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LATIN AMERICA MEDIA CULTURE EYEWITNESS

OXFORD FORUM

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Benjamin McMurdo

Thanks To

Brasenose College JCR
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The Cake Shop, Oxford Covered Market
Charles Brendon
Gareth Lloyd

Design Contact

Matthew Hasteley

Subs: subscriptions@oxfordforum.com
Advertising: business@oxfordforum.com
Letters: editor@oxfordforum.com

Photography

Brendan Bannon
Omar Hegazi
Andy Singer
Brent Stirton

Printed by Stephens and George Printers

Goat Mill Road, Dowlais,
Merthyr Tydfil, CF48 3TD

Illustration

Matthew Hasteley
Sam Rensho
Craig Robinson
David Saleh
Guy Shrubsole

Cover photograph by Brendan Bannon
www.oxfordforum.com





editorial

TWO MEN FACE each other. One wears an orange jumpsuit and shackles and looks straight ahead, staring into the middle distance. The other wears a soldier's uniform and looks straight into his tired, frightened eyes. They are enclosed by mesh and barbed wire. The prisoner has not been told why he is there, or how long he will have to stay, and the guard has been told not to care. This treatment of untried, unconvicted men by a liberal democracy would have been unthinkable even five years ago but is now largely accepted, or at least ignored, by the majority of onlookers. A world away, two men face each other. Each of them wears top hat and tails and look into the other's eyes first exchanging vows and then rings. Friends and family surround them, wishing them well in their new life together. They are performing an act which would have been unthinkable even ten years ago and, though still controversial, is now recognised by a more liberal British state as a right rather than the celebration of an aberration.

We are faced with a changing society which is becoming more accepting and tolerant in some ways and towards some groups of people – as discussed by Peter Tatchell on page 12 – but is at the same time willing to tolerate greater interference with basic freedoms either from government, or from public opinion (Brian Flanagan, page 24). Violence has exploded in seemingly harmonious countries such as Australia (Chris Cuneen, page 36) as global events spill over into people's daily lives

to infect inter-racial interactions with mistrust and hatred. It is this sense of fear which has allowed individuals and governments to legitimise the actions of the United States in its treatment of prisoners at Guantanamo Bay (André Nilsen, page 21) as Asians in jumpsuits or carrying rucksacks on the underground, are dehumanised and reduced from people to potential terrorists (Rizwan Ahmed, page 5). The biggest change within our society? The price we are prepared to pay in an attempt to feel secure.

This comes at a time when the world order is undergoing a major transition, as economic power shifts from West to East (Brad Sester, page 18). These changes have the potential to transform the global political hierarchy in the long term as China and India eclipse American dominance. The micro shifts away from liberal values in America are also being reversed abroad. Although China is a long way from full democracy, there are signs that the Government is becoming more accountable (Duncan Innes-Ker, page 16), a trend which is likely to continue.

And so, in this edition, we invite you to take stock of the new direction in which our world is heading: from the changes in popular attitudes percolating through societies across the globe, to fundamental shifts in international power. We hope we can provide a useful contribution to the debate about these issues, debates which are necessary if we are to come to an acceptable resolution of the problems facing us.

Jennifer Hepworth
Martin McCluskey
Editors, Summer 2006



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teaching first

ALEX KELLY shares his experiences
working in an innercity school in London

"SIR, MAN!" JOSEPH knew he had done wrong. He had left his place without properly tucking in his chair, and without standing up straight behind it. In response, with folded arms and corduroy trousers, I did my impression of a disappointed school teacher. It was the end of a double period of English. Joseph had been reading the part of Lennie in *Of Mice and Men*, and now, in a last effort to avoid returning to his chair, exhorted: "Ah come on sir, man: I wanna go feed the rabbits." I let him off. He sauntered, whistling, down the corridor, advertising to the world another victory against silly rules won for him by childish charm. That was Tuesday. On Wednesday, Joseph stabbed another 15-year-old in the heart. His victim was brought back to life on the pavement. Joseph has been sentenced to six years in a youth offenders'

unit for attempted murder. the fact that Joseph was a child. A good child. There was a problem in the order of my universe; I couldn't reconcile the boy I joked with at school with a violent gang member.

I know that Joseph didn't think stabbing someone was a step to a rosy tomorrow. In his free time he went to see Stephen Lawrence's mother talk about positive black role models. He wanted to be a doctor. Most days he would stand behind his chair. But he had a funny relationship with the path that most of society would label "positive". A month ago Joseph handed me a piece of coursework that I had bugged him to do for weeks. It appeared while I was opening the classroom door, before the others had arrived, from his trouser pocket, scrunched up, written on scraps of paper, in faint spidery pencil. I was busy with my hands and by the time I could take it from him he almost threw it, like an informer giving in a list of his best friends. I marked it and it was excellent. Outside of class I told him he'd done well, and that he could do really well. Joseph wouldn't meet my eyes, and said only: "Yeah, but I'm dumb." Thinking about it now, in 16 weeks, with five lessons a week, Joseph never once brought anything to class that he could write with.

I've got only a small way in understanding why Joseph stabbed another boy. I haven't been able to fix on a reason, to label an evil problem that I can crystallise in my mind and fight against. Most people I talk to point at a fairly nebulous combination: that hip hop brainwashes, that in the student's home there is a lack of positive role models and little store set on education, that society as a whole has got it wrong in valorising rights over responsibility. Despite the irony, at the moment I feel like the associate of a victim of crime, unable to "find closure" until the perpetrator is brought to justice: who can be blamed for my student trying to kill someone the day after playing the fool in class? Joseph has a younger brother in school. I'm not sure how we're going to do it, but Joseph's teachers know we must glean something positive from something terrible. In spite of poor understanding of its causes, we can't let this story recur.

Alex Kelly is teaching at a comprehensive school in Highbury as part of the Teach First programme. He plans to remain at his current school and pursue a career in teaching

Joseph didn't think stabbing someone was a step to a rosy tomorrow

unit for attempted murder.

There have been few serious incidents at the school I teach in. Previously when one occurred I had felt at least in part, excited – however crass it seems, I was getting the experience of an inner-city comp that had been a strong reason for me applying for the job. There was the time when a pistol-brandishing pupil had been arrested by ten armed police officers in the playground below my classroom, and I had tried to keep thirty 13-year-old students interested in adjectives and adverbs in the meantime. Relevance is key, e.g. circle the adjective, underline the adverb: "The armed student was arrested swiftly." But these incidents are rare, and this kind of excitement lasts only so long. With Joseph, I felt nothing except nausea.

The default mode for Joseph's face is a smile. He smiles like he knows there will always be another cool ring-tone, and this is all that matters. Once he stayed after class to show me a shocking black and white neck-tie. He advised: "Sir, you should get this tie," and, holding it up for admiration, added: "Sir, man, this tie will get you more people. You won't be in here marking books no more if you get this tie, I swear." What made me sick hearing that Joseph had stabbed someone was



film real

Actor and songwriter, RIZWAN AHMED describes how his life has been changed by the ongoing War on Terror

MAYBE THE MAIN lesson that I've come away with in the past ten months is how people and situations can be perceived and misperceived. I've played the lead in *The Road to Guantanamo*, a film about three Muslims from Tipton who went to Pakistan for a wedding, were captured by the Northern Alliance and ended up spending three years in Guantanamo. I've been illegally detained myself by officers pretending to be acting under the Terrorism Act. And I've recorded a track trying to get across my feelings about some of the crazy reactions to 9/11 which have been going on in the world.

My personal perception of the Tipton boys has gone through different stages. Before I met them they'd almost stopped being people. In my mind they were symbols of the wider politics they'd become embroiled in. We're all guilty of that – people aren't viewed as people any more, they're viewed as a group in society: being for or against the war, being left or right wing; terror touting bogey-men on one side and "the West" on the other. This dehumanisation is something that's tainted the way we talk about politics in the post 9/11 context. My greatest hope for the film is that it battles this dehumanisation – you hear the Tipton boys' story as people first.

Then we (me and the other actors) lived with the Tipton boys for a week, and they became normal human beings. A lot of the time we spent filming was like a lads' holiday. As time went on, though, we had to take part in some fairly brutal re-enactments of what happened to them. Wearing the shackles they wore, even for a short while, was agony, and when we got beaten up by guards we would come back covered in bruises and cuts from the ordeal. All the time, I couldn't stop thinking that this represented only a tiny fraction of what they went through, which made me reinvest a whole greater meaning to their existence. These were people whose ribs had been broken by Guantanamo guards because they looked out of the window of the bus they were being transported in (though in the end we didn't include that in the film – it would have been impossible to include all the incidents of brutality without losing credibility by appearing to be too anti-American).

Travelling back from the Berlin Film Festival, happy because *The Road to Guantanamo* had won a Silver Bear, we were detained at Luton airport. I was taken into

custody, lied to about the reasons for and legality of my detention, sworn at, physically manhandled and intimidated by Special Branch. Although I was terrified at the time, I was also hugely frustrated and angry. The irony of what these clueless people were doing in the name of "intelligence" was laughable. One minute they were questioning my political views, searching my wallet and going through the numbers in my mobile; the next they were asking me to spy for them.

I think that my experience at Luton has contributed to my song being seen as more subversive than it is. I'm trying to battle the us-and-them mentality; but it seems inevitable that I'll be put in the box of a "Young Angry Muslim". This means that Muslims themselves, especially older ones, are frightened and angry at what I'm doing. They perceive the song as something which

People aren't viewed as people anymore, they're viewed as a group in society

will only antagonise whites at a time when Muslims should be keeping their heads down. This attitude was mirrored by their response to the Tipton boys; upon their return from Guantanamo they were shunned by their community, who were attempting to distance themselves from any association with perceived subversive elements. I have been quite lucky in that I've only had three pieces of hate mail, though I expect this will increase if the single takes off.

The rest of the responses have been overwhelmingly positive and have come from people from all over the world. They recognise that it is satirising something that affects all of us, rather than making a wider political point. It's important that we can openly and honestly talk about the effect 9/11 has had on our society so that we can all understand each other, try and reverse some of the damage that's been done, and bridge some of the divides we've created.

*Listen to Post 9/11 Blues at
www.myspace.com/rizmc*

buddhists of suburbia

GUY SHRUBSOLE examines the phenomenon of environmentally friendly housing and asks if Britain's going green

A NEW FORM OF green utopia is emerging, and it's closer to home than you think. Take a look at the housing estates that at present are mushrooming almost daily across the South of England, and you'll notice that not all are blandly identical. Some of them have solar panels. Some of them are built with more than their usual share of varnished wooden slats and glass. Some even come with a communal electric car to share with the neighbours. Watch out, Middle England: the Greens are coming your way.

There's "BedZed" in south London, a development of 82 homes that all run entirely off renewable energy. And "Go Zero" in the little parish of Chew Magna in Somerset, the first local authority to commit itself to zero-waste status. Even my home town, Newbury – not a place renowned for its green credentials, given its synonymy with Greenham Common and the Newbury Bypass – has a few "sustainable" housing projects on the go.

There ought to be a word for these emerging districts, just as the Edwardians coined the term "suburb" for their out-of-town middle class retreats. One might call them 'eco-banlieue'. Or perhaps, following after green guru E. F. Schumacher, who preached an ecological form

of "Right Livelihood", "Buddhist suburbia" (with apologies to Hanif Kureishi). Still, it's one thing to usher in a new style of domestic architecture; another to tempt in buyers. What prospective homeowners really want to know is, "What are the neighbours going to be like? And do I dare invite them to a communal nut-roast?"

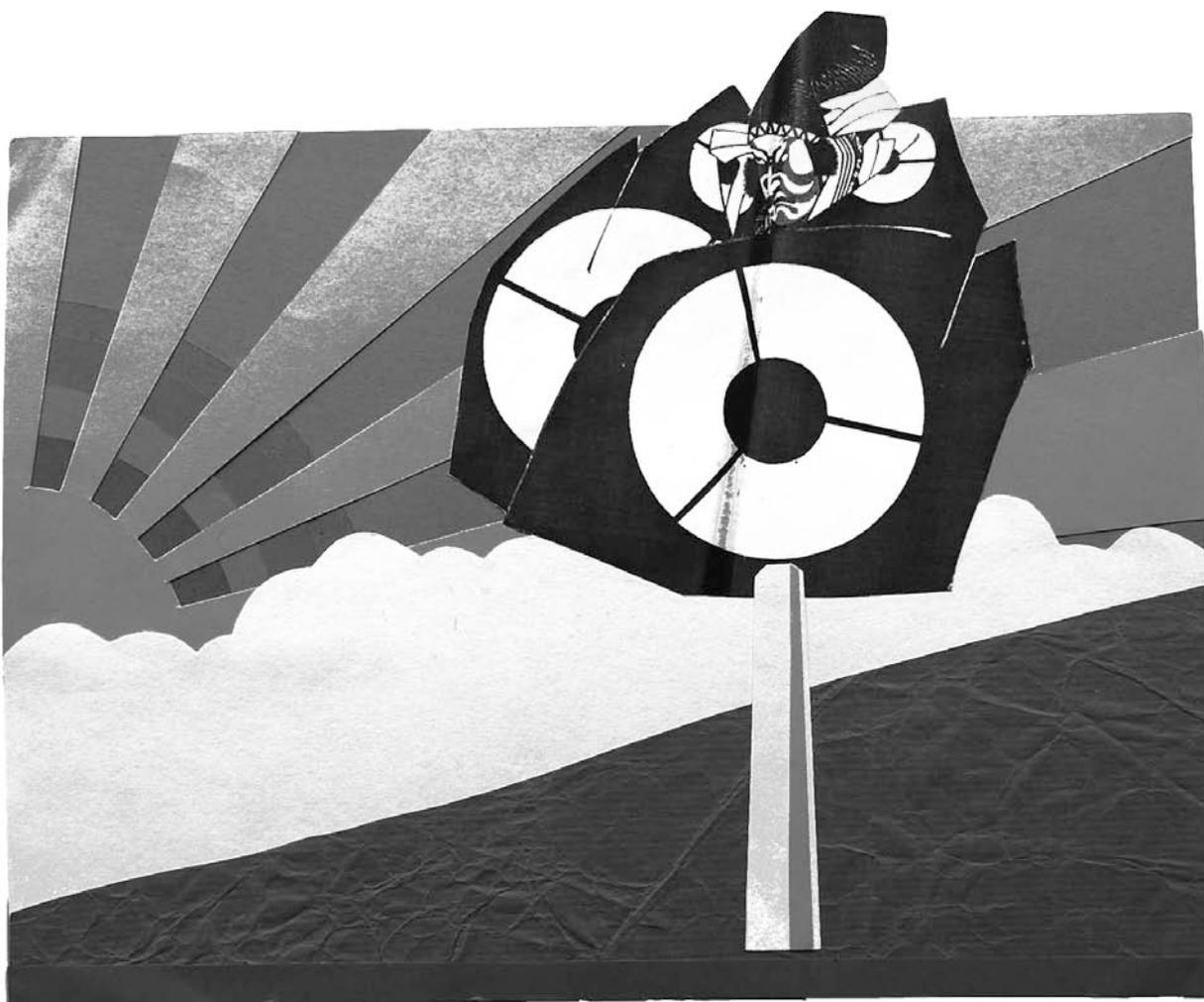
It's time to contend with accepted notions of the Eco Bunch and figure out what it means to be both green and neighbourly. Some of the stereotypes are very old – over 100 years old, in fact. The migrants to Letchworth Garden City, founded way back in 1903, first established the image of the muesli-munching, sandal-sporting, smock-wearing eco-aesthete – a strange hybrid creature spawned of late Victorian Romanticism and an older hair-shirt monasticism. "We don't want people to go and live like monks," the new mean, green Tory leader, David Cameron, has assured the British public. After all, Britain has spent too long having a good laugh at attempts to live like this. An Edwardian cartoon of the denizens of Letchworth has a strange resonance with more recent satires on hippie life: "Nuts sold here for the bald-headed nut-peckers", reads one of the cartoonist's captions; "Visitors are requested not to tease the citizens."

Green-baiting is less and less a national sport

nowadays – its star player, a Mr Jeremy Clarkson, increasingly on the receiving end of the taunts (and sometimes projectiles). So are we destined, then, to gravitate to the opposite extreme – to all become rather puritanical about each other's environmental credentials? There is, it must be said, a greener-than-thou streak to environmentalists. We – I confess myself an adherent – can get a little preachy. I once heard a friend living abroad recount that in deeply-green Germany, the first greeting he had from his neighbours was to berate him for not sorting the recycling waste correctly. As the "eco-banlieue" spread in Britain, perhaps we can expect similar behaviour.

The problem is that were environmentalism purely a personal act, a lifestyle choice, there would be no need to ask others to follow the same code. But cutting one's own polluting habits, no matter how good it feels, makes not one iota of difference if you're the only one. Letchworth's aesthetes adopted their ways not to save the Earth but to act out personal moralities. I am afraid that modern environmentalists tend to be rather more evangelical.

The modern drive for environmentally friendly communities grew out of the 1970s



commune movement. Their green innovations are one of the few aspects of this now-legendary social movement that has spread to wider society. Acid guru Timothy Leary once exhorted hippies to “Turn on, Tune in, Drop out”; nowadays the slogan has been altered by the energy-conscious to “Tune in, Drop out, Turn off.” Gone are the experiments in participatory democracy, in communal dishwashing, in dubious attempts at polygamy. But Alternative Technology and Sustainable Development have gone from being radical topics to trendy buzz-words.

Of course, there’s the fear that excessive trendiness is an indication of shallowness and ephemerality. The claim that “we are all environmentalists now” has been made variously by Margaret Thatcher, Australian PM John Howard, and William Safire, speechwriter for Nixon. In other words, by individuals lacking fully green credentials, but seeking to burnish their reputations. (A word has been coined for corporate attempts to falsely talk the talk of environmentalism: ‘greenwash’. Friends of the Earth proudly present the Greenwash Awards each year to the biggest bullshitters.) Still, the concept of sustainable development has gradually become absorbed into the language of

government and business, and they are starting to walk the walk, too. Perhaps, at last, it really has made the big time.

Gone are the experiments
in participatory democracy,
in communal dishwashing,
in dubious attempts at
polygamy

And for those who do live according to the pages of *Good Housekeeping*, it becomes ever cheaper and more hip to live greenly. Surely it’s not long now until the lifestyle gurus start cashing in on sustainable development. Look out for the first programme on BBC2 to feature a Domestic Green Goddess – sort of like a cross between Nigella Lawson and those old army fire engines. Well, maybe. And on a more serious note, neighbourhoods acting sustainably will hardly suffer from their inhabitants looking out for one another a bit more. By living closer to work, having community transport or car

shares, and tending a group allotment, we might reclaim a sense of that lost community that modern urban life has largely banished.

So as Britain finally begins to ape its continental neighbours in going green, keep an eye out for the quirky shifts in social mores, for the vaunted fads that come and go, for the birth of new social stereotypes and the death of old ones, for the ways that local communities contend with living that bit more closely. We may yet all Stop Worrying And Learn To Love Being Green. We can still save the planet. We might even find we enjoy doing it.

Guy Shrubsole is reading for a BA in History at Merton College, Oxford



labou

With Labour's latest raft of education reforms under way, CLAUDE WILLAN talks to ANDREW ADONIS, former head of the Number 10 Policy Unit, about the future of the comprehensive system

LAST MONTH SAW Labour's Education Bill pass through the House of Commons thanks to almost complete Tory support. Its principal architect, Lord Andrew Adonis, even faced calls for his resignation as part of a compromises package proposed by Labour rebels in January. But, like other controversial measures that Lord Adonis has pioneered (most notably top-up fees), the Bill that sets out a definitive plan for the city academies programme is now safely on the books.

Adonis is no stranger to adverse publicity following the furore over the award of his peerage last May. "I don't think that the attention on the legitimate private lives of public figures is justifiable. But that's quite different from saying that there's any way of stopping the media." Finding himself the subject of "rather too much publicity", as he said in his maiden

speech to the Lords, and dubbed "Tony Zoffis" by the late Ted Wragg (who similarly opined that the city academy scheme was a "monumental pile of bollocks" in *The Guardian*), why did he think he was so savaged in the press in May? Of all my questions, this is only one that truly makes him pause for thought. "It seems such a long time ago now. I came from slightly outside the conventional scene in that I'd been working in Number Ten, and I wasn't in the House of Commons. So I was an interesting figure for the media to have a serious look at ... Now I'm a minister like any other, and the coverage I get is when the Government is or isn't seen to be doing well."

Of course, Adonis isn't quite a "minister like any other": his route to ministerial office is one example of what was – even before the cash for peerages debacle – cited as evidence of the dire

need for Lords reform. Although by his own logic Adonis would have to stand in an election to hold his current post, on this he seems back on firmer ground: "I've always supported an elected second chamber, and I still do." And what of the detrimental effects on the impartiality that is an unelected chamber's strength? "Well, there's a debate to be had about whether we have a nominated component of independent experts who could sit alongside elected peers. And the Government is committed to further Lords reform." Thankfully, that Lords reform is now virtually guaranteed.

The way Lord Adonis speaks about events before his appointment supports the suspicions harboured by some that his ennoblement merely confirmed a position of influence he already held, for instance using the governmental 'we' when talking about Lords

ring for change

reform: "Now what we said on this when it came up in the last parliament was that there would be a free vote in both Houses of Parliament on a whole range of options. The problem was that it was impossible to forge a consensus."

A few weeks before I met Lord Adonis, in an effort mentally to separate the wheat from the media's chaff, I went to one of the new city academies in Salford. The Brockhampton estate, on which the Academy sits, is formidably deprived. It has the highest rate of juvenile crime in Greater Manchester, including the notorious Moss Side area. The city academy's ward is in the poorest 9 per cent in the country. There is no internet access in the area. The nearest sixth form college is inaccessible for students. The academy's head, Elizabeth Haddock, warned me of a growing "informational underclass" in the area. The list goes on: parents die of heart failure with Glaswegian frequency. Only one in ten households has an adult who attended higher education. Her school had been picked out as one in "challenging circumstances" by the Government, and offered assistance.

Salford City Academy, a former Church of England secondary school, was originally to be sponsored by Vardey Corp, but the Church dropped the idea when Vardey's creationist agenda came to light. The replacement sponsors – the United Learning Trust – have a sole curricular requirement: that schools offer Business and Enterprise as a sixth-form specialism to their pupils, so that, says Haddock, "they can be ready to put something back into society". Academy schools, Haddock goes on, are lower in league tables precisely because they are schools in areas of gross and endemic economic, informational, educational and healthcare deprivation. "Joined up government", of which the Academies-cum-community centres are a prime example, doesn't happen overnight. I asked Lord Adonis they had generated such spectacular controversy.

"The reason for the controversy surrounding academies isn't because of the objective, which any reasonable person shares, which is to make radical improvements in education in more challenging areas. The controversy is because of the very unconventional way it's being done, in terms of schools being established which are independently managed."

Mentioning David Cameron and his compassionate Conservatism, Adonis says he expects that the debate will turn from whether

to have academies at all, to how many to fund.

"Like many things being done for the first time, it's controversial because it's new, but as it becomes more widely accepted, the controversy falls off. We now have 27 academies open, and we'll have no difficulty at all reaching 200. As people more fully appreciate the academy concept and they get to know people like [the United Learning Trust] – who are absolutely bona fide education experts, establishing schools on the basis of a track record of successful school management – a lot of the opposition will fall away. I would expect academies before too long to become an accepted part of the educational landscape."

New Labour clearly believe that the comprehensive system has had its chance to succeed

Back in January, this all seemed like potentially misplaced optimism. Now it's a shrewd assessment of the political climate. Still, Academies – I feel – might arguably constitute a small but highly informative betrayal of the comprehensive school system.

"That's not the case at all. The academies are the fulfilment of the comprehensive principle. The justification of the comprehensive reforms was that that you would achieve success and equal opportunities better by having all-abilities admission than by having selective admission. Admissions to academies are all-ability, local admissions; that's a requirement of the establishment of the academies. They are not selective: they are not allowed to choose the pupils on the basis of higher academic ability, as at a grammar school or like most private schools. This is the fulfilment of the comprehensive reform, it's not by any means a betrayal of it."

There's considerable irony in the fact that a "social justice" measure like this, that is justified by fundamentally redistributive ideology, was forced through owing to unanimous Tory support.

Of course, the road taken by the Education Bill leads to more questions for Tony Blair, who has now been reduced to dependency upon the support of the Opposition for the safe passage of flagship Bills. Lord Adonis was confident that

"[Blair's] mandate, and therefore his legitimacy, is very clear." In his most recent press conference, Blair scoffed at ideas of his consciousness of his own legacy, and as far as the vexed questions of authority and leadership go, Adonis says: "The judgment he made was that by the time you've done three terms as PM, it's a very long time to be Prime Minister. Only one other person in recent times has gone on beyond ten years and that's Margaret Thatcher." This, really, is pretty moot territory. On the one hand this isn't precisely what the Prime Minister has said regarding his third term, and on the other it's fascinating that a man with years spent as an aide close to Blair quite openly conceives

of his governing with an explicit eye on his legacy versus Thatcher's.

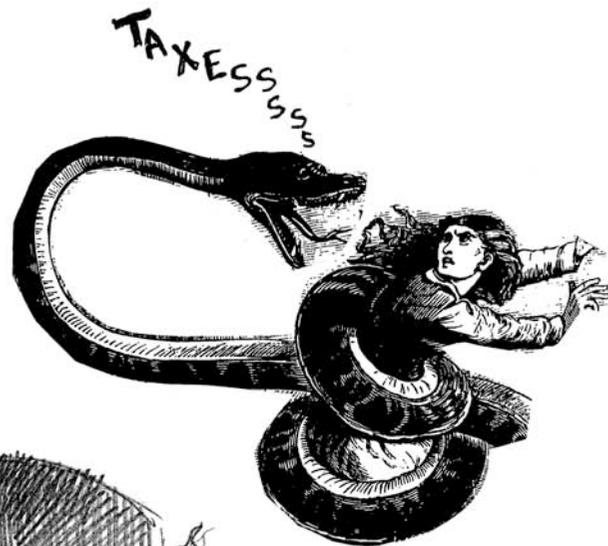
The problem here is also one of Old Labour versus New and, in a specifically educational context, of comprehensive versus comprehensive. Old Labour might say that comprehensives were never truly comprehensive: for "education for all" to be realised, public schools would have to be abolished to negate the "brain drain" on the state school system, whilst on the other hand New Labour clearly believes that after 30 years, the comprehensive system has had its chance to succeed, and the academies are a much needed correction of very evident inequalities.

It certainly sticks in the craw that an abandonment of the comprehensive system in localised areas constitutes a "fulfilment" of the comprehensive principle, but I can see Adonis' point. Short of abolishing fee-paying schools, what other recourse did Labour have? And, as Peter Mandelson said recently in an interview, "New Labour will die if it is frozen in aspic, if people don't keep challenging it, rethinking it and taking it forward." The only problem is that the 52 MPs who rebelled on March 15 clearly feel that the Labour party's principles have been "rethought" quite enough.

Claude Willan is reading for a BA in English at Exeter College, Oxford

BETWEEN THE DEVIL
AND THE DEEP BLUE SEA"?

IT'S MY
CAKE
AND I
WANT TO
EAT IT!



GUY SHRUBSOLE 2006

prudence under pressure

ANDREW DILNOT explains why the Chancellor will not be able to continue his impressive record in office

NEARLY NINE YEARS as Chancellor of the Exchequer. Historic. Unprecedented. Long enough to do a great deal of good, and long enough for luck to run out and for inconsistencies and weaknesses to show through. What's the verdict? Has the period since May 1997 been a period of astonishing brilliance in the management of the economy, or are problems coming home to roost?

I can remember going out for breakfast on the morning of May 2, 1997, bleary-eyed because, yes, I too was awake for Michael Portillo's demise. I sat in the café and said to my wife that I felt like the last cynic in Britain. There seemed everywhere to be a belief that all of a sudden all would be well, without any obvious cost to anyone. The health service, the state education system, the transport system, poverty among the old and the young – all these would be sorted out. There was no doubting the need for action, or the problems that existed in all these areas after the previous 18 years. But, for an economist, that idea of gain with no pain is charming but normally naïve because, in many cases, for someone to gain, someone else has to lose. Raising tax to fund increased public spending is perhaps the clearest example of that, and this was something New Labour had said they wouldn't do.

Within a few days, Gordon Brown had caught out almost all of us, and certainly me. Announcing and then implementing so effectively the independence of the bank of England was a stroke of genius, for which Mr Brown and his advisers, notably Ed Balls, deserve huge credit. The arrangements for managing the economy improved markedly in the early 1990s, but only independence for the Bank could cement that firmly in place. The result has been an extraordinarily long period of sustained economic growth, the like of which no one in the United Kingdom has seen before. We've had nearly 14 years of low inflation, steady growth, falling then low unemployment, and low interest rates.

