

LAW AS AN INSTRUMENT OF REVOLUTIONARY CHANGE IN A TRADITIONAL MILIEU

The Case of Soviet Central Asia

GREGORY J. MASSELL

Hunter College of the City University of New York and
Center of International Studies, Princeton University

*Introduction*¹

THIS STUDY IS CONCERNED with a problem central to comparative politics in a world of new nations pursuing stupendous goals: how, and to what extent, political power—and specifically, legal engineering—may be deliberately used in the revolutionary transformation of societies, especially those we generally call “traditional societies.” It pursues that concern through a study of the interaction between central power and local traditions in one of the peripheral areas of the Soviet land mass, Soviet

AUTHOR'S NOTE: *This article is a slightly revised version of a paper read at the Annual Meeting of the American Political Science Association, Chicago, Ill., Sept. 8, 1967. It is a by-product of a general inquiry into the problems of strategy in planned social change in which I am engaged with the support of the Center of International Studies at Princeton University. I am grateful for the facilities the Center has placed at my disposal.*

1. I have not taken for granted in this paper any previous acquaintance with the literature on Soviet Central Asia—the socio-cultural context from which the data for this study are drawn. Section I, in particular, is provided here largely as background

Central Asia. And it is most especially concerned with the meaning and impact of large, abstract, impersonal political blueprints of great movements and figures when pursued by ordinary men in the small, concrete, and intimate worlds of human relations, on the manipulation of which the achievement of all revolutionary goals ultimately depends.

Specifically, this study examines the role of legal rules and institutions (pertaining to personal status and family relationships, and hence, in this context, to sexual equality) in inducing, in conjunction with a series of other political drives, a full-scale revolution in traditional Islamic societies under Soviet rule in the late 1920s—*i.e.* in the early, experimental stages of communist revolutionary attempts in Central Asia.²

and stage-setting material. While this, in part, accounts for the paper's length, it should be of help to the reader in following critically the argument as a whole.

For some recent general studies by Western scholars, dealing at least in part with Soviet Central Asia, see R. PIPES, *THE FORMATION OF THE SOVIET UNION: COMMUNISM AND NATIONALISM, 1917-1923* (1964); S. ZENKOVSKY, *PAN-TURKISM AND ISLAM IN RUSSIA* (1960); R. A. PIERCE, *RUSSIAN CENTRAL ASIA, 1867-1917* (1960); E. ALLWORTH (ed.), *CENTRAL ASIA: A CENTURY OF RUSSIAN RULE* (1967); G. WHEELER, *THE MODERN HISTORY OF SOVIET CENTRAL ASIA* (1964); A. BENNIGSEN & C. LEMERCIER-QUELQUEJAY, *ISLAM IN THE SOVIET UNION* (1967); O. CAROE, *SOVIET EMPIRE: THE TURKS OF CENTRAL ASIA AND STALINISM* (1967); M. RYWKIN, *RUSSIA IN CENTRAL ASIA* (1963); B. HAYIT, *TURKESTAN IM XX JAHRHUNDERT* (1956); H. CARRERE D'ENCAUSSE, *REFORME ET REVOLUTION CHEZ LES MUSULMANS DE L'EMPIRE RUSSE* (1966). The most thorough historical account of developments in Central Asia in the period on which this article concentrates (1920s) may be found in A. G. PARK, *BOLSHEVISM IN TURKESTAN, 1917-1927* (1957).

Extensive ethnographic material on the area may be found in V. I. MASAL'SKII, *TURKESTANSKII KRAY*, vol. 19 of SEMENOV-TIANSKANSKII (ed.), *ROSSIIA* (1913); V. V. BARTOL'D, *ISTORIJA KUL'TURNOI ŽHIZNI TURKESTANA* (1927); M. A. CZAPLICKA, *THE TURKS OF CENTRAL ASIA IN HISTORY AND AT THE PRESENT DAY* (1918); A. E. HUDSON, *KAZAKH SOCIAL STRUCTURE* (1938); L. KRADER, *PEOPLES OF CENTRAL ASIA* (1963); T. G. WINNER, *THE ORAL ART AND LITERATURE OF THE KAZAKHS OF RUSSIAN CENTRAL ASIA* (1958); E. ALLWORTH, *UZBEK LITERARY POLITICS* (1964); E. E. BACON, *CENTRAL ASIANS UNDER RUSSIAN RULE: A STUDY IN CULTURE CHANGE* (1966); S. P. DUNN & E. DUNN, *Soviet Regime and Native Culture in Central Asia and Kazakhstan: The Major Peoples*, 8 *CURRENT ANTHROPOLOGY* (1967).

2. The substantive material in the text that follows, including direct quotations as well as specific references to Soviet views and to events in Central Asia, is based almost entirely on Soviet sources—all of them in Russian, and none of them available in English translation. The leading sources include the following Soviet periodicals: *BEZBOZHNIK*; *ISTORICHESKIE ZAPISKI*; *KOMMUNISTKA*; *NOVYI VOSTOK*; *PRAVDA VOSTOKA*; *REVOLIUTSIIA I KUL'TURA*; *REVOLIUTSIIA I NATSIONAL'NOSTI*; *REVOLIUTSIONNYI VOSTOK*; *SOVETSKAIA ETNOGRAFIJA*; *SOVETSKOE GOSUDARSTVO I PRAVO*; *SOVETSKOE PRAVO*; *SOVETSKOE STROITSEL'STVO*; *VOPROSY ISTORII*; *VLAST' SOVETOV*; *ZHIZN' NATSIONAL'NOSTEI*. Among the books there are KH. S. SULAIMANOVA & A. I. ISHANOV (eds.), *ISTORIJA SOVETSKOGO GOSUDARSTVA I PRAVA UZBEKISTANA* (2 vols. 1960 & 1963); V. BIL'SHAI, *RESHENIE ZHENSKOGO VOPROSA V SSSR* (1959); S. LIUBIMOVA, *V PERVYE GODY* (1958); V. MOSKALEV, *UZBECHKA* (1928); F. E. NIURINA, *PARANDZHA* (1928); A. NUKHRAT, *OKTIABR' I ZHENSCHINA VOSTOKA* (1927) and *VOS'MOE MARTA NA VOSTOKE* (1928); B. PAL'VA-

LAW AS AN INSTRUMENT OF REVOLUTIONARY CHANGE

THE QUEST FOR REVOLUTIONARY ACCESS AND INFLUENCE IN A TRADITIONAL MILIEU

At the inception of Soviet experiments in social engineering (mid-1920s) Central Asia combined enormous size (almost half the size of the United States) with a relatively small population (circa fifteen million). The population included three principal ethnic groups: Turkic (Uzbeks, Turkmens, Kirghiz, and Kazakhs); Iranian (mainly Tadzhiks); and—about 10 per cent of the total—Slavic (Russians, Ukrainians, and Belorussians). Formally, most of the indigenous population had been Moslem ever since the Arab invasions in the eighth century. The structure of traditional occupations in the area comprised sedentary pursuits of the oases and lowlands (agriculture, commerce, and artisan trades), and nomadic pastoralism of the steppes, deserts, and high plateaus (stock-breeding and caravan trade). The educational pattern was overwhelmingly traditionalist in nature; the few schools were staffed and controlled by Moslem clergymen. The illiteracy rate at the time of the October Revolution was almost 100 per cent. The social structure of indigenous communities tended to reflect basic subsistence patterns: local traditional societies were organized around kinship units in relatively self-sufficient communities, by and large along patriarchal, patrilineal, and patrilocal lines, with residues of tribal organization most pronounced among the pastoral nomads and, to a lesser extent, among the mountaineers.

A highly complex pattern of social and cultural pluralism was amply reflected in the region's legal institutions. What is very important, Tsarist colonial administrators had made no significant deliberate and concerted attempt to transform the prevailing socio-cultural and legal patterns, after Russia completed the conquest of the area toward the end of the nineteenth century. This meant that, at the inception of the Soviet experiment, the revolutionary regime confronted in the legal realm no less than in others a heterogeneous and multilayered universe. Aside from Russian statutory law (governing primarily the relationships of the region's European newcomers), two major categories of law were in

NOVA, *DOCHERI SOVETSKOGO VOSTOKA* (1961); P. A. PAVLENKO, *PUTESHESTVIE V TURKMENISTAN* (1932); *ZHENSHCINY V REVOLIUTSII* compiled by A. V. ARTUKHINA, ET AL. (1959); A. P. KUCHKIN, *SOVETIZATSIIA KAZAKHSKOGO AULA, 1926-1929* (1962).

Due to limitations of space, specific references to these sources have been omitted in the text. Detailed bibliographical references will be found in the author's forthcoming book, *THE STRATEGY OF SOCIAL CHANGE AND THE ROLE OF WOMEN IN SOVIET CENTRAL ASIA: A CASE-STUDY IN MODERNIZATION AND CONTROL*, to be published under the auspices of the Center of International Studies, Princeton University.

operation here, affecting especially in the civil realm the bulk of the indigenous population: codified Moslem law (*shariat*) and local customary law (*adat*). As a rule, *shariat* was administered by formal canonical courts staffed by qualified Moslem religious personages. In this form, the system was operative primarily in urban and sedentary-agricultural locales. The *adat* depended neither on a written code nor on formal administration; the resolution of disputes tended to be entrusted to tribal leaders, to clan and village notables, and/or to local Moslem clergymen. This system tended to be operative primarily in tribal, nomadic-pastoral milieus. In terms of Georges Gurvitch's legal typology, the legal systems of Central Asia's traditional Islamic principalities (such as Bukhara and Khiva) had a "theocratic-charismatic" base; the legal systems of primitive, "poly-segmentary" social organizations (especially among nomads and mountaineers) had a "magical-religious" base.³ Yet even these two broad categories of judicial legitimation and arrangements are ideal-typical in nature. Reality was considerably more complex. Central Asia subsumed an extremely variegated patchwork of religious and tribal tribunals, usages, and laws. In such a context, conflict resolution could be formal or highly informal, public or private, and the prevailing legal forms, norms, and practices depended to a large extent on the particular region, communal organization, and ethno-cultural milieu, as well as on the personal charisma of the particular judicial mediator.

This social pattern could hardly offer serious direct resistance to the establishment of Soviet power in the period between 1917 and 1921. Yet as bolshevik strategists were shortly to realize with growing unease, the very pattern of local traditional solidarities and orientations that had made the cluster of Central Asia's traditional societies so fragmented, communocentric, and insular, and thus so accessible and vulnerable to the determined thrust of modern Soviet power, tended also to make them particularly elusive to attempts not merely to "establish" a mechanism of power but to use it for rapid revolutionary transformation and efficient integration.

The modernization process, even when relatively sedate, always contains elements of suspenseful confrontation. In few cases, however, has it been quite so dramatic as in the attempted modernization of Central Asia under Soviet auspices. One reason for this is that the drive toward modernization did not, by and large, come out of Central Asia itself, not

3. See G. GURVITCH, *SOCIOLOGY OF LAW* ch. 4 (1942); cf. G. A. ALMOND & G. P. POWELL, JR., *COMPARATIVE POLITICS: A DEVELOPMENTAL APPROACH* chs. VI and IX (1966).

primarily from a local elite nor even a local counter-elite commanding the support of an "expectant people." The outside powers, moreover, had an exceptionally extravagant vision and explicit ideology, as well as remarkable revolutionary elan and impatience. Per contra, the societies to be transformed were at an especially low level of social and economic development, as different from that postulated by the Marxist theory of revolution as they could possibly have been; they were also, relatively speaking, highly intact and integrated, that is, lacking in relatively large, significant, and politically experienced groups that were both alienated and marginal. The drama of modernization in Soviet Central Asia thus arose from a huge gap between the social structures existing and those envisioned; from the lack of significantly disintegrated structures ready-made for refashioning; and from great verve and urgency on one side and a deep imperviousness to manipulation on the other.

This drama involved only partially, however, the confrontation of traditional society and revolutionary men. Equally dramatic were the conflicts engendered by that confrontation among the revolutionaries themselves, men (and women) whose ideology—originated, developed, and intended for application in Western industrialized societies—had in no way prepared them for dealing with what existed in Central Asia. To be sure, in Leninism the bolsheviks had an ideological weapon that combined a strong voluntaristic and teleological bias with equally strong organizational, interventionist, and manipulative dispositions. But Leninism was also markedly ambivalent regarding specific transformationist strategies to be employed in the conquered societies, especially in the Central Asian context. Thus, the bolsheviks' experiences in Central Asia, even more so than elsewhere in the Soviet Union, compelled them to rethink many problems and to reconstitute many organizations and instrumentalities, but since they were men of firm—and rapidly rigidifying—philosophy, and since there were vested interests in the organizations, this process did not come about without grave internal strains.

At first, then, we have in Soviet Central Asia a rather simple encounter between revolution and tradition, reflecting the simplicities of early Soviet politics in the large. There was a belief that disadvantaged men (and most men in traditional society were "disadvantaged") would readily take to a social transformation carried out by dedicated reformers operating new formal and legal institutions superior to the old. This belief was encouraged by the apparent ease with which the revolutionary takeover was accomplished in Central Asia; by the Marxist-Leninists' apocalyptic view of revolution itself, a view considering violent revolution as a final

and definitive act, a consummation rather than a mere beginning; and the belief, shared by communists with other children of the Enlightenment, in the great strength of rationally devised social machinery as against the implicit norms and networks of informal expectations of prerational society. There was to be revolutionary machinery, and revolutionary products would issue from it as a matter of course.

