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# Intellectual Topographies and the Making of Citizenship

Helena Gonçalves da Silva

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Intellectual Topographies  
and the Making of Citizenship

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### INTELLECTUAL TOPOGRAPHIES AND THE MAKING OF CITIZENSHIP

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# CAREY MCWILLIAMS, THE PUBLIC INTELLECTUAL: REFLECTIONS ON CITIZENSHIP AND CULTURE

MARIA JOSÉ CANELO

In a lecture to college students delivered at Cooper Union, in New York, in 1976, Carey McWilliams elaborated on what he called “the power of ideas” in terms that I find fitting to identify the brand of intellectual and political activity he espoused throughout his career as a lawyer and a social and cultural critic. They highlight the strains of dialogism and activism that inform his whole criticism. McWilliams was more than a traditional intellectual and more than a traditional lawyer as well; more than an intellectual because he became fairly active in the public sphere, whereas he was more than a lawyer because his reinvention of legal concepts and legal practices derived from his insightful research on cultural matters. In effect, the most original aspect of his work lies in his combination of a critique of culture with a critique of the law and how this anticipated current debates, namely on legal activism. While presenting a broad overview of his criticism of culture, I shall attempt a closer look into his engagement with the law and the development of his ‘legal imagination’ as a crucial component of McWilliams’s activity as a public intellectual.

Ideas have an inherent interest. (. . .) There is a symmetry about them that opinions lack. And they are creative in the sense that they can combine with other ideas, or modify them, or lead to still more novel ideas. Ideas keep an intellectual tradition alive, viable, and relevant; they are the yeast of a culture (. . .). The intellectual awakening of an individual usually dates from the moment he or she discovers that ideas are more than words on a page but are real and that the life-of-ideas is a timeless reality in human experience.<sup>1</sup>

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<sup>1</sup>“The Importance of Ideas”, lecture given at Cooper Union, New York, Feb. 2, 1976, p.2. Carey McWilliams Papers (Collection 1319), Department of Special Collections, University Research Library, University of California, Los Angeles. Box 67, Folder ‘The Importance of Ideas’ Mss. Notes.

Although the words of McWilliams to the students first appear as a call to their imagination and creativity, they were also an appeal to their political awareness. They imply that idealism *per se* does not contribute so much to the individual's intellectual development as the application of ideas to practice. Ideas are intended to create and recreate the world.

McWilliams's own coming into politics had happened quite early in his life; after a privileged childhood and adolescence, he was somehow forced into the real world when the family's fortune suddenly vanished. Born in Colorado, in 1905, in a conservative family of Scotch-Irish and German-French descent, his father a powerful man in the cattle industry and a state senator, McWilliams could not locate in his family history, nor in the pastoral education he received until moving to California, the roots of the social concerns that were to inform his adult life. Shortly after the First World War, the crash of the cattle market on which the family business relied caused the loss of his family's fortune, and forced them to leave the ranch. Moving to Los Angeles, they became migrants of a sort, but the urban milieu was to provide McWilliams with a very different life experience than his earlier pastoral education.

Soon after his graduation in Law and a short period of practice at a lawyer's firm, McWilliams started practicing labor law, which was determinant to his future involvement in social issues. With the Great Depression and the Popular Front as background, McWilliams, as many intellectuals of the time, was soon engulfed by politics. Once the Wagner Act was passed in 1934, the practice of labor law was allowed and McWilliams was frequently asked to give advice on worker rights and how to exercise those rights under the new law. In time, his interests moved on from labor to civil rights, an essential turn whose reach in U.S. ethnic history and its struggles for freedom were hard to foresee at the time.

