Why Academic Ivory Towerism Can't Be The Answer

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Everyone has to take responsibility within their closest social circle

– *Emmanuel Levinas, Lithuania 1906*

At a time in which a worrying number of risks conspire to threaten the end of democracy and humanity – from climate change to uncontrolled new technologies –, to confine the remit of the legal scholar to the narrow boundaries of academic purity appears ahistorical at best, irresponsible at worst.

Yet that's exactly what Tarunabh Khaitan calls for in his skeptical thoughts on scholactivism in constitutional studies. Unlike other recent contributions aimed at defining what kind of work is worth of a legal scholar (and what is not), Khaitan's argument is not driven by ideology or morality but by a sense of professional ethics.

Can a concerned scholar contribute to our world – he asks – while remaining academically independent and methodologically sound?

As the number of scholars moving from publications to public actions to affect urgent, transformational change in our world on fire continues to grow, this is a burning, yet neglected and largely undertheorized, question.

Khaitan's answer is that this amounts to mission impossible. He defines any research output motivated by the direct pursuit of a specific material outcome as "inherently contrary" to the two sole scholar's constitutive tasks, that is truth-seeking and knowledge dissemination. Being academically-tainted – the argument goes – these materially – as opposed to discursively – motivated contributions should be distinguished from pure scholarship and categorised instead under the all-encompassing label of 'scholactivism'.

This approach – which I nick-name 'academic ivory towerism' – de facto precludes the legal scholar from engaging with the real world through her scholarship (that would rather fall under the remit of "a citizen, a friend, a neighbour"). Thus, a legal scholar researching liberal democracy and the rule of law can't be driven by the aim of preserving it through her scholarship. A scholar writing on animal rights can't advance their interests through her research nor could a scholar focusing on political integrity demonstrate the existence of a legal obligation to do so, without being labeled a 'scholactivist'. No matter these research outputs were conducted in full compliance with professional ethical standards, having been subjected to peer review and publicly acknowledged the commissioning authority. This is because, as observed by Thomas Bustamante, the key criterion allowing academic ivory towerism to draw the line between the pure scholars and the scholactivists is *motive*, rather than *performance*. Ultimately, in Khaitan's own alarmist words, any attempt at producing – and therefore legitimizing – beyond-discursive contributions would carry "systemic, professional and personal dangers that would endanger the overall health of an academy".

As someone who believes that meaningful intellectual work can no longer be separated from some forms of engagement with the real world – to be not only scholarly but also societally relevant–, I beg to disagree with this argument based on three main grounds.

I contend that academic ivory towerism (1) denies academic and epistemic agency (in defence of academic agency); (2) relinquishes academic responsibility towards society and condemns it to societal irrelevance (knowledge comes with responsibility); (3) takes the finger for the moon by failing to differentiate among very distinct forms of academic engagement while dismissing all of them as scholactivism (scholactivism is not a monolith).

Lastly, I argue that the question is not *whether* scholars should be pursuing material outcomes

through their scholarship, but *how* they could do so while remaining compliant with scholarly professional ethics. Ultimately, leaving the question of "what can a concerned scholar do in our world" to the individual scholar appears academically complacent. The urgency of our time combined with the dire state of our eroding democracies call on us to rethink the scholar's role in today's society so as to provide new opportunity structures for her meaningful engagement in the real world.

In defence of academic agency

There's no one way of being and acting as an academic, as there's no one universal 'role morality' for scholars. Academic pluralism is an ontological pre-condition for the exercise of scholarly's academic and epistemic agency. In other words, the former determines whether and how an academic intends to show up in the world. By providing a one-size-fits-all understanding of the scholar's role when engaging with society through her scholarship, academic ivory towerism constraints one's own learning efforts, being thus contingent on context, individual agency and chosen methods. What is worse is that it also contributes to stigmatise all academic attempts at pursuing material outcomes, and that regardless of the intent pursued, be it the public interest or private returns, and the actual scholarly quality of the output produced. But there is more. The resultant compression of academic and epistemic agency in the name of academic purity may severely affect the advancement of scholarly constitutive mission. Ultimately, by expecting the 'real' scholar to remove herself from reality, academic ivory towerism risks removing truth from research inquiries. How could the extant research output advance the truth-seeking objective if the knowledge produced may no longer be 'true'? And, as such, how can its dissemination contribute to the academic advancement of justice? Seen from this perspective, it is academic ivory towerism – no scholactivism – that threatens academia's ability to deliver on its constitutive mission.