The failure of that wonderfully hopeful approach, perhaps more crushing in Central Asia than anywhere else, was the first great trauma of Soviet rule. It was not so much that the revolutionary machinery was attacked and incapacitated by reactionary strata. Rather it was that the new institutions could not even begin to permeate the vast regions of society outside of the urban administrative centers, and that, in so far as they did gain entrance, they tended not to transform accustomed ways but to be themselves "traditionalized," to provide merely a new setting in which affairs proceeded much as before. As Marx and Engels would have visualized this, Central Asia's traditional elites (religious, tribal, and communal) turned out to stand "in the midst of society," in that they continued to command respect and authority at the grassroots. The agents of the Soviet state stood "outside and above" that society.⁴

There were several possible responses. One was to use the coercive power of the regime to excise the more manifest obstructive elements (especially the traditional elites) and to force the general population into compliance with revolutionary ways, thus accomplishing quickly revolutionary ends. Another was to find a weak link in society, a surrogate proletariat where no proletariat in the real Marxist sense existed, to recruit from it reliable native cadres and to use them, by slow and systematic processes, first to loosen and disintegrate traditional social relationships, then to rebuild society when its very dissolution compelled reconstitution. Access to the traditional structures to be transformed could then be viewed either as a negative process of forcibly removing obstructions or as a positive one of finding willing and useful collaborators, or as a combination of the two. But both approaches have a crucial point in common, one that has wide significance for the deliberate transformation of any and all societies: transforming social institutions that still are going concerns presupposes a prior weakening, if not utter destruction, of the institutions to be transformed, and hence the discovery of crucial actors whose deliberately engineered alienation and separation from the institutions will cause these to be drained of vitality.

4. F. ENGELS, *THE ORIGIN OF THE FAMILY, PRIVATE PROPERTY, AND THE STATE* 156 (1942).

The initial Soviet political reflex in this case was essentially an orthodox one, reverting to a hard, fundamentalist bolshevik bias—to attack the obstructive elements head-on, and to excise them from the local body politic. Without waiting for either political, or economic, or cultural development to take its course, the party decided to attack directly the network of traditional authority relationships, and to strike it at a point that could logically be considered its nerve-center and its head. It called upon its cadres to subordinate everything to the requirements of “class struggle” in the traditionalist countryside, and to concentrate, first of all, on “undercutting . . . isolating . . . [and then physically] removing” the traditional elites of Soviet Central Asia. Such a decision involved more or less explicit expectations: that the liquidation of traditional elites would presumably amount to a political decapitation of the traditional command system; that it would thus serve to remove the linchpin from the formal organizational structures of local communities and tribes. As a result, local social structures would presumably collapse, the hold of primary and local groups upon their members would break down, and minds as well as bodies would be released from the previous equilibrium and set adrift, as it were, and be delivered into the Soviet fold.

Yet, what seemed to disturb the regime above all while the attack was in progress was that the separation of traditional leaders from their followers, even when successfully carried out—which was not everywhere the case—did not make a community automatically available for Soviet-sponsored mobilization. Far from being supplanted by considerations of property and bureaucratic status, the old unities based on kinship, custom, and belief showed signs of persisting even in the absence of traditional figureheads and presented just as great an obstacle to the diffusion of Soviet influence as before. As perceived by Soviet analysts, these obstacles continued to group themselves around two basic, and intimately correlated, traditionalist propensities in the dealings of local groups with outsiders: secrecy and solidarity. If anything, intensified Soviet pressures upon tribal and communal leadership seemed, at least in the short run, to strengthen the resolve of communities and groups—or even to activate fresh or previously dormant dispositions—to guard the walls of secrecy and internal solidarity.

What came to be perceived in this context, at the apex of the party, as a crucial desideratum in Central Asian conditions was nothing less than a “cultural revolution.” As communist organizers saw it, the blow dealt to tribal-patriarchal elites was but one blow, and possibly not the most crushing and important one. One needed to deliver “a second blow,” one

that would destroy the residues of “tribal-patriarchal . . . ideology”—an ideology that, through persistent loyalties and habits, made it possible for old kin and custom-based unities to survive even when the old elites were gone. One needed approaches that would reliably disengage human beings from the matrix of traditional ties, values, and beliefs. Where was one to begin? The answer, as one party analyst saw it, could be as dramatically unorthodox as it was apparently simple: “the real battle against harmful . . . tribal-patriarchal residues . . . [against] the survivals of the old order . . . [blocking the path of Soviet development], must begin from the destruction of the old . . . family—of that primary cell of the conservative [Central Asian] village, [a cell] that refuses to surrender its positions to [the forces of] the new . . . [world].” Moreover, if the key to a genuine cultural revolution was in the destruction of traditional family structures, the undermining of the kinship system itself could most speedily be accomplished through the mobilization of those of its members who were the most consistently “humiliated . . . [and] exploited,” who were, as a rule, segregated, secluded, and constrained, who were, in effect, “the lowest of the low,” “the most enslaved of the enslaved”: its women.

Accordingly, while the overall Soviet assault on Central Asia’s Moslem traditional societies proceeded on a number of levels, and with widely varying degrees of success, one essential facet of that assault came to be the deliberate attempt to stimulate and manipulate sexual and generational tensions that would help to induce an upheaval in a traditional system of values, customs, relationships, and roles, beginning with the primary cell of that system: the extended, patriarchal Moslem family.

*The Quest for Strategic Leverage Points in a Traditional Milieu:
Moslem Women as a Surrogate Proletariat*

REVOLUTIONARY ACTION AS STRATEGIC LEVERAGE

At least three basic propositions were implicit in the decision to use women to break up Moslem traditional societies. First, that “class struggle,” in some societies, did not need to express itself exclusively through social strata conventionally designated on the basis of property and relation to the means of production. Second, that “patriarchism” characterized authority relationships not only in large and complex social organizations in Central Asia but also, and perhaps most strikingly, in the primary cell of the native traditional world, *i.e.* in the extended family. Third, that in such a milieu, social status, and hence potentially

social tensions, could be based as much on sexual as on economic or other roles.

There was at least one congenial ideological precedent for such a view. Marx and Engels had written:

The first division of labor is that between man and woman for the propagation of children. . . . *The first class opposition* that appears in history coincides with the development of the antagonism between man and woman in monogamous marriage. . . . *The first class oppression* coincides with that of the female sex by the male. . . . The modern family contains in germ not only slavery (*servitus*) but also serfdom, since from the beginning it is related to agricultural services. It contains *in miniature* all the contradictions which later extend throughout society and its state.⁵

One factor made such an analysis particularly relevant where Central Asia was concerned. Marxist references to female inferiority in a capitalist industrial system were relatively marginal illustrations of the hypocrisy and inequality accompanying the struggle between the classes. In the case of the emergence of the patriarchal family, however, the thrust and imagery of the analysis placed male-female relationships at the center of the class struggle.

It helped to strengthen conclusively the arguments of those who had been insisting all along that there were highly unusual opportunities for revolutionary action in Moslem traditional societies, and that women were the key to those opportunities. To deliberately proceed on the assumption of a woman's dumb, isolated, subordinated, exploited, depersonalized, will-less, and loveless existence could presumably help the party find more than merely additional social leverage in Central Asia. Deliberate and planned utilization of this issue could prove to be social dynamite par excellence. It could attack what might be potentially the weakest link in the solidarities of native kinship systems, and could thus speed up immensely the processes both of social disorganization and of reintegration under Soviet auspices.

In this sense, it seems fruitful to visualize Soviet experience in Central Asia as a complicated search for strategic factors in a revolutionary transformation—for techniques, instrumentalities, and targets that would provide the regime with relatively high leverage in undermining and transforming a Moslem traditional milieu. In other words, it was a quest for a structural weakpoint through which particularly intense conflict could be engendered in society and leverage provided for its disintegra-

5. *Id.* at 51, 58 ff.

tion, the recruitment of sympathetic elements from its ranks, and, finally, its reconstitution.

Of course, to the extent that Soviet goals involved the deliberate disruption of an entire milieu, one of the primary problems in such a purposive enterprise was that of control. Soviet experience suggests—to borrow Anatol Rapoport's terms⁶ from another context—an attempt to induce a strategic conflict at the nerve-centers of a social order and to avoid a cataclysmic one; commensurately, control of the revolutionary process turned out to be one of the most sharply perceived imperatives in Soviet experiments with social engineering, perhaps more so in Central Asia than in other parts of the Soviet Union.

REVOLUTIONARY ACTION AS ACTIVATION OF
A SURROGATE PROLETARIAT

To turn from conventional categories of class struggle to the role of the family and its members meant to turn from macrocosmic perceptions of social revolution to microcosmic ones; from abstract to intimate and detailed preoccupations in social engineering; from settled notions of social process and action to research, experiment, and improvisation; from class struggle to the novel, and unfamiliar, realms of sexual and generational tension; from a real proletariat to a surrogate for it.

Where a Moslem woman was concerned, party activists could reason—certainly not without some psychological justification—that under the seeming bedrock of her traditional entrapment there seethed deep currents of humiliation, frustration, and hatred; and that these currents could be shaped into elements not just combustible in the short term but inherently and fundamentally subversive to the entire spectrum of traditional behavior, relationships, and norms. It was not of decisive significance whether a woman's fate was, in her own perception, as bleak as the party saw it, or wished it to be seen. More relevant: there was a possibility that the very terms of contact with unprecedented concepts of human existence would hold up an extraordinary mirror to a woman's eyes, letting her see herself as she had never seen herself before; that they would activate currents of unaccustomed restlessness, agitating minds and feelings into a search for ways to establish the newly perceived identity, to realize a novel sense of human worth and potentialities; that they would, in effect, raise to a conscious level the sense of outrage on account of an existence that could not fail but be perceived as being,

6. See his *Models of Conflict: Cataclysmic and Strategic*, in A. DE REUCK, ET AL. (eds.), *CONFLICT IN SOCIETY* 259-87 (1966).

relative to men, dramatically inferior. A woman might endure perpetual inferiority, degradation, and segregation, but only as long as she lacked the capacity to visualize, and the opportunity to grasp, alternative possibilities. As soon as the psychological and organizational barriers were breached—as soon as the past and future were perceived in a radically new light—a dramatic turnabout could not fail to take place.

The party's tasks were thus twofold. To maximize female revolutionary potential, it was necessary to maximize female discontent, and to minimize the obstacles in the way of a woman's perceiving, articulating, and acting upon that discontent. Along with this, it was the party's task to find the right keys to the latent revolutionary currents, and the right molds for harnessing the unleashed forces and channeling them in desirable directions—*i.e.* to find optimal social controls for unleashed social energies. This would require careful engineering: as good an estimate as possible of the linkages, in every conceivable sphere, between female mobilization and broader social transformation; of the specific advantages and forms of utilizing female revolutionary energy; and of the ways in which the latter could contribute to, or endanger, the stabilization, legitimation, and development of the revolutionary regime itself.

Given such requisites, what were Soviet expectations regarding the actual operational opportunities and potentials? How could women be used to help in the revolutionary transformation of a traditional society, and what impact could such use be expected to have? The Soviet plan of action (a plan that crystallized only gradually, and that was by no means consistent and continuous) may, perhaps, best be visualized in a series of propositions—propositions that constitute a brief and selective projection of the imperatives and premises underlying the Soviet action-scheme, that relate immediate means to ultimate ends, that are interdependent, and that fluctuate in emphasis within a spectrum from moral to instrumental considerations, from revolutionary idealism to cold political pragmatism.

1. *To emancipate women as individuals—and, with women, the young generation—from “slavery in the feudal-patriarchal order” of kinship, custom, and religion, and thereby fulfill the egalitarian strictures of Marxism with respect to the family, as well as engage the humanitarian and reformist impulses of important segments of the emerging male and female elites in Russia and Central Asia.*

2. *To undermine the prevailing patterns of traditional authority—based on lineage, kinship, conquest, custom, religion, and age, as well*

as on the absolute superiority of men—by endowing women with unprecedented socio-political roles, and backing these roles with an organizational framework, with educational and material opportunities, and with the legal and police-power of the new state. By the same token, to undermine the backbone of a traditional community's political cohesion, and ease and hasten, thereby, the grafting and assimilation of new Soviet authority patterns at the grassroots.

As a corollary, *to politicize the latent or actual grievances of the most disadvantaged females*—especially of orphans exploited and tormented by a hierarchy of guardians, and ready to run away; of girls separated from lovers by elders' authority and force; of girls feeling themselves deprived and stifled under parental authority; of child-brides married to old men; of young women married to unloved and cruel men; as well as of widows and divorcees—making them especially disposed to burn their bridges to the old world altogether, to enter the Soviet fold, and to actively seek vengeance. This would help the regime to gain, in effect, a political fifth column in the Moslem traditional milieu. By being disposed to act in such a role, women could be uniquely suitable elements in depriving native kinship units and village communities of their salient traditional advantages in dealing with outsiders—their secrecy and solidarity.

