nations started to be used in the media in the late 1980s during the period of Yugoslavia's disintegration and resulted in a competition among different ethnic groups over which one would be characterized as a greater victim. Members of each nation<sup>6</sup> of the former Yugoslavia, before the outbreak of the war, started revealing their 'Truth' of being a victim of other nations. Through their control of the media, media, nationalist political elites started uncovering 'Truths' necessary for understanding the situation which they felt their national group was in and which was crucial for the construction of that nation's victim identity. Thus, it is necessary to examine these "more or less truths".<sup>7</sup>

Political elites from different ethnic groups used the power they had to change and influence the meaning of historical facts and to create different myths, producing, in this way, their own 'Truths'. In the former Yugoslavia, almost every one of its nations<sup>8</sup> had felt

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6 I understand the term 'nation' in accordance with Hurst Hannum's definition: "a self-identified group with certain shared characteristics, such as ethnicity, culture, religion or language, and a sense of political identity". Hurst Hannum, "International Law", *Encyclopaedia of Nationalism. Fundamental Themes*, Vol. 1 (Academic Press, San Diego, San Francisco, New York, Boston, London, Sydney, Tokyo, 2000).

7 Julie A. Mertus, *Kosovo: How Myths and Truths Started a War* (University of California Press, Berkley/Los Angeles/London, 1999), 2.

8 In Yugoslav political terminology, there were five nations (narodi): Slovenes, Croats, Serbs and Montenegrins, Macedonians, and Muslims; several national groups (narodnosti), such as Albanians and



threatened by another national group and had been perceived as a threat to another group. Thus, the media in different republics started producing victimization narratives, which served to

“produce the feeling that one’s national group was threatened with extinction as the object of another’s aggression. In the process of maintaining a balance of power among national groups, every nation/republic had reason to believe that it had been unjustly treated in the Yugoslav state.”<sup>9</sup> What should be stressed, however, is that these narratives of victimization “are all specifically and characteristically *national*, emphasizing the trials and sufferings of *the nation* and identifying those nations which should be held responsible for one’s own nation’s suffering.”<sup>10</sup>

By mid-1980s, many Serbs became convinced that they were the main victims in communist Yugoslavia. In their version of the Truth, there were two reasons for this. First was the policy of nation-building, which was believed to exist within all nationalities except the Serbs and, according to nationalist elites, ignored the fact that the Serbs had sacrificed the most for the creation of Yugoslavia during the two World Wars. Second, this policy was felt to have been unfair because it led to the fragmentation of the Serbian territory, and it forced the Serbs into assimilation (in Croatia), subjected them to persecution (in Kosovo), and led them to potential minority status (in Bosnia and Herzegovina). A Memorandum issued by the Serbian Academy of Sciences and Art (SANU) in 1986, which later heavily influenced the growth and development of nationalist politics in Serbia, lists many other deep frustrations and resentment felt by some Serb intellectuals and shared by an increasing number of Serbs in the late 1980s. It “asserted that Serbia had suffered systematic discrimination

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Hungarians, and a number of national minorities (nacionalne manjine), eg. the Roma, Italians, Romanians and others.

9 Vesna Pešić, “Serbian Nationalism and the Origins of the Yugoslav Crisis”, Peaceworks No. 8, United States Institute of Peace (April 1996).

10 Sabrina P. Ramet, “The Dissolution of Yugoslavia: Competing Narratives of Resentment and Blame”, Southeast Europe. Journal of Politics and Society (01/2007), 26-69, author’s emphasis.

against its vital political and economic interests in Yugoslavia.”<sup>11</sup> Moreover, as Sabrina P. Ramet notes, in the late 1980s and early 1990s, some writers writing for *Književne novine*, a journal of an association of Yugoslav writers, “have compared the Serbian nation to the Jewish nation or to Job or even to the crucified Christ”.<sup>12</sup>

Although Kosovo was the predominant issue in the discourse on the danger threatening the Serbs, there was also the story of Croats and the genocide they committed against the Serbs in World War II. Anthony Oberschall discusses the consequences of such discourses:

“In my interview with a Serb refugee one can trace how the atrocities discourse switched on the crisis frame: ‘We were afraid because nationalists revived the memory of World War II atrocities...nationalist graffiti on walls awakened fears of past memories; it was a sign that minorities [Serbs in Croatia] would not be respected and safe.’<sup>13</sup>

What the nationalist political elites took advantage of was the ‘collective’ memory of victimization in the Independent State of Croatia<sup>14</sup> during World War II. Thus, for example, in the 1990s, stories of traditional torture and victimization of the Serbian nation by Croats since World War II became a much exploited topic in the Serbian nationalist literature. Memories of the WWII period and of Ustashe were also recalled in the public speeches or football fan songs at stadiums.<sup>15</sup> Moreover, the Kosovo myth was also (ab)used in the context of the Kosovo crisis of the 1980s and

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11 Milica Bakic-Hayden and Robert M. Hayden, “Orientalist Variations on the Theme “Balkans”: Symbolic Geography in Recent Yugoslav Cultural Politics”, *Slavic Review*, Vol. 51, No. 1, (Spring, 1992), 6.

12 Sabrina P. Ramet, *The Dissolution of Yugoslavia*, 32.

13 Anthony Oberschall, “The Manipulation of Ethnicity: From Ethnic Cooperation to Violence and War in Yugoslavia”, *Ethnic and Racial Studies*, Vol. 23, No. 6 (1 November 2000), 991.

14 Independent State of Croatia was a World War II Nazi puppet state, which existed between 1941 and 1945, and was governed by fascist Ustashe movement.

15 For an analysis of a number of these examples see Ivan Čolović, *Bordel ratnika: folklor, politika i rat*, Biblioteka XX vek, (Beograd, 1994).

it provided explanation of the historical experience of the Serbs' collective victimization and sacrifice for the homeland.<sup>16</sup>

Croatian historical narratives also contain elements of victimization and reveal yet another Truth. The first victims were considered to be those Croatian Catholics who lived in the areas which were populated by the Turks and who suffered violence that forced many to convert to Islam. It was thus believed that, in the 18<sup>th</sup> century, the Turks forcibly removed many Catholic Croats from Bosnia. In more recent history, Croatian national identity was claimed to have been denied to the Croatian people from 1918 to 1939, when the Croats became part of a kingdom in which they claimed to have been under the Serbian oppression. During the 1980s, complaints in Croatia centred on the alleged draining of Croatian money and revenues to support the bureaucracy centred in Serbia and to subsidize poorer regions, such as Bosnia and Kosovo. Moreover, as Franke Wilmer points out, "some Croats also complained that under Tito they were as a group more frequently and vigorously persecuted for expressions of national and cultural pride and more frequently arrested and punished for political crimes".<sup>17</sup> Such national 'Truths' were needed for the creation of a victim-nation identity, and were later used to justify many crimes that would be committed later during the Yugoslav wars.<sup>18</sup>

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16 The Kosovo myth dates back to 1389 and to the Battle of Kosovo, in which Serbs fought and lost against Ottoman Turks, symbolizing the loss of the medieval Serbian empire. It still remains the central event in all of Serbian history. The Battle of Kosovo also shapes a large part of Serbian national consciousness and culture. Kosovo was considered the cradle of Serbian medieval culture and the symbol of national history and mythology.

17 Franke Wilmer, *The Social Construction of Man, the State, and War. Identity, Conflict, and Violence in the Former Yugoslavia* (Routledge, New York and London, 2002), 181.

18 For a detailed exploration of how and why Serbian and Croatian nationalist elites used a victim-centred propaganda to legitimate the creation of new states and the conflict that followed the break up of Yugoslavia see David Bruce MacDonald. *Balkan Holocausts. Serbian and Croatian Victim-Centred Propaganda and the War in Yugoslavia*. Manchester University Press, (Manchester and New York, 2002).

### **3. Gender Imagery and Victimization Discourses: (Inter-) Ethnic Rapes in Kosovo**

In Serbia and Croatia, victim discourses used by the media were, to a large extent, gendered. The importance of the gender imagery during the wars in the former Yugoslavia lies in the media's continued manipulation of gender identities to create a feeling of threat and hate towards the other ethnic group. When analyzing the Croatian and Serbian press that was published during the 1991-1995 war, Dubravka Žarkov noticed that:

it was apparent that in the mid-1980s the media in [the] former Yugoslavia started covering stories that they had not covered before. The concern with which the media suddenly started addressing the so-called women's issues, especially issues regarding reproduction and sexual violence against women was striking. (...) References to childcare, maternity leave, abortion rights, legislation on rape, sexual morality, and so on, were now discussed (in political bodies as well as on the pages of the newspapers) in the light of population growth, traditional values, and historic dreams of, or historic injustices against, a particular ethnic group.<sup>19</sup>

The manipulation of women's bodies, symbolically marked as ethnic territories in national discourses, actually began in the media in the 1980s. One of the most controversial issues that the media wrote about was the case of Fadil Hoxha, one of the highest ranking Albanian politicians from Kosovo, who was reported by the media as saying that the problem of the rape of Serb women by Albanian men in Kosovo would be solved if more non-Albanian women worked as prostitutes. Serbian weekly *NIN* and daily *Politika*<sup>20</sup> followed for days protests by Serbian women

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19 Dubravka Žarkov. *The Body of War. Media, Ethnicity, and Gender in the Break-Up of Yugoslavia*, Duke University Press, (Durham and London, 2007), 3-4.

20 *NIN* is a Sunday newsmagazine published in Belgrade. *Politika* is the oldest daily in Serbia. During the Milošević regime, which owned the daily, *Politika* was one of the most powerful weapons of the populist war propaganda used in order to prepare the Serbian nation for war. Its reporting was full of hate speech and of constant glorification of Slobodan Milošević and his politics. For a detailed analysis of the reporting of *Politika* during the war in former Yugoslavia see Petar Luković: "Umetnost propagande: Analiza Politike 1988.-

in Kosovo and published photos of them holding banners which read "We want freedom!" and "Our mothers are not whores".

The way in which the press covered this story clearly revealed their intention to present the Serbian women not only as victims, but also as victims who stood as the very symbol of suffering and plight of the whole Serbian nation. The emphasis was, for this reason, put on the (Serbian) ethnic identity of these women and the issue was not discussed as an insult to women or as a reflection of a discriminatory thinking of a still deeply patriarchal society, but was discussed in the light of the Serbian nation's victimhood in Kosovo. Thus, for example, *Politika* quoted women saying that "women and children of Serbian and Montenegrin nationality have suffered real terror for years."<sup>21</sup>

Similarly, the Croatian media, such as the daily *Vjesnik* and weekly *Danas*<sup>22</sup>, developed stories about Serbian nationalism, Albanian separatism and the overall political situation in Kosovo, without really putting women's protests into the centre of attention. An article in *Danas* started with a story of three minors of Albanian nationality who tried to rape, in a school backyard, two girls – one of Serbian and another of the Roma nationality – thus stressing the nationality of victims and perpetrators and not the actual crime. The article goes on to mention the protests of Serbian and Montenegrin women in Kosovo, but continues with a lengthy discussion and analysis of the political situation in Kosovo, putting the rapes and women's protests in the background and stressing the overall national tensions in the province.<sup>23</sup>

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1991." (The Art of Propaganda: An Analysis of Politika 1988-1991) at <http://www.e-novine.com/feljton/27459-Priprema-odstrel.html>.

21           Politika, October 19, 1987.

22           Vjesnik is a Croatian daily newspaper published in Zagreb. In 1990, after Croatia declared its independence, it came under the control of the ruling party HDZ. It was seen as taking a pro-government editorial stance. Danas was a weekly political magazine published in Zagreb. It stopped being published during the Tudman regime in 1992, due to its critical-analytical writing.

23           Danas, October 27, 1987, 7-10.

The media campaign which started with the story about Fadil Hoxha's statement continued with reporting on the systematic ethnic rapes of Serbian women perpetrated by Albanian men and the Albanian demographic war against the Serbian nation in Kosovo caused by a very high Albanian birth rate. The high fertility rate among the Albanians in Kosovo was the reason why the media started making allusions to uncontrollable and abnormal Albanian sexuality which would, in the end, lead to a higher percentage of ethnic Albanians in the population of Kosovo and their majority in the province which had long been seen (by Serb nationalists) as the centuries-old 'heart of Serbia'. Because of a higher Albanian birth-rate and higher Serb emigration, the Serbian population in Kosovo dropped from 23 percent in 1971 to 10 percent in 1989<sup>24</sup>. Such a high birth-rate was characterized by the Belgrade-based weekly *NIN* as

"deviant and unnatural, achieved at the expense of women who were kept secluded and subordinate, required to bear children until exhausted, even forced into polygamous marriages or subjected to incest carried out for nationalist motives"<sup>25</sup>.

The alleged rapes were explained as an attempt by Albanians to terrorize the Serbs and make them move out of Kosovo. The emphasis was again put on the ethnic identity of victims and perpetrators of these rapes, while facts and figures were, respectively, neglected and exaggerated. However, research that was later conducted showed that rapes in Kosovo largely did not cross ethnic lines<sup>26</sup>. As Vesna Pešić discovered, "my research on rapes in Kosovo indicates that as of 1987, there was not a single 'interethnic' rape (i.e., a Serbian woman raped by an Albanian), although such cases were constantly mentioned in the press. Under enormous public pressure regarding the rape of 'Serbian women', new criminal proceedings were introduced if the rape

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24        Oberschall, *The Manipulation of Ethnicity*.

25        *NIN*, 9 October 1988, 14.

26        See Vesna Kesić, "Muslim Women, Croatian Women, Serbian Women, Albanian Women", *Eurozine*, (May 9, 2003).

involved individuals of 'different nationalities'. In addition, the rate of such sexual assaults in Kosovo was the lowest compared to other Yugoslav republics, and the greatest number of rapes in Kosovo occurred within the same ethnic groups."<sup>27</sup> Thus, rape as sexual violence against women was not considered problematic unless it was inter-ethnic and emphasis was again put on the ethnic component of these crimes, making all other rapes (happening between members of the same ethnic group) invisible and not worth of attention.

Meanwhile, allegations of inter-ethnic rape created fear and contributed to an atmosphere for future violence. As a result of this atmosphere, the Serbian Criminal Law was amended in 1986 to include the category of 'ethnic rape' and introduced heavier sentences for crimes of rape committed against a person of different ethnic group. In this way, criminal zone of deviant sexual behaviour was extended from individual victim to a whole group, concerning a feeling of threat to a whole nation or ethnic group.<sup>28</sup>

One of the first examples of inter-ethnic rapes is the well-known case of a Serbian man, Đorđe Martinović, who reported to had been raped by two Albanian men. However, he later took his allegations back and his case was never clarified. Moreover, as early as 1981, Serbian clergy accused Albanian Kosovars of having raped Serbian nuns, while in the mid-1980s allegations of the rape of Serbian women by Albanian men increased considerably<sup>29</sup>. Rape and sexual assault became, in the 1980s, a highly-discussed political issue in a wider debate over the Serbs' status in Kosovo.

The Kosovo case was an example of ethnic conflicts which had been invented and promoted through media propaganda. Sofos

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27 Pešić, Serbian Nationalism and the Origins of the Yugoslav Crisis, 35.

28 See, for example, Darius M Rejali. "After Feminist Analysis of Bosnian Violence", *Peace Review*, Volume 8, Issue 3 September 1996, 365–371.

29 Spyros A. Sofos, "Inter-Ethnic Violence and Gendered Constructions of Ethnicity in Former Yugoslavia", *Social Identities*, Vol. 2, No. 1 (1996).

argues that "this effective tool became the principal mechanism for intensifying ethnic conflicts in Yugoslavia. In essence, the media dramatically staged reality for millions of Serbs and turned whatever potential existed in Serbia for ethnic hatred into a self-fulfilling prophesy."<sup>30</sup> Through nationalistic propaganda, the threat to the Serbian nation was presented as the threat to Serbian women from Albanian assaults. Discussions of rape were used to portray the victimization of the Serbian nation as a whole and to legitimise Serbian nationalism.

The issue of rape in Kosovo and the sense of victimization were some of the strongest tools used to mobilize mass support for Serbian nationalist politics. The Đorđe Martinović incident even came to be called "Jasenovac for one man" <sup>31</sup> in the Serbian press, alluding to the suffering of the Serbs during World War II, when a large number of people of Serbian nationality died at Jasenovac, the largest concentration camp in the Independent State of Croatia.

Although rape was only one of the crimes the Albanians were accused of having used against the Serbs in Kosovo, Wendy Bracewell argues it was the one which resulted in the most intense reactions:

The depiction of rape in Kosovo implied that sexual violence in Kosovo had a radically different character from that elsewhere in the country: that rape was an age-old weapon of Albanian nationalism; that it was an everyday occurrence; that no Serb, regardless of age, sex, or status, was safe from sexual assault; that Albanian judiciary protected rapists, a policy that was either ignored or condoned by republican federal authorities; and that all Albanian men were potential or actual rapists.<sup>32</sup>

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30 Ibid., 17.

31 Duga, June 10, 1985, quoted after Mertus, Kosovo, 98-101.

32 Wendy Bracewell, "Rape in Kosovo: Masculinity and Serbian Nationalism", Nations and Nationalism 6 (No. 4, 2000), 563-590.



Furthermore, Bracewell argues that rape in Kosovo was presented as an 'act of genocide' and 'an attack on the Serbian nation' and was used to raise the Serbian paranoia and to manipulate the public opinion<sup>33</sup>. However, the issue of 'genocidal rape' would gain a lot of public attention during the war in Bosnia and Herzegovina, when stories of mass rapes of *Bosnian Muslim* women by *Serbian* military and paramilitary forces went on the front pages of the Western media in 1992 and 1993. Although rapes happening in Kosovo were presented as 'an attack on the Serbian nation', in later developments of Yugoslav wars, rapes were connected to *Serbian* campaigns of ethnic cleansing, which aimed at making certain territories ethnically 'pure' and homogenous, by forcing members of certain ethno-national groups into leaving these territories.

The Đorđe Martinović case was presented as an assault on Serbian masculinity and reified the nationalist stereotypes about Serbs and Albanians. The way in which Martinović was attacked was used in order to promote the long-standing stereotype about Muslims' deviant sexuality while the whole case became a metaphor for the victim position of the entire Serb nation in Kosovo. The Serb nation was portrayed as a victim violated by Albanian autonomy, while Martinović himself became a martyr. The image of Đorđe Martinović was repeatedly used whenever the nationalist elite needed to remind the public of the oppression of the Serbs in Kosovo and of their victimization. Thus, as Julie Mertus remarked, a number of new articles on the Martinović case were published again in 1989, as "journalists reminded the public that Martinović was still waiting for justice."<sup>34</sup>

However, when it came to sexual violence against women, Serbian nationalist interpretations of such violence did not concentrate on the victim identity of the women, but rather presented it as, again, an attack on the Serbian masculinity and

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33 Again, similar debates on the 'nationalist' aspects of mass rapes will occur among Croatian, Serbian and, to a much lesser extent, Bosnian feminists during the debates on mass rapes during the war in Bosnia.

34 Mertus, Kosovo, 111.

masculine pride. The victim of rape was not an individual woman but a woman of a certain nationality. Rape victims were redefined as Serbs at the expense of their individual and collective identities as women. They were often referred to as Serbian mothers or wives.<sup>35</sup> Public interest was directed not towards the individual cases of rape but towards the 'rape of the nation' and femininity was subordinated to nationality.

Dejan Ilić argued that in situations such as the rape of Đorđe Martinović in Kosovo, it was desirable to publicly show that an individual victim of rape was a man and not a woman. This happened because legitimization for going into war was needed. What became important was the very fact that the victim was a man and not a woman, because, in such a case, the suffering and humiliation of a nation, both physical and emotional, were presented as being all the more terrible and greater.<sup>36</sup>

In discourses about rapes in Kosovo men and women became identified in terms of their nationality, which helped to create deep ethnic divisions among people. Their identities were constructed in terms of their differences, so that members of a different nationality were seen as 'the Other'. Throughout the former Yugoslavia, opportunistic political elites created an atmosphere in which it was possible to produce feelings of fear of and danger from 'the Other'.

#### **4. Gender and Ethnicity as Collective Identities: (Mass) Rapes in Bosnia and Herzegovina**

Although there is no evidence that rapes in Kosovo served as a pre-text for the mass rapes and rape camps that followed later during the war in Bosnia, and to a lesser extent in Croatia, events in Kosovo put sexual violence as ethnic violence on the political

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35 See, for example, *Politika*, October, 1987.

36 See Dejan Ilić, *Kruna od trnja* (Crown of Thorns), (March 1, 2009), available at <http://www.pescanik.net/content/view/2767/128/>

agenda and introduced the idea that sexual violence could be used as effective tools of politics.<sup>37</sup>

During the war in former Yugoslavia rape, rather than a sexual crime, became an element of national conflict. The phenomenon was manipulated again for achieving political goals when the story of mass rapes in Bosnia made a breakthrough on the front pages of the world media. The stories of mass rapes of Bosnian Muslim women by Serbian military and paramilitary forces went on the front pages of the Western media in 1992 and 1993, which reported on the opening of rape camps throughout the country. These rapes were connected to campaigns of ethnic cleansing, the aim of which was to make certain territories ethnically homogenous. Moreover, the numbers of rape victims in the war in Bosnia were also used and manipulated by political elites to win over the international public opinion and in order to provoke an intervention from international actors that would change the course of the war.

Thus, for example, Republic of Bosnia and Herzegovina Institute for the Study of Crimes against Humanness and International Law from Sarajevo (a state-owned public research institution) issued a report entitled *Aggression against Bosnia and Herzegovina as a Crime against Peace, War Crime and Crime against Humanness and International Law*, which reads:

A special form of the crime of genocide, never seen up to now in the history of mankind, is a systematic raping of Muslim women of all ages, six-year old female children as well as old women.(...) The data collected up to now points to the fact that 25,000 to 30,000 Muslim women of all ages have been the victims of such a loathsome crime. The data are not completed yet, because the matter is extremely intimate and delicate. All foreign observers (for example Roy

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37      Silva Mežnarić, a Croatian sociologist who has conducted a study on the discourse of rape in Serbian-Albanian conflict in Kosovo, argued that the Serbian media's rape campaign against Kosovo Albanians as perpetrators escalated into rape policy via ethnic cleansing and has been a prelude to the actual rapes by Serbian soldiers in Bosnia. See Silva Mežnarić. "The Rapists' Progress: Ethnicity, Gender and Violence", *Revija za sociologiju* 24 (3-4), Zagreb, 1993, 119-129.

Gutman from *Newsday*) estimate that these rapings were not the result of a certain instinct, but one of the aims of the war and a part of its tactics.<sup>38</sup>

The Bosnian government institutions readily adopted the kind of foreign reporting on mass rapes in Bosnia which portrayed the crimes as being perpetrated on a large scale and following a systematic pattern in order to argue that genocide was being committed against the Bosnian nation.<sup>39</sup> Most debates which emerged from these reports concentrated on the precise number of women who had been raped, and on the insistence that the nature of the rapes had been systematic and that they had been committed because of the victims' ethnicity. The estimation of numbers of rape victims was used (and misused) for political purposes, but the United Nations Commission of Experts condemned such manipulations in its *Final Report* on rape and sexual assault, saying that:

examples of this type of allegation are: 20,000 have been raped. These allegations are so general that they provide no useful information for analysis. This particular allegation comes from the European Community Delegation, headed by Dame Anne Warburton, and including Madame Simone Veil among others. This mission investigated only Muslim allegations of rape and sexual assault. The investigators spoke of few direct witnesses or victims, but concluded that the most reasoned estimate of the number of the Bosnian Muslim victims of rape was 20,000. The investigators gave no reasons for their arrival at this figure and offered no evidence for this accuracy.<sup>40</sup>

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38 Republic of Bosnia and Herzegovina Institute for the Study of Crimes against Humanness and International Law, Sarajevo (1993) *Aggression against Bosnia and Herzegovina as a Crime against Peace, War Crime and Crime against Humanness and International Law*, April 25, HU OSA 304-0-3, Records of the International Human Rights Law Institute Relating to the Conflict in the Former Yugoslavia (IHRLI), Numbered Commission Document Files ("Bates File"), container No. 9.

39 Roy Gutman, an American journalist, asserted that "the Serb conquerors of Bosnia have raped Muslim women, not as a by-product of the war but as a principal tactic of the war". Roy Gutman "Rape by Order. Bosnian Women Terrorized by Serbs", *New York Newsday*, Sunday, August 23, 1992, 39.

40 The United Nations Commission of Experts (1994) *Final Report*. Annex IX – Rape and Sexual Assault, May 27, HU OSA 304-0-1, Records of the International Human Rights Law Institute Relating to the

Manipulations of the rapes always identified the ethnic/national membership of the rapist and the foetus as the key matter of concern, and not the raped women themselves nor the actual crime. When they did come into discussions, women were viewed more as members of their nations than anything else. Thus, for example, during the war in Croatia and Bosnia, Croatian daily *Vjesnik* wrote that

(...) the structure of rapes equally affects the raped woman and the raped country. I would not allow for discussions about raped Croat and Muslim woman without talking of raped Croatia and Bosnia<sup>41</sup>.

The view that the rape of women is designed to destroy the nation to which those women 'belong' reflects the horrible objectification of women, which denies their individuality and their subjectivity.

What is more, some nationalist leaders and press viewed the children born as a consequence of these rapes as a 'lesser evil' than those which would be born out of mixed marriages, since they would be raised by two Muslim parents. In mixed marriages, on the other hand, and particularly in those in which the wife was a Muslim, there was a threat that children would not be brought up as Muslims, since "every marriage of a Muslim woman to a non-Muslim means a loss of her and her children for Islam and Muslims"<sup>42</sup>. Thus, a text in weekly *Ljiljan*<sup>43</sup> stated that:

Even though these rapes are difficult, unbearable and unforgivable, from the standpoint of Islam they are easier

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Conflict in the Former Yugoslavia (IHRLI), Final Report of the United Nations Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), 27 May 1994, Container no. 6.

41 *Vjesnik*, January 13, 1993, 15.

42 Mustafa Mujki Spahić, "Gore od silovanja: Zlo mješovitih brakova (Worse than Rape: The Evil of Mixed Marriages)", *Ljiljan*, (August 10, 1994), 22.

43 *Ljiljan* was, during the war in Bosnia and Herzegovina, a pro-SDA (Bosniac nationalist party) weekly.

and less painful than mixed marriages, the children and family relationships that result from them.<sup>44</sup>

In her *Origins of Totalitarianism*, Hannah Arendt wrote that the aim of the totalitarian regime was to negate the individual characteristics of people and pressure the entire plurality of human beings into becoming *one*, reducing them to 'superfluous' human beings who would lose all common sense<sup>45</sup>. She said that destruction of the plurality and individuality of human beings usually happened in the concentration camps. There, people would lose all their distinct characteristics, while, at the same time, losing their gender and other identities<sup>46</sup>. However, although they would lose their individual identities, they would acquire a new, collective one, since they would become part of a larger ethnic collective. They would no more exist as individuals but only as members of their ethnicity. Only by turning men and women into bearers of ethnic symbols inscribed on their own bodies was it possible to annihilate people as ethnic and gendered bodies.

