

**N**obody dines at the Facultatum for the food. There is serious debate whether it is food anyway, or some form of mass hysteria that causes you to see food while you eat crow. On the other hand, nobody would skip an appearance at the Facultatum at lunchtime. To see and be seen or, more importantly, to hear and be heard is simply too important for faculty members to miss.

And so it was with several motivations that I made my way across campus to the building that houses this faculty institution. Lunchtime meant an escape from puzzling conversations with anxious students. The venue also gave me an opportunity to exchange observations with colleagues at the current rate. And today it

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promised a likely argument with a member of the administration.

I paused in the double doorway of the dining hall, surveying those who were already hard at work. In the corner farthest from the entrance was the little ec-law-ec group, quants from the Economics Department and our lone law-and-economics guy, Victor Gould. Vic spent all his time in class and in his articles saying things like “You have no empirical basis for saying that.” A real conversation stopper, until you realized that nothing that *Vic* ever said was empirically verifiable, beyond some abstract correlations based on assumptions that appealed to him.

Over in the opposite corner sat a raucous, hearty group that could only be contracts and commercial law professors. Who else but a contracts prof could find life to be so funny? They would sit around telling each other stories about strange contract clauses that had been hotly disputed in some obscure state

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court case – or would have been if it were anything more than a set of whimsical hypothetical facts that one of them had spun out of the *hairy hand* case, or the *carbolic smoke ball* mess, or some other conceptual nightmare. They were everything that a torts professor could not hope to be.

Along the perimeter of the hall of course you would find little clusters of administrators – deans, associate deans, deputy assistant lieutenant deans and all manner of thoughtless and unthinking types. These were surrounded by a haze of untenured assistant and associate professors, anxious for a kind word or a decanal ear cocked in their direction.

But there, clustered around a table in the center of the room, sat the constitutional law professors. Grandees, every one of them, because, as they would never let you forget, it is a constitution they are expounding. So the thoughts must be profound. No matter how trite and predictable these constitutionalists

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might actually be, they always spoke in serious tones.

I saw Andie Blum seated at a small table on the periphery and headed for her.

"Mind if I sit with you?" I asked her, my coffee cup hovering above the table.

"Sure. Sit. How are you doing?" she replied with little enthusiasm and no apparent suspicion of what was to come.

"Too early to tell," I replied. She coughed up a little laugh. *Why do people always seem to assume that I am joking when I say this?*

Sugar and cream for the coffee, stir-stir-stir, silence on both sides of the table. Andie poked away at her salad.

"So I had a little visit this morning."

"Hmmpf."

"A new LL.M. student. Uh, something Bren." This was greeted with a vague glance. "From, uh, Nusquam?"

"Oh, right! Yes, Adnan," as recognition burst out in her face.

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"He's signed up for my seminar." *Now do you see where this is going? I thought to myself, Anything? Any glimmer? No contact. "Curious thing, though."*

"What?"

"Well, he seemed to have the impression that we'd be talking about Zamyatin's *We*, of all things."

"Ah," she said noncommittally. *This is harder than I had expected.*

"In fact - and this is the funny part - he insisted that *you* had said that we'd be covering *We*."

"Aren't you?"

"Didn't you?"

"Didn't I what?"

"Wait - what do you mean 'Aren't you'?"

"I mean aren't you covering *We* in the seminar?"

"No, no, I know you meant aren't I covering it. I don't understand *why* you would assume that I would." *That's the first issue, but not*

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*the touchy one, I thought. "And why would you tell a student that without checking with me first?" That's the touchy one.*

*"Oh, well, you know, it's the first dystopian novel." I could, I should, have screamed at her use of this term, the howl of outraged scholarliness. How could she use that sketchy, misleading term – which would not even be accurate as to We even if it weren't a misleading term? What about Candide, huh? What about that, huh? "I mean, you know, the first great dystopian novel of the Twentieth Century," she added. Is she reading my mind? Or am I saying these things out loud without realizing it? Anyway, she would still be wrong . . . "I know, you'll probably say, Wells's *The Time Machine*, but that's 1895, right? And anyway, it's way too episodic to present a real utopia," she said. Well, yes, but what about his . . . "And you can't seriously mean his *A Modern Utopia*," she insisted. I must stop thinking these thoughts. "So I think it's fair to say that We is the first – and greatest – dystopia . . ." That*

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*buzzword again! Why do people keep using that term? " . . . of the Twentieth Century."*

"I can't agree with that assessment, Andie. Orwell's *1984* is bleaker and more topical than *We*. Think about this one point – the endings of both narratives are remarkably similar – protagonist drawn into political resistance, later physically assaulted by the state apparatus, betrays the resistance and the woman who inspired him."

"Yes, but the point is . . ."

"*But*, in *1984* the protagonist must deal with the knowledge that he has betrayed the woman, that there is no hope for any of them, while in *We* the protagonist is literally, physically oblivious. The reader knows what has happened to him, but his moral consciousness of these events is wiped out by 'the Operation.' I think at this highly personal level *1984* has much more impact. Smith has to live with his betrayal."

