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# SYMPOSIUM

## NATIONALISM AND FEMINISM: A CONFERENCE ON WOMEN IN CENTRAL AND EASTERN EUROPE\*

Frances Olsen\*\*

The passage of Proposition 187 in California and the copy-cat laws now being proposed throughout the country illustrate the role of nationalism in the domestic policies of the United States. Americans tend to think of themselves as patriotic, not

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\* Editors' note: The papers published here were prepared for the conference on *Women in Central and Eastern Europe: Nationalism, Feminism and Possibilities for the Future* held in April 1994 and organized by Frances Olsen and Hermine G. De Soto. Because these papers were originally prepared as presentations, and because the conference participants came from varying disciplinary and experiential backgrounds, the resulting articles are less traditional legal scholarship than they are personal political essays. As part of the *UCLA Women's Law Journal's* commitment to providing an interdisciplinary forum on women's issues, we have made every effort to preserve the presentations in their original form. We hope that any nontraditional word choice, style, or citation form will not distract readers who are trained primarily in American legal scholarship.

Our symposium authors include Nicola Lacey, a Law Fellow and Lecturer at Oxford University as well as a legal and political theorist specializing in women in Europe; Penka Angelova, Professor of German and Russian at the St. Kyrill and Method University, Veliko Tirmovo and founder of the Elias-Canetti Research Center in Rousse, Bulgaria; Krisztina Morvai, a Hungarian lawyer specializing in civil rights, constitutional law, and feminist legal theory; Petra Bläss, Member of German Parliament (representing Sachsen-Anhalt) and Chair of the commission that organized the East German elections which led to unification; and Hermine G. De Soto, a socio-cultural anthropologist and Research Fellow at the University of Wisconsin, Madison. Frances Olsen, a UCLA law professor and international feminist scholar, coordinated the conference and wrote the introduction which follows.

\*\* Professor of Law, UCLA. I would like to thank those who provided financial support for the conference: the UCLA Center for the Study of Women, the Center for German and European Studies at the University of California, Berkeley, the UCLA Center for Russian and East European Studies, and the UCLA School of Law.

nationalistic, and to think of the difficulties caused by nationalism as foreign problems, primarily of concern to those in other countries and other regions — such as Germany, where nationalism has been exploited by the right wing and has contributed to neo-nazi violence, and the Balkan States, where nationalism offers pseudo solutions to real problems and creates the conditions for war. Yet, nationalism is in fact a problem in the United States, and we can learn a good deal about ourselves from examining the reemergence of nationalism in other countries. We see that nationalism diverts energy from efforts to deal effectively with a country's actual problems and in the process creates additional difficulties, especially for women.

Proposition 187 served a "scapegoating effect" — giving voters someone else, besides the Governor of California or other elected officials, to blame for the economic distress of California. Through the process of targeting and excluding the "illegal alien" as Other,<sup>1</sup> Proposition 187 allowed many Californians to imagine themselves to be part of a community. Instead of examining the causes of economic stagnation and trying to create conditions in which people would experience less alienation from their fellow residents, citizens were encouraged to turn their anger against relatively defenseless targets and to feel superior to these targeted, objectified people. While once a catalyst for positive social change, anger thus misdirected is no longer available as a source of positive energy for struggling for real changes that would improve the lives of most people.

On the surface, Proposition 187 and similar laws are supposed to deny education and medical services to noncitizens who cannot prove that they are in the country legally. Supporters claim that denying benefits to "illegal aliens" will significantly reduce the cost of many programs and leave more money available to benefit citizens. Opponents dispute whether any significant savings can be realized, point out numerous possibilities for serious long-term costs to society, and argue that the Proposition has exploited and attempted to legitimate racism. Latino and Asian citizens report that they have already been harassed and that they expect to be targeted for further discrimination if the Propo-

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1. For the classic study of how woman's role as Other relates to the male subject and how that role oppresses women, see SIMONE DE BEAUVOIR, *THE SECOND SEX* (H.M. Parshley ed. & trans., 2d ed. 1993).

sition is put into practice.<sup>2</sup> Of course, should the courts allow Proposition 187 to go into effect, it would in theory apply equally to whites who are in the country without legal permission. Further, its passage was made possible through the support of significant numbers of minority-race voters. Yet, analysts examining the debates over the issue and the appeal the Proposition had to voters agree that racism and attitudes toward racism played a major role. Throughout the world, there has generally been a close relationship between racism and nationalism. The same kind of “scapegoating” dynamic that has for years fueled antisemitism and racism is present in initiatives like Proposition 187 aimed against noncitizens. In addition, few dispute that the actual impact of the denial of benefits would fall most heavily upon Asians and Latinas/os, especially women and children. Many Americans see Proposition 187 as a clear illustration of the relationship between racism and nationalism in the context of the United States.

