LBJ JOURNAL OF PUBLIC AFFAIRS

Volume 18, Issue 2   Spring 2006

The *LBJ Journal of Public Affairs* (ISSN 1087-268X) is produced by students of the LBJ School of Public Affairs at The University of Texas at Austin. Founded in 1989, it is the nation's oldest student-run journal of public affairs. The *LBJ Journal* is dedicated to publishing professional quality work by the extended LBJ School community, promoting discourse on contemporary policy issues, and enhancing the reputation of the LBJ School of Public Affairs. President Lyndon B. Johnson believed that through collective discussion and action the needs of people could be met; likewise, the *LBJ Journal* believes that as a result of diverse and vigorous discourse about public affairs, policies are created and initiatives are taken that best serve the interest of citizens everywhere.

CONTENTS

FROM THE EDITORS-IN-CHIEF

When he became dean of the LBJ School in January 2006, James Steinberg emphasized the need for the school to increase its focus on international policy. Steinberg is a former deputy national security adviser and director of foreign policy studies at the Brookings Institution. The student contributions to this volume of the *LBJ Journal of Public Affairs,* which were prepared in advance of Steinberg's appointment as dean, underscore that need: four of the six articles tackle international policy issues. Culain Fripp analyzes the reconstruction of post-conflict societies, Jennifer Richmond assesses the prospects for civil society in Burma, Stephanie Fain explores Russia's role in the Georgian-Abkhaz conflict, and Laura Sullivan evaluates local governance in Mexico.

The contributors to this volume represent a broad range of disciplines and backgrounds. Two of the authors are LBJ School students, two are doctoral students in other programs at The University of Texas (Government, Community and Regional Planning), and two are students at other public policy schools (The University of California—Berkeley, The University of Maryland—College Park).

In his inaugural "Dean's Message," Steinberg discusses the seven academic concentrations the LBJ School is now offering its students. These include "Urban and State Affairs" and "Technology, Innovation, and Information Policy." In this volume, Rosie Tighe analyzes housing policy in the United States and David Agrawal explores whether open source code is a public good.

The LBJ School has a proud tradition of preparing students to serve in state government, and we are pleased to include in this volume the observations of former Texas House Speaker Pete Laney, who is retiring from the Texas Legislature after a 34-year career that parallels almost exactly the history of the LBJ School.

We are grateful to the LBJ School staff for their support, especially graphic designer Doug Marshall and the school's business office. We would like to dedicate this issue to Marilyn Duncan, the school's longtime director of communications. Duncan has been an invaluable resource to the LBJ Journal's editors over the years and each volume has been a better volume because of her care and attention. We wish her well in her retirement.

DEAN'S CORNER

I N THE CONTEMPORARY PUBLIC POLICY LEXICON, "rein-
vention" and "transformation" have become catchy calls to arms.
Even the relatively quiet calms of the academy are not immune.
Periodically, every institution needs to step back and re-ask the basic
questions that led to its founding. What need are we attempting to
meet? What are our goals? How can we best achieve them? In an era
where the pace of change, driven by technologies from information
to nano, seems to increase exponentially, the imperative to adapt or
perish seems particularly compelling. This is a daunting challenge
for public policy schools. How do we prepare our students to provide
leadership and wisdom in a future world, the contours of which can
only be guessed at today, while at the same time helping practitioners
and the public address pressing near-term problems?

It is a propitious time for us to undertake a close and thoughtful
examination of our mission and our methods. With a new dean at the
LBJ School of Public Affairs and a new president at the University of
Texas at Austin, there is an opportunity to examine the assumptions
behind what we do, to revalidate what has worked, and to look at new
approaches that may better correspond to the world that is to come.
The LBJ School has a proud history and a record of success—change
should not be undertaken for its own sake. Yet we must be ready to
implement new approaches if circumstances warrant.

It is indisputable that the world has changed in remarkable ways
since the first class of the LBJ School entered in 1970. The phenom-
enon of globalization and interdependence pervades virtually every
aspect of our lives—from our jobs and our leisure to our health and
our security. The ubiquity of information technology increasingly
marginalizes distance, fosters a world of "24/7" connectivity, and
breaks down national, social, and cultural barriers. A whole new set
of public "actors"—from NGOs to global corporations to interna-
tional organizations, terrorists, and criminal enterprises—populates
the policy space. The Soviet Union is gone, but failed states and new
powers test our security. Global growth has lifted hundreds of millions
out of poverty, but dislocated equal numbers from traditional jobs,
structures of family, and social safety nets, and has raised questions
about long-term sustainability in terms of demographics, resource
availability, and harm to the environment.

Despite these dramatic changes, it seems to me that our core mis-
sion remains as valid today as it was at the time of the LBJ School's
founding: to train the next generation of leaders, to undertake the
intellectual research and analysis to improve the quality of decision-
making on matters of great public consequence, and to help nurture
and inform the public debate about the pressing issues of our time.
But it would be surprising if we thought that the ways we carried
out that mission should not evolve in light of what has changed. In
recent times, we at the LBJ School have already begun to adapt our
approach to achieving our goals in light of the evolving environment.
For example, we now offer our students the opportunity to concen-

BY JAMES B. STEINBERG

*James B. Steinberg became dean of
the LBJ School of Public Affairs in
January 2006. Before joining the
school, he was the vice president
and director of foreign policy stud-
ies at the Brookings Institution in
Washington, D.C. From 1996 to
2000, he served as deputy national
security advisor to President Bill
Clinton. He previously served
as chief of staff of the U.S. State
Department and director of its
policy planning staff (1994-1996),
and deputy assistant secretary for
analysis in the Bureau of Intel-
ligence and Research (1993-1994).
Steinberg has been a senior analyst
at RAND Corporation in California
(1989-1993) and a senior fellow
for U.S. strategic policy at the
International Institute for Strategic
Studies in London (1985-1987).
He served as Senator Edward
Kennedy's principal aide for the
Senate Armed Services Commit-
tee (1983-1985); minority counsel,
U.S. Senate Labor and Human
Resources Committee (1981-1983);
special assistant to the U.S. As-
sistant Attorney General (Civil
Division) (1979-1980); law clerk to
Judge David L. Bazelon, U.S. Court
of Appeals for the D.C. Circuit
(1978-1979); and special assistant
to the assistant secretary for plan-
ning and evaluation, U.S. Depart-
ment of Health, Education, and
Welfare (1977). Steinberg received
his bachelor's degree from Harvard
in 1973 and a J.D. from Yale Law
School in 1978.*

trate in one of seven areas (International Affairs; Urban and State Affairs; Social and Economic Policy; Technology, Innovation, and Information Policy; Public Management and Leadership; Nonprofit and Philanthropic Studies; and Natural Resources and the Environment) in addition to our traditional "generalist" approach. And we have hired a number of talented new faculty members to help shape this forward-looking program.

In the coming months, we will undertake a more comprehensive look at what we do and why we do it. Among the questions we need to ask: What kinds of students do we want to attract? What skills will they need to succeed in the world that stretches into the mid-21st century? How do we make sure that our graduates find career opportunities that allow them to exercise their skills? What are the priorities for our policy research? How do we makes sure that the ideas we generate reach the right audiences at the local, state, national, and international level? How should we interact with the rest of the UT community, including undergraduates and alumni? Where will we find the resources we need to carry out these vital missions?

It is premature to state what conclusions we will reach concerning these and many other basic challenges. Over the next months we will begin a conversation with the full range of stakeholders who have an interest and a perspective on these questions—our faculty, students, staff, alumni, and other members of the UT community, as well as the future employers of our students, consumers of our research, and other public policy institutions. But I think it's safe to say that there are a few parameters that will certainly emerge from this process.

First, the LBJ School, like every other institution in our society, will need to take steps to incorporate the increasingly international dimension of public policy—by strengthening our focus on transna-tional policy issues, expanding our exchanges and collaborations with important and valuable partners outside the United States, and preparing our students to work and lead in an increasingly globalized world.

Second, and closely related, we must expand our ability to conduct interdisciplinary research and training, in particular by strengthening our partnerships with others at UT. Our new collaborations, such as the Center for International Energy and Environment Policy (with the Jackson School of Geosciences and the College of Engineering) and the Center for National Security and Law (with the School of Law and College of Liberal Arts) are pioneer efforts in this direction.

Third, we must take greater account of the revolution in technology, particularly information technology, in our policy research priorities, in how we train our students, and in how we disseminate our knowledge. A major upgrade of our IT capacity, and its integration into our educational strategy (including long-distance learning and collaborative research), is a high priority.

Finally, we must make a renewed effort to inculcate the leadership component of our mission—at a time when there is deep and growing cynicism about our political processes and public service—through initiatives such as our new Center on Politics and Governance. Our goal must be greater than training and informing technical experts; we must strive to attract, educate, and motivate the next generation of public, private sector, and nonprofit leaders.

This is an ambitious agenda. But in my short time at the LBJ School, what has struck me above all else is the commitment of all the elements of our community to an ambitious, idealistic set of goals—not simply to accept the world as we find it, but to change it for the greater good. I look forward to working with you all to achieve this vision.

QUESTIONS FOR PETE LANEY

Q: *In a recent interview with* Texas Monthly*—which was billed on the magazine's cover as "Pete Laney: The Exit Interview"—Evan Smith asked you about your future plans. You replied that one thing you knew you wanted to do was "work with young folks who are of voting age, or fixing to be of voting age, to try to encourage them to give themselves to public service in some way, whether it be on the local level, state level, or national level." What do you have in mind?*

A: My idea to encourage participation could manifest itself in many different ways—on college campuses, in the classroom, in civic organizations. My greatest hope is to expose young people to the opportunity to understand how fulfilling public service can be.

When I decided to run for office, I understood generally what it meant—I knew that I would have the responsibility to represent the needs and opinions of those who elected me. What I didn't recognize was how fulfilling it would be. Representing oftentimes means helping—and there's no greater or more rewarding service than helping your fellow citizens.

I think because of tuition deregulation and the war in Iraq, young people today want to be more involved, but they don't always know how to go about it. I want them to know that there are many ways to participate in the process.

Q: *You were first elected to the Texas House of Representatives in 1972, the same year that the LBJ School graduated its first class. What effect have LBJ students had on state government?*

A: The LBJ School and its students have impacted state government. Students and graduates have shaped and will continue to help shape public policy at all levels of government. As the school continues to thrive, their impact will continue to grow.

Q: *The LBJ School has a new dean, Jim Steinberg, a former deputy national security advisor to President Bill Clinton who most recently served as vice president and director of foreign policy studies at the Brookings Institution. In his article in this issue (p. 5), he outlines four basic goals for the school: It*

BY **JAMES E. "PETE" LANEY**

James E. "Pete" Laney served as Speaker of the Texas House of Representatives from 1993 to 2003. A lifelong resident of Hale Center, a small farming community in the Texas Panhandle, Laney was first elected to the Texas Legislature in 1972. He will retire in January 2007, when his current term ends. Laney received a bachelor's degree in agricultural economics from Texas Tech University.

needs to become (1) increasingly international in orientation, (2) increasingly interdisciplinary, (3) increasingly integrated with new technologies, and (4) increasingly oriented toward leadership. If you were the dean of a public policy school, what would you emphasize?

A: If I had to pick one, it would be leadership—leadership not only in government, but leadership in the corporate and private sector. Leadership doesn't always mean being elected to office; it can also mean staffing elected and appointed officials, working in an administrative agency, or working in the private sector. With leadership comes a sense of responsibility and stewardship. We need leaders in all areas of our public and private sectors who understand what it means to be good stewards of our resources. Our global community is small and getting smaller. Decisions that are made at every level of government and within the private sector have a ripple effect. Education is linked to economic development; economic development is linked to the gross national product (GNP); GNP is linked to foreign trade; foreign trade is linked to world policy. It's important to have men and women in leadership positions who understand their responsibility in the chain of cause and effect.

Q: Legions of LBJ School graduates have served in government, but comparatively few have run for public office. What could public policy schools do to better prepare students to stand for elected office?

A: I think public policy schools are a doing a good job of preparing students for elected office and providing a solid foundation for public service. But I think it's incumbent on public officials to do a better job of involving graduates in policy-making and inspiring them to seek elected office.

Q: By all accounts, the Texas Legislature, like Congress, has become more polarized in recent years. Districts are drawn to elect candidates who appeal to one end of the political spectrum or the other and debate is more contentious. If we are to return to an era of collegiality and cooperation, what skills are most needed from aspiring public servants?

A: In order to continue the legitimacy of public service and elective office, we need to restore the honor of serving. When our forefathers wrote the Texas Constitution, they framed it so that members of the Legislature would be "citizen" legislators, meaning they would serve every other year for 140 days and go home to live among the people who elected them. Our government works best when it reflects the views of all the people, and it reflects the views of all the people when they participate in the electoral process. We're going to have to hold our elected officials accountable. Elected officials need to be good stewards of the public trust. There's a disparaging view of elected officials as "politicians" who are mired by political scandal and political rhetoric.

During my tenure as Speaker, the Legislature's approval rating was high because we had individuals who worked together for the greater good. Respect, compassion, cooperation, and courage are just a few of the character traits needed to return to an era of collegiality. We must foster respect for differing opinions, compassion for those in need, cooperation to work together, and courage to make tough decisions to solve tough public policy issues.

Reconstruction of Post-Conflict Societies:

Social Dynamics, Democracy, and Institution-Building

Liberal democratic citizens are made, not born.[1]

IN THE AFTERMATH OF CONFLICT, there is fragmentation. Not only are the physical remnants of social and economic order in disarray—roads and bridges destroyed, homes and buildings burned—but, more profoundly, the binding relationships of society and economy are shattered. Reconstruction, a popular buzzword of the international development community during efforts in the Balkans, Afghanistan, Iraq, and elsewhere, was initially considered a relatively formulaic and straightforward process that focused on physical infrastructure, paper legislation, and other symbols of institutional reconstruction. Unfortunately, time and experience seem to reveal a different lesson—socio-economic institutions cannot be built from the top down. A state or society's formal institutions are mere illusions of reconstruction unless they possess a foundation based on shared principles and concerted decision-making that includes the people they exist to serve.

Successful reconstruction efforts often include a strong element of local and community-based action. Another component of this element is the linkages between individual and group actors in decision-making. To a great extent, these linkages create communication channels, and "ties that bind"—shared principles of decision-making, a common vision of priority issues, and the realization of the practical value of joint action. Reconstruction that includes an emphasis on the process, as much as the product, has shown positive dividends in terms of fostering long-term stability and a successful re-weaving of the social fabric in new and constructive ways.

This article examines concepts of local dialogue and practical cooperation between individual and group actors, and how these processes can become the basis for sustainable and representative

BY J. CULAIN FRIPP

J. Culain Fripp is a development professional with more than 10 years of international experience in the Balkans, Middle East, and South Asia. He is currently a senior manager with Shore-Bank International Ltd. He is completing an executive MPM at the University of Maryland, College Park.

macro-level institutions that support the successful, long-term social and economic rebuilding of war-torn societies.[2]

SOCIAL ORDER AND THE "SOCIOSPHERE"

There is a plurality of virtue . . . [first] the intrinsic importance of political participation and freedom in human life; second, the instrumental importance of political incentives in keeping governments responsible and accountable; and third, the constructive role of democracy in the formation of values and in the understanding of needs, rights and duties.[3]

Individuals define themselves and others by their relations to social groups and orders. In fact, humans depend on the existence of social order to define their own individuality. "Positioning," defined through the process of communication and individual identification with certain social categories, creates generalizations and expectations of how individuals within a certain group act within a social stereotype.[4]
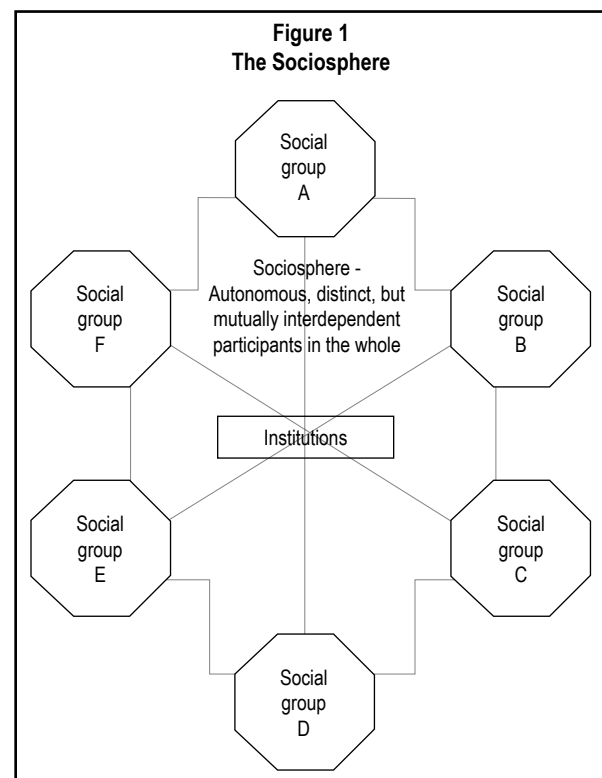
In the pursuit of dominance and control of valued social and economic resources, this positioning manifests through conflict and compromise between individuals and socio-economic groups. In a stable society, institutions and mechanisms exist to channel these conflicts through formalized deliberative systems that facilitate peaceful compromise solutions. However, in societies where these institutions are biased, authoritarian, or otherwise arbitrarily controlled by one group at the expense of another, conflict is likely to be the final product.

What differentiates a stable society from an unstable one is, by and large, the commitment of its citizens to institutions that allow for the peaceful definition, review, and resolution of conflicts between different members of a particular society. At the base of these institutions lay a shared social understanding and commitment to the validity of the role played by the institutions. This represents a recognized channel for communication and resolution between and among participants in a disagreement or conflict. Iris Marion Young, author of *Inclusion and Democracy*, states, "Social structures exist only in the action and interaction of persons; they exist not as states, but as processes."[5] In other words, stable institutional structures are dependent upon dynamic and continuous interaction between and among the individuals and socio-economic groups who lend validity to the very existence and role of those same institutions.

In a functional society, there is no single socio-economic order. Rather, within virtually every society on earth, there is a complex, dynamic, overlapping, and interlinked web of social and economic groupings based on race, ethnicity, religion, political bias, economic status, trade or economic occupation, or myriad common bonding traits. These traits coalesce into various layers of socio-economic groupings, unified by shared perspectives and understanding of a specific social order and the role and identity of the individual within that order. These shared perspectives are the ties that bind a society together, and are the critical emphasis of any sustainable development effort.

The "sociosphere" model shown in Figure 1 graphically depicts the linkages of diverse socio-economic groups into a unified "society," or shared social whole.

Any given sociosphere is greater than the sum of its parts by virtue of these dynamic linkages defined by shared participatory processes of dialogue and decision-making. Institutions are then built upon a framework of shared understandings, concepts, and "rules," which are determined through the constructive give-and-take of conflict and compromise among the diverse social groups and individuals that comprise them. The course of this process of cooperation results in definite and tangible products, including enabling legislation, critical

Figure 1
The Sociosphere

Social group A

Social group F

Sociosphere - Autonomous, distinct, but mutually interdependent participants in the whole

Social group B

Institutions

Social group E

Social group C

Social group D

infrastructure reflecting the needs and wants of key constituencies, functional markets, and responsive social and economic services. In a biological sense, the sociosphere is equivalent to a biosphere in which a complex network of seemingly distinct living organisms are tied together in a dynamic and evolutionary balance. Though conflict exists between individual elements of the biosphere, the whole remains integrally linked and capable of absorbing these conflicts constructively. However, when a critical mass of organisms becomes infected with a malevolent agent, such as cancer, the dynamic becomes dysfunctional and the integrity of the biosphere as a whole is threatened.

Similarly, if a critical mass of socio-economic groups rejects the binding authority of the shared institutions that link them to other groups, the sociosphere is shattered and society is no longer functional. Though national frameworks and "macro-social" institutions may appear to be powerful, without the conviction of a critical mass of localized actors in the sociosphere, the outcome is failure of the institutions of socio-economic governance. The end result is civil conflict and social crisis.

> *Though national frameworks and "macro-social" institutions may appear to be powerful, without the conviction of a critical mass of localized actors in the sociosphere, the outcome is failure of the institutions of socio-economic governance. The end result is civil conflict and social crisis.*

Rebuilding the Dynamics of Dialogue

The linkages between socio-economic groups in a stable society are defined and managed through an institutional process of dialogue and participative processes. However, in a conflict situation, dialogue is sporadic at best, and the dynamic is focused on a zero-sum game, where one side is the winner and the other is the loser.

The final status agreements in Bosnia resignedly recognized this through creation of the virtually homogenous "Republika Srpska" in Northeastern Bosnia. In Bosnia, the disintegration of the previous social order became irreparable and resulted in a split national entity where before stood a unified national socio-economic structure.[6] However, even after one of the more brutal conflicts of the late 20th century, the pre-conflict linkages were still vital enough to serve as

the foundation for creation of a relatively stable society from the ruins of conflict in the largely Bosniak and Croat "Bosnian Federation."

A stable society is tenuous, and depends upon a significant degree of willing participation by those individuals and groups within it. To be assured protection from those stronger or more aggressive members in society who might take valued resources from weaker members, all socio-economic groups in the sociosphere enter into a "social contract" that manifests itself in institutional structures to mediate between them. In those cases where a critical mass of socio-economic groups do not find adequate representation—either real or perceived—in the institutional structures of the sociosphere, a reliance on violent means of expression and dominance may occur.

In the case of Bosnia and Herzegovina, a society that was for centuries one of the most ethnically integrated and cosmopolitan in Europe disintegrated into one of the bloodiest civil wars the European continent had known for decades. What occurred at the outset of the war, however, was a combination of external pressure from a violently reactive socio-economic group that was not a part of the Bosnian sociosphere proper (the Serbian nationalists in Belgrade, under the leadership of Slobodan Milosevic), but which activated a "rogue" socio-economic group formerly integrated in the Bosnian sociosphere (the Bosnian Serbs under their local warlords). This interaction, and the effect on the previously functional and integrated macro-sociosphere of Bosnian society, is graphically outlined in Figure 2. Though simplified, the net effect was the mobilization of Serbian local communities to break their linkages with Bosnian and Croatian local communities to a degree that achieved critical mass in creating national-level strife and warfare.

Though to outside observers the effect of the resultant breakdown was a national event, in reality it played itself out in a myriad of localized conflicts. This reflects the concept of local dialogue and action in reverse—old personal quarrels and real or perceived slights find an outlet in destructive interaction between individuals and local socio-economic

groupings. This expands outward, resulting in a downward spiral of continually self-reinforcing and exponentially expanding conflict.

For this very reason, "peace-building" requires a concerted, long-term effort focused on a "bottom-up" approach.[7] When former combatants are forced through the attrition of conflict and pressure of external forces to lay down their weapons and turn to the process of reconstruction, there is little to build on by way of trust. In southern Iraq, where an ostensibly homogenous group such as the Shi'ite Muslims exists, local sociospheres are challenged by the existence of foreign Iranians, Baathists, conflicting religious factions, and tribal/political groupings of potentially fractious socio-economic groups within the macro-level Shia sociosphere. To effectively address these divisions, a highly localized and incentive-based approach is the surest way to identify common objectives and to re-establish ties of dialogue and communication.

In their analysis of reconstruction of key institutional structures within civil society, Monica Llamazares and David Crosier observe that "[c]onstruction of civil society can be said to rely upon shared values, social networks, and supportive environments."[8] This is particularly true when looking at local, rather than national, sociospheres. Building from the basic principles of civil society reconstruction outlined in this statement, the core dynamics of dialogue are as follows:

Figure 2
The Sociosphere in Bosnia and Herzegovina
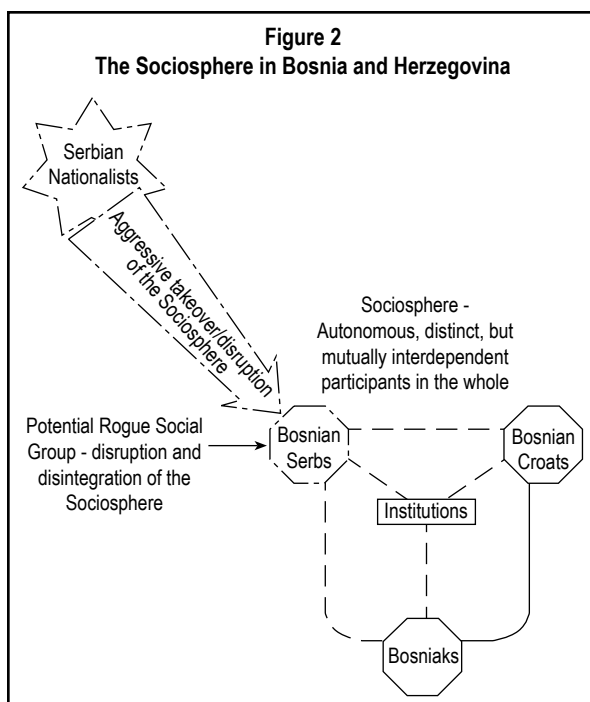
a. **Value Frameworks**. In the cases of both Bosnia and Iraq, a framework of values existed and continued, even in conflict and post-conflict stages. This was due largely to a shared history, language, and geographic and socio-economic tradition (which paradoxically, sometimes contributes to conflict as well). Following conflict, change must begin at the local level, where relationships are manageable, processes are pragmatic, and outcomes are tangible. Existence of a common frame of reference for socio-economic groups within the sociosphere to work through recent conflict and to reaffirm shared needs and objectives are key to the social reconstruction process.

b. **Platform for Dialogue**. In a post-conflict environment, socio-economic networks are often tenuous at best. Networks that reach across the divide of formerly conflicting socio-economic groups usually do not exist. Thus, one of the first priorities in reconstructing dialogue is creating a platform that provides all members of the sociosphere with a "seat at the table." Ideally, the vehicle for this process is one that is grounded in some common tradition or model recognizable as valid to all participants. Whether these are formal or informal, based upon local associations or tribal councils, the important element is a common familiarity with the vehicle as an instrument for participatory dialogue and decision-making.

c. **Stabilized Conflict Environment**. This is one of the most difficult requirements for re-creating the dynamic of dialogue, as all too often in post-conflict societies, external forces must be relied upon to stabilize the environment. In Bosnia, this included a reliance on the United Nations Protection Force (UNPROFOR), followed later by the NATO Implementation Force (IFOR), to ensure that former combatants did not resort to violence when the dialogue reached difficult stages of give and take.

