

project, depends in large part on the presence of ‘ambiguity’ within the model which ‘impels people ... to start grappling conceptually with objects, systems and their contexts and thus establishes deeper and more personal relations with the meanings offered’ (Malpass 2016:485. See also Malpass 2013:350).

My experimentation with sociolegal researchers suggests that the critical function of generation—addressing questions of Why?—is enhanced through found model-making (Perry-Kessaris 2017a, 2017b, 2017c, 2016g).

I use the term ‘found model-making’ to refer to a process of treating already-existing things—whether stumbled upon, vernacular or curated, animate or inanimate—as a visible, tangible expression of some aspect of a sociolegal research project. Experimentation underlying this project has extensively tested this found model-making using curated objects. Sociolegal researchers have found an item in a curated collection which they felt somehow related to their research project (Perry-Kessaris 2017a); and then produced a object-based commentary working from the materiality of the object itself outwards to a consideration of the ways in which the object operates/d in the material world, and on to the wider conceptual context within which the object exists/ed.⁸ For example, I took the opportunity to produce a commentary on a 21 kilo ox-hide copper ingot exhibited at the British Museum. I worked outwards from that object to generate new perspectives on why I am exploring relationships between law and trust in Cypriot economic life, and why in this way—that is, with an emphasis on economic life that transgresses the line dividing the north and south of the island.

Here the ‘making’ takes the form of exploring and commenting on a found item, from its material form outwards, in such a way that it becomes a model, shedding light on the wider research topic and generating new questions along the way. A physical representation of the curated item may also be made to serve as a material focus for the abstract model-making.

8. The process was based on that proposed by Jules Prown (1982). See MacGregor 2012 and Hannan and Longair 2017 for alternatives.

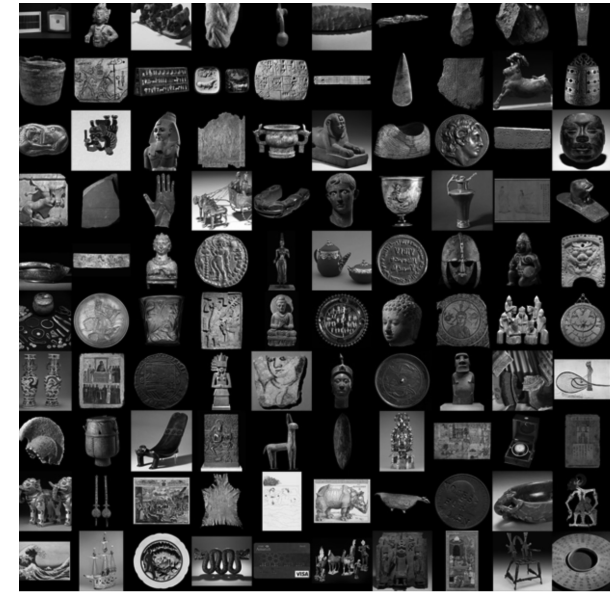


FIGURE 14

Finding 100 objects to generate new pathways through, and questions about, the history of the world.

Source: British Museum Website. Available at: http://www.britishmuseum.org/explore/a_history_of_the_world.aspx (Accessed: October 7, 2017).

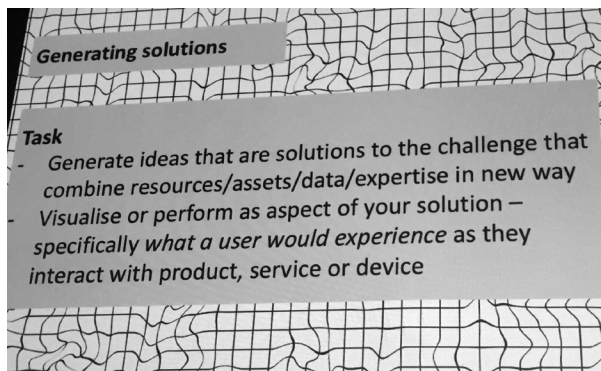
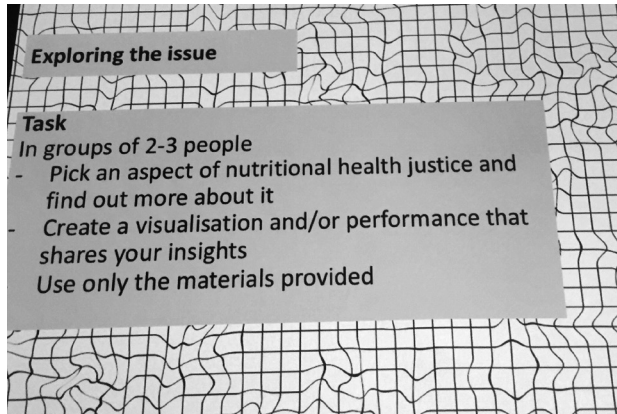


FIGURE 15 Instructions for prototyping a solution to a health policy challenge, Workshop on Future Policy Imaginaries 23 September 2016, CSM, lead by Lucy Kimbell. Credit: A. Perry-Kessaris.