Less clear to many Americans is the interaction between nationalism, as articulated in the immigration debate, and struggles over the role and status of women. Yet, nationalistic opposition to immigrants is heavily gendered: the charge against men is that they will commit crimes and take jobs away from citizens; the charge against women is that they will provide a drain upon the welfare system and will come to the United States to give birth to their babies, who would thus become U.S. citizens. Proposition 187 is likely to have a disproportionate effect on women, and it is also one segment of a broader attack on the welfare system in general. The present attack on welfare focuses especially on those parts of the welfare system that benefit women: Aid to Families with Dependent Children and other “women’s” programs are attacked more than social security, unemployment benefits, and other “men’s” programs. Women trying to form a family without a husband are especially targeted in present rhetoric.

The relationship between nationalism and struggles for women’s equality takes different forms in different countries and during different historical periods, just as nationalism itself does. Provided that we remain sensitive to these many differences, we

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2. The morning after the California election a number of lawsuits were filed challenging the constitutionality of the provisions of Proposition 187, and at least two federal judges issued injunctions temporarily suspending the operation of the proposition.

stand to learn a good deal about the possible effects of nationalism on women from the experiences of women in other countries. It is often possible to see trends and problems more clearly in other countries, and then to be more sensitive to the same or similar problems at home. Central and Eastern Europe offers a striking example because nationalism has recently emerged as a strong influence on the domestic politics in the region.

My interest in Central and Eastern Europe dates at least from 1967, when I participated in a nine-day study tour of Poland organized by Danish Social Democrats, and then returned on my own to visit Poland, Bulgaria, Romania, Czechoslovakia, Yugoslavia, East Germany, and Hungary. Early in 1989, I was invited to conduct a ten-day lecture tour to Hungary. Since then I have returned to Central and Eastern Europe on average twice a year and have broadened my professional contacts in the region.

For years I have been troubled by the extent to which the right wing in the United States has dominated discussion about Central and Eastern Europe and has privileged one narrow brand of opposition. In fact, the governments that were established in Central and Eastern Europe following the Second World War gave rise to a rich variety of critics and opponents. While the United States has been an important source of financial and other support for dissidents in that region, I believe that the support has all too often been driven by U.S. propaganda goals and has not served the best interests of the population. Just as it has undermined democracy at home, American anti-Communism has served to limit democracy abroad.

The immediate genesis for this conference on "Women in Central and Eastern Europe: Nationalism, Feminism and Possibilities for the Future" was a general call issued by the UCLA Center for the Study of Women in the spring of 1993 for proposals for conferences dealing with any topic within the Center's general range of interests. The Center, under the direction of Professor Kathryn Norberg, accepted my proposal, and Dr. Hermine De Soto agreed to join me as co-organizer. Dr. De Soto is a German-born anthropologist who has done fieldwork in both East and West Germany and who, as I expected, provided a good balance to me and invaluable input for the conference.

From the beginning, my goals for the conference were political and educational. Cooperation between feminists from various parts of the world is important to all concerned; it is also fraught with difficulty. Possibilities for misunderstanding

abound. One needs merely observe the difficulties experienced by women of different races trying to work together in the United States or the problems women from the former East and West Germany have had trying to cooperate. White women have tended to dominate the women's movement in the United States and many women of color consider the movement almost as racist as the rest of American society.<sup>3</sup> Similarly, West German feminists tend to dominate at all-German women's gatherings, and many East German women feel that the West German women share the arrogant sense of superiority that characterizes most West German overtures to the East.<sup>4</sup>

The lessons learned from these misunderstandings and from the power struggles that have ensued can be used to avoid reproducing the imperialism of the West within the women's movement — or at least to minimize it. American feminists must recognize themselves as students as much as teachers, and as beneficiaries as much as benefactors. The economic resources of the West should be used to benefit women in other countries, not to dominate them. One would hope that women in the United States have learned the importance of listening to a broader range of women.

