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THE LIBERAL STATE VS THE NATIONAL SOUL: MAPPING CIVIL SOCIETY TRANSPLANTS

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ABSTRACT

The story of the liberal agenda in the former Yugoslavia and other 'societies in transition' is a process involving a unity of opposites – of particularism and universalism; local nationalism and global liberalism. This essay suggests a set of tools with which to re-examine the work of foreign actors engaged in 'rule of law' and 'civil society' projects in countries such as the former Yugoslavia. The essay examines three orientations of the dominant paradigm informing the work of foreign intervenors and asserts counter-orientations. The author argues that there has not been a convergence to a liberal ideal; the liberal agenda cannot be transplanted wholesale to 'societies in transition' as localisms, including nationalisms, challenge claims to universalism. Both liberalism and nationalism have the potential to be either liberatory or oppressive forces; however, no solution can be viable without an accommodation of both. To better examine the liberal campaign, the essay charts the actors at play, the rhetoric they use and the stakes at hand. The goal of such a mapping is to provoke the kind of inquiry that could change the plot, or at least give some of the minor characters a more major role in the production.

ATTEMPTS TO (re)construct the states and territories of Eastern Europe have called into action numerous civil actors, foreign and local, stridently non-governmental and quietly government-sponsored, geographically bounded (intra-territory or intra-state) and boundary crossing (inter-territory or inter-state). Despite their seemingly disparate appearances, the great majority of these actors share a common ideology or, at least, a perceived need to accommodate or struggle against a controlling paradigm. Two dominant competing ideologies are at play in most of Eastern Europe: liberalism¹ and nationalism.² In a complex and dynamic process, 'civil foreign intervenors' – non-military groups, from human rights and humanitarian non-governmental organizations, to religious

groups, to democratization and education projects – participate in the ways these ideologies are produced, interpreted, transformed and/or rejected by the local communities (Alger, 1992). A central role in this process is played by a complex and shifting array of 'legal fields' – the ensemble of institutions and practices through which law is incorporated into social decision-making. (Trubek et al., 1994; for this process in Eastern Europe see Ajani, 1995; Berman, 1996).

The civil foreign intervenors portend to act on their own behalf, and indeed many of them disclaim any association with the broader goals of any state. Nevertheless, the actions of foreign intervenors, taken together, serve to create a dichotomy between benefactor and client, perpetuating the belief that the client is simply a 'society in transition' – transiting, that is, to the neo-liberal model endorsed by the home governments of the intervenors.

Civil foreign intervenors alter local discourse by offering incentives for adoption of a set liberal formula, including an investment in both social democracy and the market-economy view of the good society (MacCormick, 1996: 35). Key elements of 'democracy' for many civil intervenors include principles of legitimacy, accountability and participation (Smillie, 1996: 10). An important component of encouraging citizen participation is the fostering of 'civil society,' commonly defined as 'the realm of organized social life that is voluntary, self-generating, largely self-supporting, and independent of state and political parties' (Diamond, 1996: 91–2). In the words of one major donor agency:

[C]ivil society is, together with the state and market, one of the three 'spheres' that interface in the making of democratic societies. Civil society is the sphere in which social movements become organized. The organizations of civil society, which represent many diverse and sometimes contradictory social interests ... include church-related groups, trade unions, co-operatives, service organizations, community groups and youth organizations, as well as academic institutions and others ... (UNDP, 1993)

Strong associational life is to promote legitimate, accountable, competent governance and a strong economy (Putnam, 1993).

Bending to outside and internal pressures, a growing number of state and individual actors have come to the conclusion that maintaining power in an increasingly globalized³ and regionalized⁴ world entails propagation and perpetuation of the liberal program. Yet, at the same time, many local leaders in Eastern Europe also gain power through creating and manipulating nationalist discourse and, accordingly, the metamorphosis of civil society in Eastern Europe reflects this desire to accommodate nationalism. The potentially contradictory tendencies of liberalism and nationalism thus exist simultaneously in Eastern Europe, despite the attempts of civil foreign intervenors to steer societies away from nationalism and toward a set liberal agenda.

Both liberalism and nationalism have the potential to be liberatory or oppressive forces. Both ideologies present a danger of a regressive transformation that is particularly acute for women and members of ethnic,

national,⁵ religious, and linguistic minorities as members of such groups tend to lose the most through times of rapid economic and social change (see e.g. Mertus, 1998; Taylor and Pieper, 1996; Moghadam, 1992; Salecl, 1993). As the work of civil foreign intervenors necessarily collaborates with the ideologies of liberalism and nationalism, through direct promotion or oppositional resistance, they can also be as likely liberating or regressive. Pushing foreign actors in the right direction, I argue, requires rethinking many of the methodological and strategic assumptions of the dominant paradigm that informs their work.

This article suggests a set of tools with which to rethink the work of civil foreign intervenors pushing a 'rule of law', democracy or 'civil society' agenda on Eastern Europe or in other so-called 'societies in transition'.⁶ I ground my analysis with reference to specific examples from my fieldwork in the former Yugoslavia, but my observations and conclusions may be applied to many other parts of Eastern Europe and, indeed, to other areas in the world undergoing an influx of civil outsiders intent on remaking their society.⁷ Through a mapping of the protagonists, I then show how acceptance of the counter-methodologies opens analysis of the liberal agenda. I chart the actors, the rhetoric they use and the stakes at hand, and suggest ways in which legal fields⁸ overlay the entire map. My goal is to provoke the kind of inquiry that could change the plot, or at least give some of the minor characters a more major role in the production.

RE-EXAMINING METHODOLOGICAL ASSUMPTIONS

Despite their best intentions, civil foreign intervenors tend to labor under assumptions that undercut their ability to act as a positive, transformative force. Three such assumptions can be identified as follows:

1. Ideologies have converged into one alternative: liberalism.
2. Knowledge is located in one form and one place.
3. Political space can be compartmentalized between the local and global; the state, individual and international.

Each of these will be discussed in turn in this article, and explained with reference to specific examples in the former Yugoslavia.

