

Nature, Society, and Thought

NST

a Journal of Dialectical and Historical Materialism

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VOL. 17, NO. 3 (JULY 2004) Sent to press December 15, 2004

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Cover design by Prockat

NST: NATURE, SOCIETY, AND THOUGHT (ISSN 0890-6130). Published quarterly in January, April, July, and October by MEP Publications, University of Minnesota, Physics Building, 116 Church Street S.E., Minneapolis, MN 55455-0112. Periodicals postage paid at Minneapolis, Minnesota. POSTMASTER: Send address changes to *NST: Nature, Society, and Thought*, University of Minnesota, Physics Building, 116 Church St. S.E., Minneapolis, MN 55455-0112.

Subscriptions. U.S.A., one year, individuals \$15, institutions \$28; two years, individuals \$28, institutions \$56. Other countries, add \$5 for postage for each year. Single copies (postpaid): individuals \$6.50, institutions \$11.50.

Subscription and editorial address: *NST*, University of Minnesota, Physics Building, 116 Church Street S.E., Minneapolis, MN 55455-0112 (tel. 612-922-7993).

Contents are indexed in *Sociological Abstracts* and *Alternative Press Index*. A complete index of all articles ever published in *Nature, Society, and Thought* is given on <http://www.umn.edu/home/marqu002>.

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Quantum Physics and the Shaping of Life: Commentary on Klaus Fuchs's Critique of Mechanistic Determinism

Herbert Hörz

Presentation of the problem

The relation between quantum physics and the shaping of life is a special case of the relation between physics and philosophy, with which Klaus Fuchs has dealt in several articles (Fuchs 1965, 1972, 1975, 1977). He was correct in his opinion that the discoveries of quantum physics created new challenges to philosophy that would affect the understanding of the determinants of human understanding and activity. In explaining the world, generating ideas, and helping people ideologically, philosophy analyzes new discoveries in physics to examine, sharpen, and finally deduce philosophical hypotheses from general statements of physics on the structure of matter, determination and development of events, and the shaping of nature by humankind. One must answer the question whether physical insights into determinants of events support such generalizations that allow the formation of qualitatively new forms of structure and motion as well as human freedom. Klaus Fuchs dealt with two aspects of the problem that led him to the theoretical-political attempt to derive philosophical positions on the shaping of life from the philosophical interpretation of quantum physics. In this sense, we agree with his critique of mechanistic determinism.

Nature, Society, and Thought, vol. 17, no. 3 (2004)

In the 1920s, especially after the postulation of Heisenberg's uncertainty principle, a wide-ranging discussion of determinism occurred, which received new impetus after 1945. The idea, related to Laplace's demon, that a comprehensive intellect would be able to predict all future movements by knowing the positions and forces of atoms was shaken by the conclusion that position and momentum could not be determined at the same time. Werner Heisenberg stated that the conclusion that the principle of causality was no longer compatible with modern atomic science was very unclear as long as the terms *causality* or *law* had not been sufficiently defined (Heisenberg 1955, 24). According to Heisenberg, the requirement, related to the understanding of causality, that it is possible to predict the future exactly, is restricted by the statistical way of thinking, since incomplete knowledge of a system has to be a significant element in any formulation of quantum theory (1955, 29).

This criticism is directed against equating a causality sequence with law, predetermination, and predictability of an event. But one has to be aware that the recognition of the relation between causality and law took place in different stages that are fundamentally different from each other. For example, Aristotle pointed to four causality groups: efficient cause, material cause, formal cause, and final cause. In the Laplacean stage, causality was narrowed down to the predetermined course of events, while in the Copenhagen interpretation of quantum theory the role of chance was emphasized. The Bohr stage of discovery is tied in with the transition from the primarily linear thinking of the eighteenth and nineteenth centuries to nonlinear thinking. Klaus Fuchs and others tried to find a theoretical method that excluded indeterminism and took up a constructive critique of mechanistic determinism. For this reason, he emphasized the unity of necessity and chance in possibility (1972). The existence of objective possibilities, together with the dialectics of necessity and chance, gave him the theoretical prerequisite for a philosophical explanation of the origin of life and human society, and justified the demand for conscious human activity in shaping living conditions.

Those problems were also the object of research of our scientific-philosophical institutions, such as the group for philosophical

problems of natural sciences established in 1959 at Humboldt University and the sector on philosophical questions of the development of science that was conceptually initiated by me in 1973 at the Central Institute for Philosophy of the Academy of Sciences of the German Democratic Republic (GDR). For this reason, it is justified to follow the further development of the questions about the role of philosophy in quantum physics with which Klaus Fuchs and others were dealing (Hörz 2002). I will briefly address the concept of statistical law and its importance, using the interpretation of Schrödinger's equation, and take up the philosophical questions about the social sciences and humanities with a discussion on causality in the area of criminal law. But first a few personal remarks.

Personal remarks

Quantum physics and the shaping of life is a topic that has been occupying me for quite some time. Since I dealt with the philosophical significance of Heisenberg's uncertainty principle in my doctoral thesis of 1959, I have been interested in the demand placed on philosophy by modern physics to come up with precise statements on causality, law, and chance in their significance for the explanation of human activity. Determinants of inorganic processes can of course not simply be applied to life and social systems, since humans are able to deal with reality in a theoretical way by analyzing the determinants of their own knowledge and actions and basing their goals for effective and humane shaping of living conditions on anticipations of the future. But by explaining the role of objective chance in nature, quantum physics breached the supposedly insurmountable theoretical line between causality in nature as absolute necessity and purposeful action as the expression of free will.

The task was to discover the connective links, which I dealt with in the publication *Der dialektische Determinismus in Natur und Gesellschaft* [Dialectical Determinism in Nature and Society] (1962) and the book *Atome, Kausalität, Quantensprünge: Quantentheorie philosophisch betrachtet* [Atoms, Causality, Quantum Leaps: A Philosophical View of Quantum Theory] (1964). During

my studies in Moscow in 1964/65, I had been working on the manuscript for the book *Werner Heisenberg und die Philosophie* [Werner Heisenberg and Philosophy] (1966), and I was wondering how the problem set would be dealt with at the philosophical congress in Berlin in April 1965.

In the GDR, as well as the Soviet Union, there were different streams in the interpretation of quantum physics. Some, such as Walter Hollitscher—with whom I had many debates about philosophical issues in the natural sciences—preferred the causal explanation with hidden parameters as a dialectical-materialist interpretation. In the debate over the dialectical-materialist interpretation of quantum mechanics, there were basically three lines of argument the first connected with Albert Einstein's view of the incompleteness of quantum mechanics and his demand for a complete, deterministic theory, since God does not play dice (Hörz 1964). For example, Yakov P. Terletsky, supported by the work of Jean-Pierre Vigiér and David Bohm, argued along this line. The second line was connected with Dmitri I. Blokhintsev's ensemble theory, which did not take the behavior of individual particles into consideration. In a third line, Vladimir A. Fock attempted to show that the Copenhagen interpretation of quantum mechanics was compatible with dialectical materialism.

I was trying to show through dialectical determinism and the statistical concept of law that a determinist supplementation is not needed; that the behavior of particles in the context of the dialectics of possibility (wave properties of elementary particles with stochastic distribution of the system) and reality (realization of a possibility from a stochastic distribution with a probabilistic transition probability) can be understood both in Heisenberg's theory as well as in the Schrödinger equation.

The same is true for the rational elements of the Copenhagen interpretation (with Bohr's thesis of complementarity as a theoretical hint of dialectical contradictions, the observer being an indicator of the objective mutual conditioning) and Heisenberg's theory of uncertainty as proof of the dialectical unity of moments of rest (position) and transition (momentum) that only grasp moments of motion. The latter was already shown in Zeno's paradoxes and

was confirmed with the transition from difference to differential quotient. In this sense, Bohr's and Heisenberg's considerations are not to be understood as agnosticism, as some dialectical materialists thought, but as a deeper understanding of the dialectics of rest and transition from one point of rest to another in motion. The language of physics had separated those two with the terms *position* and *momentum*. Now their connection became apparent, with consequences for our understanding of motion and determinism (Hörz 1966). As I indicated, I had been wondering how the debate about possible dialectical-materialist interpretations would be conducted at the philosophy congress of the GDR in 1965.

Klaus Fuchs gave the relevant address at the congress on the topic Modern Physics and Marxist-Leninist Philosophy. I contributed to the discussion Philosophical Hypotheses and Modern Physics. I found many points of agreement with my basic approach in Klaus Fuchs's remarks. In 1975 we both appeared at the conference Seventy-Five Years of Quantum Theory; he spoke on the philosophical topic Theory-Truth-Reality (1977) and I on Philosophical Aspects of Quantum Mechanics (1977). At that time the two of us did not have any in-depth discussions. This happened later when both of us were members of the presidium of the Academy of Sciences (theoretical-philosophical problems played a not-infrequent role at its sessions, especially in the preparation of plenary sessions). Although we both found ourselves on the side of defending materialist-dialectical positions, I always seemed to sense a certain distancing on his part, as if he did not really believe that I shared his opinions. Indeed I was trying to develop his ideas, which I found stimulating, and, further, to incorporate them into my concept of dialectical determinism, which centered on statistical law. I do not know if he was aware of my work. His nephew Klaus Fuchs-Kittowski told me that he undertook intensive studies of the theses that I had worked out in the early sixties for the first interdisciplinary conference in our field at Humboldt University, where I was giving a talk on the relation between determinism and physics (1963).

In a presidium discussion, Klaus Fuchs was strongly opposed to my thesis of chance as a factor that disturbs events. I had

pointed out different aspects of chance, the unimportant chance deviation of regularities, the chance realization of possibilities in the behavior of elements of a system as part of the structure of statistical law, the essential role of chance in the structure of laws, the external chance disturbance that can distort the system, and the innovative nature of chance in the development of the new. He only dealt with the disturbance factors in order to emphasize that chance was immanent to the event. In our subsequent discussion on this topic, he acknowledged that I was dealing now with only one aspect of the disturbance factors, but he rejected the term *disturbance factors* because it makes chance appear as something external to the event. But the external influence on a system with internal determinants is a disturbance. We could call it the *external organization (Fremdorganisation)* of self-organizing systems (Hörz 1993).

But let us look at his arguments for the connection of quantum physics and shaping of life.

***Klaus Fuchs on the ideological relevance
of philosophical debates***

In his address on the relation between physics and philosophy at the philosophical congress of 1965, Fuchs offered three reasons why philosophical questions were on the agenda at the time (1959, 59). First, he saw a split in the camp of materialist physicists and philosophers. In criticizing the positivist interpretation, some were trying to reject quantum theory itself and return to a mechanistic materialism, which he thought was wrong. Second, the shortening of the time span between discovery and industrial application required that the scientists and technicians who worked in production be sufficiently familiar with the basic principles of the natural sciences to be able to reject mechanistic ideas in models that were often presented to them. Third, through incorporating personal experiences into a picture of the world, natural scientists are trying to understand their own role in life and deduce from that in what sense they should act (1965, 60). In the relationship between philosophy and the natural sciences, he thus saw three main tasks: development of inner clarity in the interpretation of physics; utilization of basic discoveries in production on the basis

of dialectical-materialist philosophy, and recognition of the role of philosophical interpretation for shaping one's life.

In the last sense, he is talking about three possible materialist interpretations. First, the scientist can subscribe to the "pessimistic concept of matter in classical physics," which sees the world as a "wound-up machine" "that takes a predestined course with unshakable surety in keeping with the logic of natural laws, so that his own thinking and desires, ideas, his pleasures and his sufferings are only a musical accompaniment that has no influence on the course of the events" (1965, 60). Second, there would be a possibility of a gap between the different forms of motion of matter and especially between inorganic and organic matter and the spiritual world. In this case, it would not be possible to understand the development of higher forms of motion, either spontaneous or through divine intervention. This road also would lead to pessimism, because how can one determine his or her fate if the development of the new is fundamentally inexplicable? Third, he sees the solution of the problems in the dialectical concept of matter by acknowledging internal self-motion on the basis of dialectical contradictions, which leads to new development possibilities. In this way, natural scientists would see themselves with their ideals and aspirations as part of societal contradictions that must be resolved to achieve a higher form of human society.

Fuchs draws philosophical consequences from considerations of quantum physics. He explains higher stages of development with an emphasis on objective possibilities, in accordance with Fock's interpretation, which he understands as a precise description of the determinism concept. By emphasizing objective chance, he separates himself from absolute determinism, according to which objective laws determine all aspects of a given process, both significant and insignificant. Dialectical determinism, which states that objective laws determine the main features but not necessarily all aspects of a given process, which provides a number of objectively existing possibilities, differs from indeterminism and absolute determinism (1965, 62).

These thoughts are in the same direction as those I had put forth in the conception of dialectical determinism. But for a consistent

philosophical theory, some problems remain. How about the determination of events that are governed by a series of laws? This involves knowledge of significant causal relations that are relevant in the administration of justice. How can one understand the change from trivial to important? One must not only reject the thesis (as Fuchs does) that chance is an insignificant phenomenon, but the essence of a concrete process is always that which determines the character of appearance in its quality. How can one explain the relation of universal causality and law? For this the understanding of causality must be redefined, not simply tied to necessity. What is the role of chance? As already pointed out, chance has to be understood differently in its various manifestations. I am hinting at the answers to those questions in the concept of statistical law, which deals with the relation of causality, law, and chance, explains the modification of laws, and studies not only the structure of laws but also the structure of significant causal relations.

With his basic criticism of mechanistic materialism and determinism, together with his emphasis on objective possibilities, Fuchs solved the two problems he posed. Higher forms of motion can develop from lower ones, and freedom is possible. He sees freedom for humans in the determination of life by the internal necessity of human nature and the preservation of humanity even under inhumane conditions (1965, 70). To understand the transition from a lower to a higher form of motion, he uses the term *stronger determination* (67). To illustrate this, he uses a chicken egg, which, described in quantum-physical terms, could offer an infinite number of possibilities, of which certainly none would resemble a chicken. For example, a rotten egg could lead to decomposition. For this reason he proposes a stronger determination from internal self-motion, which explains the development of a chicken from the egg. Fuchs states that the quantum theory of a complex system allows for a wide range of possible motions that can be restricted by specific biological determination (1975, 40).

He uses the same train of thought for an explanation of freedom. The term *freedom* is not equal to indeterminism. Rather it incorporates a stronger determination, a self-determination from the inner essence of the person (1965, 67). Fuchs argues against

the thesis of freedom as the recognition of necessity, which could provide a means to the fulfillment of one's aspirations, but does not determine the goal to fight for a humane society. These concepts match some of my philosophical musings. But there are also differences. I should like to make a few comments on the similarities and differences.

First, I had to agree with the basic criticism of mechanistic materialism and determinism with the emphasis on possibility as the unity of necessity and chance. In this way, Fuchs, as a physicist, supported the philosophical front of opposition to those who, with Einstein, declared quantum physics incomplete and were looking for a mechanistic determinist supplement with hidden parameters. For example, Hollitscher, in his lessons on the dialectics of nature in 1949/50 at Humboldt University, emphasized that, "in view of the incompleteness of quantum theory, I cannot see any convincing reason to accept the thesis of the 'basically unambiguous causal order' of quantum processes; on the contrary, I know of many reasons that give cause to be skeptical of this assertion" (1991, 46). In stating this, he was referring to Einstein, who viewed quantum mechanics as an incomplete theory and was waiting for a direct (causal) description of reality. Hollitscher spoke of "quantum mysticism" as a new edition of philosophical subjectivism and irrationalism (164). Supposedly, Heisenberg had inflated his discovery into a positivist "indeterminism philosophy," because "it raises 'the incomplete status of our current knowledge to an absolute principle'" (1991, 179). Referring to the work of Bohm and Vigier, Hollitscher stated that "the fundamental possibility of a basically determinist theory of quantum processes has been established" (1991, 182).

Against such opinions, Fuchs brought forth an epistemological argument in keeping with his dialectical thinking, since his conclusions are diametrically opposed to those of Einstein and certain Marxists: "As long as we have a theory that makes only unambiguous statements about natural processes, we remain at the surface of appearances, and the theory cannot be complete. Only when we penetrate the contradictory character of matter, can we say 'yes, now we have grasped at least the tip of the character of

matter' with all the different possibilities that arise from its contradictory character" (1965, 63). This was also directed against those who understood the philosophical interpretation of quantum mechanics as a dialectical unity of necessity and chance in potentiality as a form of agnosticism, because there is no complete understanding of the moments of motion.

The idea contained in the argument for understanding the history of discoveries, inventions, theories, and hypotheses as a deeper penetration into the Hegelian unity of opposites is an important one. On the one hand, Fuchs points out that the examination of one aspect of an event—for example, either the wave or particle characteristic of elementary objects—cannot stop with one of the opposites, but must lead to a synthesis, as occurs in the consideration of the wave-particle dualism and in the interpretation of quantum mechanics. As I have shown (1964), it is possible to understand this philosophically as the unity of possibilities of particle behavior (wave character) and the realization of possibility (particle character). On the other hand, such cycles of thesis and antithesis often have not reached a synthesis. This makes history a current theory with heuristic indications to search for syntheses as the unity of opposites. Fuchs urged against using only one aspect of real events as a basis for development of theory to achieve completeness of the theory for solving problems; he argued that different and contradictory aspects should be combined into one theory, as quantum physics has done.

Second, the formulation of *stronger determination* of higher forms of motion is in my opinion problematic. It could be understood in the sense that the human being is the most strongly determined and therefore highest product of development. For this reason, in accordance with both the development of theory and experience, I would replace stronger determination with the consideration that other new and qualitatively higher forms of structure and development create completely new realms of possibility. Their existence is the realization of one of the possibilities from the earlier realms of possibility of a lower or different form of structure and motion. For example, there must be a physical possibility for life. But for its development, there must be

certain conditions that develop and lead to an entirely new realm of possibility—for example, the development and demise of species. In this sense, it is not the stronger, but intrinsically different determination that opens up new scopes for events. If one continues the idea of stronger determination from inorganic motion to life on earth to human beings and human society, as Fuchs has done, one could reach conclusions that are not in accordance with his dialectical concept. It could be interpreted as a mechanistic determinism of development from the lower to the higher, a certain automatism of evolution that would leave outside of philosophical consideration possible extraterrestrial intelligent beings whose lines of evolution coexist with, but are different from, terrestrial ones. In this way, one needs to think of stronger determination, new potential, and the inexhaustibility of events in dialectical determinism at the same time. To emphasize stronger determination from this network could favor one-sided understanding of development, with which it is unlikely that Klaus Fuchs would have agreed.

This consideration has consequences for the dialectics of cognition. In looking at certain lines of development, one can deduce the hypothesis that previous system possibilities form the framework for future new realms of possibility, which makes the theory of the lower or antecedent form of structure, motion, or development a framework theory for the behavior of the new system. In this sense, physics is the framework theory for any event. What physics considers to be impossible will not arise (Fuchs 1975). But one has to look at the development of physics itself. After all, there were opponents of the theory that people could fly, because the discovery of gravity by physics opposed it. Therefore, any discrepancies in their theoretical statements between physics and other scientific disciplines is a challenge either to develop physics further or to bring the contradictory statement into accordance with physics. If one uses the concept of a framework theory in a heuristic sense, new insights can be won from the physics of evolution, or chemistry of life processes. But at the same time, genetic-biological bases of life processes, psychological mechanisms of human behavior, etc., must be taken into consideration.

Third, according to Fuchs, freedom is the intrinsic shaping of living conditions by humans. As a socialist, he was convinced that a new human society was developing, whose beginnings he saw in real socialism. But here again we learn from the experience of system transformation from the state dictatorship of early socialism to capital dictatorship with its bureaucratic-juristic and monetary structures that we are far from holding the theoretical tip for the understanding of the contradictory development of social systems that Fuchs was talking about. The current lack of utopia and the repetitive thesis of the supremacy of the market does not explain the problems of a future human society that does not self-destruct, that shapes its natural conditions in a humane manner, and that raises the quality of life for all people through scientific-technological human potential. In my behavioral model for the achievement of freedom, the adverse concepts of envy and love play a decisive role in understanding the evolution of social systems. The elbowroom for evolution of a social system depends on tolerance and therefore democratic solutions to ongoing contradictions between conservative (that is, system-preserving) and reformist (that is, system-changing) forces (Hörz 1993). Like many members of the generation of socialist construction, Klaus Fuchs in some ways held fast to illusions that prevented a system-critical analysis, which, by pursuing further the theoretical ambitions of dialectical determinism, would have been able to uncover the distortion of socialist ideals by a small strata of political bureaucrats holding a monopoly over power and monopoly over truth. But our comments on the openness of the future, cycles of development with stagnations and regressions, planned risks, lack of motivation because of lack of real power, etc., were not heeded.

Dialectical determinism and the concept of statistical laws

The development of dialectical determinism with the concept of statistical laws was a process that was being facilitated especially by the results of quantum physics (Hörz 1980). In dialectical determinism, we have the basic concept that determination of events exists, not as simple direct necessity, but in different kinds of interrelation. Of special interest is chance as the possible future way of behavior, which leads to the situation that from one

realm of possibility under certain conditions different possibilities develop in stochastic distribution, where probabilities determine the transition from one form of existence to the other. One must consider what this means for physics. The dialectical determinist takes quantum mechanics as a theory of chance more seriously than others. Of course, one could demand with Hollitscher and others the removal of objective chance from the theory in such a way that one assumes a continuous correlation that does not differentiate between necessary and coincidental, possible and real, significant and insignificant interrelations. This leads exactly to the acceptance of hidden parameters without physical relevance. But in doing this, one gives up on dialectics and misses the essence of quantum physics. With dialectical determinism, there are no problems with dualistic interpretations—for example, the wave-particle dualism—because they represent a unity of opposites whose synthesis is to be sought in a theoretical way. In this way, it is possible to expand the statistical concept and apply it to other areas, including that of human activity. Freedom becomes reasonable (Hörz 1980).

What I have been calling *dialectical determinism* in the Marxist tradition has in other contexts been called *soft determinism*, to indicate the relevance of objective chance and statistical laws. In a recent study for an EU project on the relation of causality, emergence, and self-organization, Annette Schlemm used the term *integrated law* instead of *statistical law*. During a discussion on the subject, she had noticed that the dichotomy of dynamic and statistical laws continued to haunt the thoughts of many participants and prevented an understanding of the essence of the statistical concept—the interconnection of dynamic, stochastic, and probabilistic aspects—because the concept *statistical* is limited to one type of law. Dynamical and statistical laws are clearly viewed as distinct. “In the 1970s,” she writes, “Herbert Hörz integrated the two views into one notion of law. He called it the ‘statistical notion of law’ because the statistical view can include the dynamical view. But I suggest using the term ‘integrated notion of law’ in order to avoid a confusion with the ‘pure’ statistical notion” (2003, 58). I consider the term *integrated law* appropriate, but for

historical reasons I will stick with the term *statistical notion of law*. This is supposed to provoke thought in those who agree with Einstein that there is a need for a determinist-dynamical supplement to quantum physics, because God does not play dice. Surely there will be further theories: quantum physics will be further developed, and the goal is the synthesis of quantum theory and the theory of relativity. But no theory will retreat from the acknowledgement of objective chance as an important milestone of human cognition. It has been and is still necessary to specify ideas on causality, law, and chance with the help of quantum physics.

In the publication on materialist dialectics in physical and biological cognition by our research group, we stated with reference to Klaus Fuchs:

In philosophical generalization of the secure state of knowledge of quantum mechanics we could develop a sustainable notion of statistical laws and constructively reject the statements on noncausality and indeterminism of microphysical phenomena that were based on a metaphysical understanding of causality and determinism. (Hörz and Röseberg 1981, 173 f)

Unfortunately it was not possible to print and distribute an already edited book on further consequences for the relation of natural sciences and philosophy, and with it the relation of quantum physics and the shaping of life that Klaus Fuchs had been studying. Although the copyedited text on the theme dialectics of nature and the knowledge of nature was at the Akademie-Verlag in 1989, it fell victim to the storm of attacks on books—the winnowing of books by GDR authors with undesirable contents—that took place in 1990 after the annexation of the GDR by the Federal Republic of Germany.

