
*Commentary***Commentary on Carroll Seron's Presidential Address: Embrace Disciplinarity and Talk across It**

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Carroll Seron's service as President of the Association was impressive. We owe her a tremendous debt of gratitude for her vision, leadership, and hard work on crucial institution-building tasks, including initiating a review of Association governance and updates of the annual meetings. And now she caps off her term with this important and, to this reader, very welcome Presidential address.

President Seron calls on the field to re-engage with the worlds of policy and practice, an engagement that she sees as a return to founding principles of the Association. She calls on us to take up public responsibilities as scholarly experts. She argues that we ought to do this because we can and because we should: we can because we have tools and knowledge, and we should because the absence of our contributions leads to mistakes and missed opportunities that make our communities worse-off than they would be otherwise. A third reason is that many of us are able to do what we do as scholars because of public investment in *us* somewhere along the line in our careers—whether in the form of grant money to fund our research, salaries to fund our positions, or direct and indirect public investment in the infrastructure of our work or our training. Part of our collective public obligation—because we can, because we should, and because we owe a debt—is to draw on our expertise to contribute to solving the challenges of our day.

President Seron's aspirations are somewhat distinct from perspectives prominent in the era of the Association's founding. That was a time of great optimism about the power of law to bring about justice and ameliorate inequality (Sandefur 2008). When that optimism failed, critiques of law—and also of the tools for studying it—became fundamental. President Seron seeks a middle way. She argues that, while “[l]aw and regulations may have little prospect of undoing the *root* causes of economic, racial ethnic or gender inequalities in the contemporary politics of the U.S., or beyond... there is a lot of room for pragmatic relief...”

(Seron 2016: XX). To illustrate, she highlights examples of how sociolegal research can inform pragmatic policies, focusing on important contemporary issues including employment discrimination, racial profiling by law enforcement, and legal mechanisms of voter disenfranchisement. I heartily affirm. At the same time, I see challenges facing good answers to her call.

As she acknowledges, there is the ever-present the pull of the policy audience (Sarat and Silbey 1988; see also Gould and Barclay 2012; Sarat 1985). Engineers, both physical and social, famously look for the solution inside the problem. In fact, however, better solutions sometimes may be found by looking outside the problem, thinking more broadly about the system or context. When pulled toward the policy audience, we face a temptation to let policy makers or other administrators of the status quo define the questions of cloistered research (Albiston and Sandefur 2013). When we take this path, we exchange our intellectual autonomy for a ready audience, and in so doing hobble our potential contributions.

Another challenge is the lure of solutions, often disguised as values, in search of problems. Here, we can become so enamored of our own tool, whether it is a service program or a constitutional right or a theoretical paradigm, that our research celebrates the tool at the expense of lost connection to the real-world problems that we claim we are trying to solve. Yet, we do not notice this loss because the tool looks to us like a good in itself, when in fact it is a means to an end. Meeting these challenges will require us to take two actions that pull in different directions: embracing disciplinarity and talking across it.

Embrace disciplinarity. Law and Society has by now produced some of the trappings of a discipline: programs exist that give degrees at all levels, the Association operates one of several journals in the field, and its scholars have produced some distinctive paradigms, concepts and theories: for example legal consciousness, legal endogeneity, and the disputing pyramid. But when the endeavor began, it was a loose confederation of academics from different fields who wanted to study law in a way that was both critical and empirical (Garth and Sterling 1998). At that time, Law and Society was a topic area, and scholars of diverse intellectual antecedents wielded tools from their own disciplines or borrowed those of others to create new knowledge about law. The best and most pragmatically useful research that answers President Seron's call will manifest both independence and intellectual power only if it remembers that history, only if it connects to discipline. Practically, studies connect to discipline when they do two things: frame their research questions to speak to an identifiable community of scholars engaged in a long-term

conversation; and, ground those questions in systematic abstractions that permit broader generalizations from specific findings.

Discipline supports analytic rigor. Space allows me to highlight only two examples, both of which are also noted by President Seron. Lauren Edelman's decades-long research program started with insights from the new institutionalism in sociology and ended up discovering both a lot about how rights enforcement actually works and a new theory of legal endogeneity (see, e.g., Edelman 1992; Edelman et al. 2011; Edelman, Uggen, and Erlanger 1999; Edelman et al. 2011.). This research has powerful implications for how we would have to redesign rights enforcement if we wished it work differently than it currently does. It also has taught us a tremendous amount about the functioning of legal institutions and the ways in which large organizations dominate contemporary society. Charles Epp, Steven Maynard-Moody, and Donald Haider-Markel's recent book takes as its topic a routine police practice, the traffic stop. Drawing on core ideas from political science, their work not only documents shocking patterns of racial profiling by police, but discovers how this practice creates experiences that define both race and citizenship. Their careful research shows us a number of ways in which we could redesign law enforcement to reduce its racial bias (Epp, Maynard-Moody, and Haider-Markel 2014).