In the nationalist rhetoric analyzed in this article, the fusing of gender and ethnicity worked as a homogenizing practice. In the war in former Yugoslavia, individual women's bodies became both metaphoric and physical representations of the social and political body of the nation. Killing or damaging that body symbolically killed or damaged the woman's family and ethnic group, since an ethnic group is, according to Benedict Anderson, constructed as a "family writ large".<sup>47</sup> Rape, thus, became meaningful when a woman's body was understood as the body of the whole nation, whose purity and fertility are degraded by degrading its symbol, that is, the woman.

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44 Mustafa Mujki Spahić, "Gore od silovanja: Zlo mješovitih brakova (Worse than Rape: The Evil of Mixed Marriages)", Ljiljan, (August 10, 1994), 22.

45 See Hannah Arendt, *The Origins of Totalitarianism* (San Diego New York London: Harcourt Brace & Company, 1976).

46 Ibid., Part three: Totalitarianism, Chapter 13: Ideology and Terror.

47 Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (Verso: London, 1983).

## 6. Conclusion

Before the outbreak of war in the former Yugoslavia, the media used certain discourses and representational practices in order to create nation-victim identities. These victim identities were based on the (re)construction of the national 'self' in direct opposition to 'the Other' and were developed through the creation of national myths and 'Truths', as well as through the belief in the creative power of violence. The victimization discourses, which dominated the public sphere before the war, were also gendered in the sense that they introduced a dichotomy between a feminized victim and a masculinised perpetrator.

Since the process of nation-building necessarily includes gendered roles for males and females of the nation, in order to build and strengthen national identity, gendered images of nationalism were by no means unique to the former Yugoslavia.<sup>48</sup> What was unique was the way in which historical facts and collective memory of the people were manipulated in public media discourses in order to present one nation as a (gendered) victim of other nations of the former Yugoslavia.

The gendered construction of the enemy was most easily used when reporting about sexual violence such as rape. Victims of rape were not, in the media representations, assaulted as individuals but as members of their ethnic group, since rape was presented as one of the strategies of ethnic cleansing and as an attempt to annihilate 'the Other'. By presenting rape as 'collective' or group violence and by turning men and women merely into members of their national groups, it was possible to create a nationalistic belief that the collective body of a nation is more important than suffering bodies of individuals.

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# **DUAL CONVERGENCE OR HYBRIDIZATION? INSTITUTIONAL CHANGE IN ITALY AND GREECE FROM THE VARIETIES OF CAPITALISM PERSPECTIVE**

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## ***Abstract*<sup>1</sup>**

*The article tracks institutional changes within two central spheres for Varieties of Capitalism (VoC) theory: the industrial relations system and the finance/corporate governance system. Italy and Greece are examined in comparative perspective vis-à-vis CME and LME paradigm cases. The review of recent developments reveals that while industrial relations in both countries show signs of greater coordination, the finance/corporate governance system acquired increasingly liberal market characteristics. Thereby, this analysis casts doubt to the dual convergence thesis, arguing that the hybrid character of the two countries was exacerbated over the last two decades.*

**Keywords:** corporate governance, industrial relations, comparative political economy, Greece, Italy.

## **1. Introduction**

For the last two decades, scholarly work in comparative political economy has been dominated by the Varieties of Capitalism (VoC) literature. Among other things, this strand of literature re-launched with vigor the debate between convergence and divergence. The essence of the convergence thesis was that countries will eventually get into a common trajectory following a

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1 An earlier version was presented at the 5th CEU Graduate Social Sciences Conference (Budapest, 19-21 June 2009) and at the 4th LSE Hellenic Observatory PhD Symposium (London, 25-26 June 2009). Detailed feedback from Christa van Wijnbergen (LSE), Kevin Featherstone (LSE), and two anonymous referees has been very helpful in revising this article. I also thank Waltraud Schelkle (LSE), Marco Simoni (LSE), and Thomas Fetzner (CEU) for their comments. Financial support from Bodossaki Foundation and LSE is gratefully acknowledged. Any remaining errors are my own.

single "logic of industrialism"<sup>2</sup>. The same thesis appeared in the early 1990s within the context of the globalisation debate, foreseeing convergence to the Anglo-Saxon model of capitalism. Contributions from the VoC literature provided a counterweight to easy arguments about globalisation and refuted the idea of an imminent convergence to a single model<sup>3</sup>. Instead, they argued that there are more than one ways to achieve high performance in the global economy. The subsequent debate was largely structured around the two successful models of capitalism: Coordinated Market Economies (CMEs) and Liberal Market Economies (LMEs).

A landmark publication by Hall and Soskice<sup>4</sup> elaborated on specific institutional complementarities that countries derive from the tight coupling of a set of institutions. Complementarities denote a functional interdependence between different institutional domains including the industrial relations system and the system of finance and corporate governance. Hall and Soskice argued that when these institutions cluster together in specific combinations, then they are able to produce increasing returns and contribute to high economic performance.

As a result of the above conceptualisation, VoC effectively replaced the (single) convergence thesis with a dual convergence thesis allowing for two options –rather than the no alternative type of argument. The pressures from globalisation and liberalisation are expected to accentuate the differences between LMEs and CMEs. The interesting question that this raises is what will happen to cases (countries) that lie in an ambiguous position?

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2 Clark Kerr, John Dunlop, Frederick Harbison and Charles Myers, *Industrialism and Industrial Man* (Cambridge; Mass: Harvard University Press, 1960).

3 Colin Crouch, "Models of Capitalism" *New Political Economy*, 10 (Dec 2005):439-456; Wolfgang Streeck and Kathleen Thelen "Introduction: institutional change in advanced political economies" in *Beyond continuity: institutional change in advanced political economies*, eds idem (Oxford: Oxford University Press, 2005), 1-39.

4 Peter Hall and David Soskice "An Introduction to Varieties of Capitalism", in *Varieties of Capitalism: institutional foundations of comparative advantage*, eds., idem (Oxford: Oxford University Press, 2001), 1-68.

Southern European countries are hard to classify as LMEs or CMEs. Later works in the literature grouped the cases of Greece, Italy, Portugal, Spain and France under a new ideal-type: Mixed Market Economies (MMEs).<sup>5</sup> The common thread linking these cases is that they lack the institutional cohesion of LMEs or CMEs (i.e. they are construed as hybrids) and certainly lack the crucial complementarities which are necessary for high performance. As will be argued below, these countries are “hard cases” for propositions of institutional change, and therefore, appropriate to assess the plausibility of the dual convergence hypothesis.

The main research question of this article is whether institutional change in Italy and Greece is taking place in line with the expectations of the dual convergence hypothesis. If the hypothesis is plausible, then we should expect to see these cases changing unambiguously towards the LME or the CME direction. The article shows that institutional change in the two countries is not taking place along these expectations. Despite common pressures from globalisation and liberalisation, industrial relations are becoming more coordinated and corporate governance/finance more liberal. The core insight of this paper is that different institutions may be changing in different directions, and this should be taken into account in the academic debate over institutional change. The empirical part documents this possibility with evidence from Italy and Greece, which are examined in comparative perspective *vis-à-vis* Germany and Britain. The latter pair provides two imperfect proxies of the CME and LME ideal-types, respectively.

The rest of the article is structured as follows. The next section discusses the main works in the convergence/divergence debate. It also substantiates the interpretation of the VoC framework as having the observable implication of the “dual convergence” thesis. The third section examines earlier works on Southern Europe from a VoC perspective. This section aims to delineate the

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5 Bob Hancké, Martin Rhodes and Mark Thatcher, “Introduction: Beyond Varieties of Capitalism” in *Beyond Varieties of Capitalism: Conflict, contradiction and complementarities in the European Economy*, eds. idem, (Oxford: Oxford University Press, 2007), 3-38.

added value of the present article compared to previous approaches. Additionally, it justifies why Italy and Greece can be construed as “hard cases” for claims of institutional change, especially in the spheres of industrial relations and corporate governance. The fourth section explores changes in the industrial relations sphere, while the fifth section tracks changes in the realm of finance/corporate governance. The evidence examined show that the former has moved closer to the coordinated type, whereas the latter has become more liberalized. The final section summarises the main argument of increased hybridization and discusses the wider implications of this analysis.

## **2. Convergence, Divergence and Dual Convergence across Varieties of Capitalism**

The debate between convergence and divergence theorists is probably as old as social science itself. Marx, for example, predicted the inevitable self-destruction of the capitalist system and the convergence to a socialist system, in which the state would eventually wither away. A team of Harvard institutional labour economists addressed that prediction in the 1960s and argued against Marxian convergence; they claimed, instead, that advanced capitalist countries are likely to converge to a single model of “pluralistic industrialism”.<sup>6</sup> Several years later, a team of scholars under the auspices of John Goldthorpe challenged the Harvard’s team idea of convergence to pluralistic industrialism, highlighting the corporatist responses of Western European countries.<sup>7</sup>

The convergence argument reappeared in the 1990s within the wider globalization debate. A series of popular and polemical works led the discussion, putting forward the proposition that pressures from globalization will force different countries to

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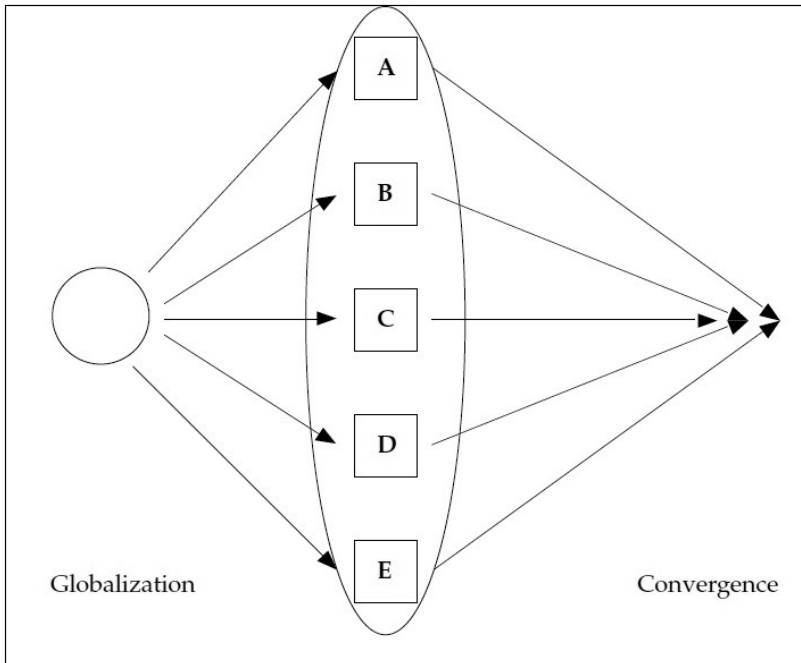
6 Clark Kerr et al., *Industrialism and Industrial Man* (Cambridge; Mass: Harvard University Press, 1960).

7 John Goldthorpe, ed., *Order and Conflict in Contemporary Capitalism* (Oxford: Clarendon, 1984).



converge to the Anglo-Saxon model of capitalism.<sup>8</sup> This vision was shared by International Political Economy scholars, who recognised the potential for clash between different models of capitalism<sup>9</sup> and argued that global market integration pushes countries towards convergence<sup>10</sup>. Thereby, convergence to a single neo-liberal model gained credence in literature (Figure 1).

**Figure 1. The Single Convergence Thesis**



*Source:* Hay, "Common Trajectories, Variable Paces, Divergent Outcomes?", 234.

8 Michel Albert, *Capitalism against Capitalism* (London: Whurr, 1993), Will Hutton, *The State We're In* (London: Jonathan Cape, 1995), Lester Thurow, *Head to Head: The Coming Economic Battle among Japan, Europe, and America* (London; New York: Brealey; Morrow, 1992).

9 Robert Cox, "Global Restructuring: Making Sense of the Changing International Political Economy," in *Political Economy and the Changing Global Order*, ed. Richard Stubbs and Geoffrey Underhill (Basingstoke: Macmillan, 1994), 49.

10 Susan Strange, "The Future of Global Capitalism; or, Will Divergence Persist Forever?," in *Political Economy of Modern Capitalism*, ed. Colin Crouch and Wolfgang Streeck (London: Sage, 1997), 182.

In response to these arguments, scholars from Comparative Political Economy developed an alternative vision of "divergence". They showed that similar pressures are mediated differently across models of capitalism, and refuted the neo-liberal convergence thesis.<sup>11</sup> According to Colin Crouch, one of the main accomplishments of this literature is that it provided an "intellectual counterweight to easy arguments about globalization".<sup>12</sup>

The landmark publication by Hall and Soskice<sup>13</sup> put forward two main types of political economies: CMEs and LMEs. Importantly, it elaborated on specific "institutional complementarities" that different models derive from the tight coupling of their institutions and argued that these complementarities give rise to comparative advantages, which are reinforced in the context of globalization. While Hall and Soskice do not speak explicitly of a "dual convergence" thesis, if we are to follow King *et al.* methodological suggestion of testing the "observable implications of a theory"<sup>14</sup>, then this thesis (Figure 2) is such an observable implication of the VoC theory.

This interpretation is shared by other scholars in the literature.<sup>15</sup> Most notably, Colin Hay in an article in the prestigious *Review of International Political Economy* writes:

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11 Suzanne Berger and Ronald Dore, eds., *National Diversity and Global Capitalism* (Ithaca: Cornell University Press, 1996), Colin Crouch and Wolfgang Streeck, eds., *Political Economy of Modern Capitalism* (London: Sage, 1997), Herbert Kitschelt et al., eds., *Continuity and Change in Contemporary Capitalism* (Cambridge: Cambridge University Press, 1999), Kathleen Thelen and Christa van Wijnbergen, "The Paradox of Globalization: Labor Relations in Germany and Beyond," *Comparative Political Studies* 36, no. 8 (2003).

12 Colin Crouch, "Models of Capitalism," *New Political Economy* 10, no. 4 (2005): 439.

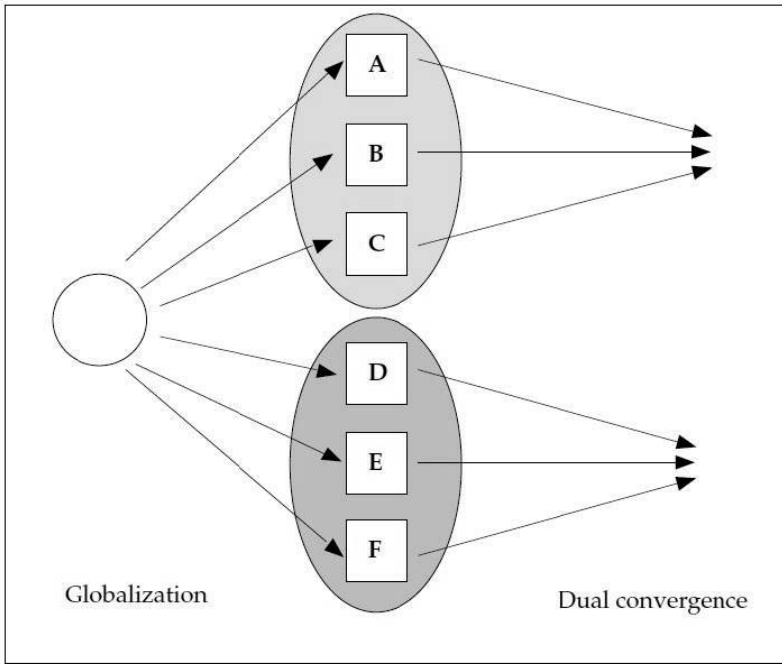
13 Peter Hall and David Soskice, "An Introduction to Varieties of Capitalism," in *Varieties of Capitalism: Institutional Foundations of Comparative Advantage*, ed. Peter Hall and David Soskice (Oxford: Oxford University Press, 2001).

14 Gary King, Robert Keohane, and Sidney Verba, *Designing Social Inquiry: Scientific Inference in Qualitative Research* (Princeton; NJ: Princeton University Press, 1994), 208.

15 Marc Blyth, "Same as It Never Was: Temporality and Typology in the Varieties of Capitalism," *Comparative European Politics* 1, no. 2 (2003): 15, Waltraud Schelkle, "Collapsing Worlds and Varieties of Welfare Capitalism: How to Step out of Weber's Long Shadow," *Oxford Centre for the Study of Inequality and Democracy Working Paper Series*, no. 01 (2008): 4.

Altogether more sophisticated theoretically, altogether more exhaustive empirically, and increasingly influential in contemporary debates is the so-called '*dual*' or '*co-convergence thesis*' advanced by a range of prominent neo-institutionalists ... This perspective represents perhaps the most systematic attempt to date to explore, expose and detail the institutional mechanisms involved in process(es) of convergence and divergence....<sup>16</sup>

**Figure 2. The Dual Convergence Thesis**



Source: Hay, "Common Trajectories, Variable Paces, Divergent Outcomes?", 236.

16 Colin Hay, "Common Trajectories, Variable Paces, Divergent Outcomes? Models of European Capitalism under Conditions of Complex Interdependence," *Review of International Political Economy* 11, no. 2 (2004): 235-6.

The dual convergence thesis starts from the assumption that there are two main political economic models (LMEs and CMEs) capable of achieving high performance in the new global environment. The pressures from neo-liberal globalization and liberalization are expected to accentuate the differences between the two models forcing mid-spectrum cases to converge to either political-economic model.

One could reasonably wonder: what are the scope conditions of VoC theory? In other words, should we at all expect that other countries (be they Italy, Estonia or Uganda) will converge with one of the models? Hall and Soskice were very clear that their theory encompasses advanced industrialised countries defined as "large OECD nations".<sup>17</sup> As a result, it is questionable whether a country like Estonia is within VoC scope conditions, while a developing country like Uganda is likely out of bounds.

Still, the literature in the last decade has expanded the universe of cases in such a way that the above demarcation is blurred. On the one hand, Schneider and Soskice applied the VoC perspective to Latin American countries (which are not OECD members except for Mexico and very recently Chile) dubbing them as "Hierarchical Market Economies".<sup>18</sup> On the other hand, several works<sup>19</sup> applied or challenged the VoC perspective using cases from Central and Eastern Europe, looking at both OECD members (Czech Republic, Hungary, Poland), and non-members (Estonia, Slovenia, Ukraine). Nonetheless, Southern European countries like Italy and Greece that have been OECD members since the 1960s, have

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17 Hall and Soskice, "An Introduction to Varieties of Capitalism," 19.

18 Ben Ross Schneider and David Soskice, "Inequality in Developed Countries and Latin America: Coordinated, Liberal and Hierarchical Systems," *Economy and Society* 38, no. 1 (2009).

19 Dorothee Bohle and Béla Greskovits, "The State, Internationalization, and Capitalist Diversity in Eastern Europe," *Competition & Change* 11, no. 2 (2007), Magnus Feldmann, "The Origins of Varieties of Capitalism: Lessons from Post-Socialist Transition in Estonia and Slovenia," in *Beyond Varieties of Capitalism*, ed. Bob Hancké, Martin Rhodes, and Mark Thatcher (Oxford: OUP, 2007), Vlad Mykhnenko, "Strengths and Weaknesses of 'Weak' Coordination: Economic Institutions, Revealed Comparative Advantages and Socio-Economic Performance of Mixed Market Economies in Poland and Ukraine," in *Beyond Varieties of Capitalism*, ed. Bob Hancké, Martin Rhodes, and Mark Thatcher (Oxford: OUP, 2007).

been capitalist economies for decades also have a long experience of EU membership. Therefore, they fall definitely within VoC scope conditions. The next section reviews in more detail earlier works on Southern European countries that shared this VoC angle.

### 3. Southern Europe among Varieties of Capitalism

#### 3.1. Southern Europe as a Distinct Variety of Capitalism

Interestingly, Hall and Soskice allowed for a third variety of capitalism in their initial contribution, foreshadowing what would later be dubbed as "Mixed Market Economies":

'[Six countries are left]...in more ambiguous positions (France, Italy, Spain, Portugal, Greece, and Turkey). However, the latter show some signs of institutional clustering as well, indicating that *they may constitute another type of capitalism, sometimes described as 'Mediterranean'* (emphasis added).<sup>20</sup>

While Hall and Soskice did not elaborate on this third type, other scholars concurred with this argument. They maintained that these countries are likely to belong to a distinct variety of capitalism termed as Mediterranean or Southern European.<sup>21</sup> Working within the initial Hall and Soskice framework, recent work has elaborated more on the characteristics of this third variety of capitalism dubbing the term "Mixed Market Economies" and including the cases of Italy, Greece, Spain, Portugal and France.<sup>22</sup>

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20 Hall and Soskice, "An Introduction to Varieties of Capitalism," 21.

21 Bruno Amable, *The Diversity of Modern Capitalism* (Oxford: Oxford University Press, 2003), Richard Hyman, "Varieties of Capitalism, National Industrial Relations Systems and Transnational Challenges," in *International Human Resource Management*, ed. Anne-Wil Harzing and Joris van Ruysseveldt (London: Sage, 2004).

22 Bob Hancké, Martin Rhodes, and Mark Thatcher, "Introduction: Beyond Varieties of Capitalism," in *Beyond Varieties of Capitalism*, ed. Bob Hancké, Martin Rhodes, and Mark Thatcher (Oxford: OUP, 2007), 23, Oscar Molina and Martin Rhodes, "The Political Economy of Adjustment in Mixed Market Economies: A Study

In Mixed Market Economies the logic of coordination is mixed (both market and non-market), the state has a distinctive "compensatory role" while the emphasis is on the "misfit" between institutions. The "misfit" denotes a deviation from the institutional clustering observed in coherent cases like LMEs and CMEs and results in an absence of "institutional complementarities". In their analysis the authors conceptualize the new ideal-type as a "hybrid" that is bound to under-perform.<sup>23</sup>

Apart from the above works offering a grand ideal-type to accommodate Southern European cases, there are more specific Southern European country-studies with a VoC angle. The next section reviews the approach, areas covered and conclusions of those studies, establishing what the added value from the present article is.

### **3.2. Southern European Country-Studies from a VoC Perspective**

One of the earliest attempts to look at Southern European countries from a VoC perspective is Regini's attempt to depict the Italian variety of capitalism.<sup>24</sup> Regini follows a micro-level approach; his primary focus is the production system and the product market strategies that Italian firms utilize. He maintains that "flexible specialization" is the production strategy pursued in the Italian industrial districts, revealing comparative advantage "particularly in certain niche productions in clothing and textiles".<sup>25</sup> He then relates the institutional environment to the production system and argues that the combination of "weak institutional regulation" and "unstable voluntaristic regulation"

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of Spain and Italy," in *Beyond Varieties of Capitalism*, ed. Bob Hancké, Martin Rhodes, and Mark Thatcher (Oxford: OUP, 2007), 225-27.

23 Ibid., 225-27.

24 Marino Regini, "Social Institutions and Production Structure: The Italian Variety of Capitalism in the 1980s," in *Political Economy of Modern Capitalism*, ed. Colin Crouch and Wolfgang Streeck (London: Sage, 1997).

25 Ibid., 105.

explain why this type of production strategy was the most prosperous.<sup>26</sup> Finally, he concludes that Italy is not an intermediate case between Rhenish and Anglo-Saxon capitalism; instead, it comprises a distinct model of capitalism.<sup>27</sup>

Della Sala also looks at the Italian model of capitalism but takes a macro-level approach.<sup>28</sup> Della Sala reviews developments in two domains: finance/corporate governance and the industrial relations/labour markets. He observes that Italy has adopted elements of both LMEs and CMEs. On the one hand, reforms took place towards the direction of liberalizing industrial policy, increasing the importance of equity markets, and greater diffusion of corporate ownership. On the other hand, more concertation through social pacts has been introduced in industrial relations. Della Sala concludes that Italy remains a dysfunctional state capitalism model. His approach has the advantage that it makes sporadic, but not systematic, comparisons with LMEs and CMEs, but it does not engage with a discussion of the implications for the dual convergence thesis.

Zambarloukou also considers Greece from a VoC prism.<sup>29</sup> In a 2006 article she reviews efforts of concertation at the industrial relations system during the 1990s. She claims that Greece is closer to what has been termed "state capitalism", while her explanation for the absence of social pacts in Greece dwells on "the lack of trust between the social partners" and "the absence of a culture that promotes dialogue and consensus".<sup>30</sup> In her approach there are sporadic comparisons with the experience of social pacts in other countries especially Italy. But her study focuses on only one realm (industrial relations) and does not attempt to look at other institutional domains as the VoC

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26 Ibid., 105.

27 Ibid., 116.

28 Vincent Della Sala, "The Italian Model of Capitalism: On the Road between Globalization and Europeanization?," *Journal of European Public Policy* 11, no. 6 (2004).

29 Stella Zambarloukou, "Collective Bargaining and Social Pacts: Greece in Comparative Perspective," *European Journal of Industrial Relations* 12, no. 2 (2006).

30 Ibid.: 215-21.

framework would require. Finally, Zambarloukou does not offer any quantitative indicators on collective bargaining centralisation or coordination.

Royo also looks only at the industrial relations realm when examining the Spanish model of capitalism.<sup>31</sup> He reveals some notable cases of cooperation between firms, unions and regional governments in Valencia, Castellon, Basque, Catalonia and Madrid. His conclusion is that the "trajectory of change [in Spain] parallels developments in CMEs more closely than those in LMEs".<sup>32</sup> In contrast, Molina and Rhodes claim that in Spain "waves of liberalization and state retrenchment, have tended to reinforce sub-system complementarities in an LME direction".<sup>33</sup>

Finally, Molina and Rhodes examine Italy and Spain in comparative perspective with a special focus on two institutional domains: the welfare regime and the production regime. The choice of two domains reflects more closely the VoC framework. For Italy they conclude it has achieved greater "autonomous coordination" and less "market colonization" and explain this development on the basis of a "more even balance of power" between labour and capital.<sup>34</sup> The comparison between Italy and Spain is supplemented with systematic indicators from CMEs and LMEs. Thus, they provide better evidence to support their conclusion that Spain has moved towards an LME direction.

To conclude, the value of the present article is that it combines the strengths of previous approaches. This article shares with Della Sala the focus areas covered: industrial relations and corporate governance/finance system. However, the approach reflects more the Molina and Rhodes contribution, tracing developments in two Mixed Market Economies (Italy and Greece)

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31 Sebastián Royo, "Varieties of Capitalism in Spain: Business and the Politics of Coordination," *European Journal of Industrial Relations* 13, no. 1 (2007).

