

Radical Scholarship: A Polemic on Making a Difference Outside the Academy

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Introduction

Over the past year or so I have been working on a paper that explores how the United States Supreme Court's 'Public Forum Doctrine' allows for a spatial policing of protest that effectively silences dissident voices in America. It does so by assuring that restrictions are placed on the 'time, place, and manner' of protest in such a way as to make it simply impossible for protesters to have the effect they aim at (Mitchell 2003). I argue that the Court has developed this doctrine over the course of the twentieth century in the name of a significant liberalization of speech rights. The Court has made it clear that it is no longer acceptable to ban even revolutionary speech – as was the practice for most of America's history. Instead, the time, place, and manner of speech and assembly can be restricted – on 'content neutral' grounds only – so that speech is always 'exercised in *subordination* to the general comfort and convenience, and in consonance with peace and good order'.²

In that paper, I make this argument first historically, by tracing the roots of Public Forum Doctrine to a set of repressive decisions by the Supreme Court during World War I (where a liberal language of free speech first began to be developed), and by looking at how the Court was eventually forced to recognize the speech and assembly rights of radical workers and others during the Depression. I then examine three case studies. One concerns the privatization of public space in shopping malls and struggles by various

¹ © Don Mitchell, 2004.

² *Hague v. CIO* 307 U.S. 496 (1939) at 515.

groups to open up publicly-accessible private property to political activity,³ and then looks in close detail at a controversy concerning the downtown Horton Plaza Shopping Center in San Diego, California. The second looks at an intriguing strike at Denver International Airport in Colorado where striking baggage handlers were forced to establish their picket line in an un-used parking lot some three miles from the terminal where they worked. In this case a judge ruled that banishing strikers in this manner constituted a reasonable time, place and manner restriction because allowing strikers to picket at the terminal or at employee parking lots would disrupt the general comfort and convenience of travelers – to say nothing of the effect it would have on the bottom line of the struck companies. The third case explores the development of ‘public space zoning’ at major national and international political events – like the World Trade Organization meetings in Seattle in 1999, the Democratic and Republican National Conventions in 2000, the World Bank/IMF meetings that same year, the Presidential Inauguration in 2001, and the World Economic Forum in New York in 2002. Here protesting is allowed in some public spaces but not others: rights are spatially zoned such that what is perfectly permissible on one sidewalk or street is against the law on a neighboring one.

My argument is straightforward: though the First Amendment to the United States Constitution specifically says that the right to speech and assembly shall not be ‘abridged’, Public Forum Doctrine and the various policing strategies that it sanctions nonetheless act as a massive ‘abridgement’. Though Americans may have an expansive ‘paper right’ to speech and assembly, their *de facto* rights are incredibly shrunken – and that the only way they will ever be expanded is to defy the sorts of time, place, and manner restrictions the Court thinks are reasonable.⁴

As I have been working on that paper, I have presented the ideas contained in it in a variety of forums ranging from a humanities symposium in Ontario, Canada, to the Institute of Social Justice in Oslo, Norway, as well as in a number of geography department colloquia series in the US, Scandinavia, and Scotland. The response has been intriguing. My analysis is fairly technical and it relies on a close reading of American constitutional case law. I make an academic argument and I use academic conventions and academic language to make it. I trade in details that I expected many non-Americans would find irrelevant or peculiar to the American system, and that many Americans – especially activists – would find diversionary from the ‘real’ struggles on the streets.

In fact, audiences seem to have been quite intrigued by the detail, by the specific evidence of how law and geography intersect to create opportunities for only certain kinds of political interventions and not others. They have been intrigued by the details because through the details they can see the specific operation of power in everyday life. Europeans and Canadians have been able to use my argument to reflect on power, law and geography as they relate to their own national contexts, and, as importantly, to see how American legal regimes have had profound influences on the policing of protest at international events like the Quebec City Free Trade of the Americas Agreement meeting

³ For a general discussion of these issues see Soley (2002), chapter 6.

⁴ In an epilogue I argue also that the stakes of such defiance have recently been raised all out of proportion. The USA PATRIOT Act passed in the wake of the September 11, 2001 terrorist attacks in New York and Washington contains provisions that conceivably define civil disobedience as an act of terrorism. See Chang (2002).

or the European Union meeting in Gothenburg. And in the US, many audience members (especially but not exclusively students just beginning to develop their own political orientations) get mad. They get mad because they take rights seriously. They fully believe they have the right to speech and assembly and they get angry that such rights are so easily usurped in the name of ‘comfort’, ‘convenience’, or ‘order’. My argument, in all its details, connects with something that is deeply rooted in Americans’ conceptions of themselves and it shows how what they have always believed to be true about their rights is in many ways false.

