

Readings on theory and methods in socio-legal research

Key texts

Banakar, R. and M. Travers. eds, 2005. *Theory and method in socio-legal research*. Oxford: Hart.

Bryman, A. 2008. Of methods and methodology, *Qualitative Research in Organizations and Management: An International Journal*, 3(2): 159–68.

Silverman, D. 2015. *Interpreting qualitative data*. London: Sage.

Halliday, S. and P. Schmidt. 2009. *Conducting law and society research: reflections on methods and practices*. Cambridge University Press.

The following websites contain interviews with prominent socio-legal scholars about their careers and choices and might be of interest in acclimatising you to the field:

Centre of law and Society, Cardiff: <https://www.cardiff.ac.uk/research/explore/research-units/centre-of-law-and-society>

Center for Law and Society, Berkely: <https://www.law.berkeley.edu/research/center-for-the-study-of-law-society/conversations-in-law-and-society/>

To help you get a feel for the field you might also like to look at the following specialist journals: *Journal of Law and Society*, *Law and Society Review*, *Social and legal Studies*, *Feminist legal studies*, *Law in Context*, *Law and Social inquiry*, *Empirical Legal Studies* and the *Journal of Social Welfare Law*.

Additional reading

General

Becker, H.S. and I.L. Horowitz, I.L. 'Radical politics and sociological research: Observations on methodology and ideology', *American Journal of Sociology* 78(1): 48–66.

Charmaz, K. 2006. *Constructing grounded theory: A practical guide through qualitative analysis*. London: Sage.

Dey, I. 1993 *Qualitative Data Analysis*. Routledge.

Dingwall, R. 1997. 'Accounts, interviews and observations', in *Context and method in qualitative research*, pp. 51–65.

Goffman, E. 1978. *The presentation of self in everyday life*. London: Harmondsworth.

Goffman, A. 2009. 'On the run: wanted men in a Philadelphia ghetto', *American sociological review*, 74(3): 339–57.

Hemmings, C. Grewal, I. and Kaplan, C. 2011. *Why stories matter: the political grammar of feminist theory*. Duke University Press.

Miller, G. and Dingwall, R. (eds), 1997. *Context and method in qualitative research*. London: Sage.

Rabinow, P. 2007 [1977] *Reflections on Fieldwork in Morocco*. University of California Press.

Ragin, C.C. and Becker, H.S. (eds), 1992. *What is a case? Exploring the foundations of social inquiry*. Cambridge University Press.

Robson, C. 2002. *Real World Research*. Blackwell Publishing.

Silverman, D. (ed.) 2016. *Qualitative research*. London: Sage.

Histories of socio-legal studies

Sarat, A. (ed.) 2008. *The Blackwell companion to law and society*. John Wiley & Sons.

Pound, R. 1910, 'Law in the books and law in action', *American Law Review* 44(1): 12–36 .

Lacey, N. 1996. Normative reconstruction in socio-legal theory, *Social & Legal Studies*, 5(2): 131–57.

Cotterrell, R. 1998. 'Why must legal ideas be interpreted sociologically?' *Journal of law and society*, 25(2):171–92.

Twining, W.L. 1994. *Blackstone's tower: The English law school*

Goodrich, P. 1994. *Twining's Tower: Metaphors of Distance and Histories of the English Law School*, *University of Miami Law Review* 49: 901–.

Banakar, R. 2003. *Merging law and sociology: Beyond the dichotomies of socio-legal research*. Galda and Wilch Publishing.

Menkel-Meadow, C. 2019. Uses and abuses of socio-legal studies. *Routledge Handbook of Socio-Legal Theory and Methods*, pp.35–57.

Silbey, S.S. 2013. 'What makes a social science of law? Doubling the social in socio-legal studies'. In *Exploring the 'socio' of socio-legal studies*. Palgrave, London.

Cowan, D., and Wincott D., 2015 *Exploring the legal in socio-legal Studies*. London: Palgrave.

