

and to assist specific programs, such as drug enforcement. If the federal government possessed adequate information about police violence, it could establish guidelines on the use of non-lethal weapons, on adequate command responsibility and on fair review of complaints of police brutality. These could legitimately be disseminated to local departments, just as the Justice Department now gives advice and funds for law enforcement against drug trafficking and money laundering.

The next step would be to make federal assistance to local law-enforcement agencies conditional on their compliance with basic principles of due process and respect for human rights. It is common for federal grants to be made conditional on compliance with federal law, and in fact that device is already used, in a limited way, in the Justice Department programs. Federal law-enforcement assistance can be suspended if it is found that the local police have engaged in discrimination in employment. Regarding police brutality, I would make the following proposals:

1) When the Justice Department is satisfied that there is a widespread and continuous pattern of the use of excessive force or other violation of basic rights, federal funding to the local police authority should be terminated. There should be a hearing procedure to determine the facts, as there is under the present system when a department is accused of discrimination.

2) When resources supplied under a federal program have themselves been used in connection with acts of police brutality, an equivalent sum should be returned to the government. Think, for a moment, about that taser gun used on Rodney King. In many cases police have obtained sophisticated hardware through federal programs; when that hardware is used to abuse citizens, local departments should pay for it in full.

These proposals are the minimum Washington ought to ask in return for the millions of dollars it spends on law-enforcement assistance. The fact that they are not on the agenda is partly a result of ignorance, cultivated over generations, about local violations of citizens' rights. If the government collected such information, it might begin to seem natural for it to do something about those violations. And not incidentally, it might enable America to comply with international standards for law enforcement. □

■ LETTER FROM EUROPE

The Ghosts of Nationalism

DANIEL SINGER

The specter haunting Europe today, as it approaches the twenty-first century, is the ghost of nineteenth-century nationalism. It sends shivers down spines everywhere on the no longer formally split but still deeply divided Continent. In eastern Europe, the collapse of the Stalinist empire, followed by the fragmentation of the Soviet Union itself, has provided scope for the resurrection of local nationalisms. Since the alleged purpose of the whole operation is to reverse the course of recent history, this revival of nation-states is logical, even if it does not make much sense. In western Europe, where history has developed more in line with what was expected and the boundaries of the nation-state are being blurred, rejection of the alien, of the other, is spreading from Brussels to Vienna; the racist Jean-Marie Le Pen is no longer the odd man out. Is there some link between these two dangerous trends?

Recent developments in central and eastern Europe are probably easiest to understand. The Stalinist regime had been thrust upon these countries, even if it was imposed by the Red Army liberating them from the Nazis. The discarding of "communism" in 1989 was at the same time a rejection of Russian domination. Since then, the new regimes, while enjoying their newly found independence, have been fast discovering its economic limitations. But, as discontent is rising and the governments do not dare to rebel against the iron rule of the International Monetary Fund, they must seek scapegoats. Putting the blame on the "commies" can work for a while, and attacks against "aliens," within or without national frontiers, are a classical substitute for solutions.

On the face of it, the evolution of the former Soviet Union is more difficult to grasp, since nationalism was supposed to have been uprooted there by seventy years of socialism and equality of national groups. The plain answer is that there was no more equality than there was socialism. The Russification of the outlying republics was no more acceptable because it was practiced by a Georgian tyrant and the ruthless dictation from Moscow no more bearable because it was disguised in Marxist mumbo jumbo. Nationalism was never uprooted in the Soviet Union. In Russia itself it was at times extolled and at other times suppressed. In the other republics it was always driven underground. There it festered. When *perestroika* unleashed pent-up discontents and *glasnost* allowed their expression, nationalism came back with a vengeance.

By the time Mikhail Gorbachev perceived that the union could be saved only through some form of federation of independent states, it was too late. In fairness, it must be added that he was not helped by Russia's so-called democrats. In his

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relentless struggle for power Boris Yeltsin played the nationalist card to the hilt, and he must now pay the price for his victory. Why should the Bashkirs, Tatars or Komi in Russia treat Russia as "one and indivisible" when the Kazakhs, Uzbeks and the Russians themselves refused to grant that definition to the Soviet Union? Why should the Ukrainians or the Belarussians permit Yeltsin in Moscow to set their economic and military policy now that they are allegedly sovereign members of a commonwealth? After all, they refused such dictation by Gorbachev while they were still full members of the Soviet Union.

In principle, devolution—the transfer of power from a monolithic center to republics—is progressive. In practice, a nationalism based on common blood, ethnicity and historical tradition is seldom conducive to democracy. Besides, the disruption it will cause is likely to be tremendous. In human terms the Soviet Union was a melting pot. Seventy-five million people, a quarter of the total population, live outside their native republics. Non-natives account for more than 60 percent of the population of Kazakhstan, nearly half the population of Latvia and Kyrgyzstan, and more than 27 percent of Ukraine, which gives an idea of possible migrations should there be ethnic conflict in these republics. In economic terms, because of central planning under Communism, the integration is very high. The trade among the Soviet republics, as a percentage of the national product, has been nearly twice as high as that among the member states of the Common Market. The emergence of different currencies and tariff walls is bound to have a paralyzing effect on the economy.