THE NOTION OF CONVERGENCE

To date, the dominant program throughout Central and Eastern Europe has been based on the idea of convergence, that is the notion that communism has been defeated and that all political, legal, economic and social programs are merging into what is now the only available alternative: liberalism. (Spybey, 1996: 48–9; de Cruz, 1995: 477–85). Francis Fukuyama popularized

this thesis with his declaration of the *End of History*: 'For a very large part of the world', he wrote, 'there is now no ideology with pretensions to universality that is in a position to challenge liberal democracy...' (Fukuyama, 1992: 45). As Rob Walker explains, for many 'the interpretation of specific events [such as the fall of the Berlin wall] affirms a triumphant view of history: the conversion of Them into Us (or U.S.), the final admission that freedom and democracy are to be gained only where the magical logic of capitalism and modernity are allowed to cast their spell over time and space' (Walker, 1993: 144). With a little help from Us, Eastern Europe can become more like We imagine ourselves: human rights abiding, democratic, liberal, free market states. The resulting globalization will be one of political and market homogeneity, the expansion of the dominance of Us, and perpetuation of the dependence of Them (Walker, 1993).

This form of neo-liberal ideology is seen not as the best solution, but rather as the only available program. The liberal program is based on the notion of relatively weak states overseeing free market economies, in which land and property have been privatized (see e.g. Johnson and Loveman, 1995; Poznanski, 1992; Wolf, 1992; Zwass, 1995). The liberal program places the rhetoric of democracy at its core, although the practice of democracy may under be 'thin on the ground' (Dunn, 1979: 2). What makes a democracy under this vision? The 'new democracies' are to operate through a system of 'good governance', which entails a formula of political parties, independent media, open elections, transparency in government and a series of checks and balances in the governing body (see e.g. Crawford, 1995; OECD, 1995; Mutharika, 1995). Law plays a crucial role in this picture as relations in government and society at large are to be governed by the rule of law and not brute power and, in addition, the state is to respect individual rights and legal institutions are to be built to keep this system oiled and working (see Howard, 1991; Roundtable of the Ministers, 1996). Unification of law is sought to be achieved through international institutions designed specifically to promote such unification, such as the Hague Conference on Private International Law and the UN Commission on International Trade Law, and through transsovereign cooperative arrangements and transsovereign legislation applicable to the members of these groups (de Cruz, 1995: 485).

Democratization specialists trumpet the creation of a working 'civil society' as central to (re)membered democracies (Beck, 1997; Gairdner, 1996; Hann and Dunn, 1996; Keane, 1988; Ndegwa, 1996), particularly in Central and Eastern Europe (Gasparini and Yadov, 1995; Delli Zotti, 1995; Poznanski, 1992; Rau, 1991). Ideally the words 'civil society' serve to name the spaces of 'uncoerced human association and also the set of relational networks - formed for the sake of family, faith, interest and ideology' (Wälzer, 1992: 89) that are necessarily pluralistic in nature (1992: 96) and supportive of diverse opinions and beliefs. In practice, however, much of what is held out to be 'civil society' fails to contribute to the creation of an open public space in which different agendas and needs can be discussed and social values (re)discovered and promoted as societies seek to rebuild (Boxx and Quinlivan, 1996;

Misztal, 1996). Actually existing civil society may indeed compromise the quest for increased pluralism and instead serve to advance the interests of those already in power, that is the interest of local leaders in gaining, legitimizing, and perpetuating their power. In Republika Srpska, the de facto Serbian entity of post-war Bosnia-Herzegovina, the most extreme nationalist leaders used the new media outlets and political process created by 'civil society' advocates in order to quash less nationalistic voices and to push for a united Serbian front. The space opened by civil society advocates for political discourse in Bosnia in 1998 was used in a manner directly contrary to the intentions and interests of western donors: to elect more nationalistic and non-democratic leaders.

Contrary to the notion of convergence, and the liberal program that has been built up around it, is the assumption that multiple and even conflicting ideologies can exist simultaneously. In the former Yugoslavia, for example, the main competing ideologies are various forms of nationalism. To be sure, nationalisms alone cannot be blamed for the war in Croatia and Bosnia-Herzegovina. Rather, nationalisms were a tool for something else - power and domination; but still nationalisms were a force at play. In the former Yugoslavia, politicians rekindled nationalist tensions in order to create the perceived (and then in some cases real) need for their protection against the 'enemy Other'. War then closed the ranks. People throughout the former Yugoslavia were forced to decide who they were among three narrow choices: Serb, Croat or Muslim (Bosniak). This left four categories of people without any identity: those of mixed parentage or marriage; those who were of another national identity, such as Albanian or Hungarian; those who wanted to identify themselves as something else, either above the nation, such as European, or below the nation, such as a member of a particular neighborhood or organization; and those who wanted out of the labeling process altogether. In creating and sanctioning a post-war Bosnia drawn strictly on national lines, the Dayton Peace Accord¹⁰ merely cemented national divisions (see Mertus, 1998b). Like it or not, then, nationalisms are a force to be reckoned with in the former Yugoslavia (see e.g. Dimitrijevic, 1993; Golubovic, 1993; Janjic, 1993; Maljqi, 1993; Salecl, 1993).

Moreover, the notion of convergence should be rejected as liberalism comes in many flavors. Different models may change their degree of emphasis on the importance of a classic free market, offer alternative analyses of individualism and the countervailing imperative of the collective, and provide their own redefinitions of the public sphere, fundamental rights and civic culture (compare e.g. Benhabib, 1992; Bridges, 1994; Gardbaum, 1996; Peterson, 1996; Hollingsworth and Boyer, 1997; Reiman, 1997). Indeed liberalism can be and is combined with other ideologies, including nationalism (Tamir, 1993).

Liberalism and nationalism are usually posited as irreparably at odds with one another, as the claims of the nation often infringe upon the currently recognized borders of existing sovereign states (see Hobsbawm, 1990: 31-2). Nations clash with states in many ways. The legitimization of states stems

from geographic boundaries, while in contrast, the legitimization of nations stems from 'communities of sentiment', from imagined and real histories of belonging (Barkin and Cronin, 1994: 112). State sovereignty traditionally stresses the link between the state authority and a set of political institutions that serves individual political beings (see Held, 1989; Dyson, 1980); national sovereignty stresses the link between the national authority and a defined population united as a self-identifying group (Barkin and Cronin, 1994: 112).

