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**CAREY McWILLIAMS, THE PUBLIC INTELLECTUAL:  
REFLECTIONS ON HIS WORK ON CITIZENSHIP AND  
CULTURE**

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**Abstract:** Even though Carey McWilliams remains fairly unknown, his activism and critical thinking span nearly fifty years of United States' history and culture. A lawyer, cultural critic, writer, journalist and social historian, and also the editor of the left-wing magazine *Nation* for over two decades, McWilliams's critique identifies him easily as a public intellectual. He combined his legal experience with cultural criticism and committed himself to the reinvention of legal concepts and practices, which is one of the aspects I stress in this paper. In this, I see him as anticipating, among others, very actual debates, such as that on legal activism. While presenting a broad overview of his criticism of culture, this paper will attempt a closer look into the development of what he called his 'legal imagination'.

In a lecture to college students delivered at Cooper Union, in New York, in 1976, Carey McWilliams elaborated on what he called 'the power of ideas' in terms that I find fitting to identify the brand of intellectual and political activity he espoused throughout his career as a lawyer and a social and cultural critic. They highlight the strains of dialogism and activism that inform his whole criticism. McWilliams was more than a traditional intellectual and more than a traditional lawyer as well; more than an intellectual because he became fairly active in the public sphere, whereas he was more than a lawyer because his reinvention of legal concepts and legal practices derived from his insightful research on cultural matters. In effect, the most original aspect of his work lies in his combination of a critique of culture with a critique of the law and how this anticipated current debates, namely on legal activism.<sup>1</sup> While presenting a broad overview of his criticism of culture, this paper will attempt a closer look into his engagement with the law and the development of his 'legal imagination' as a crucial component of McWilliams's activity as a public intellectual.

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<sup>1</sup> I thank Cecília MacDowell-Santos for her help with the terminology in this field and also her help in grasping the concept.

At Cooper Union, McWilliams reminded students, and the rest of the audience, that

[i]deas have an inherent interest. [. . .] There is a symmetry about them that opinions lack. And they are creative in the sense that they can combine with other ideas, or modify them, or lead to still more novel ideas. Ideas keep an intellectual tradition alive, viable, and relevant; they are the yeast of a culture [. . .] The intellectual awakening of an individual usually dates from the moment he or she discovers that ideas are more than words on a page but are real and that the life-of-ideas is a timeless reality in human experience.<sup>2</sup>

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

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

Soon after his graduation in Law and a short period of practice in a law firm, McWilliams started practicing labor law which was determinant to his future involvement in social issues. With the Great Depression and the Popular Front as background, McWilliams, as many intellectuals of the time were soon engulfed by politics. In 1934, the Wagner Act was passed and the practice of labor law was allowed in the U.S., so McWilliams was frequently asked to give advice about workers' rights and how to exercise those rights under

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<sup>2</sup> "The Importance of Ideas", New York, Feb. 2, 1976, p.2. Carey McWilliams Papers (Collection 1319), Department of Special Collections, University Research Library, University of California, Los Angeles. Box 67, Folder 'The Importance of Ideas' Mss. Notes.

the new law. In time, his interests moved from labor to civil rights, an essential turn whose reach in U.S. ethnic history and struggles for freedom were hard to foresee at the time.

Also of great importance to understand his activism was the particular historical context of the Great Depression and the New Deal. Indeed, the New Deal provided intellectuals and artists with the chance to be what Antonio Gramsci has termed ‘organic intellectuals’, mediators for the people before state institutions or the apparatuses of power. Even though McWilliams was to refuse the connection of the intellectual with power for need of a critical distance, he became engaged with the state apparatus during this period, being appointed Chief of the Commission for Immigration and Housing in California, a post he carried out between 1938 and 1942, under Popular Front Governor Culbert Olson. In line with his previous work on labor law, this post allowed him a greater proximity with farm labor and a way of resolving the workers’ problems as McWilliams became the official responsible for the welfare of migrants. It also deepened his interest in problems of migrant and immigrant integration of which an extensive critical and cultural work gives evidence. In connection with this position McWilliams was also chosen as a member of the LaFollette Committee of the Senate, in 1939, and the Tolan Committee of the House, in 1941, which held public hearings in California on labor conditions in the state farms, interstate migration and the Japanese evacuation from the West coast. According to McWilliams, his position as Commissioner was the experience that took him beyond liberalism and toward the path he defined as his own brand of activism: native American radicalism (1978: 85).

