

CHAPTER SEVEN

AT ODDS WITH EVERYTHING AROUND ME

Vulnerability Politics and Its (Out of) Place in the Socio-legal Academy

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At an external workshop discussing my first book, *Accidental Feminism: Gender Parity and Selective Mobility among India's Professional Elite*, a participant, an older white male professor, asked me why I felt the need to bring my identity (a strain that grounds the book's premise) into my research. A generous reading of this question is that it was curious about method: Why do I place myself at the center of my research, what does that perspective of reflexivity offer my writing, what could it have been if I had just relied on my "strong" and "convincing" data instead of personal narrative? The answer that I gave him in the moment was that thinking with identity was simultaneously a personal and political act, and one that I did not have the luxury of theorizing without. And, further, that if I did leave it out, someone else was likely to assume incorrect identity priors on my behalf. After all, as a global south interdisciplinary scholar in the American legal academy, I was marginal in ambiguous and inescapable ways.

In the months since, I have been considering the ways in which my self-reflexivity has evolved alongside my coalescing research agenda. Over the last several years, my scholarship has focused on the lived

* The title of this chapter references bell hooks' definition of queerness as beyond sexual choice and instead as a version of the self that is "at odds with everything around it and has to invent and create and find a place to speak and to thrive and to live." *Are You Still a Slave? Liberating the Black Female Body*, May 6, 2014, The New School for Liberal Arts. Full video available at www.youtube.com/watch?v=rJk0hNROvzs.

experience of different kinds of diverse actors within legal organizations and institutions. Particularly, I have been – and remain – interested in critically examining law’s commitments to inclusion by investigating how minority actors claim agency, navigate, and excel within its structures. Although the methods (such as ethnography, interviews, surveys, content, and network analysis), sites (such as global law firms, law schools, outsourcing units), and identities of interest (such as gender, immigrant, queer, racial, religious) have varied across my projects, three interrelated strains frame their broader focus. The *first* has been to locate the ways in which legal sites create and dismantle new kinds of structural hierarchies by paying attention to who is being excluded with any policy of inclusion and vice versa. The *second* has been to observe the dissonance between intention and action by tracking both the ways in which inequalities persist despite projections of equity, as well as to notice positive outcomes and progress produced without intention. The *third* strain has been an analytical approach rooted in grounded ethnography and critical race theory that is centered around the experience of minority actors within the contexts of inquiry rather than to study them as additional points of analysis. Across these agendas past and current, the navigation of identity has been key to my research – *how do different laws and market structures legitimate the ways in which “good inclusion” and “problematic deviance” is done? In transforming cultures, what categories of analysis remain fixed and what are more flexible? Particularly, how is the researcher’s own identity implicated in the production of these narratives and the mutability of legal categories?*

The more elaborate answer to the prompt at the workshop is perhaps that vulnerable positionality was not just a choice or calling, but something I considered to be an important coordinate in research, especially when writing about legal institutions and processes that are considered “neutral.” Central to this idea of neutrality is the illusion of fixed categories, and identity subverts these assumptions by being inherently flexible and layered. I certainly identify as a global south queer marginal within the American legal academy (where few professors receive primary legal training outside the United States), but this identity of being on the periphery sits alongside a range of what I theorize as “local north” advantages (Ballakrishnen 2021, 195) of cosmopolitan class, location, and privilege. For instance, I am the first person in my family to travel to the United States, and it is true that I could not have accessed or completed any of my three post-secondary

degrees without complete scholarships and financial assistance. Yet, simultaneously, as a child of educated forward-caste parents in India, who grew up speaking English in a postcolonial urban city, I had inherent privilege and access to these mobility trajectories. Writing about and with identity, especially from these complicated positions of marginality and privilege, can be an ethical choice when writing about the law. Although they might not always be directly in question, identities often help expand *and* expressly constrain one's ability to do research. In pointedly writing about myself and outing my priors, I am allowing readers to receive my findings with more clarity. What appears to be non-neutrality is, instead, what I consider to be the most grounded extraction of the phenomena I am trying to explain or theorize about.

Beyond mutable positionality, different modes of belonging within research sites also change across a range of temporal dimensions. Although some core parts of me might have stayed (or appear to have stayed) the same, my identity is also an interactional and living organism that shape-shifts with environment, exchange, and reception. As a researcher, parts of my identity that might be an "advantage" in some spaces might effectively be the very thing that isolates me from the field in others. Furthermore, these dimensions of proximity and distance are not static or mutually exclusive: a researcher might, for example, be excluded *and* privileged in the same instance, or feel included *and* seen as improper or irrelevant. These notions of belonging and propriety become even more relevant when the research interrogates legal structures and institutions which are encased in logics of normativity, especially for actors on the periphery (however structured) interested in understanding mechanisms of alterity within them.

