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THE EMPLOYMENT AND LABOR LAW PROFESSOR AS PUBLIC INTELLECTUAL: SHARING OUR WORK WITH THE WORLD

Introduction

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This stimulating collection of essays builds upon the 2008 Annual Meeting program of the Section on Labor Relations and Employment Law of the Association of American Law Schools (AALS), the major professional association for legal educators. The Section devoted its January 2008 program to the topic of “The Employment and Labor Law Professor as Public Intellectual: Sharing Our Work with the World,” which featured presentations by four accomplished law professors who were selected via a Call for Papers issued the previous year. The purpose of the program and the resulting essays is to explore how law professors, particularly those who teach in the field of employment and labor law, can apply their research and scholarship to the important tasks of public education and intellectual activism.

Since the publication of Russell Jacoby’s *The Last Intellectuals*² in 1987, the

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2. RUSSELL JACOBY, *THE LAST INTELLECTUALS: AMERICAN CULTURE IN THE AGE OF ACADEME* (1987).

idea of the “public intellectual” has been a hot topic of discussion among many scholars, writers, and pundits who have found themselves drawn to the label. Public intellectuals, in Jacoby’s words, are “writers and thinkers who address a general and educated audience.”³ According to Jacoby, public intellectuals have been on the decline, replaced by academicians whose writings are tailored to a narrow, specialized audience.⁴

In the wake of *The Last Intellectuals* has come a somewhat navel-gazing wellspring of debate over Jacoby’s thesis and discussion about how to define a public intellectual and who may claim that status.⁵ Judge Richard Posner, the prominent judge and legal scholar, has even attempted to rank the top public intellectuals by counting citations and media references.⁶ Thus, a dialogue originally inspired by questions over how those within the academy can engage in a broader exchange of ideas and information has become yet more fodder for panel discussions about definitions and status, the likes of which do not reach far beyond the ivory tower.

The purpose of these essays, thankfully, is not to argue whether or not public intellectuals are in decline or to rehash the “who” and “what” of public intellectual status. Rather, these pieces are rich with ideas and examples of how law professors in the field of employment and labor law can share the fruits of their intellectual labor with broader public audiences. The essays published here are the work of law professors who understand the importance of both the law library and the shop floor. Some are educating the public through op-ed pieces or talks to civic groups; others are engaged in more targeted activism for the purpose of law reform or social change. Regardless of means and method, each contributor is a genuine scholar who has found ways to bring his or her work to a public audience. Here is a brief introduction to the authors and their essays:

Frances Ansley is a Distinguished Professor of Law at the University of Tennessee College of Law. Her scholarship, teaching, and service often dovetail around problems of social justice. Professor Ansley’s essay, *Educating Workers About Labor Rights and Global Wrongs Through Documentary Film*,⁷ discusses her involvement in documentary film projects to educate the public about workers’ rights and globalization.

3. JACOBY, *supra* note 2, at 5.

4. JACOBY, *supra* note 2, at 6-8.

5. See generally, e.g., RICHARD A. POSNER, PUBLIC INTELLECTUALS: A STUDY IN DECLINE (2d ed. 2003) (arguing that the role of public intellectual is in decline); THE PUBLIC INTELLECTUAL (Helen Small ed., 2002) (essays on public intellectuals and their work); THE PUBLIC INTELLECTUAL: BETWEEN PHILOSOPHY AND POLITICS (Arthur M. Melzer, Jerry Weinberger & M. Richard Zinman eds., 2003) (same); William H. Honan, *The Intellectual Issue for the 1990’s Is Why America’s Intellectuals Have Faded Away*, N.Y. TIMES, Jan. 28, 1990, at D7; *The Future of the Public Intellectual: A Forum*, THE NATION, Feb. 12, 2001, at 25.

6. See POSNER, *supra* note 5, at 194-220 (containing lists and rankings of public intellectuals).

7. Frances Lee Ansley, *Educating Workers About Labor Rights and Global Wrongs Through Documentary Film*, 41 SUFFOLK U. L. REV. 715 (2008).

Miriam Cherry is an Associate Professor of Law at the University of the Pacific, McGeorge School of Law. Her scholarship embraces interdisciplinary perspectives and integrates themes of employment and business law. In her essay, *Working (with) Workers: Implementing Theory*,⁸ Professor Cherry discusses her collaborations with a workers' rights group in San Francisco, concentrating on the legal issues regarding worker-owned businesses.

Jonathan Forman is the Alfred P. Murrah Professor of Law at the University of Oklahoma College of Law. He is a specialist in employee benefits law and has regularly contributed columns to general and specialized business newspapers. Professor Forman's essay, *Making Our Work Work*,⁹ is the closest thing to a "how to" piece in this collection, as he describes the assortment of ways in which law professors can circulate their ideas to a public audience.

Michael Goldberg is a Professor of Law at Widener University School of Law. He has published widely on labor law and history and employment discrimination, and he has been particularly dedicated to the cause of union democracy. Professor Goldberg's essay, *In the Cause of Union Democracy*,¹⁰ examines how that work has enhanced his career and allowed him to contribute to a more democratic labor movement.

As I frequently tell my students, employment and labor law is grounded in the "stuff of life." Scholarship in this field is ideally suited to a public intellectual approach, for scholarly ideas surely have consequences in the workplace, and they should, in turn, be informed by the realities of contemporary employment relations. Those who are blessed with the opportunity to teach and write about workplace law and policy should consider how their scholarship can enrich, and be enriched by, the kinds of public audiences that the contributors to this collection have managed to reach.¹¹

Let me close this introduction by expressing my appreciation to the *Suffolk University Law Review* for agreeing to publish this collection. It is fitting that these essays are appearing in the main law journal of a law school located in the heart of Boston. Now slightly over 100 years old, Suffolk University Law School has evolved into a multi-division metropolitan law school with a varied curriculum and a growing scholarly presence. It is well positioned to strike the appropriate blend of theory and practice, and the idea of public intellectual work is at the heart of that mix.

Indeed, at Suffolk we are surrounded by major federal, state, and local institutions and agencies involved in the making, interpreting, and practice of

8. Miriam A. Cherry, *Working (with) Workers: Implementing Theory*, 41 SUFFOLK U. L. REV. 731 (2008).

9. Jonathan Barry Forman, *Making Our Work Work*, 41 SUFFOLK U. L. REV. 739 (2008).

10. Michael J. Goldberg, *In the Cause of Union Democracy*, 41 SUFFOLK U. L. REV. 759 (2008).

11. For an insightful, more autobiographical account of how employment and labor law professors can take on a public intellectual role, I recommend Julius Getman's, *In the Company of Scholars: The Struggle for the Soul of Higher Education*.

workplace law and policy, many of which are staffed and even led by our graduates. Businesses, unions, and non-profit organizations of every kind are within walking distance or a short subway ride. I can attest from experience that the proximity of these entities, and the people working within them, both inform and benefit from legal scholarship on important issues concerning employment relations. As Suffolk enters its second century, I hope these essays will help to inspire more scholarly work that reaches out to, and interacts with, the world around us.