MODEL-MAKING AS SPECULATIVE PRACTICE

Making things visible and tangible can improve agility, specifically by enhancing the imaginative function of speculation. The sociolegal community of practice tends to privilege linear, predefined approaches to research; and is directed towards ‘understanding the past or the present’. But its assumptions and outcomes are necessarily evolving and provisional, to be clarified and confirmed throughout a project. Design-based speculative practices enable provisional, explicitly experimental and mobile approaches, such as rapid prototyping, which embrace contingency and are in keeping with a digital age (Julier et al. 2016). Speculative design is ‘a specific form of critical design practice that has developed to focus on socio-scientific and socio-technical concerns’ (Malpass 2016, p. 480). By ‘speculative practice’ I mean to refer more generally to the underlying intention of speculative design ‘to better understand the present’ and ‘discuss the kind of future people want’ by generating ‘what if’ future scenarios in physical form (Dunne and Raby 2014, p. 2. See for example Figure 15).

My experimentation suggests that the imaginative function of speculation — addressing questions of What if? — is enhanced through bespoke model-making (Perry-Kessaris 2016a, 2016b, 2016g and 2016h).

I use the term ‘bespoke model-making’ to refer to the creation of free-form artefacts to represent some aspect of a research project. Since ‘there is not a one-to-one relationship between material properties and intended meanings,’ (Karana et al 2010, p. 2932). ‘Everything you do has a cognitive and an affective component—cognitive to assign meaning, affective to assign value’, and so ‘it is tricky to design things that must accommodate both creative thinking and focus’ (Norman 2004, pp. 25, 27). In this sense bespoke model-making offers an important freedom to the sociolegal researcher, and should be deploy whatever materials seems appropriate to the researcher given the research purpose and any practical constraints.

In this case the ‘making’ is at its most physical, shaping the model from scratch. Bespoke model-making



FIGURE 12
Tools for Therapy (2016), designed by Nicolette Bodewes to act as a 'communication toolkit' for the expression of thoughts in therapeutic situations. Source: Moby (2016).

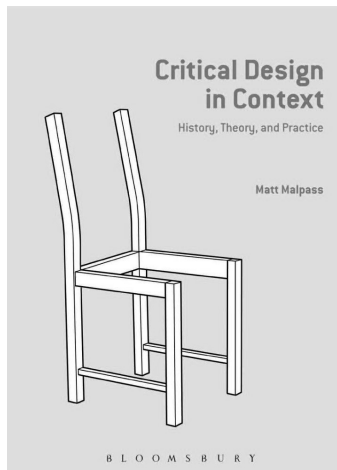


FIGURE 13
A para-functional chair
Source: Malpass 2017, cover.

Another, very different, example of modular systems is *Tools for Therapy*, which enables the expression of emotions in therapeutic settings (Morby 2016, Figure 12).

MODEL-MAKING AS GENERATIVE PRACTICE

Making things visible and tangible can improve openness, specifically by enhancing the critical function of generation. Sociolegal research processes are generally individual, intellectual and private; and focused on the generation of text. By contrast when designers make ideas visible and tangible, for example in models, they can 'share information and perspectives, generate ideas and engage in sense-making together' (Julier et al. 2016, p. 41).

7. Malpass's (2013) 'taxonomy of critical practice in design' presents 'critical design' as a subcategory (along with associative design and speculative design) of 'critical practice'.