Nevertheless, liberalism and nationalisms are not incommensurably incompatible; they could in fact be combined as *liberal nationalism*. Underlying nationalism, as Yael Tamir argues, is a range of perceptive understandings about the human situation – of what makes life meaningful and creative, as well as a set of praiseworthy values. Tamir reasons that by nature individuals are members of communities of sentiment and belonging. Outside such communities 'their lives become meaningless; there is no substance to their reflection, no set of norms and values of light of which they can make choices and become the free, autonomous persons that liberals assume them to be' (Tamir, 1993: 7). This vision of nationalism complements liberalism:

Liberals can acknowledge the importance of belonging, membership, and cultural affiliations, as well as the particular moral commitments that follow from them. Nationalists can appreciate the value of personal autonomy and individual rights and freedom, and sustain a commitment for social justice both between and within states. (Tamir, 1993: 6)

The desire of liberals to protect individual autonomy could benefit from the efforts of nationalists to promote the culture and status of the group.

The notion of convergence should be rejected, therefore, not only because nationalism exists as an alternative ideology to liberalism but also because liberalism itself may appear in many forms. While the jury is out as to whether liberal nationalism could work in the former Yugoslavia or elsewhere in Eastern Europe, foreign intervenors should be aware that the dynamics of structuring and unstructuring the social organizations and institutions of the former Yugoslavia entails grappling with both the neo-liberal agenda and local nationalisms. Law still plays a crucial role in the process of transformation, although nationalisms are unlikely to be addressed directly in the written law. As Vojin Dimitrijevic observes, 'nationalism is more reflected in what is done than in what is enacted, and thus is evident in the atmosphere in which legal provisions are put into practice when it comes to implementing the law than in the laws themselves' (Dimitrijevic, 1993: 50). 'The fields and manner in which legal institutions operate can and do bend to accommodate the dual forces of liberalism and nationalism. Whenever civil foreign intervenors fail to recognize this phenomena, their plans miss their mark – plans to transplant the liberal agenda to Eastern Europe fail to achieve their intended effect.

A SINGLE FORM OF KNOWLEDGE

The second assumption commonly acted upon, although rarely acknowledged by civil foreign intervenors, is the idea that there is one form of knowledge – a universal, trans-temporal, abstract, objective truth (see Peterson, 1996). According to this orientation, the search for universal truth is an unavoidable dilemma for those who believe in human rights and social change (see e.g. Belvisi, 1996). In searching for principles that can guide their work, foreign actors tend to behave as if knowledge has its situs exclusively in the spheres of the powerful, and not in the realm of the 'subaltern', that is from those who have been subordinated according to any system creating a hierarchy of difference based on relations of domination and subordination (Otto, 1996; Spivak, 1988). Under this scenario, outside 'experts' (such as the election monitor or human rights observer) play a particularly important role in knowledge formation. In the privileged position of 'objective' messenger and observer, the foreign 'expert' delivers the message to the locals (for example, the message about human rights) and then reads the locals for consumption back home.

Alternative ways of thinking about knowledge challenge this limited vision. Knowledge exists in many sites and no single framework or position can claim a monopoly on truth (Rosaldo, 1993: 93). Alternative forms of knowledge can be read from below, from the experiences of those in the subaltern (cf. Matsuda, 1996); and competing claims to truths can be seen within states and communities. At times, competing truths can be found in the main 'public sphere', that is the 'institutionalized arena of discursive interaction' (Fraser, 1992: 198). Yet often the institutionalized public sphere is not truly open to all voices and some interlocutors are muted in their attempts to speak. In such cases, the subordinated groups create their own fora for expression – in Nancy Fraser's terms 'subaltern counterpublics', that is 'parallel discursive areas where members of the subordinated social groups invent and circulate counter discourses, which in turn permit them to formulate oppositional interpretations of their identities, interests, and needs' (Fraser, 1992: 210). Where the subaltern fear retribution for exercising their voice, they may create coded means of expression (Scott, 1990). Despite the greatest obstacles, however, they find some way to speak, often as a form of resistance.

It follows that the outside 'expert' does not have a privileged claim to objective knowledge. Rather, the reading of the 'expert', like all readings, is filtered through his/her own cultural/social/political preconceptions (see Clifford and Marcus, 1986; Fikentscher, 1995). Moreover, just as 'experts' read their subjects, the observed read the 'experts'. Locals carefully select the information they disclose to visiting 'experts', calculating how best to serve their own agendas. Acknowledging locals as subjects and not mere objects can be disturbing for 'experts'. 'The realization that "they" can read "us"', Jean Franco writes, 'spreads like glaucoma over the once confident imperial eye' (Franco, 1996: 265). In the exchange of information and the location,

perpetuation and manipulation of truths, locals are every bit as active as 'experts', although 'experts' may attempt to ignore this reality.

By failing to be open to two-way exchange of experience, many intervenors in the former Yugoslavia promote the image of themselves as the beneficent outsider and their 'clients' as the passive recipient, drawing a line between the knowing and the needy. The foreign intruders give their 'clients' the programs they want to give, often to entities that they have created or that still exist only in their imagination, and they extract the information they had imagined they would find. Few see their 'clients' as actors with their own agendas, and even fewer imagine that they could learn something from their 'clients' that could help transform their own societies. Yet just as foreign 'experts' leave their mark on the societies they encounter, the experience changes the experts: they will never return home again quite the same. In any event, it is the foreign experts who advance their own agenda; the local agenda is secondary at best. International humanitarian groups in Bosnia, for example, tend to use local NGOs as an inexpensive means of service delivery with very little serious attention to sustainability beyond project completion dates (see Smillie, 1996). Local women's groups, to take one illustration, serve as a source of cheap labor for distribution of basic humanitarian goods, but as soon as their utility as service providers evaporates so does the international support.

Non-governmental groups in the former Yugoslavia do not provide the best model of the successful promotion of 'civil society'. Few NGO initiatives in Bosnia-Herzegovina have developed out of a 'community spirit' and in fact many have been formed as conversions of projects established by international NGOs wanting to "leave something behind", or by local staff of these organizations, wanting to strike out on their own' (Smillie, 1996: iii). The relationship between foreign experts and locals can be illustrated by the work of US 'democratization' organizations funded by the National Endowment for Democracy and/or USAID (Agency for International Development). These groups establish training programs for local democracy groups which, not surprisingly, often adopt names and agendas very similar to those of their benefactors. Before elections throughout the former Yugoslavia and especially in Bosnia-Herzegovina, newly minted experts in electoral politics train youth groups, women's groups, intra- and inter-ethnic groups, lawyers, judges and politicians. While some of these trainings may further the goal of creating more informed and more independent, engaged electoral systems, the trainings have many *unintended negative side effects*. These unintended consequences range from inflaming and entrenching national tensions, to creating new power élites, to reinforcing dependence on foreign sources for decent paying jobs, to fostering discriminatory attitudes about women. On the other hand, they may also have *unintended positive side effects* including, for example, breaking down discriminatory attitudes about women, funding youth initiatives, providing training in English language and culture, and dismantling national tensions. Civil foreign intervenors often lack the ability to read their audience to craft a

program to reach a desired result and, even with the best informed and most perceptive intervenors, the ways in which programs are received and utilized are not within anyone's control.

