

ACT SIX: THE TRIAL

At the heart of this controversy [over Alice Goffman's book] are the fundamental limitations of ethnography as a mode of inquiry. Ethnography can look like an uncomfortable hybrid of impressionistic data gathering, soft-focus journalism, and even a dash of creative writing.

Leon Neyfakh, "The Ethics of Ethnography" (2015)

That those flaws [in Alice Goffman's book] managed to go unnoticed for so long reflects a troubling race-related blind spot among academic and media elites. The failure of *On the Run* is not only the failure of an individual book and an author, but of the system that produced them.

Paul Campos, "Alice Goffman's Implausible Ethnography" (2015)

In Alice's desire to kill a rival 4th Street Boy, she exposed not only herself to harm, but also Mike...and the children, women, and men back on 6th street....The book reflects a disconcerting cognitive bias within the academic community that praises the hunting of a Black man with murderous intent.

Michele Goodwin, "Invisible Women: Mass Incarceration's Forgotten Casualties" (2015)

[W]hat [Goffman's] book fails to grasp and what much of sociology cannot account for even as it reproduces its logic is that the violence everywhere and everyday enacted by the state on black people is the grammar that articulates the "carceral continuum of black life." All black life, on the street and on the page.

Christina Sharpe, "Black Life, Annotated" (2014)

There's no risk-free, ethically insuperable way to get a close-up view of the kind of social world Alice was studying, where bravado and posturing, and the dramatization of destructive intent, are part of the fabric of everyday life.

Jack Katz, "Email Communication with Eugene Volokh" (2015)

We live in a world of weapons-grade fraud, hoaxes, and exaggeration in both the social and physical sciences, so the idea that ethnography is especially flawed is absurd.
David Perlmutter, “In Defense of Ethnography” (2014)

Qualitative “research” is useless because there is no way to tell if what is claimed is a reflection of reality or simply the “researchers” [sic] gullibility and biases, or even if it’s all a fabrication.... At least [quantitative research] can be put to the test in replication studies, as is increasingly done in social science. To use a book like Alice’s as a guide to understanding social problems is to put enormous trust in her judgment and honesty—even when she openly admits to being a politically motivated advocate. There’s no way to verify many of her claims.

Anonymous comment, *Marginal Revolution.com*

Almost all the topics that sociologists study, at least those that have some relation to the real world around us, are seen by society as morality plays and we shall find ourselves, willy-nilly, taking part in those plays on one side or the other.

Howard Becker, “Whose Side Are We On?” (1967: 245)

I am an invisible man. No, I am not a spook like those who haunted Edgar Allan Poe; nor am I one of your Hollywood-movie ectoplasms. I am a man of substance, of flesh and bone, fiber and liquids—and I might even be said to possess a mind. I am invisible, understand, simply because people refuse to see me. Like the bodiless heads you see sometimes in circus sideshows, it is as though I have been surrounded by mirrors of hard, distorting glass. When they approach me they see only my surroundings, themselves, or figments of their imagination—indeed, everything and anything except me.

Ralph Ellison, *Invisible Man* (1952: 7)

Scene

Cut back to the closing of Act Four: the sound of a motorcycle engine gradually grows louder and soon a cloaked, hooded figure can be seen in the background approaching the barn on a Harley Davidson, the folds of his cloak flowing dramatically in the air. A long wooden staff is strapped to the back of the motorcycle. The motorcycle approaches the barn and The Prosecutor dismounts as Séverine Autesserre, Katherine Boo, Mitchell Duneier, Alice Goffman, James C. Scott, Anna Tsing, and Loïc Wacquant gather in a semicircle around him.

ALICE GOFFMAN: The Prosecutor, I presume?

THE PROSECUTOR: Hello, Alice. I’m late because I was just wrapping up another case in Virginia. The jury deliberations took longer than expected.

[Voice grows menacing.]

But, of course I emerged victorious. Yet another win for the facts against shoddy, anecdotal, so-called scholarship.

[Looks around at the group.]

And hello, Séverine, Katherine, Mitch, Jim, Anna, and Loïc.

ANNA TSING: You know our names?

THE PROSECUTOR: I make it my business to know all the facts. And let's dispense with niceties, shall we? Where are Karen, Timothy, and Piers?

KATHERINE BOO: They're outside with the wolfdog.

THE PROSECUTOR: The what?

JAMES C. (JIM) SCOTT: When we arrived here, we found a wolfdog who had run all the way from Siberia with an invisibility potion found in an icy high mountain pass. The wolfdog had dreamed...

THE PROSECUTOR [interrupting]: This is nonsense. There is no invisibility potion, no wolfdog, and no dreaming. What is wrong with you ethnographers? We live in a real world of hard facts, as I shall demonstrate as soon as we get this trial underway.

JIM: No, really, there...

THE PROSECUTOR [interrupting again]: Stop! We are here to deal with facts not fantasy.

[Looks around impatiently.]

I had hoped to also include Karen, Timothy, and Piers in this trial, but I don't have time to waste waiting on them. I have many more miles to travel today, for there are many other scientific pretenders who also need to be put on trial. So many trials, so little time.

LOÏC WACQUANT [cutting]: It is we who have just spent hours waiting on you! What is the meaning of this rude...

THE PROSECUTOR [pounding his staff on the floor]: Enough! We are here for one purpose only, and that is the ethnographic trial of Alice Goffman's book, *On the Run*. Public interest and the integrity of science demand it! Let's move upstairs and begin.

[Cut to the upper barn on Lake Keuka. The room is bare and austere, with wrinkled gray wood for floors and walls. Cracks in the back wall allow in piercing rays of angled afternoon sun, casting the room in a spotted patina of light. Standing or seated in a pattern loosely suggesting a courtroom are Katherine Boo and Séverine Autesserre (judges); The Prosecutor; Alice Goffman (defendant); Anna Tsing and James C. Scott (counsel and assistant counsel for the defense); and Loïc Wacquant and Mitchell Duneier (witnesses).]

KATHERINE [in a serious voice]: I am Judge Katherine Boo.

SÉVERINE AUTESSERRE [also serious]: And I am Judge Séverine Autesserre.

KATHERINE: Judge Séverine and I do hereby open the trial of The Prosecutor v. Alice Goffman.

SÉVERINE: As you know, The Prosecutor summoned us all here to hold an ethnographic trial of Alice's book. Initially, we all thought the idea ludicrous,

but as news of The Prosecutor's victories against other young ethnographers accumulated, we each agreed to take time out of our very busy summers to be here. After all, if The Prosecutor is going to assume the mantle of "the public interest" and "the integrity of science," we thought we should have at least some say in how those things are understood.

We've all consented to play our roles in this trial to the best of our abilities, and we should do so with seriousness of purpose. Just to review, the roles we've agreed on are as follows: Alice, as the defendant and the author of *On the Run*, you will, of course, play yourself. Mitch, since you served on Alice's dissertation committee, we have recused you from any official role to avoid conflict of interest. However, we will be calling you as an expert witness to clarify a few contentious issues related to standing. Loïc, at your request, you will also be called as a witness. The Prosecutor, of course, will play the role of prosecutor.

THE PROSECUTOR [interrupting animatedly]: Role? It's not a role!

[Shouting and holding his staff above his head.]

I. Am. The. Prosecutor!

SÉVERINE [calmly]: You will refrain from any further outbursts of this type or we will throw you out of our courtroom.

[The Prosecutor lowers his staff and sulks.]

SÉVERINE [continuing]: Anna and Jim, you will serve as counsel and assistant counsel for the defense respectively. And, as we've already noted, Katherine and I will serve as judges, our primary purpose being to try to keep the proceedings as fair as possible and to rule on any procedural questions. Originally, Karen, Piers, and Timothy were slated to form an ad hoc jury, but as they are presently away assisting the one-eyed wolfdog, we shall have to proceed without a jury.

