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"THE SOCIOLOGY OF A REFUGEE CENTRE;
Some Notes on Law, Relativism and Interdisciplinary Communication"

JANIS DEMCHUK RUNGE*

What is the matter with Mary Jane?
She's crying with all her might and main,
And she won't eat her dinner- rice pudding again-
What is the matter with Mary Jane?

What is the matter with Mary Jane?
I've promised her dolls and a daisy-chain,
And a book about animals- all in vain-
What is the matter with Mary Jane?

What is the matter with Mary Jane?
She's perfectly well, and she hasn't a pain;
But, look at her, now she's beginning again!-
What is the matter with Mary Jane?

What is the matter with Mary Jane?
I've promised her sweets and a ride in the train,
And I've begged her to stop for a bit and explain!-
What is the matter with Mary Jane?

What is the matter with Mary Jane?
She's perfectly well and she hasn't a pain,
And it's lovely rice pudding for dinner again!
What is the matter with Mary Jane?

A. A. Milne was an artist. It was perfectly legitimate for him to know that he didn't understand. Rice pudding wasn't good enough. Nor were dolls and daisy-chains. But what about us? How easy is it for an intellectual, a trained and liberally educated professional to admit that his knowledge and his skills haven't made the world a better place to live in, and haven't even provided a way of understanding and interpreting what is happening around him? Is it easier to do that if we think of intellectual and political critics as Mary Janes who fail to see the value of rice pudding again? What is knowledge for, after all? Is it true, or realistic, as Ortega Y Gasset claims, that the "mission" of the university, the justification for the protection of an intellectual community of scholars is in that community's responsibility to transmit the "ideas of an age", ideas that will allow students and intellectuals to interpret the world and their experiences within it in a meaningful, dignified way, to "live a life which is something above meaningless tragedy or inward disgrace"? Are the universities doing that?

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1 A. A. Milne, "Rice Pudding" in When We Were Young (Toronto: McClelland and Stewart, 1925) 48-51.
2 José Ortega Y Gasset, Mission of the University (New York: W. W. Norton and Co. Inc., 1944) 43.
Some say not.

Social theorists today work within a crumbling social matrix of paralyzed urban centers and battered campuses. Some put cotton in their ears, but their bodies still feel the shock waves. It is no exaggeration to say that we theorize today within the sound of guns. The old order has the picks of a hundred rebellions thrust into its hide.3

How many people know that? Believe it? Is it possible to know that, believe it, and at the same time, carry out the role of a professional, a citizen, a scientist, a scholar, a student? Alvin Gouldner recently published a book called, The Coming Crisis of Western Sociology. He thought it was necessary to know that and to carry out the role of the intellectual at the same time. His first sentence is:

The criticism and transformation of society can be divorced only at our peril from the criticism and transformation of theories about society.4

Theories, of course, have their locus in empirical reality. (Just like rice pudding). But empirical reality is rather a large place and one that looks different everytime a new group of malcontents take it upon themselves to describe it. How can that be? Is it because they are silly? Power hungry? Crazy? Wrong? Revolutionaries? Is it because they don’t understand how questions of value can be separated from questions of fact? Is it defensible to turn down rice pudding, dolls and daisies?

There is no reason why one should be required to evaluate the formula for a new poison gas solely in terms of its mathematical elegance or of other purely technical criteria. And there is little point in pretending that such a formula is a purely neutral bit of information, useful for the furtherance of any and all social values; the thing is meant to kill and, precisely because it is technically adequate, it does so. To limit judgment solely to “autonomous” technical criteria is in effect not only to allow but to require men to be moral cretins in their technical roles. It is to make psychopathic behavior culturally required to the conduct of scientific roles. Insofar as our culture conventionally construes technical, scientific and professional roles as those that obligate men to ignore all but the technical implications of their work, the very social structure is itself inherently pathogenic. The social function of such a segmented role structure is akin to that of the reflexive obedience induced by military training.5

But, just as Gouldner says, it is the “social structure itself that is inherently pathogenic”.6 We are back full circle. Nobody is responsible except in some vague collective conscience sense that allows things to continue as they are. What about justice?

Substantial numbers of citizens are dissatisfied with the entire apparatus of the law. In recent years commentators have begun to make the connection between the dissatisfaction and the failure of the legal profession to make recourse to the law possible for the poor and much of the middle class.7

The current call for a legal profession and a legal education dedicated to such values as the public interest and social justice raise in a dramatic way well known themes in our professional history.8

Few would argue that the level of political and moral consciousness is acute in our age. Some would argue that it is fanatical. Dangerous. But how does it

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3 Id.
5 Id. at 1.
6 Id. at 13.
get translated into action? Through what channels? How widespread is it, and what forms does it take? Is there some way to locate its direction, its locus of responsibility?

**General Statement of the Thesis**

This paper shall explore the general thesis that interdisciplinary communication is a utopian movement towards a change in the form in which knowledge is institutionalized. We argue that the contemporary intellectuals' perceptions of larger structural changes in society have generated an interest in Phenomenology as a dominant "philosophic idea". For our purposes, the most important feature of phenomenology is its celebration of the recognition that reality is always socially reconstructed, or "man-made". When an effort is made to explore the implications of this particular view of reality — and we submit that interdisciplinary communication involves such an effort — relativism as a dominant meta-principle is generally employed to direct that effort.

Karl Mannheim defines relativism as a "product of the modern historical-sociological procedure which is based on the recognition that all historical thinking is bound up with the concrete position in life of the thinker". And he argues that "... relativism, then owes its existence to the discrepancy between this newly won insight (the relationship between thinker and object of thought) into the actual processes of thought and a theory of knowledge which had not yet taken account of this new insight."

We argue then, that the utopian goal of interdisciplinary communication is to structure a view of reality which takes into account the important insight at the root of phenomenology; that is, that the world "... as "world" exists only with reference to the knowing mind, and the mental activity of the subject determines the form in which the world appears." Relativism, then, is an essential ingredient of both the utopian vision and the ideological weapon, or means of achieving that vision.

To define the movement towards interdisciplinary communication as a utopian movement for change brings into relief two important characteristics of that movement: firstly, a dissatisfaction with the structure of the presently existing bodies of knowledge; and secondly, a vague, abstract, and unarticulated idea of what should be the structure of a given discipline.

There is an ironic paradox inherent in this movement for change. A sense of dissatisfaction with the existing structure of bodies of knowledge and their ability to deal with the emerging real and intellectual problems of a rapidly changing environment have generated an interest in, and an affinity with phenomenology or relativism. Relativism then becomes the ideological

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12 Id. at 78.
13 Id. at 66.
weapon in the attack upon the ability of disciplines to confront problems perceived to be crucial. To understand and document how extensively existing ideas and perceptions of reality have been coloured by socio-economic and historical conditions under which these ideas were developed, it is necessary to employ a relativistic stance. However, in so doing one is obviously subject to the same criticism; that is, that phenomenology or relativism is itself a particular, historically-conditioned intellectual posture.

For this reason, we argue that it is necessary to see the interdisciplinary communication movement as essentially a response to the perception of larger structural changes which demand the development of a new mode of inquiry in order to deal adequately with emerging problems. Throughout these notes, we shall bring together evidence to suggest that the movement can be best characterized as essentially transient — that it is, in fact, an intermediary stage which tries to develop new modes of inquiry to solve new problems. We submit that the movement is necessarily introspective, self-critical, and characterized by conflicts between competing redefinitions of ways of perceiving reality and ways of structuring knowledge.

This argument is contingent upon a particular theory of knowledge which stresses the degree to which knowledge is "man-made", and on a definition of the intellectual as someone whose "business" it is to interpret reality, either for the purpose of developing a body of knowledge which does that, or in order consciously to direct the course of action in society. Lewis Feuer defines the contemporary intellectual as someone "... whose consciousness determines his existence, who does not suffer the world passively, but seeks a mode of existence more in accord with his philosophy, his ideas, and his feelings."14

We begin with the assumption that, by directing a discussion of communication between law and sociology within the broader perspective of interdisciplinary communication as an analytically distinct "problem", we can gain new insights into the specific problems involved in the communication and collaboration between law and sociology. That is, we are methodologically employing the idea that by stepping outside the specific problem, and viewing that problem from a more abstract level of generality, we will gain new insights into the specific problem.

Rather than adding one more updated review of the literature, we assume a certain familiarity with the existence of the general movement towards interdisciplinary communication and the more specific literature that deals with law and the social sciences.15 We would emphasise that, for

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some purposes, the distinctions (between law and psychiatry, or law and anthropology, for instance) should be maintained. However, we would maintain the additional importance of seeing these specialized cases as part of a larger movement which includes a concern with legal education in a general way.

INTRODUCTION

It is an astonishing fact of American intellectual life that both law and social science have been able to expand so enormously in the present century without significantly affecting each other. Executive action, legislation, and even judicial administration invades almost every sector of human activity without benefit of social science; and the social disciplines range over vast areas of human behavior largely ignoring the fact of legal control.

Contemporary society has been variously described as one of political, social, and cultural unrest; of technological and educational revolutions, of information explosions, and of mass reform movements. It seems not unnatural, then, that efforts are being made to bring together various bodies of knowledge to describe, explain, interpret and solve the problems perceived to have emerged from such conditions. However, the perception of the difficulties involved in active collaboration between various “bodies of knowledge” has granted increasing recognition to yet another problem — the problem of interdisciplinary communication. What would seem to be a simple enough solution, i.e. bringing specialized expertise from a variety of sources to bear on intellectual issues, has become problematic in itself.

Undoubtedly, the literature on the communication between law and sociology could be seen as not only voluminous, but as distinctively self-conscious in a way that is offensive to some. To others, the offensiveness lies in the “home-grown” solutions that are either too specific, or too utopian to be of service. Although there is no doubt that interdisciplinary collaboration has become fashionable, few scholars and fewer practicing professionals see interdisciplinary communication as a distinctive intellectual problem to be pursued in its own right. There seems to exist an inherent reluctance to concede that for rational, educated adults to collaborate on an area of mutual interest would constitute a problem. Those few academicians who do isolate interdisciplinary collaboration as a special area of interest (that is, those who conceptualize it as an “intellectual problem”) fall into one of two general categories; first, those whose inquiry is directed at an epistemological, or quasi-psychological level of analysis and who are interested in creativity and discovery, and second, those whose inquiry is directed towards a historical and/or sociological analysis of the development and diffusion of ideas and ideologies in specific historical periods. Rarely, however, do those scholars

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\begin{itemize}
\item \textsuperscript{17} \textit{Id.}
\item \textsuperscript{18} W. Gordon, \textit{Synectics} (London: Collier-Macmillan Ltd., 1961). See especially the bibliography.
\item \textsuperscript{19} To note just a few examples, the works of Lewis Feuer, Karl Mannheim, and, generally, those who follow the European tradition of the sociology of knowledge; also more recent works, e.g., R. Bendix, \textit{Embattled Reason: Essays on Social Knowledge} (1971); Gouldner, \textit{supra} note 4.
\end{itemize}
who are actively involved in cross-disciplinary communication attempt, at the same time, to develop a theoretical understanding of their failures and successes. To do so would be to develop a theory of cross-disciplinary communication and that theory would imply a radical reorientation of the way in which we view rational, objective bodies of knowledge.