32 *Ibid.*: 49.

33 Molina and Rhodes, "The Political Economy of Adjustment in Mixed Market Economies: A Study of Spain and Italy," 248.

34 *Ibid.*, 17-18.



and pursuing a systematic comparison with LMEs and CMEs. A final novelty of this article is that it presents new data (such as the composite indicators from the ICTWSS database) which reflect as closely as possible the institutional variables highlighted by VoC theory.

### **3.3. Italy and Greece: "Hard Cases" for Institutional Change**

According to Hall & Thelen, Southern European countries (MMEs) are considered as "hard cases" for propositions of institutional change.<sup>35</sup> Mixed Market Economies like Italy and Greece lack a coherent institutional arrangement and are construed as hybrids. If the dual convergence thesis is theoretically plausible, then we should expect to see hybrid cases changing towards the one (LME) or the other (CME) direction.

VoC theory maintains that globalization reinforces the complementarities in the institutionally coherent models (LMEs and CMEs). In contrast, countries characterised by institutional incoherence (MMEs) are bound to be affected by global changes: they are likely to be less resistant to pressures from globalization and liberalization, and we should expect them to be moving closer to one of the two ideal-types. Therefore, they are most appropriate for a "plausibility probe" to the dual convergence thesis.<sup>36</sup>

The choice of industrial relations and corporate governance/finance realms is theoretically motivated. Höpner has pinned down the importance of those two domains for the development of CME-type and LME-type institutional complementarities.<sup>37</sup> Further, Hall and Gingerich<sup>38</sup> have used

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35 Peter Hall and Kathleen Thelen, "Institutional Change in Varieties of Capitalism," *Socio-Economic Review* 7, no. 1 (2009): 26.

36 King, Keohane, and Verba, *Designing Social Inquiry: Scientific Inference in Qualitative Research*, 209.

37 Martin Höpner, "What Connects Industrial Relations and Corporate Governance? Explaining Institutional Complementarity," *Socio-Economic Review* 3, no. 2 (2005).

these same two exact domains to compute the overall coordination scores for LMEs, CMEs, and MMEs. In doing so, they support the argument that these spheres are very good proxies for the mapping of countries along capitalist models. Thus, if there is a move towards more institutional coherence it should be observable in those two critical institutional spheres. The next section begins the examination of these two spheres by turning first to industrial relations.

## **4. The Industrial Relations System**

In the stylized picture of LMEs, collective bargaining is decentralized and uncoordinated, industrial relations are adversarial, the state intervenes very little in industrial relations, and collective bargaining coverage is low. In the stylized picture of CMEs, collective bargaining is centralised and coordinated, industrial relations are cooperative, the state intervenes in an enabling manner that facilitates the coordination, collective bargaining coverage is high and workers enjoy strong shop-floor rights such as co-determination. This section tracks developments in those institutional variables within Italy and Greece, seeking to gauge the direction of change during the last two decades.

### **4.1. Collective Bargaining Coordination & Centralization**

The turning point for the industrial relations systems of both countries is placed in the early 1990s. Across Italy and Greece a re-organisation of collective bargaining framework took place under coalition governments with the agreement of the social partners. In Italy it was the tripartite agreement of July 1993 under the technocratic government of Ciampi, whereas in Greece it was Law No.1876 of 1990 under the ecumenical government of Zolotas.<sup>39</sup>

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38 Peter Hall and Daniel Gingerich, "Varieties of Capitalism and Institutional Complementarities in the Political Economy: An Empirical Analysis," *British Journal of Political Science* 39, no. 3 (2009).

39 Giannis Kouzis, "The Consequences of E.M.U. For Industrial Relations: The Case of Greece," in *The Impact of E.M.U. On Industrial Relations in European Union*, ed. Timo Kauppinen (Helsinki: Finnish Labour

In the recent literature on social pacts, Italy has been portrayed as an exemplary case, with the 1990s delivering a series of social pacts that re-invigorated neo-corporatist concertation.<sup>40</sup> However, the nature of concertation in the 1990s has been very different from the 1970s and was therefore dubbed "competitive corporatism".<sup>41</sup> On the one hand, the stick and carrot of EMU entry forced national governments to strike coalitions with organised interests, taking measures to reduce budget deficits and lowering inflation through wage restraint. On the other hand, pressures from demographic change and rising unemployment guided the content of social pacts towards reform of pension systems and labour markets.

At first sight, Greece contrasts sharply with a poor record of only one social pact in 1997 and several failed attempts in social dialogue with respect to the reform of labour market and pension-system.<sup>42</sup> However, if one looks at developments in the collective bargaining system, a more nuanced picture emerges. Notably, the national biennial collective bargaining agreements "have operated as functional equivalents to social concertation".<sup>43</sup> Indeed, this point can be justified on several grounds.

To begin with, social pacts in Italy can be construed as the "national level" of bargaining, in which the three<sup>44</sup> major trade

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Relations Association, 1998), Marino Regini and Ida Regalia, "Employers, Unions and the State: The Resurgence of Concertation in Italy?," *West European Politics* 20, no. 1 (1997).

40 Regini and Regalia, "Employers, Unions and the State: The Resurgence of Concertation in Italy?," 210-30.

41 Martin Rhodes, "The Political Economy of Social Pacts: 'Competitive Corporatism' and European Welfare Reform," in *The New Politics of the Welfare State*, ed. Paul Pierson (Oxford: Oxford University Press, 2001).

42 Kevin Featherstone and Dimitris Papadimitriou, *The Limits of Europeanization: Reform Capacity and Policy Conflict in Greece* (Basingstoke: Palgrave, 2008), Vassilis Monastiriotis and Andreas Antoniadis, "Reform That! Greece's Failing Reform Technology: Beyond 'Vested Interests' and 'Political Exchange'," *LSE Hellenic Observatory Papers on Greece and Southeast Europe*, no. 28 (2009).

43 Maria Karamessini, "Continuity and Change in the Southern European Social Model," *International Labour Review* 147, no. 1 (2008): 49.

44 To be precise, some social pacts were not signed by the ex-communist/socialist CGIL.

union federations negotiate agreements with the government and/or the employers. In Greece the collective bargaining system provides *by design* a national level of bargaining. While its main function is to set the minimum wages, other topics have been negotiated at this level. Importantly, these topics have been object of social pacts negotiations elsewhere. For instance, health and safety issues were negotiated through social pacts in Portugal but a pact on this issue was plainly unnecessary in Greece. Health and safety issues were negotiated through national collective bargaining in the mid-1990s and were eventually delegated to the corporatist venue of the Institute for Health and Safety. Another topic of negotiations has been the tax-system reform, which was negotiated repeatedly through social pacts in Ireland. But the same issue was successfully negotiated in Greece through middle-level social dialogue committees in 2002, and the agreement resulted in a new bill rather than a social pact.

Second, there were indeed failed attempts for *ad hoc* social dialogue with respect to labour market and pension system reform in Greece, while similar attempts were successful in Italy. But failed attempts for *ad hoc* social dialogue are not unlikely, even in more corporatist countries, for instance in Germany the failure for *Bündnis für Arbeit* and in Sweden the failure for *Allians för Tillväxt*. Moreover, the successful reform of the Italian pension system should not strike as a surprising accomplishment. Trade unions hold the majority in the board of directors of the institute that manages pensions (INPS)<sup>45</sup> and their consent would be absolutely necessary for any reform.

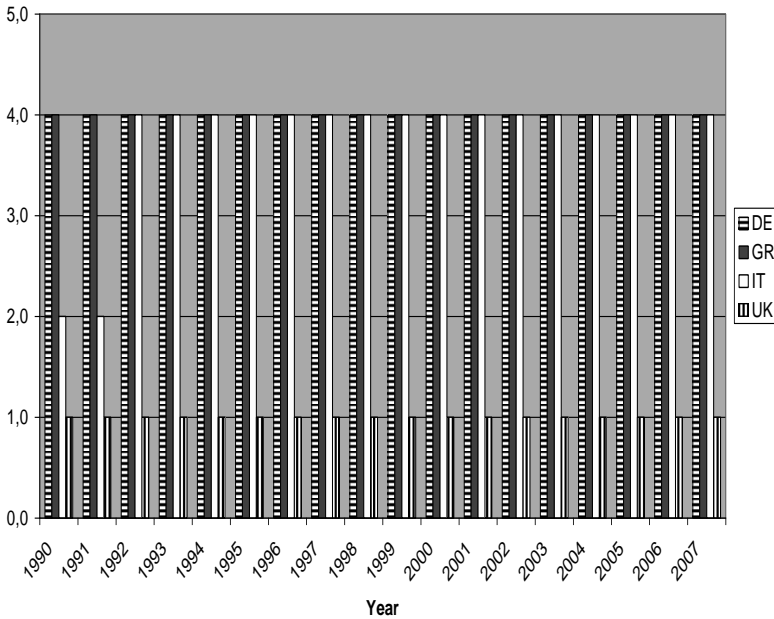
The broader point made here is that trade unions in both countries have abandoned much of their 1980s militancy, adopting a more consensual discourse during the 1990s. By no means does this imply that social dialogue has been solidly embedded in Greek or Italian industrial relations. But it does provide a more nuanced picture of developments in the industrial relations realm, concurring with scholars observing a

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45 Regini and Regalia, "Employers, Unions and the State: The Resurgence of Concertation in Italy?," 215.

“transmutation” of state corporatism in Greece into an increasingly “neo-corporatist mode of interest representation”.<sup>46</sup>

**Figure 3. Coordination of Wage Bargaining 1990-2007**



Source: Data retrieved from ICTWSS Database, at: <http://www.uva-aiaa.net/208> (accessed 25 January 2010).

The proliferation of social pacts in Italy and the consistent signing of national collective agreements in Greece are reflected on high(er) coordination and centralization scores for both countries' bargaining systems. Wage coordination has clearly increased in Italy during the 1990s matching German levels, while Greece is also depicted as having CME-levels of wage coordination (Figure 3).

Additionally, indicators of collective bargaining centralization show a gradual increase throughout the 1990s with both Italy and Greece moving closer to the German levels of centralisation, moving further away from LME levels (Table 1).

**Table 1. Collective bargaining Centralisation Index**

	1990	1995	2003
<b>DE</b>	0,48	0,47	0,47
<b>GR</b>	na	0,33	0,39
<b>IT</b>	0,25	0,35	0,34
<b>UK</b>	0,12	0,13	0,13

Source: European Commission, *Industrial Relations in Europe 2004*, (Luxemburg: European Commission, 2004), 43. Available at: <http://ec.europa.eu/social/main.jsp?catId=329&langId=en&furtherPubs=yes> (accessed 25 January 2010).

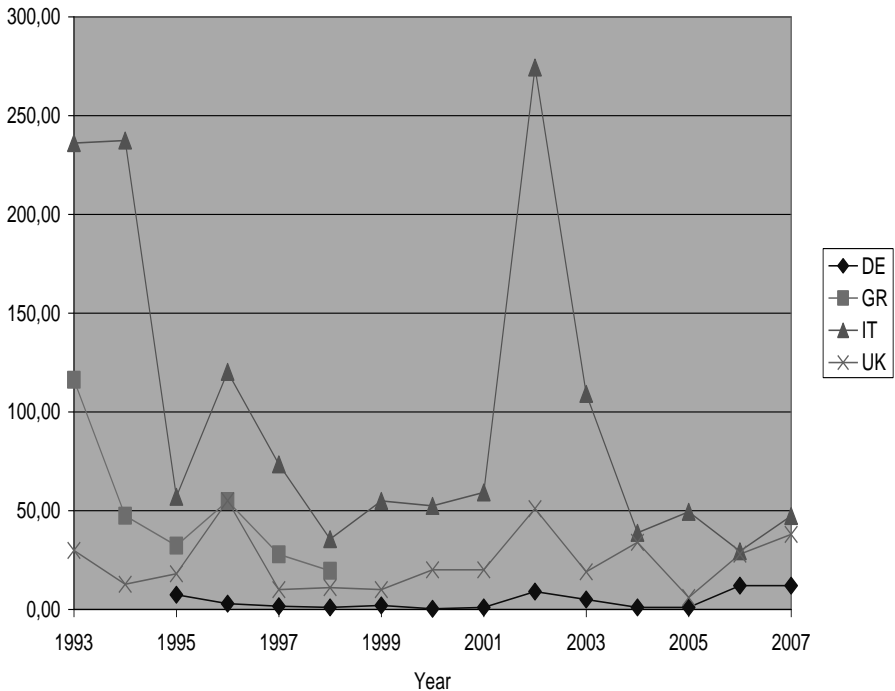
## 4.2. Government Intervention and Industrial Conflict

Italy and Greece share a tradition of a statist and adversarial industrial relations systems, with industrial conflict being an endemic characteristic. Figure 4 tracks the level of industrial conflict for the last two decades. Until 1998 the level of industrial conflict in Italy and Greece stood at higher levels than that of Germany or Britain. Still, if one compares these levels with data from the 1970s-80s<sup>47</sup>, one can see that there is a trend towards decline in strike activity and stabilisation at historically lower levels by the late 1990s/early 2000s. This observation should be qualified by the fact that strike statistics are unavailable for Greece after 1998.

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<sup>47</sup> Nicos Kritsanonitis, "Greece: The Maturing of the System," in *Changing Industrial Relations in Europe*, ed. Anthony Ferner and Richard Hyman (Oxford: Blackwell, 1998), 525, Ida Regalia and Marino Regini, "Italy: The Dual Character of Industrial Relations," in *Changing Industrial Relations in Europe*, ed. Anthony Ferner and Richard Hyman (Oxford: Blackwell, 1998), 485.

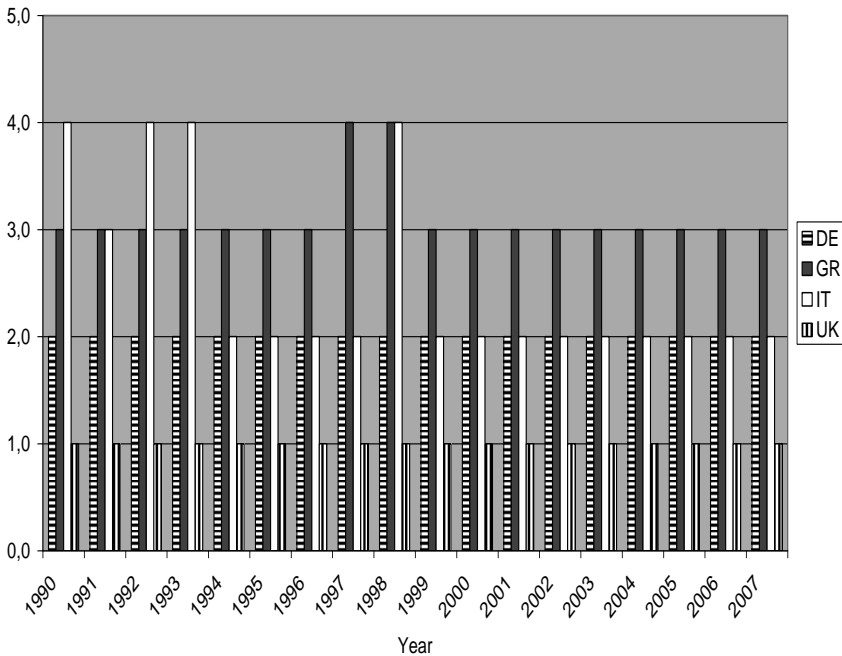
**Figure 4. Working Days Lost per Worker 1993-2007**



Source: Eurostat, Labour Disputes, available at: <http://epp.eurostat.ec.europa.eu/portal/page/portal/eurostat/home/> (accessed 25 January 2010).

Furthermore, the role of the state has been historically very important in the industrial relations systems of the two countries. The state was involved in all possible ways: as an employer in the extensive public sector, as a public mediator during industrial disputes and as a legislator setting the institutional framework. Figure 5 depicts government intervention in wage bargaining over time. The high levels of government intervention in the early 1990s document the statist tradition in Italy and Greece. However, throughout the 1990s both countries reduced the levels of government intervention, with Italy matching the CME levels encountered in Germany.

**Figure 5. Government Intervention in Wage Bargaining 1990-2007**



Source: Data retrieved from ICTWSS Database, at: <http://www.uva-ias.net/208> (accessed 25 January 2010).

### 4.3. Collective Bargaining Coverage

A recurring theme in the scholarship on organized interests in Southern Europe is the so-called “representation problem” of employees’ and employers’ associations. Most recently, Matsaganis argued that Greek trade unions have acted as “narrow interests” opposing reform of the (indeed) inequalitarian pension system and contrasted them with their Italian



counterparts' involvement in pension reform.<sup>48</sup> One may read into this argument an underlying Olsonian logic of the role of "narrow interests", as opposed to "encompassing interests", in undermining public goods provision.<sup>49</sup> As argued above, the mere fact that Italian unions were involved in this reform should not strike as a surprising accomplishment: pensioners comprise most of Italian trade unions' membership and hold seats in the institute that manages pensions.

Conventionally, the representation problem has been understood through membership rates. For example, Scandinavian unions with union density reaching nearly 100 per cent are considered exemplary cases of encompassing trade unions. A corrective to this view is brought by Philippe Schmitter, who argued that trade unions in Southern Europe are more representative than their membership rates would indicate, because of the legal extension of collective agreements.<sup>50</sup> Trade union membership in Greece and Italy followed a declining trend in line with international developments. Italian union density stood at 38.8 per cent in 1990 and settled to 33.8 per cent in 2005, while Greek union density dropped from 37.5 in 1990 to 23 per cent in 2005.<sup>51</sup> Still, if one looks at *collective bargaining coverage*, the Greek and Italian rates are even higher than the German rates.

Table 2 documents that trade unions in Italy and Greece effectively represent 70-82 per cent of the salaried wage earners. In addition, there are other actions which strongly show that Italian and Greek unions have tried to embrace a more

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48 Manos Matsaganis, "Union Structures and Pension Outcomes in Greece," *British Journal of Industrial Relations* 45, no. 3 (2007): 537-55.

49 Mancur Olson, *The Rise and the Decline of Nations: Economic Growth, Stagflation, and Social Rigidities* (New Haven; London: Yale University Press, 1982).

50 Philippe Schmitter, "Organized Interests and Democratic Consolidation in Southern Europe," in *The Politics of Democratic Consolidation: Southern Europe in Comparative Perspective*, ed. Richard Gunther, Nikiforos Diamandouros, and Hans-Jurgen Puhle (Baltimore; London: The Johns Hopkins University Press, 1995), 303.

51 Data from ICTWSS Database, © Jelle Visser, (University of Amsterdam, 2009) available at: <http://www.uva-aias.net/208>.

“encompassing” type of behavior. Unions have tried to negotiate non-wage issues, which do not necessarily cater the immediate interests of their membership, but serve the interests of broader constituencies of society. Such non-wage issues include: equal opportunities policies and maternity leaves, training schemes and healthcare provision for unemployed, regulation for those working under flexible/precarious employment, and price stabilization through wage restraint.<sup>52</sup>

**Table 2. Collective bargaining Coverage (%)**

	2000	2006
<b>DE</b>	63	63
<b>GR</b>	70	70
<b>IT</b>	82	82
<b>UK</b>	36.3	35.3

Source: European Commission, *Industrial Relations in Europe 2008*, (Luxembourg: European Commission, 2008), 75-78. Available at: <http://ec.europa.eu/social/main.jsp?catId=329&langId=en&furtherPubs=yes> (accessed 25 January 2010).

#### 4.4. Concluding Remarks

This section considered changes in the industrial relations system in Italy and Greece comparing key institutional variables with those of Germany and the UK. The 1990s witnessed a burgeoning activity in the realm of social pacts in Italy. In Greece the biennial collective bargaining system is construed as the functional equivalent of concertation. These changes are reflected in the Italian and Greek coordination scores which match the German ones, as well as the increased centralisation scores, which move towards the German ones. Industrial relations in the 2000s are characterised by reduced government intervention and lower levels of industrial conflict, especially when compared to the 1980s. The review of the evidence provides support to the

<sup>52</sup> Costanza Rodriguez-d'Acri, Alison Johnston, and Andreas Kornelakis, "The Role of Social Partners in Bargaining over Non-Wage Issues across Austria, Greece and Italy," University of Edinburgh Working Papers on the Reconciliation of Work and Welfare in Europe, no. 14/09 (2009): 17-23.

argument that the direction of institutional change in the industrial relations realm is towards greater coordination.

However, one has to enter a caveat at this point. The general argument from the above analysis is that there is *move* towards more coordination at the macro-level of the industrial relations sphere. By no means does this imply that the institutional sphere has fully become CME-like. Instead, it is prudent to note that there many residuals of a more hybrid character. In Greece, the state retains its interventionist role, there appear centrifugal tendencies in "pattern setting" sectors such as banking and the role of the arbitration and mediation service is challenged.<sup>53</sup> In Italy the political competition among trade unions has surfaced recently and federations find difficulties in speaking with a single voice.<sup>54</sup> Lastly, strong shop-floor rights (such as co-determination) are still missing in both countries which are so crucial for the development of CME complementarities.

## **5. The Finance and Corporate Governance System**

In the stylized picture of LMEs firms follow short-term/shareholder-value corporate governance and rely heavily on stock market funding or "impatient capital". This is reflected on dispersed ownerships and few cross-shareholdings, while minority shareholder protection is high. In the stylized picture of CMEs, firms follow long term/stakeholder-oriented corporate governance and rely heavily on bank-based funding or "patient capital". This arrangement is reflected on concentrated ownerships and increased cross-shareholdings, while minority shareholder protection is low. This section tracks developments in three observable institutional variables - financial system liberalization, equity market importance, and minority shareholder protection -

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53 Christos Ioannou, "'Odysseus or Sisyphus' Revisited: Failed Attempts to Conclude Social-Liberal Pacts in Greece," in *After the Euro and Enlargement: Social Pacts in the E.U.*, ed. Philippe Pochet, Maarten Keune, and David Natali (Brussels: ETUI/OSE, 2010).

54 Marco Simoni, "Labour and Welfare Reforms: The Short Life of Labour Unity in Contemporary Italy," in *Italy Today: The Sick Man of Europe*, ed. Andrea Mammone and Giuseppe Veltri (London: Routledge, 2010).

seeking to gauge the direction of change within Italy and Greece during the last two decades.

### **5.1. Liberalization of the Finance System**

The traditional source of funding for firms across Italy and Greece has been credit from the state-owned banks, as equity markets were traditionally underdeveloped. In the course of 1980s and 1990s, the Italian and Greek financial sectors have been strongly influenced by developments in European economic integration. The European Commission set out to establish a Single European Financial Area removing obstacles for the further integration of national financial markets. As a result of the liberalizing initiatives of the Commission, the heavy regulations of the financial sector were removed. At the same time state-owned banks were largely privatised during the 1990s.

In Greece liberalization of the financial market was launched later than other OECD countries, but progressed rapidly in the second half of the 1980s. The liberalizing initiative had five elements: abolishment of capital movement restrictions; freeing of interest rates; ending credit controls; allowing the merging of banking with insurance activities; and the creation of a vast market in government securities.<sup>55</sup> In the next decade, the privatization of state-owned banks accelerated and was largely completed by the early 2000s. In Italy, privatization went hand in hand with liberalization from the late 1980s. The implementation of the Commissions' Second Banking Directive allowed the banking system to move towards the universal bank model<sup>56</sup>, in which deposits, loans and insurance are provided by all banks. By the early 2000s the state has largely withdrawn from regulation and ownership of both countries' banking sectors.

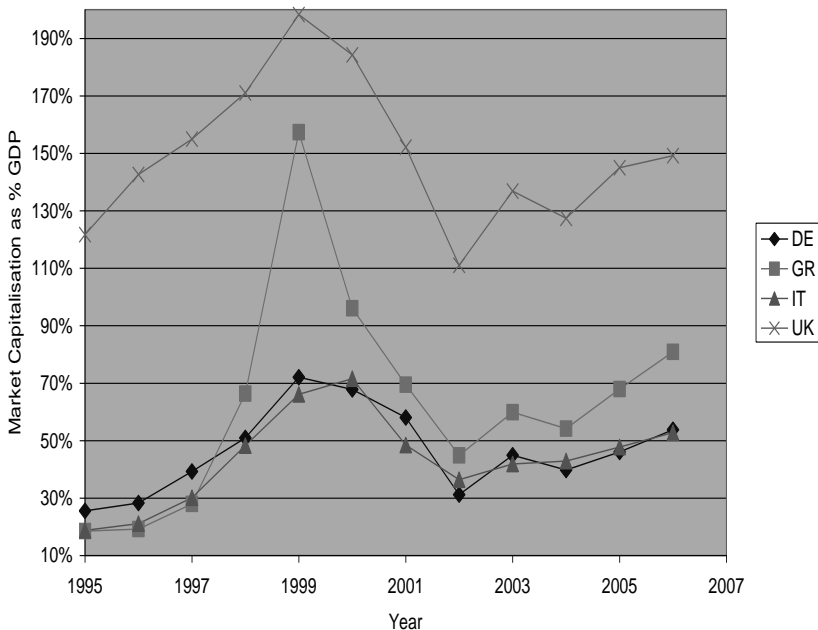
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55 George Soumelis, "Greece: Reforming Financial Markets," OECD Observer, no. 193 (1995): 40-41.

56 Mahmood Pradhan, "Privatization and the Development of Financial Markets in Italy," Finance and Development 32, no. 4 (1995): 11.

As a consequence of the 'opening up' of the sectors and the removal of barriers to entry, new players appeared in the Italian and Greek financial sectors. In Greece one observes an aggressive expansion strategy from foreign banks entering the market in the early 1990s.<sup>57</sup> Similarly, from 1992 onwards the entry flows of foreign banks in Italy increased dramatically compared to the previous decades.<sup>58</sup> As the next sub-section documents, the liberalizing impetus in the financial sector was followed by an expansion of equity-markets importance in the national economy.

**Figure 6. Stock Market's Importance in the economy 1995-2006**



57 Pagoulatos, Greece's New Political Economy: State, Finance, and Growth from Postwar to E.M.U.

58 Silvia Magri, Alessandra Mori, and Paola Rossi, "The Entry and the Activity Level of Foreign Banks in Italy: An Analysis of the Determinants," *Journal of Banking and Finance* 29, no. 5 (2005): 1298.

Source: World Federation of Exchanges, available at: <http://www.world-exchanges.org/statistics/annual> (accessed 25 January 2010).

## 5.2. Stock Markets Importance in the Economy

Stock markets experienced an unprecedented expansion during the 1990s and their importance to the national economy has undoubtedly increased in both Italy and Greece. The available data on stock market capitalisation document this change (Figure 6).

