BOOK REVIEW

Democracy, Markets and Doomsaying:

Is Ethnic Conflict Inevitable?

AMY CHUA, WORLD ON FIRE: HOW EXPORTING FREE MARKET DEMOCRACY BREEDS ETHNIC HATRED AND GLOBAL INSTABILITY (NEW YORK: DOUBLEDAY, 2003. 340 PP).

By
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INTRODUCTION

The field of law and development studies has come up with few big ideas. Borne out of 1960s optimism about the possibilities of law influencing social change, the early law and development movement sought to export American ideas, institutions, and educational methods to developing societies. But law and development soon turned inward in frustration at the slow pace of change and the resistance of elites in the developing world. Perhaps the most cited article demonstrating the dissatisfaction and disappointment in the field is one by Trubek and Galanter, which examines a litany of failed assumptions and unmet promise.[1]

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1. David Trubek & Mark Galanter, *Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States*, 1974 WIS. L. REV. 1062 (1975). This article may have set the stage for the critical legal studies movement. *See* Richard Bilder & Brian Z. Tamanaha, *Law and Development*, 89 AM. J. INT'L L. 470 (1995) (reviewing LAW AND DEVELOPMENT (Anthony Carty, ed., 1992) and LAW AND CRISIS IN THE THIRD WORLD (Sammy Adelman & Abdul Paliwala eds., 1993). Critique remains the favored mode of law and society scholars who work in this area. *See generally* Carol Rose, *The "New" Law and Development Movement in the Post-Cold War Era: A Vietnam Case Study*, 32 LAW & SOC'Y REV. 93 (1998); Bryant Garth, *Law and Society as Law and Development*, 37 LAW & SOC'Y REV. 301 (2003); Bryant G. Garth, *Building Strong And Independent Judiciaries Through the New Law and Development: Behind the Paradox of Consensus Programs and Perpetually Disappointing Results*, 52 DEPAUL L. REV. 383

Yet the effort to export American institutions did not end with the demise of the first law and development movement. Reflecting shifts in Washington's policy, the late 1970s saw a focus primarily on human rights institutions, and the 1980s saw a move toward police training. In the 1990s, during the aftermath of the Cold War, a massive new wave of law-exporting activities began, promoted by policy foundations, global economic institutions, and nongovernmental actors, along with the development agencies of the United States and many other countries. Much of this activity reflected a new consensus on how rich countries should deal with poor ones, with law playing a central role. The "Washington Consensus," as it became known, held that exporting democratic governance, economic liberalization and the rule of law would lead to a better world. Like the earlier "law and development" movement, it assumed that institutions could be transferred and that legal reform held the key to economic growth. In contrast with the earlier efforts, however, it has maintained momentum for some time and appears to be in little danger of slowing.[2]

Against this backdrop, Professor Amy Chua has expounded what is potentially a new "big idea" in the arena of law and development.[3] Chua observes that the spread of democracy and markets in the 1990s was accompanied by a surge in ethnic instability and violence. The most visible cases were the breakup of Yugoslavia, leading to genocides in Bosnia-Herzegovina and Kosovo, and the mid-decade Rwanda genocide. In many other locales too, Chua notes that ethnic tensions are on the rise. Instead of seeing genocide and ethnic tension as mere aberrations on the modernist road to peace and prosperity, Chua connects the phenomenon to the Washington consensus and its failure to consider racial and ethnic factors.[4]

In particular, she calls attention to the phenomenon of market-dominant minorities, ethnic groups that enjoy disproportionate success in entrepreneurship and capital accumulation. From the Chinese in Indonesia, who constitute 3% of the population but control 70% of non-land assets; to Jewish oligarchs in post-Soviet Russia, who are six of the seven richest men in the country; to Lebanese in Sierra Leone; to the Ibo in Nigeria, certain groups of ethnic minorities often do disproportionately well in economic terms.[5] Given this general phenomenon, democracy and economic liberalization may exacerbate ethnic tension. Ethnic minorities with market skills, says Chua, are well positioned to benefit from free market reforms, while democratization and political liberalization

(2002); *see also* JAMES A. GARDNER, LEGAL IMPERIALISM (1979).

2. *See, e.g.*, Center on International Cooperation, *Reconstruction of Afghanistan*, *at* http://www.cic.nyu.edu/conflict/conflict_translations.html (last visited Mar. 29, 2003); United States Institute for Peace, *Establishing Justice and the Rule of Law in Iraq: A Blueprint for Action*, *at* http://www.usip.org/events/2003/0801_ESIraq_law.html (last visited Mar. 29, 2003).

3. AMY CHUA, WORLD ON FIRE: HOW EXPORTING FREE MARKET DEMOCRACY BREEDS ETHNIC HATRED AND GLOBAL INSTABILITY (2003).

4. CHUA, *supra* note 3, at 7.

5. *Id.* at 6.

make it easier for poorer majorities to express resentment against these groups.[6] The result is ethnic demagoguery as political entrepreneurs compete for support by highlighting the gap in wealth between market dominant minorities and poorer majorities. Globalization, she notes, has exacerbated the phenomenon: "democracy, rather than reinforcing the market's efficiency and wealth producing effects, leads to powerful ethnonationalist, anti-market pressures and routinely results in confiscation, instability, authoritarian backlash, and violence."[7]

Chua's powerful connections between democracy, development and ethnicity synthesize a massive amount of information into an elegant argument of global scale. It is in many ways a lawyer's argument, accumulating vast evidence to build an apparently unimpeachable case. It also has the advantage of simplicity, which means it is likely to sell in Washington, D.C. But is Chua correct? The answer to this question requires careful consideration of the evidence, which in turn requires the use of the techniques of social science. This essay suggests that, when examined more closely, the connections Chua draws are not supported by the evidence. While her account, inspired by the experience of the Chinese in Southeast Asia, fits certain contexts, she extends the argument further than the data warrants. Ultimately, there is less reason to be pessimistic than Chua suggests, despite the continuing presence of ethnic violence.

Part I of this review lays out Chua's argument about democracy, markets and ethnicity. Part II evaluates whether her positive argument is consistent with what social scientists have learned about these questions, and demonstrates that her argument is incomplete in important ways. Part III focuses on Chua's normative conclusions. Even if Chua's positive analysis were accurate, her normative conclusions are wanting, and fail to account for the extensive role that international actors can play in reducing the threat of ethnic conflict. Part IV concludes.

I.
THE ARGUMENT

Chua's book focuses on the phenomenon of market dominant minorities that perform disproportionately well in economic activity. Market dominant minorities, Chua points out, exist in many societies. Perhaps the paradigm case is the Chinese in Southeast Asia, whose minority status and economic success have been treated as a problem in every nation in the region over the last century, with very different policy responses.[8] Jews, Indians, Lebanese, and many

6. *Id.* at 16.

7. *Id.*

8. *See, e.g.*, ANTHONY REID & DANIEL CHIROT, ESSENTIAL OUTSIDERS (1997); SOJOURNERS AND SETTLERS: HISTORIES OF SOUTHEAST ASIA AND THE CHINESE (Anthony Reid ed., 1996); UNGROUNDED EMPIRES: THE CULTURAL POLITICS OF MODERN CHINESE TRANSNATIONALISM (Aihwa Ong & Donald Nonini, eds., 1997); SOUTHEAST ASIAN CHINESE AND CHINA (Leo Suryadinata ed., 1995); Stephen A. Douglas, *Political Dynamics of the Diaspora: the Chinese in Southeast Asia*, 5 ASIAN J. POL. SCI. 37 (1997); *see also* Farid Harianto, *Business Linkages and Chinese Entrepreneurs in Southeast Asia*, *in* CULTURE & ECONOMY: THE SHAPING OF CAPITALISM IN EASTERN ASIA

other groups play similar roles in other societies. Market dominant minorities often form networks that provide advantages in trading and other economically valuable activities.[9] Their advantages of in-group trust, developed through repeated transactions and the availability of reputational sanctions, along with transnational networks, reduce their transaction costs of exchange.[10] This can lead to phenomenal economic success in a variety of environments.

Market dominant minorities tend to be economically successful but politically weak, either because of their small numbers, immigrant status, or lack of access to the technology of coercion represented by the state. Political weakness makes them ideal coalition partners for autocratic rulers who can provide protection in exchange for economic support. Political marginalization may in turn exacerbate the problem of economic inequality, as young talented minorities invest resources in becoming better businessmen rather than bureaucrats, politicians or soldiers. Meanwhile, opportunities for members of the majority who lack market skills are more constrained, and may lead them to join the military or state apparatus.

The 1990s shift toward political and economic liberalization, Chua argues, exacerbated the tensions between market dominant minorities and relatively poorer majorities.[11] The argument is straightforward. Liberalization provides even greater advantages to those who already have market skills: the politically disfavored minority, who then become even richer relative to the poorer majority. Democratization creates political competition for the votes of the majority—providing opportunities for demagogues to exploit resentment against the market dominant minority. The result is backlash.

Chua identifies three forms of backlash. First, backlash may be directed at economic liberalization, as voters elect anti-market populists who favor redistribution. Second, there may be backlash directed at democracy, as members of the economically dominant minority form coalitions with autocrats and limit majority participation. Third, and most troubling, there may be backlash directed at the minorities themselves, in the form of ethnic violence and racial targeting.

