

## The Public Intellectual as Agent of Justice: In Search of a Regime

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The public intellectual is ultimately an agent of distributive justice. This sounds strange only if we conceive of justice as pertaining exclusively to relationships among people and things. However, the public intellectual's *raison d'être* comes into view once our sense of distributive justice is expanded to cover relationships among ideas and actions. Just as some people enjoy an unearned advantage over others with respect to access to material goods, so too some ideas enjoy an unearned advantage with respect to their capacity to motivate action. In the latter case, this advantage usually results from the accumulation of time and resources to develop ideas sufficiently to render their practical implications apparent. The advantage is "unearned" because it has been acquired at the expense of other ideas whose applicability would become equally apparent, if they were provided with comparable time and resources.

Now this way of seeing things presupposes a robust sense of the public as a unitary "intellectual ecology" or "collective attention span," which is subject to the usual economic problems of scarcity. It would be difficult to motivate the public intellectual's instinctive sense of justice—often expressed as righteous indignation—without assuming such scarcity. It forces one to consider which other ideas are marginalized simply because only some can receive adequate support. In other words, the public intellectual's animus is born of the view that ideas are never judged exclusively on their own merits but primarily in relation to other ideas.

Often these comparative judgments are made implicitly—that is, not by direct reference to the ideas but to those who seem to stand to benefit from their promotion. If we lived in a world of plenty capable of sustaining each worthy idea without others being crowded out in the process, this "hermeneutics of suspicion" would not be necessary or perhaps even warranted. That we do not live in such a world means that no idea is innocent of the fate of others. What distinguishes the public intellectual from others is that, faced with this situation, she does not become a skeptical fatalist but a sophistic advocate. The

relative advantage of ideas is clearly the result of decisions—perhaps many and independently taken—that over time allow a few ideas to dominate over the rest. The task for the public intellectual, then, is clear: To construct situations that enable the balance to be redressed, to reopen cases that for too long have been closed.

In a phrase, the public intellectual is a *professional crisis-monger*. Should she need a patron from Greek mythology, the obvious candidate would be Eris, who provided the prized apple that occasioned Paris's judgment of the most beautiful Greek goddess, thereby unwittingly sparking the Trojan War—which, in turn, set the scene for the first moment in the Western literary canon. The public intellectual becomes a recognizable role once society—operationalized in terms of the nation-state—is envisaged as an organism, a "body politic," that possesses a collective mind in which a variety of ideas, some long repressed, vie for the forefront of consciousness. This social ontology was characteristic of France's Third Republic, the period during which Emile Durkheim institutionalized sociology as an academic discipline (Fuller 2004a). This was the context in which the novelist Emile Zola became the icon of public intellectuals in 1898 with the charge of "J'Accuse!" to draw attention to the ambient anti-Semitism and an implicit sense of France's declining fortunes on the world stage that led to the framing of Captain Alfred Dreyfus for treason.

Because nearly four years had passed since Dreyfus was consigned to Devil's Island, much of the initial response to Zola's attempt to reopen his case was negative. Indeed, he fled to London to escape imprisonment for libeling the French War Office, as Zola had no new evidence—only a new contextualization—for proclaiming Dreyfus's innocence. Zola was subsequently vindicated as new evidence came to light. As befits the metaphor of the body politic, Zola's intervention functioned as a vaccine to immunize the republic against a more virulent threat. Extremists on both the right and the left were skeptical of the long-term viability of the Third Republic. Zola gave voice to this skepticism, not by staging a coup d'état or supporting acts of terrorism, but by publishing an opinion piece in a newspaper that enabled the literate public to mull over a systematically unflattering portrait of its elected government, so that they might do something about it through the relevant constitutional channels. The result left the republic stronger than ever, with the editor of the newspaper that published Zola's provocation, Georges Clemenceau, going on to serve as the French Premier in World War I. Unlike the political extremists, Zola genuinely believed that the pen is mightier than the sword—and that made him a true intellectual.

