

Essay

Feminism in Central and Eastern Europe: Risks and Possibilities of American Engagement

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Alice described the Looking-glass House: "First, there's the room you can see through the glass—that's just the same as our drawing-room, only the things go the other way. . . . [T]he books are something like our books, only the words go the wrong way."¹ As the looking glass was hanging right over the fireplace, Alice could not see whether the Looking-glass House really had a fireplace with a fire in it, as their room did. "[Y]ou never *can* tell, you know, unless our fire smokes, and then smoke comes up in that room too—but that may be only pretense, just to make it look as if they had a fire."² When she entered the Looking-glass House, the fireplace was the first thing Alice checked, and "she was quite pleased to find that there was a real [fire], blazing away as brightly as the one she had left behind."³ But as she began looking about, she "noticed that what could be seen from the old room was quite common and uninteresting, but that all the rest was as different as possible."⁴

Some Western observers see the countries of Central and Eastern Europe much as Alice saw the Looking-glass House: The stodgy supporters of the status quo are the Communists; the local Catholic Church hierarchy extols the value of democracy; and every election results in a decrease in the number of women representatives in government.⁵ Westerners often wonder whether the notion of women's equality, extolled by these governments for some forty-odd

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1. LEWIS CARROLL, *ALICE'S ADVENTURES IN WONDERLAND AND THROUGH THE LOOKING-GLASS* 127 (Roger Lancelyn Green ed., Oxford Univ. Press 1971) (1872).

2. *Id.*

3. *Id.* at 128.

4. *Id.* at 129.

5. See, e.g., Jurek Martin, *Female Legislators Still Losing Battle of the Sexes: Fewer Women Elected in Former Communist States*, *FIN. TIMES*, Aug. 28, 1995, at 12.

years,⁶ was merely a pretense or whether, like the fireplace fire, it will turn out to have been blazing away brightly. They may wonder how much in these countries is actually “common and uninteresting” and how much of what was previously unseen may turn out to be “as different as possible.” Like Alice, Westerners are likely to slip easily from the view that things in Central and Eastern Europe “go the other way” to the view that they “go the wrong way.”

Europe was not separated by a looking glass, but by the “iron curtain” that Winston Churchill announced in 1946 had “descended across” Europe “[f]rom Stettin in the Baltic to Trieste in the Adriatic.”⁷ This “iron curtain” was thought to divide Europe between the advanced Western democracies and the more backward countries floundering under the shadow of the Soviet Union, referred to by Churchill as “these Eastern States of Europe.”⁸ This division of Europe into East and West mirrored the “Orientalist”⁹ division of the world between the advanced West and the backward East, and reinforced the self-definition of Western Europe as modern and democratic.¹⁰ In reality, of course, Switzerland did not allow women to vote,¹¹ and Spain was a fascist dictatorship.¹²

With the fall of the Berlin Wall and the substantial changes in Central and Eastern Europe, the “iron curtain” is gone. Yet the division of Europe between East and West remains almost as stark as ever. The cultural and political

6. See MARLIS ALLENDORF, *WOMEN IN SOCIALIST SOCIETY* 94–209 (1975) (describing government-sponsored efforts to bring about women’s equality in socialist countries from 1947–75). *But see* Zuzana Kiczkova & Etela Farkasova, *The Emancipation of Women: A Concept that Failed*, in *GENDER POLITICS AND POST-COMMUNISM* 84–94 (Nanette Funk & Magda Mueller eds., 1993).

7. Winston Churchill, *The Iron Curtain* (Mar. 5, 1946), in *BLOOD, TOIL, TEARS AND SWEAT: THE SPEECHES OF WINSTON CHURCHILL* 295, 303 (David Cannadine ed., 1989). The term “iron curtain” appears to have originated in 1918 and was used by the Nazis near the end of World War II. Churchill himself used it in a telegram to President Truman on May 12, 1945, just days after the defeat of Germany. See JOHN W. YOUNG, *THE LONGMAN COMPANION TO COLD WAR AND DETENTE 1941–1991*, at 291 (1993).

8. Churchill, *supra* note 7, at 304.

9. Edward Said coined the term “Orientalism” in his powerful critique of the ways in which scholars studying the Orient reinforced imperialism. See EDWARD W. SAID, *ORIENTALISM* 2 (1978). He explains how the Occident constructed the Orient as the Other, “as its contrasting image, idea, personality, experience,” *id.* at 2, which allowed the West to “dominat[e], restructur[e], and hav[e] authority over the Orient,” *id.* at 3. See also *id.* at 327 (making specific references to “the Other”).

10. One might say that the “iron curtain” reflected Western Europe to be twice as democratic as it was. Cf. VIRGINIA WOOLF, *A ROOM OF ONE’S OWN* 53 (1929) (“Women have served all these centuries as looking-glasses possessing the magic and delicious power of reflecting the figure of man at twice its natural size.”). Eastern Europe might also be considered a project of “diminished Orientalism,” created to mediate between the Orient and the Occident. See LARRY WOLFF, *INVENTING EASTERN EUROPE: THE MAP OF CIVILIZATION ON THE MIND OF THE ENLIGHTENMENT* 8 (1994) (“[T]he study of Eastern Europe, like Orientalism, was a style of intellectual mastery, integrating knowledge and power, perpetrating domination and subordination.”).

11. For a brief history of female suffrage in Switzerland, see LEE ANN BANASZAK, *WHY MOVEMENTS SUCCEED OR FAIL: OPPORTUNITY, CULTURE, AND THE STRUGGLE FOR WOMAN SUFFRAGE* 144–45 (1996).

12. Francisco Franco came to power in Spain after the Spanish Civil War, aided by the Nazis. He remained in power until his death in 1975. For a description of the Francoist regime, see generally EDOUARD DE BLAYE, *FRANCO AND THE POLITICS OF SPAIN* (Brian Pearce trans., Penguin Books 1976) (1974); MAX GALLO, *SPAIN UNDER FRANCO: A HISTORY* (1973); THOMAS J. HAMILTON, *APPEASEMENT’S CHILD: THE FRANCO REGIME IN SPAIN* (1943); STANLEY G. PAYNE, *THE FRANCO REGIME 1936–1975* (1987); and JOSE YGLESIAS, *THE FRANCO YEARS* (1977).

condescension toward Eastern Europe during the Cold War era may be replaced by a similar condescension toward the countries in transition.¹³ Although it might be argued that the changes since the transitions began in 1989 have made “the very idea of Eastern Europe, as a distinct geopolitical entity for focused academic analysis . . . dubious and equivocal,”¹⁴ habits of thought persist. Moreover, the legacy of the “iron curtain” provides many bases that link together the countries of the region.¹⁵

The situation of women throughout most of Central and Eastern Europe has in many respects worsened since the transition.¹⁶ In most of the countries, unemployment is generally high and especially high among women.¹⁷ Discrimination against women has increased as governments have failed to enforce existing antidiscrimination provisions¹⁸ and some conservative and nationalist regimes have even promoted discriminatory policies to limit women’s roles.¹⁹ The transition to a market economy has precipitated a decline in social and public services, including sharp decreases in the availability of child care facilities.²⁰ Sexual abuse and domestic violence appear to be increasing, and little is being done to stop them.²¹ Reproductive freedom has become a serious issue in a number of countries, with several governments proposing or enacting laws against abortion.²² Prostitution is on the rise, and the working conditions of women and girls in prostitution are especially harsh and dangerous.²³

As the wall came down, Americans and Western Europeans began to flock to Central and Eastern Europe. These flocks included entrepreneurs of various kinds, opportunists, do-gooders, religious missionaries, and others, including

13. See David Kennedy, *Turning a Market Democracy: A Tale of Two Architectures*, 32 HARV INT’L L.J. 373, 374 (1991) (noting “background assumptions . . . that the East ‘lags’ behind the West”) Kennedy explains further:

The dominant image governing [efforts to integrate Central and East European countries into the international market system] has been a “return to normalcy,” to universal reason, to the West. The 1989 rupture released the East from primitivism, from ideology, from the priority of politics over economics, public over private, belief over reason. As for the deinstitutionalized insane, enlightened thought seeks to treat the East as “normally” as possible.

Id. at 385.

14. WOLFF, *supra* note 10, at 3.

15. The Nongovernmental Organizations (NGOs) from Central and Eastern Europe worked together in a caucus and referred to themselves as the “non-region” at the Fourth World Conference on Women in Beijing in 1995. See EAST-EAST CAUCUS AT THE FOURTH WORLD CONFERENCE ON WOMEN, BEIJING, CHINA (Sept. 14, 1995) (unpublished leaflet, on file with the *Yale Law Journal*)

16. See EUROPEAN FORUM FOR DEMOCRACY AND SOLIDARITY, PROJECT REPORT, STATUS OF WOMEN IN EASTERN AND CENTRAL EUROPE 6–9 (1995) [hereinafter PROJECT REPORT] (on file with the *Yale Law Journal*).

17. See *id.* at 24–27.

18. See *id.* at 9.

19. See *id.*

20. See *id.* at 34–37.

21. See *id.* at 35, 41–42.

22. See *id.* at 45. The former harsh Romanian law against abortion was, however, repealed in late December 1989, the day after Ceausescu was thrown out of office

23. See *id.* at 47.

feminists.²⁴ The feminists, not surprisingly, have been particularly interested in the role and status of women and how the transition affects that role and status. This Essay examines the situation of women in Central and Eastern Europe from a (West) European-American perspective, and explores the value and risks of this perspective and of American feminist work in Central and Eastern Europe in general. My goal is to improve communication and increase the effectiveness of the exchanges between women from the United States (and perhaps Western Europe)²⁵ and women from Central and Eastern Europe. While some of these gestures at global sisterhood have been productive,²⁶ the exchange has also been lopsided and inadvertently accompanied by a patronizing attitude that reduces its usefulness to women in Central and Eastern Europe and limits the value of the experience to women in the United States. This Essay seeks to understand and thus to decrease the factors that limit the effectiveness of efforts at international women's alliances. It addresses in a concrete context a number of issues that have received considerable theoretical attention: cultural imperialism, cultural relativism, international feminism, universalism, essentialism, and the possibilities of international feminist politics.²⁷

24. Aside from the numerous universities and other institutions supporting feminists' involvement, there are at least two organizations involved in feminist work in Central and Eastern Europe, the Network of East-West Women and Minnesota Advocates for Human Rights. The Network of East-West Women is a membership organization founded some years ago by a group of women spearheaded by Ann Snitow and Slavenka Drakulic. Telephone Interview with Ann Snitow (Mar. 4, 1997). Among its activities, it cosponsored a conference with the University of Connecticut Law School in the spring of 1996, the papers from which will be published in *The University of Connecticut Journal of International Law*. See *The Status of Women in New Market Economies*, 12 CONN. J. INT'L L. 1 (1997) [hereinafter Connecticut Conference]. Minnesota Advocates has worked against domestic violence. It has sent delegations to a number of countries in Central and Eastern Europe and published reports on domestic violence in these countries. See MINNESOTA ADVOCATES FOR HUMAN RIGHTS, DOMESTIC VIOLENCE IN BULGARIA (1996) [hereinafter MINNESOTA ADVOCATES, DOMESTIC VIOLENCE IN BULGARIA]; MINNESOTA ADVOCATES FOR HUMAN RIGHTS, LIFTING THE LAST CURTAIN: A REPORT ON DOMESTIC VIOLENCE IN ROMANIA (1995) [hereinafter MINNESOTA ADVOCATES, DOMESTIC VIOLENCE IN ROMANIA].

25. While this Essay primarily addresses the United States, much of what it discusses is to some extent applicable to Western European feminists as well.

26. It is often difficult to judge when international cooperation has been effective. Certainly, many of the women in Central and Eastern Europe would assert that certain programs and projects have been helpful to them, but such self-reporting is not actual proof. See Connecticut Conference, *supra* note 24.

27. See, e.g., Jane Flax, *Race/Gender and the Ethics of Difference: A Reply to Okin's "Gender Inequality and Cultural Differences"*, 23 POL. THEORY 500 (1995) (promoting postmodernism or "differences" approach to international feminist politics); Tracy E. Higgins, *Anti-Essentialism, Relativism, and Human Rights*, 19 HARV. WOMEN'S L.J. 89 (1996) (examining cultural relativism, universalism, anti-essentialism, and international feminist politics); Chandra Talpade Mohanty, *Under Western Eyes*, in THIRD WORLD WOMEN AND THE POLITICS OF FEMINISM 51 (Chandra Talpade Mohanty et al. eds., 1991) (presenting classic critique of Western feminism as culturally imperialistic and ethnocentrically universalistic); Vasuki Nesiah, *Toward a Feminist Internationality: A Critique of U.S. Feminist Legal Scholarship*, 16 HARV. WOMEN'S L.J. 189 (1993) (criticizing American feminist legal scholarship as culturally insensitive); Susan Moller Okin, *Gender Inequality and Cultural Differences*, 22 POL. THEORY 5 (1994) (examining sources of "essentialism" in feminist work and defending liberal conceptions of universalism); Marian Paules, *Returning the Gaze: The Thomas/Hill Hearings of 1991 as a Western Feminist Response to Mohanty* (June 14-16, 1996) (unpublished manuscript, on file with the *Yale Law Journal*) (relativizing Mohanty's critique in concrete context).

Although Central and Eastern Europe has never been the focus of my work, or even of my international work, my associations with the region go back thirty years.²⁸ In 1967, I visited most of the countries of Central and Eastern Europe,²⁹ including a week-long study tour of Poland organized by the Danish Social Democrats. In the early spring of 1989, before the transition, I was in Hungary for a ten-day lecture tour.³⁰ I made several trips to Yugoslavia before the transition and in Croatia observed the referendum on independence held in May 1991. In addition, I have presented numerous lectures, consulted with academics and activists, and visited a wide variety of institutions in Poland, Romania, Bulgaria, and the former East Germany. I maintain close ties with the University of Berlin (Humboldt), where a program on feminist law I initiated and nurtured is now in its fourth year.³¹ In the fall of 1996, I conducted a concentrated course on feminist legal theory at the University of Ljubljana, Slovenia, presented numerous additional lectures, gave interviews, and consulted with academics, politicians, judges, feminist activists, and others.

Part I of this Essay briefly examines the basic notion of "Central and Eastern Europe." Although perhaps an improvement on "Eastern Europe," the category nevertheless conceptualizes the region as different from and inferior to Western Europe. Like so many other oppressive constructions, however, the concept should be utilized at the same time that it is deconstructed. Part II considers the classic critiques of Western feminism and how they might apply to the activities of American feminists working in Central and Eastern Europe. While agreeing with many of these critiques, I argue that a number of bases for alliance among women exist and that forging such alliances is a particularly important feminist project. Part III examines some of the lessons that can be learned from Central and Eastern Europe and suggests that American women need to recognize that working abroad serves their own self-interest. By acknowledging as much, women can begin to counteract the hypocrisy and pervasive domination embedded in present concepts of international altruism.

28. My work in this area includes proposing and organizing a conference on Women and Nationalism in Central and Eastern Europe, funded by the UCLA Center for the Study of Women, the UCLA Center for Russian and East European Studies, the UCLA Law School, and the University of California at Berkeley Center for German and European Studies. The conference brought together speakers from Hungary, the former East Germany, and Bulgaria. Papers from the conference are published in *Symposium, Women in Central Eastern Europe: Nationalism, Feminism and Possibilities for the Future*, 5 UCLA WOMEN'S L.J. 1 (1994). I have also arranged for visits and individual lectures throughout the United States by feminists from the former East Germany and Hungary.

29. I did not visit the Soviet Union or Albania, as each had visa requirements that were too expensive for me to meet with the extremely limited financial resources I had at that time.

30. This trip was financed in part by the Soros Foundation, through the Bibó István College of Law Students of the Eötvös Loránd University, and in part by the Academic Senate of UCLA.

31. The University of Berlin's *Projekt feministische Rechtswissenschaft* offers anywhere between two and four courses a year. To support *Projekt feministische Rechtswissenschaft*, I served as a Chaired Professor at the University of Berlin during 1995, and in February of this year I began what I hope will be a regular three-week study tour to the United States, with visits to several leading law schools, lectures, and seminars for the students by some two dozen American feminist legal scholars.

Part IV examines some of the ways in which women in Central and Eastern Europe can benefit and have benefitted from American feminist involvement. It challenges the ways in which antifeminist critics have attempted to portray nationally subordinated women as passive victims of Western feminist domination. The question is not what Americans can do to help, but rather whether and how women in Central and Eastern Europe can make use of American feminist involvement.