Thinking about positionality within the coordinates of being out of place offers a new way to think about its politics in research and the usefulness of it as method. Drawing from my experience through two book projects and a line of new research about peripheral actors within legal structures, I approach this call to think about sites and our places within them as socio-legal researchers in four main parts. First, situating my own out-of-placeness, I locate the broad hegemonies that create the outsider, as well as the normative considerations that make a range of less "ideal" researchers feel out of place. Next, using comparative experiences across projects where I have studied "up" and "down", I offer that peripheral identities are nonlinear and shift depending on context and temporality. Third, I use lessons from several projects, and

especially my last two major empirical projects – my manuscript *Accidental Feminism* on elite Indian lawyers and a collaborative project *Invisible Institutionalisms* on the constructions of global conversations around law and society – to locate the ways in which methodology and theory are interdependent and recursive praxis that reinforce each other. Finally, I offer ways to think about vulnerability as method in conducting socio-legal research and its possible praxis limitations. I hope that, together, these examples illustrate the ways in which being out of place at different stages (both of the research process and my own trajectory as a scholar), and in these different ways (across projects, sites, and moments in time) has informed my socio-legal research. Altogether, I hope to argue that law, like identity, is predicated on trust, exchange, and power, and each, when moderated with self-reflexive vulnerability, hold within them the capacity to belong, break-open, and build anew.

LOCATING THE HEGEMONIES THAT CREATE THE OUTSIDER

In my first book, *Accidental Feminism: Gender Parity and Selective Mobility among India's Professional Elite*, I studied elite professionals across different kinds of organizations to understand the possibilities and limitations of parity and performance across settings. My findings – which revealed that women in new kinds of domestic law firms had better prospects at parity in their work environments than their colleagues in other sites – are not as relevant for the purposes of this chapter as the actual variation and similarities between these sites from my perspective as a researcher. The organizations which were the main sites of my study were similarly elite to keep the comparisons about their structure theoretically useful, and, across these contexts, their shared hegemonies also had similarities.

Given my central focus on identity, perhaps a note on my own is overdue, at least as relevant for the context of this project: I am an Indian-born dual-trained lawyer with experience in international transactional law. These data – 139 semi-structured interviews conducted between 2011 and 2015 – were collected when I was affiliated with prestigious Western schools in different capacities as scholar, fellow, and graduate student. As other critical scholars have noted (e.g., Gustafson 2011, 189), all of these interactions and capacity for access were symbolically influenced by my own identity and engagement. Although my

social networks were crucial in granting me access to these busy professionals, it is possible that their representations to me were in response to my then-current professional and academic affiliations.

But these interactions were also simultaneously modified by the ways in which I was in and out of place within them. For instance, during the entirety of data collection, I was a doctoral student in Stanford University's Department of Sociology, a position that made it seem to my respondents that their time was being lent for a class project. Still, at different times, I would also prime them that I was a research fellow at Harvard Law School's Center on the Legal Profession, a title that allowed me more legitimacy as a scholar even if I continued to be a student researcher. In other words, I was out of place in these identities depending on the site, but the nature of this othering was different. Similarly, being a lawyer meant I knew many of my legal respondents by professional association – an interdependency that made me less of an outsider in some sites (but not others). But it also possibly made me more cautious as an ethnographic witness because what I wrote might be read by connected networks. In contrast, my training in sociology, despite being less directly translatable to these professionals, perhaps felt less threatening because of the distance it offered.

Other ways in which my socio-legal disciplinary training complicated my belonging were more structural. I went back to graduate school after years of legal practice and scholarship, and although I felt supported as a scholar within interdisciplinary clusters, my research alienated me from the primary discipline that I was being trained in. I highlight in my book how my immediate surroundings were central to my writing choices in both agentic and incidental ways (Ballakrishnen 2021, 180–3), but I offer it here to highlight that the position I inhabited as a sociology graduate student in a US department studying non-Western elites from a law and society lens was peripheral to the academy in several independent and interconnected ways.

Crucially, over the past decade, at different stages, I have had to defend my research and make it compelling to differently placed actors that I have wanted to be in conversation with. These audiences, while invigorating, also introduced new kinds of struggles, and as an interdisciplinary scholar, I found myself constantly trying to engage, usually from a liminal position, their shape-shifting nature. Similarly, I remained preoccupied about the usefulness and reach of my work. At the core, what did it mean to be a global south scholar writing about “one's own” (Altorki and El-Solh 1998) and who would it serve?