3. *To undermine the kinship system and the village community*—revolving around clan-loyalties, and ties of family and custom—by endowing women with unprecedented social, cultural, and economic roles, by encouraging and sponsoring divorces initiated by women, and by involving them in massive and dramatic violations of traditional taboos, such as mass-unveiling in public, playing of dramatic female roles on stage, open competition with males in sports events, and assumption of martial roles in paramilitary formations, including the operation of airplanes, the use of parachutes, and the handling of guns.

As a corollary, *to compound the power of attraction upon male as well as female youth*—by stressing a new accessibility of the sexes to each other, an accessibility based on free choice and no longer dependent on customary and religious rules, or on tribal, communal, or paternal authority, an accessibility involving unprecedented dimensions of contact, courtship, and romantic love. By the same token: either to subvert the traditional realms and hierarchies of loyalty and socialization, and thus release women and/or youth into Soviet socializing media, or gain inside those realms exceedingly important allies in bringing up the young generation—present or future mothers.

4. *To significantly weaken some crucial moorings of Islam in native societies*—especially the codified religious laws of *shariat*, and the main repository of local customary laws, the *adat*—by endowing women with unprecedented civil rights, by backing those rights with a new and especially tailored judicial system, and by staffing that system, in part, with women. To revolutionize traditional attitudes toward the clergy, by suggesting, among other things, that the latter's presumed spiritual guidance of a man's wives and daughters could easily go hand in hand with sexual exploitation; and by wooing especially women—traditionally the most numerous and submissive clients—away from the influence of Moslem “teachers,” village “wise men” and “holy men,” and tribal shamans.

As a corollary, *to break the monopoly of knowledge, and of political, adjudicative, intellectual, educational, spiritual, and consecrative functions*, held by males in general, and by traditional elites—religious, tribal, and communal—in particular, thus helping to undermine the status, authority, as well as livelihood of these elites. To help subvert, thereby, not only the claims of religion and custom upon human beliefs, values, commitments, and ties, but, also, the hold of religious and customary institutions upon the hierarchies of society and family, the administration of justice, the system of education, property relations, and the overall pattern of daily life.

5. *To disorient and weaken the prevailing concepts of property*—by bringing into question the woman's role as, in bolshevik interpretation, her father's means of exchange, and her husband's beast of burden, chattel, and property in marriage; by forcefully stressing and challenging the entire range of her legal and customary inferiority, particularly with respect to her control and inheritance of property, including land; and by endowing her with unprecedented roles and capabilities in the sphere of economic activity.

As a corollary, *to compound the power of attraction upon poor and socially disadvantaged males*—by stressing a new availability of brides that would no longer be dependent on the social status of a man and his family or clan, or on the requirements of property in the form of the locally traditional bride-price (*kalyim*) and thus endowing the males' sense of sexual deprivation with overtones of social, economic, and political deprivation, making the conflict over women into a potential fulcrum for a sharpening class-conflict.

6. *To gain, in the heretofore secluded female masses, a large and reliable labor pool, and a potentially important reservoir of technical cadres—so as, in the short run, to maximize the scope and tempo of economic development (particularly in the growing of cotton, the production of silk, and the expansion of textile, clothing, and food industries) and, over the longer term, to release the productive and creative potentials of a traditional society. By the same token, by recruiting women en masse into novel forms of economic activity, and by encouraging them to play unprecedented roles in that sphere, to remove the traditional “middlemen”—fathers, brothers, and husbands—standing between women and the economic market place, and thus to create optimum conditions for their economic independence from husbands, families, or clans, and for their attraction to, and socialization in, the Soviet system. Simultaneously, by gaining in women a maneuverable labor force, to free corresponding contingents of men for tasks wherein women were relatively less suitable, such as exceptionally heavy labor or service in the army.*

As a corollary, to compound the emotional pressures upon the whole male population—by exposing it, in every role, in every enterprise and sphere of life, to unprecedented competition from women, thus, at a minimum, depriving men of the traditional haven of unquestioned acceptance and superiority in the family and in public life; making it, therefore, necessary for men to seek new—that is, Soviet—criteria of self-assertion, self-esteem, competence, and accomplishment; and, hence, stimulating their economic performance and political cooperation—if not outright loyalty and full-fledged participation.

7. *To recruit, through and among women, political, administrative, medical and educational cadres—cadres that would reliably staff and expand the network of Soviet influence and control, including the new system of communications, health, education, and welfare; cadres that would thus not only dramatize the new relations of the sexes, but would serve directly as sharp political tools, and assist deliberately and actively in the fragmentation of tradition. In this fashion, to gain in women, and especially in young women, unique agents as well as catalysts in the overall revolution of modernization, and in the shaping of new foci of socio-political integration under the auspices of the Soviet regime.*

As a corollary, because the endowment of Moslem women with unprecedented social, cultural, economic, and political roles would take place entirely under Soviet auspices, and because women’s training, organization,

and socialization could thus be substantially *de novo*, it could be expected not only to elicit the women's exceptional gratitude and cooperation, but also to allow the Soviet regime exceptionally broad leeway in the allocation of values, skills, resources, and manpower, in the collectivization of handicraft and agricultural production, and in the overall coordination of initiatives called for by both modernization and control.

8. *To compound the power of attraction upon other traditional societies—and societies sharing ethnic identity or cultural and historical experience with Central Asia's peoples—outside Soviet borders, and hence spur revolutionary ferment in the colonial and semicolonial world, through the buildup of egalitarian and high-achievement imagery in the realms of youth and sex; to open up, thereby, unprecedented potentials for the formation of a revolutionary and modernizing elite and élan.*

REVOLUTIONARY LEGALISM AND SOCIAL ENGINEERING: THE USES AND LIMITS OF SUPERIMPOSED RULES

The multifaceted justifications for work with Moslem women were, of course, designed to secure the party's acquiescence in ideologically unorthodox initiatives, as well as its maximum support with cadres and funds. But, if the party's high command came to see the promise of such action, and accordingly proceeded to set in motion a number of initiatives on this account, it also came to perceive sharply the dangers implicit in such an undertaking. To attempt a sudden and full-fledged mobilization and emancipation of Moslem women, to stage an all-out, undifferentiated assault on the realities and symbols of sexual apartheid and female inferiority in a traditional Islamic world, was to initiate what was perhaps the most overtly illegitimate action in that world.

Revolutionary Action as Insurgency by an Incumbent

The perception of, and responses to, this dilemma undoubtedly played a crucial role in the evolution of Soviet approaches to female mobilization in Central Asia. Concerned ever more concretely with the extension of Soviet influence from urban hubs to a vast countryside, with the creation of reliable access routes to the grassroots of Central Asia's societies, with the subversion of established native solidarities, and, simultaneously, with laying a groundwork for an efficient mobilization system, the Soviet regime found itself in need to strike a balance between a host of conflicting imperatives. While these were subject to repeated questioning and revision, and were affected not only by the Central

Asian milieu but also by the ferocious struggle of wills and views inside the party, *the action-scheme that evolved in the process was analogous to insurgency—albeit insurgency generated and controlled by the incumbent and, therefore, governed both by the requirements of social revolution and by the imperatives of incumbency itself.*

As such, insurgency by an incumbent could not but entail some inherent paradoxes. In Soviet Central Asia it was designed to set in motion a course of tensions, conflicts, and selective violence, and hence an upheaval in the traditional system of values, customs, relationships, and roles within the existing structures of society. In effect fundamentally reversing the essential order of Marxist expectations, it marked an incumbent's deliberate effort to induce insurgent attitudes, a deliberate effort to induce a pervasive sense of alienation from traditional commitments, orientations, and modes of life, and a commensurate attraction to radically new ones—those furthered by victorious revolutionaries. Basically, then, this process had twin purposes: that of inducing a psychological and organizational revolution at the nerve-centers of a relatively intact social order, and that of consolidating and legitimizing the incumbent's power. It turned out to be of fundamental importance that the imperatives of insurgency could not be reconciled with the imperatives of incumbency, since both sets of imperatives were generated, and needed to be weighed, by one and the same party—the incumbent revolutionary Soviet regime.

Not all of the relevant implications of this dilemma were anticipated by the party's organizers, and some were anticipated with greater sensitivity than others. Moreover, some of the consequences, while anticipated quite perceptively by a number of the party's field-workers in Central Asia, were either underestimated or deliberately ignored by leading echelons on ideological grounds, and were acted upon only after precipitous political initiatives revealed just how disastrous the consequences could be. Nonetheless, Soviet initiatives tended to order themselves into a definite pattern. Soviet experience suggests three paths to making a revolution beyond the mere winning of political incumbency. These are "revolutionary legalism," "administrative assault," and "systematic social engineering." While this typology involves a rather high level of abstraction, it does reflect quite closely the predilections, commitments, and actions entertained in Soviet ranks in the early experimental stages of revolutionary transformation. The three strategies of planned social change may be conceived as three main steps in a learning process on the part of Soviet revolutionary elites, a process with

what were at first rudimentary, though by no means negligible, feedback mechanisms. This process led, over a relatively short period of time, to repeated assessments of costs and payoffs of a particular strategy, and to a periodic quest for courses of action that would combine optimal fulfillment of Soviet goals with minimal risk, given the resources available to the regime. For the purposes of this paper, we have concentrated primarily on revolutionary legalism, and on the specific perceptions and pressures that led Soviet leadership to repeated redefinitions of that strategy in the broader context of revolutionary social action.⁷

*Revolutionary Law as a Tension-Management System*⁸

The use of law as one of the Communist Party's strategic approaches to revolutionary change may be said to have involved the introduction of a *specialized tension-management system into a traditional milieu*, a system combining tension-inducing and tension-controlling purposes. Specifically, the strategic objectives came to be: to induce (positive) tensions that would fundamentally undermine the traditional order (the target system), and, at the same time, to control those (negative) consequences of induced tensions that threatened to affect the stability of the Soviet regime (the sponsor system) and the safety of its developmental objectives. In other words, a new legal system had both to encourage and to maintain a delicate balance between disequilibrium and stabilization, fragmentation and integration, social revolution and orderly development. Moreover, it had to take into account not one homogeneous universe of clients, but, as we shall see, many—and overlapping—social interests and groups.

Implications of Tension-Inducing Action: Law as a Heretical Model

Soviet views of law were, from the very beginning, frankly instrumental. As perceived by the regime, Soviet law was designed for three

7. I discuss all three strategies of planned revolutionary change in a forthcoming larger study, *THE STRATEGY OF SOCIAL CHANGE AND THE ROLE OF WOMEN IN SOVIET CENTRAL ASIA: A CASE-STUDY IN MODERNIZATION AND CONTROL*, to be published under the auspices of the Center of International Studies, Princeton University.

8. W. Moore and A. Feldman have proposed to view society itself as a tension-management system. See their *Society as a Tension-Management System*, in G. BAKER & L. S. COTTRELL (eds.), *BEHAVIORAL SCIENCE AND CIVIL DEFENSE DISASTER RESEARCH GROUP*, Study No. 16, 93-105 (1962). It should be fruitful to explore the linkages between their and our analytical approaches to society and to law respectively.

basic purposes: to destroy the antecedent social order; to ensure the discipline of a population mobilized to create a new industrial system, as well as to ensure the security of the Party-State that generated and administered this system; and to serve as a means in building a communist society. This paper is primarily concerned with the first of these purposes.

Revolutionary legalism as a strategy of social change emphasized reliance on a newly superimposed judicial system for the routinization of revolutionary norms in traditional society. It reflected expectations that by supplanting traditional adjudicative institutions, and by vigorously championing and applying the principle of equality of the sexes before the law, the new judicial system would set in motion a full-fledged revolutionary process. As the highest Party and State echelons affirmed in the mid-1920s, "the Eastern woman's . . . actual emancipation [will be attained through] the full and exact implementation . . . of Soviet laws" pertaining to women's rights in all realms of social life, beginning with family, marriage, and property. In other words, the desired shift in female status would occur primarily as a result of the regime's emphasis upon, and of popular acceptance in Central Asia of, the new legal norms and institutions simply because they were legal. Female emancipation was viewed, at this point, as primarily a juridical problem, to be solved by a stress on strict legalistic consistency. It is in this sense that revolutionary legalism may be characterized—to paraphrase Judith Shklar⁹—as an ethical and political attitude that holds moral and politically requisite conduct to be a matter of rule-following, and moral as well as instrumental relationships to consist of duties and rights determined by rules that are imposed and enforced by revolutionary elites.

Potential Functions of a Heretical Model

In its norms, forms, procedures, and personnel, and in its massive and detailed concentration on sexual equality, the new legal system in Soviet Central Asia constituted a fundamental challenge to the structure and life-style of local communities. Indeed, it constituted a powerful *heretical model*.

It was heretical in that (a) in and of itself, it constituted deliberate and absolutely autonomous legislative action by secular authority in any and all, including the most sacred, realms of life—something that Islamic

9. See LEGALISM 1 (1964).

orthodoxy has long regarded as by definition not only heretical and illegal but a contradiction in terms, given the avowedly revealed, comprehensive, and perfect nature of Moslem law; (b) rather than merely questioning the interpretation of one or another belief, it called into question the basic assumptions underlying the prevailing belief and value systems, and thus invited radical skepticism about the moral basis of society; (c) rather than merely calling for some adjustment in one or another dimension of social esteem, it threatened a *total* abrogation of the primordial status system, beginning with the structure and hierarchy of sexual and generational roles; (d) by assigning drastically new meanings to authority and domination, and to religious, communal, and affinal obligations, it negated ancient paradigms of solidarity and trust, sanctioned the abrogation of traditional social controls, and cast grave doubt on the justice, utility, and hence legitimacy of the entire social order; (e) in addition to engendering a revolutionary interpretation of the present and the past, it formulated radically new goals for the future, thus engendering unprecedented aspirations with respect not only to rights but also to roles, possibilities, and opportunities, and hence encouraging individual concerns deeply at variance with and apart from those of the local group; (f) in making tabooed issues a matter of open concern, it threatened, in effect, to make many latent conflicts manifest.

