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Letter from the Executive Editor

Welcome to the inaugural issue of *Insights*! Our mission is simple: to honor the best work in the social sciences at Hamilton, and to distribute it as widely as possible, both inside and outside the campus. For too long, outstanding student work – well-written, useful, comprehensive, and yes, insightful – has ended up on some professor's dusty shelf, never to be read again. Work of this quality deserves to be part of the scholarly discussion in the social sciences, to be read, discussed, lauded, and critiqued. To this end, *Insights* will publish the best in undergraduate social science research, in print form and via the Internet.

While the idea behind *Insights* is simple, its execution has involved lots of complications. *Insights* is both written and edited by undergraduate students, a distinctive feature that required unusual amounts of cooperation and teamwork. We solicited papers from both professors and students, and hashed out guidelines to help referees sort out the papers that were merely good from those which were exceptional. Groups of referees met in weekly Sunday night sessions to examine and argue about papers. The editorial board rendered exceptional service in helping to make final decisions about which articles should appear in the journal, and in drafting instructions for authors. The authors endured numerous rounds of requests for revisions. And Managing Editor Sharon Topi graciously consented to do the time-consuming work of laying out the journal for printing and establishing its presence on the Web. To all of you – professors, authors, editors, and referees – I wish to express a heartfelt thanks for your labors. The financial support of the Arthur Levitt Center is also gratefully acknowledged.

This issue of *Insights* takes you on a Cook's tour of pressing social issues around the world. In the US, Elizabeth Conway examines the controversy over rising medical malpractice insurance costs, and empirically tests the reform proposals of the 2004 Presidential candidates. Then Philip Holdredge posits a new explanation for suicide terrorism, including the attacks in the troubled Mideast, based on the work of Emile Durkheim. From there, Yejun Qian takes us to Taizhou City, China, to examine the environmental consequences of the growing practice of electronic recycling. Next, Jessica Tepper invites us to Cape Town, South Africa, where changes

in post-apartheid society have been reflected in that city's landscape. We then return to the US, where Drew Thomases visits some Hindu temples in Queens, New York, to find out how Hindu traditions have been altered to fit the cultural landscape of the US. Finally, Luke Forster takes us to Eastern Europe, and asks whether the democratic reform that swept through Ukraine could also transform Belarus.

We welcome submissions from professors who wish to recognize their students' work, or directly from student authors. Submissions should be no longer than twenty-five double-spaced pages, formatted in American Psychological Association (APA) style, and should be sent to me via the e-mail address below. We look forward to a continued celebration of the best work in the social sciences.

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Curbing Medical Malpractice Costs: An Empirical Investigation Across States

By Elizabeth Conway

Introduction

In the past few decades, our nation has experienced a state of crisis in the medical malpractice insurance system. While both sides of the political spectrum have campaigned heavily on various policy initiatives and tort reform programs to combat the skyrocketing insurance premium rates, I believe they have ignored best solution. After a thorough analysis of the relevant factors contributing to the rising insurance premium rates, I strongly advocate for the implementation of state compensation funds throughout the nation.

The crisis has created epidemic problems for doctors, patients, and insurers. The median annual premium increase for internists, general surgeons, and obstetricians/gynecologists increased from 0-2 percent in 1996-97 to 17-18 percent in 2003, climbing to 60 percent in some states in 2001-02, after adjusting for inflation (Danzon, Patricia, Andrew Epstein and Scott Johnson, 2004). Many insurance companies have had to exit the market, because they were unable to cover their costs. This has left many patients without adequate care and many doctors without insurance coverage. There are many factors affecting the rise in premium rates throughout our country. Although many factors affect the rates, the use of the state compensation fund appears to be the most significant in this study.

The insurance companies, doctors and the Republican Party explain the malpractice “crisis” by referring to the frivolous lawsuits by patients and excessive jury awards. The patients, lawyers and the Democratic Party argue it is more complicated than jury awards and lawsuits; they claim that failing investments in the insurance market coupled with many other confounding factors have contributed to this nationwide problem. In response to the past problems in medical malpractice, many states have adopted reforms of tort law, intended to reduce the level and unpredictability of claims, including caps on awards for noneconomic damages, collateral source off-set and short statutes of limitations. Some states focused on measures to assure the

availability of insurance and reduce the costs to physicians through joint underwriting associations and patient compensation funds (Danzon et al., 2004). But have these reforms actually led to lower premium rates for doctors? Does tort reform solve the problem? Determining the factors that affect premium rates will allow policy makers to develop and implement policy that will decrease premium rates and lead the nation towards a more affordable and available healthcare system.

Literature Review

Many scholars have proposed a series of different rationales for the difficulties of the system, which have only led to continued debate on the best policy action to take. The liability system is a primary political concern, especially as it was a key issue in the 2004 presidential election between President George W. Bush and U.S. Senator John Kerry. The opposing viewpoints of President Bush and Senator Kerry clearly illustrate the more general perspectives on this issue.

The Case for Damage Limits

President George W. Bush's Proposal

President Bush strongly stands behind the claim that “junk lawsuits” are the main cause of rising medical liability premiums and consequently the source of skyrocketing healthcare costs (Office of the Press Secretary, 2003). He believes that limiting the claims made against doctors and hospitals and enforcing strict tort reform will create a more efficient healthcare system. The specific proposals the President has made to Congress include the following:

- Secure the ability of injured patients to get quick, unlimited compensation for their “economic losses,” including the loss of ability to provide unpaid services for care for children or parents.
- Ensure that non-economic damages do not exceed \$250,000.
- Reserve punitive damages for cases where they are justified and limit punitive damages to reasonable amounts.

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- Provide for payments of judgments over time rather than in a single lump sum.
- Ensure old cases cannot be brought forward years after the event.
- Reduce the amount that doctors must pay if a plaintiff has received other payments from an insurer to compensate for their losses.
- Provide that defendants pay judgments in proportion to their fault. (Office of the Press Secretary, 2003).

Articles Supporting Bush's Proposal

The Republican doctrine strongly maintains the belief that our medical malpractice insurance premiums are rising because of frivolous lawsuits and excessive jury rewards. If the government regulates the amount of money available to plaintiffs, through the use of damage caps, the Administration believes the crisis will be solved. Not only do they believe it will solve the medical malpractice crisis, but President Bush claims that these regulations will decrease the overall cost of healthcare in our nation and allow healthcare access to all patients. While speaking to a group in Scranton, Pennsylvania, the President said, "For the sake of affordable and accessible health care in America, we must have a limit on non-economic damages.... Excessive jury awards will continue to drive up insurance costs, will put good doctors out of business or run them out of your community, and will hurt communities like Scranton, Pennsylvania" (2003). Many scholars and advocacy groups have agreed with the President's proposals and conducted studies to prove the viability of his plan.

A 2002 study, *Confronting the New Health Care Crisis: Improving Health Care Quality and Lowering Costs by Fixing Our Medical Liability System*, agreed with the President's plan. This study emphasized, "Americans spend proportionally far more per person on the costs of litigation than any other country in the world. The excesses of the litigation system are an important contributor to "defensive medicine." As multi-million dollar jury awards have become more commonplace in recent years, these problems have reached epic proportions. Insurance premiums for malpractice are increasing at a rapid rate, particularly in states that have not taken steps to make their legal systems function more predictably and effectively. Doctors are facing much higher overall costs and some

cannot obtain insurance despite having never lost a single malpractice judgment or even faced a claim (“Confronting the New Health,” 2002).

By analyzing data published by the Medical Liability Monitor, this study confirmed that medical malpractice insurance premiums have been rapidly increasing in many states. Rates have increased excessively for doctors who are in a specialty practice such as internal medicine, general surgery, and obstetrics/gynecology. The average increases ranged from 11% to 17% in 2000 and are continuing to rise. A recent special report revealed that rate increases are averaging 20% (“Confronting the New Health,” p. 12). The report by Department of Health and Human Services (HHS) further reported findings regarding the comparison of states with caps with states without noneconomic caps. The overall increases in the states without caps are greater than those with damage limits. The states with limits of \$250,000 or \$350,000 on non-economic damages have an average combined lowest premium increase of 12-15%, compared to 44% in states without caps on non-economic damages (“Confronting the New Health,” p. 12). Therefore, the conclusions made by the HHS during this investigation strongly favor the proposals made by the President.

A 2004 study done by Emory Professor Kenneth E. Thorpe comes to the same conclusion regarding tort reform. Thorpe used data from the National Association of Insurance Companies (NAIC) to study state-level trends in insurance premiums earned and loss ratios experienced by insurers for 1985-2001. Thorpe compared the trends for those states that capped non-economic damages, modified joint-and-several liability, capped attorneys’ fees, or changed collateral-source rules, with those that did not. He also controlled for a number of state characteristics, including the degree of competition in the insurance market of the state and the number for physicians practicing (“The Effects of Tort Reform,” p. 18).

Thorpe found that the medical community is experiencing a true crisis. As seen on the next page, the malpractice premiums are continuously rising in all specialties (Thorpe, 2004, pg. 21). From 2001-2002 there was a percentage change of 14.2 for OB/GYN, 20.0 percent change for internal medicine and even a 21.9 percent increase for general surgery.

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Table 1.

Trends In Medical Malpractice Premiums, As Percentage Change, 1998–2002

Year	Premiums earned (%)	OB-GYN premiums (%)	Internal medicine premiums (%)	General surgery premiums (%)
1998	9.1	0.3	-2.9	1.0
1999	3.9	2.1	5.1	1.1
2000	5.3	4.8	7.3	7.0
2001	14.1	10.3	9.9	12.0
2002	23.2	14.2	20.0	21.9

SOURCES: Premiums earned: National Association of Insurance Commissioners data; and premium increases for physician specialties: tabulations from the Medical Liability Monitor, 8 October 2002.

NOTE: OB/GYN is obstetrician/gynecologist.

As seen in Table 2 below, loss ratios in states capping awards were 11.7% lower than in states without caps (Thorpe, 2004, pg. 26). In addition, there were significant decreases from the implementation of discretionary collateral offset. This offset means that some states have adopted a rule whereby the amount a plaintiff receives is reduced by the amount he/she receives from other sources. This is to avoid a plaintiff receiving the amount asked for from several different sources. Thorpe also controlled for competition in the insurance market, which indicated that a 10% increase in the index (less competition) is associated with a 2% increase in premiums ($p < .05$). The results found by Thorpe indicated that capping non-economic damages would help to decrease premium rates, supporting the President’s tort reform package.

Table 2.

Impact Of State Medical Malpractice Tort Reforms On Loss Ratios And Premiums, Relative To No Tort Reforms

Performance measure	Awards caps	No punitive damage or punitive cap	Mandatory collateral offset rule	Discretionary collateral offset	Attorney fee caps
Loss ratio	-11.7% ($p = .06$)	NS	NS	-13.3% ($p \leq .10$)	NS
Total earned premium	-17.1% ($p < .05$)	NS	NS	NS	NS
Earned premium per physician	-12.7% ($p < .05$)	NS	NS	NS	NS

SOURCE: Author’s analysis (regression results available upon request).

NOTES: Statistical findings denote difference from zero. NS is not significantly different from zero.

The Case Against Damage Limits

Senator John Kerry's Proposal

Critics of the President's view see alternative explanations to the cause of the medical malpractice crisis and therefore propose a different plan to combat the issue. The Democratic plan is a multi-pronged approach that is based on maintaining and protecting patient rights, while also monitoring the liability system. According to the Democrats, the current Administration appears to have good intentions regarding the elimination of excessive jury awards and frivolous law suits, but they are missing a crucial point. In order to understand the malpractice insurance system, we must take into account the many causal factors. Senator John Kerry believes that solving the crisis of medical malpractice will not be accomplished by the tort reform proposed by the President. During the 2004 presidential campaign, the Democratic nominee advocated the following:

- Eliminate the special privileges that allow insurance companies to fix prices and collude in ways that increase medical malpractice premiums.
- Require that individuals making medical malpractice claims first go before a qualified medical specialist to make sure a reasonable grievance exists
- Require states to ensure the availability of non-binding mediation in all malpractice claims before cases proceed to trial.
- Support sanctions against plaintiffs and lawyers who bring frivolous malpractice claims, including a "three strikes and you're out" provision preventing lawyers who file three frivolous cases from bring another suit for ten years.
- Oppose punitive damages – unless intentional misconduct, gross negligence, or reckless indifference to life can be established ("Real Plan to Lower," 2004).

Articles Supporting Kerry's Position

Many scholars agree with the stance taken by the Senator John Kerry and the Democratic Party and have analyzed all facets of the situation in order to understand its complexity. Scott Harrington and

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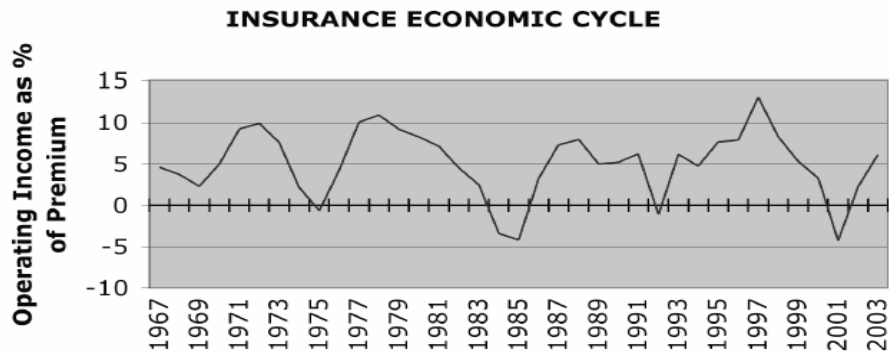
Robert Litan extensively researched the cause of the medical malpractice insurance crisis. In their article, *Causes of the Liability Insurance Crisis*, these two scholars examined available data on industry premiums, losses, and expenses in order to understand the dramatic premium increase. They concluded that the total increase in general liability insurance premiums since 1980 can be largely explained by growth in the discounted value of expected future losses. The evidence further suggests that liability insurers failed to anticipate rapid growth in losses in recent years. The growth in premiums was also aggravated by the reductions in interest rates that led to an even greater increase in the discounted value of losses (Harrington & Litan, 1988, pg. 741). Harrington and Litan identify an important point that is crucial to Senator Kerry's proposal; the insurance market is partially to blame. It is more complicated than an abundance of lawsuits bombarding our courtrooms.

Specifically looking at the effect of jury awards and tort litigation on medical liability insurance, Harrington and Litan found no significant evidence to determine a direct relationship. Admitting that standards of proof have been relaxed within the legal system, and a variety of legal doctrines have made it easier for accident victims to recover damages for their injuries (Harrington & Litan, 1988, pg. 740), they still determine little correlation. The jury award data from Cook County, Illinois and San Francisco, California shows that the average awards for both product liability and medical malpractice cases have grown significantly faster than the GNP and CPI for medical care. The award data also overstates the amount plaintiffs eventually receive because they do not reflect reductions in verdicts by appellate courts (Harrington & Litan, 1988, pg. 740). In short, Harrington and Litan found that the picture of medical malpractice was more complicated than it initially appeared and merely capping damages would not solve the problem; a multi-pronged approach was needed.

Many civic organizations, such as the Americans for Insurance Reform (AIR) have also looked beyond damage caps and into the cyclical nature of the insurance companies. In their publication, *Medical Malpractice Insurance: Stable Losses/Unstable Rates 2004*, the AIR examined the trends in medical malpractice insurance – both premiums and claims – over the past 30 years. They found that the amount that medical malpractice insurers have paid out, including jury awards and settlements, directly track the rate of medical inflation. On the other hand, medical malpractice premiums charged by insurers have not corresponded to increases or decreases in payouts. Rather,

they have moved in sync with the state of the economy, reflecting gains or losses experienced by the insurance industry's market investments. Figure 1 shows the market in the past few decades; the recent medical malpractice crises exactly corresponds with the cycles in the market (Americans for Insurance Reform, 2004).

Figure 1.



In this study, the AIR examined the medical malpractice insurance market and found that it operated in cycles of “hard” and “soft” markets. A “soft” market is when the market experiences high interest rates, excellent insurer profits, and high competition within the insurance market. Insurers severely under price their policies and insure very poor risks just to get premium dollars to invest. When investment income decreases – because interest rates drop or the stock market plummets – the industry responds by sharply increasing premiums and reducing coverage, creating a “hard” insurance market, usually designated a “liability insurance crisis” ((Americans for Insurance Reform, 2004, pg. 3-4). The market has gone through periods of economic growth and many periods of hardship, which we have found ourselves in once again.

Loss ratios are the percent of premiums that insurers pay out in claims. These ratios will drop during hard market years reflecting sudden rate hikes, as they did during the years 1985-1987, and as they did again after 2001. Table 3 shows the exact phenomenon at hand regarding the market. Insurers did not respond to higher loss ratios during these years by raising rates because they were making significant money from investments. In fact, during the soft market, insurers are expected to take a larger underwriting loss (a combined loss ratio over 100 percent) than during the hard market as they benefit

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from more investment during these times. As shown below, when the income drops, insurers will then raise rates and loss ratios will drop as well (Americans for Insurance Reform, 2004, pg. 7-8). This study concluded that insurance payouts may follow the track of medical inflation, but premiums rise and fall in relationship to the state of the economy. Capping non-economic damages would not remedy the situation of medical malpractice; rather, the overall economy must improve and insurance companies must have less latitude to arbitrarily change rates.

Table 3. Loss Ratios from 1975 to 2003

Year	Written Premiums (thousands)	Paid Losses (thousands)	Loss Ratio	Number of Doctors (Non-federal)	Medical Care Inflation (CPI-U)	Direct Premiums Written per Doctor	Direct Losses Paid per Doctor	Direct Premiums Written per Doctor-2003 Dollars	Direct Losses Paid per Doctor-2003 Dollars
1975	\$865,208	\$190,867	0.221	366,425	47.5	\$2,361.21	\$520.89	\$14,793.63	\$3,263.51
1976	\$1,187,978	\$188,545	0.159	381,000	52	\$3,118.05	\$494.87	\$17,844.85	\$2,832.17
1977	\$1,423,091	\$248,969	0.175	395,575	57	\$3,597.53	\$629.39	\$18,782.87	\$3,286.05
1978	\$1,412,555	\$294,456	0.208	410,151	61.8	\$3,443.99	\$717.92	\$16,584.64	\$3,457.17
1979	\$1,405,991	\$391,800	0.279	424,726	67.5	\$3,310.35	\$922.48	\$14,594.96	\$4,067.10
1980	\$1,493,543	\$521,849	0.349	439,301	74.9	\$3,399.82	\$1,187.91	\$13,508.49	\$4,719.91
1981	\$1,616,470	\$665,570	0.412	455,904	82.9	\$3,545.64	\$1,459.89	\$12,728.37	\$5,240.81
1982	\$1,815,056	\$847,543	0.467	472,507	92.5	\$3,841.33	\$1,793.72	\$12,358.71	\$5,770.92
1983	\$2,033,911	\$1,079,862	0.531	489,109	100.6	\$4,158.40	\$2,207.81	\$12,301.59	\$6,531.27
1984	\$2,282,590	\$1,197,979	0.525	505,712	106.8	\$4,513.62	\$2,368.90	\$12,577.27	\$6,600.97
1985	\$3,407,177	\$1,556,300	0.457	522,315	113.5	\$6,523.22	\$2,979.62	\$17,104.06	\$7,812.64
1986	\$4,335,863	\$1,709,883	0.394	547,222	122	\$7,923.41	\$3,124.66	\$19,327.92	\$7,622.12
1987	\$4,781,084	\$1,905,491	0.399	556,647	130.1	\$8,589.08	\$3,423.16	\$19,647.27	\$7,830.38
1988	\$5,166,811	\$2,128,281	0.412	566,072	138.6	\$9,127.48	\$3,759.74	\$19,598.40	\$8,072.85
1989	\$5,500,540	\$2,273,628	0.413	575,496	149.3	\$9,557.91	\$3,950.73	\$19,051.81	\$7,874.99
1990	\$5,273,360	\$2,415,117	0.458	584,921	162.8	\$9,015.51	\$4,128.96	\$16,480.44	\$7,547.78
1991	\$5,043,773	\$2,423,418	0.480	609,384	177	\$8,276.84	\$3,976.83	\$13,916.31	\$6,686.47
1992	\$5,228,362	\$2,808,838	0.537	633,846	190.1	\$8,248.63	\$4,431.42	\$12,913.17	\$6,937.35
1993	\$5,469,575	\$3,028,086	0.554	648,662	201.4	\$8,432.09	\$4,668.20	\$12,459.73	\$6,898.00
1994	\$5,948,361	\$3,174,987	0.534	661,960	211	\$8,985.98	\$4,796.34	\$12,674.07	\$6,764.89
1995	\$6,107,568	\$3,326,846	0.545	689,121	220.5	\$8,862.84	\$4,827.67	\$11,961.82	\$6,515.71
1996	\$6,002,233	\$3,556,151	0.592	717,335	228.2	\$8,367.41	\$4,957.45	\$10,912.09	\$6,465.10
1997	\$5,864,218	\$3,587,566	0.612	737,263	234.6	\$7,954.04	\$4,866.06	\$10,090.03	\$6,172.80
1998	\$6,040,051	\$3,957,619	0.655	757,865	242.1	\$7,969.82	\$5,222.06	\$9,796.86	\$6,419.19
1999	\$6,053,323	\$4,446,975	0.735	778,491	250.6	\$7,775.71	\$5,712.30	\$9,234.05	\$6,783.64
2000	\$6,303,206	\$4,988,474	0.791	793,211	260.8	\$7,946.44	\$6,288.96	\$9,067.72	\$7,176.36
2001	\$7,288,933	\$5,424,197	0.744	814,776	272.8	\$8,945.93	\$6,657.29	\$9,759.20	\$7,262.49
2002	\$8,928,252	\$5,806,463	0.650	831,645	285.6	\$10,735.65	\$6,981.90	\$11,186.73	\$7,275.26
2003	\$10,142,575	\$5,622,377	0.554	848,514	297.1	\$11,953.34	\$6,626.15	\$11,973.46	\$6,637.30

Sources: A.M. Best and Co. special data compilation for AIR, reporting data for as many years as separately available (premiums and losses); American Medical Assoc. (number of non-federal doctors, 1975, 1980, 1985, 1986, 1990, 1992-2002; other years estimated); Bureau of Labor Statistics (CPI).