The final core dynamic is the most difficult of the three for restoring dynamic dialogue between and among formerly adversarial socio-economic groups. Former Clinton advisor William Galston states in *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice*, "While

pluralists cannot regard social peace and stability as dominant goods in all circumstances, they recognize that these goods typically help create the framework within which the attainment of other goods becomes possible. ... [A]narchy is the enemy of pluralism."[9] Though in certain cases—Iraq and Afghanistan, for example—reconstruction efforts continue during conflict and civil war, it is as yet unclear if these efforts will ultimately succeed.

Once the three elements of dialogue are in place and the foundations laid for constructive interaction between socio-economic groups within the sociosphere, the second step of the socio-economic reconstruction process can begin. This emphasizes the challenge of moving from small, highly localized pockets of cooperation to larger units, creating a "critical mass" for socio-economic reconstruction.

Critical Mass in the Sociosphere

Where plural polities are weak or did not exist, they have to be created; confidence between antagonistic groups established . . . market economies kick-started; and civic culture encouraged to take root.[10]

Concerted action by socio-economic groups engaged in dialogue at the local level can have substantive repercussions in terms of galvanizing reconstruction at other levels of society. In particular, the process of localized reconstruction serves to create a foundation for successful institution building at the regional and national levels. Local action is grounded in shared socio-economic contextual realities that more easily transcend perceived differences and past conflicts. In Bosnia, for example, businesspeople and community members of differing ethnic backgrounds were able to transcend their previous conflicts in pursuit of a common goal of local economic stability and effective municipal government. In Iraq, rather than focus immediately on larger political objectives, different tribes were able to build cooperation through collaborative tribal councils that focused on prioritizing basic needs for community infrastructure to the benefit of all.

Reaching a critical mass for influencing the larger reconstruction agenda has a great deal to do with making change processes relevant to the individual participants in the new sociosphere. It is through the practice of addressing localized concerns—inherently individual, but expressed through the group dynamic—that a sense of "practical democracy" and ownership begins to imbue the reconstruction

of larger socio-economic institutions with real value drawn from active community participation.

Indeed, without the empowerment of local communities to determine their futures, attempts at civil society reconstruction in a post-conflict society are likely to fail.[11] A top-down approach risks entrenching elite interests at the national level, with little accountability to a more diverse and broadly representative constituency.

Once different socio-economic groups begin to take command of their own problem-solving processes through inclusive dialogue and concerted action, critical mass begins to build. Formal institutional structures—such as those of local government—are particularly important in expanding the civil society efforts begun at the local level. However, apolitical associative networks and coordinating consultative bodies may also play a key role, particularly where political processes are still charged with conflict or the need for decisive change is particularly time-sensitive.

This movement from localized socio-economic groups to regional and "national" groups requires a paradigm shift in how the sociosphere model is viewed. Rather than a two-dimensional model, the sociosphere becomes a multi-dimensional intersection of local, regional, and national sociospheres, all bound by crosscutting connections between and among the socio-economic groups from which each level is drawn. For example, a village in central Bosnia may represent a sociosphere, and be composed of both Bosniaks and Croats. However, that village is a component of the larger cantonal and republican sociosphere, as are the Bosniaks and Croats who interact throughout all levels of society. This reflects the fact that, "Everyone relates to a plurality of social groups; every social group has other social groups cutting across it."[12] Thus, a sociosphere can be local, regional, or national, and every level is dependent on and influenced by both preceding and succeeding layers in a continuous, interdependent, and mutually reinforcing dynamic.

Positive critical mass occurs through the coordination of a number of localized sociospheres in the pursuit of common aims and concerns. Concrete examples of this dynamic include regional networks of local business associations and municipal governments formally united to lobby national government for regulatory changes, as occurred in the Central Valley region of the Bosnian Federation, or regional community councils pooling their resources to rebuild a water distribution plant that served multiple communities, as occurred in al-Hillah, in the Upper South of Iraq. The important

dynamics in building the foundation for this critical mass include the following:

a. **Shared objectives.** The objectives of a concerted action must be of relevance to all those socio-economic groups participating across the local sociospheres. Concrete, short-term outcomes (a loan fund, market road, emergency clinic) must be linked to broader, long-term objectives (improved regional competitiveness, enabling environments, financial services provision) that directly and positively affect the members of all socio-economic groups involved. This ensures that concerted action does not become a "one-off" deal.

b. **Concrete, visible outcomes.** Rather than emphasize theoretical, macro-level objectives or ideals, concerted action must result in concrete, visible outcomes that can serve as a viable symbol and reminder to all those involved in the mobilizing process of its power.

c. **Inclusive decision-making.** Though catalyzing, risk-taking local leaders are a critical factor, the overall process cannot be dominated by individual needs and desires, or outside actors. Decision-making must enable the active participation and input of as many affected socio-economic groups and individual actors as possible. Without this, the action loses validity and its strength as a catalyst for change in the critical mass.

Building from the dynamics of local socio-economic group dialogue, local forces can transform into agents of change at a "macro" level. Though established regional and national authorities initially see local socio-economic action as a threat,[13] successful local action, based upon the principles outlined above, has a greater chance of being grounded in a legitimate consensus of key constituencies and more difficult to ignore in the political arena.

EXTERNAL INFLUENCE AND MORAL HAZARD

Although it may be relatively easy to create institutional structures, the transformation of these structures into legitimate institutions is extremely difficult, and only marginally affected by external actors.[14]

A root dilemma of internationally driven reconstruction efforts in post-conflict societies is that external forces can hope to serve only in a catalytic and facilitative role. Anything beyond this risks the creation of an idol to external perceptions, rather than a functional society built upon the ownership and participation of the various socio-economic groups within the affected sociosphere. All too often, external actors take on a prescriptive role that dis-empowers and ultimately alienates the society being addressed.

That said, the catalytic role is key in socio-economic orders that have been ravaged by conflict. Because "anarchy is the enemy of pluralism,"[15] often the role of external actors is enforcing stability so that reconstructive socio-economic processes can begin to occur. In addition, a practical influence in terms of access to resources can provide immediate incentives for reconstitution of the linkages of dialogue and cooperation in a manner that focuses on achieving pragmatic localized objectives, such as building a school or accessing micro-enterprise loan funds through a participative process.

Yet perhaps the most vital role played by external actors, and the most fraught with risk, is that of the neutral arbiter. Conflict creates deep socio-economic rifts, and from these rifts come mistrust and suspicion that is difficult to overcome. Often, socio-economic groups cannot initiate new dialogue and cooperation on their own. The negative conditions caused by years of conflict and mistrust make it impossible for local leaders to bring together different socio-economic groups without an initial "push" in the right direction. Facilitation of the initial steps is the primary role for external influence. Included in this role is an ability to act as mediator of disputes—old and new—that inevitably arise in the process of re-forming socio-economic ties, and an essential commitment to treating all parties fairly, justly, and equitably.

The moral hazard of external intervention comes when the utility of the neutral arbiter role ends. External actors are driven by human considerations too, and if these are not kept in check, the status quo of intervention can create dependencies and neo-colonialist attitudes among external actors and those being served by their presence. The decision as to what shape post-conflict society and sociosphere will take lies solely on those who comprise it. Prolonged external intervention, however well-intended, re-creates the "invasive" paradigm of the sociosphere model and ultimately undermines the process of successful reconstruction and formation of a civil society structure that is responsive to inter-

nal participants. As Young points out, "Structured social action and interaction often have collective results that no one intends, and which may even be counter to the best intentions of the actors."[16]

Conclusion

Democracy in its purest form is rooted in the basic human need to have one's views, perspectives, and needs respected in a fair and equitable fashion. When societies fail and reconstruction efforts begin, too often there is a failure to recognize the importance of practical democratic principles in achieving a sense of local ownership and buy-in for enduring reconstruction objectives. There is no quick fix for reconstructing post-conflict societies. While the physical structures of roads, bridges, courts, banks, municipal buildings, schools, and clinics are easily patched back together, these are merely symbols of institutions, not institutions themselves. The fundamental processes of socio-economic interaction, decision-making, and dialogue require a much more thoughtful engagement. Attention to the basic building blocks of society, and the fundamental human desire for voice, can yield powerful results. Unfortunately, the time, resources, and commitment required is often too much for the frequently politically motivated institutions of the international community to handle.

Though the model for post-conflict reconstruction outlined above is not a panacea, it represents a key paradigm shift, taking development theory out of strategic policy boxes and allowing for more flexible, localized responsiveness. Authentic reconstruction responds to crosscutting community needs and priorities, not theoretical definitions or donor bureaucracy. Rather than externally determining the appropriate solutions to reconstruction problems in advance, a more flexible "demand-driven" approach encourages the development of dynamic dialogue and critical mass driven change from the very roots of a society. Once dialogue between and among participants in a local sociosphere is established, it can then be extended to connect with other localized sociospheres, so that the cumulative effect results in an impact at the "macro level" of society. Through this process, new institutions can be built that rest upon a stable foundation of diversity, accountability, and—perhaps most important—a crosscutting commitment and adherence to the role of those very institutions in society as a whole, even when they support decisions that one or more socio-economic groups may not agree with. When conflict is relegated to the give-and-take of institutional dialogue, debate, and compromise, a truly stable civil society develops.

In this paper, I have outlined a model for understanding the dynamic connections between socio-economic groups and the institutions that serve them at various levels. I examined the ways internal and external influences can affect these connections in both constructive and destructive ways. The sociosphere concept demonstrates that no socio-economic group can be taken in isolation from others in a society, and any effort at reconstruction must explicitly recognize and address the ties that bind: the linkages of dialogue, incentive, and decision-making between and among the most basic building-blocks of society—the local communities that inform the greater whole.

LBJ

Notes

1. William A. Galston, *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice* (Cambridge, UK: Cambridge University Press, 2002), p. 15.

2. Particularly, this paper draws from the author's personal experience and observations on the social dynamics inherent to the Romanian "Integrated NGO and Economic Development Project," financed by USAID and implemented by CHF International from 1999 to 2003; the Bosnian "Municipal Economic Development Initiative," financed by USAID, SIDA, and the Royal Netherlands Embassy to Sarajevo and also implemented by CHF International between 2001 and 2004; as well as the USAID "Community Revitalization through Democratic Action" model of socio-economic development, currently being implemented in Serbia, Montenegro, Georgia, Central Asia, and Iraq. Please see Works Cited for additional resources on these projects and their outcomes.

3. Amartya Kumar Sen, "Democracy as a Universal Value," *Journal of Democracy*, vol. 10, no. 3 (1999), p. 11.

4. Iris Marion Young, *Inclusion and Democracy* (Oxford, UK: Oxford University Press, 2000 & 2002), p. 100.

5. Ibid., p. 95.

6. Robert J. Donia and John V.A., *Bosnia & Herzegovina: A Tradition Betrayed* (New York: Columbia University Press, 1994).

7. Monica Llamazares and David Crosier, "The Myth of Civil Society: Approaches to Societal Reconstruction in Southeastern Europe," *Higher Education in Europe*, vol. XXIV, no. 4 (1999), p. 558.

8. Ibid., p. 554.

9.   Galston, p. 65.

10. Mark Duffield, "Social Reconstruction and the Radicalization of Development: Aid as a Relation of Global Liberal Governance," *Development and Change,* vol. 33, no. 5 (2002), p. 1050.

11. Llamazares and Crosier, p. 555.

12. Young, p. 88.

13. Llamazares and Crosier, p. 555.

14. Jennifer Milliken and Keith Krause, "State Failure, State Collapse, and State Reconstruction: Concepts, Lessons and Strategies," *Development and Change,* vol. 33, no. 5 (2002) p. 770.

15. Galston, p. 65.

16. Young, p. 97.

WORKS CITED

CHF International *Bosnia & Herzegovina*. Online. Available: http://www.chfhq.org.

Donia, Robert J. and John V.A. Fine, Jr. *Bosnia & Hercegovina: A Tradition Betrayed*. New York: Columbia University Press, 1994.

Duffield, Mark. "Social Reconstruction and the Radicalization of Development: Aid as a Relation of Global Liberal Governance." *Development and Change,* vol. 33, no. 5 (2002), pp. 1049-1071.

Fisher, Julie. "Local and Global: International Governance and Civil Society." *Journal of International Affairs,* vol. 57, no. 1 (Fall 2003), pp. 19-39.

Fowler, Alan. "NGDOs as a moment in history: beyond aid to social entrepreneurship or civic innovation?" *Third World Quarterly,* vol. 21, no. 4 (2000), pp. 637-654.

Fripp, J. "Integrated NGO and Economic Development Project: Romania." Paper presented at conference "Global Development Network: Third Annual Conference" in Rio de Janeiro, Brazil, December, 2001.

Galston, William A. *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice*. Cambridge, UK: Cambridge University Press, 2002.

Gamberale, Vince. CHF Bosnia & Herzegovina. "PPPs & Urban Development: Bosnia & Herzegovina." *Housing Practitioner's Handbook to Housing Sector Development in Southeast Europe.* International Co-operative Alliance. Online. Available: http://www.ica.coop/housing/activities/housing-practioners/part-2-chapt3-gamberale.pdf.

Lewis, Bernard. *The Middle East: A Brief History of the Last 2,000 Years*. New York: Simon & Schuster, 1995.

Llamazares, Monica and David Crosier. "The Myth of Civil Society: Approaches to Societal Reconstruction in Southeastern Europe." *Higher Education in Europe,* vol. XXIV, no. 4 (1999), pp. 553-560.

Milliken, Jennifer and Keith Krause. "State Failure, State Collapse, and State Reconstruction: Concepts, Lessons and Strategies." *Development and Change,* vol. 33, no. 5 (2002), pp. 753-774.

Ottaway, Marina. "Rebuilding State Institutions in Collapsed States." *Development and Change,* vol. 33, no. 5 (2002), pp. 1001-1023.

Sen, Amartya Kumar. "Democracy as a Universal Value." *Journal of Democracy,* vol. 10, no. 3 (1999), pp 3-17. National Endowment for Democracy and the Johns Hopkins University Press.

Tsekov, Georgi. "Sons of the Eagle: Clan Warfare, Organized Crime and State Disintegration in the Western Balkans." *Southeast European and Black Sea Studies,* vol. 2, no. 3 (September 2002), pp. 1-24.

USAID/Eurasia and Europe. *Community Action Investment Program*. Online. Available: http://www.usaid.gov/locations/europe_eurasia/car/briefers/caip.html

USAID/Iraq. Online. Available: http://www.1.usaid.gov//iraq/accomplishments/.

USAID/Serbia. *Community Revitalization through Democratic Action Program.* Online. Available: http://www.sada.usaid.org.yu.

Young, Iris Marion. *Inclusion and Democracy*. Oxford, UK: Oxford University Press, 2000 & 2002.

Promises, Prospects, and Prognostications for a Civil Society in Burma

THE PROSPECT FOR CIVIL SOCIETY IN ASIA has been the subject of considerable debate. Civil society is predominately a Western concept that, according to Timothy Brook and Michael Frolic, "emerged in the eighteenth century in Europe at a time when a new relationship between the society and the state was evolving, as those who controlled capitalist production were seeking access to political power."[1] After the Solidarity movement triumphed in Poland, successfully introducing civil society and helping to create and shape democratic reform, the concept of civil society amassed substantial weight in Asia. Could this phenomenon be applicable in Burma, and is it a precursor to pluralism and democracy?

After the fervor of civil society in the post-communist and post-totalitarian regimes of Eastern Europe and Russia, the prospect and enthusiasm for vibrant civil societies diminished globally. Following the initial thrust of civil society and the dismantling of authoritarian regimes, the strength of autonomous organizations has ebbed.[2] Nonetheless, there remain "weak ties" or loose associations that still operate within these regimes. As a result of the mistrust of authority engendered by totalitarian regimes, people, sheltered from the public sphere, developed extensive close personal ties and social networks.[3] These personal networks, albeit tight interpersonally, remained socially weak, not extending beyond close friendships and kinships. Although these weak ties are not a substitute for an active civil society, they bode well for the future of civil society and democratization provided the necessary institutions develop sustaining interaction and dialogue in the public arena.

Post-communist regimes are culturally unique from Asian societ-

BY JENNIFER RICHMOND

Jennifer Richmond is a Ph.D. candidate in the Government Department at The University of Texas at Austin. Her research interests include political and economic transitions in China and Myanmar.

ies; however, Burma shares their totalitarian legacy. Therefore, parallels can be drawn about the impact of totalitarian rule on the populace and the likelihood for autonomous organization in the public realm. Burma's totalitarian government permits no autonomous organization. Could a Burmese civil society flourish, if given the opportunity? Or would the mistrust engendered by the current regime thwart the organization of a civil society? Moreover, would a civil society in Burma be a necessary step to democratization? Some scholars argue that civil society is not the panacea it was originally assumed, and could actually foster authoritarian rather than democratic rule.[4] Given Burma's unique culture and history, could civil society actually promote democratization, or would it only condemn Burma to perpetual subjugation?

Before assessing the prospect for civil society and its impact on democratization in Burma, it is necessary to define civil society for the purposes of this paper. Some scholars acknowledge that civil society is not a concept that travels neatly; in order to apply civil society to Asia, we must acknowledge certain concessions.[5] For example, in many Asian nations the concept of civil society is intimately tied to marketization and the economic sphere, and is rather limited in its political activity.[6] Therefore, distinctions between economic, civic, or political organizations are not addressed. A more nuanced description of civil society might be necessary to address the type of transition or democratization that would transpire, given the opportunity, but the primary aim here is to explore the prospects for civil society in general. Also, by applying a broad definition of civil society we can attempt to escape the conceptual stretching that may hinder a more detailed analysis of civil society in non-Western environments.[7]

The contention of this analysis is that, similar to the post-totalitarian regimes of Eastern Europe and Russia, Burma has the prospect for a weak civil society based on extensive social networks. This may not lead to spontaneous democratization, but it will assist in a liberal transition, given the opportunity. However, civil society is not a remedy for authoritarianism and will not, in and of itself, lead to democratization or political liberalization. Only after the proper opportunities arise will a weak civil society form to maintain or consolidate a liberal

> *Some scholars acknowledge that civil society is not a concept that travels neatly; in order to apply civil society to Asia, we must acknowledge certain concessions.*

transition. Given the Burmese regime's monopoly of force, a civil society will not form to oppose the regime unless there are indications of reform at the top, at which time this space can be wielded from below to create further organizational freedom. Until then, civil society in Burma remains latent, its potential untapped.

A PROMISING HISTORY OF CIVIL SOCIETY

One prerequisite to the development of civil society is social capital.[8] Social capital is almost synonymous with trust: an interpersonal trust among members of a society. In the post-totalitarian regimes of Eastern Europe and Russia, civil society may not be flourishing, but this does not necessarily imply a lack of social capital. Since public organization was banned in these regimes, people developed extensive "friendship networks."[9] Consisting of ties outside of the family, these networks were heterogeneous, rather than the homogeneous ties of the clan; such heterogeneity is a necessary corollary for civil society. Therefore, although these ties were private and underground, they indicated a propensity for people in these societies to gather for political discussion and dialogue. These ties could eventually develop in the public realm, however. They could also condemn the development of public organization if there is no dynamic transition from the private to the public; social capital is strong in these private networks, but it has yet to extend to the public arena.[10] Nonetheless, as James Gibson poignantly states, "People do not base their decisions to become active in organizational life on the basis of whether they believe strangers can be trusted. Organizations are not formed from strangers."[11]

Some scholars argue that social capital is a non-existent cultural trait in Burma.[12] Without social capital, an important pillar of civil society, can civil society develop even if given the opportunity? Social capital may not be found in great abundance in Burma, but it is not a static trait. Social capital, like democratic values, can develop through repeated, voluntary interaction.[13] Furthermore, it is possible that the lack of social capital in Burma is not a result of culture, but a reaction to the totalitarian regime that invaded private

life to the extent that it made social capital a dangerous commodity, possession of which is criminalized.

Authoritarian regimes might engender a dearth of social capital, but a lack of social capital does not mean that citizens themselves do not have the means to adopt or incorporate it if given the opportunity. Moreover, historical analysis shows that in different eras of Burma's history, the people have exhibited a propensity for a nascent civil society, which presupposes some element of social capital, even if underdeveloped. For example, from Burma's independence in 1948 until the 1962 coup that established the Burma Socialist Program Party (BSPP, also called the *Lanzin* Party) ruled by the *tatmadaw* (the Burmese military), it could be argued that a weak form of civil society existed. Prior to the coup, voluntary and professional organizations were common throughout the country, especially in the urban arena.[14] In addition to these organizations that operated autonomously from the state, the government sometimes afforded both the media and legal institutions an environment relatively free from state coercion.[15] However, these freedoms were only transitory, established and abolished at the government's whim. For example, during the era after decolonization when outbreaks of civil war dotted the political terrain, tolerance for dissent waxed and waned. Mary Callahan states that the government "invoked emergency provisions and other legal devices to eliminate criticism of the shaky government by imprisoning critics, suspending habeas corpus, shutting down newspapers . . . and closing down student unions."[16] Although the "civilian" government during the period between 1948 and 1962 may not have been a proponent of civil society, given the gravity of internal strife and factionalism demanding strict regulations, it is nonetheless apparent that autonomous organizations did flourish in the public arena in the eras when tranquility allowed them to prevail.

Since the 1962 coup, the Burmese government has remained a tool of the *tatmadaw*. The *tatmadaw* eliminated any vestiges of civil society or organization that are not directly under its authority. The military's stifling presence saturates all aspects of Burmese life. There was, however, one brief moment when fragmented elements of civil society once again became visible. In 1988, a student revolution, much like that of Tian'anmen in China, disrupted the *tatmadaw*'s coerced public pacification. Despite the bloody suppression of the revolution, an open and untainted expression of dissatisfaction resonated throughout the country. Christina Fink illustrates the atmosphere:

> After the soldiers retreated, independent organization sprang up everywhere. Artists, actors, civil servants and housewives organized unions and marched in the streets. . . . Several dozen newspapers, magazines and pamphlets appeared overnight. . . . In most towns, local committees were set up to handle daily affairs; in particular security and food distribution.[17]

The spontaneous emergence of these revolutionary groups may not necessarily have evinced a predisposition toward civil society; they may simply have joined forces, espousing a collective condemnation of repression. However, the continued presence throughout history of incipient organization would suggest otherwise. Regardless of the impetus of these collective actions, they were effective in creating a space between society and the state—a space that threatened the authoritarian institutions. General Khin Nyunt, the SPDC's third in command, wrote an article, "Movements of the Unlawful Bogus Student Organizations," in which he condemned the organizations that developed in 1988, obviously upset by what he must have perceived as a threat to the regime's totalitarian rule by the spontaneous organization of civilian groups.[18] These pervasive organizations outlined by General Khin Nyunt underscore a latent civil society that continues to emerge in troubled times.

The Burmese government allowed the 1990 elections, in part, because of the 1988 protests. Taken together with the overwhelming support for the National League for Democracy (NLD), the elections further signify a propensity of the Burmese people to organize and support institutions that would, in theory, promote both democracy and civil society. Shwe Lu Maung, however, argues that the Burmese are not necessarily predisposed toward democracy per se, but rather towards its basic maxims:

> [The Burmese] have doubts and probably mixed feelings about democracy, especially about parliamentary democracy, which they recognize as a machinery of imperialism in the process of colonization. While they are not very sure about the goodness and credibility of democracy because it is an institution of imperialism they are also attracted to it because of its liberal attitudes such as freedom of expression, freedom of thought, freedom of action, in brief, the overall freedom of politics.[19]

Maung's argument suggests that the mantle of

democracy was not necessarily the driving force for the elections; the desire for a fundamental change away from military totalitarianism was the sole catalyst. Moreover, authentic civil society must be built on rule of law, not on the reputation of charismatic leaders such as the NLD's Aung San Suu Kyi. This does not portend that the NLD is incapable of implementing a transparent and hardy legal apparatus, but it does posit that the emergence of civil society and democracy cannot be estimated solely on the support of the alluring stature of a prominent figure or the vigorous support of free and fair democratic elections.

Prior to the 1990 elections, Burma experimented periodically with the ballot box. These rudimentary elections could be considered as indications of a natural Burmese penchant for democracy, pluralism, and possibly even civil society. However, such optimism is also a little premature. As a British colony, Burma's original intent in drafting a constitution and holding elections was to ensure freedom from imperialism.[20] After Burma gained freedom from the British, they held elections in 1947, 1951, and 1960. However, these elections could not be considered fair or free. Military operations were generally conducted in contentious areas prior to elections, suggesting manipulated outcomes.[21] Moreover, these elections did not witness an enthusiastic turnout, constituting a feeble display of democratic values.[22]

While the earlier elections neither championed democratic principles nor provided a formidable pilaster for a growing civil society, the support for the 1990 elections was unprecedented. That desire for freedom bespeaks a shift of the pendulum in a democratic direction. The 1988 uprising presaged these elections, and the State Law and Order Restoration Council (SLORC), under pressure to reform, permitted the elections to take place, confident that the council could sway the opinion and the vote.[23] The outcome of the elections, a landslide for the NLD, left the SLORC stupefied; it refused to abdicate its jurisdiction. Despite the SLORC's rejection of the election and the subsequent house arrest of Aung San Suu Kyi, the uprising and the election imply that there exists at least an elementary base on which a civil society could be built.

The contention of this analysis is that, similar to the post-totalitarian regimes of Eastern Europe and Russia, Burma has the prospect for a weak civil society based on extensive social networks.

Prospects for an Emerging Civil Society

Currently, no evident form of civil society exists in Burma that would fit even the most parsimonious definition. All public dialogue and organization are banned by the state unless given explicit permission. However, there are a few indications that a civil society could develop if reform were initiated from the top.[24] For example, the Buddhist *sangha* came forward during the student protests offering to start a dialogue between the state and society. Although the dialogue was unsuccessful, it still indicates that willing agents exist to move into a more open public arena. Also, the state has recently created its own civil society. Of course, state-led civil society is by definition the antithesis of a genuine Western-liberal civil society. Nonetheless, it is possible that these organizations could outgrow the state and slowly develop autonomy. This is highly unlikely in the current environment, but if the government were to initiate some reform—even apolitical economic reform as happened in the East European and Russian Communist regimes—it may need to make concessions to entrepreneurs in exchange for their loyalty.[25] These concessions often entail some measure of freedom from the state, which, once initiated, may be difficult to control or renege.