I. THE CONSTRUCTION OF "EASTERN EUROPE" AND "CENTRAL AND EASTERN EUROPE"

One should interrogate the category "Central and Eastern Europe." Do the people in this geographic region have enough in common to be treated as a group? Or do their differences overshadow their commonalities? The countries of Central and Eastern Europe share at least two particularly important circumstances. First, the region was to a great extent treated as a unit by the United States throughout the Cold War. All the countries were at that time considered part of the Soviet Bloc and they are all now considered to be democracies, to one extent or another. Second, neoliberal economic policies currently play a crucial role in each of the countries.³²

The idea that Europe consisted of a modern western portion and a less advanced and less civilized eastern portion is not a recent construction but one that arose during the Enlightenment. During the early Renaissance, Europe was considered to be divided between the barbarian Kingdoms of the North and the refined and cultured Italy in the South.³³ As Larry Wolff has shown, the idea of Eastern Europe was constructed during the eighteenth century "as a work of cultural creation, of intellectual artifice, of ideological self-interest and self-promotion."³⁴

The cultural condescension that the Italian humanists had expressed toward the barbarian North was replaced with a similar condescension of the Enlightenment centers of Paris, Amsterdam, and London toward the backward countries of Eastern Europe.³⁵ An important question for those concerned with the people of Central and Eastern Europe is whether the West can

32. See ALICE H. AMSDEN ET AL., *THE MARKET MEETS ITS MATCH: RESTRUCTURING THE ECONOMIES OF EASTERN EUROPE* (1994).

33. See WOLFF, *supra* note 10, at 4–5.

34. *Id.* at 4. Wolff remarks: "The invention of Eastern Europe was a subtly self-promoting and sometimes overtly self-congratulatory event in intellectual history, whereby Western Europe also identified itself and affirmed its own precedence." *Id.* at 360.

35. Wolff notes:

[I]t was the intellectual work of the Enlightenment to bring about that modern reorientation of the continent which produced Western Europe and Eastern Europe. Poland and Russia would be mentally detached from Sweden and Denmark, and associated instead with Hungary and Bohemia, the Balkan lands of Ottoman Europe, and even the Crimea on the Black Sea.

Id. at 5.

overcome the constructions of the Cold War without resorting to the pattern of the Enlightenment: "the assumption of intellectual mastery by which Eastern Europe was made to offer itself up to the 'gaze' of travelers . . . to become an object of analysis for the Enlightenment."³⁶ Eastern Europe remains a battleground where Westerners fight their intellectual battles with one another. Can American feminists hope to break any of these patterns, or are they likely simply to continue them?

A peculiar quality of "Eastern Europe" is that many would like to opt out of it. This was one of the impulses behind the resurrection of the idea of "Middle Europe" or "Central Europe" in the 1980s. Yugoslavia, for example, could easily be said to belong neither to "Eastern Europe" nor to "Central Europe." A Yugoslav woman living in the United States complained in a 1995 publication that when she was asked to speak about women in Yugoslavia, she had to "position [her]self as East European, or devote the whole time allotted . . . to explaining why this classification should not be taken for granted; that, in other words, Yugoslavia in its own eyes had not been an Eastern Bloc country."³⁷ In the United States, the right wing has always referred to the European countries inside the Iron Curtain as "Eastern Europe." There has been a complex debate going on for some years regarding the boundaries of "Eastern Europe" and the status of the category "Central Europe." In this Essay, I follow the terminology common among feminists and the American left and refer to the countries in transition as "Central and Eastern Europe." Whether one can call this less Orientalist (or demi-Orientalist) than "Eastern Europe" is uncertain, but it at least avoids some of the associations with the right-wing use of "Eastern Europe."³⁸ Without denying the role any such terminology plays in constructing as well as studying the region, I would intend to acknowledge the many differences among the countries as well as the commonalities.

36. *Id.* at 359.

37. Vida Penezic, *Women in Yugoslavia*, in *POSTCOMMUNISM AND THE BODY POLITIC* 57, 64 (Ellen E. Berry ed., 1995).

38. In contrast, because nationalists in Slovenia use the term "Central Europe" to identify themselves with Germany and Austria, and to sharpen the distinction between Slovenia and the supposedly less civilized and less progressive countries to the South or to the East, some opponents resisted this nationalist impulse by referring to the entire region, including their own country, as "Eastern Europe" during my trip there in September and October 1996. Interviews at University of Ljubljana, Slovenia (Sept. 29–Oct. 5, 1996).

A sharper dispute regarding terminology exists with respect to the borders of Germany. Some conservative Germans refer to the portion of Germany most of us would consider "eastern" as "central Germany" and refer to portions of Poland as "at the moment under Polish administration." This terminology (*zurzeit unter polnischer Verwaltung*) is even used in a German-language road atlas for travelers published by Hallwag A.G. Bern and printed in Switzerland in 1968. See *EUROPA TOURING: MOTORING GUIDE OF EUROPE* 88 (1968).

II. GENERAL CRITIQUES OF WESTERN OR AMERICAN FEMINIST IMPERIALISM AS APPLIED TO CENTRAL AND EASTERN EUROPE

I do not presume to avoid the mistakes of my brethren and sisters and make Eastern Europe a subject of study rather than an object of construction. Rather, I propose to examine the role of women in the ongoing constructions of Eastern Europe, Central Europe, and Central and Eastern Europe. In this Part, I examine the standard critiques of Western feminism and compare the critique of European-American feminists by African-American feminists to the critique of Western feminists by Third World women. I then examine the applicability of the critique to Central and Eastern Europe.

A. *General Critiques*

Growing numbers of commentators question whether international collective activity can be effective when the kind of self-centered analysis suggested by the Looking-glass metaphor is so common, even among feminists and other progressive Americans.³⁹ White middle-class feminists have been criticized for trying to make themselves the measure of all things feminist.⁴⁰ Just as feminists accuse men of considering themselves the norm and constituting women as Other,⁴¹ critics accuse American women of holding themselves up as the norm against which to compare Other women—poor, nonwhite, foreign—and usually finding these Others wanting.⁴² To the extent that Westerners view Central and Eastern Europeans as Other, it is argued, they will never understand the region or be able to help its people.

The criticism leveled against Western feminists goes further. In the context of a world system dominated by the West, Western feminists are said to contribute to imperialism by assuming that all women must have similar interests and needs that transcend ethnic, class, and other differences.⁴³ Too often, feminists assume sisterhood simply on the basis of shared gender or a notion of the universal oppression of women as a group by men as a group. It is supposedly a crucial assumption of feminism that all women, across classes and cultures, somehow constitute a more or less homogeneous group that can be identified and used as a category for analysis prior to the process of analysis. Yet, in the words of one of the sharpest critics, “[t]here is . . . no universal patriarchal framework . . . [for feminist scholars] to counter and

39. See Flax, *supra* note 27, at 502–03.

40. See *id.* at 503; Mohanty, *supra* note 27, at 73.

41. SIMONE DE BEAUVOIR, *THE SECOND SEX* (H.M. Parshley ed. & trans., Alfred A. Knopf 1993) (1949), is the classic statement of this phenomenon.

42. See Mohanty, *supra* note 27, at 56, 72; Okin, *supra* note 27, at 15–17.

43. See Mohanty, *supra* note 27, at 55.

resist—unless one posits an international male conspiracy or a monolithic, ahistorical power structure.”⁴⁴

Two of the charges frequently leveled against Western feminists are that they participate in the imperialism of the West in general and that they homogenize women by assuming that they can adequately represent all women. These two critiques can be in some senses sharply contrasted. Imperialism leads one to distinguish the self from the other, generally valorizing the self as more advanced, civilized, liberated, and so forth. Homogenization, however, leads one to see the similarities between all women, whether those similarities actually exist or not. Whether one emphasizes similarities or differences is always already a political question that depends upon the particular context and on political goals.

In the context of the Third World, feminists can inadvertently support imperialism if they allow the status of women to be used to justify imperialist projects. The protest of British feminists over the condition of women in India, where, for example, widows were forced or convinced to immolate themselves on the funeral pyre of their husband,⁴⁵ may have provided support to England's claim that it was civilizing that part of its Empire. American women express the same kind of fascination and horror toward the practice of infibulation, sometimes referred to benignly as female circumcision or more negatively as female genital mutilation (FGM). The right question about infibulation is not whether it is a good practice or a bad one: The mere fact that the practice in many regions may be in the control of women does not justify it any more than women plastic surgeons make breast augmentation surgery good operations in the United States. A more salient concern, too often overlooked, is whether Western feminists channel disproportionate Third World resources to this issue. Infibulation has probably taken on increased importance because of the American fascination with the practice.⁴⁶ African women who

44. *Id.* at 54.

45. See Gayatri Chakravorty Spivak, *Can the Subaltern Speak?*, in *MARXISM AND THE INTERPRETATION OF CULTURE* 271, 300–08 (Cary Nelson & Lawrence Grossberg eds., 1988), cf. Robin Jared Lewis, Comment, *Sati and the Nineteenth-Century British Self*, in *SATI, THE BLESSING AND THE CURSE: THE BURNING OF WIVES IN INDIA* 72 (John Stratton Hawley ed., 1994) (suggesting that some French and German authors used Sati as “an effective vehicle for sharp satire of their own societies”)

46. This topic has received enormous attention in American feminist literature. See, e.g., Kay Boulware-Miller, *Female Circumcision: Challenges to the Practice as a Human Rights Violation*, 8 *HARV WOMEN'S L.J.* 155 (1985); Karen Engle, *Female Subjects of Public International Law: Human Rights and the Exotic Other Female*, 26 *NEW ENG. L. REV.* 1509 (1992) (presenting clitoridectomy as primary example); Alison T. Slack, *Female Circumcision: A Critical Appraisal*, 10 *HUM RTS Q.* 437 (1988). A LEXIS search in the Allrev File, conducted on January 20, 1997, produced 142 law review entries referring to female “circumcision,” “infibulation,” “female genital mutilation,” or “FGM.” Of these, at least 12 different articles or Notes focused entirely on the issue. See Catherine L. Annas, *Irreversible Error: The Power and Prejudice of Female Genital Mutilation*, 12 *J. CONTEMP HEALTH L & POL'Y* 325 (1996); Layli Miller Bashir, *Female Genital Mutilation in the United States: An Examination of Criminal and Asylum Law*, 4 *AM. U. J. GENDER & L.* 415 (1996); Karen Hughes, *The Criminalization of Female Genital Mutilation in the United States*, 4 *J.L. & POL'Y* 321 (1995); Gregory A. Kelson, *Granting Political Asylum to Potential Victims of Female Circumcision*, 3 *MICH. J. GENDER & L.* 257 (1995); Hope Lewis, *Between*

work against infibulation are more likely to receive positive attention from feminists in the West than are those who work against other manifestations of sexism that may be even more important to most African women, such as poverty or maternal mortality rates.⁴⁷ Perhaps maternal mortality rates will become a more fashionable issue as American women focus attention on the misallocation of medical care in the United States⁴⁸ and see a parallel with the lack of adequate prenatal care in many parts of Africa. In neither case, however, would the attention paid to the issue be likely to reflect its actual importance to African girls and women.

The feminist agenda may be similarly skewed in Central and Eastern Europe. For example, American feminists currently tend to focus considerable attention on domestic violence in Central and Eastern Europe in part because it is an especially important issue in the United States. Without denying that domestic violence is an important issue, it may be as useful to recognize the different roles that violence and poverty play in different countries. Addressing economic issues may do more to improve the lives of Central and Eastern European women and even to decrease the violence they suffer in their homes. Domestic violence cuts across economic lines, but increased economic distress leads to increased violence.⁴⁹

Irua and "Female Genital Mutilation": *Feminist Human Rights Discourse and the Cultural Divide*, 8 HARV. HUM. RTS. J. 1 (1995); Note, *Female Genital Mutilation and Refugee Status in the United States—A Step in the Right Direction*, 19 B.C. INT'L & COMP. L. REV. 353 (1996); Joleen C. Lenihan, Comment, *A Physician's Dilemma: Legal Ramifications of an Unorthodox Surgery*, 35 SANTA CLARA L. REV. 953 (1995); Daliah Setareh, Recent Development, *Women Escaping Genital Mutilation—Seeking Asylum in the United States*, 6 UCLA WOMEN'S L.J. 123 (1995); Robyn Cerny Smith, Note, *Female Circumcision: Bringing Women's Perspectives into the International Debate*, 65 S. CAL. L. REV. 2449 (1992); Note, *What's Culture Got to Do with It? Excising the Harmful Tradition of Female Circumcision*, 106 HARV. L. REV. 1944 (1993); Patricia Dysart Rudloff, Recent Development, In re Oluloro: *Risk of Female Genital Mutilation as "Extreme Hardship" in Immigration Proceedings*, 26 ST. MARY'S L.J. 877 (1995); Lisa Manshel, Book Review, 16 HARV. WOMEN'S L.J. 298 (1993) (reviewing ALICE WALKER, *POSSESSING THE SECRET OF JOY* (1992)).

47. A male doctor from Africa first alerted me to this problem when he attended a conference held at the Rockefeller Conference and Study Center in Bellagio, Italy, while I was a Fellow of the Center, from May to June 1994. See *Public Health Training Programs for the Next Century: 821st Conference of the Rockefeller Foundation, Bellagio Study and Conference Center at the Villa Serbelloni* (May 23–27, 1994). Since then, I have tried to notice the issues on which African women receive attention in the United States, and my nonscientific observations seem to bear this out.

48. Breast cancer is the classic example, but funding has recently been increased, in large part by allocating funds from the military budget to the issue. See Sandra G. Boodman, *Advocates of Breast Cancer Research Come of Age: Politics of an Illness*, TIMES UNION (Albany), Apr. 24, 1994, at E1 (describing Pentagon funding for cancer research). Similar concerns have been raised about the allocation of funds for other diseases. See, e.g., Sandra G. Boodman, *The Rise of 'In-Your-Face' Activism*, WASH. POST, Apr. 19, 1994, § 8 (Magazine), at 7 (describing Pentagon funding for cancer research); Monica Fountain & Beradine Healy, *First Female Director of NIH, Making Women's Health a Priority*, CHI. TRIB., Mar. 12, 1996, at 1E.

49. See, e.g., Tamara Jones, *Walls for Women in Germany*, L.A. TIMES, Aug. 6, 1991, at A1. While it is important for society to recognize that domestic violence is not just a problem of the poor, poverty exacerbates the situation of any particular woman because the stress of poverty contributes to violence. See Martha F. Davis & Susan J. Kraham, *Protecting Women's Welfare in the Face of Violence*, 22 FORDHAM URB. L.J. 1141, 1145 (1995); see also *id.* at 1150 (maintaining that women's economic dependence on their batterers increases risk of serious injury); *id.* at 1154 ("[T]he most likely predictor of whether a battered

To take another example, Western women often think in a simple, noncontextual way of how they would feel about having to cover their entire bodies and view the veil as a simple form of subordination of women.⁵⁰ If they were to focus instead on the complex combination of coercion and ideological instilling of desire that drives women to adopt the veil,⁵¹ perhaps they would begin to recognize similar factors at play in women adopting uncomfortable, high- or even spike-heel shoes—in part to look professional and obtain and retain employment, in part to feel elegant or “feminine”—despite clear medical evidence of the health dangers of wearing such shoes.⁵²

B. *Feminists in Central and Eastern Europe*

Small armies of feminists are marching into Central and Eastern Europe measuring women’s unemployment, documenting violence against women and proposing laws to deal with it, examining abortion laws and studying women’s struggles for reproductive freedom, and performing various other functions.⁵³ Some of these feminists come from Western Europe; many come from the United States.⁵⁴ An East German friend recently commented to me⁵⁵ that she knows of many American feminists who are conducting studies in Eastern Europe and are engaged in feminist activism there, but who do not seem to be “doing politics”⁵⁶ in the United States, and she wondered why. How would Americans feel, she mused, if Eastern Europeans began flocking to the United

woman will permanently separate from her abuser is whether she has the economic resources to survive without him.”).

50. See Mohanty, *supra* note 27, at 66 (citing examples). This is the general attitude expressed by many Western feminists. For an excellent exposition of the need to complicate this view, see Lama Abu-Odeh, *Post-Colonial Feminism and the Veil: Considering the Differences*, 26 *NEW ENG L REV* 1527 (1992).

51. See Abu-Odeh, *supra* note 50, at 1530–32.

52. See WILLIAM A. ROSSI, *THE SEX LIFE OF THE FOOT AND SHOE* 131, 132–33 (1976); Michael J Coughlin & Francesca M. Thompson, *The High Price of High-Fashion Footwear*, 44 *INSTITUTIONAL COURSE LECTURES* 371 (1995). On the internal and external pressure women feel to wear unhealthy, hampering shoes, see SUSAN BROWNMILLER, *FEMININITY* 183–87 (1984); ROSSI, *supra*, at 94 (“Who wears sexless shoes? Mostly sexually turned off women: the elderly or infirm . . . Then there are those women with psychosexual inhibitions or neurotic problems, who use their desexed shoes as a pedic chastity belt. Or butch-type lesbians who deliberately masculinize their appearance.”); *id.* at 123–24 (referring to flat or low heels as “mannish” and elaborating on sexlessness of “sensible” shoes) On the similar pressure not to wear “sensible shoes,” see BROWNMILLER, *supra*, at 186–87. See also ROSSI, *supra*, at 151–52 (describing “podoalgolagnia” as common: “a sadomasochistic experience of foot deformation through foot-constricting shoes to increase sex attraction. This is our own choice. We’ll have it no other way because the pleasure is greater than the pain.”).