THE PROSECUTOR [muttering]: A likely story, this fantastical wolfdog. What are they, afraid of me? Couldn't they have come up with a better excuse to skip my trial?

KATHERINE: It's not your trial. We are all here of our own accord, and we can leave at any time.

LOÏC [emphatic]: Whoever's farcical trial this is, I would like to state my objection to it in the strongest possible terms.

KATHERINE: But you came, did you not?

LOÏC: Only as a witness so that I could express my objections.

SÉVERINE: Very well. What are they?

LOÏC: The idea of an "ethnographic trial" is the very negation of social science, which by constitution should follow the Spinozist dictum, "Do not laugh,

do not mock, do not judge.”¹ Social scientists are not moralists, and even less judges. As ethnographies of courtrooms show, a trial is *everything but* an inquiry in search of truth. Its procedures are designed to establish guilt according to legal statutes, categories, and precedents. Now, American sociology is full of guilt—racial in particular—toward subordinate categories, but that’s not a reason to erect guilt mongering to the level of method!²

THE PROSECUTOR: That’s a highly ironic position, given that the very idea of a trial derives from an essay by one of your fellow sociologists [looks at Mitch] entitled “How Not to Lie with Ethnography” in which he advocates for ethnographic trials.³

LOÏC [under his breath]: You would make an enormous error to lump all of us together in that way.

MITCHELL (MITCH) DUNEIER: Well, on this point Loïc and I are agreed. This trial is a terrible idea. It’s an agreement rich with irony, I admit, given the typical tenor of our exchanges.

[Looks at Loïc and smiles.]

But who knows, maybe this could be the start of a less prosecutorial relationship between us, Loïc?

[Loïc grunts noncommittally.]

THE PROSECUTOR [looking at Mitch]: If this trial is such a terrible idea then why did you write an essay encouraging ethnographers to imagine that they are standing trial for ethnographic malpractice?

MITCH: Your Honors, may I respond at length?

KATHERINE: Certainly. It is in keeping with your role as an expert witness on questions of standing.

MITCH: The main point of my essay “How Not to Lie with Ethnography” was to encourage ethnographers to seek out what Max Weber, in “Science as Vocation,” called “inconvenient facts”; that is, perspectives, opinions, and even potential participants in an ethnographic project that might call into question the ethnographer’s interpretations and conclusions. Since The Prosecutor has invoked it in support of this trial, I would like at this time to read selections from that essay into the record.

[Holds a printed article up to catch the light so that he can read it.]

In the section of that essay subtitled “The Ethnographic Trial,” I write:

One of the ways I can accustom myself to inconvenient phenomena is to imagine that I will stand trial for ethnographic malpractice. An attorney has brought a claim against me on behalf of my study’s readers. The trial will be held at a courtroom near the site of the study, and witnesses who know about my subject will be called. The important thing about these witnesses is that they will be the ones I most fear hearing

from because what they know is least convenient for the impressions I have given the reader. They may also have been the least convenient for me to get to know.

In such a trial, we are not interested in the rights of the community under study or even the rights of any of the people being called to the witness stand, but the reader's right to a reasonably reliable rendering of the social world.⁴

LOIČ: Once again, I state my objection to the application of a legal framework, a trial framework, to social science. I think the exhortation that ethnographers imagine themselves accused of ethnographic malpractice is misguided, since trials are not places where truth is adjudicated.

MITCH: I could not agree more with this point. The ethnographic trial envisioned in my essay was intended solely as a thought experiment that ethnographers might apply to their own work, a dramatic device to encourage ethnographic researchers to think carefully, and hard, about whom they build relationships with in the field and about how the shape and direction of these relationships might make it less likely that they will hear conflicting viewpoints and experience conflicting perspectives. What The Prosecutor is doing with the essay—zooming from trial to trial in his flowing black cloak and celebrating his legalistic victories over scholars—contradicts both the substance and the spirit of the essay in every way.

LOIČ [irritated and interrupting]: Be that as it may, you certainly let the evil genie out of the bottle with this one, Mitch.

MITCH [glancing at Loič]: Well, so much for a less prosecutorial relationship.

[Turns back to the judges.]

As I was saying, Your Honors, my point in this short essay, which is really quite simple, is that one way to counterbalance some of the potential biases of ethnography, particularly its tendency to locate the researcher in one particular place in the social worlds and power hierarchies she studies, is to imagine what the most theoretically inconvenient evidence or occurrences or people might be—evidence, occurrences, and people who might challenge some of the theories or arguments being developed by the ethnographer. As my essay further states:

[Holds the article back up to the light and continues reading.]

A primary task of ethnographers is to help their readers recognize phenomena that are inconvenient for the line or theory that has emerged from their fieldwork. Ethnographers well into their studies could, as a matter of course, ask a few simple questions: Are there people or perspectives or observations...whose existence is likely to have implications for the argument I'm making? Are there people or perspectives of phenomena...that, when brought before the jury, would feel they were caricatured in the service of the ethnographer's theory or line of argument?⁵

An imaginary trial, as a thought experiment that an ethnographer applies to herself and her own work and [looks hard at The Prosecutor] *not* to anyone else, seemed to me to be one effective way to ask these questions in the service of creating a reasonably reliable account of the social world under study.

ANNA: Interesting. But even that gets into some pretty complicated ideas, don't you think?

MITCH: Like what?

ANNA: Well, it raises huge questions about what we mean by reasonably reliable, as well as about whether it ought to be the aim of an ethnographer to represent all the viewpoints in the social world she studies accurately and fairly.

JIM: Yes, and I also have some questions related to how you think about sampling, validity, and ethnographic work in that piece.

MITCH: Well, Jim, I was really doing some work of translation there. The essay was published in a highly positivist, quantitative methods journal, and the language of sampling allowed me to convey these ideas in ways legible to that particular audience.

JIM: I sympathize. Sometimes I feel like getting lost in translation is all I do anymore.

ALICE [impatient]: Your Honors?

SÉVERINE: Yes, Alice?

ALICE: This conversation seems to be getting a little off track, and as the "defendant" in this exercise, I would like to say a few words.

KATHERINE: Of course, Alice!

ALICE: I agree with both Mitch and Loïc that the framework of a trial has no place in how social scientists should judge one another's work. I do think that as a thought experiment that ethnographers apply to themselves, the idea can be helpful. But to take it to the level of an actual, staged trial is ludicrous.

SÉVERINE: Well, would you like us to call the whole thing off? I think you have a right to do that, since we are all here voluntarily, and The Prosecutor has no actual power to force us to hold this trial.

THE PROSECUTOR [indignant]: I have the power of the public interest and of the integrity of science!

LOÏC [scoffing at The Prosecutor]: Yes! I think we should call this whole thing off!

SÉVERINE: The court was asking Alice, not you.

ALICE: Let's just call this entire thing off! That was indeed my first reaction when I received the summons from The Prosecutor. If we don't stage the trial, we deny The Prosecutor his power.

[Looks at The Prosecutor and pauses. Prosecutor scowls.]

But then I began to think of it in different terms. It's important that people know that *On the Run* already has and continues to be subjected to a

trial in the court of public opinion. Various academic and public critics have both defended and attacked the book on multiple fronts.⁶ Indeed, it's surprising how many of the public discussions of my work are titled in ways that derive directly from courtroom language. One review is entitled, "The Trials of Alice Goffman,"⁷ and two authors of completely separate essays about my work both use "Ethnography on Trial"⁸ as their titles.