'Experts' are disarmed in yet another manner: localisms challenge universalisms. One can believe in 'core values' or 'universal truths' common to all faiths and cultures and still acknowledge the impact of localisms in translating the message of the outsider (i.e. the message of human rights) into something that makes sense locally. Foreign interventions, from humanitarian aid to democratization programs, often exacerbate individuation¹⁹ and particularism, instead of promoting universalisms. Rather than leading to the construction of some 'global community' (Bateson, 1990), 'world without borders' (Brown, 1972), or 'global culture' (Featherstone, 1990), outside interventions spark the creation of reactive, fortified local communities. As Lash and Urry note with respect to the political economy: 'Broadly speaking... local powers tend to be reactive, to resist decisions from centers, and to devise institutional and policy responses through identifying niches in existing forms of social organizations' (Lash and Urry, 1987: 284). Moreover, by creating and privileging selected local organizations, the intervenors create new boundaries within society - between those who have and those who do not have foreign contacts and capital (cf. Eriksen, 1993: 36). Those left out often react by retreating to an insular group that gains its identity through opposition to the privileged. With respect to women's groups in Bosnia-Herzegovina, for example, well intentioned foreign women's groups have instilled a deep division between 'insiders' and 'outsiders' by directing funding dollars to certain women's groups and ignoring other groups. Women's groups that do not have a leader who speaks English or German and that do not know how to market themselves as an acceptable (i.e. a non-nationalist component of civil society) find themselves abruptly dropped from the foreign dole.

In times of economic crisis, as in the former Yugoslavia, external intrusions are likely to be regarded as threatening, leading to withdrawal and closure of the primordial niches of family, ethnicity, nation and religion (Teune, 1992). These niches attempt to preserve their distinctiveness on the basis of 'frontal insulation' ('dissociation' or 'delinking') (Mlinar, 1992: 2), distancing themselves from the global forces through (re)creation of their oppositional local culture. Some of the Bosnian women's groups that have found themselves cut off from foreign funding have reacted by retreating into a national framework, decrying: 'They do not understand us because we are Muslim... Serbian... or Croatian. Groups that were not organized according to nationalist agenda in the past react to outside pressure by carving out national and even chauvinist lines.'

In their interpretation of the universals promoted by outsiders, locals draw from their own historical and contemporary experiences. Civil intervenors should emphasize the historically constituted meaning of human experience as opposed to transtemporal, abstract universalisms. Dov Shinar notes that 'blueprints for social change cannot be copied or imposed in their

entirety; and particular cultural identities have to be considered' (Shinar, 1996). With no alleged universalism is this more true than with democracy. Despite its claim to universalist truth, as Rob Walker observes, 'principles of democracy have been worked out with any degree of conviction only in relation to a particular somewhere...' (Walker, 1993: 142). Place thus still plays an important role, preventing the move from particularity to homogeneity (Agnew, 1987).

In the former Yugoslavia, in both the institutionalized public sphere and the subaltern counterpublic, locals craft truths to address (that is, to fit or challenge) the competing ideologies of nationalism and liberalism. All of these truths are claims to power that shape human behavior. What matters most is that people believe them, not that they are universal, static, objective, or even factually true. Many 'democratization' intervenors rely too heavily on the creation of institutions and the propagation of good laws, failing to recognize that individual and group perceptions about international law shape behavior more than the positive law itself (see Mertus, 1998b). Locked into believing in one form of universal, objective knowledge, intervenors often fail to hear these perceptions and competing truths. As a result, outside plans to transplant universalisms do not take root, and in some cases even backfire.

Nowhere is this truer than with respect to the operations of humanitarian and conflict resolution groups in Kosovo in the period 1992-1997. Foreign NGOs at work in Kosovo failed to see the hidden transcripts at play in their daily interactions with locals, and they did not discover the competing 'truths' by which Kosovo Serbs and Albanians structure their behavior. They did not see that when sitting down to talk with Serbs and Albanians, when developing joint plans for a health care clinic, when providing resources for water purification, when providing refugee aid - when doing anything at all - people were not thinking only of the project at hand but also about what they experienced and remembered about the 1981 student demonstrations, the Martinovic 'impaling' (when a Serbian man accused masked Albanian men of raping him with a bottle), the 'Parcin massacre' (when an ethnic Albanian in the Yugoslav army allegedly opened fire on sleeping comrades), the 'poisoning of school children' (when thousands of ethnic Albanian school children in Kosovo fell ill at the same time and Albanians thought they had been poisoned while Serbs believed they were acting), and the other truths that dominated their oppositional lives (see Mertus, 1998b). NGO efforts constructed without knowledge of such hidden transcripts were bound to fail. Indeed, nearly every NGO that ever attempted to work in Kosovo had limited success. The problems varied from a basic misunderstanding of the core nature of the problem, to inappropriate and unrealistic goals and strategies, to poor execution of even the best plans. Many foreign NGOs at work in Kosovo had unintended results, at times creating new conflicts, legitimizing new power structures, or indirectly reinforcing an oppressive status quo (this is elaborated in Mertus, 1998b).

COMPARTMENTALIZATION OF POLITICAL SPACE

The traditional western political map is highly compartmentalized:

highly linear, incredibly precise (at least in appearance), partitioned into distinct parcels, and continuous in the sense that, with only a few exceptions ... it is entirely 'filled'. Moreover, the separate compartments are perceived as being imbued with a sense of independent integrity and internal homogeneity. (Walker, 1993: 136; see also Soja, 1989)

Acting within this framework, civil foreign intervenors most often presume dichotomies between the local and the global, the state and the global. While the intervenors may view themselves as part of a larger global project (of human rights, democratization, liberalization, humanization, etc.), they often understand their role in affecting change as limited to the local. They perceive social change as connected to place, that is to the local actors and existing institutions. For its part, the state may see itself as an actor in the global scene, but it conceals and overlooks the local by reifying the local as a 'dimension of the state or of prepolitical civil society' (Magnusson, 1990: 45).

