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Editorial Foreword

SHARED PATHWAYS IN U.S.-SOVIET RELATIONS It now takes effort to remember the stark polarities of the Cold War: the nuclear arms race, proxy wars, McCarthyism, "mutual assured destruction," ideological broadsides from left and right, and spy vs. spy realpolitik. The earlier, pre-World War II campaigns against Bolshevism, waged on factory floors, in national media, and in international political and economic policy, are even more dimly recollected today. It would seem that the extent to which global society was once organized around a capitalist/communist divide is fully appreciated only by former Cold Warriors and by scholars who study the binary geopolitics of the period, or its remains in an increasingly post-socialist present. One of the ironies shaping the study of U.S.-Soviet relations is the growing realization that these two world systems overlapped extensively and were more isomorphic, culturally and economically, than the architects of either system were equipped to recognize at the time. As the stark oppositions of the Cold War fade from popular memory, contemporary scholarship follows a strangely parallel course, discovering all the ways in which (to rephrase the wisdom of Latour) "we have never been bipolar."

David E. Greenstein and **Oscar Sanchez-Sibony** make the case against strong bipolarism in essays located before and after World War II. Greenstein traces American and Russian interactions on the assembly lines and in the corporate boardrooms of the Ford Motor Company, which produced tractors for the Soviets in factories located in Russia and run by Russian workers. Greenstein contends that this was not a one-way flow of American industrial resources. Russian ideas and people were active in the Ford Motor Company, from Michigan to Moscow. Ford managers and Russian bureaucrats were often unable to draw clear lines between their workers, their political agendas, or their competing visions of industrial progress. Sanchez-Sibony tracks this inability to separate Communism and Capital into the Cold War, when the supposed autarky and alterity of the Soviet Union became an existential threat to the market-based political economies of the West. Across the entire history of the Cold War, Sanchez-Sibony argues, the Soviets tried to participate in the global economy, and their trade policies continually brought them into commercial fields from which the U.S. sought diligently to exclude them. The fall of the Soviet Union, Sanchez-Sibony contends, was due more to its participation in the liberal world economy (on strategically disadvantaged terms) than to its ideological isolation from it.

SCHOLARS, SUBJECTS, AND THE STATE If you want to insult social scientists or historians, especially the kind who publish in *CSSH*, a reliable way to do so is to suggest that their work is a byproduct of state policy. Call them apologists for power or, worse still, handmaids of empire. Do you want to compliment them instead? Show how their work is transforming state policy. Call them effective critics of power or, better yet, say their work is engaged and relevant because it cuts across the grain of empire. The insults and compliments are similar. Each assumes that the value of intellectual production is based on a complicated relationship between scholars, their subjects (as topics and as human types), and the interests of the state. This mode of evaluation is probably as old as scribal culture, and it is a useful tool for analyzing the co-creation of knowledge and power. The modern state, whose citizens are created by mass education and managed by socially useful research, has found its most willing allies, and its most recalcitrant critics, among scholars who struggle to understand the limits of national belonging and its relationship to other forms of identity. In this zone of collusion and critique, the political utility of intellectual work is on full, and not always reassuring display.

Greggor Mattson, **Richard J. Reid**, and **Josh Berson** take us on a grand tour of interactions between scholars, their subjects, and the state. Beginning in early modern Europe, Mattson traces the parallel evolution of two ethnoracial identities: Swede and Lapp. The development of lappology, a field that combined folklore, ethnology, and race science, was crucial to the definition of Sweden as a homogeneous nation-state. The disappearance of the Lapps, and their rebirth as Saami, Mattson argues, cannot be fully understood apart from this intellectual history. Shifting our attention to African subjects, Reid describes a modern nation, Uganda, in which intellectual history, and local history of almost any kind, is of minimal use to the state. The central government must share the past with a rich array of indigenous kingdoms, their dominant clans, and the ethnic and linguistic groupings associated with them. Bottom-heavy with monarchic and tribal history, local pasts are a resource that Ugandan officials, who embrace forward-looking models of development, do not know how to use, support, or appreciate. The effects of this political incompatibility on the health of academic history in Uganda, Reid argues, have been chilling. In Australia, by contrast, the local histories of indigenous populations are now central to attempts to redefine the relationship between the state, Aboriginal communities, and the modern regime of property rights. Berson wades through complex, hotly debated claims for the continuity of traditional cultures and how ancestral links to territory are verified in Australian courts. Anthropological accounts of Aboriginal social structure are now a routine aspect of these contests, and as Berson demonstrates, the best ethnography does not always make for the best legal proof of continuity in space and time. Courtroom procedures, along with national models of personhood and property, are changing the meaning of indigeneity. For both scholars and

their subjects, Berson argues, the consequences of ethnographic representation can no longer be, and in fact never were, strictly academic.