Admittedly, market capitalisation figures are influenced by the stock markets bubble in the late 1990s (hence the huge spike in 1999 where Greece approached British levels). However, even in this diagram one may observe that after the deflation of the bubble, the levels of market capitalisation settled at a higher plateau than the one from which they started. In 1995 market capitalization stood at around 20 per cent of GDP across both countries. By 2006 it has surpassed 50 per cent in Italy and was well over 80 per cent of GDP in Greece.

**Table 3. Number of Listed Firms in Stock Market 1990-2007**

	1990	1998	2007	%Δ 1990-2007	%Δ 1998-2007
<b>DE</b>	N/A	662	866	N/A	30.82%
<b>GR</b>	140	229	283	102.14%	23.58%
<b>IT</b>	220	243	307	39.55%	26.34%
<b>UK</b>	2.559	2.423	3.307	29.23%	36.48%

Source: World Federation of Exchanges, available at: <http://www.world-exchanges.org/statistics/annual> (accessed 25 January 2010).

A complementary statistic is the number of listed firms, showing a very high increase (Table 3). The two exhibits warrant the conclusion that firms' reliance on equity-based funding has increased in importance across both South European countries (especially in Greece). Moreover, they show that equity markets'

importance increased also for the CME paradigm Germany, which also moved towards LME levels.

### 5.3. Minority Shareholder Protection

A major turning point in Italian corporate governance has been the passage of the Draghi Law in 1998. The changes introduced involved *inter alia* an increase in the regulatory protection afforded to minority shareholders, a change in the auditing system and also a change in takeover bidding rules.<sup>59</sup> The mechanism that led to this institutional change dwells on a coalitional web between a “transparency coalition” (investors and workers), a reformist-minded bureaucratic elite and a left-party government.<sup>60</sup> To our interest is that this monumental legal change moved Italy from the lowest score on the index of minority shareholder protection to the same score as the British LME (Table 4).

**Table 4. Minority Shareholder Protection Index (anti-director rights) 1993-2002**

	1993	1994	1995	1996	1997
DE	2	2	2	2	2
GR	2	2	3	3	3
IT	1	1	1	1	1
UK	5	5	5	5	5
	1998	1999	2000	2001	2002
DE	3	3	3	3	3
GR	3	3	3	3	3
IT	4	5	5	5	5
UK	5	5	5	5	5

Source: Pagano & Volpin, *Political Economy of Corporate Governance*, 2005, Data Appendix, available at: [http://www.csef.it/pagano/pv\\_aer\\_data\\_appendix.pdf](http://www.csef.it/pagano/pv_aer_data_appendix.pdf)

<sup>59</sup> Pepper Culpepper, "Eppure, Non Si Muove: Legal Change, Institutional Stability and Italian Corporate Governance," *West European Politics* 30, no. 4 (2007): 790.

<sup>60</sup> Richard Deeg, "Remaking Italian Capitalism? The Politics of Corporate Governance Reform," *West European Politics* 28, no. 3 (2005): 521-48.

The above indicator documents the tendency towards liberalization of the corporate governance system across countries. While this change has been monumental in Italy, even in Greece there is an increase towards British/LME levels. The change in the level of minority shareholder protection in Greece around 1994 and 1995 coincides with changes in the regulatory framework. They followed from the transposition of the Commission's Second Banking Directive and sought to harmonize surveillance of securities markets, thereby promoting market transparency and investors protection.<sup>61</sup> Interestingly, minority shareholder protection also increased in Germany documenting a liberalizing tendency even within the CME paradigm case. This is in line with other studies' findings on German corporate governance system, marking the country's rapid move towards the LME direction.<sup>62</sup>

#### **5.4. Concluding Remarks**

The discussion so far has provided evidence indicating that financial and corporate governance systems in Italy and Greece are taking on LME characteristics. On the one hand, the change towards a liberal market model of corporate governance is more pronounced in Italy, where legal changes have increased the protection of minority shareholders. On the other hand, the shift towards equity-based funding is more pronounced in Greece, with increased reliance of firms on "impatient capital". Finally, the liberalizing initiatives of the EU had a common impact on both countries' financial markets, which were also privatised.

Despite the above evidence, the conclusion on increased liberalization needs to be qualified. The general argument from the above analysis is there is a *move* towards the Liberal Market Model in the institutional sphere of finance/corporate governance. This does not mean that the institutional sphere has fully become LME-like. Instead, it is prudent to note here as well, that there

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61 Soumelis, "Greece: Reforming Financial Markets," 41.

62 Christel Lane, "Changes in Corporate Governance of German Corporations: Convergence to the Anglo-American Model?," *Competition & Change* 7, no. 2-3 (2003).



are many residuals of more hybrid character. In Greece corporate ownership remains concentrated and corporate governance family-based.<sup>63</sup> In Italy, while change in formal (legal) institutions was indeed geared towards the liberal market model, actual practice remained attached to concentrated ownership.<sup>64</sup>

## 6. Conclusion: Hybridization and the Political Economy

The VoC strand in the broader Comparative Political Economy literature generated interesting insights, challenged proponents of an imminent convergence to a single model of capitalism, and provided counterarguments to a simplistic understanding of globalization. As evidenced above, the VoC framework also implied a "dual convergence" thesis. This article sought to assess the plausibility of the thesis against two "hard" cases: Italy and Greece. If the dual convergence thesis was plausible, then we would expect to see the critical institutional spheres moving uniformly to one direction (CME or LME).

The review of changes in the relevant institutional variables generated interesting findings. On the one hand, there are signs of greater coordination in the industrial relations systems of both countries. On the other hand, the systems of finance/corporate governance has acquired increasingly liberal market characteristics. Thereby, the above analysis casts doubt on the dual convergence thesis, as neither case moves uniformly towards the LME or CME direction. Admittedly, both countries' institutional realms there are many idiosyncratic residuals from a more "mixed" type of capitalism, but these are compatible with the conclusion of increased hybridization.

The analysis substantiated a core insight: institutional spheres within the same country may be changing in opposite directions. A more general implication is that delineating the overall direction

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63        Theodoris Papadopoulos, "Corporate Governance in Greece and Its Political Determinants," in 4th Hellenic Observatory PhD Symposium (London: London School of Economics, 2009).

64        Culpepper, "Eppure, Non Si Muove: Legal Change, Institutional Stability and Italian Corporate Governance."

of change in a country's political economy is an arduous task. This is because one cannot really quantify the extent of change within institutional realms (i.e. *how much* CME or LME?). Therefore, the only conclusion one may prudently draw is that, for the period examined, the hybrid character of Italy and Greece was exacerbated.

The observed divergence in those realms is less likely to confer on the countries any comparative advantage of the CME or the LME types. The divergence aggravates the "non-complementarities" observed in "hybrid" or "mixed" market economies and is unlikely to increase their efficiency. Moreover, these developments may even destroy previous capacities. For example, the state ownership of the financial system was used in the past along a "developmental state" pattern to steer economic activity. But the privatization and liberalization of the system will deprive states of this option in the future.

The extent to which these findings challenge the very idea of complementarities *a la* VoC is perhaps more debatable. It depends largely on what kind of measure one takes for "high economic performance". If the measure of economic performance is economic growth rates then Greece's performance has been consistently among the two highest in EU15 from the mid-1990s until the mid-2000s. This can possibly be attributed to a "catch-up effect". But it could also knock down the idea of complementarities, because high economic growth is not expected from an institutionally incoherent case, especially when its hybrid character intensifies. In the same period Italy's economic growth has been less impressive. But if the measure of economic performance is "world's export shares" then Italy has performed exceptionally well in the last two decades, specialising on luxury goods. On that measure Greece's performance is much less impressive. But Italy's excellent export performance poses an intriguing empirical puzzle for VoC theory, given that Italy lacks CME-type and LME-type complementarities.

While only two institutional spheres were examined here, one could also contemplate implications from wider changes for the

whole political economy. On the welfare regime, the residual character was traditionally complemented with a strong family cushion that provided *inter alia* childcare, unemployment insurance and elderly care. The process of de-familialization observed in Southern Europe, without symmetrical extension of the welfare state, is likely to be unsustainable in the future.<sup>65</sup> In the labour market realm, the strict employment protection legislation was complementary with a flexible segment of informal employment.<sup>66</sup> The prospect of the relaxation of employment protection strictness, without improvements in unemployment insurance, is likely to increase precariousness and insecurity in Southern European economies.

Finally, in terms of comparative advantage in the global economy, Greece and Italy seem to be trapped between a rock and a hard place. On the one hand, both Greece and Italy have relatively high labour costs and are therefore unable to be as price-competitive as, for example, CEE countries. Moreover, the option of currency devaluation to improve export competitiveness is no longer available within the EMU zone. On the other hand, Greece – and to a much lesser extent Italy – will find it difficult to compete on the basis of product-quality or innovation. That is because they lack an efficient skill formation system like the German one. Overall, the future looks rather dim for both countries, perhaps even more so in the context of a deepening global economic and financial crisis.

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65 Karamessini, "Continuity and Change in the Southern European Social Model."

66 Amable, *The Diversity of Modern Capitalism*.

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## **AGENCY THEORY AND AGENCY ENVIRONMENT: ELEMENTS AND RELATIONS WITHIN BRITISH CIVIL SERVICE**

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### ***Abstract***

*This article examines an important tool of politics, the dichotomy between politics and administration, to reform administrative systems. Due to its success and the pioneering role in the implementation of agency reform and resultant provision of lessons for many countries (i.e. Netherlands and Norway) the British case is selected for evaluation. The British Next Steps Agencies Reform is examined by deploying historical reconstruction model, and intended to find out its basic elements and interactions between different such actors of the initiative as politicians, bureaucrats, agencies and departments. This illustrates the scale and scope of the relations with the idea of having shed light on Agency theory. Having examined the essential elements the study wishes to focus on the mechanism which has been introduced by the initiative dispenses certain degree of power to agencies. In doing so, the paper targets a balance between two actors of political systems, bureaucrats, and politicians.*

**Keywords:** Agency theory, administrative reform, the Next Steps initiative, policy-making.

### **1. Introduction**

The Next Steps agencies reform is concerned primarily with delegation of power from the centre (of the ministries) to semi-autonomous agencies created out of an administrative reform in the UK. This essentially states that the agencies are evolved as separate entities by promoting certain common values and principles. Further, the position and responsibilities of the chief

executives are important as they practice the power emanating from the departments. The characteristics and the management of the organizations were developed in a unique fashion shaped by the leadership and the task. Autonomous executive units with a distinctive leadership, style and culture have the prospect of empowering the staff and encouraging their achievements. Agencies have been able to implement New Public Management type of elements to public bureaucracy since their establishment by Mrs. Margaret Thatcher in 1988.

The Next Steps ideology is based on the assumption that civil service work should be kept in the public sector, but directed by private sector values. As Mellon identifies in her empirical study, the initiative seeks to promote this end by using semiautonomous organizations with an empowered leadership.<sup>1</sup> In other words, the restructuring process requires separately identified organizations headed by chief executives who would be publicly or directly accountable for their agencies' results. Therefore the Next Steps practice necessitates an assurance that agencies are handed to chief executives with 'freedom to manage'. As Robin Butler, the then head of the civil service, states: "organizing those units as self-contained agencies makes it possible to define their mission more precisely and to delegate responsibilities to a Chief Executive accountable for achieving the mission".<sup>2</sup> The aim of delegating responsibilities to Chief Executives was to promote efficiency and effectiveness of the agency business as well as creating a common 'agency culture'.

The study aims to examine the relations between the actors of public administration, namely bureaucrats, politicians, ministries and agencies. Being based upon a micro-economy based theory, and driven by efficiency concerns, the Next Steps Agency reform provides a basis for evaluation of application possibilities to public administration. Therefore, this paper examines principal-agent theory and Next Steps history to foster a medium to discuss the

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1 Elizabeth Mellon, "Executive Agencies: Leading Change from the Outside-in", *Public Money & Management* 13/2 (1993): 25-31.

2 Robin Butler, "Reinventing British Government", *Public Administration* 72/2 (1994): 266.

relations within agencies. Having done so, there emerges a possibility to draw certain lessons for public administrations, as the reform introduces a power-share mechanism among different and often conflicting interests of actors.

As to methodology, the paper intends to highlight elements and relations with the idea of evaluating official and non-official documents. In other words, official publications, especially the discussions in the Treasury and Civil Service Committee of House Commons provide certain insights into the subject matter. The main reason for the examination of the period, namely during the first part of the 1990s has been an intentional one, as the disputes and discussions related to elements and relations were wide-spread in the era. So, the examination of the 1990s poses the potential of digging into very basic discussions, and therefore uncovering the relations in a simple environment, as during the following period the relations have been full of contradictions and complexities.

The article is divided into four sections. Following this introductory section, the second section deals with the theoretical and conceptual underpinnings of the case, including the scale and scope of the Next Steps reform and Agency theory. The third section evaluates the elements of the Reform and examines the relations within agencies. The components of the reform are reviewed to 'test the waters' for other countries which intend to learn from the British experience. The concluding section summarizes the findings.

## **2. Theoretical Examination: Agency Theory**

As the following section highlights, the British administrative reform experience of 1988 has been set to sort the basic dilemma of administrative systems by restructuring the relations between two main groups of actors in public policy, namely the civil servants at the centre and periphery. The main actors of the reform were liberal-minded people from politics, public services and the civil society. Due to the strong personality of the Prime Minister, Margaret Thatcher, and the major issues of public

services in Britain throughout the 1980s the reform found a warm reception from different segments of the society at large.

The theoretical aspects of the Next Steps reform can be examined through the findings of the principal-agent theory. Like public choice, it is a branch of micro economic theory and therefore its essential assumptions indicate its economic orientation. In other words, the theory's usage in politics or in sociology includes micro economic terms and concepts such as rationality and the notion of equilibrium.<sup>3</sup>

The principal-agent approach is indeed central to administrative theory. Principals (either politicians on behalf of the citizens or departments on behalf of the politicians) employ agents (either individuals or organizations) who have 'professional' knowledge to fulfill public services. Agency theory deals with the inter-relationships between two actors, the agent and the principal, in situations where pure market organization does not apply.<sup>4</sup> The relationship between the agent and the principal is between two tiers of a government. The theory implies that professional knowledge increases from top-to-bottom in public administration. Principal and agent represent administrative and professional functions respectively. In this vein, administrative function involves general 'policy-making' activity, while professional function is dealing with 'implementation' of public services.

The main aim of the application of such a distinct theory to practice is to create clearly-defined relations which are capable of pursuing efficiency and good use of resources. According to the theory, the agent is contracted to conduct specified activities. Therefore the principal retains a considerable amount of power to contract the 'business', to monitor and to control the outcome, and, if necessary, to punish or to get the service compensated,

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3 Xubo Zhang and Zigang, Zhang, "A Venture Investment Principal-agent Model Base on Game Theory", Proceedings of International Conference on Automations and Logistics, (Jinan – China, August 18-21, 2007): 1028-1029.

4 Klaus Spremann, "Agent and Principal", in Agency Theory, Information and Incentives, ed. Klaus Spremann and Günter Bamberg (Berlin: Springer-Verlag, 1989). 3.

whereas the agent is operating with a semiautonomous status and given a resources and responsibilities framework.<sup>5</sup>

Initially, the theory was not intended to explain the political phenomena, but eventually it was applied in this way. Five basic assumptions identified by the theorists are worth examining to get a clear insight into the theory. Worsham et al. present these assumptions clearly, and briefly.<sup>6</sup> Though the assumptions are general, their presentation is reasonably convenient to follow. Jensen and Meckling make the basic point of the theory that "if both parties to the relationship are utility maximizers there is a good reason to believe that the agent will not always act in the best interests of the principal".<sup>7</sup> Lane also asserts that "Public leadership in management functions may be exercised by administrative personnel or professionals and it may not be easy to draw the line where administrative authority is to reign and where professional authority is to be decisive. The tension between administrative routine and professional requirements is endemic in public administration".<sup>8</sup> So, we can mention two kinds of problems in the relations: first, the 'agent problem' is caused by the conflicting goals of the sides and by the difficulty involved in monitoring the agent's behavior. Second, the issue of 'risk-

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5 Stephen Wilks, "Agency Escape: Decentralisation or Dominance of the European Commission in the Modernisation of Competition Policy?" *Governance* 18/3 (2005): 435.

6 The Assumptions are as follows: First, all political phenomena can be modeled on, or reduced to the individual actions of actors in the market. Bureaucracy is modeled as a single unit, whereas political actors, cabinet, parliamentary committees and subcommittees are treated as a single homogenous actor too. Second, individuals are rational egoistic utility maximizers; this is the driving motivation of individual action. Third, individuals act on the basis of complete information; reliable and enough information plays a prominent role in any control system. Fourth, political-bureaucratic relationships are at heart a dyadic-exchange relationship; this is the logical outcome of the preceding assumptions. This relationship is examined through simplifying it to a single elected principal and an appointed agent. Fifth, politics naturally gravitates toward equilibrium; it a swing around a point at which principal preferences and agent actions intersect. in Jeff Worsham et al. "Limits of Agency Theory", *Governance* 9/4 (1996): 410 and Jeff Worsham et al. "Assessing the Assumptions: A Critical Analysis of Agency Theory", *Administration & Society* 28/4 (1997): 423-430.

7 Michael Jensen I and William Meckling, "Theory of the Firm", *Journal of Financial Economics* 3/1 (1976): 308.

8 Jan Erik Lane, *The Public Sector: Concepts, Models, and Approaches*, (London: SAGE, 1995), 2nd Edition, 179-180.

sharing' is caused by the differing views of risk from the perspective of the agent and the principal.<sup>9</sup>

To sort out the conflict the principal has to control the agent and to ensure that to a certain extent, the agent's self interest matches the principal's objectives.<sup>10</sup> This nature of the relationship encourages us to accept that the principal ought to have more than one agent. Possessing more than one agent, however, limits the actions of the principal as to monitoring and making sure that they respect the objectives of the principal. The agent might pretend to be observing the objectives of the principal.<sup>11</sup> This is 'asymmetric information'.<sup>12</sup> If the principal cannot observe the actions of the agent who possesses strategic information, the case of asymmetry occurs. Spremann highlights the difficulty that "the agent could make any promise with respect to his action and depart from it later on just because the principal is unable to control or to monitor the agent's decision making".<sup>13</sup> Principals have some options to ensure that agents satisfy the expectations of principals, for example they might offer promotion, and performance -related pay if targets are met, or negative incentives such as losing bonuses and dismissal.

Laffin argues that using contracts to limit agent opportunism is the best way to overcome information asymmetries.<sup>14</sup> The problem related to this aspect is to shape contracts in a way that serves for the objectives of the principal. Contracts were specified

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9 V Nilakant and Hayagreeva Rao, "Agency Theory and Uncertainty in Organizations", *Organization Studies* 15/5 (1995): 652.

10 R. J. Arrow  
"Agent and the Market", in *Handbook of Mathematical Economics*, Vol. III, ed. K. J. Arrow and m. D. Intriligator (North-Holland: Elsevier Science, 2005). 1184.

11 Kumar Biswas Pallab, *Agency Problems and the Role of Corporate Governance Revisited*, Available at <http://papers.ssrn.com/abstract=1250842> (07.02.2010).

12 Spremann, *Agent and Principal*, 6.

13 *Ibid.*, 7.

14 Martin Laffin, "Understanding Minister-Bureaucrat Relations", *Australian Journal of Public Administration* 56 (1997): 48.

by agency theorists on the basis of a formal model in which the outcome determined by the agent's level of effort.<sup>15</sup>

The principal pays the fee and 'enjoys' the outcome. Nilakant's equity model is reliable to explain and to illustrate the issue.<sup>16</sup> The payoff is denoted by  $x$ , the level of effort of the agent as  $a$ , and the exogenous random element as  $t$ , then the relationship between the agent's effort, the value of the output and the realization of the random variable is given by a production function  $X$ ,

$$x = X(a, t)$$

The model makes two important assumptions: first is that "greater effort by the agent results in greater output for any value of  $t$ ". The second assumption is that "only one of the parties directly influences the probability distribution of the outcome".<sup>17</sup> The model's main concern is on optimal fee schedules that create positive incentives for the agent's activity. It is shown by this approach that agency theory is not only a contracting theory between agents and principals, but a theory of performance of the agent.

The theory assumes that the agent is risk-averse, while the principal is risk-neutral. Nilakant examines this issue and concludes that two scenarios are possible: the 'optimal contract' under incomplete information is the first one, and the 'optimal contract' under complete information is the second one.<sup>18</sup> This indicates the existence of the first-best and second-best contracts. The first-best contract is similar to a wage contract, whereas the second-best contract places the outcome as a basis for the agent's compensation. The more the agent works, the more the agent achieves. Since the agent is assumed to be risk-

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15 Nilakant and Rao, Agency Theory, 653.

16 Ibid., 653.

17 Steven Shavell, "Risk-Sharing and Incentives in the Principal and Agent Relationship", Bell Journal of Economics 10 (1983): 57.

18 Nilakant and Rao, Agency Theory, 654.

averse, the second-best contract causes a welfare loss to the principal. Nilakant suggests three kinds of actions to prevent any efficiency loss by the agent: to develop more efficiency monitoring strategies to observe the agent better; to base the agent's compensation on his/her performance over a number of time periods, the role of chance events can be reduced and; to base the agent's compensation relative to the performance of other agents, level of risk imposed on the agent is reduced.<sup>19</sup>

These theories have put a new emphasis on the design of new agencies designed to produce incentive structures which will create conformity to the principal's preferences. The design aspect is dealt with in the following heading.

### **3. The Next Steps Case**

The thrust of the Next Steps reform is something that has objectives and methods similar to New Public Management approach.<sup>20</sup> Though the latter was a broadly defined package, publications which resulted from its introduction led to a 'rediscovery' of the former. The principles advocated by NPM were/are prescribed by the Next Steps initiative. For example a central principle of NPM, 'output orientation', is the centerpiece of the Next Steps initiative in Britain. In practice, this involves the separation of policy making and implementing functions, empowering chief executives and agencies, and the use of competition within the public sector.

The Next Steps agencies are designed as a vehicle in which to drive market techniques to the civil service. The Next Steps has tried to sort out the basic problems of government by introducing contractual relations in a manner that clearly distinguishes the appropriate responsibilities of various actors.<sup>21</sup> Although the Ibbs Report, the founding study of the Next Steps, made it clear that

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19 Ibid., 654.

20 Önder Kutlu, *Comparative Public Administration*, (Konya: Çizgi, 2006), 36.

21 Oliver James, *Executive Agency Revolution in Whitehall* (Basingstoke: Palgrave Macmillan, 2003), 5-9.



“they use the term ‘agency’ not in its technical sense but to describe any executive unit that delivers a service for government”, in retrospect, albeit unconsciously, it has been oriented from agency theory.<sup>22</sup> Similarly, the contractual nature of the reform initiative has its roots in agency theory, too. Of course, one might argue that the theory may have been intentionally or unintentionally established. But, as is argued herein, market techniques have been intentionally introduced and contracting-out, internal markets, delegated financial control, and semi-autonomous agency structure are nothing but the tools of agency theory.

In November 1986, to drive managerial change in the government, PM Thatcher asked Sir Robin Ibbs of the Efficiency Unit to investigate ‘the next generation’ of organizational change in Whitehall, namely in British civil service.<sup>23</sup> The report, *Improving Management in Government: The Next Steps* was conducted as a scrutiny in 90 days.<sup>24</sup> In contrast, it did not focus on a particular service or a particular function, but intended to investigate the managerial reform since Mrs. Thatcher took over the power.<sup>25</sup> By May 1987, the report was submitted to the Prime Minister.

Based on interviews with ministers and civil servants, the report concluded that most civil servants concerned with delivery of governmental services, and welcomed clearly defined management tasks and devolved budgetary responsibilities. As stated by Greer, the initiative also raised the conventional dilemmas of the public sector administration: “How do we divide policy and operational matters? How do we balance accountability

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22 The Ibbs Report, Efficiency Unit, *Improving Management in Government: The Next Steps*, (London: HMSO, 1988), 4.

23 Grant Jordan, “Next Steps Agencies: From Managing By Command to Managing By Contract”, *Aberdeen Papers in Accounting Finance and Management* 6 (1992): 2.

24 The Ibbs Report, *Improving Management*

25 Spencer Zifcak, *New Managerialism: Administrative Reform in Whitehall and Canberra*, (Buckingham: Open University Press, 1994), 70.

and autonomy? How do we minimize transaction costs?".<sup>26</sup> The Next Steps Report was published in February 1988, after the parliament election, identifying the following problems: "Top management is dominated by the policy and political support tasks; responsibilities for management at the top of the departments are unclear; the main pressure at the top is short term; outputs are neglected; there is little support or pressure value for money; the organization at the centre of government is fragmented; the civil service is too big and diverse to be run as a single rigid organization; central rules take away the flexibility manager need to manage; delegation is not always happening; the culture of the Civil Service is cautious and works against personal responsibilities; working and career patterns have changed relatively little".<sup>27</sup> This scathing attack led to three conclusions: "The lack of focus of top management on the service delivery and executive functions of government; the effects of treating the Civil Service as a single organization; the lack of effective pressure to get better results."<sup>28</sup> As such:

The report made three recommendations:

- We recommend that 'agencies' should be established to carry out the executive functions of government within a policy and resources framework set by a department;
- We recommend that departments ensure that their staff are properly trained and experienced in the delivery of services whether within or outside government; the staff will then be in a position to develop and interpret government policy and manage the agencies in a way that can maximize results.
- We recommended that a full Permanent Secretary should be designed as 'Project Manager' as soon as possible to ensure that the change takes place.<sup>29</sup>

The first of these recommendations, the creation of executive 'agencies' was implemented. The second part of the

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26 Patricia Greer, *Transforming Central Government: The Next Steps Initiative*, (Buckingham: Open Univ. 1994), 2.

27 The Ibbs Report, *Improving Management*

28 The Ibbs Report, *Improving Management*

29 The Ibbs Report, *Improving Management*

recommendations was also implemented, as it is this framework that sets out the structural characteristics of agencies. As to the third recommendation, a Project Manager of Next Steps, Peter Kemp, was appointed with second permanent secretary status, with a small team working under him. The brief for Kemp and his team was to achieve the government's stated objectives.<sup>30</sup> The following tables illustrate different types of agencies in different departments.