Running the economy well was a vital task for Gordon Brown. He was desperate to break the caricature of Labour Chancellors as incapable of competent economic management. So as well as independence for the Bank, he announced his famous "Golden Rule" for government borrowing. At the time, borrowing was falling rapidly. The economic legacy from the Tories was good, with tax revenues strong and public spending under very tight control. So when the borrowing rules were announced, he could be confident of meeting them – at least in the short term – because for the first two years of the Labour government he had promised to stick to the spending plans that Kenneth Clarke had announced before leaving office.

Clarke himself has subsequently said that he doubts he would have been able to stick to the plans he had set, and the pressure on public services was acute in the first two years. This reflected the central problem for Gordon Brown. He seemed to want to promise not to increase tax, but at the same time wanted to transform public services and tackle poverty. Of course, progress can be made in these areas by spending more wisely, introducing reform, and helping people back into the labour market. But

poverty is much more related to old age and ill health than it is to unemployment among those able to work, and the pressures to increase spending in areas like health and education were (and still are) enormous.

The crisis soon came, in the Flu crisis of winter 1999. Mr Blair appeared on the Frost programme and announced enormous increases in public spending on health. And in the budget of the following year there was more money for education too. Where did the money come from? A bit from increases in taxation, but mostly from a massive shift from a public sector surplus to a public sector deficit. More than enough to make any Mr Micawber unhappy. The shift was of over £50 billion a year, or more than £1000 a year for every adult in the UK. There was no very clear sense of how the money should be spent, and in the last few years we have seen a bewildering array of new initiatives in health and in education, which have left doctors, nurses, headteachers and managers spinning furiously in an attempt to keep up with the latest demands. Stories of distortions created by centrally administered targets abound, and very few of those on the ground can discern a clear strategy. More worrying still, the rapid increases in spending have taken the Government to the very brink of breaking its own rules on borrowing. The party is over, and from April 2008 there is a simple choice. Taxes up, borrowing rules broken, or a return to much slower funding growth for health and education.

Perhaps Brown is hoping that something will turn up. If he is I fear that it won't be what he's hoping for

The fact that Gordon Brown is himself worried about all this seems to be reflected in the announcement last summer that the next round of spending plans has been delayed by a year, from 2006 to 2007. Perhaps Mr Brown is hoping that something will turn up. If he is, I fear that it won't be what he's hoping for.

As borrowing has risen much more rapidly than forecast by the Treasury, the credibility of the rules imposed by the regime has come under pressure. Mr Brown is now close to breaching his promise "only to borrow to invest". Over the summer, the Treasury announced that it was changing the time period over which this was measured, which coincidentally made it easier to meet the target. Then in the Pre-Budget Report just before Christmas, the cycle was extended again, once again making it easier to meet the Golden Rule. This left the cycle so long it was described by one commentator as "not so much a cycle, more a stretch limo". Purely technical changes? And what about the Private Finance Initiative (PFI)? Is the Chancellor keen on this simply because he believes that the private sector will really be sufficiently more efficient to pay for their higher cost of borrowing? Or perhaps the fact that PFI allows some borrowing which doesn't get on to the public sector balance sheet helps a little?

And can it really be sensible for the £21 billion of debt owed by Network Rail not to be seen as part of the National Debt? These questions are doing serious damage to the very thing Mr Brown was so keen to build up: the credibility of his stewardship of the economy. If, when rules begin to bite, people believe that the rules are bent, credibility can soon vanish.

The sad story of the railways is a reminder of one area where we haven't seen much extra spending. Transport spending by the public sector has been lower as a share of national income over the last eight years than it was under Mrs Thatcher.

If Gordon Brown deserves to be remembered for the independence of the bank, he also deserves praise for the huge increase in the incomes of the poorest pensioners that has been seen under his Chancellorship, as well as his efforts to help low-income families with children. The increases in levels of transfer to these groups mark in my view the largest boost in the incomes of those in need we have seen since 1948. But here too there have been problems, most particularly with tax credits for families. The new system is more generous, but it was fatally flawed by basing entitlement on a measure of past income, and then seeking to recoup overpayments if income rises. Two million recipients have found themselves in this position, causing misery for many of them. Many people pointed out that this would be a problem, but Mr Brown was not to be diverted. The disaster with tax credits is just one example

of the problems caused by an excess of intervention, which has led to a more and more complicated tax system. Here, Mr Brown has finally announced a reversal of policy.

As he looks forward to the next few years, Gordon Brown faces a bleak prospect. He had a once in a generation chance to introduce radical and effective change. He inherited a strong and growing economy, and was part of a government with a massive majority. But he seems not to have faced the conflict between his desire to be a prudent chancellor and his conflicting desire to deliver public services and support for the poor that would be a dramatic change from the past. His credibility as a prudent Chancellor is running out, the health and education systems are by no means transformed and still lack clear strategies and long-term clarity about funding. The transport system is close to chaos, and the tax system is more complex than ever. Being Chancellor doesn't look quite as easy as it did in May 1997.

Andrew Dilnot is the Principal of St Hugh's College, Oxford, and former Head of the Institute for Fiscal Studies. This article is adapted from a version first printed in The Observer



in significant other

PETER TATCHELL argues that although the Civil Partnership Act is a step in the right direction it does not go far enough

THE NEW SAME sex Civil Partnership Act is a cause for celebration. It will remedy many of the injustices faced by same-sex couples, but it is also a big disappointment as it creates a two-tier system of relationship recognition and rights. Gay partners remain banned from getting married and heterosexual couples are excluded from civil partnerships. The homophobia of marriage law is compounded by the heterophobia of civil

partnerships. These twin discriminations reinforce and extend inequality. Since the gay community has always demanded equal rights, why should we now settle for discrimination?

Imagine the outcry if the government reserved marriage for white people and introduced a separate partnership register for black couples. It would rightly provoke accusations of racism and apartheid. The current marriage law and the new civil

partnership register are a form of sexual apartheid. They enforce separate rules for heterosexuals and homosexuals, perpetuating discrimination on the grounds of sexual orientation. Marriage is the gold standard. Civil partnerships are a pale imitation of marriage for gay couples.

Apologists for civil partnerships say they are, in effect, the same as marriage. In that case, why didn't the Government simply amend the

marriage laws to include same sex partners? A one line amendment would have been the simplest, easiest way to ensure legal rights for lesbian and gay couples. The Marriage Act 1949 does not specify that marriage has to be between a man and a woman. This rule was introduced only in 1973, under the Matrimonial Causes Act. A short, simple Bill repealing the relevant section of the 1973 legislation would remove the sole legal impediment to same sex marriage. It is a great pity the Government lacked the courage to take this initiative to end the ban on same sex marriage.

As well as reinforcing discrimination, civil partnerships replicate one of the key flaws of marriage legislation. They privilege love over often equally enduring close, loyal friendships. While love relationships are unique, it is also true that some life-long friends share levels of devotion and commitment similar to those of many husbands and wives.

Instead of proposing a version of marriage for same sex couples, the Government should have seized the opportunity to legislate an alternative legal framework to remedy the ethical and practical deficiencies of marriage law. There are powerful arguments in favour of a broader, non-discriminatory, comprehensive, flexible system of partnership recognition and rights, covering gay and heterosexual partners, and applying to all mutually caring relationships.

From an ethical point of view, it is arguable that any two people who share a close, deep bond ought to be eligible for reciprocal legal recognition. Instead of restricting these rights to people in a sexual relationship, they should be extended to cover all relations based on mutual care and commitment. Supportive, loyal and enduring relationships, whether between lovers or friends, are good for the people involved and have a wider social benefit. As well as enhancing an individual's happiness and well-being, they strengthen a person's ability to cope with adversity and diminish their dependence on the state. It is therefore in society's interest to encourage and reward such relationships with legal validation and protection.

For these reasons, I have suggested a new legal framework – a “Civil Commitment Pact”. It would allow people to nominate as their next-

of-kin and beneficiary any “significant other” in their life. This could be a partner or lover, but it could also be a sister, carer, house mate, favourite nephew or life-long best friend. Many non-sexual friendships are just as sincere, loyal and enriching as relations between people in love. They, too, should have legal recognition. There is no sound reason to restrict partnership rights to people in sexual relationships. That discriminates against friends who support each other, but who are not in a traditional couple. Why shouldn't two life-long best friends have legal rights similar to two lovers? The main substantive difference in the nature of their relationships is that the latter have sex and the former don't. Why should sex be privileged over friendship?

Any two people who share a deep bond arguably ought to be eligible for reciprocal legal recognition

With one in two marriages ending in divorce, and over a quarter of households comprising single people, friends now play an important, if not major, role in many people's lives and support networks. Surely it is wrong to discriminate against two friends who have a strong commitment to care for each other, just because they are not married and do not have sex? While the Government claims this broader model of relationship recognition is not feasible, the Australian state of Tasmania has already set a precedent with its Relationships Act 2003. This pioneering legislation offers a legislative template, which could be adapted relatively easily by our own parliament. Successful and popular, it grants legal rights to all relationships of mutual devotion and support; including gay couples, carers and unmarried heterosexual partners. The philosophical basis of the Tasmanian law is that close, caring relationships – whether conjugal or non-conjugal – are good for the people involved and are socially beneficial.

As well as allowing people to nominate any

significant person in their life, perhaps a new partnership framework could also offer flexibility and choice with regard to rights and responsibilities. Some rights and responsibilities, such as those concerning tax contributions and social security benefits, would have to be linked together to prevent people claiming the benefits of relationship registration and avoiding the costs. Otherwise, there is no reason why two people should not be free to construct their own unique partnership agreement. Within our society we see a huge variety of relationships and lifestyles. There are people who live together, and those who live apart. Some share their finances; others maintain financial independence. The law should reflect and support these diverse

relationship choices and realities. The “one size fits all” model of relationship recognition, exemplified by marriage, is no longer appropriate. Any new partnership legislation should allow people to select from a menu of rights and responsibilities. This flexibility would enable them to devise a tailor-made partnership agreement suited to their own particular needs.

Some people may, for example, want to designate another person as their next-of-kin, but not wish to confer on that person other rights or responsibilities. The law should let them make that choice. Unfortunately, marriage and same-sex civil partnerships don't give people these options. It is all or nothing.

In the case of couples in a love relationship, permitting them to choose from a menu of rights and responsibilities has an additional virtue. It would require them to sit down together and negotiate their obligations towards each other on each specific issue, such as property inheritance and the right to sign a partner's death certificate and organise their funeral. This point-by-point negotiation would force partners to examine their relationship more closely and to think through in greater detail the implications of entering a partnership agreement. It might lead to a sounder, more enduring commitment.

With marriage and civil partnerships, however, there is no obligation on partners to discuss the detail of their mutual rights and responsibilities. They simply sign a certificate, without any need to negotiate the particulars. A “pick and mix” system giving rights to both love partners non-sexual close friends offers a democratic, flexible alternative to marriage and civil partnerships. It would benefit everyone without discrimination.

Peter Tatchell has campaigned for sexual freedom and human rights since 1969 and is author of six books and over 3,000 published articles. For more information about his campaigns and to make donations to his human rights fund, see www.petertatchell.net

CIVIL PARTNERSHIPS

- Couples who become partnered will have the right to exactly the same legal treatment across a range of matters as a married couple.

- The law accords civil partners equitable treatment for important financial matters, such as inheritance, pensions provision, life assurance and maintenance where children are involved.

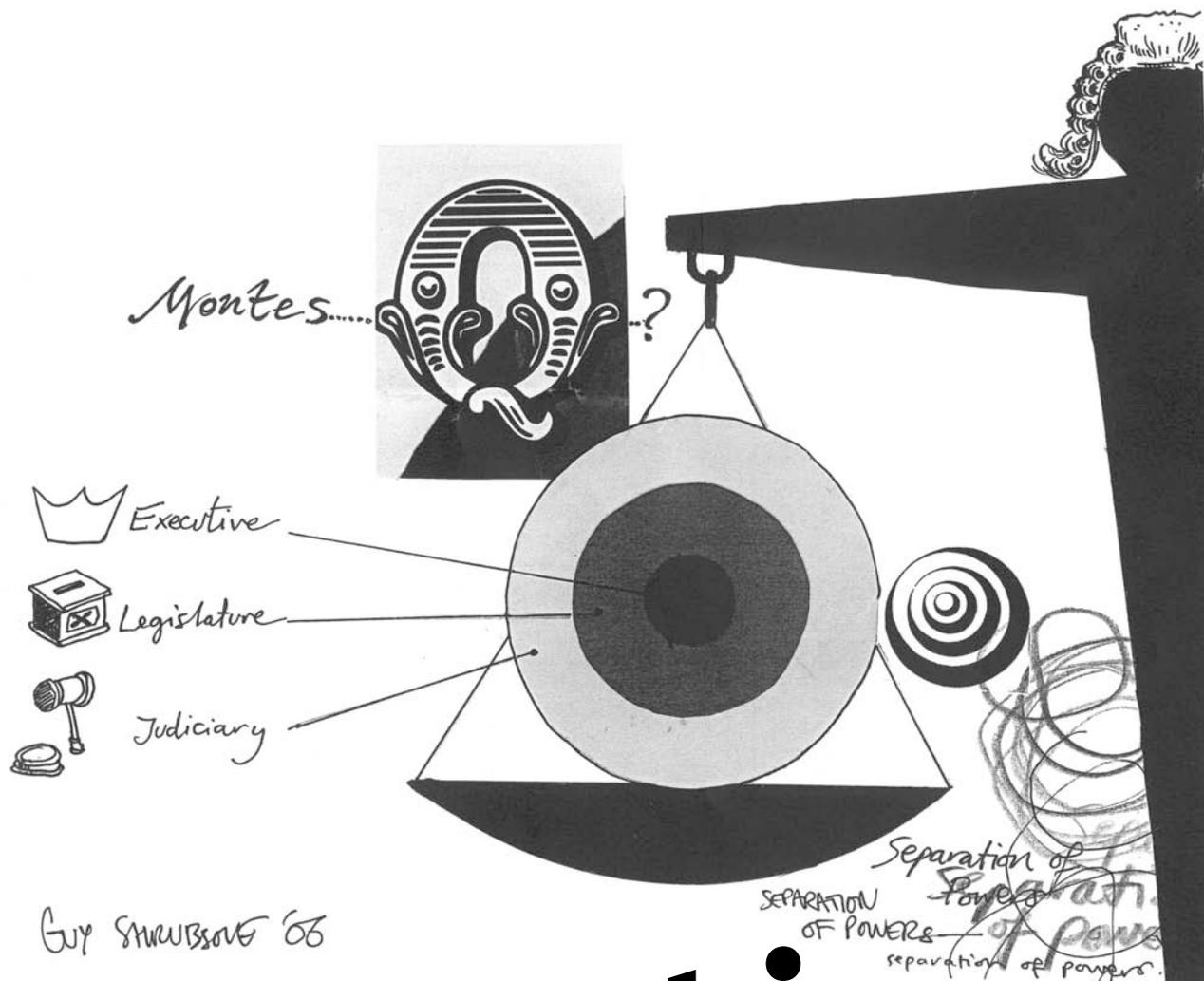
- Civil partners will have duties in every way the same as married couples: children within the family will need to be looked after; the second partner will be able to seek parental responsibility, similar to step-father/mother arrangements in heterosexual families.

- Technically Civil Partnership differs

from marriage as a partnership is formed when the second of the two parties signs the partnership papers. This is not necessarily a public event and the two involved parties need not sign the papers at the same time. Also civil partnerships can only be conducted by registrars, unlike marriages which can be conducted by Church of England clergy.

- The government expects there to have been 4,500 Civil Partnership ceremonies by the end of 2006, and between 11,000 and 12,000 by 2010.

Source: DTI Women & Equality Unit



courting controversy

CHRIS BALLINGER discusses the likely impact of the introduction of a Supreme Court for the United Kingdom

GREAT CHANGE IS afoot in the British legal system, with plans for an independent Supreme Court fundamentally altering the top court in this country. The Appellate Committee of the House of Lords is currently the highest court of appeal in the UK. Its members are the Law Lords, who are all appointed for their legal expertise, but who are also members of the upper House of Parliament.

This will all change when the Supreme Court for the United Kingdom comes into operation. The somewhat anomalous position of the Law Lords as judges and members of the legislature had escaped the Government's initial rush for constitutional reform after 1997, but this was

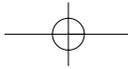
finally addressed a few years later.

In May 2002, the Senior Law Lord, Lord Bingham of Cornhill, called for the creation of "a supreme court severed from the legislature, established as a court in its own right, re-named and appropriately re-housed". But just one month later the then Lord Chancellor, Lord Irvine of Lairg, ruled out the creation of such a Supreme Court. Lord Irvine left the Government on 12 June 2003, and on the same day the Prime Minister announced the Government's intention to remove the Law Lords from Parliament and set up an independent Supreme Court for the United Kingdom. Change was ultimately effected in the Constitutional Reform Act 2005.

But will the 'independent Supreme Court for the United Kingdom' live up to its name? Of what must a supreme court be independent?

The Government, in proposing its reforms, said that: "The primary objective of the new arrangements is to establish the Court as a body separate from Parliament". Certainly, the new Supreme Court, and its Justices, will be removed from Parliament, fulfilling a criterion of independence regarding the right to a fair trial under the European Convention on Human Rights.

But the Government's proposals risked satisfying only half of the Government's stated intention to "reflect and enhance the independence of the judiciary from both the



legislature and the executive". The Law Lords have argued that it is "essential that the new Supreme Court should enjoy corporate independence", including control over its budget, the recruitment of its staff, and its library and IT facilities. The proposals for the Court, as drafted, saw the Court being funded through the Department for Constitutional Affairs, and staffed by civil servants.

The Appellate Committee is funded via the House of Lords budget and staffed by parliamentary servants, which affords the Committee a degree of independence from the Executive. The proposals, as drafted, would therefore have made the Court more dependent on the Executive than is the Appellate Committee in terms of funding and staffing. Moreover, the rules of procedure of the Appellate Committee, incorporated in the Standing Orders of the House of Lords, are determined by the Law Lords and approved by the House; whereas the proposals were for a minister to have the power to disallow the rules of the Supreme Court.

The proposals were amended so that the Supreme Court would be established as a non-ministerial department, in order to ensure that the Justices of the Supreme Court had corporate independence in line with that enjoyed by similar courts in Australia, Canada, and the United States.

Despite the severance of the conflict between the roles of judge and legislator, Justices of the Court are still able to possess other roles. They will continue to hear cases in the Judicial Committee of the Privy Council, mainly appeals from overseas. And it is proposed that judges can still be borrowed by governments to chair public inquiries such as the Hutton Inquiry into the death of Dr David Kelly; and the Bloody Sunday Inquiry, which has kept Lord Saville of Newdigate away from his duties in the Appellate Committee since 1999. "The continued use of judges to chair public inquiries", argues Richard Cornes, "dangerously blurs the line between the judiciary and the executive". In one area, however, the Executive may have diminished influence over the new Court. Law Lords are appointed by the Queen on the advice of the Prime Minister. At the creation of the Supreme Court, its first complement of 12 Justices will be the sitting Law Lords; but thereafter new Justices will be proposed by a Supreme Court Appointments Commission. The Minister will have a limited opportunity to reject a nomination, but not to choose between several nominees as originally envisaged.

The most prominent Supreme Court in the world is that of the United States, but it was never the intention of the Government to create a court with the power to strike down laws. Such a notion of a constitutional court is inappropriate in the British system of government, which has no supreme national law, and no codified or entrenched set of constitutional rules which need to be enforced, despite the United Kingdom's increasingly legally-determined Constitution. Nor is the Supreme Court to be asked for advisory judgements or judgements of a general nature, as are some supreme courts. The Supreme Court is to be a second-tier appellate court, like its predecessor. Speaking of the proposals, Lord

Woolf, then Lord Chief Justice of England and Wales, decried the change as "exchanging a first-rate court of appeal for a second-rate supreme court". In fact, the intention of the Government has been, throughout, to exchange a first-rate court of appeal for a very similar first-rate court of appeal.

The Government declined significantly to innovate aspects of the Court's independence

Some have argued that calling the new body the "Supreme Court" could create confusion about the court's role, when one of the justifications for abolishing the Appellate Committee was to eliminate the potential for inaccurate public perception. For example, Professor the Lord Norton of Louth has said: "What happens when you call it the Supreme Court? Anybody with informed knowledge of the American judicial system will probably read into it a completely different role to that which it will have." There are, however, very few suggestions of how the name of the Court might otherwise encapsulate its position and functions. Lord Bingham added: "It is the nearest we have got to the apex of the jurisdictional, curial pyramid in the jurisdictions of England, Wales, Scotland, and Northern Ireland, and that is the proper name for it". The Supreme Court will take over the jurisdiction of the Appellate Committee. It will hear appeals on criminal and civil matters from England and Wales and from Northern Ireland, and on civil matters alone from Scotland; Scots criminal law differs greatly from its English counterpart in both content and procedure. In deciding these cases, however, the Supreme Court will be not so much a "United Kingdom" Court, but rather the final court of appeal for England and Wales, or for Northern Ireland, or for Scotland, as the case may be. The Act of Parliament setting up the Court contains a provision which specifically re-emphasises that the decisions of the Supreme Court will create precedent only for the jurisdiction from which the case arose: it will not create UK case law when hearing appeals.

Only in one area will the Supreme Court create decisions that will have effects for the whole of the UK: cases relating to devolution. The Court will hear devolution cases, arising from conflicts under the Scotland Act 1998, the Government of Wales Act 1998, and the Northern Ireland Act 1998. At the time of devolution, it was thought that to have the Appellate Committee sit in judgement on a dispute between the powers of the UK Parliament and the powers of a devolved Parliament might create a conflict of interest, and jurisdiction over these cases was therefore given to the Judicial Committee of the Privy Council.

Some stakeholders, including the present Law Lords, have some reservations about the transfer of devolution cases to the Supreme Court, arguing that these cases are better

decided in the Judicial Committee of the Privy Council, where it is easier to draft in judges who are specialists in Scots criminal law as necessary. Moreover, by acquiring jurisdiction over devolution cases, the Court will have to deal with a "devolution anomaly": devolution disputes can often involve matters of Scots

criminal law and the Human Rights Act – 12 of the first 13 devolution cases were of this type – and hence the Court will have to decide matters of Scots criminal law under its devolution jurisdiction where it cannot hear such cases normally. This has resulted in fears that the Court, lacking expertise in Scots criminal law, could result in the Anglicisation of Scots Law. But the Senior Law Lord states emphatically that having a Supreme Court "does not suggest for an instant that anybody has any agenda to create a body of United Kingdom law, nor does it suggest that some takeover bid for the criminal law of Scotland is going to be made, which it most emphatically is not". In practice, the judges hearing devolution cases in the Supreme Court will be the same judges who would have heard those cases in the Judicial Committee of the Privy Council.

The new independent Supreme Court for the United Kingdom is not a complete misnomer. The separation from Parliament of the highest Court will certainly increase, and its independence from the Executive will at least be maintained. It will be a 'supreme court' in the traditions of similar courts outside the United States, and it will be the nearest to a national, highest court that the UK will possess. And it will be both for the United Kingdom as a whole, as well as for its jurisdictions individually. But in framing its proposals for a Supreme Court for the United Kingdom, the Government declined significantly to innovate aspects of the Court's independence, its powers and terms of reference, or its jurisdiction. In doing so, it has failed not only to fulfil the hopes of some of the most ardent reformers, but also to address its own stated intention of extending the highest Court's independence from both Parliament and the Executive. What remains to be seen is the operation of the law of unintended consequences: will the Court feel empowered by its separated state and new title? Will the separation from the legislature mean, as some fear, that the Court will be less sympathetic to the content of legislation and the implications of the judgements? It will probably take more than the creation of an Appellate-Court-in-exile to change these attitudes, but a liberated jurisprudence is not impossible.

Chris Ballinger assisted the House of Lords Select Committee on the Constitutional Reform Bill [HL]. He is Lecturer in Politics at Brasenose College, Oxford





democratic dispensation

DUNCAN INNES-KER discusses whether China can have accountability without democracy

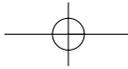
IN THE EARLY years of China's economic boom, it was fashionable to claim that economic development would encourage political change. Indeed, as countries one by one eased the economic sanctions that had been imposed on the country in the aftermath of the bloody violence of 1989, the suggestion that engagement would, in the long run, encourage democracy was often used to counter those who argued that more cynical profit motives were triumphing over human rights concerns. The argument that economic growth inevitably leads towards political empowerment had some empirical basis, particularly in Asia, where

autocratic or militaristic regimes had made way for more democratic ones in countries like South Korea and Taiwan. However, as the 1990s stretch into the 21st century, the Chinese Communist Party (CCP) has shown no signs of losing its will or ability to enforce a one-party state, and rival political parties have withered under persecution. Is China then an exception to the rule?

There is little doubt that many of the buds of democratic development pointed to in the 1990s did not blossom as hoped. No organised opposition group has emerged, after those that briefly materialised in the wake of the

Tiananmen Square demonstrations, such as the China Democratic Party, were swiftly and thoroughly suppressed. Initial optimism over the advent of village elections has also gradually receded. It had been hoped that these might serve as a template for the expansion of more open elections to higher offices, but this has not been the case and the government has shown no signs of putting political reform high on the agenda. The administration of President Hu Jintao has if anything been more cautious than his predecessor Jiang Zemin in the area of political reform.

Most disappointingly for those who believed



in the link between wealth creation and participatory democracy has been the apparent political apathy that has tended to define the emergent Chinese moneyed class. By maintaining a pervasive state security presence and making high profile examples of some whose calls for political change were too vocal, the government has ensured that the majority of the population remains wary of engaging in activity that might be considered political. Instead, people satisfy themselves with improved economic prospects.

Nevertheless, it would be a mistake to conclude that China has managed to prove itself an exception to the rule that wealth corrodes the power of autocracies. Rather, the key is not to assume that China is on the verge of radical change, and instead look for signs of fundamental progress and improvement in political liberalisation at the grassroots level. Here the evidence of a transformation is abundant, particularly in two areas: the media and the judicial process.

China's media, while certainly not free, has undergone a revolution from the subservient days of the 1990s. Newspapers have found that, with the majority of the state-owned press still pumping out dull CCP-approved propaganda pieces, there is a thirst among the public for news on real issues that affect people's daily lives. Among the controversial subjects that are now routinely covered in the domestic press are corruption, official blunders, natural disasters and crime. Problems are often highlighted through touching individual cases, encouraging massive feedback from readers. Of course, in braving such politically sensitive waters editors frequently find themselves engaged in a game of cat and mouse with the propaganda authorities, especially at local levels. Many of the papers most renowned for their investigative journalism have been closed, taken over or had their senior staff reassigned - fortunately usually to a dreary research posting rather than a prison or labour camp these days.

The case of *Freezing Point*, a supplement within the widely-read state-owned *China Youth Daily* paper that was shut down in early 2006, highlighted many of the issues. It is unclear exactly what prompted the closure of the publication - officially the reason was an article that questioned whether China's teaching of history was too uncritically nationalist, but it may be no coincidence that *Freezing Point's* editor, Li Datong, had successfully opposed a scheme under which journalists would be rewarded for how well they promoted senior leaders' speeches in their articles. However, the supplement had a strong following among senior CCP leaders, and after an aggressive and extremely public campaign by Mr Li the government was forced to allow publication to resume - albeit under different editorial leadership. The campaign showed that even under the current administration, which has been cracking down on press freedom, the government's ability to control flows of information is far from complete.

The most serious challenge to this control has come not from the print media, but from the internet, and especially through blogs and internet forums, which have exploded in number over the last two years as China's

online population has reached over 111 million. Although newspapers still largely adhere to a strict set of regulations which are passed down daily from the censorship authorities about what may and may not be covered, the internet is less restricted. Indeed, in some cases the censorship lists themselves have supposedly turned up on the internet, published by irritated journalists, though it is often hard to prove whether or not they are genuine (fraud is not limited to the net - faked or sensationalised reporting is a growing problem for all media in China). Much was made of the criticism poured on Google, MSN and Cisco for collaboration with censorship practices in China earlier this year, but anyone who has surfed the web in China will quickly realise that the so-called "Great Firewall" limits flows of information about as successfully as the original Great Wall halted the Mongol or Manchu invasions.

The key is not to assume that China is on the verge of radical change

From the viewpoint of democratic development, the free flow of information is important, as it subjects politicians to public peer pressure. Take, for example, the recent string of protests in the province of Guangdong by villagers angry that local governments had seized their farmland for industrial development without proper compensation. When one of these in the village of Dongzhou was violently put down, resulting in the deaths of several protesters, the case attracted the attention of both the provincial and international press. News of it then spread throughout China via the internet. As public opinion came out in support of the villagers, the central government took the unusual step of launching proceedings against the officer who ordered police to open fire on the farmers, and the most senior CCP official in the province, Zhang Dejiang, was summoned to Beijing for severe criticism. In this case Mr Zhang kept his job, but the same could not be said of those tainted by a disaster in the northeast of the country, in which 100 tonnes of benzene poisoned the Songhua River after a blast at a petrochemical plant, forcing the government to shut off water supplies to Harbin, a city of over three million inhabitants. In that instance, local and national-level officials in several agencies and governments swiftly found themselves looking for alternative employment.