Industrial designer Matt Malpass (Figure 13) has explored at length how model-making can be used as a 'critical practice'.⁷ '[C]ritical design practice is not objective or explanatory'. It is 'aimed not at "simplification but diversification of the ways in which we might understand" concepts, processes and problems. So it 'focuses on inter-subjectivity and proposition' and the purpose of 'the design is discursive' (Malpass 2016, p. 473). Here models tend to be 'post-optimal', in the sense that they are 'designed to draw attention to unseen conditions'; and 'para-functional', in the sense that they are 'within the realms of utility but attempt[] to go beyond conventional definitions of functionalism to include the poetic' (Malpass 2016, p. 474 quoting Dunne 1998, p. 39. See also Malpass 2015, p. 69). For example, the bottomless, backless chair depicted on the cover of Malpass's book (Figure 12) can be seen as opening conversations about why we produce furniture (in this way), what it means to rest.

When used critically, model-making draws on the 'epistemic qualities of the object', not only because we 'naturally understand[] the world through material form'; but also because 'artefacts allow thinking in tangible ways' thereby generating 'comprehension of complex issues', and they do so 'more immediately than abstract theories' (Malpass 2016, pp. 475 and 478. See also Malpass 2013, 2015 and Mazé and Redstrom 2007). This generative function, which sees researchers creating and sharing new understandings of their

involves ‘embodied making’ (Figure 17). Here ‘embodied’ refers to ‘a perspective on experiences as a unity of cognitive and bodily processes’ (Gulliksen et al. 2016, p. 1 citing Rosch et al. 1991 and Nilsson 2013). It is about thinking about and through making, and my individual and collaborative experiments suggest that it explicitly brings together the reflective, behavioural and visceral levels of processing set out by Norman (2004, p. 22. See Figure 16). As the chosen ‘aspect’ of the research project comes to be materialised in a model, so it comes to be capable of being held by the researcher, in the hand and in the mind, in the office and in the field.

dimension	function	(sense)ability	model
communication	explanation	being practical	modular
openness	generation	being critical	found
agility	speculation	being imaginative	bespoke

FIGURE 10
Possible dimensions of impact of model-making on
sociolegal research



FIGURE 11
Paul Tyler of Handling Ideas using modular systems to make
ideas material in his work as a creative analyst and modera-
tor. Source: Handling Ideas (2017).

therefore, fundamentally complex—that is, consisting of many connected parts. But it need not be complicated—that is, difficult to understand. A core strength of design is to communicate complexity in ways that are easy to understand, furthering functionality, ethics and aesthetics (Mollerup 2015).

As Paul Tyler (2016) of Handling Ideas has demonstrated, when ideas are made visible and tangible in modular form, they can be explored more effectively by the proponent and by others, such as collaborators or commentators. Once an idea externalised in modular form, it enters into a shared space where it can be explored, over time and from all sides, by the proponent and others; and that exploration can be more systematic and probing, even forceful, because the idea has been separated from its proponent (Figure 11).

My experimentation with sociolegal researchers suggests that the practical function of explanation—addressing questions of How?—is enhanced through modular model-making (Perry-Kessaris 2016c, 2016d, 2016e and 2016f).

I use the term ‘modular model-making’ to refer to the deployment of pre-formed systems, such as building blocks. Such systems are designed to allow the non-expert user to easily start and scale up their build—in terms of size, complexity and sophistication. Here the ‘making’ consists of picking up and moving objects in relation to each other, including fitting them together. The Lego Group has led the way in designing modular systems for use not only for play, but also for ‘serious play’—that is, play with intention (Peabody and Noyes 2017). As Barton and James observe, when we build LEGO models:

‘two kinds of learning happen: one, when making an object, new knowledge and theories are also created in the mind of the maker, and two, knowledge embodied in the first object encourages increasing complexity in the next object created by that maker’ (2017, p. 252).

6. Note that LEGO has been found to stifle creativity: Moreau and Engeset 2016.

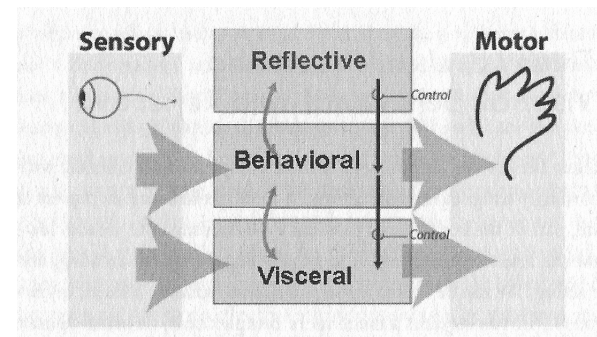


FIGURE 16

Norman (2004, p. 25) explains that psychologists refer to human actions that are initiated at the visceral level of brain activity as ‘bottom-up’, and those initiated at the reflective level as ‘top-down’. Whichever the origin, all three levels of processing are involved in any action.

