Engaged Research, "Goose Bumps," and the Role of the Public Intellectual

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As I was preparing my remarks for today, I thought about other LSA Presidential Addresses that had resonated with me, from Felice Levine's (1990) description of Lily Tomlin's "Trudy," and the "goose bumps" that she (Felice) got from sociolegal studies, to Frank Munger's (2001) appeal to law and society scholars to do engaged research.

I realized that two themes I care passionately about were implicit in several of those previous talks, and that's why I had found them so compelling. They are the importance of asking the big questions (those that give us goose bumps), and the urgent need for a commitment to engaged research. I will argue today that there are in fact close links between these two themes. And, I will suggest that making these links explicit may help us address some of the dilemmas attached to the role of the engaged intellectual.

Let me start with a confession: I am sometimes envious, *really* envious, of physicists. Last fall, I read in my local newspaper (Cole 2000a:A-1) that an international team of scientists at an underground laboratory in Geneva think they have caught a glimpse of an invisible particle—or at least its tracks—that they call the Higgs boson. The reporter (Cole 2000a:A-19) explained that "The Higgs boson, often described as a kind of cosmic molasses, changes the properties of particles that travel through it. It imparts a kind of sluggishness—or mass." A follow-up story (Cole 2000b:B-2) said that once they figure out exactly how the Higgs works, they think they will be able to answer such questions as "Why is our universe made of matter but not antimatter, even

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though the two appear to be created in precisely equal amounts?" Or, "If there are really ten dimensions to space—as popular theories suggest—why are only three large enough for us to perceive?" One Nobel Laureate (quoted in Cole 2000a:A-19) said the Higgs is so important, it may be "the 'God' particle." The reporter (Cole 2000b:B-2) elaborated, "The Higgs field . . . took the formless perfection (that was the early universe) and froze structure into it. . . . In fact, something very much like the Higgs may have been behind the collapse of symmetry that led to the Big Bang, which created the universe."

Now, I don't pretend to understand all of this, but I am awestruck by the kinds of knowledge these physicists are after: What makes matter? What produces structure in a universe essentially made up of particles in motion? And, of course the really big one, Where did the universe come from?

My initial envy of those who are tracking the force that literally "structures" the universe gave way to thinking about what the big questions are in Law and Society, and how hard it is in our field to make big discoveries. For one thing, there are probably no universal laws because there are probably no universals in a social world that is fragmented and forever shifting. But, as Bill Chambliss (1984:1), summarizing Sir Francis Bacon, wrote in *Criminal Law in Action*, "It is the questions we ask that determine our knowledge far more than the answers we divine." Some of our most enduring work asks such questions as "Why do the haves come out ahead?"; "What is the alchemy of race and rights?"; "What is the role of law in social transformation?"; "How much does law matter?"; "What is the gendered power of law?"; and "How does law shape everyday life?"[1]

The papers and roundtables at this Budapest meeting, exploring the junctures and disjunctures between democratization and globalization, or globalization and the reemergence of nationalisms, or the simultaneously fluid and stable nature of social and legal structure, are testament to the ambitious scope of our field. Underlying many of these questions is the most basic one of all, one that is analogous to the question physicists hope to answer with their Higgs boson. It is, where does *structure* come from? And, related to this, How do we bridge the apparent divide between agency and structure; daily practice and the institutional; resistance and power? There may be no Big Bang theory in sociolegal studies. And, sadly, we will probably not soon see a Higgs boson of *social* structure, explaining how structure is forged out of the moving particles of microlevel interactions and

[1] As the reader will no doubt recognize, I have drawn some of these questions almost verbatim from the literature, while others are paraphrasings. See Galanter (1974), Williams (1991), Sajo (1990), Kagan (1989), Smart (1989), and Sarat and Kearns (1993), respectively.

daily practice. But, while we may not find our equivalent of the "God particle," we should not call off the search altogether.

Over the past several decades, we have been backing away from macrostructural analyses and from theory in general. Maybe, as some say, grand theory is flawed, even insidious. But, I would urge us not to retreat from the kinds of big questions it responded to. The grand narratives of a Marx or a Durkheim may no longer be intellectually compelling, but the impulse that gave rise to them is as timely as ever. *It is the impulse to figure it out because it makes a difference if we figure it out.* And, while physicists may get more than their share of the big thrills, figuring out the puzzles of the sociolegal universe is at least as urgent as tracking the Higgs boson.

I want to focus the rest of my remarks on this impulse to figure it out because it makes a difference, and the dilemmas this impulse poses for law and society scholars and others who would be engaged intellectuals. Along the way, I will make the argument that while those whose work is driven by policy-relevance share some of these dilemmas with engaged intellectuals, the distinguishing mark of the latter is that they are willing to ask—in fact, insist on asking—the big questions.