Inter-disciplinary communication, then, remains a rather loose, multi-potential category that refers to a desire to gain access to information outside one's discipline. Courses are given which attempt to make use of interdisciplinary approaches; experts are traded by university departments through the cross-appointment system; conferences are held; and renaissance men and generalists are celebrated.

In many departments of many universities there persists a fringe group of adherents to the belief that information should be made available from other disciplines to supplement the traditional body of knowledge of that department. Efforts are made to show that information from other disciplines allows one to develop a more profound understanding and a broader perspective. The view is expounded that information from other disciplines, in fact, alters the character of the dominant orientation and allows each discipline to deal more realistically with the problems confronted by its discrete area of specialization. Phenomenology as a basic philosophic idea is put forward as an important reminder that reality is socially reconstructed and that our knowledge of reality is coloured by the perspective from which we view it. An immediate corollary is that disciplines themselves create particular "world views", or ways of perceiving reality and perpetuate a trained incapacity to absorb new information. Information from other disciplines then, is seen as a revitalizing force.

The Development of the Refugee Centre

Although all this seems simple and agreeable enough, efforts at collaboration often fail, and attempts to bring in new information from other disciplines are often disappointing and frustrating. Departments tend to polarize in terms of those who continue to support interdisciplinary efforts and those who fail to see any real value or any real possibility in these efforts. The result is often a weakening, or even a breakdown, in intra-disciplinary communication. When this occurs in individual departments, or in disciplines generally, interdisciplinary communication tends to become a refugee centre, and, by that token, both a problem and a solution. Refugee centres are characteristically transient stopping-off points; moving on indicates some degree of success. This seems to be true of interdisciplinary movements as well.

It is to this level of analysis, that is, interdisciplinary communication as a phenomena in and of itself, that we will direct our inquiry. We are using the growing interest in interdisciplinary communication as data which reflect important intellectual responses to changes in modern society. We cannot

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here be concerned with an analysis of those changes themselves. Rather we are attempting to focus our attention on the response of the intellectuals to their perception of change. The nature of this study is such that this paper is necessarily loose and explorative, attempting to establish a general perspective towards a new phenomena.

Although our major concern here is to gain an understanding of the character of life in the refugee centre and the relevance which that has for the communication between law and sociology, we are also interested in a broader issue which seems immediately relevant. The refugee centre is a man-made, analytic concept that describes a state of mind — a state of mind in transition, so to speak. An important feature of that state of mind is a radical skepticism which Bendix correctly identifies as an important ingredient of good scholarship, but one which, under certain conditions, could lead to a dangerous “distrust of reason”.21 In his recent address to the American Sociological Association, Bendix, in fact, argued that this is happening to a serious extent in American social science. He correctly sees it as threatening the basic assumptions about the possibilities for an objective, rational body of knowledge that tries to understand human behavior.

Given that the refugee centre is marked by a radical skepticism, it is also characterized by a serious commitment to enrich presently existing bodies of knowledge and to expand the parameters presently circumscribing them, in order to deal with the newly perceived emerging problems of contemporary society. An important feature of the refugee centre experience is a radical questioning of the basic assumptions that have made knowledge possible. What can be interpreted as a serious “distrust of reason” may also be seen as a temporary, intermediary stage of development in the life cycle of bodies of thought. It is a stage in which old ideas and values are being re-examined by a new generation of intellectuals in an attempt to restructure and redefine bodies of knowledge, and the purposes for which knowledge is to be employed. For this reason, it is important to understand the character of life in the refugee centre and to see that experience as having an important influence on the subsequent responses of intellectuals. The nature of the experience in the refugee centre defines, in part, the conditions under which the emerging problems and new ideas are incorporated into the existing bodies of knowledge. This may involve the creation of new bodies of knowledge. The distrust of reason which Bendix refers to (and which is characteristic of the “crisis in the universities”) is only one alternative response, and can be seen as a measure of the capacity of traditional bodies of knowledge to respond to movements for change.

Our argument, then, is that the initial frustration sensed upon discovering the difficulties involved in interdisciplinary communications is not only inevitable, but also very revealing of the natural history of ideas and bodies of knowledge.

An important distinction must be kept in mind throughout this exploration. We are not arguing that the frustrations and failures encountered in attempts at cross disciplinary communication cause a more radical critique

21 Bendix, supra note 20, passim.
of knowledge, although they do contribute to the character of the experience in the refugee centre. Rather, that experience discloses the degree to which interdisciplinary communication has attracted those people who are dissatisfied, to various degrees, with the presently existing bodies of knowledge. Moreover, the frustrations and failures disclose some important characteristics of the development and institutionalization of bodies of knowledge. Remembering that the original impulse to be involved in cross-disciplinary communication was inspired by a desire to add to, or enrich, the presently existing bodies of knowledge so that they might cope with emerging problems, this desire becomes channeled, or structured in different ways, by the nature of this experience. The conceptualization of the problem of interdisciplinary communication in this way enables us to draw analytical attention to the response of existing bodies of knowledge as a variable which affects the experience in the refugee centre.

"Factoring Out Goals"; Alternative Responses to the Experience of The Refugee Centre As Alternative Solutions to the Demands For Change

Although this paper can not pretend to be a phenomenological history of interdisciplinary communication, there is enough evidence to suggest that there are at least five alternative responses to life in the refugee centre. It is useful to conceptualize these alternatives as "stages" in the experience which may or may not attract adherents and successfully become legitimized goals and institutionalized solutions to demands for change. Some members may see the alternatives, in retrospect, as stages; others may become involved with them as "sub-specializations" which satisfy their demands for change.

The first I would identify as philosophical, or meta-theoretical and methodological, which often incorporates an interest in the history of ideas in at least one specialized area. The second is the development of an entirely new specialization which successfully incorporates the collaboration between different bodies of thought (for example, urban studies, the politics of education, and the sociology of law). The third represents a return to the original disciplines after a period of enrichment through contact with other disciplines. This alternative may appear to be the most indirect, diffuse and subtle, but it is one which definitely affects the character of the original disciplines over a period of time. The fourth alternative could be characterized as a "distrust in reason", and essentially represents the failure of the experience in the refugee centre to offer viable alternative ways of relating to institutionalized knowledge. The fifth alternative is revolution in Thomas Kuhn's sense of a scientific breakthrough in thought which demands a total restructuring of the discipline.22

There seems to be a natural tendency to define these alternatives as successes or failures. Analytically this could be useful, although it is inherently problematic. For instance, we could see that the third alternative does allow for gradual change of the original body of knowledge. However, does it represent a failure or a success of interdisciplinary collaboration? Simi-

larily, a scientific revolution represents an important breakthrough in scientific thought and would be regarded as a success in that respect. However, it can also be seen as a failure of the original discipline to incorporate new philosophic ideas into its structure without radically redefining the character of that discipline.

Thus, it is crucial to note that, except for the fourth alternative, all of these alternatives are different ways of satisfying the original utopian demands for change in the character of the original disciplines. Depicting inter-disciplinary communication as a utopian movement for change is a recognition of the degree to which utopian movements are always "multipotential". Although a dissatisfaction with the original character of the disciplines and relativism as an ideological weapon are shared features, the demands for change can be satisfied in a number of different ways, which are only discovered to be viable for specific participants as a result of various kinds of experiences encountered in the refugee center.

The mark of a successful ideology is its ability to attract different interest groups. Because its ends are never clearly articulated, assumptions are made that there exists a consensus of these groups although, as in the refugee camp, there are at least four different definitions of the ends, as represented by four different ways satisfying the demand for change. Yet, because the measure of success of an ideology is its ability to attract diverse interest groups, we witness here and in other Utopian movements, which by definition have no readily articulated ends, an assumption that goal-consensus exists.

Mannheim's analysis of post enlightenment Western society provides a useful framework in which we can appreciate the implications of this feature of Utopian movements for our understanding of the relationship between means and ends in social action. Mannheim's analysis of Ideology and Utopia rests on an appreciation of the degree to which "rational" purposeful social action is only one of the variables that adds to our understanding of social change. His analysis of social change in fact rests on, "... this conception of ideology and utopia (which) deals with a reality that discloses itself only in actual practice".

In a complex, modern industrial society undergoing rapid and radical change, it is no longer possible for religion and the church to play the integrative role which was possible in a pre-industrial world. This integrative role involved a definition of a reality that could be culturally shared. Mannheim's history and interpretation of ideological conflict since the enlightenment rests on an assumption that in the absence of a shared view of reality, there is an inevitable "quest for reality" which takes on the character of ideological conflicts between competing views of reality offered by different schools of thought. He argues;

... Only in a world in upheaval, in which fundamental new values are being created and old ones destroyed, can intellectual conflict go so far that antagonists

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24 Id. at 97.
25 Ideology, supra note 11 at 97.
will seek to annihilate not merely the specific beliefs and attitudes of one another, but also the intellectual foundations upon which these beliefs and attitudes rest.\textsuperscript{26}

By depicting interdisciplinary communication as a utopian movement we are sensitized to that function of bodies of knowledge which offers a particular view of reality or "world view". The genius of Thomas Kuhn's \textit{Structure of Scientific Revolution}, is its employment of the concepts of "normal" and "revolutionary" science, which, when dialectically applied to the history of scientific thought is borne out in even the most "objective" disciplines. Kuhn's analysis of "revolutionary" periods of scientific development reveals how the development of "normal" science rests on an inarticulated "world view" or paradigm. This concept of paradigm involves essentially a shared consensus as to the character or ends and means of that body of knowledge.

Throughout the remainder of these notes, we explore the degree to which interdisciplinary communication, as a utopian movement for change, attempts to alter the structure of the disciplines by radically changing the "world view" and the character of the dominant paradigm.

In this process, we see the important relationship between interdisciplinary movements and professional "identity crisis" which often accompany them. In modern society, intellectuals are playing an increasingly important role in the development and perpetuation of ideas and values which structure that society. Consequently, a radical critique of a body of thought involves a radical critique of a whole style of life and system of responsibilities. Remembering Feuer's definition of the intellectual quoted above, to attempt to redefine the world view or dominant paradigm of one's discipline is to attempt to seek a "mode of existence more in accord with (one's) philosophy, ideas and feelings".