**Table 1. List of Selected Next Steps Agencies**

<b>Name of Agency</b>	<b>Name of Ministry</b>
Treasury Solicitor's Department Companies House	Attorney General's Office Business, Enterprise and Regulatory Reform
Central Office of Information The Fire Service College	Cabinet Office Communities and Local Government
Royal Parks Agency British Forces Post Office	Culture, Media and Sport Defence
Government Decontamination Service	Environment, Food and Rural Affairs
Meat Hygiene Service FCO Services	Food Standards Agency Foreign and Commonwealth Office
Forest Enterprise (England) NHS Purchasing and Supply Agency	Forestry Commission Health
Criminal Records Bureau Higher Education Funding Council for England	Home Department Innovation, Universities and Skills
HM Prison Service Forensic Science Agency	Justice Northern Ireland Office
Northern Ireland Driver and Vehicle Licensing Agency	Transport
National Savings and Investments	Treasury
Child Support Agency	Work and Pensions

30 HC 348, "Developments in the Next Steps Programme", TCSC Fifth Report, (London: HMSO, 1988-89) Evidence 4-14.

Source: *Civil Service*, Available at <http://www.civilservice.gov.uk>, last accessed 08.02.2010

Although the Project Manager is responsible for making things happen, it is not his/her job to suggest agencies. Departments are responsible for identifying which activities may be suitable for agency status. Before an agency is set up, departments must consider three alternative options: abolition, privatization, and contracting-out.<sup>31</sup> Moreover, the attempt has been designed to import certain private sector values to the public sector. Thus, 'value for money' thinking has gained momentum.<sup>32</sup> So the notion managing or controlling is seen in terms of four characteristics as a discrete organization, a defined task, a formal agreement setting out targets, and an identifiable Chief Executive accountable for the work of the agency.

Around 75% of total civil servants work in around 130 agencies now, counting over 300 thousand public employees. Table 1 illuminates the scale and scope of the change introduced since 1988.<sup>33</sup>

#### **4. Elements of Next Steps**

Basically, there are six Next Steps features characterizing the components of the initiative: separation of the policy making and implementing functions; minimizing the political involvement of the politicians; empowering chief executive and agency; promoting openness; creating a common culture; and, focusing on the targets and performance-related pay. These elements are not available to the same extent in the Next Steps, some are explicit and some are implicit.

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31 HC 410, Agency Framework Documents, "The Next Steps Initiative", NAO, (London: HMSO, 1988-89), 3.

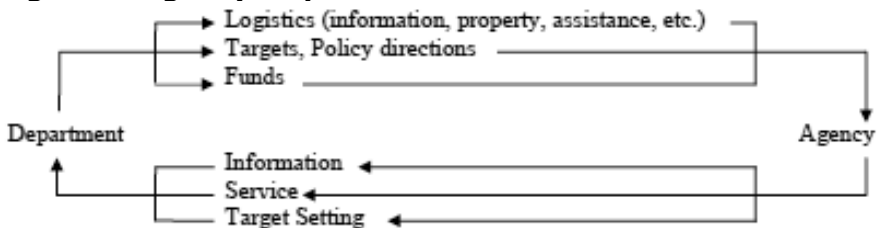
32 HC 481, "Progress in the Next Steps Initiative", TCSC Eight Report, (London: HMSO, 1989-90), Q233.

33 Civil Service, 2010.

In line with many administrative theorists since Woodrow Wilson<sup>34</sup>, the Next Steps reform has planned to establish executive units which are “to carry out the executive functions of government within a policy and resources framework set by a department”.<sup>35</sup> According to the report, as mentioned, departments will be responsible for ‘policy’ matters which cover framework documents, budget, specific targets and the results to be achieved, whereas the executive agencies are dealing with operational and day-to-day issues.

Figure 1 illustrates the relations between agencies and government departments/ministries. Both actors have got certain responsibilities and privileges and they have to provide something to get other things.

**Figure 1. Agency-Department Relations**



Source: Önder Kutlu, “Administrative Reform in the UK: The Next Steps Agencies Reform and its Applicability to Turkey, (PhD Thesis, Exeter University, 2001), 150.

It was thought that if resources and clearly identified responsibilities framework were given, agencies could achieve better results by focusing on the work to be done.<sup>36</sup> Apparently, the most discussed part of the reform in the government, in the academia, in the parliament, and in the media has been the assumption of separation. The theory’s basic assumption was the

34 Woodrow Wilson, “The Study of Administration”, in *Public Administration and Policy*, ed. P. Woll (Harper & Row, 1966). 197-222.

35 The Ibbs Report, 9.

36 HC 410, 1.

belief of separation in policy and operational matters. In reality, however, it has long been discussed and many eminent scholars and practitioners have not come to the conclusion that that kind of separation could be made.<sup>37</sup> However, some others asserted that "the distinction...is more workable in practice than is supposed; and Next Steps does not depend on as sharp a divide as its critics imagine".<sup>38</sup> Surely, both policy making and implementation have very close ties which cannot be easily broken.

The Fraser report criticized the initiative as being so appropriate for weakening the amount of autonomies of the agencies, this meant lesser amount of flexibility and lack of autonomy for agencies.<sup>39</sup> Nevertheless, lack of delegated power is not a virtue, especially in the 'new public management' era.<sup>40</sup> The 'type' of agency plays very important role in identifying policy and operational matters, because there is a direct relation between the type and degree of difficulty.<sup>41</sup> In Social Security Service for example, because of its sensitivity, operational issues become policy issues. Every decision made on applications contains policy functions as well as operational one. Therefore, service impact of policy decisions and policy impact of service decisions retains the conflict, and difficulty in itself.

Minimizing the involvement of politicians, the second element of the Next Steps, is a logical outcome of the separation in that responsibilities of every actor is identified and they play the role given by their Framework documents. Some academics argue,

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37 Colin Campbell and Graham Wilson, *The End of Whitehall*, (Oxford: Blackwell, 1995), 279. and W. J. Kickert M. and T. Berk Jørgensen, "Conclusion and Discussion", *Symposium on Management Reform: Executive Agencies and Core Departments*, *International Review of Administrative Sciences* 61/4 (1995): 577-586.

38 Charles Polidano, "The Bureaucrats Who Fell Under a Bus: Ministerial Responsibility, Executive Agencies and the Derek Lewis Affair in Britain", *Governance* 12/2 (1999): 223.

39 A Report to the Prime Minister (The Fraser Report), *Making the Most of Next Steps: The Management of Minister's Departments and Their Executive Agencies*, London: HMSO, 1991.

40 Kutlu, *Comparative*, 71-73.

41 Vernon Bogdanor, "Agencies and Accountability", *The Executive Agencies Quarterly* 6 (1996): 109-110.

however, that Next Steps consolidates politicians, namely ministers, with more powers as they are able to access to more information. The information, nonetheless, requires special skills and knowledge. So in practice, the availability of information may not mean much to politicians as they generally lack the knowledge required of the agency or area involved.<sup>42</sup> Besides, the emphasis in this paper is on the identification of the civil servants as professional, appointed actors.

The creation of a common culture is the morale element of the Next Steps relevant to the transformation of the bureaucracy to its pattern. The Agency reform in Britain has achieved this goal by introducing a series of measures such as delegating personnel and financial powers to agencies, establishing separate administrative units, and setting quality standards and yearly targets.<sup>43</sup> Relatively small and unified organizations (agencies) with distinctive features have a better chance to focus on meeting quality standards and targets. This orients members of any agency towards having a sense of solidarity and a separate identity.

Four implications can be derived from this examination, primarily for the Next Steps as 'features'. Firstly, the 'creation of a common culture' for agencies in particular and civil service in general was an obvious element which was facilitated not only by the Next Steps reform but also by earlier attempts such as Rayner Scrutinies and FMI in Britain.<sup>44</sup> Secondly, 'separation of operational and policy functions' was another element which was the basic feature of the agencies reform in order to improve efficiency of the civil service. Thirdly, the congeniality of the reform to the service required the 'empowerment of Chief Executive and Agency'. In order to achieve this objective, as Bardwell highlights, Chief Executives are expected to have five

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42 Önder Kutlu, "Administrative Reform in the UK: The Next Steps Agencies Reform and its Applicability to Turkey, (Ph.D. diss. University of Exeter, 2001), 123-125.

43 Oliver James and Martin Lodge, "The Limitations of 'Policy Transfer' and 'Lesson Drawing' for Public Policy Research", *Political Studies Review* 1 (2003): 188.

44 Kutlu, *Administrative*, 156-159.

types of leadership behavior: pioneers; visionaries; team leaders; role models; and, motivators.<sup>45</sup> This has been effective in motivating agency staff to work hard and achieve targets given for their operations. Fourthly, as a logical extension of these elements, 'minimizing political involvement of politicians' has also been a clear element of the Next Steps in the British civil service. In theory, Agency Framework documents and separation of the functions leave no room for confusion and ambiguity of responsibilities. In practice, however, needs to be examined in detail. Beside with their derivations from the Next Steps, the above elements provide a suitable ground for comparison as they are also relevant for other countries, say Turkey.

Independence and the development of 'culture creation' function in the agencies also deserve attention. Agencies having a certain degree of independence can decide their own way of dealing with problems and responding to situations. This gives personnel in a given agency a sense of belonging to a 'special' and 'different' organization than the 'regular' civil service. Moreover, morale among the staff of agencies increases and certain symbols mean different things from their immediately obvious meaning including the names or logos of the organization. The staff starts to behave in a particular way when similar problems occur. In this way, then, the agency reform has helped to create a common culture first in an agency and then in the agency system as whole.<sup>46</sup>

Another feature of Next Steps is the 'promotion of openness' within administrative system. Charging the Chief Executive with the responsibility for replying to questions from MPs is a way of promoting openness. This makes the agency chief executives more visible in front of the public and implies that they have both the right and the responsibility to reply questions regarding their agencies. Publication of many annual reports, business plans, and framework documents are other obvious method of agency promotion. Agencies use the internet to publicize their success

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45 Gerry Bardwell, "Leadership in the Public Sector, Including Executive Agencies", *Executive Agencies Quarterly* 6 (1996): 115.

46 Civil Service, 2010 (08.02.2010).



and express their versions of their performance. What is more, they issue press releases quite frequently to inform the public about their work or to introduce changes or amend rules and regulations.

An additional Next Steps feature is 'focusing on the targets and performance-related pay'. The initiative donates special importance to this aspect by setting targets for agencies and asking them to achieve. In addition, the reform introduces performance-related payment to encourage and motivate agencies to increase their efficiency and effectiveness. The personnel know that the more of the targets they achieve the greater the rewards they will receive. As a result they work hard to achieve their targets and receive bonus financial benefits. Tangentially, staff might also recognize that increased performance helps the agency to remain as it is, as an agency, rather than being contracted-out or privatized.

An empowered chief executive and agency will create a positive attitude among the staff to concentrate on the work to be done. Open competition ensures that the chief executive strives to motivate agency staff to believe and act in such a way that they resemble a family in which the happiness of one member affects others. The Next Steps agencies reform has adopted a contractual form of organization in order to make sure that agents act in the interests of their principals. The main contract between the two parties are framework documents which, together with annual business plans and five yearly corporate plans, set out the framework and structure in which agencies must operate. Every agency should have a framework document with five basic elements: the aims and objectives of the agency; the nature of its relations with Parliament, ministers, the core department, other departments and other agencies; the agency's financial responsibilities; how performance is to be measured; and the agency's delegated personnel responsibilities and the agency's role and flexibilities for pay, training and industrial relations arrangements.<sup>47</sup> Containing these features, the Next

Steps reform is a revolution in restructuring relations and redefining the central characteristics of the civil service.

Contracts, in the shape of framework documents, have a vital importance in this process in the sense that they, like constitutions, set up the structural dimension briefly, list the targets to be met, and clarify the relations between actors. Moreover, the periodic re-negotiation of framework documents provides machinery for monitoring agent's performance and builds in the expectation that effective monitoring by principals will take place. Meanwhile, producing framework documents is not an easy task: it requires skilful persons, deep familiarity with law and regulations and the ability to predict possible. This implies Transactions cost theory And, in addition, requires searching out and to monitoring of the outcomes of the agency work, and eventually control and evaluation of the results in order to assess whether the agency has met its targets or not.

Contracts have been introduced to the civil service to replace the existing hierarchical relations with a market oriented one.<sup>48</sup> Take the appointments of agency chief executives as an example. They are appointed on a short-term contract basis either from 'inside' or from 'outside' the civil service. They may be entitled to have performance-related pay and bonuses but may also be dismissed if they cannot provide a certain level of satisfaction. Furthermore agency staffs have also been given some incentives and sanctions in respect to the performance of agencies. For example, group performance pay can be earned by all agency staff if the yearly targets are met, and individual performance-related bonuses are available for rewarding senior agency staff.

Again, the 'contract' is the key word of the initiative and it is visible in various relations: framework documents, yearly business plans, five yearly corporate plans, service level agreements between agencies, and individual staff contracts. The Next Steps Initiative has asked that agencies and public organizations use contracts in every possible instance. As a

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48 Barry Hugill, "A Civil Service on its Last Legs", *The Observer*, (29.05.1994).

result, some agencies have moved to the position of being principals for other agencies, while, at the same time, they continue to be agencies of their parent departments. The basic principal-agent relation is between the 'core' departments and the agencies.

For principal-agent theorists, the key is to design the institution so that the agents are incentivized to pursue the aims of the principals and to set up monitoring arrangements that ensure that agent behavior can be monitored and, if necessary, controlled. The Next Steps agencies reform is consistent with this aspect of the theory. Targets and performance bonus systems and the autonomy given to the agencies provide a reasonable ground to motivate the executive agencies to increase their efficiency. Success benefits both sides: agencies continue to enjoy 'the freedom to manage' and financial benefits (and for the Chief Executives another term in office) and principals are provided more efficiency and outcome.

## **5. Relations within Agencies**

In the relational frame of the reform the term accountability is used to cover two levels of politics: the first is the accountability of agencies to the departments and the second is the accountability of the ministers to the parliament in the form of ministerial responsibility. The term autonomy, however, will be used here mainly to discuss the relations between agencies and departmental HQs.<sup>49</sup>

The Next Steps reform is designed to take power from the centre and devolve it to the new executive agencies. The initiative has become successful by allowing civil servants to continue to concentrate on policy work and by giving agency staff the prospect of escaping from Treasury control and exploiting their independence. The idea and the method of the selection of the chief executives show that, when they are running their agencies,

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49 Caribbean Centre for Development Administration, "The Executive Agency Model: Legal and Policy Management Issues in Jamaica", CARIFORUM/EDF Project No. RCA 008 ACP 005, (2003), 7-9.

they are relatively free from the traditional Whitehall constraints of upwards reporting.

Two important factors affect the amount of autonomy devolved to agencies: the extent of autonomy given to agencies at their launch and the role of the agencies in drafting framework documents. Regarding the first factor, agencies have variable degrees of autonomy and responsibilities. Depending on both the nature of the job to be done, and the economic and political environment, agencies are given a certain amount of responsibility and power to fulfill their duties. Given the fact that positions of agencies are reconsidered every three years to consider whether they should remain an agency or be privatized, the initially granted autonomy still has a steering role in the prospect of the executive agencies.

The second factor, on the other hand, may be more important than the first one, because it is the functional and active part of the issue. When a decision is being made about agencies, they should be given role in the decision-making process. In administrative policy making, it is easy to make a decision but often very difficult to implement it. To make more efficient and effective decisions, to set targets and to prevent resistance from the operational actors, departments need to consult with them. Agencies argue that only they are in the right position to set targets, whereas departments allege that unless targets are formulated centrally they cannot be realistic.<sup>50</sup>

After examining the relations between departmental HQs and their agencies, the Fraser report of the PM's Efficiency Unit criticized the Next Steps as being reluctant to delegate power to the agencies in 1991.<sup>51</sup> Sir Angus Fraser, PM's efficiency advisor, when answering the questions of Treasury and Civil Service Committee of the House of Common, said that<sup>52</sup>:

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50 HC 481, "Progress in the Next Steps Initiative", TCSC Eight Report, (London: HSMO, 1989-90), Q233, 90-92.

51 A Report to the Prime Minister

52 HC 496, "The Next Steps Initiative", TCSC Seventh Report, (London: HMSO, 1990-91). Q361.

We think that the environment ought to be changed from being restrictive to becoming enabling. Operating constraints should be specified and justified afresh by those who want to retain them rather than freedoms always having to be fought for by the Chief Executives.

The main recommendation was that departments should devolve as much power as possible to the agencies. Therefore, the government's basic argument for establishing such a reform should be consistent with the practice. The report's recommendation of devolution is on the three aspects of the power. The report says that:

The objective should be to move to a position where Agency Framework Documents establish that, within the overall disciplines of the cash limits and targets, managers are free to make their own decisions on the management of staff and resources except for any specially reserved areas. The exclusion of any area from the Chief Executive's authority should be positively justified.<sup>53</sup>

Two aspects - control over finance and control over staff - are mentioned here but the other aspect, the power to adopt policy goals, is mentioned in TCSC by Sir Fraser: "It is implicit in the idea of delegation to Chief Executive that they may wish to vary some conditions of service".<sup>54</sup> Otherwise the report did not want to alter any legal autonomy given to the agencies. The basic idea behind these recommendations was to make agencies more efficient delegating more power.

It should be noted here that not all the agencies complain about the lack of autonomy. Mike Fogden, for example, the Chief Executive of the Employment Service, clarified his agency's position as to influencing policy:

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53 A Report to the Prime Minister, para 2.7

54 TCSC Seventh Report.

Indeed not only influence but, in fact, the Department look to us for information to enable policy formulation to proceed....in our Framework Document there are two key sentences: one is that the Chief executive is permitted to make proposals for policy changes to the Secretary of State, but equally as important, and perhaps some would argue more important, there is also a sentence which says no policy proposals regarding the work of the Employment Service can be made to the Secretary of State until we have actually been consulted.<sup>55</sup>

The second aspect of the accountability issue which deals with the relations between departments and parliament contains similar problems as the first aspect. Basically, it faces the difficulty of how to accommodate the accountability of government to parliament. By launching the agency system, separating operational and policy functions and empowering the chief executive, the initiative has added a new tie to the existing system and eventually this has caused further confusion. In this vein, Hogwood argues that before 1988 ministerial responsibility was never clear for all executive activities.<sup>56</sup> One thing to remember is that before the Next Steps the tradition of ministerial responsibility had been in effect and after the Next Steps it remained in effect. The important thing to note is the characteristics of the tradition, especially how empty it is as a means of control, something of a force in reality as the Westland Affair, the Clive Ponting Case, and the Churchill-Matrix Affair revealed how ministers cynically misled parliament.<sup>57</sup>

As Elder and Page assert, early commentators on the Next Steps reform program suggested the development of the accountability and control over 'an extended period'.<sup>58</sup> However, the Next Steps

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55 Ibid.

56 Brian Hogwood, "Whitehall Families: Core Departments and Agency Forms in Britain", Symposium on Management Reform: Executive Agencies and Core Departments, *International Review of Administrative Sciences* 61/4 (1995): 529.

57 Peter Hennessy, *Whitehall*, (London: Secker-Warburg, 1990).

58 Neil Elder and Edwards Page, "Culture and Agency: Fragmentation and Agency Structures in Germany and Sweden", *Public Policy and Administration* 13/4 (1998): 29.

reform intends not to change the fundamentals of ministerial responsibility but to alter the mechanics of how it is implemented. Accountability of the executive power to the legislation has been reorganized according to the functional separation. First of all, chief executives are appointed as Accounting Officers of their agencies to be directly responsible to the parliament for the deeds of their agencies. Ministers and departmental Accounting Officers are held responsible for policy issues. Chief executives may be called to Select Committee meetings (in House Commons) to give evidence about their agencies, because they are most capable of knowing operational matters.<sup>59</sup>

This change to the tradition of ministerial responsibility might seem to be reasonable. One can possibly say that there is nothing to be afraid of making the chief executives answerable to the select committees. However the issue is not so simple. First of all, as mentioned, we have practical difficulties to identify 'operational' and 'policy' matters. Operational and policy issues are intertwined and cannot be recognized easily. Moreover, who can assure that an operational failure has not been caused by a policy failure. Secondly, the confusion as to who is responsible for failure has paved the way for the negligence of accountability. In cases of controversy, ministers declined to answer select committee and MP's questions arguing that those issues were operational and should be answered by chief executives.<sup>60</sup> Ironically, when some chief executives have been asked questions they have declined to reply by claiming that those issues were operational. The dismissal of Derek Lewis in 1995, Chief Executive of Prison Service, by the Home Secretary Michael Howard, highlighted how sensitive the issue was.<sup>61</sup> The dismissal of the head of the Child Support Agency was another example with similar reasons and consequences. Thus political actors are in a stronger position to defend them: they can easily prevent attacks from the public by redirecting the critique to non-political ones.

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59 TCSC Fifth Report, xx

60 The Financial Times, "Responsibility for Prisons", (28.08.1996).

61 The Times, "Howard says Jails Director Deserves His £35,000 Bonus"; Derek Lewis, (13.12.1994).

In reality, ministerial responsibility has nothing to do with separation of functions. The tradition requires politicians to be responsible to the parliament for the actions of the executive on behalf of the public. One may say that chief executives should respond to the day-to-day issues, while politicians are responding to the policy questions. However, at the end of the day, politicians who are the people in charge of the government and the executive, should take all the blame and the praise. Since the launch of the Next Steps, governments have not spoken out on any changes in the convention. Mrs. Thatcher stated that new agencies would continue to be in the civil service and staff would continue to be civil servants and, therefore, ministerial responsibility would apply to the Next Steps agencies. In other words, if the Next Steps agency personnel are civil servants and their functions are civil service functions, there should be no change in the convention of ministerial responsibility. As Riddell says "the Government has sought to be organizationally radical but constitutionally conservative".<sup>62</sup> With regards to the case of the Prison Service, it can be argued that Michael Howard should have resigned to show respect to the convention of ministerial responsibility. The way of taking disciplinary actions against chief executives and agency staff is always open for proceeding.

## **6. Conclusions**

This study has found that public administration theory and administrative approaches in special and social theory in general have certain flexibilities to cope with changing conditions and priorities in organizations and in society. By the same token, the application of agency theory to civil service reform in Britain shows that an economy-based theory could do well in administration as long as some criteria are met. The requirements and functions of management, psychological and sociological facts and theories can be mentioned in this regard. Having established a power-sharing mechanism within public administration, the Next Steps agencies reform has produced a

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Peter Riddell, "Cabinet, Codes, and Courts", *The Times*, (13.05.1996).



reasonable amount of performance related to services provided. A basic dilemma of democracy has been brought to an end: politicians and bureaucrats set up a new framework by delegating implementation responsibilities to agencies and policy-making power to politicians. The process has worked out to introduce certain principles to public administration: creation of an agency culture, empowerment of civil servants, and a compromise between appointed and elected officials. It has been possible by the elements and findings of Agency theory. The reform has created a unique cultural atmosphere, where roles of the actors in public administration have been enriched and re-evaluated. Efficiency concerns, performance related issues and new responsibilities have driven the actors to reconsider their positions. This has solved the long-standing issue of accountability and ministerial responsibility. One of the important findings of the reform is related to the position of Chief Executive Officers of agencies. Being at the middle of relations between the principal and the agency, a new level has been created by the pressure of the reform. This implicitly indicates that administrative reforms might create certain levels in bureaucracy, which were not initially imagined by the reformers. In addition, 'freedom to manage' approach of private sector could also be applied to the public, because it is human nature to strive for freedom as social theory explains.

Consequently, the British experience of agency reform introduces new forms of management, with a strong degree of success. Elements of the reform are not unique to the UK, but the effects afterwards have been new as the traditions and conventions of Britain contouring human and non-human factors in a special package. As a micro economic theory, the agency model has achieved this end. The solution found by the Next Steps to deal with the dichotomy between policy making and implementation functions and the tension between politicians and public servants would be valuable for developed and developing democracies as they have been struggling to sort similar problems in their territories. The theoretical and practical aspects of the British experience have the potential to provide lessons for other administrative systems, especially in Europe. Many more

countries should pay attention to learn from this unique environment.

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## **“JOIN A PARTY OR I CANNOT ELECT YOU”: THE INDEPENDENT CANDIDATE QUESTION IN TANZANIA**

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### ***Abstract***

*Independent candidates are not allowed in Tanzania. This restriction has raised debate which dominates multipartism and its efficacy in the country. Since the inception of multipartism in 1992, there have been three major cases on independent candidates. In the first two cases, the High Court ruled in favour of independent candidate. However, in the third case, the Court of Appeal, while subscribing to the need of independent candidates, it nullified the previous judgments by the High Court on the ground that the court had no jurisdiction in declaring a constitutional provision to be unconstitutional; and that the independent candidate issue being political and not legal should be resolved by the parliament. I argue that the Court of Appeal failed to exercise its mandate in administering justice. I further argue that such failure is attributed to the fear by the justices from the ruling party and its government.*

**Keywords:** Independent candidate, Tanzania, Mtikila, democracy, court

### **1. Introduction<sup>1</sup>**

Independent candidates are a common phenomenon in a democracy. In practice, however, some governments, particularly in new democracies, resist its inclusion in their respective electoral systems. The usual grounds for such exclusions are that

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1 I wish to thank Mr. Alex B. Makulilo who is an advocate of the High Court of Tanzania and a PhD candidate at the University of Bremen, Germany for commenting on this article from a legal perspective and for providing me with necessary legal documents.

independent candidates would compromise unity and sometimes jeopardize electoral systems. In a country such as Tanzania, the claim for jeopardy is grounded on the fact that it would trigger the issue of ethnicity and personality politics. In Australia, for example, it was observed that independents have been more important than is generally recognized: two of them brought down a federal government in 1941 and from the late 1930s to the 1960s successive Liberal Country League governments in South Australia were dependent on independent support to stay in office.<sup>2</sup> Admittedly, independent candidates across the world's political systems have had varied impact. In Pakistan and Russia, for example, independents win as many as 20 to 40 percent of the vote while in the United States they win less than 1 percent of the national vote on average.<sup>3</sup>

Australia is regarded as the home to more independent parliamentarians than any other comparable Western country. Since 1980, for example, an unprecedented 56 independents have served in Australian parliaments.<sup>4</sup> In Africa, independent candidates are visible in Zambia, Malawi, the Republic of South Africa, to mention just a few countries. Nonetheless, the general impression is that in such countries they pose little threat to political parties. This article examines the issue of independent candidates at all levels of presidential, parliamentary and council elections in Tanzania and focuses on three major court decisions. In the first two decisions the court ruled in favour of the independent candidates. In the third case it reversed the previous judgments. I argue that the Court of Appeal failed to exercise its mandate of administering justice in the country so as to ensure independent candidates maintain their rights to contest elections. I further argue that such a failure was attributed to the fear by the justices from the ruling party and its government which are reluctant to endorse independent candidates. I use statutes,

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2 Jennifer Curtin, "Independents in Federal Parliament: A new challenge or a passing phase?" Politics Program, School of Political and Social Inquiry, Monash University, Melbourne, Australia, 2004.