The central government's sensitivity to public opinion has been driven partly by a consciousness of the social unrest that bubbles beneath the surface in many parts of the country among those who have not experienced the full benefits of recent economic development. As the number of mass protests rose to over 87,000 in 2005, with over 3.8 million people taking part, the CCP leadership is aware that any one could potentially boil over and destabilise politics at the national level. They are thus keen to appear sympathetic to causes that concern the dispossessed, especially rural residents. Government sympathy does

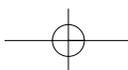
little to assuage the disaffected, however. Instead they are increasingly resorting to more practical measures to seek redress, and in doing so are benefiting from the second phenomenon mentioned earlier: the development of the judicial process. While the courts and the judgements they hand down are still dominated by the CCP, there is a growing realisation within China of the concept of "legal rights".

What is perhaps surprising is that it has taken this long for people to become aware of the rights that they enjoy in theory under China's legal system. For many years the government passed laws that strove to match the best in international standards, whether in human rights or in business. The key flaw lay in implementation, which was extremely poor, with courts usually delivering the verdicts local officials demanded without much reference to national law - which was in any case sometimes

hard to determine, as much of it was not publicly revealed. However, this situation has been changing thanks to brave judges and lawyers who are increasingly prepared to challenge government officials and companies in the name of the rule of law. Some lawyers have even become activists, travelling the countryside to inform farmers of their rights in disputes with local authorities, and the press has supported the process by publicising their actions. Moreover, it is not just peasants who now realise that they have the right to be compensated for their land - urban residents in newly acquired houses have started forming associations and resorting to the law to protect the value of their investments.

Clearly there is a long way to go. Official accountability to the public, whether through the law or the press, is still extremely weak. The number of cases where individual citizens triumph over vested CCP interests in the courts is still tiny, and even the boldest papers tend to favour criticism only of specific problems, rather than individuals or the political system as a whole. In addition, for every disaster or official blunder that attracts public attention there are dozens in which the information is successfully suppressed. However, it is possible to be optimistic that the overall direction is still positive. China today is clearly a much more open and liberal place, better subject to the rule of law, than it was even five years ago. While it may be some time before we can claim that western-style democracy is emerging, the main benefit that democracy brings - making a government answerable to the people it rules - may come sooner. Not complete democracy perhaps, but a form of accountability with Chinese characteristics would be a welcome leap forward.

Duncan Innes-Ker is the Asia Editor of the Economist Intelligence Unit, having previously worked as a KPMG analyst in Beijing





exceptional liability

BRAD SESTER looks at the consequences for America of sustaining its largest ever deficit

THE UNITED STATES faces an uncertain future. Each year sees it borrowing \$1 trillion – 7 per cent of its GDP – to make up for a shortage of domestic savings relative to investment. That is a big number. Right now, the global flow of savings is essentially one way; from almost everyone in the world (the UK, Australia and Eastern Europe excepted), to the US. The United States' need to borrow huge

sums is not likely to change quickly. The US trade deficit is now 6 per cent of GDP. Even if it shrinks to 5.5 per cent, financing that deficit will still require considerable chunk of the world's savings. Moreover, increasingly the US will need to borrow to pay interest on its existing debt. A gradual reduction in the US trade deficit to zero over the next 15 years implies that the US (net) external debt will

eventually stabilize at around 60 per cent of US GDP, up from just under 30 per cent now.

Never before has the world's dominant military power been such a large debtor. At the height of its power, Britain was an exporter of savings, not an importer. British savings financed the development of the US, Australia, Argentina to name but a few. In the 1940s and 1950s, the export of US savings helped finance

the reconstruction of Europe, cementing the Cold War alliance. The Vietnam War eliminated the US current account surplus, but it didn't lead to big deficits. However, the global war on terrorism is being fought with money borrowed from Japanese private pension funds and the central banks of China, Saudi Arabia and Russia.

Does it matter that in 20 years, barring a major change in the global economy, the US will be in hock to the Governments of China Saudi Arabia and Russia? Will the fact that the Governments of these countries will have invested a large share of their country's wealth in the US be a source of stability, or of gross instability? Sometimes, a current account deficit stems from a surge in investment. Today, the deficit is rising because of a sharp fall in savings. And rather than being financed by private investors scrambling to buy into, for example, the dot-com economy, as they did in the late 1990's, the US deficit is financed, in large part, by foreign central banks. The recent rise in the US current account deficit consequently reflects three policy choices.

First, the US Government shifted from a budget that was in rough balance (even taking away the surge in revenues from the dot-com boom) to a structural deficit of at least 2.5 per cent of GDP. That lowered national savings and increased the US need to borrow savings from abroad all due to President George W. Bush's desire to combine guns, prescription drugs and tax cuts.

Second was the unwillingness of China – and many other Asian economies – to allow their currencies to rise against the dollar, and the resulting surge in their accumulation of foreign exchange reserves. Between 2001 and 2005, China's annual reserve accumulation grew from \$20 billion to \$250 billion. Rising reserves helped keep US interest rates down, and pushed US housing prices up. And competition with emerging economies helped keep US wage growth down. The result: Americans made up for sub-par wage growth by borrowing against their rising home values with credit lines financed by Asian central banks. This is what some call vendor financing; Asia lends so that the US can buy.

Finally, the decision by the governments of most oil exporters to save rather than spend their recent oil windfall. Saudi Arabia's 2006 budget is based on oil at \$30 a barrel. It currently is above \$60 a barrel. The difference shows up in growing government dollar deposits at the Saudi central bank. The details differ slightly from country to country, but the basic story is the same; rising fiscal surpluses and soaring reserves in the oil states.

The War on Terror is being fought with borrowed money. And mostly with money borrowed from the governments of the world's emerging economies. The counterpart to the recent rise in the United States current account deficit has been a rise in the current account surplus of the world's emerging economies. Japan's surplus stayed constant, while Europe's surplus fell.

Michael Dooley (of the University of California), David Folkerts-Landau and Peter Garber (both of Deutsche Bank) have famously argued that a new international monetary system has emerged, one that has strong

parallels to the post war Bretton Woods system of fixed but adjustable exchange rates. Central banks in the periphery intervene to keep their exchange rates low and stable against the dollar in order to facilitate export-led development, keeping interest rates in the US low and US household wealth up. This allows the US to share the financial burden of the War on Terror with China's central banks, reducing the current burden imposed on the US.

There is little doubt that many key countries peg their currencies to the dollar, often at undervalued exchange rates. Neither China nor Saudi Arabia has changed its exchange rate peg significantly since 1995, and most get a lot more money from their exports now than they did then. But there are two key differences between the initial Bretton Woods system and the current Bretton Woods Two system which are, at the end of the day, far more striking than the similarities.

Never before has the world's dominant military power been such a large debtor

The initial Bretton Woods system never financed large US current account deficits, in part because US economic policy was (at least in theory) constrained by the need to maintain the parity between gold and the dollar. Growing dollar reserves did generate inflows into the US in the 1950s and 1960s. But those inflows financed US direct investment abroad, not US current account deficits. Charles De Gaulle could – and did – complain that the Bretton Woods system led France to finance the takeover of Europe by US firms. But De Gaulle could not complain that France was financing both a US trade deficit as well as US foreign direct investment. Right now, China, in effect, finances both.

That highlights another difference. Before Ronald Reagan, the US did not fight the Cold War with borrowed money. And even Reagan financed his fiscal deficits with the savings of the United States' Cold War allies. Those now financing the US are rather different. Japan certainly chips in. But Europe is currently the only region of the world outside the US that is running a current account deficit, and thus is not, in aggregate, financing the US. Most of the financing for the US deficit comes from the emerging world. Some of these states are US allies, or at least reliant on the US for their security; think Taiwan and Korea. Some are parts of a troubled alliance; think Saudi Arabia. One is the United States former global rival; Russia. And one is a country that the Pentagon (though not big US companies) considers the United States' most likely future rival; China.

That creates all sorts of ironies. The Treasury sells bonds to China's central bank to finance US deficits, deficits created, in part, by new weapons systems that the Pentagon hopes will deter China from challenging the US military position in Asia. Parts of China's Government fret that the US military controls the best oil producing regions of the world; other parts of

the Chinese Government extend to the US the financing needed to sustain its military commitments in the Middle East and Central Asia. The US image in the Arab world probably has never been lower. But never before has so much Arab savings been lent – admittedly indirectly – to the US. Saudi Arabia doesn't buy US bonds directly. But if Saudi Arabia deposits dollars in the international banking system that are lent to a hedge fund that buys US bonds, the overall effect is the same.

Should this be a source of concern, not just of amusement? Or even a source of hope?

After all, the United States' growing financial interdependence with China could emerge as key source of stability. US firms that have located production in China, and all the Americans who have invested in these firms, now have a direct financial stake in Chinese access to US markets. And, if anything, China's investment in the US now dwarfs US

investment in China. \$600 billion of China's huge reserves, that is 25 per cent of her wealth, is invested in the US. Such close financial and trading ties arguably have created strong shared interests between the world's dominant power and the world's rising power; shared interests that will lubricate the tensions likely to accompany China's rise.

This argument has a grain of truth, but arguments that economic interdependence is win-win leave out many potential points of tension, tensions that go beyond the complaints of US workers understandably unhappy about China's policy of keeping its exchange rate low. Debtors and creditors do not always have the same interests, even if each depends on the other.

The obvious example: China's attempt to purchase Unocal, a US oil company with substantial Asian assets, for \$20 billion last summer. Rather than financing the US by buying (low-yielding) bonds, China – not unreasonably – thought it might want to finance the US by buying US companies. It discovered that the US is willing to sell China IOUs, but not hard assets. And make no mistake; if China ever shifted from buying US bonds to buying US companies, it could buy up a huge swathe of the US economy. China's reserves are growing by about \$20 billion a month, so China could buy a company the size of Unocal every month if it wanted to and if the US allowed it. Someday, a Chinese de Gaulle might start complaining of the inequity of an international financial system that lets the US (or at least US firms) own a big stake in China, but doesn't let China hold anything other than low-yielding pieces of paper. Would the US ever let China trade its Treasury holdings for Exxon Mobil? Or even Exxon Mobil's non-American assets?

China, and the United States' other big creditors, will eventually start to worry that

the US is pursuing policies that are reducing the long term value of their investment in the US. Even today, China wants the US to cut its budget deficit to reduce its need to borrow from the rest of the world, while the US wants to see China let its currency rise; something that would reduce the value of China's investment in the US.

These disputes can be interpreted as a classic debate between the debtor and creditor over who should bear the burden of the adjustment. The US wants China to bear the burden, and argues that since China chooses to finance the US in dollars in order to keep the RMB weak, it hardly can expect that the US will direct its policy towards maintaining the value of the dollar. That's true – but China will have a huge claim on the US whose value it will want to preserve long after it stops providing new financing. By the end of 2006, if nothing changes, China's reserves will top \$1 trillion, and creditors do not always give debtors the

latitude to do exactly what the debtor wants to do.

For many, the willingness of foreigners to snap up US debt is evidence that US remains an attractive place to invest for private investors and central banks alike. The ability to borrow allows the US to spread the costs of its current war out over time, to the benefit of all.

external spending out of its current external income, and allowed the US Government to avoid paying for its current spending out of its current income. At some point, the US will need to cut back. Right now the financial health of all borrowers in the US depends on the continued availability of low-cost financing from abroad. And no one is a bigger borrower

The War on Terror is being fought with money borrowed mostly from the governments of the world's emerging economies

There is little doubt that external borrowing has let the US avoid paying for its current

than the US Government. Without the surplus in Social Security system (which is lent to the rest of the Government), the US Government would have needed to borrow \$500 billion to pay for all the things it currently does. That total is rising. The Social Security surplus won't last forever.

What's more, the US is not paying a market price for all the money it borrows from abroad. The central banks of many poor countries (and some not so poor oil exporters) cannot withdraw the de facto subsidy their central banks provide the US without incurring costs of their own. But it would be a mistake for the US to assume that this subsidy will never be withdrawn. And should it disappear, whether suddenly or gradually, the US would have to face a whole set of hard choices, choices that have been avoided up until now. Choices between guns and prescription drugs, and, even more explosive, choices between guns and tax cuts.

The US is running a current account deficit unprecedented in size for a major industrial economy. Central banks of emerging economies are adding to their reserves at an unprecedented rate. China's financial claims on the US economy are growing by close to \$200 billion a year. That adds up. It is unprecedented for leadership in the international system to be supported by the export of promises to pay on this scale.

The periphery of the international economic system is exporting savings to the centre and, in the process, those on the periphery of the international political system are financing the power of those at the centre. This may prove to be a stable constellation of forces – a stable disequilibrium, both economically and politically.

We don't have enough experience to rule out the possibility that modern Great Powers can augment their hard power by using their financial power to gear up. But neither can we be sure that that this new system will prove to be stable. Political power often flows to creditors, not to debtors.

Brad Sester is the Director of Research for Roubini Global Economics and a Research Associate at the Global Economic Governance Centre, University College, Oxford

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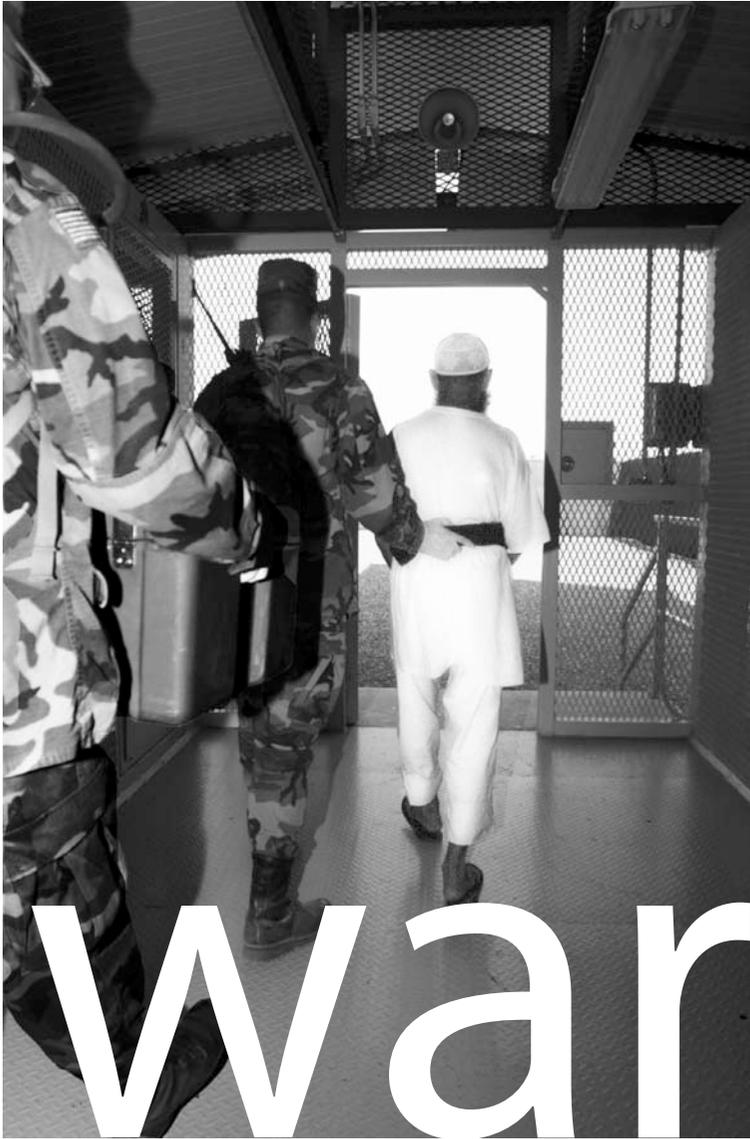
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war on justice

ANDRE NILSEN discusses the treatment of prisoners at Guantanamo Bay

LET US BE clear from the beginning what is happening in the world today. The United States is torturing people. The United States is treating people in a cruel, inhuman and degrading manner. The United States is denying people habeas corpus and fair trials. The United States is arbitrarily imprisoning people. The United States is kidnapping people. The United States is sending people to other states for interrogation; it is encouraging, facilitating and supporting all of the above.

All this is well documented by credible evidence from a growing number of reliable sources, including the United Nations, the International Committee of the Red Cross, leading newspapers and independent Non-Governmental Organisations. All this is, needless to say, illegal. These acts are grave breaches of international law. They constitute gross violations of a range of international treaties, customary international law and jus cogens. Some could amount to war crimes and crimes against humanity. The United States is

committing these acts against people who are, in accordance with the principle that you are innocent until found guilty in a court of law, innocent. All these people are real human beings like you and me. They have bodies that feel pain and minds that value freedom.

The United States is assaulting the very principles of human rights and the rule of law that lie at the heart of justice, form the bedrock of our civilization, and protect our humanity. It makes a complete mockery out of its talk about spreading freedom and democracy in the world. There can of course be no freedom without human rights and no democracy without the rule of law.

The United States is doing all this in a deliberate, systematic and sophisticated manner that is calculatedly formulated as a matter of policy and efficiently implemented through its government agencies. The leaders in its executive, legislature, judiciary, and administration are fully aware of what is going on. They

are taking no action to stop it. In fact they are taking actions to scale it up. Most of its politicians, officials, officers, lawyers, intellectuals, academics, journalists, corporate executives, religious leaders and prominent individuals watch in silence.

We have all seen the images from Guantanamo Bay. Men kept in cages like animals; the orange jumpsuits, blinding goggles, deafening earmuffs and silencing gags that deprive them of their individuality and humanity. They can be held indefinitely. They can be tortured. They can be sentenced to death. By kangaroo courts, through kafka-esque processes.

The guard, interrogator, torturer, prosecutor, defence counsel, judge and executioner all report to the same man. Let's call it what it is; it's a concentration camp. Guantanamo Bay is however just the visible tiny top of a huge and growing iceberg. Over the last few years, the United States has built up and, as I write, is continuing to expand a global system of

abduction, rendition, detention and interrogation that in its nature and operation gravely breaches human rights, the rule of law and international law through acts of torture and other methods. General Irene Khan, Secretary of Amnesty International, on May 25, 2005 described this system as “the gulag of our times”.

This Global Gulag is one of the key tools used in what in the past was referred to as “the war on terror” and now in the Quadrennial Defence Review Report, released February 6, 2006, has been rebranded “the long war”. Of course, this is not a real war. It is a phoney war. It sometimes involves fighting real wars – in line with the rest of the exercise usually illegal ones – but the project itself is not a war in the classical sense. It is instead a broad effort to transform the world order. To stick to the terminology, let’s call it a War on Justice.

From the end of the Second World War and up to the late 1970s the United States was the architect, driving force and protector of a world order based on international law, the United Nations and multilateral governance. It played a key role in negotiating the United Nations Charter and a range of treaties, in setting up the United Nations and a number of international organisations, and in drawing all countries together as equals to exercise global governance in common through shared global rules.

Since the early 1980s however the United States has sought to replace this with a world order based on military power and unilateral action. It has been not only violating but undermining and even destroying some of the key pillars of international law while moulding other institutions to protect its power and embody its interests. It has been pursuing unconstrained, total, global and instant military control of land, sea, air, space and information to achieve “full spectrum dominance”. It has been sidelining some of the main bodies of the United Nations while promoting ad hoc coalitions-of-the-willing under the hegemony of the United States. It has been seeking to weaken other global powers such as Europe, Russia and China to achieve a unipolar rather than a multipolar world.

This is a step back ... from respecting our common human dignity to treating each other like animals

It’s quite clear; the United States wants to run the world and it wants to do it alone.

One could see the first tendencies under Ronald Reagan. These declined somewhat under George H. W. Bush, they returned again with force under Bill Clinton, and they have been made the paradigm under George W. Bush. Under George W. Bush the United States is conducting what amounts to an all-embracing, never ending, no-holds-barred campaign to complete, secure and perpetuate the transformation of world order from one based on justice to one based on force. This is a step back in civilization from a state of law to a

state of nature. And it is a step back for humanity from respecting our common human dignity to treating each other like animals.

One of the most horrendous elements of this War on Justice is the Global Gulag. Some elements of it such as Guantanamo Bay have been designed, constructed, operated and controlled exclusively by the United States. Other elements of it such as some of the torture jails are hosted and run by other states but are none the less contributing to and influenced by the global system so that ultimate responsibility rests with the United States.

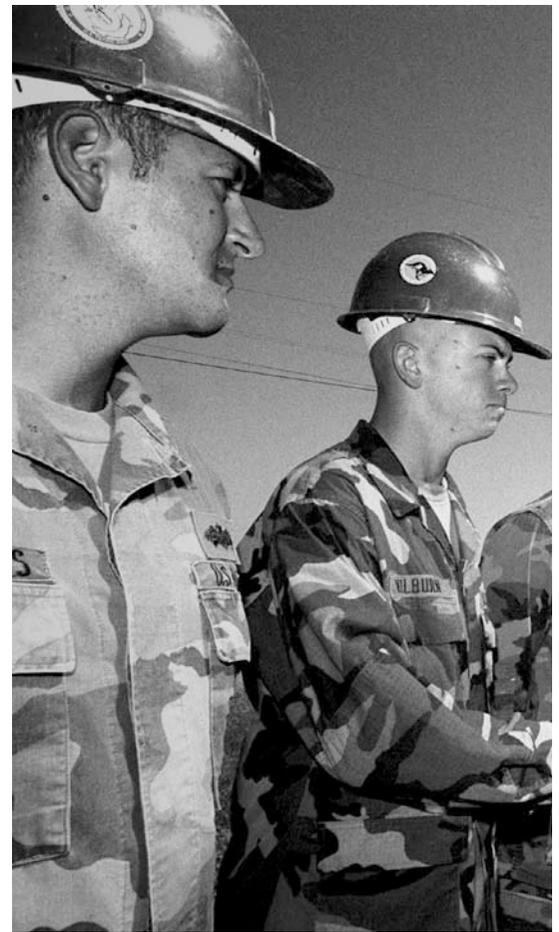
At Guantanamo Bay, operated by the Department of Defence, according to data released last autumn, at least 264 detainees have been sent to other countries and approximately 520 detainees are still held. Only 17 detainees have been designated as eligible for trial by a military commission with three detainees later transferred to their country of origin. Just nine detainees have actually been referred to a military commission. The United States has recently awarded contracts to construction companies to expand its facilities.

At an unknown number of secret detention and interrogation centres around the world including in Asia and Europe, an unknown number of “ghost detainees” are held. Some centres are operated by US government agencies including the CIA and others operated by different states. The United States has recently enlisted the support of African states to build more facilities.

Some of the detainees have been captured by the United States on the battlefields in Afghanistan and Iraq, but many others come from other countries where they either have been abducted by the United States without the knowledge of the country’s government, as we know has happened in Italy, or rendered to the United States by the country’s government, as we know has happened in Sweden. Many of the detainees have thereafter been moved around among the various detention and interrogation centres through a rendition program that has been operating with the support of the airspace, territory, airports, infrastructure and in some cases even personnel of several member states

and candidate countries of the European Union.

A deeply worrying aspect of the Global Gulag is that all the detainees are denied habeas corpus and fair trials. They are deprived of their rights to challenge the lawfulness of their detention and have their cases tried by competent, independent and impartial courts of law that respect the basic requirements of due process such as presumption of innocence, access to defence counsel, information about the reasons for arrest, information about the evidence of the prosecution, and examination of witnesses. The detainees at Guantanamo Bay were given the right to file petitions for habeas

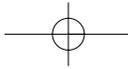


Chairman of the Joint

corpus in a 2004 ruling made by the Supreme Court but they lost this right again in the 2005 Detainee Treatment Act adopted by Congress.

The most hideous part of the Global Gulag is that the detainees are subject to cruel, inhuman and degrading treatment, and torture. The United States from late 2001 set out to twist, narrow and undercut the definitions, prohibitions and punishability of torture and abuse in international law. The main culprits are the political leaders; George W. Bush (President), Donald Rumsfeld (Secretary of Defence), Condoleezza Rice (National Security Advisor, Secretary of State), John Ashcroft (Attorney General), George Tenet (Director of Central Intelligence) and Porter Goss (Director of Central Intelligence); the civilian lawyers Alberto Gonzales (White House General Counsel, Attorney General), Jay Bybee (Assistant Attorney General, federal judge), John Yoo (Deputy Assistant Attorney General, Berkeley professor), Patrick Philbin (Deputy Assistant Attorney General) and Robert Delahunty (Special Counsel); the military lawyers William Haynes (Department of Defence General Counsel), Mary Walker (Air Force General Counsel), Lieutenant Colonel Diane Beaver (army lawyer) and Lieutenant Colonel Jerald Phifer (army lawyer); the military officer Major General Geoffrey Miller (head of detention operations at Guantanamo Bay, adviser on interrogation policy in Iraq), and intelligence officers whose identities remain unknown.

Guantanamo Bay, according to the United Nations, in its nature and operation “amounts to



Chiefs of Staff, General Richard B Myers, U.S. Air Force, meets with U.S. Navy Seabees at Camp X-Ray in Guantanamo Bay, Cuba

torture” and according to the International Committee of the Red Cross constitutes “an intentional system of cruel, unusual and degrading treatment and a form of torture”. The secret detention and interrogation centres have not been independently inspected but there are good reasons to believe that even more outrageous forms of torture and cruel, inhuman and degrading treatment are committed. Jails in Syria, Jordan, and Egypt have long been notorious. CIA centres, however, do not appear to be far behind.

ABC News reported on November 18, 2005 that the CIA leaders in mid-March 2002 approved a number of harsh interrogation techniques to be used against “ghost detainees”. These techniques include hitting detainees, forcing detainees to stand for more than 40 hours, keeping detainees naked and doused in cold water in a cold cell, and waterboarding detainees. The techniques have led to false confessions and several deaths. This is all according to former and current intelligence officers. Some parts are corroborated by leaks from a classified report by CIA Inspector General John Helgerwon. Other parts are consistent with the accounts of escaped detainees. The CIA has not denied any of the allegations.

All of the above constitute grave breaches of international law. The United States is party to several relevant international human rights law treaties, which apply both inside and outside situations of armed conflict, notably the International Covenant on Civil and Political Rights and the Convention against Torture and

Other Cruel, Inhuman, or Degrading Treatment or Punishment. Some of the provisions of these treaties reflect norms of customary international law. The prohibition of torture enjoys jus cogens status.

The United States is also party to several relevant international humanitarian law treaties, which apply inside situations of armed conflict, notably the third Geneva Convention relative to the Treatment of Prisoners of War and the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Many of the provisions of these treaties reflect customary international law. Although the United States is not party to the Additional Protocols I and II to the Geneva Conventions, some of the provisions of these protocols reflect norms of customary international law.

These sources of international law give rights to anyone within the effective control of a state regardless of whether they are held on its territory or somewhere else. There can be no such thing as a legal black hole as the United States has argued Guantanamo Bay is. It is also not possible for a state to escape its obligations to respect these rights by inventing new grey zone categories of wars or enemies as the United States has been attempting with the rhetoric about “the war on terror” and “unlawful enemy combatants”.

It is crystal clear in international law that the right to life, the prohibition of torture or other cruel, inhuman, or degrading treatment or punishment and the recognition of everyone as a person before the law – including habeas corpus, the presumption of innocence and

minimum fair trials – can never be derogated from, not even during a public emergency or armed conflict threatening the life of a nation. There are no exceptions, not even in a “ticking bomb” scenario.

There is no lack of evidence that the United States through its policies and practices grossly violate these rights in the Global Gulag. The first revelations were documented in Chain of Command – *The Road from 9/11 to Abu Ghraib* by Seymour Hersh. Most of the memos and reports are available in *The Torture Paper – The Road to Abu Ghraib* by Karen Greenberg and Joshua Dratel. A lucid outline of the legal framework can be found in *Lawless World – Making and Breaking Global Rules* by Philippe Sands. The most damning documentation of torture at Guantanamo Bay is *Situation of detainees at Guantanamo Bay* – Report of Leila Zerrougui, Leandro Despouy, Manfred Nowak, Asma Jahangir, and Paul Hunt by the United Nations. There is also no lack of indications that the European Union has been deeply complicit in gross violation of these rights by supporting the Global Gulag. An overview is presented in *Alleged secret detentions in Council of Europe member states – Information Memorandum II* – Report of Dick Marty by the Council of Europe (2006 Council of Europe).

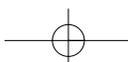
To anyone with eyes to see with, a brain to think with and a minimum of moral consciousness, it is clear what needs to be done. First, the crimes must be brought to a halt. The United States must immediately shut down the entire global system of abduction, rendition, detention and interrogation.