To be sure, the success of Zola's intellectual heroism was predicated on his international literary fame, which allowed him safe passage to Britain

when things started to heat up in France. This is not at all to take away from Zola's achievement. Rather, I mean to draw attention to a crucial element in the cultivation and evaluation of intellectuals: *negative responsibility* (Fuller 2005a, 98–100; 2005b, 29–31). Negative responsibility belongs to the discourse of utilitarian ethics, whereby one always judges the moral worth of an action in relation to the available alternatives not taken by the agent. The implication is that those with a wider scope for action bear a greater responsibility to do good. Failure to do good when one easily could have done so is thus tantamount to doing bad. Zola is a role model for intellectuals because he understood this point well. While he put himself at some risk by “speaking truth to power” as he did, nevertheless the risk was relatively low, weighed against the expected benefits of his intervention. Moreover, his fame uniquely positioned him to absorb—via welcomed foreign asylum—whatever flak flowed his way. It might have been reckless for jobbing writers or untenured academics to speak out against the Dreyfus conviction, but it was feckless for people in secure posts not to have done so.<sup>1</sup>

Thus, I define the public intellectual more by cause than effect. This is in sharp contrast with Stanley Fish, whom Mailloux quotes as saying, “A Public Intellectual is not someone who takes as his or her subject matters of public concern—every law professor does that; a public intellectual is someone who takes as his or subject matters of public concern, and has the public attention” (Mailloux 2006, XXX). This disturbingly passive characterization is not uncommon when defining public intellectuals. It basically absolves intellectuals of any responsibility for their ideas, since the fate of those ideas is taken out of their hands and placed in some reception community, who may choose to adopt, amplify, distort, or simply ignore them. Fish's underlying suggestion, which is shared by Mailloux and Crick, is that the status of “public intellectual” is thrust upon some academics, all of whom nevertheless by virtue of their work already enjoy the title of “intellectual.”

I find this distinction between “intellectual” and “public intellectual” presumptuous and self-serving on the part of academics, who both like the positive connotations of “intellectual” but are forced to admit that most academics misfire once they stray beyond their captive audiences in the classroom and the journals. Crick papers over this problem by using scholarship as a measure of the quality of one's contribution to public intellectual life. Again, while flattering to academics, it ignores that most of those cited by Crick—certainly Kant, Marx, Mill, Dewey—wrote in a variety of registers, and the works that made them public intellectuals in their lifetimes are not necessarily the ones that have sustained their academic reputations. Darwin's *Origin of the Species* is the very rare

work that managed to catch the interest of both popular and scientific audiences at once. However, even in this ideal case, the early and enduring acceptance of Darwin's work by social scientists—as "Social Darwinism"—kept the book's academic respectability alive during an extended period (say, between 1890 and 1920) when biologists seriously doubted that his version of evolution could be made compatible with a scientific account of heredity.

But a deeper problem with Crick's elision of academics and intellectuals is that its standard of intellectual success too conveniently coincides with received academic opinion. This accounts for the inflated status routinely accorded to John Dewey as America's greatest public intellectual of the twentieth century. To me this honor deserves to be jointly held by two of Dewey's antagonists, the journalist Walter Lippmann and the theologian Reinhold Niebuhr, through whom much more of what *actually* happened in twentieth-century American public life can be told. Although Lippmann and Niebuhr are often dismissed as "political realists" who lacked Dewey's philosophical vision, the truth is that all three thinkers were visionaries who tried to take their shared American heritage in rather different directions. All had power bases, but Lippmann and Niebuhr realized more of their visions than did Dewey. Moreover, the reasons for Dewey's failure should be transparent—at least to rhetoricians. He refused to use all the available means of persuasion: He was naïve about mass media and hostile to organized religion (Dewey 1927; Rice 1993). Dewey appealed to a Rousseauian—we now say "Habermasian"—precapitalist communitarian ethic that he associated with the guiding spirit of American democracy, which the citizenry might manifest under the right participatory discursive conditions (Keith 2002).

Dewey's failure more generally exemplifies the problem of academics who, no matter how much they intervene, cannot easily switch between the many registers of public intellectual life. That Dewey always sounded like a philosopher—and a rather metaphysical one—meant that his abstractions could be easily turned to antithetical purposes, not least the creeping capitalism that his democratic vision was designed to stave off (Hofstadter 1962, chap. 14). The transition from academic to intellectual is fully accomplished when one exchanges the verbal signs of expert authority (a.k.a. jargon) for working mainly within the target audience's universe of discourse. If too much of an academic's "idea" seems to get lost in the translation, then one might wonder whether the academic is engaging in a genuine communicative act or simply a show of authority. However, in fairness to Dewey, he frequently displayed the sense of negative responsibility that I earlier identified as the intellectual's core ethic. Moreover, and this I take to be his most lasting contribution to public

intellectual life, he addressed directly the question of how to institutionalize the intellectual's moral courage, so that a nation is not dependent on the heroism of a few famous people.