3 Dawn Brancati 2008 "Winning Alone: The Electoral Fate of Independent Candidates Worldwide," *Journal of Politics*, 70 (3): 648–662.

4 Jennifer Curtin, "Independents in Federal Parliament...", 2004.

parliamentary Hansards, government and ruling party reports, international conventions and case law to authenticate my stand. For smooth execution of this work, I divide the article into five phases: independent candidate as a right; the history of independent candidate since independence; issues and verdicts in the three landmark cases of independent candidates; discussion, and concluding remarks.

## **2. Independent Candidate as a Right**

The term "independent candidate" refers to an individual who contests an election without political party support structures. This phenomenon is one of the basic political rights that people should enjoy and international instruments provide that persons should not be compelled to be members of political parties in order to have the opportunity to be leaders in their respective countries. To be sure, in its 154<sup>th</sup> session in Paris, the Inter-Parliamentary Council adopted the Declaration on the Criteria for Free and Fair Elections. In this Declaration, the Council stated that everyone has the right to take part in the government of their country and shall have an equal opportunity to become a candidate for election, either as an independent candidate or through an organization for the purpose of competing in an election. The above criterion is clearly stipulated in Article 25(1) of the United Nations International Covenant on Civil and Political Rights (CCPR) of 1966 which states that every citizen shall have the right and the opportunity, and without unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives. What it means here is that restrictions may be allowed only to the extent that they are objective and reasonable. For example, conditions such as age, mental health and citizenship can reasonably prevent individuals from voting or being voted for in public offices. However, it was in 1996 that the United Nations (UN) General Comment No. 25 on the CCPR made it explicit that political party membership as a qualification for participation in public affairs is unreasonable. Section 17 of the Comment provides, "the right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties".

However, one significant shortcoming of international instruments is that they become binding once ratified by a specific country. Hence, individual countries may choose to be or not to be part of these instruments.

### **3. Independent Candidates in Tanzania: A Historical Perspective**

Upon receiving its independence on 9<sup>th</sup> December 1961, Tanganyika (later the United Republic of Tanzania) was a multiparty democracy. At least four political parties existed by then: the Tanganyika African National Union (TANU), the African National Congress (ANC), the United Tanganyika Party (UTP), and the All Muslim of National Union of Tanganyika (AMNUT). Although it did not spell out the term "independent candidate," the Tanganyika (Constitution) Order in Council, 1961 as published by the Government Notice No. 415 of 1<sup>st</sup> December 1961 allowed such a candidate during elections. To be sure, Sections 18 and 19 of the constitution stipulated qualifications and disqualifications for election to the National Assembly:

Subject to the provisions of Section 19 of this Constitution, any person who (a) is a citizen of Tanganyika, (b) has attained the age of twenty one years, and (c) is able to speak, and unless incapacitated by blindness or other physical cause to read the English language with a degree of proficiency to enable him to take an active part in the proceedings of the National Assembly; shall be qualified for election as a member of the National Assembly, and no other person shall be so qualified.

Yet, Section 24 of the Republican Constitution of Tanganyika (Constitutional Act No. 1 of 1962) retained the same requirements for the post of the National Assembly. Furthermore, the constitution introduced qualifications to the new post of the presidency. Section 4(3) read:

Any citizen of Tanganyika who: (a) is qualified to be registered as a voter for the purposes of elections to the National Assembly, (b) has attained the age of thirty years



and, and (c) in the case of elections held on a dissolution of Parliament, is nominated by not less than one thousand persons registered as voters for the purposes of elections to the National Assembly shall be qualified for elections as President.

Two observations can be made from the Independence and Republican constitutions. That, the independent constitution was based on the Westminster principles with relatively robust features of democracy. However, the Republican constitution marked the beginning of the erosion of democracy for centralizing and concentrating power to the executive arm of the government and the ruling party to the extent that it made the Tanzania of the time a *de facto* one party state. Notwithstanding such tendencies, it is imperative to point out that in the 1960 elections, Herman E. Sarwatt, an active member of TANU, vied for the post of member of the National Assembly as an independent candidate in the Mbulu constituency. TANU's candidate was unpopular and TANU members in Mbulu demanded another candidate. TANU leaders rejected their request by saying that they were tribalist. Interestingly, Sarwatt won the seat against the TANU nominated candidate. This victory was significant and historic since TANU won all the contested seats except the Mbulu constituency. President Nyerere once remarked that, in the history of the House, only one person managed to outcompete a TANU sponsored candidate in elections.<sup>5</sup> TANU leaders were generally unhappy with this phenomenon though it should be emphasised here that Mr. Sarwatt did not cease to be a member of TANU and, in fact, during his campaigns he mobilized a lot of people to join TANU.<sup>6</sup>

In dealing with any form of opposition, from both within and without TANU, president Julius Nyerere formed a commission to

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5 See Hotuba ya Rais, Mwalimu Julius K. Nyerere katika Bunge, Kuhusu Siasa ya Serikali, 8 Juni, 1965.

6 It was admitted so by Mr. Sarwatt himself during the parliamentary sessions. See the Parliament of Tanzania, Proceedings of the National Assembly, Seventeenth Meeting, First Sitting 8 June 1965, (Hansard).

work out for a one party system.<sup>7</sup> One of the issues addressed was: "Should all candidates for election to the Legislature and local government bodies be members of TANU?" The commission recommended without hesitation that all candidates for election to the National Assembly should be members of TANU since that was an inherent element of the one party state.<sup>8</sup> For the post of presidency, however, the commission recommended that the National Executive Committee of TANU and Afro-Shiraz Party (ASP) should jointly be charged with the duty of nominating a single candidate for the presidency of the United Republic. Following the recommendations made by the commission on 10<sup>th</sup> July 1965, the United Republic became constitutionally a one party state. Article 3(1) of the Interim Constitution of 1965 provided, "there shall be one political party in Tanzania." Section (3) added further that all political activities in Tanzania, apart from those of the organs of the state of the United Republic of Tanzania and Zanzibar, should be conducted by or under the auspices of the party. As can be seen, the main intention of this article was to completely destroy any opposition to TANU. Externally, all political parties and civil societies were disbanded. Internally, political competition for elective posts in the government were attached to party membership. Nyerere argued that one party system was necessary for unity and development of new nations like Tanzania.<sup>9</sup> Thus, the major impact of one party state was the introduction of authoritarian politics where all political activities could only take place through TANU. It was at this juncture where party membership as a qualification by candidates during elections was introduced. Article 27 of the Constitution, for instance, introduced party membership as a qualification for candidates for the National Assembly, stating:

"Any citizen of Tanzania who has attained the age of twenty one years and is a member of the Party shall, unless he is

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7 United Republic of Tanzania, Report of the Presidential Commission on the Establishment of a Democratic One Party State 1965. Dar es Salaam: Government Printer.

8 United Republic of Tanzania, Report of the Presidential Commission on the Establishment of a Democratic One Party State..." 1965.

9 Tanganyika African National Union Annual Report 1965.

disqualified under the following provisions of this section or an Act of Parliament to which this section refers be qualified for election as a constituency member, and no other person shall be so qualified.”

Similarly, Article 7(3) of the constitution provided for a party membership qualification for the presidency. It stated that whenever an election of the President is held, “an Electoral Conference of the Party, constituted in accordance with the provisions in that behalf, in the constitution of the Party, shall meet; and such Electoral Conference shall nominate a citizen of Tanzania who has attained the age of thirty years and is a member of the Party, as the sole Presidential Candidate.” The nominating authority for the presidential candidate was the Electoral Conference of TANU as defined in Part E Section 3 of the party’s constitution appended to the Interim Constitution as a schedule. Section 3(1) stated, “An Electoral Conference shall be held whenever a Presidential election is contemplated.” Furthermore, Section 3(4) provided the function of the Electoral Conference as it held “the sole function of the Electoral Conference shall be to select the name of the candidate for election to the office of President of the United Republic.”

In 1975 the party became a supreme organ constitutionally.<sup>10</sup> Article 3(3) of the Interim Constitution provided that all activities of the organs of the state of the United Republic of Tanzania should be conducted by or under the auspices of the party. It meant that the parliament, executive, judiciary or any other institution of the state could be summoned by the party. This development came to be described as “state-party”, where the line between the state and the party was blurred. It was on 5<sup>th</sup> February 1977 that TANU and ASP merged to form Chama Cha Mapinduzi (CCM), not a new party but rather a consolidation of the

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10 See Jamhuri ya Muungano wa Tanzania “Chama Kushika Hatamu” Hotuba ya Waziri Mkuu na Makamu wa Pili wa Rais, Ndugu Rashidi Mfaume Kawawa akiwakilisha katika Bunge Muswada wa Kubadili Katiba ya Muda, Tarehe 3 Juni 1975. Imepigwa Chapa na Mpigachapa wa Serikali, Dar es Salaam, Tanzania, p. 2.

TANU/ASP alliance.<sup>11</sup> It is interesting to note that a team of twenty people, ten from each party was the very same that was entrusted with the role of making the permanent constitution of the United Republic of 1977. This is significant because the Tanzania's constitution of 1977 was constructed to reflect a party supremacy framework. Arguably, it was essentially a party document, albeit under the guise of the state. The one party state, as well as the party supremacy clauses, were retained in the permanent constitution as per articles 3(3) and 10(1) respectively. In 1984, the permanent constitution was amended to introduce a Bill of Rights. However, the membership qualification to be elected for the post of National Assembly member (as per Article 67(1)) and president (as per Article 39) were maintained. In contrast, Article 20(2) stated that no one should be compelled to be a member of any political party. Furthermore, Article 21(1) provided that: "Every citizen of the United Republic is entitled to take part in matters pertaining to the governance of the country, either directly or through representatives freely elected by the people in conformity with procedures laid down by, or in accordance with, the law."

With the advent of multipartism in 1992, the one party and party supremacy clauses were repealed though Articles 20 and 21 were retained. For the post of the presidency, the amended Article 39 retained paragraph (c) which required a candidate to be a member of and be sponsored by a political party. Likewise Article 67(1)(b) retained the membership qualification for the post of member of National Assembly.

#### **4. The Three Landmark Cases: Issues and Verdicts**

This section presents the three landmark cases on independent candidates. It summarizes key issues and court rulings on the independent candidate issue. It is important to note that in the literature of democracy and court archive, these cases are popularly known as "Mtikila" cases since they involved Rev. Christopher Mtikila. The first and second independent candidate

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11 CCM Constitution 1977; See also CCM Manifesto 2005.

cases (*Mtikila 1* and *Mtikila 2* respectively) involved Mtikila as a petitioner against the Attorney General as a respondent. However, the third case was an appeal by the Attorney General against *Mtikila 2*. This appeal involved Mtikila as a respondent hence *Mtikila 3*.

### *Mtikila 1*

*Rev. Christopher Mtikila v. the Attorney General*<sup>12</sup> (hereinafter *Mtikila 1*) is the first case to consider the issue of independent candidate in Tanzania. This case was instituted in 1993 immediately after the inception of multiparty politics. Although in this case the High Court of Tanzania considered a number of legal issues, the one of independent candidates featured prominently. In this case, the facts of the petition were as follows. The Petitioner, Rev. Christopher Mtikila, was the Chairman of the Democratic Party (DP). After the adoption of multiparty politics in July 1992, his party was denied registration. As the electoral laws required a person wishing to be elected as President, a member of parliament or to a local government council to belong to a political party, Mtikila considered this an infringement of his right to freedom of association as well as his right to participate in national public affairs and therefore instituted this petition.

The main issue considered by the Court was whether the amendments to Articles 39, 67 and 77 of the Constitution as well as section 39 of the Local Authorities (Elections) Act, 1979 brought by the Eighth Constitutional Amendment Act, 1992 (*Act No. 4 of 1992*) were unconstitutional for abrogating the provisions of Articles 20 and 21(1) of the Constitution which guarantee person's freedom of association and freedom to participate in

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12 [1995]TLR 31; Also note that *Mtikila 1* was decided by a single judge of the High Court of Tanzania, at Dodoma District Registry. At this time, there was no specific legislation prescribing the procedure for a party whose basic right and freedom in articles 12 to 29 of the Constitution has been violated to follow. This law, the Basic Rights and Duties Enforcement Act, 1994 (Act No. 33 of 1994) came subsequently. Under this law, a person aggrieved of infringement of his basic right and freedom in Articles 12 to 29 of the Constitution is required to file a constitutional petition. In hearing the petition a quorum of three judges of the High Court of Tanzania is required.

public affairs respectively. These amendments restricted an independent candidate from contesting presidential, parliamentary or local council elections unless he or she was a member of a political party.

In *Mtikila 1* the Court held that the amendments introduced by the Eighth Constitutional Amendment Act, 1992 by the Parliament were valid. Here, the Court avoided declaring Act No. 4 of 1992 unconstitutional because once amendments to the constitution have been made, the amending law itself becomes part and parcel of the constitution itself. By implication, the Court was saying where a constitutional provision conflicts with any constitutional provision guaranteeing individual basic rights and freedom in Articles 12 to 29 of the Constitution, the Court can not declare the former unconstitutional. However the Court went further and considered the practical implications of the amendments which compelled an individual to be a member of a political party before he could contest for presidential, parliamentary or local council elections. These practical implications were weighed against the rights to freedom of association and the right to participate in public affairs in Articles 20 and 21(1) of the Constitution respectively. The Court observed that it would be illogical for a law to provide that no person should be compelled to belong to a political party in order to contest presidential, parliamentary or local council elections and at the same time to provide that no person should run for office except through a political party. The Court further observed that if it were the intention of the Parliament to exclude non-party members from participating in the government of their country, it could easily have done so through the same Eighth Constitutional Amendment Act, 1992 by removing the generality in Article 21(1) of the Constitution. The Court thus held:-

The amendments made in Articles 39, 67 and 77 of the Constitution, restricting the right to contest in elections to political party candidates only, are capable of being abused to confine the right of governing to a few and render illusory the emergence of a truly democratic society; notwithstanding

those restrictions, it shall be lawful for private candidates<sup>13</sup> to contest elections along with political party candidates.

## *Mtikila 2*

Dissatisfied with the judgment in *Mtikila 1*, the government, through the Attorney General, filed an appeal. However, before this appeal was heard, the government withdrew it and sent a Bill to the Parliament to legislate in anticipation of the decision of the Court.<sup>14</sup> The legislation which was the outcome of this Bill became the subject of *Mtikila 2*.<sup>15</sup> The former case was instituted in 2005.

In *Mtikila 2*, the petitioner's claims were more or less the same as in *Mtikila 1*. Here Rev. Christopher Mtikila petitioned for a declaration that the amendment to Articles 39 and 67 of the Constitution of the United Republic of Tanzania as introduced by amendments contained in Act No. 34 of 1994 were unconstitutional. He also petitioned for a declaration that he had a constitutional right under Article 2(1) of the Constitution of the United Republic of Tanzania to contest the post of the president of the United Republic of Tanzania and/or the seat of a member of parliament of the United Republic of Tanzania as an independent candidate. In short, the contention between the parties in this petition was whether the amendment to the Constitution introduced by Act No. 34 of 1994 was constitutional.

After long submissions from both parties, the Court observed that Act No. 34 of 1994 which amended Article 21(1) so as to cross refer it to Articles 5, 39, and 67 which introduced into the

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13        Though "independent candidates" is a commonly used term, in this article it is used interchangeably with "private candidates."

14        In *Mtikila 2* the Justices remarked "the amendments referred to in the judgment of the Court of Appeal are those made by Act No. 34 of 1994 which as observed, was passed by the Parliament on 16/10/94 while the Ruling of Lugakingira J (as he then was) was handed down on 24/10/94, as it was still pending when the Parliament enacted the law. As a matter of procedure, we must, at once condemn this act of the Respondent as being contrary to the dictates of good governance."

15        *Rev. Christopher Mtikila v. the Attorney General*, Misc. Civil cause No. 10 of 2005, High Court of Tanzania (Dar es Salaam, District Registry), at Dar es Salaam, (Unreported). Note that at the time when Rev. Christopher Mtikila instituted this petition his party (Democratic Party) had already acquired registration.

Constitution, restrictions on participation of public affairs and the running of the government to party members only was an infringement on fundamental rights and that the restriction was unnecessary and unreasonable and so did not meet the test of proportionality. It therefore declared that the said amendments to Articles 21(1), 39(1)(c), and 67(10)(b) were unconstitutional. The Court went further to declare that, in principle, it should be lawful for private candidates to contest the posts of President and Member of Parliament along with candidates nominated by political parties. However, in contrast to *Mtikila 1*, in *Mtikila 2* the Court ordered the government to put in place a legislative mechanism that would regulate the activities of private candidates. This order had a deadline of the 31<sup>st</sup> October 2010, the date of the General Election.

### *Mtikila 3*

As was the case with *Mtikila 1*, the government immediately appealed against the decision of the High Court (*Mtikila 2*) to the Court of Appeal of Tanzania.<sup>16</sup> This appeal is commonly known as *Mtikila 3*. As the Court of Appeal of Tanzania is the supreme court of the country, *Mtikila 3* attracted more attention from academics, politicians, lawyers and members of the general public. In contrast to the ordinary sitting of the Court of Appeal of three judges, in *Mtikila 3* the Court of Appeal sat as the full bench of seven justices of appeal. Moreover, the Court invited four *amicus curiae* namely Mr. Othman Masoud, the Director of Public Prosecutions, Zanzibar; Prof. Palamagamba Kabudi;<sup>17</sup> Prof. Jwan Mwaikusa<sup>18</sup> and the Chairman of the National Electoral Commission, who was represented by the Director of Elections, Mr. Rajabu Kiravu.

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16 The Attorney General v. Rev. Christopher Mtikila, Civil Appeal No. 45 of 2009, Court of appeal of Tanzania, at Dar es Salaam, (Unreported).

17 Dean, School of Law, University of Dar es Salaam and the Advocate of the High Court of Tanzania.

18 School of Law, University of Dar es Salaam and the Advocate of the High Court of Tanzania.



Two issues were important in deciding this appeal. These were the first and second issues in the seven grounds<sup>19</sup> of appeal filed by the Attorney General. The first issue stated as follows:- "*That the High Court wrongly assumed jurisdiction in entertaining the Petition.*" Dismissing this ground of appeal, the Court held that the High Court had jurisdiction to entertain the appeal instituted by Mtikila. This jurisdiction arises from the fact that there is no express provision in the Constitution which limits the jurisdiction of the High Court of Tanzania from determining Mtikila's petition. Additionally, the Court of Appeal held that the High Court had jurisdiction to adjudicate Mtikila's petition because of the constitutional construction of the United Republic of Tanzania: the High Court of Tanzania is both for the Mainland Tanzania and for the Union on matters pertaining to the Constitution such as the matters raised in Mtikila's petition.

The second ground of appeal stated, "*That the High Court erred in law in nullifying the provisions of the Constitution.*" To this ground, the Court of Appeal observed that the High Court did not nullify the provisions of the Constitution but only declared them unconstitutional. The Court went on to consider whether the High Court of Tanzania or the Court of Appeal itself has jurisdiction to declare a provision or provisions of an article or articles of the Constitution to be unconstitutional. The Court responded to the above question in the negative. Its reasoning was that Article 30(3) of the Constitution, which led the High Court of Tanzania to conclude that it may indeed declare some provisions of the Constitution unconstitutional, does not give the Court such jurisdiction. The Court went further to hold that since the Parliament is the only organ with powers to amend any provision of the Constitution (including those on basic rights and freedom), then where the Court finds that two provisions of the Constitution are irreconcilable it has to leave to the Parliament to reconcile such provisions by amending the Constitution. To quote the finding, "if there are two or more articles or portions of articles which cannot be harmonized, then it is Parliament which will deal with the matter and not the Court unless that power is expressly

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Note that all other grounds were dismissed by the Court.

given by the Constitution, which, we have categorically said, it has not”.<sup>20</sup> However, the Court made one exception to the above holding that where a constitutional amendment has been effected in contravention of the procedure provided in Article 98 of the Constitution, the High Court can nullify a constitutional provision as being unconstitutional. The Court illustrated this in a situation where a constitutional amendment is challenged on the grounds that it did not obtain the prerequisite number of votes according to Art. 98(1)(a). The Court said that in such a situation it will be performing its constitutional function of maintaining checks and balances. Based on the above premises, the Court laid down the principle that *“a court cannot declare an article of the Constitution to be unconstitutional except where the article has not been enacted in accordance with the procedure under Art 98(1)(a) and (b).”*

In conclusion, the Court held that the issue of independent candidates is political and not legal. However it went further to say:

We give a word of advice to both the Attorney General and our Parliament: The United Nations Human Rights Committee, in paragraph 21 of its General Comment No. 25, of July 12, 1996, said as follows on Article 25 of the International Covenant on Civil and Political Rights, very similarly worded as Art 23 of the American Convention and our Art 21: The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties. Tanzania is known for our good record on human rights and particularly our militancy for the right to self determination and hence our involvement in the liberation struggle. We should seriously ponder that comment from a Committee of the United Nations, that is, the whole world.

The table below summarizes issues and verdicts on independent candidate cases in Tanzania since the introduction of multipartism.

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The Attorney General v. Rev. Christopher Mtikila, Civil Appeal No. 45, (Mtikila 3)...2009.

**Table1. Comparison of the three landmark cases**

<b>Items</b>	<b>Mtikila 1</b>	<b>Mtikila 2</b>
Court which heard the case	<i>HCT( Dodoma), 1993-1994</i>	<i>HCT( Dar es Salaam), 2005-2006</i>
Background	Following the adoption of multiparty politics in Tanzania in 1992, election laws were amended. The major amendment required that all persons aspiring to contest in an election must be sponsored by a political party. Mtikila was aggrieved by this amendment and challenged its constitutionality.	In 1994, the Government amended the Constitution and other election laws to circumvent the judgment of HCT in Mtikila 1. Aggrieved with this amendment, Mtikila filed a fresh case in HCT to challenge the constitutionality of the second amendment.
Main question(s) decided	whether the amendments complained were unconstitutional for curtailing the Constitutional rights to person's freedom of association and freedom to participate in public affairs.	whether the amendments complained were unconstitutional for curtailing the Constitutional rights to person's freedom of association and freedom to participate in public affairs.
Findings/Opinion/Judgment	<ul style="list-style-type: none"> <li>- HCT found the amendments contravening freedom of association and freedom to participate in public affairs.</li> <li>- Instead of declaring them unconstitutional, HCT held that it would also be lawful for an individual to contest in an election as an independent candidate.</li> <li>- HCT did not make a time frame for the Government to implement its order.</li> </ul>	<ul style="list-style-type: none"> <li>-HCT found the amendments unconstitutional.</li> <li>-HCT held that it would be lawful for an individual to contest in an election as an independent candidate.</li> <li>-HCT made an order against Government to implement a mechanism that would make operational the participation of an independent candidate before the General Election 2010.</li> </ul>

Items	Mtikila 3
Court which heard the case	CAT( <i>Dar es Salaam</i> ), 2006-2010
Background	This was an appeal by the Government arising from Mtikila 2, after HCT had ruled in favour of Mtikila.
Main question(s) decided	-whether HCT had jurisdiction to determine Mtikila 2. -whether HCT was right to nullify the provisions of the Constitution.
Findings/Opinion/Judgment	-CAT held that HCT had jurisdiction to entertain Mtikila 2. (Same implication for Mtikila 1). -CAT held that HCT had no jurisdiction to declare a provision of an amendment of a constitution to be unconstitutional unless Parliament did not abide to a prescribed procedure for making such amendment. -CAT held that HCT had no jurisdiction to nullify constitutional amendments. -CAT found that the entire issues raised in Mtikila 2(same implication for Mtikila 1), were political and not legal, hence HCT/CAT had no jurisdiction to entertain it. -CAT found that the jurisdiction to decide issues of independent candidate resides in the Parliament. -CAT advised the Government and Attorney General to adopt provisions for independent candidate in Tanzania.

Note: HCT means High Court of Tanzania; CAT means Court of Appeal of Tanzania.

## 5. Discussion

As it can be noticed, the main issues in *Mtikila 3* hinged around jurisdiction of the court. Ground one of the appeal stated, "that the High Court wrongly assumed jurisdiction in entertaining the Petition."<sup>21</sup> Responding to this ground, the Court of Appeal held "the High Court had jurisdiction to entertain the petition and ground one is dismissed to its entirety."<sup>22</sup> Nonetheless, in reaching its verdict, the Court of Appeal maintained "ground one

21 The Attorney General v. Rev. Christopher Mtikila, Civil Appeal No. 45, (Mtikila 3)...2009.

22 The Attorney General v. Rev. Christopher Mtikila, Civil Appeal No. 45, (Mtikila 3)...2009.

is, therefore, allowed: a court cannot declare an article of the Constitution to be unconstitutional except where the article has not been enacted in accordance with the procedure under Art 98(1)(a) and (b)."<sup>23</sup> In allowing "ground one" the Court's reasoning was that there is no specific provision in the Constitution which gives the High Court or the Court of Appeal such jurisdiction. The Court faulted the High Court on relying upon Article 30(3) of the Constitution as the source of its legal powers to declare a provision of the Constitution to be unconstitutional.

From this conclusion arise a litany of questions. Firstly, how is it possible for one to dismiss the first ground of appeal in its entirety and allow it at the conclusion of the second ground of appeal? This is inconsistent since that ground would not exist in the first place and dismissing the first ground of appeal made the second ground of appeal redundant. It can be noted here that the second ground for appeal was subsumed in the first ground, and the two could not be separated. Perhaps that was why the Attorney General argued the two grounds of appeal as one thing but the Court, without explanation, treated them separately. The approach of the Court was wrong since it would be illogical for the Court to possess jurisdiction to hear and determine *Mtikila 2/Mtikila 3* including jurisdiction to find that the amended law is invalid or unconstitutional, as we shall see shortly, and lose such jurisdiction in the end. It should be emphasized that jurisdiction can never be limited to hearing and determining the constitutional petition and be denied in making consequential orders that are authorized under the law. It is therefore beyond reasonable doubt that the conclusion of the Court in ground two would not only be invalid but also unsound. Indeed, this shortcoming challenges the claim by the sitting judges that "the Court of Appeal contains part of the cream of legal minds in this United Republic."<sup>24</sup>

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23 The Attorney General v. Rev. Christopher Mtikila, Civil Appeal No. 45, (Mtikila 3)...2009.