Time Magazine has written many articles on this subject, one citing relevant data from a well-known independent insurance-rating agency, Weiss Ratings. In a study done in 2003, they found that in states without non-economic caps, median annual premiums for standard medical-malpractice coverage rose 36 percent between 1991

and 2002. But in states with caps, premiums rose even more, 48 percent. In the two groups of states, median 2002 premiums were about the same. Weiss found nine states with flat or declining premiums; two of them had caps, and seven didn't. They further speculated that regulation of premium increases made the difference (Thottam, 2003).

Data and Methodology

In order to determine the causes of medical malpractice premiums in the United States, three multivariate regressions were performed using premium rates from the Medical Liability Monitor (MLM), a newsletter publishing malpractice information since 1975. The panel data sets included rates from three different practice specialties (internal medicine, general surgery, and obstetricians/gynecologists) and two different years (1993 and 2003). The thirteen independent variables were tested against each of the three different rates included the following: insurance market competition, mean family income, incarceration rates, politics, educational attainment, race, non-economic damage limits, patient compensation funds, and year.

The MLM is a general survey used to assess the medical liability condition of each state. Each year the Monitor surveys major writers of professional liability insurance for physicians. They ask for mature claims-made manual rates with limits of \$1 million/\$3 million for each specific specialty and report those companies that maintain filed and approved rates (Dillard, 2003). The survey also reports the states that have implemented patient compensation funds, which are currently only a handful. Physicians in these states pay surcharges to the state funds that can range from a modest percentage to a relatively large percentage. In addition to varying surcharges, each state varies in the limit of coverage that the fund will provide for.

Although this newsletter is the most comprehensive report of medical liability rates, accounting for 65 to 70 percent of the insurance market, there are several flaws in it. Because much of the insurance and claim information is private and difficult to determine, the Monitor is unable to account for a few factors. They do not reflect credits, debits, dividends or other factors that may reduce or increase final premiums. Rates reported also do not include underwriting factors that can increase rates (Dillard, 2003). Several state premiums were also unavailable for lack of information; this was more likely in

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the 1993 survey. Despite the shortcomings of using the premium rates from the MLM, the survey provided the most comprehensive data available.

The independent variables were compiled from the United States Census of 2000 and 1990, along with information from the National Conference of State Legislatures and the American Tort Reform Association. Much of the Census data created a demographic and socioeconomic picture of each state, using mean family income, population, educational attainment and race. Each variable was placed into the regression for a unique and different purpose. 'Educational attainment' was the percentage of the state population that had received a bachelor's degree or more. I included education because it may have an impact on the actions of the doctors and patients. If the education level is low, patients may not know their rights and may be less likely to bring about a lawsuit. If the education level is high, doctors may be less likely to be found of malpractice.

Race was broken into percentage of Blacks, Whites, Asians, and Hispanics in each state. This variable was included to see if there were any variations among racial lines. The 'competition' variable was comprised of the actual number of insurance companies who reported to the MLM for that state. This variable may indicate whether increased competition will help decrease rates in this market or maybe there is no effect. The 'politics' variable accounted for the party affiliation of the Congressional Delegation of the specific year (2=Republican, 1=Equal, 0=Democratic). I incorporated this variable with the hope of determining if the political affiliation of a state would have any effect. The politics of a state could affect the laws enacted and/or regulations put forth. The incarceration rates were obtained from *Felon Disenfranchisement: Causes and Consequences*, a study done by Hamilton College Student Sean Thorsen. This variable was included to reflect the nature of the court system of the state. I hypothesized that a state with a high level of incarceration would be seen as relatively harsh, therefore not allowing for frivolous suits that may affect a states rates. On the other hand, a lenient court system may afford plaintiffs money more often.

The last two independent variables included in this multivariate regression were the actual limits on non-economic damages of each state and the existence and condition of a state patient compensation fund. In order to account for the different limits of each state the following scale was created, placing each state in a category.

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- 1 = no limit on noneconomic damages
- 2 = \$1 million limit
- 3 = \$750,000 limit
- 4 = \$500,000 limit
- 5 = \$250,000 limit

The comprehensive and complicated nature of the last variable, the patient compensation fund, called for several measures to be taken into account. The first regressions were performed using a dummy variable for each state that had a state fund (1 = fund in effect, 0 = no fund), with data provided by the National Conference of State Legislatures. Upon further investigation of the complexity of state compensation funds, three more regressions were performed to account for the differences in each state fund. Each state had varying requirements and limits concerning the participation requirements, primary coverage required and the maximum fund coverage. The following scale was created to reflect the variations in each fund.

- 0 = no state fund
- 1 = weak state fund; has none of the following: mandatory participation, primary coverage required is low, and maximum fund coverage is high
- 2 = moderate state fund; has one of the following: mandatory participation, primary coverage required is low, and maximum fund coverage is high
- 3 = strong state fund; has two of the following: mandatory participation, primary coverage required is low, and maximum fund coverage is high

Mandatory participation means that each person is mandated to participate, or pay into, in the state fund, as well as their own specific insurance carrier. Primary coverage signifies when the fund will “kick in” and begin paying a patient. If the primary coverage is low, then the private insurance carrier will only pay a small amount and then the state will begin payment. As seen in Table 13 of the Appendix, Louisiana has the lowest primary coverage required; only \$100,000 paid by the carrier and then the state will start to pay. The maximum fund coverage indicates the amount the state fund will cover. For example, some states will cover an unlimited amount of money (South Carolina and Wisconsin), while others will only pay up to a certain amount (Louisiana, Nebraska, etc.). Therefore, a state receives a “1” if

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they have none of the three outlined characteristics, signifying that their state fund is not well established, having a small impact on the state. A “strong” state fund has two of the characteristics, meaning the fund has a larger impact on the state.

Results

The six regressions performed in this study seek to determine the significant factors that affect the medical malpractice premium rates set by insurance companies across the nation. In order to account for the vast difference in rates between internal medicine, general surgery, and obstetricians/gynecologists, separate regressions were computed for each specialty. The first set of regressions was computed using a dummy variable for “patient compensation fund,” while the second set used the above-mentioned scale to indicate differences between each state fund. The computations revealed the significance of many important variables that may help to determine future policy action.

In order to provide a perspective when reading the following regressions, it is helpful to have a grasp on the range of premium rates used. Table 4 below outlines the average premium rates in 1993 and 2003 for each specialty. As shown, the rates have significantly increased over the span of ten years and in some cases almost doubled.

Table 4.

Year	Internal Medicine	General Surgery	OBG/YN
1993	\$6,127	\$22,668	\$38,310
2003	\$11,181	\$39,651	\$59,680

Regressions Using Dummy Variable for Patient Compensation Fund

Regression 1: Internal Medicine (Dummy Variable)

The coefficients below express the effect of the independent variable on the dependant variable, while holding all other things constant. Therefore, if the year in question is 2003, versus 1993, there is a 1743 dollar increase in the dependant variable, the premium rate

for internal medicine. The following equation represents the results of testing the internal medicine premium with all of the independent variables and a dummy variable for the compensation fund.

Regression 1: Internal Medicine (Dummy Variable)

$$\begin{aligned} \text{Internal Medicine} = & -21791 + 1743\text{Yr} - 326\text{Comp} + 0\text{Pop} + .34\text{Income} + \\ \text{Premium rate} & \quad 53143\text{Incarc} + 1104\text{Pol} - 400\text{Educ} + 236\text{White} + 251\text{Blk} \\ & \quad + 236\text{Asian} + 283\text{His} + 160\text{Limit} - 944\text{Funddummy} + e \end{aligned}$$

Although the coefficients are important in a regression equation, the more important indicator is the p-value. This value is used to indicate the statistical significance of a given variable. A variable is considered significant if its p-value is less than or equal to 5%, indicating that there is a less than 5% chance that the estimated coefficient would have occurred by chance. The p-values for this regression are shown in Table 5 below and those values considered significant are in bold.

Table 5.
Regression Statistics: Internal Medicine (Dummy Variable)

<i>Regression Statistics</i>				
Multiple R	0.712451047			
R Square	0.507586494			
Adjusted R Square	0.426556424			
Standard Error	4428.649428			
Observations	93			
	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>
Intercept	-17917.47934	12241.2814	-1.46369	0.147246
Year	2424.101831	1669.45545	1.452031	0.150453
Competition	-281.1476528	391.604024	-0.71794	0.474913
Population	0.000322897	0.00010289	3.138339	0.002389
Mean Family Income	0.268937079	0.1194612	2.25125	0.027148
Incarceration Rate	240978.4176	375562.721	0.641646	0.52296
Politics	1121.69772	576.251829	1.946541	0.055145
Educ. Attain.	-340.4513248	194.112215	-1.75389	0.083328
RaceWhite	203.2464199	120.646591	1.684643	0.096004
RaceBlack	201.4755908	122.503694	1.644649	0.104016
RaceAsian	236.9270887	150.815929	1.570969	0.120187
RaceHispanic	185.2024633	98.9561521	1.871561	0.064969
Limits	-102.2428047	327.410477	-0.31228	0.755653
Patient Comp. Fund (dummy)	-2749.127409	1426.59543	-1.92705	0.057568

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The most noteworthy variable is ‘mean family income’ (p = 2.7%), which found that for every dollar increase in the mean family income of each state, there was a 0.27 cent increase in the premium charged to internal medicine doctors. Other significant variables were ‘population’ (p = 0.2%), ‘politics’ (p = 5.5%), and ‘patient compensation fund’ (p = 5.7%). The latter two are just over the important 5% mark; however, I thought they were worth mentioning. ‘Politics’ accounts for the political affiliation of the Congressional delegation of that specific year, which in this case increased the premium rate. The existence of a patient compensation fund decreased the premium rate by 2,749 cents (p = 5.7%), significantly bringing down premium rates. Interesting in this regression is the insignificance of the independent variable of interest, noneconomic damage caps.

Regression 2: General Surgery (Dummy Variable)

The following equation is the result of the general surgery regression:

$$\begin{aligned} \text{General Surgery} &= -52852 + 8298\text{Yr} - 1581\text{Comp} + 0\text{Pop} + 1.03\text{Income} + \\ \text{Premium Rate} & \quad 132174\text{Incarc} + 4105\text{Pol} - 1473\text{Educ} + 925\text{White} + \\ & \quad 1176\text{Blk} + 900\text{Asian} + 1101\text{His} + 1010\text{Limit} - \\ & \quad 3618\text{FundDummy} + e \end{aligned}$$

The second regression resulted in somewhat different results, placing importance on various other independent variables used in the equation, as shown in the table below. ‘Race’ and ‘educational attainment’ were statistically significant when tested against general surgery premium rates. In terms of education in each state, for every additional person who attained a bachelor’s degree or more, the premium rates decreased by 1,354 cents (p = 4.3%). Also, if a state has more Black and Hispanic people, the premium rate will increase. ‘Mean family income’ (p = 5.2%), ‘politics’ (p = 2.6%), and ‘population’ (p = 2.4%) also had significant positive effects on the premium rates. Surprisingly, the existence of a patient compensation fund had no significant effect on the rates of general surgery doctors and the non-economic damage caps (limits) also had no significant effect.

Table 6.
Regression Summary for General Surgery (Dummy Variable)

<i>Regression Statistics</i>				
Multiple R	0.70068412			
R Square	0.490958237			
Adjusted R Square	0.40719187			
Standard Error	15083.364			
Observations	93			

	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>
Intercept	-52852.1798	41692.10187	-1.26768	0.208637
Year	10824.55749	5685.933086	1.903743	0.060585
Competition	-959.402633	1333.74884	-0.71933	0.474062
Population	0.000804336	0.000350422	2.295336	0.024367
Mean Family Income	0.802559957	0.406868246	1.97253	0.052048
Incarceration Rate	207664.8172	1279114.393	0.16235	0.871444
Politics	4448.297305	1962.633582	2.266494	0.026156
Educ. Attain.	-1354.024175	661.1192075	-2.04808	0.043875
RaceWhite	701.4062078	410.9055105	1.706977	0.091754
RaceBlack	881.8716916	417.2305442	2.113632	0.037702
RaceAsian	764.6138521	513.6580788	1.488566	0.140583
RaceHispanic	883.9570518	337.0308908	2.622778	0.010462
Limits	-320.3436467	1115.114546	-0.28727	0.774655
Patient Comp. Fund (dummy)	-7108.359365	4858.785609	-1.46299	0.147437

Regression 3: Obstetricians/Gynecologists (Dummy Variable)

The Obstetrician/Gynecologist regression somewhat differs from the previous regressions in variable significance. The regression equation is the following:

$$\begin{aligned}
 \text{Obstetricians/Gynecologists} = & -94,288 + 9,065\text{Yr} - 2,956\text{Comp} + 0\text{Pop} + \\
 \text{Premium Rate} & 1.67\text{Income} - 430,221\text{Incarc} + 2,799\text{Pol} - \\
 & 1,530\text{Educ} + 1,406\text{White} + 1,854\text{Blk} + \\
 & 1,314\text{Asian} + 1,684\text{His} + 1,130\text{Limit} - \\
 & 6,347\text{Funddummy} + e
 \end{aligned}$$

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While political affiliation was a significant factor in the first two regressions, it was insignificant here ($p = 28\%$), as seen in Table 7. Mean family income seems to again hold a significant statistic ($p = 2.1\%$) calculating that with every dollar increase in the state's mean family income, there is a \$1.36 increase in the premium rate. The R-squared is .44 (44%), which means that 44% of the deviation in the premium rates is explained by the independent variables present in the regression. Although a higher R-squared is ideal, accounting for 44% of the changes in premium rates is significant. What is once again interesting in this equation is the insignificance of the independent variable of interest, non-economic damage caps. The patient compensation fund also had no significance in this regression, resulting in a p-value of 14%.

Table 7.
Regression Summary for OBG/YN (Dummy Variable)

<i>Regression Statistics</i>				
Multiple R	0.664361424			
R Square	0.441376101			
Adjusted R Square	0.34945065			
Standard Error	21652.4601			
Observations	93			

	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>
Intercept	-94288.4695	59849.82	-1.57542	0.119156
Year	11044.35071	8162.267	1.353098	0.179884
Competition	-2239.211805	1914.622	-1.16953	0.245706
Population	0.00103453	0.000503	2.056567	0.043029
Mean Family Income	1.36719918	0.584067	2.340825	0.021764
Incarceration Rate	307349.3715	1836193	0.167384	0.867496
Politics	3041.428535	2817.398	1.079517	0.283642
Educ. Attain.	-1307.898056	949.0494	-1.37811	0.172059
RaceWhite	1129.855003	589.8628	1.915454	0.059053
RaceBlack	1354.324514	598.9425	2.261193	0.026498
RaceAsian	1187.153521	737.3661	1.609992	0.111388
RaceHispanic	1115.424466	483.8143	2.30548	0.023764
Limits	-549.6406473	1600.768	-0.34336	0.732239
Patient Comp. Fund (dummy)	-15163.201	6974.881	-2.17397	0.032701

Regressions Using Patient Compensation Fund Scale

The next three regressions were performed using the patient compensation fund scale outlined in the previous section. In order to control for the various confounding factors of the state funds, the scale was created for this study.

Regression 4: Internal Medicine (Fund Scale)

$$\begin{aligned} \text{Internal Medicine} &= -17,382 + 2,275\text{Yr} - 232\text{Comp} + 0\text{Pop} + .25\text{Income} + \\ \text{Premium Rate} & 269,755\text{Incarc} + 1,070\text{Pol} - 312\text{Educ} + 192\text{White} + \\ & 193\text{Blk} + 228\text{Asian} + 183\text{His} - 96\text{Limit} - \\ & 817\text{FundScale} + e \end{aligned}$$

Using the scale for the patient compensation fund variable resulted in a lower number of significant variables in the internal medicine regression. The only two independent variables that were significant were ‘population’ (p = 0.3%) and ‘mean family income’ (p = 3.4%). Interestingly the population continued to have a very small coefficient, meaning there is a zero unit increase in dependant variable with each unit increase in the population. Unfortunately there was no significance in either variable of interest, non-economic damage limits (p = 77%) or patient compensation fund (p = 15.9%). The full regression summary output is displayed below.

Table 8.
Regression Summary for Internal Medicine (Fund Scale)

<i>Regression Statistics</i>	
Multiple R	0.705174374
R Square	0.497270898
Adjusted R Square	0.414543324
Standard Error	4474.796999
Observations	93

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	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>
Intercept	-17382.73982	12398.70662	-1.40198009	0.164838232
Year	2275.421041	1686.211996	1.34942762	0.181054261
Competition	-232.508449	394.8031443	-0.588922486	0.557593526
Population	0.00031151	0.000104116	2.991938347	0.003697239
Mean Family Income	0.259642775	0.120958845	2.146538151	0.03489829
Incarceration Rate	269755.0344	379890.9983	0.710085355	0.479742062
Politics	1070.448099	581.9470931	1.839425116	0.069609465
Educ. Attain.	-312.6865328	195.241356	-1.60153842	0.113249145
RaceWhite	192.3331501	121.9394115	1.577284552	0.118726267
RaceBlack	193.2844364	124.4834857	1.552691389	0.124494055
RaceAsian	227.618914	152.4838489	1.492741137	0.139488018
RaceHispanic	182.9759796	100.4805862	1.821008282	0.072391732
Limits	-96.22870569	335.3016859	-0.286991416	0.774870287
Patient Comp. Fund (scale)	-817.3256191	575.5921925	-1.419973429	0.159549792

Regression 5: General Surgery (Fund Scale)

$$\begin{aligned}
 \text{General Surgery Premium Rate} = & -51,361 + 10,423\text{Yr} - 828\text{Comp} + 0\text{Pop} + 0.77\text{Income} + \\
 & 281,055\text{Incarc} + 4,316\text{Pol} - 1281\text{Educ} + 671\text{White} + \\
 & 859\text{Blk} + 739\text{Asian} + 877\text{His} - 309\text{Limit} - \\
 & 2,080\text{FundScale} + e
 \end{aligned}$$

As shown in the regression equation and below in the Output Summary, there are many more significant variables than in the last regression using the fund scale. With a negative effect (1,281), educational attainment was almost significant with a p-value of 5.6%. This means that for every increase in the percentage of the population that holds a bachelor's degree or more, there is a 1,281 dollar decrease in the premium rate charged to general surgeons. 'Population' (p = 3.1%), 'politics' (p = 3.1%), 'Race Black' (p = 4.5%) and 'Race Hispanic' (p = 1.1%) are also significant variables in this equation, all having positive effects on the dependant variable. There is still no importance in the variable of interest, patient compensation fund (p = 28.9%).

