

A Defence of Scholactivism

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2022-08-22T08:01:26

Readers would be well advised to approach [Tarunabh Khaitan's ICON Editorial](#) with an open mind. Despite quite a bit of tweeting to the contrary, Khaitan's argument is not a plea for a 'neutral' or apolitical academy. On the contrary, Khaitan is explicit that he does not think it is possible (much less desirable) for scholars to work with anything approximating a 'neutral' position. On the contrary, it is precisely because of the inevitability that scholarship is inflected with the values and political commitment of the scholar that he counsels such caution.

Nor does he entirely eschew the activist scholar. He accepts that a scholar may have specific material outcomes in the world in mind both in the selection of topics and after publication in a range of other activities that are designed to translate and disseminate the work to the wider world and into policy debates and legal briefs. It is in the middle stage – doing of scholarly work – that Khaitan insists on scholarly rather than activist values and approaches.

The boldness of his position lies in what follows: Khaitan's position is that the role morality of a scholar requires that they not engage in scholarly work with 'a *motivation to directly pursue specific material outcomes (i.e. outcomes that are more than merely discursive).*' 'Directly' is not further explained but judging from the illustration he provides it covers *explicit and deliberate* advocacy of specific non-discursive outcomes. In his illustration of the point, Khaitan invites us to imagine how Mridula's scholactivism might produce unforeseen and undesirable effects while at the same time undermining scholarly values like perspective, revisability and scepticism and playing into distorting and unhealthy dynamics of academic celebrity. Scholactivism thus risks defeating the pursuit of morally desirable outcomes and poses systemic risks to the health of the academy.

Khaitan is right to insist on adherence to scholarly values. The distinctive qualities of academic research – characterised by a commitment to disciplinary methods, evidence and reason giving – are essential to the proper pursuit of knowledge and are foundational to any argument for academic freedom. (For a longer argument to this effect, see [here](#)). But I cannot agree that a motivation to directly pursue a specific non-discursive outcome is disqualifying from the point of view of scholarly ethics. On the contrary, a scholactivist motivation may well be a scholarly asset to be nurtured.

The most fundamental problem with the argument is that it overlooks the potential epistemic *benefits* of the scholactivist mindset. A scholar motivated to achieve specific outcomes in her lifetime might be reasonably thought to bring a serious-mindedness, persistence and focus that arises from really caring about real-world effects of her work. And beyond scholarly energy, there is reason to suppose that the passion, commitment and even anger at injustice that often attends a scholactivist mindset might bring *insight*. A full demonstration of the point would require a

systematic philosophical and empirical analysis that is not possible in this space, but there is philosophical tradition, notably associated with feminist epistemology, that values emotions of this kind as sources of understanding. In her essay [The Aptness of Anger](#), Amia Srinivasen notes the productive potential of anger quoting feminist Audrey Lorde:

[A]nger expressed and translated into action in the service of our vision and our future is a liberating and strengthening act of *clarification*. (emphasis added).

More generally, philosopher Karen Jones has [written](#) of an emerging philosophical and psychological consensus that emotions are 'integral to practical rationality' rather than inimical to it. Emotions (including anger) are not the preserve of the scholactivist, but they are likely a defining feature of a scholactivist commitment in many cases and we should be open to their potential to enlighten us.

Lastly, the activist's desire to achieve real change may well temper creativity and cleverness with a welcome groundedness. Khaitan is correct about the 'performative' nature of some scholarship in constitutional law. But this feature of our academy is best viewed as a pathology that creates an incentive for us to adopt unnecessarily provocative and extreme positions. To put it bluntly, if what you want is to be 'cited and invited', it is often more important to be interesting than it is to be right. The passion of scholactivists and their attendant commitment to real change in the world might be just the corrective we need.

None of this is to say that there are no risks in scholactivism. There are reasons to worry about scholars prematurely taking positions without the opportunity for reflection and critical engagement, of them being co-opted into the causes of others or pursuing academic acclaim in ways that distort their views. But these risks are not unique to scholactivism and do not track neatly (perhaps even roughly) a scholactivist *motivation*. For instance, there is no reason to suppose scholactivists will necessarily be prone to take their positions quickly and without reflection. Specialist scholars who have spent decades working on a problem may be especially well placed to advocate for specific material outcomes and to avoid unforeseen consequences. In any event, it hardly seems that scholactivism is the principal risk in this regard. Surely the pressure of publication in pursuit of tenure, promotion or other forms of academic success is at least as powerful a force for superficial scholarship as the pressures that confront the activist.

The same goes for the risk of compromising our independence to pursue power and acclaim. Academic life is riddled with temptations of this kind. The selection of topics and the pursuit of specific arguments is often driven by a desire to attract attention, to be published in high profile journals or to obtain an entrée into dialogue and debate with prestigious scholars. In our field specifically, there are a whole set of distorting pressures that favour the study of the Global North over the Global South (and indeed of a select few jurisdictions within these two broad categories at that).

Khaitan is at his most powerful in his identification of the scholarly values that temper these distorting effects: self-awareness, humility and independence. In this respect the Editorial's significance goes beyond the context of scholactivism and provides a welcome antidote to many academic vices. In the context of scholactivism specifically, these qualities are a much better indicator of the boundaries of ethical conduct than motivation. To restate Khaitan's argument, I would say that the role morality of a scholar requires her to: hold steadfast to a commitment to the pursuit of knowledge; remain attentive to academic methods that are the best safeguards for the reliable pursuit of the knowledge; and refuse to compromise her independence by seeking to serve another's end. The role morality of a scholar also requires her to be self-aware and examine her conduct in the light of the risks of compromising these values in the name of academic self-promotion.

Thus refocused, we can have a more integrated account of scholarly ethics. Rather than toggling back and forth between activist and scholarly modes, we should *always* be scholars and at the same we can act in the pursuit of specific outcomes. But in all modes and at all times we should be beholden to the essential scholarly attributes of humility, commitment to method, self-awareness and independence.

As a concluding remark, let me observe the importance of this discussion and congratulate my colleague for such an inspiring contribution to it. As the debate progresses, however, let me add a plea for more attention to the institutional context.

It is one thing to argue for an individual ethics of scholarship. But as a practical matter, we are unlikely to see much change unless the institutions of which we are part – our universities – allow us to pursue it. Matters like how we reward publication, how we count citations and measure impact as well as basic matters of academic freedom are strongly determinative of academic behaviour and are inspiring a growing critical literature. The unhealthy power dynamics that Khaitan so clearly identifies are difficult, especially for a junior scholar acting alone, to resist. Beyond clarifying our ethical commitments, we need to ensure conditions in which they thrive.