The difficulties with international cooperation must not lead feminists to disengage. Instead, women should be aware of the illegitimate privileging of things Western and try to counteract that privileging. Of course, none of this provides a full answer or any kind of simple formula. Even if one knows to listen, there are further questions about to whom one chooses to listen and what one actually hears.

For example, in Central and Eastern Europe I do not listen equally to all women, but rather must make judgments about which women are working to improve conditions long term.

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3. See, e.g., ANGELA Y. DAVIS, *WOMEN, RACE & CLASS* (Vintage Books 1983) (1981); BELL HOOKS, *FEMINIST THEORY: FROM MARGIN TO CENTER* (1984); BELL HOOKS, *AIN'T I A WOMAN?: BLACK WOMEN AND FEMINISM* (1981); AUDRE LORDE, *SISTER OUTSIDER* (1984); PAULA GIDDINGS, *WHEN AND WHERE I ENTER* (1984); *THIS BRIDGE CALLED MY BACK: WRITINGS BY RADICAL WOMEN OF COLOR* (Cherrie Moraga & Gloria Anzaldúa eds., 2d ed. 1983); Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracial Policies*, 1989 U. CHI. LEGAL F. 139.

4. These are my own observations, shared by others. See, e.g., Dorothy 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* (Fred L. Casmir ed., forthcoming 1995).

These judgments could of course be mistaken, but there is no way to avoid some kind of selection process. Just as I criticize the American right wing for using Central and Eastern Europe to pursue their own agendas, I must be careful that I do not do the same, using Central and Eastern European women to support my own particular feminist agenda.<sup>5</sup> Women in Central and Eastern Europe have been the leading victims of the high unemployment and other social disruptions that have accompanied the recent changes. Thus, support for feminists (or generally those concerned with the role and status of women) in these countries stands to make significant improvements in society overall. Moreover, I believe that women may provide the crucial balance to prevent resurgent nationalism from dissolving into general war.<sup>6</sup>

The difficulties inherent in international feminist cooperation may be increased by the proliferation of people who see in Central and Eastern Europe an opportunity for personal gain. This personal gain can take many different forms. Government programs give even low-level officials a chance to feel a self-importance that they could never achieve in their own country: they can claim to be advisors to the government and to be directly influencing the laws. At least one law school has bragged about establishing a course which allowed their students to draft the constitution for one of the Baltic countries.

In planning this conference, a primary intention was to bring women from Central and Eastern Europe to speak at UCLA, together with a smaller number of women from the West who I believed would both contribute to the conference and prove useful contacts for the Central and Eastern European women. Another intention was to further the understandings that may be gained from women sharing with other women throughout the world. Western feminists can learn from the experiences of women in Central and Eastern Europe, just as women in Central and Eastern Europe may learn from the successes and failures of

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5. Cf. Margaret A. Baldwin, *Split at the Root: Prostitution and Feminist Discourses of Law*, 5 YALE J.L. & FEMINISM 47 (1992) (examining the tendency of feminist theorists and activists to use their work with prostitutes to support their own competing broader views of feminist strategies).

6. For similar reasons, I believe that countries such as Egypt and Algeria, which are attempting to prevent militant religious fundamentalists from taking over their governments through force and intimidation, make a serious mistake when they fail to enlist the support of the women in the country who oppose religious fundamentalism.

women from the West. For example, Western women should pay careful attention to the critiques of socialism developed by women in Central and Eastern Europe because many of the government policies advocated by Western feminists were tried in Central and Eastern Europe with mixed results. By careful attention to the critiques of these policies in practice, Westerners can hope to craft policies with greater care and in other ways also to avoid the limitations experienced by women in countries which adopted the policies in Central and Eastern Europe.