Cotterrell, R. 2017. 'Theory and Values in Socio-legal Studies', *Journal of Law and Society*, 44: S19–S36.

Kagan, R.A. 1995. 'What socio-legal scholars should do when there is too much law to study'. *JL & Soc'y*, 22: 140–.

Hawkins, K. 1997. *The Human Face of Law: Essays in Honour of Donald Harris (first Director of the Centre for Socio-Legal Studies)* Oxford.

Feenan, D. 2013. 'Exploring the 'socio' of socio-legal studies'. In *Exploring the 'Socio' of Socio-Legal Studies*. Palgrave, London.

Tamanaha, B.Z. 1997. *Realistic socio-legal theory: Pragmatism and a social theory of law*. Oxford university press.

Harris, D.R. 1983. The development of socio-legal studies in the United Kingdom. *Legal Stud.*, 3: 315–

Fitzpatrick, P. 1995. 'Being social in socio-legal studies', *JL & Soc'y*, 22: 105–.

Bankowski, Z. and G.Mungham. 1974., 'Warwick University, Ltd (Continued)', *British Journal of Law and Society* 1: 179–.

Norrie, A. 2000. 'From critical to socio-legal studies: three dialectics in search of a subject',. *Social & Legal Studies*, 9(1): 85–113.

Feeley, M.M. 2001. 'Three voices of socio-legal studies'. *IsR. L. REv.*, 35: 175–.

Riles, A. 2005. 'Casting Off, and Reclaiming, the Weberian Tradition: Comparative Law and Socio-Legal Studies', *Cornell Legal Studies Research Paper*, (05-033).

Mulcahy, L. 2017. 'Eyes of the Law: A Visual Turn in Socio-Legal Studies?' *Journal of Law and Society*, 44: S111–S128.

Hammerslev, O. and Madsen, M.R. 2014. 'The return of sociology in Danish socio-legal studies: a survey of recent trends', *International Journal of Law in Context*, 10(3): 397–415.

Charlesworth, L. 2007. On historical contextualisation: some critical socio-legal reflections.

Cownie, F. and A. Bradney. 2017. 'An Examined Life: Research into University Legal Education in the United Kingdom and the Journal of Law and Society', *Journal of Law and Society*, 44: 129–43

Collier, R. 2013. 'Privatizing the university and the new political economy of socio-legal studies: Remaking the (legal) academic subject', *JL & Soc'y*, 40: 450–.

Collier, R. 2004. 'We're All Socio-Legal Now-Legal Education, Scholarship and the Global Knowledge Economy-Reflections on the UK Experience', *Sydney L. Rev.*, 26: 503–.

Collier, R. 2005. The liberal law school, the restructured university and the paradox of socio-legal studies.

Sugarman, D. 2009. 'Great Beyond His Knowing': Morton Horwitz's Influence on Legal Education and Scholarship in England, Canada and Australia' in *Transformations in American Legal History – Law, Ideology and methods: Essays in honor of Morton J. Horwitz*.

Legal and socio-legal conceptions of law

Haines, Fiona. 2011. *The paradox of regulation: what regulation can achieve and what it cannot*, chs 2 and 9. Edward Elgar.

Golder, Ben and Peter Fitzpatrick. 2009. *Foucault's Law*, ch. 1. Routledge.

On lawyers

Sommerlad, H. 2001. 'I've lost the plot': an everyday story of legal aid lawyers, *Journal of Law and Society*, 28(3): 335–60.

Sommerlad, H. 2007. 'Researching and theorizing the processes of professional identity formation', *Journal of Law and Society*, 34(2): 190–217.

Tomlinson, J., Muzio, D., Sommerlad, H., Webley, L. and Duff, L. 2013. 'Structure, agency and career strategies of white women and black and minority ethnic individuals in the legal profession', *Human relations*, 66(2): 245–69.