The phenomena of the \textit{intellectual culture hero} (and the related "cultism") is also an important feature of utopian movements. David Reisman, for instance, notices the development of cultism in efforts of communication between law and the social sciences. He argues:

\begin{quote}
If one is jogging along an already laid out track . . . it is one thing, but if one is exploring rather new areas, with all the misgivings to which pioneering intellectual work is prone, then to meet constantly the really amiable needling of the skeptical law man may be tiresome. A certain amount of cultism, even occultism . . . is an almost necessary part of new intellectual enterprise, and although, like any other morale building effort, this can go too far and become in itself it is part of the protection that uncertain activity demands.\textsuperscript{27}
\end{quote}

Along with cultism, occultism, and culture heroes, we often find the development of a new language; a system of metaphors, codes and "cliches" develops which distinguish the innovators from the mainstream thinkers, but also, at the same time, allows them to exchange ideas about topics that previously have been defined as outside the concern of the traditional disciplines. In many cases, the development of a separate language is recognized as being necessary to the development of new ways of conceptualizing old problems, or problems which are seen to be entirely new. The interest in

\textsuperscript{26} Id., at 66.

various forms of linguistic determinism that often develops in these movements can be explained in part, as an effort to justify the need for a new language. A new language then, is seen as a way of liberating the mind from biases and prejudices inherent in the view of reality incorporated into mainstream thought. Reisman recognizes this feature of “pioneering intellectual work” and comments on its inevitability:

Furthermore, we must also recognize that a certain amount of terminological solipsism has accompanied some of the most truly innovative work, as in psychoanalysis, as well as some of the most unfruitful work. Such solipsism may serve to protect tentative gropings from too ready incorporation into the main body of accepted views, and psychoanalysis is an example of a movement that needed in its early stages to be protected from the overwhelming leveling power of common sense. Indeed, common sense, as we have already seen, frequently characterizes the law professor’s impermeable defense against sociological or psychological experimentation.\(^{28}\)

In the literature on communication between law and the social sciences this cultism involves the glib, yet often ambivalent reference to certain key thinkers as a source of legitimation.\(^{29}\) Interestingly enough, many of the same thinkers are employed by those interested in communication between other disciplines, suggesting again the degree to which interdisciplinary communication can be seen as a larger movement for change with a unique, although not clearly articulated direction. Thinkers like R.D. Laing, Noam Chomsky, Thomas Kuhn, Lon Fuller, Erving Goffman, Lawrence Friedman, Wittgenstein, come to be used as variations of the “culture hero”. They become radical “symbols”, having gained the respect of their fellow colleagues on the basis of their scholarship, in spite of their sometimes radical criticism of, and departure from, their respective mainstreams. Above and beyond their scholarly contributions, which are genuinely a source of inspiration, and also an important mutual ground for discourse, they are important legitimating figures for those who attempt to wander outside the boundaries of the established bodies of knowledge.\(^{30}\)

One of the consequences of this employment of culture heroes is a tendency to make more use of their symbolic attributes (i.e., radical, marginal, interdisciplinary, pioneer, etc.) than the substantive content of their work as models for further research. However, we would argue that this fact is a reflection of the attraction interdisciplinary communication has for different interest groups whose definitions of the goals of interdisciplinary communication are not yet clearly articulated. Consequently, there is an affinity with a group of thinkers who seem to share a similar sensibility, and orientation to knowledge, although they may represent different solutions to the demands for change. In fact, we would argue that these culture heroes share not only a desire for change in the structure of knowledge, but also a commitment to phenomenology as a philosophic idea. Thus, in the utopian movement for change, phenomenology or relativism becomes an ideological weapon.

\(^{28}\) Id. at 39.

\(^{29}\) Id.

\(^{30}\) P. Savoy, *Towards a New Politics of Legal Education* (1970), 79 Yale L. J. 444 is an excellent example of a recent work which is neither glib, nor ambivalent, but rather exceedingly careful in attempting to draw together many ideas and many thinkers who are often used as “culture heroes” in the manner described in this paper. It represents well the scope and the tone I had in mind in describing the concerns of some members of the “refugee centre”.

The distinction between scholarly research which explores or documents the ways in which certain ideas and perceptions of reality have been shaped by particular socio-economic and historical conditions, and the use of that research as an ideological weapon, must be kept clear. For our purposes then, it is crucial to note that above and beyond the merit of the work in its own right, that work is often motivated by a desire to re-orient a discipline, and/or to document the process by which ideas have been incorporated into the mainstream of a discipline. In that respect, this type of research can be used ideologically for it allows us to see knowledge, on one level of analysis, as a cultural product. In this sense, knowledge is used as data which reflects a particular historical situation, and a particular definition of reality which is always influenced by the relationship of the observer to the larger society. The main thrust of the utopian movement for change is an introspective, self-conscious appraisal of the unconscious molding of bodies of knowledge by the conditions under which they developed historically. Hence “relativism” becomes an ideological weapon, and research done by respectable scholars is used as evidence of the existence of certain biases in the world views or paradigms of the established disciplines.

In depicting interdisciplinary communication as a refugee centre, we are able to bring into relief the idea that this stage in the movement for change involves not only widely discrepant and vaguely articulated goals, but also a shared ideological commitment to change, or at least a dissatisfaction with, and a detachment from, the established disciplines. Much of the communication across disciplines consists of ideological attacks on the methodology and conceptual tools of the presently-existing bodies of knowledge. We have already noted that this can also be seen as a stage in the development of new sub-disciplines, or in the development of a philosophical history of thought. In this way, although the tone of the refugee centre may be seen as “counter-productive”, it can also be seen as a temporary period of intellectual “stock-taking”, in which new areas of intellectual discourse are carved out. However, insofar as the goals are unarticulated, a critical methodological and philosophical history of bodies of thought is rarely seen as a legitimate goal of interdisciplinary communication. As a result, many of the successful encounters between different bodies of thought remain “invisible” unless they are attached to discrete sub-disciplines, such as the philosophy of science, various histories of thought, etc. Of course, these encounters are often gradually diffused and incorporated into the presently existing bodies of thought after the intellectuals leave the refugee centre and return to their original disciplines.

Because the refugee centre represents a stage in which goals have not yet been articulated, much of the confusion and frustration surrounding interdisciplinary communication can be seen as a confusion about ends and means. We have stressed the inherent and ironic paradox, that relativism or phenomenology is an idea which is incorporated into both the utopian movement and its ideology. It is this ironic paradox that Mannheim claims has generated the intellectual crisis which is characteristic of our age, and which has stimulated a “quest for reality”. What is involved is a self-conscious realization that knowledge is always a function of a particular “point of view”. The quest for reality then becomes a quest to establish a body of knowledge
that will afford a view of reality which somehow incorporates all possible points of view. The degree of interest generated in interdisciplinary communication by this quest is a measure of its status as a utopian movement and as a reflection of "intellectual crisis". As we have argued it is the nature of utopian goals to remain unanalyseable abstractions. In the same way, the nature of a world view which incorporates all possible points of view, and the nature of the body of knowledge which develops from this world view, can not be known in advance.

It should be noted that we have deliberately employed Mannheim's concepts of ideology and utopia, realizing that these concepts are often considered to be "ideologically" distorted. However, using these concepts we hope to expose issues which often remain covert and by that token ambiguous. Mannheim's discussion of ideology begins with the reminder that the conception of ideology is incorrectly tied to "Marxism" and tends to polarize intellectuals in such a way that they ignore issues that are crucial to contemporary, modern industrial society. Mannheim's historical treatment of the concept of ideology links it to the "rational and calculating mode of thought characteristic of the enlightenment" and reminds us that we have a tendency to de-emphasize this aspect of ideology and over-emphasize that facet of ideology which is "irrational", "political" and "de-bunking". However, by following Mannheim's lead, and looking at ideology and utopia rationally, we gain the advantage of developing a perspective which permits us to see ideas, ideologies and utopias as continuously active ingredients of social processes and of history. Consequently, this analysis does not employ a "political model" to view the sociology of knowledge, but rather, allows one to look for conditions under which particular ideas, ideologies and utopias, become channelled into political movements for change. In this way, it is useful to conceptualize ideologies and utopias as a continuous part of history which often remains "latent" or unarticulated.

Although American social science has displayed an interest in "ideas", "values", "attitudes", and "opinions", there has been surprisingly little work attempting to document how ideas, values, etc. actually influence the course of social action. A similar sentiment is expressed by many members of the refugee centre. We would argue that the interdisciplinary collaboration and borrowing which is successful is often of the nature of this demonstration. The entire school of judicial decision-making, for instance, can be seen as an effort to show how ideas, values, and occupational commitments of a select group, (i.e. judges) both reflect and determine the nature of justice. Similarly, Lawrence Friedman, recognizes that there is a commonplace belief that "law is a product of its environment and responds to social and economic forces", but he argues that:

... precise demonstrations of the manner in which law makes this response, and the degree of influence of particular social facts on the law, have not been commonplace.

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31 Ideology, supra note 11 at 54.
32 Id. at 63.
33 L. Friedman, Contract Law in America: A Social and Economic Case Study (Madison: University of Wisconsin Press, 1965), Preface ix.
Friedman's book, *Contract Law in America* is an important and unique effort, which he believes to be conspicuously absent in the study of law, to document the relationship between ideas and history. His preface to that work includes this serious indictment of the failure of law as a discipline to concern itself with the role of ideas in history:

[There is] nothing, that is, unless it is the devastating obsolescence of legal education, which (except for some meager palliatives in upper class seminars) tends to develop notions and habits of thought inimical to the study of law either as a branch of human behavior or as a chapter in the book of human ideas. Legal education, in general, seeks to teach students "how to think and act like lawyers", and turns its back on imparting "mere facts".\(^{34}\)

In *Legal Culture and Social Development*, Friedman, makes the same point and briefly sketches the history of American jurisprudence, indicating the extent to which an appreciation of the dynamic aspect of ideas and values has not been a major concern in American legal thought.\(^{35}\)

It is important to point out that Friedman, like many members of the refugee centre, is committed to a particular conception of what law, as a body of knowledge, should be doing. He is dissatisfied with what he conceives to be the dominant definition of the character and goals of a legal education. Whether or not Friedman actually has spent any time in a "refugee centre" is not the point. He is cited here rather as an example of one of the alternative responses to the experience in the refugee centre. The character of his research is such that it not only is being used in a "symbolic" and legitimizing way by members of the refugee centre, but that it is also changing the structure of the discipline of law, by gradually incorporating an interest in new areas of thought. Our argument is that the character of his work also could be described as an exploration of the implications of "phenomenology as a philosophic idea".