Chua illustrates the backlash against economic liberalization with the case of Zimbabwe, where President Robert Mugabe has in recent years increased his anti-white rhetoric and encouraged confiscations by non-governmental invad-

(Timothy Brook & Hy V. Luong eds., 1997); Pek Koon Heng, *Robert Kuok and the Chinese Business Network in Eastern Asia: A Study in Sino-capitalism*, *in* CULTURE & ECONOMY: THE SHAPING OF CAPITALISM IN EASTERN ASIA (Timothy Brook & Hy V. Luong eds., 1997); THE CHINESE IN SOUTHEAST ASIA (Linda Y.C. Lim & Peter Gosling eds., 1983).

9. *See* JANET TAI LANDA, TRUST, ETHNICITY, AND IDENTITY: BEYOND THE NEW INSTITUTIONAL ECONOMICS OF ETHNIC TRADING NETWORKS, CONTRACT LAW, AND GIFT-EXCHANGE (1994).

10. For an analysis of the factors that might account for market-dominant minorities, see Kevin Davis, Michael Trebilcock & Bradley Heys, *Ethnically Homogenous Elites in Developing Countries*, 32 L. & POL'Y IN INT'L BUSINESS 331 (2001).

11. CHUA, *supra* note 3, at 8-10.

ers.[12] Another example is the phenomenon of Hugo Chavez, the former paratrooper who has targeted the assets of Venezuela's oil elites and large landowners. As Chua notes, nationalizations have occurred in many countries, and often target ethnic minorities who are politically weak.[13]

The backlash against democracy is illustrated by Sierra Leone, where an ethnic minority, the Lebanese, had long dominated the country's economy. In the early 1970s, President Siaka Stevens declared a state of emergency and promoted the business interests of a small handful of Lebanese cronies, who controlled the country's lucrative diamond trade. This alliance allowed Stevens to finance his patronage network while protecting the Lebanese from threat. The backlash against democracy is also well illustrated with President Mohamed Suharto's Indonesia, where Suharto protected the Chinese minority from the worst excesses of violent social movements, while relying on Chinese capital to fund pet projects and set up his own family in business. Autocracy and crony capitalism go hand-in-hand, and often have an ethnic underpinning, according to Chua.[14]

The third backlash, against the minorities themselves, is illustrated by Serbia and Rwanda. Typically the process involves anti-minority demagoguery, whose proponents want not only the wealth of the minorities but the ethnic cleansing of the country. For example, in the aftermath of the breakup of the Soviet Union, Russians were expelled from the various non-Russian republics.[15] More prominently, the authors of the Rwandan genocide exhorted their followers to cleanse the country of Tutsi "cockroaches."[16]

As these examples show, the various forms of backlash can be overlapping. When Mugabe targets white farms, he instigates a backlash not only against economic openness but also against *white* farmers. Attempts to banish the ethnic Russian population from, say, Lithuania, may be simultaneously anti-Russian and anti-democratic. Furthermore, these backlashes are typically ineffective in achieving their goals. The minorities who suffer from backlash are typically from the lower and middle classes, not members of the upper class.

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12. *Id.* at 127-130.

13. *Id* at 130-31. Chua could also have highlighted how foreign investors, also frequently targeted by populist anti-market politicians, enjoy far greater protection than local market-dominant minorities because of international standards that require full compensation for expropriated property. *See, e.g.*, European Energy Charter Treaty, Dec. 17, 1994, art. 13, 34 I.L.M. 360 (1995) (requiring compensation at fair market value); North American Free Trade Agreement, Dec. 17, 1992, art. 1110, cl. 2, 107 Stat. 2057, 32 I.L.M. 605, 641 (1993); *see also* Vicki Been & Joel C. Beauvais, *The Global Fifth Amendment? Nafta's Investment Protections and the Misguided Quest for an International "Regulatory Takings" Doctrine*, 78 NYU L. REV. 30, 32-41 (2003).

14. CHUA, *supra* note 3, at 151-53.

15. *Id.* at 164.

16. Amended Indictment, *The Prosecutor v. Jean-Bosco Barayagwiza*, Case No. ICTR 97-19, ¶¶5.10-5.13, International Criminal Tribunal for Rwanda, April 13, 2000, *available at* 2000 WL 33951198 (citing radio broadcasts describing Tutsis as *inyenzi* or cockroaches); *see also* BILL BERKELEY, THE GRAVES ARE NOT YET FULL: RACE, TRIBE AND POWER IN THE HEART OF AFRICA (2001); PHILIP GOUREVITCH, WE WISH TO INFORM YOU THAT TOMORROW WE WILL BE KILLED WITH OUR FAMILIES: STORIES FROM RWANDA (1999).

And rather than empowering and enriching poor majorities, backlash tends to undermine the economy and democracy at the same time.

One of Chua's great strengths is her ability to explain an amazing amount of disparate phenomena with this simple dynamic. This book is global in scope, and challenges much conventional wisdom. For example, Latin America is often thought of as a region without ethnicity in the sense that it exists in Europe or Asia. But in many countries in Latin America, a light skinned elite of European descendant dominates a poorer majority of Native or Amerindian descent. Chua points out that charismatic demagogues are increasingly exploiting Native Indian identity to claim political power, a phenomenon that she ties to economic globalization.[17] We thus see the phenomena of Hugo Chavez in Venezuela, Alejandro Toledo in Peru, the nascent black consciousness movement of Brazil, and a rising Native Indian movement in Ecuador.

In another innovative argument, Chua argues that one of the causes of the Middle East conflict may be relative economic underperformance.[18] Israel's success in a region of economic underperformance, she asserts, may render Israel to the Arab world what the Chinese are in the Philippines: an aloof, wealthy class that is viewed as failing to participate in the community and thus engenders backlash.

Finally, Chua extends her analysis to incorporate the new global ideology of anti-Americanism.[19] In a global sense, America, though ethnically diverse and open in identity, is a market-dominant minority. America is to the world as minority ethnic elites are to poor majorities in many countries: a small, conspicuously wealthy minority, believed to pay insufficient attention to the poor majority and structuring the rules of the game for our own self-interest. The result: backlash against markets, democracy and Americans, who continue to be the leading target of terrorist violence around the world.[20] Chua's world looks grim indeed.

II.
THE EVIDENCE

Chua's approach to evidence is primarily anecdotal. Rather than use social science methodologies, she accumulates individual examples of ethnic conflict from virtually every region of the globe to support her thesis. This section develops two related critiques. First, Chua defines key terms so broadly as to make virtually any instance of ethnic conflict fit her paradigm. Second, her argument depends on a causal claim that she does not adequately establish. Once we examine the social science research, the story appears, as one might guess, much more complicated.

17. CHUA, *supra* note 3, at 50.
18. *Id.* at 211-27.
19. *Id.* at 229-58.
20. U.S. Department of State, *Patterns of Global Terrorism 2002*, *available at* http://www.state.gov/s/ct/rls/pgtrpt/2002/ (last visited Mar. 29, 2004).

A. Definitions

Chua's key terms are not always adequately defined. She adopts a pragmatic approach, defining markets and democratization as the kind of economic and political reforms "*actually being implemented today* outside the West."[21] This pragmatism ought to lead to caution with regard to both the positive analysis and normative conclusions.[22] Democracy and market reforms are not uniform phenomena. Not every instance of a democratizing reform should be condemned simply because some such reforms, in some places, have led some politicians to engage in ethnic demagoguery. Similarly, the particular institutional design and structure of markets may make all the difference. Most economists think markets are generally beneficial, but few these days would contest the assertion that institutional structures vary in important ways in different markets, and that this has serious consequences for both growth and distribution, which in turn are likely to effect the probability of ethnic tension.

Without crisp definitions of Chua's key terms, it is difficult to assess whether Chua is indeed correct. Chua can and does include a wide array of phenomena that may or may not fit her terms, making her causal claim appear more plausible. We take each of her key terms in turn.

1. Democracy

Democracy in particular is a complicated phenomenon capable of multiple definitions and conceptions. Some view democracy as procedural in essence, involving free and fair elections that determine who is to govern, and no more.[23] Others view democracy as institutional, involving a set of particular structures with particular functions, such as a parliament, courts, and a free media; this view is implicitly assumed by many development agencies.[24] Theorists tend to favor a more substantive conception of democracy that incorporates specific rights or focuses on substantive levels of participation by the citizenry, regardless of formal structures.[25]

Chua's normative suggestion, developed briefly in the end of the book, that constitutionalism is a partial palliative, reveals her assumption that democracy is electoral; that is rule by majority.[26] This narrow characterization has been chal-

21. CHUA, *supra* note 3, at 14 (emphasis in original). It is worth noting that the most visible genocides of the 1990s, in Rwanda and Yugoslavia, were not preceded by major democracy programs supported by foreigners.

22. Chua's primary purpose is positive, not normative. However, she does not altogether avoid advancing normative recommendations.

23. This view is associated with JOSEPH SCHUMPETER, CAPITALISM SOCIALISM AND DEMOCRACY (1942). *See also* Brad Roth, *Evaluating Democratic Governance*, *in* DEMOCRATIC GOVERNANCE AND INTERNATIONAL LAW (Gregory Fox & Brad R. Roth eds., 2000); Molly Beutz, *Functional Democracy: Responding to Failures of Accountability*, 44 HARV. INT'L L. J. 387, 396-401 (2003) (discussing differing conceptions of democracy).

24. THOMAS CAROTHERS, AIDING DEMOCRACY ABOARD: THE LEARNING CURVE (1999).

25. *See* Roth, *supra* note 14.