Over the course of becoming the scholar who could produce research that I felt intellectually aligned with, I have had to contend with the difficult and frustrating contradictions of relevance dictated by this positionality. I have had to accept that being visible to a global audience, and being able to make interventions in global scholarly debates and questions, necessarily makes a contribution less useful for those on the backs of whom it is written. These complicated relationships about method, usefulness, and service are not much different from the other frustrations about voice and narrative that I anguish over in the preface of my book, but I mention it because this out-of-placeness was experienced as having the real and recurring fear of being a “bleached out” (Wilkins 1998) academic. And for this reason, this disorientation and the “disciplinary agoraphobia”¹ it produced, continue to plague my outsider status, even though in the years since I have been better received within disciplinary communities.

Finally, the heteronormative institutions which situated all my interventions felt persistent in their capacity to the other me. I present as female but have been increasingly identifying with a more gender-fluid identity (and use they/them pronouns when I write now, which I did not when I was in the field). As I explain in *Accidental Feminism*, this located identity as a global south queer was a key reminder of the ways in which I was an outsider, even as I might have passed as an insider. The interiority of this dissonance is crucial – I use the term “queer” here as hooks (2014) does: as a self-identifying category beyond rigid categories of sexuality and within praxes of oddness, alterity, marginality, nonconformity, and deviance. This located me centrally within academic conversations about queer methods in research, but as a researcher not studying queerness per se, and as a person experiencing these connections to queerness differently across communities, I was constantly unsure about how much of it to “bring” to the research site. Or, indeed, whether such bringing was relevant to the subjects I was interested in. Was my personal politics about heteropatriarchy relevant

¹ In addition to design determinations, I argue in *Accidental Feminism* (2021, 181) that I was struck by various kinds of what I call the *disciplinary agoraphobia* at different stages of the project. I note that being socialized in a specific kind of department, at a specific moment in time, was central to the research design. But at different stages, exposure to new kinds of thinking and framing offered a way to return to the work and its implications differently, often with feelings of anxiety and a feeling of being overwhelmed.

to my subjects' experiences as professionals? Was I doing the interaction an injustice by not bringing my "whole self" to the field (and if so, where does one stop when defining this "whole self")? This feeling of out-of-placeness in method – that is, not knowing when one's identity and its alterity is relevant to the most ethical methods of inquiry – adds yet another layer of agoraphobia in research.

Further still, as I suggest in the next section, this complicated connection to identity was simultaneously also juxtaposed with a lot of what I call "local north" advantages. My queerness has both evolved and become more central to my contexts over the years. At the same time, it has also interacted with its surroundings with increasingly less reactionary hostility as I have become more comfortable with the fungibility of my identities.² These complex categories of belonging and distancing have, beyond othering, produced a feeling of distance from the field that recursively moderate the import of my research.

Despite the interpretive implications and limitations of these subjectivities, I hope these narratives also offers perspective on how presentation of self is moderated when engaged with external expectations and standards. Still, as hegemonies shift, so do identities of the outsider; and it is to this shifting location that I turn to next.

SHIFTING IDENTITIES AND FLEXIBLE OUTS OF PLACES

As I have begun to suggest, despite any personal narrative and identifications I might claim from deviance, my identities have had different interactional privileges depending on their site and possibilities. Being a researcher from Harvard Law School might have been more relevant than my being queer or a sociologist for access to elite law firms in India, but this did not make my interactional vulnerabilities any less important to my experiences within these sites or my perspectives as I wrote from my data. This might be true for different identities, but I highlight some temporal sways of my own here to be able to illuminate this shifting positionality as integral to locating an out-of-place researcher.

Key to this is the acknowledgment that alongside my peripheral identities sit several interpersonal and visible advantages.

² I explore this increasing clarity with identity flexibility in a recent article (Ballakrishnen 2023).

In *Accidental Feminism*, I use the term “local north” to make central these many advantages and “successes,” both ascribed and achieved, that have been offered to me. For instance, myriad *Savarna* (forward caste) privileges have culturally and socially lubricated my experiences in the world, even when removed from India. The privileges of caste and class that I enjoy as a cis-presenting Brahmin from an urban Indian city, who was raised by multiple college-educated adults, all of whom communicated in English to them, was central to not only my local socialization and success within private and public educational opportunity, but also to my relatively seamless socialization into American urbanity and academy. These buffers have served me even as they have distanced me from my own vision of presentation.

Still, ideas of privilege shift over time and place. My urban/global/*savarna*/cis positionalities might have lubricated access to elite law firms, but they also meant I was less likely to seamlessly access actors who were on the peripheries of these sites (e.g., attrition actors or those who were actively antagonistic to these firms politically and personally). These positionalities also have had different valences over the course of the research and shifted with time. I embodied advantages but I was also seen, for the most part, as a student completing their research project; a position that made my relative insignificance central to my capacity to collect data.