Abel, R.C., Sommerlad, H., Hammerslev, O. and Schultz, U. 2019. *Lawyers in Society Revisited*. Univ of California Press.

Abel, R.L. and Lewis, P. eds, 1988. *Lawyers in society: the civil law world*. Beard Books.

Abel, R.L. and Lewis, P. eds, 1989. *Lawyers in society: comparative theories* (Vol. 3). Beard Books.

Abel, R.L. and Lewis, P.S. 1995. Putting law back into the sociology of lawyers. *Lawyers in Society: An Overview*.

Flood, J. 2007. Lawyers as sanctifiers: The role of elite law firms in international business transactions, *Indiana Journal of Global Legal Studies*, 14(1): 35–66.

Galanter, M. and Palay, T. 1994. *Tournament of lawyers: The transformation of the big law firm*. University of Chicago Press.

Sarat, A. and Felstiner, W.L. 1997. *Divorce lawyers and their clients: Power and meaning in the legal process*. Oxford University Press.

Flood, J. 2016. 'Corporate lawyer–client relationships: bankers, lawyers, clients and enduring connections', *Legal Ethics*, 19(1): 76–96.

On feminism

Lacey, N. 2004. The constitution of identity: Gender, feminist legal theory, and the law and society movement. *The Blackwell companion to law and society*, p. 471.

Smart, C. 1992. The woman of legal discourse. *Social & Legal Studies*, 1(1): 29–44.

Hemmings, C. Grewal, I. and Kaplan, C. 2011. *Why stories matter: the political grammar of feminist theory*. Duke University Press.

Naqvi, Z.B., Fletcher, R., Ashiagbor, D., Cruz, K. and Russell, Y. 2019. Back at the kitchen table: Reflections on decolonising and internationalising with the Global South socio-legal writing workshops.

Rosemary Hunter, Clare McGlynn, Erika Rackle.y. 2010. *Feminist Judgments: From Theory to Practice*, Oxford: Hart Publishing, (Ch. 1).

Rackley, E. and Auchmuty, R. eds. 2018. *Women's Legal Landmarks: Celebrating the history of women and law in the UK and Ireland*. Bloomsbury Publishing.

Anderson, K. Armitage, S. Jack, D. and Wittner, J. 1987. 'Beginning where we are: feminist methodology in oral history', *The Oral History Review*, 15(1): 103–127.

Davies, M, 2008. Feminism and the flat law theory. *Feminist Legal Studies*, 16(3): 281–.

Kennedy, D. 1982. Legal education and the reproduction of hierarchy. *Journal of Legal Education*, 32(4), pp.591-615.

Lacey, N., 1998. *Unspeakable subjects: Feminist essays in legal and social theory*. Hart Publishing.

Stanchi, K.M. 2004. Who Next, the Janitors-A Socio-Feminist Critique of the Status Hierarchy of Law Professors, *UMKC L. Rev.*, 73: 467–.

Baxi, P. 2008. Feminist contributions to sociology of law: A review, *Economic and Political Weekly*, pp.79–85.

Hunter, R. 2013. 'The Gendered 'Socio' of Socio-Legal Studies'. In *Exploring the 'Socio' of Socio-Legal Studies*. Palgrave, London.

Murphy, T. and Whitty, N., 2006. A Question of Definition: Feminist Legal Scholarship, Socio-Legal Studies and Debate about Law & (and) Politics, *N. Ir. Legal Q.* 57: 539–.

Bottomley, A. and Conaghan, J. 1993. 'Feminist theory and legal strategy', *JL & Soc'y*, 20: 1–.

Mulcahy, L. and Sugarman, D. 2015. *Legal Life-Writing: Marginalised Subjects and Sources*. John Wiley & Sons.

On race and law

Crenshaw, K.W. 2017. *On intersectionality: Essential writings*. The New Press.

Delgado, R. and Stefancic, J. eds. 2000. *Critical race theory: The cutting edge*. Temple University Press.