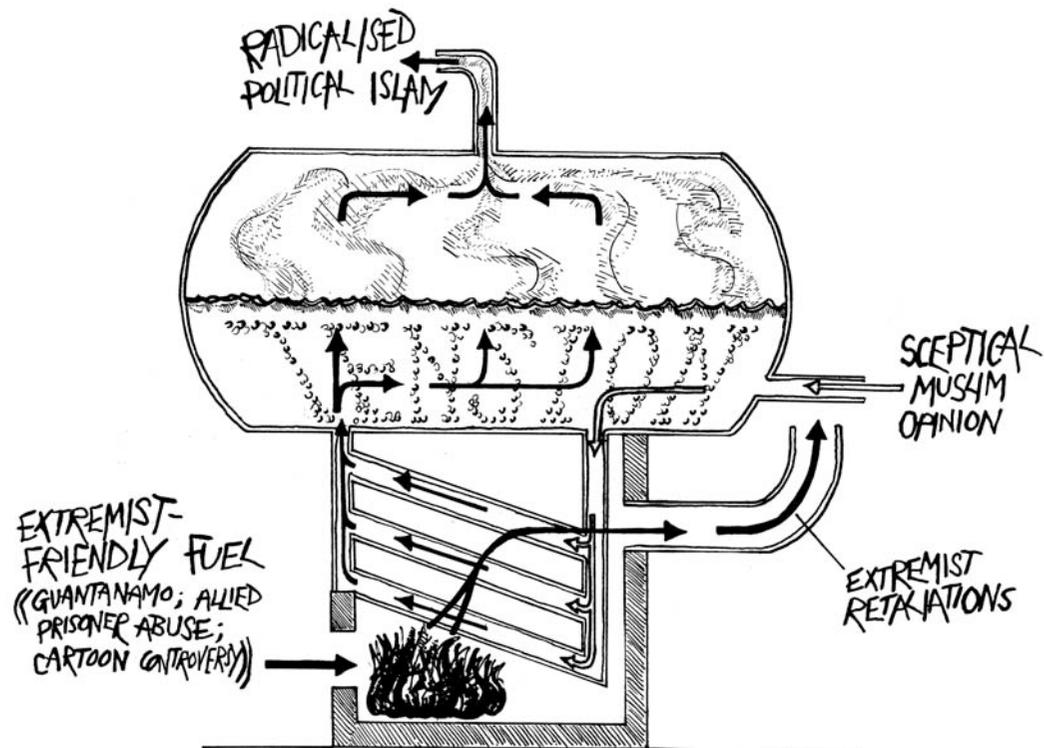
Second, complete truth must be established. The United Nations, the United States and the European Union must immediately establish independent inquiry commissions consisting of high-level personalities with sufficient rights, powers, budget and secretariat to conduct extensive in-depth investigations. Intrusive inspections should be carried out in the offices, computer systems and archives of all presidents, prime ministers, foreign, defence, interior and justice ministers, and the leaders of the civil, military, intelligence, and police services who may have been involved or complicit. These should be public investigations with full transparency of all proceedings, open hearings of all witnesses, and complete disclosure of all findings.

Third, full justice must be enforced. The United States and the European Union must urgently investigate, arrest, prosecute, trial and punish all the political leaders, civilian lawyers, administrators and staff, military lawyers, officers, and soldiers, intelligence lawyers, officers and agents, and any other individuals who have been involved or complicit in accordance with the principle that everyone who knew but did not act is guilty.

Fourth, a just world order must be restored. “The war on terror” or “the long war” must be recognized as the War on Justice it is and rejected as a legitimate premise for the conduct of public policy and international affairs.

André Nilsen is the Chairman and Managing Director of the Oxford Council on Good Governance. For more information visit www.oxfordgovernance.org





drawing the line

BRIAN FLANAGAN takes a controversial stand in the name of free speech

LET'S START WITH some conclusions. It was disappointing that the British student press decided not to republish the cartoons first featured in *Jyllands-Posten* in solidarity with Denmark's travails. In its own small way, it was a failure of leadership. What was truly remarkable, though, was the unanimous "not me Guv" capitulation of the national papers on an issue which goes to the heart of their self-image as mainstays of political freedom.

Free speech issues are tricky issues. But this controversy presented a relatively easy case; a Danish law protecting legitimate political expression came under heavy fire. Instead of rallying in support, our national dailies stuck the boot into the cartoonist, noted the bigotry of Danish society, intoned a hymn to free speech and promptly ran for cover – setting a marker for political debate that British democracy could have done without.

Enough conclusions; why, exactly, has free speech anything to do with these cartoons?

A distinction needs to be made between reaction both to the content of the cartoons and the initial decision to publish them on the one hand, and the response to Denmark's toleration

of their publication on the other. No one can rely on the freedom of speech to make a point while denying that freedom to critics. But withdrawal of diplomatic officers, national boycotts and protests outside Danish embassies go beyond criticising the cartoonist's message to remonstrate against the system of government which produced it. The repressive sentiment of much of the outcry surrounding the cartoons was epitomised in the gathering of 400,000 people in Lebanon to hear the leader of Hezbollah condemn European free speech laws. The frozen political template which prevails there was a lamentable basis from which to accept criticism of a democratic system of government with deferential calls for "responsible expression" and greater media regulation.

Various reasons have been rehearsed for declining to republish the cartoons. A common objection was that the bomb-in-turban image suggested that Islam was a "terrorist" religion. This would be a grave allegation: under the conventional view of democracy, terrorists are political actors who may be denied a share in our political freedom. Nevertheless, plenty of

religions, states and organisations have branded each other "terrorist" over the years. The term is so politicised that, after decades of effort, an international anti-terrorism convention cannot be negotiated for want of agreement on its definition. None of this is to suggest that terrorism does not exist, only that the branding of political constructions as "terrorist" is an inherently political activity. Whether this kind of expression should benefit from the freedom of speech is one of those tricky ones.

But the cartoons in question were eminently capable of an alternative interpretation, namely, that Islam is routinely deployed by terrorists as a flag of convenience. Indeed, if this was the point of the cartoons, the ensuing reaction has made it more eloquently than any picture might effect. Gazan gunmen storming the EU consulate, various "Islamic" organisations issuing ultimatums, Muslims on the streets of London trumpeting 7/7 as divine retribution – how the satirist must be gloating.

The Observer remarked that such extremists "do not mind at all that their actions reinforce a completely unjustified stereotype that terrorism is a natural extension of Muslim practice. This

is already the view of far-right parties in Europe and, in the current climate, risks gaining wider acceptance. That is another reason not to print images of Muhammad with a bomb for a turban.”

This assumes that extremists cannot be held responsible for their actions. If political speakers are now being told to stay quiet because their message might provoke members of a group to run amok and thereby create an unjustified stereotype of that group, they are being punished for the conduct of the very entities they are criticising. The refusal to republish in the face of extreme reaction only facilitated parties motivated by racial hatred. The agenda of such organisations is predicated on undemocratic proposals and “solutions”. One way for democrats to disarm that undemocratic premise is to defend free speech, not just the speech critical of the hate-mongers but also speech critical of the political philosophies in their firing line.

A related theme of criticism has been the accusation that Danish society is riven with prejudice and discrimination towards its Muslim immigrants and is thus the last country that should be standing on its free speech dignity. Such commentators give too little attention to their own countries’ difficulties. Over the past 12 months, Hurricane Katrina and civil unrest from Birmingham to Marseilles have each produced a chorus of discontent with various Western social models. Singling out Denmark on this issue seems rather opportunist – if Denmark must compromise on free speech to properly include its minorities, so do we all. But even if we adopt the deterministic approach that regards someone’s provenance, or their parents’ provenance, as irrevocably defining their political interests, we might still take the more optimistic view that minority communities share responsibility to use their political freedoms to shape a more inclusive society.

Critical for many was an apparent analogy with racist expression. Arguably at least, racial hatred shouldn’t be protected by the freedom of speech because of its dehumanising impact on minority communities and its disruption of social relations. Banning hate speech is not wholly inconsequential however; hatred is, after all, overtly political and political expression is the lifeblood of self-government. But there does seem to be an intuitive difference between hate speech directed at a particular philosophy, religious or otherwise, and hate speech aimed at characteristics with which we are born. The greater democratic sensitivity owed to race takes on sharper relief if one recalls the host of prescriptions for social policy and criminal justice that religions are apt to advocate. A recent ICM poll in the *Sunday Telegraph* found that 40 per cent of British Muslims favour the regional introduction of Sharia law – it seems unlikely that any racial profile would produce such a level of agreement on such a politically controversial idea.

But notwithstanding the disparity between racial hatred and a hatred of Islam, both, in essence, are political positions. One way to differentiate the hatred goes like this: the only means by which an electorate animated by racial hatred could act on such views would be

by removing voting or other human rights from a racial minority, irrespective of the individual politics of the members of that minority. On the other hand, an electorate stirred by religious hatred could express its antipathy by ignoring the religion’s ideas on social policy and removing it from state insignia. But deciding between social policies is an essential democratic task; so in banning the expression of religious hate speech we always run the risk of diluting our ability to self-govern. Whereas prohibiting racist speech involves a more subtle restriction on the body politic.

In banning the expression of religious hate speech we run the risk of diluting our ability to self-govern

Removing human rights from a minority strips its ability to participate equally in self-government. If we take the conventional moral stand that the survival of democracy is too important to be left up to a single racist majority, such a reduction in our self-government would be illegitimate along with any expression which advocated it. We should acknowledge, however, that deeming democracy best “forever” and hence prohibiting racist expression is no less an article of faith than the Muslim position on sacrilege. A comparable point was made by Professor Stanley Fish in the *New York Times*:

“[European editors] seize on whatever content happens to come their way and use it as an example of what [free speech] should be protecting. The fact that for others the content may be life itself is beside their point. This is itself a morality – the morality of a withdrawal from morality in any strong, insistent form. It is certainly different from the morality of those for whom the Danish cartoons are blasphemy and monstrously evil. And the difference, I think, is to the credit of the Muslim protesters and to the discredit of the liberal editors.”

So why defend expression against this Muslim truth but not expression that goes against our views on indelible democracy? It seems to me that we can only make such a distinction if we start with the idea that democracy is better than any other system of government. From there, it becomes a question of what political interests we can build into the system while still allowing democracy to function. If we remove the power from people to debate how best to govern themselves by establishing irrevocable political commitments, democracy can’t function because its decision-making is biased. Unless, that is, the built-in commitment amounts to no more than the reason we instituted democratic government in the first place. You can’t bias the operation of a decision-making system in your exclusion of certain inputs and outputs if such exclusions are purely a reflection of your choice to operate it. Of course, in undemocratic systems the same principle applies, so that the state’s choice of certain political outcomes might involve no

more than the reason the system was initially selected. No doubt there comes a time when the policies of a particular theocracy are sufficiently irreligious to call into the question the point of establishing a theocratic state in the first place. But our premise that democracy is the best form of government is predicated on its recognition of political equality. One characteristic of political equality is that decision-making based on it must be unbiased. An equally important characteristic is that such decision-making can “build in” only a tiny range of systemically neutral commitments. In

other words, virtually all irrevocable political commitments will bias democratic decision-making; far fewer will bias undemocratic systems.

So to answer the question; allowing Islamic or any religious truth to be the litmus test for what is acceptable politics would undermine self-government in that it pre-selects from amongst competing political ideas regardless of the merits of self-government. Whereas allowing “democracy forever” to be the test of acceptable politics only undermines the principle of self-government to the extent that that principle is worth undermining.

Reactions aside, the cartoons spoke to topical questions on which our elected leaders regularly make decisions. The use of terrorism as a tool by certain Islamic elements is an important concern. Wherever one stands on the political spectrum, views on the issue have consequences for a state’s foreign policy. Should we not want electorates exposed to various opinions on the nature and implications of Islamic political violence? Likewise, sacrilege is a pointedly political concept. Satire which questions why certain images should be deemed sacred might be distasteful and worthy of ‘time/place/manner’ restrictions. But a democracy’s approach to long-held assumptions must tolerate attempts at deflation; otherwise an electorate would often stand blinded by the complacency of sincere convictions.

In the same vein, one of the cartoons related exclusively to the social status of women. It showed a picture of two women in full (dark) Muslim dress and a brightly coloured man standing between them with his eyes darkened. The only part of the woman you could see were their eyes, conversely the only part of the man you couldn’t see was his eyes. Questioning various strands of Islamic thinking on the role of women seems about as central to democratic political debate as any issue is likely to get. Retreating under fire from that debate was a damaging move.

Brian Flanagan is an MPhil candidate in Law and a Foley-Bejar Scholar at Balliol College, Oxford



diplomatic impunity

FIONA BOYLAN discusses amnesties and the moral dichotomy of bringing conflict to resolution and perpetrators to justice

// THE DATE OF 17 July will long be remembered as the day the world finally united to bring an end to the culture of impunity." This was the message of Kofi Annan, the Secretary-General of the United Nations, on July 17, 2002 at the meeting to mark the fourth anniversary of the adoption of the Rome

Statute, which created the International Criminal Court (ICC).

Bringing an end to impunity in this context refers to making those responsible for human rights atrocities accountable for their actions. It is an ultimatum to those dictators of the future, that the time-honoured fashion of retiring to

the South of France or Argentina to live on the millions creamed from their countries during their periods of brutal misrule has come to an end. As Kofi Annan says, it is "a message out to those who would commit these heinous crimes, that you have nowhere to hide; you will be made accountable."

There has been much celebration of the progress in international law which has led to the creation of the ICC; an idea which was first mooted at the time of the Nuremberg trials. However, challenging impunity does not only mean ferreting out former dictators and lifting them from whichever Cap or Côte they may be on, supping their chilled Sancerre, in order to stand trial for the crimes they have committed. Or indeed, as was the case with General Pinochet, arresting them when they drop into smart Harley Street clinics. It also means not extending amnesties to people accused of committing crimes against humanity.

This seems a necessary weapon in the armoury of tackling impunity: it is only possible to hold people accountable if they have not been given an amnesty, effectively a "get out of jail free" card. However, the reality of the role amnesties play in bringing conflicts to a conclusion is more complex.

The Lords Resistance Army (LRA) has been operating in Northern Uganda for nearly 20 years. It is a rebel paramilitary group, whose leader Joseph Kony has been invested by his followers with quasi-religious significance. The LRA has terrorised large swathes of Northern Uganda and Southern Sudan, kidnapping children and forcing them to become soldiers and sex slaves, as well as massacring and driving out local communities. Many children who live in the area where the LRA is most prevalent are forced to commute at night to larger towns, often many miles away, in order to avoid being captured in the night raids that characterise the modus operandi of the LRA.

The Ugandan Amnesty Commission (UAC) was set up to offer amnesties to members of the LRA if they were prepared to put down their weapons and end the violence. This would effectively guarantee impunity for those guilty of the outrages mentioned above. Yet it would also mean that children would be safe to remain in their homes at night, free from fear of abduction into the life of the LRA. The UAC has been in talks with the LRA and perceived that it was making progress towards a peace settlement on the condition that these amnesties be provided.

However, in October 2005, the ICC issued arrest warrants for five leaders of the LRA. Accordingly, amnesties may be granted at a national level, but not guaranteed at an international level. As Luis Moreno-Ocampo, the Chief Prosecutor of the ICC, said, "Domestic amnesties are strictly a matter for national authorities and do not act as a bar to an investigation by the ICC."

With these words, the work of the UAC has been undone. The leaders, Joseph Kony and his henchmen, are not going to agree to an amnesty which allows them freedom from national prosecution but still leaves them exposed to international courts.

The ICC is only interested in prosecuting the "big fish", the ones who have the most to gain from the provision of amnesty. They are also the only ones who can persuade their subordinates to lay down their arms and cease their campaign of terror. As Peter Onega, the chairman of the UAC, observed, these warrants could lead to increased violence as the LRA reacts to them "as desperately as a wounded

buffalo". Amnesties are unpalatable, but the question is whether they are an aid to the peace process, and are as such the lesser of two evils? Isn't the bringing of any conflict to a swift conclusion the priority?

The October 2004 report by the Sierra Leone Truth and Reconciliation Commission was unequivocal on this point, stating: "Those who argue that peace cannot be bartered in exchange for justice under any circumstances must be prepared to justify the likely prolongation of an armed conflict." The Sierra Leone Truth Commission was set up to discover the truth about what happened in the brutal civil war which lasted for ten years. The war shocked even the most jaded when it was revealed that the tactics employed by the Revolutionary United Front (RUF) militia included amputating the arms of those suspected of voting in an attempt to dissuade people from participating in the democratic elections.

Amnesties are unpalatable, but the question is whether they are an aid to the peace process and are as such the lesser of two evils

A first step towards peace was made in 1996 when the opposing factions signed the Abidjan peace accord. This document included an express amnesty stating that "no official or judicial action" would be taken against any member of the RUF. At the Lomé peace accords three years later, which finally put an end to the civil war, and which included a similar amnesty provision, the United Nations inserted a rider that "the amnesty provisions of this Agreement shall not apply to ... serious violations of international humanitarian law".

The Sierra Leone Truth and Reconciliation Commission recognised that the acts committed by the RUF were barbaric. But they were dismayed at this last minute addendum to the peace treaty, judging that "this was a message to combatants in future wars that peace agreements containing amnesty clauses ought not to be trusted". It criticised the withdrawal of the amnesties after they had been offered, but also the failure to recognise the crucial role that amnesties can have in ending conflict. Their point was that the action taken in Sierra Leone could have a negative effect on peacebuilding in other parts of the world.

South Africa managed its transition from an apartheid regime to one of democracy on the basis of conditional amnesties. It guaranteed that those who came forward and confessed their role in perpetrating human rights violations would be pardoned. It is only now, ten years after the work of the Commission was started, that talk has turned to criminal prosecutions for those who have failed to fulfil their part of the bargain by admitting their guilt. As Dr Fanie Du Toit, Education and Reconciliation Director of the South African Institute for Justice and Reconciliation, points out, "if PW Botha and De Klerk had been

indicted at the time prior to or during the transition there may have been a lot more difficulties in moving towards a democracy. Amnesties can serve a positive purpose."

The same is true of the transitions that occurred in South America from military dictatorships to democracy. It is at the very least highly improbable that General Pinochet would have withdrawn from his position as President of Chile had his demand for lifetime immunity from prosecution not been guaranteed.

After the Falklands war ended in 1982, democratic rule was restored in Argentina and General Galtieri's military dictatorship ended. The regime had caused as many as 14,000 people to be "disappeared", and the use of torture had been widespread. When attempts were made to prosecute members of the military junta, the military reacted violently and so in an effort to preserve the peace and protect the emergent democracy, the Government

introduced the Full Stop Law and the Due Obedience Law which granted immunity to large numbers of the junta. This move successfully restored calm to the country but the price was impunity for those responsible for gross human rights abuses.

Both Chile and Argentina are now making moves to undo the amnesties awarded at that time and to bring prosecutions against General Pinochet and the leaders of the Argentinian junta. This is a long-awaited victory for the victims whose voices have not been heard.

Yet the question does remain whether it was right at the time to put the needs of the society as a whole, which needed peace and order, above those of the victims who understandably craved some form of punishment for those responsible for violating their human rights. In the world of the International Criminal Court which we now inhabit, the granting of amnesties is no longer possible. Any country which has ratified the Rome Treaty, or any country which the UN Security Council agrees has failed to prosecute perpetrators of crimes against humanity, will now be subject to the jurisdiction of the ICC.

This is undeniably a great leap forward in bridging the impunity gap. The question is whether it will be a barrier to bringing conflicts to an end, and so ultimately lead to more suffering and more lives being lost before peace is brought about.

Fiona Boylan is a lawyer and is writing an in-depth report on transitional justice for IRIN News, an editorially independent part of the United Nations providing news and analysis on sub-Saharan Africa, the Middle East and Central Asia for the humanitarian community. The views expressed here are her own



fatal error

MARK GEORGE highlights the miscarriages of justice arising from the death penalty in the USA

FEW ISSUES CAN present a greater challenge to any legal system than the issue of the death penalty. The United States is one of only a handful of democratic countries which retains the death penalty. Yet experience shows beyond a doubt how ill-equipped the US legal system is to cope with the rigorous standards of fairness and justice that have to be demanded of any judicial system that

contemplates the imposition of the ultimate punishment.

There are now approximately 3,400 people on death row across the US. Most of them are poor, and are overwhelmingly likely to be from an ethnic minority. Many suffer from mental illness, and a substantial number are probably factually innocent. Many were provided with representation at their trial which was utterly

unacceptable in any legal system – let alone one that imposes the ultimate penalty when guilt is proved. The death penalty raises issues of fundamental importance for anyone concerned with justice.

The percentage of those on death row with serious mental health problems far exceeds that in the population at large, and the reasons are not hard to find. When badly paid and

unmotivated defence lawyers fail to investigate properly their client's family background, they might fail to reveal physical or sexual abuse at the hands of drunken, drug-taking parents or evidence of brain injuries and mental retardation sustained during childhood development. Then they fail to present evidence which might persuade the jury to vote for a life sentence rather than death. Because they are mentally ill the clients are not able to assist their own lawyers by raising the relevant issues and helping to prove the very thing that might save their lives.

Johnny Lee Penry has been sentenced to death in Texas three times for a murder committed in 1979, despite there being no doubt that he has the mental capacity of a seven-year-old. Twice the Supreme Court has overruled his death sentence because, under Texas law at the time, the juries had been unable to consider mental illness in mitigation. Most recently, the notoriously conservative Court of Criminal Appeals in Texas (CCA) has overturned the third such sentence because of further procedural irregularities. It is to be hoped that Mr Penry will not have to face the prospect of another death sentence. Amicus, a group which provides support for death row lawyers, were involved in drafting briefs for the Supreme Court and the CCA in support of Mr Penry.

Since the US Supreme Court decided in 2002 that executing those suffering from mental illness amounted to "cruel and unusual punishment" and was thus forbidden by the Eighth Amendment to the US Constitution, the focus has switched to disputes about whether a particular defendant is in fact suffering from mental illness, or is merely feigning. Ironically Daryl Atkins, whose case prompted the decision in the Supreme Court, was found not to be suffering from mental illness by a jury in August 2005 and is currently awaiting execution in Virginia.

In the absence of a legal aid scheme to pay lawyers' fees, it is the poor who end up on death row. As Supreme Court Justice Ruth Ginsburg said in 2001, "People who are well represented at trial do not get the death penalty. I have yet to see a death case among the dozens coming to the Supreme Court on eve-of-execution stay applications in which the defendant was well represented at trial." Since it is up to the county which is funding the capital prosecution to fund indigent defendants, rates of pay are set so low that many lawyers will not undertake capital defence work, and those that have done so in the past have provided a poor (or almost non-existent) service.

During his trial for capital murder in 1992, one of the two lawyers representing George McFarland regularly fell asleep in court. Despite the fact that the Texas Court of Criminal Appeals accepted that these naps had occurred during "critical stages" of the trial, the court ruled that Mr McFarland was not prejudiced because his other, less experienced, attorney was awake at all times. In fact, this attorney had never previously handled a capital case. His preparation consisted of "studying a capital murder treatise, consulting with experienced capital litigation lawyers and observing portions of a capital trial". The two lawyers barely spoke

before the trial began and their preparation was pitiful. After conviction things got no better. The punishment phase of a trial, which includes the defence calling evidence in mitigation, should have involved lengthy and detailed investigations of a client's background, family and upbringing to see if there was any explanation for his violent behaviour on the occasion in question. If done thoroughly this phase of the trial can last for days, if not weeks. In this instance, the defence's case at the punishment phase lasted a whole 15 minutes. Unfortunately such cases are far from unique. There are many people on death row who have experienced standards of representation which rival those in McFarland's trial.

In 2000, students at Northwestern University in Illinois uncovered proof that a defendant on death row was factually innocent. Two further cases were later uncovered. Governor Ryan ordered a moratorium on death sentences whilst he considered what to do. Finally in 2003 he decided that he could not run the risk of executing an innocent man and granted clemency to 167 other prisoners on death row. The film *Deadline: the Movie*, which is based on the experience in Illinois, has been screened several times in 2005 by Amicus. In May 2005 Juan Melendez, who spent more than 17 years on death row in Florida before he was exonerated, spoke to students in London when the film was shown. Later in 2005 the film was also shown to audiences of students in Manchester and Oxford.

During his trial in 1992, one of the lawyers representing George McFarland regularly fell asleep in court

In total 122 people have been cleared since 1976. DNA evidence is proving crucial in proving the innocence of many on death row, but it raises the appalling prospect that, unless a full review of all cases is undertaken, more innocent people will be executed. In Virginia – second only to Texas in the number of executions carried out – the Governor has ordered a review of hundreds of death sentences going back to 1973 because of the growing concern that a full review of the scientific evidence will show that many on death row did not commit the crimes which put them there.

In November 2005 the *Houston Chronicle* highlighted the case of Ruben Cantu, who was executed in Texas in 1993 for a murder it now appears he did not commit. He was just 17 at the time of his arrest and always proclaimed his innocence. Now a key eye witness who testified that Cantu was the gunman has blamed the police for pressuring him into making a false identification. David Garza, a co-defendant of Cantu, has sworn an affidavit admitting that he had allowed Cantu to take the blame despite knowing he was not present during the offence. The District Attorney who prosecuted the case has also admitted that he was wrong to seek the death penalty for a young man on evidence of this quality, and the forewoman of the jury has

stated that the jury could have been given the right information with a little more effort on the part of those responsible.

In 1972 the Supreme Court outlawed capital punishment in the landmark case of *Furman v. Georgia* because it accepted that the death penalty was imposed on an arbitrary basis, and was more likely to be inflicted on the poor and black than on the wealthy and white. For the four years until the Supreme Court upheld Georgia's amended capital murder statute in 1976 there were no executions. Shortly before Christmas 2005 the 1000th person to be executed in the US since 1976 died. Yet despite the 1976 ruling of the Supreme Court, the death penalty is every bit as arbitrary in its selection as it was in 1972. Without legal aid it is the poor who are represented by useless lawyers – some of whom have previously been disbarred or were hopeless drunks, or fell asleep during trial. This never happens to a wealthy person. It is still overwhelmingly more likely that a black or hispanic defendant will face the death penalty than their white counterparts. When they do, they encounter racism during jury selection and throughout the rest of the legal process. Even the location of the offence can make a difference to whether a person faces a capital trial or not. There are 254 counties in Texas, but Harris County, which covers the metropolitan area of Houston, is responsible for 143 out of 410 persons currently on Texas's death row. Of the 355 persons executed in Texas since 1976 no fewer than 85 have come from Harris County.

In these circumstances it should come as no surprise that there are a large number of people on death row who are or may be factually innocent. No justice system can justify the death penalty without being certain that those who die were guilty of their crimes. Increasingly it is clear that this is not the situation that pertains in the US today.

Amicus members can make a real contribution to the fight for justice and an end to the death penalty. Amicus members helped submit briefs on behalf of Johnny Penry in Texas, and have submitted such briefs to the Supreme Court in a number of landmark cases in recent years. Every year Amicus sends a number of young people to undertake internships in the US where they work alongside death penalty lawyers on death row cases, helping to carry out vital work which can make the difference between life and death for a client. Currently there are seven Amicus interns in the US, with 15 more already in the process of being arranged for 2006.

Mark George assists Amicus and is a barrister at Garden Court North Chambers of Manchester. Those wishing to know about Amicus' work should visit www.amicus-alj.org for more information



keeping the peace

DENNIS MCNAMARA discusses the importance of the rule of law in post-conflict situations

ARMED CONFLICT, AS acutely demonstrated by the current situation in Iraq, is usually lawless and characterised by widespread thuggery. Fundamental to preventing the re-emergence of this crippling violence in the long term is the swift establishment of an effective and comprehensive justice system. This area of peacebuilding, which receives inadequate attention, has yet again been shown to be of paramount importance. Without an enforced rule of law regime, the move from peacekeeping to

peacebuilding cannot easily take place.

Time and time again, simply stopping the fighting has proved to be insufficient. From day one of the rehabilitation and reconstruction process, comprehensive “justice packages” must be provided, encompassing everything from judges, prosecutors and defenders, to qualified prison staff.

Delays to the introduction of such packages can have fatal consequences, as was seen in Cambodia 13 years ago. There, the United Nations may have obtained the release of

untried prisoners but it failed to train judges, to depoliticise the prisons or to ensure the existence of a functioning police force. As a result, the main violators on the Government side, and even the Khmer Rouge, enjoyed almost total impunity. Indeed, even when members of the political opposition were killed during the elections, and the UN could identify some of the perpetrators, the absence of an operational justice system meant that little could be done.

The establishment of working mechanisms of

justice is one of the most neglected areas of peacebuilding, yet is perhaps the most vital in stabilising a country ravaged by conflict and chaos. In the short term, the military and international peacekeeping forces may be able to establish law and order, but for this order to be assured in the long term, however arduous the process, the institution of a functioning justice system is essential.