Even more specifically, I find it telling that some of the most sustained critiques of *On the Run* have been produced by law professors who are clearly invoking legal standards and procedures in their evaluation of my work specifically, and of ethnography more broadly.⁹ Indeed, I believe one of them, Northwestern University professor of law Steven Lubet, even has a forthcoming book entitled *Interrogating Ethnography: Why Evidence Matters*. According to an announcement that's circulating about a conference on the book, Professor Lubet's *Interrogating Ethnography: Why Evidence Matters* is "a significant volume discussing the role of evidence in ethnography from the standpoint of a specialist in trial advocacy."¹⁰

So, yes, reflecting on the ubiquity of courtroom tropes in both the public and academic treatments of my book, the figure of The Prosecutor does seem an apropos way of synthesizing all of these critiques in a single person and of asking whether a legal framework is an appropriate one for the judgment of ethnographic work, and of scholarly work more broadly.

THE PROSECUTOR [glowering]: I'm no synthesis! I'm an actual person who rides an actual motorbike and carries an actual staff of justice and tries actual scholars in actual trials in which they are found actually guilty.

[Pauses.]

I do agree, however, that I'm apropos. I'm always apropos.

ALICE [continuing without acknowledging the interruption]: So, yes, as I was trying to say, despite my objections to the framework of a trial and its misapplication of standards of guilt and innocence to scholarly work, I think we should move forward with this particular trial of my book. After all, in many of the published critiques of my work, it is not just my book but the entire enterprise of ethnography that is called into question.¹¹

THE PROSECUTOR [gleefully]: Ha ha! There you have it! She agrees!

KATHERINE: Please stop interrupting!

ALICE [continuing]: As I was saying, staging this trial may allow me to get feedback from a jury of my peers, that is, my fellow ethnographers. And, I also think that the trial will allow us to explore some really important questions not only about my work, but about ethnography more broadly, in a concrete way.

JIM: Your Honors?

KATHERINE: Yes, Jim?

JIM: Before we continue, let me just say that while I'm generally in favor of this kind of role-playing, I think it's important not to lose perspective. We've all been more or less randomly assigned to these roles for the purpose of this exercise, right?

KATHERINE: Yes, with the exception of The Prosecutor and Alice.

JIM: OK, but my main point is this. Alice, don't take it too personally when one of us either attacks or defends you. It's all for the sake of the exercise, OK?

ALICE [uncertainly]: Yes, I get it.

SÉVERINE: Also, regarding roles, we should note that there's some fluidity here. Because we are only a small group, we will be conducting an abbreviated trial by asking the prosecution and the defense each to make their most compelling cases in extended statements. And, as we've already noted, we do not have a jury.

KATHERINE: Right, so the point of this is not to render a single verdict of guilty or not guilty, but rather to create a structured space for a spirited conversation.

THE PROSECUTOR [pounding his staff on the floor]: That's unacceptable! I am here to obtain a guilty verdict.

SÉVERINE: You should be thankful we've agreed to respond to your summons at all!

KATHERINE: As judges, we would like to make one last point of clarification before we continue. Mitch, your essay states pretty strongly that the goal of an imagined ethnographic trial is not to protect the rights of the research subjects or the rights of the real and imaginary witnesses who have been called to testify at the trial, but rather to protect the rights of the reader.

MITCH: Correct. But that point serves to underscore, once again, the conscribed way in which I meant to deploy the conceit of a trial as a highly limited thought experiment that the ethnographer would apply to themselves to help with only one among many of the considerations important to ethnographic work. Of course, in broader terms, the entire corpus of my work demonstrates in the strongest possible way a concern not just for the "rights" of research subjects, but also for their dignity as human beings as well.¹²

KATHERINE: Thank you for clarifying that, Mitch. Given the breadth of the public critiques against Alice, we as judges don't think the scope of this trial should be limited only to the rights of the reader.

THE PROSECUTOR: Good! Because I have prepared a lot of charges against *On the Run* that have nothing to do with the rights of the reader.

SÉVERINE [severely]: Please do not interrupt the court!

KATHERINE: As I was saying, the court thinks the rights of the research participants are also extremely important here. Indeed, we wonder if in some way the rights of the research participants and the rights of the reader aren't inextricably linked, such that research that violates the rights of the research participants would also make the rendering of the social world in the ethnographer's account less reliable.

ANNA: Again, big questions about what exactly we mean by reliability.

KATHERINE: Questions that we hope may get addressed as the trial unfolds.

[Long pause. The Prosecutor shifts about on his feet while expectantly fingering his staff of justice.]

ALICE: Shall we begin?

THE PROSECUTOR: It's about time!

KATHERINE [with gravity]: The prosecution may offer its statement.

THE PROSECUTOR: Gladly, Your Honors. Our first set of charges—and I use the plural here to indicate that the charges I bring derive from a synthesis of published, public critiques that have been made of Alice's book—is brought on behalf of readers who have the right to a reasonably reliable rendering of the social world that Alice writes about. These charges are:

First, data fabrication.¹³ On behalf of the readers of Alice's book, we charge that Alice fabricated data in her book, including entire interviews that, according to the chronology provided in her book, could not possibly have happened when she said they happened. For example, in chapter seven of her book, Alice reports verbatim an interview she conducted with Mr. George on the second-floor porch of his home. Alice writes that she spoke with Mr. George immediately after visiting her research subject and friend Chuck in county jail. In the course of this interview, Mr. George talks about the recent election of Barack Obama, which occurred in the fall of 2008. Thus, it is reasonable to assume that the interview took place no earlier than the fall of 2008. However, the reader learns two pages later that Alice's research subject and friend Chuck was killed in the summer of 2007. So, as readers we are left to wonder which was fabricated: Chuck's death, the date of Chuck's death, the interview, the date of the interview, or all four?

Another example of fabrication concerns claims by Alice that she spoke with Philadelphia police officers at a hospital who told her that the Philadelphia police department routinely checks hospital visitor logs and runs the names of visitors against a list of local residents with outstanding arrest warrants.¹⁴ This practice, alleges Alice, keeps residents from going to the hospital to visit sick family members or even to get treated themselves, out of fear of arrest.

However, conversations by several different researchers with the Philadelphia police department and Philadelphia public defenders inquiring about this allegation have all resulted in the same response from the Philadelphia police: no, there is no such practice of checking visitor logs.¹⁵

Second, data destruction.¹⁶ Alice destroyed all documentary evidence of the fieldwork on which her research was based, making it impossible to verify, corroborate, or otherwise cross-check her book even against her own notes. No different from other researchers, ethnographers like Alice have an ethical and scientific responsibility to make the information they have

extracted from the social world available to anyone who would like to see it. Indeed, Your Honors, other disciplines like political science are rapidly moving toward procedures specified by guidelines like Data Access and Research Transparency (DA-RT) that strongly require all researchers, regardless of methodology or method, to post their data to online repositories so that other interested parties can use them to verify the analysis and conclusions reached by the researcher or to develop their own analyses. In the case of ethnographers, guidelines developed by DA-RT strongly encourage depositing to a repository all “source materials [including data from interviews, focus groups, or oral histories; fieldnotes (for instance from participant observation or ethnography); diaries and other personal records...].”¹⁷ Now, DA-RT requirements do allow exceptions in the interests of human subjects protections, but the prosecution wishes to underscore here that not only did Alice fail to deposit her source materials in a widely accessible database, she deliberately destroyed them! It is hard to think of anything that could do more to rouse the suspicions of a reader than the deliberate destruction of all possible evidentiary bases for the claims that an author is making.