53. See MINNESOTA ADVOCATES, *DOMESTIC VIOLENCE IN BULGARIA*, *supra* note 24, MINNESOTA ADVOCATES, *DOMESTIC VIOLENCE IN ROMANIA*, *supra* note 24

54. It should be clear that to the extent this is a critique, it is an internal critique or a self-critique. I am myself right at the head of some of these armies of feminists

55. Interview with Petra Bläss, Member of the German Parliament (representing Sachsen-Anhalt), in Crianlarich, Scotland (July 16, 1996).

56. *Id.* By “doing politics,” she meant being actively involved in political activity.

States to study our problems and to advise American women?

Without disputing the relevance of recognizing the historical specificity of the situation of women in particular social and power networks, this Essay affirms the value and importance of feminist work in the context of Central and Eastern Europe. A patriarchal framework, while not universal, in fact underlies much of political thought animating Western political discourse. Throughout Europe and North America, at least, there is no need for men to conspire: Men identify with other men and notice and object more if a policy will hurt men than if it will hurt women.⁵⁷ This is institutional sexism, and it functions through conscious and unconscious discrimination; women must counter and resist it for the sake of a better world for all—men and children, as well as women. A political alliance cannot be taken for granted or assumed on the basis of gender, but it can and should be forged through feminist political practice and analysis.

The same kinds of problems of exclusion and domination, misunderstanding and “essentialism” that have marked relations between African-American women and European-American women within the United States⁵⁸ reappear in the international context, with economic domination and cultural imperialism taking the place of racism. The rich literature and the growing body of political experience regarding feminist race relations⁵⁹ may facilitate understanding and alliance between American women and the women of Central and Eastern Europe.

One lesson from American feminist race relations is that there are twin dangers when any member of the dominant group (white women in the United States, Americans or Western Europeans in the context of Central and Eastern Europe) either fails to write about or chooses to write about the subordinated group.⁶⁰ American women must take account of Central and Eastern Europe

57. For example, the disastrous immediate effects of programs of structural adjustment on the poor have generally been given little attention in large part because those injured have been disproportionately female. See Victoria Daines & David Seddon, *Fighting for Survival: Women's Responses to Austerity Programs*, in JOHN WALTON & DAVID SEDDON, *FREE MARKETS & FOOD RIOTS: THE POLITICS OF GLOBAL ADJUSTMENT* 57, 58–59 (1994); Diane Elson, *Male Bias in Macro-economics: The Case of Structural Adjustment*, in *MALE BIAS IN THE DEVELOPMENT PROCESS* 164 (Diane Elson ed., 2d ed. 1995).

58. The literature is extensive. For classic examples, see PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT* (1990); ANGELA Y. DAVIS, *WOMEN, RACE & CLASS* (1981); PAULA GIDDINGS, *WHEN AND WHERE I ENTER* 51, 170–76, 307–11 (1984); BELL HOOKS, *FEMINIST THEORY: FROM MARGIN TO CENTER* (1984) [hereinafter *HOOKS, FEMINIST THEORY*]; BELL HOOKS, *YEARNING: RACE, GENDER, AND CULTURAL POLITICS* (1990); and *THIS BRIDGE CALLED MY BACK: WRITINGS BY RADICAL WOMEN OF COLOR* (Cherríe Moraga & Gloria Anzaldúa eds., 1981).

59. See, e.g., *RACE-ING JUSTICE, EN-GENDERING POWER: ESSAYS ON ANITA HILL, CLARENCE THOMAS, AND THE CONSTRUCTION OF SOCIAL REALITY* (Toni Morrison ed., 1992); ELIZABETH V. SPELMAN, *INESSENTIAL WOMAN: PROBLEMS OF EXCLUSION IN FEMINIST THOUGHT* (1988); CAROL B. STACK, *ALL OUR KIN: STRATEGIES FOR SURVIVAL IN A BLACK COMMUNITY* (1975); PATRICIA J. WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS* (1991); Jennifer Wriggins, *Rape, Racism, and the Law*, 6 *HARV. WOMEN'S L.J.* 103 (1983).

60. White women have been properly criticized for failing to take sufficient account of the experiences and contributions of women of color. See, e.g., *HOOKS, FEMINIST THEORY*, *supra* note 58, at 1–10; Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of*

to understand social change. American feminist analysis suffers from its insularity; American women should take greater responsibility for the policies of the American government and of other powerful policymakers.

Yet there is always the risk that writing about women in Central and Eastern Europe will amount to an act of appropriation and will be a misrepresentation. Such scholarship, especially by an American, may seem to "produce" a singular, monolithic image of "Central and Eastern European woman." Any effort to analyze or codify scholarship and knowledge about a group of women creates or makes use of categories that in turn affect the nature of the analysis.⁶¹ These analytic categories are generally defined by feminist interests as articulated by Western women. Taking the West as a primary referent for the theory and practice of women in Central and Eastern Europe has obvious problems.

American feminist work in Central and Eastern Europe has in practice many of the problems identified in theory. In practice, United States feminists may constitute Central and Eastern European women as an "Other," validating the progressiveness of the United States.⁶² (Central and Eastern Europe serves as the "Other" that Western Europe increasingly refuses to be.) In practice, American feminists may essentialize and homogenize Central and Eastern European women. Westerners tend to pay attention to a small number of women they come to know, often inviting the same small group of women to every conference and indirectly affecting the distribution of power between these internationally known players and their countrywomen. Yet there is little reason to believe that the "stars" America recognizes or produces will be the women most likely to benefit other women in their own countries. There is

Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics, 1989 U CHI LEGAL F 139 Yet there is also literature emphasizing the importance for people of color to speak in their own voices and criticizing white women for appropriating the experiences of black women or for seeming to try to speak for them. See, e.g., HOOKS, *FEMINIST THEORY*, *supra* note 58, at 11, AUDRE LORDE, *SISTER OUTSIDER* (1984).

White women have similarly criticized men: Men seem either to ignore feminist scholarship and women's issues or alternatively to become the "experts" on feminism, appropriating feminist analysis and then generally being cited more frequently than the women whose work they have appropriated. See SUSAN FALUDI, *BACKLASH: THE UNDECLARED WAR AGAINST AMERICAN WOMEN* 291-92, 299-313 (1991), Richard Delgado, *The Imperial Scholar: Reflections on a Review of Civil Rights Literature*, 132 U PA L REV. 561 (1984). I have even heard people claim that men write about feminism better than women do because they are more objective on the subject. Cf LORRAINE DUSKY, *STILL UNEQUAL* 113 (1996) (reporting observation by female law professor that if she taught gender issues her teaching was labeled "political and biased," while male colleagues were "perceived as objective or neutral, particularly on gender issues").

61. On the relationship between categories of thought and power, see generally MICHEL FOUCAULT, *THE ORDER OF THINGS* (1970); and MICHEL FOUCAULT, *POWER/KNOWLEDGE. SELECTED INTERVIEWS AND OTHER WRITINGS 1972-1977* (Colin Gordon ed. & Colin Gordon et al. trans., 1980). On its application to the study of cultures, see SAID, *supra* note 9, at 3. For a pre-transition examination of whether Western categories apply to Eastern European women, see Alfred G. Meyer, *Feminism, Socialism, and Nationalism in Eastern Europe*, in *WOMEN, STATE AND PARTY IN EASTERN EUROPE* 13, 14 (Sharon L. Wolchik & Alfred G. Meyer eds., 1985).

62. See Flax, *supra* note 27, at 502-03.

always a danger of such invitations degenerating into a form of patronage, in which American feminists may have inappropriate influence upon Central and Eastern European agendas.

There is also a risk that a kind of new colonialism will filter into the efforts of American women, preventing them from working effectively in Central and Eastern Europe. Perhaps the most obvious danger is simply the privileging of gender over all other categories, despite massive differences in national wealth. Just as women of color have often criticized white feminists for treating gender as more important than race,⁶³ Central and Eastern European women may well be entitled to complain that American feminists treat gender as more salient than the economic differences that divide American women from many of the women in Central and Eastern Europe. This is the same kind of critique that women from the former East Germany have occasionally leveled against women from the former West Germany;⁶⁴ it is closely tied to the valorization of women from the West. West German women believe they are more advanced and more feminist than women from the former East Germany,⁶⁵ just as American women consider themselves more advanced and more feminist than women in Central and Eastern Europe. There is a serious problem of condescension and arrogance in such a view.

The American feminist emphasis on gender is sometimes said to deemphasize or even deny the importance of imperialism.⁶⁶ By focusing attention on the conflict between the sexes, American feminists divert attention away from the conflict between wealthier countries and poorer countries: The former seek wider markets to increase their wealth and the latter wish to develop their own productive economic base to improve their overall economic well-being, rather than simply gain access to a larger number of imported consumer goods. Western feminists are accused of falsely assuming that all women share important interests and desires, that Western notions of gender, sexual difference, and patriarchy can apply cross-culturally, and of valorizing the West as the best model for women's struggle for equality and power.⁶⁷ It has been argued that most of these notions are a Western feminist import and are inappropriate as a means of understanding women in other countries.⁶⁸

63. See *supra* notes 58–60 and accompanying text.

64. See Dorothy J. Rosenberg, *Step Sisters: On the Difficulties of German-German Feminist Cooperation*, in *COMMUNICATION IN EASTERN EUROPE: THE ROLE OF HISTORY, CULTURE, AND MEDIA IN CONTEMPORARY CONFLICT* 81–109 (Fred L. Casmir ed., 1995); Dorothy J. Rosenberg, *Shock Therapy: GDR Women in Transition from a Socialist Welfare State to a Social Market Economy*, 17 *SIGNS* 129, 146 (1991) [hereinafter Rosenberg, *Shock Therapy*].

65. See Rosenberg, *Shock Therapy*, *supra* note 64, at 146; see also Hermine G. De Soto, *Crossing Western Boundaries: How East Berlin Women Observed Women Researchers from the West After Socialism, 1991–1992*, in *FIELDWORK DILEMMAS IN POSTSOCIALIST SOCIETIES* (Nora Dudwick & Hermine G. De Soto eds., forthcoming 1997).

66. See generally Mohanty, *supra* note 27, at 53–54 (arguing that Western feminist emphasis on male dominance in Third World struggles deemphasizes or denies importance of imperialism).

67. See generally *id.* at 55.

68. See *id. passim*.

The choice to write about women would appear to presuppose the importance of gender. There is a risk that by implicitly privileging gender as the most important oppression, one will thereby deemphasize other sources of oppression. Moreover, Western feminists may try to "construct [for women] a transnational identity as woman . . . coherently rooted in the shared *experience* of gendered oppression"⁶⁹ and believe they have thereby produced a shared international agenda. Yet by focusing on the experience of women as victims of or resisters against male domination, these feminists "take for granted a transnational community of women,"⁷⁰ instead of laying the proper foundations for an alliance among women. This Essay attempts to avoid taking female solidarity for granted and aims to uncover and reinforce such a foundation for an alliance among women.

The perils and pitfalls of the American interchange with Central and Eastern European women and its potential promise come from the same source: the hybrid hierarchical position of women from the United States. Women from the United States are situated at the top of the hierarchy between the United States and the countries of Central and Eastern Europe but on the bottom of the gender hierarchy within the United States.⁷¹ As Americans, women participate, to one extent or another, in the domination that the United States (and Western Europe) exercises over the countries of Central and Eastern Europe. This Essay itself illustrates that hierarchy: American scholars, including American feminists, are more likely than their Central or Eastern European counterparts to have the opportunity to publish their perspectives in an influential and widely read journal.⁷²

Many American feminists challenge the sexist or patriarchal elements of the United States's interaction with Central and Eastern Europe, and they should be more skeptical than American men of some of the neoliberal economic policies that the World Bank, the International Monetary Fund, and Jeffrey Sachs⁷³ are pushing onto the "new market economies" of the

69. Nesiiah, *supra* note 27, at 195.

70. *Id.* at 196.

71. Women from Central and Eastern Europe find themselves in a further, more complex hybrid position. They are at the bottom of the hierarchy between Eastern and Western Europe and are relatively economically underprivileged, yet they are on the top side of the Western/Third World feminist hierarchy and share racial privilege with most other Europeans.

72. Neither passing up the opportunity to express my views nor trying to write from a perspective other than my own offers any personal solution to the general problem of unequal access to influential channels of communication. Direct recognition rather than denial of my specific perspective would seem to encourage a greater sensitivity to the many ways that cultural and political differences can skew one's judgment of a situation; for example, cultural or political differences can make one think that just because something goes "the other way," it also goes "the wrong way." Moreover, acknowledging my own partial perspective may aid others in their judgment of whether I am correct or not.

73. Jeffrey Sachs is a Harvard economist whose views have been enormously influential on the policies of countries adopting a market economic system and on the international lending agencies determining what conditions to place on loans and credits to the countries. "Shock therapy" is one of his best known approaches. See AMSDEN ET AL., *supra* note 32; Peter Gowan, *Neo-Liberal Theory and Practice for Eastern Europe*, 213 NEW LEFT REV. 3, 24 (1995).

region.⁷⁴ A disproportionate number of the people in Central and Eastern Europe hurt by these neoliberal economic policies are women,⁷⁵ and it is women who are generally expected to care for the men, women, and children abandoned by the state in its drive to become “fiscally sound” and “competitive.”⁷⁶

This hybrid position of American women is both a strength and a weakness, and it has significant effects upon the relations between American women and the women of Central and Eastern Europe. A further pitfall for American women is that the example of the present situation of women in Central and Eastern Europe can be used to undermine American women’s legitimate complaints about their role and status within the United States. Focusing on the wretched situation of many women in Central and Eastern Europe contributes to a conservative self-satisfaction with the “progress” made in American gender relations and with the formal protections to women of equality in family life and employment.⁷⁷

C. *Prospects for Feminist Internationalism*

Western feminists often are criticized for focusing attention on the gender opposition between men and women instead of upon the glaring differences between rich and poor.⁷⁸ Privileging nationality and economics is an inadequate answer to this problem. Just as posing race against gender is the wrong way to deal with the twin evils of racism and sexism in the context of the United States,⁷⁹ so too does such an opposition fail to deal adequately with the international problems that affect women. Given the apparent failures of class-based internationalism,⁸⁰ gender-based international cooperation appears to be a more promising strategy. Nationalism has proven to be

74. For a description of some of these policies, see WALTON & SEDDON, *supra* note 57, at 288–329.

75. For an analysis of the situation in the eastern portion of Germany, see Anneliese Braun et al., *Rolling Back the Gender Status of East German Women*, in GERMAN UNIFICATION: THE DESTRUCTION OF AN ECONOMY 147–50 (Hanna Behrend ed., 1995).

76. *See id.* at 146–47; *see also* Jones, *supra* note 49 (stating that German “federal government . . . acknowledges that women are suffering the most in the east’s chaotic transition to a free-market system”); Jonathan Kaufman, *Women Find Freedom Doesn’t Mean Liberation*, BOSTON GLOBE, Dec. 27, 1990, at 19 (“Across Eastern Europe women are complaining about cuts in subsidies and child care, which hit women and families hardest.”); *id.* (“[O]ver the short term, women are bearing the brunt of economic hard times.”).

77. This seems to be the attitude of a number of very successful antifeminist women. *See generally* CAMILLE PAGLIA, *SEX, ART, AND AMERICAN CULTURE* (1992); KATIE ROIPHE, *THE MORNING AFTER: SEX, FEAR, AND FEMINISM ON CAMPUS* (1993); NAOMI WOLF, *FIRE WITH FIRE: THE NEW FEMALE POWER AND HOW IT WILL CHANGE THE 21ST CENTURY* (1993).

78. *See, e.g.*, Mohanty, *supra* note 27, at 63–66.

79. *See* Crenshaw, *supra* note 60, at 162–63.

80. The socialist slogan, “Workers of the world, unite and fight” illustrates this class-based internationalism.

remarkably resilient.⁸¹ Yet women often recognize the damaging effects nationalism has upon women and children.⁸² Unlike workers, racial minorities, or any other "identity" group, women are a majority of the population. One possible mechanism for internationalist feminist intervention into the damaging influence of present neoliberal policies might be found in trade agreements. Within each country and across borders, women could organize to insist that strong and enforceable requirements for maintaining social standards be inserted into trade agreements.⁸³

The feminist concern with avoiding the imposition of American or Western values upon other countries runs a risk of being appropriated by the right wing and used not as a caution, but as a condemnation. At the United Nations Conference on Population and Development in Cairo in 1994, and again at the United Nations Fourth World Conference on Women, held in China in the autumn of 1995, it became apparent that conservatives have "discovered" the anti-imperialist critique of the women's movement.⁸⁴ In Beijing, the Catholic hierarchy appealed to these themes to encourage countries to express reservations regarding those parts of the Beijing Declaration and Platform for Action to which the Vatican objected.⁸⁵ This misuse makes it more dangerous for feminists glibly to criticize themselves or other feminists for "imperialism" or "essentialism." These disputes inadvertently provide ammunition to those who would discredit feminism and downgrade women. At the same time, the conservative threat underscores the importance of feminists dealing effectively with the problem itself.

