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## The Teacher-Scholar

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The teacher-scholar enjoys the opportunity to contribute to the development of public intellectualism and, particularly, to a concern for social justice and the democratic process. As teachers, we have the opportunity to share with students the skills of critical questioning, which is the fundamental grounding for thinking about what a commitment to social justice and democratic processes means. As scholars, even when we conduct policy-driven studies, we have the opportunity to contribute to progressive social change, as long as we remain independent of the client and engaged with basic theoretical and conceptual questions of the social sciences. In response to Calavita's call for a commitment to engaged research, I propose that we begin our work at work.

**I**n her Presidential Address in the summer of 2001, Kitty Calavita asked us as scholars of law and society to reflect on the impact of our research on public discourse. In her argument, Calavita draws distinctions among “policy-driven research, social justice or ‘engaged’ research, and public intellectualism” (2002:5). Her main concern, however, is to point out the relationship between engaged research and public intellectualism.

The engaged researcher, more so than the policy-driven researcher, is willing “to ask more fundamental questions (for example, What is the relationship between law and social change?).” In addition, she argues that the engaged researcher “raises the stakes on getting the answer right, independent of where it leads” (p. 9). In other words, the “engaged researcher” is willing to keep the bright light on the “big” question, “Where does *structure* come from?” whatever the subject of study—democratization and globalization or immigration policy and economic development (p. 6, italics in the original). Equally, the engaged researcher must be willing to be surprised by her empirical findings and, further, to air her results, even if they do not “fit” her expectations or that of her audience for the study. Calavita, building on this claim, then suggests that “if the engaged re-

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searcher 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” (p. 11, italics in the original). This is a demanding agenda, and Calavita recognizes the complexities in her aspirations, including, for example, the countervailing pull of professionalism and the status structure of the modern academy.

I deeply admire Calavita’s argument and recognize, as she does, that our sociologist heroes, especially C. Wright Mills, struggled with and aspired to an agenda of engaged research that reached beyond the walls of the academy. But what are we, who may not be as brilliant or as exuberant as a C. Wright Mills, to do? Reflecting on Calavita’s talk, I recognize a shared ambition, but a somewhat different ground. I have long understood my calling as a “teacher-scholar.” When I use this term, however, I am casting a different frame of reference for similar aspirations.

As teachers, we have the responsibility to engage the public in our classrooms, especially in undergraduate classes, where most of us spend so much of our time and energy. Over the course of our careers, each of us will teach thousands of students, thereby enjoying the opportunity to lay a foundation for a shared public intellectualism. As scholars, we have the potential to do research that is “engaged,” even though it may focus on studies that may be labeled narrow, and sometimes even “policy-driven.” Such experiences can be rewarding and stimulating; and sometimes they have the potential to contribute to progressive social change (also see Lempert 2002). I am proposing, then, that we take seriously our role as “teacher-scholars” and marry these roles to the ambitions of the public intellectual.

For me, as for many of us, the issues raised by Calavita have taken on new meaning in the weeks and months after 9/11. In the following, I share my reflections on the role of the teacher-scholar in light of Calavita’s eloquent discussion and in the shadow of the events of 9/11. On the day I taught my first undergraduate class after 9/11, I do not think I have ever felt so much responsibility to a public or quite as tense about speaking to an audience. Perhaps these feelings were exacerbated by the topic of the class, an overview of American political institutions. Or perhaps my perception of responsibility was increased because I teach at a college in the City University of New York, where much of the death and destruction of 9/11 occurred and where the vast majority of students are first-generation college students and part of the great wave of contemporary immigration.

What could I say about the great themes of democratic institutions—pluralism, tolerance, equality, liberty, or separation of church and state—in the aftermath of the events of 9/11? In the

early part of the course, we had discussed these central concepts as background to the focus of the course, the roles and responsibilities of the various branches of democratic institutions, with a special focus on the social forces that gave rise to the modern state. After 9/11, it seemed much more important to return to the background of these themes: E.g., What does a pluralist society mean? How does one practice tolerance every day? What do we really mean by a commitment to equality?

My students wanted answers as to how and why the 9/11 tragedies had occurred in the United States. I did not have any; but my goal as a teacher became very clear on that day: to challenge students to build intellectual bridges between theories and experiences, in this case, the political themes that have their roots in the 17th and 18th centuries and the frightening events that had just happened around them. All teachers, whether in the sciences or the social sciences, face an equally prickly challenge: Students want answers, and it is our task to ask the questions that will help them learn to question what they take for granted and incorporate these skills of critical thinking and analysis in their daily routines. The events of 9/11 have made this responsibility clearer, more difficult, and more important.