*Contract Law in America* is in one sense, a phenomenological history of the idea of contract law and of the judicial institution in a particular state in America. In that way, it is an attempt to document the relationship between ideas and social and economic institutions. Similarly, *Legal Culture and Social Development* represents a concern to achieve a phenomenological understanding of the relationship between particular forms of rational legal thinking and social development. This is an important demonstration of the way in which historical conditions determine a view of reality which in its turn influences the development of subsequent institutional responses.

Consequently, we would argue that the extent to which Friedman is used as a "culture hero" is the extent to which he is an archetype of the utopian goals and the ideological means of the interdisciplinary movement. Instead of further elaboration of Friedman's work as illustrative of this point, the second part of the paper will attempt to illustrate the extent to which Friedman's position or "intellectual sensibility" is characteristic of a more general movement towards change in the presently existing bodies of knowledge. In a later section of this paper we will argue that there is a

\(^{34}\) Id. Preface vii-viii.

\(^{35}\) L. Friedman, *Legal Culture and Social Development* (1969), 4 Law and Society Review 29 [hereinafter *Legal Culture*].
natural convergence between people such as Friedman, studying public and private legal systems in the process of development in modern industrial society, and a growing school in sociology with interests in similar areas of formal organizations. This is to isolate only one area of convergence, although the thesis is that other instances of actual, latent or potential collaboration demonstrate a structurally similar process, even though the focal point of inquiry is the mental hospital, in some cases, or the drug sub-culture in others.

In summary, our argument is that by looking at interdisciplinary communication as a utopian movement for change, we are able to see more clearly first the extent to which an interest in interdisciplinary communication represents a demand for change in the ways in which knowledge has been institutionalized. This demand for change, we argue, is generated by a dissatisfaction with the existing structure of bodies of knowledge and their ability to solve emerging real and intellectual problems. (We distinguish between real and intellectual in order to emphasise that a consensus as to what constitutes a "real problem" involves more than simply an intellectual perception of a phenomena as a problem. Kuhn’s analysis of scientific revolution, for instance, discloses that the revolutionary scientist conceives of the ordinary, daily “puzzles” of normal science as essentially “anomalies”, which contradict the very basic assumptions made by normal science.) Second, the conceptualization of interdisciplinary communication movements as utopian movements for change allows us to examine the extent to which relativism is being used as an ideological weapon, in the effort to redefine the dominant world view of the presently-existing bodies of knowledge. Thirdly, we are also able to see that the goals of interdisciplinary communication are sufficiently vague or unarticulated and thus allow for a number of alternative ways of satisfying demands for change. We have noted this to be a characteristic of utopian movements for change. Finally, by using the metaphor of the refugee centre we are able to isolate conceptually the character of the utopian movement, and to see it as a temporary stage in a movement toward change in the dominant “paradigm” of various disciplines.

Part II

In the next section of these notes we shall attempt to elaborate on the character of the refugee centre by illustrating the ways in which phenomenology as a philosophic idea, or relativism as an ideological weapon, is a central feature of interdisciplinary movements.

We have defined paradigm in terms of the particular view of reality operative in the development of “normal science”. The character of the paradigm can be seen as a particular configuration of ends and means which define both what the body of knowledge “should” be doing and the appropriate conceptual and methodological tools. To support this argument we will briefly summarize Kuhn’s thesis that for normal science to exist there must be a sense of commitment to the view of reality which is incorporated in the dominant paradigm.46 A sense of commitment to the world view or view of

46 Scientific Revolutions, supra note 21.
reality offered by the dominant paradigm can be seen as an assumption that the ends (or goals) of that paradigm and the means for achieving those goals are shared by members of the intellectual community.

Law can be seen as, in one sense, a body of knowledge, a discipline, although it seems not only more correct but also more useful to realize that it is also the content of a program of legal education. The program of legal education structures the students' perception of what law is, what it does, and how it can be used. It is in that sense that law provides a view of reality that is unique to students of law, even given that different legal education programs tend to create different definitions of the "lawyer" and his relationship to the larger society.

Insofar as interdisciplinary communication is a movement for change, we can see that what is being attempted is, in fact, a redefinition of ends and means; that is, a redefinition of what the body of knowledge should be doing, and how. The major concern of this part of the paper is to show that life in the refugee centre (which we argue is a reflection of the intellectual crisis of our time) indicates that a consensus as to ends and methods no longer exists within the presently existing bodies of knowledge which attempt to describe and explain human behavior. Moreover, the perpetuation of unrealistic or non-supportable assumptions about the degree to which a consensus exists as to the ends and means of a body of knowledge can be seen as the definition of "breakdown of communication". In documenting this position, we maintain an analytic distinction between different levels of abstraction — the micro or interpersonal level, the middle range in which we use bodies of thought as the unit of analysis, and the meta-theoretical level in which views of reality, or world views, are the basic unit of analysis.

In one sense, we are attempting to apply the structure of Kuhn's thesis to law and the social sciences; that is, we will attempt to demonstrate that the utopian movement for change is a "revolution" against what is perceived as the dominant paradigm in American social thought over the last thirty or forty years, and that relativism is the ideological weapon in that revolution. However, our concerns are different from Kuhn's in a few important respects. First, we are interested in demonstrating the extent to which the intellectuals' perception of what they are involved in doing is an attempt to facilitate a "paradigm shift" which will incorporate the insight that views of reality and bodies of knowledge are social and cultural "products". Kuhn's primary aim is to document the structure of scientific revolution itself. Second we are interested in developing the idea that intellectuals are primarily dissatisfied with the presently structured bodies of knowledge and that a total revolution is only one of the alternative ways of satisfying the demand for change. Finally, a major purpose of this section is to show that a breakdown in communication both within and between disciplines can be seen in terms of the lack of a consensus as to the goals or ends of particular bodies of knowledge. We submit that the "talking past one another" which seems to characterize life in the refugee centre can be understood in terms of different goals and different perceptions of those goals.

A thorough sociological history of bodies of thought or knowledge would involve an analysis of the norms and institutionalized structures which
guarantee a consensus or a shared commitment to the dominant paradigm in periods of normal science. However, such an analysis is beyond the scope of this paper. It would involve a sociological history of institutions of higher learning, whereas our dominant concern in this paper is not the actual structural changes in society and the universities, but rather the responses of the intellectuals to their perception of change. Instead of carefully documenting those structural changes and the specific connections between them and the intellectuals' perception of them, we shall assume these connections to exist.

It is consistent with the major thesis of this paper that American social thought has not been concerned to demonstrate these connections, which are essentially the connections between ideas and institutions. As a result, we know very little about how the form of legal education, for instance, structures the role of the professional lawyer in American or Canadian society. It is only recently that those thinkers who are interested in widening the parameters of the disciplines (or shifting the dominant paradigm) have begun to deal with these issues. Clearly, a major concern in the refugee centre is how to deal with the insights gained from the recent attempts to extend legal services to underprivileged classes. Participation in urban renewal projects or citizen participation groups and other aspects of the "new lawyering" necessitate a re-thinking of the role of the professional lawyer, how that role is structured and how the educational and training process influences and perpetuates certain values, occupational commitments and views of reality.

In the same way, the refugee centre is a place for psychiatrists who have read R. D. Laing and Goffman to redefine their occupational commitments and the ways in which those occupational commitments have been structured by their educational experience. But clearly, Laing and Goffman, like other "culture heroes", have an appeal beyond the particular occupational contexts for which their work is immediately relevant. They have achieved the status of culture hero not only because they deal with issues that seem immediately relevant to a new generation of intellectuals, but also because they have incorporated into their own work at once a criticism of the established disciplines and their "view of reality", and also have provided directions for the development of what appears to be a radically new way of viewing the world.

By depicting interdisciplinary communication as a movement for change and by recognizing that various alternatives to demands for change are essentially a product in part of that experience in the refugee centre, we are able to understand that, under certain conditions (which might be clarified by an analysis of the structural changes in the university), this experience could invoke a serious "distrust of reason" that may or may not be temporary for some members of the refugee centre. Similarly, revolutionary demands for the total restructuring of a discipline and of a professional commitment can be analytically isolated and understood more readily in this context.

**Phenomenology as a Philosophic Idea**

In *The Sociology of Philosophic Ideas*, Feuer discusses the ways in which philosophic ideas have been used historically in movements for change,
including changes in the world view or the dominant orientation of knowledge, and in movements of social and political reform. He addresses the dominant assumption made by those who claim an automatic link between politics and philosophy, or politics and knowledge, and those who claim that every system of ideas implies a particular policy meaning (Mannheim addresses the same question when he argues that an analytic distinction must be made between ideology and utopia). Feuer's analysis of philosophic ideas that have been historically linked to particular political policies (e.g. liberalism and empiricism; economic determinism and revolution, etc.) discloses the extent to which different philosophic ideas have been used to achieve different social consequences. He argues that;

The changing social role of the same philosophy in the course of history leads us then to the following thesis that philosophic ideas are multi-potential, that is, given different social circumstances, the same philosophic idea will take on a different significance for behavior and promote different emotions, feelings and actions. The policy meaning only becomes determined when relevant social variables are specified.

We would argue that this position describes the utopian element of life in the refugee centre, for the dominant philosophic idea is being used to achieve various ends: for some, the demand for change can be satisfied by a formal recognition of the value of expanding the parameters of a discipline to include methodology or a philosophic history of that discipline; for others, a total reorientation of the discipline is demanded. One of the causes of the breakdown of communication within disciplines is that a consensus about the ends is assumed, at least by those committed to the dominant paradigm, but does not, in fact, exist.

Feuer's sociology of philosophic ideas develops three generalizations which are relevant for our purposes. The first one is the “principle of Counter Determinism” which is based on the idea that “... we tend to reject the opinions and ideas of persons to whom we are opposed”. This is an important description of the behaviour in some corners of the refugee centre. For when there is a disagreement or perhaps a lack of consensus as to the ends of a body of knowledge, there is a tendency to assume that those ideas held by the opposing intellectual position are ideologically distorted by their “definition of the situation” or the definition of what a given body of knowledge should be doing, what kinds of questions it should be asking and to what purposes it allows its expertise to be employed. We will expand this idea further in a discussion of the “value-free” and the “end of ideology” debates in sociology. These debates essentially represent a political conflict over the responsibilities and the role of the intellectual in contemporary society.

The second generalization developed by Feuer is the “Principle of the Life Cycle of Philosophic Ideas”. He argues that:

They begin as liberating, offering a fresh perspective, stimulating new experiences and scientific advances with their live idiom and images. 

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37 Supra note 9.
38 Id. at 78.
39 Id. at 79.
40 Id. at 80.
However, once a "philosophic idea" becomes accepted in the intellectual community and established as a dominant "world view" which defines the parameters around intellectual discourse,

"... it becomes hereditary creed (and) it ceases to exercise evocative function ... It becomes official philosophy". 41

Our discussion of Kuhn's thesis will attempt to indicate that this principle is operative in the structure of scientific revolutions and in the distinction between normal and revolutionary science. The discussion of consensus as to "world view" is illustrative of the same phenomena on a different level of abstraction.