This position gave him the chance to design and carry out policies aimed at solving questions of social justice and reducing social conflict although it is difficult to see him as a politician proper. McWilliams used the position also as a tribune: to denounce the oligarchies of California, namely what he called the feudalistic land-barons who exploited migrant work. His outspokenness regarding the suppression of labor and civil rights, voiced in the numerous public hearings he promoted and the reports he subscribed to and publicized, threatened the profit of the most powerful agricultural lobbies, such as the Associated Farmers of California. Pressures from this organization led to McWilliams’s discharge by the next Governor, Republican Earl Warren, in 1942. His dismissal was actually the ‘popular’ order with which Warren boasted to have inaugurated his functions, after the Farmer’s Union had elected McWilliams “‘Agricultural Pest No.1 worse than pear blight and boll weevil” (McWilliams, 1978: 77). In the meanwhile, McWilliams subscribed some of the still most referenced pieces

of historical, social and cultural analysis of California and the West, namely on the ethnic history of the region. As an active member of the Sleepy Lagoon Defense Committee, he drew the Appeal that eventually won the release of the Mexican American youngsters arrested in the Sleepy Lagoon case and gave a testimony to the Los Angeles County Grand Jury on discrimination matters in California, warning against potential disturbances that came later to take place indeed and became known as the 'Zoot Suit Riots'. It must also be mentioned that he was one of the first public personalities to denounce publicly the internment of the Japanese-American community after the Pearl Harbor attack, and he was also involved as a lawyer in the defense of the 'Hollywood Ten' later in the 1950s.

### **Arenas of Intervention – Legal activism**

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

By the time McWilliams was writing many legal cases brought to the fore the issue of discrimination against ethnic groups, namely the Mexican Americans, which evinced how the law formulated, justified, and corroborated racial inequality and its institutionalized practices of segregation. One of McWilliams's early and most vocal engagements in public terms was his drawing of the Appeal to release the Mexican American youngsters arrested in the Sleepy Lagoon case, after the first mass trial in California and what was soon perceived as one of the most infamously racist maneuvers of the legal system. McWilliams spoke against the involvement of the law in segregation, stressing how race was a social construct serving particular interests, a critique that clearly forestall claims resumed by critical race theorists, from the 1960s on.<sup>3</sup>

McWilliams became interested in legislative reform, or how to make of the law an ally against institutional racism and the vehicle for his most outstanding theoretical and political

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<sup>3</sup> V. Richard Delgado and Jean Stefancic, *Critical Race Theory* (New York: New York University Press, 2001).

project: how to make of U.S. society what he called an ‘ethnic democracy’. In a seminal article published in 1945 and titled “Race Discrimination and the Law”, McWilliams unearthed the roots of racial discrimination in U.S. society and their articulation with legislation. To his mind, instead of a solution, segregation was actually a social danger that threatened public interest, for it subtly promoted prejudiced and conflicting difference, especially when it continuously generated unequal competitive power (1945: 21-22). He saw discrimination as “a policy of systematic exclusion” that involved adherence, resulted in concrete forms of policy (‘segregation’ proper) and was materially applied to various areas of social life and he distinguished two different types: passive segregation (based on custom and tradition), and active segregation – the latter had the legal sanction of the law. This legal signature made the inferiority of the segregated group official, allowing for it to be approached at the court and elsewhere as an essence. Deliberation based on precedence in turn reproduced the erroneous representations he noted to be upheld by legal discourse and fostered what McWilliams called the ‘legal myths’ governing the law. This aspect was aggravated by the generalist and abstract character of the law, which tended to overlook the historical contexts witnessing and assisting the productions of identities – and exclusions.

