Left Meets East

Peter Gabel

I have just gotten back from a series of meetings with Polish and Czech intellectuals and activists who are now in the process of rewriting their countries' constitutions. Their aim is to create, more or less from scratch, political and legal systems that will enable them to realize the democratic aspirations of their revolutions. I was invited to be an "interlocutor" in this process, along with nine other law professors and lawyers associated with the Critical Legal Studies (CLS) movement in the United States.

CLS is an influential left-wing movement of legal thought in this country, but it is completely opposed to the conventional Marxist notion that "bourgeois law" is simply a tool used by ruling elites in capitalist countries to maintain their own power. CLS rejects the whole idea that law is a "tool" at all. Instead, it conceives of law as a culture—a fabric of ideas, images, and rituals that helps to sustain a genuine cultural commitment to democracy *and,* at the same time, serves to subvert these very ideals by justifying the alienated reality of contemporary American life in their name. In the American context, CLS has been critical of legal strategies for achieving social change based exclusively on the pursuit of rights. It has analyzed the ways in which supporters of the status quo have been able to associate the psychic power of authoritarian symbols such as robed judges or "the will of the Founding Fathers" with the manipulable logic of legal reasoning —so as to grant social movements new rights and yet simultaneously drain these rights of their potentially transformative meaning. Not only does this process limit the degree of real change produced by legal victories; it also tends to warp the movement's perception of its own aims, gradually undermining its initial profound ethical and evocative appeal and replacing it with sterile rights-debates among warring interest groups, debates that often have little to do with what moved people to take political action in the first place.

I think it's partly for this reason, for example, that labor unions today retain so little political meaning for even their own members—after fifty years of labor laws for which so many workers in the twenties and thirties gave their lives, unions have come to be seen almost exclusively as impersonal entities fighting over wage levels and benefit packages rather than as visionary associations of human beings striving for workplace democracy and self-realization through cooperative activity. The long struggle to improve the economic condition of working people has of course been extremely important, but the inherent justice of these economic demands was originally linked to a political vision of true social equality. That vision, at least in part, shaped the original effort of the workers to gain the right to form unions and engage in various forms of collective action. Writers associated with CLS have argued that the dissolution of the labor movement's political appeal has in part resulted from decades of labor-law interpretation which has deradicalized the goals of the movement and dissociated its economic demands from their original transformative political foundations.

The message of CLS is therefore not that social movements shouldn't struggle for rights, but that they should do so in a way that carries into the legal arena the authentic ethical and social meaning that they want these rights to impart. This requires the creation of a new kind of progressive lawyer who is less a technician using law as a "tool" to help the poor, than an ethical advocate capable of challenging the symbolic and discursive terrain that limits the vision of existing liberal legal culture.

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Traveling to Eastern Europe with this perspective placed us in an odd position. We were leftists armed with a critique of rights going to talk with people who had heroically overthrown leftist regimes in order to win rights that we have always had. Although our critique applied with equal force to the kind of socialist law that had utterly corrupted the meaning of socialist ideals and subjected the Poles and Czechs to forty years of brutal repression, we knew that we would be looked upon with some skepticism and that we would have to work hard to convince our hosts that we were all on the same side. Our expectations were borne out by our Polish sponsor's initial remarks on the night we arrived in Warsaw: "We like to argue with people on the Left," he said, "but unfortunately there are no leftists remaining in Poland. Therefore, we have invited you."

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By the second day of our conference, however, I felt that perhaps we were getting somewhere when another participant, a Solidarity activist, said that he was relieved by our exchange about rights because "the last thing we need to listen to is a bunch of radical Marxists." Actually, most of us had probably considered ourselves radical Marxists of some kind at various times in our lives, and perhaps some of us still do. But after a few days in Poland it was easy enough to understand how the ideals of Marxism had become even more repugnant to them than George Bush's rhapsodic descriptions of "the free market" have become to us.

In fact, I constantly had the experience of being shocked at how miraculously opposite or mirror-image to ours were the assumptions of the people we visited. In both Poland and Czechoslovakia prior to the revolutions there were state-based women's organizations to support the struggle for women's rights and workers' councils to support the struggle for workers' rights. Basically every goal that we on the Left in America struggled for had been incorporated, though in a distorted form, into the state mechanisms of the Stalinist bureaucracy. And so these goals, for workers' rights or women's rights, had been completely discredited by virtue of having been part of the existing system of domination. When we raised the issue of women's rights, for example, our Czech colleagues informed us that the women's organization in Czechoslovakia occupied the largest palace in Prague. For them the women's movement consisted of this "palace organization" composed entirely of well-paid bureaucrats who did nothing for the people.