Source: Norman 2004, p. 22



FIGURE 17 Working with green wood.

Source: Gulliksen 2015, p. 1.

‘It is not easy to arrive at a conception of a whole which is constructed from parts belonging to different dimensions... It is difficult enough, oneself, to survey this whole... but still more difficult to help another to such a comprehensive view.’

Paul Klee 1948 (quoted in Tufte 1990, p.15).

V

MODEL-MAKING AS SOCIOLEGAL RESEARCH PRACTICE

PUBLIC policy design and social design literature (Kimbell and Julier 2016, Manzini 2015) suggest three mutually reinforcing dimensions along which ‘making things visible and tangible’ can impact upon sociolegal research; both improving its quality and rendering it a more communal resource. The three dimensions of impact are communication, openness and agility (Figure 10).

Literature from social sciences, critical industrial design and graphic design, reinforced by findings from experimentation underpinning this project, suggest that model-making can enhance a specific function along each of the respective dimensions. The three functions are explanation, generation and speculation.

Each of these functions respectively maps back to a core ‘ability’ which Manzini (2015) identified as capable of being ‘activated and dynamised’ by making things visible and tangible — namely, being practical, critical and imaginative.⁵ And experimentation underlying this project suggest that each of these three functions is probably best served through one of three types of model-making. The three types of model-making are modular, found and bespoke (Perry-Kessaris 2017).

MODEL-MAKING AS EXPLANATORY PRACTICE

Making things visible and tangible can improve communication, specifically by enhancing the practical function of explanation. Sociolegal research is interdisciplinary and,

5. Manzini uses the term ‘creative’ but experimentation has shown the term imaginative resonates more precisely with sociolegal researchers.

‘[W]e do have a tendency to stay in our own separate little worlds . . . This has provided me with more insight into how [my peers’] projects relate to my own project, and their expertise. As such it has perhaps also provided a bit of an opening for potential future collaborations.’

Modular model-making workshop participant, Leiden, 2017

‘[M]aking and bringing together the models made tangible those connections and commonalities [that surfaced throughout the day]. A sort of material manifestation of the dialogue that we have taken part in.’

Participant, found and bespoke model making event, 2017

is expanding (Hohman and Joyce 2017, Perry-Kessaris 2017, Latour 2010, Vismann 2008, Morgan 2017).

So the time is ripe to bring together on the one hand, a comfort with models and, on the other hand, a comfort with the material world.

But models are used not only to explain, but also to generate and to speculate. Indeed Alberto Corsín Jiménez (2014) has argued the practice of model-making, in particular prototyping, itself becoming a social model. Prototypes are designed to represent at once ‘more than and less than one’, and their ‘languages of openness and open-endedness, of provisionality and experimentation’ are increasingly ‘taking hold as models for cultural practice’ (See further Kimbell and Bailey 2017).

An indication of where such a model-making-as-cultural-practice-model can lead in a social science research context is the ProtoPublics project led by Guy Julier and Lucy Kimbell (2016). This project aimed to ‘clarify how a design-oriented approach complements and is distinct from other kinds of cross-disciplinary, co-produced research in relation to social issues’, and it laid heavy emphasise on experimentation and prototyping. An important finding emerging from the ProtoPublics project was that communal, embodied making can in build trust across academic/public divides (Julier and Kimbell 2016, p. 24).

THE MATERIAL TURN

Humans have always collected things (Figure 9), and antiquarians and museum curators have catalogued them since the 1700s; and the conceptual power of those activities has long been highlighted, challenged and extended by writers from the humanities and social sciences.

For example, Karl Marx explored how ‘things’ are, and ought to be, valued, Pierre Bourdieu showed how objects shape identity, Bruno Latour and others approached humans and objects as having equal and mutually constitutive agency (Hannan and Longair 2017, Chapter 1). Today the drive to study things ‘is intensifying across the arts, humanities and social sciences’, each bringing ‘their research, archives, methods and pedagogy to bear’ (Candlin and Guins 2009, Cummings 1993, Sudjic 2008, Brown 2001).

Lawyers have used these approaches to explore intersections between law and material culture. And the body of object-centred legal research and teaching practice

VI CONCLUSION

THIS paper has asked whether design-based practices can and should be used to provoke and facilitate model-making by sociolegal researchers.

Existing literature, together with experimentation underpinning this project, suggests the answer is yes.