The conference was broadly multi-disciplinary — with anthropologists, literary theorists, politicians, and political theorists as well as lawyers and legal theorists. I hoped to get a wide range of views without losing the opportunity for depth that occurs when there is a solid base of agreement. Thus participants shared an engagement with and commitment to feminism, yet they differed with respect to other issues, including what, if anything, should be learned from the experiences of the past half-century.

It was necessary to keep the conference small — both because of funding limitations and to enable a thorough exchange of ideas during the three-day conference. A major focus of the conference was on Germany, both because of the complex and interesting questions raised by unification and because of its potential importance to the rest of Central and Eastern Europe as both a positive and negative example. In addition, we had participation from a relatively privileged country — Hungary — and a less privileged country — Bulgaria.

The atmosphere throughout the conference was exhilarating — very open and sharing. The first day set the tone, with a tour of UCLA, exchange and final revision of papers, and a chance to become acquainted or to catch up on previous acquaintance. The second day was open to the general UCLA community and the public; the public presentations are the foundation for the papers reproduced here. The third day was devoted to intense discussion and planning for the future. One decision that came out of the third day was to publish the papers as a group, preferably in a women's law journal. Five of the six papers are collected here.

Nicola Lacey was the last speaker of the day, but the editors have, wisely in my view, placed her paper first. As well as making a complex and convincing argument of its own, Lacey's article pulls together the themes of the conference and helps a legal



audience to see the significance of the other papers to legal issues important to women. She begins with the observation that it is just at the moment when many in Central and Eastern Europe are looking to Western Europe and North America for models of democratic, economic and legal reform that critical theorists, post-modernists, and others in the West are expressing "doubt, ambivalence, even skepticism" about the usefulness of models as such — and Western models in particular. For example, many of the countries of Central and Eastern Europe are using "the rule of law" as a central concept to reconstruct their legal systems, while much of the scholarship of critical legal studies and feminism exposes the theoretical and practical flaws in the rule of law. Similarly, many reformers in Central and Eastern Europe seek to improve conditions for women and other disadvantaged groups by establishing and enforcing individual rights, while reformers in the West attribute many of the failures of reform efforts to a misleading reliance on the abstract concept of rights and have struggled to move beyond rights analysis. As Lacey puts it, "Western democracies appear to be characterising themselves as 'post-' many of the very features that might have been expected to provide normative resources for reconstructive projects in the East."

She addresses this broad issue of Western skepticism regarding the values and goals that many in Central and Eastern Europe may wish to borrow from the West through a careful examination of a narrower issue: the significance of the idea of community in contemporary legal thought. This issue is especially important for Central and Eastern Europe. As Lacey puts it, "the rhetoric of community resonates with the impulse to (re)construct cultural, ethnic and political identities" and those identities can then be used to construct "political argument[s] for recognition, entitlements [and] resources." The issue of community is also especially important for feminists, who rightly have an ambivalent relationship toward communitarian thought. Lacey shows how feminist critiques of dominant legal and social thought resonate on several levels with communitarian critiques of liberal individualism, but how there is also much in communitarian thought which is oppressive to women and hostile to feminist efforts at reconstruction.

Penka Angelova deals extensively with the issue Lacey raises of the extent to which the idea of community in law and politics is based on the "homogeneity of subjects" and how that

relates to nation-building in Central and Eastern Europe, in the context of the Balkan countries. Angelova's article examines the particularities of nationalism in the Balkans and places into a complex historical context the effects of that nationalism on women. National liberation in the Balkan peninsula has been closely identified with the foundation of a new nation-state, which has led to the constant splitting off of new states ("Balkanization") and the concomitant fear and distrust of any national minority that might be capable of secession. In a vicious circle, minorities are suspected because they may split up the territory of a nation-state, and the resulting distrust and mistreatment gives those national minorities a strong reason to secede. Angelova demonstrates the importance of the feminist attention to particularity as she describes the historical background to the development of nationalism in the Balkan countries. She discusses how each country focuses upon the historical period most glorious for its own people and projects this idealized past onto the future, and how differences between the Eastern and Western Church have affected the role of religion in these nationalist struggles.