Regardless of a latent or vibrant civil society, democratization will not be automatic; it is simplistic to link these two concepts too intimately. As we see in many Eastern European countries and in Russia, civil society has not always entailed democratization. Without the proper institutions, civil society decayed, but was not necessarily destroyed.[26] Given the cases in Eastern Europe and Russia, it is arguable that the original chain of causality—civil society then democratization—may actually be the inverse. Although civil society may erupt to foment change, that emergent civil society is only temporary, and could be dangerous unless there are institutions to advance and support such organization.[27] Democratic institutions do not exist in Burma, but certain elements of society such as the *sangha* and state-led civil society have the potential to develop into such institutions and concomitantly to promote a civil society. Given both Burma's totalitarian legacy and the evidence of a latent civil society, if the

government allowed reform, a civil society could develop that would support democratization. It is possible, however, that it would not fully develop in a Western-liberal sense until democratic institutions were entrenched and the legacy of totalitarian suppression extinguished.

The Buddhist Sangha

One of the only groups afforded limited autonomy in Burma is the Buddhist *sangha*—monks organized in their respective temples. Although their autonomy is dependent on non-interference in the political sphere, there still exists a space where civil society could emerge. Michael Frolic suggests that the separation of the church and state in Europe was an antecedent to the emergence of a society distinct from the state: "The separation of church and state created a space for multiple loyalties, for the separation of state and society, and for the evolution of the idea of a private sphere for individuals."[28] In Burma, the *sangha* is separated from the government only in its relative autonomy, but there is no legal separation of the church and state. Therefore, it is probably overly optimistic to suggest that the *sangha* will incite the rise of civil society, yet it may provide an option for those who seek to find a space for interaction that has some distance from the state. However, the State Peace and Development Council (SPDC—same leadership as under the SLORC) in Burma created a foundation for its legitimacy by utilizing Buddhist doctrine, convoluting any true separation between the church and the state, and making it unlikely that even a growing divide between the two would mimic the effects of a similar occurrence in Europe.

The state not only manipulates religion to buttress their continued reign, but they also use Buddhist rhetoric both in the media and in their slogans to further indoctrinate the public. For example, they commonly use the term *centana*—goodwill—in describing their role within society; *centana* is such an important concept in the Burmese Buddhist doctrine that to object to actions taken with *centana* is akin to blasphemy, even when the term is exploited to serve despotic means.[29] The Buddhist *sangha,* although relatively autonomous, cannot counter the state. It is restricted by its own code not to oppose moves that are taken with *centana.* Therefore, it provides an unstable pedestal to support the growth or even emergence of civil society.

Nonetheless, there have been instances in Burma where Buddhist monks have encouraged, and even participated in, protests against the state. For example, during the 1988 uprising, the monks tried to deter the military from its massacre while simultaneously promoting dissent and equating the struggle against the regime as "spiritual purification."[30] Moreover, the monks supported the protestors "by giving them protective charms and tattoos."[31]

However, the fear of state repercussion keeps the defiance of both the secular citizenry and the Buddhist monks at a minimum. Furthermore, after the 1988 uprising, the SPDC heightened its infiltration of society and control of the *sangha*. Military agents deterred further rebellion by "planting monks" in monasteries, effectively closing the space between the church and the state.[32] Although there is a modicum of autonomy, most evident at the local level, the *sangha* is unlikely to be the engine of civil society. But it is important to note that the *sangha* could be instrumental in negotiating a compromise with the SPDC that may result in the development of a future civil society. Given the *sangha*'s record of political approbation in Burma, it could be a requisite agent fueling the emergence of a civil society. Despite Buddhist values that seem to deter active condemnation of state activity that is disguised in Buddhist semantics, the Buddhist value of detachment may actually help to institutionalize democracy. This attitude of worldly detachment may prevent ideological stagnation, as nothing is seen as permanent and reality is always malleable and contingent on the observer.[33] Therefore, if the *sangha* is able to philosophically address the contradiction in its inaction—the contradiction in the state using Buddhist rhetoric to forward un-Buddhist action—then they will recognize that their inaction is contingent on a flawed principle. As within a democracy, constitutional rules are amenable to change if new situations render old rules inappropriate or inflexible.

> *Authoritarian regimes might engender a dearth of social capital, but a lack of social capital does not mean that citizens themselves do not have the means to adopt or incorporate it if given the opportunity.*

STATE-LED CIVIL SOCIETY

The current debates on civil society and Asia focus on the Western implications inherent in civil society and whether these ideals could translate into an Asian model. The Asian realm is characterized largely by authoritarian regimes that do not allow room for the Western archetype of civil society. One of the most salient discussions revolves around the question of whether state-led civil society—civil society cultivated by a government—can still be considered a genuine and prolific civil society. In a Western context, it is imperative that civil society be devoid of any coercion from the state. Therefore, it is reasonable to suggest that a civil society generated by the state retains some element of coercion or influence from the state. However, it is possible that a weak civil society can exist in Asia if there is some flexibility with regard to the relationship between the state and civil society. Brook and Frolic promote this elastic definition of civil society in their discussion of civil society in China:

> State and society are densely interactive realms everywhere, as much in the West as in China. Civil society might better be thought of, therefore, as a formation that exists by virtue of state-society interaction, not as something between, separate from, or autonomous from either.[34]

It may be a stretch to deviate from the original definition of civil society to such an extent, but entertaining this supposition can advance the application of civil society in Asia generally and in Burma specifically. Moreover, it is plausible that state-sponsored civil society could sow the seeds for more autonomous organization in the future. States generally undergo reform and introduce civil society as a legitimizing instrument, but regardless of the specific impetus, it underlines a tension between the state and society and the state's endeavor to placate the public.

State-led civil society in Burma is generally seen as another schema for the SPDC to completely infiltrate society. Nearly all of these organizations are politicized by the government, are instruments of the military, and are used to quell the pressure for autonomous, non-state organization.[35] Although the SPDC uses state-run civil society as a way to propagate its jurisdiction, it may eventually create a space for authentic, "bottom-up" or grass-roots civil society to emerge by allowing society greater access to the state.

The Union Solidarity Development Association (USDA) displays the SLORC's (and it continues today under the SPDC) most recent attempt to establish a "civil society." This organization is directed primarily at mobilizing the youth in Burma to do the bidding of the state. It formed in 1993, not long after the 1990 election fiasco, in an effort to mitigate the ramifications of the state's brutal suppression of the 1988 uprising and the 1990 democratic elections.[36] Taking cues from the Indonesian GOLKAR (the military regime under Suharto), the SLORC formed the USDA as a way to maintain power and to forward its ideology and orthodoxy.[37] The organization's main purpose is to bolster the state, but it does so through local initiatives in education and development.[38] Membership is reported to be anywhere between 5 and 11 million, which would mean that 12 to 30 percent of the population is involved.[39] The membership reflects the dearth of opportunities outside of the sphere of the military.

Without the support of the state, the options for the youth in Burma are slim, especially in a country where even private businesses need a seal of approval from the government before commencing operations. Even though the government denies that it compels membership in the USDA, in a sense it is the only plausible option for those growing up under the reign of the SPDC.[40] Moreover, for many high school and college students, academic honors and educational advancement are generally "linked to membership." Farmers in rural areas joined the movement when they were informed that their membership would exempt them from conscripted labor.[41]

The USDA is not the only organization that the SPDC promotes, although it is the most omnipresent. Private organizations like the Myanmar Maternal and Child Welfare Association (MMCWA), spearheaded by General Khin Nyunt's wife, operate under the influence of the government but have many local chapters that do not answer directly to it.[42] Another organization, the Myanmar Women's Entrepreneurial Association (MWEA), was chartered in 1995 but not allowed to register with the Home Ministry until the participants signed a contract stating that their organization would not become involved in political affairs and that its members all belonged to the USDA.[43] The Myanmar Red Cross's (MRC) president "halted meaningful programming on HIV/AIDS and insisted that staff participate in pro-SLORC USDA rallies."[44] These examples illustrate that the SPDC undeniably stifles the capacities of state-sponsored organizations (termed GONGOs—government-organized NGOs) making their potential for autonomy enigmatic.

While the future autonomy of such organizations could promote a civil society, a state-led civil society

could also further engender a distrust of the government, which would hamper the development of civil society even in the face of reform. Therefore, the existence of a state-led civil society is ambiguous for a future of genuine civil society. Nonetheless, the possibility is worth mentioning as a potential fount for autonomous public organization, and it is possible that, coupled with other elements of a latent civil society in Burma, a state-led civil society would have a liberal development.

PROGNOSTICATIONS OF DEMOCRACY AND CIVIL SOCIETY IN BURMA

The firm grip of Burma's authoritarian rule is unlikely to relax in the short-term. However, as Burma slowly creates links to the international realm both economically and politically, some reform will be necessary to accommodate these new relationships. To date, the Burmese government has adroitly managed its hegemony over society. Ever since the 1990 elections it has kept a tight lid on any autonomous or individual expression that does not uphold the state. The situation became so severe as of late that even its neighbors in the Association of Southeast Asian Nations (ASEAN), who are staunch supporters of political non-interference, have started to grumble. Indonesian President Susilo Yudhoyono is the most recent political emissary to visit Burma and entreat them to democratize. The political environment has not changed since 1990, and ASEAN recently decided to do its part to attempt some forced political liberalization in Burma. However, Yodhoyono's visit in early 2006 has yet to prove any more fruitful than the envoys of other foreign dignitaries.

The government is stagnant, but civil society in Burma is not—even if change is slow and barely perceptible. Every time an opportunity arises for public organization, the Burmese people have quickly maneuvered within this new space. As history highlights, when civil society does emerge, it does so with more force each time; whereas elections were once merely formal exercises lacking in substance, the 1990 elections exuded a clear demonstration of the desire for change and the pressure for some element of democracy. There have been no other opportunities since 1990 for the population to join together to form a civil society, but the close interpersonal ties defining the society continue to suggest that once another opportunity arises a powerful social force could emerge.

The displays of spontaneous public organization

in 1990 and prior, coupled with sensitivity toward the precepts of civil society, have positive implications for the future of democracy and civil society in Burma. Although the change is slow and incremental, it should not be dismissed as trivial.[45] This type of change is important to instill and stimulate strong democratic values and institutions. Since Burma has had no real experience with democracy, a spontaneous change is unlikely, but the potential exists within Burmese society for a civil society to grow without the proper prerequisites and adjustments.[46]

The totalitarian legacy and the government's censure of democratic values and civil society has left an indelible imprint on the lives of the Burmese, shaping how they are able to operate within society. Despite this subjugation, social networks persist in Burma, most predominately in the Buddhist *sangha*. Although these social networks endure without the support of democratic institutions, the rise of civil society and democracy will be closely intertwined in Burma. It is not a general precondition that the two work concurrently, and often they do not.[47] Nevertheless, civil society will not be tolerated by the Burmese regime unless there is reform from the top. While this reform will not necessarily lead to a democracy, any retreat of the Burmese government from society will be a move along the political continuum toward more democratic values. Furthermore, the overwhelming legitimacy garnered by the NLD supports the supposition that the public actively seeks democratic values, even if only in opposition to the current authoritarian norm. The question remains: If the NLD gains power or some power-sharing arrangement is negotiated, would this new regime foster a civil society, especially a Western-liberal civil society? The terms of a civil society under these conditions are unclear, but state-society relations would definitely be altered to an extent allowing greater public interaction. Even if a Western-liberal civil society is not on the horizon under a new, more democratic government, the social networks apparent in Burma will continue to operate and generate a space for at least a weak civil society, if not for something more robust and vibrant.

LBJ

NOTES

1.　Timothy Brook and Michael Frolic, "The Ambiguous Challenge of Civil Society," in *Civil Society in China*, ed. Timothy Brook and Michael Frolic (Armonk, NY: M.E. Sharpe, 1997), p. 8.

2.　James Gibson, "Social Networks, Civil Society, and the Prospects for Consolidating Russia's Democratic

Transition," *American Journal of Political Science,* vol. 45, no. 1 (January 2001), pp. 51-68.

3. Ibid.; and Marc Morje Howard, "The Weakness of Postcommunist Civil Society," *Journal of Democracy,* vol. 13, no. 1 (January 2002), pp. 157-169.

4. Sheri Berman, "Civil Society and the Collapse of the Weimar Republic," *World Politics,* vol. 49, no. 3 (April 1997), pp. 401-429.

5. Helen Hardacre, "Japan: The Public Sphere in a Non-Western Setting," in *Between States and Markets: The Voluntary Sector in Comparative Perspective,* ed. Robert Wuthnow (Princeton, NJ: Princeton University Press, 1991), p. 217.

6. Ibid., pp. 217-218.

7. Giovanni Sartori, "Concept Misformation in Comparative Politics," *American Political Science Review,* vol. LXIV, no. 4 (December 1970), pp. 1033-1053.

8. Robert Putnam, "Bowling Alone: America's Declining Social Capital," *Journal of Democracy,* vol. 6, no. 1 (1995), pp. 65-78.

9. Howard, "Weakness of Postcommunist Civil Society," p. 157.

10. Ibid.

11. Gibson, "Social Networks," p. 66.

12. Lucian Pye, "Civility, Social Capital, and Civil Society: Three Powerful Concepts for Explaining Asia," *Journal of Interdisciplinary History,* vol. XXXIX (Spring 1999), pp. 763-782.

13. Howard, "Weakness of Postcommunist Civil Society," p. 168.

14. David Steinberg, "The State, Power and Civil Society in Burma/Myanmar: The Status and Prospects for Pluralism" (Unpublished Paper). p. 11.

15. Ibid.

16. Mary Callahan, "On Time Warps and Warped Time: Lessons from Burma's 'Democratic Era,'" in *Burma: Prospects for a Democratic Future,* ed. Robert Rotberg (Washington, D.C.: Brookings Institute Press, 1998), p. 54.

17. Christina Fink, *Living Silence: Burma Under Military Rule* (London: Zed Books, 2001), p. 59.

18. Khin Nyunt, "Movements of the Unlawful Bogus Student Organizations," *Burma Debate,* vol. IV, no. 1 (January/February 1997). Online. Available: http://www.burmadebate.org/archives/bdjanfeb.html. Accessed: 15 October 2001.

19. Shwe Lu Maung, *Burma, Nationalism, and Ideology: An Analysis of Society, Culture, and Politics* (Dhaka: University Press, 1989), p. 87; and Robert Taylor, "Elections in Burma/Myanmar: For Whom and Why?" in *The Politics of Elections in Southeast Asia,* ed. Robert Taylor (New York: Cambridge University Press, 1996), pp. 164-183.

20. Callahan, "On Time Warps," 59.

21. Taylor, "Elections in Burma/Myanmar," 171.

22. Ibid.

23. The SLORC usurped power from the BSPP in 1988. The primary actors are the same as under the BSPP.

24. Philippe Schmitter, "Civil Society East and West," in *Consolidating the Third Wave Democracies: Themes and Perspectives,* ed. Larry Diamond et al. (Baltimore, MD: Johns Hopkins University Press, 1997), pp. 239-262.

25. Marcia Weigle and Jim Butterfield, "Civil Society in Reforming Communist Regimes: The Logic of Emergence," *Comparative Politics,* vol. 25, no. 1 (October 1992), pp. 1-23.

26. Howard, "The Weakness of Postcommunist Civil Society;" and Samuel Huntington, "Political Development and Political Decay," *World Politics,* vol. XVII, no. 3 (April 1965), pp. 386-430.

27. J. Snyder and K. Ballentine, "Nationalism and the Market Place of Ideas," *International Security,* vol. 21, no. 2 (Autumn 1996), pp. 5-40.

28. Michael Frolic, "State-Led Civil Society," in *Civil Society in China,* ed. Brook and Frolic, p. 53.

29. David Steinberg, *Burma's Road Toward Development: Growth and Ideology Under Military Rule* (Boulder, CO: Westview, 1981) pp. 4-5.

30. Fink, *Living Silence,* p. 60.

31. Ibid.

32. Ibid., p. 217.

33. Ibid., p. 254.

34. Brook and Frolic, "The Ambiguous Challenge," p. 12.

35. David Steinberg, "The Union Solidarity Association," Burma Debate, vol. IV, no. 1 (January/February 1997). Online. Available: http://www.burmadebate.org/archives/bdjanfeb.html. Accessed: 20 October 2001.

36. Ibid.

37. David Steinberg, "The Burmese Conundrum: Approaching Reformation of the Political Economy" (paper presented at a conference on "The Current Situation in Burma/Myanmar: Background, Prospects, and Possible Solutions," sponsored by the Stiftung Wissenschaft und Politik in Bonn, Germany, July 1998), p. 2.

38. Steinberg, *Burma's Road Toward Development: Growth and Ideology Under Military Rule,* p. 13.

39. David Steinberg, "A Void in Myanmar: Civil Society in Burma," in *Strengthening Civil Society in Burma,* ed. Burma Center Netherlands and Transnational Institute (Bangkok: Silkworm Books, 1999), p. 12.

40. Personal interviews, August 2000.

41. Fink, *Living Silence,* p. 101.

42. Steinberg, "A Void in Myanmar," p. 13.

43. Fink, *Living Silence*, p. 34.

44. Mark Purcell, "'Axe-Handles or Willing Minions?': International NGOs in Burma," in *Strengthening Civil Society in Burma*, ed. Burma Center Netherlands and Transnational Institute (Bangkok: Silkworm Books, 1999), p. 87.

45. David Steinberg, *Burma: The State of Myanmar* (Washington, D.C.: Georgetown University Press, 2001).

46. Jack Snyder, *From Voting to Violence: Democratization and Nationalist Conflict* (New York: W.W. Norton and Company, 2000).

47. Schmitter, "Civil Society."

Works Cited

Berman, Sheri. "Civil Society and the Collapse of the Weimar Republic." *World Politics,* vol. 49, no. 3 (April 1997), pp. 401-429.

Brook, Timothy, and Michael Frolic. "The Ambiguous Challenge of Civil Society." In *Civil Society in China,* ed. Timothy Brook and Michael Frolic. Armonk, NY: M.E. Sharpe, 1997.

Burma Center Netherlands and Transnational Institute, ed. *Strengthening Civil Society in Burma*. Bangkok, Silkworm Books, 1999.

Burma Debate. Online. Available: http://www. burmadebate.org.

Cable News Network. "Burma Renews ASEAN Bid, Faces U.N. Rebuke." (November 28, 1996.) Online. Available:http://www.cnn.com/WORLD/9611/28/burma.world.

Callahan, Mary. "On Time Warps and Warped Time: Lessons From Burma's 'Democratic Era.'" In *Burma: Prospects for a Democratic Future,* ed. Robert Rotberg. Washington, D.C.: Brookings Institute Press, 1998.

Cary, Peter, ed. *The Challenge of Change in a Divided Society*. New York: St. Martin's Press, 1997.

—————. *From Burma to Myanmar: Military Rule and the Struggle for Democracy*. London: Conflict Studies Report, Research Institute for the Study of Conflict and Terrorism, 1997.

Cohen, J.L., and A. Arato. *Civil Society and Political Theory*. Cambridge, MA: Harvard University Press, 1992.

Crouch, Harold, and James Morley. "The Dynamics of Political Change." In *Driven By Growth: Political Change in the Asia-Pacific Region,* ed. James Morley. Armonk, NY: M.E. Sharpe, 1999.

Curtis, Gerald. "A 'Recipe' for Democratic Development." *Journal of Democracy,* vol. 8, no. 3 (July 1997), pp. 139-145.

Fink, Christina. *Living Silence: Burma Under Military Rule*. London: Zed Books, 2001.

Fredholm, Michael. *Burma: Ethnicity and Insurgency*. Westport, CT: Praeger, 1993.

Frolic, Michael. "State-Led Civil Society." In *Civil Society in China,* ed. Timothy Brook and Michael Frolic. Armonk, NY: M.E. Sharpe, 1997.

Gibson, James. "Social Networks, Civil Society, and the Prospects for Consolidating Russia's Democratic Transition." *American Journal of Political Science,* vol. 45, no. 1 (January 2001), pp. 51-68.

Habermas, Jurgen. *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. Cambridge, MA: MIT Press, 1989.

Hardacre, Helen. "Japan: The Public Sphere in a Non-Western Setting." In *Between States and Markets: The Voluntary Sector in Comparative Perspective,* ed. Robert Wuthnow. Princeton, NJ: Princeton University Press, 1991.

Howard, Marc Morje. "The Weakness of Postcommunist Civil Society." *Journal of Democracy,* vol. 13, no. 1 (January 2002), pp. 157-169.

Liddell, Zunetta. "No Room to Move: Legal Constraints on Civil Society in Burma." In *Strengthening Civil Society in Burma,* ed. Burma Center Netherlands and Transnational Institute. Bangkok: Silkworm Books, 1999.

Lu Maung, Shwe. *Burma, Nationalism, and Ideology: An Analysis of Society, Culture, and Politics*. Dhaka: University Press, 1989.

Maung, Mya. *The Burma Road to Capitalism: Economic Growth Versus Democracy*. Westport, CT: Praeger, 1998.

Nyunt, Khin. "Movements of the Unlawful Bogus Student Organizations." *Burma Debate,* vol. IV, no. 1 (January-February 1997). Online. Available: www.burmadebate.org/archives/bdjanfeb.html.

O'Rourke, Dara. "Oil in Burma: Fueling Oppression." *Multinational Monitor* (October 1992). Online. Available: www.multinationalmonitor.org/hyper/issues/1992/10/mm1092_06.html.

Purcell, Mark. "'Axe-Handles or Willing Minions?': International NGOs in Burma." In *Strengthening Civil Society in Burma,* ed. Burma Center Netherlands and Transnational Institute. Bangkok: Silkworm Books, 1999.

Putnam, Robert. "Bowling Alone: America's Declining Social Capital." *Journal of Democracy,* vol. 6, no. 1 (1995), pp. 65-78.

Pye, Lucian. *Politics, Personality, and Nation Building: Burma's Search for Identity*. New Haven, CT: Yale University Press, 1962.

—————. "Civility, Social Capital, and Civil Society: Three Powerful Concepts for Explaining Asia." *Journal of Interdisciplinary History,* vol. XXXIX (Spring 1999), pp. 763-782.

Richmond, Jennifer. Personal interviews, August 2000.

Rotberg, Robert., ed. *Burma: Prospects for a Democratic Future.* Washington, D.C.: Brookings Institute Press, 1998.

Rowe, William. "The Problem of 'Civil Society' in Late Imperial China." *Modern China,* vol. 19, no. 2 (April 1993), pp. 139-157.

Sartori, Giovanni. "Concept Misformation in Comparative Politics." *American Political Science Review,* vol. LXIV, no. 4 (December 1970), pp. 1033-1053.

Schmitter, Philippe. "Civil Society East and West." In *Consolidating the Third Wave Democracies: Themes and Perspectives,* ed. Larry Diamond et al. Baltimore, MD: Johns Hopkins University Press, 1997.

Smith, Martin. "Ethnic Conflict and the Challenge of Civil Society in Burma." In *Strengthening Civil Society in Burma,* ed. Burma Center Netherlands and Transnational Institute. Bangkok: Silkworm Books, 1999.

Snyder, J., and K. Ballentine. "Nationalism and the Market Place of Ideas." *International Security,* vol. 21, no. 2 (Autumn 1996), pp. 5-40.

Snyder, Jack. *From Voting to Violence: Democratization and Nationalist Conflict.* New York: W.W. Norton and Company, 2000.

Steinberg, David. "Burma: Prospects for Political and Economic Reconstruction." In *World Peace Foundation Report.* Cambridge, MA: World Peace Foundation, 1997.

—————. *Burma: The State of Myanmar.* Washington, D.C.: Georgetown University Press, 2001.

—————. *Burma's Road Toward Development: Growth and Ideology Under Military Rule.* Boulder, CO: Westview, 1981.

—————. "The Burmese Conundrum: Approaching Reformation of the Political Economy." Paper presented at a conference on "The Current Situation in Burma / Myanmar: Background, Prospects, and Possible Solutions," sponsored by the Stiftung Wissenschaft und Politik in Bonn, Germany, July 1998.

—————. "The State, Power, and Civil Society in Burma / Myanmar: The Status and Prospects for Pluralism." (Unpublished paper.)

—————. "The Union Solidarity Association." *Burma Debate,* vol. IV, no. 1 (January / February 1997). Online. Available: http://www.burmadebate.org/archives/bdjanfeb.html.

—————. "A Void in Myanmar: Civil Society in Burma." In *Strengthening Civil Society in Burma,* ed. Burma Center Netherlands and Transnational Institute. Bangkok: Silkworm Books, 1999.

Taylor, Robert. *Burma: Political Economy Under Military Rule.* London: Hurst & Co., 2001.

—————. "Elections in Burma / Myanmar: For Whom and Why?" In *The Politics of Elections in Southeast Asia,* ed. Robert Taylor. New York: Cambridge University Press, 1996.

Unocal Corporation. *2000 Annual Report.* Online. Available: http://www.unocal.com/investor/00ar/index.htm.

Wakeman, Frederic. "The Civil Society and Public Sphere Debate: Western Reflections on Chinese Political Culture." *Modern China,* vol. 19, no. 2 (April 1993), pp. 108-138.

Weigle, Marcia, and Jim Butterfield. "Civil Society in Reforming Communist Regimes: The Logic of Emergence." *Comparative Politics,* vol. 25, no. 1 (October 1992), pp. 1-23.

Russian Power Brokering, Peacemaking, and Meddling in the Georgian-Abkhaz Conflict

by Stephanie Fain

T HE SOUTHERN CAUCASUS REGION in central Asia is notoriously volatile, and when the breakup of the Soviet Union in 1990 released once-protected republics, the stage was set for the emergence of power struggles aimed at redrawing national boundaries based on ethnicity.

Georgia was one of the first to face a threat to its territorial integrity. In 1992, the tiny, semi-autonomous Georgian republic of Abkhazia declared independence, claiming the right to self-determination of its Abkhaz population. One month later, a contingent of Georgian National Guard troops sparked a civil war when they rolled into Sukhumi, the capital of Abkhazia, to reassert power. The fighting lasted two years, with brief intermissions of Russian-brokered ceasefires. It left at least 3,000 people dead and as many as 25,000 to 30,000 wounded.[1] Between 200,000 and 250,000 people, mostly ethnic Georgians, fled. In May 1994, the warring parties signed the last in a series of ceasefires mediated by Moscow. The truce, called the Moscow Agreement, created a security zone patrolled by international peacekeepers to separate the belligerents. The buffer marks a de facto border. Very little has changed since 1994.