Before going any further, I want to dispel any notion that I wish our field was more like physics. It is not the method or even the kinds of answers that physics offers that draws me in, but the scope of its questions. I am reminded of Stewart Macaulay's (1984) observation when he was contesting the use of "scientistic" methods in the study of law. He said that "a rigorous answer to a silly question is still a rigorously silly answer." Just as we should not sacrifice the important questions at the altar of methodological scientism, neither should we stop asking the big questions out of our healthy skepticism of claims to social scientific Truth.

Let me return for a moment to the issue of engaged research. It is no secret that, despite the recurring focus on engaged research in Presidential Addresses, many in our association and in the academic community at large have misgivings about mixing science and politics, research and political engagement. What is less obvious perhaps is that there are different levels at which our research may be relevant, and thinking through the risks and advantages of each may help us untangle, if not resolve, some of these controversies. There are at least three kinds, or levels, of engagement: what we might call policy-driven research, social justice or "engaged" research, and public intellectualism.

The limitations of policy-driven research have been discussed at some length in the law and society literature. While I do not want to exaggerate these limitations or downplay the important role that our field has the potential to play in enlightened poli-

cymaking, it is worthwhile to be cognizant of the dilemmas we face in attempting to realize that potential. As Sarat and Silbey (1988) have argued, the "pull of the policy audience" may be seductive, but answering that siren call can sometimes jeopardize the integrity of our research by allowing policymakers and bureaucrats to shape the questions we ask, as well as the range of politically acceptable answers. In his analysis of the factors affecting the influence of social science on policymakers, Rick Lempert (1988:184) called this the issue of "uncongenial results"—that is, if a study's findings are incompatible with policymakers' predisposition, they may be ignored. We might even say that what distinguishes some research as "policy-relevant" is that its conclusions fall within the range of alternatives acceptable to policymakers. Roland Chilton (2001:1), in his Presidential Address to the American Society of Criminology, quoted a colleague who responded to his question about why criminologists interested in policy relevance do not expose the criminogenic consequences of the war on drugs in the United States. The colleague exploded, "Roland, we are policy analysts. We need to recommend *viable policy*. We can't recommend legalizing drugs. . . . We might as well recommend sharing the wealth!"

Beyond this problem of "uncongenial results," writing for the policy audience often means confining oneself to discrete policy-specific issues, thereby leaving unasked the kinds of larger questions that may advance not only social justice but theory development more generally. It also means taking for granted the boundaries placed around policy arenas. This can be seen in my own field of immigration law and policy. Much work in this field reveals the important links between immigration policy and broader economic policies and labor relations. For example, the impact of a guestworker program (and thus whether or not it can be considered good policy) depends on the larger context—particularly the labor relations and economic reality—in which it is inserted and of which it is a part.

If immigration policy is one piece of a larger set of economic relations, in the absence of altering these relations, even well-intentioned immigration policies are unlikely to have progressive effects. In fact, to the extent that their impact is largely determined by the larger context, immigration policies are likely to reaffirm the relations embedded in that context. It is for this reason that in the United States neither extensive undocumented immigration, nor legal worker programs, nor even an open border, can be considered by themselves progressive policies. Instead, it is predictable that, in the absence of any broader changes in economic relations, each of these policies would further enhance the exploitive nature of those relations.

So when asked to describe an acceptable immigration policy, some of us are at a loss not because our imaginations are limited,

or as is sometimes charged, because our analyses are not "policy-relevant." Rather, we are at a loss because immigration policy must be considered as part of the larger economic context. To do otherwise—to treat it as an isolated realm of policymaking—is to force the choice between two evils. Not surprisingly, immigration scholars who aim to please the policy audience often end up advancing neither theory nor justice.

Besides these ways that the policy audience may limit us, there is the risk that we may sometimes be too successful at courting that audience. Some time ago, Rick Lempert (1989) wrote of the virtue of "humility." Fearful that our (necessarily contingent) research findings might be abused by those with an agenda, aided and abetted by a sensationalistic media, Lempert advised caution when publicizing our findings. More recently, in a special symposium in *Contemporary Sociology* (1999) titled "Half-Truths with Real Consequences," sociologists spoke of their demoralizing encounters with a mass media in search of controversial sound bites.

Parenthetically, I should add that side-by-side with these critiques of policy-driven research, law and society scholars (myself included) sometimes lament that our research falls on deaf ears. Somehow, I have the uneasy feeling that this simultaneous critique of the policy audience and a desire for its attention is a little like the complaint of a character in a Woody Allen movie, "The food was terrible, and the portions were so small!"