While, in this sense, the new legal system was profoundly heretical, it could also serve as a tangible model in that (a) rather than involving merely the sporadic propagation of whispered or printed doubts on the part of deviant men or groups of men, it was a negation of the social order embodied in a system of laws and courts forcefully grafted and backed by the overwhelming power of a state; (b) in marking not only a departure from particular precedents but a complete abolition of all antecedent judicial channels and procedures, it claimed a monopoly of the legal universe; (c) in turn, no matter what its intrinsic merits in the eyes of the population, it was always visible and available, perennially calling for utilization, and thus serving as a constant catalyst and exerting constant leverage; (d) insofar as Moslem women, for example, pioneered in using its services, enacting its precepts and, most important, joining the ranks of its personnel, it constituted a palpable standard, a consistent alternative, for comparison and choice.

Implicit in such operation of a heretical model were aspects that were both defensive and offensive, therapeutic and punitive, integrative and disruptive, purposes that involved both learning and unlearning. Hence, in a deliberately induced revolutionary situation, the new legal system

might be expected to function, at one and the same time, (a) as a repository of new ideal norms, (b) as a parental surrogate, (c) as a focus of grievances, (d) as an instrument of mobilization, (e) as an arena of participation and recruitment, (f) as a tripwire, (g) as an instrument of class struggle, (h) as an instrument to extirpate the antecedent legal system, (i) as a protective shield for revolutionary agents and converts.

There might have been expected to be at least four basic categories of clients affected in diverse ways by the function of Soviet law as a heretical model. If short-term Soviet operational objectives—based at least in part on female mobilization and emancipation—involved the productive intensification of class struggle in the traditional milieu and the resultant unraveling of the traditional social fabric, the attitudes and responses of these four client-categories had to be taken into account. (1) A *principal beneficiary client group*, including of course primarily women. (2) A *secondary beneficiary client group*, including primarily unmarried young and poor men, owning neither land nor flocks, *i.e.* men socialized in traditional values and solidarities, but lacking authoritative standing both in private and in public realms, lacking significant access to material and spiritual goods, and lacking significant access to women as well, such access having been traditionally delimited by ritual, hereditary, authoritarian, and financial considerations. (3) A *secondary adversary client group*, including primarily married (monogamous) men, either poor or moderately well off, *i.e.* men with a large but limited stake in the traditional order in the sense of having access to women and commanding patriarchal authority in the kin group, but having relatively little authoritative influence at the suprafamilial level of community or society, and relatively narrow access to material and spiritual goods. (4) A *principal adversary client group*, including primarily polygamous, well-to-do, or socially esteemed patriarchs, and the surviving authoritative traditional elites (religious, tribal, and communal), *i.e.* men with a very high stake in the traditional order in the sense of having relatively broad access to, or actually controlling the allocation of, a community's social and political statuses as well as material, spiritual, and sexual objects.

On purely rational grounds, the Soviet regime could expect to find in the first group not only natural followers and friends but also enthusiastically devoted agents. In turn, the successful mobilization of the first group might have been expected to intensify the adherence and participation of the second group, and its delivery of what could be viewed as the regime's natural allies. While the third group had relatively greater cause than the first two to be repelled by Soviet initiatives and goals, it might have been

expected to have commensurately little incentive to stake its life on the defense of the status quo; it could be expected to remain at least cautiously neutral and tacitly accommodationist to Soviet revolutionary approaches through law. For obvious reasons, the fourth group could certainly be expected to muster the regime's staunchest and natural enemies. Yet, given its originally small size, the thinning of its ranks through Soviet-sponsored deportations and executions, a measure of internal division (*e.g.* into red/progressive and black/reactionary *mullahs*), the shattering impact of large-scale defections from tradition on the part of kinswomen, kinsmen, parishioners, and countrymen, as well as the ever growing threat of draconic Soviet sanctions, it might have been confidently expected that the fourth group would find itself increasingly isolated and shorn of influence, and that it could in any case do very little damage.

The cumulative effect could thus be assumed to be obvious: a marked acceleration of a shift in the psycho-cultural and political orientations of virtually *all* clients. Explicitly or implicitly, nuances of precisely such expectations were advanced by communist field-organizers in justifying Soviet revolutionary initiatives. The concurrence of the highest echelons of the party was indeed reflected, in part, in official proposals that the revolution in Central Asia be spearheaded by a political alliance of "landless farmhands . . . poor peasants [and nomads] . . . and women."

Yet, even this relatively subtle turn of political judgment ran afoul of social reality. It turned out to be exceedingly difficult, if not impossible, to distinguish friend from foe in any meaningful or reliable way. First, the perceptions and responses of the women themselves turned out to be far from homogeneous in intensity, orientation, and value. Second, the attitudes and behavior of male clients turned out to be determined at least as much by old unities based on kinship, custom, and belief as by new, legally ensured considerations of property, bureaucratic status, and sex. Third, and perhaps most important in the short run, the performance of the new Soviet apparatus—the "sponsor system"—composed in the lower echelons of largely native cadres was itself subject to the same complex parallelogram of loyalties. In other words, it was found to be difficult to replicate in reality the simple, "rational" dichotomy between "we" and "they," between "sponsors" and "targets" of action, between the worlds of "revolutionary agents" and "traditional clients." There were numerous additional complications, such as (a) the extent to which a native Soviet official was a self-selected or deliberately planted representative of his kin, communal, or ethnic group; (b) the extent to which he wished or felt obliged to maintain contacts with the traditional milieu; (c) the

extent to which his professional activity in the Soviet apparatus placed him in the traditional hinterland or in the largely Russian and Soviet urban milieu; (d) the extent to which his arrival in, and benefits from, the Soviet apparatus were due to his own or to the regime's exertions, and due to ideological or to instrumental considerations; (e) the extent to which his joining the new agencies involved traversing great cultural distance, as well as recruitment from relatively low social, economic, and political status; (f) the relative position he occupied in the new Soviet hierarchy of authority and status; (g) the nature and intensity of his political convictions.

Needless to say, this meant that the sponsor groups could contain at least as many self-perceiving beneficiaries and adversaries, in this case, as the client groups, and that the challenge-and-response flows between them could not be as simply drawn as in a one-to-one relationship. Ironically, then, the revolutionary potential of a surrogate proletariat turned out to be as problematic and elusive as history has shown the political moods of the real proletariat itself to be.

Initial Moves

Soviet approaches to revolutionary change through law proceeded on two planes: (1) the decreed abolition of traditional court structures, including religious and customary tribunals, and their replacement by a secular, uniform, centralized, bureaucratic, and hierarchical system of Soviet courts; and (2) the decreed abolition of religious and customary law, applying (for the purposes of this study) to personal status and family matters, and their replacement by a secular, egalitarian, uniform, and written code of statutory laws.

In the period between 1918 and 1927 traditional courts were subjected to gradually increasing pressure. This included (a) growing competition from a parallel Soviet court structure, (b) separation from sources of material support, (c) infiltration of judicial personnel, and (d) delimitation and successive amputation of jurisdictional realms. In September 1927, traditional courts were formally proscribed and abolished.

In the course of the same decade, successive legislative enactments gradually extended the list of proscribed customary relationships and conduct. In April 1923, a new and fairly exhaustive code of laws—*On Crimes Constituting the Relics of the Tribal Order*—was enacted by the Russian republic (for the non-European minorities on its territory) and incorporated within a few months, with only minor variations, in the legal systems of the Central Asian republics. In addition to proscribing

a number of customary forms of intertribal and interclan relations (such as blood-vengeance and blood-money for claimed loss, damage, or dishonor) the new code addressed itself virtually to the entire range of manifestations denoting status-inferiority on the part of women. The catalogue of proscribed acts included bride-price (*kalym*, carrying sanctions against both giver and receiver of payment), child-marriage, forced marriage (involving either physical or psychological coercion), marriage by abduction, rape (with or without intent to marry), polygamy, levirate, as well as mistreatment and killing of wives. The sanctions ranged from a year of hard labor for polygamy, to up to three years of jail for forcing a girl into marriage, to death for the murder of a wife.

A separate series of decrees and constitutional guarantees were promulgated with the express purpose of ensuring the absolute equality of the sexes. Thus, on the one hand, marriages concluded under traditional-religious auspices were declared to be invalid; only registration in appropriate Soviet state agencies, accompanied by proper evidence regarding age, health, and mutual consent of the marital partners, could make the unions legal. On the other hand, a number of women's rights were spelled out, contravening the very core of religious and customary prescriptions regarding sexual apartheid and female inferiority: the right to initiate divorce (as against a Moslem male's prevailing right to unilateral divorce action through simple repudiation); the right to equal succession (as against religious or customary provisions for female inequality in the inheritance of property); the right to equal witness in court (as against specific Islamic stipulations that the testimony of two female witnesses be required in contesting the testimony of one man); as well as the right to full-fledged participation in public life—including general education, professional training, and participation in all socio-cultural, economic, and political pursuits, services, and organizations on equal terms with men. The latter denoted not only voting but also service in all, including the highest, elective and appointive public offices in the land—with early and special emphasis given to service in judicial roles in the new Soviet court system. In recognition of the obvious possibility that overt acceptance of legal rights might go hand in hand with covert denial of real opportunities to exercise these rights, Central Asian republican constitutions incorporated explicit provisions for sanctions in cases of "resistance [by anyone and in any form] to the actual emancipation of women."

At the same time, an attempt was made to set three interrelated processes in motion outside of the legal realm, all designed as enabling vehicles to spur female mobility and self-assertion, and thus to undermine the

mainstays of female dependence, segregation, and seclusion not only in public life but also in the private realms of family and home. (1) Cadres of the Party's *zhenotdel* (Department for Work with Women) were instructed to commence, in cooperation with appropriate industrial, agricultural, labor, trade, health, education, and welfare agencies of the state, the organization of "Councils of Women's Delegates," clubs, stores, vocational centers, literacy and hygiene circles, and health centers catering especially to women, and to use such new associational foci as forums for political agitation and recruitment. (2) *Zhenotdel* cadres were assigned to the task of personally encouraging Moslem women to sue for divorce from cruel, unloved, polygamous, or otherwise unacceptable husbands, and personally supervising and assisting them toward this end in court. (3) The entire party and state apparatus in Central Asia, including *zhenotdel* cadres, was instructed (a) to elicit public demands, especially on the part of Moslem women, to ban female veiling; to float such demands as trial balloons in all mass media, and to determine the feasibility of a legal prohibition of the veil; (b) to organize (beginning with March 8—Soviet Woman's Day—1927) mass meetings and demonstrations of women in a number of Central Asia's larger population centers; at these meetings to encourage—through the personal example of native communists' wives and daughters, through the example of especially assembled Turkic (particularly Tatar, and hence unveiled) women from outside the region, and through special provisions for police protection—the massive and dramatic unveiling of Moslem women in public, and the burning of their veils in great bonfires on village and city squares, including squares bordering on Central Asia's holiest Islamic shrines.

*Initial Results: The Pattern of Popular Response—Females*¹⁰

The response of indigenous Moslem women to the norms and thrust of Soviet legal engineering was varied in the extreme. It tended, at least at first, to be dependent on the attitudes and actions of males in general and the tug-of-war between traditionalist and Soviet forces in particular. Broadly speaking, female response may be said to have ranged from what might be called avoidance and selective participation to militant self-assertion and uncontrolled involvement.

10. It should be kept in mind that not even a rough quantitative distribution of modes of response on the part of the relevant actors can be attempted at this point. Accessible Soviet sources have so far given no meaningful cues on this account. When Soviet Central Asian archives are opened to scholarly perusal, some rough estimates might become feasible.

1. AVOIDANCE

During the initial period of Soviet emancipatory initiatives in Central Asia in legal and extra-legal fields (1925-1926), what appears to have been the majority of Moslem women showed few if any signs of being interested in, or affected by, the unprecedented developments. They did not unveil; they failed to vote or otherwise assert their newly proffered rights; they avoided contact with Soviet agents and institutions; and, most importantly, they failed to bring their grievances to Soviet courts.

In attempting to explain this peculiar lack of response, communist field-organizers came to the following conclusions:

Moslem women in the traditional hinterland were not really aware of the new Soviet legislation and of the rights and opportunities it promised. In most cases the only people who could inform them about their civil rights, and urge them to utilize these rights, were native (*i.e.* male) Soviet officials, and they in particular were not going out of their way to do so. Thus, the disadvantaged either did not know about, or did not know how to take advantage of, the new world embodied in the new law.

The psychic world in which a Moslem woman lived constituted a "primordial wall" which one needed to break through. This wall was made up of "primordial habits and religious fanaticism," of "wild customs and superstitions," and it stood guard over a "slough of darkness and culturelessness." That world had made the woman "passive," engendering the feeling that "her slave-like position in the family and her isolation from society were predetermined from above [were decreed in heaven], were eternal and inviolable." Laws alone—"no matter what kind . . . and how good . . . they were"—could hardly be expected to make a dent in such a world.