Why did the leaders of the republics opt for such a harmful solution? Partly because, like sorcerers' apprentices, they set in motion forces they have not been able to control. Partly because, within their narrower frontiers, they and their friends expect they will be better able to dominate the process of privatization and thus consolidate their power and privileges. They also hope to carve for themselves a bigger slice of foreign investment. In the case of Russia, which has half the population of the former union but more than 60 percent of its production and the bulk of such resources as crude oil and

natural gas, the new leaders may hope to bully their way back to an imperial position. All these conflicting expectations, however, point to a dangerous future.

Naturally, Stalin cannot be blamed for it all. The tragic situation in Yugoslavia, where under Tito the nationalities policy was less repressive, shows not only the explosive potential of the post-Soviet equation. It is also a reminder that the uprooting of antagonistic nationalism (though obviously not of cultural identity) is a more complex problem than Marxist textbooks tended to suggest. Yet when all this has been said, the simultaneous revival of primitive capitalism and the nation-state in eastern Europe fits into an established pattern and points to the past (nationalism there was described as an "infantile disorder," to use Lenin's expression in another context, of the transition to capitalism). On the other hand, the revival of xenophobia and racism in a western Europe of vanishing frontiers does not fit that pattern and is a pointer to the future.

Admittedly, the nation-state has not disappeared in western Europe. Indeed, General de Gaulle showed how effective an instrument it could be in the hands of a determined ruler. Nevertheless, the deal struck last month with I.B.M. by the French company Groupe Bull, the state-owned company picked by the general himself to counter the American computer invasion, confirmed how difficult it is for a medium-sized state to resist economic encroachment on its own. The road from Maastricht, the Netherlands (site of the recent conference on unification), however tortuous and full of pitfalls, will lead western Europe to some form of federation. Why is this gradual lifting of frontiers accompanied by a big boost for xenophobic parties in recent elections in Austria, Belgium, Italy and Switzerland; by violent attacks against immigrants throughout Germany; by (if things go as expected) another advance for Le Pen's National Front in France's regional elections this month?

The one answer that can be dismissed at once is the prevailing one that the foreign population in western Europe has exceeded the so-called "threshold of tolerance," beyond which



the host country rejects any newcomers. France, where this new wave of xenophobia reached a political level, is an old country of immigration, and the share of foreigners in its population, and in its labor force, is exactly the same today as it was before the last war. Indeed, the proportion of immigrants in western Europe was roughly the same twenty years ago as it is today, and it was perfectly bearable. It was only after 1975 and the rise of unemployment that it began to be described as intolerable. The phenomenon is thus not due to any population "threshold" but to an economic crisis.

Immigrant labor massively entered the European economy in the 1960s and early 1970s, that is to say, in the second phase of the unprecedented expansion that changed the face of western Europe. Indeed, manning the assembly lines and filling jobs that were dirty, difficult, monotonous or dangerous, the immigrant workers were a key element in that economic miracle. By standing on the backs of these people, the natives could climb the ladder to the higher-skilled, white-collar jobs. Everything was fine until the mid-1970s, when the deep structural crisis altered the mode of production and lowered the demand for unskilled immigrant labor. Then it was discovered that the provisional had become permanent, that the "guests," as the Germans euphemistically called them, had come to stay.

Not that it was possible to get rid of them rapidly in any case. The natives were not rushing to fill their unrewarding jobs. But the foreigner could now, once again, be painted as the culprit, responsible not only for rising unemployment but also for overcrowding, insecurity, the decline in social services—in short, for all the social evils concealed during the period of rapid growth and now revealed by the economic crisis. That aliens are scapegoats is illustrated all the time. In the recent epidemic of immigrant-bashing in Germany, there were many more cases in the east, where foreigners are few, than in the west, where they are more numerous. And the argument is carried *ad absurdum* by Poland's anti-Semitism without Jews. Jingoism is not a reflection of the number of immigrants. It is a symptom of a deeper sickness in society.

August Bebel, one of the founders of German social democracy, described anti-Semitism as the "socialism of fools," and there is a great temptation to extend this formula to all forms of xenophobia. The snag is that the recent waves of jingoism are not very "national socialist" in their propaganda. Nearly all the movements have had anti-Semitic undertones and quite often a weak spot for the Nazis, but they do not echo the allegedly anticapitalist slogans of their predecessors from the 1930s. A Le Pen can vituperate against the Brussels bureaucracy, but he cannot attack the Nazis' *bête noire*, the "Jewish-American plutocracy," and at the same time describe himself, as he does, as a sort of French Ronald Reagan.

This significant shift cannot be explained simply by the fact that socialism today is unfashionable. It is largely due to a difference in the economic context. Although unemployment in western Europe is now roughly three times higher than it was twenty years ago, it has not reached the proportions of the prewar Depression, nor is the fate of its victims comparable. Although discontent is high, workers are not flocking en masse to Le Pen and his equivalents. The danger for western Europe



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is not an immediate takeover by various National Fronts. The threat lies in the gradual extension of the disease: the spread of racism and the weakening of class solidarity, sapping society's capacity for resistance should a really catastrophic slump bring back another bout of the deadly epidemic.