Russia played a central role in the conflict. It participated in the initial stages of the war on behalf of the Abkhazis, and it later took on the role of conflict mediator. In fact, evidence indicates that Russia used the conflict, and even exacerbated it, to retain influence over Georgia and to coerce Georgian leaders to join the Commonwealth

Stephanie Fain is completing a master's degree at the LBJ School of Public Affairs at The University of Texas. She is a summa cum laude graduate of Texas Tech University, where she earned a B.A. in French and history and received a Rotary Ambassadorial Scholarship to study at the Univeristy of Grenoble in France. After graduation, she taught English in Japan and worked for the Texas State Senate Journal. *Her policy interests include foreign affairs, development and aid issues, international trade, and conflict resolution. She thanks Dr. Alan Kuperman for his guidance in developing this paper.*

of Independent States (CIS), the loose confederation of former Soviet republics formed by Moscow after the fall of the Soviet Union. The international community sanctioned Russia's role in the conflict. Organizations like the United Nations and the Organization for Security and Cooperation in Europe (OSCE) agreed to empower a "multilateral" CIS (read "Russian") peacekeeping force to patrol the ceasefire line between Georgia and Abkhazia; however, the international community's ability to check Russia's power in the situation is weak.

The former Soviet Union is a fractious region. Clashes such as the Georgian-Abkhaz one present case studies in dealing with ethnic conflict, particularly within the sphere of influence of a regional hegemonic power. The steps the international community took to resolve the conflict, namely approving a regional hegemony to deal with it, provide insight into the nature of international peacekeeping as a means for dealing with ethnic conflict. In addition, the Caucasus should be a priority for study because the ethnic diversity of the region creates a tinderbox that will continue "to pose an increasing number of conflict-related humanitarian challenges to the international community."[2]

Using a variety of primary and secondary accounts of the conflict, cross-checked with media sources, this paper seeks to uncover the details of events on the ground and how they dictated the course of the political reality. After describing the background of the conflict and intervention, the paper looks at what the intervention did and did not accomplish with respect to the goals of the parties involved. It then analyzes the peacekeeping force's effectiveness in implementing its mandate and in ending the conflict. Finally, the paper attempts to flesh out the role that international bodies should play in checking the use of coercive power by regional hegemonies, like Russia, over nations within their spheres of influence.

BACKGROUND

Georgia is an ethnically divided nation. No single group can claim a majority in its population, and it has been that way throughout history. The Caucasus is home to hundreds of groups with distinct cultures and languages. Georgia's own history reflects this through a tortured process of unification of warring clans and culturally distinct tribes. Further, Georgia sits at the intersection of present-day Arab, Iranian (Persian), Turkish, and Russian spheres of influence (not to mention its historical situation on the fringes of the Roman, Byzantine, Ottoman, and Mongolian empires). By its very geography, Georgia has been subjected to a perpetual tug-of-war between imperial powers for centuries.

Although the authoritarianism of the Soviet era suppressed ethnic tensions for a time, the issue remained a pervasive undercurrent in Georgia's social networks. Then, with the fall of the iron curtain in 1989, they re-emerged as an overt and formidable challenge to the tiny Caucasian state. Because this paper focuses solely on the conflict between Georgia and Abkhazia, it will not address other ethnic divides in Georgia, though it is important to note that others exist.

It is unclear whether Abkhazis or Georgians have greater historical ties to the land, but clearly the two cultures have lived intertwined for centuries.[3] After a brief Abkhaz principality from the eighth to tenth centuries, under which both Georgians and Abkhazis lived peacefully, Abkhaz rulers began to unite with Georgians, intermarrying and joining a united Georgian kingdom that lasted until the Ottomans conquered Abkhazia in the 15th century. The Ottomans ruled until the 18th century, bringing Islam to the people of Abkhazia.

Ottoman dominance gave way to Russian rule, which has remained in play to the present. Indeed, tensions over the status of Abkhazia with regard to Georgia have been "exacerbated by years of vacillating Soviet nationalist policies."[4] From 1921 to 1931, the USSR granted Abkhazia the status of union republic, though it was joined to Georgia by a special treaty. In 1931, however, its status was downgraded to that of an autonomous republic within Georgia. Favorable migration policies that followed, as well as Abkhazia's idyllic landscape, brought in a large wave of ethnic Georgians, which shifted demographics and worried Abkhazis. In 1978, Abkhaz leaders petitioned the Soviet government for separation from Georgia. Although

Apart from Russia, Abkhazia had no official exterior support for declaring independence. Ardzinba, "surrounded by Russian advisers who promised him success," decided to push for Abkhazia's right for independence anyway.
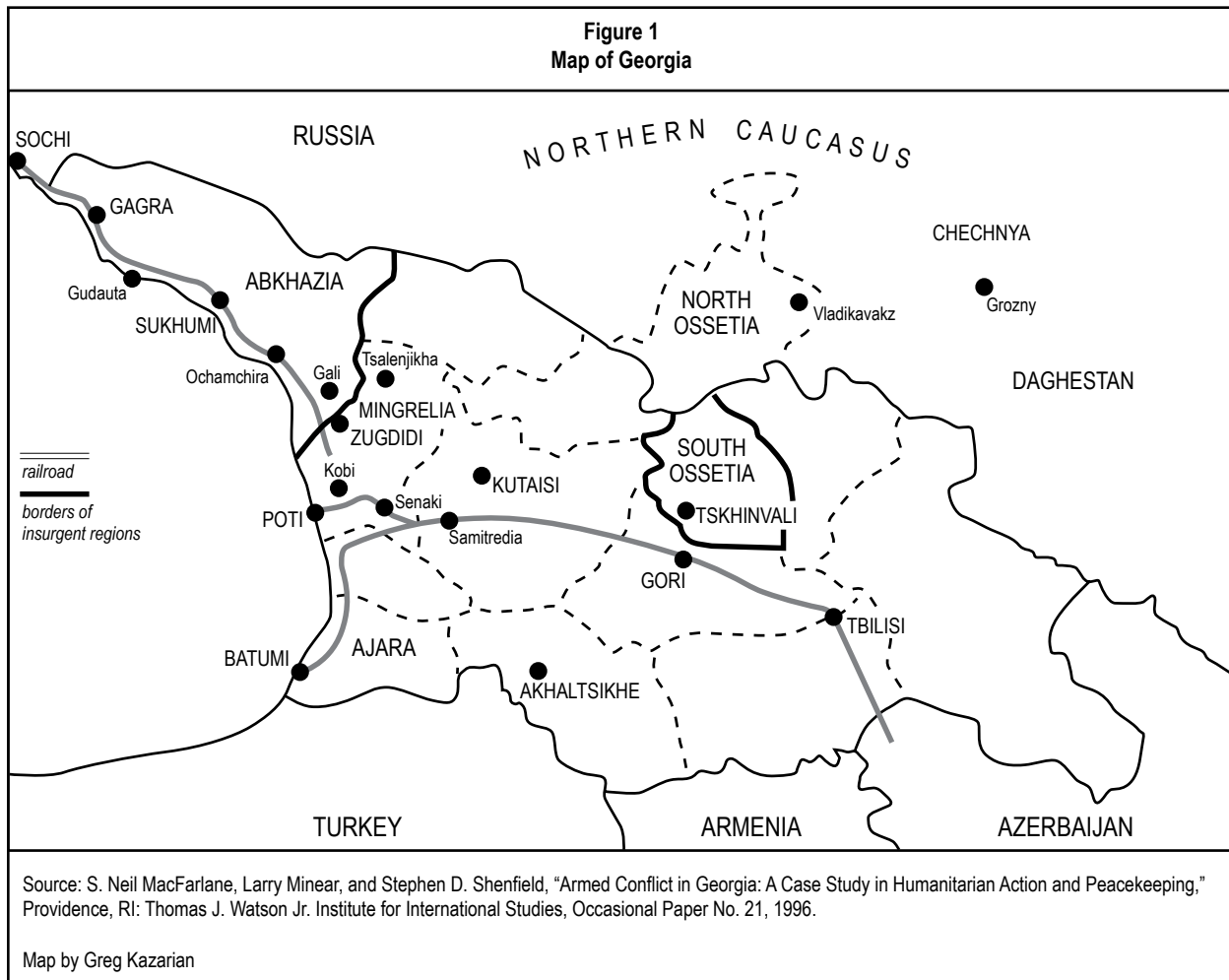
the Soviets denied the request, Moscow agreed to institute "an Abkhazization policy" to assuage the discontent of the Abkhaz elites. The new policy gave "the Abkhaz minority disproportionately strong representation in [Georgian] government offices,"[5] angering Georgians and fueling Georgian nationalism. Russian policies, backing either Abkhaz or Georgian positions, shifted over the years with regard to its perceived geopolitical interests. Toward the end of the Soviet era, Georgian nationalism became more of a threat, and Moscow saw a means of limiting Georgian power by fueling the divisions already endemic to the region. It is here that the conflict, and the international community's reaction to it, begins.

DISCONTENT IN ABKHAZIA

Abkhazia rests on a small strip of land in northwestern Georgia. Located on the north shore of the Black Sea, it is well known for its beautiful landscapes and has been a favorite vacation spot for Russians for centuries. Not only is it a profitable tourist mecca, but Abkhazia is also strategically important as it contains the sole railroad and telecommunication line from Georgia to Russia (see Figure 1).

The Abkhaz share of Abkhazia's population has always been much smaller than Georgia's; indeed, Abkhazis have never been a majority within the region. When the USSR granted Abkhazia autonomous status in 1921, it drew the borders of Abkhazia arbitrarily "to include areas with large ethnic Georgian majorities." [6] Only in a few areas did the Abkhaz have a true majority in their own region. Additionally, Soviet policies of Georgianization reduced the Abkhaz proportion of Abkhazia's population even further.[7] In 1926, Abkhazis made up 27.8 percent of the population of Abkhazia, a figure which had shrunk to 17.8 percent by 1989. The demographic shift, first apparent in the late 1970s, alarmed the Abkhaz elites, but it was not until the

Figure 1
Map of Georgia

Source: S. Neil MacFarlane, Larry Minear, and Stephen D. Shenfield, "Armed Conflict in Georgia: A Case Study in Humanitarian Action and Peacekeeping," Providence, RI: Thomas J. Watson Jr. Institute for International Studies, Occasional Paper No. 21, 1996.

Map by Greg Kazarian

fall of the Soviet Union that they saw an opportunity to arrest the declining proportional representation of their nationality.

Murmurs of independence drifted through the Abkhaz population starting around 1989, when a group of Abkhaz elite petitioned unsuccessfully for entry into the USSR as a full Soviet republic. Georgian nationalism, evidenced by the election of extreme nationalist Zviad Gamsakhurdia as president in 1990, was also on the rise.

In December of the year of his election, Gamsakhurdia abolished the autonomous status of South Ossetia in northern Georgia. His actions fueled fears in Abkhazia of Georgian nationalism and its potential effect on them. In the meantime, Abkhazia elected its own nationalist statesman, Vladislav Ardzinba, to head the Supreme Soviet of the Autonomous Abkhaz Republic.

In April 1991, the Supreme Council of the Republic of Georgia declared independence from the USSR, followed by a January 1992 coup in Tblisi that overthrew President Gamsakhurdia and instated the presidency of Eduard Shevardnadze.

THE CONFLICT

The first sign of a conflict came on July 23, 1992, when the Supreme Soviet of Abkhazia passed a resolution "On the Termination of the 1978 Constitution of the Abkhazian ASSR."[8] In doing so, Abkhaz lawmakers agreed to restore the 1925 constitution, which defined Abkhazia as an independent republic (of the USSR), ostensibly until a new constitution could be written. The resolution amounted to a declaration of independence. Not surprisingly, two days later, the Georgian State Council invalidated the decision of the Abkhaz Supreme Soviet. Apart from Russia, Abkhazia had no official exterior support for declaring independence. Ardzinba, "surrounded by Russian advisers who promised him success," decided to push for Abkhazia's right for independence anyway. [9] Russian support, which came in the form of official and unofficial troop deployments and supplies, was essential. Without it, the tiny Abkhaz insurgency would have had no chance of successfully challenging Georgia. However, to this day, no nation has recognized Abkhazia's sovereignty, not even Russia, which raises questions as to Russia's motivations in backing its move at secession from Georgia.

As with many conflicts, the details surrounding the actual spark of hostilities are unclear. In 1992, Tbilisi was fighting an insurrection led by Zviad Gamsakhurdia, the deposed president. Reportedly, guerilla fighters carrying out the insurgency kidnapped a number of top Georgian officials, including the deputy prime minister, bringing them to shelters in eastern Abkhazia. Shevardnadze ordered the Georgian National Guard into Abkhazia to rescue the officials. Some reports claim that Shevardnadze not only warned the Abkhaz authorities that Georgian forces were on their way, but that he had at least tacit agreement for a limited military operation inside Abkhazia. Georgian troops, led by Defense Minister Tengiz Kitovani, entered Abkhazia on orders to rescue the kidnapped officials; inexplicably, they advanced all the way to Sukhumi, the Abkhaz capital. The Abkhaz parliament fled to Gudauta, in western Abkhazia, and some reports have accused the Georgians of burning the Parliament buildings and destroying much of the city.[10]

Georgian President Shevardnadze claimed that Kitovani acted of his own volition in going all the way to Sukhumi. However, it is likely Georgia was trying to reassert control over Abkhazia given the Abkhaz Parliament's de facto declaration of independence less that a month before. Georgia's intervention into Abkhazia sparked the involvement of Russian forces. Initially concerned with protecting the 12,000-plus Russian nationals in the

Table 1
Population of Georgia, Including the Regions of Abkhazia and South Ossetia and Population Living in the Autonomous Region of Abkhazia, Whole and by Ethnicity, 1989

	Total	Percentage	Of whom: Located In Abkhazia	Percent of population of Abkhazia
Whole population	5,400,841	100.00%	525,061	100.00%
Georgians	3,787,393	70.10%	239,872	45.70%
Armenians	437,211	8.10%	76,541	14.60%
Russians	341,172	6.30%	74,913	14.20%
Azeris	307,556	5.70%	—	—
Ossetians	164,055	3.00%	—	—
Greeks	100,324	1.80%	14,664	2.80%
Abkhazians	95,853	1.80%	93,267	17.80%
Ukrainians	52,443	1.00%	—	—
Kurds	33,331	0.60%	—	—
Jews	24,795	0.50%	—	—
Other	56,708	1.00%	—	—

Source: for Georgia, the Census 2002 publication; for Abkhazia, http://www.abkhazia.org/georgia.html.

Source: Originally published on the Migration Information Source (http://www.migrationinformation.org), a project of the Migration Policy Institute. Available:http://www.migrationinformation.org/Profiles/display.cfm?id=314.

region, Russian troops, joined by volunteers and mercenaries from inside Russia, soon began to fight alongside the Abkhazis. Brief ceasefires tempered the fighting. The first, on September 3, 1992, quelled the initial violence and cornered the Abkhazis in the northwestern corner of Georgia. Russia brokered the agreement, which all parties signed, including Abkhazia (albeit reluctantly) and representatives of the South Russian voluntary forces. In addition to the ceasefire, the agreement required the restoration of Abkhaz government services and created a tripartite commission to help restore security.[11]

One month later, the fighting renewed when Abkhaz forces broke the ceasefire line and attacked the northwestern town of Gagra. With Russian help, they quickly gained control over Gagra and pushed east. The frontline remained just outside of Sukhumi for several months while Abkhaz forces attempted to take it. After two unsuccessful attempts, they agreed to a third Russian-brokered ceasefire, which was signed on July 27, 1993. This agreement stipulated the withdrawal of all Georgian forces from Abkhazia, and required that Russian forces hold the Abkhaz in place.[12] Russia would control the territory in between.

The defeat for Georgia was humiliating: The Abkhazis represented only 1.8 percent of Georgia's total population, but they had taken one-twelfth of Georgian territory.

Late in the summer of 1993, after the Georgians had withdrawn nearly all of their forces and equipment from the designated territory, the Abkhazis, experiencing little resistance from Russia forces, pushed forward again. This time they easily secured Sukhumi and all of the purported territory of Abkhazia. By September 1993, a provisional border at the Inguri River had been established and the Abkhazis were content, having secured all territory they deemed to be Abkhaz.

This last phase of the conflict saw the greatest wave of Georgians fleeing Abkhazia. It is estimated that between 200,000 and 250,000 people left—a substantial portion, considering that Abkhazia had a population of only 550,000 before the war.[13] According to one UN official interviewed by Mac-Farlane et al., former Georgian regions in Abkhazia "resembled an empty desert."[14]

The Georgians were too exhausted and demoralized to push back against the Abkhaz. The defeat for Georgia was humiliating: The Abkhazis represented only 1.8 percent of Georgia's total population, but they had taken one-twelfth of Georgian territory.[15]

It was at this moment that Zviad Gamsakhurdia decided to launch another insurgency to retake Tbilisi. An overwhelmed Georgia had little strength left for another fight, so President Shevardnadze played his last card. He flew to Moscow to ask for help. The price for aid was capitulation to Russian pressure to join CIS, and the acceptance of the placement of Russian bases within Georgian territory. With a signature from Georgia, Russia finally supported Georgia's struggle against the Zviadist insurgency by intervening on its behalf.[16]

Another result of Georgia signing the CIS pact was that Russia insisted on inserting troops along the Inguri River to uphold an unofficial truce. This action restrained Georgia from trying to take back territory it had lost to the Abkhazis. The fragile truce was part of another series of ceasefires, which were frequently ignored as both sides took pot-shots at each other in half-hearted attempts to destabilize the situation. Regardless, there was no concerted effort to move the frontline. The Abkhazis did not want to see the Georgians cross their de facto border and the Georgians lacked the political will to push back against the Russian-backed Abkhaz.[17]

Finally, the hint of a true political settlement was borne out in the Moscow Agreement, signed on May 14, 1994. It was still only a ceasefire, but some hoped that it would lay the groundwork for a durable political settlement. Brokered by the Russian government and the UN Special Representative for Georgia, it formalized the Russian operation already in place by renaming it a CIS Peacekeeping Force and requiring a token presence of non-Russian (CIS) troops. The terms of the agreement delineated a ceasefire line between Georgia and Abkhazia that ran along the Inguri River. It also provided for a security zone that cut 15 miles into Abkhaz and Georgian territory on either side of the ceasefire line. In the security zone, there would be no armed forces apart from the peacekeepers and no military equipment. The agreement also established a restricted weapons zone that extended another 15 miles on either side. The sum of the two zones became the buffer in which CIS peacekeepers carried out missions such as maintaining the ceasefire and promoting the safe return of refugees. Other provisions of the agreement called for the deployment of

UN observers and the establishment of a coordinating commission to discuss mutual infrastructure interests in areas like energy, transportation, and telecommunications.

CIS PEACEKEEPING

The Moscow Agreement empowered a CIS peacekeeping force (CISPKF) to secure the region. The mostly Russian CIS operation represented a regional hegemonic power, and, not surprisingly, its interests. Peacekeeping policies served four of Russia's geopolitical interests. First, Russia wanted to ensure that unrest in Georgia did not spread throughout the already explosive Caucasus. Second, Russia saw the Caucasus as a buffer between itself and Turkey and Iran. The Soviet collapse left a power vacuum in the Caucasus, and as states declared their independence, Russia wanted to prevent that vacuum from being filled by unfriendly forces. Third, unable to govern its former republics directly, Russia began to build up a defense alliance through the CIS framework. Finally, and perhaps most important, the Russian government has felt increasing pressure as Western powers squeezed its sphere of influence. Georgia has been warming to American and NATO influence, and Russia wants to limit Georgia's ability to create alliances with the West, which could continue to erode Russia's influence in the region. In the end, it is to Russia's advantage to keep Georgia dependent on it. As long as Russian forces have a green light to enter Georgia, that is exactly what happens.[18]

Peacekeeping in Georgia occurred in two phases. The first came after the July 1993 ceasefire brokered by Russia. Georgians, worried that the CIS peacekeeping force empowered by the accords would favor the Abkhaz, asked the UN to provide observers. The UN Security Council agreed. It authorized a small observer force of 50 "to monitor compliance with the accord's disengagement and disarmament provisions."[19] However, before the UN Observer Mission in Georgia (UNOMIG) had fully been established,

> *The mass exodus of nearly all of the Georgian population had created an artificial plurality of Abkhaz in Abkhazia. It was not in their interest to reinstate the Georgian population; indeed, that would undermine the position of the Abkhaz in invoking their right to self-determination.*

Abkhaz forces broke the truce and pushed toward Sukhumi and the Inguri River.[20]

By late September 1993, a provisional border between Georgia and Abkhazia had been established along the Inguri. The fighting had mostly died down because the Abkhaz forces had taken the entirety of what they considered Abkhaz territory, and the battle-fatigued Georgians were in no position to fight back against the Russian-fortified Abkhaz.[21] The next few months saw the gradual stabilization of the situation.

This interim period of a tacit peace led to the second phase of CIS peacekeeping, which came after the Moscow Agreement was signed by all parties in May 1994. The accord provided the durable end of hostilities and allowed for a long-term CIS deployment. Although the nature of the Russian forces along the Inguri did not change substantially with the signing of the accord, their mandate as part of a CIS peacekeeping force became clearer. The CIS peacekeepers' presence had full permission of every party involved. Moreover, their mandate would come up for renewal every six months, and if one party did not agree to renew it, the peacekeepers would be withdrawn.

In addition, the accords renewed international interest in the region owing to the promising prospects laid out by the settlement. The UN more than tripled the number of observers at the mission, and it became much more active in observing Russian neutrality.

The situation had calmed down precipitously by summer 1994. The Russians had an enormous capacity to prevent the resumption of conflict and their very presence deterred either side from trying to regain small strips of land in a "post-settlement show of force." However, their presence did not erase "the deep-seated motivation for revenge" on the Georgian side.[22]

NATURE OF THE PEACEKEEPING FORCE
Initially, the Russian peacekeeping force came mostly from bases that were already located in Abkhazia. In fact, it appeared that the very same forces that had been supporting Abkhazis in the

insurgency now kept the peace between the two sides.[23] The bases from which they came had, only a year before, offered munitions and armaments to Abkhaz insurgents. Not surprisingly, Georgians were not convinced of the impartiality of CIS peacekeeping.

Furthermore, the CIS peacekeepers were not trained peacekeepers. The force on the Abkhaz side included an infantry battalion that was part of the 27 Guards Rifle Division, which was the "peacekeeping" division in the Russian army—not because they were trained peacekeepers, but because they had a smattering of peacekeeping experience in Moldova. It also included an engineer company, a mortar company, a helicopter platoon, and a reconnaissance platoon. On the Georgian side of the ceasefire line, the force included two infantry battalions and a mobile tank section.[24]

Interaction with the International Community

A UN Security Council Resolution in July 1994 expanded the presence and mandate of the UNOMIG in Abkhazia and Georgia. It more than tripled the number of UNOMIG observers from 40 to 136 and set a more aggressive investigative observation mandate.[25] By 1996, UNOMIG expanded to two sector headquarters in Abkhazia and one in Georgia. The UN mission regularly met with the CIS peacekeepers at force and sector headquarters, and less formally, at checkpoints and between individual patrols.[26]

UNOMIG was composed of experienced military personnel with backgrounds in peacekeeping missions, while CIS peacekeepers were frequently inexperienced and new to peacekeeping operations. However, because UNOMIG was present in an unarmed, observer capacity, it depended on CIS peacekeepers to protect it from hostile groups. This sent signals to the local population that UNOMIG was working with the Russians, undermining its appearance of neutrality. Further, if the Russians wanted to keep UN observers out of an area, the CIS forces could close down routes and claim that it was doing so to protect UNOMIG personnel from dangerous situations. Experienced UNOMIG officers were not always deterred. They reacted by continuing their patrols on foot, which led to greater interaction with the local population and the ability to "gain greater insight into local attitudes towards the peace process."[27] This speaks more to the efficacy of UNOMIG observers in performing their duties than to the verifiable transparency of the Russian operation.

The Refugee Situation

The refugee problem presented the most destabilizing threat to the situation. Even though the CIS mandate to "promote the safe return of refugees and displaced persons"[28] was clearly laid out in the Moscow Agreement, its application was inconsistent at best.

Initially, the formal nature of the relationship between CIS forces and UNOMIG lacked clarity, particularly with regard to refugee issues. CIS peacekeepers performed ceasefire duties well, but in the beginning, CIS "carefully avoid[ed] taking any action on the refugee problem."[29] Some Russian commanders continued to resist the point, saying that the CIS peacekeepers "should not be regarded as the implementers of a plan to return the displaced population."[30]

The mass exodus of nearly all of the Georgian population had created an artificial plurality of Abkhaz in Abkhazia. It was not in their interest to reinstate the Georgian population; indeed, that would undermine the position of the Abkhaz in invoking their right to self-determination. The longer the displaced population was kept outside of Abkhazia, the less likely that they would return.

Whenever displaced Georgians would attempt to return to their Abkhaz homes, Abkhaz authorities would treat them harshly, claiming it was within their authority to administer their own region. An incident in March 1995 brought attention to the problem. International peacekeepers and observers witnessed the arbitrary arrest of more that 200 returned refugees in the Gali district, followed by the summary execution of about 20 of them. International outrage produced pressure which reinvigorated the peaceful reinstatement of refugees. By 1997, some 40,000 to 60,000 refugees had returned, mostly to Gali.[31] In May 1998, however, a new round of fighting broke out and Abkhaz authorities expelled 30,000 of the returned refugees.[32] Today, returned refugees total only 15,000,[33] and they remain in a precarious situation under the authority of local Abkhaz administrators. The UN High Commissioner for Refugees has a presence, but it remains incapable of reining in local authorities. Most displaced people remain in temporary lodging in Georgia, with a hefty contingent living in an old Soviet-era hotel in Tbilisi.[34]

On the Ground Activities, Actual Duties of CISPKF

Under the terms of the Moscow Agreement, the civil authorities on either side of the ceasefire line were responsible for policing and protecting civil-

ians.[35] However, CIS peacekeepers often became entwined in this mission, especially in situations involving the spontaneous return of displaced persons. In the beginning, CIS peacekeeping dealt with clashes between returning Georgian refugees and Abkhazis by handing the refugees over to the Abkhaz authorities. Because Abkhaz administration policies were "structurally hostile to Georgian returnees," the usual response was deportation or imprisonment.[36] Both UNOMIG and the CIS peacekeepers maintained that they were fulfilling their peacekeeping duties by delivering refugees to Abkhaz authorities. They further classified protecting the security of returning Georgians as a humanitarian action and therefore not within the scope of their mission.[37] After several instances of abuses and reprisal killings of returning Georgians witnessed by CISPKF and UNOMIG without intervention, the peacekeepers, including UNOMIG, lost a measure of credibility in fulfilling humanitarian functions. The UN gently nudged Russia to broaden its mandate for protection, and, under international pressure, Russia gradually complied.