Table 9.
Regression Summary for General Surgery (Fund Scale)

<i>Regression Statistics</i>	
Multiple R	0.696115317
R Square	0.484576535
Adjusted R Square	0.399760015
Standard Error	15177.61729
Observations	93

	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>
Intercept	-51361.14573	42053.93539	-1.221316037	0.225598666
Year	10423.55333	5719.29416	1.82252443	0.072159232
Competition	-828.8532477	1339.093378	-0.618965982	0.537719593
Population	0.000775229	0.000353142	2.195233483	0.031082175
Mean Family Income	0.778976773	0.410268232	1.898701170	0.061255101
Incarceration Rate	281055.5386	1288514.358	0.218123715	0.827895176
Politics	4316.253987	1973.848258	2.186720266	0.031721775
Educ. Attain.	-1281.805074	662.2196672	-1.935619157	0.05649214
RaceWhite	671.8698147	413.5941185	1.624466559	0.108259742
RaceBlack	859.0290313	422.2231098	2.034538166	0.045252577
RaceAsian	739.3046858	517.1947467	1.429451267	0.156817239
RaceHispanic	877.2273112	340.8100707	2.57394774	0.0119239
Limits	-309.1720552	1137.27632	-0.271853067	0.786444197
Patient Comp. Fund (scale)	-2080.549407	1952.293705	-1.065694881	0.289807824

Regression 6: Obstetricians/Gynecologists (Fund Scale)

$$\begin{aligned}
 \text{Obstetricians/Gynecologists Premium Rate} = & -92,673 + 10,428\text{Yr} - 2,029\text{Comp} + 0\text{Pop} + \\
 & 1.31\text{Income} + 478,588\text{Incarc} + 2,752\text{Pol} - \\
 & 1,160\text{Educ} + 1,085\text{White} + 1,329\text{Blk} + \\
 & 1,151\text{Asian} + 1,115\text{His} - 462\text{Limit} - \\
 & 4,911\text{Fundscale} + e
 \end{aligned}$$

Unlike the previous regression, there are few significant variables in the OBG/YN regression. Once again, ‘mean family income’ (p = 2.9%), ‘Race Black’ (p = 3.1%) and ‘Race Hispanic’ (p = 2.5%) are all significant values. With a coefficient of 1.31, mean family income has a larger effect on the OBG/YN premium rate than the two previous specialties. Similar to the other specialties, the

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variable of interest, patient compensation fund, has no significant effect on the premium rates of this specialty. Also, the original variable of interest, damage cap limits remains insignificant in each of the three regression equations.

Table 10.

Regression Summary for OBG/YN (Fund Scale)

<i>Regression Statistics</i>				
Multiple R	0.655706074			
R Square	0.429950456			
Adjusted R Square	0.336144835			
Standard Error	21872.77032			
Observations	93			

	<i>Coefficients</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>
Intercept	-92673.75098	60604.77427	-1.52915	0.130222
Year	10428.28126	8242.190139	1.265232	0.209507
Competition	-2029.857143	1929.794468	-1.05185	0.296075
Population	0.000967571	0.00050892	1.901225	0.060919
Mean Family Income	1.310406382	0.591245822	2.216348	0.029544
Incarceration Rate	478588.6066	1856904.023	0.257735	0.797282
Politics	2752.944148	2844.552525	0.967795	0.3361
Educ. Attain.	-1160.032217	954.3381156	-1.21554	0.227782
RaceWhite	1085.896508	596.038824	1.821855	0.072262
RaceBlack	1329.626669	608.4742374	2.185182	0.031839
RaceAsian	1151.100202	745.3397784	1.544397	0.126489
RaceHispanic	1115.124904	491.1482651	2.270445	0.025905
Limits	-462.5367707	1638.951837	-0.28221	0.778517
Patient Comp. Fund (scale)	-4911.948558	2813.489824	-1.74586	0.084724

The results found in this study significantly differ from those of previous studies, especially regarding the outcome of patient compensation funds. There are many reasons why this study may have resulted in a different product. This study used a multivariate regression including many socioeconomic variables that may have an impact on premium rates. Few other studies I have encountered used a comprehensive multivariate regression including a wide variety of independent variables. The Thorpe article was the only article that controlled for many independent variables, but did not include a

variable for patient compensation fund. What was interesting from the Thorpe article was the significance he also found in market competition. He found that a 10% increase in the index (less competitive) is associated with a 2% increase in premiums ($p = .05$). This study found competition to have no significant effect. Also, the R-squared results throughout the study were somewhat low (~.40-.50), meaning there are other relevant factors that play a role in the premium rates. Other factors may include specific state data beyond the scope of this study or market factors that I was unable to account for. Differences in results such as this may be attributed to the other confounding factors used in each study. Thorpe failed to account for the patient compensation fund states, which definitely proved to have an effect. Other articles failed to use multivariate regressions, instead using “raw” figures and percentages and case studies, which are the lowest on a hierarchy of statistical information (Wyckoff, 2004). However, this study accounted for an array of possible contributing factors and therefore has led to interesting and promising results.

Conclusion

The results of the six regressions performed in this study have the ability to have a major effect on the future of the medical malpractice crisis. Even though each of the regressions had a distinct and individual result, they painted a picture of the current malpractice situation in our nation and pointed us in the right direction.

The results of all the regressions counter President Bush’s main tort reform to place significant damage caps (limits) on the noneconomic damages of medical malpractice cases. This independent variable of interest had no significant effect in any regression performed in this analysis, resulting in exceptionally high p-values (77%). The insignificance of limits in this study speaks to the importance of Senator Kerry’s stance on not limiting the noneconomic damages awarded to patients. If caps have no significant effect on decreasing the overall malpractice premiums, there is no reason to restrict the patients who deserve such awards.

Another independent variable that had a significant positive effect several times was the political factor. The implications of the positive effect from a more Republican congressional delegation are difficult to understand. Although the Republican Party tends to push for tort reform against the lawyers and patients by restricting awards

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and payments, it seems unlikely that this would result in an increase in premium rates. Traditionally the Republican Party supports “big business” and a free market economy with less interventionist policies. Therefore, it is only logical that their stance on medical malpractice would favor the insurance companies and hospitals. After surveying other studies in the matter of politics and health care policy, I was unable to find a like correlation between politics and premium rates. There are many studies that analyze the success and/or failure of certain health care reforms enacted by the different political sides. However, a link between two factors representing the two discussed in this study was not available. Perhaps a more Republican state has been less focused on insurance regulation and therefore, the rates have failed to decline. Typically Republicans are wealthier than Democrats; maybe a Republican state has high premium rates because of a higher level of income. In any event, this political factor calls for a more detailed analysis, controlling for other possible factors that may be at play.

The most noteworthy and promising result of this study is the effectiveness of state compensation funds on medical malpractice premium rates. When using a dummy variable to control for a state having any type of patient compensation fund, OBG/YN had a significant negative effect on premium rates. While internal medicine was almost significant ($p = 5.7\%$). Currently there are only seven states across the nation that have working patient compensation funds, each of which is slightly different. Even after controlling for the differences between the state funds, there seemed to only be an effect on the premium rates when there was a dummy variable used. This evidence speaks to the fact that more states should consider implementing patient compensation funds in order to deal with the malpractice crisis. These funds do not erase the costs of healthcare and malpractice; they simply divide the costs between the state and the primary insurer, allowing for a better overall system. Basically, physicians pay a surcharge to the state fund and then pay a fee to their primary carrier. In the case of a suit, the primary carrier will pay the award up to a certain amount, when the state fund will begin payment. The varying conditions for the seven states that have implemented a patient compensation fund are outlined in Table 11 in the Appendix (“South Carolina Legislative,” 2000). The varying spectrum of state funds demonstrates that states do not need to adopt a uniform method; different forms will work to reduce rates.

Insights

The medical malpractice system in our country is in dire need of assistance. The rising premiums are causing turmoil in our courtrooms and hospitals. Although the results of this study do not recommend either candidate's proposal, there is an interesting and promising outcome. The idea of a patient compensation fund may be difficult for states to implement immediately, but according to the results of this study, a compensation fund will decrease premium rates, creating a more efficient and affordable medical malpractice system for our nation.

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Appendix

Table 11.
State Funds Providing Excess Malpractice Insurance

State Fund	Administrative Structure	Participation Requirements	Providers Eligible ¹	Number of Participants ²	Primary Coverage Required ³	Maximum Fund Coverage
South Carolina Medical Malpractice Patients' Compensation Fund	Separate State Agency	Not mandatory	MDs, Nurses, Hospitals, Podiatrists, Dentists, and Other HCPs.	8,400	\$100,000/\$300,000	Unlimited
Indiana Patient's Compensation Fund	Medical Malpractice Division of The Department of Insurance	Not Mandatory	MDs, Nurses, Hospitals, Podiatrists, Dentists, and Other HCPs.	25,000–28,000	\$250,000/\$750,000 ⁴	\$1 Million
Kansas Health Care Stabilization Fund	Separate State Agency	Mandatory	MDs, Nurses, Hospitals, DOs, Podiatrists, Dentists, and Other HCPs.	10,000	\$200,000/\$600,000	\$800,000/ \$2.4 Million
Louisiana Patient's Compensation Fund	Separate State Agency	Not Mandatory	MDs, Nurses, Hospitals, Podiatrists, Dentists, and Other HCPs.	12,000	\$100,000 ⁵	\$400,000 + future medical expenses
Nebraska Excess Liability Fund	Division of the Department of Insurance	Not Mandatory	MDs, Nurses, Hospitals, DOs, and Other HCPs.	3,000	\$200,000/\$600,000 ⁶	\$1.05 Million
New Mexico Patient's Compensation Fund	Division of the Department of Insurance	Not Mandatory	MDs, Nurses, Hospitals, DOs, Podiatrists, and Other HCPs.	2,700	\$200,000	\$400,000 + future medical expenses
Pennsylvania Medical Professional Liability Catastrophe Loss Fund	Separate State Agency	Mandatory	MDs, Nurses, Hospitals, DOs, Podiatrists, and Other HCPs.	35,000	\$400,000/ \$1.2 Million ⁷	\$800,000/ \$2.4 Million
Wisconsin Patients Compensation Fund	Under The Office of The Commissioner of Insurance	Mandatory	MDs, Nurses, Hospitals, DOs, and Other HCPs.	12,000	\$1 Million/\$3 Million	Unlimited

- 1 Those providers listed are explicitly stated in law, other HCPs may include: Ambulatory Care Centers, Birth Centers, Chiropractor, Midwives, Nursing Homes, Occupational Therapist, Optometrist, Pharmacist, Physical therapist, Physician assistant and other healthcare organizations as defined by law. A DO is a doctor of Osteopathy. Nurses indicates that some type of nurse is covered.
- 2 Approximate number of annual participants.
- 3 Where there are two numbers, the first is the limit for each occurrence and the second is the aggregate limit for one year.
- 4 Hospital, HMO, health facility higher aggregate.
- 5 \$125,000 if self-insured.
- 6 Hospitals (\$200,000/\$1Million)
- 7 Hospitals (\$400,000/\$2Million)

A Durkheimian Explanation for Suicide Terrorism

By Philip Thomas Holdredge

Introduction

“Suicide attack is the most virulent and horrifying form of terrorism in the world today,” (Atran, 2006, 127). This statement accurately represents the Western view of suicide bombings. Suicide attacks are on the rise — “80 percent of suicide attacks since 1968 occurred after the September 11 attacks” (Atran, 2006, 127) — and popular support for suicide attacks remains high in the Middle East. The attacks are both cheap and easy to perform and result in a disproportionate number of enemy casualties in the terrorist organizations’ favor. Numerous government leaders and journalists misjudge the causes of terrorism: “[A] common notion in the U.S. administration and media spin on the war on terrorism is that suicide attackers are evil, deluded, or homicidal misfits who thrive in poverty, ignorance, and anarchy,” (Atran, 2004, 73). Actually, most suicide attackers differ from the assumed poverty and ignorance paradigm. Although suicide attacks are social expressions, suicide, in general, is an individual act. However, endless searches for specific individuals who may one day participate in a suicide attack should not be the basis of prevention policies.

A new framework is necessary to explain the suicide bombing phenomenon and properly direct prevention policy decisions. An effective framework should apply Durkheimian concepts to studies of suicide terrorism. Durkheim’s study and classification of types of suicide provide insight into suicide terrorism, but there are important differences between “ordinary” suicide and suicide terrorism. Despite these differences, when Durkheim’s principles are applied to the phenomenon of suicide terrorism, it suggests that suicide terrorism will flourish in highly integrated and highly regulated social environments.

Durkheim’s *Suicide*

Scholars often note Emile Durkheim as one of the founders of modern sociology. In his writing, Durkheim investigated the effects of

modern society on the individual. His seminal work, *Suicide: A Study in Sociology* (1979), provides insights about the societal conditions that contribute to increased rates of suicide within different countries. One precondition that contributes to increased suicide rates is integration, which is the extent to which an individual is part of a society. Durkheim argues that individuals who are either extremely under-integrated into society or over-integrated into society are the most likely to commit suicide. Durkheim defines suicide resulting from extremely weak integration as egoistic suicide. One type of weak integrated individual is the unmarried male. Marriage—more generally, family life—has the ability to “[neutralize] the suicidal tendency or [prevent] its outburst,” (Durkheim, 1979, 180). Therefore, unmarried men are more likely to commit suicide than married men. Educated people are also weakly integrated into society. Durkheim relates education to class, believing that the higher classes tend to pursue knowledge and have the “most active intellectual life,” (Durkheim, 1979, 165). He concludes that well-to-do classes exhibit higher suicide rates and, more importantly, that “suicide increases with knowledge,” (Durkheim, 1979, 168). However, Durkheim (1979) notes that education does not cause the destruction of societal ties, but rather, education is pursued because societal ties have already fallen apart. Therefore, education can serve as an indicator of weak societal bonds.

On the other end of the integration spectrum, suicide that results from an individual being over-integrated is altruistic suicide, Durkheim states that:

[W]hen a person kills himself...it is not because he assumes the right to do so but, on the contrary, *because it is his duty*. If he fails in this obligation, he is dishonored and also punished, usually, by religious sanctions...Now, we have seen that if such a person insists on living he loses public respect; in one case the usual funeral honors are denied, in another a life of horror is supposed to await him beyond the grave. The weight of society is thus brought to bear on him to lead him to destroy himself. (Durkheim, 1979, 219)

The individual that is highly integrated into society commits suicide when society's needs and opinions dictate that the person should

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commit suicide. Since the society or group is important to the person, s/he is willing to commit suicide for the society.

The other societal factor that fosters suicide Durkheim investigates is regulation. Regulation is the extent to which society controls the actions and desires of an individual. Similar to integration, extreme levels of regulation—either excessive or insufficient—tend to increase suicide rates. Durkheim refers to suicide resulting from low levels of regulation as anomic suicide. Crises—positive or negative—result in low levels of regulation, which interrupt the social order, thus disturbing individual identities (Durkheim, 1979). The disturbance of social order removes restrictions on individual desires. Individual desires need to exist in equilibrium with the means to fulfill those desires, or an individual may be unhappy and be more inclined to commit suicide.

Individuals that are highly regulated by society are more inclined to commit suicide. This type of suicide is referred to as “fatalistic suicide”. Durkheim mentions fatalistic suicide as a footnote in his overall study, briefly describing it as “the suicide deriving from excessive regulation, that of persons with futures pitilessly blocked and passions violently choked by oppressive discipline,” (Durkheim, 1979, 276). An example of someone that fits this example is a slave, because a slave’s actions — from the most complex actions to the most mundane — are regulated by his or her owner.

The two scales (regulation and integration) work independently in equilibrium. It is not sufficient to keep the levels high or low, since a drastic calibration in either direction is likely contribute to the increased prevalence of suicide. If integration is too low, individuals are more inclined toward egoistic suicide; if integration is too high, individuals are more inclined toward altruistic suicide. Furthermore, if regulation is too low, individuals are more inclined toward anomic suicide; if regulation is too high, individuals are more inclined toward fatalistic suicide.

Joining Suicide Terrorist Organizations

In “The Moral Logic and Growth of Suicide Terrorism” and “Mishandling Suicide Terrorism,” Scott Atran studies the roots of the current suicide terrorism phenomenon and attempts to redefine the current paradigm for suicide terrorism. Atran argues that, even though the government and the general population believe suicide terrorists are poor and uneducated, in reality they are “often more educated and

economically better off than their surrounding population... [T]he majority of Palestinian suicide bombers have a college education... [and] less than 15 percent come from poor families,” (Atran, 2004, 75). Furthermore, suicide bombers are usually “young, unattached males,” (Atran, 2004, 76). This analysis refutes the current paradigm, but simultaneously lacks a causal mechanism to establish why the individuals become suicide terrorists.

Durkheim’s typology of suicide provides a framework for understanding suicide terrorism, arguing that low integration contributes to suicide. As already mentioned, suicide terrorists exhibit similar conditions (ie-unmarried) as those that are likely to commit individualistic, “ordinary” suicide. This is especially true of jihadi terrorists—terrorists that actively work toward the creation of a pan-Islamic state. Additionally, most jihadi suicide terrorists exhibit the relationship that Durkheim discusses between education and deteriorated social bonds. These factors are evidence of jihadis’ disconnect from their communities. However, there are more direct indicators of their estrangement from society. Atran states that “more than 80 percent of known jihadis currently live in diaspora communities, which are often marginalized from the host society and physically disconnected from each other,” (Atran, 2006, 135). Since jihadis live as minorities in their communities, they lack connections to their surrounding communities. Thus, marginalized, unmarried, well-educated, well-to-do men are most likely to be recruited to become suicide terrorists. This is the case because societal institutions, such as marriage and religion, have failed to provide the prophylactic effect against the individualistic whims that could lead someone to join a terrorist group.

Society also tends to under-regulate jihadis. Durkheim discusses that low regulation leads to anomic suicide, because society is unable to curb the desires of individuals. Suicide terrorists often live in countries where crises have dissolved the abilities of society to regulate people. Atran states:

During the 1990’s, momentous political developments in Algeria (multiparty elections, including Islamic groups in 1992), Palestine (Oslo peace accords in 1993), Chechnya (dissolution of the Soviet Union and the end of Communist control), Indonesia (Suharto’s resignation in 1998 and the end of dictatorship), and elsewhere fanned rising aspirations

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among Muslim peoples for political freedom and economic advancement. In each case, economic stagnation or decline followed as political aspirations were thwarted (the Algerian army cancelled elections, the Israel-Palestine Camp David negotiations broke down, Russia cracked down on Chechnya's bid for autonomy, and Suharto army loyalists and paramilitary groups fomented interethnic strife and political disaccord). (Atran, 2004, 78).

These nations underwent rapid changes that altered the social order, which resulted in high aspirations for the future. However, the desired outcomes of these revolutionary events never came to fruition. This explains the prevalence of suicide bombers in these countries.

Committing a Suicide Bombing

Although the characteristics of suicide terrorists correlate with the demographic characteristics of Durkheim's framework for low integration and regulation, it is necessary to redefine Durkheim's framework to account for the social character of suicide terrorism. Durkheim analyzes individual suicides that are committed privately and do not harm others. Based on Durkheim's analysis, the people who are most prone to suicide — those who are unhappy over not being able to fulfill desires or those who give into momentary whims — could easily commit traditional, individualistic suicide. However, the suicide bombers choose to commit suicide to harm others. Moreover, the suicide bomber does not perform the attack independently; the suicide bomber operates through a terrorist organization. Therefore, Durkheim's analysis of individual suicides is not directly applicable to the suicide terrorist phenomenon, inasmuch as there is not a category of suicide terrorist at each end of the integration and regulation scales. In general, low regulation and low integration do not directly result in an individual committing a suicide attack. Rather, these factors contribute to increased rates of joining terrorist networks and cells, as people search for a sense of belonging and stability.

Overcompensation in the pursuit of stability results in the direct prerequisites for suicide terrorists to follow through with their attacks— the extremely high levels of integration and regulation. These high levels both affect an individual suicide terrorist, but it is

convenient to isolate each factor in order to classify two distinct types of suicide terrorists (based upon the primary factor influencing the individual). The two types are the altruistic suicide bomber and the fatalistic suicide bomber. Although it is necessary to define them as separate categories for the purposes of this investigation, they are most likely Weberian ideal types. The fatalistic suicide bomber experiences the same high level of regulation as the individual that commits “ordinary” fatalistic suicide. Bombers join terrorist groups of their own volition, but that does not mean they continue to foster the desire to commit a suicide attack. Atran notes that some groups do not necessarily completely indoctrinate the potential bombers: “For example, Tamil [Tiger] suicide operatives are actively selected by recruiters and cannot withdraw from planned operations without fear of retaliation against their families,” (Atran, 2006, 131). These bombers do not have the option of refusing to commit an attack. Therefore, terrorist organizations exert the same stranglehold on the fatalistic suicide bombers as societies exert on those who commit fatalistic suicide.