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

McWilliams found in citizenship the terrain where the fight for equality had to take place. By defending the concept of what he termed ‘functional equality’, he fought for the need to accept differentiated rights to answer differentiated needs, in the cases of communities with histories of institutional dispossession and discrimination of sorts. What he found missing in the new legislation (considering that the 1940s were indeed a decade of profuse legislation on equal opportunities and equal rights) were the effective substantial differences still pending in terms of access to opportunities. His concept of equality was not, in this particular framework, a leveling of sameness, that is, the application of the same rule



or benefit to everyone, but a concept to be adapted to the conditions and needs of each of its objects instead. He defended that social justice could only be achieved if equality, as also a fundamental pillar of the law itself, was conceived as *differential* – what he termed ‘functional’; conceived as a function implied assuming equality to be also a practical, utilitarian value, and so it could be applied *specifically* to co-respond to particular needs.

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

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

defend themselves better and so break their dependency on the state legal instruments that had not ultimately been shaped according to their interests and needs. In other words, it was not only a question of attaining visibility but of finding their own voices in order to attain self-representation as one more faithful to their needs.

### **Arenas of Intervention – The media**

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

The press was therefore a follow-up to what he started in the courts or in the hearings. I believe he used it as a platform to publicize and extend the debates, since he also believed that the next step for an informed public was the demand for the necessary legislative action to change social wrongs. Besides his book-length studies, McWilliams published widely in newspapers and magazines, a career that culminated in his editorship of the New York leftist magazine *The Nation*, a position he held for over twenty years (1952-1975). Besides the abundant contribution to newspapers, brochures and magazines, he wrote several books that remain works of reference today, such as *Factories in the Field, A Story of Migratory Farm Labor in California* (1939) and *Ill Fares the Land* (1942), which were largely based on dramatic farm-labor strikes he witnessed during the 1930s. His closer contact with the people who led the events he depicted in his studies in turn led to his books on ethnic matters and race relations: *Brothers Under the Skin* (1943), *Prejudice: Japanese-Americans: Symbol of Racial Intolerance* (1944), *North from Mexico: The Spanish-Speaking People of the United States* (1949), and *A Mask for Privilege: Anti-Semitism in America* (1948). Some of these

studies were precursors in ethnic studies, most notably *North from Mexico*, which for many years prevailed as the only general history of the Mexican people in the U.S. (Navarro, 1971: 2). These books, McWilliams explained, should be seen as part of his activism; they were part of the racial revolution of the 1940s, or, as he put it, “[they] have been part of the action. They’ve grown out of what was actually happening at the time” (McWilliams, 1982: 185). The Civil Rights Movement republished several of these studies after 1951 (*Id.*: 6).

I take his intervention in the press as a fundamental trace of his activity as a public intellectual. The magazines and newspapers were springboards for his ideas and *forae* for debate, especially as they introduced ideas that were more often than not innovative and disruptive of the *status quo*. Indeed, the main goal of the magazines, McWilliams argued, was to break taboos and introduce new subjects:

to provide a home for new ideas and young writers. To prepare, so to speak, an agenda of items requiring national attention and discussion. To flush out new points of view. To support unpopular causes and issues. To focus a consistent and intelligent criticism on prevailing attitudes, policies, and dogmas.<sup>4</sup>

And so he himself used them profusely, having written for *Antioch Review*, *The New Republic*, *Common Ground* and *Survey Graphic*, besides the *Nation*, and to mention but a few. His editorship of the *Nation*, while not preventing him from publishing, provided him with a different stage of action; he would pick subjects (McCarthyism was one of his favorite targets; the construction of the military-industrial complex another; the fabrication of fear the umbrella for all of them, a keen topic for him since the war period) and give clues to young journalists or contributors to the magazine, such as young historian Howard Zinn, and encourage them to pursue the story by themselves (Richardson, 2005: 211).

It is also interesting to follow McWilliams’s ‘forged’ genealogy for his activism, which included some of the most outstanding critics of U.S. culture – most of whom wrote for newspapers too. Indeed, when pressed to explain his activism, he placed himself amongst figures such as Edgar Allan Poe, Ambrose Bierce, Mark Twain, H. L. Mencken, and Louis Adamic; they were for him an ancestry rather of choice and affinity. These figures were also all part of a tradition of dissent in American letters, what he called an ‘indigenous American rebel democratic tradition’ with which he identified his own quests and concerns

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

(McWilliams, 1978: 51). In the context of the Depression, as later during the Cold War – a period in which he was particularly active in denouncing the culture of silence and protesting against the military-industrial complex –, H. L. Mencken’s irony and wit, combined with Ambrose Bierce’s bitterness, appeared to McWilliams as more helpful and more fitting critical modes to approach the times while also protecting him from adhering to the consensual reading of the ‘American experience’ that was the vogue. Moreover, Bierce’s example as an unattached intellectual may have provided McWilliams with the freedom he needed to make original and relevant new contributions in the theoretical and practical fields of social activism (*Id.*: 232). He singled out not just Bierce’s rejection of the society of his times, but how he created an idiom, as a critique, to speak that rejection.