Every image that we could put forward that had a progressive connotation came reflected back to us in terms of a phony community legitimizing the bureaucratic state. When we raised the issue of workers' participation, or workers' control, this issue had a similarly negative spin for those who had struggled for freedom: the deputy attorney general and attorney general of Czechoslovakia responded by talking about how the workers' councils had been responsible for firing human rights activists around the time of the 1968 revolution and the human rights proclamation of 1977. The workers' Council had supported these firings because they were putting out the line of the Communist Party and carrying out discipline within the labor force.

We were equally stunned when women's issues were discussed. Many of us were shocked to find in the office of the head of the conference two huge pictures of nude women, obviously centerfolds from an American magazine. But when one of the women in our group raised the issue, Margaret, a Polish woman who had been profoundly affected by the women's-consciousness issues raised earlier by some of the women in our delegation, told us that we simply didn't understand the meaning of those posters in the Polish context. The collapse of communism had created an opportunity for people to do outrageous, sexually expressive things, in most cases for the first time. During the Stalinist regime this kind of expression would not have been allowed. This was the explanation for the abundance of *Playboy*-style calendars in all the bookstores in Warsaw and Prague. It represented a symbol of liberation for both women and men in this cultural frame, we were told. Those of us who had seen a similar form of sexual liberation used as a vehicle against the oppressive mores of American society wanted to warn about the potential exploitative and sexist dangers involved; yet we had to acknowledge also that the meaning of the symbols needed to be understood in terms of the historical experience of the people we were meeting.

In both Poland and Czechoslovakia people take for granted a much higher level of social responsibility and social connection than do people in America.

Having always been totally opposed to the version of socialism that had been put into practice in Eastern Europe—a bureaucratic and Stalinist reality far from the ideals that animated those of us in the New Left—and hence holding no illusions and considerable antagonism toward the Communist regimes, it was nonetheless a transformative experience for me to come face to face with those who understood the language and symbols of change that meant so much to us in the West as indicators precisely of the Communist bureaucracy we too rejected.

I'd gone to Eastern Europe hostile to the language of the "free marketplace" that was springing up in Eastern Europe—a language I feared was rooted simply in the naiveté of Eastern European progressives about the dangers of capitalism. But I quickly came to understand that for them the language of the free market was not reducible to economic content alone. Rather, it included a metaphorical meaning that was anti-state and anarchist ("we can do what we want without supervision"). For them, the language of the free market represented the opposite of the statism that they had experienced in the past.

There were three economic sociologists in our group, all of whom argued that the importation of markets did not imply, and should not necessarily imply, a particular

form of worker organization or labor–management relationship. One argued very strongly that there was nothing inconsistent about trying to develop efficient forms of production in the economy and having some forms of workplace democracy (and worker participation) within the new companies they hoped to start. Solidarity could, he argued, constrain the way foreign capital was brought into the country by developing a theory of its own about the way that it wanted workers' rights and workplace organization to be related to capitalist countries. Further, Solidarity could develop a theory for its own industry that would allow success in the world market without modeling itself after classic industrial plans of capitalist societies, in which workers perform in largely uncreative, atomized, or divided ways (the classic assembly-line model for work in steel or mining plants). Instead, it could better participate in a post-industrial world by retraining the work force so that workers could participate in problem-solving modes of worker organization that tend to foster workplace democracy and to reinforce the political aims of Solidarity. This argument was meant to address what we felt was a central problem with the way the Poles were putting forward their own line. Their tremendous desire to open up the country to markets and to foreign capital lacked adequate attention to what the new market systems might do to their own working-class constituency.

Although the Solidarity activists wanted to establish both political rights and social democratic objectives, many felt that Poland was too poor at the moment to afford social democratic entitlements. Therefore the Poles would have to divide their constitution to include on the one hand political rights based on the Western model and on the other a declaration of intent with respect to future social democratic rights (providing adequate social security, unemployment insurance, worker benefits, health benefits, education, and childcare). These, presumably, would be delivered once the society's economic base expanded adequately.

We questioned this division. If you allow market mechanisms to create enormous short-term dislocation and forms of labor–management relations that essentially squeeze the workers for all they're worth in order to generate profits in a factory, you will create a problem we are familiar with in the United States. By the time an economy can afford social rights, it will have produced a political elite so entrenched in the current economic system that it will no longer want to deliver the long-awaited social democratic entitlements. In other words, substituting a capitalist elite for a Communist elite may not be the answer.