Knowledge comes with responsibility

By precluding scholars from pursuing material outcomes through their scholarship in the name of academic purity, academic ivory towerism risks exonerating the world of academia from the responsibility of action. It does so in accordance with the old view that the scholar's role is limited to being a neutral, impartial, and detached generator of knowledge. Behind this view lies a questionable assumption: that by the mere fact of producing knowledge, policymakers and any other societal actors will use that information to enact good decisions that advance the public good. It is however naïve to understand academic influence being exclusively generated by (discursive) evidence, when policymakers are primarily influenced by special interests dominating the policy process. While (pure) research can facilitate and inform today's required transformation, it falls short of catalyzing such transformation insofar as it does not necessarily address the processes that influence policy change.

It is against this backdrop that society increasingly expects academia to contribute more to society by going beyond the traditional scholarly boundaries of truth-seeking and knowledge dissemination.

Legal scholars are no exception, constitutional lawyers even less so. They are also increasingly expected – both from the outside of academia and its inside (which is populated by a new generation of scholars more sensible and responsive to societal challenges) – to speak out and take appropriate action in a time of democratic and planetary emergency. To escape this call for responsibility in the name of academic purity appears complacent at best, and irresponsible at worst. Ultimately, with knowledge comes responsibility, and that exists not only vis-à-vis academia but also society.

Last but not least, academic ivory towerism risks appearing as an expression of an entitlement, a privilege that no other profession seems to afford. That endangers not only present and future academic relevance, but – amid growing academic complacency – also academic authority.

Scholactivism is not a monolith

As Albert Camus famously said, naming things wrong is adding to the world's unhappiness. Behind the use of the term scholactivism hide multiple yet distinct phenomena, all entailing some form of academic engagement with the real world but that can't be equated one with another. Yet Khaitan's dismissal of all non-discursive outcomes as 'unscholarly' under the all-encompassing concept of 'scholactivism' is absolute. This is because academic ivory towerism fails to take into account the individual context. No matter whether a scholar is based in the North or South of the world, in a capital or periphery, in a democracy or autocracy. No matter the interests at stake – be it private or the public interest – as well as the actual commitment behind that research output– be it idealism, personal financial return. No matter whether the research output responds to an institutionally imposed requirement for impact beyond academia (e.g UK REF Impact). Under this reductionist vision of the legal scholar, none of these considerations matter, even when they may actually demand for some distinguishing. Thus, a pro bono contribution by an academic to the benefit of a consumer group organization would be tantamount to an academic paper written on behalf of a private company against the payment of a 6-figure sum to support the business' bottom line.

By failing to distinguish among these different usages of scholarships for non-discursive outcomes, the proposed all-encompassing category of scholactivism reveals a lacunary understanding of the realities of scholarly work beyond academia. Any serious attempt at defining what is scholarly and what is not must acknowledge, systematize and position itself in relation to each of these different, often conflict forms of beyond-discursive research output.

Moving beyond the scholactivism vs academic ivory towerism divide

The question to be asked is not whether academics should be pursuing material outcomes through their scholarship, but *how* they could do so while remaining compliant with their scholarly and ethical obligations. Therefore, rather than assuming that all outcome-driven research contributions are sub-optimal – due to their inherently limited truthfulness and discursively inaccuracy (a point that remains empirically unproven)–, a more constructive approach could be to determine the conditions under which this type of research output – which is in growing demand and by now inherent to the scholar's job description– can be meaningfully and responsibly developed.

Only this approach inspired by the full respect of academic agency may help us identify the appropriate relationship between scholarship, power and justice, and do so in line with a sense of professional ethics. To do so, scholars, and their institutions, must expand their conception of how they contribute to the public good. First, they could explicitly recognize engagement with advocacy as part of the work mandate of their academic staff. Second, to mitigate the risk of unscholarly behaviour – be it when they pursue discursive only or non-discursive output -, they could develop a code of ethics, which would include such issues as defining the responsibility of the scholar engaging through her scholarly expert, determining the scholars' obligations regarding secrecy and disclosure, methodologically addressing the time lags inherent in research pathways to impact, etc.

We legal scholars must rise to the collective challenge with the urgency commensurate with today's warnings, and that despite the limited epistemic and institutional incentives.

In so doing, let's strive to be not only scholarly rigorous, but also inventive so as to secure academic relevance.

Nothing less is at stake.

This analysis builds upon and provides a longer version of the Letter to the Editors published in the International Journal of Constitutional Law.

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