Model making can ‘activate’ and ‘dynamise’ (Manzini 2015) the practical, critical and imaginative (sense)abilities of sociolegal researchers; which in turn enhances their explanatory, generative and speculative functions; which seems to have a positive impact on their communication, openness and agility.

All of these factors together seem to increase the tendency of sociolegal research to become a communal resource, all the more so with the help of design.

DESIGNING FOR SOCIOLEGAL RESEARCHERS

Central to any design practice directed towards social change is the willingness and ability to identify and, where necessary, adapt or replace, existing conventions and frames (Dorst 2015). The artefacts that constitute the practical resolution this project, the experimentation underlying them, and the activities that they promote, all seek to both provoke and facilitate sociolegal researchers — to unsettle without alienating.

Sociologist Pierre Bourdieu has exposed how members of a given social ‘field’ share a common ‘discourse’, including an ‘official’ language, which, together with other

‘apparently insignificant aspects of everyday life’ such as ‘constructed images’, form the ‘habitus’ of that particular social ‘field’. The intention of the artefacts is to at once gently trouble and deploy the legitimate language of the sociolegal habitus. The downloadable lo-fi format works against the rigidity and expense of standard sociolegal publications. It is influenced by graphic designer Ruben Pater, who uses his understanding of the politics of design to give access — in every sense — to ideas (Figures 20 and 21).

NEXT

This appears to be the first project to approach sociolegal research through design, through material model-making, and/or through experience design; and to do so with a view to influencing the wider behaviour of sociolegal researchers. So the exact nature of the impact of making things visible and tangible on sociolegal research can only be determined through wider, longer-term testing.

The practical outcome of this project marks the beginning of a new phase of an on-going investigation. The first stage of that on-going investigation will be to hold sociolegal model making workshops centring on the project artefacts.

From these I will produce a short film to further provoke and facilitate sociolegal model-making. I will then extend the model-making library and to propose new applications across the sociolegal research process — for example, modular model-making with Genuino smart object components and found model making in zoos, aquariums and botanical gardens.

More attention will be paid to developing a sense of ‘structured freedom’ (Perry-Kessaris 2017a) for workshop participants and users of the Guide. For example, I will explore the field of event experience design — an emergent field which draws on user experience, product and service design and psychology to generate emotional, intellectual and/or behavioural change through events.



FIGURE 9

Rocks collected by a geologist. Credit: Humbert Sanz.

Source: <http://www.humbertsanz.com/2013/05/coleccion-basica-de-rocas.html> (Accessed: May 13 2017).

*‘We think with the objects we love;
we love the objects we think with.’*

Sherry Turkle (2007)

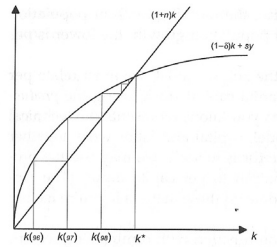


FIGURE 7

Economists use graphs to make visible their abstract models. Pictured here is part of Robert Solow's model of economic growth. Source: Ray 2015, pp. 66-67.



FIGURE 8

Mississippi River Basin Model with which engineers predicted floods 1943-1993. Source: <https://99percentinvisible.org/episode/america-last-top-model> (Accessed: 3 November 2017)

Wherever this project leads it will continue to be motivated by the multidisciplinary propositional frame developed in this paper for working at the intersections of sociolegal research and design:

If we approach sociolegal research — the systematic reinterpretation of law as a social phenomenon — as if it is itself a social phenomenon, then we can begin to reframe it through design-based practices both to improve its quality and to render it a more communal resource.

‘Design can critically engage the mechanics of representation design can also remake the grammar of communication by discovering structures and patterns within the material media of visual and verbal writing’

Ellen Lupton and J. Abbott Miller (1996, p.23)

IV

MAKING THINGS VISIBLE & TANGIBLE

4. A list
of the main
individual and
collaborative
experiments
underpinning
this project can
be found in the
Appendix.

ENZIO Manzini argues that by ‘making things tangible and visible’, expert and non-expert designers such as sociolegal researchers can, among other things, ‘amplify’ and ‘dynamize’ their work (Manzini 2015, p. 121).

Design offers an extensive range of strategies for making things visible and tangible, including typography, mapping, data visualisation and visual essays (Lupton 2010, Tufte 1990, Wood 2013, Berger 1972). Existing literature and my own experimentation⁴ suggest that model-making is an especially productive starting point for sociolegal researchers, especially when conducted in groups, and as part of a designed experience (Perry-Kessaris 2017).