Also of great importance to understanding McWilliams's activism was the particular historical context of the Great Depression and the New Deal. Indeed, the New Deal provided intellectuals and artists with the chance to be what Antonio Gramsci has termed "organic intellectuals", mediators for the people before state institutions or the apparatuses of power. Even though McWilliams was to refuse the connection of the intellectual with power for need of a critical distance, he became engaged with the state apparatus during this period, being appointed Chief of the Commission for Immigration and Housing in California, a post he carried out between 1938

and 1942, under Popular Front Governor Culbert Olson. In line with his previous work on labor law, this post allowed him a greater proximity with farm labor and a way of resolving the workers' problems, as McWilliams became the official responsible for the welfare of migrants. It also deepened his interest in problems of migrant and immigrant integration, of which an extensive critical and cultural work gives evidence, much of which was certainly ahead of its time. In connection with this position, McWilliams was also chosen as a member of the Senate LaFollette Committee, in 1939 and the House Tolan Committee, in 1941, which held public hearings in California on labor conditions in state farms, interstate migration and the Japanese evacuation from the West coast. For McWilliams, his position as Commissioner was the experience that took him beyond liberalism and toward the path he defined as his own brand of activism: native American radicalism (McWilliams 1978, 85).

This position gave him the chance to design and carry out policies aimed at solving questions of social justice and reducing social conflict, although it is difficult to see him as a politician proper. McWilliams used the position also as a tribune: to denounce the oligarchies of California, namely what he termed the feudalistic land-barons who exploited migrant work. His outspokenness regarding the suppression of labor and civil rights, voiced in the numerous public hearings he convened and the reports he subscribed to and publicized, threatened the profits of the most powerful agricultural lobbies, such as the Associated Farmers of California. Pressures from this organization led to McWilliams's discharge by the next Governor, Republican Earl Warren, in 1942. His dismissal was actually the 'popular' order with which Warren boasted of having inaugurated his term of office, after the Farmer's Union had elected McWilliams "Agricultural Pest No.1 worse than pear blight and boll weevil" (*ibid.*, 77). In the meanwhile, McWilliams authored some of the still most referenced pieces of historical, social and cultural analysis of California and the West on the ethnic history of the region. As an active member of the Sleepy Lagoon Defense Committee, he drafted the Appeal that eventually won the release of the Mexican American youngsters arrested in the Sleepy Lagoon case and gave testimony to the Los Angeles County Grand Jury on discrimination matters in California, warning against what came to be known as "the Zoot Suit Riots". He was one of the first personalities to publicly denounce the internment of the Japanese-American community, after the Pearl Harbor

attack and, as a lawyer; he was also involved in the defense of the “Hollywood Ten”, later in the 1950s.

## **Arenas of intervention – the Law**

McWilliams understood writing as a way of pushing aside the official histories and examining facts anew, a continuous rereading and supplementation of history (1939, 9). Thus, writing and the law combined in his work throughout his life, developing a legal imagination that was particularly fruitful in terms of envisioning legal tools to empower subaltern groups such as immigrants and ethnic communities experiencing discrimination. McWilliams sought a new understanding of both the law and its practice and it is in this combination that I find one of the most solid and also most productive features of his activism in terms of criticism of the role of the intellectual.

At the time McWilliams was writing, many legal cases brought to the fore the issue of discrimination against ethnic groups, namely Mexican Americans, which evinced how the law formulated, justified and corroborated racial inequality and its institutionalized practices of segregation. One of McWilliams’s early and most vocal engagements in public terms was his drafting of the Appeal to release the Mexican American youngsters arrested in the Sleepy Lagoon case, after the first mass trial in California and what became one of the most infamously racist manoeuvres of the legal system. McWilliams spoke out against the involvement of the law in segregation, stressing how race was a social construct serving particular interests, a critique that clearly forestalls claims resumed by critical race theorists, from the 1960s onwards.