Moreover, the introduction of uncontrolled market mechanisms, with the likely consequence of dramatic unemployment and escalation of prices, would drive a wedge between intellectuals. Workers would eventually find themselves opposing the very system that they are currently being asked to support as supposedly in their own interests. This could lead either to the Solidarity people being voted out of power or to the creation of a nationalist-based authoritarian regime with some dictatorial dimension.

A third reason we argued for insisting on workers' power at the point of production and various social democratic entitlements is that these things are simply good in themselves. Workplace democracy, for example, is a basic part of the aspirations of our professional group and a basic component of the vision of society we are trying to bring into being.

I was surprised to find that in the discussions about alternative ways to introduce markets, alternatives that might allow for the benefits of efficiency without totally eliminating workers' power at the point of production, there was an undertone to statements by these Polish activists that seemed to be dismissive of the Polish workers. One Solidarity activist summed it up this way: The large masses of our people, through hundreds of years of dependency on feudal governments and now more recently on state Communist governments, have learned to rely on the state. They have not developed a sense of individual responsibility or a notion that the individual could be responsible for the outcome of his or her life. You Americans just take that for granted, because you have faced "the fear of death" (as he put it) that is implicit in the workings of the capitalist marketplace, and that has led you to develop a sense of personal responsibility that the large masses of our people don't have. Our people are chronically dependent on the state and therefore have no motivation to work for a living. Leninism has this bullshit ideology about "social man" which is nothing more than a mechanism for maintaining the dependency of the masses on a state bureaucracy, and this blocks the individual's desire for self-determination.

This was quite striking and forced me to recognize the fact that all of us from America, though thinking of ourselves as either democratic socialists or communitarians, took for granted our responsibility for the outcomes of our lives, in part because we felt and had always felt rather isolated and unable to depend on others. It is precisely this aspect of individualism, built into our own personal histories, that has animated us and strengthened our desire to become social activists. We want to build a community that could help us overcome the isolation that we often experience in our lives as this individualism works itself out in destructive

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with them, to talk or argue with them, to shmooze with them, to sing and pray with them. There is in some sectors of the religious community an ethos of caring for others—a willingness to invite strangers home for Friday evening dinner or Shabbat lunch, a caring about who is sick and who is getting married and who is in need of help—that I don't find in the secular, peace-movement crowd. The abstract ideals are far better on the Left, and the Left does a much better job of respecting the rights of the Palestinians or non-Jews. But on the Left one often feels alienated and lonely; it's hard to break in, hard to feel that others really care about you. Liberals and progressives may talk a good line about community, but in actual practice they are often the most individualistic of people. They are rarely willing to open their homes to others, are not used to giving money to the causes they support intellectually, and don't know how to ask for help from others when they need it. In short, they have something to learn from the Jewish religious community.

So I shaved my beard not in anger but in despair. It is precisely because I love Judaism and the Jewish religious tradition so much, precisely because I feel so much respect for many of the Orthodox, precisely because I wish to bring others closer to that tradition, that I feel so hurt when the religious community appears insensitive or distorted. I have no intention of turning my back on that community—and precisely for that reason I think I needed some way to give myself some symbolic distance. □

FAN AS IN FANTASY

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Rickey, the general manager of genius (never mind that he came from St. Louis) signed Jackie Robinson to a contract—the Emancipation Proclamation of baseball—my cup ranneth over and for the next decade Robinson was my man and the Dodgers remained my team.

During this period my aggression flowed into new roles and interests that my loyalty to the Dodgers adapted to and expressed. Around the time that Robinson was playing first base for the Dodgers (and being harassed and even spiked by Slaughter and other Cardinals), I was becoming radicalized by Henry Wallace's campaign for president. Then came the struggles of the civil rights campaign of 1948, the Hiss case, the Korean War, McCarthyism, and the Rosenbergs, while right next door in my mind the Dodgers—led by Robinson, Campanella, Newcombe, Joe Black, and others of the insulted and injured—went on battling for the pennant and for their first World Series victory.

As time went on, the continuing success of "Dem Bums" made the connection somewhat tenuous. But there was still Robinson, who proved to be as adaptable to my imagination as he was to the Dodgers, for whom he starred at three of the four infield positions. After my radical period came the modern artist one. Trying out for this new mode of rebellion and iconoclasm, I latched onto Robinson as the alienated artist in baseball pants—a truculent individualist, as deft and quick as he was combative, the player who shook up the other team as soon as he got on base and who frequently accomplished the most difficult feat in baseball—stealing home. Stealing home! What a metaphor for the virtuosity, daring, impact I yearned for as a writer.

Once Robinson left the Dodgers my loyalty quickly waned, and then, a year or two later, the team moved to Los Angeles and it was gone. The *Los Angeles* Dodgers? It was like rooting for MGM. A vestigial interest flared up whenever Sandy Koufax, an artist (and a Jewish one no less) pitched in a World Series game, but the tribal identification was gone for good.