CONCLUSION

The CIS Peacekeeping Force has a mixed track record. The force, with all of its faults, was likely effective in bringing about a sustained end to the immediate hostilities. The fighting had mostly abated before the intervention force arrived, but the conflict was perpetually on the verge of starting anew. Without the presence of the peacekeepers, Georgia would have had little incentive to keep from invading Abkhazia and reasserting control. Therefore, imposing a security zone patrolled by a third party, regardless of its bias, seems to have had a positive effect.[38]

On the other hand, the peacekeepers did little to bring about an end to the underlying conflict. There has been no progress toward a political settlement, and CIS peacekeepers have a history of not facilitating the safe return of refugees, further undermining a true political solution.

From Russia's perspective, the intervention has been effective. Russia convinced Georgia to join the CIS, which gave Russia substantial influence over Georgia. The frozen conflict has also proved politically favorable to the Abkhazis, even as they remain weak and structurally dependent on Russia. Abkhazia has used the years of the stalemate to accustom the international community to its autonomous status gradually, while buying time to rebuild

its population with sympathetic groups (such as Armenians and Russian Muslims). The situation is much less favorable to Georgia. Abkhazia is a valuable piece of land that Georgia would like to have back, and it is powerless to reassert control as long as Russian troops are present.

LESSONS FROM THE INTERVENTION
This case study provides two applicable lessons. First, international presence alone cannot resolve a conflict. An "international" peacekeeping force has been in Georgia for more than 12 years, and even though the situation is stable, the underlying conflict is not resolved. Because Russia is the power broker in this conflict, it will not end until Russia has the incentive to end it.

Second, peacekeeping by a regional hegemon does not always bring about effective results. The international community provided the legitimacy for Russia to intervene in the hopes that it would end the conflict. Instead, the Russian presence has prolonged the conflict and offered few incentives for either side to compromise on a solution. In the end, the international community cannot trust that the motives of a regional hegemon will have the interests of smaller players at heart. It needs to prescribe incentives for the power broker to settle the conflict.

THE SITUATION GOING FORWARD
Little regarding the 12-year-old conflict has changed. It remains "tense but stable."[39] One positive development is that time and the gradual imposition of less biased Russian forces have resulted in a more stable situation.[40] In February 2005, Russia formed a new brigade to be trained exclusively for peacekeeping and humanitarian operations, a first in the country's history. One battalion from the brigade was set to be deployed to the Georgian-Abkhaz ceasefire zone in December 2005.[41] This is a far cry from the pro-Abkhaz forces that initially patrolled the zone.

The region is receiving more international attention lately because of an oil pipeline being built from Ceyhan, Turkey, through Tbilisi, to Baku, Azerbaijan. In addition, the governments of both Abkhazia and Georgia have changed hands within the last few years. Players in the frozen conflict could possibly use the new situation to move toward a more permanent political settlement.

With talks of Georgia joining NATO (Georgia President Mikhail Sakaashvili says his goal is by 2008)[42] and eventually the EU, Georgia is feeling more support from the West. President Sakaashvili

is hinting that he will not authorize a renewal of the CIS peacekeepers' mandate in July 2006, in direct opposition to Russian interests.[43] Western governments have heretofore been reluctant to meddle in Russia's sphere of influence (namely CIS countries), so their actual support of Georgia is unclear, but they do verbally support the removal of Russian bases from Georgia and unification of its territory.

Georgia might believe it can let the CISPKF mandate expire in order to take action to reclaim Abkhazia, but without overt Western support (an unlikely proposition, as it would pit the West against Russia), the ultimate success of such a plan, in the face of Russian interests, is questionable.

Russia will not let Georgia win back Abkhazia without getting something in return. A feasible compromise would be for Georgia to give up aspirations for entry into NATO and the EU in return for its territory from de facto Russian control. Georgia cannot enter either organization without the territorial dispute resolved, so it has little leverage in the deal. Russia, on the other hand, is in a powerful position. Even if Georgia decides not to reauthorize the peacekeepers, forcing the CIS peacekeepers to pull out, Russia has the power to make Georgia very uncomfortable. Much like when Russia cut off gas supplies to Ukraine in retaliation for anti-Russian policies, Russia has leverage over Georgia that it would not be afraid to use. Further, if Georgians tried to take control of Abkhazia after a required CISPKF pullout, Russia could easily re-enter the zone—likely with international backing—to "quell" a renewed ethnic conflict, this time under the auspices of a humanitarian intervention. The result would be that Georgia would be in an even worse position to decide the fate of its territory.

Ultimately, even if Georgia has ostensible international backing, it still sits in Russia's backyard. The international community will not likely sanction Russia for the sake of Georgian territorial integrity unless it is part of a much greater geopolitical battle.

In the end, Russian priorities will heavily influence a true political settlement. This would need to include a solution to the refugee situation and a territorial settlement. Unfortunately for Georgia, that means that it will probably be the one compromising. Until it is willing to do so, the conflict will remain as frozen as it has been for the last 12 years.

LBJ

Notes

1. The conflicting numbers come from the following two sources. It could be explained by the function of their publication dates, but there is not an official estimate. The first reports the low end, the second the high end: Catherine Dale, "The Case of Abkhazia (Georgia)," in *Peacekeeping and the Role of Russia in Eurasia,* ed. Lena Jonson and Clive Archer (Boulder: Westview Press, 1996); and Georgi M. Derlunguian, "The Tale of Two Resorts: Abkhazia and Ajaria before and since the Soviet Collapse," *International and Area Studies Research Series,* no. 98 (1998).

2. S. Neil MacFarlane, Larry Minear, and Stephen D. Shenfield, *Armed Conflict in Georgia: A Case Study in Humanitarian Action and Peacekeeping* (Providence, RI: Thomas J. Watson Jr. Institute for International Studies, Occasional Paper No. 21, 1996), p. v.

3. For more a more complete look at the historical and anthropological background of the region see: Svetlana Mikhailovna Chervonnaya, *Conflict in the Caucasus: Georgia, Abkhazia, and the Russian Shadow,* 1st English language ed., *Authentic Voices* (Glastonbury, Somerset: Gothic Image Publications, 1994).

4. Ibid., p. 121.

5. Dale, "The Case of Abkhazia (Georgia)," p. 122.

6. Dov Lynch, *The Conflict in Abkhazia: Dilemmas in Russian 'Peacekeeping' Policy* (RIIA Discussion Paper No. 77, London: Royal Institute of International Affairs, Russia and Eurasia Programme, 1998).

7. Dale, "The Case of Abkhazia (Georgia)," p. 122.

8. Chervonnaya, *Conflict in the Caucasus: Georgia, Abkhazia, and the Russian Shadow,* p. 112.

9. Ibid., p. 114.

10. MacFarlane, Minear, and Shenfield, *Armed Conflict in Georgia: A Case Study in Humanitarian Action and Peacekeeping,* pp. 9-12.

11. Evgeny M. Kozhokin, "Georgia-Abkhazia," in *Us and Russian Policymaking with Respect to the Use of Force,* ed. Jeremy R. Azrael and Emil A. Payin (Santa Monica, CA: RAND, Center for Russia and Eurasia, 1996).

12. MacFarlane, Minear, and Shenfield, *Armed Conflict in Georgia: A Case Study in Humanitarian Action and Peacekeeping,* p. 11.

13. The number of people who fled the conflict and the number of IDPs (internally displaced persons) does not match up because many people fled across international borders. However, they are often talked about as the same number, which may be a reason for the discrepancy.

14. MacFarlane, Minear, and Shenfield, *Armed Conflict in Georgia: A Case Study in Humanitarian Action and Peacekeeping,* p. 11.

15. Zaza Gachechiladze, "The Conflict in Abkhazia: A

Georgian Perspective," in *Strategic Forum, No. 21* (Washington, D.C.: National Defense University, Institute for National Strategic Studies, 1995).

16. MacFarlane, Minear, and Shenfield, *Armed Conflict in Georgia: A Case Study in Humanitarian Action and Peacekeeping,* pp. 12, 51.

17. Ibid., p. 51.

18. Lynch, *The Conflict in Abkhazia: Dilemmas in Russian 'Peacekeeping' Policy,* pp. 16-17.

19. MacFarlane, Minear, and Shenfield, *Armed Conflict in Georgia: A Case Study in Humanitarian Action and Peacekeeping,* p. 13.

20. Ibid., pp. 50-51.

21. Mackinlay and Sharov, "Russian Peacekeeping Operations in Georgia," p. 90.

22. Ibid.

23. Ibid., p. 94.

24. Ibid., pp. 96-100.

25. MacFarlane, Minear, and Shenfield, *Armed Conflict in Georgia: A Case Study in Humanitarian Action and Peacekeeping,* p. 52.

26. Mackinlay and Sharov, "Russian Peacekeeping Operations in Georgia," p. 102.

27. Ibid., pp. 102-103.

28. Part of the Moscow Agreement, also called "Protocol to the Agreement on a Cease-Fire and Separation of Forces," cited in Ibid., p. 517.

29. Edward Marks, "Dynamics of Peacekeeping in Georgia," (Washington, D.C.: National Defense University, Institute for National Strategic Studies, 1995).

30. Paraphrased quote of Russian General Vasiliy Yakushev, cited in MacKinlay and Sharov, p. 105.

31. Depending on the source, the number changes. Walker give the figure 50,000 to 60,000 and Kozhokin says it's closer to 40,000.

32. Lynch, *The Conflict in Abkhazia: Dilemmas in Russian 'Peacekeeping' Policy,* p. 16.

33. News. 2 Dec. 2005.

34. Natalia Antelava, "Abkhazia: A 10-Year-Old Tearaway," *Transitions Online,* September 30, 2003.

35. Ibid., p. 91.

36. S. Neil MacFarlane, "On the Front Lines in the Near Abroad: The CIS and the OSCE in Georgia's Civil Wars," *Third World Quarterly* 18, no. 3 (1997), p. 518.

37. It should be noted that the position taken by UNOMIG was colored by the fact that it was an unarmed observer mission, and it was not in a position to take issue with the belligerents without backing from CISPKF.

38. Vladislav Kuznetsov, "101 Russian Servicement Killed in Georgian-Abkhaz Zone since 1994," ITAR-TASS News Agency.

39. According to the current commanding officer of CIS Peacekeepers, Major General Sergei Chaban, Ibid.

40. MacFarlane, "On the Front Lines in the near Abroad: The CIS and the OSCE in Georgia's Civil Wars," p. 519.

41. ITAR-TASS News Agency, "Russia Peacekeeper to Georgia-Abkhaz Conflict Zone," November 22, 2005.

42. Gerald Nadler, "Saakashvili: Georgia Will Join NATO, EU," ABC News International.

43. Defense and Security (Russia) Agency WPS, "Russia-Georgia: Confrontation Continues," October 17, 2005.

BIBLIOGRAPHY

Agency WPS, Defense and Security (Russia). "Georgia: Confrontation Continues." October 17, 2005.

Antelava, Natalia. "Abkhazia: A 10-Year-Old Tearaway." *Transitions Online,* September 30, 2003.

BBC News. "Regions and Territories: Abkhazia." October 6, 2005.

Chervonnaya, Svetlana Mikhailovna. *Conflict in the Caucasus: Georgia, Abkhazia, and the Russian Shadow.* 1st English language ed, *Authentic Voices.* Glastonbury, Somerset: Gothic Image Publications, 1994.

Dale, Catherine. "The Case of Abkhazia (Georgia)." In *Peacekeeping and the Role of Russia in Eurasia,* edited by Lena Jonson and Clive Archer, p. 229. Boulder: Westview Press, 1996.

Derlunguian, Georgi M. "The Tale of Two Resorts: Abkhazia and Ajaria before and since the Soviet Collapse." *International and Area Studies Research Series,* no. 98 (1998): pp. 261-292.

Freese, Theresa. "Abkhazia: At War with Itself." *Transitions Online* (2004).

Gachechiladze, Zaza. "The Conflict in Abkhazia: A Georgian Perspective." In *Strategic Forum, No. 21,* 4. Washington, D.C.: National Defense University, Institute for National Strategic Studies, 1995.

ITAR-TASS News Agency. "Russia Peacekeeper to Georgia-Abkhaz Conflict Zone." November 22, 2005.

Kozhokin, Evgeny M. "Georgia-Abkhazia." In *Us and Russian Policymaking with Respect to the Use of Force,* eds. Jeremy R. Azrael and Emil A. Payin. Santa Monica, CA: RAND, Center for Russia and Eurasia, 1996.

Kuznetsov, Vladislav. "101 Russian Servicement Killed in Georgian-Abkhaz Zone since 1994." ITAR-TASS News Agency.

Lynch, Dov. *The Conflict in Abkhazia: Dilemmas in Russian 'Peacekeeping' Policy.* RIIA Discussion Paper No. 77,

London: Royal Institute of International Affairs, Russia and Eurasia Programme, 1998.

MacFarlane, S. Neil. "On the Front Lines in the near Abroad: The CIS and the OSCE in Georgia's Civil Wars." *Third World Quarterly* 18, no. 3 (1997), pp. 509-526.

MacFarlane, S. Neil, Larry Minear, and Stephen D. Shenfield. *Armed Conflict in Georgia: A Case Study in Humanitarian Action and Peacekeeping*. Providence, RI: Thomas J. Watson Jr. Institute for International Studies, Occasional Paper No. 21, 1996.

Mackinlay, John, and Evgenii Sharov. "Russian Peacekeeping Operations in Georgia." In *Regional Peacekeepers: The Paradox of Russian Peacekeeping,* edited by John Mackinlay and Peter Cross, p. 224. Tokyo, New York: United Nations University Press, 2003.

Marks, Edward. "Dynamics of Peacekeeping in Georgia." 4. Washington, D.C.: National Defense University, Institute for National Strategic Studies, 1995.

Nadler, Gerald. "Saakashvili: Georgia Will Join NATO, EU." ABC News International.

Naumkin, Vitaly. "Russia and Transcaucasia." *Caucasian Regional Studies* 3, no. 1 (1998).

Sarafian, Gregory R. "UN Observer Mission in Georgia." *Military Review* 77, no. 6 (1997), p. 14.

Walker, Edward W. "No Peace, No War in the Caucasus: Secessionist Conflicts in Chechnya, Abkhazia and Nagorno-Karabakh." 37: Strengthening Democratic Institution, 1998.

Governance in Mexico

A Lack of Experience at the Local Level

by Laura Sullivan

Laura Sullivan graduated with highest honors from the University of California-Berkeley with a degree in history in 2001. Before coming to The University of Texas for graduate school, she worked as an AmeriCorps member and policy advocate for low-income communities in California. A dual-degree student, Laura will earn her M.P.Aff. from the LBJ School and M.A. in Latin American Studies in May 2006. Her policy interests include social policy, cross-border issues, and inequality.

AFTER SEVEN DECADES of single-party domination in which a virtually unchecked president dictated government at all levels, Mexico is undergoing a period of dramatic reform. Moving away from a highly centralized system controlled by a hugely powerful president toward a government that more closely reflects the federalist system outlined in the constitution, Mexico is experiencing significant changes that will continue to impact governance for years to come. The processes of democratization and decentralization, which began slowly in the 1970s, have since expanded the opportunities for local governments to engage in policymaking and for citizens to interact with government authorities. For the first time since the Constitution of 1917 was enacted, local government officials and citizens are learning to engage each other in the democratic process.

While reforms have led to a more democratic and decentralized system, the new government structure represents a significant challenge for developing effective, participatory local governance. Without established modes of participatory governance, local government officials need to learn how to become true policymakers and how to incorporate public input into their decision-making processes. Citizens, who have a historical distrust of government and little experience with public participation, should accept their role in governance and learn effective modes of participation. Because of a lack of experience, the public sector and citizens need to develop the skills and patterns of participation required for good governance, including increased local government capacity and enhanced civil society participation. To facilitate these changes, government will need to be more transparent and accountable. Increasing transparency will allow citizens to hold the government accountable for its actions as well as enhance public participation. Additionally, the government will be able to showcase its successes in helping to improve the image of the public sector. With improved capacity and public participation in

local governance, as well as increased transparency, the recent reforms that sought to bring government closer to the citizenry could aid in increasing government responsiveness to its people.

This paper will address challenges in improving local governance in Mexico by examining its current status and the actions that need to take place in order to establish patterns of good governance. The first section will provide background on social and economic conditions in the country in order to reveal the environment faced by political actors. Next, the paper will outline modern government structure focusing on its historical legacy, the democratization and decentralization processes, and the role of local governments today. The following section will describe Mexican civil society and reasons for the current low levels of public participation in governance. The final section will summarize the current state of local governance in Mexico and analyze the ways in which government and citizens can work to improve governance. Through a description of the present situation and recommendations, this paper will reveal how local governance has progressed in recent decades and the challenges that still exist in achieving good governance.

ECONOMIC AND SOCIAL CONDITIONS

In comparison to other developing countries, Mexico is highly developed and urbanized. Although Mexico is an upper middle-income country,[1] approximately 40 percent of the current population lives in poverty.[2] Mexico's gini coefficient was 0.4761 in 1998, indicating relatively high levels of inequality.[3] Regional inequalities also present challenges for improving the quality of life for many Mexicans, with the northern and urban areas generally better off and the southern regions more poor, particularly the southern states of Oaxaca, Chiapas, and Guerrero. While Mexico is relatively more developed than most nations, inequality limits the ability of many Mexicans to meet basic economic needs.

Like much of Latin America and the developed world, Mexico is mostly an urban nation. Mexico experienced swift urbanization in the second half of the 20th century as many rural migrants moved to the cities in search of employment. Mexico City, in particular, grew extremely fast, because economic growth during the government-led import-substitution industrialization (ISI) period was based in the capital. While second-tier cities are now growing steadily in Mexico, the capital has long been the dominant urban center. Rapid urbanization has led to an extreme diversity of living conditions. While 25.3 percent of Mexicans live in 196,308 rural communities across the country, 29.7 percent live in the seven metropolitan regions with more than one million inhabitants (including Mexico City).[4] Small- and medium-size cities are comparatively rare: only 11.2 percent of the population lives in urban settings that range in size from 15,000 to 99,999 residents.[5] While local governance must address the needs of large urban settlements and rural communities, issues of smaller cities are less prevalent. Though some issues of local governance apply to all communities, the differing social settings that exist across Mexico will clearly impact local governance as diverse regions attempt to meet the needs of their populations.

GOVERNMENT STRUCTURE

For 71 years, until the election of President Vicente Fox in 2000, a single political party, known today as the Institutional Revolutionary Party (PRI), controlled Mexico. Although Mexico has officially been a federalist democracy since 1917, the semi-authoritarian political system that developed in the 20th century was characterized neither by political checks and balances nor free and fair elections. Instead, the president controlled virtually every aspect of government, despite the presence of a constitution that established three levels of government, independent states, and "free municipalities." Essentially, the PRI and the government were indistinguishable. Because of the domination of the president and the PRI party, both horizontal and vertical checks and balances were virtually non-existent until recent democratization reforms, which began slowly over the past few decades and culminated in the election of Fox.

During the PRI regime, the executive branch dominated political activity, despite the existence of three independent branches of government, as outlined in the constitution. Although the explicit constitutional powers of the president are limited, over time the position of the president accumulated enormous informal powers. In contrast to the executive, the legislative branch holds relatively strong constitutional powers, but traditionally has been weak, enacting rather than initiating law.[6] However, this began to change as democratization and decentralization reforms began to improve the fairness of elections and enhance the powers of the legislative and judicial branches and lower levels

of government. (The details of the reforms will be discussed below.)

Today, unlike in the past, with expanding electoral competition, executive leaders and legislative majorities in the national and state legislatures represent different parties requiring compromise between groups. Political leaders have yet to develop productive means of negotiation with opposing parties. As the PRI-dominated national Congress exerts new powers, it has reached a stalemate with President Fox, who is a member of the moderate-right National Action Party (PAN). On the national and state levels, as the democratization process continues, the effectiveness of leaders in working across parties will continue to grow in importance.

An important feature of the Mexican democratic system is the fact that no elected officials in the legislative or executive branches can be reelected. This rule is an ideological remnant of the Mexican Revolution (1910-1920), which was a reaction against the 30-year dictatorship of Porfirio Díaz. In order to limit the power of future political leaders, promoters of the revolutionary ideology espoused a ban on reelection. Since the 1930s, this rule has been firmly in place, limiting executives from any reelection and legislators from consecutive reelection.[7] This legal rule limited Mexican presidents to a single six-year term, despite their historically broad and overarching powers. However, many political observers today contend that the no-reelection law severely limits the relationship that constituents have with their elected officials because voters cannot reward or punish elected officials at the ballot box. This system forces voters to focus on political parties in making their voting choices, which in turn dramatically strengthens party power. By curbing opportunities for relationships between voters and elected officials, the no reelection rule hinders participation of citizens in government at all levels.

DEMOCRATIZATION AND DECENTRALIZATION

The processes of democratization and decentralization that Mexico underwent in recent decades will continue to shape the outcomes for local governance. Political reforms began in Mexico in the 1970s, when the PRI still maintained political control. The party itself initiated the reforms because the country's lack of democracy was increasingly obvious and party leaders saw a need to improve the image of the party. Thus, the PRI began reforms to make Mexican elections appear more competitive by encouraging opposition participation without any real intention of renouncing power.[8] In particular, the electoral rules and the composition of the national Senate and Chamber of Deputies were altered to allow more opposition representation with the intention of keeping PRI majorities. Still, over time the reforms amounted to substantial structural changes, some of which promoted democracy. Additionally, some of the more recent reforms, particularly the creation of independent agencies to monitor elections and supervise transparency, have been crucial in the Mexican transition to democracy.

Also beginning in the 1970s, decentralization reforms began because of a realization that Mexico had become too centralized within Mexico City.[9] The city's rapid growth in the mid-20th century created a concentration of people and wealth in the capital, leaving much of the country behind. In the 1980s, decentralization gained greater momentum as the PRI again initiated reforms to reallocate power to lower levels of government. By decentralizing, the PRI hoped to limit the concentration of power in the president while still maintaining control of government across the country. The combination of electoral and decentralization reforms and a changing social environment have slowly contributed to increasing democracy in Mexico.

Despite the implementation of several federal electoral reforms, the rise of electoral competition in Mexico had its early beginnings at the local level with opposition governments winning municipal and then state elections. Some suggest that outside political and economic conditions, rather than internal reforms, prompted more meaningful opposition and democratization.[10] The economic crisis in the early 1980s, the declining legitimacy of government, and the president all allowed opposition parties,

> *[W]ith expanding electoral competition, executive leaders and legislative majorities in the national and state legislatures represent different parties requiring compromise between groups. Political leaders have yet to develop productive means of negotiation with opposing parties.*

particularly the PAN, to gain state and local executive positions.[11] From 1982 onward, opposition parties were able to win a substantial number of municipal governments.[12] While in some cases the early local opposition wins seem devised by the PRI to give an impression of democracy, a genuine increase in electoral competition did occur.

Unlike some of the earlier, ambiguously democratic reforms, in the past decade, a few clearly democratic reforms have allowed Mexico to take impressive steps toward a more democratic political system. One of the most important democratic reforms in Mexico was the establishment of the Federal Electoral Institute (IFE) as an independent body to ensure that all federal elections were free and fair. The IFE became fully independent of government in 1996, and since that time has been crucial in ensuring that truly competitive elections are able to flourish after decades of PRI party interference.[13] Before the IFE was created, the dominant party often participated in ballot-box stuffing, bribery, and intimidation, and sometimes participated in repression to manipulate election results.[14]

By curbing opportunities for relationships between voters and elected officials, the no reelection rule hinders participation of citizens in government at all levels.

Another important advancement toward democracy occurred in June 2002, when President Fox signed the first national freedom-of-information law, which guarantees the rights of the public to information regarding the government. The law required the creation of the Federal Institute for Access to Public Information (IFAI), which is designed to help government agencies in publishing open information, provide technical assistance, establish guidelines for maintaining personal information, and oversee responses to potential violations of the law.[15] Currently, however, the law pertains only to the federal executive branch; while over half of states have passed some freedom-of-information laws since the passage of the federal law, transparency law is uneven across branches and levels of government. These two reforms represent crucial enhancements in Mexican democracy, allowing the country to move from a nominally democratic political system toward democratic consolidation.

Just as the earliest reforms of political procedures did not produce much substantial change in democracy, the first decentralization reforms of the 1970s were much less meaningful than those of later decades. Until 1982, most decentralization efforts were administrative changes that failed to redistribute decision-making power, or were regional development efforts to rectify problems associated with Mexico City's primacy.[16] In contrast with his predecessors, President de la Madrid (1982-1988) made decentralization a top priority. His municipal reform plan, which became the Municipal Reform of 1984, was a major decentralization effort aimed at returning the autonomy that municipalities officially always had under the constitution.[17] The reform amended Article 115 of the constitution to enhance municipal autonomy in finance management, collection of taxes, lawmaking and governance, provision of public services, and urban development planning.[18]

Decentralization continued under President Zedillo (1994-2000) through his New Federalism program, in which the government initiated comprehensive reforms to strengthen the federal system by reinforcing vertical and horizontal separation of powers. The broad initiative included efforts to better separate the executive, legislative, and judicial branches, reform the judiciary, reduce presidential powers, strengthen state and local institutions, expand autonomy for state and local government, separate the PRI party from government, and reform the government system for revenue-sharing.[19] Thus, while decentralization was a major component of Zedillo's New Federalism, he worked to democratize at many levels, thereby limiting encroachment of the national executive on other government sectors. Zedillo, a PRI president who believed that the president should exercise only those powers explicitly granted to him by the constitution, presided over the development of the IFE, and, in 2000, peacefully handed over power to President Fox of the PAN.

The democratization and decentralization reforms that have taken place in Mexico have dramatic implications for local governance. By enhancing democratic practices, the political reforms, which started off slowly but eventually produced significant change, have opened opportunities for participatory local governance by enhancing the powers of state and municipal governments and expanding the voice of the public.