The second form of suicide terrorism — altruistic suicide terrorism — resembles Durkheim’s obligatory altruistic suicide, which results from extremely high levels of integration. The altruistic suicide bomber displays an intense assimilation of the organization’s, as well as the general society’s, expectations. Although the altruistic suicide bomber may be punished, it is in the form of loss of prestige within the group. The bomber forms intense bonds of loyalty with his fellow bombers. Oftentimes, the altruistic suicide bomber is a member of a global jihadi group. The jihadis take an oath that “affirms that by their sacrifice members help secure the future of their family of fictive kin: ‘Each [martyr] has a special place—among them are brothers, just as there are sons and those even more dear,’” (Atran, 2004, 79). Despite living in diaspora communities, the indoctrination of the suicide terrorists evokes intense feelings of community and obligation to fight for fellow members of the jihadi group, which resembles army training (Atran, 2004). The bond created often results from wide use of the internet, which allows communities to form despite geographical separation from other jihadis (Atran, 2006). Most importantly, the global jihadi movement, although made of individual cells that have a unique bond within the group, is able to use the internet and media to unite the groups. The movement has the ability to take the various “interpretations of religious canon [and] flatten and homogenize” them and create a specific message for the terrorist cells (Atran, 2006, 136).

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This message “translates personal and local ties within and across small groups into a profound connection with the wider Muslim community (ummah),” (Atran, 2006, 136). The result is the formation of “‘born again’ radical Islamists, including converts from Christianity, [who] embrace apocalyptic visions for humanity’s violent salvation,” (Atran, 2006, 129). This intense shift toward a high level of integration results in a large community with members who are willing to give their lives for the group.

Conclusion

It is necessary to restructure Durkheim’s separate integration and regulation scales in order to use them as tools for understanding suicide terrorism, because there is not a category of suicide terrorist at the ends of both of the spectrums. Suicide terrorism endemically results from low regulation and integration. These societal presuppositions create an environment in which individuals, in the pursuit of finding a group that can help rectify grievances, join terrorist groups that require them to commit acts of suicide terrorism. However, once individuals join a terrorist group, they enter into an environment of high integration and high regulation. At this point, it is hard for an individual to leave the terrorist group or refuse to commit a suicide bombing.

The Durkheimian framework points to potential solutions for reducing the prevalence of suicide terrorism. First, western nations, primarily the US, need to focus on supporting regimes that will attempt to achieve the goals that the people in their countries strived to achieve during the early 1990’s. For example, The US government needs to encourage a final resolution to the Israeli-Palestinian conflict, thereby improving the living conditions of the Palestinians. This shift away from supporting regimes that benefit short-term economic interests in exchange for failing to secure the interests of their own citizens will reduce the level of anomy within the societies in question. Second, rather than funding corrupt regimes, western nations should fund organizations that support the betterment of communities that are likely breeding grounds for terrorists. This shift will increase integration among disaffected members of these communities. Most importantly, this investigation found that trying to identify specific terrorists or potential terrorists is a difficult and often fruitless task. Therefore, eliminating the root, societal causes that predispose

individuals to suicide terrorism is the only means of deterring terrorism.

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Is Electronic Waste Recycling Sacrificing the Environment for Economic Efficiency? China's Taizhou City as a Case Study

By Yejun Qian

Introduction

Situated on the winding east coast of middle China, the Taizhou area enjoys a widespread fame for its beautiful natural scenery and the entrepreneurship of its people. Known as “the renowned mountain in the sea” for hundreds of years, this 9,411-square-kilometer land area encompasses more than ten national tourist sites, such as the Tiantai Mountain and the “Holy Residence,” and over a hundred provincial and local scenic spots. Moreover, it prides itself not only on being one of the main production bases of grain, fruit and fish in China, but also on serving as an important port of foreign trade with the outside world. For the past two decades, the Taizhou government has gone to great lengths to improve its infrastructure, especially traffic and telecommunication, in order to boost Taizhou's economy and “to build Taizhou a modern coastal city of advanced science, industry and trade before 2020 (Government website of Zhejiang Province, China, 2005).”

At a glance, Taizhou seems to possess so many attractive characteristics to support its rapid economic growth. In recent years, nevertheless, a relatively unnoticeable business there has emerged, expanded and escalated to an extent that is profoundly impacting the development pathways of this 2100-year-old region. That business is the environmentally notorious electronic waste recycling (e-recycling) (Basel Action Network/Silicon Valley Toxics Coalition, 2002).

E-Waste and E-Recycling in a Nutshell

As information technology has rapidly advanced and the volume of electronic devices markedly surged, an increasing amount of obsolete electronic devices starts to pile up at almost every corner of the world at uneven rates. A wide, growing range of electronic devices, such as refrigerators, hand-held cellular phones, and computers, are now also known as “electronic waste,” which in total can contain up to 1000 toxic substances, including lead, chromium,

and plastic additives. Often rich in precious metals and other reusable materials such as plastics, e-waste has been perceived as a source of additional income by more and more peasants and unemployed laborers in Taizhou, one of the first and biggest e-recycling sites in China.

Different counties of Taizhou usually specialize in different stages of e-waste processing, from manual dismantling, circuit board cooking, acid bathing and stripping, to open burning and dumping. Primitive tools along with toxic chemicals are used, yet few protective measures are taken, if any. In manual dismantling, for example, e-recyclers use chisels, hammers and at times cutting torches to separate various types of metals and “re-soldable” components. For circuit boards that are more complicated and harder to process, they simply cook the wastes over charcoal burners and resell the chips and other recovered components to acid strippers for further processing. A pungent smell permeates the workshops, accompanying black fumes rising from the cooked circuit boards. Strikingly, most e-recyclers, if not all, don't even wear a respirator and they work directly in front of the burners for hours. “I couldn't stand the smell at first, but it became alright after a while. At any rate, I'm making money out of this and that's the most important thing,” said an anonymous e-recycler, burning a circuit board, bare on the top. On the other corner of his workshop, a bottle of isoamyl acetate and another bottle of industrial thinner were waiting to be applied, both of which are flammable and toxic chemicals that could be dangerous to the environment and human health if improperly handled.

Equally polluting is the open burning of cables to recover metals. Because of the thick fumes and strong smell arising from burning the plastic coverings of the cables, such activities usually take place after midnight to conceal themselves from local authority's monitoring. Several anonymous e-recyclers reported that they, too, hated to burn the cables, but it was impossible to separate the huge number of wires and plastic coverings with bare hands and simple tools, due in large part to low efficiency of such manual dismantling. Revealingly, in a few workshops, e-recyclers have reportedly invented some small “machines” with the capacity to process large volume of cables with increased efficiency, causing no damage to the environment or human health. The actual effectiveness and limited popularity of such machines, however, remains an open question.

Evolution of the E-Recycling Business in Taizhou City

Because of a large population and little cultivated land, per capita productivity of the Taizhou area remains low and the peasants there are always struggling with poverty. In Wenling County, for example, the first and by far the biggest e-recycling base in Taizhou, a population of around 1.1 million live on an area of merely 934.72 square kilometers (Government website of Wenling County, Zhejiang Province, China 2005). This directly results in an extremely low proportion of per capita cultivated land, 0.03 ha or 333.33 square meters, which is 37.5% lower than the warning level that the UN has set (Bureau of Wenling Party Committee, 2000). In consequence, when e-recycling started to appear in Wenling, peasants voluntarily joined the local army of e-recyclers and felt generally content with the more profitable and less physically demanding alternative to farming.

Since early 1990s, the number of e-recyclers in Taizhou has grown exponentially and recycling bases have proliferated. In Wenling County of Taizhou, for instance, modest, family-sized e-recycling workshops have become ubiquitous and neighboring counties seem to share this trend. According to Mr. Ye, a local e-recycler with more than ten years of experience (Ye, 2005), virtually every family in Wenling County has a direct connection to this business, i.e. either they are engaged in recycling e-waste themselves or their relatives are doing so. Although this may well be an exaggeration of the real situation, it nevertheless offers alarming indications of the scale of the e-recycling business in the Taizhou area. Indeed, according to the Economic and Trade Commission of Taizhou City, as of January 2005, more than 40,000 people in Taizhou work in the e-recycling industry and process around 2 million metric tons of e-waste annually, which “places the area on the very top of the list of regions receiving electric equipments in the world (Government website of the Economic and Trade Commission of Taizhou City, Zhejiang Province, China 2005).”

Sources of Electronic Waste in Taizhou City

Historically, local e-recyclers have sought e-waste from two major sources: domestic pipelines and foreign imports, the latter usually facilitated by some so-called ‘e-waste dealers’ (Basel Action Network/Silicon Valley Toxics Coalition, 2002). As is common practice in China, recyclers pay for the materials they want to recycle,

simply because rapid economic growth demands a constant supply of raw materials. The same logic applies to electronic waste, meaning that e-recyclers have to buy the e-waste they wish to process. In practice, when the collective need for new e-waste reaches a certain level, those e-recyclers form an informal cooperation and send one or several representative buyers to the cities, where stocks of e-waste are abundant, and purchase a large amount (e.g. thousands of tons) from e-waste suppliers every time. They then share the expenses in proportion to the quantity each one takes. In this way, they eliminate duplicate travel costs and related expenses, and reduce competitions in the e-waste market.

Specifically, in terms of domestic e-waste suppliers, any machine-intensive factories could in fact qualify as a ‘feeder’ in the eyes of these peasants, and as computers have pervasively integrated into modern life, virtually all companies above a certain scale could generate a considerable amount of e-waste sought after by these hungry peasants. As Mr. Ye reported during a personal interview, making a deal used to be quite easy, since factories and companies were eager to get rid of their waste and environmental regulations were too lax to prevent possible damages caused by such behaviors. What comes as a slight comfort to the environmentally concerned is that it has become increasingly difficult and less profitable to buy in e-wastes, as Mr. Ye complained, due mainly to more competition among e-recyclers, stricter regulations, and greater enforcement efforts, especially after the late 90’s. At the same time, transporting the waste has become riskier because of more stringent inspection for e-waste across provincial borders and at other checkpoints.

Interestingly, in the case of domestic e-waste sourcing, the same peasants often act simultaneously as an e-recycler and as an e-waste dealer, hence blurring the distinctions between the two. Consequently, the deals become harder to trace and monitor (i.e. now the authority has to deal with many more “dealers” with less e-waste, whereas before the authority could focus on a few dealers who traded large amounts of e-waste,) unfortunately adding more difficulty to managing the domestic flow of e-waste than in the foreign import case, where e-waste dealers have to exist between e-recyclers and e-waste providers.

In the case of foreign imports, as already indicated, virtually every deal involves an independent e-waste dealer who bridges the two ends. According to Mr. Ye, the Wenling base has credible ‘contacts’ from all over the world, notably in the U.S., Japan and Taiwan. Many

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of these dealers came from the Taizhou area themselves and were more or less engaged in e-recycling before. Therefore, they understand the business extremely well and know the most profitable kinds of e-waste, i.e. those rich in re-tradable and precious metals.

To assure themselves on the “quality” of the upcoming imports, e-recyclers usually demand photos of the waste from dealers before negotiating a price, which falls in the range between three thousand and tens of thousands of Yuan per metric ton (or equivalently, between four hundred and several thousand US dollars per metric ton,) depending on the specific composition of e-waste (e.g. circuit boards, monitors, etc) and the expected return after processing. Besides, both dealers and e-recyclers hardly trust strange sellers unless through direct referral by someone in the “network.” Their increased cautiousness has predominantly resulted from two fears: one being that the Chinese customs may block their shipments and the other being that exporters may not send over the e-waste after receiving deposits. Still, as Mr. Ye pointed out, most e-recyclers in Taizhou prefers foreign imports of e-waste because such e-waste usually contains a far higher percentage of valuable and re-tradable materials.

A final yet essential step of importing foreign e-waste involves literally bribing and corrupting the local government and customs officials. Because of the ‘better quality’ of imported e-waste, e-recyclers are willing to sacrifice a bigger portion of their profits to buy political protection than for domestic e-waste. After local officials take an eye off the trade of e-waste, e-recyclers can easily smuggle in the waste and, in some extreme cases, receive a legal permit to import e-waste (herein treated as metal scraps, which can be legally imported in China) as long as it has been dismantled or smashed, and mixed with other metal scraps.

The Intermediate Steps

Before arriving at individual e-recycling workshops, e-wastes from different sources are first stored—or rather, piled—in the vicinity of Wenling, notably in Zeguo County where hundreds of Mu’s¹ of farmland has been converted to accommodate e-wastes. Poor farmers in these areas suffer from full exposure to all these potentially hazardous materials, which now stand on their farmland and take the place of crops. Worse still, just a few hundred meters away, various

¹ 1 Mu = 666.67 square meters

fruits such as watermelons and grapes are grown, harvested and transported to neighboring towns and cities. No protection is present whatsoever. If these fruits are polluted by means of water contamination or dust, which is likely the case, a variety of toxic substances contained in e-waste such as lead and cadmium, will ultimately accumulate in human bodies and cause serious damage. At stake is not only the environment, but also human health. Indeed, anecdotes have already started to spread across the e-recycling community in Wenling County regarding the negative effects of improperly handling e-waste on recyclers, according to Mr. Ye.

From these storage places, e-wastes make their way to one county after another, where the actual 'recycling' procedures take place, intermediate and/or final 'products' are made, and a new round of distribution starts.

The Destinations of Processed E-Waste

Thanks to its long e-recycling record, the Wenling County of Taizhou has been regarded as the heaven for cheap raw materials and electric equipments by all kinds of private manufacturers, large and small. Buyers from these firms are attracted from all over the nation to Wenling to order 'fresh' and untaxed metals at a discounted price, such as copper, aluminum, antimony and palladium, just to name a few. Local factories also use 'recycled' e-wastes to produce simple electric equipments, and their products are reportedly much favored by buyers from the upper end of the supply chain (Ye, 2005).

Although state-owned companies and institutions in China have more stringent sourcing policies and usually don't purchase raw materials or electric equipments from such underground sources, exceptions do exist. According to Mr. Dai, a veteran seller of processed e-wastes and related products in Wenling, he had managed to sell electric meters which had been produced or refurbished in local factories, to the local Bureau of Electricity and some airport authorities, for he had established solid personal connections with the officials from the property and purchasing departments of the foregoing institutions (Dai, 2005).

Despite the seeming fact that such business benefits both buyers and sellers, it has inherently profound social implications: sellers (e-recyclers) produce the goods at the cost of the environment and human health (including that of the tourists who happen to be in the vicinity of the region,) and buyers use such goods in their

production at the risk of those who are in the upper end of the supply chain and, ultimately, the consumers. In this sense, the entire society has to bear the costs and risks in the long run, which are generated by these two parties who gain in the short run.

A Multi-Level Analysis of E-Waste Politics

E-recycling exists and booms in Taizhou not only because of the willingness of local peasants. In truth, local governments and customs, the central government of China, the exporting countries of e-waste, manufacturers, and international/regional/local non-governmental organizations all have an indispensable role to play in this dynamic system, a large part of it being political.

For the peasants of Taizhou, poverty and consequently a lack of access to education contribute most significantly to their willingness to engage in e-recycling. It comes as no surprise that no e-recyclers in Taizhou have received any higher education. As a result, they face an embarrassingly narrow array of jobs to choose from and live under constant pressure to make ends meet. Money, therefore, has become so important to them that they are willing to sacrifice everything including their own health and the environment for it. Indeed, most of those e-recyclers are partially aware that e-recycling hurts their health and the environment, yet the myopic, utilitarian-like thinking and the typical self-comforting strategy of these people, so to speak, have led them to believe that it would still be worth their while to recycle e-waste for, say, 15 years and then quit. In this way, they would get richer and the environment and their health would not be harmed that significantly (Ye, 2005). Although addressing the issue of poverty is well beyond the scope of this paper, it seems essential that, to fully resolve the problem of e-waste, serious attention and effective government policies do need to be focused on poverty reduction within a reasonable time frame.

For the local governments and customs, their failure to control and stop the e-recycling activities under their noses mainly results from insufficiency of the responsibility system, distorted political ambitions and illegal economic incentives. The geographical and political distance between the central government of China and the local governments literally frees the latter ones from taking on many responsibilities that they ought to. In consequence, local governments can, in practice, choose not to enforce central government's policies as

effectively as they should if doing so better serves their political and economics interests, which is precisely the case for e-recycling.

Due to the central government's deep-rooted prejudice to rely heavily—if not exclusively—on economic growth figures to evaluate lower-level governments' performance, environmental policies that may negatively affect economic growth in the short run have long been extremely difficult to be enforced at the local level. In the case of e-recycling, Taizhou City's government officials clearly do not wish to cease the business, because it helps raise the average level of income in the short run which they could interpret as some sort of success in the reduction of poverty or unemployment (Government website of the Economic and Trade Commission of Taizhou City, Zhejiang Province, China 2005). As a result, even though the importation of various kinds of electronic waste has been banned or at least controlled in China (Basel Action Network/Silicon Valley Toxics Coalition, 2002), the enforcement of such policies remains poor. Finally, local government officials can almost safely take bribery from e-waste dealers, owing in large part to the inadequacy of monitoring and punishment in the current administrative structure. This makes local enforcements of environmental regulations even less likely to be effective. To counter such difficulties, one alternative that the central government may consider is to centralize the regulatory structure of e-waste management and to establish a special subdivision under the State Environmental Protection Administration, for example. A similar model has already been quite successful in Britain and implemented in France (O'Neill, 2001).

For the central government of China, the main challenges lie in the conflict between China's voracious appetite for (cheap) raw materials to sustain its dazzling economic growth and the toxic substances in e-waste that could substantially escalate the already out-of-control environmental degradations in China. Although the central government has taken several regulatory actions regarding the importation of e-waste to China, enforcement efforts remain ineffectual due to the various obstacles created by other domestic and foreign political interest groups, and to the slow pace of political reform of the China's Communist Party. In that sense, the issue of e-waste serves nothing more than reflecting the many other hidden environmental crises in this country.

Fortunately, an increasingly strong and diverse group of people from different social backgrounds have become more and more concerned about the environment, and have voiced their disquiet over

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the central government's "pro-growth, damn-the-consequences" attitude. One of the most publicly influential people among this group is Pan Yue, Vice Minister of the State Environmental Protection Administration. A courageous figure, Pan has fearlessly confronted the politically powerful polluters in China for years, which is rare among Chinese government officials. Just recently, he warned the public of an environmental catastrophe with a stunning estimate, "The pollution load of China will quadruple by 2020, when the country's GDP quadruples, if the pace of pollution remains unchanged (Roberts 2005)." Ironically, the year 2020 coincides with the planned date of modernization of Taizhou City set forth by its ambitious government, inviting serious contemplation on the ecological future of this agitated land.

For exporting countries of e-waste, a more responsible attitude toward e-waste would require further reduction of toxic substances in electronic equipments at the design and manufacturing stages, increased reuse of obsolete ones and safe disposal of their wastes, as opposed to the current laissez-faire approach that connives at the shipping away of e-waste to less developed countries. Political resistance naturally arises when lawmakers intend to phase out the use of toxic substances in the design of electronic devices and ban the transboundary movement of hazardous wastes, which the WEEE and RoHS directives (EU, 2005) of EU will soon require of the manufacturers within the EU community. However, the commitment to sustainable development truthfully speaks louder than short-term economic gains. Although manufacturers may lobby against such regulations by claiming that they compromise economic efficiency, empirical studies (Tobey, 1990) have shown that compliance cost as percentage of total cost in most cases does not exceed a mere 3%. At the core of the dispute is not how much responsible approaches of handling e-waste cost, but rather how the governments view their roles as a contributor to the sustainable common future of human being vis-à-vis a protector of the economic interests of small vested groups.

For the manufacturers, their decision to approach "greener" design and to take on responsibilities for end-of-life electronics could significantly ameliorate the situation. Green design essentially refers to the idea that electronics should be designed in a way that minimizes the use of toxic substances and allows greater capacity for upgrade in order to lower the rate at which electronic waste is generated each year. As early as 2002, totally "green" computers have appeared in Japan (Iles, 2004) and one has reason to believe that more and more

such products will continue to appear after the WEEE and RoHS become effective. In terms of extended responsibilities, an increasing number of manufacturers seem to have felt the implications of the EU directives and are starting to take on more responsibilities than they did before. For example, IBM has started to buy back used computers and sell refurbished ones at discounted prices in the U.S. in order to absorb the huge amount of wandering e-waste. Although the prospect seems rather bright, a bigger proportion of manufacturers need to follow this trend before meaningful effects could take place.