26. CHUA, *supra* note 3, at 14 (democratization is "immediate elections with universal suf-

lenged on normative grounds by theorists and by empirical scholars who have pointed out the potential for illiberal outcomes that it raises.[27] More importantly for her normative claim, very few policymakers involved in "promoting democracy" abroad rely on such a thin conception of democracy, and most efforts to export democracy involve an extensive set of institutional reforms, including an open media, civil society, and constitutionalism. Independent courts are considered to be essential to democracy because of their large role in protecting minority rights.[28] Mere electoral democracy is increasingly a straw man, and not a faithful representative of democratization "actually being implemented today outside the West." It is noteworthy that Chua does not identify strong connections between actual programs to promote democracy by foreign actors and the ethnic violence on which she focuses.

In any case, by failing to *explicitly* choose a definition of democracy, Chua has the advantage of being able to attribute many things to democracy that may have little to do with it. Her analysis of the Rwanda conflict is perhaps the most obvious example of this tendency.[29] As the largest scale genocide of the 1990s, Rwanda would seem to be a central case for her thesis to explain. Few would consider Rwanda *circa* 1993 a democracy: although an internationally brokered power-sharing agreement calling for democracy had been proposed in Arusha in 1993, incitement by the ethnic Hutu government had begun several years earlier.[30] Chua acknowledges the difficulties: many people, she notes, "insist that the horrors of Rwanda had nothing to do with democracy . . . . But the fact remains that a majority of the Rwandan people supported, indeed personally conducted, the unspeakable atrocities committed in 1994."[31] The fact that a majority of a population commits an atrocity, or is complicit with it, hardly renders that action a result of democracy.[32] By defining democracy as anything supported by a majority, Chua renders her argument tautological. Any violence perpetrated by a majority against a minority becomes in some sense "democratically" sanctioned. Adolf Hitler—who after all, assumed power through democratic channels—becomes a democratic leader. With this definition, we should not then be surprised when "democracy" appears to cause ethnic violence against minorities.

Similarly, to say that Robert Mugabe's regime and its targeting of property of the market-dominant white majority is "democratic" seems a reach.[33] While

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27. *See, e.g.*, FAREED ZAKARIA, THE FUTURE OF FREEDOM (2003); GUILLERMO O'DONNELL, THE UNRULE OF LAW (1999); Samuel Huntington, *After Twenty Years: The Future of the Third Wave*, 8 J. DEMOCRACY 3, 10 (1997); Larry Diamond, *Is the Third Wave Over?*, 7 J. DEMOCRACY 20 (1997).

28. CAROTHERS, *supra* note 24, at 163-79.

29. CHUA, *supra* note 3, at 170.

30. *See* Amended Indictment, *supra* note 10, at ¶¶1.5, 1.14.

31. CHUA, *supra* note 3, at 170.

32. *See On a Patch of Grass*, ECONOMIST, May 18, 2003 (describing Rwanda's gacaca process); *see also* DANIEL JONAH GOLDHAGEN, HITLER'S WILLING EXECUTIONERS (1996).

33. CHUA, *supra* note 3, at 11.

in some sense the return of Zimbabwe to its indigenous majority in 1979 was a democratic moment, Mugabe has always been a demagogue. His troops killed between 6,000 and 20,000 civilians in Matabeland in 1983, long before the current round of anti-white rhetoric and confiscations.[34] As time went on, Mugabe consolidated power, forcing constitutional reforms and eliminating rivals. Partially in response to growing international pressure leading up to elections in 2002, Mugabe resorted to further demagoguery and began his targeting of white farms. Mugabe's electoral fraud in 2002 was widely reported, and it is likely that a free and fair democratic election would have produced a different result.[35] Zimbabwe is a place where democracy is clearly part of the solution, not part of the problem.

In short, there are problems with Chua's characterization of democracy. Her pragmatic definition is so broad as to include virtually any majoritarian phenomenon. Since any violence perpetrated by a majority against a market-dominant minority is by definition majoritarian, it is hardly surprising that she finds a link between democracy and ethnic violence. The risk is that policymakers, buoyed by her exhortation to "understand" ethnic dynamics, will refrain from the sustained international engagement that may be necessary for democratic institutions to thrive.

2. Markets

Similarly, the term "markets" is a broad phenomenon. Here, Chua focuses on the neo-liberal model of privatization and free-market capitalism that is increasingly coming under scrutiny in the development community.[36] In her analysis of specific cases, however, Chua moves away from the neo-liberal view to include such disparate market phenomena as Suharto's crony capitalism,[37] the Russian klepto-privatization of the mid-1990s,[38] and Israel's economy as a whole.[39] But the extent to which these societies have liberalized varies. The Russian privatization fits her paradigm well, and was undertaken under the guidance of the IMF and economists such as Jeffrey Sachs. But few economists would describe Suharto's Indonesia as a free market system. Similarly, for much of its history, Israel was a socialist state, and even today has very limited private ownership of land. This hardly follows IMF dictates.[40]

34. Norma J. Kriger, *Robert Mugabe, Another Too-Long-Serving African Ruler: A Review Essay*, 118 POL. SCI. Q. 307, 308 (2003).

35. Chua argues that the election fraud was not more extensive than other elections the West has certified as free and fair. CHUA, *supra* note 3, at 129. But that hardly means the election was free and fair.

36. *See, e.g.*, JOSEPH STIGLITZ, GLOBALIZATION AND ITS DISCONTENTS (2002).

37. CHUA, *supra* note 3, at 43-45.

38. *Id*. at 82-86.

39. *Id.* at 211-222.

40. Israel's early 1990s shift toward economic liberalization did not result in any appreciable *increase* in Arab anti-Israeli sentiment, which has been a sad fact of life for the entire history of the state and has, as Chua acknowledges, multiple and complex causes. CHUA, *supra* note 3, at 212; *see also* NORMAN STILLMAN, THE JEWS OF ARAB LANDS (1979); BENNY MORRIS, RIGHTEOUS VICTIMS:

Chua also asserts that the government of Myanmar is "aggressively pro-market."[41] While the SLORC government may have abandoned General Ne Win's "Burmese road to socialism," (a program that had impoverished what had been considered one of the most promising economies in the developing world), the utter corruption of today's Myanmar regime bears slight resemblance to what a free market would look like. Here, Chua's pragmatic definition saves her. Relative to pre-1988 Burma, Myanmar has indeed become more marketized. That it bears little resemblance to an idealized free market, and looks much more like a narco-military regime, is not Chua's problem. But it does implicate her normative conclusions: it is at least plausible that the solution for such countries is not less marketization but more. It is arguable that liberalization will *decrease* the returns of crony capitalists. By allowing in new market participants, including foreign investors, liberalization might actually level the domestic playing field.[42] The point is that an economist would hardly lump all these phenomena together. If "markets" can be used to describe any economic policy pursued outside of Cuba or North Korea, then it is not surprising to find a link between markets and *any* political or social outcome in the last twenty years including ethnic tension. But correlation and causation are different.

There are strong empirical and theoretical reasons to think that the precise manner of liberalization is of greater consequence than the fact of liberalization, which Chua finds to be nearly universal. A short-term big bang program, as was implemented in post-1991 Russia, seems likely to produce rising unemployment and inequality, as well as the minority dominance that Chua identifies. The big bang was far more socially disruptive than a gradualist reform program such as has been undertaken in China the last two decades.[43] However, Chua's broad definition of markets treats both approaches as identical, though the details of these policy choices are likely to be what matter.

The Malaysian case illustrates the variety of different type of market institutions and the way that, under certain circumstances, economic liberalization can reduce ethnic tension. In Malaysia, ethnic identity is an explicit basis of politics, but the state has channeled formerly violent political conflict into peaceful channels, in part through majoritarian affirmative action programs in the form of the New Economic Policy.[44] Malaysia has done this while maintaining a relatively liberal economic environment, open to foreign investment and at least as "market-oriented" as Burma's. The rising wealth and careful management of ethnic factors in a society that suffered massive violence only a generation ago shows that economic development can proceed while ethnic violence is

A HISTORY OF THE ZIONIST-ARAB CONFLICT 1881-1998 (1999).

41. CHUA, *supra* note 3, at 24.

42. *See* Quan Li & Adam Resnick, *Reversal of Fortunes: Democratic Institutions and Foreign Direct Investment Inflows to Developing Countries*, 57 INT'L ORG. 175 (2003).

43. Chua notes that China has liberalized politically at the same time it has introduced market reforms. *See* CHUA, *supra* note 3, at 175. However, because China has no market-dominant minority, it does not implicate Chua's argument.

