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Since coming to power in March 1985, Gorbachev has replaced at least 18 of the 150 regional Communist Party first secretaries and spoken of "a profound reconstruction of the whole economic mechanism." He favors the decentralized decision-making and limited "capitalism in agriculture" that some dissidents (Andrey Sakharov, Roy Medvedev) have advocated since the 1960s. He has also spoken of dispersing computers among Soviet workplaces, a daring notion in a totalitarian society where, as Reddaway notes, "every photocopying machine is closely guarded."

Unlike his recent predecessors, Gorbachev may pay greater heed to Soviet dissidents, since, in Reddaway's opinion, "the [critiques] of the dissident groups during the last two decades will provide him with a useful guide to the underlying tensions he must try to resolve." Reddaway contends that the Kremlin has little to lose by easing up on several fronts: halting religious persecution (and freeing the 400 or so current "religious prisoners"); opening the doors to emigration; creating less arbitrary legal and penal systems; and appeasing some dissident ethnic groups, particularly the Muslim Tatars and Meskhetians who were ousted from Crimea and Georgia by Stalin in 1944.

Help for the "dissident" group most in need of reform—the proletariat—is not so close at hand, the author maintains. Various workers' attempts to establish free trade unions (such as the Free International Association of Working People) have been crushed. Currently, such agitators have few good prospects, outside of Gorbachev's eagerness to make the work force more productive.

But Gorbachev, as a putative reformer, faces plenty of obstacles, Reddaway observes. The Soviet leader lacks support among key elements of the Communist Party, including the police and military, certain government ministers, and economic planners. Neo-Stalinist sentiments are also sweeping the *nomenklatura* (ruling elite), a product of the revived age-old Russian desire for an "iron hand" to restore "order." But Reddaway remains hopeful. In time, he says, Gorbachev may be able to prevail over his party's own reactionaries.

Lawyers In Bhopal

"Legal Torpor: Why So Little Has Happened in India after the Bhopal Tragedy" by Marc Galanter, in *Texas International Law Journal* (No. 20), Univ. of Tex. at Austin School of Law, 727 East 26th St., Austin, Tex. 78705.

Within days after the December 1984 toxic gas leak at an American-owned Union Carbide chemical processing plant in Bhopal, India (which killed more than 2,000 local residents and injured at least 10,000 more), a host of emergency relief workers had rushed in to aid the victims. Hard on their heels was a contingent of American lawyers.

The American press has condemned those lawyers for responding "inappropriately" to the disaster. But Galanter, who teaches law at the University of Wisconsin, argues that the Americans presented a logical legal alternative to the Bhopal victims since the Indian legal system cannot handle liability suits for an accident of that magnitude.

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India's judicial system is relatively well organized (a legacy of former British rule), Galanter says, but it lacks an established "tort doctrine"—or set of laws defining liability for injuries. In 1882, codes were written for commercial, procedural, and criminal laws; torts were left "inexplicably" uncodified. Thus, judges who often have had little experience with tort issues must determine liability on a case-by-case basis. The result: Many injured persons receive little or no redress. (Indian damage awards rarely exceed \$8,000—a pittance by American standards.) And although some 228,000 lawyers practice in India, most of them work alone, without the coordinated research efforts routinely mounted by large U.S. firms. Furthermore, by banning contingency fees (whereby attorneys take a cut from their clients' awards), the Indian government effectively discourages local lawyers from pursuing time-consuming cases on behalf of poor plaintiffs.

Given these Indian legal deficiencies, the resort to U.S. lawyers and courts makes more sense, Galanter maintains. Even the Chief Justice of the Indian Supreme Court reportedly said: "These cases must be pursued in the United States. . . . It is the only hope these unfortunate people have."

In February 1985, the New Delhi government consolidated the 2,000 separate cases filed in Indian courts by local lawyers against the Union Carbide Corporation and appointed itself the legal representative of all the Bhopal victims. Working with a Minneapolis law firm, the Indian authorities in April rejected a settlement offer from Union Carbide (reportedly \$200 million) and filed suit in New York against the corporation. Some 50 additional suits, filed independently (mostly by U.S. lawyers), are also under way, seeking over \$250 billion in damages.

The American press, Galanter contends, was justified in portraying Amer-



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ican lawyers as "carpetbagging." Yet some good may have come from the lawyers' greed. Galanter concludes that their sudden arrival in Bhopal "blazed a trail that the Indian government followed," forcing the authorities to take charge of a situation that they otherwise might have avoided.

Democracy for South Korea?

"The 1985 Parliamentary Election in South Korea," by B. C. Koh, in *Asian Survey* (Sept. 1985), University of California Press, Berkeley, Calif. 94720.

On February 12, 1985, more than 20 million South Koreans (about 85 percent of all eligible voters) went to the polls—the highest turnout in 27 years. There they elected to the country's National Assembly 148 candidates from President Chun Doo Hwan's ruling Democratic Justice Party (DJP), 67 from the New Korea Democratic Party (NKDP), and 61 from other parties.

Although the DJP did prevail, Koh, a political scientist at the University of Illinois, argues that the election constituted a "vote of no confidence" in President Chun's regime. During the first election under Chun in 1981, his DJP made an exceptionally strong showing, with victories for all but two of its 92 candidates. "Anything falling below the 1981 benchmark," writes Koh, "would signal dissatisfaction." A breakdown of last year's election results demonstrated that the ruling party fared worst among highly educated voters and politically sophisticated urban folk. In South Korea's five largest cities, where 42 percent of all the votes were cast, the NKDP opposition party, headed by Kim Young Sam and Kim Dae Jung, outperformed the DJP by better than a 4 to 3 margin; its victory was especially pronounced in Seoul and Kwangju. (Korean journalists dubbed the phenomenon *yado yoch'on*, or "opposition in cities, government in villages.") In terms of the overall popular vote, the NKDP garnered 29.2 percent versus the DJP's 35.3 percent.

So what? Koh contends that the NKDP has effectively "challenged the legitimacy" of Chun's government—a feat that is especially surprising since the coalition did not make its political debut until less than a month before the election. Kim Young Sam and Kim Dae Jung had been barred from political activity until November 1984, when Chun lifted the ban. Subsequently, the group established itself as Chun's chief opposition.

The emergence of the NKDP as the "number one opposition party" could have far-reaching effects for South Korea, Koh maintains. The Chun government must now face a "challenger," not just a docile "sparring partner." A real two-party system could well develop. And Koh expects the role of the National Assembly to change: Now that the NKDP controls more than one-third of the legislative seats, it can unilaterally convene the assembly, move to dismiss a member, and veto constitutional amendments. Consequently the assembly will likely take a more active role in shaping future policies rather than merely rubber-stamping Chun's proposals.

True democracy in South Korea still "remains a destination," Koh holds. But the recent election results, largely unexamined in the Western press, do appear to have moved the nation "a step closer to that elusive goal."