On this point, the prosecution would like to acknowledge Alice’s stated reason for the destruction of her fieldnotes. In essence, Alice feared that her notes would provide law enforcement or other interested parties with the means of identifying and prosecuting her research subjects for illegal activities. We will address the effectiveness of this reasoning further when we turn to charges that can be brought against Alice on behalf of her research subjects, but for now we would simply like to note that—whether with the motive of protecting research subjects or not—the destruction of fieldnotes violates the rights of the reader of her ethnographic work because it removes any possibility of corroborating Alice’s finished book *even against her own recorded fieldwork*. This holds true not only for an outside party, but, more strikingly, even for Alice herself, who, given the destruction of her fieldnotes, has only her memory and her already published accounts to rely on.

The destruction of fieldnotes—not to mention the anonymizing of the research subjects—might also do more to protect the researcher than those being researched. Your Honor [gesturing to Katherine], as you yourself stated in an interview about *Behind the Beautiful Forevers*, a work that shares many structural similarities with Alice’s in terms of working with vulnerable, racialized, and policed populations:

[Pulls out and reads from a sheet of paper.]

All of us who do nonfiction work must expect that our work is going to be scrutinized. One of the reasons I use so many documentary tools is because I hope when someone says one day, “that didn’t happen,” I’ll be able to say, well, look at this and here’s the

*tape of my fact checking, to have a kind of body of evidence for what's in my book. Often in writing about poverty, you'll see a line that says names and details have been changed, and I think that more often protects the writer more than it does the low-income people.*¹⁸

From this contrast between Your Honor's approach and Alice's, we can easily see why critics of her book say that ethnography has lower standards for truth-telling, documentation, and fact-checking than journalism!¹⁹

Third, severely contradictory post hoc explanations that bring into question the basic trustworthiness of the researcher and, therefore, of the research itself.²⁰ Alice ends her book with an account of driving her armed research subject and friend Mike around in a car so that they could look for, and exact revenge on, the person who killed Chuck, another of Alice's research subjects and friend of both Alice and Mike. The prosecution would like to read into the record the relevant passage from Alice's book:

[Thumbs through a copy of *On the Run* and finds his place.]

*... I don't believe that I got into the car with Mike because I wanted to learn firsthand about violence, or even because I wanted to prove myself loyal or brave. I got into the car because, like Mike and Reggie, I wanted Chuck's killer to die.... I stopped seeing the man who shot [Chuck] as a man who, like the men I knew, was jobless and trying to make it at the bottom rung of a shrinking drug trade while dodging the police.... I simply wanted him to pay for what he'd done, for what he'd taken from us.*²¹

Later, when Northwestern law professor Steven Lubet noted that this passage constituted an admission of guilt on Alice's part that she had engaged in a conspiracy to commit murder—a serious felony offense²²—Alice wrote this public response:

[Pulls out another sheet of paper and reads.]

*[L]et me say as plainly as possible: at no time did I intend to engage in any criminal conduct in the wake of Chuck's death. The passage in question comes at the end of a methodological appendix, in which I was describing the community reaction to this death as well as my own reactions in this difficult period. The summary account in the book does not include significant points that are relevant to the claim that I was engaged in criminal conspiracy. Most important, I had good reason to believe that this night would not end in violence or injury.... Talk of retribution was just that: talk.... These drives seemed to satisfy the feelings of anger and pain; they were a way to mourn a dear friend, and showed people in the neighborhood that Chuck's friends were doing something.*²³

Your Honors, at this point, the prosecution is not concerned with whether or not Alice indeed committed a felony, as Steven Lubet alleges. That is a question of law for another kind of court. Rather, the prosecution's concern is with what appears to be a clear and blatant contradiction between the account Alice gives in the book and the later, post hoc account she gives in response to Steven Lubet's critique. Who is the reader to believe? The prior Alice of the book, who wanted Chuck's killer to die and who did not care that he, too, was another impoverished man on the run from the police, or the Alice looking back on her own book, who understood all along that the car ride was purely performative and ritualistic, with no actual possibility of murder or physical harm being inflicted on anyone?

The problem of contradictory post hoc explanation is further exacerbated by the later Alice's reference to a series of "significant points" that were omitted from the "summary account" given in the book. Because Alice has destroyed her fieldnotes and any materials that might allow her to go back in time and review what those missing significant points might be, her explanation presumably relies entirely on her memory and recollection of those significant points, a memory and recollection now subject to the pressure of an accusation of criminal conduct. Thus, the destruction of fieldnote data exacerbates the problem of contradictory post hoc explanations. Had Alice posted her fieldnotes to an online repository (as strongly encouraged, for example, by DA-RT), readers could check that repository to see for themselves what, if any, "significant points" Alice left out of her "summary account."

To make matters worse, Alice's admission that her account was a "summary" one that neglected entirely to address the performative, ritualistic nature of the car ride further erodes any confidence and trust a reader might have in her ethnographic writing.²⁴ The persuasiveness of ethnographic writing derives in large part from its thickly descriptive qualities. If Alice is leaving out "significant points"—including an analytically and theoretically important insight about the performative nature of rituals of violence in the neighborhood she studied—only to reference them later, after the publication of the book and as a way of extricating herself from charges of criminal conduct, then how is the reader to trust that any of the other accounts in the book are not similarly plagued? In short, the contradiction between Alice's book account and her post hoc account create a situation in which the reader is led to question her ethnographic credibility.

Fourth, prejudicial bias.²⁵ The passage from Alice's book just read into the record demonstrates how prejudicially biased Alice became in the course of her research. This bias not only extends to how Alice viewed and wrote about the police in her book, but also to how she wrote about others in the same or adjacent social worlds as her primary research subjects and friends. Alice so took on the point of view of those specific individuals that she

wanted to “see die”²⁶ another individual who was similarly situated to her research subjects in every way except for the street that he lived on. Moreover, as Amy Wax and Michele Goodwin have each outlined, Alice privileges the perspectives and experiences of Chuck, Mike, and their friends over the perspectives and experiences of other similarly situated black men from the same neighborhood who chose to keep themselves off the streets and out of trouble with the law, as well as over the perspectives and experiences of black women in the same neighborhood. Importantly, these perspectives and experiences might have led Alice to a different series of conclusions than the ones that she arrives at in her book, which, as the prosecution understands it, is precisely the reason why Mitch would have ethnographers imagine themselves undergoing an ethnographic trial in the first place.²⁷

There is a direct parallel here to Mitch Duneier’s critique of Clifford Geertz’s famous essay, “Deep Play: Notes on the Balinese Cockfight.” Duneier critiques Geertz for, essentially, advancing a huge set of generalized claims about the community and culture he was studying based on his relationship with one very specific family in that community, without attempting to reach out to others who might have been in conflict with that family or who come from a different social class than theirs. In the same way, we might say that the prejudicial bias, or shall we say murderous bias....

ANNA: Objection, Your Honor!

KATHERINE: Sustained! Counsel, please watch your language.

THE PROSECUTOR: Yes, Your Honor. The prejudicial bias exhibited in Alice’s work towards the police, towards other residents of 6th Street, towards women in the neighborhood, towards similarly situated residents of other adjacent neighborhoods—this prejudicial bias all stems from her deep empathy, an empathy she herself describes as friendship, with this one specific group of males on 6th Street. And this prejudicial bias calls into question Alice’s reliability and trustworthiness as an ethnographer. It calls into question, for the reader, the trustworthiness of her account.

[Turns and looks pointedly at Alice. Then back at the judge.]

That, Your Honors, summarizes the charges the prosecution would like to bring on behalf of the right of the reader to a reasonably reliable rendering of the social world that Alice studied.

SÉVERINE: Is the prosecution finished with their opening statement?