44. CHUA, *supra* note 3, at 271.

reduced.[45] Malaysia has done so while remaining a semi-democracy, retaining electoral institutions.[46]

3. Ethnicity

"Ethnicity" is also a complicated and multi-faceted phenomenon. Chua recognizes that ethnicity is both socially constructed (hence malleable) and perceived as real (hence relatively intractable). Societies that appear to us to be homogenous could, given alternative historical trajectories, have become ethnicized rather easily. It is also important to remember that in much of the world, colonialism created and exacerbated ethnic tensions where none had existed. The Hutu-Tutsi conflict, for example, arose with Belgian colonial racializing, rigidifying groups that were previously fluid.[47]

When Chua turns to the specific phenomenon of ethnic violence, however, she offers no definition. Ethnic tension and ethnic violence are different things.[48] Chua often seems to be focusing on ethnic tension or grievance, but at other times shifts her focus to actual violence. But not every instance of ethnic tension leads to ethnic violence, commonly defined as "violence perpetrated across ethnic lines, in which at least one party is not a state (or representative of a state), and in which the putative ethnic difference is integral rather than incidental to that violence."[49] Since the degree of "ethnic" contribution to the violence is hardly self-defining, "ethnic" violence is not intrinsic to the act but a matter of later characterization.[50] One must therefore use caution in characterizing the motive to violence as ethnic. Even within the category of violence, there are vast qualitative differences between mass genocides such as those in Rwanda, other more common phenomena of episodic deadly ethnic riots, and violent protests. These are but three of the myriad forms ethnic violence can take.[51] We ought to "identify, analyze and explain the heterogeneous processes

45. Deepa Khosla, *Chinese in Malaysia: Balancing Communal Inequalities*, *in* PEOPLES VERSUS STATES: MINORITIES AT RISK IN THE NEW CENTURY 133-37 (Ted Robert Gurr ed., 2000); Malaysia is also noteworthy for resisting the IMF's suggested approach during the Asian Economic crisis of 1997-98. Whereas the IMF recommended austerity programs that tended to hurt the lower class, Malaysia implemented a program of capital controls that insulated it from the painful recessions experienced by other countries in the region. STIGLITZ, *supra* note 36, at 122-25. Chua discounts the transferability of the Malaysian model. *See* CHUA *supra* note 3, at 272.

46. While there is plenty to criticize in Prime Minister Mahathir Mohamad's long rule, Malaysia would certainly pass Chua's definition of democracy if Rwanda in 1993 did. *Compare supra* text accompanying note 32.

47. CHUA, *supra* note 3, at 15; *see also* John R. Bowen, *The Myth of Global Ethnic Conflict*, 7 J. DEMOCRACY 3, 4 (1996); Yash Ghai, *Ethnicity and Autonomy: A Framework for Analysis*, *in* AUTONOMY AND ETHNICITY: NEGOTIATING COMPETING CLAIMS IN MULTI-ETHNIC STATES (Yash Ghai ed., 2000).

48. Robin M. Williams, *The Sociology of Ethnic Conflicts: Comparative International Perspectives*, 20 ANN. REV. SOC. 49, 54 (1994).

49. Rogers Brubaker & David D. Laitin, *Ethnic and Nationalist Violence*, 24 ANN. REV. SOCIOL. 423, 428 (1998).

50. *Id.* at 445.

51. DONALD HOROWITZ, THE DEADLY ETHNIC RIOT 1, 19 (2001).

and mechanisms involved in generating the varied instances of what we all too casually lump together—given our prevailing ethnicizing interpretative frames—as 'ethnic violence.'"[52]

As with democracy and markets, Chua's definitions do not adequately permit precise empirical evaluation. An example is her treatment of Thailand. As with other countries in Southeast Asia, the Chinese form a market-dominant minority there. Unlike other countries in the region, the ethnic distinction between Thai and Chinese is not emphasized and indeed suppressed. Chua points out, accurately, that this reflects coercion by the pre-democratic Thai state earlier in the twentieth century, as though this supports her argument.[53] But the more central fact about Thailand is the simultaneous introduction of democracy and economic reform since the adoption of a new constitution in 1997.[54] This has been accompanied by the emergence of a new Thai identity that emphasizes not ethnic origin but citizenship and service to the Thai nation, effectively reducing the barrier between Sino-Thai and Thai to zero.[55] If Chua were correct, we should have seen a backlash of some kind, yet none has emerged. Markets and democracy facilitated ethnic integration, whereas autocracy in previous periods exacerbated it.

Another definitional lacuna is "market dominant minority." The position of immigrant groups such as Chinese in Southeast Asia and Lebanese in Sierra Leone may not be analogous to colonial remnants such as whites in Zimbabwe. The immigrant groups are certainly not analogous to many of the groups in Africa that she identifies as market dominant minorities. The Ebe in Togo and Bamileke in Cameroon came by their "dominance" through geography, because they inhabit areas near trade routes.[56] The Kikuyu in Kenya may perform well economically, but are a plurality of the population and hence less likely to be the target of backlash than the Chinese in Indonesia, for instance. The particular historical reasons behind market dominance may include geography, colonialism, and many other factors of critical importance that ought to make a difference for outcomes.

Despite these definitional lapses, Chua's framework does provide food for thought, especially when extending beyond market dominant minorities. For example, global anti-Americanism may in fact contain a component of economic resentment, though the more visible and obvious sources are directed against specific policies and framed as such. But whereas most market dominant minorities are politically weak, America is hegemonic. This means the predicted

52. Brubaker & Laitin, *supra* note 49, at 447. *See also* Bowen, *supra* note 47, at 3 (ethnic conflict has "become a shorthand way to speak about any and all violent confrontations between groups of people living in the same country").

53. CHUA, *supra* note 3, at 180.

54. Pinai Nanakorn, *Re-making of the Constitution in Thailand*, 6 SING. J. INT'L COMP. L. 90 (2002).

55. William A. Callahan, *Beyond Cosmopolitanism and Nationalism, Diasporic Chinese and Neo-Nationalism in China and Thailand*, 57 INT'L ORG. 481 (2003).

56. Thanks to Patrick Keenan for this point and helpful discussions on Africa.

backlash is not likely to be against markets, but a "backlash against democracy" at the global level. American resistance to international institutions that reflect the will of the majority of states, such as the UN General Assembly and more recently the International Criminal Court, illustrate the reluctance of a market-dominant minority to be governed by rules established by a majority of the "community of nations." Furthermore, American inconsistencies on issues of free trade—utilizing free market rhetoric while we retain tariffs for politically important sectors such as agriculture and steel—does little to advance our image abroad and fosters a backlash against both markets and democracy.

The Middle East story is more complicated, as Chua acknowledges, and may not fit the paradigm as easily. The origins of the Arab-Israeli conflict are intensely contested, but few have argued that relative wealth is a primary cause. Indeed, anti-Israel sentiment seems to be greater in wealthy countries like Saudi Arabia than in the poor countries of Egypt and Jordan. Although relative wealth may be one of many factors in the conflict, it is awkward to characterize Israel as a regional market-dominant minority when most of its neighbors refuse to trade with it and thus do not participate in the same market. Nevertheless, one wonders if Arab economies would be in the same poor state they are in today had they not discriminated against, expropriated, and in many cases expelled, their Jewish minorities, an underappreciated part of the story surrounding the establishment of Israel.[57]

In short, Chua's use of anecdotal evidence provides a powerful argument of global scope integrating many diverse phenomena. It is a stimulating line of reasoning, and my sense is that it fits some Southeast Asian contexts well (though not others as my discussion of Thailand indicated). However, to establish causality, more careful definitions are needed. There are strong theoretical reasons to think that democracy and markets, properly defined and realized, can reduce ethnic conflict: democracy can channel conflict from the bullet to the ballot box, while markets can remove unfair advantages of crony capitalism. If causal linkages are to be established, an anecdotal approach to evidence cannot be dispositive. To untangle whether Chua's theories describing the relationship among markets, democracy, and ethnic violence have greater explanatory power, a more social scientific approach is needed.

B. Causality: What Does the Data Say?

Chua's suggestion is that democracy + markets = ethnic hatred. This equation implies causality. However, in a number of places, Chua seems to qualify this thesis to make the weaker claim that free market democracy merely contributes to ethnic tension. The causal claim is announced on the book's cover in the subtitle: "free market democracy breeds ethnic hatred and global instability." Elsewhere, Chua states that markets and democracy are a "principal, aggravating

57. BENNY MORRIS, RIGHTEOUS VICTIMS: A HISTORY OF THE ZIONIST-ARAB CONFLICT (1999); *see also* STILLMAN, *supra* note 40.

cause of group hatred and ethnic violence."[58] The policy recommendations also suggest a fairly strong causal claim. If the mix of democratization and market reform does not play a major role in producing ethnic violence, there is not much purpose for the book.

The literature on the frequency and causes of ethnic violence and ethnic conflict is vast and engages Chua's argument at several points. This section focuses on two questions: Is the resurgence of ethnic violence real? And if so, what role, if any, do democracy and economic liberalization play in causing it?

1. More Ethnic Conflict?

The first empirical issue is whether the perceived increase in ethnic violence in the 1990s is in fact a real resurgence, or whether it is a misperception based on a small number of high-profile events exacerbated by the growing power of the media. As Brubaker and Laitin point out, much literature characterizes the world as "a seething cauldron on the verge of boiling over or as a tinderbox, which a single careless spark could ignite into an inferno of ethnonationalist violence."[59] But in fact, "actual instances of ethnic and nationalist violence remain rare."[60] Ordinary symbolic and organizational politics, not violence, are the most common form of ethnic political action.[61]

It is also clear that ethnic violence is not unique to the 1990s, but has been steadily increasing since the 1950s.[62] One need only recall the mass murders of the 1970s—by the Pakistani military in Bangladesh, by Idi Amin in Uganda, the Indonesian army in East Timor, and by the Khmer Rouge in Cambodia,[63] to take only a few prominent examples—to realize that ethnic and political mass murder are hardly unique to an era of exporting markets and democracy.