It is worth reckoning with the difference in this positionality now that I am no longer a student. If I were to collect these same data now, as a published author, perhaps this situation would be felt differently (although given the ways in which academics are perceived across contexts and their relative power within them, perhaps not). But as a student I was seen as both not having enough authority to demand space, and not enough of a threat to restrict access. Some of this counterfactual was revealed as I recently conducted research on law students from my position as a tenured law professor with a distinct difference in the power of that interpersonal exchange.

In her study on elite US law firms, Jennifer Pierce (1995, 97) argues that even though she was seen as having “unacknowledged ethnographic authority” at the start of her research, this very same lack of authority was met with “less angst” over time. Similarly, from a personal perspective, feelings of guilt and anxiety (about, for example, inaccurate or incomplete representation) started to move towards feelings of “frustration, resentment, and anger” in my case as well. As I recollect in

Accidental Feminism, many of my interviews were focused on professionals seeking mobility rather than those with entrenched achievement (for example, named partners who inherited law firms).³

As other qualitative scholars who “study up” (study sites and people who are structurally more powerful than them) have argued, these hierarchies are complicated and not always linear (see, e.g., Ortner 2010, studying Hollywood as an anthropologist living in the same city). The elite professionals I studied were more powerful than me in some ways, but they were also made vulnerable anew because of how much of their lives they shared with me during this process and how much more easily they could be outed in comparison to a more generalizable population. For many of my respondents the primary model for being interviewed was the press, and most were pleased (and many required) that I did not reveal their identities in published research, lest their clients or peers would recognize them in the data. My interest in culling representative data from these exchanges had to be balanced against the recognition that these individuals were harder to anonymize than other projects I was involved in. Together, these considerations reveal that the flexibility of identity is not just about site, but can as easily be also about temporality and interaction within the same site.

Still, variations across sites and the fungibility of identities within help further refine ideas about out-of-placeness. When I was working on *Accidental Feminism*, I was also simultaneously engaged with other projects where I was not “studying up.” Being in these spaces helped recalibrate theories about method beyond an elite site. For example, in 2017, I was conducting ethnographic fieldwork in a remote Kerala village studying families of migrant laborers and the experience was instrumental in shaping my understandings of the power inherent in access and use of data. The very privileges that allowed me access to an elite site like a large law firm, were what made me decidedly an outsider that did not fit in in remote Kerala. Although the professionals in my book were more “elite,” access to them was in a sense easier than it was

³ Beyond an interest in mobility, this reluctance to include more set and public actors was rooted in a worry that it would have been hard to anonymize them within an already small and high-status population. However, although they were not interviewed, their publicly available ideas and narratives (e.g., content analysis of their news articles and public interviews before, during, and after these data were collected) were key informant nodes that shaped the main ways in which I analyzed these findings.

in rural Kerala where people were (legitimately) suspicious of me in their midst. Even though I spoke the language and was, in a sense, “from” there to the outside world (I was born in Kerala, but have not lived there for any length of time), within the village itself, it was evident I was not *from* there.

Further still, these positional coordinates were neither linear nor insular. The fact that I was an outsider made my respondents hesitant to share, but once I established rapport, the fact that I was seen as a foreign professor (I was not, but academic did not really translate in Malayalam to anything else) gave me authority and status. As other critical scholars have argued (Priyadarshini 2003), this crutch of otherness also shifted to a real sense of power once I *left* the field. Once I started to analyze and write from the data, my respondents’ early reluctance was reified. It was clear that fewer people I was writing about were likely to read or rebut my work, making my commitments to their narrative and the protection of their exchanges differently salient than populations that were studied up.

As other scholars who have struggled with “studying their own” have offered, inclusive identity categories can also be the very coordinates that stifle one’s capacity to report on the data. It might complicate one’s ability to push back against harsh singular narratives while simultaneously calling upon them to be apologists in ways they do not mean to be.⁴ At times, I felt conflicted between wanting to be protective of subjects I had relative power over, and committing to “going where my data was taking me” to be the most reflective scholar I could be about the site. And unlike studying up which might have allowed one the illusion of non-belonging to produce “neutral” knowledge, non-belonging in other sites instead triggered responsibilities in the production of similar knowledge. Finally, the idea of “studying one’s own” also had interactional implications in that “own” was a constantly shifting category depending on the audience. I was certainly not a Malappuram resident to my neighbors in Kerala, but I was attempting to speak on behalf of them with a certain authority and proximity while addressing a reader possibly even further removed from their experience.

None of this is to suggest that the eventual extensions of being “out of place” can modify its very real impact as a lived experience. Identities may shape-shift and have varying interactional power, but

⁴ See, for example, Altorki and El Solh’s (1988) *Arab Women in the Field*, and Abu-Lughod’s (2008) *Writing Against Culture*.

they matter, even beyond self, to method and theory. And this is what I turn to next.