A basic concept of the statistical notion of law was the specification of the notion of causality, as had already been urged by Heisenberg. Generally, causality is understood as the connection of cause and effect, where one event causes other events or where the influence on one system leads to changes in the system. This already negates the constriction of Aristotle's causes to the necessary realization of a possibility in mechanistic determinism.

A differentiation between law of causality and causal relations arises. The law of causality does not contain any statements about the type of causal relations; it only states that effects are caused. A specific causal relation is influence on a system as cause that leads—through an existing complex of conditions—to a realm of possibilities from which these possibilities are being realized. This influence, as primary cause, leads to complex causal processes as the final result. In limiting cases, the primary cause can necessarily evoke the final result if there is a direct relation between primary cause and final result—for example, a shot being fired after a trigger has been pulled. This is only valid if the system works perfectly. Thus, even in a direct connection between primary cause and final result, a multitude of causal relations in the mechanism of the firearm are needed.

One must differentiate between different types of necessity. Necessity can be seen as a process where a final result is determined by the totality of the conditions, which can only be determined after the event. The question often arises: could it have been different? Those who subscribe to fatalism, who believe in eternal fate, will answer this question in the negative and will not have to think about it any more. They are game balls in the events and not really responsible for their actions. But those around them will not be deterred from being reproachful about wrong actions. Free decisions are always tied to a complex of conditions that include a multitude of causal relations that turn out to be necessary or coincidental only by their place in complex events. Coincidental is that which is possible, but does not necessarily assert itself and that which exists as individual elbowroom in the necessary event of a totality. For this reason, in the case of unrealized possibilities and the predominance of necessity in chance events one has to ask in what way an event is necessary or chance, regardless of the fact that it is only possible on the basis of causal relations. General necessity, that is, reproducibility, is law. Under the same main conditions, the same result will occur. Falling roof tiles kill or injure a person hit by them. But laws as generally necessary, that is, reproducible relations that serve cognition as a basis of expert decisions, are not inevitable processes. They provide for margins.

This is exactly what is being expressed in statistical notions of law. A statistical law (system of laws), as a general, necessary, and significant connection, includes a system possibility that is necessarily realized under system conditions (dynamic aspect), at the same time constitutes a field of possibilities for the behavior of the elements with a stochastic distribution (stochastic aspect), from which probabilistically possibilities with a specific probability of transition are realized (probabilistic aspect).

The structure of causality arises as a textually and temporally aligned instrument of connection, which is the basis for cognition and shaping, because, without real connections between objects and processes, insight and goal-setting would be impossible. The entire complex of causal connections determines necessity and chance in specific causal relations; because no isolated relation exists, it exists only as a theoretical emphasis in cognition. Causality is always embedded in interdependency and does not exist on its own. There is always a complex of connections, which is equal to the complexity of existing causal relations within a system. This leads to more forms of connection. Causality only expresses the objective connection of events. As a thought experiment, one could imagine a field that is not connected to others. In denying causality, one gets into the area of unfounded speculation, because what does not work, does not exist. We are always running after causality without ever reaching it. We are looking for causality and are finding laws as well as significant causal relations.

Every complex of causal relations provides as a system the possibility of different kinds of connections: this includes the causing of effects (significant causal relations: *efficient cause*), forming of content (*formal cause*), the realization of possibilities (*final cause* with relative goals from genetic programs and cycles of development), information and self-organization on the basis of specific traits of matter (*material cause*). Those classifications can also be expressed differently. They show that, instead of trying to differentiate causality, it is more effective theoretically not to force the multitude of conditions into the theoretical frame of causality only, but to examine the different forms of connection and statistical structure of laws in order to give justice both to the

real nonlinearity of real events and to the structure of probabilities in the realization of possibilities from realms of possibilities.

Schrödinger's equation as a statistical law

In his overview of the discussion about dialectical determinism, Klaus Fuchs's nephew, Klaus Fuchs-Kittowski, points to the struggle for theoretical-philosophical solutions of the determinism problems that have been posed not by quantum physics alone. I believe his demand for classification of laws (Fuchs-Kittowski 2003, 116) is possible in the framework of the statistical notion of law, because this is a complex, or, as Annette Schlemm calls it (2003), integrating representation that includes laws and systems of laws. Some dynamical laws, such as the law of falling bodies, can also be understood as potential statistical laws. Schrödinger's equation turns out to be a quantitatively determined statistical law, while some formulations of laws in the social sciences allow only for qualitatively reportable scaling of the realms of possibility, such as strong, same, or unlikely probability. Therefore, I think Klaus Fuchs-Kittowski refers to the character of statistical laws as systems of law where one can isolate certain laws whose placement in the system often poses large theoretical problems

Heisenberg's uncertainty relations made it impossible to predict events as thought of in the mechanistic concept of causality, because the states of position and momentum of a particle cannot be exactly measured at the same time. But Schrödinger's equation provides a description of the behavior of particles during progression through two slits that gives a certain probability for the place the particle ends up, even though its path cannot be determined. In connection with the statistical notion of law, it shows that the distribution of particles on the screen necessarily occurs after enough particles have passed through the slits. This is a necessary realization of system possibilities under specific system conditions. But one cannot predict with certainty the behavior of the individual particles. They are moving in the framework of system possibility and have, according to the distribution curve, probabilities for arriving at a specific position. One can call this the stochastic distribution of possibilities of arrival in a field of possibilities, which includes a probabilistic behavior for the specific case through

transitional probability. For this reason, Heisenberg's relations and their philosophical interpretation as unity of opposites, as Bohr hinted at in his conception of complementarity, are not an expression of agnosticism but a clue to the necessity of a greater in-depth penetration into the objective dialectics of occurrence.

For one thing, statistical law has a dynamic aspect in the necessary realization of system possibility caused by system conditions. This aspect is equal to dynamic causality if one thinks one has determined cause and effect of freely falling bodies through the law of falling bodies. Under the system's conditions for a possible free fall, one possibility allowed by the interconnection of the path of fall, the falling time, and the earth's acceleration constant is realized necessarily—that is, according to the law. Second, the stochastic aspect of the law includes realms of possibilities for the behavior of elements, where specific possibilities are singled out through the probability of realization, which leads to a stochastic distribution. There are transition probabilities from one state to the next for specific cases, which can be seen as a third, probabilistic aspect of the law.

Some formulations of laws look at only one aspect. For example, in the law of falling bodies, only the dynamic aspect is of interest. The existing stochastic and probabilistic aspects that include variables and free fall in a vacuum under real conditions are neglected. In this way, the law of falling bodies can be seen as a potentially statistical law, while Schrödinger's equation would be a quantitatively determined statistical law, because stochastic distributions can be expressed mathematically. For different known regularities or formulated laws with a known dynamic aspect, because the necessary realization of a possibility for the system is known, one could discover realms of possibility for the behavior of elements and provide qualitative assignments such as more, same, or less probable realizations. This would be a qualitatively defined statistical law.

We can therefore state that causality is the basis of all objective regularities and laws (systems of laws), because connections must exist even though they cannot be found in specific cases as causal relations that can be isolated. Thus statements about the

totality of elements do not depend on our exact knowledge of the behavior of the elements. When we try to explore it, we once again come upon laws of a statistical character. We can only examine regularities in groups of individuals, and then make the behavior of one individual the object (of examination) without being able or required to grasp fully its inexhaustible causal relations. If one wants to call this agnosticism, one misunderstands the dialectic of cognition. Under the motto “He who sees everything sees nothing,” people differentiate between significant and insignificant causal relations, examine the transitions from the insignificant to the significant, and in this way emphasize specific forms of relation in cognition. In this way, relations in self-organizing systems that we identify provide clues to the system behavior, without necessarily being able to spot the individual points of transition, the bifurcations.

Causality in criminal law

The possibility of discovering significant causal relations in individual behavior exists insofar it can be identified as such. This played a role in discussions between philosophers and experts of jurisprudence in the GDR on legal responsibility (Hörz 1971, 139 ff). One of my penologist colleagues came to me during the sixties and stated we would have to take a closer look at determinants of events, since there was a danger, through misinterpretation of causality that had to be examined as a basis of guilt, of labeling-somebody as a potential killer if he was involved in any way in a juristically relevant case. An example of this: A workplace-safety representative had been convicted of criminal negligence leading to death. A crane operator had been reaching through an unsecured window to free some cables that had been caught and suffered a fatal injury. We discussed different cases in the statistical notion of laws in their applicability to significant events that are determined by a system of laws. Initial causes, such as the unsecured window, provide a number of possibilities of behavior, each of which leads to a specific probability of realization. A possibility is only realized under specific conditions. The development is not a direct result of the initial cause, but comes to pass through complexes of conditions and realms of possibilities. In the specific case, the

condition of the unsecured window was not the direct cause of death. There was a neglect of duty on the part of workplace safety, but it only led to death resulting from negligence when the victim freely decided to ignore warnings. In some cases, our analyses can lead to contemplation about causality. But there were also judges who stated definite causes would lead to definite effects and who therefore decided to convict by following a one-sided view of causality without theoretical scruples or qualms.

The example of Schrödinger's equation shows possible heuristic clues for further research through critique of the methodological bases of a specific view of causality. The search for significant causal relations in criminal law confirms that judgments can differ if different views of causality play a role, and misjudgments on the basis of mechanistic causality are possible. Since there are always colleagues who state that the discussions on causality are over and done with, they should tackle such philosophical problems instead of only engaging in abstract discussion.

Conclusion

In his thoughts on the relation between quantum physics and the shaping of life, Klaus Fuchs addressed an important aspect of philosophical analysis of discoveries of natural science by pointing to the different worldviews that are deduced from our knowledge but often take on the character of faith in a specific explanation of the world. This then becomes an orientation for action and often even a guide for action in the shaping of life. This was also the case for Klaus Fuchs, as he acted according to his convictions. Ethical principles cannot be deduced from science alone; they are always connected with experiences, insights, and scientific cognizance. Knowledge is not the only determinant of actions. Social conditions, role models, characters, and conscience, as expressions of a personal sense of responsibility, play a role. But we should not underestimate the role of scientific analysis of events. Science can become a moral entity if, on the basis of known laws and regularities, it can provide guidance to humane actions for the shaping of life based on humane criteria. With his criticism of mechanical materialism and determinism, Klaus Fuchs took part in the intense debate on the relation of causality, law, and chance,

and stimulated further interpretation of quantum physics. As a result of our analysis, we can state the following:

1. The law of causality, which states effects have causes, is the fundamental basis of all cognition and actions based on it, but views of causal relations change significantly throughout history, depending on new knowledge and experience. Freed from mechanistic constriction, causality must be understood as the direct and concrete, textual and temporal conveyance of connection. Changes (effects) that occur in systems are produced by internal and external influences (causes) operating on these systems.

2. Significant causal relations, regularities, laws, and systems of laws are considered to be law-governed. We look for causality and find rules or laws for the shaping of life, but we are constantly being challenged anew to find causes for exceptions. In this way causality and law-governedness are built up in a hierarchical way. Coincidences in microcosm lead to regularities in mesocosm and macrocosm. Theories on lower levels of development are framework theories for the behavior of elements of a system on a higher level of development, without unambiguous determination of the behavior. Every system has its own system laws of a static character.

3. Self-organization serves the preservation, transformation, and dissolution of systems. It characterizes the mechanism of events. Research shows that there is now unambiguous classification of specific causes to specific effects. Bifurcations draw attention to the multitude of cause-effect relations in an event and a process. In reality, there exists only nonlinearity, with linearity as limiting cases that we look for to simplify our insights. For this reason, one must always be aware of these simplifications. In this way, linearly formulated perceptions are part of nonlinear thinking, while, on the other hand, a linear way of thinking reduces, in a philosophically reductionist way, systems to elements, specific to general, causality to mechanical causality, and so builds up problem reduction and barriers to thinking.

4. Agnosticism only exists if one claims the unrecognizability of recognizable objects and connections. Temporal and spatial boundaries of recognizability are pushed out further and further

as we broaden our horizon for knowledge with new tools and new ways of thinking. On a philosophical level, one must reject the following theoretically problematic attempt: reducing the dialectical contradictoriness of events in cognition to separate moments of the unity of opposites and then, once unrecognizability has been established (since the interconnection has yet to be discovered), insisting on this reduced cognition, and labeling the dialectical view of relations *agnosticism*, which often begins with references to dualism.

5. People shape their lives on the basis of their insights into events by trial and error, following predetermined goals on the basis of their worldviews and values. Philosophy, as a theory of ideology, analyzes social experiences, established insights, social programs, and personal creeds in a critical way in order to assist life. Freedom is informed and responsible decision-making. It can be established both in theory and possibility because of the existence of realms of possibility of events, determined by objective chance and the resulting ranges of decision and action. The ways individuals utilize these ranges depend on their development and social environment. Freedom is not a passive possession of people, but a possibility for the shaping of life, which can aspire to effective and humane living conditions in a humanitarian sense, but this attempt always encounters opposing forces.

Lecture presented at the colloquium: "Ethics in Science—The Social Responsibility of the Scientist: In Memory of Klaus Fuchs," 14 November 2003, cosponsored by the Leibniz-Society and the German Cybernetics Society.

Leibniz Society
Berlin

Translated from the German by Hanne Gidora
Coquitlam, British Columbia

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Normative Morality and the U. S. Constitution

Omar Swartz

In the early twenty-first century, American society is both dynamic and seriously troubled. The diversity of the people who reside in the United States and the openness of the government to allow nearly any kind of social relationship to form make for much social stimulation. For all its problems, few places on this planet are as tolerant of dissenting sexual, social, political, and religious norms as is the United States. Such tolerance may rightly be celebrated and should be nurtured and protected. On the other hand, because much of this openness is market driven, the diversity reflected in U.S. commercialism tends to be topical and superficial, becoming what David Rieff calls “the multiculturalism of the marketplace” (1998, 70). When the richness of diversity is limited to the appeal of commodities, diversity is reduced to little more than powerful identification devices to sell products.

An egregious example of this phenomenon is highlighted by Alexandra Marshall’s story in a popular fashion magazine on the commodification of Argentinean revolutionary folk hero Che Guevara, who died in 1967 (2003). More than ten years after the end of the Cold War, merchandizing of Guevara’s image has become popular. He appears as toy action figures and as images on bikinis, among other things. As Marshall and others (such as Andrew Ross) point out, this merchandizing of Guevara’s image reflects a transformation of what was formally an important socialist icon;

Nature, Society, and Thought, vol. 17, no. 3 (2004)

it has been divested of its progressive influence, making it safe for circulation in mainstream society. At best, Guevara's image evokes empathy among young people who know little about Central and South American struggles but who wish to express rebellious adolescent discontent. At worst, this use represents a disingenuous poaching that profits from the manipulation of Guevara's heroic image, slandering the hope that Guevara once exemplified (see Anderson 1997).

Guevara's example suggests that Rieff is correct when he suggests that cultural diversity, far from being threatening as it once might have been, now seems "to promise new consumers, new profit centers, new pools of talent" (68) and that the "appeal for diversity has in fact led to increased commercialization" (75). As ethnicities, social groups, or politically disenfranchised people become "targets" to be integrated into the marketplace, the strength of a subcommunity ironically becomes the source of that group's being co-opted into the very status quo denying it a political identity, and the important public-policy issues that diversity can raise go undebated. While groups of people formerly experienced as the proletariat, the working class, the peasants, etc., can "buy" into the American Dream, that is not what the American Dream means or could mean. More poignantly, if that is what the American Dream does mean, then it is not as moral a standard as many Americans assume. People are more important than the individual or collective strength of their pocketbooks. A market mentality, while useful for some purposes, is fundamentally unable to recognize this point. Here is the root of many paradigmatic American problems. Here is where Americans can find room to change. September 11 was a wakeup call, and many Americans did not get the message—we can work harder to adapt ourselves to the world and not force the world to adapt to us. Under the leadership of President George W. Bush, the inverse has occurred.

In its ideal expression, the American Dream associates the United States with the principles of compassion, the ideology of social responsibility, and the philosophy of hope. The American Dream, in other words, is nothing more than a trope for the practice of political inclusion and, as such, it constitutes the moral language of change. As Richard Rorty reminds us:

The whole point of America was that it was going to be the world's first classless society. It was going to be a place where janitors, executives, professors, nurses, and sales-clerks would look each other in the eye, and respect each other as fellow citizens. It was going to be a place where their kids all went to the same schools, and where they got the same treatment from the police and the courts. (1997, 33)

This dream, in Rorty's terms, includes a trajectory of moral evolution that started with the Bill of Rights and continued through "the Reconstruction Amendments, the building of the land-grant colleges, female suffrage, the New Deal, *Brown v. Board of Education*, the building of the community colleges, Lyndon Johnson's civil rights legislation, the feminist movement, and the gay rights movement" (1999, 16). The values underpinning this trajectory also shape the labor movement and the Green movement. While continuing "along this trajectory would mean that America might continue to set an example of increasing tolerance and increasing equality," notes Rorty, he correlates this moral development with the widespread American faith in a steadily rising income (16). Since the 1970s, however, this faith has been eroded, and with it "the political consensus that emerged from the New Deal" (16). Rorty warns that the "future of American politics may be just a series of increasingly blatant and increasingly successful variations on the Willie Horton spots" (16).¹

We might hesitate to believe that Rorty is correct, as neither he nor many of us would want to live in any such nation. Yet, substantive diversity and fundamental freedoms such as health, nutrition, education, and shelter are severely compromised under the market approach to diversity. Much of this compromise, ideologically speaking, is due to what Joseph Raz calls the Rule of Law. As with national pride, the Rule of Law is not necessarily bad. The basic idea that people should obey the law and be ruled by it is unremarkable. Because we live in a constitutional democracy, much of our law can be understood as positive law—law created by the representatives of the people for the good of all. To the extent that the law does serve in this capacity, it demands our

respect. In the absence of a genuine solidarity felt among all of the world's people (as in Kropotkin 1989, and others in the Marxist, socialist, and anarchist traditions), progressive, forward-looking, and humane laws may be all that we have as a society to construct the moral community in which we want to live.

This essay is organized into two parts. The first part critiques normative morality in the United States, particularly in the areas of what is considered deviant sexuality and its legal proscriptions. It explores how law derives from the social institutions set up to create law. By itself, law is situated in no absolute value; thus, for value to exist, an individual or group must articulate a normative value. In the United States, these values were created by the Framers, the wealthy Anglo-Christian men who wrote the federal Constitution, binding future generations to their moral commitments. For U.S. law to be law, it must reflect the values that were given to it in 1789. The contemporary family-law case of *Michael H. v. Gerald D.* (1989), and the lingering stigma attached to homosexuality provide noteworthy examples of the limitations inherent in reifying the values of 1789.

The second part explores the phenomenon of Lochnerism, a once-prevalent legal doctrine that elevated economic liberty above all other human or state interests and invalidated progressive legislation intended to control corporate power and help the country's majority working poor and the declassed proletariat. It was the tool of the economic elite, enforced by reactionary judges, to reinforce U.S. plutocracy. It rendered state legislatures and Congress powerless to enact progressive social legislation to help the United States adjust to the needs and demands of industrialization. In exploring Lochnerism, this essay argues that the morality it fostered is antithetical to American aspirations for social justice, and that its growing resurgence in the twenty-first century is cause for alarm.

Law and moral vision

To be valid, positive law must be grounded in the legal authority of the federal Constitution, which is the most important rule of recognition in our society, the ultimate standard of legal evaluation. What constitutes law is anything that meets the conditions of

validity as established by the system's rules of recognition. As noted by legal philosopher H. L. A. Hart, a society's rule of recognition serves to "specify some feature or features, possession of which by a suggested rule is taken as a conclusive affirmative indication that it is a rule of the group to be supported by the social pressure it exerts" (1997, 94). Positive law is dependent on the larger legal norms that allow it to be expressed. In other words, important practical connections link positivism as a legal theory and the day-to-day practice of U.S. law.

From the Constitution flow certain fundamental primary rules as well as important instructions for secondary rules. With our grounding in a constitutional framework, we are able to establish legislatures to create further positive law and to modify the common law. Like other rules of recognition, the Constitution is itself not valid or invalid but simply is. Objectively, it is neither moral nor immoral; rather, it posits its own morality—literally creates it, logologically and politically—which can be either accepted or rejected. When we strip away the hyperbole that surrounds the Constitution, we find that it is nothing more than something shown by the officials of the political and legal systems to justify or to explain what they are doing. It is merely a narrative of authority (see Larue 1995). The Constitution enables us to create reasons that explain why judges, lawyers, law enforcement, or government officials behave as they do. It offers us "good reasons" for accepting such behavior. The question raised here, given the systemic limitations of the Constitution (see Swartz 2004b), is whether we should continue to respect the "good reasons" it offers for the construction of what turns out to be a highly unjust society.

Citizens act in certain ways because they have internalized various constitutional principles and have reified them as moral standards. In most cases, people obey the law not because of fear of punishment but because they believe in our constitutional framework and choose to live their lives under it. Violations of constitutional guarantees make people angry, particularly when they are articulated by other competing political narratives, as is often the case with socialism (such narratives seem to them to be

wrong, if not immoral). Challenges to calcified ethics are usually seen as unethical by the group whose ethics are being challenged. In this way, violations of “rights” invite their “correction,” even without formal recourse to a court of law. This process is explained by literary critic Kenneth Burke:

Action requires programs—programs require vocabulary. To act wisely, in concert, we must use many words. If we use the wrong words, words that divide up the field inadequately, we obey false cues. We must name the friendly or unfriendly functions and relations in such a way that we are able to do something about them. In naming them, we form our characters, since the names embody attitudes; and implicit in the attitudes there are cues of behavior. (1984, 4)

The narrative we use to define ourselves and others does more than simply codify with language the objective relations between people. Rather, we become seduced by our moral visions and disinclined to recognize that any moral order has deleterious as well as beneficent effects. The very qualities of a narrative that make it useful for a particular community make it harmful for another. For instance, the morality of private property works well to affirm the dignity of those who possess wealth, but it is only able to do so to the extent that it denies dignity to people without property (Swartz 2004a).

Under such a regime, both groups of people struggle against the limitations of the moral code. The problem for the wealthy is that they have to learn to ignore that, when seen from a higher perspective, their moral order is profoundly immoral. The problem for the poor is that they have to struggle against the definition of morality that is imposed on them (i.e., it is wrong to steal, but it is not wrong to be denied health care, adequate nutrition, and sufficient levels of education to develop one’s human potential). Normative morality is a powerful linguistic weapon. As Burke notes:

Our philosophers, poets, and scientists act in the code of names by which they simplify or interpret reality. These names shape our relations with our fellows. They prepare us for some functions and against others, for or against the

persons representing these functions. The names go further: they suggest how you shall be for or against. Call a man a villain, and you have the choice of either attacking or cringing. Call him mistaken, and you invite yourself to attempt setting him right. (1984, 4)

Thus, many Americans see violations of constitutional principles as reasons to be upset, even though such violations are only of stipulated normative values and not of absolute values. Such constitutional principles may not even be the best values. Thus, to challenge the authority of the Constitution is merely to question the limitations of a particular worldview, one that might have outlived its usefulness. When the legal order is viewed in this way, patriotism will not be treated as an automatic moral activity and the state would not be defined as morally positive, no matter what it does. In instances when American leaders contemplate war, alleged threats to broad constitutional principles become convenient grounds upon which American war propaganda is situated. The ideographic appeal of this principle hides the reality of the substantive policies that the war planners seek to enact.