One of the analytic problems in determining whether there has in fact been an increase in ethnic violence is that violence is hardly self-defining. People kill, rape and loot; later, other people, far removed, look at these acts and attribute a motivation in order to understand the violence. We know that violence indeed surged in the early 1990s, but this may have been in part because conflicts over resources that had previously been thought of in Cold-War terms

58. CHUA, *supra* note 3, at 9.

59. Brubaker & Laitin, *supra* note 49, at 424; *see also* Bowen, *supra* note 47, at 4.

60. Brubaker & Laitin, *supra* note 49, at 424.

61. TED ROBERT GURR, *Long War, Short Peace: The Rise of Ethnopolitical Conflict at the End of the Cold War*, *in* PEOPLES VERSUS STATES, *supra* note 45, at 27 (2000); David Lake & Donald Rothchild, *Spreading Fear: The Genesis of Transnational Ethnic Conflict*, *in* THE INTERNATIONAL SPREAD OF ETHNIC CONFLICT 1, 7 (David Lake & Donald Rothchild eds., 1998) (noting that most groups pursue interests peacefully); BERKELEY, *supra* note 16, at 35 (explaining that ethnic conflict is rare in Africa).

62. GURR, *The Ethnic Basis For Political Action of the 1980s and 1990s*, *in* PEOPLES VERSUS STATES, *supra* note 45, at 3.

63. The ethnic component of the Khmer Rouge's autogenocide is emphasized in BEN KIERNAN, THE POL POT REGIME: RACE, POWER AND GENOCIDE UNDER THE KHMER ROUGE, 1975-79 (2002).

were now labeled "ethnic" by their perpetrators or by outside analysts.[64]

Ted Gurr, a leading scholar of ethnic conflict, has developed a dataset that tracks ethnic conflict over time.[65] He has tracked an increasing number of conflicts since the 1970s. Early in the 1990s, Gurr noted that there was an increase in ethnic conflict corresponding with the third wave of democratization.[66] After 1994, the number of new ethnic conflicts has apparently declined, along with the intensity of existing conflicts.[67] In a recent overview, Gurr found that both ethnic and political violence have significantly *declined* in all regions of the world since 1990.[68]

Similarly, looking solely at the phenomenon of civil war, James Fearon and David Laitin note that the exacerbation of civil wars after the end of the Cold War reflected long-term trends rather than a sudden phenomenon caused by ethnic factors.[69] They also find that controlling for per capita income, there was no relationship between ethnic or religious diversity and civil war. Indeed, for poor countries, civil war is likelier in *more homogenous* countries.[70] These studies suggest that there may have been a surge in violence in the early 1990s, but that the role of ethnicity in producing this surge is not as clear as some suggest.

These findings alone should give us pause before adopting policies based on Chua's series of anecdotes. The global sweep of her argument suggests a certain universality, but it is important to remember that perceptions of massive and increasing ethnic conflict are not accurate. We can not evaluate the net effect of democracy and markets without taking the actual levels of conflict into account. Even if one proceeds anecdotally, counter-examples abound. We do not tend to focus on the potential ethnic conflicts that have not occurred. Muslims in Bulgaria have lived in peace with their neighbors and received no international attention while Muslims in neighboring Bosnia suffered genocide.

64. Brubaker & Laitin, *supra* note 49; *see also* Saul Newman, *Does Modernization Breed Ethnic Political Conflict*, 43 WORLD POL. 451, 451 (1991) ("[S]ince the early 1960s there have been many manifestations of ethnic political conflict in both industrialized and developing states."); *see generally* Stathis N. Kalyvas, *The Ontology of "Political Violence": Action and Identity in Civil Wars*, 1 PERSP. ON POL. 475 (2003).

65. The Minorities at Risk Project, Center for International Development and Conflict Management, *at* http://www.minoritiesatrisk.com (last visited Mar. 29, 2003).

66. TED ROBERT GURR, MINORITIES AT RISK: A GLOBAL VIEW OF ETHNOPOLITICAL CONFLICTS 89-93 (1993). *But see* TED ROBERT GURR, *Long War, Short Peace*, *supra* note 61, at 49 (2000) (arguing that most 1990s conflicts in Africa had little or nothing to do with democratization).

67. TED ROBERT GURR, *Preface*, *in* PEOPLES VERSUS STATES, *supra* note 45, at xiii (2000) ("Comparative evidence shows that the intensity of ethnopolitical conflict subsided in most world regions from the mid- through late-1990s and that relatively few new [conflicts] have emerged since the early 1990s"); *see also* Stephen M. Saideman et al., *Democratization, Political Institutions, and Ethnic Conflict: A Pooled Time Series Analysis 1985-1998*, 35 COMP. POL. STUD. 103, 103-4 (2002).

68. Ted Robert Gurr & Monty Marshall, *Peace and Conflict 2003*, Center for International Development and Conflict Management, *available at* http://www.cidcm.umd.edu/inscr/pc03print.pdf. (last visited Mar. 29, 2004).

69. James D. Fearon & David D. Laitin, *Ethnicity, Insurgency and Civil War*, 97 AM. POL. SCI. REV. 75, 75 (2003) ("It appears *not* to be true that a greater degree of ethnic or religious diversity . . . by itself makes a country more prone to civil war.") (emphasis in original)

70. *Id*. at 82.

Chinese in Mongolia, a much-feared market-dominant minority who were expelled under communism, have become more tolerated in the years since the fall of communism.

The condition of Lebanese throughout Latin America also provides an interesting example. Chua spends much time describing rising ethnic consciousness among indigenous populations in Latin America, and notes that old-line white wealth co-exists with newer immigrant groups that have succeeded phenomenally.[71] She mentions the Lebanese minority, whose market success has been accompanied by political influence, as Argentina, Guatemala, and Ecuador have all had presidents of Lebanese descent.[72] Nowhere does Chua cite, nor am I aware of, an incidence of mass violence perpetrated against Lebanese in the entire region. Lebanese in these nations have continued to exert significant political influence, despite frequent political transition, instability and regime change, including periods of both democratization and authoritarianism, and waves of neo-liberal reform.

Another example of "missing" ethnic conflict is South Africa. This is an important case for Chua to explain, for it seems to offer ideal conditions for one of her backlashes. South Africa under apartheid was a paradigm case of a market-dominant white minority that held onto power by brutally suppressing democracy. In the early 1990s, South Africa introduced democracy while following the lead of international financial institutions that promoted neoliberal reforms. But the backlashes have not occurred, despite overwhelming pressures caused by rising social demands. There have been no large-scale expropriations. Furthermore, there has been no backlash against democracy or wide-scale violence against the white minority, perhaps because democracy has not actually threatened white wealth in substantial ways.[73] Chua's evidence of a portent of future expropriation consists of a single rally of 5,000 people in 2001.[74] Only by conflating ethnic tension (a relatively common phenomenon) with ethnic violence (a relatively rare one) can Chua consider South Africa anything but counterevidence to her thesis. Certainly, South Africa has plenty of problems and continuing massive inequalities that must be addressed.[75] However, at some level it also offers hope to us all that racial and economic justice, still far from realized there, can be achieved through peaceful means.[76]

71. CHUA, *supra* note 3, at 61-63, 66-68.

72. *Id.* at 66-67. Lebanese Presidents have been elected in Guatemala (Ellias Serrano), Argentina (Carlos Menem), Ecuador (Jamil Mahuad Bucaram) and Mexico (Platurco Elias Calles, supposedly partly or half Lebanese).

73. *But see S. Africa Police Find Bombs in Rightwing Plot Probe*, AFRICA NEWS, Nov. 20, 2002, *available at* http://www.namibian.com.na/2002/November/africa/02989A2DAB.html (reporting a white right-wing bomb plot) (last visited Mar. 29, 2004).

74. CHUA, *supra* note 3, at 130.

75. *See, e.g.*, Faranak Miraftab, *The Perils of Participatory Discourse: Housing Policy in Postapartheid South Africa*, 22 J. PLAN. ED. & RES. 226 (2003); JAMES L. GIBSON & AMANDA GOUWS, OVERCOMING INTOLERANCE IN SOUTH AFRICA: EXPERIMENTS IN DEMOCRATIC PERSUASION (2003).

76. I do not deny the possibility that widespread violence may occur in the future. My point

In addition to an absence of ethnic conflict where Chua's argument would predict its existence, there are instances of ethnic conflict where Chua's argument is silent. Much of the violence in the 1990s was not particularly ethnic in character. The Zapatista rebellion in Chiapas has been primarily about jobs and land rather than ethnic or cultural identity, and its leader, Subcommandante Marcos, is from northern Mexico.[77] Indeed, very few of Latin America's violent civil wars have had any ethnic component.[78] Some of the ethnic wars of the post-Soviet republics have involved ethnicity as populations reshuffled around new borders, but others have involved no ethnic component whatsoever.[79] Other "ethnic conflicts" are actually about other issues only tangentially related to ethnicity: the Ibo-Hausa conflicts in Nigeria, for example, may reflect broader Muslim-Christian tensions.

The ongoing wars in the shadow of disintegrating states in West Africa have some ethnic component, but many of the relevant military divisions are armies and militias organized on national, not strictly ethnic, lines.[80] Many of these conflicts are about property rights in commodities and the struggle over valuable resources like diamonds.[81] According to one author, "The extent of primary commodity exports is the largest single influence on the risk of conflict."[82] Some of these conflicts may of course have an ethnic dimension. But to characterize the current wars there as ethnic struggles would be to miss the most important parts of the story, such as the collapse of states and the economic competition that fuels the conflicts.[83] Interestingly, globalization of markets may fuel these conflicts in the sense that lowered transaction costs increase the

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is simply that during the period where Chua's thesis would have predicted a backlash, the simultaneous introduction of democracy and neo-liberal policies, no backlash occurred.