USING ODD/IDENTITY TO BUILD LEGAL THEORY: LESSONS ON POWER, VULNERABILITY, AND VISIBILITY

This increasing obsession with methods and positionality across my projects has evolved beyond a way of just data collection, to a more central dynamic of theory building. *Accidental Feminism*, for example, is steeped in this commitment as a way of framing its purpose (see its preface), and, as it expands centrally in its concluding chapters, this non-linear intermingling between method, theory, and possibility runs deep in what I hope becomes its import.

My second book, *Invisible Institutionalisms: Collective Reflections on the Shadows of Legal Globalization* (2021), a long-term collaborative project with Sara Dezalay that brings together scholars and activists from different locations in the Global South, goes even further in cementing this commitment in that it draws from it as the conceptual core. In similar vein, my current projects on legal education and the profession illuminate a range of ways that inform my identity memberships, and these coordinates are central to theory building within these fields. I use these projects across time illustratively to make three extensions – on power, vulnerability, and visibility – to this idea of being *out of place* as well as to further illustrate the argument that identity is temporal and context driven, as is its capacity for building legal theory.

This idea that out-of-placeness is predicated on power has been a central vein of my research orientations. Expressly to deal with this head on, in *Invisible Institutionalisms*, Sara Dezalay and I adapted a version of a communal “long table” format to structure the theoretical and methodological blueprint of our book.⁵ In contributing chapters, participants were invited to exchange and share the ways their positionality and method was central to their writing. The hope was to

⁵ The “long table” was a performance/discussion format stylized and adapted by Lois Weaver first as a performance project (2009–12) and subsequently as a structured stylized open-ended, non-hierarchical format for interactional participation and intellectual political commitment. The idea is to structure conversation as it might be at a long table for a dinner party. There are hosts who invite the community (here, the “editors” of the book), but anyone at the table is a guest and an active performer, with an invitation to stay, share, or leave at will, since conversation is the “only course.”

bring to bear the everyday rituals and exchanges that could otherwise be invisible, and to offer them, extending the metaphor even further, a “place at the table.”⁶ In our view, this place-making for new kinds of knowledge was essential to foster an interactional capacity for reveal, even if at times this process was ambiguous or not “clear” within the definitions of the discourse (Ballakrishnen and Dezalay 2021, 8). In some sense these journeys without agenda were not just an addition to, but, instead, the core of the intervention.

Dezalay and I were interested in the gaps that were produced by the illegible and the deeply personal – trusting the value in the kinds of dissonances that could be produced by these exchanges. We also recognized the cost: that such narratives of the self could make the writing within disciplinary syntax more complex. Each “grouping” brought together two scholars in conversation that might not share disciplinary views or orientations and the book itself was a recording of that recursive exchange alongside personal narrative. We considered that an established TWAIL (Third World Approaches to International Law) theorist might not want to say much about Colombian white-collar crime and regulation. But we hoped that the structure which curated an invested but mutually out-of-place audience could offer “an illustrative exercise in noticing the points of friction and similarity across language.”

This idea of speaking across disciplinary and language boundaries with reflexive method but without visible agenda is not unique to our project.⁷ Feminist and queer theorists have long approached their communities with this kind of generous and generative curiosity that

⁶ The long table is a performance structure popularized by New York City’s theater company Split Breaches. It borrows from the movie *Antonia’s Line*, in which the protagonist continually extends her dinner table to accommodate a growing community of outsiders and eccentrics until, finally, the table must be moved out of doors. The long table brings what might often be seen as “outside” in – to a realm of conviviality – while simultaneously showing how everyday, domestic things which might remain hidden can be brought out, into a realm of public ideas and discourse.

⁷ As we suggest in the book (Ballakrishnen and Dezalay 2021, 8–9), it has long been at the core of feminist methodology and praxis. Audre Lorde, for example, uses the logic of feeling and affect as an important method to think about knowledge production, when she talks about the work of poetry as “not being luxury.” Feeling, Lorde argues, is not just the other, feeling and affect is a source of knowledge, it is a tool, it is a way of breathing new life into old ideas. What Lorde says about feeling is true about repeated human connection and meaning making that comes from recursive and intentional conversation.

places identity and affect central to the ways in which they theorize. For example, as Sara Ahmed (2014, 218) reminds us, there are cultural politics to emotions, feelings are sticky and attach to objects and theories, not just people. In turn, they can have a stickiness and circulation of their own – accumulating new kinds of affective values. Seen this way, being out of place is not just a thing to “fix” but, rather, a thing to pay attention to as a new way of seeing.