24 The Attorney General v. Rev. Christopher Mtikila, Civil Appeal No. 45, (Mtikila 3)...2009.

Secondly, the exception provided by the Court as to its jurisdiction leaves a lot to be desired. As was the case with the High Court (in *Mtikila 2*), the Court of Appeal also failed to point out any specific provision in the Constitution which gives it such exceptional jurisdiction. As can be noted, the core problem under discussion is the legal source of jurisdiction by the High Court to declare a provision of constitution to be unconstitutional. By reading the judgment of the Court of Appeal, it appears that such a source is only found in the Constitution. However, this is not the only source of jurisdiction for the High Court. Article 108(1) of the Constitution of the United Republic of Tanzania states "there shall be a High Court of the United Republic (to be referred to in short as "the High Court") the jurisdiction of which shall be in this Constitution or in any other law." So, the jurisdiction of the High Court is either to be found in the Constitution itself or any other law. This "any other law" in relation to the point at issue can be Section 8 of the Basic Rights and Duties Enforcement Act, Cap. 3 R.E 2002. It is the most relevant law for discussion:

*8(1) The High Court shall have and may exercise original jurisdiction–*

- (a) to hear and determine any application made by any person in pursuance of section 4( which states if any person alleges that any of the provisions of sections 12 to 29 of the Constitution has been, is being or is likely to be contravened in relation to him, he may, without prejudice to any other action with respect to the same matter that is lawfully available, apply to the High Court for redress.)*
- (b) to determine any question arising in the course of the trial of any case which is referred to it in pursuance of section 6, and may make such orders and give directions as it may consider appropriate for the purposes of enforcing or securing the enforcement of any of the provisions of sections 12 to 29 of the Constitution, to the protection of which the person concerned is entitled.*

*(2) The High Court shall not exercise its powers under this section if it is satisfied that adequate means of redress for the contravention alleged are or have been available to the person concerned under any other law, or that the application is merely frivolous or vexatious.*

This provision vests in the High Court of Tanzania jurisdiction to hear and determine any application alleging breach of fundamental rights in the Constitution under Articles 12 to 29 irrespective of the means involved in such breach. Thus, even where a breach has been committed by restricting fundamental rights through amendment of the Constitution, the Court still possesses jurisdiction to hear and determine such matters. The only instances where the Court lacks jurisdiction to entertain such applications are where there are alternative means of adequate redress in any other law or the application for redress is merely frivolous or vexatious. So, under this section, there is no place where the jurisdiction of the Court can be contested on the ground that the subject matter of the application is political and not legal as their Lordships in *Mtikila 3* concluded in declining their jurisdiction. Here the judgment by the Court of Appeal entered into an endless debate when the Court stated “thus the issue of independent candidates is political and not legal.”<sup>25</sup> Since laws are made through political processes usually initiated by an executive branch of a government and later on discussed and passed by a legislature, separating “the legal” from “the political” is arbitrary and artificial. By establishing a line between “the legal” and “the political” their Lordships simplified their reasoning by subjecting the Court to an inferior status before “the legislature”. In the context of Tanzania’s laws such an attempt is misleading.

It has also to be noted that jurisdiction of the Court under section 8 of the Basic Rights and Duties Enforcement Act, Cap. 3 R.E 2002 is not only limited to hearing and determining breaches of

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The Attorney General v. Rev. Christopher Mtikila, Civil Appeal No. 45, (Mtikila 3)...2009.

fundamental rights under Articles 12 to 29 of the Constitution. Section 13 of that Act provides the powers of the Court to make decisions and enforce them:

13. *Power of High Court in making decisions*

- (1) *Subject to this section, in making decisions in any suit, if the High Court comes to the conclusion that the basic rights, freedoms and duties concerned have been unlawfully denied or that grounds exist for their protection by an order, it shall have power to make all such orders as shall be necessary and appropriate to secure the applicant the enjoyment of the basic rights, freedoms and duties conferred or imposed on him under the provisions of sections 12 to 29 of the Constitution.*
- (2) *Where an application alleges that any law made or action taken by the Government or other authority abolishes or abridges the basic rights, freedoms or duties conferred or imposed by sections 12 to 29 of the Constitution and the High Court is satisfied that the law or action concerned to the extent of the contravention is invalid or unconstitutional, then the High Court shall, instead of declaring the law or action to be invalid or unconstitutional, have the power and the discretion in an appropriate case to allow Parliament or other legislative authority, or the Government or other authority concerned, as the case may be, to correct any defect in the impugned law or action within a specified period, subject to such conditions as may be specified by it, and the law or action impugned shall until the correction is made or the expiry of the limit set by the High Court, whichever be the shorter, be deemed to be valid.*
- (3) *The power of the High Court under this Act shall include the power to make all such orders as shall be necessary and appropriate to secure the enjoyment by the applicant of the basic rights, freedoms and duties under the provisions of sections 12 to 29 of the Constitution should the Court come to the conclusion that such basic rights, freedoms or duties have been unlawfully denied or violated or that grounds exist for their protection by an order.*



In section 13 (1) & (3) above, the Court is empowered to make "all such orders as shall be necessary and appropriate" when it comes to the conclusion that the basic rights, freedoms and duties concerned have been unlawfully denied or that grounds exist for their protection by an order. The phrase "all such orders as shall be necessary and appropriate" includes a declaration that a provision of the Constitution is unconstitutional. Support of this view is found in reading section 13(1) & (3) in conjunction to section 13(2) of the Basic Rights and Duties Enforcement Act, Cap. 3 R.E 2002. As it can be noticed, section 13(1) & (3) provide that the Court may make "all such orders as shall be necessary and appropriate." In section 13(2) the phrase "instead of declaring the law to be invalid or unconstitutional" specifies examples of orders that the Court may make in section 13(1)& (3). However, these are not the only orders the Court may make under section 13(1) & (3). The Court may make orders other than these as section 13(1) & (3) is wide enough to encompass any order. The only orders which are excluded from the jurisdiction of the Court in this context are prerogative orders. Section 8(4) of the Basic Rights and Duties Enforcement Act, Cap. 3 R.E 2002 states categorically, "for the avoidance of doubt, the provisions of Part VII of the Law Reform (Fatal Accidents and Miscellaneous Provisions) Act 310, which relate to the procedure for and the power of the High Court to issue prerogative orders, shall not apply for the purposes of obtaining redress in respect of matters covered by this Act."

It is arguable that if the provisions of section 13 of the Basic Rights and Duties Enforcement Act, Cap. 3 R.E 2002 exclude the powers of the High Court from declaring provisions of the Constitution to be unconstitutional, it could have said so in clear and specific terms as is the case with prerogative orders. It must, however, be noted that where the Court is satisfied that the law is invalid or unconstitutional it may, instead of declaring it invalid or unconstitutional, have the power and the discretion to allow Parliament or other legislative authority, or the Government or other authority concerned, to correct any defect in the impugned law. Principally, the Court gives time limit and conditions for correcting the defective law. However, the law or action

impugned shall until the correction is made or the expiry of the limit set by the High Court, whichever be the shorter, be deemed to be valid. *Mtikila 2*, followed this approach though it had already declared the provision of the Constitution to be unconstitutional. This resulted in logical confusion in that while the High Court declared the provision of the Constitution limiting contestants sponsored by political parties in an election to be unconstitutional, it allowed the same provision to co-exist with independent candidates. In contrast *Mtikila 1* did not make such a declaration nor an order against the government to amend the law. To me this was not proper as the Court's decision could have not been enforced easily.

In *Mtikila 3*, the Court of Appeal went too far in assuming the powers of the Attorney General, that is, the powers of advising the government on legal matters. Article 59(3) of the Constitution states that the Attorney General shall be the advisor of the Government of the United Republic on all matters of law. While commenting on the judgment in *Mtikila 2*, the learned Judges in *Mtikila 3* admitted quite clearly that such mandate is vested in the Attorney General as they once put "the [Attorney General], the chief legal advisor of the Executive was to take the necessary steps to amend the laws and the Constitution so that independent candidates could be permitted."<sup>26</sup> Surprisingly, in giving its judgment in *Mtikila 3*, the Court of Appeal submitted "we give a word of advice to both the Attorney General and our Parliament" to adhere to the international instruments and be like others in the world.<sup>27</sup> This is inconsistent to the role of the Court to "hear", "determine", and to give "orders" and "directives." In short, the Court should order or direct but not to advise. This was a shortcoming since there are laws that would have assisted the appellate court to assert its powers. Such laws can be Article 107A(1) of the Constitution which states that "the Judiciary shall be the authority with final decision in dispensation of justice in

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26 The Attorney General v. Rev. Christopher Mtikila, Civil Appeal No. 45, (*Mtikila 3*)...2009.

27 The Attorney General v. Rev. Christopher Mtikila, Civil Appeal No. 45, (*Mtikila 3*)...2009.

the United Republic of Tanzania” and the Basic Rights and Duties Enforcement Act, Cap. 3 R.E 2002.

Thirdly, assuming that the Court had such exceptional jurisdiction as to declare a provision of the Constitution to be unconstitutional, it would have unreasonably and deliberately limited its mandate to oversee the procedure in amending the Constitution. Here, the content of the amended laws is beyond the jurisdiction of the Court, something which is logically incorrect. In other words the Court was saying that the powers of Parliament in amending the Constitution are unlimited, implying that Parliament can even enact a discriminatory law and that law be valid so long the procedure laid down in the Constitution for effecting such amendments is followed. This legal principle contradicts the long established principle of this Court which states, “a law which seeks to limit or derogate from the basic right of individual on ground of public interest, will be saved by Article 30(2) of the Constitution if it satisfies two requirements. Firstly, such law must be lawful in the sense that it is not arbitrary. Secondly, the limitation imposed must be more than necessary to achieve the legitimate object. This is also known as the principle of proportionality.”<sup>28</sup> It is submitted that lawfulness of the law is one thing and its proportionality is yet another thing. Each of these criteria has to be evaluated independently against any law which limits the exercise of the fundamental rights. Thus, the exceptional jurisdiction claimed by the Court in case of a failure of procedure in amending the Constitution while leaving unchallenged the logic, reasonableness and proportionality of that law is a clear attempt by the highest court to avoid its basic duty of checking the powers of the Parliament under the doctrine of separation of powers. This judicial fear by their Lordships questions their independence from interference by the ruling Party and its government. It is forcefully argued that “the state in

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28 See for example, *Kukutia Ole Pumbun and Another v. Attorney General and Another* [ 1993]TLR 159; and *Julius Ishengoma Francis Ndyabo v. Attorney General*, Civil Appeal No. 64 of 2001, Court of Appeal of Tanzania, at Dar s Salaam(Unreported).

Tanzania is in the pocket of the ruling party.”<sup>29</sup> The fusion between the state and the ruling party is so complete as to be described as a *de facto* one party state.<sup>30</sup> This implies that if the ruling party holds a position, it would use every mechanism at its disposal to defend it.

For completeness of discussion let me revert to semantics of some terms in the second ground of appeal which we need to be cautious when reading *Mtikila 3*. Their Lordships stated, “ground 2 was formulated in the following way: that the High Court erred in law in nullifying the provisions of the Constitution.”<sup>31</sup> The learned justices of appeal faulted this ground on the outset by stating “may be we start by saying that it is doubtful whether their Lordships nullified the provisions of the Constitution. As we have already said they certainly declared them unconstitutional. Their Lordships, after the declaration, did not take the next step to nullify or strike out the articles they found to be objectionable.” After such observation their Lordships rephrased the second ground of appeal: “whether the High Court of Tanzania or this Court has jurisdiction to declare a provision or provisions of an article or articles of the Constitution to be unconstitutional.” It can be noted here that a declaration that the law is unconstitutional remains an empty statement if no further order to either nullify it or strike it out is made. This is logically incorrect. A declaration that a particular law is unconstitutional makes such law lose any legal force from the date of its enactment. I argue that the phrases “nullify” or “strike out” are the ones which are empty words as they do not add any value to the law which has already lost its legal force by being unconstitutional. In *Julius Ishengoma Francis Ndyarabo v.*

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29 Hyden, Goran, Hyden and Max, Mmuya 2008. Power and Policy Slippage in Tanzania-Discussing National Ownership of Development. Sweden: Swedish International Development Cooperation Agency (SIDA) Studies, No. 21.

30 Richard, Whitehead, L. 2009. Single-party rule in a Multiparty Age: Tanzania in Comparative Perspective, PhD Dissertation: Temple University; See also Alexander, Makulilo B. 2008 Tanzania: A De Facto One Party State?, VDM Verlag Dr. Muller Aktiengesellschaft & Co. Kg, Germany.

31 The Attorney General v. Rev. Christopher Mtikila, Civil Appeal No. 45, (Mtikila 3)...2009.

*Attorney General* the Court of Appeal of Tanzania declared Section 111(2) of the Elections Act, 1985, unconstitutional without “nullifying” or “striking it out.”<sup>32</sup> Interestingly, the phrase ‘striking down’ was used to suggest that the law was automatically taken out of the statute book as being unconstitutional.

## 6. Concluding Remarks

This paper was set to address the question of independent candidate in Tanzania particularly on the failure of the Court of Appeal to assert its powers in safeguarding the right of individuals to contest during elections. It was observed that though the Court had powers to resolve the matter, it declined that jurisdiction. It was further observed that the ruling party which has been reluctant to welcome independent candidates uses the government to prevent that democratic development. It should be pointed out that in Tanzania, the legacy of one party state which fused the ruling party to the state works as a hindrance towards the independence of the court particularly when the ruling party has vested interests in a given case.

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## BOOK REVIEWS

**Jagannath P. Panda, *China's Path to Power: Party, Military and the Politics of State Transition* (New Delhi: Pentagon Press & Institute for Defence Studies and Analyses, 2010).**

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The unprecedented rise of China as a global power in the international arena has prompted many global scholars and researchers to embark on critical studies of its dynamism and transition. Though much valuable literature is available on Chinese economic and social transformation for the interested readers, the vast majority does not depict a clear picture of "how, where and when China was transformed exactly?" There are several misperceptions associated with Chinese transformation, the nature of its polity, its decision-making processes, economic development and the civilian-military relationship. With his most recent work, *China's Path to Power: Party, Military and the Politics of State Transition*, Jagannath P. Panda seeks to explain, explore and conceptualize the Chinese transition design, "systemic incrementalism", and provide a substantial contribution to the various facets of the never-ending debate on the rise of China. Panda argues that much of the analysis on the Chinese issues has been done through a prism of ideology and focused narrowly on its world view and economic growth. A scientific and comprehensive analysis of its gradual progressive reforms in the realm of politics and economics is missing.

The book provides a detailed account of the contemporary and transformative history of China across seven chapters, including an introduction and a conclusion. The opening chapter sets the theoretical framework for the discussion on state transformation and provides interesting analysis of current state of politics. In the second chapter, the author clarifies the misperceptions about the nature of Chinese domestic politics, whether it is still an authoritarian state or has changed so far, and the author argues the communist nation has changed to a considerable extent.



Though it has not been recognized as a democratic country on the basis of the universal values of liberal democracies such as constitutionalism, multiparty politics, competitive elections and civil-political liberties, its current "hybrid regime" cannot be labeled as a totalitarian model of governance entirely in that it provides a mixture of both democracy and authoritarianism. Without establishing formal liberal democratic structures, the country has been able to create largely people-centric governance. Contrary to the traditional perception of collectivism and autocratic style of functioning, the decision making process appears to be much more decentralized today in China as the author notes in one of his chapters. He states, "this perception is no longer accurate; it may have been so during the era of Mao Zedong, Deng Xiaoping and Jiang Zemin. The number of actors in the decision-making process or foreign relations strategy in China has increased substantially today. These newly arrived actors have huge impact on China's external strategy and internal bearings" (p. 48).

After the failure of the command and control economic system in the Soviet Union and Eastern Europe countries, many doubts had been cast on the Chinese state's control over national economy. China's phenomenal economic growth and its rise to the level of the second economy in the world, invalidates the criticism posed against its policies and economic model. While stagnation and failure to cope with demand were the fundamental reason behind the collapse of the previous communist regimes, robust economic growth has been credited to be the key behind the political consolidation and stability in China. It attracts a large part of global foreign direct investment and that is really astounding. An integral part of the book focuses on the broad framework of the Chinese economic growth. It has been forecast that the lack of a genuine market economy would stifle growth prospects in the long term. He attempts to demystify the economic success of the country under centralized command and does not hesitate to argue that, despite the control from the top, autonomous institutions and markets do exist in China and basic elements of privatization carefully blend with state owned economy.

Apart from the economy, the Chinese military supremacy is another determinant of its rise as a global power. Technical transformation in military has wrought the regional balance of power and redefined its relations with neighbors, particularly with India. As state, party and military are integrated together, the dynamics of civil-military relationship reminds the crucial aspect of Chinese polity. Overall, the book argues that a complex web of constitutional laws has defined the military's place in the People's Republic, and that this is one of the most promising parts of China's transformation (p.140). Recognizing the significance of the army, the book devotes much attention to military modernization and civil-military relationships in two chapters. It interestingly discusses how civil-military cooperation shapes Chinese strategic culture and its world view.

The book is curiously structured and a great deal of crucial information is assembled in the relevant theoretical frameworks. It has thoroughly analyzed the progressive and systemic changes while taking history into account. Moreover, its lucid scientific analysis based on fresh information makes the book readable to a cross-disciplinary audience. He has successfully demystified the misperceptions concerning China's rise to power. However, while considering the economic growth and military might of China, some issues including climate change, environmental degradation, ethnic conflict and human rights violations have been ignored in this book.

China is dangerously compromised by the threat of climate change and has suffered significant environmental degradation in spurring its economic growth. The Chinese growth model is energy intensive and its addiction to fast growth is unlikely to be environmentally sustainable. A slew of emerging environmental concerns including fresh water pollution, severe water shortages, soil degradation and erosion, desertification, pollution and growing shortages of vital commodities, to name just a few, will not only limit China's future economic growth but also fuel social and political unrest. Air pollution has already reached an alarming level and is alone responsible for numerous deaths and heart and lung diseases each year. Emerging Chinese demographic trends

are also not favorable for high economic growth, as over 11 per cent of the population will be over the age of 65 in 2020 forcing the the dependency burden on the working population to increase. China's population is characterized by large number of children and old persons compared to the young working population so production processes which include large number of young people would not be present and moreover the consumption level of the old people and children would increase at rapid rate. Simply speaking, supply will increase at a lower level compared to that of demand, leading to inflation. The Nobel Peace Prize for 2010 to dissident Liu Xiaobo can be seen as a political move against the country, but civil and political liberties enshrined in the constitution are curtailed for citizens in practice. Serious violations of human and ethnic rights in Tibet and other provinces dent the Chinese images in the world politics.

Some of the political and economic problems in China have been partially discussed by this book. The criticism generated by this book increases its value. On the whole, the book reminds the reader about the progressive Chinese transformation. The author presents the political shape of China's transformation in an intelligent and lucid form. The book surely represents a meritorious and pioneering study of China's systemic reforms.

**Věra Stojarová and Peter Emerson (eds.), *Party Politics in the Western Balkans* (London and New York: Routledge, 2010).**

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*Party Politics in the Western Balkans*, edited by Věra Stojarová and Peter Emerson is a much-needed publication in the study of the political parties in the region. Although the Balkans area has attracted immense academic interest due to two turbulent decades, the examination of the political parties in the Western Balkans is limited to a handful of sources. Consequently, by overcoming the possible biases of the local literature and the

vagueness of the more general analyses, *Party Politics in the Western Balkans* lays the basic pillar for the development of further and more detailed studies on the structure of political cooperation and competition in the region. The book does not offer an advanced conceptual framework for the development of analytical models of party politics in the transitional countries. Rather, after describing the political parties, it attempts to 'analyse the different outcomes of similar situations on the level of inter-ethnic or inter-party cooperation and competition' (p.3) in each of the countries in the region.

This edited volume brings together a combination of well-known scholars dealing with the Balkans region, such as Florian Bieber and Peter Emerson, and emerging academics including Věra Stojarová, Daniel Bochsler, and Jakub Šedo. It is a particular added value for the book that it blends the theoretical knowledge about the development of party systems in the new democracies, with region-specific inputs, which have been enriched by the authors' knowledge of the local languages and the use of primary sources. Thus, given the abundant theoretical underpinning of the analytical research in the book, it will be useful not only to the students of political science or Balkans studies, but also to independent researchers and institutions participating in various undertakings in this complex region.

Apart from the Introduction and the Conclusion, the book contains twelve further chapters, which could be classified in two groups. The first four chapters pose the theoretical framework for the development of the country-by-country analysis that follows in the subsequent eight chapters. Initially, Emerson and Šedo link the electoral systems to the development of party systems, taking into account the major events in each of the countries in the Western Balkans. They maintain that the changing formulae for translating votes into seats have had an important effect on the outlook of the political sceneries in the countries studied at various points in time, along with the 'the splitting of society and political culture' (p.23). This introduction into the structural developments related to party politics in the Western Balkans region is followed by two chapters written by Stojarová: one

dealing with the legacy of communist and socialist parties, and the other with the nationalist parties and the party systems in the Western Balkans. Stojarová's chapters are essential for understanding the interplay between the party systems, communist legacies, and diverse forms of nationalism that emerged and persisted in the region over the past two decades. The first part of the book is wrapped up by Bieber's analysis of the national minorities in the party systems in the Western Balkans, which helps to understand the manifestations of the interests of minorities in the different countries studied.

The second part of the book consists of eight chapters, each dealing with a country of the Western Balkans, previously defined in line with the terminology of the European Union as 'the ex-Yugoslavian states minus Slovenia, plus Albania' (p.3). The country-specific chapters include the general overview of the party system; a short section on the development of the party system; a more detailed analysis of the party families; and interim conclusions. The chapters on Croatia and Bosnia and Herzegovina have been written by Jakub Šedo, who also features as the author of the eleventh chapter on Macedonia. Šedo's chapters offer a very useful basic overview of the party politics in these countries. Due to a number of analytical limitations noted in the chapter, and related to the complex development of the political life in Bosnia and Herzegovina (p.90), Šedo's chapters on Croatia and Macedonia provide better and less technical case-study examinations. An exceptionally thorough seventh chapter on the political system of Serbia has been authored by Daniel Bochsler. Bochsler also extended his contribution to the book by providing an additional chapter (nine) on the regional party systems in Serbia, which have largely been neglected in the academic literature because they have been overshadowed by the major players on the Serbian political landscape. In chapter eight, Florian Bieber presents the party system in Montenegro, paying particular attention to the development of the party system and party families in the environment dominated by political divisions over statehood and identity. Kosovo was analysed separately in chapter ten, written by Vera Stojarová, who also analysed the political parties in Albania in the final chapter. Particular in the

analysis of Albania, Stojarová offers a good liaison between the historical developments and their resonance in the current political milieu.

Notwithstanding, *Party Politics in the Western Balkans* could be strengthened on three levels. Firstly, to an informed reader chapters appear as anachronous, while a non-connoisseur of the Balkans tangle could be misled. The studies in some chapters reflect the situation in 2008, while in others they extend to 2009. The effects of Kosovo's declaration of independence were analysed in some chapters, while in others – including the third chapter (p.49) - they were not. Although the timeframe within which the chapters were written may be of mere several months, the dynamic nature of events in the region require a more consistent approach. Secondly, although invaluable in terms of analysis, Bochsler's chapter on the regional party systems in Serbia appears as an odd man out. In terms of the structure of the book, this chapter may have been better placed immediately after the chapter on Serbia, instead of being separated by Bieber's analysis of Montenegro. In addition, similar chapters on Croatia, Bosnia and Herzegovina, and Macedonia would certainly have enriched the somewhat basic overview of the party systems in these countries. Thirdly, given the fact that this book is a pioneer in the studies of the developments of the party systems in the Western Balkans, more attention is needed in terms of the factual information and the use of local names. For example;; it is debatable to what extent the Serbian DS supports NATO accession (p.48), since it declared neutrality towards this issue; the Federal Republic of Yugoslavia was not succeeded by the State Union of Serbia and Montenegro in 2004 (p.98), but in 2003 after the adoption of the Constitutional Charter; the Montenegrin LSCG was not a member of the reformist coalition with the DPS, SDP and NS in 1998 (p.121); the name of the former president of the State Union of Serbia and Montenegro is Svetozar Marović (p.123), and not Svetozar Marković (a historical figure); and there are also transcription errors in the names of the political parties in Macedonia (p.175). Hence, although indisputably a much-needed and a useful book, *Party Politics in the Western Balkans* will shortly need a second edition, because

of the changes in the political landscape of the region induced by the socio-political dynamics in the ever-changing Balkans.

**Daniel J. Galvin, *Presidential Party Building. Dwight D.Eisenhower to George W. Bush* (Princeton University Press, 2010).**

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Finding *terra incognita* in a world exposed for academic gaze, a place of earth, an area of life, still not trampled down by the shoes of the theorists, still not torn into parts by their academic instruments – that's the task. The relationship between the US President and his party is territory of that kind. One can enter here with a pioneering gaze talk about it unburdened by the heavy weight of academic authorities or big names in the field, undisturbed by previous famous dictums and quotations and taking all the pride (or failure) for himself.

The author of the book takes a close look at the majestic figures of the world leaders, i.e. the presidents of the USA and their parties. The focus of analysis is the president – party relationship, the power relations between them, and the internal invisible struggles. "Although not the prisoners of their environment, they are likely to be highly constrained by it" – quoting George C. Edwards, the author says. Happy or unhappy symbiosis – that's the questions. Is the president – the prisoner or the guard?

The book itself is very American: straightforward and pragmatic without any metaphysical nonsense or universal normative claims. While Europeans still wander in the mist of normative theorizing and postmodern non- or anti theorizing, Americans have a much more intimate relationship with reality: they see it naked, unveiled from any illusions, either moral or normative. Take into consideration the Clinton-era Lewinsky scandal: although scandal has hurt the party, yet it brought large sums of money, as Democrats supported their leader by donating.

There is an old fashioned respect for the facts. It is there, beyond the veil of fragile moral illusions or poor attempts of meta-theorizing: that is reality, and it matters. Indeed, reality likes to play tricks on his poor sister, theory.

Ideas and ideologies are shining there, in political programs and manifestos, in political speeches and in the textbooks, too. The clearly stated fact on Ronald Reagan's team adopting "the Amway model in 1981-1982 for fund raising purposes" is a sobering fact for an academic theorist. The noise from off stage, the kitchen sounds awake the dreamy observer of political spectacle or the armchair theorist.

Complex realities, human factors and the games of power. Fragile deals and shifting personal loyalties. "Humans, - quoting Eisenhower, - are frail and they are mortal". Politics is frail, too. Although we try to sustain it we the glue of the normative (*a la* Habermasian) theories.

The Foucauldian perception of power is relevant here: does the President create discourse or he is merely trapped within it? How does power circulate through the nets of interdependency: ties of mutual support or waves of shifting loyalties? Three actors - the President, the Party, and the electorate - and the game starts.