McWilliams became interested in legislative reform, or how to make of the law an ally against institutional racism and the vehicle for his most outstanding theoretical and political project: how to make of U.S. society what he called an “ethnic democracy”. In a seminal article published in 1945 and titled “Race Discrimination and the Law”, McWilliams unearthed the roots of racial discrimination in U.S. society and their articulation with legislation. To his mind, instead of a solution, segregation was actually a social danger that threatened the public interest, for it subtly promoted prejudice and conflicting difference, especially when it continuously generated unequal competitive power (1945, 21-22). He saw discrimination as “a policy

of systematic exclusion” that involved adherence and resulted in concrete forms of policy (“segregation” proper) and was materially applied to various areas of social life, before dividing it into two different types: passive segregation (based on custom and tradition), and “active” segregation, which had the legal sanction of the law. The legal signature made the inferiority of the segregated group official, allowing for it to be approached elsewhere as an essence. Deliberation based on precedence in turn reproduced the erroneous representations he noted being upheld by legal discourse and fostered what McWilliams called the “legal myths” governing the law. This aspect was aggravated by the generalist and abstract character of the law, which tended to overlook the historical contexts witnessing and assisting the productions of identities – and exclusions.

This evidence that the law effectively gave tacit consent to the perpetuation of a particular social order and hierarchy showed that it sustained, or was ineffective against, inequality. Therefore, if the law could discriminate negatively, McWilliams reasoned, so should it be able to discriminate positively as well and this was one of his most important and prescient contributions to the legal debates of both his times and those to come. He envisioned new legal mechanisms for the accommodation of difference (e.g., ethnicity and culture) into the law, aiming at an idea of *equality* that could acknowledge and incorporate difference.

McWilliams found in citizenship the terrain where the fight for equality had to take place. By defending the concept of what he termed “functional equality”, he fought for the need to accept differentiated rights to answer differentiated needs, in the cases of communities with histories of institutional dispossession and discrimination of sorts. What he found missing in the new legislation (considering that the 1940s were indeed a decade of profuse legislation on equal opportunities and equal rights laws) were the effective substantial differences still pending in terms of access to opportunities. His concept of equality was not, in this particular scheme, a levelling of sameness, that is, the application of the same rule or benefit to everyone, but a concept to be adapted to the conditions and needs of each of its objects instead. He defended that social justice could only be achieved if equality, as also a fundamental pillar of the law itself, was conceived as *differential* – what he termed “functional”; hence equality as a function implied assuming equality to be also a practical, utilitarian value, and thus *specifically* applicable to co-respond to particular needs.

In line with this, he developed the idea of “special” or “group” rights for ethnic communities, a project quite close to what we now call cultural citizenship. And showing that his approach to the issue was not just a social but also a political matter, he backed political action regarding race that was not traditionally sanctioned by the law (McWilliams 1947). This was the case of what he termed the “positive obligation” of the federal government to intervene in the enforcement of civil rights, which I suggest can also be situated within any genealogy of “affirmative action”.

Even as a law expert, McWilliams did not however remain an abstract thinker. His activism concerning legal reform and the strategies he defended correspond in many ways to what is currently identified as legal activism and alternative or subaltern legalities (Santos and Rodríguez-Garavito 2005, 4-6; Santos 2007). As a lawyer, he defended more *causes* than cases; his concern for social justice was very much informed by his perception that the dispossessed were also deprived of the legal means to improve their situation or accordingly make demands on the instruments of access to justice that were totally improper to them and so continuously reproduced their subalternization (Santos 2008, 55). In that sense, he promoted the creation of grassroots associations and the formation of groups according to ethnic constitutions, especially in the case of Mexican Americans. His activism in this field certainly calls to mind that of “popular lawyers”, in their upholding of values and principles, an ethics of the oppressed, as it were, as the basis for their practice of the law. Like popular lawyers do, McWilliams went to the workplace to meet his defendants and to hear their stories, which he defended as valuable testimony, in the sense of alternative forms of knowledge that had to be taken into account in the construction of the legal case, as the workers’ perspective of the workplace as well as the activities taking place there constituted an essential part of the context. These narratives would work as ‘counterstories’, as critical race theorists would also have them, personal testimonies that supplemented the understanding of a situation by providing the viewpoint of the victims. McWilliams defended these practices as emancipatory for these groups, for in the long run they would allow them to defend themselves better and so break their dependency on the state legal instruments that had not ultimately been shaped according to their particular interests and needs. In other words, it was not only a question of attaining visibility but of finding their own voices in order to attain self-representation as one more faithful to their needs.