THE PROSECUTOR: Not yet, Your Honor! Given that Your Honors have explicitly widened the scope of the trial beyond the rights of the readers to also include the rights of the communities and participants in the research study, the prosecution would also like to bring a series of charges on behalf of the communities and specific individuals Alice studied.

KATHERINE: You may proceed. But please keep the remainder of your opening statement concise.

THE PROSECUTOR: Certainly, Your Honor. With respect to the rights of the research subjects in *On the Run*, the prosecution would like to bring the following charges:

First, that Alice actually intended to physically harm—indeed, kill—someone who could plausibly be understood to be her research subject.²⁸ Your Honors, we are not engaging here the question raised by Steven Lubet about whether or not, according to prevailing *legal* standards in the United States, Alice committed a felony in the course of her fieldwork. Far more straightforward, and far more simple from the perspective of protecting the rights of her research subjects, is the undeniable fact that Alice became so entwined in her specific situation as a friend of Chuck, Mike, and other members of her immediate neighborhood, that she was willing to assist Mike in hunting for and killing another similarly situated individual who lived in a nearby neighborhood. This individual, no less than Chuck, Mike, or anyone else who comprised part of the racialized, relatively impoverished population, very much qualifies as one of Alice’s “research subjects.” Indeed, it is hard to think of a more direct and egregious violation of the central value of the protection of research subjects than Alice’s outright admission, and publication, of her desire to see one of her research subjects dead.

Second, that despite destroying her fieldnotes and other research materials, Alice failed to adequately protect the anonymity of her research subjects.²⁹ In the wake of Lubet’s critique of *On the Run*, several journalists and academics made attempts to locate the 6th Street neighborhood that Alice conducted research in, as well as the specific people she did research with. In one case, Jesse Singal from *New York Magazine* identified Alice’s neighborhood through a simple internet search, then showed up in the neighborhood with a photograph of Alice and a box of Munchkins from Dunkin’ Donuts. As he tells the story, it was not long before he was sitting in the living room of Ms. Linda and then meeting Josh at a bar for drinks.³⁰ Similarly, Paul Campos, a professor of law at the University of Colorado, conducted “cursory online research” and was able to identify with reasonable certainty the real identities of Chuck and Mike, as well as pull up their complete police records.³¹ It seems that if the motive behind Alice’s intent to destroy her fieldnotes was indeed to protect her research subjects, she might have done a better job of concealing or disguising their identities in her published book.

Third, by virtue of her research, Alice opened up the 6th Street community and other communities like it to even more intensive modes of surveillance and control. By revealing to law enforcement and the general public how fugitives and the social structures around them operate—including, for example, revealing how urine samples are bought and sold to pass probation-related drug tests—Alice actually further subjects these hyper-policed communities to the aggression of law enforcement.³²

And fourth and finally, Alice reinforces a long relationship of domination and exploitation of impoverished neighborhoods that exist in close proximity to the University of Pennsylvania and other prestigious schools, such as the University of Chicago. As a privileged white woman, Alice reenacts and reinforces a dynamic whereby, as Christine Sharpe eloquently puts it:

[Takes out sheet of paper and reads.]

The black communities of 4th and 6th Street continue to be laboratories in which Alice and other student and faculty researchers at the University of Pennsylvania do fieldwork. With its frisson of ‘authenticity,’ On the Run may have a long and varied life ahead (a mini-series? feature film?) shaping misperception and abetting black narrative and material subjugation. I already know that this book will be chosen for First Year common reading programs and that all over the US, historically white colleges and universities with small black undergraduate and faculty populations will read and then reproduce as truth On the Run’s ethics and methods; which is to say, its relations and practices of power. In the neoliberal ‘engaged’ university, On the Run is sure to be a primer for how to do immersive ‘urban’ ethnography. And so continues, into the next generation, what Sylvia Wynter has called our black narratively condemned status.³³

That, Your Honors, sums up our case against Alice and her book, *On the Run*.

[The Prosecutor takes a self-satisfied step back with a dramatic flourish of his staff.]

KATHERINE: Very well. Let us now turn to a statement from the counsels for the defendant.

ANNA: Thank you, Your Honors. We would like to begin by making a simple, but important, distinction in the face of all of these charges brought by the prosecution against our client, both the charges on behalf of readers who have a right to a reasonably reliable rendering of the social world and on behalf of those who participated in Alice’s study by virtue of being observed by her or by entering into a social relationship with her.

This is the distinction between applying evaluative criteria *external and foreign* to the type of interpretive ethnographic project that Alice was engaged in and applying criteria consistent with that type of project.

Your Honors, attention to the kinds of terms deployed by the prosecution in their charges against Alice on behalf of readers signals immediately that they are working within a decidedly positivist conception of the world. Most ethnographers working within an interpretivist logic of inquiry would not be so quick to characterize their research as being about the *extraction of information* from the social world and the subsequent analysis

of the *data* byproducts of this extraction, but would instead speak about the co-constitution of intersubjective knowledge in collaboration with the social world.³⁴

Indeed, the D in the political science DA-RT project referenced by the prosecution stands, of course, for data. It is this underlying and unexamined assertion—that *all* evidence-based social science is about the *extraction* of *information* that is then subsequently processed and analyzed as *data* in order to produce social science *knowledge*—which most clearly signals that the framework being applied to Alice’s work is not the proper, appropriate one.

The prosecution has suggested, for example, that many of the problems of credibility in Alice’s work might have been prevented if she had posted to a repository the fieldnotes, diaries, and other personal records written or recorded in the course of her fieldwork. But, Your Honors, we wish to ask the prosecution this: why stop with requiring ethnographers to post their fieldnotes, diaries, and personal records? Why not also require Alice, or any other ethnographer, to wear 24-hour, 360-degree Visual and Audio Recording Technology (VA-RT) that will be digitally live-streamed to an online data repository and time-stamped against all fieldwork references in the finished ethnography? Would the time-stamped, 24-hour, 360-degree VA-RT then constitute the raw “data” that transparently verify both Alice’s “data” and her interpretation and analysis of those data?

VA-RT—while an exaggeration—dramatizes a mistaken view that Alice’s or any other ethnographer’s fieldnotes, diaries, and personal records constitute a form of raw “data” that can then be checked against any “analysis” in a finished ethnography. In our view, Your Honors, the fallacy underlying the mistaken proposal that ethnographic fieldnotes, diaries, and other personal records should be posted to an online repository derives from at least three places.

The first is an extractive ontology inherent in a view of the research world as a source of informational raw material, rather than seeing knowledge as resulting from a specifically relational and deeply intersubjective engagement. Fieldnotes—and even a VA-RT—will always already contain within them the intersubjective relations and the implicit and explicit interpretations that shape both the substance and the form of the finished ethnographic work. Quite simply, there is no prior, non-relational, non-interpretive moment of raw information or data to refer back to. What this means is not only that there are no prior raw “data” to reference, but that any attempt to depersonalize and remove identifying information from fieldnotes in order to comply with confidentiality and human subjects concerns will render the fieldnotes themselves unintelligible, something akin to a declassified security document in which only prepositions and conjunctions are not blacked out.

Second, fieldnotes, far from being foundational truth-objects upon which the “research product” rests, are themselves texts in need of interpretation. Making them “transparent” in an online repository in no way resolves or obviates the very questions of meaning and interpretation that interpretive scholars strive to address.

And third, neither fieldnotes nor VA-RT offers a safeguard “verification” device regarding the basic veracity of Alice’s or any other researcher’s claims. The researcher produces them, and, in the end, they are dependent on the researcher’s trustworthiness. Even though we are not aware of the existence of such research misconduct, we must admit that it would not be impossible for a researcher to fabricate fieldnotes or to stage performances or otherwise alter a VA-RT recording.