PUBLIC SECTOR AT THE LOCAL LEVEL

With the implementation of decentralization reforms and the rise of electoral competition in Mexico, the role of the public sector at the local level has transformed in recent decades. Local governments now have more institutional power and are no longer tied to the PRI political hierarchy as they were in the past. Since the first municipal presidents and governors from opposition parties, local leaders have been increasingly able to make decisions independently of the president. However, additional independence does not necessarily mean superior performance. Local governments must learn to accomplish new tasks with less guidance. Clearly, as local governments gain new responsibilities and receive less direction from higher levels of government, the capacity of local governments to perform their functions must progress appreciably.

The structure of local government in Mexico is a city council system with an elected mayor, known as the municipal president, at the head of the council. Citizens vote directly for a mayoral candidate, but the make-up of the city council is determined by the percentage of votes received by each party in the mayoral election; therefore, each mayoral candidate essentially represents a slate of council members in the election.[20] The Mexican local government structure creates a strong mayor system because more council members are from the mayor's party than any other party.[21] The city council members serve as local legislative representatives, with each focusing on a particular policy issue as determined by the mayor.[22] The size of the municipality and state laws determine the size of the city council.[23] Each mayor appoints a head of staff, secretary, and treasurer, as well as other executive positions according to local needs.[24]

The challenges facing urban and rural municipalities vary considerably. Regional coordination is difficult in many urban areas because many cities have grown beyond their municipal boundaries. The Mexican municipal structure does not facilitate coordination as no municipality has higher authority than any other to determine regional needs. In particular, the Mexico City region presents a challenge because the urban area expands beyond the federal district to municipalities in other states, and the non-state status of the federal district keeps the federal government more involved in local affairs. Also, the rapid urbanization that occurred in past decades in the major urban centers led to very poor informal housing settlements that are inadequately serviced by the government. In rural areas, low levels of infrastructure and technical capacity limit the ability of local governments to carry out their tasks. While coordination was easier when the federal government and the PRI dictated policy and carried out most functions, today intergovernmental relations and capacity building is crucial for government performance at the municipal level.

During the PRI regime, governors and municipal presidents had largely political rather than administrative roles. The central function of local elected executives was to limit social unrest and maintain regional electoral support for the PRI.[25] The first local governments, which were led by the opposition PAN in northern Mexico, were not subject to orders from the PRI hierarchy; since these PAN leaders had little experience governing, they struggled to balance their partisan roles with electoral responsibilities. "Although inevitably mistakes were made, perhaps the biggest criticism is that [the *panista* governments in Chihuahua] were overly *apolitical* and pragmatic in their governance. Either due to inexperience or to their roots in private enterprise, the *Panistas* often displayed a considerable naiveté."[26] Today, local leaders of all parties must manage party responsibilities as well as substantial governing roles. Finding an appropriate balance has proven to be difficult for inexperienced local leaders.

The Municipal Reform of 1984 clarified which public services are to be carried out by municipalities. Previously, because of constitutional ambiguity and the inability of municipal governments to carry out public services, the state and federal governments generally headed the provision of public services.[27] Nevertheless, needs frequently were unmet—a situation which the reforms tried to address by specifically outlining the services to be provided by municipalities, such as water, streets, elementary education, and public safety.[28] Although the roles

> *Unlike some of the earlier, ambiguously democratic reforms, in the past decade, a few clearly democratic reforms have allowed Mexico to take impressive steps toward a more democratic political system.*

of municipal governments are now more clearly defined, many municipalities still do not have the technical capacity, equipment, trained personnel, or financial resources to carry out many of their functions.[29] Rural municipalities with low levels of infrastructure and minimal resources generally have the hardest time providing services. Thus, with the reassignment of duties, many municipalities either reduced service quality or developed a dependent relationship with their state government for service provision.[30]

Clearly, with increasing political and institutional independence, financial independence remains an important issue for local governments. Often, fees for public services do not adequately cover their costs, creating a financial drain on municipalities.[31] In many municipalities, fees are very low because the state or federal government traditionally subsidized public services, and community members are not accustomed to their costs.[32] While the Municipal Reform gave municipalities the exclusive right to collect property taxes, this reform has not provided much fiscal independence. As in the case of public services, a lack of administrative infrastructure forces many municipalities to depend on their state government to collect local taxes.[33] Often, states keep a portion of the revenues as a fee for collecting the taxes, leaving the municipalities vulnerable to state manipulation.[34] Also, the system for transferring federal funds to the local level supports municipal reliance on having state governments decide how to distribute the federal funds between municipalities.[35] These situations leave supposedly autonomous localities dependent on state government decisions for federal resources.

In such a large and diverse country, local governments vary widely in terms of resources, infrastructure, and social setting, thus affecting local governments' abilities to carry out their responsibilities. Regional, political, and ethnic cultures can also considerably influence local government. Local political bosses, or *caciques*, who have existed in Mexico since before the PRI, still exist in remote areas of the country and limit the expansion of democratic practices elsewhere in the nation.[36] Since the IFE has jurisdiction only over national elections, repression and fraud may still influence state and local elections in regions that continue to be PRI strongholds.[37] Also, in largely indigenous communities, local customs known as *usos y costumbres* are used to elect local leaders, rather than the modern voting system used in the rest of the country. In Oaxaca, local community members gather in assemblies to choose leaders based on past community

achievements.[38] The leaders are then registered as the local PRI candidates and elected through official municipal means.[39] While supporting indigenous cultures, this system often keeps the PRI in power and closely connected to indigenous communities in the region. Additionally, some indigenous communities establish parallel government structures that are distinct from the local municipal structure. For example, in the state of Puebla, indigenous communities can form a *junta auxiliar*, a three-person body of community members, to govern their local affairs.[40] Although the state recognizes the positions of the members of *junta auxiliar*, "[T]he state leaves an ambiguous arena for them to act within their communities."[41] These examples reveal that regional specifics as well as broad patterns shape local government models.

Public Participation and Civil Society

Mexico has significantly lower levels of civic involvement compared with consolidated democracies and will need to enhance levels of public participation to improve local governance. A distrust of government exists among many Mexicans after a long history of corruption and electoral fraud. During the PRI era, the failure of citizens to participate in elections, rather than political opposition, was the main obstacle to demonstrating public party support.[42] Because the party and the government were previously indistinguishable, public distaste for PRI corruption is linked with public disapproval of government and vice versa. As Figure 1 demonstrates, public confidence in public institutions is particularly low in comparison with that of the United States except in the cases of church and family. Government and political institutions, including the courts, congress, police, and political parties, are not trusted by a majority of the Mexican public. Thus, public participation in these institutions has been limited by the unfavorable impression most Mexicans hold.

PRI-supported civic groups, particularly unions, have dominated community organization around mutual interests. Corporatist relations with community groups often facilitated party influence over the public, which assured that all public negotiations would occur within the PRI party structure. By supporting certain groups and rewarding them with official recognition and access to the government, the PRI ensured that the party controlled dialogue about public concerns.[43] Unions, which are closely connected to the PRI, are the best ex-

ample of Mexican corporatist organizations; this has led to low public confidence levels in these organizations today.[44] The presidential election of 2000 broke the traditional corporatist ties between government-controlled organizations and the PRI on the national level, but some ties still exist at the state and local level.[45]

A new group of civic organizations in Mexico untainted by historical ties to the PRI includes the growing nongovernmental sector. Popular social movements have grown in Mexico in recent decades, especially during moments of national crisis, such as the student massacres at Tlatelolco in 1968 and the Mexico City earthquake of 1985. However, growth of institutionalized nongovernmental organizations (NGOs) is a newer phenomenon. Of the 5,000 NGOs in Mexico by the mid-1990s, half were in Mexico City and another 25 percent were in just four other cities.[46] Although NGOs are less established in Mexico than in some countries, their presence is increasing. The reality that civic participation through NGOs is on the rise and corporatist relations between public interest groups and government are on the decline demonstrates a positive trend in Mexican civil society, which will create a trend toward greater civic engagement. However, the overall reluctance of Mexicans to trust public institutions may continue to hinder public participation in governance.

The media will play a role in the continuing development of public attitudes about government. While the media is increasingly independent, access to information is still limited for many Mexicans. For example, just two corporations, Televisa and Azteca, control Mexican television, which strongly influences political views. While this is an improvement from past decades when Televisa held a monopoly and an openly PRI bias, the situation is still not ideal for expanding public dialogue.[47] Although national newspapers exist in Mexico with a variety of ideological leanings, self-censorship still exists among publishers who fear upsetting sources or advertisers.[48] As government aims to incorporate the public into governance, the media will play a role in shaping public attitudes and therefore individuals' decisions. Whether the citizenry participates

> *Along with effective government, good governance requires active civic participation in public affairs; unfortunately, the long-held distrust of public institutions presents a major barrier to participatory governance in Mexico.*

in governance in years to come will be influenced by government reforms and actions as well as the media's depiction of government.

LOCAL GOVERNANCE ASSESSMENT

While the democratic transition and decentralization have created new opportunities for local governance to occur, good governance is not yet a reality in much of Mexico. After a history of federally dominated, one-party rule, both local governments and citizens need to take part in developing a culture of participatory local governance. Local governments need to improve their capacity to carry out their functions and incorporate public input into decision-making processes. The public needs to accept its role in governance and take on the responsibilities associated with public participation. Though much needs to be done in order to achieve truly participatory local governance, recent progress has brought Mexico closer to achieving effective governance.

The democratic transition has created a new reality for governance. While this transition is far from complete, the end of the PRI regime, the increasing fairness of elections, and the enhanced transparency of government all are vital steps in producing a government that is more responsive to local needs. Nevertheless, democracy in Mexico is uneven and local leaders are inexperienced in working with the public and deciding policy. Though federal election and transparency rules have been changed, at the local level political bosses still may have significant power. While the expansion of democratic practices is occurring, the democratic transition is still far from complete.

Also, decentralization has expanded opportunities for local governments to enhance governance, but the capacity of governments to carry out tasks remains limited in many areas. In both urban and rural areas, Mexico's stark inequality hinders effective governance. A history of rapid urbanization and informal settlements has created huge urban communities with minimal services. A lack of infrastructure and technical capacity limits the ability of rural governments to carry out their newly

acquired duties. The reliance of municipalities on higher levels of government diminishes efforts to bring government closer to the people through decentralization. However, local governments are learning skills over time and giving up some of the patterns that they held during the PRI era.

Along with effective government, good governance requires active civic participation in public affairs; unfortunately, the long-held distrust of public institutions presents a major barrier to participatory governance in Mexico. The election of President Fox just five years ago has not eliminated distrust among the Mexican populace, which endured 71 years of corrupt, single-party rule. For public participation and attitudes to improve, the government will have to demonstrate long-term honesty and efforts to better its performance. While the public is still reluctant to participate in local governance, continued democratization, the NGO sector, and the media could improve public perceptions and participation.

Economic inequality is another factor that will continue to limit the political participation of a significant sector of the population. With many Mexicans still living in poverty, a substantial percentage of the population does not have the time or energy to participate in governance because they must focus on daily survival. If inequality persists in Mexico, many will remain outside of public dialogue.

Clearly, both government officials and the public in Mexico lack experience with participatory local governance, but recent democratization efforts have opened opportunities for enhanced governance. If democratic reforms continue, the government could improve its abilities to carry out its tasks and demonstrate to the public its changing role. Likewise, if the public sees genuine reform in government, its willingness to participate in governance should increase.

Though significant steps are still needed, this paper has demonstrated evidence of increasing democratization and chances for improved local governance in Mexico in recent years. While truly good local governance has generally not been achieved, the country has adopted many of the democratic reforms required for good governance. Without the changes of recent decades, virtually no possibility for participatory local governance would exist. Instead, today, despite considerable challenges, if government continues to democratize and the public responds to these changes, opportunities for positive public sector and civil society interactions could grow significantly to enhance lo-

cal governance. Conversely, if new political leaders follow corrupt PRI patterns, local governance will continue to falter. While predicting future outcomes is difficult, at least local governance in Mexico today has a foothold in democracy.

LBJ

NOTES

1. World Bank Group, *Data and Statistics: Country Classification.* Online. Available: http://www.worldbank.org/data/countryclass/countryclass.html. Accessed: April 24, 2005.

2. U.S. Central Intelligence Agency, *CIA World Factbook – Mexico.* Online. Available: http://www.cia.gov/cia/publications/factbook/geos/mx.html. Accessed: April 24, 2005.

3. United Nations Online Network in Public Administration and Finance (UNPAN), *Mexico: Among the Most Unequal.* Online. Available: http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN002359.pdf. Accessed: March 7, 2005.

4. *Consejo Nacional de Población (CONAPO), Situación Demográphica de México (2003).* Online. Available: http://www.conapo.gob.mx/publicaciones/inicios/001.htm. Accessed: April 25, 2005.

5. Ibid.

6. Roderic Ai Camp, *Politics in Mexico: The Democratic Transformation,* 4th ed. (New York: Oxford University Press, 2003), p. 167.

7. Ibid., p. 44.

8. Ibid., p. 186.

9. Victoria E. Rodríguez, *Decentralization in Mexico: From Reforma Municipal to Solidaridad to Nuevo Federalismo* (Boulder, Co.: Westview Press, 1997), p. 61.

10. Camp, *Politics in Mexico,* p. 189.

11. Ibid.

12. Victoria E. Rodríguez and Peter M. Ward, *Political Change in Baja California* (San Diego, Calif.: Center for U.S.-Mexican Studies, University of California, San Diego, 1994), p. 13.

13. Camp, *Politics in Mexico,* p. 196.

14. Victoria E. Rodríguez and Peter Ward, *Policymaking, Politics, and Urban Governance in Chihuahua* (Austin, Tex.: Lyndon B. Johnson School of Public Affairs, 1992), p. 40.

15. Kate Doyle, The National Security Archive, George Washington University, *Mexico's New Freedom of Information Law.* Online. Available: http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB68/. Accessed: April 3, 2005.

16. Rodríguez, *Decentralization in Mexico,* p. 61.

17. Ibid., p. 73.

18. Ibid., p. 75.

19. Ibid., p. 84.

20. Rodríguez and Ward, *Policymaking, Politics, and Urban Governance in Chihuahua,* p. 34.

21. Ibid.

22. Ibid., p. 45.

23. Ibid.

24. Ibid.

25. Ward, Peter M., and Victoria E. Rodríguez with Enrique Cabrero Mendoza, *New Federalism and State Government in Mexico: Bringing the States Back In,* (Austin, Tex.: Lyndon B. Johnson School of Public Affairs, 1999), p. 66.

26. Rodríguez and Ward, *Policymaking, Politics, and Urban Governance in Chihuahua,* p. 113.

27. Rodríguez, *Decentralization in Mexico,* p. 119.

28. Ibid.

29. Ibid., p. 120.

30. Ibid.

31. Ibid.

32. Ibid.

33. Ibid., p. 133.

34. Ibid.

35. Victoria E. Rodríguez, "Municipal Autonomy and the Politics of Intergovernmental Finance: Is It Different for the Opposition?" in *Opposition Government in Mexico,* ed. Victoria E. Rodríguez and Peter M. Ward (Albuquerque: University of New Mexico Press, 1995), p. 154.

36. Chappell Lawson, "Mexico's Unfinished Transition: Democratization and Authoritarian Enclaves in Mexico," *Mexican Studies,* vol. 16, no. 2 (Summer 2000), p. 286.

37. Ibid., p. 277.

38. Moisés Jaime Bailón, "*Municipios,* Opposition Mayorships, and Public Expenditure in Oaxaca," in *Opposition Government in Mexico,* ed. Victoria E. Rodríguez and Peter M. Ward (Albuquerque: University of New Mexico Press, 1995), p. 206.

39. Ibid.

40. María Teresa Sierra, "Indian Rights and Customary Law in Mexico: A Study of the Nahuas in the Sierra de Puebla," *Law & Society Review,* vol. 29, no. 2, (1995), p. 235.

41. Ibid., p. 236.

42. Rodríguez and Ward, *Policymaking, Politics, and Urban Governance in Chihuahua,* p. 113.

43. Camp, *Politics in Mexico,* p. 13.

44. Ibid., p. 146.

45. Ibid., p.13.

46. Ibid., p. 154.

47. Ibid., p. 151.

48. Ibid.

HOUSING POLICY AND THE UNDERCLASS DEBATE:

POLICY CHOICES AND IMPLICATIONS (1900-1970)

HISTORICALLY, HOUSING POLICY in the United States has pursued a variety of policy goals that reach well beyond the bounds of shelter. While housing policy can be viewed as social policy, its primary function was seldom the alleviation of poverty. U.S. housing policy has weathered a particularly disjointed history, throughout which concerns about class and race, as well as opportunity and responsibility, have been constant. In many ways, federal housing policy has shaped America's cities. The location and quality of government-sponsored housing reflects American ambivalence toward the poor, and its history mirrors the evolution of American attitudes toward poverty. The fragmented history and purpose of housing policy in the United States demonstrates the importance of recognizing and mitigating the unintended consequences of policy choices. As the United States becomes increasingly diverse and segregated, understanding the role of housing in shaping the geography of poverty and opportunity is essential.

Housing policy in the United States has always incorporated goals other than adequate shelter. Housing is an issue that touches nearly every aspect of family and economic policy. Thus, unlike many other social issues, housing incorporates multiple meanings and attributes. The most prominent of these are *shelter* (housing as a life-sustaining necessity); *home* (housing as the foundation of the family); *property* (housing as the primary investment vehicle for American households); *community development* (housing as the foremost mechanism for neighborhood and city revitalization); and *industry* (housing and construction as leading economic sectors and indicators). Housing

BY ROSIE TIGHE

Rosie Tighe is a Ph.D. student in the department of Community and Regional Planning at The University of Texas at Austin. She holds a B.A. in government and English from Connecticut College and an M.A. in urban and environmental policy and planning from Tufts University.

policy has historically focused on outcomes of one of these aspects, but has been unable to tackle all of them. Because housing encompasses so many aspects, advocates and policymakers must find policy solutions that balance these facets. However, the desire to perform this balancing act has resulted in piecemeal policymaking that has failed to provide the most basic of services for the most vulnerable populations. Thus, federal housing policy "has always been limited in scope and hedged with conditions and restrictions."[1]

Due to the cautious and disjointed history of American housing policy, a framework is necessary to conduct a coherent analysis of the impacts on American cities and their residents. In "Reframing the Underclass Debate," Michael Katz provides such a structure. Katz discusses four consequences of federal policies that have shaped the nature of urban poverty in this country: migration, marginalization, exclusion, and isolation.[2] This review of the history of housing policy demonstrates the relevance of these four factors to America's housing policy choices. As various policies are proposed for the future of housing in America, it is imperative that the full consequences of housing policy decisions are understood so that our cities grow as whole communities, rather than isolated pockets of poverty and prosperity.

As the United States becomes increasingly diverse and segregated, understanding the role of housing in shaping the geography of poverty and opportunity is essential.

MIGRATION

The effects of migration are closely tied to the spatial aspects of economic opportunity. For, "unless populations are able to move within and between urban areas, they will remain locked into residential locations."[3] Three distinct periods and types of migration have affected housing in the United States. The first, and most commonly understood, is the immigration of Europeans in the 19th and early-20th centuries. This migratory period coincided with the industrial revolution and the emergence of urban industrial centers. Thousands of immigrants flocked to America's cities, resulting in massive demand for a limited, substandard housing supply.[4] Consequently, the urban tenements of the early 20th century were overcrowded, lacked basic services, and created fire and health risks for all of the city's

inhabitants.[5] The movement to reform this dire situation was the first major instance of organized housing advocacy in the United States. Building codes, zoning ordinances, and fire safety requirements all stem from these early efforts to protect the health, safety, and welfare of the tenants and the greater metropolitan community.[6]

The second period of migration that affected housing policy was the massive movement of African-Americans into northern cities in the 1940s and 1950s. During this period, blacks and whites from southern, rural areas migrated to the north to capitalize on the industrial boom resulting from the war.[7] This migration drastically increased the percentage of blacks living in northern cities. Furthermore, these new populations lacked much of the social capital needed to navigate the job market, and thus were more vulnerable to being "trapped" in inner-city neighborhoods than either white populations or their northern-born black counterparts.[8]

The early years of federal housing policy—passed in large part to aid those devastated by the Great Depression—added to these disadvantages by targeting primarily white Americans.[9] One of the most significant housing policies to come out of this period was the establishment of the Federal Housing Administration (FHA). The FHA's mortgage insurance changed the way that homeownership was financed in the United States and enabled many more households to achieve this goal. The new federally subsidized mortgages enabled upwardly mobile city-dwellers to purchase homes in nascent suburbia. As federal attention turned to homeownership following the Second World War, discriminatory lending policies enabled the emerging white middle class to leave increasingly crowded, increasingly minority city centers.[10] These practices, known as redlining, allowed only white residents to utilize the new system and prevented lenders from investing in heavily minority neighborhoods.[11]

Equally striking, however, is the lack of migration of minority families that has occurred since the 1960s. Despite changes in federal lending guidelines resulting from the Civil Rights Act, the groundwork for the segregation of U.S. cities and suburbs had already been established through the public housing program and FHA lending policies, and this

pattern continued to pervade U.S. cities for decades to come. Thus, various structures and institutions, exacerbated by public policy, have kept the poor from moving, and have caused stagnation in those neighborhoods. Concurrently, those same policies enabled working- and middle-class whites to obtain housing in communities far superior to those they left behind in the inner cities. These new suburban communities were quiet, accessible to jobs, and provided superior access to education and city services due to the wealthier tax base.

Marginalization

Katz describes marginalization as "the process whereby some combination of factors . . . pushes groups to the edges of the labor force, leaving them redundant, unwanted, or confined to the worst jobs."[12] In the case of American cities, the concept of worthiness was used to determine which groups were subject to this process. Throughout history, communities and governments attempted to distinguish between the "worthy" poor, those whose poverty was not of their own doing, and the "unworthy" poor, whose own behavior or lifestyle choices had caused their poverty.[13] Generally, the opinion was—and is—that support of the worthy poor should be a collective responsibility, while support of the unworthy poor should be a personal responsibility. In 1821, a report advocating for reform spoke of the "difficulty of discriminating between the able poor and the impotent poor and of apportioning the degree of public provision to the degree of actual impotency."[14] Even at this early date, there were expectations of those receiving public support. Those deemed "unworthy" found themselves marginalized from the very beginnings of housing policy.

Thus, much of the focus in the early years of publicly provided housing was on rehabilitation—getting the poor to a point where they were self-sufficient and no longer in need of public assistance. From almshouses to tenement reform to present-day projects, public housing provision has gone hand-in-hand with reforming those who need housing. Tenement reform in the post-WWI era embodied many of the themes of marginalization. This Progressive Era movement included such influential members as Jacob Riis, Lawrence Veiller, and Jane Addams, who worked to expose, improve, and resolve the poor housing conditions that plagued the tenement districts of American cities.[15] However, the protection of the tenement dwellers' health was only part of the tenement reform movement. The slum districts were seen as having negative health impacts on society as a whole, and the tenement-dwellers were perceived to a large extent as being the source, rather than the victims, of those impacts. Thus, many of the early housing reformers placed emphasis on reforming not only the tenements, but also the tenants' behavior and familial and social structures:

> [Reformers] translated the conditions and activities that alarmed or disturbed them into questions of behavior, character, and personality, which they approached through educational reform, the regulation of drinking and sexuality, evangelical religion, reinvigorated personal contacts between rich and poor, and institutionally based programs directed at personal transformation.[16]

Because so many of the poor were viewed by mainstream society as outsiders, there was little impetus to provide them with comfort or services. Furthermore, the portrayal of slum-dwellers as the source of the problems of the inner cities produced a "legitimate" reason to marginalize these populations.

The migration patterns both into and among metropolitan areas resulted in dramatic differences in service provision between increasingly segregated neighborhoods. White communities typically received better education, health, and transportation levels than their minority counterparts. The result of these changing population patterns was the increasing marginalization of minority neighborhoods and their residents. While these forces were at work prior to and separate from federal housing policy, federal action in the housing arena through the public housing program exacerbated these differences. The early phases of public housing sought to attract the most able and "worthy" of the poor—establishing strict guidelines for acceptance.[17] Housing advocates were unsatisfied with that result, and continued to seek a federal housing bill that would establish federally funded and constructed public housing for America's poor.[18] The goal of the public housing advocates was to reform and aid the poor by creating a living environment, "antithetical to the urban slum," with proper light, heat, and plumbing.[19] However, most policymakers did not embrace this view, and there was vehement opposition to the establishment of a public housing program. The opposition, represented by the National Association of Real Estate Brokers (NAREB), thought public hous-

ing "would destroy the private housing industry, that it would destroy the self-reliance of tenants."[20] Continued attempts were thwarted by increasingly ideological policmakers: In 1935, a proposal for government provision of housing came under attack for "[exuding] the stench of gross inefficiency and Russian Communism."[21] As a result, when public housing was established in 1937, numerous other programs that encouraged, enabled, and protected private-sector home financing, construction, and development were also instituted in order to balance the requirements of *shelter* and *home* with the needs of *investment* and *industry*.

EXCLUSION

As the impacts of these policies became more pronounced over time, the marginalization they incurred transformed into exclusion. While the connotation of marginalization is one of unintentional action, exclusion connotes action. From the first public housing programs in the 1930s through the production and loan programs of the 1970s, this action is plainly evident. The federal government, local housing authorities, and private organizations such as the National Association of Real Estate Brokers (NAREB) purposefully excluded people—especially minorities, single parents, and immigrants—from both public housing and the opportunity to purchase homes of their own.[22] Federal Housing Administration policies that were so instrumental in providing middle class families the means to purchase housing established guidelines that both prevented minorities from settling in white neighborhoods and restricted investment in minority neighborhoods. Thus, government policies not only limited government-sponsored assistance, but also created a situation in which the private sector was prevented from investing in inner-city neighborhoods.

While most advocates and policymakers agreed that the de-concentration of poverty should be a core goal of housing policy and government action, they also had to combat the widespread perception that the poor—particularly those receiving govern-

Throughout history, communities and governments attempted to distinguish between the "worthy" poor, those whose poverty was not of their own doing, and the "unworthy" poor, whose own behavior or lifestyle choices had caused their poverty.

ment aid—were a negative influence on mainstream society. These themes are also central to Edward C. Banfield's 1970 book, *The Unheavenly City:*

> [F]rom the standpoint of a society that wants at once to protect lower-class people from each other and to protect itself from them, there are advantages to having them . . . scattered in a way such that they will not constitute a "critical mass" anywhere.[23]

Thus, rather than focusing on aiding the poor or providing services, early federal housing policies focused on rehabilitation. In doing so, the goal was not only to "fix" the poor, but to protect mainstream society from their influence. The result, however, was an even more distinct concentration of poverty.