For environmental nongovernmental organizations (NGOs), especially local ones that can more directly influence the public attitude toward environmental challenges, their increased activism would add significant weight toward the environmental side of the balance if more and more people become aware of the serious ecological damage that e-waste would cause and pressure the authority to solve this issue. Equally important, international NGOs would serve as necessary bridges and monitors as the problem of e-waste increasingly transforms from local to global.

To conclude, the above analysis has demonstrated the complexity of the e-waste problem and, accordingly, the breadth and depth of international, national, and local coordination required to achieve a long-term solution. On the international level, governments need to take a step further and encourage more innovative technologies that allow “greener” design, manufacturing, and disposal of electronic equipments. On the national level, poverty alleviation is key, as well as timely political reform at the central government level that truly embraces the concept of “sustainable development” to the extent that environmental quality plays an equally important role as economic growth figures in assessing local government officials. On the local level, more stringent measures on controlling the traffic of electronic wastes will be indispensable, as well as more economic incentives to increase public involvement in monitoring and reporting illegal e-recycling activities.

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Reconciling Urban Spaces in Post-Apartheid South Africa: Glimpses of Cape Town's 'Liberated' Landscape

By Jessica Tepper

Introduction

This paper explores the transforming urban landscape of Cape Town in the wake of 1994's national liberation. For 350 years authoritarianism manipulated the social geography of the now-urbanized Cape Peninsula, carving a landscape of habitual segregation and inequality. The advent of democracy offers South Africa prospects of free movement and expression, but the last thirteen years has seen the "freedom" of myriad dreams materialize only in the realm of the *free market*. Immediately after coming to power in 1994, the newly-formed democratic government established a neoliberal groundwork in order to launch the fragile nation into the global economy; however, this rigid economic policy compromises the realization of social equality envisioned by many at the dawn of the new South Africa. In an atmosphere of increasing local disillusionment, this paper explores the difficulties of achieving the ideal society—where people at the margins can embrace the promises of democracy—within the still-erect structures of spatial alienation and unbending inequality that characterize Cape Town's landscape today.

Context and Theory of a Stratified Metropolis

The "official city" of Cape Town was born of conquest, conceived in the seventeenth century as a harbor for entrepreneurs seeking "new world" fortunes. In the following centuries, British and Dutch settlements expanded by militaristic claiming of territory. In the modern period, the conquest of landscape continued with apartheid's manipulations of areas through the creation and destruction of communities. From the first imperial footsteps that tread the beaches of Table Bay through today's fury of post-authoritarian urban eruption, Cape Town's history weaves common threads of conquest and dispossession.

John Western's theories of space and society form the groundwork of my research. In *Outcast Cape Town*, Western describes the symbiosis of *social relations* and the *physical spaces* in which they preside: society mirrors space and space mirrors society. This notion reflects apartheid processes of "social engineering," wherein urban planners reengineered South Africa's physical landscape with the objective of creating a "utopian" society of racial separation. The *Group Areas Act* of 1950 authorized the State to destroy neighborhoods and forcibly remove communities for the construction of an entirely segregated landscape. The *Group Areas Act* remolded society by deliberately manipulating space, and the legacy of those spatial arrangements continues to shape life after apartheid. In this paper, I use the term "landscape" to encompass both physical layout and its presiding social activity. According to spatial analyst Manuel Castells, "place by itself is an insufficient condition for producing social meaning; it's in relation to processes of social mobilization that places and the spaces which define them become carriers of meaning" (Soudien 98).

As revealed in conversations with my informants, a discussion of today's landscape entails discussion of past landscapes for conceptualizing a place in its current semiotic relevance. Furthermore, discussions with my informants revealed the extent to which the social landscape of Cape Town has remained unchanged in the years since 1994's political transition; the white population still controls prosperity rooted in the city's central business district while the "non-white" population remains pushed to the periphery, alienated spatially from places of employment and from capital. Thus, Cape Town's current stratifications along racial and economic lines echo the spatial legacy of apartheid.

Understanding the process of achieving social cohesion within a newborn city requires comprehension of the barriers that inhibit reconciliation of places. The new South Africa is coming through immense turbulence predicated on dislodgement, pain and enforced cantonization. Colonialism relegated the majority to the margins and removed them from the familiar spaces that spawned unique cultural identity.

The counterpoint to this narrative, however, smolders in the movements of resistance that have fermented throughout the centuries—climaxing in the mass insurrection after the Soweto uprising of 1976 and culminating with the negotiated political solution in 1994. The South Africa of today sits at the horizon where these two

historical narratives collide. The collapse of apartheid's authoritarian censorship, which isolated South Africa from the world, further complicates the present moment as liberation has allowed global forces to seep into the fabrics of individual livelihoods.

As journalist and social activist Zenzile Khoisan revealed over the course of several meetings, the events of history have given birth to an awakened society. Such a population will not sit silent within the parameters of unrelenting inequality. After political reclamation, the battle now lies in the task of rebuilding and creating a more harmonious landscape.

The Group Areas Act: Apartheid's Manipulation of Space

The *Group Areas Act* aimed to create hegemonic social order by way of spatial organization under the presumption that manipulating space will mold society (Western 6-7). Segregation implies domination wherein a superordinate group claims more desirable territory as its own exclusive domain (Western 60). The regime, however, did not implement this Act for the sole purpose of giving whites prime land; *They didn't like the way we lived in District Six*, museum curator Noor Ebrahim told me during a personal interview, referring to his diversely integrated neighborhood in downtown Cape Town that was later destroyed under this law. *We proved to the apartheid government that it's possible for people of all different cultures to live together in peace*. On February 11, 1966, the government declared District Six a "white area"—a motion that would forcibly remove 60,000 members of the community. Ebrahim writes in his autobiography:

This is a day I will never forget. The newspapers were filled with the news. District Six buzzed with talk about its future. Friends and family began to worry about how life would change. The uncertainty made me feel empty. But nothing happened immediately and after the initial shock life went on as usual (8).

To bolster the ambiguous *who's who* denoted by blurred social distinctions, the Group Areas conception offered a definitive *who's where*. In this way, *place* came to shape identity. From 1960-1983, 860,400 people throughout South Africa lost their homes, their

livelihoods, and senses of being as a result of forced removals (Western 42). Eventually most whites came to accept this segregation as normal—a division of nature, argues Michael Morris in *Every Step of the Way* (162). The *Group Areas Act* forced non-whites out of downtown Cape Town and into new racially homogenous residential areas, most of which were located in the city's sand dune periphery known as the Cape Flats. Anthropologist Crain Soudien describes the predicament of blacks living on the margins: "The Cape Flats, where the physical and the built environments, in their absolute insufficiency and hostility, conspire to deny people the ability to remake themselves," (104). Forced removals—the destruction of place—disintegrated entire communities and tossed individuals into unfamiliar, alienating areas.

Ebrahim grew up on 247 Caledon Street in District Six; the house was home to four generations of his family. In our meeting he recalled the excitement of the congested streets, the familiar faces, and the solid backdrop of Table Mountain. *There was never a dull moment in District Six*, he told me. Ebrahim writes,

We were ordinary people, living a rich and satisfying life. We cared for each other and about each other. And when it ended, I thought my happiness had received a blow from which it would never recover (83).

In our discussion he recalls the feelings of hopelessness and helplessness at the sight of bulldozers destroying the neighborhood. *What could I do? We had no choice*, he remarked sadly.

The Legacy of Group Areas

And in the structure of space there exists a parallel: for in the central city space mirrors society, and the Coloureds have been distanced geographically as the Whites have repudiated them societally. – John Western, *Outcast Cape Town* (139).

Despite the *Group Areas*' dismantling in 1993, current arrangements of Cape Town's inhabitants echo the spatial legacy of apartheid. During a personal interview, Judge Siraj Desai remarked: *Today the problem is this: it's still a white city with blacks living on*

the periphery. Most businesses and places of employment remain in the center of town, far from the townships of the marginalized Cape Flats. The huge buffer zones between communities of different races and classes—the product of militaristic urban planning—remain intact in the architecture of the city. Cinemas, shopping malls, and supermarkets are located in predominantly rich, white-populated areas. The continuation of white dominance takes current form in an ethic of expansion, maximizing economic growth in a capitalist framework. Businesses cluster in blocks and shops congregate in complexes of malls. Abdulkadir Ahmed Said, a filmmaker and social activist, relates this central clustering of industry to the city's larger mindset of insecurity that propagates the frenzy of *strength in numbers*. Western, too, argues that fear and the search for territorial safety are the bases of contemporary patterns of Cape Town's space (269).

The foreboding task of dismantling structures of residual segregation thus obstructs the process of building anew. Here, we are confronted with the question of whether the loss of place can ever be reversed, or if the reality of dispossession is too complex and absolute for it to be recovered in concrete and social terms (Delpont 40). Said dubs the city "Keep Town," as in *keep it white and keep it light*. He gives an Orwellian prognosis to the current circumstances of Cape Town; *the parameters have shifted, but the game remains the same*.

A Livable City?

The torrents of modernization and profiteering inundating Cape Town's terra firma have added another dimension to the task of reclaiming spaces. Unfettered capitalism, the current means of prestige for nation-states, enslaves democratic polities to the accumulation of cash. The ongoing tides of competition breed a vulnerability of nations upon prospects of potential avenues of wealth. In this maelstrom, the tugboat of South Africa rocks amid the waves of global market forces. Mainstream macroeconomics equates modernization with success; but what does modernization amount to on the micro level? According to Western, "Humanistic geography, among other things, implies looking at the city through the texture of the lives of its inhabitants. Seen this way, the astonishing physical beauty of the Cape Peninsula is metamorphosed into a remarkably bleak experience of living for many Capetonians," (327).

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After the dismantling of *Group Areas* in 1993, property values in white communities multiplied exponentially. Basil Coetsee, a local activist, commented: *As segregation crumbled, property values soared to keep me from moving there* [to prime neighborhoods]. *And it still happens because whites own all of the capital.* Legal efforts to inject life back into the city center by constructing a residential node have become swamped by market imperatives. As a result, attempts to transform Cape Town into a “more livable city” imply creating a more welcoming space for the rich.

The central business district of Cape Town has witnessed major developments in the conversion of under-utilized commercial buildings into residential apartments. Michael Morris, senior editor of the *Cape Argus*, attributes this transformation to the notion that the city must *live* to survive. The Economic and Human Development Strategy anticipates that by the end of 2006 approximately 2,700 new private apartments will be built and transferred, bringing the total number of apartments in the central business district to 3,500. These new flats sell for astronomical prices. Ron Martin, cultural heritage officer, remarked in a personal interview that the smallest, cheapest flat in Mandela-Rhodes place (a housing corporation) costs R4.5 million (\$750,000). *And it's a tiny apartment! But that buys the privilege of living in the city center*, he commented.

Cape Town has one of the fastest growing real estate markets in the world, yet this market excludes the ordinary South African. Housing prices rise even as most people remain entrenched in residual disempowerment. Consequently, 80% of the new and improved city property is being sold to foreigners. Martin continues: *We live 36 kilometers from Cape Town and we can't come any closer than that.* Here arises the question of where ordinary South Africans will fit in when the city center becomes transformed into a space for the very wealthy. *Such a transformation*, Morris mentioned, *could translate to a celebration of Cape Town in a way that's not the Cape Town we want to celebrate.* By catering to the rich, the current redevelopment of the central business district translates to a reclamation of *white spaces*. Martin remarks, *We were racially alienated from Cape Town. It continues today, but this time it's capital alienation.* In this sense, money has become the new apartheid with cash as the access metaphor (Khoisan, personal contact). Here arises the predicament of how to increase social stability when the national economic model is predicated on profit.

Whose Sacred Spaces?

“But in whose image is space created?”
—David Harvey, *Social Justice and the City*

According to Martin, *prime land in South Africa means white land. But prime land is where we used to live.* Martin refers to the conquest of indigenous Khoi sacred spaces and the claiming of this land as colonial territory during the seventeenth century. At present, many sacred spaces remain inaccessible to Khoi descendants as the land has since become private property. Says Martin, *We are culturally estranged from land which gave us our history, religion, and cultural practice.* Centuries ago, Dutch colonizers annexed a major Khoi settlement and built an imperial fort upon the area. Today this castle stands erect at the center of Cape Town, a symbol of colonial victory. The castle functioned as the establishment of imperial authority: the setting for the signing of dubious treaties, and as such, the groundwork of broken promises. Though several Khoi images have been introduced to memorial exhibitions, the castle by in large commemorates a one-sided account of history. One-time chambers of imprisonment today reside behind closed doors in forgotten corners of the castle, nearly invisible to the tourist. Underground, the dungeon erodes in shadows of anonymity. The castle—a sacred space for descendants of those prisoners—presently stands tribute to the narrative of colonial glory, perpetuating the alienation of cultural heritage. *The earth determines who I am,* remarks Coetsee. *But the land associated with our culture is not accessible to us.*

Fr. Michael Weeder, a local priest and personal assistant to Archbishop Desmond Tutu, grew up in Vaterkant—a recently-gentrified area of the city. The grounds of his childhood have since become the property of a man from California. *That’s what hurts,* he remarked in our discussion. *I am a child of the soil. We inherited the land and it’s been stolen from us on a variety of levels.*

Narratives from the Bo Kaap

Marris posited that ‘community’ (whatever it may be) has two salient qualities: (1) the notion of community as acknowledgment—living in an area where people accept responsibility for one another, almost a ‘microcosm of human experience;’ and (2) the notion of community as territory—appropriating the familiar places that have become comfortable. They become a resident’s stamping ground, his or her space, where he or she can say, ‘I am known and can find my way about.’ The combination of these two qualities results in what Wild (1963) has called ‘fields of care.’

– John Western, *Outcast*
Cape Town (164)

I am not happy here in Bo Kaap, says Laysa Jabaar. I sit in her whitewashed living room along with Shireen Narkidien in a flat on Bantam Road in Bo Kaap, a close-knit Muslim neighborhood constructed by the *Group Areas Act*. The three of us sip tea and discuss the ebb and flow of community life in this dynamic district. Jabaar remarks:

Before, the whole community took part in raising children; everybody helped everybody. We were brought up by one another, caring for one another. Today it’s ‘my kids are better than your kids.’

Jabaar refers to the “modernization” creeping into Bo Kaap lifestyles since the collapse of apartheid’s walls of censorship that isolated South Africa from global influences. In these changing tides tumbles the small community of the Bo Kaap.

Since the authorization of media broadcasts from outlets outside South Africa, these two women describe how residents of Bo Kaap, especially younger generations, attempt to mirror the world viewed on television. *But they don’t know what the outside world is like*, Narkidien remarks. *People tell you ‘in London you have to phone your neighbor to make an appointment to visit.’ Whether that’s true or not, people follow the trend.* In its mystique, the outside world—inaccessible for so long—cultivates hope and respite for

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residents here; adornments and references to “modern” life are met with subconscious applause. *People feel that the outside world represents status*, says Narkidiem. Washiela Adams, another resident of Bo Kaap, echoed similar sentiments regarding the changing attitudes of community members. She told me:

People in Bo Kaap are now more like the Jones'. It's all competition. They have a hell of a lot of attitude. I don't know what makes them think they're better and on higher levels. Why? On the Day of Judgment we're all the same! But people know your business far better than you know yourself. I don't care how my house looks out front. It's nice and warm and the welcome is on the inside.

Adams, Jabaar, and Narkidiem speak of the growing sense of individualism creeping between established threads of community since the global market's recent intrusion into South African life. As Khoisan articulated in a meeting, by its very nature capitalism disrupts cultural and social solidarity and prevents one from having a sense of holistic community. This new current of mercenarism begets cognitive dissonance, rupturing social fabric and placing everybody in positions of competition. Furthermore, manifestations of capitalism in places in which there was once great social and political ferment precludes any sense of social cohesion. Said remarks: *You don't have to create cultural and psychological alienation for South Africans for the sake of the economy! This paralyzes South Africans while the American economy gets stronger.*

In the wake of political liberation, Cape Town remains a landscape of colonial architecture: an urban sphere comprised of a vast, marginalized black periphery ever-repressed by a hegemonic white nucleus. Given this context, can the new South Africa overcome the alienations of its stratified terrain? According to Said, this is not a question of land but a question of *mindset*. The task does not involve building a new city, but working creatively within the existing parameters of stratification to transform individuals' orientation to place. *There cannot be progressive change without changing fundamental ways of thinking and behaving*, Said continues. *People are still in a shell. But reclaiming must come from the people; it must be a natural process from which bottom legislation paves the way.* Reclaiming spaces requires individuals to see themselves as integral

parts of society, defeating the complex of self-alienation. The transformation of mindset constitutes a major step in the course of reconciling Cape Town as a meaningful and accessible place for all.

Transcending Stratifications: Finding Meaning in the Landscape

Fr. Michael Weeder relayed the following story during our discussion: In the beginning, the rich African soil gave birth to a beautiful panther. The green land was to be his playground, his sanctuary. But then a crushing force came from the outside placing a collar around the pup and his power was restrained. The panther spent his life chained to the fence of his oppressor. He never came to know the smell of the wet forest. The collar and the world surrounding his chain were all he experienced of life. *The same is with us*, remarks Fr. Weeder. *I am brought to this continent in chains and as a commodity. But now the chains have been dropped. And it takes a lot of courage to venture into the dark—everything is so mysterious, so unknown. But darkness may be a friend. Life is not just being a chained panther; there is life in the forest.* Reclaiming places involves venturing into the wilderness and creating spaces of expression within the unfamiliar.

Fr. Weeder currently preaches at St. Phillips Church, one of few edifices left standing after the destruction of District Six. Spirituality gives him strength and fuels his perseverance after a painful past. He comments,

Spirituality is the consequences of what we do and how we respond to what is done to us; the consequences of broader moments of uncertainty and recollecting the range of things working together. Sometimes shit happens. Sometimes spirituality enables you to learn from it and to cope with it. Spirituality helps you find you.

Fr. Weeder founded the December 1st movement, an effort to rekindle the experiences of slavery in the seventeenth, eighteenth, and nineteenth centuries of colonial South Africa, during which time millions of people were brought from Malaysia, Indonesia, India, and other areas of Southeast Asia and the Pacific islands and sold to white plantation-owners as human chattel. He recalls the nature of slavery, noting how the spectacle of state-sanctioned punishment has

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consequences long after the practice ceases; *sustained acts of terror have become part of our spiritual DNA*, he remarked.

Having devoted his early life to the struggle against apartheid, Fr. Weeder endures now by assembling grains of meaning into the canvas of a spiritual existence. *Spirituality preceded apartheid*, he commented. *Theology comes from the first Africans on this soil. It is there in the understanding of the dance, in the way we hunted and killed. As life bled into the ground we asked forgiveness for having to do this—that was the spirituality of the hunt.*

During services he burns ancient Khoi herbs to invigorate the ecology of African ancestry. Rituals like this work to dissolve the colonial cultural legacy associated with Christianity in South Africa. *My mother internalized Western faith and I inherited a dialectic of that. Essentially we're all spiritual beings without any formal doctrine of religious belief.* In this way Fr. Weeder integrates African spirituality into the institutionalized religious system which once served as the moral edifice of oppression. Within St. Phillips Church, Fr. Weeder reconciles the two worlds—the opposing historical narratives—and within this space people come together to find spirituality beyond the tribulations of the worldly.

Conclusion

In spite of segregation's lasting legacy of economic and racial stratifications, Cape Town remains a city in transition. The initial stage of political liberation challenges the centuries-old European monolith which dictated the Cape Peninsula since its inception as an "official city." As Khoisan articulates, the first triumph was the creation of democracy; however, other manifestations of apartheid still must be dismantled in this new era. Overriding global market forces uphold conditions of inequality, evident as efforts to turn the central business district into a "more livable area" have emerged as a modern avenue for perpetuating racial and economic segregation across space. While unfettered free-market policy has helped but a few citizens, within the dynamics of capitalism there still exists space for human expression. As Said keenly articulated, the reclaiming of the city requires a transformation in the way people orient themselves to place.