## Arenas of intervention – public dissemination

Public discussion and advocacy regarding specific situations and experiences were strategies that McWilliams often used as he prepared numerous official public reports and participated in public hearings. For instance, he was in charge of the first hearings to be held in California for salary rises for workers in the cotton fields, at Madera, early in 1939. He believed that public hearings were a powerful pedagogical tool to develop an informed public opinion, their powerfulness resting in their dramatization of events thereby bringing events to the attention of a wider audience. As such, dramatization informed both the people and the state, and an informed public was well on its way to dismissing prejudice (McWilliams 1942, 636, 648). McWilliams believed that “[i]f people can be made conscious of social processes, if they can be made aware of the weight and influence of the past on the present, this creates, although it may not seem so, a lasting impression or influence on their outlook and experience” (Navarro 1971, 15).

The press was therefore a follow-up to what he started in the courts and in the hearings. I believe he used it as if a platform to publicize and extend debates, since he also believed that an informed public would demand the necessary legislative action required for changing what was wrong. Besides his book-length studies, McWilliams published widely in newspapers and magazines, a career that culminated in his editorship of the New York leftist magazine *The Nation*, a position he held for about twenty years (1952-1975). Besides the abundant contribution to newspapers, brochures and magazines, he wrote several books that remain works of reference today, such as *Factories in the Field, A Story of Migratory Farm Labor in California* (1939) and *Ill Fares the Land* (1942), which were largely based on the dramatic farm-labor strikes he witnessed during the 1930s. His closer contact with the people who led the events he depicted in his studies in turn led to his books on ethnic matters and race relations: *Brothers Under the Skin* (1943), *Prejudice: Japanese-Americans: Symbol of Racial Intolerance* (1944), *North from Mexico: The Spanish-Speaking People of the United States* (1949), and *A Mask for Privilege: Anti-Semitism in America* (1948). Some of these studies were precursors in ethnic studies, most notably *North from Mexico*, which for many years prevailed as the only general history of the Mexican people in the U.S. (Navarro 1971, 2). These books, McWilliams explained, should be seen as part of his activism; they were part of the racial revolu-



tion of the 1940s, or, as he put it, “[they] have been part of the action. They’ve grown out of what was actually happening at the time” (McWilliams 1982, 185). Several of these studies were republished after 1951 by the Civil Rights Movement (*ibid*, 6).

I take his intervention in the press as a distinguishing mark to his activities as a public intellectual. The magazines and newspapers were springboards for his ideas and *forae* for debate, especially as they introduced ideas that were more often than not innovative and disruptive of the *status quo*. Indeed, the main goal of the magazines, McWilliams argued, was to break taboos and introduce new subjects: “to provide a home for new ideas and young writers. To prepare, so to speak, an agenda of items requiring national attention and discussion. To flush out new points of view. To support unpopular causes and issues. To focus a consistent and intelligent criticism on prevailing attitudes, policies, and dogmas.”<sup>2</sup> And so he himself used them profusely, having written for *Antioch Review*, *The New Republic*, *Common Ground* and *Survey Graphic*, besides *The Nation*, and to mention but a few. His editorship of *The Nation*, while not preventing him from publishing, provided him with a different stage of action; he would pick subjects (McCarthyism was one of his favorite targets; the construction of the military-industrial complex another; the fabrication of fear the umbrella for all of them, a keen topic for him since the war period) and giving clues to young journalists or contributors to the magazine, such as the young historian Howard Zinn, and encouraging them to pursue the story (Richardson 2005, 211). It is interesting to see that McWilliams ‘forged’ a genealogy for his activism that included some of the most outstanding critics of U.S. culture – most of whom wrote for newspapers. Pressed to explain his activism, he placed himself amongst figures such as Edgar Allan Poe, Ambrose Bierce, Mark Twain, H. L. Mencken, and Louis Adamic; they were for him an ancestry rather of choice and affinity. These figures were also all part of a tradition of dissent in American letters, what he called an “indigenous American rebel democratic tradition” with which he identified his own quests and concerns (McWilliams 1978, 51). In the context of the Depression, as later during the Cold War – a period in which he was

