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A RESPONSE TO THE VIDEO

*Charles Sabel**

Let me preface my remarks by informing you that I am not a lawyer. That means that there are things I don't get and things that I'll say that you may not grasp immediately, because there are certain assumptions we don't share. To illustrate that, let me just tell you, I don't even get lawyer jokes.

For example, when I saw the movie *So Goes A Nation*¹, and Sam Sue says, "Law schools teach basic skills," I didn't realize that was a joke until you all laughed at it. So there are many subtleties of this sort that escape me. And absent experience and some deeper form of spontaneous communion, and in blatant disregard for the most elementary lessons of community organizing, instead of connecting my own non-existent experience to the film, I'm just going to modestly propose a strategy for the reform of legal services — in connection with these community-based initiatives. What else could I do in total ignorance?

Now, what I'd like to do is focus on the connection between the local and the national — local change and national change — as it emerges in the film. And in particular, I'd like to give you three successive interpretations of the film from this point of view.

The first is meant to void a misunderstanding. It is an unfair interpretation, and I offer it because I want to rule something out if it really can be ruled out explicitly.

The second interpretation is to indicate a possibility with a limit — a possibility for linking the local with the national, but I think a limited possibility.

And the third interpretation is to sketch a supplemental perspective compatible with what's in the film, but not indicated explicitly in it; but compatible with other things that have been said in the room, which together with things that are said in the film, begin to address this larger problem of establishing a connection.

Now you may think it peculiar to even pretend to offer one, let alone three interpretations of the connection between the local and

* Professor, Columbia University School of Law. These remarks were originally delivered as part of the Symposium at Fordham University School of Law on November 7, 1997. They have undergone minimal editing to remove the cadences that are awkward in writing.

1. *SO GOES A NATION: LAWYERS AND COMMUNITIES* (Sight Effects 1997) (on file with FORDHAM URB. L.J. and attached to 25 FORDHAM URB. L.J. (1998)).

national in that particular film, which is concerned with community-based projects. Yet the national is clearly present. The name of the film, "So Goes the Nation," comes from something that Yolanda [Garcia] says: "a block, a community, a city, so goes the nation." And Jimmy Smits gives a national political account of communities under attack.

People get into this, I'm assuming, because they are concerned with things which were simultaneously local and national. They wanted to do good things in particular settings that had large ramifications.

There is a connection, and yet the connection — for reasons that you'll see in a second — is hard to grasp in the progression of the film. So first, the unfair misinterpretation in order to exclude it from further discussion.

The unfair interpretation is: we know that the right strategy — going to the national level of extending and amplifying citizens' access to rights — is largely ineffective at the current moment, and is probably disempowering as well. Therefore the clear alternative is to go back to a familiar thing — building community autonomy. And there's a lot in the film that suggests that.

An absolute retreat from any dependence on the state and on the law, or minimal dependence. So Brooklyn Corporation "A" goes and helps build a hospital. Red Hook fights a battle to exclude certain kinds of facilities from siting in its neighborhood. The Workplace Project does the most elemental forms of organizing: it goes to immigrant workers, as people have been doing for decades, and tells them that it is in their own immediate interest if they will agree not to work below the minimum wage on this corner.

And we can impose that ourselves. What you saw in the movie was case after case of communities solving problems through their concerted action with a minimal amount of interference by the state. Or in one case, the state being co-opted in the form of the police officer who actually is not enforcing any law, but is the witness.

But plainly that is not what is intended. That is, it would be a great injustice to the creativity of these things to think that they are just a return to this kind of community organization. Because for one thing, the old kind of community organization was aimed at building up community power to get something directly from the state, not to solve the problems directly. So that's already a difference.

But apart from that, there is a second and more fundamental difference. And it goes to the beginnings of a link to broader, but more comprehensive levels, which is that in all of these activities, coalitions were being built. And there was the beginning of a spontaneous linking wherever opportune, to whatever entities of the state whatever entities of public administration were available, propitious, and well-situated for achieving local ends.

So in Brooklyn, New York, the people access the tax revenues to write revenue-free bonds. It's the City Charter which provides the Fair Share exemption. And The Workplace Project culminates in the passage of a law signed by Governor Pataki. Direct analogy.

But there is a dispassionate view. There is a dispassionate view that local activities can ramify and where that ramification is useful, no one thinks twice about pursuing it. This is not a localism in the sense of a deliberate effort to create local communities in opposition to the broader whole; it's one where, insofar as those connections are seen as opportune people, people begin to pursue them. But there are obvious limits. And you can see the beginnings of the limits in the film and in part of the discussion.

One is the question of "community." That is, the more you organize as a community, the more you are faced with the question, "Is this a homogenous group with a culture of its own, or is it a tumultuous assembly coalition of different groups and different interests?" I think the implicit view in much of the film we saw was the second, especially in Red Hook, for example. But it is not clear and it will become an issue.

The second thing is, there is a deeper problem of how these community-based organizations grow. The choice they face is, should they continue their narrow focus on the particular issue that was at their origin; or should they begin following the manifold interests of their members, and to take on new activities, and if so, how should they link into the broad community?

So we saw an example of that. Red Hook is obviously in large measure, branching out into environmental coalitions, with other adjacent communities in New York. And presumably getting into other activities as well, but the focus clearly is on the environmental aspect.

The Workplace Project faces a choice. Should it continue to focus on labor issues for the immigrant community? Or should it focus on the issues — the many other kinds of issues, health, schooling issues — that the members of that same community have outside the workplace?

It becomes a very different organization, and there is no discussion of these things in the current setting for the simple reason that the organizations were born in response to concrete problems and the correct belief that you could do something effective at the community level, once you understood that you were not in complete dependence on any outside authority. That assumption makes it hard to broach the question of how to link up.

Let me come to a third interpretation, one not contained in the film because of this very focus on the community as the starting point, but rather one that was introduced earlier on, by Louise Trubek in the discussion that I heard in the morning before lunch. She mentioned a case from Madison. She mentioned something that is absent from the discussion, which is the reform of all the bureaucracies, and the service agencies that are in the background of this film. That is, the film is in effect, a film about a response to a world where those agencies are no longer accessible and can no longer be put in the service of vulnerable people. And then you see communities responding.

The question is whether that is the whole truth. Because the fact is that they are no longer the right place to begin does not mean that it is wise, or even in the end, possible to ignore them completely.

Louise's story was a story about bunches of health care professionals in Madison, Wisconsin, who were coming together to discuss reform problems in settings that I am presuming here opened out to clients and users and citizens more generally. And the obvious point here is that a new form of public is being created. You have a setting where, outside the legislative process and outside any interest groups, you have the beginning of a new kind of discussion about how to reform these agencies.

Now, it is very obvious that at some point, assuming that these community-based initiatives go forward, they will either link up with emergent discussions of that sort, that grow out of the reform of these services, or they will have no interlocutors at the national level and they will fall back on one of the first two limiting strategies that I discussed, either interpreting themselves as just providing for the survival of small groups, or just cobbling together whatever sorts of coalitions they can in order to maintain the sensation of momentum when in their heart of hearts they know that they are just maintaining a kind of a better version of the status quo.

So I think there is an enormous potential revealed in this film. Its incompleteness is not a sign of a fundamental flaw, but of a need to extend the discussion to parts of the world which have been brutally disappointing, but which are not, for that reason, forgettable. Thank you.