Engaged research of the sort that is consistent with broad, progressive social change generally comes from different intellectual traditions and political paradigms than policy-driven work. Despite these differences, engaged research in the interest of social justice is at least superficially vulnerable to a similar concern that political commitments might hijack the science, that political preference will somehow sacrifice objectivity. It is beyond my scope to engage the debate about the role of values in science, or the meaning of "objectivity," a debate that has already generated its share of both heat and light. I will only point out here that one of our most consistent social scientific findings over the past century has been that our social position *inevitably* affects our perspective, and thus claims to the possibility of scientific impartiality ironically collide head-on with one of our most robust scientific principles.

Unlike research that is narrowly policy-driven and therefore confined to questions relevant to discrete policy agendas, the concern for social justice in engaged research both compels the researcher to ask more fundamental questions (for example, What is the relationship between law and social change?) and, one could argue, raises the stakes on getting the answer right independent of where it leads us. The engaged law and society researcher who wants to help bring justice to the world cannot

afford to have the Powers That Be of that world dictate the research agenda. I do not want to overdraw this distinction, as the line that divides these scholars who presumably share the impulse to have a positive impact is not always clear. We can all think of examples of those who beat the odds and do both successfully. But, for most of us, to the extent that policymakers are allowed to drive the research agenda, both theory and justice may be circumscribed.

Of course, pursuing a justice-driven, engaged research agenda is no guarantee that our work will have a positive impact, as many law and society scholars have so persuasively documented (Lempert 1988; Smart 1989; Handler 1992; Felstiner 1998; Munger 2001). But the impulse to ask the big questions because they matter has motivated much of our best work, and, in the long run and cumulatively, constitutes our one best shot at making a difference.

It is no accident that analyses like Marc Galanter's (1974) "Why the 'Haves' Come Out Ahead" are so durable and have such a theoretical impact. No one can accuse Galanter in that piece of being disinterested, nor is his analysis compromised by his engagement. On the contrary, it is precisely the engagement, asking the tough questions because the answers matter, that provides the theoretical intensity of such work and at the same time helps build the intellectual infrastructure for justice.

Asking the big questions, of course, does not mean that we will always work at the macrolevel, or that small case studies specific to particular contexts are unimportant. It is not the scale of the study that determines its contribution, but rather its potential over time to advance our understanding of important sociolegal processes on which efforts at progressive social change must ultimately be based.

Some have suggested that there has been a decline in law and society research that is relevant for broad progressive change (see, e.g., Handler's LSA Presidential Address, 1992). Sally Merry (1995:13), in her Presidential Address, asked, "Has recent law and society research abandoned its historic concern for social justice and progressive politics and replaced it with . . . work that focuses on the mundane, the arcane, and the politically irrelevant?" Merry posed this as a rhetorical question and answered it decisively in the negative, arguing that our field still makes a contribution "to understanding and refashioning this troubled world" (Merry 1995:12). Her rhetorical question is nonetheless a provocative one.

In a recent op-ed piece in the *Los Angeles Times*, political scientist David Gibbs (2001:M-2) argues that a conflict of interest racks the political science community in which many academics work as consultants to the CIA. After reviewing all articles published in the five most prestigious political science journals over

the past ten years, he found not one reference to unsavory CIA operations. Gibbs contends that what he calls self-censorship is the result of a conflict of interest for academics who work for the CIA. But the point I want to make here is a different one. I think this kind of self-censorship may also be the product of academics' fears of being perceived as both too ideologically engaged and thus suspect, and—curiously enough—at the same time embarrassingly obvious. In our emphasis on discovering the counterintuitive and what Merry calls the "arcane," we are perhaps in danger of elevating the clever over the relevant.

I would like to argue not only for a commitment to engaged research but also for the potentially important role of law and society scholars as public intellectuals. If the engaged researcher is interested in social justice and asks big—that is to say, important—questions, the public intellectual, in her concern for social justice *and* the democratic process, is one who asks those big questions in public, and in doing so stimulates the public debate and advances the discourse.

And if the engaged researcher navigates a maze of epistemological dilemmas and political obstacles, the aspiring public intellectual confronts them all the more starkly. One structural limitation concerns the book publishing business. An article in *American Prospect* magazine (Stossel 2001:42) notes that in the 10 years between 1986 and 1996, 63 of the 100 best-selling books in the United States were written by just 6 authors. And, 80% of *all* the books sold in the United States are currently published by just 5 companies. So, 6 authors and 5 companies dominate the flow of this particular current of intellectual life. While this phenomenon, and the market logic that produces it, may be especially pronounced in the United States, it is not new or unique to U.S.-style capitalism. A German publisher summed it up in 1913 when he said, "The publisher casts one eye at the writer, the other at the public. But the third eye, the eye of wisdom, gazes unflinchingly at the cash register" (quoted in Stossel 2001:43). As the writer and the public can increasingly be thought of as themselves extensions of, and in some cases constructions of, the cash register, this three-eyed monster has become a Cyclops.