I refer here, of course, to Dewey's pivotal role in organizing the Association of American University Professors in 1915 to secure the widespread acceptance of tenured academic appointments. At the time, this was seen as a "German" solution, though predictably much was changed—and possibly lost—in the transatlantic translation (Hofstadter and Metzger 1955).<sup>2</sup> Academic tenure in the United States is traditionally tied to the "free speech" guaranteed to all citizens by the First Amendment to the Constitution. Many of the landmark court challenges to tenure over the last century have had to do with the power of boards of trustees and state legislatures to dismiss academics who wrote or spoke against their interests. The academics were generally vindicated because no form of employment can abrogate the right to free speech. In contrast, German academics were free to research and teach as a guild privilege in a country without a generalized right to free speech.

Once free inquiry is defined as a guild privilege, it is removed from a Manichean legal universe that recognizes only sheer license or total prohibition. Rather, it is embedded in a nuanced system of rights and corresponding duties. Thus, in the United States, tenure has protected public intellectual engagement as an option that academics are at liberty to take (or not), whereas in Germany, tenure *obliged* academics to function as public intellectuals to demonstrate that they were worthy of their privileges. One might say that American academics have failed to exploit their abundant opportunities, whereas German academics made the most of their more circumscribed sphere of action—the former marked by widespread complacency punctuated by short-lived controversies, the latter by frequent tests of the limits of self-regulation that sometimes issued in threats of censorship by government officials. The obvious point of this comparison is that the state of public intellectual life depends on the legal regime in place, and it is not clear that freer is always better.

German academics had a ready-made pretext, a *topos*, for public intellectual engagement. It harked back to the German idealist analogy of nation to state as spirit to matter. In effect, the analogy made academia, as the custodian of the nation's spirit, the loyal opposition of whoever held the reins of state power at the moment. Thus, every responsible academic was inclined to query the extent to which the state was truly acting for the national interest—*especially* if a likely consequence of state action was the consolidation of its power. But precisely because the state provided the material conditions for raising these questions, academics always had to be careful not to bite too hard the hand that

fed them. (Keep in mind that German academics were glorified civil servants supported by the taxpayers.) The great sociologist Max Weber was the master of this subtle game: He criticized the Kaiser's needlessly belligerent foreign policy prior to World War I. Yet once the war started, Weber supported German victory but opposed the Kaiser's postwar expansionist ambitions. However, upon Germany's humiliating defeat, which resulted in the Kaiser's removal, Weber enthusiastically helped to draft the constitution of the Weimar Republic.

It would be easy for Americans to read Weber as someone who bobbed and weaved in his publicly expressed opinions to avoid government censorship, and perhaps even to curry government favor: He made the most of a mildly repressive regime that offered a suboptimal setting for intellectual life. However, that would be to shortchange Weber's accomplishment.<sup>3</sup> The premier virtue of public intellectual life is *autonomy*, speaking for oneself in, as the Greek root suggests, a "self-legislated" fashion. But it is impossible to display this virtue without the presence of external interference, in terms of which autonomy is then defined in terms of one's active resistance, or what used to be called, after György Lukacs, "oppositional consciousness" (Frisby 1983, 68–106; Fuller 2005b, 26–27). In the absence of such pressure, it is unclear whether one's opinions constitute independently taken judgments or simply follow the path of least intellectual resistance. It is not by accident that the most profound discussions of autonomy in the Western philosophical tradition—from the Stoics to Kant, Hegel, and Sartre—have been set against a conception of reality that threatens to compromise the efficacy of our intentions at every turn, either by thwarting them outright or producing in us a false sense of their realization.