Angelova notes women's participation in nationalist movements and discusses the concepts of women's equality that developed in nationalist struggles in the Balkan countries. The freedom promoted for women was subordinated to their role as mothers: women should be free in order to produce and raise free citizens. Angelova shows that from the beginning women were reduced to their reproductive capacity and maternal role. Whenever it served the state interest, abortion would be outlawed. Woman is the keeper of the house and its soul, man is its owner; she is to maintain order in the house, but under his direction.

Angelova uses the metaphor of the "European House" to suggest an answer to the puzzling question of why Western Europe is becoming seemingly more integrated, while Eastern Europe seems to be falling into small nationalist pieces. The competition between relatively privileged countries like Hungary and relatively underprivileged countries like Bulgaria to gain advantageous positions within the European House, albeit as mere servants, is also important to understanding nationalism in Central and Eastern Europe.

Krisztina Morvai and Petra Bläss illustrate two quite different views of what women can draw from their own national ex-

periences over the past four or five decades and how they should approach Western feminism. Although prior to the transition the laws of Hungary were progressive regarding women, the actual practices were not. Morvai argues that laws *should* be somewhat more progressive than society, but not so much more progressive that they lose the support of the people.

Like Angelova, Morvai is concerned with the influence of the past upon the present. She conveys explicitly a concern I have felt and expressed<sup>7</sup> more tentatively: that the official governmental position in favor of women's equality expounded by the communist or socialist governments of Central and Eastern Europe might be used to discredit efforts to improve the role and status of women in the "post-communist" period.<sup>8</sup> The democratic transition in Hungary, according to Morvai, defined and legitimated itself by a critique of the past. She suggests that under socialism to be anti-feminist was considered the same as to be anti-Marxist and thus anti-feminism was considered a form of political dissidence. Moreover, she suggests that her society has long tended to see Western democracy as the chief alternative to the unpopular governments imposed in the past and to view it uncritically. One important role that Western feminists might play, it seems to me, is to offer an alternative image of and pedigree for women's equality and to insure that any adoption of a Western free-market system includes women's rights in the "package."

Morvai argues that socialism did nothing to change the allocation of domestic work to women, so that under the previous government, women were expected to be full working members of society and still to be housewives and mothers. The results, as in the West, were that women were overworked and exhausted as

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7. *E.g.*, Frances Olsen, *Legal Responses to Gender Discrimination in Europe and the USA*, in 2 COLLECTED COURSES OF THE ACADEMY OF EUROPEAN LAW 199, 203 (Academy of European Law ed., 1993).

8. Mary Ellen Fischer expresses a similar concern regarding Romania. She pointed out back in 1985 that the unpopular (and anti-woman!) pronatalist laws introduced in October 1966, were unfortunately associated with the goal of female equality and that "the long-term prospects for women's equality in Romania are not good." Mary E. Fischer, *Women in Romanian Politics: Elena Ceaușescu, Pronatalism, and the Promotion of Women*, in *WOMEN, STATE, AND PARTY IN EASTERN EUROPE* 121, 125, 137 (Sharon L. Wolchik & Alfred G. Meyer eds., 1985). "[I]t is all too likely that the association of women's equality with Elena Ceaușescu will bring the demise of the former with the latter. Once Nicolae Ceaușescu leaves the scene, this policy so closely associated . . . with his wife may very well be denounced . . ." *Id.* at 137.

well as relatively unsuccessful at their jobs. They tended to blame themselves and to blame the rhetoric of communism. Unfortunately, the changes have not helped women but rather illustrate Lacey's warning of the risk in a limited definition of freedom — "libertarian, negative conception of freedom — freedom as absence of coercion" by the state. One result, according to Lacey, is that issues central to women — child care, social welfare, sexual violence, the division of domestic labor, and so forth — are put into a newly defined and valorized private sphere and dropped from the theoretical agenda. As Morvai puts it:

An end to censorship meant that pornography became easily available, "human rights" meant that women could legally prostitute themselves, respect for privacy meant that the police have become more reluctant to intervene in "family affairs" (such as domestic violence), and a market economy has meant that the labor market as well as social services (such as child care) must be "efficient" . . . .

Morvai urges feminist legal theorists in the West to make their knowledge available to Hungarian women because she sees a great need for such influence. Hungarian women need a coherent theoretical basis for changing laws, she argues, so that they do not proceed by bits and pieces.<sup>9</sup> She considers it important to recognize "the potential as well as the limits of the law," the "relationship between theory and activism," and the symbolic messages of the law in conveying, for example, a particular "female image."