In most cases, however, societies emerging from protracted conflict lack the trained personnel to man such a system. Cambodia could not have gone it alone, nor could Kosovo, nor East Timor. Establishing a framework for the rule of law can be highly complex, especially with regard to how the process is initiated, and by whom.

In Kosovo, a quick-fix solution was attempted. The peacekeeping forces imposed temporary martial law, military judges were flown in and initially at least some of the killers were locked up. However, such a move will normally be resisted locally, as it was in Kosovo. Shipping in trained internationals to any post-conflict setting is likely to engender such resistance.

Bringing back qualified nationals or training all necessary personnel are equally problematic options – nationals are often unwilling to return to danger, a low wage and hostility from those who stayed, and a host of legal and penal staff cannot be trained over the course of a few weeks. Furthermore, such a solution may not bring about a legal system which liberal countries endorse, in accordance with international standards, such as one not comprising a right to defence, regardless how heinous the crime.

Resistance to the imposition of Western legal values makes relying on traditional law a popular option. In many instances such customary systems do exist, administered by elders, chiefs or clan leaders. However, they are arguably often contrary to basic human rights as they are likely to be run entirely by men and thus inherently biased against women and children. A female rape victim may be exiled until the perceived shame has passed, while a child conceived of rape is often punished.

The imposition of law by decree will inevitably provoke a national reaction. But in the event of international intervention under Chapter 7 of the UN Charter – the most extreme form of international action – there is no basic difference in principle between deploying troops in a country and taking charge of the civil administration.

Any existing law may be used as a basis by the UN mission and, in the absence of this, the UN may adapt the law of the former governing authority. In Kosovo and East Timor, Yugoslavian and Indonesian laws were employed respectively, with necessary amendments to comply with international standards.

Such amendments are critical, but may be difficult to enact. In a Chapter 7 peace-enforcement intervention, the Special Representative of the Secretary-General is in a position of de facto trusteeship and thus has the authority to amend by decree. In Cambodia, the UN Transitional Authority (UNTAC) drafted a new criminal code for the country, while in

Liberia a decree was issued demanding that the law be brought in line with international standards.

In a peace-monitoring intervention with a Chapter 6 mandate, however, authority is lacking and laws must be amended at the local level, where possible. Even with a Chapter 7 mandate, the imposition of decrees can expose the transitional administration to nationalist attacks. Sensitivity surrounding state sovereignty means that such actions may be used politically. Noradom Sihanouk, the former King of Cambodia, and himself the President of the Security Council-endorsed joint interim administration, regularly and publicly denounced the UNTAC.

Without a long-term commitment peacekeeping costs will rapidly escalate and perpetrators will often remain in control

But even the very best laws will only be as effective as the executors allow them to be. Post-conflict situations are often characterised by tight control on the part of the executive, usually for historical reasons, and easing their grip on the judicial system can be very difficult. During UNTAC, the Cambodian Government strongly disliked the law banning arbitrary arrest, and so continued practising it. The victims may welcome laws reflecting international human rights norms, but the perpetrators of abuses will often resist them. Without political will at the national level, even the best law may not have any effect.

In addition to the need to protect civilians and to establish order, experience has shown that new justice systems will not flourish unless past atrocities are addressed and, again, political will on the part of the host government is essential to achieve this.

The International Criminal Court (ICC) and the preceding international tribunals for Yugoslavia and Rwanda constitute but one part of the solution. Designed to deal only with the “big fish”, parallel national structures are essential to ensure the accountability of all perpetrators for injustices committed.

A hybrid system was used in East Timor. The court was local but had the backing of the Security Council for serious human rights abuses, and all prosecutors and defenders were international, as were the advisers to the judges. The success was inevitably mixed – corruption was both historical and endemic and indeed a number of those responsible for grave injustices were still involved in the administrative system. In fact, there has been such dissatisfaction with the proceedings that a commission of experts sent in by the UN has recommended that certain cases be reopened and retried.

However, prosecution at a national level is vital if the ICC is to function internationally. Not only is the ICC incapable of prosecuting all perpetrators, but there is generally a popular

demand at the national level for prosecution of other key violators as a means of redressing the wrongs committed. The recently established Truth and Reconciliation Commission in Liberia will have difficulty in working well without a parallel national justice system. The nature of the conflict – prolonged and pervasive, with nearly all families affected – means that reconciliation must take a community-based form, supported by prosecution of the most serious perpetrators at the national level.

In order to institute this vital aspect of peacebuilding, however, enduring and non-partisan financial support by the international community is critical from the outset but, as

Iraq grossly demonstrates, is largely not forthcoming.

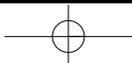
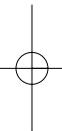
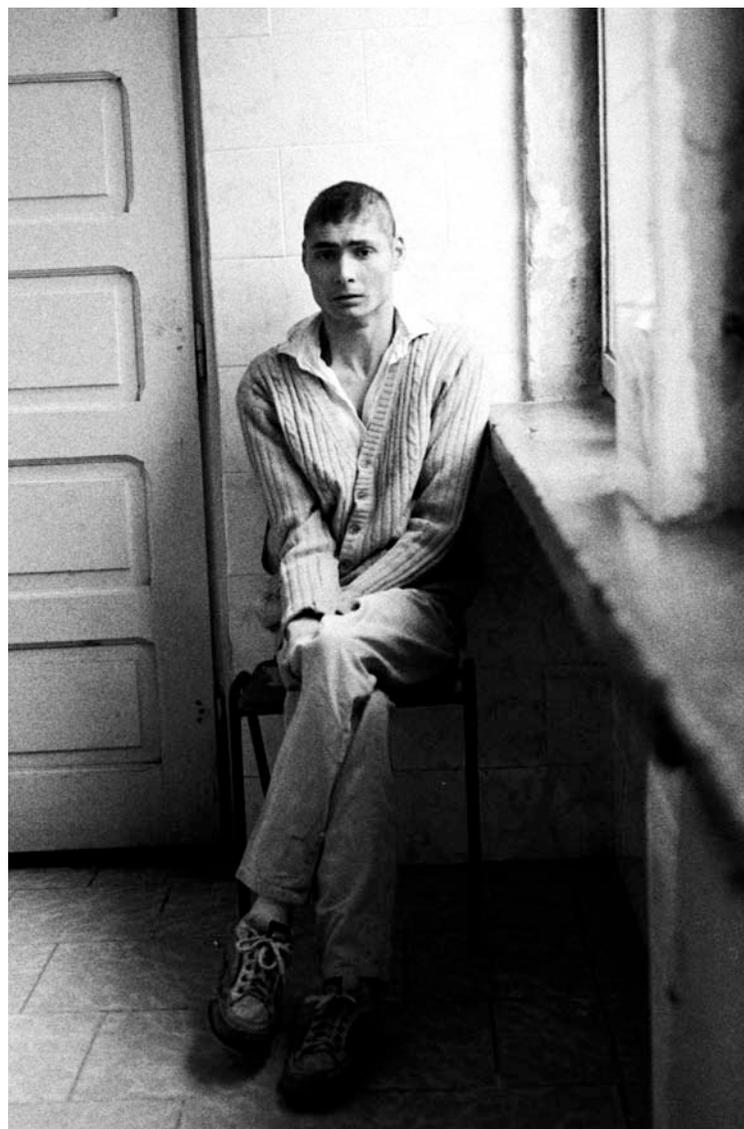
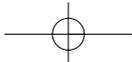
Ellen Johnson Sirleaf, the newly elected President of Liberia, has recognised the absolute necessity of re-establishing the rule of law. But even if this is prioritised at the national level, it is not always prioritised by donors or by the United Nations.

Without a long term commitment, peacekeeping costs will rapidly escalate and the perpetrators will often remain in control. A quick-fix, quick-exit strategy is no solution and peacekeeping alone is insufficient.

But the lesson is not being fully learnt. All aspects of a rule of law regime must be addressed on the ground, with immediacy and by the appropriate people. In Kosovo, NATO forces arrested Kosovar Albanian arsonists after a series of violent attacks against Serb and Gypsy houses. But within a few weeks the same arsonists and looters were back on the streets, as there had been no place in which to hold them, nor the means to try them.

Civilians cannot be protected by the military in the long term. A country stricken by violence and conflict cannot be stabilised without qualified judges, prosecutors, defenders, prison staff and police manning a functioning justice system. Impunity cannot be addressed. The heavy hand of the military will simply not suffice, and Iraq is perhaps the most extreme recent example of this. In order to avoid another Iraq, civilian mechanisms must be prioritised. And a rule of law regime must be at the very forefront of this effort.

Dennis McNamara is Special Adviser to the United Nations on internal displacement. He served as Deputy Special Representative of the Secretary-General for Kosovo and East Timor and as Director of the Human Rights Component of the UN Transitional Authority in Cambodia. The views expressed here are his own



REVOLUTIONS

Photographer BRENDAN BANNON shares his experiences of visiting orphanages in Romania and praises those people whose work has improved the lives of thousands of abandoned children

THESE PICTURES WERE taken throughout Maramures, Romania between August 2002 and January 2004. They document a story of hope and the possibilities for change. With an intelligent new vision, a fierce determination and deep compassion, the Romanian staff of Hope and Homes for Children – a British charity which works with children around the world – successfully closed three of Romania's worst children's institutions.

Hidden from view the children were neglected and often abused

As a documentary photographer you are often called upon to document the worst of our complex humanity. Here, I was able to document the startling and uplifting response to terrible circumstances. When the closures of these institutions began there were upwards of 100,000 children in orphanages throughout Romania.

Filled during Ceausescu's reign, food shortages and pro-nationalist policies meant women were giving birth to babies that they couldn't feed or care for. Contraception and abortion on demand were made illegal as part of a raft of legislation

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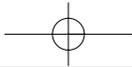
The strategy for closing these institutions was compassionate and effective

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introduced in order to increase the birth rate. Childless men and women over the age of 25 were heavily taxed whilst mothers of 10 or more children were given heroine status. Although this acted as an incentive for few women, even so, the state run placement centres were soon overrun with the children of parents unwilling or unable to care for them.

The centres became focal points of corruption and graft, and became entrenched in the social fabric of Romania. Hidden from view the children were neglected and often abused.

The strategy for closing these institutions was compassionate and effective. Where possible children were reunited with their parents, many of whom had been forced to give them up years before because



The future now looks far brighter for these young children than it did just a few years ago

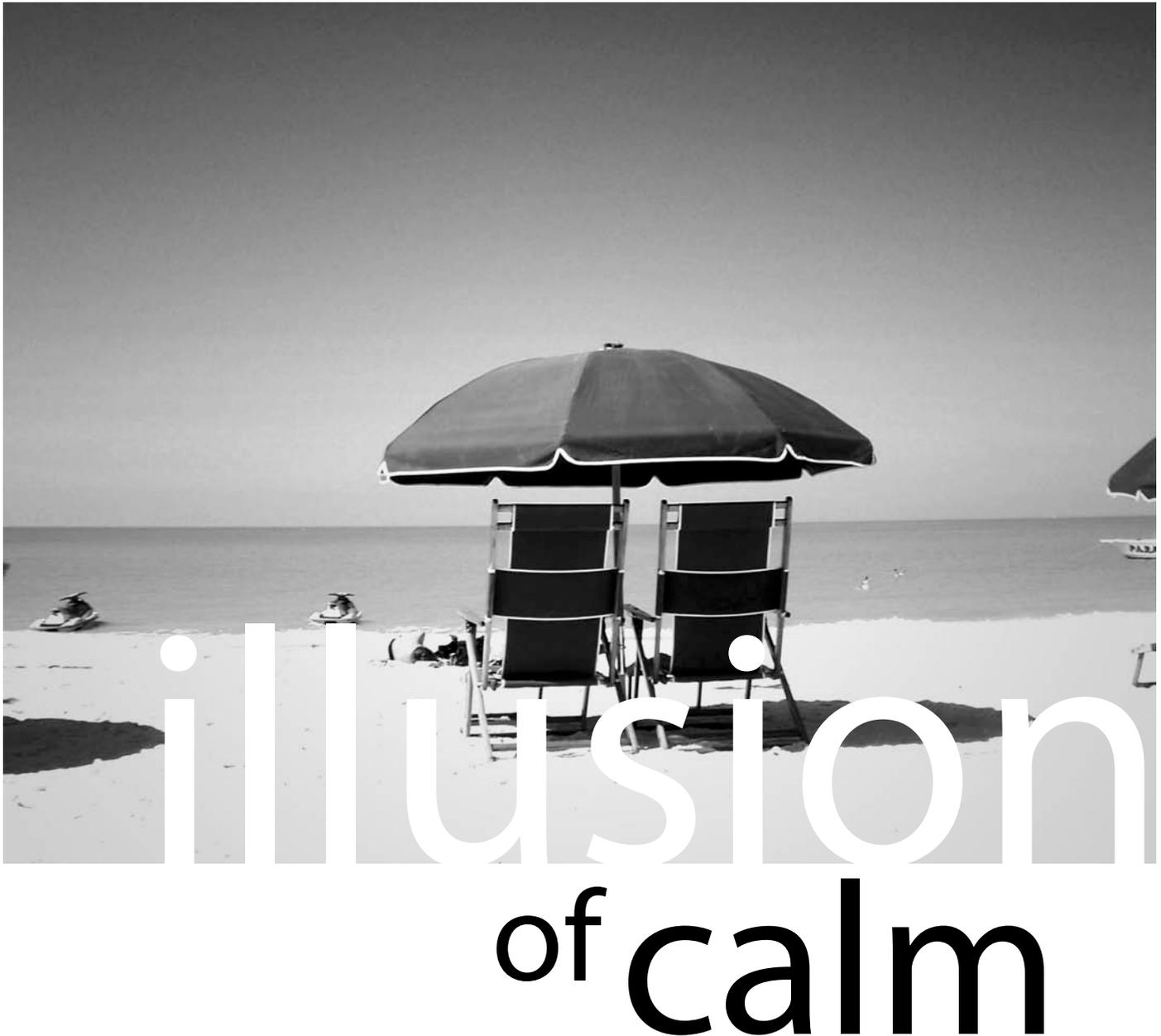
they were too poor to feed or clothe them. A system of in-country foster care and adoption was developed. In the instances where this failed, the children were placed in the community in small family homes.

Efforts to prevent abandonment also began. Mother and child support units have been established to give much needed support to mothers in crisis. If abandonment is prevented early the children can stay in families, free from any further distress.

In the seven years Hope and Homes has been working to close these institutions, over 2,000 children have been moved out. Countless others have been spared an institutionalised existence through preventative measures. The future now looks far brighter for these young children than it did just a few years ago.

Brendan Bannon is a freelance photographer based in Nairobi, Kenya. His work focuses on stories of survival and change. He has worked for many leading NGOs and international newspapers. bb@brendanbannon.com





Following last year's violent clashes on Australia's beaches CHRIS CUNNEEN examines the country's racist underbelly

THE RIOTS ON Sydney's southern beaches disturbed the view of Australia as a prosperous, racially tolerant and successful multicultural society. Thousands of young white Australians were shown draped in flags reclaiming "their beach" from other Australians of different cultural backgrounds. Mostly those targeted were of Middle Eastern descent and in particular were Islamic Lebanese Australians. The images of young people engaged in this racist demonstration were powerful expressions of contemporary Australian nationalism, about who is included within the boundaries of a nation and those who can be publicly vilified

and violently assaulted because of their ethnicity or religion.

The depth of racism underpinning the riots appeared to take many people by surprise. The Prime Minister was quick to proclaim that Australia was not a racist society. Such a proclamation coming from John Howard rang somewhat hollow. Howard, as leader of the Opposition in the 1980s, had opposed further immigration to Australia from Asia. In the 1990s as Prime Minister he had, for example, refused to apologise to Aboriginal people for the effects of racial policies and practices of previous governments, abolished ATSIC (the

national representative body for Aboriginal people), had excised islands around Australia into a migration zone to prevent asylum seekers (many from the Middle East) from entering Australia and used the Australian legal system to pursue their refugee claims. And, at the time of the riots in December 2005, he was pushing through Parliament a raft of anti-terror legislation clearly aimed at potential Muslim terrorists.

After ten years of a federal conservative government continually playing "wedge politics" around race, and a parliamentary opposition unwilling to confront racialised

politics, the young people on the beaches of Cronulla were the sons and daughters of John Howard's Australia. The vilification in Australia of Muslims and those from the Middle East had pre-dated the events of September 2001 and the subsequent bombings in Bali, Madrid and London. They had been specifically targeted as part of the anti-immigration and anti-refugee politics of the late 1990s. In addition, a series of gang rapes by young Muslim men in Sydney during the late 1990s and early 2000s had led to a media frenzy over the alleged "unassimilable" attitudes of Muslim men towards women; a theme which was to re-emerge in the riots at Cronulla. Much of the vilification during the late 1990s and early 2000s was led by a few key media radio commentators and newspaper columnists. Indeed, a leading radio personality was advertising attendance at the Cronulla demonstration to "reclaim the beach" during the week prior to the riot.

The image of Australia as a racially tolerant and harmonious society belies a strong undercurrent of racialised conflict which occasionally erupts onto the national stage. It was just over a decade ago that the Australian Human Rights and Equal Opportunity Commission released its report after a national inquiry into racist violence. The Commission found that although comparatively speaking Australia was a non-violent, socially cohesive nation, racist violence was a major issue "which must be confronted before it becomes a significant threat to our fellow Australians and to our society". The Commission found that racist violence particularly impacted on Australians of Asian and Arab backgrounds, and that institutional racism was an endemic problem for Aboriginal people in Australia.

The inquiry had arisen because of an upsurge in racist attacks against minority groups, and concern over the impact of institutional racism in the criminal justice systems on Aboriginal Australians. During the late 1980s racist organisations, including groups such as the Australian Nationalist Movement and National Action, had increased their violent attacks against minorities. Successful criminal proceedings had seen a number of key members of these organisations jailed during the 1990s. However, in recent years new extremist groups have emerged, such as the Australia First Party and the Patriotic Youth League. There has been extremist activity on some Australian university campuses aimed at harassing foreign, particularly African, students. A disturbing feature of the Cronulla incident was the involvement of these extreme right wing elements and their call for action against "refugees, overseas students and illegals". However, it is also clear that the involvement of an estimated 5,000 young people in the racist demonstration and subsequent attacks in Cronulla was not the result of the actions of extremist organisations. In fact those organisations are more likely to have increased their membership from these events and the subsequent publicity.

It is worth recalling the Australian Human Rights Commission had, as a result of its inquiry, recommended that a federal criminal offence of racist violence and incitement to racist violence be introduced. While the

offences were introduced in the Racial Hatred Act (1995), they lacked criminal penalties. It was also recommended that where racist motivation was an element of an offence it should constitute an aggravating factor in sentencing. The only Australian state to introduce racist motivation as an aggravating factor in sentencing was New South Wales. This was introduced recently, not as a result of the Human Rights Commission's 1991 recommendations, but as a result of the gang rapes committed by young Muslim men against non-Muslim women. One of the perpetrators was given a total sentence of 55 years imprisonment. A further recommendation of the Human Rights Commission which has been ignored is that Australian police forces monitor the frequency and nature of hate crime. Unlike many European and American jurisdictions, it is not possible in Australia to determine whether official reports of racially motivated offences have been increasing. It is hard to avoid

The image of Australia as a racially tolerant and harmonious society belies a strong undercurrent of racialised conflict

the conclusion that dealing effectively with racist violence has not been a priority of either state or federal governments.

It is easy to forget that the Australian nation was built on the dual foundations of a deeply held belief in the inferiority of non-Europeans and an expectation that Aboriginal people would disappear into a Darwinian mist of human extinction. One of the first pieces of legislation enacted by the new Australian Commonwealth was the Immigration Restriction Act (1901), which laid the framework for the next 70 years of restricting non-European immigration into Australia. The Australian constitution's references to Aboriginal people were also built on exclusion: they were to be excluded from the new Commonwealth's powers to make laws, leaving Aboriginal people at the mercy of local State Governments, and they were to be excluded from national census counts – to be treated more like the flora and fauna of the nation rather than respected citizens. A patchwork of laws in place for half of the 20th century effectively excluded Aboriginal people from voting in Federal elections, from receiving social security benefits, from access to equal standards of education, health care, wages and other basic civil rights.

The formal legal framework which enabled racial discrimination in Australia has disappeared. Australia is party to the UN Convention for the Elimination of All Forms of Racial Discrimination, and the Australian Human Rights Commission monitors compliance with the Federal Racial Discrimination Act (1975). However, as the recent events at Cronulla show, all is far from quiet on matters of race, religion and ethnicity.

Several recent surveys of young Lebanese Australians portray a picture of serious alienation and disillusionment as a result of their experiences of racism and in particular harassment by police. Meanwhile there has been a profound lack of significant change for the lives of Aboriginal people in Australia – whether measured on indices of education, income, employment or health. There is a twenty year gap in life expectancy rates for Aboriginal compared to non-Aboriginal Australians – the same gap that existed in the 1980s. Like young Lebanese Australians, Aboriginal youths complain of police harassment and an unfair criminal justice system. Both groups are over-represented in the justice system. Aboriginal people comprise only 2% of the nation's population but comprise over 40% of all juvenile detainees and over 20% of all adult prisoners.

In the aftermath of the Cronulla disturbances, a new raft of public order

legislation was introduced in New South Wales. The legislation removes the presumption in favour of bail for certain public order offences, it allows police to confiscate and search mobile phones for text messages, and to confiscate vehicles in cases where the driver has been, or is likely to be, involved in public disturbances. Perhaps most disturbing are new "lockdown" powers where police can declare an area such as a region, suburb or location to be a restricted area and prevent people from entering or leaving that area. These lockdowns were put in place in various Sydney beach suburbs in the days following the riot. It is telling, however, that within a week of the new laws being enacted the first use of a lockdown outside of Sydney was in a public housing estate (with predominately Aboriginal residents) in Dubbo, 300km from Sydney. As a result of a disturbance Aboriginal residents spent the first day of 2006 being unable to either enter or leave the estate in which they resided.

While it is possible to portray Australia as a relatively harmonious and successful multicultural society, it is also clear that particular groups have borne the brunt of racism. In the 1970s and 1980s it tended to be people who had come from south-east Asia and particularly the nations of Indo-China. More recently it has been people from the Middle East and people of Muslim faith. Underlying this has been the ongoing social and economic exclusion of Aboriginal people, who remain the most criminalised and economically disadvantaged group in Australian society.

Chris Cunneen is the New South Global Professor in Criminology of the Law Faculty at the University of New South Wales



eastern union

AYSE KADIOGLU discusses the wider context of Turkey's integration with the EU

ARRIVED AT ST ANTONY'S College on October 3, 2005 in order to spend a term of my sabbatical leave in Oxford. My arrival in Oxford coincided with the beginning of official negotiations between Turkey and the European Union. All those I met at St Antony's College on that day inquired about the possible outcome of the continuing meetings in Luxembourg. In fact, as I travelled from London to Oxford, the plane of the Turkish Minister of Foreign Affairs, Abdullah Gul, was waiting, engines running, for the news from Luxembourg regarding the beginning of negotiations. When the Austrian

resistance was finally overcome and the beginning of the official negotiations announced, his plane took off immediately in order to arrive at the ceremonial meeting on time.

As I had my lunch at St Antony's and walked upstairs to the Senior Common Room for a cup of coffee, I called a friend in Ankara who shared with me the good news that the Minister's plane had just taken off. I shared this positive development with my colleagues at St Antony's. The next day, I woke up to my first morning in Oxford with the headline on the front page of *The Independent* pointing boldly to "Europe's

New Borders" with the stars of the EU placed on Turkey's eastern border.

In the early 1980s, Aristide Zolberg, who was one of my professors at the University of Chicago, suddenly uttered some golden words in one of his classes that immediately went under my skin and stayed with me for years to come: "Every place has a South." This simple expression contains a very distinctive feature of modernity; it also has the potential to explain the dynamics of the relationship between Turkey and the EU.

Modern identities are always constructed by

way of referring to an "Other" or the "South". The South is usually conceived as the less powerful and less developed element that increases the Self's feelings of being powerful and civilized. What is the "Southern Other" of the Turkish identity today? If you wander in the streets of Istanbul seeking an answer to this question, you hear people refer to Iran, Iraq, Tunisia, Algeria, Egypt and Saudi Arabia. The Turkish tourists returning from holiday in Cairo and Hammamet boast about how developed their own country is. It seems that to construct a modern identity it is necessary to feel superior to something. While the Other is at times a being less powerful than us, it can also become a powerful thing that one fears.

In the course of the Turkish modernisation, Turkish history and especially Islam was designated as the Other. In the eyes of the modernising elite Islam was the cause of the underdevelopment of Turkey. This has paved the way to a type of secularism that has empowered the state with control over religion. The modernising elite's view of secularism has turned it into a means of social engineering. It was at this point that the republican elite expressed a discontent about their past and wanted desperately to become Western. Such were the origins of native Orientalism in Turkey, a discourse that presumed a distinction between the East and the West as well as West's hegemony over the East in the representations of the latter. This native Orientalism created a negative view of Turkey's culture and history.

Turkish people gaze at their Southern Other to feel Western; so the Southern Other is something that reaffirms an identity. Europe, on the other hand, has always been and still is the "Northern Other" of Turkish national identity; encounters with it have always made Turkish people feel less civilised and uneasy.

Westernisation projects have changed the clothing of Turkish people; such projects have provided Turkish men with neckties – which are called the reins of civilization in Turkey – but such a move has not restored the confidence of the Turkish people. Jalal Al-e Ahmad, the Iranian writer and commentator, described such cosmetic westernisation projects as "*gharbzadegi*", which means that they are "weststruck."

Turkey's relations with the EU have always been guided by a native Orientalism, crystallised in feelings of *gharbzadegi*. While Turks were boosting their morale by looking at their own South, their feelings of confidence were damaged by their relations with Europe. Europeans, on the other hand, boosted their morale by looking at a Turkey standing right on the borders of Europe. Turkey, "the sick man of Europe", has always been and still is Europe's favourite Southern Other.

There were two turning points that promised to alter the terms of this relationship between Turkey and the EU. First was the acceptance of Turkey's official EU candidacy status in 1999 in Helsinki. With the aid of the Social Democrats in Germany and after long deliberations, Turkey's official candidacy text was flown back to Turkey in the hands of Javier Solana, who was then responsible for the EU's foreign relations. The then Turkish Prime Minister,

Bulent Ecevit, arrived in Helsinki to participate in the candidacy ceremonies. After the announcement of official candidacy, Turkey had moved out of the "waiting lounge" of the EU and finally placed one foot in Europe.

Secondly, on November 3, 2002, elections in Turkey garnered enough votes for the Justice and Development Party for it to form a government by itself. In one of his first public statements, Ecevit's successor, Abdullah Gul, announced the government's determination to fulfill the conditions to start Turkish-EU negotiations geared towards full membership.

The Justice and Development Party's interest in the EU involves an "enlightened self-interest":

Turkish people gaze at their Southern Other to feel Western; so the Southern Other is something that reaffirms an identity

Soli Olzel, an influential Professor at Bigli University and a columnist for the Turkish daily *Sabah*, states that the party's very existence depends on the realisation of democratisation reforms pushed by the EU. In fact, very shortly after the elections, Turkish government representatives arrived in Copenhagen where it was decided that the date for the beginning of talks regarding full Turkish membership of the EU would be declared at the end of 2004. This was the first time that a Turkish government delegation had attended a meeting with EU officials without a *gharbzadegi* or weststruck gaze. The Turkish government was confident because of its electoral victory and was open about its Muslim following and past. There was no pretension of a "cosmetic Westernism"; in fact, this was the first time the Turkish government went to an EU meeting and was open about Turkey's history and culture. The expected outcome came was announced in Brussels on December 17, 2004 with the announcement that talks would begin on October 3, 2005.

Ironically, after all those years of trying to look Western and emphasising the cosmetic aspect of being Western, Turks had finally passed a major threshold while being honest about their national roots. This highlights the importance of being candid and how the focus should be on the "content of Westernisation", this being the reforming parliamentary bills and projects, rather than attempting to appear Western. The Justice and Development Party leaders have no interest in looking Western. Yet they passed fundamental legislative amendments that made it possible for the talks to begin. This is one of the most interesting developments within domestic Turkish politics and has impacted on relations with the EU.

Turkish official candidacy for the EU brings out an innermost feeling of discrimination towards a Southern other. In the wake of October 3, 2005 meetings in Luxembourg, a group of MPs from France's governing party, the Union for the Presidential Majority (UMP),

announced their anxiety and reservation generated by the possibility of talks with Turkey. Perhaps this points to a France that is increasingly becoming the new "sick man of Europe", in the sense of a French governing elite experiencing a loss of paternal power over a Europe viewed as a superstate. So, it seems, in the words of Timothy Garton Ash, historian and political commentator, that at the moment what "Turkey has done for Europe" seems equally, if not more important, than "what Europe will do for Turkey".