Adultery and homosexuality: A case study in legal ethics

Carole D. and Gerald D. were married and lived as a married couple. After a few years, Carole began a prolonged affair with her neighbor, Michael H. During the course of this affair, Carole became pregnant and gave birth to a daughter, named Victoria D. The husband Gerald was listed as the father on the birth certificate, and he held Victoria out to the world as his child. Soon after delivery of the child, however, Carole informed Michael that she believed he might be the father. A blood test established this fact. After moving back and forth with her daughter between the two men for several years, Carole reconciled with Gerald. When Gerald began to rebuff Michael's attempts to visit Victoria, Michael filed a lawsuit in California Superior Court to establish his paternity and right to visitation. Through a court-appointed counsel, Victoria also filed a complaint asserting her claim to retain a relationship with her biological father, with whom she had a relationship.

The crux of the case was a California law that provided that a child born to a married woman living with her husband is presumed to be a child of the marriage (Cal. Evid. Code Ann. § 621[a]). The presumption of legitimacy may be rebutted only in limited circumstances, none of which applied in this case. As a result of this presumption (in effect, a legal fiction), Michael was disenfranchised from his child and the child from her father. Before the U.S. Supreme Court, Michael argued that this presumption infringes upon the due-process rights of a man who wishes to establish his paternity of a child born to the wife of another man. The same presumption also infringes upon the constitutional right of the child to maintain a relationship with her natural father. Michael had the weight of recent precedent on his side, as the rights that he asserted had been firmly established in *Stanley v. Illinois* (1972) and were extended in *Quilloin v. Walcott* (1978), *Caban v. Mohammed* (1979) and *Lehr v. Robertson* (1983). These cases establish that a protected liberty interest in a father's legal status as a parent is created by biological fatherhood plus an established parental relationship. Michael met both of these conditions, having nurtured Victoria over a period of years. Nevertheless, the Court in *Michael H. v. Gerald D.* rejected Michael's claim for visitation rights. Associate Justice Antonin Scalia reasoned that because the presumption of legitimacy was a fundamental principle of the common law, Michael's claimed liberty interest in his parental rights was trumped. In other words, the rights of an "adulterer" (a highly emotive and historically situated term) traditionally have not been protected by society and, therefore, should not be protected now:

Thus, the legal issue in the present case reduces to whether the relationship between persons in the situation of Michael and Victoria has been treated as a protected family unit under the historic practices of our society, or whether on any other basis it has been accorded special protection. We think it impossible to find that it has. In fact, quite to the contrary, our traditions have protected the marital family (Gerald, Carole, and the child they acknowledge to be theirs) against the sort of claim Michael asserts. (124)

In effect, Scalia suggests that the right to be a nonconformist does not exist unless such nonconformity has approval from history. Yet such a right, to the popular mind, would seem to be the most quintessential American right. What does the United States represent if not this? Yet it would be a mistake to assume that Anglo-American law reinforces this important value. In fact, the law is intended to normalize a particular kind of individuality. Consider, for example, the widely debated comments of Sir Patrick Devlin, an influential English jurist who argued that the law serves an important function in policing private immorality (in context, this specifically meant homosexuality), maintaining that an established morality is essential to the social order and that the proper function of the law is to enforce that morality. The suppression of immoral activity, he argued, is as justified as the suppression of political subversion. The goal of both, he claims, is the preservation of the community:

Society means a community of ideas; without shared ideas on politics, morals, and ethics no society can exist. Each one of us has ideas about what is good and what is evil; they cannot be kept private from the society in which we live. If men and women try to create a society in which there is no fundamental agreement about good and evil they will fail; if, having based it on common agreement, the agreement goes, the society will disintegrate. For society is not something that is kept together physically; it is held by the invisible bonds of common thought. If the bonds were too far relaxed the members would drift apart. A common morality is part of the bondage. The bondage is part of the price of society; and mankind, which needs society, must pay its price. (1988, 21)

Devlin is correct when he notes that a community is more than its physical components—that shared assumptions of “right” and “wrong” are important, if not essential. Nevertheless, we should be concerned about Devlin’s belief in the necessity for coercing normative thought. Note the metaphor Devlin uses to describe this common morality—it is a bondage. In the context of this quote, “bondage” means “the ties that bind,” enabling a group of people

to coconstruct their community. Of course, “bondage” has a more widely recognized pejorative meaning, in which a person is held in an involuntary servitude or is the passive partner in a sexual relationship marked by violence and humiliation. Thus, it would not be inaccurate to suggest that Devlin views such violence and humiliation as a necessary part of the social order. In effect, Devlin reifies hierarchy, sacrificing the deviant in the name of a stipulated good. No alternatives are permitted—moral deviance becomes associated with political subversion. As moral deviance becomes defined as symbolic violence, the violent suppression of such deviance by the state becomes morally justified. More specifically:

Societies disintegrate from within more frequently than they are broken up by external pressures. There is disintegration when no common morality is observed and history shows that the loosening of moral bonds is often the first stage of disintegration, so that society is justified in taking the same steps to preserve its moral code as it does to preserve its government and other essential institutions. The suppression of vice is as much the law’s business as the suppression of subversive activities; it is no more possible to define a sphere of private morality than it is to define one of private subversive activity. (24)

Devlin fails to realize an important distinction when he conflates the political threat of violent rebellion with the moral threat that a deviant sexual community poses for the status quo and so-called “legitimate” morality. In fact, societies do disintegrate from within, but not because members of the population challenge the moral code. Rather, societies disintegrate when the moral order of the status quo rigidifies in response to the challenge of an expanded morality. For example, the threat to U.S. society posed by the civil rights movement in the 1960s was not the “vice” of African American deviance but the institutional and social resistance to that deviance. During the Cold War, the threat to human dignity throughout much of the world came not from the socialist challenge, but from the status quo in squashing it. Finally, the threat to society posed by homosexuals lies not in the willingness of one man to love another, but in the willingness of society to

condemn such relationships. Nothing is sacred about the moral order of U.S. society. If civil rights, socialism, or homosexuality can be considered so intolerable as to be excluded from the national community, then perhaps that community is not worth defending. A society is only as good as its treatment of its members. Moral orders that exclude significant numbers of people from the community deserve to crumble (King 1967).

The arguments that Devlin articulates are not hypothetical; the judiciary has deployed them in the United States to resist the moral challenges posed by civil rights activists, the labor movement, third-party political challengers, and, until the Supreme Court's landmark decision of *Lawrence v. Texas* on 26 June 2003, those who have been working to gain fundamental privacy protections for homosexuals. In a particularly egregious example, the U.S. Supreme Court used arguments similar to those raised by Devlin in *Bowers v. Hardwick* (1986) to allow states (in this case, Georgia) to criminalize homosexuality and to punish it with up to twenty years in prison.² Although *Bowers* was overturned by the Court in *Lawrence*, a discussion of *Bowers* (as well as *Lawrence*) is both relevant and timely for my argument that the Constitution is often used to reify an outdated morality.

Fundamental to the *Bowers* decision was the same method of historical analysis that marked the Court's rationale in *Michael H.* As noted by the *Bowers* Court:

Proscriptions against that conduct have ancient roots. Sodomy was a criminal offense at common law and was forbidden by the laws of the original 13 States when they ratified the Bill of Rights. In 1868, when the Fourteenth Amendment was ratified, all but 5 of the 37 States in the Union had criminal sodomy laws. In fact, until 1961, all 50 States outlawed sodomy, and today, 24 States and the District of Columbia continue to provide criminal penalties for sodomy performed in private and between consenting adults. Against this background, to claim that a right to engage in such conduct is "deeply rooted in this Nation's history and tradition" or "implicit in the concept of ordered liberty" is, at best, facetious. (1986, 194)

The Court is implying that the moral standards of the present are to be evaluated in terms of the moral imagination of the past. While the Court is discussing sexual norms, the same rationale applies to economic norms. The Constitution is not concerned with protecting homosexuals or poor people simply because the people who framed it did not intend to protect such people. This is the same reasoning found in *Dred Scott v. Sanford* (1856), in which the Court reasoned that since slaves as a class were specifically excluded from constitutional protection and because only black people were slaves, no black person, slave or not, could benefit from the Constitution.

The argument also applies to women's suffrage. In this instance, it took an amendment to the Constitution in 1920 to overturn some of the biases of the Framers in terms of gender, just as it took the Civil War Amendments to begin the process of including African Americans in the national community. While the Constitution does evolve, it does so piecemeal and without a commitment to the categorical proposition that all people are created equal and have certain inalienable rights. Rather, such rights must be continually asserted and reasserted (Irons 1999).

In his concurring decision in *Bowers*, Chief Justice Warren E. Burger was even more articulate about the connection between law and morality. As he explains:

The proscriptions against sodomy have very "ancient roots." Decisions of individuals relating to homosexual conduct have been subject to state intervention throughout the history of Western civilization. Condemnation of those practices is firmly rooted in Judeo-Christian moral and ethical standards. Homosexual sodomy was a capital crime under Roman law. During the English Reformation when powers of the ecclesiastical courts were transferred to the King's Courts, the first English statute criminalizing sodomy was passed. Blackstone described "the infamous crime against nature" as an offense of "deeper malignity" than rape, a heinous act "the very mention of which is a disgrace to human nature," and "a crime not fit to be named." The common law of England, including its prohibition of sodomy, became the

received law of Georgia and the other Colonies. In 1816 the Georgia Legislature passed the statute at issue here, and that statute has been continuously in force in one form or another since that time. To hold that the act of homosexual sodomy is somehow protected as a fundamental right would be to cast aside millennia of moral teaching. (1986, 197)

In couching intolerance as “moral teaching,” Burger endorses the law’s inhumanity to a class of people.

In *Bowers*, a clear example exists of the codification of institutionalized pain and humiliation (so much for liberty in areas where it really matters—in our most intimate of personal identities).³ By selecting and reifying one “lesson” from history—a lesson rooted not in enlightened thought but in one of the crudest forms of religious intolerance—the Court assumed that the past is good and that it provides a roadmap by which to construct a contemporary normative order. The past, however, is of dubious value, particularly in the realm of morality. As noted by the dissent in *Bowers*:

We must analyze respondent Hardwick’s claim in the light of the values that underlie the constitutional right to privacy. If that right means anything, it means that, before Georgia can prosecute its citizens for making choices about the most intimate aspects of their lives, it must do more than assert that the choice they have made is an “abominable crime not fit to be named among Christians.” (1986, 200)⁴

Similarly, before *Griswold v. Connecticut* (1965) and *Eisenstadt v. Baird* (1972), Americans in some jurisdictions were not free to use contraceptives. An important reason for this was to discourage sexual behavior outside of marriage. As the government argued in *Griswold*, sex outside of marriage can be regulated by law (e.g., the crime of fornication), and sex inside marriage is supposed to lead to pregnancy. Therefore, married people who use contraceptives are likely to be using them to perpetuate illicit extramarital affairs that the state has authority to regulate.

Lawrence was an attempt by the Court to overtly mediate the often harsh effects of the above reasoning, which, while repudiated

throughout much of popular culture, continues to play an important role in Anglo-American jurisprudence and conservative politics. Through this effort, the Court posited a broad constitutional right to sexual privacy. *Lawrence* thus represents a significant departure from past constitutional law. Nevertheless, as Justice Scalia points out in his dissent (2003, 50), the Court stopped short of proclaiming homosexual intimacy a fundamental liberty, which was the specific issue litigated in *Bowers*. Thus, the Court's decision in *Lawrence* is less a complete repudiation of *Bowers* than it might initially appear, even as the majority rightly acknowledged that when "homosexual conduct is made criminal by the law of the State, that declaration in and of itself is an invitation to subject homosexual persons to discrimination both in the public and the private spheres" (2003, 30). More bluntly, the Court admitted what critics of *Bowers* had felt all along, that the precedent of *Bowers* "demeans the lives of homosexual persons" (2003, 31).

Such frank and progressive articulations rarely are expressed on the Supreme Court. Yet the Court did not go as far as it could to break from its dependency on an outdated moral reasoning. By addressing sodomy as a privacy issue and not as an issue of fundamental human rights (regardless of sexuality), the Court created a two-tiered legal norm in which sexual intimacy between a marital couple receives higher constitutional protection and status than does homosexual intimacy. While this certainly counts as progress and a significant victory for gay rights, especially within our current political and social environments, we should note that the *Lawrence* Court simply found the Texas antisodomy statute "irrational" (a value judgment with which many powerful and systemic forces in the United States disagree).

Such a progressive interpretation, which is at the heart of the *Lawrence* decision, is vulnerable in ways that a married couple's rights would not be if some jurisdiction can argue successfully a "rational" basis (as opposed to a compelling government interest) in discriminating against homosexuals, as the federal government does when it discharges homosexuals from the military and from employment in the intelligence services. The situation is even more tenuous given that the reasoning of the *Lawrence* Court rejects the

historical narrative of *Bowers* and offers its own narrative of an “emerging awareness” of tolerance and inclusion. This point is, as Justice Scalia points out, contradictory to the structure and telos of the Anglo-American legal system which, in fact, does regulate morality and often works against tolerance and inclusion. As a result, Scalia predicts that the *Lawrence* decision will be followed by “a massive disruption of the current social order” (2003, 59).

Specifically, Scalia argues that because the promotion of the majoritarian sexual morality is no longer considered a legitimate state interest, laws against fornication, bigamy, incest, same-sex marriage, prostitution, adultery and the like will no longer be sustainable (2003, 57). While this is an obvious overstatement, his point is valid. In many ways, the Court’s decision in *Lawrence* is as untenable jurisprudentially as was the Court’s decision in *Michael H.*—both are significantly unmoored from the logic that preceded them and from the legal culture in which they are embodied. If nothing else, both *Michael H.* and *Lawrence* help illustrate the arbitrary and politicized nature of the Rule of Law. The choice presented, therefore, is not one between the Rule of Law and the absence of law but to which side of a legal controversy we should lend our support.

Legal realism and the threat of Lochnerism

While the values of tolerance, freedom, and individualism are much celebrated in U.S. popular culture, this celebration can be misguided, particularly in the post-Cold War period. In the words of Todd Gitlin:

There is surprisingly little to celebrate now that authentic individualism has succumbed to the Vast Wasteland, paved over by shopping malls and pulverized by mass culture. The virtues of individualism, largely foreclosed in the world of work, are left to be celebrated mainly in the realm of consumer choice. The populist version of individualism means access to the Vast Mall and the innumerable seductive possibilities of mass culture—a high-fat, high-carbohydrate compensation for what is missing from the rest of life. (1995, 63)

For pride in the United States to be maintained, a critique of “freedom” and “individualism” is necessary—particularly in the relationship among law, property, and human rights. As Gitlin warns, “the rhetoric of individualism has devolved from a vigorous affirmation into an anxious defense against group rights” (64). Historically, this critique found at least partial expression in a jurisprudence called legal realism, an influential movement that enjoyed a major presence in American law schools and in the judiciary in the early to midtwentieth century. More recently, this critique has become a grounding practice of the Critical Legal Studies (CLS) movement. The CLS movement, marginalized as “left wing,” is largely inconsequential outside of certain academic literatures (see Gordon 1988; Frug 1987). Legal realism, however, was mainstream and achieved prominence. It has done this primarily through its critique of the formalism of classical legal thought.

Prior to legal realism, judges in the classical tradition claimed to be able to apply the law in a purely mechanistic, logical, and impersonal way that self-consciously denied ethical considerations in judicial reasoning. Legal realists introduced a skepticism about the objectivity of judicial reasoning and argued that judges are not impartial discoverers of preexisting rules. Rather, they argued that legal rules are flexible and open to interpretation and that interpretation frequently depends on a judge’s personal and political bias (which was and continues to be almost exclusively staunchly conservative) (Kairys 1993).

Because of the work of legal realists, people in this country began to realize that courts do not operate in a neutral, impartial way. Legal realists have pointed out that judges’ decisions reflect much more than law; rather, they reflect the public values of the ruling class, moral theory, an elitist view of the public interest, and the prejudice of the judges. Legal realism illustrates how the language of the law is flexible, open textured, and susceptible to a range of interpretation. For realists, the text of the law is in principle uncertain. The law cannot be known until it is actually interpreted by the courts. Legal realists argue that, given the indeterminacy and fluidity of the legal environment, what judges

need to do is to use their judicial insights and apply the law to advance the public interest. Revolutionary at the time, this idea spurred resistance from the pre–New Deal judiciary. Prior to the mid-1930s, classical legal thought was responsible, in part, for repressing this country morally in the late nineteenth and early twentieth centuries. Legal scholars label this period of time the “Lochner period,” which takes its name from *Lochner v. New York* (1905) in which the U.S. Supreme Court struck down a New York state law limiting the maximum number of hours bakers could work to ten a day or sixty a week (the New York state legislature was motivated by evidence that longer hours constituted a severe health risk to bakers). The Court rejected this law on the grounds that it infringed on the employee’s right to contract.

As previewed earlier in this essay, Lochnerism was a legal doctrine that privileged what the courts called “economic liberty” above all other human or state interests. To protect such liberty, courts regularly invalidated progressive legislation intended to control corporate power and to help the country’s majority working poor achieve a better life. The result was what is known as the Gilded Age, a period marked by the creation of immense wealth for a handful of Americans and immense suffering by the majority. In the textile mills, for example, one-third of the workers did not live to see their twenty-fifth birthdays (Fleming 2000, 57). Fatality rates for other industries, such as the railroad, also were high (Aldrich 1997). During this period, the strong and powerful dominated society, creating misery for the masses. The elite exhibited a tremendous fear of democracy and of poor people, as well as a determination to prevent the poor from attaining power. This was a period in which laws for the protection of the elite were established overtly, and the attempts of the poor to resist became illegal. Historically, business interests have sought a basis in the Constitution to protect property against state economic regulation and intervention. Courts enthusiastically granted this protection at the expense of labor and environmental conditions. This judicial philosophy includes the essential belief that the structuring of private economic relations is not a matter of the general welfare, which the state is legitimately empowered to protect. Rather,

economic relations are a species of human liberty that stand outside of government influence. As the Court stated in *Lochner*:

In every case that comes before this court, therefore, where legislation of this character is concerned and where the protection of the Federal Constitution is sought, the question necessarily arises: Is this a fair, reasonable and appropriate exercise of the police power of the State, or is it an unreasonable, unnecessary and arbitrary interference with the right of the individual to his personal liberty or to enter into those contracts in relation to labor which may seem to him appropriate or necessary for the support of himself and his family? Of course the liberty of contract relating to labor includes both parties to it. The one has as much right to purchase as the other to sell labor. (1905, 56)

With such words, the Court articulated what may be considered the paradigmatic problem with formal equality: the assumption that contracts, opportunity, education, and the like are equally accessible to all and apply to all in the same way. The influence of wealth and power on these relationships was ignored. Thus, the Court could argue that the “act is not, within any fair meaning of the term, a health law, but is an illegal interference with the rights of individuals, both employers and employees, to make contracts regarding labor upon such terms as they may think best, or which they may agree upon with the other parties to such contracts” (1905, 61).

The values that animated the *Lochner* Court contributed significantly to the Great Depression and prevented for many years the Roosevelt administration from enacting policies to end or lessen the effects of the Depression. The U.S. Supreme Court systematically, in a time of great national suffering, struck down as unconstitutional most government regulation of industry intended to provide for the social welfare. This was a period marked by tremendous fear of ideas that were not considered “American,” and labor organizations and social welfare legislation were positioned as un-American or threats to civilization. This notion is typified by Andrew Carnegie, who, in an influential essay, argued that “upon the sacredness of property civilization

itself depends—the right of the laborer to his hundred dollars in the savings bank, and equally the legal right of the millionaire to his millions” (2000, 28).

The normative, abusive ideology governing industrial relations and limiting progressive government intervention changed after the mid-1930s. We see this change first in *West Coast Hotel Co. v. Parrish* (1937), when the State of Washington—in an effort to protect the health and welfare of women and minors—established a minimum-wage law for them of \$14.50 per week for 48 hours work. Under this law, Elsie Parrish, who was employed as a chambermaid, sued her employer to recover the difference between her actual wages and the minimum wage established by the state. As with many earlier cases, the issue here was whether or not a state, pursuant to its police powers, could enact social-welfare legislation without violating the Due Process Clause of the Fourteenth Amendment. Under the rationale of *Lochner*, it could not.⁵ Now, however, the Court reversed its position. According to the Court, “The community is not bound to provide what is in effect a subsidy for unconscionable employers. The community may direct its law-making power to correct the abuse which springs from their selfish disregard of the public interest” (1937, 400). The Court went on to explain that the freedom of contract protected under the Due Process Clause is not absolute:

What is this freedom? The Constitution does not speak of freedom of contract. It speaks of liberty and prohibits the deprivation of liberty without due process of law. In prohibiting that deprivation the Constitution does not recognize an absolute and uncontrollable liberty. Liberty in each of its phases has its history and connotation. But the liberty safeguarded is liberty in a social organization which requires the protection of law against the evils which menace the health, safety, morals and welfare of the people. Liberty under the Constitution is thus necessarily subject to the restraints of due process, and regulation which is reasonable in relation to its subject and is adopted in the interests of the community is due process. (1937, 391)

In other words, states may employ their police powers to halt the exploitation of a class of workers who suffer from unequal bargaining power vis-à-vis their employers.

With this change, the United States began a four-decade-long commitment—imperfect as it was—to make democracy a more meaningful concept for its citizens. Part of the reason for this change was the influence of the legal realists.

The victory over Lochnerism, however, evaporated, particularly after the 2002 midterm election in which neo-Reagan Republicans captured all three branches of the federal government. This defeat was reinforced in the 2004 elections and is evident in the current composition of the Supreme Court. One of the results of the Nixon, Reagan, and first Bush presidencies is that they loaded the Supreme Court with such extreme juridical reactionaries that *Lochner*-style substantive due process is returning (see *Dolan v. City of Tigard* 1994, providing property owners with greater protection from the actions of state and municipal actors). These conservative justices represent the pinnacle of a successful countermovement that has retarded and then rolled back the fruits of the socially engaged judicial activism of the New Deal era. The result has been the emergence of a second Gilded Age.⁶ Indeed, of the thirty nations that comprise the Organization for Economic Co-operation and Development, the United States has the greatest wage inequality (Rueda and Pontusson 2000, 350).⁷ This condition of this inequality is tragic because people are more important than the prerogatives of the global plutocracy. The reoccupation of the legal system by a small caste of the wealthy elite must be countered with words and actions that can reanimate the legal system as a foundation of social justice.

Conclusion

This essay has discussed issues of both sexual and economic morality, particularly as expressed in a normative legal rationality. In both instances, the law often encourages us not to see, feel, or understand the implications of anachronistic legal assumptions on our lives. Consequently, we are realizing only slowly that our cultural and legal practices are often selfish and cruel. Recognizing that the legal system is often a contributor to intolerance and class

oppression is an important step in being able to overcome the limitations of the past and in building a progressive society in which our social institutions treat everyone with dignity and respect.

I would like to thank Kimberly C. Elliott and Heidi Roat for their suggestions on earlier drafts of this essay.

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NOTES

1. Willie Horton was a Black convict who had received a prison furlough when Michael Dukakis was governor of Massachusetts. While free, Horton brutally raped a white woman. This image was used by George H. Bush during the 1988 presidential election as a scare tactic to crystallize opposition to Dukakis, who was running against Bush for the presidency.

2. Georgia Code Ann. 16-6-2 (1984) states that: "(a) A person commits the offense of sodomy when he performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another. . . . (b) A person convicted of the offense of sodomy shall be punished by imprisonment for not less than one nor more than 20 years. . . ."

3. The dissent, however, realizes this point, and shifts the argument away from homosexuality and away from history, and tries to ground Hardwick's claim in the Right to Privacy, a nontextually based right created by the progressive Court of the late 1960s and early 1970s, which is extremely controversial (although less so post-*Lawrence*) and will certainly be challenged during the next few decades as abortion rights themselves are repeatedly threatened.