77. Bowen, *supra* note 47, at 10.

78. Stathis Kalyvas, *"New" and "Old" Civil Wars: A Valid Distinction?*, 54 WORLD POLITICS 99, 115 (2001).

79. For example, the establishment of the so-called Dniestr Moldovan Republic in the middle of Moldova was prompted by Moldovan nationalism, but was led by multiethnic leadership that wished to maintain economic ties to Russia.

80. *West Africa's Wars*, ECONOMIST, July 5, 2003, at 22-24 (mentioning among such groups the Liberians United for Reconciliation and Democracy).

81. A similar story can be told about the Congo, in whose civil war two million people have died in the past five years. The war has positioned neighboring countries to exploit disruptions and become major exporters of raw materials. *See* Musifiky Mwanasali, *The View from Below*, *in* GREED AND GRIEVANCE: ECONOMIC AGENDAS IN CIVIL WARS 137 (Mats Berdal & David M. Malone eds., 2000).

82. Richard Snyder, Does Lootable Wealth Breed Disorder? States, Regimes, and the Political Economy of Extraction (Sept. 2001) (unpublished manuscript, on file with author); *see also* Paul Collier, *The Market for Civil War*, 5/1/03 FOREIGN POL'Y 3458, 38-41, *available at* 2003 WL 13316249 (noting that economic conditions are "paramount" in explaining civil wars and that the risks rise if an economy is dependent on natural resource exports).

83. *See, e.g.*, ROBERT KAPLAN, THE COMING ANARCHY (1994); GREED AND GRIEVANCE: ECONOMIC AGENDAS IN CIVIL WARS (Mats Berdal & David M. Malone eds., 2000); Charles King, *The Benefits of Ethnic Wars: Understanding Eurasia's Unrecognized States*, 53 WORLD POLITICS 524, 524 (2001) ("[T]he easy labels that analysts use to identify such conflicts—as "ethnic" or "religious" say—always cloud more than they clarify."); *see also* BERKELEY, *supra* note 16, at 36 (describing how Gio and Krahn tribes fought in Liberia after a coup in 1980, but the same tribes did not fight on the Ivory Coast side of the border).

value of diamonds and other resources. This is not Chua's argument, however. Her argument—that market-dominant minorities will be targeted by demagogues after political liberalization—hardly begins to account for the violence in Sierra Leone, which has not been directed against the Lebanese minority. West Africa is clearly a stretch for her causal claims.

In short, it is not clear that the 1990s have, in aggregate, witnessed more ethnic conflict and violence than other periods. The best evidence seems to be that the early 1990s did see such an expansion, which declined gradually during the end of the decade. The perception of an ethnic cauldron has been exacerbated by a few high profile genocides and the tendency of observers to characterize many conflicts as "ethnic" when they may in fact have other causes.[84] The fact of declining conflict should lead to caution about adopting policies for tomorrow based on yesterday's dynamics.

2. What Caused the Conflicts that Occurred?

Even if conflict was not as common as many perceived, Chua might counter with the weak version of her hypothesis: she is not arguing that ethnic conflict is inevitable, only that it will be exacerbated by the twin exports of economic reform and democracy in countries. To evaluate this claim requires attention to two linked questions: Do democratic reforms and freer markets lead to greater ethnic violence, and if so, how much? If the relationship is positive but small, we need hardly rethink a major portion of our foreign policy, given that democracy may bring positive benefits to countries without market-dominant minorities. The answers to these questions require understanding the causes of ethnic violence. This is the subject of a massive body of literature, which could not be summarized here; but it is safe to say that the question is a controversial one.[85]

a. Relative Status and Ethnic Violence

Broadly speaking, there are two streams of writing on ethnic nationalism.[86] One school, sometimes called the "primordialist," stresses long-standing cultural differences between groups and sees these as relatively fixed.[87] The other, which is sometimes labeled "instrumentalist," sees ethnicity as socially constructed in response to changing conditions and the manipulation of symbols by

84. The rise of the media has in some instances exacerbated ethnic violence. Chua notes that Amnesty International encouraged press freedom in Rwanda, which empowered a demagogic paper and contributed to the mobilization of Hutu against Tutsis. *See* CHUA, *supra* note 3, at 168-69.

85. HOROWITZ, *supra* note 51, at 39 ("Disappointingly little has come of the prodigious literature on violence.")

86. Brubaker & Laitin, *supra* note 49.

87. *See* BEVERLY CRAWFORD, THE MYTH OF "ETHNIC CONFLICT": POLITICS, ECONOMICS, & CULTURAL VIOLENCE 10-12 (Beverley Crawford & Ronnie D. Lipschutz eds., 1998); Demet Yalcin Mousseau, *Democratizing with Ethnic Divisions: A Source of Conflict*?, 38 J. PEACE RESEARCH 547, 548-49 (2001); *see also* David A. Lake and Donald Rothchild, *supra* note 61.

ethnic leaders.[88] Many scholars of this school, identified frequently as "modernists," see cultural difference as being magnified by economic and social change associated with modernization.[89] Ethnic groups come into conflict when they compete over resources, and modernization can exacerbate this competition for at least two reasons. First, the rise of the modern state, with its control over resources, creates a new locus for conflict as groups try to capture the state. Second, expanded economic opportunities provide possibilities for upward social mobility, sometimes leading to new barriers to groups and rising inequality.[90]

This modernist position foreshadows Chua. Just as the rise of the state and economic growth lead to conflict, so democratization and economic liberalization exacerbate it. What both arguments share is a commitment to the relative gaps between groups as the primary cause of ethnic conflict.

Ted Gurr, for example, has argued that relative deprivation is a primary cause of ethnic violence.[91] Gurr found the "extent of a communal group's collective disadvantage vis-à-vis other groups is a principle source of its members grievances and perceptions they have a common interest in collective action."[92] Gurr surveyed 233 communal groups from 1945-1989 and found a strong correlation between "relative ecological and demographic stress" and ethnic grievances.[93] It would seem to follow that economic disparity of the type discussed by Chua would contribute to ethnic tension, and possibly even ethnic violence.

Political scientists and sociologists who study ethnic conflict do not all agree on this position. Some have argued that relative economic deprivation alone cannot explain ethnic conflict, since relative deprivation is a universal characteristic of economies.[94] Walker Connor has pointed out that the fact of economic disparity is so widespread, that it appears to be involved in every case of ethnic conflict. Disproportionate economic performance may result from other features, such as the fact that ethnic groups tend to populate different regions that have different resource endowments. Differential economic performance in such circumstances would not result from ethnic factors, but would appear concurrently.[95] Again, the distinction between apparent correlation and causation is

88. GURR, *Ethnic Bases for Political Action in the 1980s and 1990s*, *supra* note 62, at 4-5; RUSSELL HARDIN, ONE FOR ALL: THE LOGIC OF GROUP CONFLICT 160-61 (1995).

89. *See* Bowen, *supra* note 47, at 4 (writing that ethnicity is a product of modern politics); *see also* Newman, *supra* note 64, at 455 (quoting Walker Connor, *The Politics of Ethnonationalism*, 27 J. INT'L AFF. 1 (1973).

90. Fearon & Laitin, *supra* note 69, at 78.

91. TED GURR & BARBARA HART, ETHNIC CONFLICT IN WORLD POLITICS (1994); GURR, *Long War, Short Peace*, *supra* note 61; *see also* TED ROBERT GURR, WHY MEN REBEL 13 (1969) ("Discontent arising form the perception of relative deprivation is the basic, instigating condition for participants in collective violence.")

92. GURR, *Incentives for Ethnopolitical Conflict: World Patterns of Discrimination and Repression in the 1990s*, *in* PEOPLES VERSUS STATES, *supra* note 45, at 123.

93. *Id.*

94. WALKER CONNOR, ETHNONATIONALISM: THE QUEST FOR UNDERSTANDING (1993).

95. Note the presence of a chicken/egg problem applying this argument to market dominant minorities, which tend to concentrate in cities. Cities are centers of economic activity; do the minor-

important.

Others have tried to square the "primordialist" difference-based position with the relative deprivation theory. Alexis Herclides notes that the more a group possesses a common history or can be characterized as a nation, "the more secondary the role played by the factor of inequality or disadvantage in spurring active separatism."[96] Others have also focused on explicitly political understandings as the primary determinant, rather than economic deprivation.[97] Gurr himself notes that "the profile of contemporary ethnonationalist movements displays a general lack of congruence between a group's status in society and its demand for separation."[98] Thus, the degree to which economic imbalances cause ethnic conflict is not certain, but does not suggest the uniform, unidirectional causal relationship implied in Chua's simple story.

Some suggestive evidence on the role of economic differences can be found in the experiences of developed countries, though Chua repeatedly asserts that patterns of ethnic relations in the developing world bear no resemblance to those in developed countries. During the 1950s and 1960s Flanders and Slovakia were given large resource transfers to narrow the gaps between them and other regions.[99] These regions developed rapidly, but this narrowing of the income gap was accompanied by *rising* demands for autonomy. Similarly, the Basque and Catalan regions of Spain have advanced their ethnic separatist claims while they are becoming even richer relative to the rest of Spain.[100] In short, developed country experiences suggest that relative deprivation may not be a key factor at all.

b. Democracy, Development and Ethnic Violence

If the relationship between economic deprivation and ethnic conflict is not clear, the literature on the relationship between democracy and ethnic conflict suggests more consensus. A long line of research suggests that political violence, in general, is not associated with either autocracy or democracy, but occurs most often and severely in semi-democracies.[101] This is the so-called inverted U-shape relationship, with high levels of violence in the middle and low levels on either tail. This research implies that democratization from autocracy can lead to greater conflict in the short run, consistent with Chua's thesis. In-

ities concentrate there because they have an advantage in economic activity, or does the economic performance of a city depend on who lives there?