This commodification and attendant trivialization of the media is one part of the larger problem of the shrinking public audience. Already in the 1950s, C. Wright Mills (1963) was concerned that the public intellectual was in danger of extinction, as the public itself was disappearing—devolving into mass society, where citizens become consumers and democracy is synonymous with market choice. There is no question that with the "public" increasingly defined as that which can be accessed through the private channels of the mass media, serious public discourse is limited. Even those like Russell Jacoby (1987:8), who holds academics largely responsible for failing to take up the public intel-

lectual mantle, notes that a dramatic "cultural restructuring" helps explain that failure.

C. Wright Mills (1963) and others may be right in their observations about a diminished public arena. A cultural restructuring may indeed limit access to national and international audiences to all but a few intellectual celebrities. But maybe we should apply our newfound appreciation for the local, the decentered, and the everyday to this issue of "the public"; for this unhappily amorphous and monolithic concept can itself be unpacked to reveal a multiplicity of publics, many of which are local and rather mundane (such as local school boards and City Council hearings), and most of which remain relatively accessible to us. While we tend to think of the public intellectual as one who commands a broad audience and is thus something of a cultural icon, for most of us taking up this role would mean speaking and writing in these more localized and specialized venues that collectively still make up most of our public space.

If "the public" has not gone away, the current cultural context, particularly in the United States, may limit its receptivity to intellectual dialogue. An article in the *Chronicle of Higher Education* (Romano 2000:B-10), that unfavorably compares the "timidity and conventionality" of American intellectuals with their counterparts in Europe and elsewhere, points out that public intellectuals grow out of particular sociocultural contexts. While the author chastises American intellectuals for not being more like their German peers, he recognizes "that intellectual courage takes different forms in different cultures" (Romano 2000:B-10).

Whatever the form of that courage or the culturally specific barriers to that engagement, we share cross-culturally a kind of intellectual angst. In a recent book titled *Anxious Intellectuals*, John Michael (2000:12) argues that intellectuals find themselves in a "double bind," vis-à-vis their relationship to the communities for whom and to whom they speak, as they are caught between their democratic principles on one hand and their elite social status on the other. It is similar to the conflict that Konrad and Szelenyi (1979) referred to in a different historical moment in *The Intellectuals on the Road to Class Power*, and which Gramsci attempted to solve—some say unsuccessfully—with his concept of the "organic intellectual" (1957; see Said 1994; Bauman 1992). The question of the intellectual's role in society is particularly acute and has prompted considerable self-reflection in societies in transition, especially in societies with totalitarian pasts in which intellectuals have been complicit—a complicity that, for some, seems to vindicate Julien Benda's notorious attack on "the treason of the intellectuals" (1928).

The debate is heightened in this postmodern period of discredited grand narratives and absolute principles, when some intellectuals "want altogether to dispense with the burden of such

an embarrassingly laden term, one freighted with the discredited hopes of the Enlightenment and the disreputable claims of Jacobin vanguards" (Michael 2000:9). As Sally Merry (1995:13) has put it, "We are left to struggle about how to set an agenda about justice in the . . . post-Foucauldian, post-Marxist world of discursive power and decentered subjectivities in which no group is authorized to construct a vision of a socially just world." With the very possibility of transcendent Truths in question, claims to a position of privilege in accessing such Truths seem quaintly anachronistic, disingenuous, some say even sinister. The original "double" bind is thus now "tripled," as the conflict between intellectuals' inherently elitist position and their democratic principles is compounded by the suspect status of the very Truths to which they are presumed to have access.[2]

It is not only intellectuals themselves who distrust their credentials as transcendent Truth-finders. As the author of *Anxious Intellectuals* (Michael 2000: 131) points out, "'Rocket scientists may be the last intellectuals that the public takes seriously." Keenly aware of the fragmented and necessarily partial quality of Truth, the public looks up to scientists as the last intellectuals who "might manage to bespeak universal laws and therefore free us from contingency, from chance, from history, from politics" (Michael 2000:131). Hence, no doubt, my naive fascination with the Higgs boson.

Popular suspicion of intellectuals as elitists with their own class agenda is especially pronounced in the United States. It might be argued that American's antiintellectualism is simply the popular version of our own self-doubts as impartial truthsayers. But I believe there is more to it than that. In a society where "book-learning" is a derisive epithet, and "Everything I Need to Know I Learned in Kindergarten" is a national bestseller, and too much intelligence is arguably a handicap in national presidential elections, the popular ridicule heaped on intellectuals represents a misguided—and probably for that reason culturally acceptable—form of class antagonism. It is the same class antagonism that hides barely beneath the surface of the evocative bumpersticker response to yuppies' bumperstickers, "My child beat up your honors student."