At a number of the talks there has been a significant contingent of activists (student and otherwise) in attendance. On three separate occasions audience members have come up to me after the talk to relate their experiences in various protests in Washington, DC, where policing of ‘time, place, and manner’ has been particularly heavy-handed in recent years. Each of these audience members has said that my argument has helped them make a particular link, a link that was the same for each. Activists who have participated in DC protests over the past two or three years have been frustrated by the fact that they spend much of their time parading through largely poor, mostly African American neighborhoods (while shouting slogans about American-sponsored global capitalism and imperialism). The residents of these neighborhoods seem alienated from and resentful of the protests. While there is certainly much for anti-capitalist globalization activists to reflect on concerning strategy and how really to link their global concerns to the local concerns of Washington’s poor, the activists I talked with also told me that my talk allowed them to see, for the first time, that their parading through the specific areas was as much a function of the policing strategies the local and federal police engaged in and of the ways that permits for specific parade routes were approved, as they were of activist insensitivity to local needs and desires. That is, the activists I spoke with on each of these occasions began to wonder just how accidental it was that their protests were not allowed to occur where they would have access to those they were really protesting against and instead forced into already highly-stressed neighborhoods.

It may or may not be the case that police in DC have engaged in a spatial strategy designed to sow dissension into the center of a growing protest movement. That is a question that needs investigation – as does the related one of whether dissension is merely a byproduct of policing really aiming towards other (legitimate or objectionable) ends. But what I want to suggest by telling this story is that there is a lesson here for radical geographers who want to align their work with activists and ‘make a difference beyond the academy’. This lesson is simple: sometimes the best thing we can do as radical scholars is radical *scholarship* – that sometimes what activists and other non-academics most need is thorough academic analysis. To make a difference beyond the academy it is necessary to do good and important, and committed work, *within the academy*. That is the lesson I will develop in the rest of this chapter.

Radical scholarship

Karl Marx was instrumental in founding the Workers’ Association, and various Communist Leagues. His was an orator of some demand. He taught workers’ classes. He served as a correspondent for various newspapers and journals in Europe and America. He was hounded out of several continental cities for his agitation. He wrote pamphlets bristling with insight and calling for revolution. But his greatest impact came from sitting,

hour after hour, day after day, in a library pouring over statistics and philosophical treatises, over histories and theoretical accounts (in a half dozen languages). He read abstruse political economy. He studied the great ideologues of British imperialism and industrial development. And he wrote. He wrote difficult, demanding works that – however unrealistically – he wanted working people and political organizers to read, to understand, and to use as a guide for their own struggles. He didn't worry much about whether he was speaking 'for' working people instead of 'with' them. His goal was to instruct and to agitate, not just to 'give voice' to the oppressed people of the world. He saw his job as one of theory and philosophy – not just bearing witness – and therefore in and of itself useful to working people. The 'relevance' of his work – its ability to 'make a difference' – consisted in the fact of its existence. Writing *Capital* – engaging in the hard, all-consuming work of laying out a major new materialist theory of political economy – was, to use a philosophical word, propaedeutic to radical activism and eventually revolution.

Capital is radical. But what makes it radical is neither its form nor its style. It is, after all, a thick, sometimes difficult (though occasionally bitterly funny) tome. What makes it radical is its political orientation and the commitment that drove Marx's scholarship. This orientation and commitment was expressed in a number of ways. In the first place, Marx's version of materialist dialectics requires understanding of how processes, flows, and relationships constitute and bound the 'things' – or 'permanences' (Whitehead 1925; Harvey 1996, 50) – that give shape to life. That is, all analysis must begin not from ideas and philosophies, but from social relations, from the 'physical organisation of ... individuals and their consequent relation to the rest of nature' and society (Marx and Engels 1970, 20). In the second place, these relations can only be understood from specific, grounded, perspectives. *Capital* appears a very different thing from the perspective of working people subject to exploitation by the relations of production, than it does from the bourgeoisie who benefit from exploitation. Examining capital from specific perspectives is like looking at a room through different windows (Ollman 1991): it affords a different, if still partial view of the totality. By moving from window to window, by looking from different perspectives, the totality can be grasped and explained. And third, materialist dialectics required a commitment to a particular (revolutionary) project. There is no such thing as non-normative theory. Marx was committed to a revolutionary project and his scholarship, while always rigorous,⁵ was driven by that project. That is what gives Marx's voice its pitch and his writing its bite. It is also what has made his work relevant to so many millions of non-scholars over the past century and a half (and what still rankles his critics: *Economist* 2000).