81. After years of official promotion of internationalism, the countries of Central and Eastern Europe have developed strong nationalist parties remarkably quickly. The former Yugoslavia is perhaps the most tragic and striking example of this phenomenon. See generally EDGAR O'BALLANCE, *CIVIL WAR IN YUGOSLAVIA* (1993). On the rise of nationalism throughout the formerly socialist countries of Europe, see Celestine Bohlen, *Eastern Europe's Women Struggle with New Rules and Old Ones*, N.Y. TIMES, Nov. 25, 1990, § 7 (Week in Review), at 1 (describing resurfacing of conservative attitudes toward women, usually with strong ties to nationalism); Richard Caplan & John Feffer, *Introduction to EUROPE'S NEW NATIONALISM: STATES AND MINORITIES IN CONFLICT* 4, 5, 8 (Richard Caplan & John Feffer eds., 1966).

82. For one scholar's description of some of the ways that nationalism is bad for women, see Penka Angelova, *Women and Nationalism: On the Position of Women in the Nationalist Movements of the Balkan Peninsula*, 5 UCLA WOMEN'S L.J. 49, 54-61 (Dorothy J. Rosenberg trans., 1994), see also Bohlen, *supra* note 81, at 2 (describing nationalistic pro-natalism developing throughout countries in transition).

83. The Treaty of Rome, the founding document for the European Economic Community, now the European Union, provided for equal pay for equal work regardless of sex. This minor provision underpins the development of European Union sex discrimination law. More extensive protections could be inserted into trade agreements, such as NAFTA, as a condition for women's support.

84. See Richard Kieschten, *A Page Was Turned in Cairo*, 26 NAT'L J. 2178 (1994).

85. See, for example, the news release issued by the Holy See at the conclusion of the United Nations Fourth World Conference on Women. As a delegate to the Conference, I was present when a man in a priest's collar, apparently part of the delegation from the Holy See (or Vatican), distributed a gold-colored leaflet that encouraged countries to express reservations and to resist the supposed imperialist imposition of the Beijing Declaration and Platform for Action. I issued a leaflet the same day in response to this pressure tactic and to other manipulations by the Holy See and other antifeminist government delegations. See PROFESSOR F. OLSEN, *APPEAL TO DELEGATES* (Sept. 13, 1995) (unpublished leaflet, on file with the *Yale Law Journal*).

III. THE IMPORTANCE OF RECOGNIZING SELF-INTEREST AND OTHER LESSONS FROM CENTRAL AND EASTERN EUROPE

As an antidote to the arrogance and condescension all too common among Americans dealing with countries they consider subordinate, feminists should recognize and acknowledge what they gain from working in Central and Eastern Europe. By learning from the experiences of women in Central and Eastern Europe, Americans can come to be more effective in the United States and in other parts of the world.

A. *Lessons for Americans from the Countries of Central and Eastern Europe*

It is important for American feminists to realize the amount that they can learn about their own society from Central and Eastern Europe. These lessons include insights into the limits of economic or market strategies, the ideological importance of political language, and the possibilities for organization.

1. *Weighing the Values of a Market Strategy*

The postwar experiences of American women differed considerably from those of women in Central and Eastern Europe. American women had worked in industry and at other well-paying jobs in unprecedented numbers during World War II, had exercised considerable and broad responsibilities inside and outside their homes, and had experienced a good deal of freedom.⁸⁶ But once "Rosie the Riveter" had served her wartime purpose, the men returning from the war reclaimed their jobs and their domination over women.⁸⁷ Resistance from women was met with repression.⁸⁸ "Normalization" meant in part forcing women back into very limited and decreasingly important roles in the home.

In contrast, postwar Central and Eastern Europe offered numerous examples of women working at paid employment on conditions of far greater equality with men than American women experienced. Many American women were quite sympathetic to such a "marketplace" strategy in the United States: full-time work for women as a route to greater equality for women throughout society.⁸⁹ Certainly the example of women as successful doctors, engineers,

86. See generally MAUREEN HONEY, *CREATING ROSIE THE RIVETER: CLASS, GENDER, AND PROPAGANDA DURING WORLD WAR II* (1984) (describing fact and portrayal of women's wartime employment).

87. See LEILA J. RUPP & VERTA TAYLOR, *SURVIVAL IN THE DOLDRUMS: THE AMERICAN WOMEN'S RIGHTS MOVEMENT, 1945 TO THE 1960S*, at 13-14, 18-19 (1987).

88. See *id.* at 18-19 (describing postwar social climate of antifeminism).

89. See BETTY FRIEDAN, *THE FEMININE MYSTIQUE* 46-47, 344 (1963).

and other professionals in Central and Eastern Europe helped to counter any claim that women were incapable of doing such work.⁹⁰

Yet the practices in Central and Eastern Europe were mixed, offering a striking illustration of the weaknesses of the "marketplace" strategy. As elsewhere in the world, feminized professions tended to lack status, regardless of the difficulty or importance of the work of the profession. For years, the majority of doctors in the Soviet Union were women, but American detractors were quick to assert that doctors had much lower status in the Soviet Union than in the United States.⁹¹ In many European countries, including West European ones, women have long served as trial court judges, but these judges have relatively low status.⁹² Even when women's pay and work hours were nearly equal to that of men, women continued to be held responsible for nearly all of the unpaid work in the home.⁹³

On one hand, these circumstances could be explained as the continuing, though receding, legacy of a very conservative past in the countries of Central and Eastern Europe.⁹⁴ The Nazi attitude toward women, that they belonged primarily in the kitchen, caring for children, and serving the church and

90. One might have thought that this claim had already been disproven before and during the Second World War, but it seems to spring up again almost every decade. The modern approach is to argue that women simply do not want to do particular kinds of work. For an analysis of this approach, see Vicki Schultz, *Telling Stories About Women and Work: Judicial Interpretations of Sex Segregation in the Workplace in Title VII Cases Raising the Lack of Interest Argument*, 103 HARV. L. REV. 1749, 1799-815 (1990).

91. See Bohlen, *supra* note 81, at 2 ("With notable exceptions, women were often shunted into feminized professions, such as teaching or medicine, where both the pay and the prestige were correspondingly low."). I also heard these claims throughout my childhood. The main evidence they gave of this allegedly lower status was that doctors in the Soviet Union did not earn the very high salaries that many American doctors began successfully to demand for themselves. Even if the lower salary could be translated into lower status, it is not clear why that should discount the American feminist assertions about the ability of women to practice medicine. Of course, there is no logical basis for believing that there is any connection between women's medical abilities and the low status said to be enjoyed by doctors in the Soviet Union; the quick dismissal, however, of the assertion that many Soviet doctors were women and that this mattered was akin to the general dismissal of any experience from the Soviet Union as proving anything worthwhile.

More recently, at a conference held at the University of Connecticut, *see supra* note 24, I have heard Russian women make a similar claim about the low status of doctors; they make the assertion as part of a feminist critique of the superficiality of the improvement in the status of women in the Soviet Union, not to discount women's equality in general.

92. A further example is provided by Nepal, where a large portion of law professors are women, but the profession is of relatively low status. Women are attracted to legal academia because they can coordinate it with child care better than they can coordinate most legal jobs. Interview with Women Law Professors, including Kusum Saakha and Society for Constitutional and Parliamentary Exercise (SCOPE) members in Kathmandu, Nepal (July 7, 1991); *see also* PHILIP BLUMSTEIN & PEPPER SCHWARTZ, *AMERICAN COUPLES: MONEY, WORK, SEX* 144 (1983); Frances Olsen, *Does Enough Work Make Women Free? Part-Time and Full-Time Work Strategies for Women*, 53 INDIAN J. SOC. WORK 599, 606 (1992) (explaining that law teaching in Nepal has low prestige and is considered part-time work because it is done by women).

93. *See* GISELA KAPLAN, *CONTEMPORARY WESTERN EUROPEAN FEMINISM* 38-41 (1992), *see also* BLUMSTEIN & SCHWARTZ, *supra* note 92, at 144.

94. *See* Sharon Wolchik, *Introduction to Women in the Precommunist Period*, in *WOMEN, STATE AND PARTY IN EASTERN EUROPE*, *supra* note 61, at 45, 49 (discussing claims of activists in Czechoslovakia, Ukraine, and Yugoslavia).

preserving its values, had been broadly accepted in the region.⁹⁵ Some American feminists would give the governments credit for bringing about a degree of change in a very difficult situation. The power structures in these countries, however, remained firmly male-dominated. Women in government positions exercised little or no power and seemed to some to be chosen in part for their willingness not to cause any trouble to the men.⁹⁶ The governments in the region gained what legitimacy they possessed largely from the anti-Nazi credentials they established during World War II. Their policy toward women seemed to be based on anti-Nazism and on communist or socialist ideology more than any strong internal feminist movement.⁹⁷

95. While many associate the slogan "Kinder, Kirche, Küche" with the Nazi view of women, the phrase actually originated before the Nazi era. See LOUIS L. SNYDER, *ENCYCLOPEDIA OF THE THIRD REICH* 194 (1976); see also Renate Bridenthal & Claudia Koonz, *Beyond Kinder, Küche, Kirche: Weimar Women in Politics and Work*, in *WHEN BIOLOGY BECAME DESTINY: WOMEN IN WEIMAR AND NAZI GERMANY* 33, 54–57 (Renate Bridenthal et al. eds., 1984) (explaining continuing appeal of conservative antifeminism to women as related to shallowness and superficiality of supposed equality enacted in Weimar constitution). A 1934 speech of Hitler captures some of the Nazi ideology of gender relations:

[T]he world of woman . . . is her husband, her family, her children, and her house. . . . Providence has assigned woman the task of caring for this world of her own, and only from this can the man construct and mold his world. These two worlds are therefore never in conflict. They complement each other, they belong together, like man and woman belong together. We do not think it is proper if woman invades the world of the man and enters his territory; instead we think it is natural for these worlds to remain apart. One is characterized by strength of feeling, strength of soul! While the other requires strength of vision, toughness, determination, and willingness to sacrifice!

Adolf Hitler, *The Role of Women in the Volksgemeinschaft*, in *INSIDE HITLER'S GERMANY* 262 (Benjamin C. Sax & Dieter Kuntz eds., 1992).

Similarly, the guidelines of the Party issued in 1933 to the National Socialist Women's League provided in part as follows:

We reject the misguided direction of the democratic-liberalistic-international women's movement because they have not discovered new paths based on God and nationhood, and which are rooted in women's souls; instead they represent the point of view that women are competitive with [or equal to] men, and in the demands they have raised they have elevated temporary stopgap measures to the position of a fundamental principle. This has resulted in the creation of a motherhood that has misplaced its energies and that has not understood its task in Germany's time of need.

The National Socialist Women's League, in *INSIDE HITLER'S GERMANY*, *supra*, at 265.

96. See, e.g., Carol J. Williams, *Awaiting Another Revolution*, L.A. TIMES, Dec. 4, 1996, at A1 (stating that Soviet-era Parliament included approximately 15% to 20% women, but they were powerless to change anything and that Communist parties in Russia continue to employ "patronizing quotas" for women while other parties retain resentment of Communist-era tokenism). To the extent that the government positions lacked power, the idea that women were selected on the basis that they did not threaten the men may well be an American projection. See generally Frances Olsen, *Affirmative Action: Necessary but Not Sufficient*, 71 CHI.-KENT L. REV. 937, 941–42 (showing why American law faculties may prefer least threatening women and minority faculty candidates rather than most promising ones).

97. See, e.g., Rosenberg, *Shock Therapy*, *supra* note 64, at 136–38 (discussing role of women in East Germany). These countries were also seriously in need of labor power to rebuild after the destruction of the war. Thus the employment of women in work outside the domestic sphere was attractive to the governments quite aside from ideology. For a discussion of ideology, see Hermine G. De Soto, *Equality/Inequality: Contesting Female Personhood in the Process of Making Civil Society in Eastern Germany*, in *THE CURTAIN RISES: RETHINKING CULTURE, IDEOLOGY, AND THE STATE IN EASTERN EUROPE* 289, 290–94 (Hermine G. De Soto & David G. Anderson eds., 1993). One observer asserted that Romanian government policy in support of women's equality would have shifted if President Nicolae Ceausescu's economic policy were effective, thereby "rais[ing] labor productivity, eas[ing] the labor shortage, and reduc[ing] the need for women in the economy." Mary Ellen Fischer, *Women in Romanian Politics: Elena*

On the other hand, the oppression of women in Central and Eastern Europe during the period before transition raises questions about a market strategy for women in the United States. Perhaps working full time in paid employment does not promote women's equality as effectively as American feminists have tended to believe. Similarly, the limited influence of laws on women's equality in Central and Eastern Europe raises questions about the usefulness of law as an instrument of social change for women, and thus about the legal strategy implicitly adopted by many American feminists.⁹⁸ The successes and failures of Communist-era laws that purported to improve the role and status of women provide an illustration of the effects and limits of a positivist use of law.⁹⁹

Some of the legal struggles waged by women since the transition show the difficulty of maintaining a social state in the face of global economic competition. One problem that has attracted attention in the former East Germany and Slovenia is the ability of employers to disregard the law. In the early 1990s, after unification, some women from the eastern German states concluded that the only way to get a job was to show prospective employers a certificate indicating that they had been sterilized and thus would not take time off work to give birth or to raise children.¹⁰⁰ Employers generally could disclaim any responsibility for the attitude of the unemployed women, and it would be difficult to prove that the employers actually discriminated against fertile women in violation of the law.

A more blatant violation of the law developed in Slovenia. There, some women were required—as a condition of employment—to sign undated letters of resignation, with the understanding that the employer would circumvent the liberal maternity leave laws by activating the resignation letters in the event that they became pregnant.¹⁰¹ Under Slovenian law, however, the state and not the employer bore the costs of the fully paid, one-year maternity leave that was, at least in theory, provided to women.¹⁰² The only obligation of the

Ceausescu, Pronatalism, and the Promotion of Women, in WOMEN, STATE, AND PARTY IN EASTERN EUROPE, supra note 61, at 121, 137.

98. See Jane S. Jaquette, *Foreword to WOMEN, STATE, AND PARTY IN EASTERN EUROPE, supra note 61, at xiii, xiv.* She writes:

[T]he experience of Eastern European women illustrates, in part because government policies have gone much further than our current consensus in the West (excluding Scandinavia) will allow, the limits of government-sponsored change. It also proves beyond a shadow of a doubt that such sponsorship, though it makes a real difference, falls short of our vision

Id.

99. See *id.*

100. Interview with Members of Women's Committee, I.G. Metall Union Offices, Frankfurt/Main, Germany (Spring 1992).

101. Interview with Vika Potochik, Member of Parliament and Chairwoman, Commission for Women's Politics of the National Assembly of Slovenia; Danica Simsic, Member of Parliament and Member of Commission for Women's Politics of the National Assembly of Slovenia; and Bojan Buganc, University of Ljubljana, in the Parliamentary Offices of Vika Potochik, National Assembly, Ljubljana, Slovenia (Oct. 3, 1996).

102. *Id.*

employer was to hold the job open for the return of the employee.¹⁰³ With a birth rate in Slovenia of only 1.3 children per woman,¹⁰⁴ it would be easy to suspect that the actual motivation of employers was more sexist than economic.¹⁰⁵

The practice of requiring such resignation letters became sufficiently widespread to attract the attention of lawmakers. One of the parliamentary parties proposed responding to this problem through a tax credit to employers to compensate them for the losses they suffered or claimed to suffer by keeping the position open during the woman's state-paid maternity leave.¹⁰⁶ Meanwhile, a conservative party tried to extend the leave from one to three years, presumably to benefit new mothers and to increase the birth rate.¹⁰⁷ Opponents argued that it was also an effort to lure women out of the labor market altogether, to romanticize motherhood, and to establish a traditional sexual division of labor.¹⁰⁸ At present, the labor market participation of women in Slovenia is relatively close to that of men (46.9% compared to a male rate of 58.5% as of 1993),¹⁰⁹ and women earn 88% of the salary men earn, working slightly fewer hours.¹¹⁰ Unlike in the former East Germany and in many of the other countries of Central and Eastern Europe,¹¹¹ the burden of unemployment appears not to have fallen disproportionately upon women in Slovenia.