Feuer's perspective of viewing ideas and bodies of knowledge as having real histories allows us to understand the third generalization developed in The Sociology of Philosophic Ideas, "The Principle of Overstatement". Here, the ideas and the new emotions attached to them "... project themselves into unlimited generalization", 42 and it is in this respect that phenomenology as a philosophic idea is used as an ideological weapon against the dominant world view of the presently existing bodies of knowledge. The point to be made here is that during periods of rapid and radical change, which are reflected in periods of intellectual crisis, these processes are accelerated and revolutionary demands for change are intensified.

Assumptions of Consensus on the Level of Disciplines . . .
The Distinction Between Normal and Revolutionary Science

We have extrapolated from Kuhn's thesis the notion that, for bodies of knowledge to develop, a sense of commitment to a particular view of reality is required and that this view of reality can be seen as implying a consensus as to the ends and means of that body of knowledge. Perhaps it would be useful here to briefly review his thesis and to point to a few of the important implications of his orientation to knowledge.

It is important to keep in mind that we have given Kuhn the label of "culture hero". In this discussion of his thesis we are not only outlining his argument but are also using him as data to support our own thesis. We are looking at Kuhn's thesis as an indicator of the degree to which his work, which is in itself both interdisciplinary and meta-theoretical, is an archetype for one of the alternative ways of satisfying demands for change within the refugee centre. Kuhn's work is essentially an application of phenomenology as a philosophic idea (or relativism as an intellectual stance) to the history of natural science. In that way, his particular intellectual interests involve an expansion of the parameters around the natural sciences, as a field of inquiry, to include a phenomenological history of science.

Kuhn's basic thesis is that, contrary to the dominant view of science as an additive accumulation of objectively-verified knowledge that follows its previous findings in some logical manner, the development of science is more characterized by non-linear patterns which are influenced by diverse human

41 Id. at 81.
42 Id. at 81.
"Irrationalities, values and extra-scientific forces that resemble life in the real world more than life in the mythologically pure scientific laboratory."

One of the important implications of Kuhn's work is that modern industrial society has mythologized science and rational thought as the only objective reality that we can know. Science has been elevated to the level of pure, unadulterated, sacred reason. The "Truth" somehow exists as the essence of the natural sciences and the role of the scientist is to extrapolate antiseptically little particles of that truth until all the pieces are added together to form a configuration known as "objective reality".

Many intellectuals have quarreled with this particular form of scientism and many have attempted to document how science progresses from deep philosophical and human impulses. That is, scientific knowledge is always a "product" in some sense of the thinker and the object of thought. The scientist always brings man made theories, concepts and questions to the object or problem of observation. Rene Dubos, for instance, expresses the sentiment that, "...Science does not progress only by inductive, analytical knowledge. The imaginative speculations of the mind come first, the verification and the analytic breakdown come only later." He argues that this view of science is,

... Determined by the belief that scientific questions have their origin deep in human consciousness, often below the analytical level. They constitute restatements of large questions that philosophers formulated long before scientists began to work on their determinism, questions which have indeed preoccupied men ever since they began to think — even before the beginnings of formal philosophy. Many ancient myths are the first statements in symbolic form of abstract themes not yet formulated in philosophical or scientific terms.

Dubos's view of science, which celebrates it as a basically human activity among other human activities (e.g. philosophy, myth making, etc.), has been rather uncommon. Instead, a view of rational scientific thought is perpetuated which posits science as a super human activity, subject to none of the weaknesses (or strengths) of other human activities.

Friedrichs, in A Sociology of Sociology, expresses a similar sentiment in his discussion of how the dominant view of science has penetrated western rational thought, closing off alternative roots of inquiry. Friedrichs elegantly sums up Kuhn's argument and describes the dynamics of the development of bodies of rational thought in this way:

... in fact, major shifts in empirical and or theoretical models are grounded in what are essentially conversion experiences in which a new "world view" competes almost ideologically with an older frame of reference. There is no simple, clean cut movement from "error to truth". What appears is a competing gestalt that redefines crucial problems, introduces new methods and establishes uniquely new standards for solutions. At the moment of polarization the devices and procedures that mediate differences in perspective and evidence in "normal" or non-crisis science fail. Advocates of alternative models talk past one another, for there is

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44 Id. at 122.
45 Id. at 123.
— at least for that moment — no fully institutionalized framework of substantive assumptions that both accept. Personal factors, aesthetic predilections, the age, role and private individuals and sub-specializations all are involved. Persuasion rather than proof is king.\(^{47}\)

What Kuhn has done is to characterize the relationship between normal and revolutionary science as dialectical and thus permit new insights about both “normal” science and crisis stage or revolutionary science. If we are to use Kuhn’s work to understand life in the “refugee centre”, it is important to realize how the existence of the refugee centre is a reflection of some perceived existence of a crisis in intellectual thought. The very fact that intellectuals have defined a given body of knowledge as failing to explain or, in some cases, to recognize emerging real and intellectual problems, is an expression of the absence of a sense of commitment to the dominant world view of that discipline.

Again, Kuhn offers an interesting concept which is a useful description of that particular sense of dissatisfaction with the presently structured bodies of knowledge. His idea of “technical breakdown” as a necessary feature of revolutionary breakthroughs in thought expresses the perceived inadequacy of the dominant paradigm in solving problems considered by some to be a part of the very definition of that discipline. We have noted that Kuhn has shown that those scientists who remain committed to the dominant paradigm continue to see the technical breakdown as indicative of normal science “puzzles” that can be solved by that dominant paradigm. However, the revolutionary scientist, who is less committed to the particular view of reality incorporated into that discipline, is essentially responsible for the “definition of the situation” as representing a technical breakdown. Kuhn’s history of scientific revolution discloses that revolutionary scientific discoveries are usually made by those whose lack of commitment to the dominant paradigm seems to be based on the fact that they are young and/or new to the field.

The point to be made here is that, in the refugee centre, there is sometimes not a consensus that a technical breakdown has occurred in one or another of the relevant bodies of thought. The confusion caused by the lack of consensus on this particular point is at least as great as the confusion created by a lack of consensus within each of the disciplines as to whether or not a technical breakdown or crisis stage exists within the dominant paradigm. What happens, then, is that those who remain committed to the dominant paradigm fail to see a technical breakdown and fail to see the importance of the lack of consensus in relation to the nature of the world view of that paradigm. This is, in part, because they fail to see the relationship between “normal and revolutionary science”. Those who are committed to the dominant paradigm assume that they are viewing reality, rather than a particular view of reality incorporated into the dominant paradigm. Kuhn says that scientists do not see things as something, they merely see. They assume that their definition of reality is shared. It is in response to this view, we would argue, that phenomenology is employed as an ideological tool. It is an attempt to show that ideas and bodies of knowledge historically have been shaped by the point of view of the observer and the position of that observer in an historically specific context.

\(^{47}\) Id. at 2.
Assumptions that there exists a shared view of reality, and a particular definition of the nature of knowledge, and the character of any given body of knowledge tend to imply the existence of a particular mythology about the character of both a discipline and the people attracted to it. Although the mythology looks different depending upon whether one views the discipline from the inside, or from the outside, during periods of normal science we could speak of a fairly coherent mythology about a discipline's goals, methods, and its criteria for verifying its knowledge or truths. During periods of revolutionary science or intellectual crisis however, assumptions are often made about the character of certain bodies of knowledge, which are not shared by all members of the refugee centre. Often the revolutionary legal scholar assumes that sociology, for instance, has a particular character, based on a dominant myth of sociologists, which is in fact the character of sociology that the sociologists in the refugee centre are rebelling against or with which they, at least, are dissatisfied. So, one of the reasons for the breakdown of communication, and the ultimate frustration in attempts at interdisciplinary communication between members of the refugee centre is the assumption that all sociologists share a commitment to the dominant mythology of what a sociologist is interested in doing and how he does it.

We have argued that there is at a meta-theoretical level, an ideological commitment shared across disciplines which attracts, originally, the malcontents, to the refugee centre. We will also argue that there has existed a consensus on a meta-theoretical level which allows us to conceptualize the existence of a dominant paradigm that cuts across disciplines. However, before we look at the literature which supports this position we shall examine the assumptions about consensus on the micro-level as a way of realizing the significance of the distinction between the existence of a consensus and the assumption that a consensus does exist.

Assumptions of Consensus on a Micro-Level

Thomas Scheff, in Towards a Sociological Model of Consensus, emphasizes the significance of the distinction between assumptions of consensus and an actual consensus in ordinary, day-to-day, inter-personal communication. He reviews the literature on consensus and defines two major categories; the first represents a highly psychological and individualistic approach, and the second is a more sociological or co-orientation approach. The first category is essentially American and is represented by Bales and Slater; the second has a more "European" and classical character going back to Durkheim and Schelling, although it was in a sense "re-discovered" by Dewey and Mead and America. Scheff attempts to work from the second tradition, although he draws on important research done by Newcomb and R.D. Laing.


Scheff defines complete consensus as existing "... when there is an infinite series of reciprocating understandings between the members of the group concerning the issue." 50 Departing from the three levels of co-orientation of Laing, H. Phillipson and Lee which they describe as "agreement", "understanding", and "realization", Scheff distinguishes four levels of assumptions with respect to the existence of a consensus between social actors. His thesis is that the assumptions made by social actors about the ends of their "communication" and the means of communicating are an important determinant of the form and success of that communication. Scheff's four levels are: first, "monolithic consensus", where all agree and all understand they agree; second, "pluralistic ignorance", where the majority agree but think there is disagreement; third, "dissensus", where the majority disagree and understand that they do not agree; and, fourth, "false consensus", where the majority do not agree but think that they do.

Although the scope of this paper does not permit an analysis of communication between law and sociology within the context of Scheff's model, it is useful to realize the complexities involved in consensus and to be aware of the distinction between consensus and assumptions about consensus. The importance of this distinction is exemplified by David Reisman's discussion of the disappointment of the legal scholar in discovering that what the sociologist meant by interdisciplinary communication between law and sociology was a study of the lunch time conversations of lawyers.51

Of course, the lunch time conversations of lawyers may be of interest to the sociologist for an almost infinite number of theoretical concerns. Reisman sees the development of the sociology of occupations and professions as an important contribution in and of itself, but one which could also develop the kind of familiarity necessary to a more sophisticated collaboration between legal scholars and sociologists in areas of mutual theoretical interests.