Petra Bläss picks up on the issue Morvai raises about the image of women. Bläss sees one of the aims of the German abortion law to be to give society an "image of woman as lacking not only a sense of responsibility but also the ability to make their own decisions." Bläss, like Morvai, is critical of the gap between what the laws prior to transition said and what society actually did regarding women. Bläss characterizes feminist theory and

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9. It seems to me that it would be a mistake to understand Morvai to be calling for pre-packaged legal theory to be sent in from the West. I would think that feminist legal theorists in the West might be more effective if they were to offer support to Hungarian legal theorists who are in the process of creating legal theory directly relevant to the Hungarian situation. For example, contact with the West and international travel usually tend to increase the prestige of an academic. Also, the relative academic respectability of feminist legal theory in countries such as the United States should be made known in countries where feminist legal theory is unknown or given less respect. Cf. Frances Olsen, *Wie wurde feministische Rechtswissenschaft in den USA zentral für das Recht?*, PLÄDOYER (Switzerland), May 1994.

politics as "officially taboo" in the German Democratic Republic (GDR). Two essays by Bläss — one describing the situation of women in Germany following unification and the other analyzing the role of feminists in parliamentary politics — are reproduced here. Rather than looking to the West, Bläss embraces a feminism that grows out of her experiences in the GDR and during the transition period. For her, a major question is how to relate her general concern with major social change to her specific feminist goals. Under German law, one cannot run for Parliament as an independent but must associate oneself with a party. Members of the former East Germany's Autonomous Women's Movement entered Parliament by associating themselves with the Greens or, as Bläss did, with the Party of Democratic Socialism (PDS). The tension between the need for a women's movement to retain its autonomy on one hand and on the other the value of participating in the reconstructive effort, which seems to require a degree of integration, is a classic problem faced by feminists in many countries.<sup>10</sup>

Hermine De Soto suggests some of the ways that unification has led to a worse situation for women than had existed in either East or West Germany. While critical of the East German policies for "failing to challenge culturally defined gender roles," she points out that West German policies imposed upon the East have made conditions considerably more difficult for women. Writing in an anthropological tradition, De Soto presents an analysis of the German abortion debate, including the East German feminist criticism of the liberal abortion and child care policies, and the considerably worse policies that replaced these upon unification. She places abortion in the context of three social issues: the attempt to delegitimize the German socialist tradition — a tradition that long pre-dated the formation of the German Democratic Republic — "for purposes of reinventing a 'continuous' historical tradition"; the reiteration of ethnicity as a requirement for the new legal boundaries of inclusion and exclusion; and the legislation of a nationally-legitimized domination over women's bodies to safeguard "future unborn citizens." She focuses on the cultural process by which women are being utilized as instruments, not recognized as persons. The make-up of the "life-protection" groups in Germany and the active involve-

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10. In Czechoslovakia, Václav Havel would not allow women's groups to join his political coalition.

ment of the ultra-rightist "Republikaner" party make the anti-feminism of the anti-abortion movement perhaps clearer in Germany than in the United States.<sup>11</sup> I think that studies of the abortion issue in the United States might benefit if more use were made of approaches like De Soto's and more effort made to place anti-abortion politics in its larger context.

Thus, in several different ways these papers all illuminate one aspect or another of the effects of nationalism on women in Central and Eastern Europe. In turn, they illuminate various aspects of struggles in the United States, especially but not limited to problems related to U.S. nationalism and the current round of hostility against immigrants. I hope that the papers capture some aspects of the conference from which they were drawn and that they further international feminist cooperation.

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11. Interestingly, it may be that De Soto's anthropological approach also contributes to a clearer understanding of the politics involved. As a lawyer, I notice that De Soto places much less focus on the difference between the legislation enacted by the German Parliament on one hand and the requirements imposed by the decision of the German Constitutional Court on the other hand. My reaction serves as a reminder of the effects legal socialization has had on me: even though I realize that the court's decision was political in many of the same ways as the parliamentary decision, I would feel a need to specify clearly what the Court decided and what Parliament enacted.