Marx's relevance to the world is precisely his scholarly work, precisely his willingness to sit all those long, uncomfortable hours in the reading room of the British Museum struggling to learn, and then to explain, exactly how capital worked – and how it had historically developed and changed. There were dozens – hundreds – of radical pamphleteers and revolutionary political activists working, and doing important work, during Marx's life; yet most of these are forgotten to history (as important as they may have been in their own spheres). But Marx's explanations, contested as they may be,

⁵ See the Engels's Preface to the Fourth German edition of *Capital* (republished as pp. 35-40 in 1987 and later editions by International Publishers), for a discussion of specific controversies surrounding Marx's scholarly practices.

Radical commitments

Castree (2000, 959) has argued that ‘the Left has become bifurcated’ with the non-academic left losing influence in the public and private spheres even as the academic left ‘has apparently grown’. To some extent he is right. But his argument leaves out at least as much as it includes. There can be little doubt that progressive movements suffered large defeats in the 1970s and into the 1980s. Two points indicate the limits to his argument. First, these movements have been slowly regrouping and the growing vibrancy of global anti-capitalist struggles at the turn of the millennium (and the development of the Social Forum movement in particular), along with widespread and highly diverse grassroots movements of the poorly housed, squatters, small farmers, welfare-rights activists, race, gender, and sexuality activists, health activists, and so forth, suggests that retrenchment, redevelopment, and recommitment to radical, and sometimes revolutionary, politics is beginning to pay dividends – if as yet small ones, and ones not unified in a clear ideology or necessarily institutionalized in the state.¹⁰ Second, while it is true that the academic left in humanities and social sciences has grown, it has done so often not by learning lessons from the left’s defeat and then building upon those lessons, as the non-academic left to some extent has, but rather by *incorporating* that defeat into its heart and constructing an ideology not in opposition to corporate power, empire building, regressive social movements, and so forth, but very much in consonance with them.

‘Almost every central feature of postmodern theory’, Eagleton (1997, 23) correctly remarks, ‘can be deduced, read off as it were, from the assumption of major political defeat’. Not only can postmodernism’s general rightist orientation be so deduced, but so can its assumption that an unbreachable center means that faith must be invested in ‘margins’, which are to be celebrated entirely *because* of their marginality (there can no longer be an effective, centered, mass action; the mass itself is to be distrusted, replaced with some undefined and entirely idealist ‘multitude’ [Hardt and Negri 2001]). ‘Minorities’ must invariably be supported even, it seems, if that minority turns out to be the global capitalist elite (Hardt 2002). And since it was ‘the system’ that won, then ‘it is not hard to generalize from this to the vaguely anarchistic belief that *system* is oppressive as such’, abandoning the idea that any system ‘is internally contradictory – which has that installed at its heart which can potentially undo it’, and abandoning a politics of internal struggle for a politics that ‘thinks in rigid oppositions of ‘inside’ and ‘outside’, where to be on the inside is to be complicit and to be on the outside is to be impotent’ (Eagleton 1987,18-19). Further, even thinking systematically can come to be seen as a capitulation to ‘the system’, and hence the radical defeat has led to a massive recoil from understanding social life as a complex totality (*cf.* Williams 1977), celebrating instead

¹⁰ I wrote this as the Bush Administration mobilized 150,000 soldiers to invade Iraq and attempted to take its next step towards the construction of a violent, might-based, empire. At that time the majority of the people in my conservative city opposed Bush’s plans and even the city council had passed a resolution against war plans. A huge amount of long-term ground work went into the development of this seeming spontaneous opposition to Bush’s empire, and the success that this opposition represents should not be discounted. The invasion was not stopped; but it is certainly the case that the invasion will not have anything like the domestic effects the Bush Administration hopes it will. It is equally certain that this act will help spawn global opposition to the sort of empire the US is trying to build. As my Scottish Tory father-in-law says, the next world war will be against America.