Both Edelman's research program and Epp and colleagues' study use rigorous empirical methods and ground their questions in disciplinary theories. In both cases, the work is about more than its topic. The engagement with bigger questions and theories prevents being blinkered by the narrow interests of policy makers or cause actors. I suspect that these scholars, like many of us, became engaged with their questions because they were troubled by them. But because the work is grounded in discipline and methodologically rigorous, their research questions started out as and remained genuine questions, rather than platforms for positions.

Talk across it. At the same time, the concerns of disciplines are seldom general concerns. Core disciplinary scholarship is about building abstractions, not solving concrete problems (Abbott 1988). And applying disciplinary insights is not straightforward, for disciplines talk in restricted code (Bernstein 2003): they are conversations among insiders conducted in argot. There are many fine examples of translational research, which takes core findings and draws out their implications for practice. But successful translational research requires more than interest, will and rhetorical skill on the part of researchers. It requires a human infrastructure. In the quest for pragmatic relief, the companion task to embracing disciplinarity is creating the relationships that make translation possible, in many directions. The

kind of collaboration I am advocating is not teams of scholars from different fields puzzling over a problem together, although this is valuable. I am advocating teams of scholars, field professionals, policy makers, and research and service funders working together to create an agenda in a way that also provides mechanisms for input by the public.—The public is, after all, the intended beneficiary of pragmatic relief.

I provide an example from my own work, not because it is the best example but because it is the example that I know best. I entered sociology to study inequality, and began my scholarly career studying inequality among professionals, taking lawyers as a case. This led me to wonder how inequality among these gatekeepers of the justice system might affect inequality in its use and in the remedies ordinary people got from it. When I wandered into the field of access to justice a decade ago, I quickly discovered that in the United States it had gone nearly dormant in the early 1980s. Funders no longer considered it a priority; few scholars identified themselves as studying it; and, some who had decades ago left the field in discouragement or disgust warned me against it in well-meaning ways. If I had lived through their times, I might have done the same. As it was, I felt there was no one to talk to—no producers, no consumers, and no funders of research on what seems a key aspect of democracy and the rule of law: how ordinary people governed by some system of laws use them to seek remedies to the problems that those laws comprehend.

So I started reaching out more widely, searching for people interested in research on this topic. I quickly discovered much more developed activity abroad. Ironically, it was through international colleagues that I slowly began to meet a few people in the United States who were working on access to justice. Together, our small and growing group has been cultivating the human infrastructure of this research work. We have done this in a very specific way, by creating opportunities to bring together scholars—particularly early-career scholars—with field professionals from the worlds of policy and practice to identify problems and questions. Slowly, funders have begun to notice. By this activity, we hope to achieve two goals. One is the creation of a research agenda that is relevant at the same time that its scholarship is rigorous. The other is the creation of the community of people who produce that research, use it, and fund it.

To create the kinds of scholarship that President Seron calls for, this kind of infrastructure building will be necessary in many research areas. The task has its challenges, but I have never had more fun on the job, nor done work more rewarding. Creating ways for the public to have input into the deliberations of professional experts is a constant challenge. When social

scientists are in the conversation, they bring tools, including surveys, interviews, and ethnography, to do this well.

Talking across discipline involves many mistranslations and much confusion. Talking across discipline, we struggle with how to balance our respective professional ethics, as well as our allegiances to our causes and to facts. It is an activity that reveals how often all of us—scholars, funders, and field professionals—offer our preferred solutions as goods in themselves rather than as means to an end. Most commonly we reveal this when we show ourselves to believe that we already know the answers to our own questions. For example, we know that our method is the right one and all we need is the data; or, we know that our service empowers those who receive it and the study just needs to show how; or, we know that law can never do anything other than oppress groups or domesticate causes that we care about, so let's document that for the unbelievers. In these moments, answers to research questions about pragmatic relief seem foolish to seek: when we mistake our solutions for goods in themselves, it often nicely follows that what is to be done is more of something that is already being done—better funded, of course. Contexts like this are exactly where good scholarship, grounded in clear concepts, using solid data and empirical methods, can make a powerful contribution, and also exactly where sustained conversations are necessary to arrive at questions that are genuine questions for everyone involved. This kind of community building work is hard, but the potential payoff is enormous.

Not everyone will agree—with President Seron's call or with these suggestions. Some may caution about the siren song of the policy audience. Others may remind us that gap studies went out in the 1980s. A call to disciplinarity will sound restrictive to those who have already moved past interdisciplinarity to the point of indiscipline, enamored with their cause, their topic, or their tool. Some may suggest that we have had this conversation before—which could be true, but has little bearing on whether the conversation is worth having again. In my reading, President Seron's call is to the field. In order for the field to fulfill its promise for the public, not every sociolegal scholar has to do this kind of work, nor need every piece of scholarship be relevant to pragmatic policy. I look forward with hope, though, to more fine, creative, engaged scholarship from President Seron, and from many.

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