Tuitt, P. 2012. *Race, law, resistance*. Routledge.

Shah, P. ed. 2007. *Law and ethnic plurality: socio-legal perspectives* (Vol. 13). Martinus Nijhoff Publishers.

Chua, L.J. and Crouch, M. 2014. 'Socio-legal Scholarship on Southeast Asia: Themes and Directions', *Asian Journal of Comparative Law*, 9(1): 1–4.

Economides, K. 2014. 'Socio-legal Studies in Aotearoa/New Zealand', *Journal of Law and Society*, 41(2): 257–82.

D'Souza, R. 2005. The 'third world' and socio-legal studies: neo-liberalism and lessons from India's legal innovations, *Social & Legal Studies*, 14(4): 487–513.

Miyazawa, S. 2013. Where Are We now and Where Should We Head for: A Reflection on the Place of East Asia on the Map of Socio-Legal Studies, *Pac. Rim L. & Pol'y J.*, 22: 113–.

Colson, R. and Field, S. 2016. Socio-legal Studies in France: Beyond the Law Faculty, *Journal of Law and Society*, 43(2): 285–311.

Thomas, P.A. 1971. 'Legal education in Africa: with special reference to Zambia', *Northern Ireland Legal Quarterly*, 22: 3–.

On interviewing:

Roer-Strier, Dorit, and Roberta G. Sands. 2015. 'Moving beyond the "official story": when "others" meet in a qualitative interview', *Qualitative Research* 15: 251–68.

Kvale, Steinar and Svend Brinkman. 2009. 'Epistemological Issues issues of Interviewing', in *Interviews: Learning the Craft of Qualitative Research Interviewing*. Sage.

Holstein, James and James Gubrium. 2004. 'The Active Interview'. In David Silverman (ed.) *Qualitative Research: Theory, Method, and Practice*.

Macnaghten, Phil and Greg Myers, 'Focus Groups'. In Giampietro Gobo, Jaber F. Gubrium, and David Silverman, *Qualitative Research Practice*. SAGE.

Paterson, Alan. 2009. 'The Law Lords.' In Simon Halliday and Patrick Schmidt, eds, *Conducting Law and Society Research: Reflections on Methods and Practices*.

Sugarman, David. 2015. 'From Legal Biography to Legal Life Writing: Broadening Conceptions of Legal History and Socio-legal Scholarship', *Journal of Law and Society* 42: 7–33

Burgess, R. 1995. 'Interviews as Conversation', *In the field: an introduction to field research*. London: Routledge.

On analysing qualitative data

Charmaz, K. 2006. *Constructing grounded theory: A practical guide through qualitative analysis*. sage.

Corbin, J. and Strauss, A. 2014. *Basics of qualitative research: Techniques and procedures for developing grounded theory*. Sage publications.

Taylor, Stephanie. 2001. 'Locating and Conducting Discourse Analytic Research'. In M. Wetherell, S. Taylor, and S.J. Yates (eds), *Discourse as data: a guide for analysis*. Sage.

Mulcahy, Linda and Sally Wheeler. 2020. "'Couldn't you have got a computer program to do that for you?" reflections on the impact that machines have on the ways we think about and undertake qualitative research in the socio-legal community', *Journal of Law and Society*, 47 (1): 149–63.

Lange, Bettina. 2015. 'Regulating economic activity through performative discourses: a case study of the EU carbon market'. In Lange, Haines and Thomas (eds) *Regulatory Transformations: Rethinking Economy and Society Interactions*. Hart.

Scenario building

Durance, Philippe, and Michel Godet. 2010. 'Scenario Building: Uses and Abuses', *Technological Forecasting and Social Change*, 77: 1488–92.

Chevalier, Jacques M. and Daniel Buckles. 2013. *Participatory Action Research: Theory and Methods for Engaged Inquiry*. Routledge, (ch. 15).