This compartmentalization of political space must be rejected in favor of a more fluid vision of the interwovenness of global, local and state, with a decreased role for the increasingly porous state. This vision adopts a 'processual perspective' which emphasizes that 'change rather than structure become society's enduring state, and time rather than space becomes its most encompassing medium' (Rosaldo, 1993: 103). This section examines the impact of globalization on the changing role of the state and the local. Although the discussion treats the state and the local separately, their transformations are interrelated, overlapped, and in continuous, ongoing change.

THE STATE Supporters of the statist paradigm argue that a state-based system must be preserved in order to promote world security. According to this argument, individual rights are best protected through a system of relatively strong states; transsovereign activities such as international financial and labor markets are best policed through the negotiation of sovereign states. The Dayton Peace Accord, for example, sought to perpetuate at least the notion of a Bosnian state, if not a functioning state. The post-Dayton Republic of Bosnia-Herzegovina - a shell which is less than the sum of its component parts, the Serbian entity of Republika Srpska and the Bosnian-Croat entity of the Federation of Bosnia-Herzegovina (see Mertus, 1998a) - serves the interest of world powers and those who can retain power in the new creation, not most locals. By perpetuating the statist paradigm and by opening the way for functioning free markets and the implementation of basic democratic guarantees, Dayton furthers the liberal agenda.

The state-centric view of international law and social organization has come under reconsideration from many commentators and for this reason it will be dealt with only briefly here (see e.g. Ashley, 1988; Bierksterker and Weber, 1996; Camilleri, 1990; Jackson, 1990; Walker and Mendlovitz, 1990).

As a formal matter, international and regional legal systems and mechanisms are indeed state-centric, but in practice states are often weak and transitional and state boundaries increasingly permeable (Snyder, 1982). Instead, power has shifted to forces above and below traditional state boundaries. On the one hand, power has moved *down* to sub-state groupings such as national groups and other entities of identification and belonging and, on the other hand, *out* to the transsovereign forces impervious to state boundaries. In turn, the loyalties of individuals and groups are torn away from the state to these dichotomous forces of sub-states and transsovereigns. For many, to be an individual living in Europe these days means to be European and a member of their national group, and only then a citizen of their country.

As a concomitant of their integration into and participation in transsovereign actors, states experience limitations on their classical sovereignty (Mlinar, 1992: 23). So, for example, such states face restrictions on their ability to guard their borders against intrusions from an increasing number of external regulations, including human rights and humanitarian laws. Today's market endeavors are also characterized by a culture of postmodernity (Jameson, 1991), including enhanced mobility in capital and labor. A new paradigm would 'have to take into consideration the whole gamut of non-strategic and nonnuclear factors that now imperil the functioning of states big and small, from food and energy price rises to the pollution of the environment in which we live, threats that do not respect either the boundaries or the sovereignty of states' (Herz, 1976: 19).

The rise of alternatives to the state paradigm is not likely to threaten state security. After all, perpetuation of the state paradigm itself is multi-edged – it serves the interest of some and is as likely to preserve peace as spark conflict (Walker, 1993: 139). In their study of a state-bound concept of sovereignty and a notion of sovereignty linked to nation, Barkin and Cronin found that 'the degree of violence' defined as total physical harm that comes to 'people' is not necessarily any greater with any given understanding of sovereignty' (Barin and Cronin, 1994:130). Only the sites of violence have changed, from inter-state to intra-state violence. In many parts of Central and Eastern Europe today, including the former Yugoslavia, we see intra-state violence because the legitimacy and status of nations has grown and the power and authority of states has declined.

Civil foreign intervenors must still deal with the states of the former Yugoslavia. After all, states grant visas, register foreign nongovernmental organizations, control customs and regulate imports of equipment and supplies. Nonetheless, civil foreign intervenors must also deal with actors that exist above and below the state. Above the state, for example, a potent role in the politics and life of the former Yugoslavia is played by diaspora groups, (governmental and non-governmental) military complexes and arms dealers, trade bodies and transsovereign NGOs. Below the state, intervenors may work both with groups that are part of the dominant power and those of the subaltern (including student and women groups and the independent media).

NGOs often declare themselves to be 'agents of "civil society" without

clarifying their exact role vis-a-vis the state in which they operate' (Voutira and Whishaw Brown, 1995: 5). Most foreign NGOs in Kosovo operating in 1990–1997 made the same initial mistake: they forgot that two de facto governments existed in Kosovo. The Serbian government remained the 'official' government. From the point of view of foreigners, government control involved issuing and denying visas, and granting or denying permission to work in Kosovo. Through this mechanism it also controlled the content and method of operations of foreign organizations, ensuring that all foreign projects at least came to benefit some Serbs. The Kosovo Albanian government, although unrecognized by any country except Albania and branded illegal by the Serbian regime, still wielded great power over both Kosovo Albanians and foreign institutions wishing to work in Kosovo. The Kosovo government controlled through moral authority, demanding the strict solidarity of the Kosovo Albanian people. In this way, the Kosovo Albanian government had a strong influence over whether and when Kosovo Albanians would attend NGO-sponsored activities or take advantage of NGO services. A civil foreign intervenor that did not follow the rules set by the Serbian government could not get into the country. At the same time, an organization that did not pay its respect to the Kosovo Albanian government could not effectively serve the Kosovo Albanian population. Over time, the Kosovo Albanian government fissured and the number and variety of actors demanding attention from international intervenors became increasingly complex. This is just one example of how vital it is for foreign intervenors to decenter structure and to recognize evolving power centers and subalterns.

THE LOCAL Just as globalization has altered the meaning and power of the state, it has changed the meaning of the local. With the development of new technologies, forms of communication and ease of movement, the notion of local has lost its geographic meaning. The media plays a crucial role in the blendings of local and global, and thus local life is no longer separate from 'the world out there' (Tomlinson, 1996: 71). 'Modernity thus simultaneously liberates time and space from the particularities of place, allowing distanced interaction via the modern social organization' (Tomlinson, 1996: 66; see also Giddens, 1991: 189). This does not mean that the local has lost its importance, rather only that the local now can be understood more in a phenomenological sense as the 'habitual settings through which an individual physically moves' (Tomlinson, 1996: 66).