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<sup>2</sup>“The Small Magazines” 4. Carey McWilliams Papers (Collection 1319), Department of Special Collections, University Research Library, University of California, Los Angeles. Box 17, Folder “Small Magazines.”

particularly active in denouncing the culture of fear and protesting against the military-industrial complex –, H. L. Mencken’s irony and wit, combined with Bierce’s bitterness, appeared to McWilliams as more helpful and more fitting critical modes to approach the times, while also protecting him from adhering to the consensual reading of the “American experience” that was the vogue then. Moreover, Bierce’s example as an unattached intellectual may have provided McWilliams with the freedom he needed to make original and relevant new contributions in the theoretical and practical fields of social activism (*ibid*, 232). He singled out not just Bierce’s rejection of the society of his times, but how he created an idiom, as a critique, to speak that rejection.

This need to invent his own critical genealogy gives evidence of an interesting aspect of McWilliams’s criticism, one that still puzzles many critics: the motivation for his activism, even though there are no reasons to doubt that he was a public intellectual. Especially in the context of identity politics in the U.S., McWilliams’s commitment to the causes of communities to which he did not ‘belong’ or with which he did not share a personal affinity is challenging. Why write on Jews and prejudice, if he was not of Jewish ancestry? Whence his interest in Mexican Americans (he is acknowledged as one of the founders of the Chicano movement for the publication of his studies *Brothers Under the Skin* and *North From Mexico*), if, again, he was not of Mexican ancestry? Why defend workers if he was middle-class? Whence his inflamed denunciation of the Japanese internment program, and so on and so forth. What mostly troubles scholars who come across his experience as a public intellectual is the fact that he never explained his activism as a predetermined path, a calculated mission, or even a personal vengeance. And it sometimes looks like, by that omission, he somehow failed to convey his commitment as a comprehensive, hence more powerful, example to the American people.

Indeed, if we turn to a much referenced study taking the intellectual as its object, Edward Saïd’s *Representations of the Intellectual*, and follow Saïd’s remarks that “[t]here is always the personal inflection and the private sensibility, and those give meaning to what is being said or written”, locating the personal motivation for activism in the intellectual’s own experience (1996, 12), we understand the struggle to explain McWilliams’s intervention. Reading McWilliams’s autobiography, written in the late 1970s, one perceives how he was challenged to explain his motivations as a public in-

tellectual and how he always resisted in making particularistic or personal claims: he very much felt like a cultural ‘maverick’ or an outsider, also in social and political terms, in relation to his ancestors. McWilliams was the first to point out how his education could hardly have foreseen his interest in social reform: “Anyone with a background as mixed as mine”, he writes, “might be expected to feel a bit of an outcast in today’s America, in which ethnic backgrounds and ‘roots’ have acquired a new significance. But I (. . .) can not see that tribal loyalties or immediate family influences had anything to do with shaping my political convictions” (McWilliams 1978, 26). He considered his childhood on a Colorado ranch a much more important experience, for it had taught him the values that would lead his life: “For quite logically it is on frontiers (. . .) where the tags and identifications have been discarded or never recognized, that a sense of justice and equality often emerges”, he reflects, quoting Lionel Trilling (*id. ibid.*).

To the disappointment of many, I suppose, he did not claim any ethnic battle in particular to justify his interest in social matters, but advanced arguments that may be taken as very candid in the context of identity politics: his path to activism, he said, was boredom and curiosity (*ibid.*, 66). More than that, and regarding his motivations, McWilliam stresses a responsibility for justice and equality that is timeless and universal, which brings us close to the ethical ideal of the traditional intellectual definition. He always stated that experience had taught him that radicalism resided first and foremost in a concern with values, not with doctrines, traditions or specific man-made and historically bound ideologies: “If they [radicals] could achieve substantial agreement on the kinds of values society should encourage, it might then be possible to proceed experimentally, tentatively, to invent new forms and institutional arrangements which would best safeguard and extend those values. Values, in a word, should take precedence over programs” (McWilliams 1979, n.p.) Yet, he realized that reinventing a whole system and its institutions was a task for a Goliath; he argued that for the critic it would be enough to go on commenting on reality, fulfilling his or her rebellious and destabilizing role as a critic of established ideas and of power; in a word, a dissenter.