Fr. Weeder preaches the following anecdote to his congregation: A baby eagle falls out of his nest and lands in a farmyard. Seeing this stranger in their yard, the chickens and hens

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laugh at him because he looks different and ugly. The baby eagle cannot go anywhere so he is raised in this ranch of humiliation, never knowing himself as anything other than a farmyard animal. One day, however, he catches a glimpse of the rising sun, and he felt such a power in himself that he started spreading his wings. And soon he was soaring about the farmyard. Fr. Weeder remarks:

There must be a moment of engagement where we can look into the sun and discover who we truly are. Unfortunately lots of people died not knowing who they were, and this is incredibly frightening to me. You've got to point the eagle toward the sun; that's education—to imbue the understanding that one has the potential to fly.

And by an understanding of inner strength, one has the potential, the confidence, to transcend the pettiness of the farmyard. This consciousness will crumble all barriers—the visibly spatial, and the hypothetically social. *In spite of what they wanted us not to be, we are who we are*, remarked Khoisan. The new era wages an epic battle against the residual presence of segregating structures. Within the slow process of change, there exist pockets of discontent and pockets of wakened consciousness; the two must find each other in order to make what was backwater mainstream and to bring what was marginal into the center.

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Following the Swami: Diaspora, Dialogue, and the Creation of a Hindu Identity in a Queens Community

By Drew Thomases

*“Move on, O Lord, in thy resistless path!
Till thy high noon o’erspreads the world,
Till every land reflects thy light,
Till men and women, uplifted head,
Behold their shackles broken, and
Know, in springing joy, their life renewed!”*

--excerpt from **“To the Fourth of July”**
by Swami Vivekananda (2004, p. 555)

Introduction

Indians and especially Hindus have found it necessary to develop a strong group identity when establishing a community amongst the assimilative “melting pot” of America. India—a vast land of linguistic, religious, and cultural differences—serves as a poor template upon which one could create such a cohesive identity. Yet out of this seemingly negative situation arose the greatest of opportunities; the opportunity to rewrite history, to reestablish the long-forgotten, and to throw out the all-too easily remembered—the opportunity to create an identity that, although separate from India, cherishes its “Indian-ness.” Thus, the Hindu diaspora was established. This paper is designed not to document the creation of this diasporic identity, but rather to explore its appearance today, and most importantly to interpret how this community has participated in the recreation of a Hinduism unique to the American landscape. Undergirding this observation is the growing stress placed upon religious education, both of the second generation American-born Indian youth and the general adult population. It is within the dynamic of cultural edification that the interaction between Hinduism and the West becomes most salient.

In 1893, Swami Vivekananda stepped onto the shores of America, bringing with him something wholly new and unfamiliar. That something—entrenched in thousands of years of Indian

tradition—was Hinduism. The World Parliament of Religions in Chicago served as the means through which the Swami could teach America of the many ways of the Hindu. In the coming decades, other Swamis from India would come to America to intrigue the audience that so loved the mystery and allure of the far-off subcontinent. Apart from spiritual teachers, though, few Indians were actually permitted entrance into the country. America, it seemed, admired the philosophy of the East, but eschewed having Indians as fellow citizens. Finally, the Immigration and Nationality Services Act of 1965 granted these “new immigrants” complete access to American soil.

Presently, there are around 1.5 million Indian immigrants in America, with a fourth of them living in New York City. Queens houses about half of that, making it one of the largest Indian communities in America (aafny.org). And while Sikhs comprise a disproportionably high percentage of immigrants from India, Hindus are nevertheless the majority. Throughout Queens there are cultural centers such as the “Little India” area of Jackson Heights, and several Hindu temples in nearby Woodside, Elmhurst, and Flushing. Unlike temples in India, which are largely places for worship, temples in America assume a much larger role, acting as the “nexus of cultural expression,” where adults mingle, and where children take classes to learn about their traditions (Bhardwaj & Rao, 1998).

This study focuses on three different temples in Queens, and how they reflect important themes within both the community, and diasporic Hinduism. First, I attended a class called “Basics of Hinduism for Children and their Parents” with Canadian-born (and Canadian-blooded) Swami Nikhilanand at the Satya Narayan Temple in Elmhurst. Here, the Swami expounded upon a homogenized Hinduism, seeking authenticity through ancient texts, and focusing on monist or monotheistic philosophy. Next is the Ganesha Temple in Flushing, which has several language, cultural, and religious classes all designed to help the second generation cope with problems of double identity. Third is the Hindu Center in Flushing, where a Sunday afternoon congregation and lecture portrays the adoption of an ecumenical attitude akin more to Christianity than to Hinduism (Yang & Ebaugh, 2001). An exploration and analysis of these three temples will demonstrate how dialogue between the Hindu diaspora and the West has led to the creation of a community unlike any other in the world.

Hinduism as an Indian Construct

One might be confused to find that, in many ways, Hinduism is not a religion. Still, when trying to comprehend a several thousand year old tradition that contains varying sects, gods, scriptures, languages, and practices, perhaps confusion is the best sentiment that one should feel. Ursula King (1989) explains the first of many problems when trying to define Hinduism:

“Religion” is often used as an observer’s construct. As such it is applied to sets of activities which the actors themselves may not necessarily term religious, nor may they necessarily combine distinctly separate activities into a coherent unity in the way the observer does (p. 75).

And so it seems that in the struggle to define Hinduism, scholars often establish truths where there are none; they look for threads of commonality that—no matter how small—help to create a unified Hindu belief system that, in most simple terms, does not exist.

Indeed, what makes Hinduism so very special is not its unwavering unity of thought, but rather its enormous body of diverse history, philosophy, and practice. The earliest traces of what we might call Hinduism comes from the Indus Valley Civilization, which produced the Vedic culture. Although the historicity of this civilization is a largely contentious issue, the general consensus is that sometime around 1800-1000 B.C.E., a group of religious scriptures, called the Vedas, were written. These Vedas spoke of many gods and goddesses, with a strong focus on the practice of rituals. Other works such as the Upanishads were written to accompany the Vedas, and to elucidate a more monist approach. Eventually Vedic gods fell out of favor, and new gods such as Vishnu, Shiva, Brahma, and Durga became the objects of worship. Later came Hindu reformers of the 19th and 20th century like Swami Vivekananda, who again spoke of Vedantic monism, but “did not so much describe what Hinduism is but, influenced by a western model of religion, they prescribed what Hinduism ought to be” (King, 1989, p. 80). The modern orthopraxic Hindu in India is aware of Vedantic philosophy, and knows well the words of Vivekananda; but his religious practice seldom reflects their ideals. Instead, he goes to temple, gets *darshan* (divine sight of the

gods), and loves mythic television serials. We cannot so easily explain what is “Hindu” and what is not.

Perhaps the most delicate issue of the study of modern Hinduism is the debate over monotheism and polytheism. Hinduism is undoubtedly polytheistic; there are many Hindus—both past and present—that might worship Vishnu and not Shiva, and vice versa. In fact, bloody sectarian battles have been fought over this difference. On the other hand, Hinduism is undoubtedly monotheistic; the tradition’s great scriptures all openly declaim the Oneness of God, and most Hindu philosophy deals entirely with the concept of *brahman* (Supreme Reality). Diana Eck (1998) describes this seemingly unsolvable dilemma:

The point here, however, is that India’s affirmation of Oneness is made in a context that affirms with equal Vehemence the multitude of ways in which human beings have seen this Oneness and expressed their vision. Indian monotheism or monism cannot therefore, be aptly compared with the monotheism of the West. The statement that “God is One” does not mean the same thing in India and the West (p. 24).

Furthermore, she adds that Oneness is not any more valid or significant than the polytheistic tradition, but rather that the two are “inextricably related” (Eck, 1998, p. 28). Pundit Krishna Pratap Dikshit of the Hindu Center in Flushing relayed this idea with equal veracity. In an interview, the Pundit pointed to a number of things: a light bulb, a tube light, a computer, and a fan. These, he explained, were the many forms of God. Yet a singular power (electricity) lights these bulbs, works the computer, and turns the fan on. The light bulb is nothing without the power, but we would never be aware of the power’s presence without the light bulb. And so both the single power and the multiple forms are dependent upon each other (K.P. Dikshit, personal communication, July 25, 2006).

Hinduism is a conglomeration of traditions that—over the past several thousand years—has seen innumerable transitions. It is a way of life and a culture. Or as Diana Eck (1998) so simply puts it, “Hinduism is no more, no less than the “ism” of India” (p. 24). We must now ask what this “ism” of India looks like when it is no longer on home turf. What defines Hinduism in the diaspora, and how has the opportunity to create changed the face of Indian culture abroad?

The Dynamics of a Community

Structuring a community, especially in the diaspora, can be a daunting task. As noted earlier, when immigrants arrive in their new home, they immediately face the pressures of assimilation. While some Indians welcome the West in open arms, most do as much as they can to preserve their culture, and values therein. According to Bhardwaj and Rao (1998), these Indians must undergo a “regrouping process,” where something as simple as the construction of the household altar accomplishes multiple objectives: it becomes the focal point of family engagement, the place of worship, and perhaps most importantly, the overt symbol of allegiance to the religion and culture of the home country.

Eventually, the community grows large enough to warrant a more extensive regrouping with the establishment of the cultural center. A cultural center, like that of Jackson Heights, provides a much needed home-away-from-home, where the sights, sounds, and smells are all pleasantly familiar. As “the visible signs of ethnic identity,” these centers serve as a memento of a culture far away, but not forgotten (Lessinger, 1995, p. 32). In having to represent themselves to the Western world, the members of the diaspora take an opportunity not simply to reproduce India in America, but rather to decide what retains value within the diasporic context. It is this separation from the homeland that allows for the reconsideration of certain ideas, and for the creation of a Hindu tradition that is in dialogue—not at odds—with the West. Caste, of course, is the first thing that comes to mind when thinking of “reconsideration.” David Frawley (2003), in his book *Hinduism: The Eternal Tradition (Sanatana Dharma)*, notes that “Caste is the most embarrassing part of Hinduism and the most difficult to explain to the modern mind” (p. 213). It is therefore within the reigns of the diaspora community to selectively forget caste or any other part of Indian tradition that does not contribute to the success of the community (Clifford, 1994). Caste does not, in fact, play any significant role in the every-day diaspora, but when a family begins to investigate marriage, caste restrictions become palpable (A.W. Helweg & U.M. Helweg, 1990). Still, these vestiges of conservative Indian tradition may dissipate in the second generation youth.

With the structuring of the cultural center, the community might begin to establish its religious centers. This once again involves careful deliberation rather than simple replication. The first issue always concerns what deities to have in the temple, and it seems that

the unanimous answer is “all of them.” That is not to say that there are 330 million *murtis* (divine images) in every temple, but rather that most temples contain the deities from every major sect and region: Lakshmi-Narayan, Shiva-Parvati, Rama-Sita, Krishna-Radha, Hanuman, Ganesha, Durga, and Saraswati. The decision to install this large group of *murtis* is both practical and profound: practical in that it attracts devotees from all regions of India; profound in that it suggests a reconsideration of differences across religious boundaries, pointing to a unification process found within diaspora Hinduism. This unification is not necessarily homogenizing, but rather gathering the varied traditions under one roof.

When looking at transformations in immigrant religions, Yang and Ebaugh (2001) note three overarching themes: one, the increasing congregationalism found within previously non-congregational religions; two, the return to theological foundations in search of a “purer” form; and three, the process of reaching past traditional boundaries for greater inclusion. Within the Hindu religious community of Queens, all three of these themes are present. Congregationalism, although not by any means common, is evident within the Hindu Center in Flushing, and will be discussed in-depth later. The process of reaching past traditional boundaries is certainly an aspect of the Hindu diaspora, especially when Hindus in India rarely look past their region or language-group for inclusion. The most relevant theme to this study, however, is that of returning to theological foundations. The success of diaspora Hinduism is dependent upon perceived authenticity, which is acquired through both a return to theological foundations, and a revisiting of the past. I will explore this theme alongside an analysis of Swami Nikhilanand and what he considers the “Basics of Hinduism.”

Following the Swami: Basics, Foundations, and the Future

Just a five minute walk from the “Little India” section of Jackson Heights is the Satya Narayan Mandir (temple). The building itself is brick with barred windows—a seemingly mundane structure. Its canopy is black and white and has the name of the temple written in English, Hindi, and Urdu. The doors are painted saffron, offering just a small taste of what is to come. Upon entering I take off my shoes, put my palms together and say “namaste” (hello) to a man who is undoubtedly Swami Nikhilanand. There are many Indians in the temple hall; all except for me and the Swami.

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Born in Canada and raised a Christian, Swami Nikhilanand is one of many Westerners who has turned to Hinduism in search of answers to spiritual questions. He became a Hindu in the Barsana Dham Ashram in Austin, Texas—all before he had traveled to the subcontinent. He studied the many Hindu scriptures, Hindi, and Sanskrit, went to India several times, and was eventually given “Sanyas,” or the rank of spiritual teacher and ascetic. Following the ways of his guru, Jagadguru Shree Kripaluji Maharaj, Swami Nikhilanand worships Radha as a form of “Divine Love” (“Barsana Dham,” 2003). He often comes to New York for a few months out of the year to teach about Hinduism.

A “Basics of Hinduism” class remains a new concept for those in the diaspora. Uma Mysorekar, President of the Hindu Temple Society of North America, explains:

As we grew up [in India], we never questioned anything. We observed lots of things happening inside the homes. Festivals were being celebrated, rituals were done, but then we didn’t ask what they were doing, why they were doing it. We simply said ‘yes, they’re doing it, so we do it.’ But today [in America] the children are different, and they have to know why, and the problem is the parents do not know the answer (Uma Mysorekar, personal communication, July 28, 2006).

Hindus in America can no longer just “do it”; they need to explain their religion, not only to their Western neighbors, but to their own children as well (Baumann, 2001). And so Swami Nikhilanand has come at just the right time. Yet as stated before, Hinduism is a particularly ambiguous term, especially when trying to ascertain its “basics.” A tree with innumerable branches may seem to have a single sturdy foundation in its trunk, but by looking beneath the soil one finds an even more complicated root system. Truly, the Swami has a difficult task.

The subject of the first “Basics of Hinduism” class was a telling one. Swami Nikhilanand wanted the children to give the many names for God. As the children yelled out names of the Hindu pantheon, the Swami’s assistant wrote them down on a white-board. A child said “Jesus,” and the Swami promptly replied “Jesus was a great teacher, but right now we are talking about *Bhagwan* (God).”

There were now twenty names on the board. The Swami asked “So are there twenty gods?” The room fell silent. “No,” he exclaimed, “There is only one God.” Five minutes into the class, and my mind was racing. One must now recall Diana Eck (1998): “The statement that God is One does not mean the same thing in India and the West” (p. 24). The question is whether a Hindu child, born in America, can understand his religion in the context of a country in which he may have never lived? Essentially, what will the statement “God is One” mean to those Hindus who have learned about Hinduism in America? This is important because, as I have mentioned before, the future of diasporic Hinduism lies within these children. When asked in an interview about polytheism, Swami Nikhilanand explained his understanding on the issue:

There is a big confusion in the world. If you read any Encyclopedia and look up Hinduism, the very first sentence will be “Hinduism is a polytheistic religion,” which is absolutely wrong (Swami Nikhilanand, personal communication, July 27, 2006).

“Absolutely wrong” is a strong phrase for a statement one might believe to be half-right. Hinduism contains innumerable traditions, many of which involve varying gods. Yes, they may ultimately reflect upon a supreme divinity, but their presence must not be ignored. On the other hand, the push to bolster monism and to rebuke polytheism is understood—especially in the West. It indicates the attempt to reinterpret for the sake of cultural reconciliation, and may therefore play a role in the future success of American Hinduism. Nevertheless, tradition and change must always remain in balance.

It was not until the third class that the Swami alluded to the process of returning to theological foundations. As a land of many different regions, histories, and dialects, India has never possessed complete cultural cohesion. Having only recently thrown off the shackles of Colonial dominance, moreover, India has also not yet fully decided what it means to be “Indian”; not Indian under Muslim rule, nor Indian under the British Raj, but just Indian—independent and free to explore identities. And so both India and the Indian diaspora have the unique opportunity to “engage in the critical task of reciprocal invention” (Radhakrishnan, 1993, p. 766) This means to find theological foundations that best suit one’s identity or beliefs, to

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valorize them in the “mythic past,” and then to internalize them as if they have always been (Radhakrishnan, 1993, p. 766).

The Swami’s return to theological foundations was not any different than that of Swami Vivekananda over a hundred years ago. Still, it is worth noting that what Swami Nikhilanand presents as a theological foundation becomes internalized in the minds of the twenty Indian children that sit before him. The Swami handed out a piece of paper with a short Sanskrit verse of a “Vedic chant,” written in Devanagari and English script, cited from the Svetasvatara Upanishad. The translation read:

God is One. He has a Divine form. He resides in the heart of all living beings. He is omnipresent. He is the supreme Soul of all souls. He is the eternal witness of all their karm and gives the consequence of their actions. The whole universe resides within Him. He is Graciously watching all the souls. He is Divine Bliss and knowledge and he is beyond mayic qualities (“Basics of Hinduism,” 2006).

Swami Nikhilanand’s reciprocal invention is subtle, but very powerful. The significance here is two-fold. First, the Swami chose a passage that, in returning to the theological foundations of the Vedas, bestowed upon itself authenticity and authority. In truth, the majority of Vedic literature does not reflect the practices of modern-day Hinduism. Nevertheless, The Vedas enjoy importance because they assert Hinduism’s position as one of the first world-religions. Second, and more importantly, this passage is from the Svetasvatara Upanishad, undoubtedly benefiting from the authority of the Vedic corpus, but differing from Veda in philosophy. Here, one must take note of Swami Nikhilanand’s selectivity. He could have easily chosen any number of chants from the much earlier Rig Veda, but these would fail to bolster concepts of monism. A hymn to Agni illustrates this:

Like some rich Lord of men may he, Agni the banner of the Gods, Refulgent, hear us through our lauds. Glory to the Gods, the mighty and the lesser glory to the Gods the younger and the elder! Let us, if we have power, pay the God worship: no better prayer than this, ye Gods, acknowledge (Griffith, 1896).

Through selectively choosing an ancient text that espouses the Oneness of God, the Swami is able to simultaneously emphasize the focus of his teachings while conferring authority upon them.

Swami Nikhilanand's "Basics of Hinduism" class offered valuable insight into the changing nature of diasporic Hindu thought. His emphasis on the Oneness of God and the return to theological foundations suggests an idealized Hinduism—one where philosophy aids in the everyday, and theory meets practice. The children who took this class will remember the Swami's words, and they will help to shape the future of their religion.

The Ganesh Temple: Removing Obstacles for the Next Generation

The second generation youth in the Hindu diaspora faces great challenges when growing up in America, mostly deriving from issues of double identity. This situation is unique to the youth, as the first generation parents have always looked at themselves "as Indians in America, rather than Indian Americans" (Moag, 2001, p. 251). These second generation children, therefore, are the first to have the privilege of questioning whether they are Indian, American, or American-born Indian. Rodney Moag (2001) observes the "three stages of second generation identity formation": first is the "totally Indian" stage, where the child spends his early years under the parents' control, and is rarely exposed to the outside world. Once the child enters school, though, stage two, or "conflict and compartmentalization" begins, and he sees a world that is far different from anything he had ever known. He meets students from different cultural backgrounds, becomes aware of the stereotypes facing him, and often struggles to understand himself in the new context. The third stage, "reconciliation" is where the now college student has come to terms with his identity, and can comfortably approach his two cultures (pp.250-255). But must a child struggle with his identity for 18 years of his life? Does the process of reconciliation have to wait so long?

Uma Mysorekar, President of the Hindu Temple Society of North America (otherwise known as the Ganesha Temple), understands the struggles of the second generation, and has gone to great lengths to initiate the process of reconciliation. Indeed, the Ganesha temple maintains more educational and youth services than any other single temple in the Hindu diaspora of New York, perhaps the country. As one of the first Hindu temples built in America, and the very first built according to the *Agama-sastras* (temple-building

scriptures), Sri Maha Vallabha Ganapati Devasthanam (the Ganesha temple) stands as a paragon of the accomplishments of the Hindu diaspora (Hanson, 2001). In October of 1998, the Ganesha Temple opened up its Ganesha Patasala, a building adjacent to the temple designed specifically for youth activities. Here, members of the Youth Club meet for language classes, Math and English classes, *bhajans* (prayer-songs), dance lessons, and Veena lessons. The wide variety of offerings at the Patasala reflects the varying needs and desires of the second generation youth. Furthermore, the classes provide the opportunity for many students of the same background and similar disposition to meet, and begin to understand themselves through others.