It is perhaps inevitable that democracy and intellectualism have a tortured relationship. While democracy depends on the rationality of informed dialogue and deliberate discourse—on intellectualism—at the same time there is clearly something paradoxical about progressives fighting for an egalitarian world while

[2] For an interesting discussion of this issue of the possibility of Platonic transcendant truths and the myriad implications of their problematic status, see Gellner's (1990) critique of Benda's "trahison des clercs."

implicitly setting themselves up as the authoritative voice.[3] French sociologist Pierre Bourdieu represented a dramatic embodiment of this paradox. One of France's most celebrated public intellectuals, Bourdieu (1984) is best known for his blistering critique of the status of intellectuals. It may be that such contradictions must be lived with, even embraced, by those of us whose vocation inclines us to ambiguity, contingency, and paradox.

But, to the extent that our task as intellectuals is not to bestow answers but to stimulate debate—that is, to ask the important questions and to ask them in public—we may find a way out of this quandary. When Edward Said urges us to speak Truth to Power, he puts it in the form of a series of questions. "Intellectuals," he says, "should be the ones to question patriotic nationalism, corporate thinking, and a sense of class, racial, or gender privilege" (1994:xiii). Without clear-cut and unambiguous answers to pronounce in this post-Enlightenment era, and reluctant to cast ourselves as enlightened knights of reason on the way to an egalitarian society, speaking Truth to Power above all means asking the hard questions. As Vaclav Havel (1995:36) has put it, in the absence of "universal solutions," we must "approach the world with humility, but also with an increased sense of responsibility."

In a book titled *Public Sociology*, Ben Agger (2000) urges us to begin performing our professions in public. He means by this not that we teach our classes and write our books out in the streets or over the airwaves, but that we expose the public to the process of doing social science, to the form of reasoning and deliberation it entails. Ironically, he argues, much sociological writing attempts to *conceal* the deliberative process, in the interest of presenting "findings" as if they were uncontroversial, definitive, and objective. As "authors . . . attempt to conceal their own busy artifice from view" (Agger 2000:7), the deliberative process that is so critical to rational discourse is largely suppressed.

In other words, the role of the intellectual may be that of "stimulating informed talk" (Goldfarb 1998:35). My emphasis on the deliberative process by no means implies political disengagement, nor does it mean all talk and no action. In fact, it may allow us to return to those very Enlightenment principles that have been rendered so problematic. As one author urged, "We must stop distrusting the big words that make us so unhappy: justice, equality, solidarity, compassion, rationality, and the

[3] Carlos Fuentes, one of Mexico's most active and esteemed public intellectuals, has suggested a quite different relationship between democracy and the role of intellectuals in society. In a recent interview (Thompson 2001:E1), Fuentes told the reporter that intellectuals have been important in Latin America where democracy has historically been weak and have often been informal advisors to Latin American presidents, as they "serve as a kind of buffer between power and the people. What is new . . . is that as democracy takes hold across Latin America, the role of the intellectuals has . . . diminished."

rest. . . . We need to know not how to agree on these things . . . but how to quarrel over them" (Michael 2000:16–17).[4]

This characterization of the public intellectual not as the conveyor of Absolute Truths, but as one who engages intellectually in public, goes part way to shoring up the unsettled relationship the intellectual has with democracy; but to be effective in this admittedly tenuous engagement, we must reclaim our subject position as authors and agents. By this I mean not that we should agonize endlessly about our own subjectivity, but that we must be willing to let our humanity show. Jean Paul Sartre once said that an atomic scientist is a scientist in the laboratory but becomes an intellectual when he signs a letter protesting the nuclear arms race. It is worth remembering that, while the orgins of the term "intelligentsia" were distinct in Russia, the term "intellectual" came into widespread use in western Europe to refer to writers like Emile Zola and Anatole France when they protested the detention of Captain Alfred Dreyfus.[5] It is not only the actions themselves that convert the scientist or writer to the intellectual, but the fact of committing oneself in public as an individual, with political commitments, human fears, and even fallibility.[6]

This reclaiming of our own agency, this public commitment, extends to our writing as well. Sociologist Ben Agger (2000) complains that his discipline (and mine) consists almost entirely of

[4] Upon reading an early draft of this address, one colleague pointedly asked if all public intellectuals were by my definition politically progressive, or to put it another way, whether political conservatives could be public intellectuals. It seems to me that this determination must not hinge on a person's political orientation, but on the nature and goals of the deliberative process in which she or he engages. Indeed, one could argue, as many have (Said 1994; Niebuhr 1960; Lemert 1991; Goldfarb 1998; Gouldner 1979), that to the extent that commitment to a political ideology (of whatever stripe) *supersedes* commitment to the deliberative process, intellectualism is sacrificed. On the possibility that political conservatives may be intellectuals, one author (Michael 2000:59–60) has speculated that Margaret Thatcher may have been her "era's most effective organic intellectual—with the possible exception of Ronald Reagan—[since] the work of the organic intellectual is not intrinsically progressive." While I would agree that the Left does not have a monopoly on intellectualism, this categorization seems to me far-fetched, even ignoring the question of Reagan's intellectual capabilities. While the intellectual may not be "intrinsically progressive," nonetheless she or he must be willing and able to speak truth to power, and as this same author (Michael 2000:170–71) later recognizes, many would-be organic intellectuals are prone "to promulgate falsehoods on power's behalf."