McWilliams’s endeavors to remain a rebel without a doctrine were a constant in his life. Political affiliation and activism were different takes on reality, but only the latter could make a difference. He denied association both with liberalism, which he saw as too feeble to unleash his interest, as

mentioned in a letter of 1931 to Mary Austin (Pearce 1979, 247) and also because he considered his native American radicalism to be well beyond liberalism; as for Marxism, he admired it but only as part of the ferment of his times (McWilliams 1982, 84-85). He justified his activism in accordance with certain ideologies in pragmatic and contingent terms: he admired the Left (e.g., the trade union movement) because it brought to the fore issues that deserved attention and concern, but he declined commitment to a particular doctrine. McWilliams even considered himself a socialist, but noted that he could not reconcile his sentiment with a party or a movement; yet he admitted being a socialist in his critique of capitalism, because socialism provided him with an analytical scheme and a language fit to identify and explain the dangers of corporate power to democracy: its exclusive concerns for profit and expansion (McWilliams 1979, n.p.).

Marginality was therefore a condition of the radical rebel; he had to stay outside the domain of power in order to constantly check the exercise of power. McWilliams agreed with Hannah Arendt that “[t]he radical is the perpetual outsider, the odd man (or woman) out, constantly critical of the power structure and of things as they are” (*id.*, *ibid.*) He could not criticize from within, for the proximity of power was, as he put it, “a terrible temptation” (McWilliams 1982, 18). So, “radical”, as he further argues, “suggests critical thought operating outside the consensus or by way of challenging the consensus.”<sup>3</sup> Another fundamental aspect in this tradition of dissent that McWilliams also identified with radicalism was its pragmatism and its preoccupation with social justice and equality: “the American radical tradition has been pragmatic (. . .) The tradition has always been concerned with justice, with equal opportunity, suspicious of large aggregates of power and antagonistic to them.”<sup>4</sup>

The option for being politically active without the constraints of dogma may in the end explain the peculiar and productive dynamism of McWil-

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<sup>3</sup> Letter to Joseph P. Navarro, Dec. 19<sup>th</sup>, 1972. Carey McWilliams Papers (Collection 1319), Department of Special Collections, University Research Library, University of California, Los Angeles. Box 7, Folder “1920’s.”

<sup>4</sup> Letter to Joseph P. Navarro, Dec. 19<sup>th</sup>, 1972 (underlined in original). Carey McWilliams Papers (Collection 1319), Department of Special Collections, University Research Library, University of California, Los Angeles. Box 7, Folder “1920’s.”

liams's thought and criticism, not altogether common in times of political ferment (and political persecution) such as his. The Popular Front was a very wide umbrella of the Left; its ranks included many independent leftists who refused identification with the Communist Party. Of course this ambition of McWilliams's to be truly objective, pure and universalist could be challenged; as editor of *The Nation* magazine he faced serious criticism in the 1950s for insufficient criticism of the rise of totalitarianism in the Soviet Union (Richardson 2005, 181); McWilliams argued that the troubles at home, namely McCarthyism, were more urgent to address because they were closer, the same argument he used when publicly denouncing the deportation of U.S. citizens of Mexican and Filipino origin, or the internment of U.S. citizens of Japanese descent, in the 1940s, while the nation was so busy combating Nazism abroad. His activism was therefore moved by both universalist and particularistic causes and it involved negotiations with politics and power that leave the ideological question open, certainly. Whatever the case, however, McWilliams's contribution to debates on citizenship rights deserves deeper research, all the more since he was not an idealist – to return to my first quotation on the power of ideas –, for he did struggle to turn his ideas into reality, or else planted the seeds for them to bloom just a couple of decades later.

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