The most impressive array of classes at the Ganesha Temple is that of Indian languages. Whereas most temples offer at most Hindi, the Ganesha temple offers Hindi, Tamil, Telugu, Kannada, and Sanskrit. The variety is particularly important because about 50% of the temple's devotees are from Southern (non-Hindi speaking) regions. Dr. Mysorekar explains that parents "are always concerned about their mother-tongues," and so it becomes a priority in their child's education. The chance of a student actually gaining proficiency in a once-a-week language course is slight, but any level of competence, or even effort, instills a "sense of pride" amongst child, parent, and extended family (Uma Mysorekar, personal communication, July 28, 2006). Furthermore, language acts as an apparent symbol of cultural preservation, regardless of its practical use. Thus, language classes reflect that both the temple and the surrounding community are making an effort to preserve all remnants of home culture.

Sanskrit classes, however, do not fall into the same category as that previously mentioned. Sanskrit, the language of Hindu scripture dating back to around 1800 B.C., has not been a "mother-tongue" for quite some time. Most Hindus, aside from Brahmins, do not know Sanskrit, and more importantly, do not care to. Still, even more than the mother-tongues, Sanskrit has come to represent all that is good about India, Indian culture, and the glorious Indian past. As the sacred language of the Aryans, of whom recent scholarship has begun to question, Sanskrit serves as a reminder to members of the Indian diaspora that they are descendents of one of the world's earliest civilizations. Furthermore, Sanskrit is an ancient contributor to the Indo-European language group, allowing Indians to claim linguistic, and ultimately cultural superiority over their European counterparts. For the second generation youth, Sanskrit is not just about language, or

religion, but about building identity and cultivating a connection with the past.

In addition to these language classes, the temple offers courses in *bhajans*, Dance, and Veena. These courses are unique in that they present themselves as being largely recreational, but ultimately propound religious thought. Art and spirituality are inextricably tied in Indian culture, and can play a powerful role in the inculcation of the second generation. Dr. Mysorekar explains that forceful religious education results in retaliatory sentiments, and to “mix fun with religion,” is not simply preferable, but utterly necessary (Uma Mysorekar, personal communication, July 28, 2006). Moreover, such classes allow for students to meet others with similar interests, and develop friendships with people who struggle through the same issues of identity.

The temple offers another class that, although not specifically targeted to the youth, is certainly worth noting. It is a Veda class, involving translation and discussion, instructed by the temple Pundits. Vedic chanting—undoubtedly a common practice in subcontinental Hinduism—is performed by the Pundits of the Ganesha temple on a daily basis. The intriguing detail, therefore, is not the fact that the Vedas are important in these religious centers, but rather that Vedic literature is deemed *so* important that an instructional class is required. Again, this portrays the return to theological—and philosophical—foundations for the sake of claiming not only authenticity, but acceptance. Uma Mysorekar expounds upon this:

In order for us to expose ourselves and to make the Western population accept us and understand what Hinduism is all about, you [have] got to have philosophy to explain. Otherwise you are a cult (personal communication, July 28, 2006).

This sentiment seems to hold true throughout all of the diaspora community. They gain acceptance in America through carefully overcoming the social stigmas of India, and subsequently presenting a more cohesive, philosophy-based tradition that is in dialogue with the Western frame of mind.

What would childhood be without summer camp; it is, quite simply, part of the American Dream. Yet for the youth of the Hindu diaspora, camp is much more than fun and games—it is time for cultural education. And so earlier this year, the Hindu Temple Society

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of North America, in conjunction with Omna Ancient Art, set up “Summer Camp 2006.” From 9:15A.M.-3:30P.M, Monday through Thursday in the month of July, children of the diaspora enjoyed the company of fellow Indians while learning about their traditions. The daily schedule was as follows (“Ganesanjali,” 2006):

- Yoga, Meditation 9:30-10:30
- Geeta Class 10:30-11:15
- Snack Break 11:15-11:45
- Knowledge of India 11:45-12:45
- Quiz 12:45-1:15
- Lunch Break 1:15-2:00
- Dance/Drama 2:00-3:15
- Play Time (table tennis, chess) 3:15-3:30

From the schedule, we notice that this summer camp has a singular focus—that of the religion and culture of India. Play time, which constitutes the majority of activities at conventional American summer camps, is assigned a mere 15 minutes in the diaspora camp. Nevertheless, this demonstrates the diaspora’s ability to engage in a traditional American pastime while maintaining the unique goals and ideals of Indian culture. The American landscape will continue to change before our eyes as it makes way for a people, culture, and way of life that it has yet to fully understand.

At present, the youth in the second and third generations are appearing in the forefront of the Hindu diaspora. We do not know exactly how they feel, but we do know that the day-to-day struggles that they face are entirely unique to them. They have been chosen to receive a tradition that is in a rapidly changing state, and will continue to do so until they—like the generations of American immigrants before them—have established themselves as a part of this country. The process is slow and tortuous. Yet people like Uma Mysorekar, and the members of the Ganesha Temple have absolute faith. They know that Ganesha—the remover of obstacles—will ultimately help the future generations. They also know what they can do to help. The wide array of classes, ranging from Dance to Sanskrit, offers a welcoming atmosphere for forging friendships, learning about one’s religion, and creating a sense of self amongst the wider community. And in the end, the relationship between the youth and the community as a whole is a reciprocal one.

The Congregation of the Hindu Center

Parents too suffer from problems with identity; not from being born in a “foreign” land, but rather conversely, from being thrown into a land where one realizes that the culture one once knew now seems far less suitable in the diaspora. Diana Eck (2000) puts forward this intriguing conundrum:

But the dispersal of the Hindu communities outside India is considerably more complex than the term diaspora might convey, for these communities were already “dispersed” in the varieties of regional and sectarian traditions that compose Hindu religious life in India (p. 224).

Hinduism, it seems, is far too diverse to warrant either strict exclusion or inclusion. In the diaspora, though, inclusion in order to avoid alienation assumes a role of the utmost importance. In this circumstance, the creation of a unified “Hindu Nation” offers “a solution to the complex question of identity” (Biswas, 2004, p. 286). That is, a process of nationalization in India provides the opportunity for those in the diaspora to claim religious authenticity from the motherland. Here, homogenization is undoubtedly at work; but homogenization need not possess pejorative connotations, especially in the conditions of the diaspora.

The Hindu Center in Flushing, just a few minutes from the Ganesha Temple, participates in a practice unique to the diaspora of Queens; a practice that, above all else, aids in the unification and homogenization of Hinduism in America. This practice is congregationalism. Yang and Ebaugh (2001) explain that the push towards a more “Protestant model” of worship is representative of “organizational assimilation or Americanization” (p. 273). They present congregationalism as a multi-faceted process wherein the religious center establishes lay leadership, provides expanded services, and adopts a standardized weekly routine for worship. The Ganesha Temple—with Uma Mysorekar as the lay leader, and the many youth classes reflecting an expansion of services—demonstrates the first two qualifications of Yang and Ebaugh’s congregationalism. Yet only the Hindu Center has implemented the third facet, adopting a Sunday

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night congregation and lecture, and thereby diverging completely from what is described below as Hinduism:

Since Hinduism is not a congregational religion, its temples do not require expansive interiors. Devotions are performed daily in a home shrine. There is no sacred day; Hindus visit a temple individually or as a family on days of personal importance such as a birthday, or on days significant in the mythology of the enshrined deity (Dehejia, 1997, p. 141).

This short passage on ritual practice in India alludes to the changing nature of Hinduism in the diaspora. What was once considered “not-Hindu” has now come to define a unique form of Hinduism abroad.

The Head Pundit of the Hindu Center, Krishna Pratap Dikshit, understands this divergence from the traditional practices of Hinduism as a necessary one. He sees Hinduism as a “flexible” religion that “can’t afford” to be as narrowly segregated as it is in India (K.P. Dikshit, personal communication, July 25, 2006). Therefore, every Sunday from 6:00-7:30 P.M., Pundit Dikshit calls together the devotees of the community for a lecture. He speaks—in Hindi—to his largely North Indian congregation, and discusses significant features of Vedantic literature, the *Ramayana*, the *Mahabharata*, the *Bhagavad-Gita*, and other religious scriptures. Here we find Hinduism transform from the personal to the congregational, and from the diverse to the cohesive. Through sermon, the canon creates itself, and singular scriptures assume more importance than ever enjoyed in the past. The *Bhagavad-Gita*, for example, poster-board scripture of both Indian scholarship and Hindu nationalism, has only assumed significance since the late 18th century (King, 1989). And although over two hundred years of popularity may seem noteworthy, it is minuscule considering the excess of a thousand years in which the *Gita* has existed. When the Pundit elucidates upon the importance of the *Gita*, however, history becomes drawn into the mythic past, and the battlefield lives not only as allegory, but as reality. In hearing his words, the community unites as a singular group with a singular history, and a singular belief. Congregationalism, as seen in the Hindu Center, allows for the creation of a Hinduism specifically suited for the dynamics of the diaspora.

“Hindu nationalism” throughout the diaspora is rather ambiguous, but pertinent to the study of Hindu unification, and

therefore worth mentioning at least briefly. Established in 1970, the Vishva Hindu Parishad (VHP), or World Hindu Council, set out to create a nationalism not based on India, but rather on India's roots as the home of Hinduism. The VHP, together with the Bharatiya Janata Parishad (BJP), sought to gain political power under three basic claims: one that there is a "distinct Hindu community"; two, that foreign invaders have always oppressed the Hindus; and three, that "Hindu tolerance, non-violence, and disunity" have prevented efforts at liberation (Lochtefeld, 1994, p. 589). Throughout the past few decades, much blood has been spilt in the name of this so-called Hindu nationalism; all for the purpose of uniting a land that—in truth—has never been united. This is important to our study because it is believed that "the rise of Hindu nationalist politics has been funded and supported by Hindu diaspora groups" (Biswas, 2004, p. 272). It seems more accurate to say that the diaspora supports any entity that heralds unity within Hinduism, and not necessarily Hindu nationalism (or militancy). The congregation at the Hindu Center, for example, in searching for a cohesive identity, implicitly supports the claims of nationalist politics. Still, the homogenization that the Queens community supports is innocuous, if not beneficial. The community has created a form of Hinduism that flourishes through change, and finds cohesion without forsaking diversity.

Conclusion

Suppose a man starts straight towards the sun. At every step of his journey he will see newer and newer visions of the sun—the size, the view, and light will every moment be new until he reaches the real sun. He saw the sun at first like a big ball, and then it began to increase in size. The sun was never like the ball he saw; nor was it ever like all the succession of suns he saw in his journey. Still is it not true that our traveler always saw the sun, and nothing but the sun (S. Vivekananda, 2004, p. 482)?

The Hindu diaspora of Queens is simply another view of the sun. It is a community that has extracted the ideals of the homeland, and transplanted them upon American soil. In doing so, the members of the community have created an entirely new identity—one undeniably tied to India, yet at the same time perhaps even more so

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tied to the Western frame of mind. Through fluidity of discourse and dialogue, they have established a unified belief system that, in returning to theological foundations, echoes across both past and present. Indeed, the sun is the same, but the viewers are looking at it like Americans.

It is the youth, however, that we must rely upon in order to understand the changing nature of Hinduism in America. Their religious and cultural inculcation is a necessity for the preservation of their traditions, and it is happening now. What they learn—either from the likes of Swami Nikhilanand or Uma Mysorekar—will reflect the future of not only Hinduism, but the American landscape as a whole. We can make no assumptions for the future, but simply observe as this remarkable phenomenon comes to fruition.

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Importing Orange? Prospects for Belarusian Democratization

By Luke Forster

Between Two Worlds

The implosion of the Soviet Union in 1991 was widely hailed as an ideological triumph of democracy over authoritarianism. After a forty-five year long standoff, Europe finally seemed safe for democracy. However, old habits die hard, and the mid-1990s saw many Eastern European nations backsliding into autocracy. While a number of these new dictatorships persist, a second wave of pro-democracy movements has ousted authoritarian regimes in Serbia (2000), Georgia (2003), and Ukraine (2004). These “Color Revolutions” were large-scale, grassroots movements of oppressed peoples demanding an end to the repression, corruption, and fraud in their governments.

But has the advance of democracy halted? Why have some ex-Soviet republics undergone bottom-up democratic breakthroughs while their neighbors still remain bogged down in repression? Although Eastern Europe may sometimes seem half a world away from America, it is nonetheless vital that American policymakers study the region’s recent democratic breakthroughs. As America has always been concerned with promoting democracy, liberty, and the rule of law, it is crucial that we examine how and when democratic breakthroughs emerge. The contemporary nature of the Color Revolutions (a twenty-first century emergence) makes them doubly important. Without a detailed understanding of these movements, it will be difficult to identify which countries are and aren’t ripe for democratic breakthroughs. Furthermore, in a gigantic geopolitical chess game, Ukraine and Belarus lie directly between two powerful players, Russia and Europe. Putin’s concentration of power in Russia, Europe’s increasing thirst for Russian energy, and the strategic East-West pipelines all increase the stakes of the game, making previously-overlooked nations of Eastern Europe suddenly important in the international arena.

This paper will focus on post-Soviet democratization through a comparative case study of Ukraine’s 2004 Orange Revolution and Alexander Lukashenko’s persisting dictatorial regime in Belarus. The

following pages will attempt to answer two questions: First, what conditions must be present in a country for a Color Revolution-style democratic breakthrough to occur? And second, what are the prospects for a peaceful democratic transition in Lukashenko's Belarus?

Historical Background

When the Iron Curtain came crashing down with the fall of the USSR, its satellites and member republics suddenly found themselves in a power vacuum. Almost overnight, they had independence thrust upon them, and for the first time in decades (centuries for some) they had to deal with the problems and privileges of self-rule. Some states such as Poland and the Baltics were drawn to Europe and quickly and easily embraced democracy and capitalism. Others are still struggling with democratic rule, and some, such as Ukraine and Belarus, have fallen back down the slippery slope of authoritarianism.

In 1994, Leonid Kuchma was elected president of Ukraine with the slogan, "Deeds not words," and a platform promising economic growth and positive change (Wilson, 2005, pg. 38). His predecessor, Leonid Kravchuk, had run the economy into the ground through neglect and inaction, allowing the GDP to fall almost 23 percent in 1994 alone (Wilson, 2005, pg. 38). Kuchma's successive regime fared no better, and his "deeds" led to further economic stagnation, large-scale corruption, and the rise of a thug-businessman class of "oligarchs" (Harasymiw, 2002, pp. 387-390).

By late 2004, Ukraine had had enough of Kuchma's abuses. A grassroots opposition movement headed by Kuchma's ex-Prime Minister Victor Yushchenko arose and quickly grew in size and power. By the 2004 presidential elections, Yushchenko had enough support to run against Kuchma's hand-picked successor and Russia's preferred candidate, Victor Yanukovych (Kuzio, 2005, pp. 491). Both candidates performed well in the first round of the presidential election, forcing a run-off between the two. However, this second round was marred by massive and obvious fraud from Yanukovych's supporters. When he was declared the victor, one million Ukrainian citizens peacefully took to the streets in protest, finally forcing the authorities to acknowledge the elections as fraudulent. In a third round of elections in December of 2004, Yushchenko fairly and decisively defeated Yanukovych, becoming the legal and legitimate president of Ukraine (Hesli, 2006, pg. 173).

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In many respects, the former Soviet republic of Belarus has changed little since 1991. The economy is still state-run (the government controls about 80% of the nation's industry) (Mite, 2006, pg. 173) familiar Soviet symbols adorn the streets, and the country is firmly in the iron grasp of single political strongman, Alexander Lukashenko (Krivosheev, 2003, pg. 165). Belarus' courtship with democracy was sincere but brief. The presidential election of 1994 was the only one in the country's short history to be free and fair (Dryzek and Holmes, 2002, pg. 82). Amid a race of prominent communist and nationalist politicians, Lukashenko won an unexpected victory as a dark horse candidate running on an anti-corruption platform (Way, 2005, pg. 251). Within two years, Lukashenko had twisted Belarusian democracy into authoritarianism, passing a 1996 referendum which gave him near-absolute power (Linder, 2002, pp. 88-90).

Since then, not much has changed in Belarus. Lukashenko regularly harasses opposition groups and politicians, heavily censors the media, and shows little regard for the democratic system under which he was elected. Numerous journalists have disappeared or mysteriously met violent deaths in recent years (*Belarus News*, 2006a), and Lukashenko unveiled a monument to the Soviet secret police this May (Radio Free Europe, 2006a). Political oppression is a part of everyday life in this European nation, and Belarus stands out as an international anomaly among democratic neighbors such as Poland and Lithuania. In such a repressive atmosphere, could a pro-democracy movement possibly succeed? Could another Orange Revolution strike in Belarus?

The Makings of a Color Revolution

In the winter of 2004, Ukraine ousted an oppressive and fraudulent regime. Why is its neighbor, Belarus, unable to do the same? In order to solve this contradiction, one must first ask what social and political conditions must be met before a successful Color Revolution can occur.

The three following conditions existed in Ukraine, as well as Serbia and Georgia, prior to their respective Color Revolutions. First, a well-organized and disciplined opposition force existed and was led by a skilled and popular leader. Second, a moderately-developed civil society existed, bolstered by a degree of media freedom and the presence of non-governmental organizations (NGOs), especially election-monitoring organizations. Finally, the ruler in power was

unpopular, caught off guard by the size of the demonstrations, intimidated by international pressure, and in less than total control of the various branches of government.²

Once these three conditions are met, a Color Revolution is possible, and it is likely that a sufficiently large number of demonstrators will emerge and oust the entrenched regime from power. This sufficiently large, or threshold number of protestors actively calling for reform represents a sufficient condition for a Color Revolution. In other words, once the final condition is met, a successful democratic breakthrough is inevitable.

By examining the presence or absence of these conditions in Belarus during the 2006 presidential elections, it is possible to theorize approximately how close the opposition came to a democratic breakthrough. Such an analysis will also identify what changes in the opposition, civil society, and the regime in power will need to occur in order to allow a successful democratic breakthrough.

² Michael McFaul has published his own list of requirements for a Color Revolution, listing seven necessary factors. These are (1) a semi-autocratic regime, (2) an unpopular ruler, (3) an organized and unified opposition, (4) the ability to quickly notify the populace of electoral fraud, (5) a degree of independent media, (6) an opposition that is able to quickly mobilize large numbers of demonstrators, and finally (7) divisions among the regime's armed forces. For further elaboration, please see *Transitions from Postcommunism*, Michael McFaul, *Journal of Democracy*, Volume 16, Number 3, July 2005. While McFaul's list details many important prerequisites for a peaceful democratic breakthrough, it is lacking in several ways. First, although he discusses free media and NGOs, he does not consider the value of a mature civil society and political culture in his requirements. A society must be receptive of democracy before a widespread democratic movement can occur, and this will not happen if a nation remains in a Soviet mindset, as is the case in contemporary Belarus. Second, McFaul does not list a skilled and popular opposition leader as a requirement. Personalities matter, and a large-scale opposition movement can not succeed without a leader capable of winning votes, forming coalitions between opposition parties, and planning and efficiently carrying out an opposition campaign. Finally, McFaul focuses primarily on "bottom-up" factors, paying more attention to the grassroots factors than the strengths and weaknesses of the regime in power. In addition to McFaul's requirements that an autocrat be unpopular and in incomplete control of his military, this paper adds the requirements that the regime in power must be responsive to international pressure and unprepared to handle a large-scale opposition demonstration.

The Role of the Opposition: Leadership

Removing an entrenched dictator from power is an extremely dangerous and difficult task, and an opposition group without a skilled leader and a disciplined and organized following has little hope of succeeding. Victor Yushchenko was the ideal opposition candidate and leader for the Orange Revolution. His term as Ukraine's prime minister from 2000-2001 was marked by much-needed and effective economic restructuring, tax reform, and a turn-around of the falling national GDP (Wilson, 2005, pp. 45-48). As a result of his policies and his opposition to Ukraine's oligarchs, Yushchenko quickly became widely popular, especially among the growing middle class. His political standing (more of a technocrat than a politician [Karatnycky, 2005]), and his centrist leanings alienated few constituents and extended his appeal to a wide range of supporters (Wilson, 2006, pg. 61). His alliances with other politicians (notably the more radical Yulia Tymoshenko and his sometimes ally, the socialist Alexander Moroz) further increased his base of support (Karatnycky, 2006, pg. 44).