There are mixed feelings at the onset of negotiations between Turkey and the EU. On the one hand there is the perception of

undignified treatment on the part of the Turkish people. This feeling is not to be underestimated given the fact that the anti-EU groups in Turkey are using it very effectively. In fact, there seems to be an emerging political stance that combines nationalism, anti-EU feelings and a rhetoric of dignity combined with arguments that are focussing upon issues of social justice. This stance is cutting across the old Left/Right dichotomy. Interestingly, a similar monopoly over issues of unemployment, social justice and distribution of wealth exists among the Eurosceptics within Europe. The views of the European and Turkish Eurosceptics converge in the sense that they have discovered that the road to success lies in the monopolisation and exploitation of these issues. This is probably one of the biggest dangers awaiting not just Turkey but also Europe. Sociologists Ulrich Beck and Anthony Giddens have emphasized a notion of unity based on diversity, rather than unity meaning uniformity. Hence, unity without eliminating differences is spelled out as the goal. This runs contrary to the understanding that globalization is smothering national identities. It is important that such ideas can be popularised especially via the incorporation of a proactive attitude towards issues such as unemployment.

This is an endeavour that needs to be undertaken both in Turkey and the EU. While Turkey is learning to make peace with its ethnically and religiously diverse past as a result of pressures from the EU, the EU can learn the true meaning of diversity via Turkey. Turkey and the EU are in a position to teach diversity to one another. Time will tell who will come out of this process as the "sick man of Europe".

Ayse Kadioglu is currently an Associate Professor of Political Science at Sabanci University, Istanbul. She was a Visiting Fellow and a Senior Associate Member at St Antony's College, Oxford, during Michaelmas term, 2005.

never again

ROWENNA DAVIS talks to Rwandan
genocide survivor BEATHA UWAZANINKA



SHE CAME INTO my room – young, pretty and shy – and I shoved some papers off my sofa so that she could sit down. I was asked to do the interview at the last minute after someone else had pulled out, but she didn't seem to mind. In front of me, I had a collection of papers printed out from the internet, with a series of facts highlighted on them: Rwandan genocide 1994; 800,000 Tutsis and moderate Hutus slaughtered in 100 days by extremist Hutu militia; colonial responsibility – Belgians favoured Tutsis, introduced ID cards and created divisions; Hutus take power at independence in 1962 to be overthrown by Tutsi rebels; tension continues until climax in 1994.

I'd also had time to print out this woman's story. Her name was Beatha Uwazaninka, she was a Tutsi, was 24 years old and she was one of the very few members of her family to survive the Rwandan genocide. Now she was sitting opposite me in my college room in Oxford – and suddenly, I felt horribly inadequate. How could I ever understand what had happened to this woman? I fumbled, and came up with the question, "What do you want me to write?"

"I don't know what I want you to say," she laughed, "you're the writer!" But I think she understood because she continued: "I suppose I want people to understand – people only ever see one side of the story. On the other side of the world things are very different, the world isn't what it seems when you live out your life here and people know very little about what's

going on. Maybe it's just too much to handle."

I can't pretend that talking to Beatha made the figures tangible, but as I listened to her story, it did help to ground the tragedy in the personal.

"My father died when I was two. Mother remarried when I was five, and I lived with Grandma. I remember the discrimination started at school where I was made to take off my clothes by Hutus who wanted to show that Tutsis were different, that we looked more like Ethiopians – like foreigners. It was just like colonial times, when the Belgians measured our heads and noses to establish differences between us.

"The hatred escalated. On New Year's Eve, 1987, neighbours – people I knew – came into the house and beat Grandma on the head with a hammer. They dragged her outside and left her body in the rain. I thought they were going to kill me as well, but one of them said, 'leave her, she can't do any harm.' I wondered what harm Grandma could have done. I sat with her body in the rain until it began to get light. That's when I realised some people didn't like us because we were different, but I didn't understand why.

I was seven years old. I went back to Gitarama to live with Mother, who had married a Hutu. That's how it was; normally, people didn't think about separate ethnic groups. We were poor, but happy. Mother worked very hard and my childhood was good.

"The morning after the President's plane was

shot down I was in my uncle's house with five cousins. The *Interahamwe* [Hutu militia] came, saying they were going to rape the girls. Uncle Gashugi pleaded with them not to do it, but they cut him down with a machete. I ran out of the back door with the others. All the other girls were killed before they reached the gate. I'm the only one of the household who survived. I went from house to house, like a hunted animal. Sometimes I hid in the drains with the corpses, pretending to be dead myself.

One day I was being pursued by an *Interahamwe* and fled into the house of Yahaya, a Muslim. My heart was beating so fast. The *Interahamwe* was banging on the gate, threatening to throw a grenade to kill everyone if the family didn't give me up. Yahaya told his daughter to open the gate. I thought I was going to die, but he took me by the hand, stood with me in his doorway and told the killer off.

"The same man had shot a boy the previous day in that same house. Yahaya told him that the blood was still on the yard and that God would judge him. He could have been killed for sheltering me, but he saved my life and many others. He said that in the Koran it says, 'If you save one life, it is like saving the whole world; if you take one life, it is like destroying the whole world.' He didn't know that was in the Jewish texts as well.

"The saddest day was when I heard my mother had been killed, that they had thrown her into the river. My heart wanted to break. I was fourteen years old and I was now all alone.



There is a saying in Kinyarwanda that if a thief steals part of your basket, you cry and tell everyone what has been stolen. But if they take everything, it is too much to talk about, too much for tears, so you keep quiet. So it is with life after the genocide. It is too big to tell. No one can really understand it.”

Listening to her story, the tragedy seemed to come closer, to become more real. When you are confronted by the physical and emotional consequences of the genocide, when you see where part of Beatha's finger was cut off in a struggle in which two militiamen were trying to rape her, it is harder to sustain the psychological distance we create between our worlds.

This ability to sustain a mental block between Rwanda and ourselves was what made non-intervention possible – and it has left us, at least in part, morally culpable for the consequences. “The world did nothing,” Beatha said, “the UN didn't help. There were warning signs a long time before the genocide occurred, but nothing was done – and that makes everyone share part of the blame.”

Even today, we are still failing to meet our moral obligation towards Rwanda. “It was ten years after the genocide before aid came to our country and it is still not enough. Because of the crisis 50% of women have HIV and we need help to deal with that.”

Beatha was also sceptical of the international community's efforts to bring the perpetrators of the genocide to justice; “The UN's Arusha Trials have been useless – and I don't mind if you say

that. They have hardly made any convictions and the witnesses that they call do not get proper immunity. When they return, people know where they have been and they suffer for it.” Since February 2005, 82 people have been indicted by the International Criminal Tribunal for Rwanda (ICTR) at Arusha, 23 have been tried and 3 have confessed.

I asked her what she felt about the Hutu population now that the genocide was over. “If a Hutu asked for forgiveness, I may be able to give it. People say you can't have reconciliation without forgiveness, but you have to have justice before that and every Hutu has a duty to acknowledge what happened – the bystanders are guilty too.”

But for Beatha, forgiveness does not mean forgetting what happened. “I have a 7-month-old daughter who I'm going to take back to Rwanda as soon as she is old enough. I'm going to show her the memorial there – she will never want to discriminate.” She told me that it made her sad to think that none of her family would be left to meet her and her daughter at the airport.

“The message I want you to give,” Beatha said, “is never let this happen again.” She explained that three years ago, she made the decision to travel and talk about her experiences so that people might learn from what happened to her country. “I give talks at universities because tomorrow young people will be the ones to inherit the world and I want them to feel that they can make a difference. The past can touch

the future.” She wants people to realise that we can all play a part in preventing the repetition of history. “Everyone must keep asking questions and get engaged with what is going on – you are so lucky here because you have a government that listens to you.”

At the end of the interview, Beatha told me that she wanted me to finish the article by talking about the need for intervention in Darfur. “Reconciliation and forgiveness in Rwanda is good. It can't change the past, but it can change the future – if we let it.” The crisis in Darfur has been raging for over three years and, throughout 2005, *Janjaweed* militias have been receiving government support to clear civilians from areas considered disloyal to the Sudanese government.

Despite 300,000 deaths, 3.5 million people left hungry and 2 million citizens being internally displaced, the state remains unchallenged. “Genocide is threatening over a million people in western Sudan while we sit here and talk right now,” she said. Once again, the international community is failing to meet its responsibility to uphold the Geneva Convention, choosing not to intervene in internal strife unless there are clearly self-interested reasons for doing so.

As she gets up to leave, Beatha asks her closing question, relevant to us all: “When will the lesson be learnt?”

Rowenna Davis is reading for a BA in PPE at Balliol College, Oxford



revolution

ALAN ANGELL praises Chile's political, social and economic triumphs since democratisation in 1990

CHILE SINCE 1990: a lesson in combining democracy, political stability and growth. But this statement exaggerates. There are plenty of problems in Chile, above all those stemming from inequality. Nonetheless, it is an attempt to provide an alternative story to most press reporting on Latin America, which by concentrating on stories of political crisis, social turmoil, popular protest and drugs downplays other stories of equal significance to the continent.

In so far as Chile is known to the non-specialist, it is because of the dramatic coup of 1973 and the brutal dictatorship of General Pinochet that followed it. But Chile deserves to be equally well known for its success in constructing a viable democracy and relatively successful economic system since 1990.

What is the evidence for the claim made in the introduction of this article? The Chilean economy has grown at an annual rate of 5.6 per cent from 1990 under democratic governments – whereas under Pinochet (1973-1990) it was

only 2.9 per cent pa. The growth rate sustained now for over 15 years puts Chile amongst the best performing economies in the world. Exports soared, international debt fell and inflation is now only 3 per cent. Overall poverty fell from 45.1 per cent of the population in 1987 to 18.8 per cent in 2003, and extreme poverty from 17.4 per cent to 4.7 per cent. This is a remarkable achievement for any country – contrast it with the increase of poverty in oil-rich Venezuela. Important bilateral trade deals with the USA, South Korea, Mexico, the EU, and with China in 2005 benefited trade relations and also improved the international political standing of the country.

Consider the record under Ricardo Lagos (2000-2006), the first Socialist president since Allende: GDP per capita rose from \$4,860 in 2000 to \$5,903 in 2004; unemployment fell from 9.7 per cent to 8.1 per cent; the minimum salary went up by 29 per cent; exports more than doubled; minimum pensions went up by 15 per cent; the number of students in higher

education rose from 411,000 to 600,000; there was a huge increase in infrastructure, including a more than doubling of the metro lines – many of which went to poor areas – dramatically reducing travelling times.

Chile is regarded as an experiment in neoliberal economics and, in view of the dismal record of this economic model in the rest of the continent, the question arises of under what conditions neoliberalism can work. The question is in some ways misleading; there are certain requisites for any economic system to work. There needs to be stable and sound macroeconomic management, a powerful and efficient state regulation of the private sector, investment in education and health, a truly independent central bank, low levels of corruption in the public sector, and trust between the Government, business sector and labour.

Neoliberalism in Chile is not so doctrinaire as some commentators indicate. The largest enterprise in the economy is the state-owned

copper corporation, CODELCO, and there is little pressure to privatise this efficient and profitable state company. Secondly, the Government is more interventionist than under a pure neoliberal model with an active policy of export promotion and subsidies for small and medium enterprises. Thirdly, the model in practice is flexible and the Government takes the necessary interventionist steps to manage the economic cycle, thereby avoiding the boom and bust cycle of neighbouring Argentina, let alone Venezuela.

Of course there are problems. Income and other inequalities are amongst the highest in the world. The big failure of neoliberalism in practice is to generate adequate levels of skilled employment. The labour market does not function in an equitable way – temporary and seasonal workers have inadequate protection against poor and dangerous working conditions, and there is marked wage discrimination against women. Yet in the last electoral campaign these issues were at the forefront of political debate and there was widespread agreement from left to right of the need to take measures to deal with them.

How democratic is Chile? How has it dealt with the problem of an undemocratic constitution forced on the country by the military? On any comparative performance indicator of governance, Chile ranks the highest in Latin America and not far short of many developed countries (and higher than Italy). In terms of overall electoral stability the record since 1990 is remarkable. In a plebiscite, four Presidential elections, five congressional elections and four municipal elections the Government has won close to 50 per cent of the vote on all occasions. Elections in Chile are free and fair. Participation has fallen but, at close on 70 per cent in the recent Presidential elections, is still relatively high. There is no significant protest movement or support for a Chavez-style populist government. Under President Lagos (2000-2006) there were also major democratising reforms such as the abolition of the nine, designated Senators and the restoration of the traditional power of the President to appoint and remove the heads of the various branches of the armed forces. Lagos left office after six years with an approval rating of close on 70 per cent.

Most remarkably, in 2006 Chile elected a woman to be President – the first one in South America. Unlike the two women Presidents elected in Central America, she was not the inheritor of a family political tradition. Michelle Bachelet's father, an Air Force General, died as a result of torture, and she and her mother were also detained, tortured and exiled. She is a qualified doctor, studied defence issues in Washington DC and was Minister of Health and then of Defence during the Lagos government. In what is still a relatively conservative society, she is not only divorced with two children, but had another child with a partner from whom she is separated, and does not believe in a Catholic country.

Chile is in many ways a conservative country socially, with a Catholic Church, powerful at the elite level, intent to block reforms. Only three years ago was there enough agreement to pass a modest divorce law, and legal abortion is still

out of the question. Yet there is increasing social pressure for a more liberal and tolerant society and Bachelet can be seen as an expression of that pressure. She refers only rarely to her personal experience of abuse under the military, but she has no need to do so. People are aware of her biography – political commitment, bitter experience of repression, children outside marriage – and this strikes a cord with a majority of Chileans, helping to explain her high level of popularity.

Yet she was primarily elected because she was the candidate of a highly successful Government and because the Opposition, for all its recent changes, is still seen as the inheritor of the Pinochet experience and too close to the ideas and policies of that regime, even if Pinochet himself, following a series of revelations of fraud, is now entirely discredited.

There is an increasing social pressure for a more liberal and tolerant society, and Bachelet can be seen as an expression of that pressure

The major political issue facing Chile after the return to democracy was the question of how to establish the truth about human rights abuses, how to secure justice and how to promote reconciliation in a way to ensure that those horrors never recurred again. It was a massively difficult undertaking. The Government – suffering from an electoral system that discriminated in favour of the Right – lacked a majority in Congress and could not command enough legislative support to enact laws. Pinochet was still Commander-in-Chief of the army and remained so for another eight years. The political Right had the support of some 30 per cent to 40 per cent of the population and was not, initially at least, prepared to admit that such abuses had taken place, let alone seek ways of securing justice. Moreover, the judiciary – with a few notable exceptions – continued to accept the binding nature of the Amnesty of 1978, passed by the military Government to guarantee impunity.

Yet the process of securing justice continued slowly, though with growing momentum. The Government's official report – the Rettig report of 1992 – gave overwhelming evidence of the illegal killing and disappearances of close on 3000 men and women. A reparations commission provided material support to the families of the victims. President Aylwin, in an emotional speech, apologised on behalf of the nation. The Supreme Court came under increasing pressure and eventually there were some convictions. The most notorious criminal convicted was the former head of the secret police (DINA), General Manuel Contreras; partly because of US pressure following the assassination of the former Allende Minister, Orlando Letelier and a North American colleague in Washington in 1976. Another major prosecution related to three human rights activists who were brutally murdered in 1985 by

a special unit of the police.

Those two cases fell outside the scope of the Amnesty Law but new interpretations of that law began to gain acceptance, though not on a major scale until the arrest of Pinochet in October 1998. One revision stated that before an amnesty could be applied, the case had to be investigated to establish the truth – something that President Aylwin had sustained as early as 1990. Even more useful for those pursuing justice was the reinterpretation of the Amnesty Law to designate unsolved disappearances as "aggravated kidnappings", which exceeds the limits of that law. Under the revised interpretation, the crime of kidnap is still being committed.

In addition to the new interpretations, a number of courageous judges began to start prosecutions. By 1997 there were more than 200

cases in the courts dealing with cases of the disappeared, and over 400 military officers had been called to give evidence. By 1999 five former army Generals were facing human rights charges. In the most dramatic of all cases, the Supreme Court lifted the parliamentary immunity of Pinochet (who had become a Senator for life in 1998). An investigating magistrate, Judge Guzmán, had assembled overwhelming evidence of Pinochet's involvement in abuses, and a series of hearings came to a halt in 2001 only when a narrow majority accepted medical evidence that the General was not fit to stand trial. (Incidentally, Guzmán had started his investigation in January 1998 – before the arrest of Pinochet.) The Supreme Court overturned the immunity granted to Pinochet on medical grounds in late 2005, and it is possible that he will, in the end face trial. A commission set up to investigate torture reported in 2004 and the state is now paying reparations to close on 30,000 Chileans. Few countries have come as far as Chile in facing the horrors of the past.

It is misleading to see Bachelet as part of a move to the Left in Latin America following Chavez, Evo Morales in Bolivia and Kirchner in Argentina. If comparisons are to be made then they are more appropriately made with Lula in Brazil or Tabare Vázquez in Uruguay. They, along with Bachelet, accept the importance or indeed inevitability of the free market economic model and the need for responsible fiscal management. But that does not mean selling out to the enemy. It may be a slower way of moving towards social justice and a more equal notion of citizenship, but it is a much surer and more democratic way.

Alan Angell is University Lecturer in Latin American Politics, and Fellow of St Antony's College, Oxford

pipe dream



MALCOLM DEAS argues that Hugo Chavez's presidency of oil-rich Venezuela is not as successful as some of his supporters believe

THERE IS NOTHING like the arrival on the Latin American political scene of a new left-wing figure to cause casual European observers to abandon all critical sense, and to rediscover the forgotten wisdom of Richard Gott, Tariq Ali and John Pilger. A decade and more ago it was the Subcomandante Marcos in Chiapas, earlier this year was Evo Morales in Bolivia, and in the middle came Hugo Chavez of Venezuela.

Before fixing your degree of *chavismo*, you should ponder the following.

Venezuela is politically the most polarised country in Latin America. President Chavez wins elections and referenda, continues to enjoy substantial popular support, and has placed social questions in the centre of the Venezuelan agenda. Yet around a third of Venezuelans are firmly in the opposition camp, a much larger proportion than can be dismissed as an

oligarchy, as Chavez continues to do. These Venezuelans are unlikely to change their views and there are too many of them to follow the Cuban precedent and decamp to Miami. In the 40 years after 1958, years which are too simply dismissed as wasted, Venezuelans lost their old fear of authoritarian government. The country is likely to remain deeply divided.

Hugo Chavez intends to remain in power for a very long time. Though he does not jail opponents or resort to violence – Venezuelans have too many historical memories of political imprisonment and are resolutely non-violent – he will direct all the resources of the state to perpetuating his power. There is less and less space for neutrals, let alone critics, in any government employment and all Venezuela's vast state patronage will be directed to making and maintaining loyal *chavistas*. The Government's defenders will say that previous

governments were also thoroughly clientelistic and its opponents will argue that there has been a change in ruthlessness and degree, and that in any case, past sins are no real excuse.

The Venezuelan state dominates the economy through the oil sector, and the "Venezuelan model" of economic management that appeared to have reached the end of the road in the 1980s was one of import dependence, consumerism, subsidies in all directions, monumental government inefficiency and payroll-padding, and increasing indebtedness. This ceased to be sustainable, and would not have been sustainable even without the corruption of the lacklustre governments of that decade. However, Venezuela never subsequently embraced neoliberalism and no new economic model has emerged. President Chavez, sustained by the high oil price, has merely revived the old one with some variation of the beneficiaries –

somewhat less variation than his supporters maintain. Venezuela still borrows and even the exceptional oil income the country at present enjoys is not enough to finance all his projects. At some point the model is likely once again to prove unsustainable.

The flow of subsidies and resources in the Government's social programmes is now under direct presidential control in the various *misiones* responsible for these programmes, which replace the line ministries and other conventional agencies. Their primary aim is the consolidation of political support: they can claim a large part in his success in defeating the referendum aimed to deprive him of office in 2004. Most mission participation is directed at and enjoyed by *chavistas*, the exception being the outlets for subsidised food. There is no effective budgeting or auditing or monitoring of the results of these programmes.

President Chavez under a constitution of his own design controls the unicameral Congress, the judiciary, the army and a newly created militia. There is no neutral electoral authority and the opposition complains that there is no secret ballot, that there are no effective electoral guarantees and there are all sorts of gerrymanders in the Government's favour. Rightly or wrongly, after their defeat in the referendum, the opposition has largely abstained. Though there is some threatening press and media legislation, there is no overt censorship and the media remain for the most part critical of the regime.

Hugo Chavez's rhetoric is notoriously anti-American. (Not exclusively – it is hard to think of any other national leader who has enjoyed as much licence to be rude around all points of the compass; his targets, besides George W. Bush and Condoleezza Rice, including Tony Blair and the Pope). Yet it is hard to impute Venezuela's ills and inequalities to the nefarious influence of the United States, just as no serious historian can believe that Simón Bolívar had much to complain about concerning the negligible influence of the United States in the region in his time. Neither Rómulo Betancourt nor Rafael Caldera, the leading figures of the Venezuelan democratic era that began in 1958, can be seen as leaders subservient to Washington. The United States did not determine Venezuela's internal politics or its oil policy. Venezuelans are not viscerally anti-American – Venezuelan habits of life are some of the most Americanised in the region, and Chavez himself first joined the army to play baseball. The State Department disapproved of his early career as the protagonist of a failed military coup – disapproval which was then endorsed by most progressives, who had good reason not to look for salvation from the military. There would have been some relief in the United States if the inept coup attempt of April 2002 had led to his fall, but there was no serious US involvement in it.

Why then this degree of anti-Americanism? There is a Cuban parallel and connection here. One of the reasons why Fidel Castro turned the Cuban revolution, itself not in its origins or early embodiments fundamentally anti-American, against the United States was to consolidate his own authority, to classify his followers according to this litmus test into those

who had their reservations about him and the direction he was going, and those who would follow wherever he led. As Javier Corrales has written: "Trashing the Superpower serves the same purpose as antagonising the domestic opposition: it helps to unite and distract his large coalition – with one added advantage. It endears him to the international left." And rhetoric is one thing and economic reality is another: Venezuela is effectively locked in to the US oil market and threats to divert supplies elsewhere are not realistic.

Does Chavez lead a new left wing wave that is ranging Latin America against the United States and a monopolar world?

In 1998 I asked one Venezuelan friend with decades of experience of the politics of his own country and the region, including imprisonment and exile, who Chavez reminded him of. His immediate answer was Juan Domingo Perón: Perón was both military and unmilitary; he came to power in an Argentina where there were for a while surpluses to redistribute, and he saw that he had an extraordinary opportunity to use that wealth to form and consolidate his movement; politically extraordinarily astute, he also saw that life was easier with an opposition, an opposition that would never come near winning, but which was always there to be denigrated and kicked around, which maintained the morale of the movement – hence, burn down the Jockey Club, but make sure none of the members are inside when you burn it. Like Perón, Hugo Chavez does not seem to like rivals. There are few prominent *chavistas*, and there is much instability in the cabinet and in the higher ranks of the bureaucracy.

This is however a Peronism with Cuban additions. Fidel Castro's Cuba is Venezuela's most important ally. Venezuelan friendship is certainly important to Castro, who has always valued anything that helped him to avoid or reduce Cuban isolation. Venezuela supplies Cuba with useful quantities of oil, and in return Cuba sends the much-advertised doctors and sports trainers and literacy campaign workers. More importantly, her leader provides expert advice on techniques of internal control, on how to avoid mistakes, and on dangers in managing bad relations with the United States – tutorials certainly worth the highest fee.

Does Chavez lead a new left wing wave that is ranging Latin America against the United States and a monopolar world? The United States has not had much of a Latin American policy since September 11, 2001, and what little it has had has not been a great success. Nonetheless, the left wing wave should be taken with a large pinch of salt, and Chavez does not unite Latin America. Indeed, much of his rhetoric divides the region. He has gone out of his way to insult President Fox of Mexico and antagonised Chile with his support of Bolivia's claim to access to

the sea. He has alienated the current Peruvian Government and the current front-runner for the presidential succession by backing a would-be Peruvian Chavez. His relations with Colombia are tense, and President Uribe's domestic popularity stands higher than his own. Mexico, Central America, Chile and Peru have signed up with NAFTA and Colombia is on the point of signing.

Venezuela is essentially a Caribbean republic, with a particular and somewhat isolated past, and despite perpetual references to Bolívar it is

hard for her to project her influence in Mexico, Brazil, in the Andes or in the Southern Cone. To put it starkly, Argentines are never going to look to Venezuela for leadership – it is culturally and politically impossible. Chavez's use of his oil resources in his regional diplomacy has had some successes, particularly with small countries in the immediate vicinity – the United States had to cede victory to him in the recent election of the Secretary of the Organization of American States. Nonetheless, these bought alliances have a cost, and are essentially opportunist. Some of Chavez's regional energy projects, such as his north-south gas pipeline, are fantasies way beyond his means.

On close examination the governments that make up the left wing wave are far from uniform. While maintaining good relations with Venezuela, Lula has proved to be pragmatic and any excess of pro-Chavez enthusiasm would cost him dear. The government of Kirchner in Argentina is nothing out of the ordinary in Peronist terms, and has differences enough with its currently left-governed neighbour Uruguay. The new Chilean Government is business as usual, and business as usual in Chile since Pinochet has meant coalitions. Evo Morales in Bolivia is not a political neophyte, and his own and his country's interests do not point to any simple emulation of Venezuela or following of a Chavez line. About his election the United States has been commendably low-key so far.

No component of the supposed left wing wave has yet evolved a convincing alternative model of development. Despite the delights of anti-Americanism, all are liable to find soon enough that the United States and its policies are not the cause of most of their problems, and do not stand in the way of most of their solutions. Populism is currently enjoying a minor revival among some academics, who see it as a sort of necessary and positive rite of passage, but many of these electorates have memories that would not incline them to agree.

Malcolm Deas OBE is University Lecturer in the Politics and Government of Latin America and Fellow of St Antony's College, Oxford



efficient relief



EMILY UNIA highlights the swiftness of the Cuban response to natural disasters in comparison to the USA

LAST YEAR WAS the year of the natural disaster; when forces beyond human control wreaked havoc and devastation across the globe, claiming thousands of lives, leaving countless homeless and overwhelming infrastructures. The intense media coverage of the Boxing Day Tsunami and Hurricane Katrina

meant that virtually nobody living in the West could have missed these events. Whilst newspapers and television cameras are only too eager to cover a disaster, instances where a major incident is averted rarely hit the headlines. Careful planning and preparation simply do not pack the punch that large-scale

disasters and emergencies do in media terms. Yet could a greater awareness of the former help to prevent the latter from ever becoming such catastrophes?

After the debacle of Hurricane Katrina, one might imagine that preparing for such eventualities requires complex strategic

planning and, even then, systems could be overwhelmed by unexpectedly extreme conditions. Yet the measures required to avoid chaotic scenes like those pictured on the streets of New Orleans last year, are often startlingly simple. In Cuba, a country at risk from hurricanes every year, disaster preparedness has prevented losses on the scale of those inflicted by Hurricane Katrina, dealing with intense hurricanes and subsequent flooding through early warning systems, national evacuation procedures and awareness campaigns as well as more long term projects, such as the reforestation of river banks. Save the Children funded the We are Prepared: Listening to the Waters project from 2002 to 2003. This project provides one example of how planning ahead to meet the long-term needs of a high risk area can manage a risk and prevent a crisis.

Together with financial support from the Disaster Preparation and Prevention Programme of the European Community Humanitarian Office, Save the Children carried out the project, involving children and young people in the municipalities of Sagua de Tanamo and Mayari in the Holguin provinces of Cuba. The project aimed to educate children and young people in these communities about flooding risks and the dangers of extreme weather conditions such as hurricanes, so that loss of life and livelihood on a large scale could be prevented through best practice and careful preparation. Students were taught the basic concepts of civil defence and risk management, including an introduction to cartography. Different groups or "brigades" were allocated specific research responsibilities, and carried out field studies to examine the relevant physical, economic, environmental and social vulnerabilities of the area, creating maps to log information and identify points of safety and danger zones.

Health brigades, under the supervision of a doctor or nurse, looked at sanitation and medical risks, identifying sources of potential contamination such as rubbish dumps, and devising plans to prevent the rapid spread of water-borne diseases. Although Cuba already had an effective public health system, basic first aid techniques were also taught so that easily preventable causes of death such as drowning or choking could be minimised. Technological brigades worked at identifying risks related to local infrastructure, helping to develop the early warning system which formed part of the Cuban civil defence measures. Twelve rain and water-level monitoring stations were installed, together with a radio communication system to forward information to officials, meteorological institutions and the emergency command centre in Mayari. Research for these improvements included identifying potential problems with electrical supplies and topographical barriers to radio communications. Students operated the early warning system radios under the supervision of professionals; they also received lessons on how to analyse the variables and phenomena of the local meteorology and the characteristics of floods and hurricanes. Other groups worked at reforesting the banks of the Mayari and Sagua rivers with natural bamboo barriers designed to contain rising water levels, recuperate the soil

and avoid erosion. These students also had to persuade disgruntled, local, subsistence farmers, or *campesinos*, who habitually grazed cattle and planted crops on this fertile land, of the long term benefits of the project. Sixty hectares of riverbank were reforested, which both enriched the biodiversity of the area and decreased flood risks. Community brigades examined the social and psychological problems which frequently arise during disasters and are often overlooked because lives are not immediately endangered. Students designed entertainments such as dance, music and drama to alleviate the stress and anxiety caused by evacuation. Contrast this with the misery witnessed in Louisiana, where a sports stadium had to double as an emergency shelter, and the primary focus of the authorities was to save lives and restore law and order, and we can once again see the sensible overlooked because of the power of the sensational.