Returning to the themes raised by Calavita in her Presidential Address, I suggest that our first laboratory for the development of wide-ranging, critical, engaged debate in a democratic society is the public space of our collective classrooms. I am by no means suggesting that each class become a place to talk politics. After all, the skills of learning to participate in and comment on the meaning of social justice and the democratic process may be honed through many—almost any, I imagine—disciplines or modes of inquiry. Nevertheless, as teachers of law and society (and as students ourselves), our research is particularly germane, for we are concerned with understanding social, political, and economic forces that shape law and governance in all of their formal and informal locations.

Contemporary developments in universities, however, have not complemented the view that, as part of their responsibilities, teachers are to contribute to the development of public intellectualism. There are at least two pressure points working against this agenda. First, there is a “gap” (if I may borrow the term) between our own professional socialization and most of our day-to-day experiences as teachers. Second, there is a push in universities, perhaps more typical of public universities and colleges, to turn the activity of teaching into a managerial problem of quantification and accounting.

With regard to the first pressure point, for most of us, our experience as teachers may not comport with our professional socialization. We are trained to believe that our task will be to work with graduate students concerning the central challenges

facing our discipline. Like the experiences of most professionals, including that of lawyers, who many of us have studied, there are aspects of our work and teaching that become repetitive and redundant—been there, done that, heard that comment from a student too many times before. From a vast literature in the sociology of the professions, there is a consistent finding: whether one is a doctor or a lawyer, one of the greatest challenges of one's calling is to hear a client's all-too-familiar complaint or concern as if it has never been said before (Freidson 1970; Sarat & Felstiner 1995; Seron 1996). For university teachers, findings suggest that a failure to engage with our students contributes to our cynicism that the "system" cannot be changed (Stover 1989). Thus, when we hear that all-too-typical request for answers from our students, that is the very moment in which we must take up the challenge to be explicit about how we question the taken-for-granted world.

As regards the second point of pressure, there is an organizational push in universities to turn teaching into a quantifiable activity, with a focus on student satisfaction. Coincidentally, this shift evolved, in part, from demands by students in the late 1960s and early 1970s. Students challenged administrators' claims that only professionals could successfully run a university and demanded student participation in the governing of higher education. They sought and gained the right to evaluate their teachers as part of the tenure process.<sup>1</sup> More recently, there has been a growing move to justify course offerings as a function of enrollments or student interest, to ensure that FTE quotas are met. These managerial and market-driven forces in the academy have the tendency to place a premium on student satisfaction and to undermine the collegial foundation of faculty governance. The professorate, of course, is by no means alone in this experience among the professions, as studies in medicine (Starr 1982; Freidson 2001:179–96) and large law-firm practice (Nelson 1988) make clear. As is apparent from a vast literature in organizational theory, structure matters: a managerial or market-driven logic (Freidson 2001) undermines attention to quality and substance.

At the same time, however, it is important that we are not passive in the face of these encroachments on the organization and decisionmaking processes of the university. As public intellectuals, we must begin *our work at work* by taking seriously the place of engaged and challenging teaching. This is important for our day-to-day well-being as professionals. In addition, it is important so that many of us may continue to enjoy the privileges and

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<sup>1</sup> Evaluations and their impact on grade inflation, simplifying the curriculum to make it more friendly, and so forth, are, of course, points of notable debate in and out of the academy. It is not my intent to enter this debate here, but simply to note that surveying students has the tendency to conflate what is purportedly a measure of quality with a measure of student satisfaction.

the satisfaction of engaged scholarship, through teaching, in pursuit of social justice and democratic processes.

The other leg of our role is scholarship. Here, too, our position as part of a professorate affords us unusual scope to pursue research that may contribute to a broad and basic understanding of social justice and the democratic process. Our independence as faculty, moreover, is notably broader than that of researchers working in think tanks or government agencies, where the pressure to develop more “policy-driven work” or fundable research is more direct. It is important for us to take seriously Calavita’s reminder: “one of our most consistent social scientific findings over the past century has been that our social position *inevitably* affects our perspective” (p. 9).<sup>2</sup> The question that arises (and one that perplexes Calavita) is Why don’t we take greater advantage of the degree to which we enjoy independence as scholars in universities? Part of the answer, as Calavita discusses, is that the professional system of reward and status pushes us toward narrower and narrower topics, where questions can be formulated to provide more readily available findings. I suggest, however, that there can be great rewards in answering some policy questions, as long as one does not compromise one’s independence and remains engaged with basic theoretical and conceptual problems of the social sciences.