2. *The Use and Abuse of Language*

American feminists can learn important lessons from the current misuse of Nazism. Throughout Central and Eastern Europe, and especially in

103. *Id.*

104. See OFFICE FOR WOMEN'S POLICY, STATISTICS ON WOMEN IN SLOVENIA (1995) (setting forth statistics from 1991 to 1994).

105. There seems to be an interesting contrast between economic welfare and the issue of reproductive freedom. The deteriorating economic position of women in many countries of Central and Eastern Europe occurs despite the law and often in violation of the law, as suggested by the examples from eastern Germany and Slovenia. Deterioration of the opportunity for birth control and abortion seems to occur primarily through changes in the law. The main exception was an administrative regulation in Poland which restricted access before the parliament enacted its restrictive law. See Małgorzata Fuszara, *Legal Regulation of Abortion in Poland*, 17 SIGNS 117, 123 (1991). Preventing abortion, or more accurately criminalizing abortion, appears to be ideologically important to certain Catholics and conservatives. See JOHN PAUL II, CROSSING THE THRESHOLD OF HOPE 204–11 (Jenny McPhee & Martha McPhee trans., 1994); Bohlen, *supra* note 81; Kaufman, *supra* note 76 (reporting that deputy speaker of Polish Senate "has come under fierce attack by the Catholic Church for opposing the abortion bill"). The deterioration of women's economic circumstances, however, takes place outside the law and is presented as the "mere" side effect of economic transformation and moves toward "efficiency." See Bohlen, *supra* note 81.

106. Interview with Vika Potochik, *supra* note 101.

107. *Id.*

108. *Id.*

109. See OFFICE FOR WOMEN'S POLICY, *supra* note 104.

110. See *id.* (noting that women worked 93.6% of hours men worked).

111. On the general high unemployment of women in Central and Eastern Europe, see PROJECT REPORT, *supra* note 16, at 23–27.

Germany, conservatives distort the legacy of Nazism to support reactionary policies. For example, in the German Constitutional Court's 1975 decision that declared unconstitutional a reform law that had decriminalized most abortions,¹¹² the Court appealed to Germany's Nazi past to justify its opinion that the constitutional provision protecting life included the protection of fetuses. The Court implied that the Nazis had permitted abortion¹¹³ when in fact the Nazis imposed the death penalty for the abortion of German fetuses.¹¹⁴ Under the guise of avoiding the distinction the Nazis had drawn between worthy and "unworthy" life, the Court in effect imitated the Nazis and placed a state-decreed value on fetuses (which in Nazi time was based upon the fetus's "nationality"), disregarding the interests and chosen values of the pregnant women. This deliberate misuse of the Nazi legacy occurred before and after the transition. The German right has long struggled to equate Communism with Nazism, changing anti-Nazi memorials to memorials to "victims of fascism and communism."¹¹⁵ After the transition, street names in what had been East Germany were changed to eliminate the names of virtually any socialist or other left-winger.¹¹⁶ The new history that conservatives seek to create tells of a gradual evolution from a historically authoritarian regime to an ever more liberal democracy, interrupted by the blips of Nazism and, in the East, Communism. For example, against a strong feminist protest, spearheaded in part by the left-wing Party of Democratic Socialism (PDS), the name of *Clara Zetkin Strasse*, located behind the University of Berlin (Humboldt), was changed to *Dorotheean Strasse*.¹¹⁷ Clara Zetkin was a member of the German Reichstag from 1920 until its destruction in 1933 and one of the best-known socialist women of the nineteenth and early twentieth centuries; Dorothea was a Dutch princess and second wife of a Prussian Grand Duke. An effort appears to be underway to erase the entire rich history of leftist activism in Germany prior to the Nazi takeover.¹¹⁸

In a more striking misuse of the Nazi past, West German academics invoked it to explain their decision to fire a large portion of professors from formerly East German universities, including many women, and to replace them with West Germans, almost all men and often young academics who had

112. See § 218a Strafgesetzbuch [StGB] (F.R.G.) (amendment of June 18, 1974)

113. Judgment of Feb. 25, 1975, Bundesverfassungsgericht [BVerfGE] 39, 1 (F R G)

114. See § 218 (III)(2) StGB (amendment of Mar. 18, 1943); Frances Olsen, *The Supreme Court, 1988 Term—Comment, Unraveling Compromise*, 103 HARV. L. REV. 105, 132 (1989) (discussing Nazis' imposition of capital punishment for "aggravated cases").

115. See Dorothy J. Rosenberg, Conference on German Identity—East and West 5–6, 8–9 (Aug. 30, 1995) (unpublished manuscript, on file with the *Yale Law Journal*).

116. See Hermine G. De Soto, *(Re)Inventing Berlin: Dialectics of Power, Symbols and Pasts, 1990–1995*, CITY & SOC'Y (forthcoming 1997).

117. See *id.*

118. See *id.*

been unable to find continuing employment in the West German universities.¹¹⁹ Responding to charges of cultural imperialism and allegations that the firings resulted more from the desire of the West German professors to find employment for former students than to improve the quality of the East German universities, some West Germans claimed that West Germany did not want to repeat the "mistake" they made of not firing any of the Nazi professors at the end of World War II.¹²⁰ In fact, the domination of the West German universities by professors acceptable to the Nazis during and for many years after World War II, combined with the German system of mentoring,¹²¹ probably contributed to the continuing strong anti-Communist orientation of many West German professors. By firing the Communists or alleged Communist sympathizers, West German professors were simply repeating what the mentors of the mentors of their mentors had done before and during the War, from 1933 to 1945.

In Slovenia and the other republics that broke away from Yugoslavia, there continues to be ideological struggle over the status of the anti-Nazi resistance during the War. The resisters who had been celebrated as patriots are being redefined in some circles as mere Stalinists,¹²² and efforts have been made to rehabilitate the Nazi collaborators as the true patriots.¹²³ Croatia has adopted the flags and other symbols that date from Nazi times, 1941–45,¹²⁴ and as a result, it has received a good deal of money from Nazi supporters living outside of the country,¹²⁵ some of whom had been smuggled out of

119. Interview with Tom Raiser, Dean, Humboldt University, Berlin (May 24, 1995); Interview with Bernhard Schlink, Professor, Humboldt University, Berlin (June 22, 1994); Interview with Rosemarie Will, Professor, Humboldt University, Berlin (June 7, 1995).

120. Interview with Tom Raiser, *supra* note 119; Interview with Rosemarie Will, *supra* note 119.

121. In Germany, professors choose which individuals to accept as graduate students to pursue the doctorate and the habilitation, the advanced degrees needed to become a German professor. See Frances Olsen, *Employment Discrimination in the New Europe*, 20 J.L. & Soc'y 131, 141–42 (1993). As in the United States, the support of a professor is important in obtaining a teaching position. See Robert Birmingham, *Proving Miracles and the First Amendment*, 5 GEO. MASON L. REV. 45, 48 (1996) ("[A]t German universities, talent descended from father to son-in-law, young academics marrying their professors' daughters, and thus improving their prospect of appointments to professorships.") (citing MARK KAC, ENIGMAS OF CHOICE: AN AUTOBIOGRAPHY 28 (1985)).

122. Interview with Alenka Selih, Ljubljana, Slovenia, Oct. 4, 1996.

123. *Id.*; Interview with Bojan Bugaric, Ljubljana, Slovenia, Sept. 27, 1996.

124. See generally Roger Cohen, *Serbian General Who Calls the Shots: Determined and Calling West's Bluff*, N.Y. TIMES, Apr. 17, 1994, § 1, at 12 ("[P]rovocations directed at the Serbian minority by the Croatian President, Franjo Tudjman [include] the banning of the Cyrillic script in Croatia, the removal of some Serbs from public administration posts, and the initial tolerance of the use of Ustashe, or Croatian fascist, symbols."). Furthermore,

[i]n one of his first acts, Mr. Tudjman decreed that Croatia should adopt a red-and-white checkerboard coat of arms that closely resembles the symbol of the fascist Ustashe state. That coat of arms is now part of the Croatian flag. . . . [T]he Croatian Parliament accepted Mr. Tudjman's recommendation that the country adopt a new currency and call it the Kuna, which was the name of the national currency during the Ustashe period.

Stephen Kinzer, *Pro-Nazi Rulers' Legacy Still Lingers for Croatia*, N.Y. TIMES, Oct. 31, 1993, § 1, at 10.

125. On the importance of foreign money, see Raymond Bonner, *A Would-Be Tito Helps to Dismantle His Legacy*, N.Y. TIMES, Aug. 20, 1995, § 1, at 12 ("[T]he Croatian Democratic Union . . . won the first elections, helped by financing from anti-Communist Croatian émigrés in the United States and Canada.");

Europe in 1945–46 with the help of Croatia.¹²⁶ The new Croatian government also has destroyed much of the evidence of Nazi war crimes, including the concentration camp memorial located in Jasenovac.¹²⁷ Controversy over the status of anti-Nazi resistance has not been limited to the former Yugoslavia. In the Baltic countries, for example, Nazi war criminals have been “rehabilitated” as honored citizens and if they were in jail, released.¹²⁸

Recent struggles in Central and Eastern Europe over the Nazi past can offer valuable insights into the ongoing struggle in the United States over the legacy of McCarthyism. The same groups of reformers in the United States whose lives and careers were most disrupted by the abuses of McCarthyism are once again finding “McCarthyism” used against them. In recent years, the memory of Senator Joe McCarthy has been invoked almost as often by those opposing efforts to combat racism, sexism, and hate campaigns as by those opposing political repression. The right-wing attack on “political correctness,” or “PC,” is often accompanied by a reference to the “New McCarthyism,”¹²⁹ by which the speaker means to suggest that the effort to reduce racism and sexism in our language and culture is just as oppressive as or more oppressive

Kinzer, *supra* note 124, at 10 (“Mr. Tudjman’s refusal to condemn the Ustashe legacy helps solidify his support among some Croatian nationalists and among rightist Croatian exiles who contribute to his political campaigns.”).

126. This was how the United States smuggled Klaus Barbie, the “Butcher of Lyon,” out of Europe, in March 1951, before the French could lay hands on him. After the French finally successfully extradited Barbie as a war criminal, in February 1983, a flurry of articles explained how the American Counter Intelligence Corps (CIC) paid a Croatian Catholic priest, Father Krunosla Draganovic, to smuggle Barbie and thousands of other Nazi war criminals out of Europe with the active assistance of the Vatican and the International Red Cross through what became known as the “Rathne.” See CHARLES R. ALLEN, JR., *NAZI WAR CRIMINALS IN AMERICA: FACTS . . . ACTION: THE BASIC HANDBOOK* 37–39, 41 (1985); HAIM GENZI, *AMERICA’S FAIR SHARE: THE ADMISSION AND RESETTLEMENT OF DISPLACED PERSONS, 1945–1952*, at 88–92 (1993); ALLAN A. RYAN, *KLAUS BARBIE AND THE UNITED STATES GOVERNMENT: A REPORT TO THE ATTORNEY GENERAL OF THE UNITED STATES* 135–63 (1983); CHRISTOPHER SIMPSON, *BLOWBACK: AMERICA’S RECRUITMENT OF NAZIS AND ITS EFFECTS ON THE COLD WAR* 176–85 (1988); *Obituary of Klaus Barbie*, DAILY TELEGRAPH, Sept. 27, 1991, at 19; *Priest Linked to Escape of Barbie*, RECORD (Bergen, N.J.), May 8, 1986, at A8; Richard Rashke, *Dominique D’Ermo and the Plot to Kill Klaus Barbie*, REGARDIE’S MAG., Oct. 1989, at 92; Alexander Zvielli, *Unveiled Top-Secret Report Reveals The Rat Route*, JERUSALEM POST, Dec. 4, 1990, at 1.

127. See ROBERT J. DONIA & JOHN V.A. FINE JR., *BOSNIA AND HERCIGOVINA: A TRADITION BETRAYED* 141 (1994) (“In the Serbian nationalist lexicon, *Jasenovac* is an instantly identifiable symbol of Croatian genocide.”); Chris Hedges, *Croatian War-Shrine Plan Revives Pain*, N.Y. TIMES, May 19, 1996, § 1, at 6 (“President Franjo Tudjman . . . said a few days ago that he wanted to turn the [Jasenovac] camp into ‘a memorial for all victims of war.’ Those who died under fascist and Communist rule, along with the dead from the 1991 Croatian war against the Serbs, would lie side by side at Jasenovac.”)

128. On Lithuania, see *Nazi War Crimes Shadow Lithuanian President’s First Visit to Israel*, AGENCE FRANCE-PRESSE, Feb. 28, 1995, available in LEXIS, Nexis Library, AFP File (reporting Jerusalem’s Simon Wiesenthal Centre Director Efraim Zuroff’s accusation that “[t]here are around 5,000 Lithuanians involved in the murder of Jews during the Holocaust . . . among those rehabilitated by the Lithuanian government.”)

129. A LEXIS search of the Allrev File, conducted on January 20, 1997, turned up more than a dozen references to “New McCarthyism,” almost all referring to “political correctness” or efforts to reduce racism and sexism. The two exceptions, one Australian, were references to alleged McCarthy-like political repression against legal academics associated with Critical Legal Studies (CLS)

than the abuses of power during the McCarthy era.¹³⁰

The notion of “political correctness,” currently used by the right to attack the left, was invented by the left wing as a playful, ironic self-critique. During the 1960s and early 1970s, members of the civil rights, antiwar, and women’s liberation movements cautioned against taking themselves too seriously in their efforts at “purity” in refusing to buy products manufactured under oppressive conditions or in oppressive countries, and their efforts to reduce sexism in language. A home-cooked dinner might be humorously praised as “politically correct” if it had no table grapes, which were being boycotted to support the United Farm Workers, and no wine or other ingredients that came from Franco’s Spain or another right-wing dictatorship. When the idea was “discovered” and taken over by the American right wing in the 1980s and 1990s, the humor and self-reflection were replaced with a nasty hard edge, and there was no acknowledgement of its origin.¹³¹

The right-wing invocation of McCarthyism to criticize efforts to reduce racism and sexism serves two purposes. First, it attempts to undermine and discredit the cultural struggle against racism and sexism. It tends to exaggerate the power of the voices trying to reduce racism and sexism and clothes them with imaginary state power. In addition, it attempts to discount and obscure the serious abuses of the McCarthy era. The right wing occasionally produces its own “horror stories” of “political correctness,” claiming that some teacher lost his job for insisting that Cleopatra was not black-skinned or for complimenting the dress of a female student.¹³² As far as I know, whenever one of these “horror stories” includes enough specificity that the facts can actually be tracked down, it turns out to be a total fabrication: There was no job, or the job was not lost, or the person was not hired for some other, unrelated reason.¹³³ In contrast, during the era of McCarthyism, tens of thousands of people lost their jobs, and untold more were intimidated and terrorized.¹³⁴

130. See DINESH D’SOUZA, *ILLIBERAL EDUCATION: THE POLITICS OF RACE AND SEX ON CAMPUS 195* (1991) (discussing alleged “McCarthyism of the left”).

131. See David Lodge, *Mind Your Language*, *SUNDAY TIMES* (London), Oct. 16, 1994 (reviewing *THE WAR OF THE WORDS: THE POLITICAL CORRECTNESS DEBATE* (Susan Durrant ed., 1994) [hereinafter *THE WAR OF THE WORDS*]); see also Deborah Cameron, “*Words, Words, Words*”: *The Power of Language*, in *THE WAR OF THE WORDS*, *supra*.

132. See D’SOUZA, *supra* note 130, at 194–228. Any issue of the newspaper *Heterodoxy* would have one or more such stories. See also *THE WAR OF THE WORDS*, *supra* note 131.

133. See, e.g., *Dateline NBC: Affirmative Reaction* (NBC television broadcast, Jan. 23, 1996) (tracking down and disproving claim by Tom Wood, coauthor of California’s anti-affirmative action Initiative 209, that he was denied academic job because of reverse discrimination); see also RUSSELL JACOBY, *DOGMATIC WISDOM* (1994) (acknowledging, in context of criticizing “cultural war,” massive difference between “political correctness” and McCarthyism, and tracking down and debunking various right-wing claims of political repression); Christopher Phelps, *The Second Time as Farce: The Rights’s “New McCarthyism”*, *MONTHLY REV.*, Oct. 1991, at 39 (demolishing claim that political correctness is worse than McCarthyism).

134. See, e.g., Sean Wilentz, *Sense and Sensitivity*, *NEW REPUBLIC*, Oct. 31, 1994, at 43, 46 (reviewing RICHARD BERNSTEIN, *DICTATORSHIP OF VIRTUE: MULTICULTURALISM AND THE BATTLE FOR AMERICA’S FUTURE* (1994)) (describing McCarthy-era “jailings, congressional subpoenas, rampant blacklisting and the firing of untold thousands of Americans from their jobs, including upward of 600 teachers and professors”).