4. Here the dissent cites the characterization of homosexuality by the court in *Herring v. State* (1904).

5. One exception was *Muller v. Oregon* (1908), in which the Supreme Court upheld a state social-welfare law that prohibited females from working in a laundry for more than ten hours a day. The Court reasoned that "healthy mothers are essential to vigorous offspring, the physical well-being of women becomes an object of public interest and care in order to preserve the strength and vigor of the race." Thus, *Lochner* was distinguished.

6. The idea of a second Gilded Age comes from Kevin Phillips (2002), a former Republican insider, who argues that the rise of private corporate power has created such disparity between the wealthy and the poor that democracy itself is at risk.

7. These nations include: Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Korea, Luxembourg, Netherlands, New Zealand, Norway, Mexico,

Poland, Portugal, Slovak Republic, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States.

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Israel, Neocolonialism, and U.S. Hegemony

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As the United States continues efforts to consolidate its hold on Iraq in the latest phase of empire building, the enduring Arab-Israeli issue is quietly slipping into obscurity once again. Israel has long been an important aspect of U.S. militarization of the entire Middle East. In order to help it achieve hegemony commensurate with its economic goals, the United States used Israel as a client state to act as a buffer against Soviet encroachment and a brake on Arab nationalism during the Cold War.

With the sudden end of the previous rivalry between the United States and the Soviet Union, and U.S. emergence as the world's sole superpower, Israel was uniquely advantaged as the key U.S. ally in the Middle East. The opening of new markets in Europe, especially in former Eastern-bloc countries as well as in many nonaligned states, gave a tremendous boost to the Israeli economy and its project of export-led growth. This new era of U.S. global hegemony benefited Israel in its efforts to end the pariah status it had endured since the 1967 War. Thus a new epoch had emerged in Arab-Israeli relations that was first presaged by Arafat's unprecedented recognition of Israel and United Nations Security Council (UNSC) Resolution 242 in 1988 and was later consolidated by the U.S. victory in 1991 in its war against Iraq. This U.S. victory forced the Palestinians to enter into the Oslo Peace negotiations from a dramatically weakened position (Ehrlich 2002, 55–56).

Yet Israel's continued oppression of the Palestinians is now a growing liability for America. The brutal suppression of Palestinian aspirations threatens to derail President Bush's "Road Map" to peace. It becomes increasingly clear that this road map is merely a cover for the finalization of an apartheid system using cheap Palestinian labor from the Occupied Territories to bolster the Israeli economy at the expense of the colonized Palestinian economy. An essential component of this project of colonization, involving the creation of politically and economically subjugated Bantustans in the West Bank, is the establishment and expansion of Jewish settlements as the linchpin of Israeli domination of the area. These settlements frustrate Palestinian self-determination and obstruct the future of Palestinian-Israeli relations. Yet even as the settlements remain the key obstacle to peace, they are seen as vital to imperialism's hold on the region in general. I shall explore this key contradiction in this essay.

Common explanations for the apparent intractability of the Israel-Palestine conflict include mutually exclusive nationalist aspirations, age-old religious hatred, the conflict between modernity and "backwardness," and the bitterness stemming from ceaseless cyclical violence. In fact, the key to the conflict is the fact that the state of Israel is historically based on colonial Zionist settlements in Palestine in the early twentieth century. To date, the entire Zionist enterprise can be seen as a continuous, century-long project of apartheid separation of Jewish and Arab communities.

In 1903 began the second major (and first Zionist) immigration wave of European Jews to Palestine. This precipitated an uninterrupted process of settlement culminating in the usurpation of the maximum amount of contiguous parcels of settled land for the creation of a Jewish state and a corresponding concentration of a maximum number of Palestinians on as small and containable a portion of territory as possible. This was achieved by several decades of Zionist land purchases, mostly from large absentee landholders who expelled their tenants in order to sell off holdings to the Jewish National Fund (JNF) for settlement. By 1931, the combination of land sales, discriminatory British policies, the world depression, and increased Syrian grain imports resulted in catastrophic landlessness, weakening Palestinian Arab society and

its capacity to resist encroachment and ultimate military conquest (Stein 1984). The collapse of grain prices, particularly wheat as the key staple crop of Arab farmers, led to cheap Syrian imports that reduced the number of independent smallholders, increased landlessness, and further concentrated land ownership while the predominantly Jewish citrus sector increased production and cultivated acreage absorbing landless Palestinian labor (142–46).

By the early 1930s, 30 percent of Palestinian peasants had become landless (Pappé 2004, 102). Although the JNF never purchased much over one quarter of Palestine's two million acres of cultivable land, it was the most productive (Stein 1984, 4). The above-market rates often paid for this land greatly enriched the most reactionary and socially repressive element of Palestinian rural society, the large absentee landlords, who held liens against the growing number of heavily indebted smallholders, forcing them to sell off their land, and thus hobbling nationalist resistance to Zionist dispossession. This long-standing impediment to Palestinian national aspirations was based on an emerging *de facto* class alliance between the large absentee landlords, who acted as paid intermediaries for smallholder land sales to the JNF, and the Zionist political elite. In this context, the Zionist elite did not have the same subordinate relationship to British authority as did the Palestinians, but instead comprised a competing form of colonialism.

By 1947, a UN partition plan was announced roughly corresponding to the existing demographic pattern of several decades of Jewish settlement. The 1948 War established an independent state that joined together in a contiguous mass all the existing Jewish communities of British Mandatory Palestine with a greatly expanded buffer around it comprising about three-quarters of the total country. The occupation of the remaining territory since the June War of 1967 commenced a new period with the persistent, illegal settlement of these territories in an effort to claim as much Palestinian land as possible to be annexed to Israel proper in a final status agreement. Israel's major wars in the first twenty-five years of its existence produced over one million Palestinian refugees. The exclusion of as many Arabs as possible became an essential

part of the Zionist effort at nation building. As one observer remarked, Israel could end up with all the land and Palestine with all the population. Thus the early creation of far-flung areas of concentrated Jewish settlement for ultimate incorporation into a sovereign Jewish national entity with the concomitant territorial marginalization of as many Arabs as possible became the formative experience of the Zionist project and the political essence of its gradually emerging discourse.

Another key factor responsible for the intractable political orientation of modern Zionism is the pronounced class nature that from the very beginning linked it to the interests of the various imperialist powers. Zionism's founder, Theodor Herzl, was an affluent Austrian Jew who had virtually nothing socially or culturally in common with the poor Yiddish-speaking masses of Eastern Europe. Herzl spoke of Palestine as a potential outpost of civilization in a sea of barbarity that was in any case bereft of population. Early Zionist activity initially failed to attract the masses of Eastern European Jews who were needed as settlers and laborers for colonization. The main obstacle seemed to be the growing leftist political orientation of the Jewish masses of the East, whose emergence as a growing unassimilated and increasingly impoverished mass of dispossessed labor threatened to spread and destabilize the entire working class of the western Russian Empire. Russia, by the 1890s, had begun an ambitious program of rapid industrial development that required a large, passive, and stable work force. Jewish workers, typically employed in the moribund small workshop sector, could not be absorbed into the new, highly concentrated large-scale factory system due to discrimination and competition with Russian workers. A dynamic strike movement emerged at this time in western Russia. Between 1897, when the Jewish Bund was created, and 1905, strike activity was unprecedented. One historian notes:

A statistical study of the Jewish labor movement by . . . Ber Borokhov estimates that between 1895 and 1904 at least 2,276 Jewish strikes were held by workers in the Pale of Settlement. The number of strikes during 1900 to 1904 alone is estimated at 1,673, an average of more than one

strike per day. In comparing these figures with the incidence of strikes throughout Russia and other countries, Borokhov concludes that the strike movement of Jewish workers in the Pale was of far greater intensity than any in the Western World. (Mendelsohn 1970, 85)

Although workplace contact between Jews and non-Jews in Russia was far from the norm, it was widely acknowledged that the political example of the Bund was not lost on the increasingly restive Russian proletariat. Zionism coopted the Jewish workers away from the general revolutionary movement in Russia and reoriented Jewish political energy toward a project of reactionary colonization in Palestine. In this sense, Zionism followed the general pattern of late Victorian colonialist European politics in its concerted effort to rid the continent of politically destabilizing surplus urban populations.

The total exclusion of the Palestinians in the formative period of state building and settlement was legitimated by socialist rhetoric employed to garner Jewish labor's support for a state-capitalist model in the absence of sufficient private-investment incentives and the exclusion of cheaper Palestinian labor. Ultimately, a large private sector emerged around the growth created by massive public investment. During World War II, British wartime demand created a boom, and Palestine drew vast sums of private capital investment from Europe and elsewhere. The ensuing growth favored the already dominant Jewish economy now increasingly stressing self-reliance, exclusive Jewish labor, private initiative, and economic nationalism.

It also served the British objective of making Palestine economically self-sufficient, thereby reducing the Mandate's dependence on London. This history of the Israeli state, tied to racist separatism and the interests of Western imperialism, created a future set of political constraints that could only be transcended by what many scholars now call the discourse and political strategy of post-Zionism. Traditional notions of a left-right dichotomy have little meaning in the context of Zionism's colonization imperative, which has cast its pall over all of Arab-Jewish relations. Labor Zionism, the dominant paradigm of Zionist politics in the run-up to

independence in 1948 and for three decades afterward, was based on a corporate model of class rule. In the attempt to displace Arab labor from vital areas of the economy, Labor Zionism replaced Jewish labor's class militancy with ethnic chauvinism by incorporating it into a multiclass political coalition committed to nation building during Israel's state-capitalist phase of development. Yet the "conquest of labor" imperative of Zionism went beyond splitting Palestine's working class in the interest of nationalism. It was also essential to the creation of a two-tiered economy that entailed the Israeli colonization of Arab land and labor. It is noteworthy that "left" Labor Zionism, not the rightist Likud, was responsible for the most extensive colonization and settlement of the West Bank during the first ten years of the post-1967 occupation.

Israel has made every effort, since the start of its occupation of the West Bank and Gaza as a direct result of its victory in the 1967 War, to render life untenable for the Arab inhabitants of those territories. Some of the earliest repressive measures included the closure of all thirty banks operating in the territories, mandatory use of Israeli currency, limitation on capital imports from neighboring Arab countries, erection of high tariff walls against imports, and the creation of a series of complex licensing procedures. All of this was intended to subordinate the territories as an economic dependency. The Occupied Territories are a captive market for cheap Israeli goods and a flexible source of cheap, reliable labor toward which the state bears none of the social responsibility that it does toward its own citizens (Ciment 1997, 94). Over the long period of the occupation, about 60 percent of the West Bank and 40 percent of Gaza has been expropriated by the Israeli military authorities. The seizure of Arab land is dedicated not so much to actual Jewish settlement itself as to the creation of buffer areas that will be integrated into Israel proper as part of a final status agreement with the Palestinians (15).

The current Sharon plan for the West Bank locks the Palestinians up in a canton system, ringed by Israeli-held security perimeters; comprising under half the entire area, this in no way resembles a sovereign state. Israeli troops will be pulled back from heavily populated urban centers ringed by a policed security buffer with several Israeli military checkpoints forming the entrance

and exit points along the main roads (Ehrlich 2002, 69). The completely separated cantons will thus form a series of Bantustans and townships in the territories consisting of an apartheid system that will rival in racist cruelty and subjugation that which formerly existed in South Africa. The nearly 700-kilometer security fence accentuates this condition by annexing huge portions of the West Bank to Israel. Closing in the far-flung areas of Jewish settlement to the Green Line while fracturing once contiguous and integrated Palestinian areas, the fence by its very existence has unilaterally given final status to the land issue (Lagerquist 2004). The redeployment of Israeli troops after the start of the Al Aksa Intifada left Israel in control of three-fifths of the West Bank with less than one-fifth under total control of the Palestinian Authority (PA). The Israeli military and the PA jointly control the rest of the area. The separation of the West Bank into countless disjointed enclaves prevents the free flow of people and goods and the emergence of a viable Palestinian economy.

The new apartheid system has frustrated successful development and left the PA simply to manage the Occupied Territories as a disenfranchised labor reserve. Despite high international aid to the PA (\$315 per capita in 2000), 70 percent of total disbursed donor aid went toward emergency relief and administrative costs, with only 8 percent used to build infrastructure and start economic projects that could lead to self-sustained growth in 2001 (Barsalou 2003, 49–50). Israeli occupation, not just the violence of the Al Aksa uprising, is the cause of this situation. In early years of the Oslo period, about half of donor aid went to infrastructure (50), reflecting a preference for long-term economic investment by the PA under the most difficult conditions. Despite over \$4 billion in donor aid disbursed between the start of the Oslo Accords and mid-2002, about three-fifths of all West Bank residents live in poverty (55).

Jewish settlement in the territories for four decades, linchpin of colonization and conquest since the very beginning, lies at the root of this problem. At the time of this writing, most accounts cite about 400,000 Jewish settlers spread out between 160 and 200 settlements in the West Bank, East Jerusalem, and the Gaza Strip. The settlement of the Occupied Territories began immediately

after the 1967 conquest and has continued unabated. In affirming the operative principle of the centuries-long practice of Western colonialism, Golda Meir stated, "The frontier is where Jews live, not where there is a line on a map" (Aronson 1987, 14). Like the American doctrine of Manifest Destiny, Zionism is an inherently expansionist ideology that disregards classical liberal notions of the sovereign nation's legally limited territorial boundaries. The conquering chosen people claim the divine right to displace native peoples and colonize their lands. Such colonization is driven by a "moral" imperative based on the colonizers historic "civilizing" mission to spread Western ideas of political and social order such as the European nation-state, scientific and social progress, the work ethic, and, most importantly, private property.

The historical precedent and model used to legitimate all modern colonialism is the Exodus story in the Old Testament in which former Hebrew slaves from Egypt enter the Land of Canaan, which they see as their holy patrimony, and violently expel the indigenous inhabitants (Prior 2001). The modern practice of conquest and forcible displacement of local population by foreign settlement in order to transform the local society entirely and hierarchically link it to an imperial metropol began with Cromwell's seventeenth-century conquest of Ireland. Other similar colonization projects at the time, such as the Dutch in South Africa and the British in North America, are historically linked by military aggression, increasingly legitimized by dogmatic religious notions of chosenness. They served as the run-up to the late Victorian-era scramble for colonies and the Zionist colonization in Palestine.

The current Bush agenda and military drive in the Middle East are often presented in dogmatic religious terms as a moral imperative divinely bestowed upon an exceptional American empire with a mission that is not well understood by lesser political allies. The U.S. drive for hegemony in the region, its uncritical support of Israel, and its brutal war against Iraq are also historically consistent with the goals of Western opposition to an independent Palestine. The Palestinian struggle has always galvanized strong anti-Western Arab nationalism throughout the entire region and is seen by U.S. imperialism as a serious threat. The Palestinian

cause, although often expendable to Arab rulers, is highly compelling to the Arab masses as an outward demonstration of resistance to imperialism. United States domination of the region depends upon control and suppression of Palestinian nationalism and its political agenda. The Oslo Accords served as a cover for the gradual implementation of this control by legally finalizing the terms of a long-existing process of colonization of Palestinian land and labor.

Since the Oslo Accords in 1993, Israeli demand for Palestinian labor, though fluctuating, has remained overall consistent in conjunction with the sudden growth of the construction trade. This is due not only to the immediate housing needs of immigrants from Eastern Europe but also to the expansion of settlement activity in the West Bank and East Jerusalem. By the late 1990s, West Bank Arab labor came to represent one-fourth of those employed in the Israeli building industry, while immigrant labor dropped to well under one-fifth (Farsakh 2002, 22–23). The roughly 120,000–145,000 Palestinian workers with work permits to enter Israel were employed most intensively on housing projects in settlements, Jerusalem, and in areas in Israel very close to the Green Line with easy access to concentrated clusters of Arab villages supplying labor. In addition, the period between 1993 and the start of the second Intifada has seen a growth in the demand for Palestinian labor for the construction of several hundred kilometers of bypass roads connecting the settlements to one another and to key Israeli highways and cities. These settlements and their connecting arteries increasingly disjoin once-contiguous Arab areas of the Occupied Territories, making any viable future state impossible. Indeed, residential construction growth in the settlements during this period well eclipsed that within the Green Line. This bantustanization of the West Bank will continue, in any finalized peace agreement, to tie Arab land and labor to the Israeli economy in an utterly subordinate relationship (16–24).

Land confiscation in the Occupied Territories continued unabated throughout the Oslo talks. Between October 1991 and September 1993, when the Oslo agreement was signed, Israel expropriated some 13,500 acres of Palestinian land, over a quarter

of which was committed to Israeli settlement. By March 1995, a further 15,250 acres were expropriated, just under one-tenth of which was committed to further settlement (Talab 1997, 258). This presents an obstacle not only to peace but also to the PA's ability to resolve the housing question in the territories. The ratio of house price to income in the Occupied Territories is the highest in the entire Middle East (with the sole exception of Egypt), due in large part to land scarcity caused by Israeli expropriations and restrictions (Mayo 1997, 520). This egregious form of obstruction on Israel's part (considering the high proportion of refugees living in the Occupied Territories) also contributed to the sharp reaction by the Palestinians to Oslo.

The failed peace process was once based on a newly developing fraction of capital within the Israeli ruling class whose interests could no longer be served by the old "welfare/warfare state" model of capitalism (Shafir and Peled 2002). It became essential for this group, as well as for foreign capitalists, to dramatically open up the Israeli economy. The peace process was an essential precondition to the globalization of the Israeli economy and consequent break in the fetters on the profitability of moribund state capitalism. This fraction of Israeli capital, much of which dates back to the British Mandate, needed open global markets, low inflation and currency stability, peace, reduced military expenditure, regional trade expansion, and massive privatization of the Israeli government's substantial industrial and commercial holdings. In addition, peace and stability ultimately became essential for attracting foreign labor in order to cheapen overall production costs. Many sectors of Israel's economy—such as agriculture, construction, and manufacturing—received international labor flows. Immigrants from Latin America, Southeast Asia, and Eastern Europe labored in commercial export agriculture in the southern Negev, garment assembly plants in Tel Aviv, and commercial and residential building construction in many large cities. The massive immigration experienced by Israel in the 1990s from all over the world (though mostly Eastern Europe) served to marginalize and discipline the Palestinian labor supply in the territories. It also took up enormous slack in the internal

labor market in the face of rapid GDP growth, applied downward pressure on wages, and boosted profits, as well as reducing reliance on the Palestinian labor pool in the Occupied Territories. Thus the general globalization trends creating increased labor as well as capital mobility were enabled by unprecedented economic reforms begun in 1985. An ambitious economic-stabilization plan began to reduce the high inflation that had reduced gross investment in the Israeli economy to 15 percent of the GDP, down from 30 percent ten years earlier (Nitzan and Bichler 2002, 132). It also resulted in a trend of corporate mergers and concentration through increased direct foreign investment, privatization, and a general globalization of the Israeli economy.

Between 1967 and the 1980s, military spending played a central role in Israel's economy, averaging 23 percent of GDP. This enriched large domestic arms makers who often exported their wares to U.S. client regimes as well as nonmilitary conglomerates like Koor and Clal/IDB that expanded in an intense round of government-financed mergers and acquisitions in both the industrial and financial sectors. The military Keynesian-based strategy that spurred the economy in this period, despite high inflation and interest rates fed by massive government borrowing, nonetheless allowed for high growth and profits for the large conglomerates. This was paralleled by what Nitzan and Bichler have called a "weapondollar/petrodollar" coalition (2002, 201–2). Here, a group of large oil companies and arms makers benefited from a series of energy conflicts from 1973 until the 1991 Gulf War. The intensification of proxy wars in this final period of the Cold War perpetuated a running cycle of oil price increases that generated concentrated amounts of cash to purchase Western arms to recycle the oil money back to the largest oil-consuming countries. By the late 1980s, the Middle East accounted for over one-third of all global arms imports (217). Following a sharp drop in oil prices after the Iran-Iraq War—during which the United States lost ground to European and Japanese arms exporters to the Middle East—the arms-for-oil trade cycle collapsed. More importantly, inflation gradually caused economic stagnation and consequent industrial overcapacity leading to cutbacks in investment and a falling rate of profit.

A consequent retrenchment in both the industrial and commercial sectors led to high corporate concentration. A new civilian corporate coalition formed after the first Gulf War that eschewed the old military Keynesian model of conflict and stagflation in favor of neoliberalization based on a new high technology sector. Until the first Gulf War of 1991, the leading 26 arms and oil companies comprised nearly 11 percent of the total S&P 500 market capitalization with the top 54 high-tech firms controlling less than 8 percent. By 2000, just before the major stock market correction, the 54 leading high technology firms comprised about 34 percent of the S&P 500 total market capitalization, with the 26 leading oil and arms firms comprising only 5 percent (271–72). Israel's new peace coalition was seemingly underpinned by the changing profitability requirements of global capitalism. Transnationalization came to epitomize the new highly centralized Israeli economy; five top conglomerates controlled over 40 percent of the total value of the Tel Aviv Stock Exchange (TASE) in 1999. At the very beginning of the Oslo Peace Process, only 3 percent of the TASE was foreign owned. By 1998, this proportion had risen to 14.4 percent (88). Foreign direct investment by Israeli capital, previously nonexistent, came to over 1 percent of the national GDP by the late 1990s (90).

What had taken place was clearly not only the decline of one fraction of Israeli capital in the face of another's ascendancy, but rather the merging of the commanding heights of local Israeli capital into an overarching transnational capitalist class with interests based on the opening up of local economies and the merging of production and investment on a global scale. Local productive structures were streamlined to fit the investment strategies of the emerging transnational bourgeoisie into which the local elites were being merged. Local and global class interests merged, and the logic of accumulation on a world scale eliminated former national bloc rivalries. As Burbach and Robinson explain,

Competition among capitals continues of course to be as intense as ever. But given the separation of accumulation from determined territories and the transnational integration of capitalists, competition is now among oligopolist clusters in a transnational environment. Simultaneously,

there is the struggle between descendant national fractions of dominant groups and ascendant transnational fractions. These two fractions have been vying for control of local state apparatuses since the 1970s. In that decade and in the 1980s incipient transnationalized fractions set out to eclipse national fractions in the core capitalist countries of the North and to capture the “commanding heights” of state policy-making. From the 1980s into the 1990s, these fractions became ascendant in the South and began to vie for, and in many countries to capture, state apparatuses. From the state, hegemonic transnational fractions have been setting out to implement restructuring and integration of their economies into the global economy. (1999, 33–34)

Globalization of the Israeli economy created new political imperatives. The transnational fraction had captured the state in the 1992 election of Yitzak Rabin and the Labor Party and asserted its political agenda for a more economically and politically stable basis of profitability and renewed capital accumulation on a global scale. The crisis of the old authoritarian model of elite domination gave rise to a flexible mode of social control more compatible with the neoliberal economic agenda of transnational capital (Robinson 2004, 82). In reconstituting its hegemony over the political process, the transnationalized Israeli fraction of capital allowed the expression of the democratic aspirations of Palestinians in the Occupied Territories. This reduced dangerous political polarization and created a buffer of stability between the Israeli state and the Palestinians. There was now a clear connection between the Oslo Accords and the interests of Israeli capital. The new ruling coalition favored a peace process that would stabilize the entire Middle East under U.S. hegemony and permanently codify the resulting Israeli-Palestinian inequality in the form of a final international agreement. Contradictions soon manifested themselves violently.

Since neoliberal globalization was the foundation of the Oslo Peace process, the opening up of the new Palestinian economy and its redirection as a dependency of the highly globalized Israeli economy were increasingly essential. The social basis of

Palestinian nationalism and anti-Zionist struggle was to be eroded and replaced by a new entrepreneurial class linked to Israeli capitalism. Typical of this new class is Palestinian investor Abdel-Malek Jaber, the head of the Palestinian Industrial Estate Development Company (PIEDCO), whose initial investment of \$40 million is to put a new estate into operation by 2005 (Rapaport 2004). The idea for such estates, which could have numbered as many as 200 by early estimates, was part of the original 1993 Declaration of Principles (DoP) section on joint economic cooperation, which had to be abandoned in the ensuing violence. Some of the estates were actually burned down during the Al Aksa Intifada. The security barrier, begun in 2002, brought the idea back into play. The 70-percent unemployment rate in the Occupied Territories is now being used as the basis of an appeal to the Palestinians for the industrial-estate option.