The phenomenological understanding of the local is especially relevant in the case of the former Yugoslavia, an area from which so many people are on the move, as refugees, displaced people, guest workers, asylum seekers and immigrants. The place of culture and the location of truth is constantly shifting (Bhabha, 1994), and thus 'the local' can be found both at home and abroad (cf. Delbrook, 1994). Intrusion of external forces and the process of individuation may result in the (re)creation of social units tied to the geographic environment – what Mlinar terms 'reterritorialization' (Mlinar, 1992:

25). Nevertheless, unlike the socio-spatial differentiations in the past, the resulting entry will be flexible, temporary and less bounded by fixed boundaries. Refugees from the former Yugoslavia, for example, may create enclaves of identity based on many factors such as the areas from which they came, the place to which they have come, the place to which they want to go, and/or their national identity. At times, one or a combination of these factors may take precedence over all others. The exact priority allotted to the factors and degree of forgiveness the group gives to people who do not fit the requirement changes over time (see Mertus et al., 1997). Teenage refugees in Chicago (re)member their lives in Bosnia in school papers which they share with second and third generation members of their ethnic group; returning displaced people erase the graffiti from bridges and change street names. Bosniak, Croatian, Muslim, Albanian, and other individual identities may become more important and for each identity group, and these markers are tied to a certain imagined geography. To the extent boundaries exist for the exiled and the returned, they will be marked by time, experience and memory.

The experience of globalization complicates any attempts to mark boundaries. With rapid information flow and transportation opportunities, there is an experience of global in the everyday, 'situated' lives of people in the local. As Giddens observes:

In conditions of late modernity we live 'in the world' in a different sense from previous eras of history. Everyone still continues to live a local life, and the constraints of the body ensure that all individuals, at every moment, are contextually situated in time and space. Yet the transformations of place, and the intrusion of distance into local activities, combined with the centrality of mediated experience, radically change what 'the world' actually is... Although everyone lives a local life, phenomenal worlds for the most part are truly global. (Giddens, 1991: 187)

Bosnia provides an almost surreal illustration of the global in the local. Individual state militaries, on a transsovereign peacekeeping mission, parade their new equipment around Bosnia; foreign academic, legal, scientific, educational and other assorted experts peddle their democratization and civil society projects in cities and villages; a villager returning from a traditional wedding dance will likely change into gray market "Levis" (made in China), settle down on the couch and watch MTV.

At the same time, the international now has domestic content (Andrews, 1984). The nature of this experience is complex. To the extent that the liberal agenda has become part of a global movement, it has found its way to the local level of everyday life. Interwoven in this experience in the former Yugoslavia is the local phenomena of nationalism working its way back to the global. For example, the global agenda of liberalism has concrete and immediate impact on many day-to-day realities in the former Yugoslavia, from the types of produce offered in the grocery, to the possibility of working abroad, to the purchasing power of one's weekly paycheck. The local

phenomenon of nationalism has an impact on global matters by influencing such issues as which workers go abroad, the number of people filing for amnesty or refugee status, and the amount of financial and strategic resources international, regional and state security forces spend in the upcoming year.

'Cross-level linkages' further break down the division between local and global. Alger writes that 'local people have invented a variety of ways to cope with [the foreign] intrusions' (Alger, 1992: 100; see also DiMucio and Rosenau, 1992). When government or the institutionalized public sphere fails to address the global intruders, local people may take matters into their own hands, establishing their own contacts with transsovereign actors. Indeed, in the former Yugoslavia many such 'cross-level linkages' exist between local people and global systems and actors, from black market economic activities to refugee rights advocacy. Members of the smallest student or women's groups, for example, may have the ear of American officials or may receive the stage of a major EC gathering.

By recognizing that their actions have both global and local components, civil foreign intervenors can act with an eye to the interwoven consequences of their actions and better serve their 'clients'. In addition, breaking down compartmentalization will help intervenors to recognize cross-level linkages that exist between global and local and thus to discover new sources for exchange of information and experience.

MAPPING THE PROTAGONISTS

DRAWING THE MAP

Armed with the assumptions and counter-assumptions outlined above, we can map the protagonists in the story of the liberal program in Eastern Europe. If the prevailing methodological assumptions were not re-examined, the map would be very simple: on one side we would see the 'international community' (western world powers) and on the other Eastern Europe (societies transitioning to a liberal society). Boundaries would be fixed between the state and global, individual and state. And information and experience would be flowing in one direction - that is, from the 'international community' to Eastern Europe. Liberal actors ('experts') would be imposing their program on some faceless, passive (grateful) recipient. The structure of the map would be clear and the flow of actors relatively static.

This version of the story misses the actors, the action, the plot, the dialog and the subtext. It also neglects the difficulties of committing such a fluid and multi-faceted story to paper. In short, it misses everything.

The main plot of the story concerns a conflict between a liberal program and a neo-nationalist agenda. Neither the program nor the agenda are abstract, static entities. Behind each is a shifting array of protagonists. All protagonists are both subjects and objects of each other. They are divided into four fluid, permeable hemispheres. (The permeability of the map is hard to

depict on paper – imagine that each line drawn floats in water; it exists and it doesn't exist. In other words, the structure of the map itself is decentered.) On the top, we find the community of the powerful. On the bottom, the subaltern. On one side, the imagined international community and, on the other, the designated society in transition. So the four hemispheres could be thought of as the international powerful, the local powerful, the international subaltern and the local subaltern. The location of each hemisphere is not geographic but rather phenomenological, and their position and composition is flexible. (See Figure 1)

The protagonists in every hemisphere play a game in which the subtext needs a reading; they say one thing to others in order to do something else for themselves. In my mappings, I term what they say 'rhetoric' (akin to the 'habitus' or shared propositions in the slightly different mapping of some social theorists such as Pierre Bourdieu and international relations theorists such as David Trubek). I term what they want to accomplish the 'stake'.

The rhetoric in the 'international community' of the powerful is the rhetoric of the liberal program. The 'upper level' of the map thus contains actors in power, such as monetary institutions, trade and development organizations, collective security arrangements and the military-industrial complex, humanitarian, human rights, and democratization and conflict resolution NGOs. Contrary to traditional international relations theory (see e.g. typologies advocated by Claude, 1962), the international does not represent universal harmony and the local fragmented anarchy. Rather, both sides are mirrors of one another, no more universal, no more anarchic. Those from the international side fund and cooperate with local actors that they have created in their own imagination. The local power actors participate in this process by modeling themselves in such a manner to feed their benefactors' fantasies. An international democratization group, for example, will fund a local democratization group that promises to promote the rule of law and democracy.