But just as there can be opportunity for renegotiating power with new kinds of sight, there also remains power with/in proximity. Just as being out of place can sometimes offer positions of power in data recollection (as my relationship to the field in rural Kerala did sometimes), recent research on legal education I collected data for as a law professor reminded me how there can also be power in *not* being out of place. For example, after a set of focus groups with Black law students for a project on the precarious performance demanded by “progressive” diversity initiatives in legal spaces, I received an email from one of the respondents thanking me for conducting my study. In relaying its thanks, it read: *“I really feel heard and like I can make a change by sharing my experiences with you. It is nice to be able to identify with you and have similar shared experiences. It made me feel more comfortable to share.”* On the one hand, this capacity to be able to make space with ease and connection is a privilege since rapport is central to “good” data collection, and there is virtue in making research collaborative and identity-forward. Further, because vulnerability is often not expected, especially when interrogating the law, it can create new inroads, especially when engaging with subjects who might need that space of trust to be able to share their own story. Out-of-place subjects within hierarchical legal structures might require – rather than just be advantaged by – such vulnerability.

But on the other hand, upon critical reflection of my own power and place within the field, the rewards to vulnerable and visible identity become a bit more complicated. Normally, this would have been a sweet note to receive – a reminder that I had “made a difference” to a student who felt seen. Instead, in the context of having collected this data as a professor – someone with direct power in relation to my subject – rather than a student researcher, the note of gratitude complicated my sense of commitment to both the data and analysis. As a way of forging connection and making myself more accessible, I had made my identity visible to this group of students and explained my own background as an international student in legal education.

Yet, considering this note, that act of conflating our journeys felt ill-informed in its integrity. If they were sharing because they thought I was “like them” – which I was not, given my current relative position as a professor, but also more generally given our variations in actual life trajectories – how did it change my capacity to elicit this data? If they were sharing because they thought I was going to “make a change,” did it actually put pressure on me to read the data in ways that would seem “change making”? Seen another way, would I be tempted to read the data for strains of change and the possibility that I might not have if I was just “following the data” more neutrally? As I mention earlier in this chapter, neutrality has its own complications, but thinking about closeness to subjects as an additional complication allows us to consider the limits to camaraderie, and the relative usefulness to being out of place.

In her book, *Complaint!*, about the harassment claims within the academy and the usefulness of complaints as methods for institutional change and theory, Sara Ahmed (2021) reminds the reader of the limits of asking those in positions of precarity to share for the purposes of our research. Sharing, she reminds us, is not always easy, and it places at stake affective vulnerability politics. In particular, she urges the consideration of the limits in sharing from precarity: “being shattered is not always a place from which we can speak” (14). I highlight this here because it aligns with my own nervousness about the signals I might be offering in being read as proximate to students whose many issues I cannot solve by just offering them another space to file their grievances. I may trust that writing and theorizing will have a life in this world that will benefit the populations I serve, but I also must acknowledge that such an agenda for change is long and fraught with institutional strife, and may not offer the hope one expects.

And then there are the ethics implicated in *forgetting* (or non-remembering) certain kinds or strains of data. Just as what we remember and record impacts theory, what we forget can have specific implications, too, for what we write and what our writing can mean. Something can be familiar but forgotten within a context (e.g., proximity deployed to establish rapport might also have shaped responses), and what this forgetting means can have implications for how it is read and received and replicated in other contexts – especially as one advances in the academy and has power of readership and mentorship.

Proximity, however, is not the only thing that produces this kind of complicated reflexivity between method and theory building. Distance

from identities can sometimes produce the same frustration. In setting up the theoretical core of *Accidental Feminism*, I grapple in the preface about the politics of representation and the complexity of claiming categories (Ballakrishnen 2021, 14, fn. 9). For instance, my current self-identification with – and within – queer categories of citizenship could be reflective of a belonging typical of my diasporic identity. But the journey towards this citizenship has made me think more critically about the use and usefulness of claiming identities and the work it can do in different contexts. Words and meaning-making do have power, but non-claiming of positionality could do its own work too. As other queer thinkers have offered (Nelson 2015), perceived choice making and its received visibility among community – or even interactional partners – is not always aligned with one’s own inherent tendency towards alterity or their urgency in needing to claim it. Specifically, as Gayatri Gopinath (2005) cautions, thinking about categories as direct products of Western (or other hegemonic) movements and markers does not do justice to locating people and their praxis and it is particularly unstraightforward for South Asians. Since citizenship itself is fragile, claims to queerness have to be “constructed at the interstices of various strategic negotiations of the state regulatory practices and multiple national spaces” (Fortier 2002, 194, citing Gopinath 1996, 121). Seen this way, it could be that I was no more or less queer twenty years ago while living (or seeking) what might have presented as a cis-straight-heteronormative life.

