

## The End of Gridlock in Washington?

by John E. Owens

Bill Clinton's election raised the hopes of many observers that the days of political 'gridlock' were numbered: the end of divided government would usher in a new era of cooperation between president and Congress. Clinton himself called for 'an end to the era of deadlock and drift' in his inaugural address. Yet, after only nine months in office, his relationship with Congress appears tenuous. His approval ratings have sunk to just 36% - the lowest of any recent president at the same stage of office - and, in late July, expressing his own frustration, Clinton joined his predecessors in the presidential tradition of blaming Congress for his troubles.

Clinton's predicament is hardly surprising because his congressional base is weak. He has only 259 fellow Democrats in the House and 57 (now 56) in the Senate - considerably fewer than the 292 House Democrats and 62 Senate Democrats Jimmy Carter had in 1977. Indeed, no Democratic president since Franklin Roosevelt in 1944 has begun his term with so few members of his own party in Congress. Equally importantly is that regardless of the euphoria - even relief - felt by many voters and commentators, Clinton won only 43% support (less than Dukakis's 46% in 1988 and the fourth lowest percentage in American history), primarily because Ross Perot won 19% of the popular vote. In fact, virtually all House and Senate Democrats won higher percentages of the popular vote in their districts and states than did Clinton, thereby potentially weakening the incentives for members of Congress to support Clinton.

Despite this weakness, and Congress's inherent tendency towards individualism and independence from the executive, the new president's record is impressive. He has lost only one major piece of legislation, when he

made a strategic error in seeking an early vote on his job-stimulus package in March 1993, and has successfully negotiated a budget reconciliation bill which promises to reduce the deficit by \$500 billion over 5 years, a remarkable achievement given the political salience and economic importance of deficit reduction. Overall, the influential *Congressional Quarterly Weekly Report* scored Clinton's success rate in Congress over his first 6 months at 96% for the House



and 87% for the Senate - better than most of his recent predecessors in their first years. Congress has also approved a family and medical leave bill, a motor voter bill (which requires states to provide uniform voter registration by mail); and the Senate has passed an amended campaign finance bill (after approving a closure motion). The nomination of an avowedly pro-abortion Supreme Court Justice (Ruth Bader Ginsberg) also passed through the Senate with relative ease. And there are good prospects for Clinton's education reforms and his largely symbolic national service programme.

In order to achieve these results, Clinton has had to compromise a great deal, but this is hardly surprising given the structure of American government. Many years ago, the distinguished constitutional scholar Edward Corwin observed that the US Constitution provided the president and Congress with nothing more than 'an invitation to struggle'. The separation of powers virtually guarantees that a president's

programme will be radically changed - if not dissected - as it moves through the House and the Senate, where the diverse political and economic interests of members and their constituents interact. This is no less true than when the president and Congress are of the same party. The experience of the last nine months shows that Clinton and the Congress have engaged in what Charles O. Jones has called 'presidential-congressional conversation', avoiding the shouting matches and throwing of crockery so typical of the Reagan and Bush years.

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### *Civil Society and the State: new european perspectives*

Edited by John Keane

Verso 1988, 1993.  
ISBN 0-86091-203-5  
ISBN 0-86091-921-8 (pbk.)

Verso has just released the second printing of this collection of essays by leading writers from Eastern and Western Europe. Published as a companion volume to John Keane's *Democracy and Civil Society*, it grapples with issues related to the revival of interest in the distinction between the state and non-state realm of civil society. Contributors include Norberto Bobbio, Carole Pateman, Agnes Heller, Norbert Elias, Claus Offe, Alberto Melucci and Václav Havel.

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*I adore political parties.  
They are the only place left  
to us where people don't talk  
about politics.*

Oscar Wilde



## ***The Betrayal of Bosnia***

Lee Bryant

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### ***CSD Perspectives***

Number 1 (Autumn 1993)

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Upon declaring independence in April 1992, the multi-ethnic and multi-confessional republic of Bosnia and Herzegovina was subjected to externally-organised aggression designed to destroy the new state, to wrench apart its various peoples, and to erase all traces of Bosnia's centuries-old tradition of mutual tolerance and peaceful co-existence.

In eighteen months of war since April 1992, over 200,000 people have been killed; citizens of the cosmopolitan capital Sarajevo have been reduced to a survivalist existence under siege; and people have starved to death for the first time in Europe since the aftermath of the Second World War. The first instance of genocide on the continent since the Geneva Conventions were drawn up in 1947 has been ignored by the international community, and will probably go unpunished. The legally elected government of Bosnia and Herzegovina has been abandoned by the Great Powers of western Europe and the United States. It has been betrayed in its struggle to protect Bosnia's multi-ethnic heritage and to defend democratic values against powerful proxy forces directed by nationalist regimes in Serbia and Croatia.

*The Betrayal of Bosnia* is a scholarly account of the causes and strategies of the war; it shows how these strategies were pursued in the first phase of the war until the Bosnian government was forced to concede the principle of division along ethnic lines; and critically examines the role of the international community both on the ground, through its humanitarian aid and peacekeeping operations, and in the diplomatic sphere.

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## **The Black Letter Tradition**

by Jeremy Colwill

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The teaching of law in the U.K. continues to be dominated by what is often referred to as the "black letter" tradition. That, briefly, is shorthand for a set of beliefs and assumptions that together determine not only how law is generally taught, but also how law is both thought and written about. At the heart of that tradition is the claim that law is in some sense a discipline in its own right and that, as a set of rules, it is entirely coherent and rational. Law, as a field of enquiry as well as a body of rules, is thus assumed to be unified and self-sufficient and it should come as no surprise that its concerns and interests have come to be defined as a matter of technical expertise in response to the needs of an autonomous legal profession.

The constraining influence of such a tradition is clear to see, for example, in the narrowness of the classic legal textbooks which remain the bread-and-butter diet for law students; in the poverty of legal theory as represented by jurisprudence; and in the limited concerns and objects of enquiry of much of what passes for legal research. The tradition, in short, has ensured that a deeper understanding of law in society is not to be sought within alternative and wider frames of reference - including in particular the politics of law - and that legal relations must be understood as in some sense insulated from, and without effect on, the many and varied forms of social relations that constitute civil society.

It is precisely that tradition, and the assumptions upon which it relies, that one of the strands of CSD's work hopes to challenge. Research will be conducted with a view to making visible and comprehensible the interdependence of legal and political relations. It will explore the coercive

and ideological dimensions of legal power in its interaction with political power. The focus will be international as well as domestic and in a forthcoming research paper in the series, *CSD Perspectives*, ("Perspectives on Human Rights and International Law") some of the difficulties of translating human rights, defined at the universal level, into enforceable legal rights at the domestic level, are explored. It will be suggested that the potential of the post-war process of universalising all such human rights has long since been exhausted, and that the international community, if it is to avoid much of the cynicism, non-enforceability and connivance at abuses that characterised the human rights movement in recent years, must now look towards regional developments as the only effective way forward.

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## ***Nations, Nationalism, and the European Citizen***

John Keane

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The doctrine of national self-determination is an invention of eighteenth-century Europe. Its subsequent geopolitical impact upon the European region has been considerable, as the revolutions of 1989-1991 and the collapse of the Soviet Union have once again demonstrated. There are nevertheless growing doubts about the theoretical coherence and anti-democratic consequences of the doctrine. This pamphlet scrutinizes the claim that each nation is entitled to a territorially defined state. It is argued that the struggle for national self-determination is constantly susceptible to nationalism, whose