

Recht zu "beugen": Nicht bestehendes Recht wird gebeugt, sondern es wird neues "Recht" gesetzt in Mechanismen, auf welche die Rechtsunterworfenen mangels Meinungs- und Wahlfreiheit keinen Einfluss mehr haben: Eine Rechtsordnung, die sich ausrichtet nicht an der Würde des Menschen, sondern an der Würde des Staates oder noch schlimmer: an der Würde des Regimes.

Der Band ist nicht nur vom Umfang her alles andere als ein Leichtgewicht. Er kommt auch fast ohne Druckfehler aus, von ein paar Schmunzeln erregenden Ausnahmen abgesehen ("trancisión", "Magister Atrium"). Ohne wenn und aber eine auch für Verfassungsjuristen in hohem Maße ertragreiche Lektüre.

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La participación política, democracia y movimientos indígenas en los Andes

La Paz, 2005, Actes & memoires de l'Institut français d'études andines 2, 181 S.; Bol. 40,-

In the 1990s, the Latin American party systems began to show severe stress as approval ratings and support for most of the political parties declined notably. At the same time, indigenous social movements gained popularity and became an important force within the political bargaining process. Often, this development led to the formation of independent indigenous political parties, which entered national parliaments and participated in governments. Occasionally, these parties even took over government, as happened for the first time in 2005 with the victory of Evo Morales in the Bolivian presidential elections.

A plethora of literature reflects on the importance of ethnic cleavages and how they have become one of the defining factors of politics in the Andean region. The book under review compiles the contributions of a seminar organized by the French embassy in Bolivia after the political turmoil in October of 2003. During these, mainly, though not exclusively indigenous social movements had staged a week long protest against the governmental plans of selling gas to the US, which finally culminated in the resignation and flight to exile of the then president Sánchez de Losada. The seminar aimed at a reflection of "the political participation, democracy and indigenous movements in the Andes". Partnering institutions were the Instituto Francés de Estudios Andinos and the Programa de Investigación Estratégica en Bolivia (PIEB). The same institutions feature as editors of the subsequently published book (of 2005), which presents the participants' (mostly political scientists and sociologists) contributions.

The book is structured in four sections, which cover the "Characteristics of the indigenous political participation", "Impacts of the processes of indigenous participation in the government, in different levels of public representation and in the political sphere",

"Impacts of participation processes in indigenous communities", and "Political perspectives of indigenous movements" respectively.

Each of the four sections consists of various national case studies. The authors manage to paint a clear picture of the recent political development of indigenous political involvement. Regrettably, most articles only recount the developments without much explanation and interpretation. In such, they are valuable in helping to draw one's own conclusions as to what the depicted events contribute to the shaping of the socio-political landscape of the countries described. But they leave the reader alone in doing so.

Jorge León T., for example, describes in great detail the evolving governmental participation of the Indígenas in Ecuador in 2002-03, but he does not tell the reader what the underlying causes and shaping structures are that influence their political calculations. However, by outlining in great detail what the indigenous parties did, he gives the reader some hints as how to understand the socio-political dynamics.

Unfortunately, the essays in the book differ widely in quality. The second essay ("The indigenous uprising in defence of the gas and the overthrow of Gonzálo Sánchez de Lozada" by *Felix Patzi*) is nothing more than leftist rhetoric whose tone and style is just too well known to anybody who reads regularly political publications in Latin America. Sentences like "For the dominant class this was the moment to deepen the domination, in complicity with the transnational capital" are but one example of the quality of his analysis and the profoundness of the arguments used.

More prolific analyses try to combine the political viewpoint with a sociological as well as legal approach. In doing so, *Ricardo Peñaranda* illustrates how the indigenous movements of Colombia evolved internally away from the simple auto-perception of a necessary antagonist to the State (conceptualized as "them" in contrast to "us indigenous") to the rightful representative of particular interests. As a result, according to *Peñaranda*, the indigenous came to accept the State as the State itself accepted gradually the indigenous – a process which finally resulted in the drafting and adoption of the new constitution of 1991. This constitution acknowledged, inter alia, Colombia's ethnic and cultural variety, autonomy and unique forms of government by indigenous communities and guarantee of political participation. Those concessions, from the legal standpoint very far-reaching if not potentially destabilizing (taking into account the lack of experience with tribal autonomy or self-administration), have to be understood mostly symbolically, says *Peñaranda*. Refreshingly, here, after almost 100 pages, we finally encounter a thoughtful and insightful analysis which helps us to understand the complex and intertwined socio-politic and legal reality of Latin America.

The first one to employ the role that history played in the shaping of today's indigenous politics is the Peruvian anthropologist *Ramón Pajuelo Teves*. He describes the Peruvian State's efforts to assimilate the indigenous population and make them citizens. This, however, implicated that they ceased to be "indians", since an "indian" could not enjoy civil rights. *Pajuelo Teves* thus explains that even attempts to incorporate the indigenous population in the legal framework of the state were tainted by racism and western perceptions of

how a citizen should look like. (What he fails to explain, however, is that these particular negations of an indigenous identity – with all its legal implications – are one of the reasons that today in Peru no ethnic party exists.) The importance of this essay lies in the fact that it draws the attention to an often neglected aspect in today's discourse, namely that there has not always been suppression and negation of the indigenous people. In the 1970s and 80s, various leftist parties (or even military regimes) engaged in the struggle for indigenous rights, but exclusively within classist rather than racial perceptions. Even indigenous people perceived themselves as peasants rather than natives. Thus, *Pajuelo Teves'* descriptions are not fruitless historicism, but rather explain an important element of the background of present indigenous political struggle for more self-assertion.

A major weakness of the book is that most of its essays cover Bolivia. This may have happened unwittingly and due to the fact that the conference took place there. Maybe the editors even thought that Bolivia with the biggest indigenous population in South America (approx. 70% are of indigenous descent) could serve as a classic example. But this is exactly the problem: the Bolivian situation and the specific problems arising in this context are not always transferable to other countries. Peru, for example, does not have indigenous political parties nor is there any serious political organisation to represent the interests of the indigenous community. This is rooted in different institutional settings and different party politics of the Left which served as the most important representative of indigenous/peasant interests. It would have been fruitful to explain how those differences came about to provide some orientation for the reader.

The book tries to contribute to the understanding of present politics of the indigenous peoples of the Andes. Yet, most of the time it falls short of describing different concepts and understandings of development and economic well-being by indigenous communities (which, following indigenous concepts, must be defined much more holistic and less quantitative). The authors of the book describe the facts well but they mostly fail to provide an in-depth analysis of the typical features of indigenous political administration. In short, the present publication contains a good collection of cases of indigenous political participation, but its analytical value is at best questionable.

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Andrew White

Iraq: Searching for Hope

continuum, London / New York, 2005, 164 S., 14,31 EUR; ISBN 0-8264-8360-4

Hier liegt ein bemerkenswertes, ja einzigartiges Buch vor, das Einsichten und Ansichten über den Irak vermittelt, die anderswo nicht zu finden sind und die auch kein anderer als dieser Verf. vorlegen könnte: Ist er doch seit 1999 regelmäßig im Irak gewesen und hatte