But this urgent claiming of peripheral citizenship is only one sliver of a much more multifaceted identity matrix. Significantly, as I mention earlier, I also inhabit the caste-determined advantages of someone writing on behalf of women and bodies that do not share in this power. In *Accidental Feminism* (Ballakrishnen 2021, 195–6), I attempt to think through the idea of a “brahmin or *savarna* fragility” – which makes speaking on behalf of caste hard, both when it is done and not done. There is a certain inadequacy and guilt entrenched in the narrative – a summon to use privilege to call the self out on one’s own positional advantage *and* a chide to be sure not to let it reek into a counter narrative that has more agency. If *savarna* feminists like me with an access to so much global space and network and resources do not use those spaces to talk about intra-group solitary beyond our own, that feels like one kind of violence. And to find – using those very same privileges – spaces that will take our narratives more seriously or as more “nuanced,” “accessible,” or “meritorious” because of a set of

cultural factors that we have inherited feels just as violent too. Yet, the luxury to debate which is more violent, to ponder and agonize about which is doing more damage and for whom, and to feel entitled to an audience that will empathize or sympathize with what feels like such legitimate – if dramatic – indecision, feels most violent of all. Alongside this hesitation to speak on behalf of another, is the fear of being wrong and of speaking on behalf of spaces one has no business speaking about. These *ethics of fear* also ask how the work of solidarity can be done more quietly (even if that quiet can sometimes be read as a way of *not* doing the work) when one is out of place. In these ways, among others, deliberation across identity categories produce nonlinear and atemporal possibilities for research.

Finally, it requires acknowledging that the task of being vulnerable with one's temporal and interactional deviance, that is, being "odd" with everything around oneself, especially while studying the law, is hardly a straightforward or simple task. Still, there are tools to be unearthed with the *lack* of ease that vulnerability demands. In *Accidental Feminism* (180–2), I make the case that anxiety over how one's research "fits" within a larger system of inquiry (i.e., being "out of place" or odd within the academy) can have important long-term implications and benefits for the writing process. In particular, I argue that even if projects can feel "elliptical" (an early reviewer's honest feedback about the narrative of one submission, which I initially received with horror, but now look back on with gratitude) or under-resourced⁸ at different stages, they can offer, especially to scholars who are (or identify as) out of place, important tools to work with.

Early career researchers, for example, may have pressures to conform within known scripts of the academy: but paying attention to affect and anxiety in their journeys could help reveal new kinds of conduits from which to connect to existing literatures. Similarly, the "disciplinary

⁸ For example, Ahmed reminds us that sometimes decisions made for pragmatic reasons (e.g., space, funds, resources) are often the right reasons from research and ethical points of view as well (2021, 11–12). "I did not experience this situation as a lack, or only as a lack, but as an opportunity to conduct a project on my own terms and in my own way" she argues: the slower self-transcription, for example, meant that she had more time to "consume each work" to take in all that was there to be taken in, to be "immersed in the material." I imagine the many ways in which my research was circumscribed by timing, with logic and pragmatic eventuality shaping my points of view as well (although I cannot admit to feeling that way about it when it was the case).

agoraphobia” that plagues interdisciplinary scholars might eventually make new spaces for research, even if the process to reach there feels disorienting. In short, not knowing where one is going with writing, especially at the start of the project when one is an “outsider,” and the horror of feeling unsure and stuck at different stages, can produce more nuanced portrayals of the experiences one is trying to write about. Seen this way, the complicated juxtaposition of discomfort and power inherent in being *out of place* or odd can, like the anxiety in research I mention above, be productive even when (especially if) exhausting.

CONCLUSION

Over the course of this chapter, I have tried to unpack how the lived experiences of oddity, trust, and power in research can frame our understandings of law and its study. To conclude, I go back to where I started: to a deliberation about data and its valorized neutrality in research about the law. It stands that the even longer response to the charge about the usefulness of identity in socio-legal research goes beyond the defensive deflection that I offered at my book workshop.

Identity centrality might still be a protective method to make sure one is understood better, but it also is an inherent theoretical necessity to *understanding* our sites and narratives more clearly. In fact, one could argue, *how* can data be convincing if it does not consider the reflexive limits and attributes of positionality? If anything, what makes findings strong and convincing (rather than biased and lacking in veracity because of its personal construction) *are* their grounding in their circumscriptions. This is especially true when introspecting institutions that have historically been seen as neutral or normative, such as the law. In these sites, questioning neutrality is not just useful, but imperative to unveiling seemingly uncompromised priors that make up our power structures. It also makes space for peripheral actors to take more central narratives in the discussion and description of these normativities, thereby queering their possibilities and reach.

Beyond making the subjects comfortable, positionality might matter for other audiences too. Distinctively, the researchers’ place and personal politics as they approach the questions before them offers a way of unpacking that brings the reader into the research with more clarity and care. A related extension lies in questioning the inherent suggestion that anything actually *can* be neutral. It can almost as easily be argued that not being self-reflexive, not putting oneself in the middle of

a project, to have identity *not* matter is, in a sense, privilege. A privilege, more specifically, of neutrality, of not needing to locate a sense of place within what is assumed to be normative.