A few years after the Dodgers departed, the Mets arrived. During the first season, they played their home games at the Polo Grounds and I went to see them one August evening, hoping that my old fervor would revive, or at least that a poignancy would stir me. Neither happened. It was like visiting the neighborhood of one's youth: the familiar things, even the fabled depth of center field, were smaller and less vivid than I'd expected, and the players were strangers. Except for one: Gil Hodges, who was now playing first base for the Mets. I focused on him as my talisman, my madeleine. What I found myself seeing, though, was a man, a year or two older than myself, who had lost more than a step, and even looked a touch silly in baseball pants. The game itself dragged on, and, stripped of glamour and partisanship, the scene appeared as it really was: a team of mostly castoffs and has-beens whom not even Casey Stengel, baseball's sprightly Nestor, could juice up; an old-fashioned ball park that would be vacated and demolished after this season; an ambience of commerce posing as myth; and finally, a spectator sitting in my seat who was no longer a fan. □

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dynamics. Yet at the same time, the sweeping nature of the Eastern Europeans' dismissal of the project of building humane communities, the overidentification with their need to foster individualism, blocked our ability to respond. It made little sense for us to explain why it would be important to build emancipatory communities based on genuine reciprocity and genuine social

solidarity. This would have sounded so much like Lenin's theory of "social man" that they would have assimilated what we were saying to this deeply hated set of social structures. So, although we felt affiliated, on the same side, every time we neared a discussion of the crucial elements in our vision of humanity there was this dissonance that prevented us from getting any further.

Nevertheless, in both Poland and Czechoslovakia people take for granted a much higher level of social responsibility and social connection than do people in America. For example, everyone simply assumes that workers have the right to decent health care and education, to fundamental economic security. These are societies that presuppose in their cultural nature a lot of what ours presupposes in its emphasis on the individual. Thus, even though the people we saw were hostile to the things in which I most deeply believe, they were speaking from the context of a culture that for the most part already takes care of these things. To some extent these countries may already have a built-in cultural resistance to the worst forces of capitalism, and hence they take for granted that they will never allow to happen what *has* happened in the United States, where millions of people are homeless and millions more deprived of basic minimum health care and adequate food.

Yet one feels that if they don't establish a self-conscious cultural plan to resist what is likely to occur when large-scale capitalist companies come into these countries, their residual cultural traditions may not be able to withstand the new pressures. Over the course of the next several decades, they will face an erosion of the most humane aspects of their society. It seemed to us over and over again in these discussions that many of these Eastern European activists don't have a particularly clear awareness of the interrelationship between the market freedoms they seek and the potential erosion of political rights that they have been fighting for.

I found little indication that people in the social movements understood that the current revolutionary consciousness that animated political life might prove transitory when faced with the passivizing aspects of consumer society. There was at the concrete, cultural level no discussion about how to maintain the solidarity that had enabled the revolution to occur. I understood and totally sympathized with their desire to rebuild their economic life in ways that would alleviate the material hardships people had been forced to endure. Nonetheless, I felt that we had an obligation to alert people to the problems they would face if they mechanically adopted Western economic models without simultaneously trying to learn from the experience of those of us who had lived under them.

I had one really interesting conversation with an architect in Prague, a woman in her mid-thirties, about how McDonald's would conduct a use-permit campaign in Prague to put a McDonald's in the central square under the ancient Czech clock. The Czech version of the McDonald's campaign would send assurances that the appearance of the new structure would conform to the most hallowed traditions of Czech culture. It would play on the appeal of fast food itself as a democratic choice that people might wish to make, and of course it would talk about how the Czech McDonald's would certainly help the economy. It would also warn that failure to allow this enterprise would send a negative signal to others who might be willing to invest in Czechoslovakia (denial of the use permit might convey that there was a bad climate being created for business). That would discourage further investment and create needless unemployment. I told this whole story in a way that she had not heard before. In other words, I tried to make clear to her that the entry of a capitalist enterprise into their local cultural setting was something with which they don't have experience, something which perhaps they hadn't fully thought through, and hence something they might be ill-equipped to fight.

We were, of course, well aware of the potential dangers involved in coming into this situation from abroad. We didn't fully understand the situation, and we were bringing concepts that had been developed in another situation and trying to apply them to Eastern Europe. So, naturally, we approached these discussions with a sense of modesty and a deep respect for the actual experiences of our hosts. On the other hand, they made it clear that they had invited us and wanted to hear from the American Left precisely because we have lived in a society that embodies many of the formal democratic and human rights mechanisms that they valiantly fought for. They wanted to learn from us about some of its pitfalls so that they might benefit from our experience.