As housing policy in the post-war years built upon the policy emphasis on home-ownership, citizens and policymakers alike viewed public housing as a temporary situation for its residents. The most self-sufficient poor left the cities, and public housing residents eventually came to represent the poorest and most indigent citizens. The deterioration of the inner cities and flight of the middle classes into home-ownership enhanced the view that tenancy walked hand in hand with dependency, while home-ownership represented self-reliance. In addition, the post-war focus was on the construction of housing and its economic impacts rather than the needs of the people who needed housing. As federal policy goals concentrated on the *community development* aspect of housing policies, the action taken indicated that "federal interest in America's urban poor centered more on the fiscal plight of American cities than on the condition of the poor themselves."[24]

Further compounding FHA policies were actions by the National Association of Real Estate Brokers (NAREB), the statutes of which explicitly prevented their members from "introducing a character of property or use which will clearly be detrimental to property values in the neighborhood."[25] What this translated into was a situation where FHA policies prevented lending in minority neighborhoods or to

minority borrowers and real estate brokers refused to sell or rent housing in white neighborhoods to minorities. Thus, the banking industry and the real estate industry essentially combined forces to keep minorities out of white neighborhoods, as well as ensure that there would be no private investment in minority neighborhoods. Consequently, the number of poor, minority inner-city neighborhoods dramatically increased throughout the mid-20th century. Furthermore, these areas were increasingly isolated from both white middle-class areas and employment centers.

Isolation

As whites left the inner-city areas, taking advantage of FHA loans, new highways, and the resultant blossoming suburbs, the neighborhoods they left deteriorated. In spite of the emphasis on other aspects of housing policy, many cities built large public housing projects to shelter the poor in the 1940s and 1950s. However, these projects tended to be constructed on marginal tracts of land on the outskirts of town, in undesirable neighborhoods. David Bartelt explains:

> These new housing units lacked traditional linkages to either available jobs or new housing within the local community. They took on a character of a "warehouse" or, less pejoratively, a "safety net" for the poor, rather than a temporary stop on the road to independence.[26]

Public housing was meant to be a means for the "submerged middle class" to gain a step-up toward home-ownership, and despite the isolation of many of these projects, the units in many cities were intended to be all white. However, as whites increasingly settled outside of the inner-city areas, demand for public housing units decreased and the strict tenancy requirements were relaxed. As a result, poor, largely minority residents of the inner-city areas began filling up public housing projects. In most cases, these projects remained strictly segregated—a pattern that increased the isolation of poor, minority groups within ghetto areas. It has even been suggested that public housing was "adapted by local white interests as an institutional mechanism to cope with the infringement of black ghettos on elite institutions and business districts. Through one means or another, poor blacks in most metropolitan areas

have been isolated within a segment of the public housing stock that places them under local government supervision."[27]

As public housing became increasingly associated with blight, crime, and African-Americans,[28] cities began to take increased interest in the revitalization of their commercial centers. The decline of residential areas and the perceptions of crime and negligence that accompanied it became the focus of federal housing policy. The Housing Act of 1949 was designed to combat the fact that affordable and public housing was not reaching those in greatest need, as well as to provide measures to improve the public perception of American cities. The primary goal of the act was the provision of "a decent home and a suitable living environment for every American family."[29] The means to accomplish this was threefold: slum clearance, increased authorization of FHA loans, and the development of more than 800,000 public housing units.[30]

Like so many of its predecessors, the 1949 Housing Act was self-contradictory. The primary goal of the slum-clearance portion of the program (generally known as urban renewal) was urban economic development. In place of the slums that were blighting American neighborhoods as a result of disinvestment, the Housing Act authorized the construction of thousands of replacement units. Seldom, however, did these measures construct as many units as they condemned, and those constructed followed the previously established pattern of public housing siting—namely, their placement in isolated areas far from established residential and job centers. Thus, in many cases, the result of the combined programs was the destruction of established, urban neighborhoods along with the construction of isolated housing projects.

Those who were displaced as a result of urban renewal or who did not qualify for a mortgage to buy a house in the suburbs had few choices. Those who chose to move into public housing tended to be minorities. It was extremely difficult for non-whites to secure housing in the private sector, as few units had been built in minority neighborhoods due to FHA redlining restrictions, and NAREB's policies preventing realtors from showing vacant units in white neighborhoods to minorities. The destruction caused by urban renewal, combined with discriminatory policies, led many poor blacks to move to the projects. As a result, "stigmas of cultural difference, race and poverty blended very early in images of the undeserving poor."[31]

The main reason that many label public housing a "failure" was a significant oversight in the original

legislation of the program. When established, it was assumed that tenant rents would provide sufficient funding for maintenance of the projects.[32] However, as the units aged, the wealth of the tenants decreased, leaving less and less money for maintenance just as the buildings required significant repair.[33] The direct result was the rapid deterioration of many public housing projects during the 1960s, precisely the time in which the population in the projects became substantially minority. This led to the claim that, "[Blacks were] to blame for public housing's problems."[34] As a result, isolation of the poor in the inner-city areas increased.

Throughout the 1960s, there was an ideological shift away from housing as the primary means of reform for the poor. Similar to Banfield's arguments and early critics of tenement reform, this shift promoted the idea that housing was not the answer to all social ills. Critics and reformers argued that the sources of poverty must be identified and eradicated in order to create the "worthy" tenants that public housing was initially created for. This is indicative of arguments that pervade the housing—as well as the broader poverty—debate: whether the poor are to blame for their situation, or are victims of societal and economic failures. It is these debates that pervade the poverty debate:

> Improving "human capital," correcting "community pathology," breaking the "culture of poverty," healing the "broken family," all tended to restrict the problem to a "disadvantaged" population outside what was considered a basically sound "mainstream". . . . Instead, poor people remained in both official policy and popular conception, "a culpable rather than a victimized group."[35]

Thus, the isolation of the poor serves to present them as an "other"—a population distinct from and inferior to mainstream society. Furthermore, policies that serve to marginalize and isolate the poor ignore the structural causes of poverty in favor of blaming the poor for their own lot.

Until the late 1960s, placement in housing projects was based on applicant choice. An assumption in this policy was that whites would choose all-white

Housing policy in America has gone full circle, from a reliance on local control, to an emphasis on private sector development, to federal programs, and back to scattered-site private sector development.

neighborhoods, and blacks would choose all-black neighborhoods. Most often, this did happen, and the segregation that had already been structurally established was accelerated. This segregation, intentional or not, was in Bartelt's opinion, "an integral part of both the concept of isolated black communities . . . and a pivotal element in the disproportionate share of housing problems experienced by African-Americans in cities."[36]

In the 1960s, the NAACP brought a number of discrimination suits against the various housing authorities. Due to agreements with the NAACP, as well as the Civil Rights Movement, a number of "pioneer" black families were placed in white neighborhoods or previously all-white housing projects. These families had little support from even the people who placed them in those neighborhoods, and the onus of integration was on the poor. However, many white families responded to integration with fear and apprehension, and many middle and working class whites simply left the cities when minorities began encroaching on their neighborhoods, leading to more drastic segregation.[37]

By 1968, the reputation of public housing had completely disintegrated. The "worthy" tenants that were so coveted as role models in public housing had fled the cities entirely, leaving what was left of the worthy poor in nearly uninhabitable conditions in projects on the outskirts of the city. The projects were far from any amenities, shopping, or services. A lack of transportation made getting to and from work extremely difficult, if work could even be found within commuting distance. Katz states, "In effect, the federal government manipulated market incentives in ways that lured middle-class whites to the suburbs and trapped blacks in inner cities."[38] The lack of black migration to the suburbs created a stagnation that remains to this day, and their concentration in inner-city neighborhoods has led to severe isolation from the remainder of many cities.

CONCLUSION

Housing has been one of the foremost structural

forces in determining the spatial, economic, and social marginalization, exclusion, and isolation of America's poor. The issue of public housing, in particular, embodies the ambivalence in America toward aiding the poor. In wanting to emphasize hard work and not giving anyone "something for nothing," Americans have historically been hesitant to pass any legislation concerning their poor neighbors. The issue of public housing is further complicated by the singularly American emphasis on private property ownership as the embodiment of the "American Dream." As Vale observes:

> Ultimately, the problems with tenants, buildings, managers, and funding are products of the same underlying cultural unease . . . the system has been under constant attack from those pressing for more ideologically palatable alternatives emphasizing private-sector involvement.[39]

Housing policy in America has gone full circle, from a reliance on local control, to an emphasis on private sector development, to federal programs, and back to scattered-site private sector development. The recent emphasis on public housing's inclusion in extant neighborhoods and creating scattered-site housing that is all but indistinguishable from private housing may combat the isolation and exclusion seen historically. However, it is highly questionable whether this type of housing has the capacity and the backing to fully reach those who are in greatest need or whether public housing of any kind will ever really be accepted by "mainstream" society. Housing policy today is increasingly pursued through the tax code and private-sector means. Direct government policies have become rare. What government action does exist continues to emphasize goals unrelated to the needs of the poor, focusing instead on the *industry, investment,* and *community development* facets of housing. Should the trend of housing policy used for means other than creating shelter and homes for Americans continue, marginalization, exclusion, and isolation will likely persist.

LBJ

Notes

1. R. Allen Hays, *The Federal Government and Urban Housing: Ideology and Change in Public Policy* (New York: State University of New York Press, 2002), p. 370.

2. Michael B. Katz, "Reframing the "Underclass" Debate" in *The Underclass Debate: Views from History* ed. Michael B. Katz (New Jersey: Princeton University Press, 1993), p. 443.

3. David W. Bartelt, "Housing the "Underclass"" in *The Underclass Debate: Views from History,* ed. Michael B. Katz (New Jersey: Princeton University Press, 1993), p. 143.

4. Peter Marcuse, "Housing Movements in the USA," *Housing, Theory and Society,* vol. 16 (1999), p. 69.

5. Anne B. Shlay, "Housing in the Broader Context in the United States," *Housing Policy Debate,* vol. 6, issue 3 (1995), p. 695.

6. William J. Lloyd, "Understanding Late Nineteenth-Century American Cities," *Geographical Review,* vol. 71, no. 4 (October 1981), p. 463.

7. Stewart E. Tolnay, Robert M. Adelman, and Kyle D. Crowder, "Race, Regional Origin, and Residence in Northern Cities at the Beginning of the Great Migration," *American Sociological Review,* vol. 67, no. 3 (June 2002), pp. 457-458.

8. Ibid., p. 472.

9. Adam Bickford and Douglas S. Massey, "Segregation in the Second Ghetto: Racial and Ethnic Segregation in American Public Housing," *Social Forces,* vol. 69, no. 4 (June 1991), p. 1012.

10. Hays, *The Federal Government and Urban Housing,* p. 86.

11. Ibid., pp. 85-86.

12. Katz, "Reframing the Debate," p. 452.

13. Lawrence J. Vale, *From the Puritans to the Projects: Public Housing and Public Neighbors* (Cambridge: Harvard University Press, 2000), p. 35.

14. Katz, "Reframing the Debate," p. 6.

15. Vale, *From the Puritans to the Projects,* p. 56.

16. Katz, "Reframing the Debate," p. 454.

17. Vale, *From the Puritans to the Projects,* pp. 165-166.

18. Alexander von Hoffman, "High Ambitions: The Past and Future of American Low-Income Housing Policy," *Housing Policy Debate,* vol. 7, issue 3, p. 425.

19. Ibid., pp. 426-428.

20. Norman Krumholtz, "The Reluctant Hand: Privatization of Public Housing in the U.S." (paper presented to the CITY FUTURES Conference, Chicago, July 8-10, 2004), p. 2.

21. Vale, *From the Puritans to the Projects,* p. 170.

22. Ibid., pp. 168-170.

23. Edward Banfield, *The Unheavenly City* (Boston: Little Brown Press, 1968), p. 257.

24. Vale, *From the Puritans to the Projects,* p. 127.

25. Thomas Sugrue, "The Structures of Urban Poverty: The Reorganization of Space and Work in Three Periods of American History," in *The Underclass Debate: Views from History,* ed. Michael B. Katz (New Jersey: Princeton University Press, 1993), p. 112.

26. Bartelt, "Housing the Underclass," p. 150.

27. Bickford and Massey, "Segregation in the Second Ghetto: Racial and Ethnic Segregation in American Public Housing," p. 1034.

28. von Hoffman, "High Ambitions: The Past and Future of American Low-Income Housing Policy," p. 436.

29. Robert E. Lang and Rebecca R. Sohmer, "Legacy of the Housing Act of 1949: The Past, Present, and Future of Federal Housing and Urban Policy (Editors' Introduction)," *Housing Policy Debate,* vol. 11, issue 2 (2000), p. 291.

30. Ibid.

31. Katz, "Reframing the Debate," p. 11.

32. David Listoken, "Federal Housing Policy and Preservation: Historical Evolution, Patterns, and Implications" *Housing Policy Debate,* vol. 2, issue 2, pp. 163-164.

33. Ibid.

34. Vale, *From the Puritans to the Projects,* p. 285.

35. Thomas F. Jackson, "The State, the Movement, and the Urban Poor: The War on Poverty and Political Mobilization in the 1960s," in *The Underclass Debate: Views from History,* ed. Michael B. Katz (New Jersey: Princeton University Press, 1993), p. 416.

36. Bartelt, "Housing the Underclass," p. 141.

37. Vale, *From the Puritans to the Projects,* p. 318.

38. Katz, "Reframing the Debate," p. 461.

39. Vale, *From the Puritans to the Projects,* p. 333.

WORKS CITED

Banfield, Edward. *The Unheavenly City.* Boston: Little Brown Press, 1968.

Bartelt, David W. "Housing the 'Underclass'." In *The Underclass Debate: Views from History,* ed. Michael B. Katz. Princeton: Princeton University Press, 1993.

Bickford, Adam, and Douglas S. Massey. "Segregation in the Second Ghetto: Racial and Ethnic Segregation in American Public Housing." *Social Forces,* vol. 69, no. 4 (June 1991), pp. 1011-1036.

Hays, R. Allen. *The Federal Government and Urban Housing: Ideology and Change in Public Policy.* New York: State University of New York Press, 2002.

Jackson, Thomas. "The State, the Movement and the Urban Poor: The War on Poverty and Political Mobilization in the 1960s." In *The "Underclass" Debate: Views from History,* ed. Michael B. Katz. Princeton: Princeton University Press, 1993.

Katz, Michael B. "Reframing the "Underclass" Debate," in *The Underclass Debate: Views from History,* ed. Michael B. Katz. Princeton: Princeton University Press, 1993.

Krumholtz, Norman. "The Reluctant Hand: Privatization of Public Housing in the U.S." Paper presented to the CITY FUTURES Conference, Chicago, July 8-10, 2004.

Lang, Robert E., and Rebecca R. Sohmer. "Legacy of the Housing Act of 1949: The Past, Present, and Future of Federal Housing and Urban Policy (Editors' Introduction)." *Housing Policy Debate,* vol. 11, issue 2 (2000), pp. 291-298.

Listoken, David. "Federal Housing Policy and Preservation: Historical Evolution, Patterns, and Implications" *Housing Policy Debate,* vol. 2, issue 2, pp. 157-186.

Lloyd, William J. "Understanding Late Nineteenth-Century American Cities." *Geographical Review,* vol. 71, no. 4 (October 1981), pp. 460-471.

Marcuse, Peter. "Housing Movements in the USA." *Housing, Theory and Society,* vol. 16 (1999), pp. 67-86.

Shlay, Anne B. "Housing in the Broader Context in the United States." *Housing Policy Debate,* vol. 6, issue 3 (1995), pp. 695-720.

Sugrue, Thomas. "The Structures of Urban Poverty: The Reorganization of Space and Work in Three Periods of American History." In *The "Underclass" Debate: Views from History,* ed. Michael B. Katz. New Jersey: Princeton University Press, 1993.

Tolnay, Stewart E., Robert M. Adelman and Kyle D. Crowder. "Race, Regional Origin, and Residence in Northern Cities at the Beginning of the Great Migration." *American Sociological Review,* vol. 67, no. 3 (June 2002), pp. 456-475.

Vale, Lawrence, *From the Puritans to the Projects: Public Housing and Public Neighbors.* Cambridge, MA: Harvard University Press, 2000.

von Hoffman, Alexander. "High Ambitions: The Past and Future of American Low-Income Housing Policy." *Housing Policy Debate,* vol. 7, issue 3, pp. 423-446.

If Open Source Code Is a Public Good, Why Does Private Provision Work (Or Does It)?

B ROADLY DEFINED, OPEN SOURCE SOFTWARE (OSS) is computer software that has openly available and modifiable code distributed under an open source license. OSS or Free Open Source Software (FOSS)[1] is distributed freely unless the code is bundled with other features, such as installation or service promises. OSS licenses allow consumers to use the software, modify it within certain parameters, and then redistribute the edited software under the same licensed terms.

Last year, the French government debated banning OSS as a matter of innovation and technology policy.[2] Meanwhile, in the United States, the Commonwealth of Massachusetts adopted polices that encourage the utilization of open systems and documents.[3] However, before adopting legislation concerning OSS, policymakers should consider an economic and technical analysis. Is OSS efficiently provided?[4] Moreover, if so, why is OSS provided efficiently through private means?

Knowledge is a public good[5] and the mantra of public economics is that private markets inefficiently provide a public good—in other words, that private markets will be unable to provide the socially optimal level of a public good. Such a rationale implies a role for government intervention because of market failure.[6] For this reason, economists justify a need for the government to subsidize the provision of knowledge by creating intellectual property rights, copyrights, and patent rights, among other options. If such a theory applies to public goods, similar public incentives should be necessary for open source software code.

OSS is a public good and thus must satisfy two criteria—non-

BY **DAVID R. AGRAWAL**

David R. Agrawal is a master of public policy student at the Goldman School of Public Policy, where his research focuses on public finance, public economics, and political economy. He is also a head graduate student instructor in the University of California, Berkeley, Department of Economics. David earned two bachelor degrees from the University of Connecticut, in political science and economics, respectively. He would like to thank his advisor, Stephen M. Maurer, for his guidance and suggestions.

rivalry and non-excludability.[7] Software code is an immaterial good: one consumer can use code without interfering with another person's ability to use the same code. Therefore, all software code is, by definition, non-rival. The qualification of non-excludability is slightly more complicated. A software developer can charge a fee to exclude individuals from obtaining all or part of the code to keep trade secrets. Because OSS allows the software code to remain open, all who want to work with the software have free access. Freely available OSS code is non-excludable, and, therefore, not all code meets the second criteria of non-excludability.[8] As a result, only code issued under an open source license agreement is a public good.

No single dominant incentive mechanism can encourage additional innovation of OSS. Rather, programmers supply OSS for reasons that vary depending upon the exact code they are writing. Incentive mechanisms, such as altruism, work only when programmers do not feel exploited for their services. Code is dynamic; when distributed under an open standard, the finished product is ultimately dependent upon the needs of the final consumer. As a result, OSS is a complex, alterable public good, and the motivations of its suppliers are dynamic. No single dominant policy will be effective in encouraging open standards.

Based on the fact that OSS is a public good, I will analyze the factors that allow markets to efficiently provide OSS. Initially, I will also address whether or not markets efficiently provide OSS. Further, I will consider whether code programmers[9] are naturally altruistic, motivated by signaling, driven by game theoretic first-mover decisions, or driven by firms' profit incentives. Finally, I will address how these issues influence policymakers who are attempting to create innovation incentives.

LITERATURE REVIEW

I conduct my analysis of the motivations to privately provide OSS within the context of four varying viewpoints. For one, Lerner and Tirole (2002) present the proliferation of OSS as a result of individuals wanting to signal their ability for career advancement. Alternatively, Bitzer, Schrettl, and Schröder (2004) view OSS projects primarily as the product of a need for software, fun for the developer, and a culture of altruism. Another author, Johnson (2002), analyzes the benefits and costs of developing versus not developing and concludes that game theory models predict programmers will develop code with some free riding. Finally, Bessen (2005) views FOSS as a way for firms to maximize profit, when releasing the code as a public good is more profitable than maintaining the software as a private good.

Lerner and Tirole demonstrate that the most sophisticated of software users—those consumers who have needs that go beyond the pre-packaged standard software—are the users of OSS. Accordingly, OSS programmers will develop software if the net benefits are greater than the costs. For example, talented individuals will demonstrate their ability to program by producing OSS. Through this process, OSS serves as a way for individual programmers to highlight or signal a particular talent to employers. In these instances, the advantages of signaling are greater than the opportunity costs of time spent on a project. Lerner and Tirole reject the claim that fun and altruism motivate programmers because such explanations are not applicable to other public goods. Nonetheless, signaling creates a strong incentive for individuals to develop OSS. Proprietary systems will purposefully develop projects with low signaling incentives. Programmers will mostly work on projects with the strongest signaling incentives. This implies that programmers will work on large and visible projects with a high probability of success. Therefore, for signaling to work, early code modifications often require a pre-existing structure to the project in order to demonstrate the project has benefits.[10]

Bitzer, Schrettl, and Schröder counter the arguments of Lerner and Tirole. The authors argue that signaling cannot motivate private provision of OSS because small OSS projects have no signals, yet are still developed. The authors also claim that signaling cannot explain the initial investment of time because each project has a probability of failure.

> *For many consumers of OSS, the software is only a semi-finished good that generates little value until the code has undergone revision by the user. Thus, creating the ultimate finished product will require a sequence of motivating incentives.*

Thus, Bitzer, Schrettl, and Schröder argue that need for software, fun for the developer, and a gift-giving culture motivate OSS programmers. Accordingly, when facing a strategic decision to develop or not develop, certain types of programmers will have incentive to develop in the current period without delay. The person who decides to develop the software will be young, derives a high benefit from the software, obtains value from gift-giving and fun of code, and faces low costs of development.[11]

Mathematically, Johnson inspects the private value of development to an individual (v_i) and the private cost of development to an individual (c_i). If the ratio v_i/c_i is sufficiently high, the programmer will develop the software. Because the number of programmers influence the probability of development, $v_i - c_i$ must be greater than $\pi^i v_i$, where π^i is the probability that the innovation will occur if individual i does not develop. Yet, as with any public good, free riding dilemmas arise. Although free riding may prevent some projects from being produced, the free riding in this game theoretic model limits the amount of wasteful duplication among products because some programmers will decide not to develop and will wait for someone else to create the program. Accordingly, projects that require all options to be developed are best provided when the number of developers is small. Projects that allow changes and improvements to be made in increments, conversely, are best provided when the number of developers is large. Open source is less likely to work for projects with a large number of tasks to development. Thus, as the number of tasks becomes larger, firms will intervene to develop the project.[12]

Another scholar approaches the question of FOSS by examining the interaction of firms and individuals. Bessen argues that FOSS is not just a public good, but rather a complex public good—complex because FOSS provides a large number of applications for a diverse group of users. Using value-cost analysis, Bessen argues that low-value customers have incentives to self-develop because firms may price pre-packaged software too high. Additionally, individuals with excessively complex needs will also self-develop. Thus, the market for software differentiates between individuals with simple needs and individuals with complex software needs. FOSS can co-exist with profit maximizing firms because the market for software is segmented. Some users will always have needs that are more complex, or they will see the monopoly price of the software as excessively high. For this reason, some firms can maximize profit by developing FOSS in order to

meet complex needs. Ultimately, FOSS is a complementary means of development to proprietary production because FOSS is an excessively complex public good.[13]

A New Theory Regarding the Nature of Public Goods for the New Economy

The theories outlined above rely on similar assumptions and models that make the theories compatible, yet contradictory, on a number of points. One critical assumption underlying all four papers is that OSS is efficiently (or relatively efficiently) provided by private markets. However, the key assumptions for three of the papers are that OSS possesses the characteristics of a traditional public good, and that the new economy has not altered the very nature of public goods. I will now address the validity of these two assumptions in order to create an alternative model of OSS. Questioning the second assumption clearly reveals that no dominant incentive exists for OSS.

A new, high-tech economy emerged during the 1990s. Particular goods in the new economy do not obey traditional microeconomic theories. In the technology sector, some goods, such as fax machines, have network effects that alter traditional demand curves.[14] Additionally, some goods in the new economy have initially high fixed costs but have a zero marginal cost for producing the next unit, which especially applies to telecommunications services and information services. As such, some prices cannot equilibrate at marginal costs.[15] The high technology nature of the new economy merits the development of new economic theories for high technology sectors.

The new economy also fundamentally alters the view of new public goods. Unlike traditional public goods, the market for OSS products is much more specific. Under the traditional definition, a person sailing a cargo ship consumes the light from a lighthouse as a public good. However, the sailor does not care about the specific make of the lighthouse—but only that she can see it. The sailor cannot change the lighthouse when she uses it and all sailors will use the same lighthouse to navigate. With OSS, the customer is seeking a specific code that meets her specific use—or, to continue the analogy, the customer cares about the specifics of the code. Now, each software customer will not use the same code to meet his needs. Rather, in a segmented market, the customer selects a specific type of the OSS public good. Furthermore, unlike the

lighthouse, the consumer can also adapt the public good while consuming it—changing the make and color of the code.

If applying traditional theories of public goods, economics will converge on a single innovation mechanism as optimal. Such a convergence of thought would ignore the fact that OSS is not a traditional public good. As such, economists should not use traditional examples of public goods to justify a dominant incentive mechanism for code. The complex nature of OSS must be integrated with the motivations of a diverse group of actors in order to create a new economic theory for a new type of public good.