Still, the converse – that is, to do the work of introducing and navigating identity in research – is hardly an easy instruction to follow. The examples in this chapter only start to reveal the ways in which vulnerability is not a static method, just as identity is not an invariable characteristic. Part of the difficulty in executing this vulnerability as socio-legal method is to pay attention to how it shape-shifts depending on power hierarchies in interactional relationships and contexts. In turn, this malleability can impact how we think about the structures we study, and demand our self-reflexivity about their trajectories.

This matters particularly when one identifies within categories that are seen as peripheral. Distance from normativity – however constructed – can have important implications for perspective and writing, especially about structures with institutional sanction that are usually taken for granted as “good” or “humane” or “right.” Making space for this deviance also matters because it allows for the structures in question – the normative assumptions about law – to expand in possibility, and for new meaning to be made within it, focusing on actors that might have otherwise been rendered invisible.

Although the work of vulnerability has implications for all research, affective method has an especial role to play in socio-legal inquiry. Given the ways in which research on law and its structures implicates power, there are constant background questions of power that need attention. How subjects trust you and how much power they have in moderating and mitigating that trust, are all imperative to the construction of positionality, and they have important implications for expanding on the ideas of legal power in itself. Acknowledging that identity is inimitably flexible also allows one to approach the rigidity of law and legal structure with less conviction. Once we start with the premise that legal normativity *can* be different, that law would look different if it had different preconceived frameworks, the method allows for a way in which law and legal theory can offer new prospects.

Vulnerable positionality also allows us to operationalize broad categories of identity with more nuance. Law cannot, for example, always deal with the expansive possibilities of identity, but legal research, in paying attention to coordinates of relationships and the power between them, can afford more fleshed-out opportunities for us to make sense of law's opaque structures. Seen this way, the experience of

positionality – of paying attention to whether one is out of or *in* place, is crucial through the research process since it can impact the creation and recording of the things we take for granted. It offers a chance to queer subjects that the law deems linear, rigid, white, cis, straight, etc., while terming itself neutral.

Simultaneously, being self-reflexive with our capacities for such deviance (and acknowledging our limits for its resultant vulnerability) can allow researchers to do the important work of self-care while locating themselves in the field. It is here that flexibility becomes a crucial attribute for understanding vulnerability as method: on the one hand, being vulnerable and making connections that do better justice to less observed constituents in our sites is important, but if that focus comes at the cost of depleting the researcher's own capacity to be in the field, the method fails on its own terms. Similarly, if focusing on oddness or homogeneity comes without the capacity to gauge when the interactional power in these relationships has shifted, they do not do the work of inclusion and representation that vulnerability could otherwise offer. Positionality in research, then, is not a state, but a process.

In responding to this call, the kinds of knowledge production that I am committed to flows from – and flourishes within – an alterity that defines my socio-legal scholarship and community. Building alongside other kinds of peripheral actors – as this book project attempts to do – who are willing to traverse spaces beyond disciplinary silos allows us to infuse our conceptual spaces with “everyday utopias” (Cooper 2014). It also offers a chance to immerse ourselves in what Richa Nagar calls “messy terrains” or “radical vulnerability,”⁹ or a hope that these spaces we inhabit might probe comrades to be open to non-linear possibilities of knowledge productions. The attraction this could have for other out-of-place actors is, hopefully, obvious.

Yet, even as I make this proposition, its caveat feels even more obvious. Although there certainly might be attraction to build with others in alterity, logics of sanction and visibility never really go away in academia. In turn, even as we look away and try to queer our

⁹ As Nagar (2014) offers, feminist friendships afford spaces for “radical vulnerability” but they also allow us to create “messy terrains” where meanings might get lost or misunderstood, but where conversations can – and do – produce important kinds of dialog that can trigger different points of continuity and contrast to actors who are implicated in the exchange.

interventions, our spaces might continue to demand a sort of normative performance. This *queer failure* can demand that we be “in place” even as we try and make sense of the rich and ambiguous utopias that vulnerable oddity may offer. For instance, in choosing sites and projects that are attuned to the intricacies of identity, I am necessarily reinforcing these very identities and their positionalities.

But there is also hope in the idea that when paid attention to, the periphery can become a place where, over time, new structures and communities can be built and nourished. In committing to oddity both as a person who inhabits it and as a person who seeks to engage with it, I also have had to redefine its coordinates as one where new ways of seeing are not just accommodated but expected. Altogether, these lines of research and writing have helped me unravel the ways in which identity builds theory – but also how simultaneously theory can recursively build and cement identity too. Still, even as identity shape-shifts, it matters: Like agoraphobia, it can exhaust, but it also is crucial to fueling our creative capacities as critical socio-legal scholars.

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