(MORAL) ORDER IN THE COURT Rules, precedents, fine distinctions, procedural clarifications, technicalities, archaic wardrobes and verbal formulae—all of these things dominate the modern courtroom and make it a special place. Legality, as it is expressed before the bar, is seldom confused with right and wrong. Our everyday sense of justice is based on other forms of morality, some of them perfectly illegal. Even when the secular judge can decide confidently on matters of religious practice and belief—in effect interpreting God's will or declaring the irrelevance of doctrinal reasoning—there are basic ethical principles that constrain judicial process and make it seem "legalistic" when they are not recognized. Among these are fairness, equality, respect, love, decency, caring, retribution, and forgiveness. The courtroom is the site at which implicit morality and the logic of rule(s) collide to make law, a process in which official legal culture will always be alien, or oddly adjacent, to the local worlds over which it presides. Measuring those gaps, with an eye toward enlarging or closing them, is essential to the establishment of justice, which courts alone can never produce.

Paolo Sartori, **Yüksel Sezgin** and **Mirjam Künkler**, **Pnina Werbner**, and **Melissa Demian** explore subtle negotiations of morality and law in a fascinating assemblage of cases. Sartori considers the relationship between the Russian military bureaucracy and local variants of shari`ah in Central Asia. Contrary to approaches that claim that Russians tried to separate Islamic and imperial law, or that Muslims tried to use Russian law to their advantage, Sartori shows how Russian officers encouraged Muslims to submit their grievances and appeals to Russian colonial judges, a collaboration that reinforced the roles of subject and ruler even as it created new moral languages (imperial languages) that Islamic law could not fully encompass. Sezgin and Künkler offer another look at how Islam and religious status more generally are treated in post-independence India and Indonesia. Whereas India has given management of religious status to its independent judiciary, Indonesia has ceded the same territory to bureaucratic departments internal to the state. The results, Sezgin and Künkler argue, are counterintuitive. As Indian judges have grown increasingly activist, the courtroom has become a divisive frame in which to define Muslim identity in a Hindu-majority state. Meanwhile, the Indonesian decision to manage "religion" by subjecting it to the unifying logic of an authoritarian bureaucracy has created a public sphere in which, the authors claim, religious conflicts are more easily contained. The courts, it follows, are not inevitably the best source of moral order. Yet, according to Werbner, they can be, especially when local models of justice sway legal proceedings. In Botswana, public workers unions have successfully defended their rights in national courts, and Werbner argues that this success is based on

commonplace notions of fairness and "reasonableness" that shape moral expectations in and beyond the courtroom. The old lines between customary and Western law need to be redrawn, Werbner contends, not because the two systems have merged in recent years, but because aspects of moral reasoning once associated exclusively with Western jurisprudence have long been present in indigenous African legal traditions, a fact legal scholars have been slow to admit. Werbner's conclusion stands in apparent contrast to Demian's analysis of the dramatic rifts between custom and state law in Papua New Guinea. Here, judges routinely overrule and forbid customary practices because they are "repugnant to the general principles of humanity." Predictably, the practices stigmatized in this way are the most "primitive"—involving cannibalism, witchcraft, polygamy, and obligatory marriages—but Demian argues that repugnancy laws signal more than a gap between local custom and civilized, Christian lifestyles. Instead, they represent the desire of the Papuan elite to be part of a larger human community that holds them in contempt. The court, in this case, is the global stage on which humanity, presumed to be universal and accessible to all, is asserted on behalf of a nation defined by its imperfect assimilation to that standard. Perhaps the ruling is mistaken; perhaps it internalizes the disgust of an imagined Other. In their earnest (and frequent) invocations of the repugnancy clause, Papuan judges are solving ethical problems in the most decisive and unrealistic of ways: by declaring the overlap of morality and law complete.