What we tried to get across to them was the importance of developing a social reality based on *real* participation, a democratic political culture that could sustain the achievements of the Eastern European revolutions. Although we have democratic forms in the United States, the experience of most people in our society is one of isolation and disconnection from the political process—in part a product of the consequences of the marketplace.

Clearly it's problematic for people who didn't suffer under Stalinism to be criticizing what's happening at the moment in societies that did experience Stalinist terror and oppression. But real solidarity with our friends in Eastern Europe requires that we share our perspective. They don't have to take our advice, but it would be wrong for us to keep silent about what we have learned from our own experience.

The notion that we should restrain our criticism because we are imposing Western experience or Western categories on somebody else's reality, or that it's not for us to criticize the revolutionary choices of the Eastern European people, simply resurrects in modern dress the very argument that apologists for the Soviet Union made in defense of Stalinism in the 1930s. While we need to keep in mind that we can't fully understand the situation of our colleagues in Eastern Europe, we also need to watch out for the mechanisms that the American Left has fallen into with regard to so many revolutions around the world—namely, to feel that, since these other revolutionaries made it and we did not, we should just identify with them as the embodiment of "true" consciousness and admire their achievement, in the process denying what we actually do know about the world.

It's the role of the democratic Left in the West to engage with people in the East who are in fact inspired by the same positively utopian visions of a democratic society that have animated us in the West—and to try to discuss the potential problems that they will face if they do not engage in efforts to build a democratic culture that goes beyond the institutionalization of periodic elections to a distant parliament that makes laws. A democratic political system is an essential first step. But unless there is equal attention given to nurturing a democratic culture, allowing people to participate in helping to create and shape their own lives, Eastern European activists will eventually witness the erosion of social relatedness, mutuality, and community that gave rise to their movements and allowed people to experience the mutual recognition and confirmation that made this political activity meaningful and fulfilling.

This was a difficult message to convey, because in no way did we want to downplay the historic significance of what these revolutions have achieved. Solidarity and Civic Forum have an incredible opportunity at the moment because they have engaged in action that has brought together a community in powerful and mutually confirming ways. It is this kind of social connectedness that is the precondition for real democracy. The peril that these movements face is that in their legitimate desire to institutionalize democratic forms and hurriedly establish a market economy, they may undermine the social solidarity that has led to one of the great transformations of our century. □

FEMINIST THEOLOGY

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no need for feminism because Jesus already liberated women. In other contexts, the argument is used to legitimate the contemporary feminist movement, since Jesus himself was a feminist. In both cases, it is Judaism that ends up taking the blame.

In *The Maternal Face of God* the South American liberation theologian Leonardo Boff writes:

> It is against this antifeminist backdrop that we must view Jesus' message of liberation. Women in Jesus' time suffered discrimination at the hands of both society and religion.... In an ideological context like this, Jesus must be considered a feminist.

In feminist accounts, the argument proceeds differently: Jesus (or Paul) was a feminist, compared to the misogynist Jews of their era; or Jesus (or Paul) would have been a feminist, had it not been for their Jewish upbringing. A classic example comes in the writings of Elisabeth Moltmann-Wendel, a German Protestant feminist whose books have also become popular in the United States because they represent a "moderate" feminism. Moltmann-Wendel is able to rescue Jesus and Christianity from the more serious feminist criticisms by contrasting Jesus with early Judaism. She writes, in *Freedom, Equality and Sisterhood*:

> Jesus and his message are to be seen against the background of this world. Palestine, where Jesus appeared, was in no way already the great world with progressive views, emancipated women and insightful men who tolerated independent women. Palestine ... was a small, conservative enclave. Jewish tradition and interpretation of the law still determined the people's consciousness and the customs of the country, despite some attempts at reform. The pious Jew still thanked God every morning that he was not an unbeliever, a slave, or a woman.... Women sat on the balcony of the synagogue and so never entered the inner sanctum of the house of God. The integrity of a worship service according to orthodox Jewish practice did not depend on whether or not women were present. Women were not permitted to say confession or thanksgiving prayers; only saying grace after meals was allowed them. The Jewish patriarchy was severe, although some of its traits were favorable to women. Naturally, there was no question of any emancipation of women.

She then concludes, "This background makes Jesus' appearance and message even more impressive."

Moltmann-Wendel's account of Jewish women's position in the first century is not supported by historical evidence. Recent studies have established, for example, that archaeological remains do not show the existence of a women's gallery in first-century Palestinian synagogues. That Jewish women of the first century—or any