Yet it is not only the strong ties between the two economies, unemployment in the Occupied Territories, lower overall production costs, lack of social insurance payments for Palestinian workers, and Palestinian wages at one-third of Israeli that has brought about this facile solution (Rapaport 2004). The separation wall has so utterly destroyed traditional economic activities like agriculture and trade that a rapid, *systematic* proletarianization has taken place in the territories comparable to the dispossession of the grain-producing smallholders during the Great Depression of the 1930s. In this sense, the wall has come to comprise a kind of *enclosure movement* that is radically transforming Palestinian society. In a world where the sweatshop has become the metaphor of globalization, this is a highly relevant development. In terms of globalization's impact on internal class formation, entrepreneurs like Jaber epitomize a newly emerging transnationalized class fraction of capital in the "periphery." This new bourgeoisie is rapidly eclipsing the old locally based middle classes that are displaced by direct foreign investment and its internal linkages to local capital. The formerly self-sufficient middle class is proletarianized and becomes cheap labor for new export-oriented industries producing for the world market. This pattern is consistent with overall global trends: globalization's restructuring of the Third World

local economies and class structure bring about a decline in living standards for most of the country and the further concentration of wealth. The political implications are not only this new class's inexorable ties to Israel, but the denationalized and deterritorialized nature of social-class formation. Transnationalized class formation in globalizing economies creates new orientations for local, transnationally tied capital, delinking the national bourgeoisie from traditional, nationally based development and eliminating its role in nation-state-centered conflict on the global stage. This confers both economic and political benefits to transnational capital and enhances U.S. hegemony in general.

The domestic objective of neoliberalism was to attract foreign investment to stabilize the local currency. This effort initially succeeded. By the late 1990s, total foreign investment in Israel came to nearly \$4 billion or an unprecedented one-third of all capital imports, nearly eclipsing traditionally lavish foreign aid (Ram 2000, 228). By 2000, just before the outbreak of the Al Aksa Intifada, total direct foreign investment in Israeli firms and securities surpassed \$8.6 billion (Shafir and Peled, 243). Further attempts to generate growth by lowering wages, taxes, regulations, and social expenditures were part of these internal objectives. Regionally, the ultimate goal was to link the Arab states to the growth generated by the Israeli economy, create a comprador middle class with fortunes linked to "peace," and thereby secure political compliance with Israel (Moughrabi 1998). This strategy met with some initial success, and by late 1996, Israeli exports to its Arab neighbors totaled about six billion dollars (47). This same year, the Israeli Parliament passed legislation enabling the creation of Qualified Industrial Zones (QIZ) in friendly Arab states. The QIZ would establish joint manufacturing projects with minority Israeli participation to export products under the tax-free terms Israel enjoys with the United States. A QIZ agreement was signed with Jordan in 1997, and negotiations are currently underway with Egypt. Israel generally determines the negotiated proportion of Israeli value added in any joint-production agreement for export (*Ha'aretz* 19 March 2004). It therefore enjoys great leverage in negotiations with non-oil-producing states

such as Jordan and Egypt because of their dire need for foreign-exchange earnings.

Though spurring economic growth, the economic reforms begun in the 1980s ultimately generated more social inequality than anywhere neoliberal reform was undertaken in the developed world. By the late nineties, the top fifth of the Israeli population earned over 51 percent of the national income while the bottom fifth was reduced to below 1 percent (280). In addition, the proportion of Israeli families living below the poverty line went from around a quarter during the world recession of the 1970s to well over one-third during the economic recovery of the late 1980s and early 1990s (287). The unraveling of neoliberal strategy is not explained merely by pointing out the resistance to the continuing occupation. It is being resentfully challenged by Israel's traditional social basis of right-wing politics: working-class Sephardim, ultrareligious communities, and disenfranchised new immigrants whose living standards are declining rapidly as they compete with cheap Arab labor and attempt to cope with severe impoverishment, increased layoffs, and unemployment brought on by neoliberalization.

While these right-wing elements have undermined peace efforts by resisting change, they have done nothing to address the social inequalities associated with neoliberalism. As in many highly unequal societies, war in Israel functions as a means of suppressing social conflict. Equally important politically is the effect of neoliberalization on the old middle classes. While the proportion of national income enjoyed by the middle and lower middle classes has shrunk noticeably, even more important is the erosion of their former status as a "service elite" of the former state-capitalist model. Middle managers of the former state-owned enterprises, kibbutz members, civil servants, and unionized labor began to emigrate rapidly as their role in the new society was eroded (Ram 2000). Since they formed the basis of the more "dovish" Labor Party, neoliberalism's destruction of their position also eliminated a key basis of support for the peace platform, leaving the more traditionally reactionary social elements that are militantly Zionist and anti-Arab.

The election of Ariel Sharon in 2001 and 2003 reflects this social trend as well as many important factors in Israeli politics beside security fears by the Israeli electorate. The majority of Israelis oppose the growing number of Israeli settlements in the Occupied Territories, the key obstacle to peace. Eighty percent want to see settlements dismantled in return for a genuine peace (Peretz, Kook, and Doron 2003, 594–95). No government has agreed, since (as Moshe Dayan once acknowledged) they are the only legitimating factor in the Israeli occupation; without them Israel could not claim to be protecting its citizens, and the army would be there purely as an foreign occupying force (Simon 2001, 31–32). The growing settler population can be seen as an arm of the state. Half are directly employed by the state, and they constitute an auxiliary military force to the Israel Defense Forces (IDF) that legitimates further state financial support for Jewish settlement. The settlers also disproportionately influence military policy and senior military appointments in the Occupied Territories. This symbiotic relationship led to the “creation of facts” in the form of an alien population settled in Arab territory (Peled 2004, 63). It has obliged every Israeli government to support Jewish settlements due to a state commitment to the protection of Israelis on both sides of the Green Line. The efforts of Labor Party challenger Amram Mitzna to introduce deadlock-breaking proposals for the dismantling of most settlements as part of a peace agreement failed, partly because of his refusal to join any coalition that rejected his proposals. Sharon, who declined to honor the customary obligation to include Laborites in forming his new governing coalition, predictably rejected these proposals. The new ultrarightist coalition of 2003 held 69 of the 120 seats in parliament, giving Sharon a free hand (Peretz, Kook, and Doron, 598–601).

This probably sits well with the Bush administration, since any empowerment of the Palestinians beyond the most cosmetic changes is seen as a threat to U.S. hegemony in the region. The United States still sees a strong Israel as more commensurate with its interests than a just and lasting peace, especially as it embarks on a new and protracted era of regional military presence. This outlook is certainly bipartisan. The Wye River Agreement was

negotiated in 1998 during the Clinton administration. In that same year, UN Security Council weapons inspections were frustrated as it became obvious that Clinton had no intention of lifting the sanctions against Iraq until Saddam was gone. The passage in October of that year, in both houses of Congress, of the Iraqi Liberation Act, which overtly called for regime change in Iraq, reveals the long-held U.S. commitment to the principle of military intervention (Ritter 2003, 74). The U.S. military commitment in Iraq is served by strengthening its key regional military partner.

The Wye River Agreement deepened direct U.S. involvement in Israeli security while giving Arafat little except for modest additional funding of the embattled Palestinian Authority and the promise of a settlement freeze from Israeli Prime Minister Netanyahu. Israel secured U.S. funding to expand, secure, and service the already numerous existing settlements by building new bypass roads and deploying more IDF security. Israel also obtained a legally binding Memorandum of Agreement to enhance its military capacity in defending against security threats from regional deployment of short- and medium-range ballistic missiles (Hiro 1999, 320–21). One adviser to Netanyahu described this agreement to the Israeli press as one that “elevates US-Israeli cooperation to the level existing between the US and the UK and other NATO states” (324). The status conferred upon the agreement by its being “the first US/Israeli defense agreement signed at the presidential level” that unconditionally guarantees Israeli regional military superiority and commits U.S. efforts to this purpose is a strong signal to Israel (324). The security provisions of Wye also strengthen U.S. intelligence presence through the overt participation of the CIA in monitoring of the PA, training PA security, mediating PA-IDF security disputes, and sharing intelligence with Israel security forces (325). Much of this was presaged by then CIA director George Tenet’s early advisory participation in the Wye River negotiations and later implementation. Given the total lack of progress in securing any justice for the Palestinians, the one-sided peace process reveals its main security and defense orientation to the exclusion of real peace. Wye’s strengthening of U.S. hegemony has not been lost on the Arab states or the

Palestinians. The current crisis in Israel and Palestine has at least some roots in the severe weakening of Arafat and the destabilizing divisions within Palestinian politics caused by the Oslo-era style of crisis management as a substitute for real peace making. In a real sense, “peace-making” is often a cover for extending U.S. influence and military presence in the region.

Benjamin Netanyahu’s failure to secure a peace agreement was immediately followed by the election of Ehud Barak, whose efforts fared little better. His broad consensus was based on traditional Israeli nationalist imperatives, including retention of one-third to one-half of the Occupied Territories in order to absorb Israeli settlements into Israel proper through the creation of encompassing buffer areas linked by access roads. A united Jerusalem under Israeli rule, military control of scarce water resources by Israel, and strict military supervision of the PA’s international political and economic relations were also nonnegotiable (Amir 1999, 9). Barak’s primary concern was to stabilize and control an increasingly untenable situation rather than to make real concessions to the Palestinians. His chief criticism of the extremist Sharon plan was not that it was unjust, but that it threatened to polarize the political situation and forever jeopardize the status quo. A permanent shift in accepted political discourse was looming on the horizon. In an article published in an Israeli newspaper in August 2003, Barak articulated the Israeli establishment’s worst fears:

Beyond the failure of the provisional state, the even greater risk resulting from the Sharon government’s strategy of postponement is that as a result of the political vacuum, a Palestinian demand will move into the center stage—and it is already beginning to appear there—a demand not for two states for two peoples but for one state west of the Jordan River. But, as the Palestinians will demand, that single state will have to be in the spirit of the twenty-first century: democratic, secular, one man one vote. That position could win broad international support as long as there is no acceptable Israeli plan on the table. . . . One man one vote? Remind you of something? Yes. South Africa. And that’s

no accident. It's precisely their intention. And that's their long-term plan. (Barak 2003, 87)

Could there be any greater confirmation of the racist nature of Zionist ideology or the inherently segregationist tendencies of its political program? In keeping with Zionism's colonial imperative in the face of immense pressure to make concessions for peace, Barak's government issued nearly 3,200 new invitations for settlement construction bids in the Occupied Territories. Between 1999, when Barak took office, and 2000, the year of the Al Aksa Intifada, the Jewish settler population of the West Bank and Gaza increased from 177,000 to over 203,000 (Swisher 2004, 145). Although official Palestinian negotiators frequently overlooked these increases for a variety of reasons, increased settlement activity and its dramatic effect on Palestinian society contributed greatly to the ultimate collapse of the Camp David efforts at peace in late 2000.

Barak's efforts were not only constrained by Zionism's colonialist nature but by its imperative to maintain U.S. and Israeli military hegemony in the Middle East. The United States always tried to promote Israeli military supremacy and discourage multilateral, comprehensive peace efforts as a way of reducing and eliminating all but U.S. influence in the region. In the latest phase of the crisis, U.S. hegemony is strengthened by the inability of the Arab regimes to secure a better deal for the Palestinians and by these regimes' increased dependence on the United States. Increased U.S. influence in the region due to its victories in the Gulf wars has also led to greater Israeli intransigence. Thus the symbiotic relationship between the United States and Israel reinforces divisions between weakened Arab regimes and allows greater U.S. control in the region through Israel's military might.

Israel's original role in America's post-1945 strategy to create a security arc from Greece to the Levant and across the Caucasus to the Gulf as a buffer against Soviet incursion south into the oil fields continued to the end of the Cold War. United States support for Israel can therefore be seen as an effort to secure a regional balance of power favorable to U.S. geostrategic interests. Over time, the United States became increasingly convinced of Israel's willingness to do its bidding in the region. The "special relationship"

was ultimately born in the thick of the 1973 War. Israel's value as a counterweight to Soviet military influence—an intelligence asset (mostly through its ability to capture advanced Soviet weaponry in battle), a barrier to Arab nationalism, and an overall security wedge in the heart of the Arab East—gradually became more apparent (Green 1988, 100–110). U.S. aid to Israel in the first twenty years of its existence averaged annually in the high tens of millions of dollars. In 1970 Israel broke the cease-fire with Egypt with deep-penetration bombing raids designed to destabilize Nasser's regime. This action brought overwhelming Soviet military power into the region, and average annual U.S. aid to Israel increased to over \$1 billion. By the early 1980s, aid increased to 2.5 billion annually and, finally, by the time of the first Gulf War, to nearly \$5 billion a year (Aruri 1995, 85).

Moreover, regional conflicts became a veritable laboratory in which to observe the overall effectiveness of U.S. weaponry against that of its rivals in live battle. The 1973 war with Egypt as well as the long-standing conflict with Lebanon allowed the U.S. to evaluate its weapons-systems performance against that of the Soviet Union during the Cold War. Furthermore, independent Israeli weapons development commensurate with U.S. military needs and doctrine is an additional asset to U.S. strategic interests. In the 1980s, Israel developed the Pioneer, a shipboard Unmanned Aerial Vehicle (UAV) for tactical reconnaissance. During the first Gulf War, this system was used in conjunction with U.S. systems to gather military intelligence and to support operations in Bosnia, Haiti, and Somalia (Sloan 2002, 7). This type of coordination has deepened the U.S.-Israeli military nexus. The current U.S. administration has sought a general continuity with past policies and a new strengthening of them at a time when their worn-out legacy is fast becoming obstructive and atavistic. As one analyst assesses the current impact of the long established special relationship,

The single most important factor shaping the U.S.-Israel relationship over the last 30 years has been the geo-strategic interest of the United States as perceived by Washington policy makers. Israel has protected the flank of the Persian Gulf—the repository of two-thirds of the world's known

petroleum reserves—and threatened to topple or punish any Arab regime that undermined the secure supply of oil at a reasonable price. It has been willing to do Washington's bidding in a wide range of foreign adventures. *No Arab state as presently constituted can reliably serve as a replacement for these functions.* After the 1991 Gulf War such geo-strategic considerations were reduced. But 20 years of momentum and a thick network of relations had been established. A powerful coalition comprised of the Zionist lobby, evangelical Protestants, and arms makers now constitutes a significant domestic constraint on those who might seek to alter U.S. policy toward Israel. (Beinin 2003, 50; emphasis added)

Continuing efforts to achieve the long-standing goal of replacing the UK's old empire in the Middle East by military conquest based on the interests and ambitions of the militaristic wing of the U.S. ruling class is doomed ultimately to utter failure. Each failed attempt at peace that ignores Palestinian aspirations legitimates the further deepening security measures and the reenhancing of the U.S.-Israeli relationship on the old model of regional duel hegemony. Yet the contradictions of this model become intensified as the situation worsens, thus radicalizing the Palestinian political agenda for a solution to the Israeli occupation and making favorable compromise for the United States and Israel far more unlikely. These circumstances, combined with the U.S. occupation of Iraq, will create an increasingly unified global structure of terrorism that previously did not exist, thus deepening the regional military crisis for U.S. imperialism.

Although U.S. support for Israel has always been based on protection of its own interests in the Middle East, its current enhanced link with its regional client in search of an even more dynamic strategy of domination is not without risks. In the new global order, emerging forces with which the United States must contend have made this strategy less feasible in the long term. The United States will require the cooperation of Arab states, while economic linkages with the EU, Japan, and other countries will be vital for its survival. Many of these resolutely oppose U.S. hegemony in

the Middle East and U.S. obstruction of a multilateral, comprehensive peace settlement for the region that includes justice for the Palestinians and an end to Israeli occupation in the territories. The EU, which has its own oil ambitions in the Gulf, has several times reaffirmed Palestinian statehood rights and has even affirmed UN General Assembly Resolution 194 regarding the right of refugee repatriation in Israel. In November 1999, the French foreign minister affirmed this right both in European Council meetings and in diplomatic missions to the Arab World (Gresh 2001, 84–86). Soon after this, many leaders of Middle Eastern oil-producing states considered accepting the Euro over the U.S. dollar as the currency of the international oil trade. The Cold War thus seems, ironically, to have cemented the very United-States-Israel bond that the present position of monopolarity could eventually undermine. Israeli military power will become a fetter rather than an asset to U.S. hegemony in the region as it begins to alienate more and more potential allies.

The current crisis has created a renewed orchestration by state and religious authority of militant neo-Zionist political orthodoxy and a concomitant empowerment of settler/colonialist aggression in the Occupied Territories in pursuit of invidious objectives of conquest and expulsion. Thus, the mass manipulation of public opinion ultimately becomes the task of the bourgeois state. One of the distinguishing features of modern bourgeois society is the specific role of the state as mass educator. The ruling elite is organically connected to mass society through its unique ability to assimilate it in its entirety to a common culture and ideology. The modern bourgeoisie is not a closed caste but is organically linked to other classes through the enlargement of its class sphere over the whole of civil society. It is the unique ability of the modern bourgeoisie to define and set the boundaries of public discourse; Antonio Gramsci called this “ideological hegemony” (1971, 260). Ethnic cleansing as a paradigm of settler colonialism and foreign domination are now also the source of a resurgent political discourse mediated by the state in the interests of entrenching the Jewish identity of Israel as the sole national identity. This is aimed at crushing the incipient movement for a binational state as much as

at the two-state solution by renewed talk of transfer (permanently removing the Palestinians) as a means of politically intimidating the Palestinians and their supporters and marginalizing them in the national discourse. The process that Israeli sociologist Baruch Kimmerling has called “politicide” has reemerged as a response to both the Al Aksa Intifada and demands for the right of return for refugees. In order to insure that Palestinians on both sides of the Green Line will never enjoy either self-determination in a separate state or the dignity of civic equality with Israelis, the discourse of ethnic cleansing has been made respectable in mainstream circles. An example of this trend is an interview given to a right-wing Israeli news weekly by Transportation Minister Benny Elon, who has many times spoken of transferring the Palestinians. In this interview he speaks of a secret plan by the United States and Israel to transfer hundreds of thousands of Palestinians to a new U.S.-dominated Iraq as part of the new regional order (Kimmerling 2003, 202). Such a plan is far-fetched and unrealistic, but it illustrates the regional context of Israeli colonial domination as well as its link to U.S. hegemony and its military reordering of the entire region. Such a reordering is predicated on the suppression of Palestinian nationalism, and clearly reveals the political nature of ethnic cleansing as a total paradigm of discourse and mode of domination rather than merely an extreme response to unending communal conflict.

Currently, the “new hegemony” in Israeli political culture emerging out of the crisis of the failed peace process is focused both on Israel proper and on the Occupied Territories. Radical ethnocentrism and racist segregation are being legally codified pursuant to a draconian program of apartheid and ultimate expulsion (Rouhana and Sultany 2003, 10). Israel’s response to Palestinian demands for equality and the “right of return” for refugees from the 1948 war is to attack the concept of citizenship for Arabs inside the Green Line. This it does by downgrading such rights to the status of resident with limited and revocable rights under the hegemonic auspices of Zionist political domination. In May 2002, the Knesset passed amendments to existing laws that disqualify individuals and/or political parties from electoral and legislative participation for outwardly rejecting Israel’s

identity as a Jewish and democratic state (11). In July, fresh legislation was passed lifting the legal parliamentary immunity of any member of the Knesset who “commits an act or expresses an opinion rejecting the State of Israel as the state of the Jewish People” (12). These laws do more than merely limit Palestinian political activism; they actually restructure the public discourse in a manner that is utterly exclusionary of Palestinian Arab identity. Furthermore, the current public obsession with demographics reflects an effort to reaffirm the state as exclusively Jewish through public-policy efforts to encourage higher Jewish birth-rates and encourage Arabs with Israeli citizenship to leave (13–14). Suspension by an Israeli High Court ruling of state efforts to deport Adel Hussein, a Palestinian father of an Israeli soldier whose mother is Jewish, brought to light the extent of racism in contemporary Israeli society. Hussein’s ordeal began when he was summarily arrested by military authorities and dumped near a West Bank town in January 2004 when he failed to produce proper documentation despite the danger to his life there due to his affiliation with Israelis. This reveals how it is conceivable for Israeli law to break up families and make it a crime to hide a family member whose ethnic identity is non-Jewish despite familial ties to citizens of the state and/or long-term connections to Israeli society. Such racism threatens to extend increasingly to those previously viewed as friendly to the state as the growing nationalist backlash against Palestinian demands and nascent efforts at democratization continue.

The rising legitimacy of the “new hegemony” of a renewed Zionist nationalism is more than merely the consequence of fear generated by violence. It is the result of a shrill rhetorical campaign by respected authorities who dominate the public discourse and who incessantly present issues in racist terms rather than accepting Israel’s increasingly pluralist cultural and political reality. The more public opinion responds positively to the strident rhetoric, the greater the propensity for racist policies toward the increasingly marginalized Palestinians. This maintains a status quo in the discourse and policy orientation of Israeli society, generating both a further tendency towards ethnic cleansing internally,

and the local and regional militarization it necessitates. The Bush administration has currently given its blessing to Israel's retention of most of the West Bank settlements as well as their expansion through so-called "natural increase" as it effectively annexes more Palestinian land. This is acceptable so long as it accompanies a pullout from Gaza and a stabilization of the conflict through promises to negotiate a final status agreement including a "state" for the Palestinians.

Such a false solution can only bring more violence, such as response to Israeli targeted killings of Palestinian leaders. The crisis in the ruling Likud party over the Gaza redeployment shows not only the utter bankruptcy of current policies and their inability to lead to a solution but the inability of an Israeli society dominated by the Far Right to move to meaningful peace negotiations from its current position. As has been clear from events in the first half of 2004, the violence in the Middle East is becoming regionalized. Thus, maintaining U.S. hegemony in the area as part of the overall "war on terror" becomes a self-evident necessity. As the Israel-Palestine conflict escalates, security issues become a public justification for increased military repression. An Israeli society that is increasingly under a siege mentality by virtue of its own repressive policies is one that is tied ever more closely to U.S. imperial protection, control, and political agenda. Given the empowering nature of this dynamic for U.S. influence in the region, successive U.S. administrations have had little incentive to pressure Israel for its cooperation in securing a just and lasting peace with the Palestinians. Yet such a peace can never be established so long as the neocolonial basis of domination of the Palestinians by the Zionist state, the power relations within Israeli society, and the ideological boundaries of political discourse on this issue go unchallenged.

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Judging the Importance of Religious Teachings: A Reply to Goldstick

David S. Pena

In “Applying Dialectical Materialism” (*Nature, Society, and Thought*, vol. 16, no. 3 [2003]), Danny Goldstick asked what criterion historical materialists should use as a basis for the conclusion that a religion’s social teachings, such as its attitudes toward business or the family, are more important than its metaphysical teachings, such as the doctrine of the Trinity. The basis of his answer is an appeal to dialectical materialism’s atheism. According to Goldstick, if one follows dialectical materialism in assuming that God does not exist, then any talk about God’s nature must be seen as empty and hence unimportant compared with talk about real social phenomena such as business or the family. Thus Goldstick concluded that when judged in the light of dialectical materialism, a religion’s social teachings are clearly more important than its metaphysical teachings.