*Development of A Consensus: Sociology and the Law*

Reisman's discussion of this problem illustrates how often different mythologies of law, sociology and interdisciplinary communication are exposed only in the process of attempting to cross disciplinary barriers and, then, tend to discourage further attempts. Distinctions between sociology of law, sociology in law, sociology of the legal profession, etc., are being made in the process of interdisciplinary movements. However, it is often surprising to discover the difficulties involved. Those who continue to pursue cross disciplinary collaboration discover that the attainment of a working consensus as to basic definitions represents a very challenging first stage. Paul Bohannan, in fact, makes the point that "... More scholarship has probably gone into defining and explaining the concept of law than any other concept still in use in the social sciences".52 We would argue that the problems

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50 Model of Consensus, supra note 48, at p. 37.
51 D. Reisman, supra note 27 at 49. See generally, the section entitled "Interpersonal or Interdisciplinary?" at 41-53.
involved in exploratory research across disciplines, reflected in long discussions about definitions and procedures, can be understood best as a stage at which a consensus as to the goals of interdisciplinary communication is developed. This can be seen as a process of discovery of covert mythologies about the disciplines and their representatives, involving the disclosure of the assumptions of consensus within and across disciplines.

Several writers have described this early exploratory stage as a necessary first step in which a “perspective is communicated”. Selznick, for instance delineates three stages that characterize the successful communication between law and sociology. The first, in which an effort is made to communicate a perspective, he describes as primitive and having the quality of “missionary zeal”. The second, in which empirical case study work is done, he characterizes as a period of intellectual “craftsmanship”, which is by its nature pitched on a lower level of generality and abstraction. Selznick believes that sociology of law is just beginning to move into this second stage. The third stage, he depicts as one of “true intellectual autonomy and maturity”, where there is reasserted the “moral impulse” that marked the first stage of sociological interest and influence on the study of law. He sees the tone of this stage as being one which will return to a “higher and more sophisticated level than the first because the second stage provided a sounder base for critical analysis”.

It is interesting to note that a dominant focal point of collaboration between law and sociology has been the study of private and public legal institutions. Studies of the formal organization have afforded a look at the development of specialized bodies of law. Selznick points out the importance of the fact that many sociologists have come to the sociology of law through their experience in public administration. That the study of public administration has, until recently, been the domain of political science suggests how extensively the sub-discipline of sociology of law draws upon the approach and the content of several bodies of thought. The tone of the sociology of law, which is still very new, differs from other bodies of thought which have developed from the collaboration of law with different social sciences in different historical periods. We should realize that these disparities do exist because they often reflect important differences in the character of bodies of thought developed by particular generations of intellectuals in response to their perception of real and intellectual problems.

A study that would add to our understanding of both the development of knowledge generally and the processes involved in cross-disciplinary communication, would entail an analysis of the different sub-disciplines that have developed through collaboration between various schools of thought within separate social sciences and law in different periods of history. Sociological jurisprudence, for instance, differs markedly from the more recent body of sociology of law. We have mentioned that judicial decision-making theory

54 Id. at 116.
55 Id. at 117.
56 Id. at 118.
represents a particular intellectual pose, but it is also useful to note that it had an important connection with a particular school of thought within political science. Similarly, much of the collaboration between law and anthropology in the 1930’s and 1940’s was inspired by a particular sentiment that reflected a more widespread concern with racial discrimination and the response of certain intellectuals to the rise of the giant corporation. Moreover, the working consensus arrived at must be seen as having a particular tone and direction which reflected the character of the dominant philosophic idea prevalent at that time. In this period, the emerging philosophic idea was functionalism. Functionalism stressed the degree to which patterns of social action and institutions could be seen as parts of a social system which, one, were functionally interdependent, and two, contributed to the equilibrium of the total society. The point to be made is that a careful sociological history of interdisciplinary movements would have to take into account the idea that bodies of knowledge have life histories which often include a distinct stage wherein the major concern is to establish or to communicate a perspective; that is, to develop a consensus as to the ends and means of bodies of knowledge.

We have defined this stage in contemporary society as a utopian movement for change in the form that knowledge is institutionalized, and have emphasized the importance of a shared view of reality. Another dimension, which here can only be mentioned, but should be kept in mind, is that successful interdisciplinary collaboration in the past has often focused on particular social problems, such as international law, the rise of fascism, various civil rights movements and ethnic and racial discrimination, the labor movement, problems of economic concentration of power, etc. Max Weber has noted in a different context that, "... advances in the sphere of the social sciences are substantively tied up with the shift in practical problems and take the guise of a critique of theory construction."  

Assumptions of Consensus on the Level of Meta-Theory

The particular view of reality which is incorporated into respective bodies of thought involves important meta-theoretical assumptions about the nature of knowledge and reality. During highly introspective periods within disciplines, many questions that are defined as real and important are addressed to this meta-theoretical level of analysis. The fact that the refugee centre represents various interest groups who are committed to diverse, unarticulated ways of conceptualizing their dissatisfaction with the dominant paradigms, allows for numerous misconceptions which can be analysed in terms of assumptions of consensus at the meta-theoretical level. Some groups in the refugee centre, of course, are not interested in exploring these questions at the same time as other groups and, thus, increase the confusion and frustration.

Those who are involved in these questions would argue the importance of deciding whether or not one can "step into the same river twice"; that

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is, the importance of the first assumptions about the nature of change. This question is directed to a very high level of abstraction and is often assumed to be of little interest to the practising social scientist or lawyer during periods of “normal science”. However, when efforts are made to “communicate a perspective”, that is, to incorporate knowledge from outside a discipline, the question becomes crucial and often involves the use of relativism as an ideological tool which seeks to disclose how ideas of change have influenced the development of particular bodies of thought. In this way, Nisbet’s book, Social Change in History, which addresses that question, is used by members of the refugee centre, not only for their own clarification but also as a means of attacking the dominant paradigm.59

In that work, Nisbet analyses the idea of change in western philosophy and the influence that ideas of progress and evolutionary development have had on social thought in the West. His work includes a careful and unique analysis of how these ideas have influenced the development and diffusion of systems theory, functionalism and Parsonian thought.60 He states:

I begin with the very opposite of that most basic of all premises in the theory of social development, and indeed in most other theories of change which are current, the premise which tells us that change is “natural” to institutions and all other forms of social behavior. Change is, however, not “natural”; not “Normal”, much less ubiquitous and constant. Fixity is. If we abandon metaphor and the constructed social system to which metaphor is applied, and if we look at actual social behavior in place and time, we find over and over that persistence in time is the far more common condition of things.61

One of the most important points to be drawn from Nisbet’s work is that the view of change which he describes as current has often served as a way of avoiding the explanation of change; it has served as a “cop-out”. The evolutionary progress model that has been dominant in American social thought until recently has the effect of creating a view of change so totally natural that it really does not demand explanation. Conceptualizing the social system in terms of its functional prerequisites for survival has produced the effect of an over-all concern with universal similarities in all social systems and a tendency to ignore the different or alternative ways in which that survival is possible. A social system and its attributes, then, is considered to be dead or alive, with nothing in between, apart from casual, off-hand subjective evaluations of points in between those two positions.

What are the effects of this idea of change on our conception of bodies of knowledge, and how can a distinction between consensus and assumptions about a consensus help us to understand the implications of this position? Initially this idea of change assumes that bodies of knowledge are a gradual accumulation of information and that the shape of that accumulation tends to be linear. This is the position that Kuhn attacks employing evidence from his analysis of the structure of scientific revolutions. A discussion of the structure of scientific revolutions, using the concepts of “normal” and “revolutionary” science, discloses how a body of knowledge, as a system of

60 These are assumed to be relevant to the legal scholar who is considering the advantages of borrowing concepts and methodologies from the social sciences.
61 Supra note 59 at 271.
thought, goes through various stages that can not be defined simply as “dead” or “alive”. The whole concept of “revolutionary science”, in fact, is an important recognition of a stage totally different from being either “dead” or “alive”. Our discussion of the refugee centre is an attempt to see a distinctive stage in the history of bodies of thought. It is crucial, then, to recognize that the idea of change held by those within the refugee centre is often very different from the idea of change that is incorporated into functionalism, as the dominant established paradigm. Those who become radically discontent with the established paradigm can be seen as demanding the total or revolutionary transformation of the structure of that paradigm. Others may be satisfied with the development of new sub-disciplines which are able to incorporate knowledge from several disciplines. However, in both cases, change is external to the dominant system and is rarely considered by those outside the refugee centre who are satisfied with the dominant paradigm and its ability to explain change. This distinction is important because it allows us to see the response of the established discipline to demands for change as a variable which determines the types of alternatives open to those in the refugee centre. Clearly, it involves the question of whether or not there is a consensus within and between disciplines, as well as between the refugee centre and the established disciplines on a meta-theoretical level.

Because the goals in the refugee centre have not been made explicit and, according to Mannheim can only become explicit within the course of experience, often the only way of uncovering these goals in any productive way is through discussions of the ideas of change. Consequently, we can understand the necessity of introspective, methodological and meta-theoretical stages in the development of bodies of knowledge, especially in the refugee centre. Thus, on a meta-theoretical level, one of the most important assumptions is that, because of what we know about the development of knowledge, we must accept the necessity of these crisis stages as a means of reaching a consensus which permits the further development of knowledge, either within bodies of thought or between them. The point to be made here, is that often an assumption is made that a consensus does exist on this level when, in fact, either it does not exist or the implications of such an assumption are not clearly understood.

The Character of the American Paradigm, and the Nature of the Emerging “Counter-Paradigm”

Nisbet’s position that functionalism has been the dominant paradigm in American thought in the 20th century is a statement of the degree to which a consensus did exist and that this consensus, involving a shared commitment to that dominant paradigm, allowed for the development of “normal science”. This position is also supported by Morton White’s Social Thought in America, in his thesis that there has been “…a certain style of thinking which dominated America for almost half a century”, and which very definitely cut across traditional discipline boundaries. White refers to this common thread as a “revolt against formalism” and locates its impact in pragmatic thinkers like Justice Holmes, John Dewey, Veblen, Beard and

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62 Morton White, Social Thought in America (Boston: Beacon Press, 1947) 3.
Robertson. There are important theoretical differences between “functionalism” and “pragmatism”. However, what is important to note is the extent to which it is possible to discover an underlying sentiment which allows one to see a particular orientation or world view that is shared, and around which bodies of knowledge are developed.

Developing this argument, we can discern the connection between the “revolt against formalism” which characterizes the tone of pragmatic thought in the early twentieth century and the development of the functionalist paradigm in the 1930’s and 1940’s. Functionalism expresses a definitely “anti-formalist” bias in its disregard for history and for structure. It is directed more to the micro-level of analysis, seeking to understand informal organization, individual motivation and unintended consequences of rationally directed action.63

Consequently, when there is an attack on this dominant paradigm, it is frequently directed against these features and the ways in which they come together in a particular configuration, loosely referred to as “functionalism”. The attack is directed against a-historicism, micro-level analysis and a disregard for the degree to which presently structured institutions determine the behavior of social actors. Thinkers, like Friedman and Selznick in law and sociology, tend to refer to classical thinkers like Durkheim and Weber who represent a particular orientation and sensibility which is distinct from the mainstream of American thought.