When the international travels to visit the local, they will see what they have imagined they would see, a struggling NGO for democracy. The local group will adopt a name and charter akin to their foreign sponsor's image. They will utter all the right words: democracy, civil society. They will accept the support and then quietly do it their own way, the way it makes sense in their society. Personal networks, for example, will retain great importance in the building of the organization; the internal operations of the group will be neither democratic nor transparent; and they will quietly whisper the doctrine they need to build their own operations. In the former Yugoslavia and in much of Central and Eastern Europe, this means whispering nationalism. In Republika Srpska, for example, some of the recipients of western support were quite adept at writing non-nationalistic and inclusive platforms for western consumption and establishing on paper a transparent looking operational structure. Day-to-day operations, however, were often marked by nepotistic personnel practices and programs were organized to benefit one national group only – their own.

Figure 1
Mapping Protagonists – Liberal Programs in Societies in Transition

	Societies in Transition		International Community	
ACTORS	<ul style="list-style-type: none"> privatization, develop market institutions, restructuring, ↑ state Trade Partners Recipients of Funds Developments Funds 	<ul style="list-style-type: none"> Domestic Monetary Institutions Military Complex Humanitarian NGOs Democracy Builders Conflict Resolution 	<ul style="list-style-type: none"> market institutions, develop privatization, ↑ state, restructuring, ↑ state, trade, cooperation Trade Partners Recipients of Funds Developments Funds partners, profit create economic institution building good governance rule of law 	<ul style="list-style-type: none"> market institutions, develop privatization, ↑ state, restructuring, ↑ state, trade, cooperation Trade Partners Recipients of Funds Developments Funds partners, profit create economic institution building good governance rule of law
RHETORIC	<ul style="list-style-type: none"> growth and profit for self and nation create image, profit build profitable institutions, state continue, build secure state & nation improve image, secure state & nation peace, security, threat of internal and external Other 	<ul style="list-style-type: none"> peace, security, threat of internal and external Other Human Rights NGOs Democracy Builders Conflict Resolution 	<ul style="list-style-type: none"> peace keeping, peace making, peace maintaining, security, managing war Humanitarian GO/NGOs Human Rights Democracy Builders Conflict Resolution NGOs 	<ul style="list-style-type: none"> peace keeping, peace making, peace maintaining, security, managing war Humanitarian GO/NGOs Human Rights Democracy Builders Conflict Resolution NGOs
STAKE	<ul style="list-style-type: none"> reshaping of economies to promote profit & stability trade regulated in manner to promote profits, stable trade create economic partners, profit 	<ul style="list-style-type: none"> continue operations improve image preserve self and state, status quo maintain own operations advance certain vision of human rights 	<ul style="list-style-type: none"> continue operations improve image preserve self and state, status quo maintain own operations advance certain vision of human rights 	<ul style="list-style-type: none"> continue operations improve image preserve self and state, status quo maintain own operations advance certain vision of human rights
STAKE	<ul style="list-style-type: none"> gain power for self and group, legitimacy promote change 	<ul style="list-style-type: none"> gain power for self and group, legitimacy promote change 	<ul style="list-style-type: none"> Challenge powerful, establish own claim, for power, autonomy, legitimacy 	<ul style="list-style-type: none"> Challenge powerful, establish own claim, for power, autonomy, legitimacy
	<ul style="list-style-type: none"> engendering determination; self, group rights; self, guard against Other; nation building 	<ul style="list-style-type: none"> engendering determination; self, group rights; self, guard against Other; nation building 	<ul style="list-style-type: none"> rights & states, sovereignty, self-determination; de-linking; engendering 	<ul style="list-style-type: none"> rights & states, sovereignty, self-determination; de-linking; engendering

Trubek et al. 1983; Bourdieu 1987. Legal fields: Practitioners (Service Providers); Law Appliers (Official); Guardians of Doctrine (Challengers to Doctrine); Educators; Moral Regulators. (See

item

The 'lower level' of the map consists of the subalternity. With respect to the 'international community', the subaltern are actors that challenge the liberal agenda, including many Third World and non-western powers. Like the 'international community', this subaltern has its own rhetoric, which often involves a critique of the liberal agenda and alternative methodologies and ideologies. The international subaltern, also like other actors, has its own stake in gaining and maintaining power.

With respect to Eastern Europe, the subaltern consists of those who are kept outside the dominant paradigm due to disagreement with the locals in power as well as subordination based on such factors as gender, race, national status and language. Ironically, in the former Yugoslavia and much of Central and Eastern Europe, although nationalism is most likely to be used against subordinated groups, many of the subalternity do not oppose nationalism *per se*, but rather the use of nationalism by local powers. Like the local powers, the local subaltern often uses the rhetoric of nationalism, raising the specter of the evil Other. They also seek to gain power for themselves and legitimacy for their groups.

If a transparency could be made on top of this map, it would include the legal fields that appear in each hemisphere. Drawing from the work of David Trubek and others, the legal fields can be said to include: practitioners (service providers); law appliers (official arbiters of law such as judges); guardians of doctrine/challengers to doctrine (including judges and scholars); educators (both formal and informal); and moral regulators (both formal, such as police, and informal such as family). All of these agents act in concert with all protagonists. A reading of the outcome of their endeavors depends greatly on which hemisphere they occupy and, thus, what kind of power they have and what ideologies, methodologies and strategies they promote.

NOTES ON READING THE MAP

The reading of the map depends on what position one occupies. Some notes on readings could include the following:

- *Reading from 'above' on the international community side:* The arrangement is seen as promoting efficiency and good financial investments, and providing good opportunities for individual rights, civic participation, and a stable democracy. Institution-building is seen as export of western know-how and experience; the knowing and able are aiding the needy. Nationalism is rejected and treated as an atavistic throwback, to be subsumed into the liberal state.
- *Reading from 'above' on the side of societies in transition:* States and governmental and non-governmental organizations receive benefits for promoting the market orientation of their economies and for creating the institutions of social democracy, so adhering to the program is seen as being rewarded for good behavior; at the same time, adherence means

profit and state-building and, in some cases, nation-building. As long as the recipients of aid utter the right words of thanks, they can also gain power through alternative agendas, including nationalism.