Precisely because—without "long-term preparatory enlightenment work" by the party—these women were "not fully aware of their own slave-like existence," they considered all contacts with strangers as a "[mortal] sin," compounded by their living in perpetual fear of their fathers, husbands, brothers, or guardians, and of condemnation by the community as a whole.

In certain situations a woman had especially pressing, concrete reasons not to bring her grievances to a Soviet, or any other court. This was especially true in cases of human interaction in intimate situations. Thus, if a woman was abducted with intent to marry, and raped on the way, she either had to marry her abductor or risk becoming an outcast in her own community, since she had no other place to go. Under these cir-

cumstances, she was not likely to report the violation in a Soviet court lest she burn all her bridges behind her.

2. SELECTIVE PARTICIPATION

Under certain circumstances, and in certain locales (especially in urban and within close proximity to urban locales), women did show signs of willingness to assert, albeit selectively, their new rights. If contacted by a woman (especially by a kinswoman or a woman of the same ethnic and cultural background) and in circumstances considered natural and harmless by the dominant male in the family, they were disposed to bring up relatively frankly their grievances, needs, and hopes. If provided with segregated electoral districts, they appeared, even if hesitantly at first, at the polls. If provided with tangibly practical incentives (such as scarce consumer's goods, vocational and household counsel, medical assistance for themselves and their children, a chance to earn extra income or merely a chance to enjoy and participate in collective entertainment), and if assured of a secluded (*i.e.*, segregated) situation, they showed an interest in joining a Soviet-sponsored club, a handicraft or consumer's cooperative, or a literacy circle in close vicinity of their homes. But in all cases they tended to retain their veils—at least on the way to and from the new milieu—to remain completely within the confines of their traditional community, and to shun communication, commitments, and actions that would in any way violate traditional taboos and provoke opprobrium or wrath from the community or kin group.

3. MILITANT SELF-ASSERTION

In relatively urbanized locales, in especially engineered emotional situations, and under close personal guidance by congenial leaders, some women (especially maltreated wives, wives of polygamous men, recent child-brides, menial employees in well-to-do households, orphans, and divorcees) showed themselves willing to exercise their rights and challenge the traditional status quo through massive, public, and dramatic violation of traditional taboos. Encouraged and trained in the relative isolation of the first women's clubs, some indigenous women were persuaded to enact (unveiled) female roles in the theater, and to give concerts and to dance in public. Especially recruited by female agents of the communist party's *zhenotdel* (Department for Work with Women), some Moslem women volunteered to run on the party's ticket and to be elected to public posts in "Councils of Women's Delegates," in soviets and in the administrative and judicial apparati. Some, albeit relatively few, joined the party.

Befriended, supported, and coached by *zhenotdel* representatives, a rapidly growing number of women in Soviet courts initiated divorce proceedings, accompanied by demands for equitable division of property and assignment of children. By mid-1926 communist organizers reported a veritable "divorce wave" in some Central Asian districts, or simply "massive . . . epidemic [abandonment]" of husbands by their wives. In March 1927, the party succeeded in organizing in Central Asia, the first great marches of female crowds in public. Exhorted by fiery recitations, revolutionary songs and music, and agitators' calls for immediate female liberation and sexual desegregation, great crowds of women not only entered into public quarters traditionally reserved for men, but also marched into locales sanctified for special religious purposes. There, thousands were moved into collective, simultaneous, and public burning of their veils, and then surged through the streets unveiled, chanting challenges to the old order. Throughout 1927 and early 1928, groups of women appeared at labor exchanges in Central Asia's major cities demanding jobs and equal employment opportunities. Other groups, led by communist *zhenotdel* officials, and accompanied by Soviet militiamen, roamed city streets, tearing veils off other women, hunting for caches of food and cotton hidden by peasants and traders, and hunting as well for members of traditional elites subject to arrest and deportation. Some reported to the Red Army and the secret police the hideouts of remaining local guerrillas. Even in some isolated outposts in the hinterland, party officials reported cases of especially aggressive Moslem women arriving in local party headquarters, offering their services as village organizers, and only asking for "guns, secretaries [and bodyguards]" to settle old accounts in the countryside.

4. UNCONTROLLED INVOLVEMENT

By 1928 communist officials in Central Asia reported with increasing frequency and unease that in locales where divorce proceedings, public unveiling, and overall female mobilization had gone farthest, conditions were "verging on [mass] prostitution." They offered two basic reasons for such an unprecedented turn of events: economic and psycho-cultural. Women abandoning—or being obliged to leave—their communities and kin groups, with or without a divorce, had neither the means and skills nor the requisite attitudes and opportunities to support themselves. Women emerging suddenly from a Moslem traditional milieu, and coming into unrestricted contact with men in a variety of social situations,

were emotionally unprepared for the occasion. As one Tadjhik party organizer put it, speaking about herself as well as her peer group:

It is generally the adventurous, daring, and naturally enough, rather good-looking woman who flings aside her *paranja* (veil) . . . As a reaction to her previous enforced meekness, she now tends to become more self-assertive and unrestrained than is good for her . . . [for] . . . in her relations with the opposite sex she is helpless. Not having been trained since childhood to meet men, she has not built up the particular defenses which a woman needs if she is to meet men freely, on an equal basis. In her work she mingles among men without being emotionally prepared to ward off their equivocal remarks and persistent advances. Whenever she is in a mixed group, the atmosphere becomes charged—passion, jealousy, fear—much more so than you probably find among European men and women. The woman here needs a good deal of discipline and balance, particularly when her habitual defenses have been surrendered and no new ones have as yet been erected. . . . In my own case this resulted in tragedy. Meeting men was to me a novel and thrilling experience. A compliment or an embrace was a grand experience. I lost my head.

If, then, suddenly emancipated Moslem women appeared to be acting like harlots it was because “this new freedom was too much [for them]”; they were “doomed to burn their wings in their heedless dash for freedom.”¹¹

Initial Results: The Pattern of Popular Response—Males

The pattern of male response within the traditional milieu may be said to have ranged from evasion and selective accommodation to limited retribution and massive backlash.

I. EVASION

Moslem males, in both traditionally authoritative and non-authoritative roles, were found as a rule to evade the newly imposed rules and to avoid entanglement with the new judicial institutions. The reasons were manifold. As in Islamic contexts elsewhere, their cultural reflex was to pay, overtly, elaborate and even reverent obeisance to formal requisites imposed by a predominant outside power, but, at the same time, covertly, to expend inordinate energies on evading the law, including even the laws of the *shariat*—whenever the latter conflicted with locally valued mores and customs or with the perceived self-interest of individuals, local communities, and groups. The rules, procedures, and structures of the new legal system could be viewed, especially in this case, as directly

11. For this particular quotation, see the interview referred to in J. KUNITZ, *DAWN OVER SAMARKAND* 298-300 (1935).

antithetical to legitimate institutions. In addition to being, on general grounds, profoundly heretical and fundamentally subversive in traditional Moslem and customary tribal contexts,¹² the new system embodied three specific features making it especially repellent. Its institutions were rigidly formal, bureaucratic, and impersonal, hence lacking the familiar, flexible, sacred, and charismatic attributes of mediation and control long considered requisite and legitimate in local communities. It was sponsored and staffed by aliens and infidels—Russians, communists, and native reformers. And its emphasis on sexual equality was tantamount to subversion and regulation of the most deeply embedded, sensitive, intimate and sacred aspects of private life. Thus, as Soviet court officials reported uneasily from Central Asia, native males not only regarded the new laws as “sinful,” and hence evaded them, but when apprehended and indicted for “crimes based on custom”—“crimes constituting survivals of a tribal way of life”—they “[experienced] no sense of guilt . . . [and] . . . could not understand why they were being punished.” In some instances, to follow the new rules meant to incriminate oneself immediately and automatically. For example, two fathers (representing two extended families or clans) planning the marital union of their children and arriving in a Soviet agency to register the union, could at once be liable to imprisonment and fine—if, as was customary, a bride-price was involved, if the explicit consent of both marital partners was not secured, or if the boy’s, or more usually the girl’s, age was under the legal limit. Further, a male planning to acquire a second or third wife, who agreed to register his new marriage in a Soviet agency, would likewise be subject to prosecution. Under such circumstances, Moslem men tended not to utilize the legal auspices of formal Soviet institutions, not even to report the birth of a child, lest its age be thus incontrovertibly established. They continued, instead, to use the services of a *mullah* in traditionally sanctioned, private ceremonies. And if it was impossible to hide the fact of a traditional marriage, for example, and if pressed to register it under the law, male heads of families and clans simply invented new modes of negotiations for a bride-price that evaded official detection. They also supplied as many false witnesses as needed, including false grooms and brides, in order to legalize a traditional union in a Soviet institution.

2. SELECTIVE ACCOMMODATION

Under some circumstances, and in some realms, males in general and traditional elites in particular, showed signs of interest in responding to

12. See the section, *Potential Functions of a Heretical Model*, *supra* 196ff.

the challenge of female emancipation through selective accommodation. The response in such cases was essentially competitive in nature. In some districts where women turned out in significant numbers to vote, men, made uneasy—as Soviet voting officials reported—by the implications of leaving the field to female majorities, showed up in unprecedented numbers at the polls.

Aroused by the visible and potential consequences of Soviet-sponsored mobilization among women, some Moslem clergymen and village and clan notables launched what was in effect the first conscious organizational effort in local cultural history directed along tribal and religious lines to “win back” women and youth. It included tribal and village sponsorship of “women’s meetings” and elaborate celebrations—*toy* and *ash*—prominently involving women; material help in furthering cooperative arrangements in the community, *e.g.* simple machinery for the manufacture of dairy products; the formation under clerical auspices of Moslem youth groups, for boys as well as girls, to rival the Komsomol; the establishment of special girls’ schools for “religious enlightenment”; the attraction of women into the mosque; the denial, at least in some cases, that the *shariat* necessarily ordained the veiling of women and their inequality in marriage, divorce, inheritance, and court proceedings; and even the establishment, in what were projected as centers of Moslem administration, of special “Women’s Departments” under a female *kadi*, to rival the party’s *zhenotdel*. This was a series of awkward, isolated, small-scale attempts, in self-defense, to formulate a response to the challenge of a secularist revolution under communist auspices. It was an effort to introduce some flexibility into the customary and Islamic view of social relations and roles, and to provide some alternatives to the rights proffered and the opportunities promised by the Soviet regime.

3. LIMITED RETRIBUTION

When faced with growing female participation, or pressure to participate, in the public realm, males responded—albeit largely as individuals, and largely in private—by applying proscriptive counterpressures. Their motives were explicitly reported by Soviet organizers. They were, primarily, the fear of female economic and political competition; the fear of the effect that social participation would have on the attitudes, morality, and fidelity of daughters and wives (and hence the fear of other men’s sexual competition); and the fear, ultimately, of the loss of authoritative male dominance over females.

In widely scattered locales, especially in the countryside, girls and women were persuaded, sometimes forcefully, to keep away from schools, clubs, and voting booths. Heads of families tended to permit a modest degree of such participation only when assured of complete sexual segregation in these realms, or when confronted, as on voting days, by police and the Red Army. While some husbands and fathers were tempted by the promise of extra income, they were reported to have deep misgivings about their females' going to work in a factory. Here the degree of the community's supervision over its members was bound to be much lower, and the chances of unrestricted contact with other men much higher than usual. In parallel fashion, while unmarried and relatively poor males showed signs of welcoming greater access to females, they were reported to feel deeply threatened by women's arrival in the economic market place in general and in factories in particular.

When faced with divorce proceedings initiated by women, and with the first acts of female unveiling, Moslem husbands and kinsmen responded with privately administered beatings, and to a growing extent, with the expulsion of these women from home. What seemed particularly ominous in the eyes of Soviet officials was the fact that, with or without a divorce, women were being thrown out unceremoniously into the streets, and were left without property that legally belonged to them, "without a roof over their heads, and without a piece of bread . . . [to keep body and soul together]." Likewise, when apprehended and pressed to dissolve a polygamous marriage, native males tended simply "to throw the [extra] wife [or wives]—in most cases the old ones and the cold ones—out the door, denying them even the least bit of property." It appeared, then, that by pressing the issue the regime was likely to wind up with a vast throng of old, lonely, and destitute women on its hands.

4. MASSIVE BACKLASH

When faced with a mounting wave of divorces and organized public unveiling, and with the concomitants of women's spatial and social mobility, including widespread desegregation, political denunciations, and prostitution, Moslem men responded with an explosion of hostility and violence unequalled in scope and intensity until then on any other grounds.