Friedman, for instance, in Legal Culture and Social Development refers to Max Weber as one of the intellectuals who addressed the issues which Friedman regards as relevant to contemporary society and to the development of a more comprehensive intellectual paradigm.64 He notes that there is now an emerging field “... which aims to explore general connections between law, culture and development...” but “...so far lacks a name and a shape of its own.”65 But he argues that,

Max Weber probed the connection between the rise of capitalism, modern rationalism, and the legal order, at the dawn of modern sociology. Unfortunately, neither sociology nor political science, nor history, nor economics, nor law, has carried Weber’s line of thought much further.66

Similarly, one could argue that Durkheim’s work on law, religion, and integration has not been significantly advanced by subsequent American thought. This is true, in spite of Parsons’ claims that he has incorporated Durkheim’s thought into his general systems theory. For, in the process of “importing” Durkheim to America, the original tone and character of his work was transformed. Durkheim’s thesis that shared values, or a moral order, were necessary for the survival of a social system was taken as an

64 Legal Culture, supra note 35 at 30.
65 Id. at 30.
66 Id. at 30.
indicator of the extent to which a system had survived in a state of equilibrium. Because American society seemed to have survived, it was assumed that it also possessed an integrated value system. Consequently, whether or not there actually existed a consensus as to values, or how that consensus was institutionally guaranteed, did not become real issues to be empirically pursued. Instead, the answers to these macro-level questions were assumed and the focus was shifted to the micro, or individual, level of analysis.67

Moreover, Durkheim's conception of the exteriority of social facts has come to be read as a vulgar kind of positivism, rather than a sensitive understanding that individuals are involuntarily born into social contexts which are characterized by already existing institutions embodying ideas and values of previous generations. Durkheim's concept of "collective conscience" has been largely ignored by those who were interested in using concepts which emphasized individual "rational" determinants of behavior. Bendix, who, in a very important sense, stands outside the mainstream of American sociology, uses the metaphor of historical legacies to describe the degree to which institutions embody values and ideological solutions to historical power struggles and, in that sense, are exterior to the individual while at the same time being important elements of his inherited environment.68 This view is similar to Durkheim's idea of exteriority and constraint. Because institutions and ideas have not been seen as "historical legacies" perpetuating values and norms and structuring alternatives open to individuals and groups, macro-level analyses of institutions have not been a dominant concern for American social science. Scheff makes this point in his attempt to develop a specifically sociological model of consensus and, in one sense, his work represents a rediscovery of some of Durkheim's insights which had largely been "Americanized" by other social scientists.

Therefore, when Friedman calls for a greater concern with legal culture as a concept which aims at an understanding of the living law operating within certain formal institutional structures,69 his appeal could as well be addressed to the social scientist as to the legal historian. American social science's concern with the individual as the basic unit of analysis has been consistent with its essentially a-historical basis. American sociology has oscillated from a rather brief, early interest in formal structures to an equally exaggerated but longer-lasting concern with the informal social behavior of aggregates of individuals. In that sense, even though sociology has used the concept of "culture", it has lacked the synthesis which would bring together the micro- and macro-questions, or the formal and informal aspects, of social behavior. To this extent, what Friedman criticizes in American legal history may also be said of American social science.

Selznick, whom we are using as a sociologist who shares a somewhat similar interpretation of the character of American social thought and who

67 Nisbet, supra note 59 at 229-31, argues that this shift is also made by Durkheim himself insofar as his early work, The Division of Labour structures a frame of reference, whereas his later work which might be described as "intellectual craftsmanship", addresses itself to the micro-level.
69 Legal Culture, supra note 35.
in that sense, is attempting to expand the parameters of that discipline, describes his concern with the sociology of law in this way:

The larger context of our inquiry is the embodiment of ideals in institutions, the infusion of group life with the aspirations and constraints of a moral order... We assume that to study the institutional embodiment of values we must look closely at the values themselves, at the characteristic ways they are elaborated and extended, and at the social circumstances that invite or resist them.70

We have defined formal organizations as one of the fields in which a collaboration between law as a body of knowledge and sociology as a body of knowledge can be seen as one of the alternative solutions, or successful responses, to the demands for change. Insofar as it is a successful response, we would argue that it has attracted thinkers from both law and sociology who share a similar orientation to the presently existing paradigm in American thought. They share a dissatisfaction with that paradigm and are attempting to re-orient the view of reality it incorporates and to counteract the a-historical bias by redirecting the mode of inquiry to a macro-level of analysis which concerns itself with contemporary issues of a complex, modern industrial society. We find, for instance, a concern to understand the process of development of legal systems which legitimate moral and rational authority in the large modern industrial corporation. Furthermore, many of these thinkers have re-written the history of organizational theory in an attempt to demonstrate the degree to which organizational theory has been influenced by socio-economic and historical conditions. The re-writing of that history includes a "re-discovery" of Max Weber, as a symbolic intellectual culture-hero, and a concern to establish a synthesis of the early formalistic theory and the later micro-level human relations theory which emphasized the informal and the irrational. Etzioni, for instance, defines this new orientation as a "structuralist" stance and describes it as a synthesis of previous schools of thought in organizational theory.71 This history is similar to the one re-written by those of the school of thought which developed around Herbert Simon in political science. The emphasis in the sociological literature is on forms of control and legitimation, while the emphasis in political science has been on decision-making as the key to understanding modern organization.

It is important to recognize that there is a self-conscious, introspective redirecting of the dominant paradigm to take into account the formal and the informal, the rational and the irrational. We submit that this process is structurally similar to Friedman's in Legal Culture and Social Development. In one sense, Friedman's study of Contract Law in America can be seen as an excellent sociological history of the idea of the law of contract. Although he does not formally conceptualize it in these terms, he has documented the changes in the legal institutions which have occurred along with corresponding changes in the economic system, thus describing the conditions under which "legal realism" developed. Actual changes in the conception of law, or the philosophy of law, then, can be viewed as related to the changes in the legal

institutions themselves. The perception of the role of the judicial institution by the legal realist bears an important relationship to the effect that economic and social changes have had on the judicial institution.

We would argue that, insofar as a new view of reality is emerging and generating a successful collaboration between law and sociology, this view of reality takes into account the important appreciation of the fact that institutions and ideas do indeed have histories, and do act as important forces in structuring reality. This approach is significant in that one, it cuts across disciplinary boundaries; two, it has more in common with the macro-level approaches of both Durkheim and Weber and addresses itself to the issues of modern industrial society as a complex social system undergoing rapid and radical social change; three, it involves an attempt to restructure the dominant paradigm; and four, it does this while employing a relativistic stance in re-interpreting the history of bodies of knowledge. We would submit that the type of research which is being conducted on the macro-level by the symbolic interactionists (including Scheff) has a similar orientation and attempts to operationalize small group and interpersonal interaction within a similar macro-level context. In that sense, there does seem to be emerging a new, non-functionalist paradigm which is not confined to one discipline, but is being diffused across disciplines as an exploration of the implications of phenomenology within the respective bodies of knowledge. Thus, it represents a demand for change in the form in which knowledge is institutionalized.

The problem of interdisciplinary communication, then, can be seen as a response to the problems of intra-disciplinary communication. Life in the refugee centre is more of an intermediary stage in which relativism is applied to presently existing bodies of knowledge. This process, of attempting to borrow information from other bodies of knowledge in order to demonstrate the limited character of the established paradigm, can be seen as a process in which new consensus is arrived at. A new view of reality that cuts across disciplines begins to emerge and takes its form in one of the successful ways of satisfying demands for change. For our purposes, the point to be made is that much of the confusion and frustration within the refugee centre is a reflection of the attempt to realize or understand the degree to which a consensus about the need for change and the methodology required for those changes exists across disciplines.

Relativism as a Way of Understanding Competing Schools of Thought Within Disciplines

We have employed an essentially relativistic stance to develop an appreciation of the importance of a shared view of reality or a consensus as to ends and means of bodies of knowledge. We have emphasized how during periods of rapid and radical social change, competing views of reality within disciplines tend to take on a more "revolutionary" character, and how there may be a greater affinity between revolutionaries of different disciplines than within disciplines.

But how do competing schools of thought within disciplines develop and how do they influence the development of intra-disciplinary conflict and dissensus? Oswald Hall, has some interesting and relevant things to say about
a phenomena noticed in the Chicago school of social science which marks the founding of American social science. Apparently there existed S men (Similarities) and D men (differences), whose membership in either the S camp or the D camp was often a more significant description of their intellectual interests and orientations than was the discipline to which they belonged. It was observed that the tendency was for S men to be often either totally bored with the D men, or to see them as hostile opponents in the search for truth (and vice versa). This “trained incapacity” to see the validity of a radically different view of reality is probably a corollary of Kuhn’s distinction between normal and revolutionary science. Some people are looking for differences, others for similarities; some are attempting to tear down an old system, some attempting to establish a new one. The trick, and we assume that this follows from what has been said about the restructuring and re-writing of the history of one’s discipline, is that in a very important sense, these different sensibilities are patterned, or, perhaps, can be analytically patterned to show different stages in the development of both individual intellectual histories and intellectual histories of bodies of thought.

The difficulty in taking account of history is that, because it happened so long ago, there is a tendency to see it in one of two ways, depending on how it is being used for particular purposes. For instance, sometimes we run the risk of conceptualizing the industrial revolution as happening one Thursday in May, in England. At other times, we run the opposite risk of accounting for everything as the result of some technological revolution that is left undated so that it can be used as an explanation of all things. In the same way, we tend to think of bodies of knowledge as having somehow dropped from the skies one day, without ever involving struggles between different conceptions of what that body of knowledge ought to be doing, or how it ought to be verifying its explanations and predictions. We also sometimes take the opposite stance that bodies of knowledge are always changing at some nice, calm, constant rate, and that what is going on now is no different from the kind of intellectual conflict that has always gone on within disciplines. As Kuhn points out, during periods of normal science, this way of conceptualizing the intellectual enterprise is not only adequate, but necessary to the development of bodies of knowledge. However, during revolutionary or crisis stages, disciplines are marked by a breakdown in communication between different sensibilities which can be seen as a crucial part of the development of rival alternatives for the status of “new paradigm” and the normal science view of intellectual development is not, in this crisis stage, an adequate description of intellectual development.