All the things you believed, you knew - rational governments, acting on the behalf of and maximizing the welfare of the population within the territories, on the basis of rational scientific expertise - start gradually fading away. The presidential charisma reflects itself in the thousands of nods and coalitions, love and care about the electorate occasionally culminates during the election tides and floods. The National Health Care Campaign was made into Clinton's Presidential agenda along with the multiple and well organized attempts to sell it (p.226-228). With the President trying to push health care system reform, Party leaders preferred systematic off stage work such as building voter files. Health care system reform or voter files : that's the choice. And



that is also the question. It is much like fishing: shall we offer the voter bait or work on luring him into well woven nets?

Like Chomsky in the *Propaganda Model* turning upside down the conventional model of communication (actual readers are not consumers, but the commodity sold - in form of audience - to the advertisers), the author turns the conventional perceptions upside down: voters do not elect, they are elected; they are chosen as the target groups, the publics centered around their one problem, awoken from absence, awoken for politics and for history, and made visible. In some case, they are simply "inherited", sold, directed and governed:

Bush was not starting from scratch. The party organization he inherited had over \$15 million in cash on hand, a voter list with 165 million names, an email list with one million addresses, and a donor list that had expanded by over 400,000 new names in the precious cycle alone (p. 256).

While Europeans tend to deny, suspend and suppress even any marginal hints of aristocracy, Americans endure a balance between the French court and Hollywood: a president's celebrity status is useful in raising enormous funding ("Leveraging his celebrity status, Eisenhower raised unprecedented amounts of money for the GOP", p. 48), presidents translate their popularity even surrounded by the opponents, politicians find themselves in unwanted alliances and cast shades over each others reputations (consider the case of Lewinsky alone - the most profitable intrigue of political court).

History is at your hands, the story of two (political) families, Democrats and Republicans, from Dwight D. Eisenhower to George W. Bush. Republicans, stuck in perpetual Congressional minority, tend to strengthen their party organization. Democrats, with durable majorities, have no need for further investments, or for fixing the off stage issues. They push the president forward, letting him shine on stage.

It is hard work. Reading all of it was hard work, too. Now I came to understand my American friends saying that “postmodernists are simply lazy”. Yes, probably they are lazy while declaring end of the ideologies, supremacy of the simulacra and incomprehensibility of the world.

Daniel J. Galvin steps into this incomprehensibility, faces the whole trouble and pushes it towards resolution. Finally, reality is unentangled, facts reappear again, brought into the daylight, and simulacra are gone. It is the so much praised Protestant work ethic of hard work: “(O)ver 1.4 million volunteers made a reported ‘102.000 calls into the talk shows, 411.989 letters to the editors, 9.1 million door knocks and a total of 27.2 million volunteer phone calls’” (p. 257). Counting phone calls and the volunteer door knocks all over the country is an unimaginable task for a postmodernist. But reality is worthy of that. Reality is worthy enough to be seen like this.

**Kunibert Raffer, *Debt Management for Development. Protection of the Poor and the Millennium Development Goals* (Cheltenham, UK: Edward Elgar, 2010).**

Martino Bianchi

The ambiguous behavior of international financial institutions and western government faced with southern and poor countries is a highly discussed topic by social science academics, but it is also quite fashionable in newspapers, in political debate and even in films and narrative books. Less than ten years ago, Joseph Stiglitz’s *Globalization and its discontents* was a best seller all over the world, a unique event for a text written by a Nobel Prize winner in Economics. *Debt management for development* will probably not achieve the same popularity but nevertheless it gives us new and considerable insights. While Stiglitz’s contribution was more focused on the impact of the Washington Consensus over poor countries’ policies, this contribution is more specifically focused on the inefficiencies created by the mismanagement of high sovereign debt levels. Still, both authors

share the idea that international financial institutions are more likely to be counted within the problems rather than with the solutions.

To put it simply, the standpoint of Kunibert Raffer is that international financial institutions, notably the International Monetary Fund (IMF), and the so called *Club de Paris* (an informal organization of creditor governments) use “one law for the rich, and another law for the poor” (p. 57), when it comes to addressing high debt management, and macroeconomic and monetary policies in general. Although this consideration is not new, the core of Raffer’s argument is particularly interesting: as insolvency rules similarly enforced all over the world in the private sector have proven to be the best means both to protect the interest of creditors and to secure the fundamental rights and the chance of a *fresh start* for the debtors, there is no reason not to try to mimic these rules in the international theatre. However, this is precisely what IMF and other institutions are thwarting.

The book can be divided in three main parts. The first part is a long introduction about the debt management of poor countries in general, with a particular interest in presenting a short history of the relations between poor and rich countries in cases of severe insolvencies (Chapters 1-4). In the second part (Chapters 5-6) the author exposes his proposal to reform the *status quo*: in sum, he suggests to enforce a legal framework that would allow poor countries to cope with insolvency and unsustainable debts through international arbitration, rather than through direct bargaining with financial institutions. The third part (Chapter 7-14) is used to develop the proposal in more detail, mainly showing the relations between the proposal and the Millennium Development Goals set by the United Nations and clarifying a bunch of crucial concepts.

It has to be noted that Raffer uses a comprehensive approach to the topic, integrating different suggestions into his economic analysis: in fact, although it is a contribution clearly rooted in the economics field, the author shows a fine political sensibility in describing relations and power imbalances between north and

south, coupled with a strong and rigorous use of institutional and academic sources and a deep knowledge of laws and rules governing international institutions. Moreover, a number of brief case studies are spread throughout the whole book to support the reasoning.

Beside its strong analysis, the book has particular worth because, as noted, it is not simply a comment on disappointing facts, but it also contains a viable reform proposal: the idea of introducing international arbitrators in order to solve the debt crisis for sovereign states, together with the idea that is necessary, sometimes, to actually undergo a proper insolvency process (as if a state can be treated as a private firm) is simple but nevertheless disturbing. In this respect, the book is not only addressed to academics and students, but also to NGO employees and public officials, as it is a position paper and not simply a descriptive contribution.

In the opinion of this reviewer, one of the most important ideas underlined by the author is that an insolvency procedure is a prerequisite to safeguard national sovereignty, as well as to safeguard and even improve the effectiveness of state institutions. Indeed, on the one hand an insolvency procedure led by an international arbitrator would allow the debtor to take part in the process (as is the case for private firms) whereas current debtors are totally dependent on the will of international institutions; the latter, hence, are currently both the creditor and the judge. On the other hand, the resources needed in order to implement basic policies, in particular those related to the achievement of the Millennium Development Goals, shall be granted and ruled out from the resources payable to the creditors.

At present, international financial institutions have, generally speaking, an opposite twofold strategy: they tend to force the debtor states to cut costs, even if this would affect social rights and fundamental services (the "lemon squeeze" attitude) while concurrently lending new money and worsening the actual financial balance of the debtor.

The strong image given by the author is that we shall substitute the current Ponzi scheme, in which new money is introduced in the system over and over to cover losses, with the famous "Chapter 11" of USA bankruptcy laws: a clear procedure in which both creditor and debtor rights are balanced. As noted by the author, this is the most economically efficient way to solve insolvency problems, and there's no reason not to introduce it for sovereign debt insolvencies. It is particularly relevant to point out that the described Ponzi scheme is also the result of systematically biased data produced by international institutions: this data in many cases undermines the effective and efficient design of debt management procedure by over or under estimating economic performances of target countries. Probably, in this case biases are the result of researches and data collections that embed ideological assumptions: the *Washington Consensus* assumption that "market knows best". Hence, economic forecasts depend on the acceptance or denial of IMF's prescriptions, rather than on a rigorous econometric analysis.

A criticism that can be raised to this contribution concerns the style used by the author. Indeed, the book doesn't flow smoothly: sometimes the prose is obscure or particularly intricate, in other points the author explains in detail simple concepts, while in other sections he takes for granted other and less commonly used concepts. This may result from the fact that the book is based on an academic course offered by the author. However, the main weakness is the lack of clarity in the book's presentation, though this doesn't undermine the worth of the book. The detailed coverage of the problems raised by the topic and the relevance of the proposal underlined, make this book a fundamental contribution for anyone interested in development studies.

**Evan S. Lieberman, *Boundaries of Contagion. How Ethnic Politics Have Shaped Government Responses to AIDS* (Princeton, NJ: Princeton University Press, 2009).**

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In Political Science and International Relations scholarship HIV/AIDS as a socio-political phenomenon affecting millions of people worldwide has largely tended to be approached in global terms. Particularly in discussions of contemporary international regimes of security and human rights, HIV/AIDS is associated with the generalized idea that in time of globalization 'there are no boundaries.' Just like the human beings who carry them, viruses circulate apparently uncontrolled across the world. To a large extent, this assertion derives clearly from another, broader, assumption based on the retreat of nation-states, and concomitant expansion of a West-led, hegemonic project of globalization, namely with regard to technologies of management of, and response to, human-related issues. However, national contexts have always been fundamental in global approaches to social intervention.

The focus of attention by Princeton University associate professor Evan S. Lieberman in this exhaustive comparative study of the implementation of HIV/AIDS programs is, precisely, national governments. Although acknowledging the importance of non-governmental and international entities, for the author "national states are uniquely positioned to broadcast information and to affect the behavior of people: they control the lion's share of public resources, and they are a site of negotiation and competition over society's priorities" (p. 6). This book revolves around processes of exchange, acceptance and resistance affecting those national governments and leading global structures of AIDS governance, composed by transnational governmental and nongovernmental organizations, scientists, 'celebrities' and philanthropists, described in detail in chapter 3 ("Globalization and Global Governance of AIDS: The Geneva Consensus").

The central question guiding this investigation is summarized in these terms: "why have some national governments responded to AIDS more quickly and more broadly than others?" (pp. 4) Rather than epidemiological statistics (for example, infection and prevalence rates), domestic ethnic boundaries have been the determinant variable *vis-à-vis* the adoption of a more or less aggressive policy towards the epidemic, particularly in the hardest-hit contexts of the developing world by national governments.

Ethnic boundaries' institutional resilience and porosity are theorized in depth in chapter 2 ("A theory of Boundary Politics and Alternative Explanations"). To explain the contrast, he compares the approaches pursued by the South African and Brazilian governments over the last decade (chapter 4), followed by the Indian case (chapter 5). Since government policy making and implementation in such complex area as HIV/AIDS prevention and treatment requires a sense of collective risk among different ethnic groups in order to engender "compliance and consent" (p. 7) by the public, Lieberman concludes that the more ethnically stratified the national polity finds itself, the less the national community is inclined to accept the underlying idea of a shared collective risk and thus support policies in response. In other words, the more ethnically heterogeneous the society is, the less aggressive the policy tends to be, being "aggressiveness" informed by the author by a combination of government expenditure on AIDS, AIDS policy coverage and a summary measure based on UNAIDS's AIDS Program Effort Index (pp. 255-259). Whereas in Brazil race as an institution is less defining of political conduct, no "politics of blame" (borrowed from Paul Farmer's early dissertations on the case of Haiti) could be applied to a specific group. Therefore, the Brazilian government sought to implement a comprehensive national strategy accepted by the whole collective. The South African case has revealed the opposite. Since major ethnic groups – whites and blacks – shared a mutual "state of denial," in which the AIDS epidemic is presented as the fault of others, the lack of a shared risk sense could not foster an aggressive national program. In turn, the

Indian case proves middle-of-the-way, despite the fact of registering a pattern closer to South Africa than to Brazil, as "less [in the struggle against AIDS] has been done than might have been were the country's ethnic boundaries weaker and more permeable" (p. 235). Lieberman's master theory of (ethnic) boundary politics for explaining government response to the epidemic faces the sole exception of highly ethnically fragmented Uganda. Briefly explored in the chapter 6 ("AIDS Policies Around the World"), the author concedes that a concurrent explanation grounded on the link between policy aggressiveness and political will and possibly charisma proves more powerful (p. 283).

Carefully emphasizing that it must not be concluded that racial diversity is hampering effective HIV/AIDS policy (p. 296), the author admits that his book "is essentially positive, not normative" (p. 298). But with AIDS being a problem with large consequences for development, he connects his conclusions to the overarching debate about the values envisaged in policy implementations, whether reifying ethnic boundaries or ideals of cosmopolitanism. In his brief, open-ended normative discussion in chapter 7 ("Conclusion"), he engages with proposals by leading philosophers Amartya Sen and Kwame Anthony Appiah, namely their quest "for more flexible identities that transcend multiple groups, and ultimately call for recognition of global citizenship as one of many sets of identities, loyalties, and obligations" (p. 297).

Ethnic boundaries are and shall continue to be a central element of socio-political relations. However, perhaps due to Lieberman's reliance on that variable for finding convincing explanations, the interconnecting question of political-economic inequality patterns is underdeveloped. At the end of his discussion on Brazil, Lieberman is very much aware that recent repoliticization of race relations in that country, due to persisting gross economic inequalities (pp. 169-170), potentiate a future diversion in policy approach away from the apparent virtuosity of overcoming internal racial barriers. This reference relates to the colonial and Apartheid's political-economic legacies that he also keenly stressed regarding contemporary South African race relations.



However, in the instance of President Mbeki's HIV denialism, no matter right when affirming that "he [Mbeki] did not need to go so far as to question the link between HIV and AIDS" (p. 158), Lieberman seems to put too much stress on Mbeki's position in function of ethnic group affiliation status at some expense of the inherent discourse of historical grievances that Mbeki's discourse aimed to enhance.

Lieberman's book has the great merit of casting peremptory conclusions about HIV/AIDS implementation in national contexts, and, as such, it constitutes a landmark in the political analysis of epidemic response. Though being a scholarly book, it appeals to a wider audience interested in major international social and development policy (not just HIV/AIDS), since it proposes thoroughly argued explanations for specific policy behaviors. Nevertheless, his focus on strict governmental medical-social programs of HIV/AIDS response seems to miss the role of nongovernmental entities when outsourced the tasks of advancing policy among the targeted populations. How does actual policy implementation manifest itself in terms of actual aggressiveness, and how does it relate to other, interrelated, human developmental goals (economic empowerment, education, livelihoods improvement)? In the final part of the concluding section of the book, Lieberman identifies dimensions of program implementation as future research avenues that especially practitioners might profit from toward better and more efficient programming.

**Stephen E. Frantzich, *Citizen Democracy. Political Activists in a Cynical Age*. 3<sup>rd</sup> edition (Lanham, Md.: Rowman & Littlefield Publishers, 2008).**

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Collaboration with students is quite often a source of interesting research ideas. Teaching in the U.S. Naval Academy, Professor Stephen Frantzich noticed to his great wonder that his students, who would be in government service in future, were cynical about their government. The main task for teacher is "to provide real examples of relatively typical individuals who overcame cynism to affect public well-being".(p.ix). Academic experience originated interesting research work which would help to prove that government could not ignore the people and had to respond.

Professor Frantzich appeals to the public-opinion polling data in order to demonstrate that over two-thirds of the public do not trust government and "young citizens are the most affected by the increase in cynism". (p. 2) In addition, the author refers to well-known research works by Robert Putnam on declining public involvement in tradit156ional social groupings in America. Putnam inferred the correlation between cynism and generation.<sup>1</sup>

Using game metaphors, Frantzich portrays "fans who became *players*" because "democracy is a participatory game..., not a spectator sport" (p. 9) [*italics in original*]. Players are implied people from all walks of life who get involved because they understand that their gains would provide public benefits. So the main goal of the book is to reduce the level of cynicism among young voters.

For goal attainment, Professor Frantzich studies the players, their strategies, and the system's rules within the scope of 14 topics,

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1 Robert D. Putnam, et al. *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton, NJ: Princeton University Press, 1992); Robert D. Putnam. *Bowling Alone: America's Declining Social Capital*. In: *Journal of Democracy*, (1995), 64-78.

which include Constitution and Democratic Theory, Federalism, Civil Rights, Civil Liberties among others. Among people selected by the author we can see the winners and losers, heroes and anti-heroes. Among heroes we find Lois Gibbs, Rosa Parks, Howard Jervis, Bernice Sandler whose efforts gave impetus to broader public movements.

The story of Rosa Parks is extremely significant and convincing. Her struggle against legal segregation got encouragement from Martin Luther King and marked the beginning of African-American struggles for freedom. On the contrary, Gregory Lee (Joey) Jonson represents the anti-hero. He burned the U.S. flag because he abhorred his country. G. Jonson is other example of political activism notably from negative side. More than twenty individuals interviewed by author present their stories, which are about fighting for their causes. How do these people achieve their goals? Frantzich explains that, "Successful activists worked smart as well as hard, recognizing the nuances of the various decision-making arenas. They began with a healthy skepticism, recognizing that success is elusive, but were empowered by knowing enough to target the right decision makers. They framed the issues in human terms and pursued their goals with creativity and persistence" (p.5) In comparison to previous editions this work is improved by supplemental interviews and cases. Each of the vignettes concludes with lessons for readers. Professor Frantzich created an academic work, which would be useful in special courses in political science and for political activists.

*En masse*, this research is interesting, informative, and instructive. It persuasively reveals that in sustained democracy every citizen is able to take an active part in public policy and have influence. Professor Frantzich presents individuals of all political views and specifies their strategies and tactics.

In spite of the evident advantages given above, the book has some disputable issues. The decline of political participation in the United States and its roots, as well as civic engagement, are issues with a long-standing in historiography. These issues have been discussed in Political Science during last three or four

decades. The slogan "American democracy is at risk" can be found in many academic works on political participation and public policy. In the beginning of the 1960's Robert Dahl asserted that, for political scientists, "instead of seeking to explain why citizens are not interested, concerned, and active, the task is to explain why a few citizens *are*".<sup>2</sup> Stephen Macedo and his colleagues note that "participation has plummeted precipitously among the young" and "from the mid-1970s to the present, the number of adolescents who say they can see themselves working on a political campaign has dropped by about half".<sup>3</sup> To Macedo and others "the fact is that our level of collective commitment to and concern about the overall legitimacy and quality of self-government may be undermined by the ways in which institutions have been designed".<sup>4</sup>

Norris also studies various issues of political participation and civic engagement in the USA and other countries, particularly gender aspects in political participation and the role of communications in public policy and civic engagement.<sup>5</sup>

In the research work there is no analysis of other latest works on political participation. As it is known there are some rival concepts of political participation's processes. Daniel Bell, Ronald Inglehart and Russell Dalton explain it in the frame of modernization theories. It implies that in modern Western societies new style of citizen politics forms under the influence of such common social trends as rising standards of living, the growth of the service sector, and expanding educational opportunities.<sup>6</sup> In consideration of this process demand for more

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2 Robert A. Dahl, *Who Governs? Democracy and Power in an American City* (Yale University Press, 1961), 279.

3 Stephen Macedo, *Democracy at Risk. How Political Choices Undermine Citizen Participation, and What We Can Do About It* (Brookings Institution Press, 2005).

4 *Ibid.*, 178.

5 Pippa Norris. *Democratic Phoenix: Reinventing Political Activism* (New York: Cambridge University Press, 2002).

6 Daniel Bell, *The Coming of Post-Industrial Society: A Venture in Social Forecasting* (New York: Basic Books, 1999); Russell Dalton and Daniel Bell, *Citizen Politics: Public Opinion and Political Parties in*

active public participation in the policymaking process increases and the main tools are direct action, new social movements, and protest groups.

The *second approach* to the study of political participation is institutional. Its proponents, Powell and Jackman, assert that political participation's decline can be explained by specific electoral laws, party systems, and constitutional prerequisites.<sup>7</sup> So, any change in the rules and laws has an impact on development of political participation. S. Rosenstone and J. Hansen develop their approach in the frameworks of agency theory, which implies the focus on the traditional mobilizing organizations' part in civic society.<sup>8</sup> That approach explains how political parties and other actors recruit, organize, and engage activists. In the work by Macedo and his colleagues, given above, there is also a present institutional approach. R. Putnam points out the role of social capital in political participation.<sup>9</sup> Finally, the fourth approach is the so-called 'civic voluntarism' model presented by Verba and his colleagues. They emphasize the role of social inequalities in resources and motivation factors having an impact upon political participation.<sup>10</sup> Frantzich cites R. Putnam's works, but it is no clarity about the author's own approach. One can barely suppose that he adheres R. Putnam's approach.

The work's main goal to convince readers has led to bias of various representations without specific criteria of political

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Advanced Western Democracies, 2nd edition (Chatham, NJ: Chatham House, 1992); Ronald Inglehart, Modernization and Postmodernization (Princeton, NJ: Princeton University Press, 1997).

7 G. Bingham Powell, Jr. "American turnout in comparative perspective." American Political Science Review. 80 (1986): 17-43; Robert Jackman, 'Political institutions and voter turnout in industrialized democracies.' American Political Science Review. 81 (1987): 405-423.

8 Steven J Rosenstone and John Mark Hansen (1993). Mobilization, Participation and Democracy in America. NY: Macmillan.

9 Robert Putnam (1995). Making Democracy Work. Princeton, NJ: Princeton University Press; Robert Putnam. 2000. Bowling Alone. NY: Simon & Schuster; Robert Putnam. Ed. 200X. The Dynamics of Social Capital. Oxford: Oxford University Press.

10 Sidney Verba, Kay Schlozman and Henry E. Brady. 1995. Voice and Equality: Civic Voluntarism in American Politics. Cambridge, MA: Harvard University Press.

inclusion or exclusion for political activists. The people usually choose a number of issues and a number of different strategies. This reviewer also maintains that many cases are listed under multiple topics, so it hampers study of the text by students. The work seems to be in need of further academic discussions, particularly in the context of theories by John W. Kingdon, Roger W. Cobb, and Elmer E. Schattschneider, who suggested various approaches to study of agenda setting and political participation issues in America.<sup>11</sup> Unfortunately, the scope of survey does not enable to discuss another question. I mean political participation and civic engagement in transitional countries. Opposing to Dr. Pippa Norris Professor Frantzich didn't aim to compare features of political activism and its influence on public policy in different countries.

Nevertheless, in spite of this expressed critique, the book is diverting and enlightening. Giving many examples when ordinary people made a difference in policymaking Professor Frantzich showed, how apathy and cynicism could be stared down. The real-world examples described and analyzed by the author can inspire other political activists and ordinary people.

**Aynsley Kellow and Sonja Boehmer-Christiansen (eds.), *The International Politics of Climate Change* (Cheltenham: Edward Elgar, 2010).**

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The problems associated with climate change and their unintended consequences have challenged the capacities for comprehension. At the same time, the issues provoked by environmental degradation tend to evince the fickleness of established models for their management. Equally significantly,

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11 John W. Kingdon (1995) *Agendas, Alternatives, and Public Policies*, 2d ed. (New York: HarperCollins; Roger W. Cobb and Charles D. Elder (1983) *Participation in American Politics: The Dynamics of Agenda Building*. Baltimore: Johns Hopkins University Press; E. E. Schattschneider (1960) *The Semi-Sovereign People: A Realist's View of Democracy in America*. Hindale, IL: Dryden Press.

the dynamics associated with climate change have come to indicate the pervasive uncertainty of the post-Cold War climate of international interactions and the unpredictability of the emerging global patterns. While not new in themselves, the cumulative effects of intensifying environmental threats have drawn the attention of international relations theory to the complex challenges posed by climate change.

The engagement with environmental degradation has put forth uncomfortable queries about the ontological underpinnings of the study of world affairs. It appears that it has consciously prioritized the study of human/socio-political systems – such as states – at the expense of natural/biophysical ones. Moreover, the assertion put forward is that human socio-political systems are not only detached from but also in charge of the natural spaces that they inhabit. In this respect, the confrontation of international relations theory with climate change has urged both a reconsideration of its conventional purview and a tacit recognition of the mutual embeddedness and dynamic interactions between human and natural systems.

In this respect, the volume edited by Aynsley Kellow and Sonja Boehmer-Christiansen brings to life the growing impact of environmental contingencies on the everyday lives of human societies. At the same time, it makes explicit the need for a reconsideration of the relationship between socio-political and ecological systems. The collection, therefore, provides a perceptive process-tracing of the “environmentalization” of the study of international life. It appears that as a result of such mainstreaming of the environment, uncertainty has become one of the most conspicuous aspects of climate change confronting the content and practices of international politics. Thus, the uncertainty, randomness, and the unprecedented scale of climate change have challenged the ability of mainstream international relations theory to proffer a viable conceptualization of environmental problems. This challenge has been at the heart of the pursuit of a new paradigm for the study of global life.

But as Kellow and Boehmer-Christiansen indicate, tackling “both the uncertainty in the science and the scope for contamination of both the science itself, and its construction as a problem for public policy” (p. xi) is at the heart of their endeavor. With this consideration in mind, their collection provides a wide range of readings from the late 1980s to the present that illuminate the complex mainstreaming of the environment in the study of world politics. For the purposes of clarity, the volume is divided into six parts.

The first one addresses the vexed place of science in debates on climate change. The seven essays included in this section address issues as diverse as the science and politics underpinning the specter of a “nuclear winter” (p. 3), the role of “epistemic consensus” (p. 17) in devising environmental protection strategies, three different takes on the validity of terms such as “climate change” (p. 48) and “global warming” (p. 62), and the role of adaptation and advocacy groups in environmental policy. The second part of the volume focuses on the role of norms in the “environmentalization” of international politics. The inventory of issues addressed by the three papers included in this section covers relevant topics such as the role of ethics and the place of justice in discussions of climate change as well as the normative politics of “eco-fundamentalism” (p. 153).

The third part of the collection brings together six provocative essays on the significance and the representation of distinct interests in discussions of the environment. The bulk of the perspectives included in this section focus on eliciting different national debates either on the Kyoto Protocol or towards different forms of global and sectoral attempts at environmental policy-making. The fourth part of the volume offers a range of viewpoints on environmental regulations. The five papers included in this section illuminate the role of regimes, modelling, and various kinds of institutional innovation in bringing about an internationally-recognized negotiated outcome.

Part five of the collection brings together different critical angles on the current state of the art in environmental international



politics. The arguments brought fourth by the three essays draw attention to the relatively few achievements – especially in the context of the growing international awareness of the problem. Finally, the sixth part of the volume outlines four distinct perspectives on the likely future trajectories both for the mainstreaming of the environment in international politics and, more generally, for the prospective avenues that the debates on climate change might take.

The suggestion of the volume is that, perhaps unwittingly, the mere inclusion of the environment within the purview of international politics has disrupted the entrenched human-centred purview of the discipline and has urged it to account for the interactions between social systems and the ecologies that they inhabit. This has provoked an unprecedented widening of the study of world politics and a qualitative change in its outlook. The erudite account provided by the volume paints a vivid picture of the growing role that the environment plays in the study of international politics. In this respect, the essays included in this collection would be of relevance not only to scholars and students of international relations, but also to those interested in environmental history, comparative politics, and international political economy.

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