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

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

outsider, also in social and political terms, in relation to his ancestors. McWilliams was the first to point out how his education could hardly have foreseen his interest in social reform: “Anyone with a background as mixed as mine,” he writes, “might be expected to feel a bit of an outcast in today’s America, in which ethnic backgrounds and ‘roots’ have acquired a new significance. But I [. . .] can not see that tribal loyalties or immediate family influences had anything to do with shaping my political convictions” (McWilliams, 1978: 26). He considered his childhood in the Colorado ranch a much more important experience though. Introducing the ranch as a place without hierarchies nor fixed categories of any sort, McWilliams suggests that it allowed for a ‘frontier experience’ in that it created a particular experience of and ascribed a particular meaning to freedom. And this was the core value of his education, the one to inform his belief in justice and equality throughout his life: “For quite logically it is on frontiers [. . .] where the tags and identifications have been discarded or never recognized, that a sense of justice and equality often emerges”, he reflects, quoting Lionel Trilling (*Id., id.*).

For the disappointment of many, I suppose, he did not therefore claim any ethnic battle in particular to justify his interest in social matters, but advanced arguments that may be taken as very candid in the context of identity politics: his path to activism, he said, was boredom and curiosity (*Id.*: 66). More than that, and regarding his motivations, McWilliam stresses the responsibility with justice and equality, but this he acknowledges to be timeless and universal, which brings us close to the ethical ideal of the traditional intellectual definition. He always stated that experience had taught him that radicalism resided first and foremost in a concern with values, not with doctrines, traditions or specific man-made and historically bound ideologies:

If they [radicals] could achieve substantial agreement on the kinds of values society should encourage, it might then be possible to proceed experimentally, tentatively, to invent new forms and institutional arrangements which would best safeguard and extend those values. Values, in a word, should take precedence over programs. (McWilliams, 1979: n.p.)

Yet, he realized that reinventing a whole system and its institutions was a task for a Goliath; he argued that for the critic it would be enough to go on commenting on reality, fulfilling his or her rebellious and destabilizing role as a critic of established ideas and of power, a dissenter.

McWilliams's endeavors to remain a rebel without a doctrine were a constant in his life. Political affiliation and activism were different takes on reality, and only the latter could make a difference. He denied association both with liberalism, which he saw as too feeble to unleash his interest, as mentioned in a letter of 1931 to Mary Austin (Pearce, 1979: 247), and also because he considered his native American radicalism to be well beyond liberalism. As for Marxism, he admired it but only as part of the ferment of his times (McWilliams, 1982: 84-85). So, he justified his activism in accordance with certain ideologies in pragmatic and contingent terms: he admired the Left (e.g., the trade union movement) because it brought to the fore issues that deserved attention and concern; but he declined commitment to a particular doctrine. McWilliams even considered himself a socialist, but noted that he could not reconcile his sentiment with a party or a movement. Yet, he admitted being a socialist in his critique of capitalism because socialism provided him with an analytical framework and a language fit to identify and explain the dangers of corporate power to democracy: its exclusive concerns for profit and expansion (McWilliams, 1979: n.p.).

Marginality was therefore a condition of the radical rebel. He had to stay outside the domain of power in order to check constantly the exercise of power. McWilliams agreed with Hannah Arendt when she defined the radical as "the perpetual outsider, the odd man (or woman) out, constantly critical of the power structure and of things as they are" (*Id., id.*). The critic could not criticize from within because the proximity of power was, as he put it, "a terrible temptation" (1982: 18). So, "radical", as he further argues, "suggests critical thought operating outside the consensus or by way of challenging the consensus."<sup>5</sup> Another fundamental aspect in this tradition of dissent that McWilliams also identified with radicalism was its pragmatism and its preoccupation with social justice and equality: "the American radical tradition has been pragmatic [. . .] The tradition has always been concerned with justice, with equal opportunity, suspicious of large aggregates of power and antagonistic to them."<sup>6</sup>

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<sup>5</sup> Letter to Joseph P. Navarro, Dec. 19<sup>th</sup>, 1972. Carey McWilliams Papers (Collection 1319), Department of Special Collections, University Research Library, University of California, Los Angeles. Box 7, Folder "1920's."