Harvard University is widely credited for bravely refusing to fire two teachers who stood up to McCarthy, when in fact the school merely waited a few months until the end of their contract period to terminate them.¹³⁵

3. *Implications for Feminist Studies*

The struggle between right-wing and left-wing politics in the United States continues to influence American involvement in Central and Eastern Europe in ever more complicated ways. Many conservatives in the United States claim that the United States, or former President Ronald Reagan, "won" the Cold War by standing up to the Soviet Union or by destroying its economy through the arms race.¹³⁶ The collapse of the Soviet Bloc and the changes in the governments of Central and Eastern Europe are often used in the United States to claim or "prove" that Communism does not work.¹³⁷

Although these assertions are nonsense, there is a connection between the current weakness of the left in the United States and Western Europe and governmental changes in Central and Eastern Europe. This crisis on the left has occurred at about the same time as a rise in the importance of "identity politics"—movements for racial justice, gender justice, gay and lesbian rights, rights of the handicapped¹³⁸—and a decrease in confidence that the working

135. See ELLEN W. SCHRECKER, *NO IVORY TOWER: MCCARTHYISM AND THE UNIVERSITIES* 204 (1986) (discussing case of Leon Kamin, who was not fired but not reappointed because of his refusal to cooperate with Jenner Committee); *id.* at 249 (discussing case of Helen Deane Markham, who was also neither fired nor reappointed for same reason); Jerry Frug, *McCarthyism and Critical Legal Studies*, 22 HARV. C.R.-C.L. L. REV. 665, 671 (1987) (reviewing SCHRECKER, *supra*).

136. See, e.g., Gwen Ifill, *Bush Cites Arkansas Crime in Attack on Clinton Record*, N.Y. TIMES, Sept. 29, 1992, at A19; Major Garrett, *'We Need' Bush, Reagan Says: Delegates Laugh, Cry, Cheer Ex-President*, WASH. TIMES, Aug. 18, 1992, at A1.

137. One could equally well claim that the collapse of the Soviet Bloc proved that Trotsky was correct and Stalin mistaken about the need for worldwide revolution, rather than "socialism in one country." Or one could speculate that when Communism falls, capitalism cannot be far behind. My favorite counter to the right-wing assertion arose from a 10-day lecture tour I made to Hungary in the very early spring of 1989, before the transition. I spoke with a wide variety of people who were struggling in one way or another for basic societal changes, including women's groups and three different women, each of whom believed she was "the only feminist in Hungary." By the end of the trip, I had reached some conclusions: Based on the society's failure to deal adequately with the situation of women, I predicted that the government would not survive. Therefore, by the same logic used by the right wing, my prediction proves that feminism is correct.

138. Within the United States, "identity politics" is most often used to refer to such progressive movements. One useful description suggests:

In what could be considered the first stage of identity politics, individuals identified with general characteristics such as race, gender, or national origin to contend that discriminatory distinctions should not be made on the basis of those categories. The early civil rights and women's movements, for example, argued that African-Americans and women were entitled to the same rights as white men. Asserting that there was no significant difference between blacks and whites or between women and men, these movements aimed to achieve a system by which skin color or sex did not determine one's place in society.

Subsequent movements rejected this paradigm of liberal pluralism on the ground that its colorblind and sexblind mentality obscured real cultural and political (and some even argued biological) differences between the groups. Some individuals and groups in a proliferating list of movements based on identity began proudly to (re)assert, or perhaps reclaim, their

class provides the logical basis for progressive social change.¹³⁹ Feminists, who focus on women, the largest of these identity groups, may be in an excellent position to question underlying weaknesses in Marxism's class analysis.¹⁴⁰ An understanding of the governmental changes in Central and Eastern Europe may in turn facilitate and enrich this feminist critique. More broadly, a number of liberals or leftists are interested in contesting the right-wing's claimed hegemony in Central and Eastern Europe. Some seek to demonstrate in the region the value of liberal social policies.¹⁴¹ Some are also interested in studying Central and Eastern Europe to develop a better understanding of the processes of social change.¹⁴²

Studies of Central and Eastern Europe may also help answer a number of questions that are highly relevant to feminist studies. Why did women in some

identities—as African-American, Asian-American, Latino or Native American, as female, as gay or lesbian, as disabled, as working class and so forth. Eventually, identity politics called upon dominant groups to acknowledge their positionality as well, so that some began classifying others or themselves as white, as male, as straight, as able-bodied, as upper-middle class.

Dan Danielsen & Karen Engle, *Introduction to AFTER IDENTITY* at xiv (Dan Danielsen & Karen Engle eds., 1995). A more international context may engender a less positive view of identity politics. As Valentine Moghadam writes, for example:

During the 1980s, discourses and movements centered on issues of identity erupted around the world with considerable force. Questions of cultural, religious, national, linguistic, and sexual identity commanded center stage, relegating questions of economic justice, at least temporarily, to the background. . . . In the wake of the dismantling of Communism in Eastern Europe and the Soviet Union political-cultural movements of all types have emerged in the former socialist bloc, destroying old solidarities and redefining group identity and boundaries between groups. The tragedy in the former Yugoslavia is only the most violent.

Valentine M. Moghadam, *Introduction: Women and Identity Politics in Theoretical and Comparative Perspective*, in *IDENTITY POLITICS AND WOMEN: CULTURAL REASSERTIONS AND FEMINISMS IN INTERNATIONAL PERSPECTIVE* 3, 3 (Valentine M. Moghadam ed., 1994).

139. As Moghadam states:

Whereas the discourse of "national character," "national psychology" and national identity used to be associated with the Right, it now spans the political spectrum. . . . Whereas the socialization of the means of production was once the dividing line between Left and Right in the West, now it is multiculturalism in the university curriculum and the school system. The workers' or labor movement is apparently a thing of the past, succeeded by a plethora of social movements, many of them organized around questions of identity.

Moghadam, *supra* note 138, at 4.

140. For example, although the working class may constitute a large portion of the population, paid workers are actually a relatively small group. The unstated assumption that male heads of households provide adequate political representation for their families has been attacked by feminists from Elizabeth Cady Stanton and most of the suffragists down to the present day. See *THE CONCISE HISTORY OF WOMAN SUFFRAGE* 108 (Mari Jo & Paul Buhle eds., 1978); LUCE IRIGARAY, *SPECULUM OF THE OTHER WOMAN* (1985); SUSAN MOLLER OKIN, *WOMEN IN WESTERN POLITICAL THOUGHT* (1979) (criticizing Western male-dominated tradition of political thought, from Plato to John Stuart Mill and beyond); Iris Marion Young, *Impartiality and the Civic Public: Some Implications of Feminist Critiques of Moral and Political Theory*, in *FEMINISM AS CRITIQUE: ON THE POLITICS OF GENDER* 57 (Seyla Benhabib & Drucilla Cornell eds., 1987).

141. See Duncan Kennedy, *Neither the Market Nor the State: Housing Privatization Issues*, in *A FOURTH WAY? PRIVATIZATION, PROPERTY, AND THE EMERGENCE OF NEW MARKET ECONOMIES* 253 (Gregory S. Alexander & Grażyna Skąpska eds., 1994) (proposing housing privatization policy animated by ideals of solidarity and participation); Duncan Kennedy & Leopold Specht, *Limited Equity Housing Cooperatives as a Mode of Privatization*, in *A FOURTH WAY?*, *supra*, at 267 (detailing method for privatizing housing).

142. See, e.g., Ruth-Ellen Boetcher Joeres & Barbara Laslett, *Introduction to Forum*, 17 *STIGNS* 112, 113 (1991).

Central and Eastern European countries remain subordinated at a time when their governments enacted many of the laws that Americans and some Western Europeans are still struggling to enact?¹⁴³ Are Western feminists mistaken to think law is an effective tool for social change? Will the legal changes we seek be effective? For example, American feminists would do well to understand why East German women were not able to negotiate a more equitable division of domestic work with East German men when women had a *real* option to leave their husbands and raise their families on their own.¹⁴⁴ This is the kind of option many feminists are struggling to establish for women in the United States. Further, there is much to learn from women's experiences during and after transition. How do they mobilize as they do and set up the institutions they establish? One clear lesson from Central and Eastern Europe is that when change begins to take place, it can occur with breathtaking speed. Such a message can be quite encouraging to those who calculate that at the present rate of change women may not begin to achieve fair wages and meaningful access to top jobs until the year 2040.¹⁴⁵ What role did the governments' loss of legitimacy play in facilitating rapid change? Feminists have long focused on issues of legitimacy; an important goal of feminist struggles is to delegitimize male domination and the oppression of women.¹⁴⁶

143. See Jaquette, *supra* note 98, at xiv.

144. See Braun et al., *supra* note 75, at 142.

145. See Naomi Caine & Helen Davidson, *Men Still Behave Badly over Women's Salaries*, LONDON TIMES, Jan. 26, 1997 (reporting on study by British Equal Opportunities Commission concluding that at current rate, "women will wait until the year 2040 to achieve equality in pay"). Different studies come to different conclusions, but none suggests equality any time soon.

146. See, e.g., Nadine M. Taub & Elizabeth Schneider, *Women's Subordination and the Role of Law, in THE POLITICS OF LAW: A PROGRESSIVE CRITIQUE* 151, 160-71 (David Kairys ed., rev. ed. 1990); Ann E. Freedman, *Sex Equality, Sex Differences, and the Supreme Court*, 92 YALE L.J. 913, 965 (1983) (emphasizing importance of critiquing sexist social norms and practices to combat sex discrimination); Kathryn L. Powers, *Sex Segregation and the Ambivalent Directions of Sex Discrimination Law*, 1979 WIS. L. REV. 55, 102-05. On legal legitimization generally, see Frances Olsen, *Socrates on Legal Obligation: Legitimation Theory and Civil Disobedience*, in LEGAL AND POLITICAL OBLIGATION: CLASSIC AND CONTEMPORARY TEXTS AND COMMENTARY 66-69 (R. George Wright ed., 1992), revised and reprinted from 18 GA. L. REV. 929, 951-54 (1984) (discussing how legal practices can reconcile oppressed to their oppression and help oppressors to feel justified in their oppressive behavior).

Typically, racial segregation and oppression have been thought to rest on force and violence (lynchings, arrests, physical intimidation) while male domination is thought to be customary and to maintain itself through ideological hegemony. In fact, the role of force and violence in maintaining the gender hierarchy may be underestimated, just as the role of ideology in maintaining racial hierarchy may be underestimated. On the role of violence in maintaining gender hierarchy, see SUSAN BROWNMILLER, *AGAINST OUR WILL: MEN, WOMEN AND RAPE* 14-15 (1975) (discussing prehistoric discovery of rape as conscious process of intimidation); Frances Olsen, *Feminist Theory in Grand Style*, 89 COLUM. L. REV. 1147, 1177 (1989) (discussing pervasiveness of sexuality in women's subordination and therefore rape as act of sexual terror against women as a group). On the role of ideology in maintaining racial hierarchy, see Alan David Freeman, *Legitimizing Racial Discrimination Through Anti-Discrimination Law: A Critical Review of Supreme Court Doctrine*, 62 MINN. L. REV. 1049, 1051 (1978) (arguing that Supreme Court opinions both reflect and crystallize dominant societal moral positions regarding discrimination).

Generally, women seem to gain from the process of delegitimizing existing structures. Yet because women are so often denied legitimacy, this process can be double-edged. On delegitimizing women's experience of sexual harassment through its trivialization, see CATHARINE A. MACKINNON, *SEXUAL HARASSMENT OF WORKING WOMEN* 52 (1979). Women are often in the position of having to defend the legitimacy of state "intervention" into the "privacy" of the family. See Frances Olsen, *The Family and the*

B. *Mixed Motives and Self-Interest*

Women and men working in Central and Eastern Europe may have complex mixed motives for their work; these motives may in turn lead to a complex set of results. One aspect of motives and results involves the ongoing struggle within the United States between right and left, a struggle further complicated by the feminist movement.

1. *The American Right Wing Versus Left Wing*

Central and Eastern Europe plays an ideological role in internal U.S. politics. One could call Central and Eastern Europe a "floating signifier."¹⁴⁷ The meaning the region has in the American imagination and politics is a subject of significant contestation and struggle. To some extent, people find what they look for, and Americans look for different things depending upon their assumptions about the previous governments, their general view of social change, and their sense of what matters for the future. Antifeminists study different things and make different findings than feminists, and liberals are likely to reach different conclusions about the present situation in the region than are radicals or conservatives. Feminists in the United States also split on this issue.¹⁴⁸ Socialist feminists tend to be more skeptical about anti-Communism than are radical feminists or liberal feminists. Liberal feminists may share a degree of anti-Communism, and are more ready to believe that establishing a capitalist market goes hand in hand with democratization.

Soviet influence over the governments established in Central and Eastern Europe after World War II played a central justificatory role in the Cold War.¹⁴⁹ America's postwar swing to the right and the terrible repression of

Market: A Study of Ideology and Legal Reform, 96 HARV. L. REV. 1497, 1509-13 (1983); Frances Olsen, *The Myth of State Intervention in the Family*, 18 U. MICH. J.L. REFORM 835 (1985).

147. Renata Salecl introduced this Lacanian concept into the literature on Central and Eastern Europe: [N]otions like democracy, human rights, the state run according to the rule of law, etc., are floating signifiers which we cannot say have some immanent meaning. Their meaning is always dependent on the symbolic network in which they are embedded. . . . [T]heir articulation and inclusion in a particular political discourse is the product of a struggle.

RENATA SALECL, *THE SPOILS OF FREEDOM: PSYCHOANALYSIS AND FEMINISM AFTER THE FALL OF SOCIALISM* 53-54 (1994).

148. See generally ALISON M. JAGGER, *FEMINIST POLITICS AND HUMAN NATURE* 173-350 (1983) (describing liberal, radical, and socialist feminism); Louise C. Johnson, *Socialist Feminism*, in *FEMINIST KNOWLEDGE: CRITIQUE AND CONSTRUCT* 304, 304-31 (Sneja Gunew ed., 1990) (discussing socialist feminism); Robyn Rowland & Renate D. Klein, *Radical Feminism: Critique and Construct*, in *FEMINIST KNOWLEDGE: CRITIQUE AND CONSTRUCT*, supra, at 271, 271-303 (discussing radical feminism).

149. But see Robert L. Messer, *World War II and the Coming of the Cold War*, in *MODERN AMERICAN DIPLOMACY* 117, 123 (John M. Carroll & George C. Herring eds., rev. & enlarged ed. 1996) (characterizing "[t]he failure of [a promised] second front to materialize until late in the war" as "perhaps the most determining single factor" in the origins of the Cold War") (quoting Franklin D. Roosevelt biographer James MacGregor Burns); *id.* at 118-22 (attributing Cold War to failure of West to invest any fraction of what Soviet Union invested to defeat Nazi Germany).

the McCarthy era were fueled by Cold War anti-Communism.¹⁵⁰ Throughout the Cold War, right-wingers would constantly refer to the countries of "Eastern Europe" as proof of the worthlessness of Communism.¹⁵¹ These so-called captive nations were reported to be dictatorships under the domination of the Soviet Union.¹⁵² Right-wingers cited these undemocratic governments to argue that people did not voluntarily choose to live under Communism and that Communism was hypocritically more imperialistic than any imperialism attributed to the capitalist, or "free," countries. The right wing championed the dissident movements, and the CIA poured vast sums of money into antigovernment activities in the countries of Central and Eastern Europe.¹⁵³

In contrast, many left-wingers in the United States felt somewhat embarrassed about so-called real existing socialism and denied that the governments were socialistic.¹⁵⁴ Some Americans tried to find some good in the governments, but generally they did not offer support. To a large extent, the American left simply did not engage in Central and Eastern Europe. It is only in the last ten years that the significance of Central and Eastern Europe to the left has undergone a marked change.¹⁵⁵

2. "Civilizing" Central and Eastern Europe

American women may also want to share their hard-earned knowledge with Central and Eastern European women. Finding some women who are worse off and "helping" these women rise to the level of American women, however, reinforces self-congratulatory views of the United States as civilized and progressive. Some women may be motivated in part by the desire to prove that Western liberalism can include women in the rights of man,¹⁵⁶ or to

150. See LONNIE R. JOHNSON, *CENTRAL EUROPE: ENEMIES, NEIGHBORS, FRIENDS* 243-45 (1996). HOWARD ZINN, *A PEOPLE'S HISTORY OF THE UNITED STATES* 420-28 (1980)

151. See YOUNG, *supra* note 7.

152. For perspective, it should be remembered that most of these same American right-wingers praised the dictatorships in countries such as Spain, Portugal, the Philippines, and Saudi Arabia. See generally *id.*

153. Radio Free Europe alone cost untold millions of dollars. See Dean E. Murphy & Marjorie Miller, *Radio Free Europe's Warriors Still Wary*, L.A. TIMES, Feb. 8, 1995, at A1 (reporting that Radio Free Europe eventually lost over \$200 million annually). In an article praising the work of the "cadre of career anti-communists" staffing the station and Radio Liberty, the authors speak positively of spying carried out from the Munich headquarters of Radio Free Europe, claim that many credit the staff's assertion of responsibility for toppling the Communist regimes, and report that top figures received six-figure American salaries. See *id.*; see also *Morning Edition: Congress Orders Radio Free Europe to Privatize* (NPR radio broadcast, Jan. 3, 1995) (recounting, in context of planned privatization of Radio Free Europe and Radio Liberty, "scandal in the early 1970s when it was revealed their funding came from the CIA. They had been funded directly by the U.S. Congress ever since . . .")