What connection is there between this creeping xenophobia in the west and the potentially more explosive jingoism of eastern Europe, where economic tensions are already reaching the breaking point? The first link is obvious now that Europe's great divide has been formally abolished. Until the last war eastern Europe was a great provider of immigrants for western Europe, as well as for the United States. Deprived of this source, the advanced countries of northwestern Europe had to look to the south for labor, first to Italy, Spain and Portugal, then to Turkey or, across the Mediterranean, Africa.

Now that western Europe is no longer mobilizing its army of labor, it is faced with two waves of recruits, one coming from the south, the other from the east. In Poland, the pioneer on the road to capitalism, the percentage of jobless has already reached double figures and keeps on rising. As Russia follows its "shock therapy," the figure one will have to play with will approach not 3 million but 30 million unemployed. No wonder that the countries of the Common Market are now trying to formulate a joint immigration policy. With the Berlin wall dismantled, can they erect a new economic iron curtain along the Oder-Neisse line?

There is a deeper link between the revival of nationalism in the two halves of Europe. It is the simultaneous disappearance of a socialist alternative. Oversimplifying, one may say that nineteenth-century nationalism had two versions. The first, stemming from the American and French revolutions, was rationalist and universalist, trying to carry its values to the world at large. Socialism, promising not only to lift frontiers but also to give social content to the otherwise empty slogans of liberty and equality, was, in a sense, its heir. The other version, sponsored by German thinkers, was based on blood, kith and kin, and a historic tradition played to the tune of the *Nibelungen*. Now that the heritage of the former has been temporarily discredited through Communist crimes and social democratic surrender, the latter, darker side of nationalism is now dominant.

The error of those who proclaim the "end of history" is to assume that the collapse of the neo-Stalinist empire, and with it, however unfairly, the socialist dream, heralds the smooth advance of classical capitalism. It is true that capital now supplies the only universal model, with its McDonald's, its television serials and, more important, its system of management and exploitation. Yet, as it spreads across the planet, it squeezes, marginalizes and antagonizes growing numbers. Unless a new socialism that is cured of the disease of centralism and its overemphasis on growth provides those millions with democratic solutions—control over their economic as well as their political life—they will inevitably turn to the dangerous mixture of race, religion and ethnicity, a mixture that, incidentally, is not only for Muslim consumption. Which brings us back to the beginning: Until a resurrected, reinvented socialism inspires the people with hope and vision, and their rulers with genuine fear, the specter that is haunting Europe from Paris to Moscow will be the specter of nationalism. □

■ HOOPA, YUOK AND CONGRESS

Tribal Rights, Tribal Wrongs

SUSAN E. DAVIS

Herbie O'Neill's mother died when he was born, in 1918. His father was killed in World War I. The orphanage in Santa Rosa didn't know what to do with Indians when it closed, so O'Neill, who is half Cherokee and half Yurok, was sent to the Hoopa Valley Reservation. Back then the reservation belonged to all Northern California Indians. The fact that O'Neill was Yurok and his stepfamily was Hoopa didn't matter. He and his stepfather hunted and gathered and fished all over the valley, the surrounding twelve-mile "Square" and the land along the Klamath River.

That kind of harmony is now only a memory. Ever since Congress passed the Hoopa-Yurok Settlement Act in 1988, Hoopa Valley, the largest reservation in California and site of some of the most valuable old-growth Douglas fir in the world, has belonged exclusively to the Hoopa. Other Indians, mostly Yurok and Karuk—even lifelong residents of the Square like O'Neill—have rights only to the "Extension," an impoverished twenty-mile strip along the Klamath. Those who haven't joined a Congressionally formed Yurok Tribe, one defined by statute and legal obligation rather than by lineage and self-identification, have lost all federal rights as Indians.

"You live somewhere all your life," says O'Neill, now an elder among the Yurok, "and then you can't call it home anymore. I put lots of sweat and blood into this part of the world. But I have people I got raised with who won't talk to me anymore, just because I'm Yurok."

He and sixty-eight other non-Hoopa Indians, as well as one federally recognized tribe to which some of them belong, are seeking to overturn the Settlement Act as a violation of their constitutional rights. It is the first lawsuit to question, on First Amendment grounds, Congress's authority to determine tribal membership. "This is one of the most egregious examples of Congress deciding to do what it wants with Indian land and self-government, without consideration of constitutionality or fairness," says Curtis Berkey of the Indian Law Resource Center in Washington. "You know if these people were white, Congress would not dream of doing this. But if Congress can do this to the Yurok, it can do it to any tribe. Indians across the country will be watching this case to see what happens." The case, which had been dismissed on a technical procedural issue, is currently before the U.S. Court of Appeals for the Ninth Circuit, and oral argument is set for April 15.

The Hoopa Valley Indian Reservation was established in 1876 as a multirace settlement. The Extension was tacked on in 1891, and the two areas were administered as a single reservation with one census roll. All that changed in the 1950s,

Susan E. Davis is a writer based in San Francisco.

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