moments of ambiguity or (presumed) indeterminacy,¹¹ and reveling not in cause and effect, but meaning and interpretation. Coupling indeterminacy with (presumptively) radical decenteredness yields a faith in and promotion of the ‘schizoid’ subject¹² – ‘a subject who might well not be “together” enough to topple a bottle off a wall, let alone bring down the state’ (Eagleton 1997, 20). In the wake of the defeat ‘the subject as producer (coherent, disciplined, self-determining) ... yielded to the subject as consumer (mobile, ephemeral, constituted by insatiable desire)’ (Eagleton 1997, 21), that is a subject not of politics but of psychoanalysis – and of the probing, prodding ministrations of marketing experts. ‘Difference, “hybridity”, heterogeneity, restless mobility’ and, of course, marginality, all the things that are so central not only to postmodernism, but also to poststructuralism, ‘are native to the capitalist mode of production and thus by no means inherently radical phenomena’ (Eagleton 1997, 21). Postmodernism, Eagleton (1997, 23) concludes, ‘has many sources.... But whatever else it is, it is the child of a political rebuff’ and for whatever is important in it (and there is perhaps a fair amount), it is also heavily complicit with capitalist domination simply because it neither has the tools, nor the interest in confronting it.¹³ The bifurcation that Castree notes can’t all be accounted for by leftist academics’ professionalization (as he would have it), or even just the *political* defeat that the non-academic left suffered. Rather, at least some large degree of the separation must be accounted for by the fact that the development of a defeatist postmodernism simply made it impossible for leftist, postmodern scholars to make a *commitment* to the sort of radical, progressive, revolutionary change that activists struggle for.

That is because a commitment to radical scholarship requires making a commitment to something postmodernism simply cannot make a commitment to: truth. There are most certainly truths, as best we can know them at this time and in this place, and as conditioned as they may be by our limited ways of knowing and vantage points. And it is only by revealing these truths – of exploitation and oppression, or more accurately of *systemic* exploitation and oppression, of inequity and the unfair workings of power – and showing why they matter to people that a real commitment to radical, progressive, and revolutionary change can be made. This means making a commitment to real, live human beings, *not* to ‘subjects’, *not* just to ‘bodies’, *not* to radically decentered psyches, but to *people*, with thoughts and feelings, loves, needs, desires, and dreams, and (maybe) with jobs and mortgages and trouble meeting their monthly bills, staving off the sexual advances of a supervisor or coworker, or getting their child a decent education despite deeply racist, regressive school-funding systems.

A commitment to the truth requires uncovering the constituents of that truth – the facts and realities of the systems we live within, the historical moments that have gone past and that we are a part of, the geographical contexts that give shape to social life, and the components of social relations and the struggles that define them. It requires research into the materialist exigencies of life, into the practices and ideologies of institutions, and into the residue that power, past and present, always leaves of its operation. It requires

¹¹ As if indeterminacy itself is not always socially determined.

¹² Celebrating the schizoid subject amounts to celebrating a massively debilitating disease as a social good – which is fine if you do not have the disease.

¹³ Unless you include the sort of discursive hocus-pocus Gibson-Graham (1996) engage in as a confrontation, rather than a total capitulation, to capitalism.

both a historical-materialist sensibility, and a historical-materialist research program. It requires a commitment to defending the truth of the statements we make, not only through theoretical development (which is essential in defining what is truthful in the here and now), but on the basis of evidence. We must have evidence and we must defend it *as* evidence. And it requires taking those constituents of the truth and molding them into convincing accounts of how the world works. This is just what Marx did.

All these accounts will be partial, of that there can be no doubt, and all these truths will be provisional and conditioned. I'll follow postmodernism at least that far (especially since Marx was already there 150 years earlier). But I won't follow it much farther: for the partiality of truth is not something to be celebrated (there is no need to make a virtue of necessity), but something always to be struggled against, so these truths are always becoming *less* partial, more complete, less provisional, and more a basis for action and for change. This then, in its most fundamental form, is what constitutes a *radical* commitment, for 'radical' means to get to the origin of a thing; a radical analysis is one that goes 'to the root or origin', that pertains to or affects 'what is fundamental;' while at the same time, to be a radical means to struggle for a 'departure from tradition' and seek 'progressive' change.¹⁴