- *Reading from 'below' on either side:* The liberal program may be seen as taking away the only rights people ever had – social and economic rights which tend to be neglected in the new societies. The subaltern immediately distrusts institutions that are set up under the program; the liberal program is seen as making the powerful more powerful. The 'rule of law' only aggravates the situation as now those in control are protected with the rule of law and granted legitimacy, which only further entrenches their power. At the same time, the competing practice of nationalism can be extremely oppressive for the subaltern. For example, women's bodies are frequently appropriated for the nation: to do their part for the nation, women must serve their role as mothers; and for minority national groups, nationalism can mean repressive language laws, state-condoned workplace discrimination, street harassment and violence. For some of the subaltern, however, nation-building is a matter of survival; they strive to obtain group rights in order to maintain their own minority cultural identity.

The mapping of the protagonists provides a way of examining the roles of all actors in the project of transplanting the liberal program to 'societies in transition'. The notion of convergence is called into question by the many ways in which liberalism can be interpreted and reshaped in order to fit into a society; for example, in the former Yugoslavia liberalism can and is combined with nationalism. The crossroads between each hemisphere on the map will likely be the site of new identities and blends of ideologies, including liberal nationalism. The role of outside experts and the notion that universal truths exist must be re-examined because, as the map suggests, actors with knowledge and stakes may be found in many places, including the communities of the subaltern. And finally, the neat lines separating each hemisphere on the map must be redrawn to represent the fluidity between the local and global and to emphasize the dynamic nature of the process. A map so conceived provides a point of departure for rethinking the liberal agenda in Eastern Europe.

NOTES

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1. Liberalism is used herein to embody two meanings: the view of the good society based on a body of economic doctrine known as the 'Washington consensus.'

- which, in the words of one recent UN publication, extols 'the virtues of market liberalization' and privatization (Taylor and Pieper, 1996: 7; see also Lijphart and Waisman, 1996; Akyuz et al., 1994); 'social democracy', favoring such attributes as the rule of law over the state, citizen participation in community and 'rights' (MacCormick, 1996: 35).
- Nationalism is used herein in the sense of 'ethnic nationalism', that is communities of sentiment, as opposed to 'civic nationalism', a concept more neatly tied to the need to create a state (Kymlicka, 1995: 24). A full discussion of nationalism is beyond the scope of this essay; for bibliographies on nationalism see Guibernau, 1996; Kymlicka, 1995; and Miller, 1995.
 - Numerous definitions of globalization exist. Mlinar, for example, defines globalization as 'a process extending the determinative frameworks of social change to the world as a whole'. He identifies five dimensions of the globalization: globalization as increasing interdependence at the world level, wherein the activities of people in specific areas have repercussions that go beyond local, regional or national borders; globalization as the expansion of domination and dependence, that is 'an inter-connectedness on the global scale, in which *radial* rather than *lateral* links predominate; globalization as homogenization of the world wherein 'instead of differences among territorial units which were mutually exclusive, there is now a *uniformity*'; globalization as diversification within 'territorial communities' wherein 'the level of globalization can be measured by the extent to which narrow territorial units are open and permit access to the wealth of diversity of the world as a whole'; globalization as a means of surmounting temporal discontinuities through '(a) connectedness of the asynchronous rhythms of different activities and (b) temporal inclusiveness resulting from the functioning of particular services to global spaces' (Mlinar, 1992: 20-2, emphasis in original; see also Falk, 1995).
 - Regionalization is in part a by-product of globalization. Stefan Schirm explains that 'transnational actors and systems . . . undermine the ability of national governments to shape politics and make national regulations less attractive and viable. Therefore transnational globalization stimulates regional governance' (Schirm, 1996: 4).
 - In this essay, 'nation' is used according to the usage in the former Yugoslavia. Nation does not refer to state, rather to groups united by real and imagined history, language and traditions. Under the 1974 Constitution, nations (*narodi*) were: Serbs, Croats, Slovenes, Macedonians, and Muslims. Those with a 'national homeland' in another state, such as Albanians and Hungarians, were considered to be national minorities (*narodnosti*); those without a homeland anywhere, such as the Rom, were labeled 'ethnic groups' (Mertus, 1998b).
 - The intervenors themselves use the term 'societies in transition' and, accordingly, when necessary I adopt that term herein. Nonetheless, I note the irony in usage of the term as it suggests that only the societies being 'acted upon' (i.e. 'the East', 'the South' or the 'Less Developed') are in the process of change while western societies are static.
 - The work of civil foreign intervenors in other parts of the world is informed by that area's particular political, social and economic history. In Latin America, for example, one important factor shaping the work of US civil foreign intervenors is the relationship of the United States government to previous regimes. If the US supported a previous regime, a US NGO working in Latin America (particularly one that receives money from the US government) is more likely to work with members of the prior regime. In Eastern Europe, where Cold War politics dictated that members of the prior regimes

- were enemies, the same NGO will not likely work with members of the prior regime. At the Lat Crit III Conference organized by the University of Miami in May 1998, I presented some preliminary notes on a comparison between civil foreign intervenors in Eastern Europe and Latin America.
- 'Legal fields' are 'the ensemble of institutions and practices through which law is produced, interpreted, and incorporated into social decision-making' (Trubek et al., 1994; see also Bourdieu, 1987).
 - The Dayton Accord, officially known as the General Framework Agreement for Peace in Bosnia and Herzegovina, is reproduced in UN Doc. A/50/790-S/1995/999 in the form initiated in Dayton on 21 November 1995, and it appears in 35 ILM 89 (1996). In the form signed on 14 December 1995, in Paris. The latter version corrects minor errors in the UN printing.
 - By individuation, I refer to 'the process of increasing the autonomy and distinctiveness of the actors at both the collective and individual levels' (Mlinar, 1992: 15). Mlinar identifies the dimensions of individuation as: the weakening of predetermination on the basis of origin; the weakening of determination on the basis of territory; increasing the diversity of 'time-space paths' (that is, not being limited to the role and position of individuals in space at a specific moment in time); increasing control and decrease of (random) intrusions from the external environment (wherein actors assert greater control over the impulses from the environment); and increased authenticity of the assertion of identity (more direct assertion of identity without the use of intermediaries or representatives).

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