"Yes but still . . ."

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*“And consider the finality of Smith’s defeat in 1984 – the State rolls over him and rolls on. In We there is a certain ambiguity at the end; the reader could assume – could hope – that the resistance may yet counterattack. What kind of negative utopia is that? It’s like Zamyatin is setting up a sequel. ‘We 2 – The MEPHI Strikes Back.’ “*

*“Oh, that doesn’t seem fair.” She’s right of course; that last remark was just a cheap though witty shot. Best to keep talking.*

*"And even when you consider what is probably the most distinctive narrative device in We – the explicit manipulation of science and technology in the service of the One State – Huxley’s Brave New World does that better, more credibly. It’s consistent and believable, while in We the science is always a little sketchy, so obviously a mere plot device."*

*“Yes, but you still have to acknowledge that 1984 and Brave New World are both inspired by We. There’s credit in that, surely.”*



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“Well, maybe, but I’m not so convinced of that. Orwell certainly acknowledged that *We* was an inspiration – though I still think he surpassed it in writing *1984* – and Huxley said that he wasn’t aware of *We* until some time after *Brave New World* appeared.”

“Yes, but didn’t Orwell say that he thought Huxley was lying?”

“Well, maybe, but I’m not so sure of that. And anyway, *Brave New World* is so much more savage and remarkable and consistent that I’m not sure it matters when Huxley found *We*.”

“More consistent than *We*?” *She just refuses to be diverted from the main issue.*

“Well sure. What is all that random religious imagery that pops up now and then in *We*? If the book is supposed to be a kind of diary or series of observations written down by D-503, raised in a soulless techno-society centuries after the conquest of Earth by the One

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State, where did he get all this biblical stuff from?"

"Well, as a kind narrative commentary . . ."

"Yes, but it's not supposed to be a third-person commentary - everything we read is supposed to be from D-503's notes. So where is it coming from?"

"That seems a little finicky . . ."

"Finicky or not, if you're going to make qualitative judgments about the book, you have to explain that."

"Well . . ."

"And another thing, how credible is it that at every critical moment, the person that D-503 needs to advance the narrative just happens to pop up at his side? O, and U, and I herself, and the slinky S, and the guy with the heavy brow - is *everybody* following D-503 around all of the time?"

"Maybe they are. That's pretty oppressive. Geez, I had no idea that you hated that book so much." *I don't really; I just get carried away.*

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"I don't really," I replied. "I love that book. As a painfully detailed story of psycho-sexual experience, unfolding some unavoidable, perhaps unintended series of changes and developments in the protagonist, told entirely from his interior point of view, it's really impressive. But I don't think that that should cloud the singular achievements of other more important works of literature in the utopia tradition."

"Fair enough, but that still sounds like it *should* be included in the reading list for the seminar."

"Well, maybe." *Why does she have to be right about this? OK, so maybe next year I should include it. No, wait -* "But it is supposed to be *Law and Literature*. The role of the state, the suppression of individual expression, the totalitarian manipulation of science and technology *are* important themes, I'll admit. But those aspects are still more effectively covered by other works, I think. The hard-core *law* is almost trivialized in *We*. What do you get - the 'phono-

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lecturer' with its loudspeakers, a kind of MOOC for the masses; 'old Plapa' the law phono-instructor; even a footnoted reference to 'the law of the One State' – it's all so anecdotal, and it doesn't seem to make any difference to the narrative. Events would roll on just the same without them."

"Maybe that's the point," she replied.

"What? How?"

"A world with a surplus of science and technology, where law has no real function, is inherently dystopian."

"But . . ."

"No, really, think about it. What is it that D-503 says – after that first time that I-330 takes him to the Ancient Museum . . ."

"Ancient House." *I couldn't help myself.*

". . . Ancient House? 'When man's freedom equals zero, he commits no crimes.' I think the real point is hidden in that remark. When you trade law and individual rights for security, you lose freedom and humanity. Everyone is

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reduced to a number." *Actually, to an alpha-numeric label, but I didn't correct her.* "Remember how he always refers to 'numbers' he meets or observes, never to 'people'?" *Well, almost never.*

This had turned into a most unsatisfying lunch. To be convinced, *almost* convinced, of the correctness of an opposing point of view is a very unsettling experience. Worse yet, to be diverted from a perfectly stormy opportunity to complain about an administrator's interference with one's freedom – in the heat of our discussion, I had almost forgotten about this unforgiveable breach of academic freedom!

"I'll give some thought to this," I told her. "Thanks, really. But you know, all of that aside, I really find it irritating that you would implicitly criticize my choices of the texts for my seminar. It seems to me . . ."

"Oh, come on, 'no harm, no foul,' " she interjected. *Interrupted, really – and to be right at the same time; that's really the worst of it.* "Sorry

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to interrupt," she said. "But I've got to go to a committee meeting."

She left the table, and I decided to go over and look at the desert tray. Perhaps some sour grapes.