154. See generally YOUNG, *supra* note 7.

155. For example, when I was a Fellow at Oxford in 1987 and first met non-right-wing dissidents from Central and Eastern Europe, the general association of the American right wing with opposition to Communism in Eastern Europe had not changed much. Some of the Hungarians who later formed the influential Young Democrats party approached me with an interest in establishing contacts with American liberals and leftists and in broadening United States support beyond the right wing.

156. This appears to be a concern of Susan Moller Okin. See Okin, *supra* note 27, at 18-21 (arguing

prove that liberal feminism is superior to cultural feminism or radical feminism.¹⁵⁷ Other women may seek through their work in Central and Eastern Europe to challenge Americans' views of their own progressiveness and civilization.¹⁵⁸ Some may be motivated at least in part by a kind of nostalgia, a desire to refight old battles and fare better this time. Finally, some American feminists who worry that feminism in America is past its prime and no longer interesting may find a new excitement and liveliness to feminism in Central and Eastern Europe.¹⁵⁹

The armies of developers and harmonizers, however, will continue to march into Central and Eastern Europe regardless of what feminists do or do not do. The markets of Central and Eastern Europe will be exploited in more or less harmful ways. Yet too often the same kind of obnoxious patronizing and dismissal of Eastern Europeans that marks so much of the officially sponsored American involvement also finds echoes in feminist work.¹⁶⁰ American feminists involved in Central and Eastern Europe act from a diversity of experiences and with a diversity of goals. For quite a number of feminists of Central- or Eastern-European origin, the notion—or fantasy—of returning to their roots may play an important role. Others want to encourage the United States women's movement to be less provincial and insular. For some American feminists, working in Central or Eastern Europe is nostalgic; it invokes a simpler time when law was idealistic. Frustrated by the complexity and seemingly intractable nature of gender issues in the United States, these feminists are drawn to societies they see as simpler, where sexism seems clear and outrageous. The blatant sexism they may find in other countries makes some American women feel modern and liberated by comparison.

One potential pitfall of increased involvement is the use of Central and Eastern Europe as a laboratory. A number of people, not only or especially feminists, view the countries of Central and Eastern Europe as lands of opportunity, places where they can have experiences and gain importance that they would never enjoy at home. I was appalled a few years ago when an American law school on the East Coast bragged about how a class had drafted

that Rawls's theory of justice can speak to women's family issues in feminism).

157. For an earlier, similar use of Eastern Europe, see WOLFF, *supra* note 10, at 359–61, which discusses the use of Eastern Europe as “an experimental domain” by Diderot, Voltaire, Rousseau, and others in their agreements and disagreements with one another.

158. For an earlier version of this approach, see WOLFF, *supra* note 10, at 368–69, which describes Rebecca West's use of Eastern Europe to critique Western Europe in 1930s.

159. The claim that feminism is past its prime has been around almost since the first feminist movement. See RUPP & TAYLOR, *supra* note 87, at 20 (noting that in 1950s, “women who had once identified as feminists declared that feminism was dead”).

160. Practices in various countries of Central and Eastern Europe, such as grocery stores expecting customers to bring their own shopping bags, or criminal prosecutions proceeding by an accusatory rather than adversarial model, are treated as more peculiar and backwards when the reporter is unaware that the same practices exist in Western Europe as well. For example, in Bellagio, Italy, in June 1994, an American Bar Association representative to Lithuania, the son of one of the Bellagio Fellows then in residence, made a presentation to the Fellows deriding these “backward” customs.

portions of the Latvian constitution or criminal code.¹⁶¹ A student of mine taught law in Romania immediately after graduating from law school, a great experience he could not have obtained elsewhere, and he might have done a fine job. But I am reminded of the British who served in India (and other colonies) enjoying power and prestige they could never have had at home. Nonaristocratic British men were able to live like aristocrats in the colonies.¹⁶² The armies of advisors and legal codifiers and homogenizers sent to Central and Eastern Europe today can feel a similar self-importance.¹⁶³

In the United States, the problems of Central and Eastern Europe have attracted more attention than their successes. Some of this impulse or fashion is quite justified. Women's groups are interested in improving conditions, so they are most interested in those conditions that they see as needing improvement. During the period before transition, most government-supported women's groups bragged about the progress of women in their countries in a relatively uncritical manner. Now, increasingly, the women's groups are complaining about how bad things are becoming for women in their countries. Because an important goal of American and Western European women working in various parts of the world is to come to understand better the possibilities and limits of social change, we need to develop a theory that avoids totalizing or homogenizing women. The next Part of this Essay attempts a few steps in that direction.

IV. A PERSPECTIVE ON THE VALUE OF AMERICAN FEMINIST ENGAGEMENT TO CENTRAL AND EASTERN EUROPEAN WOMEN

A. *Feminism and Anti-Communism*

Throughout much of Central and Eastern Europe, "feminism" carries negative connotations, even for women concerned with the role and status of women.¹⁶⁴ As one Bulgarian woman put it, "'The first time I said [feminism] it ruined my personal life, so now I say that I am working for the status of women.'"¹⁶⁵ Even worse, some women feel that feminism is being imposed on them. "'This can make Eastern and Central European women feel that female solidarity obviously does not extend beyond the now physically non-

161. See AALS Conference, Section on Legal Exchanges, San Francisco (Jan 1993) I do not know whether the assertion is accurate.

162. See THE CAMBRIDGE ILLUSTRATED HISTORY OF THE BRITISH EMPIRE 49 (PJ Marshall ed. 1996).

163. See Günter Frankenberg, *Stranger than Paradise: Identity & Politics in Comparative Law*, 1997 UTAH L. REV. (forthcoming Summer 1997).

164. See PROJECT REPORT, *supra* note 16, at 13 ("Most participants at the workshops noted that the word 'feminist' has a perjorative and negative connotation in their countries.")

165. Quoted in *id.* at 14.

existent but mentally persisting iron curtain.”¹⁶⁶

The formal support for women's equality given by the former governments in the region appears to make the countries particularly susceptible to antifeminist influences. One useful goal that American women can achieve in their work in Central and Eastern Europe is to give women's rights an alternative pedigree and undermine efforts to link feminism with Communism in ways that harm women or equate anti-Communist government sentiment with antifeminism.¹⁶⁷ In other words, American feminists can ensure that “women's rights” are included as part of the “package from the West.” Here there would appear to be a comfortable correspondence between the American feminist goals internationally and nationally. For example, an important aim of some American feminists is to use the relative legitimacy of feminist legal theory in the United States to help feminists establish feminist legal theory in other countries; the goal is to share the legitimacy of feminist legal theory in the United States with feminists from other countries.¹⁶⁸

B. *Feminism and Nationalism*

One of the most critical failures of the governments in Central and Eastern Europe was their inability to establish an internationalism that would survive the transition.¹⁶⁹ The resurgence of nationalism throughout the region raises problems for women on a number of levels. Nationalist-inspired expulsions, such as pressure on members of the Russian population to leave the Baltic countries,¹⁷⁰ create difficult conditions for the refugees, many of whom are women,¹⁷¹ and create the need for a great deal of readjustment and caretaking work, most of which is unpaid and is done by women.¹⁷²

166. *Id.* (quoting *Beyond the Role: The Case of Polish Female Professionals*, 10 SCANDINAVIAN J. MGMT. 2 (1994)).

167. See Krisztina Morvai, *Continuity and Discontinuity in the Legal System: What It Means for Women: A Female Lawyer's Perspective on Women and the Law in Hungary*, 5 UCLA WOMEN'S L.J. 63, 64-66 (1994).

168. This has long been one of my goals. See, e.g., Frances Olson [sic], *Frau Olson* [sic], *weshalb ist die feministische Rechtstheorie in den USA derart etabliert?*, PLÄDOYER (Basel, Switzerland), Mar. 1994, at 23; FRANCES OLSEN, ÜBERLEGUNGEN EINER GASTPROFESSORIN (Humboldt Universität zu Berlin ZiF Bulletin No. 12, at 39, 1996).

169. See Bohlen, *supra* note 81 (describing rise of nationalism in Central and Eastern Europe).

170. See, e.g., *Force Could Be Used to Defend Russians Abroad*, *Kozyrev Says*, DEUTSCHE PRESSE-AGENTUR, Apr. 18, 1995, available in LEXIS World Library, Curnws File (quoting Russian Foreign Minister Andrei Kozyrev as saying Estonia and Latvia have specific policies aimed at “squeezing out” ethnic Russians and that other ex-Soviet republics expelled ethnic Russians through “pressure . . . as well as discrimination”).

171. Worldwide, the majority of refugees are women and children. See J. Anne Tickner, *Feminist Approaches to Issues of War and Peace*, in RECONCEIVING REALITY: WOMEN AND INTERNATIONAL LAW 267, 272 (Dorinda G. Dallmeyer ed., 1993); Lydia Jankovic Gottlieb, *Women Without Shelter: Refugee and Displaced Women in Central and Eastern Europe* (speech presented Apr. 14, 1996) (transcript, on file with the *Yale Law Journal*).

172. Women do unpaid caretaking work in Central and Eastern Europe as well as in the United States. See Morvai, *supra* note 167, at 65; Dorothy J. Rosenberg, *The Emancipation of Women in Fact and*

Nationalism has played a central role in the war in the former Yugoslavia; it has had devastating consequences for most of the population, and especially for women.¹⁷³

C. *Abortion*

Another important manifestation of nationalist struggles has involved the issue of reproductive freedom, especially access to abortion. Pro-natalist policies are pursued with particular urgency when nationalist concerns are in ascendance.¹⁷⁴ Countries concerned about maintaining their military power and national population are more likely than other nations to define women in terms of their reproductive capacity and to pressure women to adopt the limited role of mother.

In Poland and Slovenia, the Catholic Church tried to spearhead a drive to criminalize abortion.¹⁷⁵ In both countries, the effort contributed to establishing a movement of activist women.¹⁷⁶ The women of Slovenia have been considerably more successful than those of Poland.¹⁷⁷ In Slovenia, the response to anti-abortion activism was to enshrine reproductive freedom into the Slovenian constitution. Article 55 of the Constitution of the Republic of Slovenia provides: "Persons shall be free to decide whether to bear children. The State shall ensure that persons have every opportunity to exercise this freedom and shall create such conditions as enable parents to freely choose whether or not to bear children."¹⁷⁸

Fiction: Changing Roles in GDR Society and Literature, in WOMEN, STATE, AND PARTY IN EASTERN EUROPE, supra note 61, at 344, 351.

173. Not only are casualties among civilians relatively high, as in many civil wars, and thus a higher than usual proportion of women among the victims, but there have also been claims of rape taking place at unprecedented levels. See BOGDAN DENITCH, *ETHNIC NATIONALISM THE TRAGIC DEATH OF YUGOSLAVIA* 124 (1994). Although a great deal of the talk in the United States has focused upon allegations of rape by Serbs against Muslim women, and has served to prepare the American people for possible military intervention against the Serbs, the most extensive case that has thus far come before the international tribunal involves allegations of rape by one Croatian and three Muslim men against Serbian women. See Mary Williams Walsh, *Croat, Muslims Face U.N. Tribunal*, L.A. TIMES, Mar 11, 1997, at A6, see also Gillian Sharpe & Deborah Amos, *Hague Testimony* (NPR broadcast, All Things Considered) (Mar 17, 1997) (identifying Serb as "the first woman to give evidence about rape to an international tribunal since Japanese officers stood trial after the Second World War"). I hope that feminists dealing with rape allegations will focus on the goal of long-term reduction in the victimization of women and general reduction in military abuses, and be cautious to try to minimize the propagandistic use of such allegations by nationalists promoting further military actions.

174. See Angelova, *supra* note 82, at 56-58; Bohlen, *supra* note 81.

175. Interview with Mateja Kuzah-Novak, Member of Slovenian National Assembly, in Ljubljana, Slovenia (Sept. 28, 1996); see also Bohlen, *supra* note 81; Kaufman, *supra* note 76.

176. See Fuszara, *supra* note 105; Interview with Mateja Kuzah-Novak, *supra* note 175; Patricia Clough, *Dreaming of a Return to the Kitchen Sink*, INDEPENDENT, July 2, 1990, at 4.

177. On the recent history of anti-abortion legislation and repeal in Poland, see Malgorzata Fuszara, *Abortion and the Formation of the Public Sphere in Poland*, in GENDER POLITICS AND POST-COMMUNISM REFLECTIONS FROM EASTERN EUROPE AND THE FORMER SOVIET UNION 241 (Nanette Funk & Magda Mueller eds., 1993).

178. ČASOPISNI ZAVOD URADNI LIST REPUBLIKE SLOVENIJE [Constitution] art 55 (Slovn)

A number of observations can be made about Article 55. First, it provides for state funding for birth control and abortion. In this it goes considerably further than any other constitution of which I am aware.¹⁷⁹ Further, it would seem to require a two-thirds vote to overturn.¹⁸⁰ I say “seem to” because much of the constitution is so vague that it will require a good deal of interpretation and I lack full confidence in the constitutional court, which is composed of nine men and is thought by many Slovenes to be more political and less “legitimate” than, say, the constitutional court of Hungary.¹⁸¹ Although both lines of reasoning would seem ingenuous to large numbers of Slovenes, there are at least two different routes by which the constitutional court could try to nullify the provision of Article 55. It could: (1) grant fathers rights over the choice to abort; or (2) determine, as the West German court did in 1975, that a fetus is a person entitled to right-to-life protection.¹⁸² Article 17 of the Constitution of Slovenia provides that “[h]uman life shall be inviolable.”¹⁸³

The German Constitution, however, has no provision equivalent to Article 55.¹⁸⁴ Thus it was easier in West Germany than it would be in Slovenia for the court to disregard women’s interests and decide that a fetus is a person subject to *in utero* protection against the pregnant woman who created it. Similarly, the use of gender-neutral “person” in Article 55 is offset by the focus on the “bear[ing]” of children, which in Slovenian, as in English, is related to childbirth. It would be startling, though not impossible, for the article to be interpreted in a way that would give husbands any kind of veto power over the abortion decision.

Abortion was one of the most difficult issues that arose during negotiations over the unification of East and West Germany.¹⁸⁵ The East German women organized to resist any provision that would undermine their access to legal

179. The United States Constitution has been interpreted to provide some protection to women’s choice to abort a pregnancy under the rubric of privacy. *See Roe v. Wade*, 410 U.S. 113 (1973). However, the Supreme Court has allowed quite harsh limitations on public funding for abortion. *See Harris v. McRae*, 448 U.S. 297 (1980) (denying funding even for medically necessary therapeutic abortion).

180. The constitution provides that it can be amended only by a two-thirds vote of the National Assembly. *See ČASOPISNI* art. 55. This constitutional entrenchment is especially important, because in the elections of November 10, 1996, the Rightist parties won 50% of the vote, and only seven women remain in the Assembly (none are in the government). E-mail Exchange with Bojan Bugarcic, Univ. of Slovenia (Nov. 14, 1996; Feb. 26, 1997; Mar. 19, 1997) (transcripts on file with author).

181. *See* Kim Lane Scheppelle, Plenary Lecture at the Joint Meeting of the Law & Society Association and the International Sociological Association, July 10, 1997, Glasgow, Scotland. The Hungarian court, however, is generally more activist than most constitutional courts of Europe. *See id.*

182. *See* Judgment of Feb. 25, 1975, Bundesverfassungsgericht [BVerfGE] 39, 1 (F.R.G.).

183. *ČASOPISNI* art. 17. However, the second of the article’s two sentences refers to the death penalty (“There shall be no capital punishment in Slovenia.”), further suggesting the inappropriateness of applying the Article to fetuses or embryos.

184. The West German Constitution was drafted following World War II. It included a general provision on the equality of the sexes, but no provision relating to reproductive freedom, birth control, or abortion. *See GRUNDGESETZ FÜR DIE BUNDESREPUBLIK DEUTSCHLAND* [Constitution] (1994) (F.R.G.).

185. *See* Rosenberg, *supra* note 64, at 135–36.

abortion,¹⁸⁶ yet the West German Constitution had been interpreted to provide significant legal protection to fetuses.¹⁸⁷ After considerable deadlock, the governments of the Federal Republic of Germany and the German Democratic Republic approved the Unification Treaty with a provision that the abortion law of each of the former Germanies would remain in force temporarily until the new united Bundestag enacted an abortion provision. The Bundestag eventually worked out a compromise, which slightly improved the access of West German women to abortion but reduced and complicated the access of their East German counterparts. However, the Constitutional Court declared this solution unconstitutional.¹⁸⁸

In Romania, which before transition pursued a dangerous pro-natal policy that banned abortion and led to the highest maternal mortality rate in Europe,¹⁸⁹ the law was changed to permit abortion.¹⁹⁰ The life expectancy of women has increased and the life chances for women have improved,¹⁹¹ but the overall poverty and corruption in the country create serious continuing problems for women.¹⁹²

D. *Opening Markets for Capital and Goods: Market Economies and the Role and Status of Women*

A significant aspect of United States policy toward the countries of Central and Eastern Europe is the effort to open the countries to the marketing of American goods.¹⁹³ There is also some interest in investing capital in Central and Eastern Europe, provided a stable and high rate of return can be assured.¹⁹⁴ Western Europe has a similar, though sometimes competing, interest in opening Central and Eastern European consumer markets to European Community goods¹⁹⁵ and promoting profitable Western European investment opportunities in the region.¹⁹⁶ These policies explain many of the

186. *See id.* at 139–40.