[5] One contemporary French intellectual (B. H. Levy, quoted in Schalk 1997:271) has offered the following definition: "'*Intellectual*,' noun, masculine gender, a social and cultural category born in Paris at the moment of the Dreyfus Affair, dead in Paris at the end of the twentieth century; apparently was not able to survive the decline of belief in Universals." Not surprisingly, the definition "struck a lot of sensitive nerves" (Schalk 1997:271).

[6] In this sense, the concept of "public intellectual" may be redundant since an intellectual is defined here not just as a scientist or artist, but as one who actively engages in the public discourse. Others have noted another (somewhat contradictory) sense in which the concept may be redundant. As Said (1994:12) once put it, there may be "no such thing as a private intellectual, since the moment you set down words and . . . publish them you have entered the public world. Nor is there *only* a public intellectual. . . . There is always the personal inflection and the private sensibility, and those give meaning to what is being said or written."

what he calls "secret writing." But he claims, "Once positivist sociology has been 'authorized,' read as a deliberately authored artifact, readers can contest its hidden assumptions" (p. 3), thereby arguably enhancing its contribution to science.

It is often observed that in the United States, African-American academics are this generation's most important public intellectuals (Hanchard 1996; Boynton 1995). I do not intend to enter the ongoing debate about African-American intellectuals' "organic" status or their relationship to the communities they are assumed to speak for—a debate that is primarily about issues of race and class and their intersectionality (see Reed 1995). Instead, I want to suggest that in the United States people like Cornel West, Patricia Williams, Henry Louis Gates, Derek Bell, and others are this generation's public intellectuals not only because they are committed to the public discourse and are so good at it, but also because their subject positions and authorial status are presumptively flagged by virtue of being people of color in America. Far from reducing either the persuasiveness of what they have to say or their audience, it enhances both. Others can learn an important lesson from these scholars—a lesson not only about the importance of engaging the public discourse eloquently and effectively but also about the role of reclaimed authoriality in that process.

This reclaiming of our own agency as authors and intellectuals may begin to reconcile some of the contradictions we confront. For one thing, this nod to agency signals that we are constructing an argument, not imparting Truth. Admittedly, this is no magic bullet. However, it does start to address the twin problems of how to speak Truth to Power when the possibility of Truth itself is under attack, and how to fight for equality without claiming privileged access to Truth.

For those who would argue that this concedes too much, that it opens us up to the kind of intellectual relativism that I often see in my students, in which all social science is opinion, all opinions are equally valid, and all perspectives inherently equal, I would say that to the extent that we take seriously our obligation to contribute to the deliberative process, we are more likely to see just the opposite result—that is, advancing a renewed appreciation for reasoned argument and facilitating the ability to make distinctions.

This brings me back to the connection between agency and structure that I started with. It is not only one of our most stubborn intellectual puzzles, but figuring it out is critical to understanding the role of intellectuals and others committed to progressive social change. Law and society scholars have produced a sophisticated literature on the concept of resistance. While not denying the hegemonic power of law, Lazarus-Black and Hirsch (1994), Comaroff and Comaroff (1997), Yngvesson (1993),

Merry (1994), Coutin (1994), and others focus on the counterhegemonic resistance to law and the social order it helps constitute. I think Peter Fitzpatrick (1997, 1998) makes a good point, however, when he argues that the duality of power on one hand and resistance on the other is often not overcome in these approaches that implicitly locate resistance and agency at the level of the local, the particular, and the everyday, and positions power as structural.

The very concept of speaking Truth to Power encapsulates this duality, as the spoken "Truth" comes from a position of agency, speaker, or author, while Power (even post-Foucault) is represented as structural, removed, and impersonal. Understanding the links between agency and structure, resistance and power, is thus critical to our success as engaged intellectuals. Asking this particular big question is not only as exciting as the search for the Higgs boson but is also pivotal to fashioning effective strategies for change. Underlying C. Wright Mills's call for us to develop a sociological imagination by connecting biography and history, daily life and social structure was the implication that this is urgent not just as an intriguing sociological exercise, but because it is only in making the link between history and biography that history itself may be changed.

