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## Mending Fences: Beyond the Epistemological Dilemma

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**I**n his presidential address, Frank Munger (2001) asks us to consider a reconciliation between inquiry and activism. Although Munger uses the broader and more inclusive term “social inquiry” as his counterpoint to activism, I would like to focus on a particular type of inquiry, one that has deep roots in the Law and Society Association (LSA) and one that is most opposed to activism: social science inquiry. In short, I would argue that tensions that historically have kept the projects of inquiry and activism separate emerge out of a particular brand of inquiry known as empiricism and, among other things, its commitment to value freedom.

Objective social science inquiry has been traditionally equated with value neutrality. According to this definition, “good” science is achieved when the values, interests, and political commitments of the researcher have been eliminated. Once these “impurities” and “contaminants” are leached out, what is left, supposedly, is the thing itself, the world “out there” and the dispassionate observer of it. Reassessing this construction of objectivity and discovering a way of injecting values into empirical inquiry would be a first and necessary step toward realizing Munger’s worthy vision.

Many law and society scholars may view this project of reconciliation with skepticism, but for vastly different reasons. For those who remain committed to positivism, the prospect of a value-infused science appears contradictory and dangerous. For those who have rejected positivism, the prospect of rehabilitating it seems futile, akin to scrubbing the dirt off the walls of a mud hut (to borrow an image from Hillary Allen [1986]). Then, of course, there are those who are sympathetic and hopeful that this reconciliation can be achieved but uncertain about how to go about it. I think it is crucially important for the future of law and society research that we find a way to do so. In this commentary, I would like to respond to the skeptics—on both sides—and join with Munger in endorsing a successor science that embraces

rather than distances itself from the political commitments that animate activism.

As the epistemological debate between those who defend conventional social scientific practice and those who endorse abandoning it has been framed, we are presented with a choice between objectivism and relativism. In other words, on one side of this debate there is the claim that there is an empirical reality that can be apprehended objectively. What this empirical reality is should be the only adjudicator of competing truth claims. On the other side, there is a rejection of this objective reality as the standard for determining better or worse accounts of the world. This stance typically ends up articulating a judgmental or epistemological relativism. Jeffrey Alexander (1990) has called the choice between these two alternatives the “epistemological dilemma,” insofar as it offers a choice between two incompatible, and equally undesirable, alternatives (531).

This debate and the epistemological dilemma it produces has created cleavages within the various social science disciplines in the past few decades, including in the LSA. Rather than leaving those cleavages in place, it is a worthwhile project to confront them directly and to forge a solution; to ask ourselves what kind of social science practice would reconcile this dilemma and allow for the marriage between activism and inquiry that Munger calls for?

With this end in mind, feminist philosopher of science Sandra Harding (1991) has proposed such a resolution. Ironically (coming from a feminist science critic), her proposal does not reject objectivity. She recommends, instead, that in our effort to rehabilitate positivism to be compatible with emancipatory aims we should embrace scientific objectivity—but not just any old objectivity. In what we now recognize as a classic tactic of political and intellectual resistance, Harding appropriates and reinvents that which she would reject and recommends that we adopt what she calls “strong objectivity” (1991:142).

The most salient feature of strong objectivity and the feature that distinguishes it most clearly from its more conventional predecessor is its relationship to value freedom. Strong objectivity rejects the equation of objectivity with value neutrality on the grounds that it articulates too weak and narrow a vision of objectivity. By proceeding “as if” values have been (or ever could be) purged, positivist social scientists leave unrecognized and unaccounted for the values that—despite the fiction of neutrality—continue to define and animate our research. Conventional social science, by not acknowledging the inevitability of subjectivity and values in research, and thus failing to account for their relationship to and effect on the production of knowledge, violates its own epistemological commitment to objectivity.

By contrast, strong objectivity, despite the historical connotation of the term, does not seek the elimination of values but the incorporation of values into scientific practice.<sup>1</sup> Accordingly, strong objectivity, as opposed to the weaker version practiced by positivists, submits all aspects of science to scrutiny.

Science needs to legitimate *within scientific research*, as part of practicing science, the critical examination of historical values and interests that maybe are so shared within the scientific community, so invested in by the very constitution of this or that field of study, that they will not show up as a cultural bias between research communities. (Harding 1991:147, *emphasis original*)

Thus to the extent that conventional scientific practice turns away from such a thoroughgoing reflexivity, it relies on too narrow and weak a version of objectivity. At the same time, however, conventional objectivity is too broad, if not in its realization, then in its aspirations. By defining all values as equally contaminating, conventional science seeks to eliminate them all. But values are not simply inevitable; they do not all have the same effect on our research. Some values are to be sought precisely *because* they produce less-partial and less-distorted accounts of social life.

The history of science shows that research directed by maximally liberatory interests and values tends to be better equipped to identify partial claims and distorting assumptions. . . . Antiliberatory interests and values silence and destroy the most likely sources of evidence against their own claims. (Harding 1991: 148–49)

Harding's point is simply that antiliberatory interests, by definition, are unlikely to seek or examine truth claims that challenge their own. Without making any a priori assumptions about the validity of such challenges, one's failure to consider alternatives and the unwillingness to submit one's own claims to continual critique tends to produce more-partial knowledge about the world.

Our use of strong objectivity, then, shows that we remain committed to sociological relativism through the acknowledgment that knowledge is socially and historically produced. At the same time, we avoid epistemological relativism through our assertion that some claims are more defensible than others. Moreover, and most important for the linking of inquiry and activism,

<sup>1</sup> Classic positivist epistemology draws a distinction between the context of discovery (the identification of research problems or questions, the development of concepts, and the generation of theories and hypotheses) and the context of justification (the testing of theories and hypotheses through empirical observation). Whereas positivism claims to provide a logic and method for justification or verification, it abdicates any authority over, and attaches little relevance to, issues of discovery. The context of discovery is considered extrascientific in that it cannot be purged of values, metaphysical commitments, or cultural effects. Harding is calling for a recognition and incorporation of values into the context of justification.

with strong objectivity, we see these twin goals as internally related, insofar as making epistemologically defensible (less-partial, less-distorting) claims is best achieved not when we futilely bracket values but when we seek to incorporate those that are liberatory into our scientific inquiry. As Munger writes, “[S]ocial inquiry makes activism more effective.” It is also the case that activism holds the promise of making social inquiry more effective.

## References

- Alexander, Jeffrey (1990) “Beyond the Epistemological Dilemma: General Theory in a Postpositivist Mode,” 5 *Sociological Forum* 531–42.
- Allen, Hillary (1986) “Psychiatry and the Construction of the Feminine,” in P. Miller & N. Rose, eds., *The Power of Psychiatry*. Cambridge, MA: Polity.
- Harding, Sandra (1991) *Whose Science? Whose Knowledge? Thinking from Women’s Lives*. Ithaca, NY: Cornell Univ. Press.
- Munger, Frank (2001) “Inquiry and Activism in Law and Society” (herein).