A decent radical commitment thus requires something more. It requires a *progressive* commitment to continued emancipation, to the dream of a better human future for more and more people. Perhaps the biggest cost of the academic leftist retrenchment in the face of the 1970s and 1980s, has been the giving up of all belief in the possibility of alternatives, and far, far better alternatives at hand to the world we now inhabit – and that these alternatives can be struggled for and built. We call ourselves progressive, but how many of us, in the wake of the postmodernist and poststructuralist retrenchments, really are? To be *progressive* requires, at minimum, a commitment to and a faith in, *progress*. A political progressive supports social progress, social advancement. Calling oneself a progressive, demands at the very minimum a commitment to struggling towards *universal* human emancipation. To struggle for, or orient one's scholarship towards, anything else (which by definition would be either the emancipation of only some humans in some places at some times, or no emancipation at all) is not only self-defeating, but also about as deeply regressive as politics can get.¹⁵ To put it bluntly, 'post-humanism', which is the leftist-academy's term for its loss of faith in the possibility of universal emancipation,¹⁶ is a political orientation that must be resisted at every turn: it is the orientation of nationalists and fascists and racists and empire builders. By definition.

And radical scholarship requires a final commitment. It requires a commitment to what is right. By this I mean it requires a provisional commitment on our part to *being* right, to assuring that our facts and analyses are as right as they can be, even as we know that we might very well be wrong. Being right is only possible to the degree that one is open to being wrong; and being open to being wrong necessarily requires a commitment to

¹⁴ *Shorter Oxford English Dictionary*: radical (1; 2b; 2d).

¹⁵ And yet the hallmark of post-defeat leftist academic scholarship is precisely a rejection of universal human emancipation as a goal.

¹⁶ A loss of faith occasioned in part by the acceptance of the shibboleth that a 'centered' human being is just a fiction, which is perhaps true until that moment you are in front of the firing squad and they pull their triggers, extinguishing exactly the centered human being you never were.

being as right as you can be. But I also mean something even more, and that is that radical scholarship requires a commitment to what is Right – that is, what is just, what is best, what is libratory, and it requires aligning your scholarship towards exploring what that Right is (even as it may always be changing, always evolving, always developing, always struggled over).

Making a difference beyond the academy

When I give talks – and write long law review essays – about how the First Amendment is continually abridged in practice, and how this abridgement serves specific powerful classes and forces in America – I do so as an expression of just the sorts of commitments laid out above. I am convinced that through social struggle better worlds can be built. I am convinced that as people come to understand how social struggle is shaped, conditioned, and undermined through the banal workings of laws meant presumably to uphold the right to struggle, they will take law itself, and its iniquitous workings, as a primary focus for struggle, and in doing so will help to bring out a more progressive, perhaps even radical First Amendment.

When I write and talk and lecture in my classes about how the cheap fruit and vegetables that we eat are the result of a remarkably violent agricultural political economy (and its landscape), I do so precisely to show that our relative wealth and welfare is predicated on the destruction of real, living people. These people are not ‘subjects’ in the way we have learned to use that term in the past twenty years. They are flesh-and-blood people, and quite often that flesh is rendered, and that blood spilled, only to fertilize our own unjust and increasingly violent economy. My commitment in spending long hours in archives and pouring over news accounts and reports, is to show exactly how this violent economy and landscape work, at least as best I can, in the hope that it can spur action: or if not that it can change the minds of my students and my readers. I *want* to change their minds as to the content of a just society, and as to the real commitment of the nation-state they live in to ‘liberty and justice for all’ (just as my mind has so often been changed by those who have, and continue, to teach me). When I write about anti-homeless laws and what I see as a growing tendency towards near-genocidal forms of public space zoning in contemporary cities, I do so out of the commitment that such tendencies can and ought to be reversed, and that as people learn about the implications of such laws and practices, they might indeed struggle to see that they *are* reversed – both because it would be right and because human liberation depends on it.

When I go into the classroom, or give public lectures, I try to bring to bear all the ‘force of abstraction’, and all the research, that I can in hopes of changing people’s minds. To me, that is the true radical commitment. The irony of it, of course, is that making that commitment often requires not making better links to activists or others ‘outside the academy’ but, at least for a time, severing those links. Solidarity – and doing the sort of research that might just prove beneficial – sometimes requires becoming solitary. For without all that time spent in the library, at home in my study thinking, reading, and writing, I could bring no ‘force of abstraction’ to the struggle, and no convincing facts.

So the main point bears repeating: sometimes the best way a radical scholar can ‘make a difference beyond the academy’, is precisely by making a commitment to doing good, radical, progressive, *research* in the academy. For without radical research, the chances of radical results are diminished: that is the real lesson of Marx’s long hours in the

British Museum, and that is the opportunity that the radical scholars who came before us have bequeathed us. This lesson, and this opportunity, should not be squandered.

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