The Belarusian United Opposition's candidate, Alexander Milinkevich, lacked Yushchenko's widespread fame and appeal. In one June 2005 opinion poll, Lukashenko's popularity was rated as 41.7%, while Milinkevich's was only 0.8% (Wilson, 2006b). While scant and unfavorable media access was one cause of his lack of popular appeal, Milinkevich's strongly pro-Western, pro-market platform was also to blame. While some citizens certainly yearn for economic reform and a shift towards Europe, many Belarusians favor the stability of Soviet-style authoritarian rule. During the 2006 election, Milinkevich offered nationalism and the uncertainty of marketization (both controversial terms in post-Soviet states), while Lukashenko promised another term of stability and full employment (Prekevicius, 2006). While Milinkevich's liberal platform earned him popularity in Europe and America, it alienated a large section of the electorate. A wiser policy might have been for him to avoid prickly economic and nationalist issues and run under a centrist platform, as Yushchenko had done, in order to appeal to the largest number of constituents.

The Role of the Opposition: Organization and Discipline

Organization and discipline are critical to victory in any conflict, not least of all in political struggles. Without common goals,

techniques, and resources, the various elements of an opposition will undermine each others' efforts, send mixed and confusing signals to the populace, and be easy prey for the authorities in power. Furthermore, unless order is kept among protestors, violence will likely break out between demonstrators and security forces, putting lives at risk and giving those in power justification for a swift crackdown.

The opposition movement of the Orange Revolution was extremely well organized, disciplined, coordinated, and effective on all levels, following the tried-but-true methods outlined in Gene Sharp's guidelines for peaceful democratic breakthroughs (Sharp, 1993). Its discipline can be seen in the remarkably peaceful nature of its campaign- violence was never considered as an option, even by the students and youth which supported Yushchenko. Indeed, it was a youth group, Pora, that was instrumental in organizing and carrying out the Orange Revolution. The group was not only crucial in bringing protestors to the streets, but also in forming an overarching protest strategy, networking with NGOs, educating citizens on their legal rights, and training activists. Most importantly, Pora firmly adhered to a policy of nonviolence, and it was its discipline which prevented violent clashes from occurring with Ukrainian security forces (Demes and Forbrig, 2006, pp. 85-100).

The unity and organization of the Orange movement is most visible in the actions Yushchenko took on November 22, the day following the second round of elections. Boldly (and perhaps also unconstitutionally), Yushchenko declared himself president and took oath before parliament (Karatnycky, 2005). Such a strong move would not have been possible if he had not been sure of his solid and unified base of support. Likewise, or if he had delayed instead of immediately taking action, Yushchenko would have lost the opportunity to fully capitalize on the public outrage over Yanukovych's electoral fraud.

While organization and discipline were hallmarks of the successful Orange Revolution, unity and coordination were significantly absent in the Belarusian opposition following the 2006 presidential election. While organizing the post-election protests against Alexander Lukashenko, Belarusian opposition leader Alexander Milinkevich and his colleagues committed two fatal organizational blunders. First, they failed to effectively schedule demonstrations in the crucial days following the election. Following the first day of protests on March 19, Milinkevich sent most of the demonstrators home, suggesting that they resume the demonstration

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the following day. He later changed his mind, rescheduling them for March 25 (Prekevicius, 2006). This delay sapped the protest of its momentum, wasted five crucial days, and gave the Lukashenko regime ample time to arrest the few demonstrators which remained (*Radio Free Europe*, (2006d). The Belarusian opposition's second organizational mistake was that it lacked a single, definite focus. Instead of focusing on a single demand, the opposition leaders simultaneously and chaotically called out for new elections, a run-off between Lukashenko and Milinkevich, a recount of the ballots, and the creation of a new government (Prekevicius, 2006). With so many contradicting goals, there is little wonder that the opposition failed to accomplish any of them.

The Role of Society

Regardless of how active an opposition group may be, a grassroots democratic breakthrough can not occur without widespread public support. It is possible to send a message to an autocrat with a few thousand protestors, but it takes tens or hundreds of thousands to remove an entrenched autocrat from power.

The willingness of a society to take assertive political action is dependent upon many variables, including its history, its political culture, the development of its civil society, and the likelihood of punishment from the regime in power. Ukraine was a fertile ground for mass protests, having perhaps the most highly developed civil society in the post-Soviet world (Anders and McFaul, 2006, pg. 5), a comparatively large middle class (Wilson, 2006), and relatively strong democratic values (Sestanovich, 2004). Its close proximity to democratic Europe was also influential, and it is notable that most of Yushchenko's support came from the western, generally pro-Europe region of Ukraine (Simon, 2006), pg. 18).

Unfortunately, Belarus' civil society is not nearly as well-developed as Ukraine's. In many respects, it is difficult to Belarusians to unify behind a common national goal. Belarusian national identity is almost entirely nonexistent- the Belarusian language has long been marginalized by Russian and the country's historians are unable even to come to a consensus on their nation's history (Katauskas,2006). In this "denationalized nation" (Marples, 1999), Soviet rule sticks more strongly in the minds of the populace than anything uniquely Belarusian (Marples, 2004, pg. 32).

While the persistence of the Soviet mentality may seem anachronistic, many Belarusians (especially the elderly) hold fond memories of the USSR. Belarus prospered economically under Soviet rule (Marples, 1999), pg. 20), and Belarusian Communist leaders such as Piotr Masherov became true national heroes (White, Korosteleva, and Lowenhardt, 2005, pg. 3). Thus Soviet political culture endures, and Lukashenko's success is largely dependent upon his ability to harness this "Soviet Belarusian Patriotism" (Silitski, 2006, pg. 47).

However, political culture can change through various means, most importantly through non-governmental organizations (NGOs) and by exposure to alternative ideas and opinions via an independent media. Prior to the Orange Revolution, Ukraine was saturated with a large number of NGOs, many of them Western-funded programs which emphasized democratic values and procedures. Such institutions were instrumental in informing voters and protestors of their legal rights, training the Ukrainian opposition, and offering practical advice on how to detect and combat electoral fraud (Sushko and Prystayko, 2006, pp. 134-135). These NGOs also helped Ukrainian organizers network with foreign democrats and protestors, allowing them to draw on the experience of others. Finally (and arguably most importantly), NGOs are able to conduct exit polls and parallel vote counts during possibly fraudulent elections. These techniques not only offer a contrast to the official count and help identify fraud, but also give the voting population a set of figures almost immediately after an election.³

Access to the media is also a crucial factor in a bottom-up democratic breakthrough. If the authorities monopolize a nation's media, the opposition will likely receive no, or purely negative, coverage. One of Ukrainian President Kuchma's fatal mistakes was to allow Petro Proshenko, an opposition supporter, to purchase a television station (Rich, 2005, pg. 88), and later rent a satellite for international television broadcasting. Channel Five, as well as numerous print and internet sources, gave the Ukrainian opposition a crucial method of reaching the public and soliciting votes and support (Prytula, 2006, pp. 188-119).

³ During the first round of the 2004 Ukrainian elections, the authorities took nineteen days to count the votes, supposedly to give themselves time to perform more elaborate and widespread fraud than they had expected necessary. (Wilson, 2005, pg. 123).

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Unfortunately, autocrats as well as democrats value the lessons of past experiences. Alexander Lukashenko has gradually increased pressure on NGOs in Belarus through a variety of means, limiting them both in number and in influence (Wilde, 2002, pp. 429-458). He has taken similar steps with the media, and has almost fully severed the opposition from any print, radio, and television outlets (Marples and Padhol, 2002, pp. 66-67), causing Belarus to be ranked among the top ten most heavily censored nations in the world (*Radio Free Europe* (2006b). Not even the internet and cell phone access are safe- Lukashenko's military is steadily developing methods of electronic suppression, including mobile truck-mounted communication-jamming devices (Fischer, 2006, pp. 31-32). While cell phones and internet access were instrumental to the opposition's ability to quickly spread information and mobilize during the Orange Revolution, Lukashenko now seems to have the potential to lay a blanket of static over the capital during crucial moments. Finally, the Belarusian authorities prohibited any exit poll or parallel count in the 2006 election, denying the opposition a statistical comparison to the official count (Wilson, 2006). In consideration of the lack of a mature Belarusian civil society, NGOs to assist the opposition and conduct electoral exit votes, and media freedom, it is understandable that the opposition in Belarus encounters severe difficulties in mobilizing large numbers of supporters.

The Role of the Incumbent

Thus far, this paper has discussed "bottom-up" conditions which enable a democratic breakthrough. However, the condition, abilities, and actions of the regime in power are at least as important as the opposition and development of civil society in determining whether a democratic breakthrough may occur. Lucan A. Way goes so far as to state that "...competitive politics [are] rooted much less in robust civil societies, strong democratic institutions, or strong democratic leadership than in the inability of incumbents to maintain power or concentrate political control (Way, 2005, pg. 232)."

Popularity is a crucial source of legitimacy for autocrats. Logically, the more citizens oppose the regime in power, the more they will be willing to publicly demonstrate against it. However, there is another, slightly less obvious result of an autocrat's popularity. In 2004, Victor Yanukovich ran for president in an unquestionably fraudulent election, and the following widespread demonstration

prevented him from assuming office. The 2006 Belarusian presidential race was also obviously fraudulent, but Alexander Lukashenko met considerably less resistance in assuming power. Although nobody may ever know for certain, it seems very likely that Lukashenko actually won a majority of votes in the first round, even without the authorities' "adjustments" (Independent Institute, 2006). Presuming that Lukashenko was legally elected president of Belarus, the opposition loses a powerful issue to protest against. While they can certainly protest the fraud, brutality, and repression of his rule, they can no longer play their trump card- a stolen election.

Preparation is a second decisive factor. Like Slobodan Milosevic (Silitski, 2005), the Kuchma group never expected to be removed from power. While they certainly predicted that there would be a protest following the election, they could not estimate its eventual size and duration and thus took no steps to prevent it (Wilson, 2005, pg. 122). Had they done so, it seems possible that they could have suppressed the Orange Revolution in its early stages. By acting decisively in deploying police and military forces in Kiev, blocking off the square in which the demonstration was held, and quickly arresting protestors, the authorities might have discouraged protestors from gaining momentum and succeeding in creating a mass movement.

In contrast to Kuchma's fatal confidence and slowness to act, Lukashenko seems to prefer to err on the side of caution. As stated above, even without his massive fraud campaign, it is likely that he might have won the election, and even without his harsh repression of the protesters following the election, it seems unlikely that the demonstration would have attained the same scale as in Kiev (Peuch, 2005). Nonetheless, the weeks prior to the 2006 election saw Lukashenko at his most intimidating. Nine journalists were beaten by plainclothes policemen to discourage defections in the media (Radio Free Europe, 2006e), and one citizen was sentenced to two years of hard labor for "malicious hooliganism" (spray painting pro-opposition slogans on a wall) (Belarus News, 2005). Most ominous were Lukashenko's own words. Speaking of opposition demonstrators, he warned "God forbid any of those people... should commit any sort of act in our country. We will twist their heads off as if they were ducklings (Radio Free Europe, 2006c)." In such a deliberately tense, threat-laden atmosphere, it is little wonder that the opposition met great difficulty in coaxing citizens out onto the streets.

A final important characteristic to consider when evaluating an incumbent's vulnerability is his responsiveness to international

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pressure. An autocrat who is concerned about his international reputation and wishes to avoid diplomatic and economic sanctions has a weakness which can be exploited by the opposition. For instance, although Kuchma and Yanukovych generally leaned towards Russia, they were nonetheless eager to be seen by Westerners as legitimately elected democrats (even if only to avoid sanctions) (Sushko and Prystayko, 2006, pg. 133). Yushchenko and his team exploited this susceptibility by renting a television satellite to provide live footage of the post-election protests to any foreign station that wanted it (Prytula, 2005, pp. 118-199). As a result, Kuchma and Yanukovych soon found themselves to be the focus of the West, making repression of the demonstrators appear to be diplomatic suicide.

Generally speaking, Lukashenko cares very little about the opinions of the West. Diplomatically and economically, he has put all of his eggs in one basket, Russia. Far from trying to ingratiate the West, Belarus ranges from being apathetic to openly hostile towards the EU and America. In 1995, the Belarusian military shot down a hot air balloon which strayed into Belarusian airspace, killing two Americans. Tellingly, Lukashenko waited 24 hours before informing the U.S. of the incident (U.S. Department of State, 1995) and apologized for their deaths only three weeks later (Marples, 1999, pg 78). Furthermore, Lukashenko often portrays America and the EU as a major security threat to Belarus in order to maintain public support for his militaristic rule (Marples, 2004, pg. 41). Therefore, diplomatic pressure from the West remains generally ineffective against Belarus.

From Protest to Breakthrough

If the previously discussed conditions regarding the opposition, society, and the regime in power are met, it is likely that the fourth and final condition will emerge- enough demonstrators actively demanding reform. Certainly, “enough protestors” is not an exact term, and the precise figure necessary is different on a case-by-case situation, depending on such factors as the size of the nation in question and the relative strength of the incumbent. It took a million protestors on the streets to remove Kuchma and Yanukovych in Ukraine and Milosevic in Serbia (McFaul, 2006, pg. 180), but only tens of thousands to oust President Shevardnadze from Georgia (CNN.com, 2003).

A satisfactory number of demonstrators, combined with the three previously-discussed three conditions, constitutes a sufficient condition for a democratic breakthrough. A sufficiently large crowd of

demonstrators not only sends a very clear message to the incumbent, but can also block off government offices and stop traffic. As the number of demonstrators grows in size, so too does the likelihood that unions, civil servants, news reporters, and even security forces will defect, wrenching the government's tools of control away one by one and rendering it helpless.

Finally, an important correlation exists between the number of active demonstrators and the difficulty in suppressing the protest. Breaking up a large demonstration is much more dangerous and difficult than dissolving a small one. Arrests and police batons are usually enough to end a protest of a few thousand, but tanks and thousands of soldiers may prove necessary to suppress larger groups, increasing the likelihood of unintended violence and deaths. Furthermore, security forces are much more likely to refuse orders or defect when commanded to suppress a large-scale demonstration, partially because there is a greater likelihood that individual soldiers will have family members or loved ones involved in the demonstration (McFaul, 2006, pp. 182-183).

What Is Possible? A Look into Belarus' Future

Clearly, Belarus currently lacks the mature civil society, the strong opposition, and the faltering autocrat necessary for a grassroots democratic breakthrough, and it would be unrealistic to expect that Belarus could experience a Color Revolution in the near future. However, the Belarusian situation is not a hopeless one, for two reasons. First, conditions change over time. It is reasonable to expect that the political, economic, and social landscape ten years from now will be significantly different from Belarus today. Second, bottom-up mass movements are not the only vehicle of change. Just because the Serbian, Georgian, and Ukrainian revolutions set a pattern of change doesn't mean that their trend is universal.

As argued above, a Belarusian Color Revolution is not possible at the present time. Logically, there are three ways in which the situation could improve: civil society could further develop, the opposition could become stronger, or Lukashenko's near-total grip over the country could loosen. However, the development of civil society and the size and abilities of the opposition are both limited by the oppressive authorities. If society is to mature or the opposition to grow, they must be given more space from Lukashenko. Thus, it

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stands to reason that Lukashenko's control over Belarus must be weakened before positive change may occur.

In an essay examining Lukashenko's endurance as an autocrat, Vitali Silitski describes four pillars of support for his rule. At least one of these roadblocks to democracy must be overcome if the opposition is to stand a chance against Lukashenko. The first obstacle is the "Soviet Belarusian Patriotism" which saturates Belarusian culture. In the absence of genuine Belarusian nationalism, Lukashenko has encouraged Soviet pride as an alternative, reinstating Soviet-era symbols during a 1995 popular referendum (Silitski, 2006, pp. 47-53). While popular among those nostalgic for the stability and full employment of the USSR, this mindset does not place a strong value on democracy or other Western values. If an alternative national outlook were to emerge, such as genuine Belarusian nationalism or Europeanism, Lukashenko would encounter more difficulty continuing Soviet-era repression and censorship.

Lukashenko's second pillar of support is the Belarusian command economy. Against all expectations, Lukashenko's state-run economy has shown remarkable flexibility and hardiness. Many observers claim that it can not keep the nation afloat indefinitely (Brukoff, 2002, p 109-121), but so far it has indeed been effective enough to regularly provide near-full employment and pay pensions and wages on a regular basis (Maksymiuk, 2006). Transitions to democracy and capitalism are often associated with economic downturns, and as long as Lukashenko provides a stable day-to-day economy, many Belarusians are willing to tolerate the less desirable aspects of his rule.

A third roadblock to democracy is Belarus' relationship with Russia. As Belarus' sole ally, Russia has helped prop up Lukashenko's command economy with preferential prices on natural gas and oil (Brukoff, 2002, pg. 116) as well as providing much-needed political backing. The two nations have for years discussed the possibility of combining into a union state, but have taken few actual steps to turn their plans into reality (Dumasy, 2003, pg. 188).

Silitski's fourth and final reason for Lukashenko's endurance is his ability to detect and remove potential threats to his power in their early stages. His ability to "preemptively" remove opponents highlights three important aspects of his rule (Silitski, 2006, pg. 51). First, Lukashenko is a cautious, alert, and decisive autocrat. Second, he has effective intelligence-gathering abilities. Third, he does not hesitate to violate the democratic and legal norms of the Western

world. Under such conditions it will be difficult for the opposition to grow or win significant victories.

Of Silitski's four reasons for Lukashenko's continued rule, the weakest two appear to be Lukashenko's support from Russia and his command economy. It is likely that Lukashenko's eventual downfall will stem from a fall-off in one or both of these. Alexander Lukashenko's regime is kept afloat by several sources of legitimacy, but the most important by far is his ability to maintain a stable economic atmosphere. If there is a sharp fall in employment, a severe rise in inflation, or arrears in wages and pensions, his popularity ratings will likely see a sharp decline, and larger segments of society will cease to support him. Total economic collapse is also a possibility, especially if Russia ceases to provide Belarus with energy subsidies.

Such a scenario seems very possible in the near future. Russia's recent blitz to monopolize Central Asian oil and natural gas is a massive political move, and if Putin is successful, he will be Europe's sole provider of fuel (Wozniak, 2006). However, Russia's energy transport monopoly can not be complete without the Belarusian-owned Beltransgaz pipeline, which Lukashenko is understandably reluctant to sell (Mite, 2006). Gazprom recently announced a quadrupling of natural gas prices to Belarus (up to market values), scheduled to go into effect January of 2007 (Grib, 2006). This price hike could likely destroy the Belarusian economy, and can be interpreted as a veiled threat from Putin- sell a majority share in Beltransgaz, or be cut off from Russian fuel subsidies. Lukashenko has not yet responded to this pressure, and his position as ruler of Belarus may well depend on how he deals with this dilemma.

The possibility of Russia abandoning Belarus, its long-time ally, is a very real one. While Russia has provided hundreds of millions (perhaps even billions) of dollars annually to Belarus in gas subsidies and deferred payments (Balmaceda, 2002, pp. 164-165), Belarus offers few benefits to Russia, other than a border ally and a transport route to the distant Russian province of Kaliningrad. Furthermore, Russia already suffers in the international arena from Putin's authoritarian nature. Having a close ally such as Belarus only exacerbates the problem. By constantly siding with "the last remaining true dictatorship in the heart of Europe" (Condoleezza Rice's words) (CNN.com, 2005), Russia harms its relations with the Western world. By abandoning Lukashenko and looking for more democratic allies, Russia could improve its international standing and relations with the West.

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Lukashenko seems well aware that Belarusian-Russian relations are in danger of failing, and in recent months has been frantically trying to improve relations with a number of nations. He seems to be pushing to cement the long-delayed Belarus-Russia union state (*Belarus News*, 2006b), as well as reaching out to improve economic and political relations with potential allies such as China (Shanglin (2006), Azerbaijan (Azeri-Press Information Agency, 2006), and Iran (Kuala Lumpur, 2006). Notably, these are all nations with questionable human rights records, and Lukashenko's own dubious history will likely estrange him from many Western nations.

Conclusion

Eastern Europe's recent wave of grassroots democratic breakthroughs is a source of inspiration and hope to oppressed people of the region. However, a mass movement may not occur unless certain conditions are met. Society must be prepared for such a movement, and it needs free media to spread unbiased information. The opposition must be non-violent, well-organized and led by a popular leader. Finally, the incumbent must be caught off-guard and while he is weak. Only under such conditions may a protest escalate to the size necessary to force an entrenched autocrat from power.

Unfortunately, these conditions do not exist in contemporary Belarus. Alexander Lukashenko holds the nation in a tight grasp, and is unlikely to loosen it willingly. However, change comes in many forms, and Lukashenko's rule is based on uncertain foundations. If Belarus falls out of favor with Russia, or enters severe economic trouble, the winds of change may blow freedom into Belarus once more.

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