Measures required to avoid chaotic scenes like those pictured on the streets of New Orleans last year are often startlingly simple

Human reactions to emergencies were also improved in Cuba by an educational campaign that discouraged risky behaviour and demonstrated best practice. Common dangerous attitudes that persisted included delaying evacuation to protect or save homes and possessions. Students designed posters, wrote poems and recorded radio jingles with slogans such as "protect your life, get away from the flood waters", to pass on information and modify the prevailing mindset. Simple though much of this may seem, when executed at grass roots level, such strategies have clearly worked. Cuba's emergency preparations include advance evacuation of livestock and white goods, which drastically reduces the reluctance of people to leave their homes for fear of looting; a problem that New Orleans authorities encountered in the wake of Hurricane Katrina.

In September, 2004, Cuban plans were put to the test when Hurricane Ivan, a category five hurricane, pummelled Cuba with winds of up to 160 mph. More than 1.5 million inhabitants were evacuated and, although 20,000 houses were destroyed, nobody died. The incident did not attract much media attention. Dr. Nelson Valdes, sociology professor at the University of New Mexico, commented on Cuba's excellent civil defence system saying: "People know ahead of time where they are to go; [officials] come to your door and knock and tell you. The country's leaders go on TV and take charge". After Hurricane Ivan, the director of the United Nations International Secretariat for Disaster Reduction (UNISDR), Salvano Briceno cited Cuba as a model for hurricane preparation, saying: "The Cuban way could easily be applied to other countries with similar economic conditions and even in countries with greater resources that do not manage to protect their population as well as Cuba does".

Cuba was again tested on July 9, 2005, when Hurricane Dennis, initially a category four hurricane, reached Cuba, bringing with it crashing waves and torrential rain. Over 600,000 people in coastal areas were evacuated to shelters and higher ground and only ten people lost their lives. Cuba was also in the path of Hurricanes Rita and Katrina in 2005, but again escaped with only a handful of fatalities; whilst in the USA, Katrina claimed more than 1,300 lives. Contrasted with Cuba's organised and efficient response to what is an annual threat in this part of the world, the American response to Katrina revealed inadequate preparation and planning for what should be an expected yearly danger. Needless to say, the story dominated the front pages of newspapers for over a week.

At the beginning of 2005, just after the Tsunami, the World Conference on Disaster

Reduction was held in Kobe, Japan. In light of the recent events, a special session on the Indian Ocean disaster was held, which highlighted the need "to strengthen national systems and to expand existing mechanisms for sharing of information and best practices in disaster detection, early warning [and] prevention". It also recognized that "early warning systems consist of prior knowledge of the risks faced by communities, technical monitoring and warning service for these risks, dissemination of understandable warnings to those at risk, and knowledge, public awareness and preparedness to act". Whilst alarm bells have been ringing in the insurance world for some years now, with insurers tracking the rise in intensity and frequency of natural disasters such as storms and floods, and increasing premiums accordingly, it seems that many national governments have been slow to catch on. It required the sheer scale of devastation wreaked by the Tsunami and the ensuing media storm, not to mention the number of Westerners who died, to push governments out of their complacency and into action. Had the Tsunami occurred after the conference, one has to wonder whether such proposals would have been quite so urgently recommended at Kobe. Although many charities are hard at work implementing long-term disaster preparedness strategies like those in Cuba, the world's media attention remains focused upon the last, big tragedy, confirming that making a crisis will always sell more papers than a disaster averted; a life lost is somehow "better news", than a life saved.

Emily Unia graduated from Merton College, Oxford, with a degree in English. She writes this article with special thanks to Pram Unia



commanding attention?

ZOE FLOOD examines why many humanitarian emergencies do not get the media coverage they deserve



THE INDIAN OCEAN tsunami on December 26, 2004, provoked unparalleled news coverage, dominating the headlines well into January 2005. For the rest of the year, the world's "forgotten crises" floundered at the bottom of news lists, or were even ignored entirely by the media.

While the tsunami may have killed close to 300,000 people, the conflict in the Democratic Republic of Congo (DRC) has killed at least 4 million in just eight years and is believed to be responsible for 38,000 deaths every month. But the online media-tracking journal, the Tyndall Report, found that only 6 minutes were devoted to the war in DRC, of the 14,529 minutes on the three major US television networks' nightly newscasts.

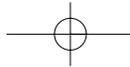
Médecins Sans Frontières identified nine other humanitarian crises in its annual "Top Ten" of underreported stories in 2005, including those in Colombia, northern Uganda, Chechnya, northeast India, Ivory Coast, Haiti, Somalia and southern Sudan. Colombia is one of the countries with the largest number of internally-displaced people in the world; around 25,000 children have been abducted in northern Uganda since the conflict began, and forced to serve as soldiers and sex slaves; Haiti is the

poorest country in the Western hemisphere, and is plagued by armed violence and instability. Bar two minutes devoted to Chechnya, these stories received no television news coverage on the three major television networks in the US.

Who, or what, decides whether a humanitarian emergency, that inevitably engenders immense human suffering, receives international media attention? In mid-2004, when journalists began to swarm over the Darfur crisis, the United Nations Under-Secretary General for Humanitarian Affairs, Jan Egeland, remarked that which crisis was covered was "like a lottery", noting that there were more displaced people in Uganda and DRC.

But choice is indeed involved. As Dennis McNamara, Special Adviser to Egeland on internal displacement, argues: "One has to question the integrity and rigour of editorial processes which apparently do not define 38,000 dead a month [in DRC] to be an editorial priority, worthy of investigative and sustained coverage."

Specialists news services such as Reuter's Alertnet and IRIN News, part of the UN's Office for the Coordination of Humanitarian Affairs, do give due attention to such



Many families have walked for days to arrive in this camp west of Wajid in the hopes of accessing water and humanitarian assistance. In October, 2005, there were 150 families. In January, 2006, there were 1500

emergencies, but the mainstream media's coverage remains woefully inadequate.

Obstacles to reporting long-running conflicts such as those in DRC and Uganda include limited resources and logistical problems such as sporadic fighting and uncooperative governments. In addition, the media suffer from crises fatigue, according to the so-called "Fritz Report" of 2004, conducted by Columbia University's Graduate School of Journalism, which examines what pushes a humanitarian crisis into the headlines.

The complexity of protracted emergencies challenges the media, who seek simple soundbites and obvious victims. "The media prefers new and sudden emergencies, over chronic crises – it is much more difficult to repackage the latter and create a 'new' story. Also natural disasters are more attractive than man-made crises, as all victims can be portrayed as deserving. If emergencies are caused by people, then the story is potentially much more complicated," explains Brendan Cox, senior press officer and emergency specialist at Oxfam.

Coverage of the tsunami eclipsed the reporting of all other natural disasters in recent times. Mark Jones, editor of Alertnet, says that it was the result of a particularly unusual combination of factors. "The tsunami was an act of God, on a vast scale and in places with which news editors were familiar. The time of year also provoked sympathy from a European audience. And unusually for a natural disaster where aggressive initial estimates of the number of dead often go down, the death toll was still rising two weeks after the event. This acted as justification for keeping correspondents out there."

On the other hand, journalists have been largely reluctant to cover the drought, and resultant food crisis, that hit East Africa and the Horn of Africa earlier this year. Cox, who worked on the food crisis, explains: "The media only wants to report it when people start dying. In addition, there are complicating factors: corruption in Kenya; insecurity in Somalia; a questionable regime in Ethiopia. Journalists and editors prefer stories that are clear-cut. A classic example of the lack of sophistication in much

coverage is that journalists are now going to stop covering the story as it has started raining. But the end of a drought doesn't mean the end of a food crisis."

'Natural disasters are more attractive than man-made crises as all victims can be portrayed as deserving'

While criticism is often levelled at journalists, the Fritz Report also highlights the need for non-governmental organisations (NGOs) to provide adequate media training, so that general staff or press teams can supply journalists with the necessary information. Jones acknowledges that "there are some highly effective operators, who have taken a strategic decision to invest in public relations," but notes that most NGOs have to find a way of engaging the press. "Most complain about underreporting by the media, especially of the 'forgotten crises', but if they are

worried about that, then they have to invest more."

But a crucial question remains – does greater media coverage of emergencies necessarily mean increased allocations of funds? The common assumption is that the more television and press attention, the more money – known as the "CNN effect". Certainly the CNN effect seemed in full force after the tsunami. By February 2005, the international community had given US \$500 for every person affected by the emergency, compared to just 50 cents for every person affected by Uganda's 18-year war.

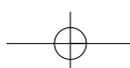
Academic studies, however, point to factors such as the security interests in the region of donor governments and the persistence of humanitarian agencies on the ground. While these factors may be highly significant, the fact remains that demand for aid far outstrips supply and the media evidently plays a critical role in convincing governments where to direct that supply.

As Cox says, ultimately the "humanitarian system must be intricate, sophisticated and robust enough, that funding reflects the scale of humanitarian need, regardless of media coverage." However, while the media are still the

arbiters of humanitarian support, whether they want to be or not, that very responsibility demands that emergencies are given due attention. At the very least, the deaths of 38,000 every month should generate a little outrage.

Zoe Flood is a consultant for IRIN News, an editorially independent part of the United Nations which provides news and analysis about sub-Saharan Africa, the Middle East and Central Asia for the humanitarian community.

The views expressed here are her own.





speaking freely

As Ghana looks to the future, MARY MORGAN investigates the media in a country where freedom of speech is still in its infancy

A SELECTION OF RECENT headlines from Ghanaian daily newspapers: “Kufuor is a hard act to follow;” “Kufuor has syphilis;” “Rawlings, Mandela are role models;” “Ghanaians beware of Rawlings!” (Alas, the syphilis story soon proved to be a not-too-ingenuous fabrication slandering the President).

It’s not surprising stories such as the syphilis allegations appear in the Ghanaian press. It’s tough to sell papers here. The 20-odd “national” papers hardly ever make it out of the capital, and few will sell more than 20,000 or 30,000 copies in a country of population 22 million. Some of the “free” press could be mistaken for government newsheets. Much of it claims to be “independent”, but in reality there are very few which are not run to further a political agenda or even official affiliation. The ruling New Patriotic Party, opposition National Democratic Congress or one of the other smaller parties often reap substantial rewards from this arrangement.

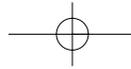
Yet the press in Ghana is an object of real pride, and the press reflects that same

sense of pride – in the country and in itself. This is journalism in its heady youth, with the press “free” for just 14 years.

Freedom of the press was reintroduced in Ghana in 1992, when Flight Lieutenant Jerry John Rawlings oversaw the transition of his own military form of single party rule back into a democracy, reinstalling many of the rights his despotic regime had formerly sought to crush in the process. After one unsuccessful coup, Rawlings had overthrown the government in 1979, and although he relinquished power to an elected government headed by President Hilla Limann, in 1981 he went on to overthrow that government when it proved ineffectual. In the years that followed his illegal assumption of power, he abolished the constitution and suppressed dissent, with a number of journalists losing their lives or being imprisoned. Few private papers even attempted to survive in Ghana during those years, so intense was the censorship and so severe the penalties for

their breaching. The state-owned press churned out the party line, and precious few journalists were able to mount and sustain an effective challenge to Rawlings or his regime.

Today, Rawlings remains a love-hate figure in Ghanaian politics – both the best and the worst thing which ever happened to a country in which he retains a pivotal role. Rawlings won elections in 1992 and 1996, serving two four-year terms as democratically elected president. The constitution prevented him from standing for a third term in 2000. His party, the National Democratic Congress, lost that election to the New Patriotic Party, headed by John Agyekum Kufuor, who was re-elected President in 2004. However Rawlings is still almost universally recognised as the real power pulling the strings in his party, and on any one day at least two or three of Ghana’s many papers will lead with Rawlings on its front page. Five years after he ceased to be president, Rawlings on a front page still sells papers



like no other figure.

And now, papers have the freedom to say what they like about him: to allege that Rawlings has Parkinson's disease, to speculate that his wife may now run for president in a conspiracy attempt to keep power "in the family". Stories such as these closed newspapers in the past.

Before Ghanaian independence was gained in 1957 there had been a vibrant press, but as this generation of reporters died out and another took its place, post-independence Ghana was hardly a fertile breeding ground for any but the most daring of writers. Ghana's first president Dr Kwame Nkrumah had enforced stringent press restrictions, and although these had been relaxed following his overthrow in the coup of 1966, press freedom was again curtailed in 1972 when the Supreme Military Council, a military government, seized power.

It is only since the constitution of 1992, which enshrined in law the rights to freedom of speech and freedom of the press in the country, that Ghanaian journalists have had their first sustained opportunity to develop a free press. Suddenly, voices which had for a decade or more been stifled and suppressed were heard again, with more than 40 new titles launched in Ghana between 1992 and 2001. Until 2001, traces of that same heavy cloud of fear still hung over the heads of those reporters and those papers who dared to scrutinise too closely the work of their newly "democratic" government, with more than isolated examples of bullying and retribution for unfriendly and over-critical journalists. The change of government and a renewed reiteration of a commitment to freedom of speech and press added fuel to a fire which had long since been burning: with so many ideas for how the country should forge its way forward, and suddenly, such a wide open forum for the sharing of those ideas, there are almost more newspapers than there are people to read them.

But the free press has become a free-for-all. Ghanaians have emerged from a period of repression with dozens of axes to grind, and there are more than enough outlets to do the grinding. However the Ghanaian press is still young, with strong charges that newspapers are a product of the political elite and not relevant to the everyday man hard to refute.

The recent example of the controversial Representation of the People (Amendment) Bill is a case in point. It extended the right to vote to all Ghanaians living outside Ghana, and passed into law on February 23. The issue dominated the newspapers and airwaves for weeks. The controversy surrounding the Bill saw the main opposition party protesting violently in the streets, boycotting Parliament for 15 days and facing threats of 94 by-elections to do a job-lot replacement. For anyone following the "news" in Ghana, it seemed the country was on the point of revolution.

It wasn't, of course.

For most Ghanaians living in Ghana the issue wasn't even on their radar. Politicians, and papers, had once again gone right over their heads, debating the hypothetical and abstract – it could be years before the Act is actually implemented – rather than probing the immediate: health, sanitation, education, communities – the kind of issues which affect people day by day, but are pushed aside by newspaper editors week on week.

Voices which had for a decade or more been stifled and suppressed were heard again

This is not to dismiss the work and relevancy of the media in Ghana, whose achievements are numerous. This is not to say that there are not journalists who are tackling issues head-on; to say that papers are dominated by politics, for example, is certainly not to say that most papers blindly follow a party line. Corruption in the system is unfortunately still all too rife, but some newspapers and journalists are acting in the way they should to check this, with one recent example involving "secret" revelations by the now-former chairman of the governing party, Haruna Esseku, about "storm troops" employed by his party during times of election. Predictably even in Ghana, the scandal became dubbed Essekugate, and the disgraced party leader was not re-elected in December's party conference.

Yet as things stand, Ghana has a free press which has not yet learnt how to fully utilise its freedom to both challenge and construct its country; to argue that a free press has so far been a force for good, but that further changes need to be made if this is to continue. Reporters Sans Frontières, the French-based organisation which seeks to safeguard press freedom throughout the world, describes Ghana in its 2004 report as "one of the African countries that most respect press freedom". The constraints on journalists in Ghana are no longer political – rather funding is the single biggest obstacle.

The openly political nature of virtually all Ghanaian newspapers, can be fatally damaging to their advertising potential. The lifeless *Daily Graphic* might be a bore but its bland non-opinions are certainly safe; few businesses want to publicly align themselves with a particular party or cause like the Ghanaian papers so overtly do, but to be associated with the *Graphic* is to be associated with virtually no cause at all. The state-backed enterprise is also one of the few papers with a well-resourced enough distribution network to ensure country-wide coverage; half a million copies shifted daily compared to the meagre offerings of the other "nationals"

gives it the luxury of long queues and even waiting lists to advertise, whilst other papers struggle to sell their space at a fraction of the price.

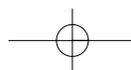
The privately owned newspapers, on the other hand, are driven to more "innovative" ways of keeping their enterprises afloat, with quality and integrity sometimes a high price to pay. There is a notable preference for press conferences and manufactured "news", for example, where "transport" allowances and

free food more than reimburse the journalist his expenses, rather than the more investigative kind of reporting which poorly funded papers can less easily afford. "Advertorials" on behalf of companies, ministries and individuals are often so well-hidden and little acknowledged that they are even passed off as, albeit very bad, front page stories.

Is this a means to an ends, or is such a confusion of journalism and advertising, so misleading and confusing, always wrong? In Ghana, with its exhausting plethora of titles to choose from, if such expectations are not indulged then the advertising will be taken elsewhere, the paper will cease to make any money (or, in many cases, will simply start to lose even more than it already is; too much even for its wealthy and politically-motivated proprietor to keep it going) and it will close. With newspapers so numerous, and their teams consequently so small, it is not even a daily battle between a marketing team driven by financial concerns and the editors concerned with the journalistic quality of their paper and the safeguarding of their journalistic principles; in the case of my paper, as with so many, the battle is an internalised one as the editor weighs up the relative values of income versus output.

Unless there is a radical overhaul of the way the press is funded in Ghana, this is the way it will continue, with the bound-to-be neutral *Daily Graphic* dominating a scene others can only hope to enter – to the detriment of democracy. Despite the sentiments of Reporters Sans Frontières, as things stand Ghana has a free press which has not yet learnt how to use this freedom to both challenge and construct its country. The state has gone some considerable way towards facilitating this freedom; now it needs to go further towards making sure this freedom works.

Mary Morgan is Acting Editor of The Statesman, a national Ghanaian newspaper based in Accra; www.thestatesmanonline.com





political jokes

(and why they get elected)

Activist, satirist and bestselling novelist, JOHN O'FARRELL, asks whether lampooning our leaders actually makes any difference

OVER THE PAST 20 years I have spent much of my spare time desperately trying to get politicians elected and then all my working day ridiculing them. For some reason the former generally seemed to do them more damage. During this time I have rather got the impression that many people believe that political satire is a tremendously powerful weapon that has been used throughout history to bring down governments. "If only it was more hard-hitting ..." the critics have always said. But my years writing political jokes have taught me that satire is approximately as powerful as Margaret Thatcher was witty.

By the time I joined the inner circle of writers on *Spitting Image* the Iron Lady had been in power for ten years and a decade of alternative comedy and latex lampoonery had not made the slightest dent in her armour. Obviously comedy was even less effective on a Prime Minister who had had her sense of humour surgically removed at birth, but the main reason she was so immune was because she was so politically secure. Satire can only be effective when a politician is already in a weakened position. During the mid-1980s for example, the Liberal/SDP Alliance found themselves in the precarious position of having two leaders. *Spitting Image* portrayed David Steel with a tiny sycophantic puppet that stared adoringly up at David Owen. The former Liberal leader has since conceded that his public image was definitely affected by this – that *Spitting Image* had effectively sold the line that Steel was the weaker of the two. I believe this was one of the most important factors in making the Liberal leader decide to assert himself so vigorously after the 1987 General Election and try and force David Owen into a merger of the two parties. Owen resisted and they ended up fighting each other, most notably in the 1989 Richmond by-election. They split the Alliance vote of 27,000 votes, letting in the Conservative candidate – a certain William Hague – who was elected with 19,000 votes. Without that split Hague would have had to wait until the 1992 election to enter Parliament and would never have become a minister quickly enough to be leader after just one Parliament. Thus it is my rather bold assertion that without *Spitting Image* William Hague would not have been leader of the Conservative Party. So although we might not have been able to damage the Tories in the Eighties, we certainly planted a time bomb to scupper their chances of winning anything fifteen years later!

In the run up to the 1992 election we got the chance to run a definitive test on the power of political comedy. We were given permission to do a *Spitting Image* election special the night before the general election. We grasped this opportunity with both hands and wrote countless sketches telling the British people why John Major's government should be thrown out. "There ..." we thought, "that will teach them to unleash the power of satire upon an undecided electorate ..." In the general election the next day John Major got more votes than any party leader since the war.

Several newspaper articles suggested that *Spitting Image* had perversely helped the Tories achieve their surprise victory. Indeed, Martin Linton MP, one of the countries leading

psophologists, told me at the time that he felt the programme had damaged Labour. I remain unconvinced that we ever had that much power to change people's minds either way, but I can understand why some people thought we may have achieved exactly the opposite of what we set out to do.

Because we were going out at such a sensitive time, the Independent Broadcasting Authority absolutely insisted that we were completely equal in our treatment of all three political parties. In theory this meant the jokes about the Tories weren't allowed to be funnier than the jokes about the Liberals, and the satire about Paddy Ashdown had to be exactly as satirical as the satire about Neil Kinnock. Of course the joke-police quickly realised that this was an impossible thing to measure, so they settled on the formula that the three political parties had to have exactly the same amount of airtime devoted to each of them. So we found ourselves in the ridiculous situation where we were exclaiming "Oh no, we're seven seconds under on Labour – someone write a Roy Hattersley quickie!"

Without *Spitting Image*, William Hague would not have been leader of the Conservative Party

We sneakily thought that the way to get round this was to use our time with the Conservatives attacking their terrible record in government, and our time with Labour showing them messing around putting up posters or whatever. The only catch was that these ended up being the funnier and therefore more effective sketches. Nobody particularly listened to all our boring anti-Tory propaganda, but laughed along at the Labour puppets making idiots of themselves and maybe subconsciously thought, "Blimey – that Labour lot are a bunch of prats, aren't they?"

Perhaps the most satire can ever hope to achieve is to help crystallise a feeling about a government policy or individual politician that is already in the ether; such as the way that *Spitting Image* outed John Major as grey. Comedy also has the potential to bring political issues to a wider audience. *Have I Got News For You* has gone into great detail about the shady behaviour of Jeffrey Archer for example – and because this programme sugars the pill with jokes, millions more will sit up and listen. But of course comedy can be used by politicians as well as against them. Just after the general election, Neil and Christine Hamilton appeared on *Have I Got News For You* and the way in which they just laughed at all the jokes at their expense did them no harm at all. "I'd far rather tell political jokes than be one", said Hamilton to the great approval of the studio audience. While to his credit Ian Hislop tried to force some answers about some of the outrageous things that Neil Hamilton had done, the couple just carried on laughing as if this was all part of a good natured bit of joshing. That can be the trouble with jokes – people always seem to

think that you're joking.

And an MP who is perceived to have a good sense of humour is more attractive to voters. Back in the 1990s I was working on a political panel show called *If I Ruled The World*. In one edition the two teams had been running neck and neck and then Richard Wilson came out with a joke policy that we had given him earlier in the day. "We're going to get rid of television's bad language watershed which, let's face it, is a fucking waste of time." It got by far the biggest laugh of the evening and Clive Anderson called for another vote from the studio audience immediately afterwards. Suddenly there was a huge swing to Richard Wilson's team – clearly they won because of this particular joke. So it is no wonder that politicians occasionally try and secure the services of professional comics to try and assist them. John Prescott has used jokes supplied by Roy Hudd's writers (my favourite was "It's true I have gone all middle class – now I keep my coal in a bidet"). Anthony Jay, who co-wrote *Yes Minister*, used to make contributions to Nigel Lawson's speeches and in the introduction to his fine book, *It's Not a*

Runner Bean, Mark Steel reveals that he declined a request for jokes from Robin Cook. For many years, my former co-writer Mark Burton and I have wrote the occasional joke for Gordon Brown.

You could argue, probably quite convincingly, that there is a conflict of interest in satirists working too closely with a prominent politician, especially one who is in power. But this ignores the very important consideration of what a thrill it is for tragic political groupies like ourselves to be invited to Downing Street. When we finally got there, Mark Burton stopped in the doorway of 11 Downing Street and turned to announce "Enough of gag writing – it is time to lig."

Such is the fate of the political satirist in Britain. In Iraq or Indonesia we would be dragged off to a darkened cell to be tortured. Here we are invited to media parties and eventually to the centre of government to hobnob with the establishment that we originally set out to undermine. I don't know which is the more effective way of neutering political criticism. "Of course I'll write your jokes for nothing Gordon, and yes, Chris Smith, I'd be delighted to come and speak at your constituency party and yes of course I'll come and read from my book at an MPs' party at the House of Commons and yes of course I'll do a speech at a social event at Labour Party conference." Ten years after I started on *Spitting Image* things have come full circle. Finally the politicians are taking the piss out of me.

John O'Farrell's latest novel, *May Contain Nuts*, has just been published in paperback by Black Swan



fiction & science

NICOLA WILSON praises authors who have bridged the divide

SCIENCE AND LITERATURE: two opposing disciplines maintaining a respectful yet uneasy distance from each other. This is particularly true in the current British education system where students must choose a few, usually related, subjects at 16 and then continue to specialise as they move into higher education.

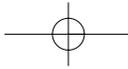
Although times have changed since Douglas Adams was forced to make what he considered a regretful and unnecessary decision between arts and sciences at A-level, specialism within further and higher education persists. During his celebrated writing career, Adams often engaged with scientific concepts and was enthusiastic in his promotion of the links between science and literature. However, the

necessity of choosing a specific pathway at 16 prevented his professional engagement with science and denied the scientific community a brilliant mind. Even as an A-level student in the early 1990s I was rather unusual in my choice of English and Maths, combined with Biology and French. I still feel, however, that the broad knowledge gained from this choice of A-levels was worth the rather perplexed looks that accompanied my initial decision.

Fortunately, at a higher level, interest in interdisciplinary approaches continues to grow. Projects like SciTalk (www.scitalk.org.uk), set up with NESTA funding in 2005, encourage communication between fiction writers and scientists by providing a web-based facility through which participants can email, and

organise meetings and visits to labs in order to promote a greater usage of science in literature. Recent studies of ways in which writers explicitly address scientific concepts in literary texts, and the figurative language used by scientists to communicate complex ideas are also contributing to an increased awareness of the connectedness of things.

Alongside the revered specialist increasingly stands the generalist, whose work on topics such as the interaction between ideas in science and literature reminds us of the somewhat arbitrary nature of individual academic disciplines. Gone are the days of scientific hegemony; a time when one discipline was believed to hold a position of ultimate influence over other areas. Instead, the investigation of



interactions between different subjects is revealing the relationship to be complex and non-linear, involving both direct influence between disciplines and the absorption of ideas into and from the contemporary zeitgeist.

Some writers, such as Ezra Pound and Lawrence Durrell, choose to engage with scientific concepts in an explicit manner and their texts have been the focus of recent studies concerning the interaction between science and literature. Critical analysis of this nature is extremely useful in the delicate process of unpicking the interdisciplinary forces at work in our culture, but it is largely based on exploring conscious decisions made by writers. I was interested to consider how interdisciplinary relationships manifest themselves in texts by writers whose interest in science is less obviously documented than that of Durrell, Pound or Adams. Would the interaction still be perceptible, or did such forces operate only at a conscious level?

The literary editor and novelist, Ford Madox Ford, seemed an ideal candidate for investigation. Here was an immensely prolific writer, an extremely well-known and active participant in the intellectual milieu of early 20th-century London, yet a man whose alleged attitude to science was that "he did not believe a word of it". Despite Ford's close involvement with periodicals – some of which published both art and science writing – and his relationships with academic figures from many different disciplines, he chooses not to engage with any of the highly contentious scientific ideas of the time in his extensive memoirs. If Ford's writing showed the interaction between the scientific and the literary, then perhaps the relationship between these seemingly uncomfortable bedfellows was more subtle and immanent in our culture than our education system would have us believe.

Ford's tetralogy, *Parade's End* (1924-28) follows the life of Christopher Tietjens from 1912 until his re-absorption into civilian life after his experiences in the First World War. Its narrative style is remarkable due to the combination of traditional characterisation through detailed description and chronological development, and the use of typically modernist devices such as time-shifts, multiple perspective narration and stream of consciousness passages. Both Ford and his close friend and writing partner, Joseph Conrad, were engaged in the pursuit of a "New Form" for the novel, and Ford's experimentation with different narrative techniques, that brought individual perspectives and the relative nature of knowledge to the fore, was very much part of this enquiry.