187. The 1975 decision that provided constitutional protection to fetuses is discussed *supra* text accompanying notes 112–14.

188. Decision of May 28, 1993, Bundesfassungsgencht [BVerfGE] 88, 203 (FRG), *see also* Petra Bläss, *Women in East and West Germany: Victims of Discrimination, Humiliation, Domination?*, 5 UCLA WOMEN'S L.J. 71, 73–74 (1994); Hermine G. De Soto, "In the Name of the Folk": *Women and Nation in the New Germany*, 5 UCLA WOMEN'S L.J. 83, 83–84 (1994). For an excellent description and evaluation of the changes in German abortion law following unification, *see* Rosemane Will, *German Unification and the Reform of Abortion Law*, 3 CARDOZO WOMEN'S L.J. 399 (1996).

189. *See* Frances Olsen, *supra* note 114, at 108 n.15 (citing C. TIETZE, *INDUCED ABORTION: A WORLD REVIEW* 102 (5th ed. 1983)).

190. *See* Gail Kligman, *The Politics of Reproduction in Ceausescu's Romania: A Case Study in Political Culture*, 6 E. EUR. POL. & SOC'Y 364, 402 (1992).

191. *See id.* at 415–16.

192. *See* PROJECT REPORT, *supra* note 16, at 61 n.62.

193. *See* AMSDEN ET AL., *supra* note 32, at 174; Gowan, *supra* note 73, at 24.

194. *See* AMSDEN ET AL., *supra* note 32, at 175; Gowan, *supra* note 73, at 9.

195. *See* AMSDEN ET AL., *supra* note 32, at 176; Gowan, *supra* note 73, at 21, 24, 28.

196. *See* AMSDEN ET AL., *supra* note 32, at 177.

actions taken by the United States, Western Europe, the International Monetary Fund, and the World Bank.¹⁹⁷ Most of the countries of Central and Eastern Europe appear to be anxious to join the European Union and hope thereby to share in the prosperity of Western Europe.¹⁹⁸

While a few voices express concern that prosperity may not automatically result from European Union membership and that the countries joining may actually be made worse off,¹⁹⁹ the neoliberal economic policies promoted by the World Bank, the International Monetary Fund, and Jeffrey Sachs generally are accepted as inevitable and even desirable.²⁰⁰ Governments of different political persuasions seem all to adopt roughly the same economic policies.²⁰¹ For example, in Lithuania from 1992 to 1996, the government led by the Democratic Labor Party, which was reconstituted from the Communist Party, enacted an austerity program nearly identical to those enacted by the other "new market economies" in the region, including governments led by Christian Democrats.²⁰² The Lithuanian government slashed "price supports, adopt[ed] fiscally conservative budgets and enthusiastically follow[ed] the austere economic recovery plans drawn up with outside, international organizations such as the International Monetary Fund."²⁰³ Although the austerity programs adopted by the governments of Central and Eastern Europe are unpopular with their populations and thus lead to considerable political instability,²⁰⁴ most governments seem to feel they have no choice but to adopt the programs.²⁰⁵ Indeed, veritable armies of Western developers, economic advisors, and legal advisors are appearing in Central and Eastern Europe to oversee and promote these neoliberal economic programs.²⁰⁶ The legal advisors are drafting new codes and regulations to bring the governments of the region into conformity with the Western model.²⁰⁷

Feminist evaluation of United States involvement in Central and Eastern Europe plays the critical role of documenting and publishing the damage these neoliberal economic policies cause to women and children.²⁰⁸ The decreases

197. *See id.* at 178.

198. *See id.* at 179.

199. *See id.* at 180.

200. *See id.*

201. At least the governments claim to adopt such policies. It has been asserted that the Czech Republic enjoys a lower unemployment rate than any other country in Central and Eastern Europe because the President was able to reassure the West that he was adopting the neoliberal economic policies while actually subsidizing Czech industries to keep them from being destroyed, including industries that would be considered "inefficient." Interview with Bojan Bujaric, Ljubljana, Slovenia (Oct. 5, 1996).

202. Michael Tarn, *Sense of Betrayal May Topple Lithuania's Communists*, L.A. TIMES, Oct. 19, 1996, at A6.

203. *See id.*

204. *See* WALTON & SEDDON, *supra* note 57, at 289.

205. *See id.* at 309.

206. *See* Frankenberg, *supra* note 163, manuscript at 1-2.

207. *See id.*

208. *See* BARBARA EINHORN, CINDERELLA GOES TO MARKET (1993); MINNESOTA ADVOCATES, DOMESTIC VIOLENCE IN BULGARIA, *supra* note 24; MINNESOTA ADVOCATES, DOMESTIC VIOLENCE IN

in social services have hit women harder than men,²⁰⁹ and the increase in crime that neoliberal economic policies seem to have fostered promises to impoverish and inhibit the lives of women even more than the lives of men.²¹⁰ These are issues close to the hearts of many American feminists.²¹¹ The United States has long trailed behind both Western Europe and socialist Eastern Europe in providing social services, creating considerable tension between raising a family or caring for elderly relatives and working at paid employment.²¹² American feminists do not want to see the same fate befall other women, and they do not want to lose the example of other countries that provide the social services for which American women continue to struggle.²¹³

The potential importance of feminist solidarity becomes clear when so much of comparative work reinforces the status quo. The armies of developers and harmonizers invited into Central and Eastern Europe are there, in significant part, to open the markets of Central and Eastern Europe to Western exploitation.²¹⁴ Opposing the negative effects of neoliberal economic policies in a globalized economy requires some form of transnationalism.²¹⁵ Women provide one of the most promising bases for international cooperation to prevent the erosion of the welfare and status of women. Even when governments, individuals, and nongovernmental organizations working internationally are motivated by altruistic goals, it is necessary to examine their practices and the limitations of their behaviors and perspectives. If current efforts to export “the American way” are carried out primarily by men, the countries of Central and Eastern Europe could also import American sexism. There are many reasons for this bias. Most American men are more likely to notice if men are underrepresented than if women are, more likely to notice men’s unemployment than women’s, and more likely to assume men and not women make important societal decisions.²¹⁶ American women should insure that exchange programs include women and that women’s interests, where they

ROMANIA, *supra* note 24; ANA’S LAND: SISTERHOOD IN EASTERN EUROPE (Tanya Renne ed., 1997).

209. See Joan C. Williams, *Privatization as a Gender Issue*, in *A FOURTH WAY?*, *supra* note 141, at 253; Jones, *supra* note 49; Kaufman, *supra* note 76.

210. See *infra* text accompanying notes 220–29.

211. Numerous American feminists have focused on economic harm to women. See, e.g., VICTOR R. FUCHS, *WOMEN’S QUEST FOR ECONOMIC EQUALITY* (1988); MARGARET RANDALL, *THE PRICE YOU PAY. THE HIDDEN COST OF WOMEN’S RELATIONSHIP TO MONEY* (1996). Feminists are especially concerned with crime. See, e.g., MARGARET T. GORDON & STEPHANIE RIGER, *THE FEMALE FEAR* (1989).

212. Compare BLUMSTEIN & SCHWARTZ, *supra* note 92, with PAULA SNYDER, *THE EUROPEAN WOMEN’S ALMANAC* (1992).

213. See *Challenging Boundaries: Domestic Labor*, Panel at Conference at The Yale Law School, Nov. 9, 1996.

214. See Gowan, *supra* note 73.

215. See AMSDEN ET AL., *supra* note 32.

216. See Victoria Danes & David Seddon, *Fighting for Survival: Women’s Responses to Austerity Programs*, in WALTON & SEDDON, *supra* note 57, at 57–59.

differ from those of men, are included in any calculation of the public interest.²¹⁷

If one focuses on the positive possibilities for foreign intervention, the relative powerlessness of women is a disadvantage. American women, perhaps especially feminists, have less access to money and power than American men.²¹⁸ No woman, and certainly not a feminist, has the influence of someone like Jeffrey Sachs, nor his access to resources.²¹⁹

E. *Crime and Women*

Economic distress also leads to an increase in noneconomic social problems. The much-touted return to a rule of law is often violated with respect to women. For example, in many of the countries of Central and Eastern Europe domestic violence against women appears to be on the rise.²²⁰ Americans and West Europeans frequently point out, however, that it is difficult to know whether this reflects a rise in incidents of violence or merely reporting.²²¹ Although this is an important insight gained from work with domestic violence in the United States and Western Europe,²²² it may not be applicable to particular countries in Central and Eastern Europe because of their different histories.

Less disputed is the general rise of crime. Economic crime is rampant in many countries and violent crime is generally on the rise.²²³ While the victims of crime are both men and women, one may assume that a vastly disproportionate number of perpetrators, as in the West, are men.²²⁴ Women are particularly at risk for a number of reasons. Crime tends to decrease the mobility and freedom of women more than men. The decreased safety of children in a crime-filled society increases the burdens of child care, as children need to be escorted to more places and as greater supervision must be exercised over their playtime activities.²²⁵ Finally, as in the case of economic

217. For example, we should ensure that exchange programs that bring people to the United States include a fair proportion of women.

218. On the differential access of American men and American women to financial resources, see generally FUCHS, *supra* note 211.

219. For a description of Sachs' influence, see Gowan, *supra* note 73. The closest comparison might be the M.I.T. professor Alice Amsden. See AMSDEN ET AL., *supra* note 32.

220. See MINNESOTA ADVOCATES, DOMESTIC VIOLENCE IN BULGARIA, *supra* note 24, at 19; MINNESOTA ADVOCATES, DOMESTIC VIOLENCE IN ROMANIA, *supra* note 24, at 10.

221. See PROJECT REPORT, *supra* note 16, at 35, 41-42.

222. See, e.g., ELIZABETH PLECK, DOMESTIC TYRANNY 3 (1987).

223. See PROJECT REPORT, *supra* note 16, at 35, 41-42; KATHERINE VEDERY, WHAT WAS SOCIALISM, AND WHAT COMES NEXT? (1996); Gowan, *supra* note 73, at 12.

224. On the inability of women to walk the streets safely at night in many parts of the United States, see GORDON & RIGER, *supra* note 211.

225. See Albert W. Alschuler, *Implementing the Criminal Defendant's Right to Trial: Alternatives to the Plea Bargaining System*, 50 U. CHI. L. REV. 931 (1983); James B. Jacobs, Symposium, *Guns at Home, Guns on the Street: International Perspectives*, 15 N.Y.L. SCH. J. INT'L & COMP. L. 275, 276 (1995) (reporting more felony arrests in United States than in all of Europe combined).

disruption, women are expected to take care of the men, women, and children damaged by crime.²²⁶

American women are in a good position to warn others of the gender-specific damage from an increased crime rate. The rate of violent crime in the United States greatly exceeds the rate in most of Europe,²²⁷ and this increased risk makes it considerably more difficult to raise children.²²⁸ It also seriously undermines the basic freedom of women and results in an informal "curfew" on women in many areas of the United States.²²⁹ In many parts of the United States, a woman may be seen as "asking for trouble" if she appears alone on the streets or in public after dark.²³⁰

Thus there are significant gains to be achieved by both American women and Central and Eastern European women through continued interaction and collaboration. These potential gains provide a significant basis upon which a political alliance can be built. Moreover, the long-range effects of such an alliance could be considerably more significant. While it may be unfashionable at the moment to talk of a feminist revolution, we should remember that when change occurs, it can take place with breathtaking speed.²³¹

226. See *supra* text accompanying notes 75-76.

227. See CENTER FOR DISEASE CONTROL, U.S. DEP'T OF HEALTH & HUMAN SERVS., MORBIDITY AND MORTALITY WEEKLY REPORT 101-05 (Feb. 7, 1997).

228. I have found that in parts of Scandinavia, it is still considered acceptable to leave a child in a baby carriage outside a store while shopping. Cf. Chronicle, WCBV Boston (ABC television broadcast, July 29, 1996) (reporting on baby carriages left outside stores in Reykjavik, Iceland) In the United States, there are many neighborhoods where it is not safe for children to play outside. See, e.g., Roxana Kopetman, *Life in City's Toughest Neighborhood*, L.A. TIMES, Sept. 16, 1990, at J1.

229. This is a major theme of the "Take Back the Night" campaigns organized by women. For a description of "Take Back the Night" marches, see Nadine Taub, *Thoughts on Living and Moving with the Recurring Divide*, 24 GA. L. REV. 965 (1990). Taub explains:

[A] spectrum of women have joined together in reclaiming public space. Frequent in the late 1970s, marches have been revived in recent years. The very notion that women are entitled to be on the streets at night is a wonderful source of energy for liberating women who learn early on where they can and cannot go.

Id. at 983; see also Susan Stefan, *The Protection Racket: Rape Trauma Syndrome, Psychiatric Labeling, and Law*, 88 NW. U. L. REV. 1271, 1286 (1994). Stefan explains:

Women in the early and mid-1970s began organizing and speaking out about rape and violence against women. They publicized the extent of the violence done to women and protested the insensitive practices and procedures by police and the judicial and medical systems that perpetuated the silence. The feminist analysis was based upon the premise that rape was not an individual act or aberration, but an integral part of the objective, innate, and unchanging subordination of women relative to men. Characterizing rape for the first time from a political and social perspective led to collective action to challenge the myths, stereotypes, and silence.

The first rape speak-out was organized in 1971 by the New York Radical Feminists. It was followed by speak-outs everywhere—women telling their stories of rape in public. The stories were not only stories of abuse and horror, but of triumph and empowerment. Whether they were called speak-outs or rallies or marches to take back the night, women acted collectively to publicize, redefine, and assert control over the violence against them, to end the silence, and to give themselves an opportunity, finally, to articulate their anger and pain.

Id. (citations omitted). For statistics on women's fear for their safety, see GORDON & RIGER, *supra* note 211, at 10-11.

230. See *supra* note 229.

231. See *supra* text accompanying note 145.

V. CONCLUSION

The changes in Central and Eastern Europe have created at least temporary difficulties for most members of the population, especially for women. I have argued that despite the salience of many of the critiques of Western feminism, American feminist involvement may help make the changes less harsh. At the same time, this involvement benefits American feminists. The general inequality between the United States and Central and Eastern Europe should not be ignored and cannot be ended by feminists' simply wishing it away. More modest goals are reasonable, however, such as improving international interaction and doing more good than harm. American women need to be more conscious of the politics of what they do.

Over time, feminists can and should work to equalize the wealth and power of the regions of the world. We should break down dividing lines not just in Europe, but throughout the world. One of the areas in which Western political thought is weakest is in devising strategies to readjust this unequal division of power. This weakness may be related to the pervasive male dominance in political and social theory. Liberal political theorists who posited the equal rights of man against prescribed hierarchies and inequalities were obsessed with a false focus on the theoretical equality of male heads of families. They neglected the reality of inequality within families²³² and neglected to study or theorize the processes by which hierarchies can shift smoothly over time.²³³

Alice's trip through the Looking-glass turned out to be a dream. One cannot really enter authentically into the world of another culture. One always has one's own perspective and sees with eyes that are, to one degree or another, limited and prejudiced. Although American feminists are responsible for their own behavior and its consequences, it is also important to realize that the women of Central and Eastern Europe are not mere passive victims of American feminism. Their perspective also has its limits and prejudices, and they also shape the consequences of the interaction. Even if one party to an interaction were actively seeking to dominate the other, the interaction nevertheless presents opportunities for that other to shape and rework. This degree of mutuality in fact, however limited, offers promise, especially when

232. See CAROLE PATEMAN, *THE DISORDER OF WOMEN* (1989); CAROLE PATEMAN, *THE SEXUAL CONTRACT* (1988).

233. It may well be the case that the "fall" of Communism and the increasing problems within capitalism originate from the same source: a lack of democracy due to a failure to deal with men's domination of women. In particular, feminist scholars have shown that classical liberal theorists, whose ideas continue to shape most theories of social change and government, were men who existed comfortably in a society that oppressed women and who all too often avoided dealing with women or women's inequality. Ignoring power differences does not help to erase them. The project of social reconstruction is most in need of a theory of political change, a theory of *shifting* power over time. The Achilles heel of Communism is the problem of developing a monopoly of power, comparable to the monopoly of economic power, the Achilles heel of capitalism.

feminists have significant bases for political alliance and cooperation. At the very end of *Alice Through the Looking-Glass*, the heroine raised the question of agency: “[L]et’s consider who it was that dreamed it all. . . . [I]t *must* have been either me or the Red King. He was part of my dream, of course—but then I was part of his dream, too!”²³⁴

234. CARROLL, *supra* note 1, at 244.