Now, this is not to say that there is therefore no framework at all that can be applied to evaluate Alice’s work, or that it absolves Alice’s work from criticism or even censure. In rejecting an extraction-based view of the researcher’s relationship to the social worlds she studies, interpretive ethnography does not then create an “anything goes” alternative. Indeed, Your Honors, a work of interpretive ethnography that did not seek to centrally discuss the contours of the researcher’s engagement with the social world, that did not aim to detail how the researcher generated and deployed the material that constitutes her ethnography, and that did not strive to share that material in richly specific, lushly detailed language would not just fail to persuade a readership of interpretive ethnographers, it would, literally, cease to be recognizable as a work of interpretive ethnography!

Where other modes of research and writing might prize the construction and presentation of a gleaming and flawless edifice, two key criteria for the persuasiveness of an interpretive ethnography are, first, the degree to which the ethnographer leaves up enough of the scaffolding in her finished ethnography to give the reader a thick sense of how the building was constructed, and, second, the degree to which the finished ethnography includes enough detailed specificity about the social world(s) she is interpreting. This detailed specificity allows, indeed, encourages, the reader to challenge, provoke, and interrogate the ethnographer’s interpretations using the very material she has provided as an inherent part of the ethnographic narrative.³⁵

JIM: To put it another way, the transparency and openness—what interpretive ethnographers often refer to as reflexivity and attention to embodiment and positionality—that DA-RT proponents see as *lacking* in deeply contextual qualitative work constitute the very hallmarks of interpretive ethnography as a mode of research, analysis, and writing. What is more, interpretive ethnography prioritizes dimensions that go beyond what is called for by DA-RT. This mode of research encourages reflexivity about positionality and an examination of the power involved in the researcher’s embodied interactions

with the social world. This reflexivity extends as well to the potential impacts and effects of the politically and socially legitimated “knowledge” produced through the researcher’s embodied interactions with that social world.

It is by these internal relational and reflexive criteria that Alice’s research should be judged, not the criteria of an extractionist view of social research alien to the research community she is working within.

ANNA: How, then, does Alice’s work stand up to a set of appropriately applied criteria?

When we apply criteria consistent with the method’s own self-expectations, we see immediately the conundrum that Alice and other ethnographers like her are forced into when it comes to their fieldnotes. On the one hand—and often under the legally motivated admonishments of their IRB or other ethics review protocols—ethnographers conducting research in situations like Alice’s are often encouraged to anonymize, quarantine, or sometimes even destroy their fieldnotes in order to protect the identities of their research participants. On the other hand, external criteria, particularly those being applied by DA-RT and comparable movements, are institutionalizing norms that punish field researchers who fail to preserve and make public their fieldwork and other documents, attacking them as “data hoarders” and their work as unscientific if they do not do so. Although the Princeton IRB did not require Alice to destroy her fieldnotes, she later cites IRB guidelines as the reason for why she will not disclose where a scene involving her interrogation by the police takes place.³⁶ And so it is that both Alice’s book and other ethnographic work must often navigate tensions between the anvil of a state ethics policy’s requirements for anonymity and research subjects protection, and the hammer of the so-called “data transparency” movement.

Inside this space of extreme pressure, other forces also make themselves felt. Supreme among them is the sense of responsibility that the ethnographer—and certainly Alice—feels to protect her research subjects from even further surveillance, disciplining, and policing than they are already experiencing. Particularly in fieldwork on legally fraught activities, researchers may decide to sacrifice even the suggestion that any copies of their notes remain in order to stave off subpoenas and other state actions aimed at punishing their research subjects. This, we think, is what motivated Alice to destroy her notes, although the tension between the IRB and the transparency movement is the space in which those actions are being judged.

We ourselves feel that it is an extreme response—perhaps an inverted extreme to the “make-it-all-publicly-available” solution proposed by DA-RT—for ethnographers to wipe out their fieldnotes. We believe that such destruction represents an unwise course of action, not because it prevents the depositing of those notes to an online database, as the prosecutors would have it, but rather because it prevents Alice herself—or others who

are trusted by her or to whom she is accountable—from going back to her fieldnotes to capture the rich, detailed descriptions and her own state of mind during both mundane and dramatic events that occurred in the course of the fieldwork. Indeed, it prevents even her research subjects from going back to her notes, should both they and Alice want them to. Here, we are in agreement with the prosecution that Alice’s post hoc account of her and Mike’s state of mind as they drove around town looking for Chuck’s killer would have been more persuasive had she at least had access to her own, contemporaneously written fieldnotes rather than having to rely solely on her memory. In any case, Alice has already made it clear that she feels she did not go far *enough* in anonymizing her research world. She is deeply horrified at the thought that her book has led others to the 6th Street neighborhood and wishes she had done more to protect them from these types of intrusion.

We also acknowledge some weaknesses in Alice’s writing. Not weaknesses of fact: she stands by every fact in the book as it is written and denies outright the first charge of “data fabrication”! But, as her defense, we do acknowledge that there may have been unintentional mistakes of chronology that create inconsistencies in the book’s account, such as the one in which she reports seeing Chuck immediately before interviewing Mr. George, even though, according to her own chronology, the interview obviously could only have taken place after his death. Although scrambling chronologies was motivated by a desire to make people less identifiable, there is no reason why such scrambling had to create an internally inconsistent narrative or timeline in the book. Readers are right to approach such inconsistencies with an attitude of skepticism.

The prosecution also charges Alice with failing to conduct the kinds of “inconvenience sampling” encouraged in Mitch Duneier’s aforementioned essay, analogizing her focus on a subset of the 6th Street men to Clifford Geertz’s failure to look beyond the narrow slice of the village in which he was embedded. We submit that these charges are unpersuasive, for two reasons.

First, Alice’s stated purpose in the book was not to represent the entirety of the 6th Street neighborhood, but rather to show the lives and social situations of men who were on the run from the police. What counts as a relevant part of an “inconvenience sample” is always first and foremost determined by the scope and focus of the study itself. Just as we would critique neither Mitch Duneier for not going to Vermont to interview the neighbors of the Christmas tree sellers who appear in his book *Sidewalk* nor Piers Vitebsky for not embedding himself in the factories that processed reindeer meat, so, too, we should not critique Alice for not examining the totality of all of the social worlds in the 6th Street neighborhood.

And second, even though Alice is interested in the lives of black men on the run from police, she does engage in a version of Mitch Duneier’s

extended-place method. Two entire chapters of *On The Run* explore perspectives other than those of her main ethnographic subjects. Chapter three, entitled “When the Police Knock Your Door In,” provides insight on the girlfriends, mothers, and other women in these men’s lives, and chapter four, entitled “Clean People,” explores the lives of those men in the neighborhood who are not on the run from the law. Just as Duneier was interested in the white Christmas-tree-selling family from Vermont because of how they might further illuminate his book’s main focus—the black booksellers—so too does Alice use these extensions to illuminate the lives of the people who constitute her main research interest.³⁷

JIM: Having addressed the charges of “data fabrication” and “data destruction,” as well as the related charges of contradictory post hoc explanations and a failure to adequately anonymize the research world, the counsel for the defense would like to continue by joining together the remaining charges that the prosecution divided between those brought by readers and those brought by research subjects. Counsel feels that it will be more intellectually productive to view the remaining charges through a lens of extreme importance to all interpretive ethnography: namely, the centrality of reflexivity about positionality and relationality in the fieldsite.

KATHERINE: Proceed.