I set forth a new theory of OSS that does not rely on traditional examples of public goods. Simply comparing OSS to other public goods can be faulty, given the continuously changing nature of code. Bessen begins justifying how OSS is different from most public goods when he writes, "Complexity insures that most of the cost of software arises from testing, debugging, and computer maintenance . . . not from the original design and coding."[16] However, OSS is more than just more complex—code is changeable and individually tailored to a consumer. In order for programmers to privately provide OSS efficiently, it must have certain distinguishing characteristics above and beyond the traditional assumptions of public goods. These distinguishing features include complexity, dynamics, market segmentation, and individual demand-driven creation. Furthermore, OSS is not just one product, but is a sequence of products. For many consumers of OSS, the software is only a semi-finished good that generates little value until the code has undergone revision by the user. Thus, creating the ultimate finished product will require a sequence of motivating incentives.[17]

OSS code is a public good that is non-excludable and non-rival. Nevertheless, OSS has more characteristics than non-rivalry and non-excludability. Code is a changeable good—a public good that the demands of one consumer can change dramatically. Since code is fundamentally dynamic (alterable at low cost), its fixed costs are low. Code is also subject to consumer demands and varying consumer preferences. Although easily changeable, code is complex and requires expertise. The lines of code are parts of a complex whole, but altering one part does

> *OSS is not a traditional public good: it is much more complex, dynamic, market-segmented, and driven by specific consumer demands.*

not destroy the whole. Finally, the characteristics of a particular software code depend on the interests of a diverse set of consumers, where the suppliers are often also the consumers. Perhaps if economists view OSS in such a context, the reasons underlying private provision will become clearer and more diverse. As economists continue to analyze the private provision of public goods, I believe more emphasis needs to be placed on specifically defining code. Economists cannot view code as a single product with the characteristics of traditional public goods. Nonetheless, if the nature of the public good is, in fact, unique, then the fact that OSS can be provided by private sources may be a result more of its characteristics as a good than the motivation of its creators. OSS is not a traditional public good: it is much more complex, dynamic, market-segmented, and driven by specific consumer demands.

AN ANALYSIS OF INCENTIVES FOR PROGRAMMERS

The provision of OSS appears efficient (or at least nearly efficient) in private markets.[18] Individually demanded projects are produced if the project has value, and code is not just produced for large powerful demanders. Even small projects with low demand are developed. Computer programmers have not petitioned the government to create additional intellectual property incentives. Each of these signs indicates that the level of open source code is efficient in production. If code is a traditional public good, OSS should be under-provided by private markets. If OSS possesses more distinguishing characteristics than traditional public goods, private markets can provide adequate incentives for the distribution of an optimal level of OSS. Although the quantity of OSS may be efficient, the dominant motivation of programmers is unclear. One single motivating factor cannot induce all individuals to provide OSS. By collectively examining a number of factors such as signaling, altruism, value benefit games, and profit maximization, a theory that no single incentive can efficiently motivate programmers emerges.

The new economy has no dominant form of intellectual property for stimulating a diverse

range of innovations given varying technologies. In other words, no single incentive mechanism will stimulate a wide variety of open source code projects. In the new economy, patents, licenses, and grants are not always the best form of motivation. Individuals are motivated to begin development of different types of products for different reasons that often depend on the characteristic of the good being produced.

Some individuals (perhaps motivated by altruism) will prefer to work on highly visible new projects. Other individuals (perhaps motivated by fun or gift-giving), by contrast, will want to work on small projects or may simply contribute a small amount of time by contributing revisions to an existing project. For example, although signaling incentives may not be important for small projects, other programmers work on larger products because of signaling incentives. Additionally, gift-giving is a form of signaling; thus, the signaling that applies to small OSS projects is simply of a different magnitude. Furthermore, fun is an important incentive because it motivates a wide range of small project programmers, although this enjoyment may not be the primary motive for large projects. Individual firms (perhaps motivated by profit) may seek to provide a complex set of services for a diverse customer population. Some individuals may not be motivated at all because the programmer sees no profit motive or incentive to create OSS. In each case, the project facing the developer is vastly different. Thus, comparing the motivations of a small non-visible project to the motivations driving a major multi-dimensional task such as developing Linux is illogical.[19] Just because certain incentives such as altruism and fun are not viable explanations of traditional public goods, does not mean that they cannot apply to certain OSS in the new economy.

Additionally, the OSS market is segmented into a number of products. Market segmentation allows different solutions to motivate individuals based on the type of project. If OSS is not always the same software, the OSS product of one programmer is a completely different product from that of another programmer. So long as individuals have varying preferences, some individuals may gain greater returns from altruism on small projects as opposed to signaling gains on other time-consuming projects. Market segmentation creates a diverse range of OSS and thus requires a diverse range of programmers to develop the technologies. All four authors' theories can co-exist if the assumption of public good characteristics is fundamentally altered. Private markets can provide OSS because of combinations of signaling, altruism, value benefit games, and profit maximization.

I conclude that open source has no dominant incentive mechanism. Altruism may best motivate small projects. Signaling may best motivate large and visible projects. Profit maximization may best motivate products demanded by large firms. On the other hand, personal recognition or gift-giving incentives may motivate some small projects while not motivating some large ones. If profits, fun, altruism, signaling, or gift giving do not motivate the programmer, simple and economically logical value-to-price comparisons may provide further insight. My argument is based on the claim that varying forms of motivation can co-exist and still provide an efficient (or near-efficient) amount of the public good. Patents, copyrights, prizes, trade secrets, and government contracting can co-exist to provide a near-efficient amount of innovation or knowledge. The same principle holds true for OSS, a new type of public good for the new economy.

In the traditional economy, free riding is something policymakers want to minimize. In this unusual case, free riding may actually improve the efficiency of allocating the public good (by preventing waste) if programmers are sufficiently motivated to provide the good privately in the first place.

Cyberlife, the New Economy, and the Problems with Incentives

Evidently, a number of reasons exist for programmers to develop OSS. Each of the different sets of motivations comes with economic tradeoffs, including principal-agent problems, free riding, the inability to connect software to demand, the failure to provide information, and weak incentives under certain innovation incentives. For example, signaling clearly works best for some projects and not others, while altruism works for some projects, but

not others. In fact, certain types of intellectual property may fail to create incentives if costs are high or may create excessive incentives under particular circumstances.[20] For example, time constraints, opportunity costs, and skill levels may also restrict individuals to make varying choices.

When value-cost analysis is a successful motive, the game theory outcomes may not be perfectly optimal. Game theoretic models applied to OSS require a sufficiently high level of value, but value is not particularly large for a majority of people. Additionally, the argument requires perfect information about the specific value and costs of a project. In many circumstances, the programmer may misestimate the values or costs as too low or high. Thus, if value-cost analysis is the dominant motivation behind OSS, the government may still have a role to provide additional incentives that enlarge the perceived value or make individuals realize the true value of a project.

While game theoretic models may not adequately confront tradeoffs of perfect information and decisions, they are successful at removing some inefficiency. For example, having a large number of uncoordinated producers with varying incentives could result in wasted duplication inefficiencies. By incorporating free riding into a model of development, high duplication rates are reduced substantially. In the traditional economy, free riding is something policymakers want to minimize. In this unusual case, free riding may actually improve the efficiency of allocating the public good (by preventing waste) if programmers are sufficiently motivated to provide the good privately in the first place. Thus, free riding in the case of OSS results in more, not less, efficient provision of a good. For this reason, OSS once again does not fit the traditional theories of public goods.

Additionally, firms producing OSS as a means of profit maximization alter the value-cost analysis of individuals. Looking at OSS as a complementary good allows for additional private sector provision. In the new economy, a public good, complemented with a private good, can make firms more profitable, although public goods are traditionally not profitable. A firm may release code under an open source license in order to force other companies to a particular product standard or to increase demand for another good. In addition, profit incentives al-

> *[T]he individual does not decide to develop OSS based on the cost of developing it, but, rather, based on the opportunity cost of not developing it (the price of proprietary software).*

low for the co-existence of individual and firm development. An individual will develop OSS based on value and price comparisons. Absent profitably manufactured substitutes, programmers decide to produce code after comparing the value and cost. If profitable firms are also producing code, individual programmers analyze the difference between the OSS value and the price of the product as developed by the firm. Programmers compare the value obtained from OSS with how proprietary developed packages are priced. Thus, the individual does not decide to develop OSS based on the cost of developing it, but, rather, based on the opportunity cost of not developing it (the price of proprietary software). The individual may face uncertainty of realizing the true dollar estimate of c and may once again inefficiently engage in developing.

If signaling is the dominant motivation, society may be better off by making signaling opportunities more visible in order to encourage more software writing. However, signaling clearly inflicts negative costs on the firms with employees who are engaging in OSS. Firms with employees who work on OSS have incentives to reduce the external visibility of the signals in order to minimize the probability of having valuable employees hired by competing firms. Another limitation of signaling is that individuals are often required to do a certain amount of work before being cited in large projects. Such logic implies that individuals will stop contributing to OSS once a necessary threshold of work is completed. Yet the number of programmers may also influence the ability to complete a project. Once a critical mass of the code is written, even if individuals are shirking after completing a specific amount of work, the project can continue to grow efficiently if the number of programmers is sufficiently large.

In cases where altruism and own-need are successful motivating factors, society could have a larger number of small OSS projects if the incentives to gift-giving are increased. The idea of altruism is jeopardized if an individual feels exploited by giving the code freely. Perhaps this idea of exploitation explains why altruism and gift-giving are most easily applied to smaller and less visible projects where exploitation is less likely. In this case, small visible incentives to increase the value of gift-giving may

be essential to encouraging development. Additionally, the own-need motivation requires individuals to place a sufficiently high value on the goods, but does not require other members of society to value the good. This is not to imply that these individual motivations are unimportant, but on their own they may not result in the efficient supply of the public goods demanded.

Markets may not yield the optimal provision of the public good as smoothly as one economic model in isolation may suggest. As such, the actual provision of OSS is not perfectly efficient because in reality, information is imperfect and transaction costs are persistent. The inability to have perfect information about values and costs may result in inefficient provision of the public good. Incentives such as signaling and individual motivation are not fully realized because signaling impacts more people than the programmer. For example, firms seek to reduce the influence of signaling in order to retain employees. If the benefits and costs of signaling were borne entirely by the individual, signaling incentives may be even larger. Other incentive mechanisms come with similar tradeoffs.

Although some inefficiencies exist, programmers have not issued extensive demands for the government to create additional incentives. Furthermore, consumers of OSS are not demanding the government help supply more of the good. Therefore, the provision of OSS must be near (or at) its efficient economic level. The reason OSS is more efficiently provided than expected is that all four economic theories of incentives—signaling, altruism, value-benefit games, and profit maximization—are entirely compatible. Where one incentive mechanism fails or creates inefficiency, another incentive mechanism makes up for the loss. Having explored the role of the market in the provision of OSS, I now turn to the role of the government in OSS development.

How Can (Or Should) Law Govern Code?

Policymakers and politicians must analyze two questions when developing innovation incentives for code. First, is code efficiently provided by private actors? If not, then the government has some ability to induce more incentive or efficiency. Second, is code a public good in the traditional context? If not, then traditional government solutions to the public goods problem will not work.

Policymakers can consider the overall provision of OSS as efficient. Even if the amount of code developed is inefficient in production and allocation, excessive government intervention likely could stifle creativity and destroy certain incentive mechanisms (such as doing it for fun). Additionally, excessive government intervention may reward large and profitable businesses that produce code, which may decrease the number of small individual actors (and having a large number of innovators is beneficial for incremental projects). Rather than considering the provision of OSS, policymakers should consider the distribution of all code—open and closed source. A correct sequence of interactions between private for-profit actors and free open source providers is necessary to induce efficiency in allocation. In other words, even if the amount of code produced is optimal, policymakers may wish to consider whether resources and production are optimally distributed between profit-seeking producers and open source producers.[21]

Policymakers must also remember that while open source has many merits, open source is not always the optimal solution for all software provision. In reality, some software is best provided under closed-source options. Closed source software is best used to encourage the development of simpler products that can service a wide variety of standardized users. Additionally, closed source appears to be advantageous for large projects that have low startup incentives. Therefore, open source should not be the only intellectual property incentive of the future. Just as OSS has no blanket incentive mechanism, open source should not be the universally acceptable solution for encouraging all types of software design.

Turning to the second question, policymakers must realize that no one dominant policy will be effective in encouraging open standards. Policymakers must adopt policies that are dynamic and provide varying incentives. An omnipotent policymaker would be foolish to establish a blanket policy rule that spurs innovation by one mechanism alone. Rather, a policymaker must realize the complex and varying nature of innovation and fit the intellectual property rule to the appropriate outcome. Any policymaker who seeks to encourage the efficient private provision of OSS as a public good must realize that the incentive system must be just as thorough as the code. Furthermore, policymakers must realize that no universal incentive law can increase the amount of code. The amount of code will increase only if incentives vary depending on the code being developed and the motivations of the programmer developing it. Additionally, policymakers must consider whether more or less free

riding is important for the development of code.

Policymakers cannot apply static incentive mechanisms and expect an optimal level of code. OSS is a privately provided public good because the incentives of writing code are continuously changing according to individual preferences. Policymaking is inherently dynamic and complex—but OSS as a public good is just as dynamic and complex. OSS requires a dynamic, complex, segmented, yet complete solution.

CONCLUSIONS

OSS code is unquestionably a public good. However, this paper argues that the nature of the code itself is a contributing reason to why private markets can provide a public good. No theory of motivation is entirely successful in isolation because the same theories can be applied to traditional public goods without success. If the theories expressed by the four papers I have analyzed do not work for traditional public goods, OSS as a public good has a distinguishing feature that differentiates it from traditional public goods. Bessen indicates that the distinguishing characteristic is that FOSS is a complex public good. In addition to the feature of complexity, I add that code is inherently subject to diverse individual demands of consumers and market segmentation, and that code is inherently dynamic—causing the good to change over time. Individual consumers of code demand different finished products—and often may demand an unfinished open source product so that they can use a part of the product to produce their own good.

This paper attempts to demonstrate that OSS is not really a single public good. Instead, code varies across products in order to meet diverse needs. As a result, the nature of the public good is dynamic and ever-changing subject to a programmer's decisions. Because code is a complex and alterable public good, no single standard rule can optimize the production of code. The motivation of private actors is as diverse as the code itself. As a result, private actors have varying incentives depending upon whether the OSS project is small or large, concealed or visible, simple or complex.

The papers I analyzed operate under two major assumptions. First, open source code is near-efficiently provided. Second, the definition of a public good is not altered in the new economy. In this paper, I question the second assumption by demonstrating that OSS is not a traditional public good—rather, code is dynamic, complex, market-segmented, and subject to individual (not market) demand. Future study may wish to demonstrate quantitatively whether markets efficiently provide OSS. However, the probability of success on open source products seems to indicate that OSS is efficiently provided.

Finally, the paper proposes a course of action for policymakers. Creating laws and policies that are dynamic and that fluctuate across a number of goods is a great challenge. If the necessary outcome is inherently complex, over-simplified policies are likely to do more harm than good. Thus, before creating a universal standard for innovation mechanisms, policymakers must first consider if any merit to intervening in the market exists. If not advantageous, the issue should be left to private markets. However, given near-efficient provision, the government can still enhance the amount of open source code through strategically designed and narrowly applied dynamic solutions. Unlike code programmers, one individual policymaker cannot change laws for a specific use. Thus, the challenge of legislation in the new economy is to design an incentive system that is able to adapt and be applied to the nature of code in a dynamic and complex manner. In a new economy where "code is law,"[22] law must become like code.

LBJ

NOTES

1. I predominantly use the terminology "OSS" throughout the paper except when referring to theories from Bessen (2005), since he uses the terminology "FOSS." Furthermore, according to Bessen, the word "free" implies free modification of code and not a free price. A profit-maximizing firm may then distribute the software at zero price or may distribute the FOSS at some non-zero price. In the second case, the FOSS is no longer a public good. Thus, when referring to firm motives, I only consider situations where FOSS is distributed at zero price (such as when the OSS is an attempt to win a standard war and is not bundled with a private good).

2. FSF France, "French Government Lobbied to Ban Free Software" (November 25, 2005). Online. Available: http://www.fsffrance.org/news/article2005-11-25.en.html. Accessed: December 11, 2005.

3. Information Technology Division of Massachusetts, *Enterprise Open Standards Policy* (January 13, 2004). Online. Available: http://www.mass.gov/Aitd/docs/policies_standards/openstandards.pdf. Accessed: February 12, 2006, pp. 1-2; and Information Technology Division of Massachusetts, *Enterprise*

Technical Reference Model – Version 3.5 (September 21, 2005). Online. Available: http://www.mass.gov/Aitd/docs/policies_standards/etrm3dot5/etrmv3dot5informationdomain.pdf. Accessed February 12, 2006, pp. 2-3.

4. The issue of efficient provision of OSS can also be framed with regard to the efficiency of code in general. Desiring the efficient production of OSS is a different problem that achieving the efficient allocation of code. The second problem requires an interaction between private and profitable distribution in addition to free OSS distribution.

5. Arrow, "Economic Welfare," pp. 609-25; Geroski, "Markets for Technology," pp. 90-131; and Mansfield, "Social and Private Rates of Return," pp. 221-240.

6. Rosen, *Public Finance,* pp. 65-69.

7. Ibid., pp. 55-56.

8. Bitzer, "Intrinsic Motivation," p. 2 and Appendix B.

9. Individuals who develop code may not necessarily be programmers, however, this paper will refer to these individuals as "OSS programmers" instead of "OSS writers" as Christian Friesicke references and suggests. Interview with Christian Friesicke in Berkeley, CA, Graduate Student Cand. Ing., Technische Universität Hamburg-Harburg, November 21, 2005.

10. Josh Lerner and Jean Tirole, "Some Simple Economics of Open Source," *Journal of Industrial Economics,* vol. 50, no. 2 (June 2002), pp. 197-234.

11. Bitzer, "Intrinsic Motivation," pp2-22.

12. Justin P. Johnson, "Open Source Software: Private Provision of a Public Good," *Journal of Economics & Management Strategy,* vol. 11, no. 4 (Winter 2002), pp. 637-662.

13. James Bessen, "Open Source Software: Free Provision of Complex Public Goods," Research on Innovation Discussion Paper (July 2005). Online. Available: http://www.researchoninnovation.org/opensrc.pdf#search='Open%20Source%20Software%3A%20Free%20Provision%20of%20Complex%20Public%20Goods'. Accessed: November 2005.

14. Michael L. Katz and Carl Shapiro, "System Competition and Network Effects," *The Journal of Economic Perspectives,* vol. 8, no. 2 (Spring 1994), p. 93; and Scotchmer, Suzanne, *Innovation and Incentives* (Cambridge, MA: MIT Press, 2004), pp. 292-293.

15. Scotchmer, *Innovation,* pp. 294-295.

16. Bessen, "Open Source Software," p. 7.

17. A sequential ordering of incentives further complicates the motivations of individuals economy, however, such a sequence is necessary to consider as Michael Dintenfass and Christian Friesicke of Technische Universität Hamburg-Harburg suggest. Interview with Michael Dintenfass, Associate Profes-

sor of History, University of Connecticut, Storrs, CT, March 13, 2006; and Friesicke interview.

18. If the provision of OSS is efficient and if the private market for code clears, then the provision of proprietary code and open source code is productively efficient, but perhaps may not satisfy allocation efficiency.

19. Linux is an open source operating system that has become a significant competitor of Microsoft's operating system, especially on the sever market. Estimates indicate that over 10 million users around the world use Linux and several firms have emerged to sell software for Linux.

20. Nancy Gallini and Suzanne Scotchmer, "Intellectual Property: When Is it the Best Incentive Mechanism?," in *Innovation Policy and the Economy, Vol. 2,* eds. Adam Jaffe, Joshua Lerner and Scott Stern (Cambridge, MA: MIT Press, 2002), pp. 51, 53-56; and Scotchmer, *Innovation,* pp. 58-59.

21. Until this point, this paper has primarily considered efficiency in production (the amount of code produced), but efficiency in allocation (how resources and production are allocated between profit-seeking markets and freely-giving open source markets) is an important policy question as Michael Dintenfass suggests. Dintenfass interview.

22. Lawrence Lessig, *Code and Other Laws of Cyberspace,* (New York, NY: Basic Books, 1999), p. 6.

WORKS CITED

Arrow, Kenneth. "Economic Welfare and the Allocation of Resources for Invention." In *The Rate and Direction of Inventive Activity,* ed. Richard R. Nelson. Princeton, NJ: Princeton University Press, 1962.

Bessen, James. "Open Source Software: Free Provision of Complex Public Goods." Research on Innovation Discussion Paper, July 2005. Online. Available: http://www.researchoninnovation.org/opensrc.pdf. Accessed: November 2005.

Bitzer, J., W. Schrettl, and P. J. H. Schröder. Intrinsic Motivation in Open Source Software Development. Free University of Berlin Discussion Paper No. 2004/19, September 2004. Online. Available: http://econwpa.wustl.edu/eps/dev/papers/0505/0505007.pdf. Accessed: November 2005.

Dintenfass, Michael. Associate Professor of History, University of Connecticut, Storrs, CT. Interview, March 13, 2006.

Friesicke, Christian. Graduate Student Cand. Ing., Technische Universität Hamburg-Harburg. Interview in Berkeley, CA, November 21, 2005.

FSF France. "French Government Lobbied to Ban Free Software." (November 25, 2005). Online. Available:

http://www.fsffrance.org/news/article2005-11-25.en.html. Accessed: December 11, 2005.

Gallini, Nancy, and Suzanne Scotchmer. "Intellectual Property: When Is it the Best Incentive Mechanism?" In *Innovation Policy and the Economy, Vol. 2,* eds. Adam Jaffe, Joshua Lerner and Scott Stern. Cambridge, MA: MIT Press, 2002.

Geroski, Paul. "Markets for Technology: Knowledge, Innovation, and Appropriability." In *Handbook of the Economics of Innovation and Technological Change,* ed. Paul Stoneman. Oxford: Blackwell Publishers, 1995.

Katz, Michael L. and Carl Shapiro. "System Competition and Network Effects." *The Journal of Economic Perspectives,* vol. 8, no. 2 (Spring 1994), pp. 93-115.

Information Technology Division of Massachusetts. *Enterprise Open Standards Policy* (January 13, 2004). Online. Available: http://www.mass.gov/Aitd/docs/policies_standards/openstandards.pdf. Accessed: February12, 2006.

Information Technology Division of Massachusetts. *Enterprise Technical Reference Model – Version 3.5* (September 21, 2005). Online. Available: http://www.mass.gov/Aitd/docs/policies_standards/etrm3dot5/etrmv3dot5informationdomain.pdf. Accessed February 12, 2006.

Johnson, Justin P. "Open Source Software: Private Provision of a Public Good." *Journal of Economics & Management Strategy,* vol. 11, no. 4 (Winter 2002), pp. 637-662.

Lerner, Josh, and Jean Tirole. "Some Simple Economics of Open Source." *Journal of Industrial Economics,* vol. 50, no. 2 (June 2002), pp. 197-234.

Lessig, Lawrence. *Code and Other Laws of Cyberspace.* New York, NY: Basic Books, 1999.

Mansfield, Edwin, John Rapoport, Anthony Romeo, Samuel Wagner, and George Beardsley. "Social and Private Rates of Return from Industrial Innovations." *The Quarterly Journal of Economics,* vol. 91, no. 2 (1977), pp. 221-240.

Rosen, Harvey S. *Public Finance.* Boston, MA: Irwin/McGraw-Hill, 1999.

Scotchmer, Suzanne. *Innovation and Incentives.* Cambridge, MA: MIT Press, 2004.

years between undergrad and his master's program traveling North America to test the professional tennis circuit. The fact that he is now an editor for the *LBJ Journal* reveals the success of those two years.

MICHAEL REFFETT, Associate Editor
Michael is in the second year of a dual degree program at the LBJ School of Public Affairs and the Teresa Lozano Long Institute of Latin American Studies. He graduated from the University of Virginia in 2004 with a bachelor's degree in religious studies and foreign affairs. He spent time in both Chile and Suriname working in the public sector. In summer 2005 he worked as a research assistant in Campinas, Brazil, developing a profile of its metropolitan region.

LAUREN RODRIGUEZ, Associate Editor
Lauren is a first-year master's student at the LBJ School of Public Affairs. She graduated cum laude from Bowdoin College with a bachelor of arts in international relations and sociology. She received departmental honors in sociology. After graduation she worked for Nuestra Comunidad Development Corporation, a community development organization in Boston. While at Nuestra she worked first as economic development project coordinator with Americorps VISTA, then as director of Nuestra Culinary Ventures, and finally as director of external affairs. Lauren has also worked as both press secretary and field director for a Boston city council candidate. Her policy interests include foreign affairs, development issues, conflict resolution, and human rights.

JOHN SEALE, Associate Editor
John is a second-year master's student at the LBJ School of Public Affairs. John received his undergraduate degree in international studies and political science with a minor in Spanish from Rhodes College in Memphis, Tennessee. He worked for nearly three years as a legislative assistant for Congressmen Bill Archer and John Culberson in Washington, D.C. During this time, John focused on legislative and regulatory issues pertaining to energy, international affairs, labor, telecommunications, national defense, small business, and agriculture. During the summer of 2005, John worked at the Federal Energy Regulatory Commission as an energy industry analyst. In this capacity, he reviewed filings made by public utilities requesting changes in the prices at which they sell electricity.

RACHEL SILBERMAN, Associate Editor
Rachel graduated from Skidmore College in 2003 with a B.A. in government. Tired of snow, she moved to the hottest town in the continental United States (Edinburg, Texas) to teach fourth and fifth grade as a Teach for America corps member. Deciding South Texas was a bit too hot, she moved farther north to pursue a Master's in Public Affairs at the LBJ School. Rachel's other policy experiences include internships with the Democratic Congressional Campaign Committee (DCCC), the British Pregnancy Advisory Service (BPAS), and the Saratoga Foundation for Women Worldwide. She is particularly interested in education policy and testing.

ANDREW STACKHOUSE, Associate Editor
Andrew received his B.A. in political science from Tufts University and a master's in education from Smith College, where he was a graduate teaching fellow. Following time in D.C. and Boston on a series of campaigns, he began his public service career as a budgetary and policy analyst with the Massachusetts legislature, where he focused primarily in the areas of housing and community development. In the private sector, he worked with business leaders and researchers in the co-authoring of numerous research reports. Since relocating to Texas, he has worked with numerous state and federal agencies to identify opportunities for the provision of affordable housing, particularly for the migrant and seasonal farmworker population. Andrew is also the multisport editor for The Racing Post and a columnist for several cycling publications. In his first year at the LBJ School, his research interests include civil education and voter participation, regional planning initiatives, China-Taiwan relations, political campaigns, and organizational development.

CHARLIE STERN, Associate Editor
Charlie is a first-year master's student at the LBJ School of Public Affairs. He graduated from Southwestern University in Georgetown with a B.A. cum laude in history and political science with honors. He has worked on water and environmental policy at the National Water Resources Association in Washington, D.C., and has done extensive research on the history and politics of regulatory environmental policy in the Western United States. His primary policy interests are energy and environmental policy, rural educational development, and cultural policy.