Two sets of mutually reinforcing perceptions seem to have been set in motion here. First, under the umbrella of Soviet rule a native male's opportunities for martial, acquisitive, and hegemonic self-assertion had been severely circumscribed. This meant that the act of asserting himself vis-a-vis a woman was one of the very few realms—if not the last one—

left to him for the assertion of authority and virility. Under these circumstances, *khudzhum*—the “cultural revolution” launched through legal and extra-legal channels—by suddenly and powerfully intensifying men’s apprehensions and anxiety stemming from the threat of impotence, apparently precipitated a crisis in the male’s self-esteem. Moreover, the sudden threat to the nexus of authority relationships in the most intimate circle of a man’s life—the sense of being *dispossessed* in sexual and generational realms—served to provide the vehicle that fused men’s unease and resentment stemming from the entire spectrum of Soviet-inspired actions in the traditional milieu. By the same token, despondency, hatred, and violence heretofore devoid of clearly identifiable objects for blame could suddenly focus upon the sponsors of *khudzhum*: female defectors from tradition, male communists, infidels, and aliens.

Secondly, both the Islamic and customary components of Central Asian folkways had always carried expectations that unrestricted female mobility and unveiling would inevitably lead to widespread social disorganization, demoralization, promiscuity, and harlotry. Some aspects of female mobilization seemed to confirm these traditional expectations, thus providing the makings of a self-fulfilling prophecy.

The resulting backlash, beginning on a large scale in the spring of 1927 (*i.e.* immediately after the first organized public unveilings), marked the massive consummation of two interrelated trends: the radicalization of male attitudes to women and the radicalization of native male attitudes toward the Soviet regime.

The backlash patterns included the following manifestations which in turn constituted stages following each other in rapid succession and reaching their most violent forms within weeks of the pattern’s inception: an insidious rumor campaign by *mullahs* associating Soviet-sponsored emancipatory and related activities with whatever actual or potential calamities might befall individuals or entire communities of believers; framing or casting out (amounting to excommunication) of men who acquiesced in their womenfolk’s participation in public unveiling; public prophesying that bolsheviks would turn all Moslem women into harlots; shaming, raping, and killing of unveiled women in the streets (including the disemboweling of pregnant women) as traitors to tradition and prostitutes; vilification, persecution, and murder (including lynching) of female activists and organizers, and of their families; wholesale murder of anyone even distantly connected with the “cultural revolution”; indiscriminate generalized violence—*i.e.* “a wave of terror” directed against

any and all representatives of the Soviet regime, male or female, native or Russian.

As Soviet organizers reported from the field, both the causes and the process of the backlash tended to lead to the closing of traditionalist ranks and to the hardening of traditionalist attitudes. The specter of massive and dramatic emancipatory activities in public seemed to drive traditionalist males—"poor" as well as "rich"—and the sacred Moslem intelligentsia and clan notables closer together, for all of them felt challenged as Moslems, as heads of kin groups, and as males. This meant that, instead of sharpening the class struggle, as the communists had hoped, precipitate Soviet initiatives tended to mitigate that struggle. Instead of leading to the alienation of substantial segments of society from the traditional way of life, sudden and massive female mobilization tended to lead to widespread and intense alienation from the Soviet system and its works, accompanied by cleavages running along primarily sexual and ethnic lines. Instead of helping to induce conflicts that would be socially, culturally, politically, and economically productive from the Soviet point of view, precipitate female mobilization was activating conflicts that were highly destructive.

Implications of Tension-Controlling Action:

Law as a Regulative Mechanism

Faced with the unanticipated consequences of its actions, the Soviet regime had to weigh carefully the implications of taking particular countermeasures. The problem of enforcing superimposed rules and repressing deviant behavior comprised two broad issues: (1) To what extent and in what realms could exogenous rule-making and application negate the locally established moral order without generating undesirable and unmanageable tensions? How could Soviet authority successfully legitimate itself while it was destroying and transforming the social bases on which legitimacy had to rest? (2) If countermeasures were called for, against whom could the sanctions best be invoked—against all de facto transgressors, or only against some selected individuals or strata? How strongly and consistently might the sanctions be applied—massively or selectively, draconically or with restraint?

There were no easy answers to these questions, not even for a radical, determined, authoritarian regime commanding an absolute monopoly of power. This was due not only to the elusiveness, tardiness of compliance, and ferocious resistance of the traditional milieu, but also to the fact that the very instrument entrusted with application and adjudication of

the new rules—the new Soviet apparatus in Central Asia—could by no means be taken for granted.

Initial Results: The Pattern of Institutional Performance

As was to be expected, the quality and thrust of the Soviet apparatus turned out to be heavily dependent on the motivations and commitments of the human element that staffed it. The task of managing female mobilization and emancipation had to be performed at the grassroots by cadres composed largely of native males, which made for extraordinary complexities. The pattern of institutional performance was influenced at least as much by the response of the law-administering personnel to the new norms as by the pressures for compliance emanating from the bolshevik (and largely Russian) core of the political machine.

SOVIET ADMINISTRATIVE APPARATUS—NATIVE PERSONNEL BEHAVIOR

The response of native political and administrative personnel may be said to have ranged from circumlocution and selective cooperation to sabotage and uncontrolled self-indulgence.

1. CIRCUMLOCUTION

Since public violation of traditional taboos was the sine qua non of the “cultural revolution,” local native officials were obviously put on the spot. It is they who were obliged, as a first step, to set a personal, dramatic example by bringing their own female relatives to mass meetings, and by unveiling and, thus, symbolically liberating their wives, sisters, mothers, or daughters in public. As the experiment got underway on a large scale in the spring of 1927, it became apparent that, while engaging in spirited public exhortations on behalf of female equality, native officials made every artful effort to dodge the issue in private—shocking Moscow’s inspectors.

Native communist functionaries either forced their womenfolk back under the veil immediately after the *khudzhum* meetings—the “storming” exercises of the “cultural revolution”—or never sent them in the first place. Instead they engaged in *maskara*, the traditional mode of dissimulation. First, they hired “substitutes” to be publicly unveiled—the substitutes often being Tatar or Kirghiz women who were not habitually veiled anyway. Second, they dispatched these women from meeting to meeting to be “officially” unveiled a number of times, thus inflating the figures for the record, and documenting their own organizational success. The same men, including even some judges and prosecutors freshly appointed to

the Soviet judicial structure, while delivering speeches about women's rights at public parades and celebrations, continued to keep their own women in segregated quarters and in seclusion, continued to keep them out of school and away from Soviet meetings, enterprises, and associations, and continued to pay and receive the bride-price and to arrange traditional marriages for their children. A goodly number continued surreptitiously to practice polygamy and to observe the requisites of levirate.

2. SELECTIVE COOPERATION

Without necessarily meaning to willfully disregard Soviet laws, some native officials felt it necessary to bend them locally on the grounds that their consistent enforcement would be difficult, unrealistic, and dangerous in local cultural conditions. When faced with divorce cases initiated by women—and backed by party activists—some native judges went through the official motions while privately urging the women to withdraw from public litigation, reach some understanding with their husbands, and go home. They even took it upon themselves—again, in private, and parallel to their formal judicial functions—to serve in many kinds of cases in the role of traditional mediators between aggrieved parties, often for a fee.

When faced with obviously false testimony in civil registry agencies or in court (*e.g.* pertaining to bride-price, marital age, or polygamous status), some native functionaries went along with such testimony—conscious of the fact that not to do so would only drive the clients away from Soviet institutions and auspices in other cases as well.

While cooperating in the apprehension, *e.g.* of robbers and wanton killers, native policemen were often particularly careful to avoid embarrassing entanglement in cases involving women. For example—as was illustrated in a great number of instances—if a local policeman saw a woman being beaten by her husband (at home or in the street, and no matter how savagely), he took good care, as tradition called for, not to intervene. Moreover, if notified by a local family that a wife or daughter had run away from home (*e.g.* to avoid an arranged marriage, escape maltreatment, etc.) policemen often collaborated in apprehending the woman and delivering her to her household.

3. SABOTAGE

If there were some native officials who refused to go along with some aspects of female emancipation because they believed them to be either impracticable or unwise, there were others who felt strongly enough about

the matter to denounce and sabotage the entire operation. Some simply indicted Moscow's initiatives because they felt they were reckless and insulting in that they failed to take account of the feelings and judgment of Central Asia's rising secular intelligentsia—a relatively moderate reformist stratum that was supposed to enjoy the bolsheviks' friendly partnership in modernization and not to have to buckle under Moscow's unilateral decisions. Other highly placed Turkic communists—including the communist leadership of at least two Central Asian republics—went farther. When faced with the divorce wave in Central Asia, they not only tried to halt it secretly; they were embittered enough to demand formally that the divorce wave be stopped forthwith, and that *zhenotdel* activists be enjoined by Moscow from agitating and inciting Moslem women because “every divorce initiated by a woman—no matter what the reason—amounts to the moral murder of her husband.” This led Moscow's emissaries to conclude, with a mixture of derision and unease, that it was not only traditionalist males who could entertain such “a peculiar notion of [masculine] honor with respect to women.”

Using the passing of personal status and civil rights laws as an excuse, and the decrees of the “cultural revolution” as a screen, the bulk of native officialdom deliberately refrained from any other action on this account. Most important, in the heat of the social upheaval in 1927 and 1928, they refused to provide what actual and potential female defectors from tradition needed most: moral, organizational, educational, and economic support. In a number of cases this failure was accompanied by open expressions of contempt for female-oriented enterprises as “irrelevant, worthless, trivial,” and by a systematic withholding of funds. In other words, while legal and related enterprises tended to encourage the *mobilization* of growing contingents of women, male functionaries proceeded to sabotage the means of tangible female *participation* in the promised new world. Thus, discrimination against women in schools proceeded apace, and many of the freshly opened women's clubs and “red corners” were shut down or turned into “[facilities] for storing refuse.” Recruitment of women into industry was sidetracked wherever possible, and those native women who did obtain jobs through forceful party pressure were relegated to menial tasks, deprived of advanced training, and cut off from supervisory positions. The handful of women who, after years of pressure, were finally placed in seemingly responsible positions in courts and soviets, tended to be collectively ignored: they were not invited to official meetings; they were not informed about their tasks; they were shunted into “back rooms where no one could see them,”

while what were supposed to be their male “secretaries” not only conducted their business for them, but blocked their contact with the outside world.

4. UNCONTROLLED SELF-INDULGENCE

In 1927 and 1928, far from merely sitting on their hands or engaging in open or clandestine sabotage of the “cultural revolution,” at least some native functionaries—both party and non-party personnel, especially in the middle and lower echelons of the Soviet apparatus—showed that they were capable of what the regime called “[other forms of] conservatism,” as well. There was what one native female communist characterized as a “[peculiar] psychological aberration” in the attitude of native male communists toward women who had unveiled themselves and joined the party. This attitude prevailed even among “the most devoted and brilliant comrades in our party . . . [among] our best, most sincere, intellectually most emancipated and principled Communists. . . .” Their behavior was thought to be determined by their cultural background:

The ancient Moslem attitude toward women, the feeling instilled in everyone since childhood that a woman who uncovers her face in the presence of strange men is a harlot, has so conditioned man’s psychology in Central Asia as to make it impossible for him to react to an unveiled woman in a manner that you Europeans would consider normal. . . . [Hence Communists, too, even in the highest echelons were unable] . . . to suppress a reaction which in its immediacy is tantamount to a conditioned reflex; even they, although unconsciously, tend to assume that peculiar freedom of manner which men allow themselves in the presence of women of “questionable character.”

There was also what party inspectors found to be “scandalous” behavior toward unveiled peasant women on the part of communist officials at the village level. They made advances to such women, and when rebuffed, either lured them into well-protected quarters (including local party headquarters) or simply ordered their arrest, after which the women were raped by large companies of “communists and responsible officials”—sometimes “by the entire party cell headed by the *partorg*.” Even more alarmingly, not only unattached women were involved. Whether or not with marital plans in mind, at least some local Soviet officials seemed self-confident enough to “forcibly take over” unveiled married women who caught their fancy, including “wives of farmhands and poor peasants.” This went so far that in some locales, Central Asian peasants openly refused to unveil their wives or let them participate in public functions on the grounds that they were “afraid lest [their women] catch the eye of [communist] functionaries.”

SOVIET ADMINISTRATIVE APPARATUS—NON-NATIVE PERSONNEL BEHAVIOR

Given the pattern of popular response to the new norms and the dispositions of much of its personnel, the Soviet administrative and judicial apparatus was obviously in no position to perform strictly on Moscow's cues. Moreover, neither the supreme leadership in Moscow nor the local communist machine were of one mind as to the proper course to be pursued under the circumstances. The performance of the apparatus charged with the enforcement and adjudication of the new rules was uneven, inconsistent, and veered from one extreme to the other. The performance-pattern may be said to have ranged from dissonant improvisation and selective enforcement to limited retaliation and massive repression.

1. DISSONANT IMPROVISATION

The burdens of the Soviet legal drive were particularly great because the decreed legal revolution had to be wrought through new, unprecedented, still to be legitimated judicial structures enforcing prescriptions that constituted, literally, a normative revolution. Confusion and disarray verging on paralysis—especially in cases involving women and personal status laws—ensued throughout the 1920s. The specific problems accounting for the normative and administrative dissonance were manifold.