ANNA: The remaining charges are that Alice: 1) conducted her research with prejudicial bias; 2) intended bodily, physical harm against at least one of her subjects; 3) exposed low-income communities of color to even more intensive policing and surveillance by revealing to the authorities and other outsiders their strategies and tactics of resistance; and 4) reinforced relationships of exploitation between elite universities and the low-income communities of color that often surround them. Your Honors, the common thread uniting all of these charges is that they stem directly from the positionality of the researcher in the research world, in the unavoidably embedded and embodied quality of ethnographic research.

In a classic essay entitled “Whose Side Are We On?” Howard Becker provides a prescient analysis of perceptions and accusations of bias in ethnographic work that continue to ring true to this day. In particular, and tellingly for Alice’s case, Becker distinguishes between charges of bias in two different sets of power relations: those that are apolitical and those that are political. By apolitical, Becker means structures of institutionalized control where there are not overt, organized attempts to overthrow those structures. There may be discontent with the structures, and it may be profound, but no one is organizing to overthrow, overturn, or even fundamentally reform the structures. Most work environments, where there are bosses and subordinates, are apolitical in this way. These include hospitals, police, militaries, and, indeed, many of the basic institutions that reproduce the fabric of our societies.

In these situations, Becker writes, there is an implicit, and often explicit, hierarchy of credibility; a hierarchy concerning whose version of reality is to be believed and whose is not.³⁸ Superordinates have a near monopoly in this hierarchy, such that a university professor typically has far more power to define the relevant realities of the classroom than an undergraduate student. Indeed, if the student is to challenge the professor, it is usually within the confines of the relevant realities that the professor has already laid out. “My grade should be an A–, not a B+, because the syllabus awards three extra credit points,” rather than, “Why should you make up the rules and create the syllabus and why should you be the professor and I, the student?” or even more radically, “Why should there be grades or professors or students at all?”

In politicized situations, by contrast, the power conflicts between the superordinate and the subordinate are already out in the open, in such a way that both sides are struggling to gain supremacy concerning who defines the relevant realities of a situation.

In the first situation, the apolitical one, the ethnographer is usually only accused of bias—or usually only suspects herself of bias—if she takes the subordinates’ lived experiences and thoughts and uses them as the point of view from which she frames, describes, and interprets the relevant realities. This is because the superordinate has such a monopoly on the description of the given reality that anything running counter to it seems radical, subversive, or nonsensical. Most ethnographic and other social science work, argues Becker, takes the superordinate’s point of view and definitions of the relevant reality as a given, but because that view is so normalized, the work is rarely accused or suspected of bias, either by readers or by the researcher herself.

In the second situation, the situation of open political conflict in which each side strives to command the definition of the relevant realities and the “facts,” the ethnographer is likely to be accused of bias regardless of which perspective or point of view she takes. Her work is already politicized, from the beginning, and serves as a space of refraction for the political conflict that she studies on the ground. This is particularly true when, for whatever reason, the work becomes widely known, as is the case with Alice’s book.

Becker argues that in neither the apolitical nor the political situation is it possible to conduct ethnographic or any other kind of social research that is not biased. To be biased is to have a point of view, and every piece of research contains a point of view, whether that point of view is acknowledged or not. Indeed, Your Honors, this is one of the hallmarks of interpretive ethnography: that it gives explicit attention to the power relations implied by having and representing a point of view.

Becker’s analysis sheds light on the charges of bias against Alice. In some instances, we can see a naïve notion of fact-checking at play in these charges, a fact-checking which constitutes little more than not liking the experiences or point of view of the subordinate party and running back to the superordinate

party for clarification of what the “real” facts are. This, in essence, is what Steven Lubet does when he phones up the Philadelphia police department to ask them if they ever check hospital logs to find people with outstanding arrest warrants. When Lubet is told no by the police, he takes that as the “real” reality; as evidence both of Alice’s prejudicial bias towards her research subjects *and* of falsification of her data. Viewed through Becker’s lens, the favoring of the Philadelphia police department’s account of police practices over Goffman’s account of how such practices are experienced by the residents of 6th Street is, in fact, a reassertion of a hierarchy of credibility. In short, on this count, Lubet is no less biased than Alice. His bias simply runs in the direction of the superordinate, while Alice’s runs in the direction of the subordinate.

Second, it’s interesting to note the timing of Alice’s work and its subsequent publication. As she herself noted, when she first started her research:

[Pulls out and reads from a piece of paper.]

Public coverage of our historically high incarceration rates and the aggressive policing that has helped produce them was limited. The tough on crime position still held considerable sway in the press and in Washington.

By the time of the book’s publication, however, the police killings of unarmed black men in Ferguson, Staten Island, Baltimore, North Charleston, Brooklyn, and many other cities were capturing a great deal of media attention. Alice continues:

Since [the time when I conducted research] we’ve seen a critical shift. Politicians on both sides of the aisle are joining with activists, journalists, and practitioners to confront the fact that we are sending too many people to prison and that police conduct can be violent and dehumanizing.³⁹

In other words, Alice’s work arguably straddles a fault line in which issues of policing and race moved—drawing on Becker’s classification—from an apolitical context in which a hierarchy of credibility placing police at the top and poor blacks at the bottom was largely unchallenged by the broader public, to an openly politicized context in which police and organized activists struggled for control over the definition of the relevant realities. The straddling of this fault line, we argue, shapes some of the conflicting charges of bias against Alice. For some who are clinging to old hierarchies of credibility, Alice’s account is biased in its anti-policeness. For others who are seeking to challenge those hierarchies, the structural features of Alice’s account, including her position as a white, privileged person coming from an Ivy League institution with infinitely greater resources than the neighborhoods around it, mimicked all too closely the surveillance and police apparatus that she thought she was writing against.

We fully accept that our client conducted biased research. But our point is that *all* research is biased, in the sense that it is written from a point of view. We hold that Alice was forthcoming about the intent of her study—to produce an on-the-ground account of policed communities from the perspective of those being policed—and adequately reflexive about the larger structural issues at play. Her study was neither deceptive nor covert. Additionally, to those who take issue with Alice’s privilege or the privilege of the educational institution she was a part of, or with her whiteness, her gender, her age, or her class position, we ask: under what conditions, if any, is it legitimate for people to conduct research on and represent the lives of those who are different, sometimes radically, from themselves?

These are difficult questions, and the answers are surely as messy as the realities that shape them. Still, there are two answers that we urge the court to reject in their entirety: first, that whites cannot conduct research on or with blacks or other nonwhites (or vice versa); that the rich cannot conduct research on or with the poor (or vice versa); that the European cannot conduct research on or with the indigenous (or vice versa); that the human cannot conduct research on or with the nonhuman. But, second, we equally reject a naïve approach to power; an approach reflected most often in a white privilege that seeks to deny or erase lines of difference that have been constructed through relations of oppression and domination. From this point of view, there is nothing at all problematic or difficult about researchers who cross racial, class, or other lines in order to conduct research on or with others who have been positioned radically differently by power relationships. Against both of these views, we submit that there is much to be learned by all parties involved from the strangeness that comes with being a near-total outsider to a situation, but that this strangeness must be accompanied by an abundance of reflexivity and humility.⁴⁰ Indeed, Your Honors, we suggest that this unresolvable tension between strangeness and reflexivity is one of the key traits that makes immersive ethnography so generative as an approach to the study of power.