The latter possibility bears especially in contemporary America, by far the world's most abundant research environment. However, the environment is not uniformly abundant, and the marked differences in prospects for alternative lines of inquiry can easily produce the subtle pathology that social psychologists call "adaptive preference formation." Accordingly, academics come to prefer more easily funded research, which, unsurprisingly, results in more rapid intellectual progress and greater professional recognition, which in turn vindicate—at least in the minds of the academics concerned—that the right decision was taken in the first place. This chain of reasoning is pathological because it ignores, first of all, the opportunity costs of going down one rather than another research route but, more important, the sophistic point that the attractiveness of the path taken may have depended primarily on properties of the moment of decision. Perhaps *any* line of inquiry, under the right circumstances, would have produced results comparable to those of the chosen path.<sup>4</sup> Moreover, had the key decision been taken earlier or later, or perhaps in some other location by a somewhat different

set of people, those alternatives would have come to fruition. To be sure, our belief in science as the *via regia* to reality rests on the active suppression of these sophistic considerations by mystifying the positive feedback loops just sketched. In that respect, the key to progress is not to look back and never to regret.<sup>5</sup> Thus, the intellectual integrity of academic life is routinely undermined by what may be called a “higher self-deception.”<sup>6</sup>

In the preceding paragraph, I shifted from speaking of the American situation to the academic predicament as such. This elision reflects the sense in which the problems facing intellectuals worldwide have come to resemble those that have routinely challenged Americans: the lure of the market. The great genius of Wilhelm von Humboldt, the founding rector of the University of Berlin, was to construct a state-protected market for intellectual life at the dawn of the nineteenth century by reinventing the university as institution that integrated teaching and research, which rendered it the most reliable vehicle of social progress in the modern era. Of course, before Humboldt, academics had been central to public intellectual life, but more as distributors than as producers of ideas. They were more effective in inhibiting or promoting the spread of ideas than in coming up with the ideas in the first place (Fuller 2000, 108–12). However, the implied “non-academic” idea producers were themselves typically steeped in academic culture. They managed to escape academia’s self-limiting strictures—though often with regret, as academia actively marginalized or disowned them.<sup>7</sup> These strictures relate both to the internal peer-review governance structure of academia, which severely regiments intellectual expression, and to academia’s maintenance of intellectual performance standards in society at large, which inclines it toward conservatism. They correspond to the research and the teaching function of the university, respectively. Humboldt’s genius was that of the dialectical imagination—the mutual cancellation of these regressive tendencies to produce a progressive whole. I have spoken of his achievement in terms of the “creative destruction of social capital” (Fuller 2003b).

The basic intuition behind the creative destruction of social capital is that whatever initial advantage is enjoyed by those responsible for cutting-edge research is dissipated in the long term as the research is made available in courses of study. The classroom then becomes the natural site for academics to contribute to public intellectual life, as they are forced to translate esoteric ideas into a form that allows students from a variety of backgrounds and interests to be examined on them. Of course, this attractive situation presupposes the centrality of the liberal arts curriculum to the university. Only in that context is the value of new knowledge judged primarily in terms of its bearing on the needs of the next generation of citizens, very few—if any—of whom are likely to become specialists in the relevant disciplines. However, as universities have



shifted their *raison d'être* from the liberal arts to, first, doctoral training and, more recently, patent generation, the public intellectual's impulse to universally distribute knowledge claims has been eclipsed by a more sectarian and proprietary conception of knowledge. Indeed, this move constitutes a great step back to the original disposition of the medieval universities, before the Masters of Arts set the institutional agenda. Originally, academics trained "doctors" who ministered to the body (medicine), soul (theology), and body politic (law). Knowledge lacked intellectual import as it was applied to exert authority over, and restrict access to, what was already then called "domains" of reality, not least through the deployment of technical Latin. Thus, the use of the neologism, "information feudalism," to capture recent drives toward the privatization of knowledge is much more on the mark than commentators recognize.<sup>8</sup>

However, even in Humboldt's modern reinvention of the university, cognate feudal tendencies had begun to reemerge by the end of Hegel's life (1830), a by-product of the civil service status of German academics. As codified by neo-Kantian philosophy at the end of the nineteenth century, epistemology had come to recapitulate bureaucracy, with each faculty of the university representing a different "cognitive interest" (Collins 1998, 689–96).<sup>9</sup> By the final quarter of the twentieth century, doctorates proliferated, but their value correspondingly declined, as a degree that had been previously awarded for sustained and advanced research now became little more than a license to enter the academic labor market. The result is the currently diabolical situation in which graduate students who have been rewarded largely for establishing a domain of inquiry as "their own" through intensive investigation are deposited into a job market that still (rightly) demands the expression of esoteric knowledge in a common tongue. This mismatch of credentials and jobs has effectively rendered much of contemporary academia skeptical, if not outright hostile, to public intellectual life. While the "re-feudalization" of the university needs to be fought on many fronts, the scaling back of the qualifications needed for tenure-stream posts from the doctorate to the master's degree is one modest policy that would help reintegrate academia into public intellectual life.