(a) Given the rather sudden shift to a judicial system embodying values and presupposing administrative qualifications largely unprecedented in the Central Asian milieu, the requisite native judicial cadres were simply not available to build, manage, and routinize the new network of institutions everywhere and at once. Moreover, to replace the old with new judicial personnel was not a mere matter of switching civil servants. In most of Central Asia's communities—both sedentary and nomadic, both orthodox Moslem and shamano-Moslem in character—the role of local administrators of justice (whether *mullahs*, *kadis*, clan elders, tribal leaders, village notables, or other men commanding what the party described as “respect,” “prestige,” and “authority” in a given locale) was not that of an impersonal servant of a bureaucratic machine applying rigid laws and relying on a police system to enforce them. It tended to be, as bolshevik organizers came to realize, rather the role of a largely informal “guide,” “arbitrator,” “mediator,” “conciliator,” just as popular adherence to the decreed compromise tended to be “voluntary” and “automatic.” To dispose of such personnel, while simultaneously trying

to find, train, and legitimize an entirely different kind of public servant, was far from a simple matter. Under the circumstances, former personnel, including even Moslem *kadis*, frequently found it easy to slip back into the role of judge in a new Soviet court. This happened at times because local Soviet officials, desperate to report the establishment of a new court, were either not especially careful about whom they appointed, or knowingly (and secretly) hired the man they preferred. For traditional figures to administer Soviet laws was a prescription for chaos.

The alternative was hardly more attractive. Trying to fill the institutional vacuum with partly trained and politically reliable people, central bolshevik authorities all too often pressed Russian communists into local service. This frequently led to complete paralysis. Native officials, eager to disavow responsibility for handling a potentially embarrassing case, all too willingly dropped the case into a Russian's lap. In turn, knowing neither the language nor the mores of the locale, and unable to orient himself in the maze of claims and counterclaims, the Russian official either referred the case upward through the apparatus or simply shelved the matter.

(b) Given the region's enormous size, the inaccessibility of many of its locales, the nomadic habits of much of its population, and the fact that customary adjudication in tribal milieus was relatively independent of formal structures and specialized personnel, it was a foregone conclusion that the Soviet legal system would have difficulty in establishing a physical presence here. A measure of the problem is that some communist officials proposed, in the late 1920s, forming "mobile," nomadic, court units to service the hinterland. This was easier said than done, for the required material and human resources were simply not available. As a result, during the crucial time of the "cultural revolution" in Central Asia (1926-1928), the region comprised a deeply variegated and multi-layered universe of laws, courts, judgments, and judges.

(c) In practice such legal patchwork meant inordinate delays, continuous questioning and cancellation of lower-court decisions by central authorities in the cities (a tug-of-war in which local officials were disinclined or fearful to make decisions at all), enormous turnover of personnel, and exceedingly limited effectiveness in inducing and managing the revolution through law. The situation was such that a man unable to consummate legally a polygamous marriage in one locale could do so simply by going to another.

LAW AND SOCIETY REVIEW

2. SELECTIVE ENFORCEMENT

Because of the persistence of solidarity and secrecy in local groups, because of the dilemmas confronting an outcast who had violated the mores of the group, and because of the characteristically private and intimate nature of the situations subject to the new legal rules, the very *detection* of “crimes based on custom” turned out to be a delicate and highly complex problem. Moreover, the fact that a native male, even when apprehended, felt no sense of guilt for his transgression made it extremely risky to apply consistently all rules in the face of a community’s outrage and hostility. Accordingly, local officials obtained, in a number of cases, the tacit or explicit agreement of central bolshevik authorities to be cautiously selective and to refrain from precipitous action. This was especially true in cases where to indict every person guilty of a particular legal transgression (*e.g.* in cases of marriages sponsored and bride-price paid by an entire clan) called, in effect, for the arrest and indictment of an entire local community.

3. LIMITED RETALIATION

In considering countermeasures in the face of open and defiant disregard of the new rules and of massive backlash by traditionalist strata and sabotage and bacchanalian self-indulgence by native officials, the bolshevik core of the political machine found itself divided from the very beginning. A number of leading communists (both in Moscow and in Central Asian administrative centers), and particularly those active in the law-administering function, counseled moderation and purposive discrimination in applying countermeasures. Specifically, they urged that reprisals be directed only against the surviving traditional elites and those in the highest echelons of the Soviet apparatus. They urged, also—and were listened to, in some cases—that the sanctions not be applied with unvarying severity, lest they exacerbate what was already an ugly mood in traditionalist ranks and in the ranks of native Soviet cadres.

4. MASSIVE REPRESSION

Unquestionably the dominant mood in bolshevik ranks—at least one that was most vociferously expressed at the height of the “cultural revolution” in 1927 and 1928—was that of head-on assault, strict enforcement, draconic repression. Not to apply the law everywhere, consistently, and at once—so the argument went—and not to punish any and all offenders to the utmost limits of the law would not only blunt the edge of the “cul-

tural revolution” and paralyze the mobilization of women, but make a mockery of Soviet norms and institutions, constitute a loss of face, and be a dangerous sign of weakness. Hesitation and retreat would merely embolden the traditionalist enemy, as well as cause victimized women to lose all faith in the regime. A regime that had the power to declare the law could not seem timid or impotent to enforce it.

Accordingly, the two years of all-out assault witnessed a crescendo of demands for uncompromising pressure. While the action took place mainly in urbanized locales (*i.e.* in places within relatively easy reach of central authorities), and while it tended to occur spasmodically rather than at a steady pace, it had all the earmarks of an attempt to break through everywhere and at once. Mass-trials of traditionalist offenders, accompanied by well-publicized death verdicts, followed each other in rapid succession. A number of native functionaries, in and out of the judicial apparatus, whose private lives had been found to constitute a flagrant violation of the Soviet code, were arrested, indicted, and publicly disgraced.

Significantly, the ferocity of the impetus tended to spill over into the realm of female mobilization itself, and it manifested itself there in highly unusual forms. With official demands for outlawing the veil multiplying, yet with the law itself still not on the books, communist teams dispatched to organize massive female demonstrations and public burnings of the veil did not only that. Where women seemed disinclined to cooperate—out of disinterest, shame, or fear—forced-draft tactics were used: in some cases entire villages and native city-quarters were rounded up, and women were unveiled at gun-point by communists, komsomolites, and policemen.

Implications of Massive Enforcement and Repression

Even as repression proceeded, doubts in communist ranks, including the highest echelons, multiplied. As reports from the field poured in, a number of specific problems came to be perceived with varying degrees of clarity, and their ramifications were given due weight.

1. In a revolutionary and developmental period, indiscriminate and draconic repressions tended to have a decidedly negative effect on the scarcest political commodity at the regime’s disposal: native cadres. (a) The greater were the pressures to enforce the new code among the native Soviet cadres, the greater was the tendency among them toward local mutual-protection associations—often in alliance with surviving local

traditional elites—which served to complicate immensely the problems of detection, not only of the cadres' but also of the masses' transgressions. (b) The harsher were the regime's reprisals against the cadres' circumlocution and deviance, and their sabotage of the "cultural revolution" and female emancipation, the more likely was antagonism and the disposition toward evasion and sabotage to spill over into other realms of official performance; thereby, otherwise useful and loyal political servants tended to become irretrievably alienated, compounding the weaknesses of fledgling Soviet institutions. (c) The more consistent and widespread were the regime's attempts (especially if successful) to apply the new rules to native cadres, the stronger was the imperative, and the greater the risk, of precipitous and wholesale purges of those cadres (involving both the loss of actual and the repulsion of potential personnel).

2. Even when cadre compliance in the course of the "cultural revolution" was not specifically at issue, uncompromising emphasis on "storming" exercises in legal and extra-legal realms—exercises geared to attain at one great stroke legal rigor and behavioral purity—tended to have a negative effect on the allocation of revolutionary and developmental energies. (a) The greater was the regime's emphasis on "storming," the greater was its need for those cadres whose ethno-cultural and linguistic background could have the requisite emotional impact in face-to-face relationships with the indigenous population; similarly, the greater was the disposition to "storm," the stronger were the requisites of a massive switch of the cadres to "storming campaigns," with disruptive or paralyzing effects in all other realms of Soviet enterprise. (b) The greater was the regime's emphasis on the enforcement of legal rules, and on public, massive, and dramatic violations of traditional taboos, the greater tended to be its personnel's disposition to *limit* social action to legalistic and taboo-breaking enterprises (to a quest for shortcuts to "telescope" social transformation) and the less the personnel's interest and investment in systematic organizational and developmental work. Moreover, the greater was the regime's emphasis on action by decree, the greater tended to be the likelihood for careerist, incompetent, or disaffected elements in the apparatus to use the issuance of decrees as a substitute for serious, calculated management of the developmental process, or as an excuse and screen for "harebrained scheming," irresponsibility, sabotage, or neglect—neglect especially of a painstaking, systematic build-up of institutions and arrangements necessary to reinforce advances in the legal sphere.

3. In dealing with traditionalist males, massive enforcement and repression geared to the objectives of the "cultural revolution" tended to negate some of the regime's other crucial commitments. The greater was the regime's emphasis on absolute compliance in the realm of female emancipation, the stronger tended to be the traditionalist males' determination to resist, and disposition to turn to violence and terror, and the less their cooperation and participation in vital Soviet enterprises in all other spheres. The more uncompromising was the regime's disposition to contain and repress traditionalist outbreaks, and to extirpate all deviant behavior in one vast surgical operation, the greater tended to be its need to counter mass-malaise with mass-terror. The logical concomitants of generalized violence were civil war and, given Soviet military capabilities, mass-extirpation of Central Asia's indigenous population. Commensurately, at a certain point of cost-benefit calculations, the imperatives of extermination tended to threaten or irretrievably subvert the communist party's implicit and explicit commitments to (and expectations of) conversion and assimilation.

4. Paradoxically, even the regime's successes in female mobilization entailed decidedly dysfunctional effects both for the women involved and for the regime. *The implications were dysfunctional because the successes were, so to speak, unidimensional.*

(a) The shorter was the time-limit set by Soviet authorities for female mobilization, and the more massive and dramatic were female demonstrations, unveilings, and veil-burnings in public, the more intensive and generalized became male hostility, violence and terror against those women. Yet, while this made the need to protect women from retribution commensurately greater, the regime's capacity to provide such protection proved to be utterly unequal to the need. For that matter, the greater the need, the smaller was the relative capacity to meet it, and the more problematic and dysfunctional the implications of meeting it. It proved utterly impossible to protect each and every "liberated" woman from insult, intimidation, and lynching: first, because such acts could take place at any time, in any public or private situation (including acts of retribution by fathers or husbands); second, because consistent protection required the commitment and dispersal of enormous contingents of scarce cadres to a myriad of possible loci of retribution, including even the women's homes; third, because even if such cadre-assignment had been feasible it threatened not only to denude other crucial enterprises of personnel, but also systematically to expose the tiny nucleus of Soviet

political activists (male and female, native and Russian) to traditionalist wrath, ambush, and assassination. No payoffs could justify such risks.

(b) The greater was the rate of female-initiated divorces in court, the rate of impulsive unveiling and of spontaneous abandonment by girls and women of households and husbands, and the rate of retaliatory out-casting of women by men from home, the greater tended to be those women's dependence on the regime's support, and the less the regime's relative capacity to extend such support. As it turned out, *no significant tie-in existed between legal action conferring legal rights and extra-legal initiatives permitting the utilization of these rights in real roles and situations*. No significant buildup of supportive structures and arrangements (in social, economic, cultural, and political spheres) had taken place in the course of Central Asia's "cultural revolution," and certainly no buildup commensurate with the volume and rate of unidimensional female emancipation. Way-stations for converts from tradition—institutions where new identities, relationships, capabilities, and skills would enable women to make a fresh start in life—were largely lacking. While laws and courts encouraged in women iconoclastic dispositions, unprecedented expectations, and mass participation, hardly any tangible channels had been prepared to reinforce their new attitudes, to usefully harness their involvement, and to fulfill their expectations. By the same token, the greater was the woman's dependence on new support, and the less the regime's capacity to extend it, the heavier was the regime's burden in shouldering responsibility for masses of destitute women, some with infant children and no place to go but the street.

(c) The greater was the volume and rate of unidimensional female emancipation, and the more dramatic the context of proffered rights, the more sharply was felt the absence of requisite roles and opportunities to assert these rights. Commensurately, the less the likelihood of women's physical protection and moral, organizational, and material support by the regime, the less also was their incentive to join in risky Soviet enterprises in the first place, and the greater the mobilized women's disposition (out of disillusionment, destitution, disorientation, loneliness, fear, or shame) either to turn to prostitution in the cities, or to slide back into the traditional fold, or even to turn militantly against the regime itself.

As one party organizer put it, the regime had "[aroused in Moslem women] a mass of nervous energy," but failed to provide them with "effective [vehicles] for the discharge of the accumulating . . . energy." And as others noted, the legal battle tended to be primarily a battle against "manifestations" of social inequality, while "the conditions them-

selves" remained untouched. Merely to "promulgate laws" seemed irrelevant; "legal equality [was meaningless without opportunities for] actual equality in life." This is why Soviet analysts found the decreed "storm" in female mobilization and "cultural revolution" to have been followed with astonishing swiftness by an "ebb . . . in Central Asia's mass [revolutionary] movement," as girls and women proceeded to withdraw from Soviet associations and activities to their secluded but safer and more predictable existence at home, and as the bulk of unveiled women donned the veil again within hours, days, or weeks of having discarded it.