Thus, the distinctions between similarities and differences, universals and particulars, structure and content, etc., are important when one is attempting to relate to the intellectual endeavour. These distinctions serve

as a reminder that a concern for establishing universals, or a concern to establish the outer limits of new intellectual parameters, be interpreted alternatively as a "quest for reality", a rage for order, a propensity for mental closure, or a quest for certainty, depending on the terminology that is appropriate to different disciplines, and depending upon one's vantage point for viewing these distinctions. However, we argue that these differences are best understood as stages of development of bodies of thought. The distinction between normal and crisis, or revolutionary science, is then, crucial to an understanding of the different sensibilities which define the tone of these stages. This position does not imply that an S man is always an S man, or that a D man is always a D man; but rather that when one is uncomfortable within the parameters around the intellectual questions which he perceives to be crucial, he will often attempt to change them. This may involve a revolutionary attack on those parameters, as he may become engaged in tearing down the old paradigm as a way of building the new.

We have argued that the enterprise of tearing down an old paradigm is of a different character than that of building a new one, although, from a more detached point of view, these processes are dialectically related on a more abstract level of generality. In this way, we can see relativism as both an ideological tool and an essential feature of the utopian vision of interdisciplinary communication.

**The Great Debates: Hart-Fuller, The Value-Free Debate, and The End of Ideology Debate**

We have argued that there is a view of reality which characterizes much of American thought, and which has been the source of varying degrees of dissatisfaction in many of the disciplines. One of the characteristics of interdisciplinary communication is that it is seen as a solution to dissatisfaction within disciplines. However, we have tried to show that interdisciplinary attempts often serve to emphasize the extent to which the original problems exist and tend to intensify demands for change. If there is a world view shared across disciplines, can we locate indicators of minor revolutions, dissensus and polarizations in the recent history of law and sociology which resemble each other? Have the dominant paradigms of these disciplines been accused recently of "technical breakdown" or an inability to deal with problems that have emerged with the emergence of new perceptions of reality?

The Hart-Fuller debate in law in the late 1950's can be seen as structurally similar to the value-free debate in the social sciences during the same period. The value-free debate can be seen as the initial rumblings of discontent in sociology and marks the beginning of a highly introspective period during which many sociologists have made excursions into the realm of philosophy of science, methodology, meta-theory and epistemology.

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74 See, for instance, a recent comment on this period in T. Bottomore, *Has Sociology a Future* (March 11, 1971), 16 N.Y. Rev. of Books.
Sociology on Trial, published in honor of C.W. Mills, is a collection of essays which document the identity crisis of Sociology, and many of these essays deal specifically with the possibility and the implications of a value-free sociology. The degree of dissensus and polarization that existed in the 1950's and 1960's has become even more intense, and the question of "how do we know what we know" has become of increasing concern.

The value-free debate is often associated with the name of C.W. Mills, and the New Sociology movement which developed around it tended to see Mills as a founding father figure. The debate involved a discussion over the degree to which it was possible, as the functional sociologists claimed, to have a science of society that was free of the value judgments of the sociologists. The argument generally was advanced that what went under the name of value free was really an apology for the status quo. Mills saw himself as very much in the tradition of European sociology as opposed to American sociology, and much of his early writings in particular draw on a "sociology of knowledge" tradition that includes Marx, Weber, Mannheim, and is addressed to "macro-level" philosophical and theoretical questions. The Sociological Imagination includes a serious indictment against American sociology under the influence of Talcott Parsons as grand theorist.

Many of the social thinkers who had been actively involved in the functional debate of the 1950's found themselves similarly aligned in the value-free debate, and also taking sides in the End of Ideology debate even though the latter tended to be more important for political scientists than for sociologists. The end of ideology debate was triggered by Daniel Bell, a former leftist who had reached a personal and intellectual peace with liberal thought in America and felt that it was now possible to go about building a scientific social science above value bias and ideology. It was, of course, an argument structurally similar to the value-free debate and immediately attacked by those who had not reached a similar level of satisfaction with the character of American social sciences. The End of Ideology Debate, recently published, is an important documentation of the degree to which ideology can not be so easily put to rest.

In these debates, it seems safe to say that relativism was used as an ideological weapon by the "malcontents". The excursion into methodology, meta-theory and the philosophy of science equipped these young radical intellectuals with the proof which they deemed sufficient to attack the functionalist paradigm. Essential to this debate was the attack on the a-historicism of the dominant school and its failure to predict the intensity of conflict that disrupted the American cities and the black ghettos. It was in history that the radicals found proof of the degree to which all dominant ideas have been influenced by ideological interests which develop from

76 Supra note 63.


particular socio-economic and historical contexts. The psychology of perception also provided these radicals with "scientific proof" that perceptions of reality are influenced by personal, subjective and ideological factors, and that these perceptions continue to influence concept formulation, methodology and theory building.

The Hart-Fuller debate involves many of the same issues, although it was characterized by an elegance that the sociological debates lacked. This could well be the bias of an outsider unaware of the tone of the discussion outside the printed page. But one might speculate that it could also indicate some very important differences in the intensity of the debate and the willingness of law to respond to change. Law, of course, has not shared the obsession with the status of "scientist" which has influenced the social sciences. This could account for the difference in tone and style and might indicate that "relativism" did not tend to become an important issue at that time.

In the Hart-Fuller debate, Fuller seems to represent the position that is structurally similar to that used by the radical social scientists in their attack on functionalism and its value-free pretensions. Taking seriously Selznick's argument that 'Sociology can contribute most to law by tending its own garden', rather than employing an in-depth legal analysis of that debate, we shall refer only to the essential features of it that seem structurally similar to the debates in the social sciences referred to above. Fuller's position then represents an emphasis on the degree to which all systems of thought have incorporated within them ethical values and theoretical explanations of reality consistent with those ethical values. Fuller, especially in *Legal Fictions*, draws on a tradition of German scholarship that was vital to the radical sociologists referred to above and which takes very seriously the role of myth and metaphor in language and in intellectual discourse.

My knowledge of the history of the philosophy of law in America is too limited to suggest that the "relativism" inherent in Fuller's position came to be used as an ideological weapon to the same extent that this occurred in Sociology in the same period. Certainly the structure of the debate was similar, and the questions which were addressed did focus on the meta-theoretical level of inquiry, expressing a concern with the issue of whether or not it was possible to separate the intellectual-legal from the ethical order. Another important similarity is that Fuller and many of the radical social scientists have drawn on writers who have explored the implications of relativism in various fields. Fuller, for instance, refers to Nels Bohr and Eddington in their discussion of the implications of the "new science" for intellectual discourse. This reference is to the revolutionary breakthroughs in physics that are connected with the work of Einstein and Heisenberg, that is, Einstein's theory of relativity and Heisenberg's uncertainty principle. The uncertainty principle in particular has been used as "proof" that, even in natural science, there is an interaction between knower and known. Heisen-

80 i.e., the value-free and end of ideology debates.
82 Id. at 103-16.
berg, himself, has often been quoted as remarking that, "The mathematical formulae no longer portray nature, but rather our knowledge of nature."*83

Insofar as Fuller shares an appreciation of the "structure" of language and of myth and metaphor as important features of what comes to be known as rational and/or scientific thought, he represents a sensibility that cuts across disciplines and is a crucial factor in the movement for change in the form in which knowledge is institutionalized. To that extent, his work is of the character that can be used as an ideological weapon against a view of reality which does not concern itself with the dynamics of the interplay between knowledge and values, ideas and institutions, or how it is possible to establish a view of reality and a form of institutionalizing knowledge that incorporates these dynamic processes in history.

Finally, there are a few points made by Cowan in What Law Can do For Social Science, which I think are immediately relevant.84 This paper has tried to communicate a perspective which allows us to see collaboration between law and sociology within the broader context of intellectuals' responses to major, not yet understood, structural changes in society. It has tried to emphasize that there is a unique character to the ways in which bodies of knowledge have been institutionalized, and that this character has been influenced by numerous super-rational forces which we do not fully understand. Cowan's article is a unique appreciation of this perspective. He stresses the degree to which law has a different form of proof than the natural and social sciences and that it incorporates ideas of values and ethics. Modern science, on the other hand, has grown from a tradition that attempted to "bracket off" questions of ethics and values. Therefore, the history of modern science can be seen as the history of a particular form of institutionalizing intellectual inquiry which separates questions of truth from questions of fact, and relegates them to non-scientific bodies of thought. Many contemporary intellectuals are re-questioning this separation, as they did when atomic warfare first became a reality of modern life and an expression of that separation. Cowan, then, is addressing the important point which is often forgotten, that modern science represents a particular form of institutionalizing an intellectual discipline which is not necessarily the only form possible.

This explains the view taken by Warren Weaver, a natural scientist who reminds us that science is not interested in questions of value and ethics. It is not interested in "truth" and, in fact, not concerned with explanation either. Rather it concerns itself with "generality, elegance, control and prediction".85 In a similar argument, Cowan points out indirectly the effect of a particular form of the institutionalization of science by comparing earlier concerns that were incorporated into questions of science. Law, he argues, is interested in truth in a way more similar to the way that medieval, or classical, science was, and in a way that modern science is not.

Today, when "scientism" has taken on the characteristics of a religion, this point is relevant. Cowan also makes another point that is often forgotten;

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83 *Id.* at 69-72, and Dubos, *supra* note 43 at 102.
84 *Supra* note 16.
85 *Supra* note 41 at 20.
One hears it said frequently today that without science, modern life would not be possible. This is, of course, true, since without modern science our lives would not be "modern". But that modern civilization or indeed, any civilization at all, is quite impossible without law is a truism that seldom needs even be stated.\textsuperscript{80}

The idea that modern science has been institutionalized in a particular way that was greatly influenced by the historical struggle between a sacred and a secular definition of reality is brought out in Cowan's reminder that scientific thought is no longer concerned with whether or not the "stick in the water is truly bent". Obviously, this separation between questions of truth and questions that allow for control and change has had certain advantages for modern industrial society. However, a contemporary intellectual issue is whether or not those advantages have been worthwhile and should be perpetuated.

This idea, that forms of institutionalizing science and, in fact, institutionalizing ways of separating the ethical and non-ethical spheres of inquiry is fascinating, but is definitely beyond the scope of most presently existing bodies of thought. Yet, it is often this kind of question that interests those who are attempting to restructure the current bodies of thought. These questions, then, are being defined as relevant by many young intellectuals, at least in part because they are not satisfied with the arrangements that presently exist. New problems of economic development, international law, pollution of basic resources, racial and ethnic injustices, etc., etc., all contribute to the feeling that the intellectual machinery for addressing these problems is not adequate. These questions are certainly of the order, and not unrelated to, the question that Friedman poses when he talks about legal culture and social and economic development. In that sense, the refugee centre is an expression of a dominant sentiment in contemporary society.

\textsuperscript{80} Supra note 16 at 92.