The social teachings of a monotheistic creed, however, are just as logically dependent on the acceptance of theological assumptions about God’s nature as are its metaphysical teachings, because the basis of its social outlook consists of doctrines about God’s plan for humankind, God’s intentions in creating the family, permitting commerce, etc. If, as Goldstick says, atheism is the criterion to use when judging the importance of various features of religion, then there are grounds for judging both metaphysical

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and social teachings as equally insignificant, since both are determined by empty, dogmatic assertions about the nature of God. It follows that atheism *per se* does not constitute a criterion for making a meaningful assessment of the importance of a religion's social teachings compared with its metaphysical teachings.

For Marxist-Leninists, religion must be understood in the context of class struggle. Perhaps a more useful criterion for judging the significance of religious teachings can be found by examining some of historical materialism's major conclusions about the social function of religion, in particular its effect on the class struggle.

Every Marxist will recall the trenchant assessment of religion in Marx's introduction to *Contribution to the Critique of Hegel's Philosophy of Law*: "Religious distress is at the same time the expression of real distress and also the protest against real distress. Religion is the sigh of the oppressed creature, the heart of a heartless world, just as it is the spirit of spiritless conditions. It is the opium of the people" (1975, 175). Marx's analysis cuts right to the heart of religion's social significance. The cry of the oppressed for divine emancipation, otherworldly salvation, and other forms of supernatural aid is the cry of human beings overwhelmed by despair in the face of their worldly predicament. The religious distress suffered by the oppressed is no doubt a cry against inhuman social relations, but this form of protest—like opium addiction—is ultimately passive, futile, and enervating in its effects. Instead of leading to earthly battles against the ruling class, the result is a lapse into obscurantism and misdirected, otherworldly supplications. In this aspect, religion functions as a kind of ideological narcotic that makes oppression more bearable and the ruling class more secure, by providing solace to the oppressed.

Engels characterized religion as a weapon in the class struggle that can be used both to incite class conflict and to stifle it. Its function depends on how classes make use of it. Engels related how, during the long struggle of the rising English middle class against the landed aristocracy, religion served to unite and rally the bourgeoisie. But once the bourgeoisie became the ruling class, they quickly realized the expediency of using religion to help subjugate the working class.

The merchant or manufacturer himself stood in the position of master, or, as it was until lately called, of “natural superior” to his clerks, his workpeople, his domestic servants. His interest was to get as much and as good work out of them as he could; for this end they had to be trained for proper submission. He was himself religious; his religion had supplied the standard under which he had fought the king and the lords; he was not long in discovering the opportunities this same religion offered him for working upon the minds of his natural inferiors, and making them submissive to the behests of the masters it had pleased God to place over them. In short, the English bourgeoisie now had to take a part in keeping down the “lower orders”, the great producing mass of the nation, and one of the means employed for that purpose was the influence of religion. (Engels 1990a, 293)

Although Engels believed that religion aided the rise of the bourgeoisie, he was careful to note that its effect on the working class was to inculcate submissiveness and prevent the awakening of revolutionary class consciousness.

Lenin was also aware of the tranquilizing effect of religion on the working class as well as its propensity for justifying exploitation.

Those who toil and live in want all their lives are taught by religion to be submissive and patient while here on earth, and to take comfort in the hope of a heavenly reward. But those who live by the labour of others are taught by religion to practice charity while on earth, thus offering them a very cheap way of justifying their entire existence as exploiters and selling them at a moderate price tickets to well-being in heaven. Religion is opium for the people. Religion is a sort of spiritual booze, in which the slaves of capital drown their human image, their demand for a life more or less worthy of man. (1972, 83-84)

He found the source of religion’s influence in the hard exigencies of life in capitalist societies; indeed, he viewed capitalism as the

very root of modern religion and one of the many forms that capitalist rule takes in modern societies.

The deepest root of religion today is the socially downtrodden condition of the working masses and their apparently complete helplessness in face of the blind forces of capitalism, which every day and every hour inflicts upon ordinary working people the most horrible suffering and the most savage torment. . . . “Fear made the Gods.” Fear of the blind force of capital—blind because it cannot be foreseen by the masses of the people—a force which at every step in the life of the proletarian and small proprietor threatens to inflict, and does inflict “sudden”, “unexpected”, “accidental” ruin, destruction, pauperism, prostitution, death from starvation—such is *the root* of modern religion which the materialist must bear in mind first and foremost, if he does not want to remain an infant-school materialist. No educational book can eradicate religion from the minds of masses who are crushed by capitalist hard labour, and who are at the mercy of the blind destructive forces of capitalism, until those masses themselves learn to fight this *root* of religion, fight *the rule of capital* in all its forms, in a united, organised, planned and conscious way. (1968, 405–6)

These three representative statements of the historical-materialist outlook on religion agree in their assessment of its social significance. The essential function of religion under capitalism is to postpone the collapse of the capitalist system by diffusing tensions between the proletariat and the bourgeoisie. Religion weakens working-class resolve to engage in class struggle by encouraging the proletariat to remain content with its earthly lot, to patiently accept subjugation under the rule of the bourgeoisie, and to seek justice and happiness in the afterlife.

It would be incorrect, however, to conclude that all manifestations of religious consciousness must be condemned as counter-revolutionary. The above statements pertain to the function of religious movements that have been co-opted by exploiting classes, but they do not preclude the possibility that religion can play a progressive role in promoting the emancipation of oppressed

classes. This is not the place to conduct an extensive discussion of religious progressivism, so it must suffice to note that religious progressives have a long history of opposition to exploitation, discrimination, and imperialist war. Furthermore, the view that religious progressivism can make a positive contribution to the class struggle is not at odds with the Marxist-Leninist tradition. If Marxist-Leninists take seriously Marx's observation that religion can represent a sincere protest against intolerable social conditions (1975, 175), then they must be prepared to admit that religious progressives can contribute to the liberation of the working class. Engels himself acknowledged that "Christianity was originally a movement of oppressed people" and that its early history "has notable points of resemblance with the modern working-class movement" (1990b, 447). Of course, a major point of difference is that Christianity places the end of oppression in the afterlife, whereas socialism seeks it in this world, but this difference does not necessarily prevent Christians and other religious people from taking progressive stances on worldly issues.

Lenin asserted that the primary task of workers' parties is to unite the working class in the struggle against capitalism; thus, they should not weaken the working class by dividing it into hostile camps of theists and atheists (1968, 407). "We must not only admit workers who preserve their belief in God into the Social-Democratic Party," said Lenin, "but must deliberately set out to recruit them" (409). Lenin even held that clerics may be permitted to join working-class parties as long as they support the party program and conscientiously perform their duties (408). Religion, like all social movements, exists in a state of dialectical tension between its progressive and reactionary aspects. Marxist-Leninists have always combated religion in its manifestations as a tool of reaction, but they should also work with groups and individuals that represent the progressive development of the religious consciousness.

On the basis of this discussion, one can formulate a criterion for determining the significance of the various features of religion. For historical materialists, the most important features of religion are those bearing directly on its functions in the class struggle, be they reactionary or progressive. Which features have the highest

relevance to those functions? It is reasonable to conclude with Goldstick that a religion's social teachings clearly are more relevant to its social functions than strictly metaphysical teachings such as the doctrine of the Trinity. However, this conclusion can only be arrived at after historical-materialist investigations have identified a role for religion in the class struggle and analyzed the diverse aspects of that role. The abstract appeal to philosophical atheism cannot serve as the basis of these conclusions and must be rejected in favor of the historical-materialist investigation of religion's significance to the class struggle. Thus, Goldstick's conclusion stands, but his criterion falls.

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A Rejoinder to Erwin Marquit's Critique of *Socialism Betrayed*

Roger Keeran and Thomas Kenny

Erwin Marquit's review essay (*Nature, Society, and Thought*, vol. 16, no. 4 [2003]) of *Socialism Betrayed: Behind the Soviet Collapse* (Keeran and Kenny 2004) is mainly a vehicle for his own one-sided and highly tendentious revisions of early Soviet history. His faulty characterizations of our views are so numerous that it would take a much longer rejoinder than this one to answer them all. Below we will attempt to deal with the main difficulties of his thesis and his criticism of our book.

In his comments, Marquit barely comes to grips with the main thesis of our book. His goal is not to explain the Soviet collapse. It is to interpret Soviet history in such a way as to extol the "socialist market economy." Like a text lifted from Holy Scripture, which is merely the *occasion* for a preacher's sermon, Marquit's revised narrative of early Soviet history is the passage chosen to preach the gospel of the socialist market economy.

Simply put, our thesis in *Socialism Betrayed* is that a right and left polarity characterized CPSU politics; that a "second" or private economy developed in the Soviet Union in the thirty years before 1985; that this second economy provided a strong and growing material base for rightist ideas in the CPSU that favored weakening the Party, centralized planning, and socialized property; and that the main reason the Soviet Union fell apart was that Mikhail Gorbachev adopted these right-wing reform ideas after 1986.

Marquit does not question the factual groundwork of our analysis. He simply advances his own ideas. He argues that the Soviet

Union collapsed because it was too undeveloped to have a socialism based on centralized planning and social property.¹ Centralized planning led after 1975 to slow growth and eventually a crisis that doomed this “utopian” experiment.² If the Soviet Union had not abandoned the New Economic Policy (NEP) in the 1920s, but instead had allowed the market and private property to flourish (a socialist market economy), as China and Vietnam are doing today, the Soviet Union would have enjoyed economic growth and prosperity and would still exist.

Marquit’s rejection of our interpretation rests mainly on the plausibility of his own thesis. Two of Marquit’s notions—the bleak dilemma of backwardness and encirclement in which the Soviet Union found itself in the 1920s and the advisability for it to develop capitalism—are a commonplace. These two ideas are a forthright (but uncredited) borrowing from Leon Trotsky and Nikolai Bukharin, respectively. His own idea, that the Soviet Union collapsed in the 1980s because it failed to develop market socialism, or as he prefers, “the socialist market economy,” is grounded in no discernible evidence. First, Marquit’s entire line of thought here falls into the category of counterfactual speculation. Marquit confidently assures us that if the Soviet Union had only continued with the NEP, everything would have turned out fine.³ This is unabashedly utopian thinking. Secondly, for Marquit’s thesis to be true, evidence must exist that central planning’s failure (not chronic problems, but utter failure) caused the Soviet collapse. *There is no such evidence.* Marquit forgets his own previous writing on the subject, where he pointed out that for almost a quarter of the twentieth century (1951–74), the socialist states with central planning outpaced the developed capitalist world, with annual growth rates of 10.1 percent (9.7 percent in the Soviet Union) compared to 5.2 percent (4.4 percent in the USA) (1979, 51).

Moreover, without evidence, Marquit asserts, “The Soviet Union and the European socialist countries were in crisis at the time Gorbachev came into leadership.” Though economic growth had slowed in these countries in the 1980s, none of them was in an economic crisis in any conventional sense. Historian Fred Halliday

identified the historical puzzle posed by the years 1989–91:

What needs explanation is that an international system of states collapsed in the absence of the most evident forms of threat: it was not defeated in war; it did not face overwhelming political challenges from below (Poland being the only partial exception); it was not, despite its manifold economic and social problems, unable to meet the basic economic needs of its citizenry. It did not therefore collapse in any absolute sense. What occurred, rather, was that the leadership of the most powerful state in the system decided to introduce a radically new set of policies within the USSR and within the system as a whole. It was not that the ruled couldn't go on being ruled in the old way, so much as that the rulers could not go on ruling in the old way. (1992, 185)

In 1985, in the USSR, none of the earmarks of an economic or political crisis existed: There was no economic slump, no unemployment, no inflation, and no mass unrest. There were no strikes, no demonstrations, and no riots. The most that can be said is that there was a long-term slowdown in the Soviet economic growth rate. Slowdown, not decline. According to Swedish bourgeois economist Anders Aslund, yearly Soviet economic growth in the early 1980s was 3.2 percent (1995, 13), a matter for concern to be sure (because it was below earlier, higher growth rates), but no crisis. Moreover, the socialist economies were not all plan and no market. As Edward Boorstein observed: "Thus far, despite central planning, the market—that is, buying and selling of goods—continues to exist in all socialist countries" (1968, 253). No economic crisis or popular anger arose until Gorbachev scuttled the plan and unleashed the private sector, that is, until Gorbachev moved in the direction Marquit favors. There is simply no pattern showing that market orientation or its lack saved some and doomed others. Socialist North Korea survives with little market orientation.⁴ As for blockaded socialist Cuba, its leaders have no illusions about necessary moves back toward capitalism. Cuban Communist CC member Dr. Raul Valdes Vivo declared, "The

small private capitalist enterprises—not to speak of medium and large ones—that are receiving a green light treatment in those two friendly socialist countries [China and Vietnam] would prospectively represent a mortal political danger for Cuba” (Vilarino Ruiz 1998, 17). If Marquit were right and market orientation guaranteed sustainability, Hungarian and Yugoslav socialism would survive.

Admittedly, central planning had its unsolved problems. Marquit’s anecdotes about planning failures at a local level are matched by those cited in our book (2004, 197). Though economic planning depends on theory, planning is a body of techniques, not a theory (as Marquit seems to hold [2003c]). Planning is not “false” or “true.” It is like engineering, not physics. Central planning was a work in progress, and its technical side improved over the decades as state planners gained experience. Certain problems stubbornly persisted, such as too few or shoddy consumer goods and a growth rate below previous ones, but these did not even cause a crisis, let alone a collapse. The growth rate rose in Gorbachev’s first two years, 1985–86, when he followed the Andropov program.

There are better explanations available for the slowdown in the Soviet economic growth rate than Marquit’s doubtful theoretical postulate of a crisis of centrally planned economies. For example, wage leveling from the mid-1950s onward (that sapped incentives for worker productivity); unfavorable demographic trends; a low priority for growth-determining investment in heavy industry and a high priority for investment in consumer goods industries; unwise decisions in the Brezhnev era delaying the introduction of information technology; complacency and corruption in the CPSU leadership under Khrushchev, Brezhnev, and Chernenko; the effects of the growing “second,” private economy; and so on.

Marquit’s ideas have other shortcomings. His notion that economic development would have been more successful if the Soviet Union had not abandoned the New Economic Policy (favoring private enterprise, markets, and the peasantry) lacks any historical foundation. Not only did Lenin view the NEP as a temporary expedient, but in practice the NEP created problems that made it unsustainable. Historian E. H. Carr pointed to three crises that drove Soviet leaders to centralized planning. First, the

market created instability, for example, in the so-called “scissors” crisis of 1922–23, in which wildly fluctuating grain prices caused food shortages and unemployment among workers, harmed poor peasants and many middle peasants, but benefited kulaks. Second was the realization that the NEP policies condemned the Soviet Union to an indefinite and protracted period of industrial backwardness, a fearsome prospect in the face of threatened boycotts and invasion by Western countries. Third, in 1927–28 the idea that market mechanisms alone would be enough to feed the cities broke down completely when, in the face of falling prices, the kulaks hoarded grain and allowed the cities to face starvation (1979, 38–49, 106–114, 128). Italian Communist Giuseppe Boffa put the situation simply: “Most historians are well aware of the contradictions that eventually led to the crisis of the NEP at the end of the 1920s” (1982, 178). Marquit blissfully ignores this consensus.

A test of a historical hypothesis is not only its power to explain but also its power to predict. If Marquit’s analysis of the main dynamic of Soviet history were correct, what would one expect to be going on in China? Economic growth, general prosperity, and crisis-free development. Marquit is impressed with China’s economic growth in the 1990s, which has been brisk, but he underestimates the problematic underside. Moreover, China’s boom is waning. Wall Street lives in fear of a Chinese economic “bust” (Bradsher 2004). Not only has the yearly percentage growth of China’s Gross Domestic Product drifted downward since 1992, but also unemployment has increased every year since 1992. The official rate of unemployment was at 4 percent in 2002, and the unofficial rate at least twice that. The Western- and Japanese-owned transnational monopolies control more and more of the economy. Their share of total manufacturing sales in China went from 2.3 percent in 1990 to 31.3 percent in 2000. Moreover, “the inevitable outcomes of China’s capitalist development,” according to a recent study, include “growing unemployment, inequality, and insecurity; the cutbacks of communal health care and education; the worsening oppression of women; the marginalization of agriculture; and the multiplication of environmental crises” (Hart-

Landsberg and Burkett 2004, 110, 116–20). This is completely at variance with what Marquit's theory would predict, but it is completely consistent with our view of what made the Soviet Union's NEP *unsustainable* and what made the Gorbachev reforms such a disaster. In both cases, state-sponsored markets and private enterprise led to growing inequality and instability and the growing power of internal class adversaries.

Marquit's thesis assumes that the collapse of socialist states in 1989–91 was inevitable.⁵ This raises an intriguing question: how does Marquit view the end of Soviet socialism? He views the shift to a socialist market economy as a step toward realism. His thesis interprets the years 1989–91 not as a disaster wiping out the working class's greatest achievement thus far, but as "a learning experience,"⁶ albeit Darwinian and costly. He thinks socialism, shorn of unrealism, is now on a correct path. The Soviet collapse ended a "utopian" experiment. In short, one can hardly avoid the conclusion that Marquit actually favored the Soviet collapse.

We think that the manifest weaknesses of Marquit's ideas account for the number of red herrings he drags into his review. His emotive points about Stalin's "mass extermination" and Soviet anti-Semitism fall into this category.⁷ These points have no bearing on our argument. Yet from Marquit's lengthy comments and moral chastisements, anyone unfamiliar with our book might conclude that these are its central concerns. This is not the case. Our 230-page book does not contain a full history of the Soviet Union. Its chief goal is to explain the Soviet collapse. Since Marquit has raised these topics, however, we will say a few things about them.

Our main conclusions about Stalin are quite modest: that he belonged to the left-wing current in the CPSU, that he carried out Lenin's policies on central planning, ending national inequality, and restricting private ownership and market relations. We say that his ideas about Socialism in One Country prevailed because the majority of the CPSU leaders and members agreed with him, not because of his unjust repressions, then or later. We write approvingly of the major speech Ligachev wrote for Gorbachev in November 1987 calling for a balanced view of Stalin (Gor-

bachev 1987, 26) and of Andropov's critical comments about Stalin's unjust repressions (Ebon 1983, 272–73). We note that, after 1991, with open archives, the lunatic allegations that Stalin killed tens of millions of people are being rejected even by bourgeois academics.

This latter point offends Marquit's sense of Soviet history, which rests on such authorities as the *Encarta* encyclopedia and Robert Conquest. These sources leave a lot to be desired. Robert Conquest was not a trained historian but an intelligence agent, who from 1948 to 1956 worked for the Information Research Department (IRD) of the British Foreign Office. The IRD fed "black" or "grey" propaganda to the media about the Soviet Union, and Conquest's first book, *The Great Terror*, to which Marquit refers, was written with the support of the IRD and published by the CIA-connected publisher Praeger.⁸ About his historical method, Conquest said: "Truth can thus only percolate in the form of hearsay . . . basically the best, though not infallible, source is rumor." Not surprisingly, Conquest's rumor-mongering on the number of Soviet prisoners and victims of capital punishment has been thoroughly discredited by historians using the Soviet archives opened in 1991.⁹ Leading Sovietologists have routinely dismissed his work. Moshe Lewin called his book on the Ukrainian famine, "crap, rubbish." Soviet historian Roberta Manning, said, "He's terrible at doing research. . . . He misuses sources, he twists everything."¹⁰ We suggest that writers on the left, like Marquit, stop shrilly echoing and feeding the Satanic view of Stalin,¹¹ and stop relying for their information on such Cold War hacks as Robert Conquest.

Marquit is all for a "balanced reappraisal of the USSR," except when it comes to Stalin. Then he is content to recycle the most dubious canards of the Cold War. With new information available from the Soviet archives, now is hardly the time to assume we know everything. Rather, we need to continue a sober and balanced assessment of the Stalin years. Facts do matter. It is important to remember that executions in the Stalin period occurred during agricultural collectivization, breakneck industrialization, class conflict, and political upheaval, what some historians have called the Second Russian Revolution. By 1933 this upheaval occurred

under the lengthening shadow of German fascism. The simple though unpalatable truth is that huge social transformations usually exact a high price. After all, the American Civil War, which historian Charles Beard called the Second American Revolution, caused more than 600,000 deaths. In spite of the price, Soviet progress helps explain a recent poll showing that the Russian people continue to revere Stalin (Pipes 2004, 14). Given the present state of our knowledge, Marquit might re-consider the wisdom that he once published in *Nature, Society, and Thought* from the pen of German Communist philosopher Hans Heinz Holz:

A purely moral condemnation of the despotic aspects of Soviet communism in the years of encirclement of the Soviet Union may have honorable motives, but does not lead to comprehension of historical processes, which is necessary to understand them and to avoid their errors in the future. (1992, 121)

As for Soviet anti-Semitism, we see no point in a labored reply to Marquit. Suffice it to say, the main content of Soviet nationalities policy under Lenin and Stalin, as recognized nowadays even by bourgeois historians (Martin 2001),¹² was progress toward the equality of nations and national minorities, including Soviet Jews. Progress became less certain under their successors but continued nonetheless. Progress ended under Gorbachev, causing the breakup of the USSR as a multinational state.

Marquit's outsized focus on anti-Semitism relates to the "Nina Andreyeva affair." In our account, a controversy over a letter criticizing glasnost by a Leningrad Communist, Nina Andreyeva, marked the turning point in the struggle over perestroika and ended with the revisionist wing of the CPSU leadership defeating the Communist wing. We argue that Gorbachev, Yakovlev, and the Western media misrepresented the letter as a dogmatic, "neo-Stalinist" manifesto and that Gorbachev used these false claims to justify an attack on Yegor Ligachev and other critics in the Party leadership. We stand by this interpretation.

Marquit tries to shift the discussion from the significance of the letter to the irrelevant but loaded question of whether Andreyeva is an anti-Semite—in his words, someone "railing rabidly against

Jews.” We have no desire to defend anti-Semites, nor do we desire to besmirch a Communist’s reputation without evidence. Marquit’s evidence is slim. His judgment rests in part on the testimony of David Remnick, then a correspondent for the *Washington Post*. Remnick characterized as “ugly” remarks on Jews in the media and professions that Andreyeva allegedly made to him in private. As someone unsympathetic to both Andreyeva and the Soviet Union, Remnick is hardly an unimpeachable source. Moreover, Marquit makes much of Andreyeva’s use of the word “cosmopolitan,” the mere use of which he sees as evidence of anti-Semitism. Again, Marquit is on shaky ground. In Marxist-Leninist discourse, cosmopolitanism represents a “reactionary theory calling for repudiation of patriotic sentiment and national culture and tradition in the name of the ‘unity of mankind,’ . . . [a theory] incompatible with proletarian internationalism” (Rosenthal and Yudin, 1967, 101). Today, it applies to thinking that celebrates globalism, U.S. imperialist domination, and the obsolescence of nationality and the nation-state. Hence, “cosmopolitan” is no more intrinsically an anti-Jewish word than “neoconservative” or “Zionist.” Context is everything, and Marquit has not shown an anti-Semitic context.¹³ Finally, Andreyeva’s post-Soviet writings that are available in translation (2004a, 2004b) do not mention Jews, except for one fleeting lament that economic conditions are so bad in post-Soviet Russia that Jews, Germans, and other citizens of Russia are leaving. This is not what one would expect from a rabid Jew-hater. In light of these considerations, we leave it to the reader to decide who the rabid one is.

On one point, Marquit and we agree. Charting a way forward for socialism depends on understanding the lessons of Soviet socialism and its demise. By clearly putting forward an interpretation of the Soviet collapse so divergent from our own, Marquit has clarified the debate, highlighted the distinctiveness of our interpretation, and underscored the differences. In short, we do not agree with Marquit that a balanced view of twentieth-0th century socialism will come from mythologizing the NEP period as the “road not taken,” accepting bourgeois slander of the Stalin period, and blaming of the Soviet (and East European) collapse on central planning. This will not lead to a scientific evaluation of market

socialism in China. This is no way for supporters of socialism to recover from the calamities of 1989–91. Most importantly, this will not produce a viable strategy for twenty-first century socialism.