To sum up: (1) The realization through Soviet law of new ideal norms in Central Asia tended to be inversely related to the degree of forcible attempts to apply it in reality.¹³ (2) Statute law, while evidently a suitable parental surrogate¹⁴ in the Russian milieu, lacked the cultural underpinnings for such a role in Central Asia, and therefore could not be easily transplanted there in its specific Soviet-Russian forms. (3) While law successfully elicited, reinforced, and focused grievances, it tended to be dysfunctional to the extent that it encouraged hopes it could not satisfy. (4) The functioning of law as an instrument of mobilization (as both a repository of ideal norms and a focus of grievances), while powerful in its revolutionizing impact, tended to be directly related to the degree that extra-legal integrative and supportive arrangements were provided for, and coordinated with the mobilizational thrust. (5) Given its vivid imagery of justice and of equality of the sexes before the law, the operation of the Soviet legal system as an instrument of recruitment unquestionably made a highly important contribution to Soviet revolutionary objectives, since recruitment through the legal milieu tended to net female cadres that were the toughest, the most disaffected from tradi-

13. This is not to say, simply, that the less coercive the policy—in the Soviet case—the greater the possibility for revolutionary change. What the evidence does permit us to infer is this: (a) Coercion, even in the hands of a determined and powerful regime which is both authoritarian and revolutionary, cannot be an autonomous and decisive factor in inducing change; (b) The amount of coercion in the process of enforcement constitutes only one of many determinants in the success or failure of law as an instrument of revolutionary change; (c) Just as sudden, indiscriminate, and draconic application of force in the sacred realms of human existence tends to trigger a variety of forms of resistance and hence of hindrances to overall change, so does the de-emphasis of coercive measures serve to remove these specific hindrances. But the *positive* factors in effecting radical social change may be assumed to be a function, not so much of relatively permissive policies, as of the latter's correlation with a network of requisite supportive attitudes, actions, and structures that serve as a tangible and acceptable underpinning for an alternative way of life.

14. To paraphrase Harold Berman. See his *JUSTICE IN THE USSR: AN INTERPRETATION OF SOVIET LAW* esp. Section III (1963).

tion, the most vengeful, and hence, politically, the most reliable from the Soviet point of view. But the impact of the system, in this case, tended to be diluted to the extent that the manipulations of its native male personnel made female judicial roles purely honorary or menial, and it was relatively narrow in that it tended to appeal primarily to female personalities with aggressive and authoritarian, but not necessarily imaginative and creative, characteristics. (6) To the extent that Soviet law was intended to be a warning system (a "tripwire") designed to prevent transgressions and resulting conflicts it tended to be relatively useless (since it was regarded as irrelevant, or disregarded altogether, by traditionalist males) and decidedly dysfunctional (in that, far from preventing conflicts, it helped to trigger and aggravate them).¹⁵ (7) Deliberately fashioned and used as an instrument of class struggle—an instrument dispensing distinctly political justice¹⁶—Soviet law tended to be eufunctional (from the Soviet point of view) only if class enemies could be readily detected and safely indicted, but tended to be dysfunctional to the extent that the local traditional milieu was alienated in the course of the regime's crude and indiscriminate attempts to identify and apprehend "class enemies." (8) Having to function not only as a conveyor of new norms but also as an instrument to extirpate the entire antecedent legal system, Soviet law enjoyed the advantages of (a) a formal monopoly of the legal universe; (b) a formal monopoly and overwhelming superiority of force; (c) a centralized and potentially efficient bureaucratic apparatus; and (d) the backing of an authoritarian party-state committed to an overarching ideology and uninhibited by moral and democratic constraints. It was at a disadvantage, however, and hence was congenitally unattractive, or at least not immediately useful, in that (a) it lacked the sacred qualities and personalities of the antecedent system; (b) it tended to be abstract, rigid, and impersonal; (c) it could not easily gain access to traditional communities either because the latter were physically distant, or nomadic-pastoral (hence elusive), or because they were governed by a combination of religious and customary law, and could thus be independent of, and elusive to, formal legal structures. (9) To the extent that it had to function as a protective shield for revolutionary agents and converts, Soviet law tended to be not only useless (in that it

15. This confirms Stanley Hoffman's conclusion in another context. See his *The Study of International Law and the Theory of International Relations*, in PROCEEDINGS OF THE AM. SOC. OF INT'L L., 57th Annual Meeting, 26-35 (1963); cf. B.V.A. Röling, *The Role of Law in Conflict Resolution*, *supra* note 6, at 328-50.

16. The term is Otto Kirchheimer's. See his *POLITICAL JUSTICE* (1961).

could do little or nothing to protect defecting Moslem women from violent retribution), but decidedly dysfunctional (to the extent that it obliged the Soviet regime to risk the lives of valuable and scarce political activists in the impossible task of protecting the rights and lives of masses of individuals scattered in an extremely hostile milieu).¹⁷ (10) Viewed as an heretical model, the impact of Soviet law on the traditional milieu was exceptionally great. Perhaps no other instrument could hold out to the traditional community, and especially its women, revolutionary standards of human relationships and potentialities as palpably, consistently, and authoritatively as Soviet laws did. Perhaps no other instrument could, in the short run, be as powerful a catalyst of systematic alienation in, and fundamental transformation of, the traditional milieu. But law as a heretical model tended also to be dysfunctional to the extent that (a) it was felt to be forced upon traditional communities by men who were ethnically or ideologically outsiders; (b) it not only posed a threat to the traditional unities and values, but impinged directly upon the most intimate and sacred realms of local life-styles; (c) it stimulated the self-assertion of both Soviet-oriented heresy and traditionalist orthodoxy; (d) it put a discipline-oriented, implicitly authoritarian system in the position of encouraging iconoclastic and libertarian propensities that showed themselves capable of turning just as easily against the Soviet regime as against the traditional order. (11) As a regulative mechanism in a revolutionary situation, Soviet law was at one particularly pronounced disadvantage, apart from all those already mentioned. It had neither the legitimate authority, nor the judicial resources, nor yet the extra-legal supportive structures to be able to control tensions as widespread, pervasive, and corrosive as those induced by the heretical model. A revolutionary instrument that was itself not easily controllable, and was itself seeking legitimation in a traditional world, could not very well control tensions and ensure order in that world while it was enforcing with all the power at its command the very quintessence of illegitimacy: heresy.

(12) Therefore, in its role as a specialized tension-management system designed to induce and control revolutionary change, Soviet law turned out to be an exceedingly volatile, imperfect, inexpedient, and in certain circumstances, dangerous instrument. It tended to be volatile in the sense that it could just as easily go too far as not far enough in

17. This calls for some significant qualifications in Arnold's Rose's proposition regarding the role of law as a shield protecting innovators and daring minorities. See his *The Use of Law to Induce Social Change*, VI TRANSACTIONS OF THE THIRD WORLD CONGRESS OF SOCIOLOGY (1956).

inducing and managing change. It was imperfect in the sense that, if devoid of supportive institutions and arrangements that would permit the translation of legal rights into real roles and opportunities, it tended to define new goals while failing to supply the means to reach them. It was inexpedient in the sense that it could undermine the traditional status quo, but could not really transform it. It tended also to be dangerous in that, as a heretical model, it maximized undesirable as well as desirable tensions, while, as a regulative mechanism, it could not minimize the impact of those tensions on the political structures and developmental objectives of the incumbent Soviet regime.

Revolutionary legalism as a strategic approach to social engineering could be self-delusory to its sponsor as well as dangerous. Its perfectionist emphasis on adherence to uncompromising, if seemingly rational, rules, and its heavy stress on the strength and promise of rationally devised legal machinery, served to de-emphasize to the point of neglect or exclusion precisely those initiatives that were needed most for the attainment of revolutionary and developmental objectives, and for the legitimation of the legal system itself—initiatives involving comprehensive, systematic, and coordinated social action whereby human needs, potentialities, and expectations would find a reasonable chance to be fulfilled. Given such omission, revolutionary legalism, intended to induce a strategic conflict in a traditional milieu for the purpose of changing it, tended, instead, to precipitate cataclysmic conflict, verging on civil war.

Faced with the full panoply of implications of massive enforcement and repression, the Soviet regime had the following options: to continue inducing revolutionary tensions as before, to contain them by selective rather than indiscriminate enforcement, to deflect them by retaliating primarily against selected targets, to suppress them at all cost and with all the means at its disposal, or to reduce them at the source. While predispositions to all these choices continued to assert themselves in Soviet ranks, the regime's chief reaction was to attempt mitigating the tensions at their source—through a deliberate reduction of legalistic pressures and a calculated attempt to construct a complex infrastructure of social-service, educational, associational, expressive, and economic facilities.

By early 1929, only two and one half years after the inception of the "cultural revolution" in Central Asia, the communist party felt obliged to bring the "storming" activities on behalf of female emancipation and the massive and overt forms of the cultural revolution itself to an abrupt halt. The retrenchment pattern included the following components: (1)

LAW AS AN INSTRUMENT OF REVOLUTIONARY CHANGE

Emphasis on specialized cadre-formation, stressing selective recruitment of indigenous personnel and its training in protected cultural islands, rather than general social mobilization. (2) Planning of a new social infrastructure, stressing actually felt needs rather than political agitation, and intended to allow a gradual but comprehensive and coordinated approach to social reconstruction. (3) Temporary exemption of some especially sensitive Central Asian districts from the sanctions of the new legal code. (4) Tailoring of some provisions in the code to bring them into closer accord with local mores. (5) Scaling down sanctions for some "customary crimes." (6) Withdrawal of official encouragement from female-initiated divorces, designed to halt the divorce wave altogether. (7) Preservation, where necessary, of segregated facilities for Moslem women. (8) Prohibition of massive and dramatic violations of traditional taboos, and especially of administered female unveiling in public. (9) Shelving, indefinitely, all official proposals for outlawing female veiling and seclusion in Moslem societies under Soviet rule.

Thus, within two and a half years of the beginning of their experiment the Soviet authorities reversed their emphasis: from precipitate legal change for the sake of social transformation to long-term social rebuilding for the sake, in part, of meaningful legal change.

Can this be regarded as a valid general maxim about the relation of law to revolutionary social change?¹⁸ If we consider that the Soviet campaign took place under almost "ideal" conditions—a determined commitment to revolutionary purposes by a radical modernizing elite; the incumbent's undisputed and centralized political power, overwhelming superiority of force, and authoritarian dispositions coupled with the absence of democratic constraints; isolated and small target populations denuded, in large part, of their traditional elites; the incapacity or unwillingness of neighboring states to intervene in the affairs of their ethnic brethren; and, therefore, the sponsor-regime's relative freedom both to *initiate* and to *retreat* from a revolutionary experiment—then there are grave questions about the utility of law as an autonomous strategic instrument of rapid, administered social change under less favorable circumstances.¹⁹

18. For a recent, excellent review of the literature on law and (evolutionary) social change, accompanied by some highly incisive propositions on the relationship between law and social process, see Lawrence M. Friedman & Jack Ladinsky, *Law as an Instrument of Incremental Social Change*, Sept. 8, 1967 (paper read at the Annual Meeting of the American Political Science Association, Chicago, Ill.).

19. This is not to say that Soviet experience permits us to distinguish clearly the effects of legal policy from those of other concurrent policies. The legal drive was,

It is true that Soviet objectives were unusually large, and Soviet Central Asian societies especially distant from these objectives. Yet one wonders whether this very fact does not permit one to see, enlarged and accentuated, what is less apparent, but nonetheless true, in all confrontations between legally expressed ideals and social actualities.

To be sure, neither Soviet experience in Central Asia nor the lessons derived therefrom may be literally applicable in other milieus. They do not tell us, for example, to what extent other methods of legal codification and judicial organization, applied under other political auspices, might have been more effective than the ones used; or whether legal means might have been more effective when focusing on less explosive issues than sexual and generational relationships; or whether social engineering through law might be more effective in societies where supra-communal agencies (*e.g.* those of a modern state) are collectively expected to play (by way of political manipulations in general and legal engineering in particular) a more powerful regulative and transforming role than is evidently the case in relatively intact traditional Islamic milieus. Nonetheless, both the experience and the lessons appear to be most pertinent for the identification and evaluation of factors that determine the role, and the success or failure of law as an instrument of revolutionary change. They might be useful in establishing a firm empirical base, and in developing and testing a propositional inventory, for the comparative study of strategies of modernization. Likewise, the systematic evaluation and comparison of the requisites of social engineering through law should lead to more fruitful correlations between jurisprudence and empirically based social science, between the sociology of law and political sociology.

after all, but one segment in a broad spectrum of simultaneous actions initiated by the Soviet regime in political, economic, and socio-cultural realms. Moreover, it is exceedingly difficult to isolate precisely the consequences of legal action over the long term, and hence construct a truly "pure" case, because we know as yet very little about the influence of law on attitudinal and behavioral patterns, as compared with the influence of other social forces. Needless to add, the difficulty of direct access and the relative scarcity of data in the Soviet case compound the problem of broad generalizations in this matter. Nonetheless, while the case with which we have been dealing here is admittedly an extreme one—of revolutionary law applied under authoritarian auspices in a relatively intact traditional Islamic milieu—the very suddenness, intensity, and focus of the drive permit us to draw potentially useful inferences about law as an instrument of revolutionary change. In this brief study we have attempted to lay an empirical and analytical foundation for such propositions. Theoretical generalizations at a higher level of abstraction—generalizations on the forms, uses, and limits of legal action in a broad context of social engineering—require a large-scale and multifaceted effort, and far more comparative material than we now have.