I do not want to sound hopelessly naive here. There is widespread demoralization about the possibility of meaningful political change, just as there is creeping suspicion that we cannot answer the questions that have traditionally engaged us. Contemporary scholarship sometimes seems confined to idiosyncratic studies with, at best, only modest hopes for theory development—the counterpart, I would argue, of our reduced hopes for politics.

Even while grand theory and grand politics may have met the same fate, however, I would urge us not to give up on either theory or justice. If our search does not lead us to the "God particle," it will be because there isn't one in our socially constructed universe that shares all the indeterminacy and contingency of humanity itself. Such open-endedness not only constitutes an enormous and exciting theoretical challenge, it also implies liberating possibilities for the power of human agency, and the construction of a more just society. It may be precisely the absence of anything resembling a "God particle" in our field that both makes theory development so challenging and ups the ante on getting it right.

References

Agger, Ben (2000) *Public Sociology: From Social Facts to Literary Acts.* New York: Rowland & Littlefield.

Bauman, Zygmunt (1992) *Intimations of Postmodernity.* New York: Routledge.

Benda, Julien (1928) *The Treason of the Intellectuals.* Translated by Richard Aldington. New York: William Morrow & Company.

Bourdieu, Pierre (1984) *Distinction: A Social Critique of the Judgment of Taste.* Cambridge, MA: Harvard Univ. Press.

Boynton, Robert S. (1995) "The New Intellectuals," *Atlantic Monthly* 54–70 (March).

Chambliss, William J., ed. (1984) "Crime and Conflict Theory," Introduction to W. J. Chambliss, ed., *Criminal Law in Action,* 2d ed. New York: Macmillan.

Chilton, Roland (2001) "Viable Policy: The Impact of Federal Funding and the Need for Independent Research Agendas—The American Society of Criminology, 2000 Presidential Address," 39 *American Society of Criminology* 1–8.

Cole, K. C. (2000a) "Scientists Think They've Glimpsed the 'God Particle,'" *Los Angeles Times,* 3 Nov., pp. A-1–A-19.

——— (2000b) "One Thing Is Perfectly Clear: Nothingness Is Perfect," *Los Angeles Times,* 14 Dec., pp. B-2.

Comaroff, John L., & Joan Comaroff (1997) *Of Revelation and Revolution.* Chicago: Univ. of Chicago Press.

Contemporary Sociology: A Journal of Reviews (1999) "Symposia on Half-Truths with Real Consequences: Journalism, Research, and Public Policy," vol. 28, no. 1:1–34.

Coutin, Susan Bibler (1994) "Enacting Law Through Social Practice: Sanctuary as a Form of Resistance," in M. Lazarus-Black & S. Hirsch, eds., *Contested States: Law, Hegemony, and Resistance.* New York: Routledge.

Felstiner, William L. F. (1998) "Poor Connections: The Relationships Between Sociolegal Research and Social Policy." Unpublished talk at Cardiff Seminar, Dec. 1998.

Fitzpatrick, Peter (1997) "Distant Relations: The New Constructionism in Critical and Socio-Legal Studies," in P. A. Thomas, ed., *Socio-Legal Studies.* Aldershot: Dartmouth Publishing.

——— (1998) "Missing Possibility: Socialization, Culture, and Consciousness," in A. Sarat, M. Constable, D. Engel, V. Hans, & S. Lawrence, eds., *Crossing Boundaries: Traditions and Transformations in Law and Society Research.* Evanston, IL: Northwestern Univ. Press.

Galanter, Marc (1974) "Why the 'Haves' Come Out Ahead: Speculations on the Limits on Social Change," 9 *Law & Society Rev.* 95–160.

Gellner, Ernest (1990) "La Trahison de la Trahison des Clercs," in I. Maclean, A. Montefiore & P. Winch, eds., *The Political Responsibility of Intellectuals.* Cambridge: Cambridge Univ. Press.

Gibbs, David N. (2001) "Academics and Spies: The Silence that Roars," *Los Angeles Times,* 28 Jan., p. M-2.

Goldfarb, Jeffrey C. (1998) *Civility and Subversion: The Intellectual in Democratic Society.* Cambridge, England: Cambridge Univ. Press.

Gouldner, Alvin W. (1979) *The Future of Intellectuals and the Rise of the New Class.* New York: Seabury Press.

Gramsci, Antonio (1957) *The Modern Prince and Other Writings.* New York: International Publishers.

Hanchard, Michael (1996) "Intellectual Pursuit," *The Nation,* 19 Feb., pp. 22–24.

Handler, Joel (1992) "Postmodernism, Protest, and the New Social Movements," Presidential Address. 26 *Law & Society Rev.* 697–731.

Havel, Vaclav (1995) "The Responsibility of Intellectuals," *New York Review of Books,* 22 June, pp. 36–37.