Some years ago, I was asked to conduct a study for the Legal Aid Society Community Law Offices (hereafter referred to as CLO), an office of Legal Aid in New York City. CLO had received a small fund to train attorneys from large New York firms to augment their representation of clients in Manhattan’s Housing Court. As part of the funding, CLO was required to conduct an evaluation of the impact of the program. The director of CLO wanted to ask the hard question Do lawyers make a significant difference in the outcome of cases for clients facing eviction? Indeed, the director expressed some hope that he could use the findings of this study in part to develop a case to demand that the state provide legal representation to indigent clients in civil housing cases, a case in the tradition of *Gideon v. Wainwright* (1963).

I spent hours and hours with the legal staff of CLO, discussing the pros and cons of conducting an experiment in the courts. The client was confident that the findings would show that lawyers matter. Not surprisingly, however, the staff was concerned about the ethical issues associated with an experiment or with

<sup>2</sup> Here, I am thinking of my own experience as a research associate at the Federal Judicial Center, an R&D unit for the Judicial branch, and as a professor at Baruch College, CUNY. As I suggest later, for me, the biggest difference is the independence one enjoys in the university. This is not to say, however, that scientists, including social scientists, may not be independent when working in government agencies; see the discussion of Laumann et al.’s work in *The Social Organization of Sexuality* (1994) *infra*.

systematically providing or denying lawyers to clients.<sup>3</sup> For my part, the possibility, even if remote, that this study might be used in litigation, wherein this research would receive scrutiny and challenge, gave me pause. In response, I developed a team that brought different areas of expertise to the research and its design. In the end, the findings were robust in demonstrating that lawyers make a significant difference for clients facing eviction in housing court; indeed, the findings show, despite our hypothesis to the contrary, that the presence of lawyers does not result in significantly more motions or time delays (Seron et al. 2002).

There were some very tense moments along the way, but throughout the study, we knew the line we would not cross, even as researchers working for a client. To be sure, this study posed a relatively narrow set of questions, which I found incredibly challenging, in part because I could make a concrete contribution on an issue of social justice that I care about and that is an important ingredient for progressive social change.<sup>4</sup>

Laumann et al., in *The Social Organization of Sexuality* (1994), provide similar guidance. In light of the AIDS epidemic, federal agencies, including the National Institutes of Health (NIH), posted Request for Proposals (RFPs) calling for researchers to develop studies to explain the social and behavioral predictors in the spread of AIDS and other sexually transmitted diseases. The goal of the research was to develop intervention programs that were effective and comprehensive by going beyond a “medically oriented disease prevention” model (Laumann et al. 1994:40). The drafters of the RFPs, senior government scientists, recognized that answers to these questions required broad knowledge of human sexuality over the life course, but not as broad as Laumann and his colleagues had recognized—and certainly not as broad as Reagan and Bush appointees at NIH had imagined. Therein began a four-year political struggle, where “this broader commitment to a comprehensive treatment of the life course and the social nature of human sexuality was compromised in favor of the narrower, more behaviorist inventory of individual sexual practices” (1994:40–41). Throughout this “struggle,” however, Laumann et al. knew the line they would not cross; they conducted the study, recognizing that it was not as comprehensive as it could have been. Space does not permit a full recounting of the background of this important study. Nevertheless, it reminds us that beyond the skills and talents to do first-rate policy-driven research is the position that we enjoy as scholars. We have a social position that ensures our independence and allows us to

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<sup>3</sup> It is important to note that there were more demands for legal representation than there were lawyers available to assist. Hence, the question for discussion focused on the systematic allocation of attorneys to clients, when it was impossible to meet the need.

<sup>4</sup> When taking on studies such as this there is the question of what to do if the findings do not turn out as anticipated. For a thoughtful discussion, see Lempert 2002.

speak truth to power—even on questions concerning social justice that may be relatively narrowly cast but, nonetheless, may contribute to an agenda of progressive social understanding and, possibly, progressive social change.

In her wonderful Presidential Address, Kitty Calavita reminds us that as law and society scholars we enjoy enormous privileges. I would add that these privileges are especially important to democratic discourse in the aftermath of 9/11. As I have suggested here, we can make our contributions to this broad agenda by teaching our individual classes and by engaging in scholarship that may be policy-driven. It is equally incumbent upon us as teacher-scholars, however, to act on the collegial foundation that grants us the responsibility to work through democratic decision-making and to rely on our professional responsibility to remain independent thinkers and scholars. As teacher-scholars, we enjoy enormous structural independence at work, which may be used to lay a foundation of public intellectualism.

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