96. ALEXIS HERACLIDES, THE SELF-DETERMINATION OF MINORITIES IN INTERNATIONAL POLITICS 19 (1992).

97. DONALD HOROWITZ, ETHNIC GROUPS IN CONFLICT 259 (1985).

98. RAY TARAS & RAJAT GANGULAY, UNDERSTANDING ETHNIC CONFLICT 30 (2001).

99. CONNOR, *supra* note 94, at 10.

100. *Id.* at 15.

101. *See, e.g.*, Tanja Ellingsen, *Colorful Community or Ethnic Witches' Brew? Multiethnicity and Domestic Conflict During and After the Cold War*, 44 J. CONF. RESOL. 228 (2000). *But see* GURR, *Incentives for Ethnopolitical Conflict*, *supra* note 92, at 156-57 (noting that transitional regimes have less conflict than autocracies but more than democracies).

deed, one of Gurr's studies found that in some circumstances democratization had exacerbated ethnic conflict between 1975-86.[102] On the other hand, greater democratization from a semi-democratic point should lead to less political violence.

Mousseau recently conducted a large-*n* study testing the relationship between higher levels of democracy and development on the one hand and political conflict on the other.[103] Mousseau confirms that "nations at middle levels of democracy and development are more likely to experience higher levels of political violence than nations at low and high levels of democracy and development."[104] He notes, however, that ethnic heterogeneity has no *independent* effect: it is not associated with higher levels of violence within nations except under certain political conditions.[105] Thus, Mousseau rejects the "primordialist" thesis that ethnic division is sufficient to cause violence.

Mousseau further notes that ethnic heterogeneity does make a difference with regard to the effect of high levels of democracy and development in reducing violence. Democratization has a greater pacifying impact in homogenous nations than in heterogeneous ones. Indeed, for highly heterogeneous semi-democracies, he finds that autocracy does better than democracy in reducing the chance of political violence.[106] These findings seems intuitive and broadly consistent with Chua's "modernist" thesis, at least for countries starting from low base levels of democracy and development. Autocracies have greater means to repress ethnic violence than democracies. Shifting to semi-democracy deprives leaders of many tools, and can lead to a surge in conflict.

Even if the probability of violence indeed increases with democracy and development, the magnitude of the effect must be analyzed. We must also be concerned with the levels of violence, not merely the direction of the causal relationships. Mousseau notes that highly democratic heterogeneous nations have a probability of extreme violence of 14%, more than double the rate of highly democratic homogenous nations.[107] What we do not know is whether this absolute magnitude is severe or not. Semi-democracies, which have the highest rate of violence, have a 20-25% probability of extreme violence.[108] The policy question then becomes whether these levels are of sufficient magnitude to discourage democratization for heterogeneous nations that are autocratic.

If the relationships among democracy, development and ethnic violence are complex and non-monotonic, what factors enhance the probability of conflict?

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102. GURR, MINORITIES AT RISK: A GLOBAL VIEW OF ETHNOPOLITICAL CONFLICTS, *supra* note 66, at 138. His more recent study finds that democratic transitions are followed by increases in ethnic protest, but not violent rebellion. *See* GURR, *Democratic Governments and Strategies for Accommodation in Pluralistic Societies*, *in* PEOPLES VERSUS STATES, *supra* note 45, at 156-57.

103. Mousseau, *supra* note 87, at 547-67.

104. *Id.* at 559.

105. *Id*. ("[E]thnic divisions, alone, do not contribute to extreme political violence.")

106. *Id*. at 560.

107. *Id.*

108. *Id*.

As Chua suggests, a key element is the desire of group leaders and political entrepreneurs to exploit the situation. Ethnic tension is generally a top-down phenomenon, not one that emerges from the grassroots.[109] Leaders are an independent variable. Leaders may engage in what scholars identify as "ethnic outbidding"; such a problem exists where two or more leaders compete for support within an ethnic group, within a democratic framework, each seeking to prove it is more "ethnic" than the other. However, outbidding is really an "exceptional, not typical, consequence of democratization."[110]

Democracy is not the only source of demagoguery. As Chua acknowledges, Stalin killed many Jews and others in a transformation that can hardly be called democratic.[111] The Pol Pot regime in Cambodia, it has been argued, targeted certain minorities in the midst of its general auto-genocide.[112] Idi Amin targeted Asians in Uganda, ultimately expelling them. None of these regimes was a democracy. The fall of Suharto in Indonesia is alleged to have exacerbated anti-Chinese feeling, as evidenced by the massacres of 1998 in Jakarta, but we should not forget the millions killed in 1965, when Suharto rose to power. Suharto's coup was hardly a democratizing moment.

In sum, the most generous interpretation of the social science literature suggests that in heterogeneous societies, a transition to democracy and markets may contribute to greater ethnic conflict, especially if they are transitioning from autocracy. The strength of the effect is unclear. The U-shaped finding suggests that it may be limited to the short term, if the country continues to democratize and develop. Granted, Chua recognizes the distinction between short and long term. She notes that "markets and democracy may well offer the best long-run economic and political hope for developing and post-Communist societies. In the short run, however, they are part of the problem."[113] However, if ethnic violence on the whole is on the decline, the short run may be over.

c. An Alternative Hypothesis: Political Transition

Another possible interpretation of the surge in conflict in the early 1990s followed by a decline is that political change, in general, offers windows of opportunity for action.[114] Political transition creates uncertainty, and this is true

109. Bowen, *supra* note 47, at 7 ("[I]t is fear and hate generated from the top, and not ethnic differences, that finally push people to commit acts of violence."); *see also* BERKELEY, *supra* note 16, at 35 ("All of Africa's ethnic conflicts start at the top and spread downward.")

110. GURR, *Long War, Short Peace*, *supra* note 61, at 43; Brubaker and Laitin, *supra* note 49, at 434 (noting that in Yugoslavia, elites in election campaigns engaged in underbidding, not to mobilize but to demobilize the population. If the politicians had made explicitly ethnic appeals in a multiethnic society, they might mobilize a backlash.)

111. CHUA, *supra* note 3, at 82.

112. KIERNAN, *supra* note 63.

113. CHUA, *supra* note 3, at 13. Fearon and Laitin's finding that poverty is associated with civil war suggests that there is an absolute good in development. *See* Fearon & Laitin, *supra* note 69.

114. *See* Barry Posen, *The Security Dilemma and Ethnic Conflict*, 35 SURVIVAL 27 (1993); Brubaker & Laitin, *supra* note 49, at 437.

whether the transition is towards or away from a democratic direction. Uncertainty is a major source of potential ethnic conflict.[115] When old social contracts are broken, power shifts and tension results, allowing political entrepreneurs to exploit anxiety about a change in group relations.[116] In short, it may be the fact of political transition and change, rather than the direction of that change, that is the most significant factor.

This political transition hypothesis is consistent with the 1990s pattern of an early surge in violence followed by a decline in conflict. Gurr notes that the decline in ethnic conflict resulted in part because the breakup of states had largely passed.[117] The closing of the Cold War led to the emergence of many new states, the political borders of which hardly corresponded to ethnic boundaries. The result was great opportunities for ethnic demagoguery.[118]

A focus on political transition per se also helps us understand why instances of ethnically-oriented violence also occurred in the period before the widespread export of democracy and markets. Idi Amin's regime in Uganda and Stalin's in the Soviet Union are two of many examples. Demagogues exploit political opportunities in periods of rapid change. The opportunities for demagoguery may lie less in the character of democracy than in the nature of transition.

III.
SOLUTIONS?

Chua's primary purpose is to call attention to an important phenomenon in an interesting way, and in this effort she succeeds. The normative section of the book is very brief, which is perhaps appropriate given the difficulty of solving the problem she lays out, and the potential perverse effects that might result from such efforts.[119] This section considers Chua's recommendations as well as other possible solutions she does not suggest. Her recommendations fall into three categories: those directed at the market-dominant minorities, those directed at leaders in the developing world, and those directed at the international community.

The recommendations directed at minorities are unobjectionable. Chua calls on them to engage in more philanthropy, especially that directed at the broader society, rather than the narrow needs of the ethnic group. If this were an

115. Lake and Rothchild, for example, find that collective fear of the future is the major cause of ethnic conflict. *See* David A. Lake & Donald Rothchild, *Containing Fear: The Origins and Management of Ethnic Conflict*, 21 INT'L SEC. 41 (1996). In 1971, Samuel Huntington noted, "Civil violence is more characteristic of societies in the middle of the process of modernization than it is of societies which are either highly modern or highly traditional." Samuel Huntington, *Civil Violence and the Process of Development*, 83 ADELPHI PAPERS 1, 2 (1971).

116. CRAWFORD, *supra* note 88, at 5; *see also* HOROWITZ, DEADLY ETHNIC RIOT, *supra* note 51, at 565.

117. GURR, *Preface*, *supra* note 67, at xiv.

118. *Id.*

119. *See* Davis et al., *supra* note 10, at 353-55.

efficacious solution, one wonders why many market-dominant minorities have not independently pursued such an option. One possibility is that, in contexts where private philanthropy is not well-developed, members of the targeted market-dominant minority might fear that public philanthropy could serve as a public signal of their wealth, and hence *heighten* awareness of their market-dominance.