*Department ?*

*Institution ?*

## Notes

1. My counterposition of "feckless" to "reckless" intellectuals is meant as a riposte to Lilla (2001), who follows the (typically conservative) line of querying why intellectuals have been so often attracted by authoritarian politics, while I believe we should ask why intellectuals have been reluctant to speak out in liberal societies, even when put at minimal risk. Such fecklessness goes unnoticed simply because it does not leave an evidential trace: It consists in the refrain from action.



My sensitivity to this problem arose from my extended study of the career of Thomas Kuhn, who remained silent during the Cold War cooptation of the scientific community, even though virtually every other major philosopher of science publicly voiced concerns (Fuller 2003a). Fuller (2004b) responds to critics.

2. By “German,” I mean the classical period of the German university, which extended from Wilhelm von Humboldt’s rectorship at the University of Berlin in 1810 to the end of World War I in 1918. This period is characterized by the consolidation of Prussia and most of the German-speaking principalities into the Second German Reich under Otto von Bismarck in 1870. The period ends in 1918 because then Germany becomes a constitutional democracy for the first time with a generalized right to free speech. I refer here to the ill-fated the Weimar Republic, in which universities competed with privately funded think-tanks for control over public intellectual life. The most famous of the latter was the Institute for Social Research, a.k.a. the Frankfurt School.

3. A corrective to this misunderstanding of Weber’s situational logic is Shils (1974), which portrays Weber in constant battle—in letters to newspaper editors, journal articles, and speeches—defending the intellectual integrity of academia against the German Ministry of Education, which saw the universities only as part—albeit a very important part—of an overall geopolitical strategy.

4. On the sophistic roots of the public intellectual, also raised by Crick in this issue of *Philosophy and Rhetoric*, see Fuller (2005b, 7–13).

5. See Fuller (1997, 80–105), where I discuss this suppression of the sophistic perspective as “convenient forgetfulness” that scientists have toward their history.

6. I originally discussed what academics experience as “intellectual autonomy” as fertile ground for the “higher self-deception” in Fuller (1993, 208–10). I observed then that the deception is promoted by academics’ general indifference—if not hostility—to administrative matters. They fail to see that their autonomy is intimately tied to an understanding of the conditions under which they operate. To be sure, the problem goes both ways, with academic administrators increasingly oblivious to the protection of intellectual autonomy—again not from government censorship but the lure of the market (Fuller 2002, 196–231).

7. Take three examples: Galileo’s heretical views inevitably led to the loss of his professorial chair, Marx could never apply for any academic posts because of his religious radicalism, and Freud failed to secure a professorship because of a reputation for recklessness after having experimented with cocaine, hypnosis, and so forth to treat psychic disorders. However, it would be a mistake to think of these intellectuals as unique in criticizing the status quo of their day. On the contrary, there were other critiques at least as radical in content but embedded within academic writing conventions in which deference to authority took precedence over the development of an original voice. Thus, these academics were smothered in critical attention by hair-splitting colleagues. Not surprisingly, Galileo, Marx, and Freud mastered several genres that circumvented, if not undermined, the authority of the academic voice. Especially in the case of Freud, this has generated charges of intellectual irresponsibility. However, resort to multiple expressive media marks the true intellectual—that is, someone interested in the conveyance of ideas but sensitive to the demands placed on her by different audiences. This is in contrast to the restricted codes in which academics normally communicate. A sign of the “academicization” of criticism nowadays is that critiques can be lodged without concern for how—or even whether—the targets are affected, let alone motivated to reorient their course of action.

8. The phrase “information feudalism” was coined by Drahos (1995). For a popular critical account of feudalism as the default position in a deregulated cyberspace, see Lessig (2001). For the background political economy to information feudalism, see Fuller (2002, 164–67).

9. Max Weber’s works on the methodology of the social sciences provide an important early twentieth century micro-site for the struggle between natural and social scientific (as well as humanist) interests. Habermas (1973) was perhaps the last major epistemological work still engaged in this struggle.

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