Your Honors, we have saved for last the most difficult charge of all: that Alice fully intended bodily harm—even death—to one of her research subjects. It may sound brazen, Your Honors, but our position, which we do not hold lightly, is that this emotionally driven response on Alice’s part is fully consonant with her role as an ethnographic researcher, and that, indeed, we can find echoes, traces, and reverberations of it throughout many other ethnographies involving immersion within highly fraught sites of power. Paul Rabinow recounts becoming so angry with his informant, Ali, that he kicked him out of his car and left him on the side of the road in the middle of the night. He also recounts hiking in the mountains and making love with someone who might plausibly have been defined as a research subject.⁴¹ Timothy Pachirat writes of his struggle with the liver packers in the

cooler of the slaughterhouse and his attempts to get them reprimanded by his boss.⁴² Perhaps these examples—and the countless others that we do not know about because their authors have deliberately sanitized them from their final, published accounts—do not quite rise to the level of Alice’s desire for lethal vengeance. But each, in its own way, demonstrates the absolute precariousness of the ethnographer in the face of real emotions that are the result of real relationships! These are formed in a space that—however much we wish to define it as a “field” or a “site” of study—is always already inextricably part of the larger world. What Alice’s account provides is the valuable extreme case that illuminates a dynamic that is not only common to, but is actually required by, the basic ethnographic premise of immersion. And like all extreme cases, perhaps it is those who most recognize themselves in her who are sometimes the quickest to condemn.

THE PROSECUTOR [indignant]: I have never wished anyone dead! Behind bars, yes, but never dead!

SÉVERINE: Quiet!

ANNA: Please note, Your Honors, that we are not excusing or legitimating, in Alice or in any other, the desire for vengeance, especially vengeance to the death. But, as we know from history, from the bards, and from the daily news, the desire for vengeance is integrally part and parcel of what it means to be alive. As are, we might add, sexual lust, infatuation, anger, sadness, hope, faith, loyalty, friendship, disappointment, compassion, heartbreak, and, perhaps greatest of all, love. We are also not determining either way whether or not Alice broke the law when she drove Mike around that night to look for Chuck’s killer. Did she commit a felony, as Lubet has accused her of doing? Perhaps, perhaps not. That is for a different sort of court to take up and for a different sort of jury to decide. From the perspective of adjudicating Alice’s guilt or innocence according to the standards of interpretive ethnography rather than the standards of the law, the question of the *legality* of her actions is neither here nor there. Indeed, there are circumstances in ethnographic research where abiding by the law would be *unethical*, even though one would remain innocent by the standards of the state. Think, for example, of Jason De León’s study of the hidden consequences of the United States’ “Prevention through Deterrence” border enforcement policy that funnels migrants into deadly areas like the Sonoran Desert where they die by the thousands. To follow the law in this instance might require De León to “report” instances of “illegal” border crossings, something that would clearly be unethical from the perspective of human subjects protections.⁴³

This last accusation against Alice allows us to say something very clearly: ethnographers cannot and should not strive to escape their human condition, or, less anthropocentrically, their “animality.” Indeed, unlike—and perhaps in opposition to—any other method that we know of in the social or natural sciences, ethnography requires its practitioners to actively draw on their

creaturely capacities for friendship, compassion, loyalty, faith, hope, anger, sadness, lust, and, yes, even vengeance, as a precondition for the very empathic connection that lies at the heart of the method.⁴⁴ Indeed, in this light, we might see all other methods as attempts to harness, repress, control, or direct such qualities through specific channels on the wager that such harnessing, repression, and control will lead in the end to superior knowledge about the social worlds we inhabit. Ethnography's wager is almost the exact inverse: that it is precisely by connecting with others deeply at the level of joy, disappointment, and heartbreak that we can begin to achieve not just knowledge, but understanding...

[Anna is interrupted by rapid footsteps. Piers, Karen, and Timothy burst into the barn, their panic palpable.]

KAREN: The wolfdog! Has anyone seen the wolfdog? Has anyone seen her?

ALICE: No! I thought she was with you!

PIERS: She was, but then...

[Piers's speech is cut off by the sound of ripping paper and shattering glass. Momentary silence, followed by full-throated howling from the ground floor. Alarmed, everyone rises and rushes offstage, left and right, scrambling to get to the barn's lower level.]

End of Act Six

Notes

- 1 “I have laboured carefully, not to mock, lament, or execrate human actions, but to understand them” (Spinoza 1900 [1670]: I.4).
- 2 Wacquant 2005b
- 3 Duneier 2011
- 4 Duneier 2011: 2
- 5 Duneier 2011: 8
- 6 For early reviews of Goffman’s book that were largely positive, see Jencks 2014, Newburn 2014, Forman Jr. 2014, Bialas 2014, Buford May 2014, Schuessler 2014, Harris 2015, Innes 2015, Sharkey 2015, Avery 2015. For highly critical reviews of Goffman’s work from varying perspectives, see Sharpe 2014, Betts 2014, Lubet 2015a, 2015b, Campos 2015, Goodwin 2015, Wax 2015. For defenses of Goffman’s work in light of these critiques, see Perlmutter 2014, Singal 2015, 2016, Katz 2015, Neyfakh 2015, Lewis-Krauss 2016, Manning, Jammal, and Shimola 2016, Van Maanen and de Rond 2017.
- 7 Lewis-Krauss 2016
- 8 Lubet 2015b, Manning, Jammal, and Shimola 2016
- 9 Lubet 2015a, 2015b, Campos 2015. For another, less critical discussion by a law professor see Forman Jr. 2014.
- 10 Email announcement for the conference held on October 20–21, 2017 at the Northwestern Pritzker School of Law in Chicago. See also Lubet forthcoming.
- 11 Campos 2015, Neyfakh 2015
- 12 Duneier and Back 2006
- 13 Campos 2015
- 14 Lubet 2015a
- 15 Lubet 2015a, 2015b, Campos 2015, Forman Jr. 2014
- 16 Campos 2015, Lubet 2015b
- 17 Lupia and Elman 2014: 26
- 18 Wheeler Center 2015
- 19 Neyfakh 2015, Lubet 2015b, Campos 2015
- 20 Campos 2015
- 21 Goffman 2014: 260
- 22 Lubet 2015a
- 23 Goffman 2015: 1
- 24 Campos 2015, Lubet 2015b
- 25 Campos 2015, Goodwin 2015, Wax 2015
- 26 Goffman 2014: 260
- 27 Wax 2015, Goodwin 2015
- 28 Goodwin 2015, Wax 2015
- 29 Campos 2015
- 30 Singal 2015
- 31 Campos 2015
- 32 Sharpe 2014
- 33 Sharpe 2014
- 34 There are several sophisticated treatments of this basic point. See Jackson 2016, Yanow 2014, Schwartz-Shea 2014, Wedeen 2009, Schaffer 2016, Fujii 2018.
- 35 See Pachirat 2009 and Yanow 2009 for further elaboration on the importance of reflexivity to interpretive ethnography.
- 36 “When asked by email where she was interrogated, Goffman declined to provide this information on the grounds that doing so would be ‘stepping far outside the IRB guidelines for the protection of human subjects’” (Campos 2015).
- 37 Goffman 2014: chapters 3 and 7; Duneier and Back 2006

38 Becker 1967: 241

39 Goffman 2015

40 Alcoff 1991. My thanks to Peri Schwartz-Shea for pointing me to this piece.

41 Rabinow 2011

42 Pachirat 2011

43 De León 2015

44 “[Ethnographers] must build a complex web of relations between themselves and their subjects. Those relations are never straightforward. No matter where ethnographers might be...the emotional texture of those relationships invariably shapes the kinds of information that gets exchanged as well as the nature of the text that ethnographers eventually write. In ethnography, the personal and the professional are never separate, meaning that good ethnography is not likely to consist of bloodless prose. Put another way, doing ethnography, like living life, involves love and hate, fidelity and betrayal, and courage and fear.... Those relationships...sometimes create ethical dilemmas that no research design, no theoretical argument or set of ethical guidelines can easily resolve” (Stoller 2015; also cited in Van Maanen and de Rond 2017: 402).