<sup>6</sup> Letter to Joseph P. Navarro, Dec. 19<sup>th</sup>, 1972 (underlined in original). Carey McWilliams Papers (Collection 1319), Department of Special Collections, University Research Library, University of California, Los Angeles. Box 7, Folder "1920's."

The option for being politically active without the constraints of dogma may in the end explain the peculiar and productive dynamism of McWilliams's thought and criticism, not altogether common in times of political ferment and political persecution such as his. The Popular Front was a very wide umbrella of the Left; its ranks included many independent leftists who refused identification with the Communist Party. Of course this ambition of McWilliams's to be truly objective, pure and universalist could be challenged; as editor of *The Nation* magazine, for instance, he faced serious criticism in the 1950s for insufficient criticism of the obvious rise of totalitarianism in the Soviet Union (Richardson, 2005: 181); McWilliams argued he had neglected the issue because the troubles at home, namely McCarthyism, were more urgent for the magazine to address since they were closer, which was actually the same argument he used in a similar situation, to denounce the contradiction in state politics in the 1940s, the busy combat of Nazism abroad *vis-à-vis* the deportation of U.S. citizens of Mexican and Filipino origin, or the internment of U.S. citizens of Japanese descent. Maybe his activism was in the end moved by both universalist and particularistic causes and it involved negotiations with politics and power that leave the ideological question open, certainly. Whatever the case, however, McWilliams's contribution to debates on citizenship rights deserves deeper research, all the more because he was not an idealist – to return to my first quotation on the power of ideas; he did struggle to turn ideas into reality, or else set the debates going so that they could bloom just a couple of decades later.

### **Bibliographical references**

- McWilliams, Carey (1939), *Factories in the Field: The story of migratory farm labor in California*. New York: Little, Brown and Company.
- McWilliams, Carey (1942), "The Color of America", *The Antioch Review*, II(2), 635-650.
- McWilliams, Carey (1945), "Race Discrimination and the Law", *Science and Society*, IX(1), 1-22.
- McWilliams, Carey (1947), "Equality: A Political Problem", *Survey Graphic*, 36(22-25), 106-107.
- McWilliams, Carey (1978), *The Education of Carey McWilliams*. New York: Simon and Schuster.
- McWilliams, Carey (1979), "American Radical – Western Style", *Carey McWilliams The Great Exception*. LA: KPFK special tribute at Los Angeles Union Station [n.p.]
- McWilliams, Carey (1982), "Honorable in All Things", interviewed by Joel Gardner. Los Angeles, Oral History Program, University of California.
- Navarro, Joseph P. (1971), "Contributions of Carey McWilliams to American Ethnic History", *Journal of Mexican American History*, 2(1), 1-19.
- Pearce, T. M. (1979) (ed.), *Literary America 1903-1934: The Mary Austin Letters*. Westport, Conn.: Greenwood Press.
- Richardson, Peter (2005), *American Prophet. The Life and Work of Carey McWilliams*. Ann Arbor: The University of Michigan Press.
- Said, Edward (1996), *Representations of the Intellectual*. New York: Vintage Books.
- Santos, Boaventura de Sousa; Rodríguez-Garavito, César A. (2005), "Law, politics, and the subaltern in counter-hegemonic globalization", in Boaventura de Sousa Santos e César Rodríguez-Garavito (eds.), *Law and Globalization from Below: Towards a Cosmopolitan Legality*. Cambridge: Cambridge University Press, 1-25.
- Santos, Boaventura de Sousa (2008), *Para uma revolução democrática da justiça*. São Paulo: Cortez Editora.
- Santos, Cecília MacDowell (2007), "Transnational Legal Activism and the State: Reflections on Cases against Brazil in the Inter-American Commission on Human Rights", *Sur – International Journal on Human Rights*, 7(4), 29-59.