In his pursuit of a reading experience that would render reality with all its uncertainty and multiplicity, Ford often chose to remove the omniscient narrator from the tetralogy, forcing us to rely on the individual, relative perceptions of the characters. These character/narrators expose the limits of their own knowledge too. Thus we never learn the age or origins of Tietjens' closest friend as he admits to a "certain blank in [his] knowledge" where this information is concerned. Ford purposely allows many of the gaps in the text to remain unfilled in order to represent the limits of relative knowledge.

At the same time that Ford was developing a narrative style that allowed for the interplay between omniscient and relative knowledge, science was also investigating the ways in which observation affected reality. Einstein's Theory of Special Relativity (1905) undermined the notion of the privileged observer by showing how readings of all observers were equally important, even if their results were incompatible. In the Theory, the act of measurement, and therefore the results themselves, are inextricably linked to the act of observation in the same way that reality in *Parade's End* is dependent upon the relative position of the character/narrator. Ford may not have had explicit knowledge of Einstein's ideas but his use of multiple perspectives shows a keen engagement with the concept of relative knowledge, which would have contributed to the prevalence of such ideas in the zeitgeist of the period.

Gone are the days of scientific hegemony; a time when one discipline was believed to hold a position of ultimate influence

Einstein's work also demonstrates that time is relative to the position, direction and velocity of the observer; a relationship that Ford explores, albeit implicitly, through experimenting with narrative and ideological time. In *Parade's End*, chronological time is often subverted by personal time. Throughout the tetralogy, radical time-shifts (where situations are replayed from different perspectives, or where gaps of days or months suddenly appear in the plot without explanation) present time as fragmented and relative. When Tietjens parts from his prospective lover, Valentine, at the end of the first book, he claims that she can: "cut out from this afternoon, just before 4.58 it was when I said that to you and you consented ... I heard the Horse Guards clock. ... To now. ... Cut it out; and join time up. ... It can be done. ... You know they do it surgically; for some illness; cut out a great length of the bowel and join the tube up. ...".

Although Valentine does not believe him at this stage, later in the tetralogy she acknowledges the elasticity of personal time. When she hears of the Armistice she reflects that the world has waited "for years, for a generation. For an eternity." Here, the elongation of four years into an eternity indicates that mathematical measurement is arrested by the collective desperation of human consciousness. Time, in Ford's tetralogy, is a narrative medium no longer subject to the confines of chronological progression; instead it becomes a relative construct that is conceptually similar to the temporal theories that were being developed in the early 20th century.

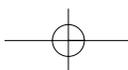
The dynamic and multifaceted nature of the relationship between science and literature continues to create difficulties for the literary critic, but by studying a work like *Parade's End*

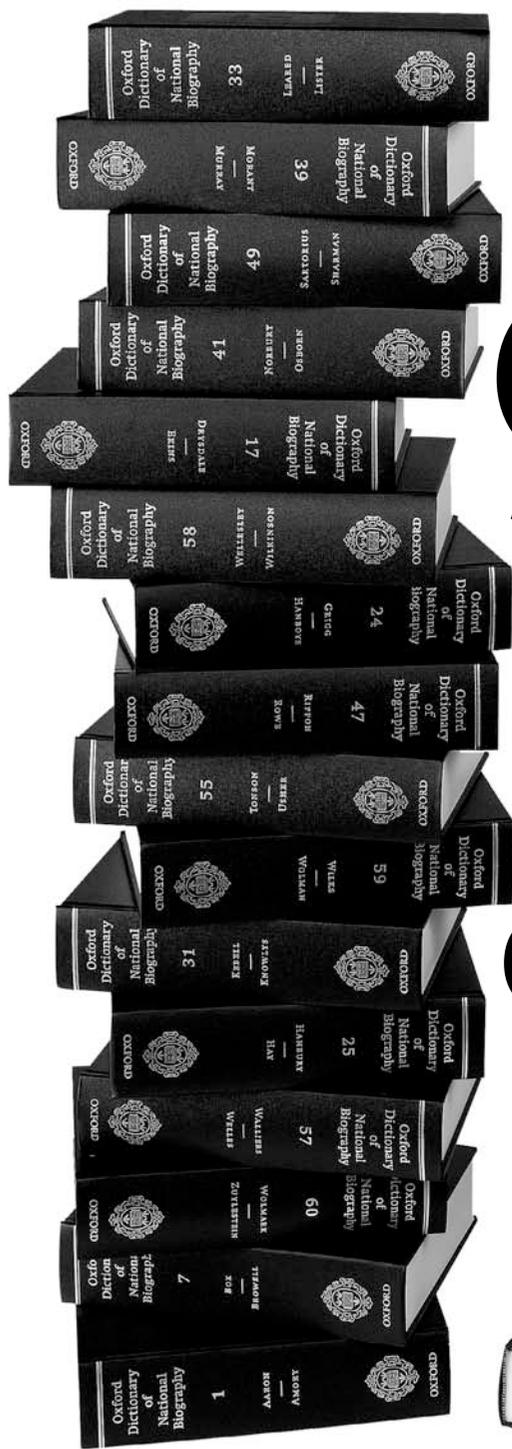
it is possible to uncover an implicit relationship between literary and scientific ideas. When exploring on this implicit or subconscious level, the concept of the cultural zeitgeist is essential. The existence of the zeitgeist, which acts as a meta-discourse in which all other discourses come together and interrelate, widens the sphere of influences outside the traditional boundaries of the arts, whilst also avoiding earlier simplistic models that assume scientific hegemony. Furthermore, viewing any text as a culturally produced object opens up the possibility of analysing contextual elements that might initially appear to be unrelated to the subject matter or writer of a text. In the case of a novelist such as Ford, whose extensive *oeuvre* makes so few references to science, this provides a structure for analysing the close parallels between the literary ideas underlying his narrative style, and the scientific theories of the time.

Of course, it is impossible to know the extent to which Ford was aware of the relationship between his narrative techniques and these scientific theories, but it is possible to demonstrate the prevalence of interrelated ideas in *Parade's End*. Some of these connections, such as the similarity between Ford's representation of time and the scientific concept of relativity, suggest that his participation in the contemporary zeitgeist affected the way he viewed the world, and in turn would have influenced the way others perceived it.

If the production of creative texts is subject to such unrelenting pressure from the cultural zeitgeist that even writers who eschew subjects such as science are affected by its ideas (not to mention the influence of the ideas of writers, for example science fiction writers, on science itself), then surely it is equally important for the critic of such texts to be armed with a similar pluralistic methodology. Specialism, particularly at a young age, makes it more difficult to attain the knowledge needed when pursuing an effective interdisciplinary approach. Whilst specialists clearly play an extremely important role in society, it is imprudent to adhere to a rigid view of subjects and an outdated conception of the ways in which they interrelate. Science and literature offer undeniably different ways of understanding our world, but to overlook their complex interaction is to create a false and ultimately restrictive dichotomy.

Nicola Wilson completed a Masters in English Literature at The Open University and teaches English and Media at Hill's Road Sixth Form College, Cambridge





the great british dictionary



LAWRENCE GOLDMAN discusses the *Oxford Dictionary of National Biography* and the role biography plays

IN SEPTEMBER 2004 the Oxford Dictionary of National Biography (DNB) was published simultaneously in 60 volumes and online. Twelve years in production with 63 million words and 10,000 contributors, it is the largest single work in the history of the English language, the largest single collaboration in the

history of the humanities and, with over 10,000 images, it is also the most comprehensive collection of British portraiture. It comprises 50,000 articles on approximately 55,000 noteworthy people in British history – from Pytheas, a 4th-century BC Greek from Massalia (Marseilles), who navigated round the British Isles and left the first description of our

homelands, to Princess Diana.

The first DNB was published in quarterly instalments between 1885 and 1900. Its founding editor was Leslie Stephen – the Cambridge don – Victorian man of letters and father of Virginia Woolf. Thereafter, volumes were added covering those who died in each

decade through the 20th century. By 1990, the DNB was not only somewhat outdated in its facts and judgments and surpassed by recent scholarship, but also unwieldy and difficult to use. Oxford University Press, to whom the work had been given during the First World War by the family of George Smith, the original publisher of the DNB, determined on a new edition, and appointed the late Colin Matthew, Fellow of St Hugh's College, Oxford and editor of Gladstone's diaries, to be its editor. Though Colin did not live to see it, under his successor, Sir Brian Harrison of Corpus Christi College, the *Dictionary* was published to his remarkable plan, and to time, at a cost of £25 million, with most of the funds coming from the University Press itself. The remainder – £3 million – came from the British Academy.

The *Oxford Dictionary of National Biography* is an organic development from the first DNB. It includes all the 33,000 lives found in the first *Dictionary*, the vast majority of them rewritten from scratch, and the new memoirs which it contains have retained the same basic style and structure as in the original work. The aim has been to maintain the clarity, impartiality and the quiet tone of understatement of the first *Dictionary*. But in its greater attention to the personal life of its subjects and in its eye for their eccentricities, habits, and physical appearance, it is also hoped that it provides a fuller and more revealing portrait of figures from the national past.

In thinking about the differences between the old and new *Dictionaries* three themes stand out: the types of people now included, the definition of “national”, and the relationship of biography to academic history as two different but related ways of writing about the past. It is often said that the first DNB was composed of the “three Ss”: soldiers, scholars and statesmen. In conformity with the late Victorian view of the past it included relatively few women, businessmen, engineers and technologists (as opposed to pure scientists, whose claims to notice were accepted by our forebears), entertainers, sportsmen and sportswomen, and figures from popular culture. Perhaps things have now gone to the other extreme, with the inclusion of Freddie Mercury and Sid Vicious, but such a move has been met with the approval of a public who accept that, for good or ill, these two are now among the most notable figures in *society*. The number of women in the *Dictionary* has trebled, drawing on the remarkable expansion of our knowledge of women's lives and their influence over past generations. Among additions to our coverage of the 20th century, entrepreneurs of different sorts are perhaps the most numerous. In this way the new DNB reflects contemporary values.

The new *Dictionary* is also reflective of the complex national components of the entity we know as Britain. The numbers of Scots, Welsh and Irish have all increased in recognition of the importance of each of these nations in its own right. We have stayed faithful to Leslie Stephen's magnificent – and so helpful – failure to define the meaning of “national” in the title of the work. Definitions are by their nature exclusive, and the policy of the new *Dictionary* is to be inclusive. Thus it includes many figures born in Britain, but who lived and achieved

fame overseas, often in the Empire. It includes many figures born elsewhere who came to Britain and made a mark on national culture: Erasmus, Marx and Freud come to mind and are each included. The editor's personal favourite in this category is a gentleman who has had a profound effect on British waistlines and teeth, and who has helped us to “work, rest, and play” – one Forest Mars, an American who spent two years only in Slough in the 1930s, just long enough to invent the Mars Bar before returning to the United States to make his fortune in confectionary. The *Dictionary* also includes people who never set foot in Britain but who have helped shape national history, such as the leaders of 20th-century anti-colonial movements in Africa and Asia, or many of the 700 colonial Americans who have been added to the DNB and who never saw the mother country before the events of 1775-76.

The educated public has always been fascinated by historical biography and has gleaned its sense of the past through these lives

But does the publication of the *Dictionary* and the dedicated work of so many historians in Britain mark a return to a more individualised view of the past, indeed to “the great men” theory of history? Over the past two generations the focus of academic history as practised and taught in universities has been on structures rather than people: on the economic foundations of social life; on the institutions that governed, or failed to govern, different social and national groups; on the ideologies that determined the policies of rulers and the responses of the ruled. The concepts and languages of Marxism, structuralism and post-structuralism, coming into and out of fashion, continue to influence the way history is written. Yet all the while popular interest in history has been fuelled by biography. Open any Sunday newspaper and its books pages will be dominated by publications about people, especially famous and noteworthy people from the past. The educated public has always been fascinated by historical biography and has gleaned its sense of the past through these lives. The appetite is undiminished as recent celebrations of the Battle of Trafalgar, and the interest in Nelson, have demonstrated – or, in another way, as the large audiences for the BBC's recent series *Great Britons* attested. It would be an exaggeration to claim that the DNB is part of a widespread academic trend away from thematic, theoretical and structural approaches to the past, but it does mark a return to serious engagement with history as the result of individual agency as formed by individual action, decision and identity. Indeed, the *Dictionary's* publication and widespread use will accelerate this trend in academic circles, by demonstrating the enduring analytical power and range of the individual memoir. It is hoped that if it brings academics to a deeper

appreciation of the role of the individual in history it will help reconnect academic history with more mainstream and popular interest in the past, which has never lost its entirely reasonable focus on the intrinsic interest and intelligibility of the individual life. The public understand history through biography, and academics should work with the grain. The DNB should make that more possible than ever.

But a false dichotomy should not be constructed between biographical and structural approaches. For it is one of the great features of the new *Dictionary* that very many of its articles combine both approaches in a single life, setting the individual in the wider historical milieu in which he or she lived; suggesting the economic, political and intellectual influences that made them what they were; showing how individual lives were formed and also frustrated by different institutions, from schools and

universities, to churches, law courts and parliaments; placing the individual in association with others from their group, be that group the barons who forced King John to sign Magna Charta; the courtiers of Elizabeth I; or the suffragists and suffragettes who pushed forward votes for women. Given that the *Dictionary* is the achievement of a generation of scholars trained in these more structural approaches, it could not have been otherwise; life and context are inextricably linked together in the outlook of contemporary, English-speaking historians. Many of the articles on the most significant lives in the *Dictionary* of monarchs, prime ministers, great writers and artists, end with a section of “assessment” that carefully places the life in its own times and also in history, tracing how it has been interpreted and reinterpreted subsequently in different eras and contexts.

The DNB is an ongoing project; every year we will add several hundred lives to the online *Dictionary*. Some will be ‘missing persons’ from the past, whose claim to attention has persuaded us to add them to the collection. Others, approximately 200 a year, will be lives of the recently deceased. In January of this year we added memoirs of those who died in 2002 including the Queen Mother, Barbara Castle, four Nobel laureates, Spike Milligan and Dudley Moore. Next January, we will add the lives of people who died in 2003 and so on. Log on and see for yourself at www.oxforddnb.com or consult the 60 volumes that now reside in many public and academic libraries.

Dr Lawrence Goldman is Editor of the Dictionary of National Biography, and Fellow and Tutor in Modern History at St Peter's College, Oxford

ethical seduction

STEPHAN LITGER looks at Hollywood's renewed love affair with morality in film

REMEMBER A TIME not long ago (maybe a year or so) when Hollywood stood for commerce, for irrelevance to life, for pre-packed, ready-digestible moviemaking. For us – the movie-consuming elite – “Hollywood” evoked a quasi-instinctual reaction of *dégoût* by all our higher-than-average developed senses. There seemed to be two distinct movie worlds: the hyped but ephemeral Blockbuster universe that we go see with our popular friends during release weekend, and those films that were ambiguous, thought-provoking and of a more noble ambition – a bit like ourselves and our closest friends.

Things are not what they used to be. A look at this year's Oscar nominations makes the world appear upside down, inside out and our good old categories somehow shattered. Where there were eight or ten predictable nominations for blockbuster ready-mades such as *A Beautiful Mind*, or *Lord of the Rings*, this year we find the likes of *Brokeback Mountain*, *Capote*, *Crash*, *Good Night and Good Luck*, and *Munich*. The budgets of those five combined could hardly finance any one of the movies that may have won in the past. Suddenly, the Oscars no longer seem like this über vain self-celebration of a predictable outcome. As we feel our cynicism towards the event diminishing, there is a genuine new interest in the Academy of Motion Picture Arts and Sciences as a potential place for true artistic recognition.

In fact, the list of nominees is nothing short of a revolution. While Bush's axis and Blair's dogmatic conviction have managed to polarise the world, filmmakers have found the means to deal with their increasing sense of asphyxiation in their own particular ways. By recreating a plethora of narrative universes that not only question the morality of the oppressive times in which they are set, but consciously challenge the ethical principles and aesthetic perceptions upon which the order of those times were based. The simple trick is then to take them as a metaphor for today's situation.

Obviously, nobody consciously chooses oppression over freedom. Instead, there is always a sneaky process involved that enters society at the margins of well-intended, rational discourse. The potential for oppression and injustice is inherent in society's very structures, eventually gathering enough momentum to take it hostage by its own means. Without undergoing a change of values, history knows plenty of examples where society's freedoms are suddenly turned on their heads, becoming anti-social or even fascist to large parts of its own members.

Directors of this year's Oscar nominees have understood that no aesthetics can ever be ethically innocent

The witch hunt of McCarthyism and the suppression of homosexuality as shown in *Good Night and Good Luck* and in *Brokeback Mountain* respectively; the ability of good citizens to kill in cold blood that *Capote* tried to understand; and the *Munich* victims of fundamentalist terror seeking revenge by creating a system of even greater terror and destruction. These are all examples of good, freedom-loving citizens turning evil by declaring their own point of view to be the measure of all things, thus finalising the defeat of those values they originally set out to defend. Intolerance and barbarism towards those that are different from us – also painfully exposed by this year's winner, *Crash* – is the ever-present threat at the very centre of the enlightened community in which we live ... and of this year's Oscar nominees.

While no rational discourse can ever grasp the shadows and tragic ironies cast by its own superior point of view, film can. And this year,

apparently, Hollywood can. Film's immediate language of juxtaposed images creates structures and associations in our perception that appeal foremost to our unconscious and our senses. It is an aesthetic language, in which reason plays a secondary role.

We all know what it feels like to sense greatness and truth in a movie long before we are actually able to determine what exactly it is that attracts us to its particular universe. It can be something about its tone, its characters, its colours, its sound, a particular scene we love, or simply its general atmosphere that seduces us

into sharing a perspective whose scope we have not yet grasped; and maybe if we did, we would violently reject it.

But film is clever. It first brings us enjoyment, then it dawns on us that maybe we weren't supposed to enjoy it half as much. By the time we realize that consciously, it is already too late; we are converts without ever having given our consent to be converted. The revolution could take place in us because we weren't aware of it. By involving the audience members emotionally and making them care about what they experience on screen, the charismatic cinema thus compels its viewers to be engaged against their own choosing.

By that mechanism, film can imitate life as aesthetic appreciation precedes and conditions our capacity for ethical interpretation. Though we are mostly unaware of it, events in our daily lives can acquire meaning for us only via our personal likes and dislikes. Nazi propaganda was one of the earliest to exploit film's potential

for political ends, though director Leni Riefenstahl always denied the connection. But a public aesthetic that denies its inherent ethics is either vicious or naïve in its essence, while an ethic that lacks sound aesthetic foundations results in a moral void – political correctness at best.

We find things “repulsive”, “appealing”, “disgusting”, or “valuable”. If we want to express ourselves ethically, we have to voice it via our vocabulary of aesthetics. Language can’t discriminate, and neither can our unconscious, nor our emotions. If we like something, we like it; this is as superficial and as deep as it gets.

Successful artistic creation uses this to its own advantage. It attempts to find forms of expression that explore society’s current aesthetic frontiers, trying to take it to the next level. Putting society’s understanding and tolerance towards novel forms of discourse to the test, artistic creation always takes place at the intersection of aesthetics and ethics. It is only anti-artistic, scientific discourse that treats them as two separate entities. However, if you like the storytelling of *Munich*, chances are that you will agree with its ethical premise. If you disagree with the latter, you will most likely also have a tendency to reject *Munich* as a film altogether.

This is why this year’s Oscar nominees have succeeded in reviving the art form of filmmaking. The directors have understood that no aesthetics can ever be ethically innocent. Instead of giving in to bitter resentment in their reaction to the upsetting political status quo, they were successful in restructuring the language of Hollywood by altering its inherent aesthetics. Large parts of a confused audience, deprived of its traditional Hollywood happy ending, were likely to react with genuine moral outrage.

Many right-wing and fundamentalist groups in America, which, by their very principles, are hostile to ambiguity and alternative forms of discourse, see themselves already in the heroic position of fighting a cultural war – the Good War – against the “left-wing propaganda” made in Hollywood. For them, there is nothing less at stake than the survival of western civilization. Their favourite enemy is multiple Oscar nominee George Clooney.

While this year’s academy awards already remind many of the Golden ‘70s of the Nixon era, when engaged filmmaking was at its peak, it is hard to predict whether this attempted putsch will strike a chord with the movie-going public in the long term. Audiences won’t approve at the box office unless they feel comfortable with what they see.

Much will depend upon the political developments in the US and the rest of the world. As long as people feel uncomfortable with the current political status quo, the cinema can continue to act as inspiring counter balance to public discontent, giving the audience the visual empowerment they crave. However, if the political climate changes for the better, it might be inevitable that mainstream cinema will become decadent, irrelevant, or simply “Hollywood” again.

Stephan Littger is a filmmaker and currently lives in New York

Mary Harron

in her own words



Journalist turned screenwriter and director, Mary Harron’s film credits include *American Psycho* and *I shot Andy Warhol*. Further achievements include dating both Tony Blair (the “sweet guy”) and Chris Huhne (the “good-looking guy”) whilst studying at Oxford. Here, she discusses her long and ultimately successful struggle to find fulfillment and happiness in her career.

“BORN IN NORTH Ontario, I grew up in a lot of different atmospheres, moving to many different places in the world. My father being an actor, I guess my early memories of him taking me along to work left quite an impression. In that sense, I was probably lucky because the idea of working in film wasn’t an unknown, unimaginable world to me. Also, I got taken to the theatre from very early on – you know when I was like three or four, my father would take me to see those Shakespeare plays. I really read a lot as well. I thought I’d be a writer or a painter. I surely didn’t have any notion that I’d be a director – it never occurred to me that I would or could ever do that.

I had thought I would apply to art school – then my English teacher said he thought I could get into Cambridge, though I ended up studying English at Oxford instead. I was very flattered that somebody thought I could do that. I was friends with a lot of different people and social groups: the first couple of terms I was involved with the theatre people. And I did a lot of acting. Then I moved on to writing movie reviews for *ISIS* and really enjoyed it. In my last year, I became the editor of *ISIS* with Patrick Wintour who is now a foreign editor at *The Guardian*. So from my midpoint in Oxford, my friends and I were suddenly all aspiring journalists – I was very set on that. But I still also had the idea of maybe ending up in Hollywood writing screenplays. Certainly I liked the romantic idea that the screenwriter’s life was an artistic battle, that they are all tortured and terrible, leading invisible and horrible lives having that tragic experience. It wasn’t really necessarily that I wanted to suffer but I was interested in that kind of life.”

“After graduation, I just wasn’t sure what to do and went back to Canada. I had that post-university letdown where we were told that we had to face the Real World now.

“One day, a friend of mine invited me to New York for his 21st birthday party. I fell just completely in love with that city. And that was the big event in my life: moving to New York! I had no idea what I would be doing there. I stayed with a friend for two nights – then they

found me this cheap hotel. They had these jobs that you would look at for room and board. I chose the craziest one: a movie company. So I guess this was my first job in that business.

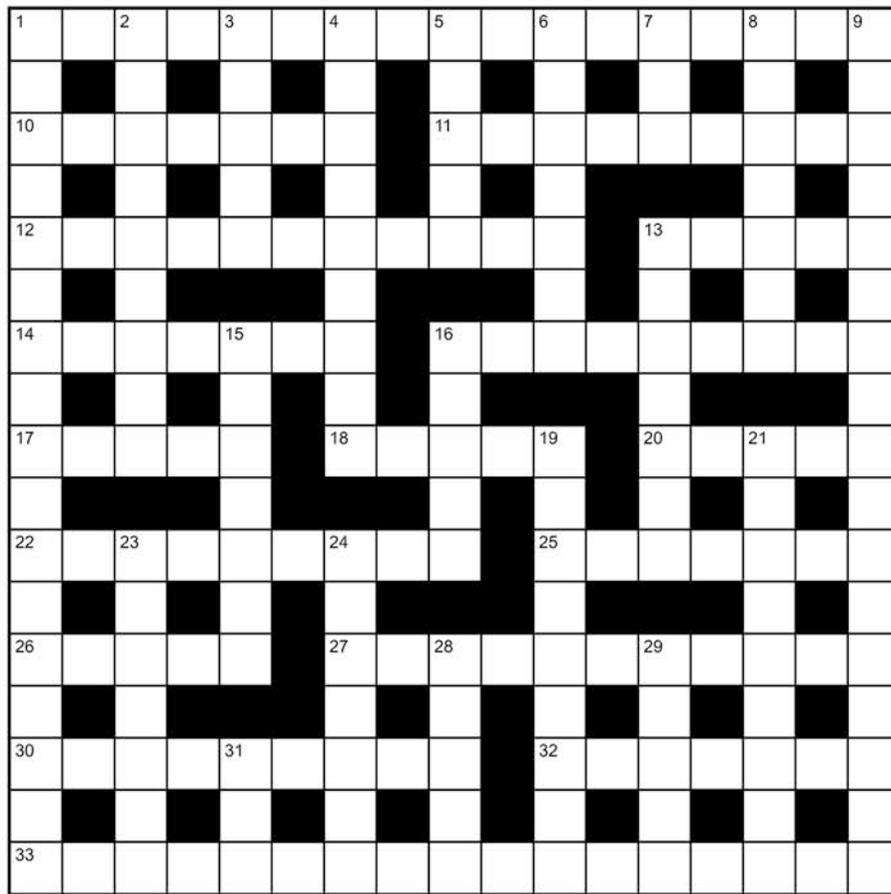
“When I was 26, I moved back to London. At that point I felt like: “Oh my god, what’s happening to my life?” At 27, I got a job writing reviews for *The Guardian*. It was a good job but I became really miserable. I was so frustrated in London and I didn’t like what I was doing. I started to lose my real love. I knew I had some kind of creativity. I didn’t know what it was, but I knew I wasn’t using it. Then I was very lucky. Somebody I had worked with was starting a Channel 4 music show called *Earsay*. It was the first kind of pop-magazine show and they asked me to come in as a researcher on a pilot. I remember very clearly the first time I walked into an editing room, I was like: “This is where I want to be and this is what I want to do for the rest of my life.” I was 31.

“After that, the step from documentary to feature film simply seemed very remote. I had some notion that you have to know a lot about lenses and cameras. I worked with a lot of young men who were all very interested in technical aspects – I thought I probably wouldn’t be any good at that. In the movie world, women face the assumption that you are just not going to be good at what you are doing. I still feel a certain weakness when talking about the camera and lighting. But being a woman director, I now feel I have a great opportunity of exploring new territory with all these different stories and perspectives that have not been told. But getting there was not easy – you have to be very determined.

“I think directing made me a better person. It’s terrible to not find the thing you’re good at and I felt like that until I was in my thirties. But once you find what your talent is, it releases something in you and settles you and allows you to maybe even stabilise. Finding that thing that I was meant to do was the most important thing to me.”

*This interview was taken from Stephan Littger’s book, *The Director’s Cut*, released in September 2006 by Continuum Books*

OLD BILL by Dunnock

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The wordplay in each clue indicates the answer with one letter omitted. These letters, in clue order, spell out five thematic words. The unclued entry at 1ac provides the theme.

ACROSS

- 1 *See preamble* (3,5,9)
 10 Choose a Greek girl (7)
 11 Outrageously posh room for second-year student (9)
 12 TV network broadcast *Kid Neo* once (11)
 13 Italian character making a comeback in *Caligula* (5)
 14 Italian article responsible for pasta (7)
 16 Thoroughly English, with jolly nice country house for starters (5,4)
 17 This motor will do, we're told (5)
 18 Regulars in alehouse for years (5)
 20 *Endeavour's* back in America (5)
 22 Put out fire and take the lid off hot spicy dish (6-3)
 25 Postal mix-up provokes epistle-writer (7)

- 26 Short note to New York (5)
 27 Heartless fathering brings curse (11)
 30 Cheese is turning me crazy! (9)
 32 Minesweeper's float, in ordinary run of events, stays afloat initially (7)
 33 Notice smell of footwear in the air? (3,5,2,3,4)

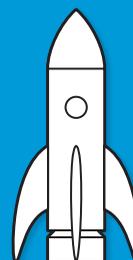
DOWN

- 1 Dicky hates ninth *Piglet* film (3,7,7)
 2 Crier's upset on river – he's reported to think Jim'll fix it (9)
 3 Topless championship material from Tampico (5)
 4 Poor apes manipulated in TV show (4,5)
 5 Passageway found within bailey (5)
 6 Spending power measure in old Spain (7)
 7 Be good enough for God (3)
 8 Love, for instance – a key notion leader's lacking (7)
 9 I hate death scenes terribly, but it's out of my hands now (3,3,3,4,4)
 13 A Yankee's keen on attack (3,4)
 15 Provision of food that's said to be less tasteful (7)
 16 Neoptolemus protects Eleusinian initiate (5)
 19 Patsy has control before attack (9)
 21 Light eccentricity observed in Roaring Forties (3,4,2)
 23 24's outside with me – he arrived early (7)
 24 Pray when priest starts to intone his Easter Eucharist (7)
 28 Disease from horseplay? (5)
 29 Salt from French home (5)
 31 Alternative logic gate (3)



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