Jacoby, Russell (1987) *The Last Intellectuals: American Culture in the Age of Academe.* New York: Basic Books.

Jennings, Jeremy, & Anthony Kemp-Welch, eds. (1997) *Intellectuals in Politics: From the Dreyfus Affair to Salman Rushdie.* London: Routledge.

Kagan, Robert A. (1989) "How Much Does Law Matter?: Labor Relations in Rotterdam and U.S. Ports." Working Paper. Berkeley, CA: Institute of Governmental Studies, Univ. of California, Berkeley.
Konrad, George, & Ivan Szelenyi (1979) *The Intellectuals on the Road to Class Power*. Brighton, England: Harvester Press.
Lazarus-Black, Mindie, & Susan F. Hirsch, eds. (1994) *Contested States: Law, Hegemony, and Resistance*. New York: Routledge.
Lemert, Charles C., ed. (1991) *Intellectuals and Politics: Social Theory in a Changing World*. London: Sage.
Lempert, Richard (1988) "'Between Cup and Lip': Social Science Influences on Law and Policy," 10 *Law & Policy* 167–200.
——— (1989) "Humility Is a Virtue: On the Publicization of Policy-Relevant Research," 23 *Law & Society Rev.* 145–61.
Leo, Richard (1996) "Police Scholarship for the Future: Resisting the Pull of the Policy Audience," 30 *Law & Society Rev.* 865–79.
Levine, Felice (1990) "Goose Bumps and 'The Search for Signs of Intelligent Life' in Sociolegal Studies: After Twenty-Five Years," Presidential Address. 24 *Law & Society Rev.* 7–33.
Macaulay, Stewart (1984) "Law and the Behavioral Sciences: Is There a There There?" 6 *Law & Policy* 158.
Merry, Sally Engle (1994) "Courts as Performances: Domestic Violence Hearings in a Hawai'i Family Court," in M. Lazarus-Black & S. Hirsch, eds., *Contested States: Law, Hegemony, and Resistance*. New York: Routledge.
——— (1995) "Resistance and the Cultural Power of Law," Presidential Address. 29 *Law & Society Rev.* 11–26.
Michael, John (2000) *Anxious Intellectuals: Academic Professionals, Public Intellectuals, and Enlightenment Values*. Durham, NC: Duke Univ. Press.
Mills, C. Wright (1956) *The Power Elite*. New York: Oxford Univ. Press.
——— (1959) *The Sociological Imagination*. New York: Oxford Univ. Press.
——— (1963) "The Social Role of the Intellectual," in *Power, Politics, and People: The Collected Essays of C.Wright Mills*, I. L. Horowitz, ed., New York: Oxford Univ. Press.
Munger, Frank (2001) "Inquiry and Activism in Law and Society," Presidential Address. 35 Law & Society Rev. 7–20.
Neibuhr, Reinhold (1960) "Liberals and the Marxist Heresy," in G. B. deHuszar, ed., *The Intellectuals: A Controversial Portrait*. Glencoe, IL: Free Press.
Reed, Adolph (1995) "What Are the Drums Saying, Booker?" *Village Voice*, 11 April, pp. 31–36.
Romano, Carlin (2000) "It's Time for 'Comparative Intellectuals,'" *Chronicle of Higher Education*, 17 Nov., pp. B-10.
Said, Edward W.(1994) *Representations of the Intellectual: The 1993 Reith Lectures*. New York: Pantheon Books.
Sajo, Andras (1990) "New Legalism in East Central Europe: Law as an Instrument of Social Transformation," 17 *J. of Law & Society* 329–44.
Sarat, Austin, & Thomas R. Kearns, eds. (1993) *Law in Everyday Life*. Ann Arbor: Univ. of Michigan Press.
Sarat, Austin, & Susan Silbey (1988) "The Pull of the Policy Audience," 10 *Law & Policy* 97–166.
Schalk, David L. (1997) "Are Intellectuals a Dying Species?" in J. Jennings & A. Kemp-Welch, eds., *Intellectuals in Politics: From the Dreyfus Affair to Salman Rushdie*. New York: Routledge.
Smart, Carol (1989) *Feminism and the Power of Law*. London: Routledge.
Stossel, Scott (2001) "Bibliosophy," *American Prospect*, 29 Jan., pp. 40–43.
Thompson, Ginger (2001) "Fuentes Finds His Powers Have a Will of Their Own," *New York Times*, 31 Jan., p. E1.
Williams, Patricia J. (1991) *The Alchemy of Race and Rights: Diary of a Law Professor*. Cambridge, MA: Harvard Univ. Press.

Yngvesson, Barbara (1993) *Virtuous Citizens, Disruptive Subjects: Order and Complaint in a New England Court.* New York: Routledge.