NOTES

1. “In the mid-1970s, a system-wide, non-cyclical economic crisis of the planned economies of the USSR and the European socialist countries began to appear” (Marquit 2003c).

2. The label “utopian” applies better to a “socialist market economy” than to a centrally planned economy. Utopian socialism (that of Owen, Fourier, St. Simon, and the like), however well-motivated, suffered from the fatal idealist notion that socialism could be won by persuading the owning classes to give up their privileged positions voluntarily. The enthusiasts of the “socialist market economy” share a similar belief that development of capitalist relations of production by a working-class state, such as China, can go on indefinitely, for a whole historical epoch, without compromising the class character of the state, presumably by persuading newly minted Chinese capitalists to forgo their class outlook and class interests.

3. That NEP was a retreat is affirmed on the right and on the left. According to Cold War architect George F. Kennan, “By the spring of 1921, the situation had become so bad that Lenin had to promulgate his so-called New Economic Policy (NEP) involving major if temporary concessions to private enterprise” (1960, 32). According to Marxist historian Christopher Hill, “Lenin never attempted to disguise the fact that it [NEP] was a large-scale retreat, another breathing-space, a Brest-Litovsk on the economic front” (1971, 140). Center forces in socialist states, however, needed a fictionalized NEP to justify a right turn. Revisionist Communists, social reformists, and liberal reformists therefore falsely idealized the NEP, wistfully mythologizing it as the Road Not Taken, the “lost Soviet reform.” In 1956, Hungarian revisionist Communists promoted this notion, as did Ota Sik, top adviser to Czechoslovak revisionist Communist Alexander Dubček in 1967–68 (Mrachkovskaya 1972, 34). Stephen F. Cohen’s ally, Roy Medvedev, hailed NEP as “Lenin’s most vital contribution to the theory and practice of the socialist movement” (1981, 177). Similarly, early Gorbachev adviser Tatiana Zaslavskaya promoted NEP as the model for Gorbachev’s post-1986 reform course (1990, 63). Nowadays, NEP is invoked to justify the Chinese socialist market economy, and not only by Erwin Marquit. The *Nation*’s Soviet analyst Stephen F. Cohen has declared, “Simply put, the Chinese Communist Party has rehabilitated the lost economic alternative to Stalinism. . . . NEP, which established a mixed economy, was the first experiment in market socialism” (1986, 69–71).

4. After introducing limited “market reforms” in early 2002, the Democratic People’s Republic of Korea (DPRK) is already suffering negative effects in six-

fold price increases for rice, as well as factory layoffs, according to a Beijing-based Canadian correspondent (York 2004).

5. "It is now clear that the attempt at socialist construction without recourse to market forces was premature. Therefore the recourse to market forces and limited incorporation of capitalist relations of production should not be considered a retreat, but a necessary stage for the transformation from capitalist to socialist relations of production" (Marquit 2003a).

6. Domenico Losurdo's phrase, cited in Marquit 2003b, 502.

7. Marquit's lengthy summary of the Bolshevik debates on revolutionary strategy in the 1920s seems to us aimed at pumping up a Stalin-as-Monster sub-thesis, which Marquit requires in order to explain why his mythical "NEP, the model of the socialist market economy" was abandoned by the Soviet leaders.

8. S.v. "Robert Conquest," <http://www.fact-index.com>.

9. Getty et al. 1993. This key article concluded: "The long-awaited archival evidence on repression in the period of the Great Purges shows that the levels of arrests, political prisoners, executions, and general camp populations tend to confirm the orders of magnitude indicated by those labeled as 'revisionists' and mocked those proposing higher estimates."

10. Quotations from Conquest, Lewin, and Manning are taken from Coplon 1988.

11. Stalin increasingly used "extermination" (Marquit 2003b, 486); Keeran and Kenny "downplay or justify murder" (489); Keeran and Kenny "suggest" that revisionist historiography's lower estimates of lives lost in the Stalin era "makes these mass murders more acceptable" (489).

12. For a realistic and fair discussion of the "Soviet anti-Semitism" issue on the eve of Gorbachev's rule, see Mandell (1985, 307–47). See also Fox 1986.

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Response to Keeran and Kenny's Rejoinder

Erwin Marquit

It is true, as Keeran and Kenny state, that the Soviet Union was not experiencing the kind of crisis that capitalist countries undergo—that is, overproduction marked by unsold inventories, curtailment of production, and unemployment. A chronic slowdown occurred, as Keeran and Kenny acknowledge, in the rate of growth of production beginning in the mid-1970s, after a period of high rates of growth. The cause of this slowdown was the inability, because of inadequate incentives and inflexibility, of the centrally planned economy to take proper advantage of the results of the scientific and technological revolution as its economy grew in scale. The disparity between the Soviet Union and the industrialized capitalist countries in technological development steadily increased. The widening gap threatened the economic and military survival of the Soviet Union in a world economy dominated by an increasingly aggressive imperialism.

In the 1960s, the socialist countries began to develop an economic, political, and military alliance with Third World countries on paths of noncapitalist development. This alliance began to falter in the mid-1970s because these countries were unable to base their development on increasing their trade with the socialist countries. One by one, they fell back into neocolonial dependence on their former colonial masters.

Further signs of the crisis were unfulfilled five-year plans for increases in production and improvements in the standard of living, and the inability to provide goods and services commensurate with the growing cultural development of an increasingly educated population. The economies of the socialist countries were further burdened by growing debts from heavy foreign borrowing for industrial development and sustaining living standards and social services; the size of these debts became public in most countries only after the collapse. The ensuing social disaffection

of the population to the socialist idea cannot be attributed solely to capitalist ideology disseminated by the rightist forces embedded in a second (petty-bourgeois) economy. A greater role in causing this tragic disaffection was played by the failure of Soviet-style centralized planning to sustain the socialist ideal.

When Keeran and Kenny say that there is still a market in a centrally planned economy, they miss the point. In the Soviet model, an automobile factory will buy its tires from its designated tire manufacturer. The tire manufacturer cannot arbitrarily set the price that the automobile factory will pay. The automobile factory cannot dictate to the tire manufacturer the price that it will pay. The price is either set by the central plan or by some other central body. Although there may be an incentive for the tire manufacturer to improve its economic performance by lowering the cost of production, the only economic compulsion to do so must come from the central planning bodies assigning a quota on cost reduction over some period of time, a process that is relatively independent of market-driven productivity increases in the market-oriented economies. Moreover, as I pointed out in an earlier article, no adequate theory of price formation for exchanges of products between two enterprises in the absence of a competitive market had been developed (2002, 192). Even if the problems of coordination of the various components of a centrally planned economy were solved, a socialist country still would not be able to close the gap in productivity with the leading capitalist countries without the same market-driven do-or-die incentives that forces technological development in capitalist enterprises.

Keeran and Kenny's rebuttal cites China's problems to illustrate the failure of a socialist-oriented market economy. Such problems, which Vietnam also experiences, must, however, be put in the context of economies that are doubling the average standard of living every ten years. Infant mortality in China in 1999 was 43 per thousand births; in 2004, it is 25 per thousand; in Vietnam it was 44 per thousand in 1994 and is expected to drop to 30 in 2005. For more detailed consequences of Vietnam's shift to a socialist-oriented market economy (the term the Vietnamese prefer), see the articles in *Nature, Society, and Thought* (vol. 15, nos. 2–4) from the January 2003 conference and study tour in

Vietnam cosponsored by *NST* and the Ho Chi Minh National Political Academy.

Keeran and Kenny cite the historian Edward H. Carr to the effect that “in 1927–28 the idea that market mechanisms alone would be enough to feed the cities broke down completely when, in the face of falling prices, the kulaks hoarded grain and allowed the cities to face starvation” (this issue, page 347). Here is what Carr actually wrote in regard to 1927–28: “The belief, on which NEP was founded, that the cities could be fed through a combined system of voluntary deliveries to the state and free sales on the market had broken down” (128). Carr does not attribute the problem to “falling prices” of grain. He observes that the peasants withheld grain from the market because the price fixed by the state for their grain was too low in relation to the high price of manufactured goods they needed (such as textiles, leather, and tools). Stalin rejected Bukharin’s proposal to decrease this price gap. Carr describes how the NEP policy of voluntary sale by the peasants was then replaced by seizure of the grain from the peasants, and not just from the kulaks (125–28). Molotov, second to Stalin in the leadership hierarchy, describes with pride his own role:

On January 1, 1928, I had to go to Melitopol on the grain procurement drive. In the Ukraine. To extort grain. . . .

From everyone who had grain. Industrial workers and the army were in a desperate situation. Grain was all in private hands, and the task was to seize it from them. Each farmstead clung to its stock of grain. . . .

. . . We took away the grain. We paid them in cash, but of course at miserably low prices. They gained nothing. . . .

. . . I applied the utmost pressure to extort the grain. All kinds of rather harsh methods of persuasion had to be applied. . . .

Soon I returned to Moscow. Stalin met with the most experienced grain collectors. I reported on how I used pressure tactics and other ruses. . . .

. . . He said then, “I will cover you with kisses in gratitude for your action down there!” (Chuev 1993, 241–42)

Bukharin’s proposal would have allowed a faster pace of industrialization in the 1930s since it would have provided more

grain for export. Instead, the peasants resisted seizure by every means possible, including planting less grain, whereupon Stalin instituted forced collectivization, expecting that this would facilitate the requisitioning of grain and, unbelievably, the formation of a socialist consciousness. The consequences were disastrous for the peasants, worsening the grain shortage as physical force against them escalated. Stalin thus abruptly ended the alliance between workers and peasants on which Lenin's conception of NEP was based. Party leaders, Molotov states, had to go out to the countryside for the next five years to extort the grain.

Keeran and Kenny state that my discussions of Stalin's mass executions and persisting anti-Semitism are red herrings, since their book was about the Soviet collapse. These are not at all red herrings. The increasing alarm of veteran Bolsheviks at the rupture of the worker-peasant alliance led to an unsuccessful movement to replace Stalin by Kirov as general secretary at the Seventeenth Party Congress in 1934, a move rejected by Kirov, who was an ally of Stalin (Chuev 1993, 218). Stalin then used the (still unresolved) assassination of Kirov to unleash his mass exterminations of the Old Bolsheviks (as the veterans of the October Revolution and Civil War were known). The consequences of these exterminations are factors fundamentally related to the collapse. Stalin used the reign of terror to establish his unbridled personal power, including power over the life and death of any person in the Soviet Union. Both Molotov—who even as he was about to fall victim himself never lost his admiration of Stalin—and Khrushchev have described how the life of every member of the Politburo was at the mercy of Stalin's perception of him at any moment.

With the terror that he unleashed, Stalin succeeded in institutionalizing a self-perpetuating Party leadership not accountable to the Central Committee that had supposedly elected it. This distortion of Lenin's concept of democratic centralism continued in the decades after Stalin's death, with no criticism from below tolerated, thereby preventing any comprehensive discussion on the process of socialist construction. Any modification of direction became impossible; shortcomings of the excessively centralized planned economy could not be identified; errors could not be corrected.

Keeran and Kenny fault me for using “Cold War hacks like Robert Conquest” as sources for information, and for “shrilly echoing and feeding the Satanic view of Stalin.” I am quite aware of Conquest’s anti-Sovietism and therefore cited him only in relation to information available from official Soviet sources. For example, his text of Stalin’s authorization of torture to extract confessions was actually taken from Khrushchev’s speech to the Twentieth Congress. In no instance did I repeat exaggerated numbers of deaths given by Conquest or any other historian.

In their rebuttal, Keeran and Kenny continue to dwell on the question of the number of the executions and imprisonments over the long period between 1921 and 1953, which covered the aftermath of the Civil War, eradication of the kulaks in the early thirties, and even World War II collaborators. This attempt to downplay the scale of the executions in general serves to deflect attention from the specific issue I addressed—the execution of Communists in 1937 and 1938. As I stressed in my review, these mass executions followed confessions by former Communist leaders at public trials about conspiracies that never existed; these confessions had been extracted by torture and beatings. In a personal letter to Stalin just before his trial and kept secret until 1993, Bukharin wrote that he had no intention of recanting to the world at large at his public trial (he still wished to preserve the image of the Party he had served) the confessions he had signed during his interrogations, but that he was in fact innocent of the crimes to which he had confessed (Getty and Naumov, 1999, 556). Defendants were denied defense counsel, the right to cross examine witnesses, and any appeal. Most of those executed did not even have trials, but were executed after being brought before three individuals—the local Party secretary, procurator, and NKVD chief—working from lists often countersigned by Stalin and other members of the Politburo.

Molotov makes it clear that the executions were not for crimes committed but preemptive executions to cleanse the Soviet Union of anyone who might question Stalin’s policies. To Molotov, “the confessions seemed artificial and exaggerated” . . . “I consider it inconceivable that Rykov, Bukharin, and even Trotsky agreed to cede the Soviet far east, the Ukraine, and even the Caucasus to a foreign power. I rule that out” (Chuev 1993, 264). But this

was precisely the main charge against Bukharin and Rykov (and nineteen others), for which they were executed in 1938. This non-existent plot was also the basis for the execution of Tukhachevsky and almost all the military commanders and thousands of officers under them. It is clear from other comments by Molotov that Stalin's real reason for the executions was that he considered the victims rightists who might challenge his leadership in the future: "We could have suffered greater losses in the war—perhaps even defeat—if the leadership had flinched and allowed internal disagreements like cracks in a rock. . . . Had no brutal measures been used, there would surely have been a danger of splits within the party" (256–57). Further, "It is indeed sad that so many innocent people perished. But I believe the terror of the late 1930s was necessary. . . . Stalin insisted on making doubly sure: spare no one, but guarantee absolute stability for a long period of time. . . . It was difficult to draw a precise line where to stop" (278).

Nikolai Yezhov was put at the head of the NKVD by Stalin in 1936. Molotov states that Yezhov "set arrest quotas by region, on down to districts. No fewer than two thousand must be liquidated in such and such region, no fewer than fifty in such and such district . . . he just overdid it because Stalin demanded greater repression" (262–63). After uneasiness over the executions began to surface, Stalin had Yezhov executed for the excesses that he, Stalin, had demanded. Molotov states that Stalin, as head of the Party, would sign the lists of people to be arrested and that he, as head of the government, would sign whatever lists Stalin signed (as did other members of the Politburo). "I signed lists containing the names of people who could have been straightforward and dedicated citizens. The Central Committee was also to blame for running careless checks on some of the accused. But no one could prove to me that all these actions should never have been undertaken" (297).

When one member of a family was shot, it was common practice to arrest the other family members or send them into exile. "They had to be isolated somehow," explained Molotov. "Otherwise they would have served as conduits of all kinds of complaints. And a certain amount of demoralization" (277–78).

These are not words coming from "Cold War hacks like Robert Conquest," but from an unrepentant ally of Stalin.

Keeran and Kenny actually question the veracity of only one citation from my entire review. Without any evidence that *Washington Post* correspondent David Rennick has ever fabricated materials in his reporting, they suggest that he may have done so in citing Nina Andreyeva's anti-Semitic remarks.

Finally, a comment on their denial of the anti-Semitic connotation of the term *cosmopolitanism*. Originally used in the USSR in the dictionary meaning described by Keeran and Kenny, the term *cosmopolitanism* had by 1948 become a code word for Jew. Almost anyone with any political experience in the socialist world during the Cold War would be aware of this; Jews and other ordinary citizens recognized this meaning; some Communists and certainly anti-Semites used it. This is made abundantly clear when Andreyeva links the "refuseniks" (Jews who had applied for emigration to Israel) with cosmopolitanism. In a practice that was limited to attacking Jewish writers as cosmopolitans in the Soviet press, their original Jewish-sounding names would be given in parentheses along with their pen names. Referring to such incidents, Molotov acknowledges "not everything about it was handled correctly." And then he adds, "But there were also quite serious grounds for action" (1989, 196).

Molotov, whose Jewish wife had been imprisoned by Stalin without any explanation to him and who had no knowledge of her fate except that Beria would sometimes whisper in his ear, "Polina is alive" (323), appears to be oblivious to Stalin's and his own anti-Semitism. Responding to a criticism of Stalin by Marshal Kiril Meretskov, Molotov states, "Meretskov is inaccurate, you can't trust him on this. Stalin called him 'Yaroslavets.' Why 'Yaroslavets'? People in Yaroslavl were so shifty, he said, that there were almost no Jews. Russians themselves played such roles and one of them was Meretskov" (24). Unashamedly Molotov recounts that when he began to work on foreign affairs in 1939, "Stalin said to me, 'Purge the ministry of Jews,'" to which Molotov comments, "Thank God for those words!" (192). But immediately after that he says, "Stalin was not an anti-Semite, as he is sometimes portrayed" (192). Later on, Molotov acknowledges that at the time of the alleged doctors' plot in 1952–53, Stalin wanted to deport Soviet Jews to a separate zone in the USSR (236). The

execution of almost the entire executive committee of the Jewish Antifascist Committee in 1952 was described in a previous issue of *NST* (Judick 1999). Khrushchev, in his memoirs, states:

I remember when Stalin told me that sticks should be given to workers to beat the Jews who he insisted were behind the strike in a Moscow factory. Stalin was a dyed-in-wool anti-Semite. He gave me direct instructions to make short work of the Jews in the Moscow party organizations. (1990, 26–27)

I agree with Keeran and Kenny that the anti-Semitism issue is peripheral to the subject matter of their book. I included it because their denial of anti-Semitism among Soviet leaders illustrates the persisting legacy of denial among some Communists today who are attempting to put Stalin back on a pedestal to counter the experiments with the use of market forces in socialist construction. This denial had prevented Communists in the past from recognizing the perversions of the socialist idea that had been occurring in the Soviet Union. If those of us who are Communists are to play a role in bringing a socialist consciousness to our people, we cannot present the positive heritage of the first attempt at socialism and pretend that the tragic mistakes that contributed to its collapse never existed.

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MARXIST FORUM

The Communist Party of Greece hosts an annual meeting of Communist and Workers Parties, to which it invites parties from many countries all over the world. The 2004 meeting was held in Athens in October. The sixty-four participating parties from fifty-one countries reflected the divergent ideological approaches existing today in the Communist movement; in a number of cases more than one party represented a given country. Five different parties, for example, came from Russia.

Despite differences in views on a wide range of subjects, the participating parties were able to formulate a common statement on the major theme of the conference: "Resistance to Imperialist Aggression: Fronts of Struggle and Alternatives." At the close of the three-day conference, the participants adopted a summary of the positions agreed upon by all the participating parties, and issued it in the form of a press release. We present this summary in the pages that follow.

Because of its particular theoretical content, we also include the presentation of the representative of the German Communist Party (DKP).

The texts of available written presentations from the international meeting can be found at <http://www.solidnet.org>.

International Meeting of Communist and Workers Parties

Athens, 8-10 October 2004

Press Release

On 8–10 October 2004, sixty-four Communist and Workers Parties met in Athens at an international conference, “Resistance to Imperialist Aggression: Fronts of Struggle and Alternatives.” Several parties that were unable to participate in the meeting due to the situation in their countries sent greetings and written contributions that are included in the materials produced by the conference (<http://www.solidnet.org>).

In the three days of conference deliberations, a creative exchange of viewpoints on the international situation took place. Significant experiences were shared on the development of the peoples’ movement, of the mass movement, and the movements of the Communist and Workers Parties.

Many speakers referred to the situation that has developed following the military interventions of the United States and their allies against the peoples of Afghanistan and Iraq and the occupation of those countries. The participants categorically condemned the dangerous heightening of imperialist aggression and the gross violation of the principles and rules of international law that has led to an even deeper crisis in the UN in its role of safeguarding peace and promoting peaceful settlement of disputes among states.

The U.S. doctrine of preemptive strike and preemptive war, also adopted by the EU, Australia, and the Russian Federation in the

name of confronting terrorism, was considered as being particularly dangerous for the world's peoples and world peace. The militarization of Japan, which for the first time after World War II has sent an army outside its borders, was particularly noted. The necessity of broad and coordinated action by parties and movements to confront this dangerous situation was emphasized. The necessity for campaigns and mobilizations that aim to change the current balance of forces on national, regional, and international levels for the benefit of the forces of peace and socialism was underscored.

Many speakers noted the vicious attack of neoliberal policies on the social and workplace rights of the working people, with the principal victims being young people and women. They noted that poverty has risen, as has the concentration of wealth, while the increasing burden of the external debt suffocates the people of developing countries.

Several speakers referred to the restriction of democratic rights and freedoms, especially in reference to "antiterrorism" laws, the intensification of oppression, and the problems of immigrants and refugees. They rejected the effort to characterize the peoples' and national liberation movements as "terrorist." References were made also to the legitimate right of the people to resist occupation. They expressed their concern about the rise in anti-Communism, as well as in fundamentalism, racism, and neofascist viewpoints and forces. The importance of solidarity in confronting anti-Communist ordinances, prohibitions, and restrictions was emphasized. The importance of opposing imperialist aggression was stressed.

Many speakers noted as well the special role played by the decisions of the "G8" in international politics, the role of NATO with its new aggressive doctrine, guided by the concept of pre-emptive war, and the role of the EU with the creation of its own "rapid deployment force." It was emphasized that the new expansion of NATO essentially transforms it into a global policeman, under the leadership of U.S. imperialism.

Participants from the countries of the Commonwealth of Independent States [former Soviet republics] mentioned the recent dramatic events in the Russian Federation and expressed the viewpoint that those developments are linked with interests

of imperialist circles, first and foremost with those of the United States that aim at weakening the unity of the Russian Federation.

Some speakers referred specifically to the plan for the “Greater Middle East” promoted by the United States, and approved by the “Group of 8”—the most powerful countries—and NATO, which foresees the “reformation” of the area in accordance with imperialist interests as well as military action. They emphasized the need to confront this effort immediately with coordinated mobilizations. The plan embraces almost the entire energy belt, consisting of those countries that produce oil or countries through which pipelines for oil and natural gas pass—countries in the Caucasus, Caspian Sea area, Africa, and the Arab countries of the Mediterranean, the Red Sea, and the Gulf.

It was noted that threats against Lebanon and Syria by the United States and its allies have intensified in the recent period. Participants vehemently condemned these threats and expressed their solidarity with the people of those countries. The aggression of the Israeli government against the Palestinian people was condemned, as was their intensified barbarism against the Gaza Strip and the building of a wall that annexes the occupied territories of the West Bank, enclosing the Palestinians in a ghetto.

The U.S. government’s threats against Iran and provocative statements by the Iranian regime create the danger of conflagration and the total destruction of the area. A military strike directed by the United States against Iran will be not only catastrophic for the people of Iran but also for the movements for peace, progress, and democracy all over the world. Such threats also serve as a pretext for intensifying the repression of progressive and democratic forces. Conference participants pointed out that the future of Iran must be decided only by the Iranian people and the progressive and democratic forces, not by an “alternative solution” imposed by outside forces.

Several speakers commented on the complicated situation in Africa, where there is an emerging antagonism between the leading forces of the EU—namely France, and the United States. NATO is also formulating plans for its military presence in the African continent, in the name of either confronting terrorism or the allegedly

“failed states.” Military forces of the EU are already present in the Peoples Republic of the Congo. The events in Darfur resulting from the policies of the Sudanese government are being used as a pretext for the deployment of troops under the auspices of either the UN or NATO. Participants expressed their solidarity with the inhabitants of Darfur and they supported the dispatch of solidarity missions to the area.

Tensions are high in Latin America as well. The attacks of the United States and the EU against Cuba are continuing. The participants in this conference emphatically condemned the plan for an “Initiative for a Free Cuba” and expressed their solidarity with the Cuban people. Speakers called for the intensification of the campaign for the release of the five Cuban patriots imprisoned in the United States for activities against the terrorist groups in Miami.