For leaders in the developing world, the obvious implication is to promote redistributive policies (progressive taxation and promotion of a welfare state), such as those that have worked in places like Malaysia as well as in Western societies. Indeed, Chua is correct that the simultaneous transition to democracy and markets is unlike the manner in which these institutions developed in the West, and needs to be carefully managed.

The larger normative questions are directed to the international community. If the causal relationships among democracy, development and ethnic violence were as strong Chua's title suggests, the obvious normative implication would be to stop the simultaneous export of democracy and markets. Chua is clear that she is not calling for an end to democratization or economic liberalization, but limits her major normative recommendation to "understanding."[120] Nevertheless, if she is right, the development community should consider whether reforms ought to be sequenced, with democracy preceding markets (or vice versa).

I have suggested in this review that Chua is not right, or at least has not established her claims sufficiently to adjust policy. The causal relationships involved are complex, and the effect of democracy on violence is not so strong as to produce clear normative conclusions. We cannot be sure that the net global result of democracy and markets is indeed worse. It may be that if we were to adopt a different set of global policies (promoting single party states and closed economies) conflict over resources would be worse, not better. We are unable to draw either conclusion based on Chua's anecdotal data.

If Chua is right, and ethnic harmony, democracy and markets cannot all coexist, how might we choose among the right course to take? Mousseau's inverted U-shaped finding, namely that violence is associated with mid-levels of democracy and development, provides a framework to answer the question.[121] Assuming *arguendo*, that ethnic conflict is the supreme evil that we seek to minimize, we can do so in one of two ways: by returning to dictatorship and poverty or by increasing democracy and development. There seems no moral reason to prefer the former solution.

Chua's actual normative suggestions to the international community are minimal. She makes a brief suggestion that minority rights and constitutionalism ought to be given greater weight.[122] If Chua is suggesting that the various actors involved in promoting democracy abroad have been promoting a merely proceduralist, electoral model without constitutionalism, she is simply

120. CHUA, *supra* note 3, at 16.
121. Mousseau, *supra* note 87, at 547-567.
122. *Id.* at 259.

wrong.[123] Indeed, a major component of the recent wave of law and development is precisely the kind of institution that can protect rights, promote justice and develop constitutionalism. For most of the 1990s, "democracy programs" explicitly adopted a substantive component or else were closely linked with rule of law programs that sought to ameliorate the dangers of too much democracy. Whether or not these efforts have been effective is a different story, of course.[124] One can question the competence and good faith of the rule of law promoters, one can and ought to critically examine the effectiveness of these programs, but one cannot seriously question that these are programs actually being implemented.

More surprisingly, Chua devotes no attention to specific institutional designs that might ameliorate ethnic tension. Political institutions provide a framework within which elites can manage conflict or promote it, depending on their inclination. Constitutional design and political institutions are thus important variables that can exacerbate or ameliorate ethnic tension.[125] For example, Saideman and his co-authors found that although democracies are more likely to experience ethnic conflict, institutions matter.[126] Proportional representation systems, by allowing a range of views to be expressed, have much less ethnic protest and ethnic conflict than presidential systems, which have a winner-take-all character.[127] Federalism can increase ethnic protest, depending on the lines drawn, but can also reduce the level of ethnic violence, perhaps because it allows for local autonomy for particular groups.[128] A good example is the experience of Nigeria after a 1967 redrawing of federal boundaries into multiethnic states, following the Biafran war.[129] Of course, no institutional design is perfect and there is no way to eliminate ethnic conflict entirely, but choices can make a difference.[130]

Chua also does not consider steps that the international community can take to minimize the risks of backlashes. One important finding on the decline of ethnic violence in the second half of the 1990s is that the capacities of both democratic governments and the international community in combating ethnic violence have actually increased.[131] For the international community, the embarrassments of Rwanda, which took place while the West stood idly by, have led the international community to seek to use mechanisms that will help nip

123. CAROTHERS, *supra* note 24.

124. *See* Garth, *Building Strong and Independent Judiciaries Through New Law and Development*, *supra* note 1.

125. HOROWITZ, *supra* note 97; *see also* DONALD HOROWITZ, A CONSTITUTION FOR SOUTH AFRICA (1991); Ghai, *supra* note 47.

126. Saideman, *supra* note 67, at 119.

127. *See* Frank S. Cohen, *Proportional Versus Majoritarian Ethnic Conflict Management in Democracies*, 30 COMP. POL. STUD. 607, 609-14 (1997); Lake & Rothchild, *supra* note 115, at 60-61.

128. Saideman, *supra* note 67, at 120; Lake & Rothchild, *supra* note 115.

129. Bowen, *supra* note 47, at 11-12.

130. Lake & Rothschild, *supra* note 116, at 42.

131. GURR, *Preface*, *supra* note 67.

ethnic conflict in the bud.[132] Each incident of ethnic conflict is not isolated.

One other strategy for the international community is to target systems of finance and supply that feed ethnic conflict. In many instances, ethnic conflict is exacerbated by the presence of external markets for natural resources like diamonds. In addition, diaspora communities in rich countries can provide financing that perpetuates conflict.[133] Stemming the flow of funds to ethnic demagogues can reduce the incentives to engage in ethnic violence.

Another example of effective international intervention is the role of the Organization for Security and Cooperation in Europe (OSCE) in preventing ethnic violence in Eastern Europe. The OSCE, an organization of virtually all of Europe's governments, set up the High Commissioner on National Minorities in 1992 in reaction to the ethnic conflict in the Balkans and charged the office with serving as an "instrument of conflict prevention at the earliest possible stage."[134] The Commissioner has taken a proactive role in going to potential hot spots and negotiating instruments at the highest political levels to ensure minority protections. Even though these instruments are not legally binding in a formal sense, Ratner suggests they have been extraordinarily effective in securing minority protections and preventing conflict. In helping make norms effective, the High Commissioner has sometimes mobilized international support for the solutions he has offered, for example by pressuring members of the ethnic minority in a neighboring state to support the agreement.[135] In other instances, he has mobilized international funding to make complying with commitments easier. The point is that there are quite specific institutional approaches to ameliorating ethnic conflict that would benefit from normative analysis. But this would draw attention away from the image of the world as an ethnic cauldron.

Perhaps the greatest normative impact Chua's book can have is to call attention to the general importance of distribution in development programs. The early 1990s enthusiasm for radical free-market reforms assumed that putting wealth into private hands would alone provide the basis for growth. This assumption ignored all questions of distribution, with the result that market democracy is perceived as illegitimate in much of the world. The backlash from maldistribution that Chua highlights can occur regardless of ethnic divisions, and promoters of free markets would do well to remember the importance of taking politics into account.

IV.
CONCLUSION

Chua's book is a stimulating tour of the last decade's ethnic conflicts that

132. *Id.* at xiv; *see also* Susan Olzak and Kiyoteru Tsutsui, *Status in the World System and Ethnic Mobilization*, 42:6 J. CONF. RESOL. 691 (1998).

133. Collier, *supra* note 82, at 83.

134. Steven Ratner, *Does International Law Matter In Preventing Ethnic Conflict?*, 32 N.Y.U. J. INT'L L. & POL. 591, 606 (2000).

135. *Id*. at 638-41.

will appeal to many. As a book of academic politics, she satisfies many constituencies. Some free-market ideologues may seize on the book to argue that economic liberalization requires authoritarian rule, and argue against democracy.[136] Progressives may focus on the need for democratization and redistribution, without economic liberalization. Critical race scholars might focus on the apparent ubiquity of racial and ethnic conflict.

But the wide appeal of Chua's argument does not entail that she is correct. When one looks at the trees rather than the forest, many of the phenomena tied together by her theory do not in fact belong there. Most prominently, there has been a decline in global ethnic conflict since the mid-1990s. Even for those conflicts that have occurred, the relationship among democracy, development and conflict is not as straightforward as she suggests. Policymakers must understand ethnic dynamics, but should also not let the need for "understanding" lead them to disengage from democracy around the globe.

Chua's work fits squarely in two growing trends. First, it is part of a recent shift in those writing on globalization, both within and outside the economics profession.[137] These writers are beginning to question the particular forms of globalization launched by international financial institutions. This is a leftward shift in the classical sense: whereas optimists see democracy, development and law working in mutually supportive ways, the recent stream of writings resonate with the classical Marxist view that conflict is endemic to social change.[138] Such critical views are of crucial importance given the obvious failures of globalization to legitimate itself in the eyes of the world.

The second trend is that of the strong turn toward social science in legal scholarship. Lawyers are increasingly drawing on social science tools to inform normative arguments about the design of legal institutions and to conduct positive research.[139] Chua's study poses a social science question but fails to use the appropriate techniques of social science to answer it. Chua does not offer any magic normative solutions, which is perhaps admirable; but she also is slippery with evidence, which is highly problematic. The book lacks the methodological rigor that must ultimately support any compelling conclusion about the complex relationships between democracy, development and ethnicity.

136. Chua rejects this position. CHUA, *supra* note 3, at 262-63.

137. STIGLITZ, *supra* note 36.

138. *See* Newman, *supra* note 64.

139. Lee Epstein & Gary King, *Exchange: Empirical Research and the Goals of Legal Scholarship*, 69 U. CHI. LAW REV. 1 (2002); Richard H. McAdams & Thomas S. Ulen, *Symposium on Empirical and Experimental Methods in Law*, 2002 U. ILL. L. REV. 791, 797 (2002).