Quite a few participants referred to the increased tensions on the Korean peninsula. They expressed their solidarity with DPR of Korea facing a US-led blockade, diplomatic isolation, and threat of imperialist aggression.

It was noted that FTAA [Free Trade Area of the Americas] and its military version in “Plan Colombia,” now renamed as the “Andean Regional Initiative,” constitute a great danger for the people of Latin America. Mention was also made of the “Puebla-Panama Plan,” which is directed toward the exploitation of the natural resources of the region by North American multinationals.

Some speakers addressing the situation in EU countries underlined the reactionary, neoliberal, and militaristic character of the EU Constitutional Treaty and the actions taken by parties and movements for its rejection.

Several speakers noted that, despite imperialism’s increased aggression, widespread popular movements and reaction against the imperialist wars are great signs of hope. In parallel to this are important class struggles by the working-class and the trade-union movement, along with other social struggles. Also emphasized was the necessity of developing activity in the workplace and support for the working-class forces in the workers and trade-union movement.

Numerous speakers noted that despite its power, the United States is encountering considerable difficulty in imposing its

plans. A critical contribution to this has been the significant resistance of the people who defend their national independence and sovereignty in combination with international solidarity. It was underlined that the victory of the popular forces in the recent vote in Venezuela had a wide impact.

The participants expressed their solidarity with the Iraqi people and the progressive and popular forces that are fighting for their right to determine their fate with their free will, to put an end to the occupation, and to open up prospects for radical democratic change.

The participants reiterated their support for the struggle of the Palestinian people and also expressed their solidarity with the peace-loving forces of Israel, while special mention was made of the Israeli youth that refuse to serve in the army in the Occupied Territories, often resulting in their imprisonment.

The participants condemned the continuing occupation of Syrian and Lebanese territories and demanded the unconditional withdrawal of Israeli troops and the return of all refugees in accordance with UN Resolutions 242, 338, and 194.

The participants expressed their solidarity and support for the struggle of the Cypriot people—Greek-Cypriots and Turkish-Cypriots—for a federal solution on the basis of decisions and resolutions of the UN and its Security Council, for the removal of Turkish occupying forces, for the reunification of Cyprus and its people, which will contribute to the establishment of peace in the Eastern Mediterranean region.

There was an exchange of opinion regarding the antiwar and antiglobalization movements, the role of Communists in these, as well as the struggle within these movements over their orientation.

It was noted that it is necessary to develop active political solidarity and support among Communist and Workers Parties, as well as among popular movements in general. Many speakers mentioned the need for supporting a series of initiatives taken by several Communist and Workers Parties or movements.

The participants expressed the need to continue and multiply similar meetings of Communist and Workers Parties. They mentioned as an example the meetings of the CPs of South

America and the idea of holding similar meetings on the occasion of EU summit meetings.

The need for wider meetings on subjects of international interest and regional and local meetings was also noted. One such meeting is result of the initiative of the Lebanese CP for the issues of the region.

It was also proposed to celebrate the sixtieth anniversary of the antifascist victory with an international event in Prague.

Important events for campaigns and mobilizations are: the struggle against the EU Constitution; the emerging reaction to the attack against the social insurance and workers' benefits; the increase in the hours of work, and layoffs; the continuation of anti-NATO mobilizations this year in Venice and during the NATO summit in Nice in 2005, as well as the youth struggles, especially the latter in conjunction with the World Festival of Youth and Students next August in Venezuela.

The idea was put forward to try having our parties meet in view of important international events, with the aim of achieving a more collective processing of proposals and a more united understanding and position. Such an opportunity is offered by the initiative of the CP of Brazil that is organizing a big internationalist event in Pórtó Alegre in Brazil during the convening of the World Social Forum.

The positive effect that the exchange of opinion and cooperation among Communist and Workers Parties has on coordination and on united action with wider anti-imperialist, antimonopoly, democratic, and patriotic forces, as well as for the development of the movement against capitalist globalization, was emphasized by many speakers.

Also put forward was the usefulness of theoretical discussion that will broaden the exchange of views and ideas concerning the prospects for socialism under contemporary conditions.

The participants also expressed the need to strengthen even more the internationalist solidarity of our parties with Communists and other progressive people and parties that are facing persecution, imprisonment, and those whose activity is banned. In addition, solidarity was urged in action against antidemocratic

discrimination and reactionary regulations that target democratic rights and freedoms.

Text of press release adopted by the participants. Written contributions can be found at <http://www.solidnet.org>.

List of participating parties

Communist Party of Albania; Algerian Party for Democracy and Socialism (PADS); Communist Party of Australia; Democratic Progressive Tribune (Bahrain); Communist Party of Bangladesh; Workers' Party of Belgium; Communist Party of Brazil; New Communist Party of Britain; Bulgarian Communist Party "Georgi Dimitrov"; Communist Party of Bulgaria; Communist Party of Canada; Communist Party of Cuba; AKEL-Cyprus; Communist Party of Bohemia Moravia; Communist Party in Denmark; Communist Party of Denmark; Communist Party of Estonia; German Communist Party (DKP); Communist Party of Greece; Unified Communist Party of Georgia; Communist Party of India; Tudeh Party of Iran; Workers' Party of Ireland; Communist Party of Ireland; Communist Party of Israel; Party of the Italian Communists; Party of the Communist Refoundation (Italy); Iraqi Communist Party; Jordanian Communist Party; Worker's Party of Korea; Socialist Party of Latvia; Lebanese Communist Party; Socialist Party of Lithuania; Communist Party of Luxembourg; Communist Party of Malta; Party of the Communists (Mexico); Party of the Communists of Republic of Moldova; New Communist Party of the Netherlands; Communist Party of Norway; Palestinian Communist Party; Palestinian People's Party; Philippine Communist Party (PKP-1930); Communist Party of Poland; Portuguese Communist Party; Romanian Communist Party; Socialist Alliance Party (Romania); Communist Party of the Russian Federation; Communist Workers' Party of Russia—Party of the Russian Communists (RKRP-RPC); Communist Party of the Soviet Union (CPSU); Union of Communist Parties—Communist Party of the Soviet Union, Communist Party of Slovakia; Communist Party of Spain; Communist Party of Peoples of Spain; United Left (Spain); Sudanese Communist Party; Communist Party of Sweden; Syrian Communist Party [two parties with the same name]; Communist Party of Turkey; Party of Labor (EMEP) [Turkey, observer]; Union of Communists of Ukraine; Communist Party USA; Communist Party of Vietnam; New Communist Party of Yugoslavia

Messages and written contributions were sent by:

Communist Party of Argentina; Communist Party of Austria; Workers' Communist Party of Bosnia-Herzegovina; Communist Party of Chile; Colombian Communist Party; Communist Party of Ecuador; Communist Party of Finland; Communist Party of India (Marxist); Kurdistan Communist Party—Iraq; Lao Peoples' Revolutionary Party; Popular Socialist Party of Mexico; Communist Party of Nepal (UML); South African Communist Party; Communist Party of Ukraine; Communist Party of Venezuela

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Presentation by the German Communist Party (DKP)

The German state no longer feels compelled to create a balance among the social interests of its society. The major political factions are no longer convinced that the maintenance of the welfare state is needed to stabilize the system. They do not even see a necessity to uphold their slogan that everybody is sharing in the increase of prosperity—even in differentiated ways. Capital declares itself openly for dissolution of the “class compromise” that arose in the phase of economic prosperity.

The present more intense exploitation makes it clear that the “welfare state” was an addition, not a contrast to the market economy. The concessions granted in a period of fair weather economy are being reversed by taking advantage of the structural weakness of the working class. All the achievements of the prosperity phase are being thrown into question. Yesterday’s talk of social partnership or the constitutional rule of social responsibility has disappeared from propaganda campaigns of capital. “Four and a half million Germans are unemployed—they are no longer able to compete.” This sentence can be read in German newspapers.

All this turns around the “ravenous hunger for profit” (Marx), about diminution of the price of labor and more intensive exploitation. For this goal, pay must be lowered, working hours prolonged, greater “flexibility” introduced governing the whole lifetime of working people. This results in increasing competition among the members of the working class.

Splits and solidarity

Splitting trends within the proletariat were no unknown phenomenon for Marx and Engels. In the *Communist Manifesto*, we read that capitalism divides the working class. This is why Marx and Engels did not become slaves to the illusion that the socio-economic conditions of the working class would be the only reason for the workers' revolutionary role. In their opinion, it was less the miserable living conditions than its existence as a collectively producing and exploited class that makes the proletariat the subject of social change. The living conditions and objective interests of the workers—crowded together in ever-bigger masses through the development of industry—were brought into line. However, this is only one side of the problem. At the same time, people are set against each other by the principle of bourgeois competitiveness. Marx and Engels wrote on the question of ethnic conflicts:

All the industrial and commercial centers in England now have a working class *divided* into two *hostile* camps, English PROLETARIANS and Irish PROLETARIANS. The ordinary English worker hates the Irish worker as a competitor who lowers the STANDARD OF LIFE. In relation to the Irish worker, he feels himself to be a member of the *ruling nation* and, therefore, makes himself a tool of the English aristocrats and capitalists *against* Ireland, thus strengthening their domination *over himself*. He harbours religious, social and national prejudices against him. . . . The Irishman PAYS HIM BACK WITH INTEREST IN HIS OWN MONEY. He sees in the English worker both the accomplice and the stupid tool of English *rule in Ireland*.

This antagonism is artificially kept alive and intensified by the press, the pulpit, the comic papers, in short, by all the means at the disposal of the ruling class. This antagonism is *the secret of the English working class's impotence*, despite its organisation. It is the secret of the maintenance of power by the capitalist ruling class. (Letter of Karl Marx to Sigfrid Meyer and August Vogt in New York, 9 April 1870)

Marx saw split and political unity as a dialectical process: collective working leads to acknowledging identity of mutual interests. At present, this process of splitting and separation as described here has changed its form. In an atmosphere of uncertainty, it has become more difficult for the members of the working class to understand the structural equality of their social situation and to develop a consciousness of common interests. That these processes of consciousness formation have become more complicated does not mean, however, that they have become impossible. This is so not only for workers with a latent knowledge of common life and interests; under conditions of intensified conflicts there is also a growing readiness to accept collective interests.

For parts of the working classes this is a completely new experience. The new class structure is brought about by the formation of the ruling block, in which the place of the traditional middle class is limited. The employees of the so called “new economy” had to learn how fast short-time privileges can be put into question. Today waves of rationalization have arrived in the “white collar” departments. A gradual erosion of their status started to shake a former feeling of self-assurance. The middle class can be classified as relatively privileged in comparison with the rest of the population. However, its traditional expectations and income are most likely only assured in phases.

Crisis and resistance

Recognition that the given greater perception of mutual interests is a preliminary stage for working people acting as a class requires looking beyond the present conditions of a double crisis: a crisis of the economy and a crisis of political resistance. The split in the workforce is partially caused by structural changes, yet the intensity of this process is not constant. In a period of economic calm, its destructive effects on social conditions will be stronger than in phases of economic upswing. Principally, the segmented, hierarchically organized, and geographically split up world of labor needs to develop new forms of its organization that reach beyond traditional frames. The labor movement has to break new grounds, because traditional concepts of politics and organization increasingly found their limits. Capitalist “modernization”

penetrates wider and wider areas of life and subjugates them under the logic and rules of market and utility; at the same time masses of workers are pushed out of secure jobs and driven into the so-called “informal sector.”

The labor movement will have to adapt itself to these conditions and find more effective forms of organization to prove itself in coming struggles. The necessity of strategic reorganization does not mean that present centers and issues will play a minor role. On the contrary, political issues must be represented all the more strongly, since the discussions forming a future society will circle around these problems. Even if the present industrial centers will still be significant as places of production of surplus value, their status will no longer be exclusive. Therefore the “centers” can only win back an adequate political importance if they become an “organic” part of a social movement.

Developing emancipatory consciousness is subjectively a process of (intellectually) falling in line with the new social world. The subjects must overcome their reluctance to come to terms in realizing the given situation. It is a difficult process for each individual to see through all kind of shams. This can only be successful in a political and organizational context and in the struggle for immediate interests. Collective conviction can only result from an organisation with a clear vision.

Presented at the International Meeting of Communist and Workers Parties, Athens, 8-10 October 2004..

Book Reviews

Law and Philosophy Subversive of Democracy. By James W. Syfers. New York: Peter Lang, 2003. 206 pages, paper \$32.00.

James Syfers's collection *Law and Philosophy Subversive of Democracy* is a rarity in the field of legal philosophy—a politically relevant book offering startling theoretical insights.

The book opens with a rather unsettling pronouncement: "As we enter the twenty-first century it is not at all clear that American democracy will survive in a form acceptable to the majority of its citizens." Syfers argues that something has gone desperately wrong with the democratic project. By carefully blending legal analysis, history, and rigorous logical argument, he shows how the economy, the legislature, and the courts have fallen under the spell of corporate rule. He explains the implications of this development for human rights, racial inequality, and class conflict, and curiously, he traces its causes back to philosophical mistakes embedded deep in the body of constitutional law: "the legal system itself was and is based on an eighteenth century metaphysical principle that is not compatible with a modern democratic industrial society." The principle in question is that of individualism—specifically the variety that respects individuals as the exclusive holders of rights, bearers of responsibilities, and producers of value.

Metaphysics, as Syfers approaches the subject, is a branch of ideology:

it provides, as a foundational premise with its series of corollaries, a deeply lying conceptual substratum that organizes the intellectual life of a society. As such it restricts the kinds of explanations that can be given for both natu-

ral and social phenomena and events, it links the sphere of what can be considered of value or worth, and it shapes—to borrow Locke’s phrase—“the nature and extent of human knowledge.” (79)

Hence, while Syfers does not lay the blame for all our social problems on a bad metaphysics, he does show that outdated philosophical assumptions provide one barrier to reform.

In the six essays making up the bulk of this volume, individualism is shown to underlie some disparate social problems, and it is attacked in a variety of contexts. In “Law Subversive of Democracy,” we see how individualist legal theory invented the “personhood” of corporations, shaping trust and patent law to allow for the continuation of industrial monopolies, the consolidation of vast wealth, and the perpetuation of financial dynasties. The constitutional rights of corporations are revisited in “The Right of Association.” This time Syfers provides an illuminating contrast between the constitutional rights enjoyed by corporations and those of labor unions. By comparing these two surprisingly divergent strands of legal history, he reveals a deep and pronounced class bias within the law. “Rights” appear as the guarantees a government offers to elites.

The flip side of individualism is the view that groups per se have neither rights nor responsibilities. From this premise it follows that welfare benefits constitute charity, pensions are mere gifts, and sovereign states cannot be sued. The slow erosion of this theory is detailed in “Some Legal and Moral Consequences of Philosophic Individualism.”

Syfers’s last two chapters, “The Metaphysical Basis of Racism in Western Civilization” and “The Decline of the West” argue that individualism provides metaphysical support for racism, for chauvinistic ideas of civilization, and for anxieties about cultural decline. Individualism, Syfers argues, conceives of society as a mere amalgamation of its members. Thus the features of a given society—especially its problems—are understood as reflections of the traits of certain individual people. It follows that to understand crime we should examine the personal traits of the criminals. Poverty, likewise, should be explained in terms of the

characteristics of the poor. In other words, social problems are reduced to individual problems.

Syfers is right to argue against such reductive logic, and individualism does certainly bear some relationship to the sermons unemployed people get about the value of hard work, the scapegoating of welfare recipients, and the lock-'em-up approach to crime. But his analysis of the connections between individualism, racism and western chauvinism is a bit thin and, I think, unconvincing. Do concepts like "race" and "civilization" not presuppose something being in play besides the unique foibles of atomic individuals? In fact, do racist accounts and talk about "the clash of civilizations" not tend to subordinate (or subsume) each individual's identity and interests to those of the race or civilization? Individualism may be mixed up in all this, as Syfers suggests, but the full account is bound to be more complicated.

Syfers is on firmer ground when he discusses economic inequality. A critique of capitalism recurs throughout the text, taking its most explicit form in the essay "Human Rights vs. Classical Liberalism." There, Syfers identifies the normative principle behind private property: "The individual should have the full value of the product of his labor" (43). In practice, of course, capitalism both relies on this principle for its legitimacy and defeats it in the course of extracting profits from the labor of those who lack property.

Syfers essentially endorses the normative principle at the base of this system, but rejects the individualist metaphysics that defines its application. Early in the book, he offers this analysis:

Not only is economic value not created by individuals, it is not even created by organizations or institutions. It is created, in our world, by the functioning of an extraordinarily complex social system in which these organizations and institutions are deeply and inextricable embedded, and without which they could neither function nor exist.

So economic value is not created individually, it is created systemically. It is the product of a vast social system made up of many interlocking subsystems at many levels, both mental and physical. To put this another way, the

primary agency of production in our time is no longer the extended family of the late 18th and early 19th century, nor the corporation of the late 19th and early 20th century. It is the entire social system with the State as its 'chief executive officer.' And this fact provides the fundamental ground for the entitlement rights, economic and social, of all our citizens. . . . As value is produced by the social system it should be distributed equitably to all citizens, both those fortunate enough to find a productive place . . . and those who are not so fortunate. (10)

By attacking the idea that individual producers are the source of economic wealth, Syfers makes a clear case for socialism. But he is oddly shy about using the word, preferring instead to talk about international law, human rights, and democracy. Rhetorically, this is the surer approach, considering America's leftover Cold War anxieties. In any case, he is right that democracy requires economic and social equality as well as universal suffrage. Syfers makes the argument that dynastic wealth

is a source of political power over other people and of *political power over the operation and direction of the social system itself*. . . . Those who inherit dynastic wealth are thus not only economically privileged to live off the labor of others, they are politically privileged with an inherited and illegitimate power over the lives of their fellow citizens. (59)

Later he continues,

when capital is as concentrated as it is at present—many individual corporations being economically more powerful than most governments—the democratic control of the future of human civilization will be virtually impossible without a radical realignment of the social system. (111)

But rather than arguing that the workers should seize control of the means of production, or even that the state should nationalize key industries, Syfers proposes (yawn) a constitutional amendment, reading:

No article or amendment of this Constitution shall be interpreted as authorizing a decision, act, policy, rule or law by any branch of government or any part thereof that limits or is detrimental to the preservation of democracy or a democratic society. (22–23)

This proposal offers, at best, an indirect solution to the problems of corporate rule. And one wonders what Syfers thinks such an amendment would accomplish, given how much of his book is devoted to detailing the means by which existing constitutional guarantees are ignored or circumvented by every branch of government.

Perhaps this is an occupational hazard. Working within the bounds of philosophical scholarship and legal theory, Syfers can see the limitations and contradictions of the current system. He cannot, however, imagine solutions that radically break from that system, that do not fit within the established framework of constitutional law and the liberal state.

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ABSTRACTS

Herbert Hörz, “Quantum Physics and the Shaping of Life: Commentary on Klaus Fuchs’s Critique of Mechanistic Determinism”—Klaus Fuchs (1911–1988), while working as a research scientist in the GDR, dealt with the dialectical-materialist interpretation of quantum mechanics and critique of mechanical determinism as a physicist, and, like the author, as a philosopher of science and historian. This article discusses common and divergent points of view on the relations among causality, law, chance, and freedom. This debate has an impact on theoretical understanding of determinants of human cognition and action. In addition, the article deals with the statistical notion of law as developed by the author and its relevance to the interpretation of Schrödinger’s equation and causality in penal law.

Omar Swartz, “Normative Morality and the U.S. Constitution”—This essay discusses issues of both sexual and economic morality, as expressed in a normative legal rationality, and argues that the law often encourages people not to see, feel, or understand the implications of anachronistic legal assumptions on their lives. Recognizing that the legal system is often a contributor to intolerance and class oppression is an important step in being able to overcome the limitations of the past and to construct a progressive society in which our social institutions treat everyone with dignity and respect.

Steven E. Fleischman, “Israel, Neocolonialism, and U.S. Hegemony”—The U.S. victory in the 1991 Gulf War dramatically weakened the Palestinian cause and began the run-up to the Oslo Peace Process. During this time the rapid globalization of the Israeli economy strengthened a political coalition within a transnationalized fraction of the Israeli capitalist class favoring neoliberal

economic reforms and the Labor Party's peace agenda. Yet as the Oslo process continued to entrench the existing Israeli-Palestinian apartheid into a final status arrangement, the ensuing Palestinian resistance laid bare the neocolonial nature of the Israeli/Zionist settler regime as the real obstacle to a just and lasting peace.

David S. Pena, «Judging the Importance of Religious Teachings: A Reply to Goldstick»— In “Applying Dialectical Materialism” (*Nature Society, and Thought*, vol. 16, no. 3), Danny Goldstick appealed to dialectical materialism's atheism as a basis for the judgment that a religion's social teachings, such as its attitudes toward business or the family, are more important than its metaphysical teachings, such as the doctrine of the Trinity. Philosophical atheism, however, is an inadequate basis for Goldstick's argument. His conclusion is better supported by a historical-materialist analysis of religion's significance to the class struggle.

ABREGES

Herbert Hörz, «La physique quantum et la formation de la vie: un commentaire sur la critique du déterminisme mécaniste de Klaus Fuch»—Klaus Fuchs (1911–1988), tout en travaillant comme chercheur scientifique en République Démocratique Allemande, s'est consacré à l'interprétation dialectique-matérialiste de la mécanique quantum et à la critique du déterminisme mécanique en tant que physicien—et ainsi que l'auteur, comme philosophe des sciences et historien. Cet article discute des points de vue communs et divergents sur les rapports entre la causalité, la loi, le hasard, et la liberté. Ce débat a un impact sur la compréhension théorique des déterminants de la connaissance et de l'action humaine. De plus, l'article traite du concept statistique de la loi, tel que développé par l'auteur, et de son rapport avec l'interprétation de l'équation de Schrödinger et de la causalité dans la loi pénale.

Omar Swartz, «La moralité normative et la constitution des Etats-Unis»—Cet essai traite des questions de la moralité

sexuelle et économique dans le contexte d'une rationalité légale normative, et argumente que la loi encourage souvent les gens à ne voir, ni éprouver, ni comprendre les implications de suppositions légales anachroniques sur leurs vies. Reconnaître que le système légal contribue souvent à l'intolérance et l'oppression de certaines classes est un pas important en direction du pouvoir de surmonter les limitations du passé et de construire une société progressiste dans laquelle nos institutions sociales traitent chacun avec dignité et respect.

Steven E. Fleischman, «Israël, la politique de paix néo-colonialiste et hégémonique des Etats-Unis»—La victoire des Etats-Unis dans la guerre du golfe en 1991 a affaibli dramatiquement la cause palestinienne et commencé la période préparatoire au processus de paix d'Oslo. Pendant cette période la mondialisation rapide de l'économie d'Israël a fortifié une coalition politique à l'intérieur d'une fraction transnationale de la classe capitaliste israélienne qui favorise les réformes économiques néolibérales et le programme de paix du Parti ouvrier. Pourtant, tandis que le processus d'Oslo a continué à ancrer l'apartheid Israélien-Palestinien comme un arrangement de status final, la résistance palestinienne qui s'ensuivit a mis en plein jour la nature néo-coloniale du régime des colons israéliens/sionistes en tant que vrai obstacle à une paix juste et durable.

David S. Pena, «Juger l'importance de l'enseignement religieux : une réponse à Goldstick»—Dans l'article «Appliquer le matérialisme dialectique» (*Nature Society, and Thought*, vol. 16, no. 3), Danny Goldstick a fait appel à l'athéisme du matérialisme dialectique comme condition du jugement que l'enseignement social d'une religion, tel que ses attitudes envers le monde des affaires ou la famille, est plus important que son enseignement métaphysique, tel que la doctrine de la trinité. Cependant, l'athéisme philosophique est une base inadéquate pour l'argument de Goldstick. Sa conclusion se soutient mieux par une analyse matérialiste et historique de la signification de la religion pour la lutte des classes.