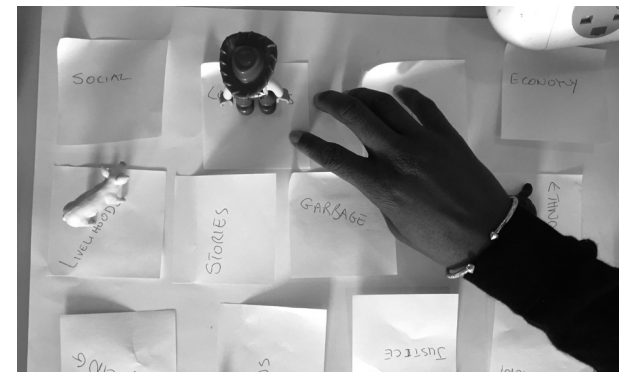
MODEL-MAKING

Social scientists are well-attuned to models in abstract form. Economist Dani Rodrik argues that models — such as the Solow Growth Model depicted in Figure 7 — are ‘simplifications designed to show how specific mechanisms work by isolating them from other, confounding effects’. Their ‘neglect of many facets of the real world are . . . a feature, not a bug’. They ‘operate symbolically, using words and mathematics’, often underpinned by visual communications such as graphs (Rodrik 2015, pp.11-13).

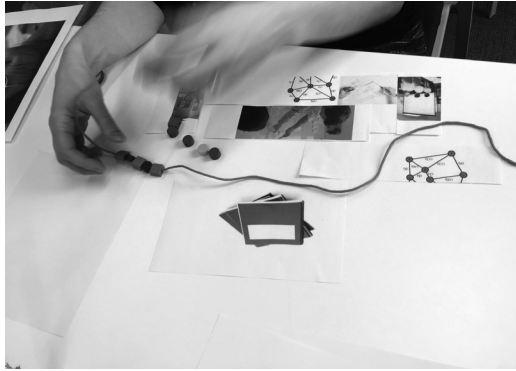
Likewise, architects, engineers (99pi 2016) and everyday folk (Figure 8) have long use material models to explain how a building will function, and surgeons are increasingly using bespoke 3D printed models to plan and explain operations.

APPENDIX

A selection of the key collaborative events informing the project. Written feedback was collected from participants for the final five events.

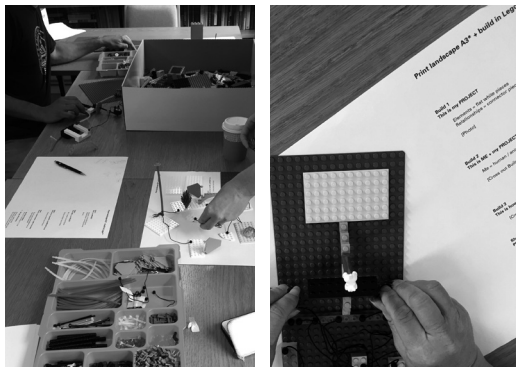


MARCH 2016
SoCril workshop. Kent Law School.
15 participants. Credit: A. Perry-Kessaris.



APRIL 2016

Postgraduate researcher training, University of Kent.
4 participants. Credit: A. Perry-Kessaris.



JUNE 2016

Workshop, Kent Law School.
8 participants. Credit: A. Perry-Kessaris.

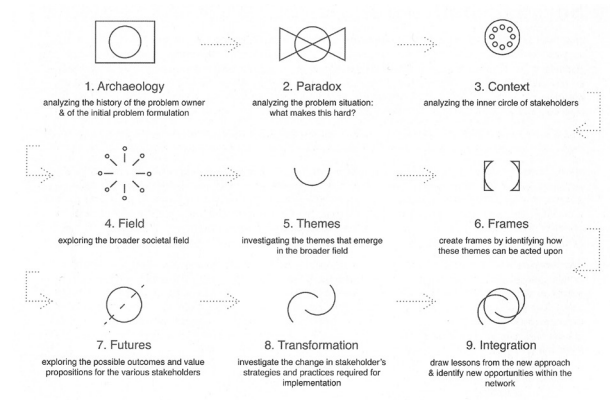


FIGURE 6

Frame creation process. Source: Dorst et al. 2016, p. 5.



Finding 2

Discussion about policy making is rooted in rationality and on the validity of evidence produced by induction and deduction to justify decision making. In contrast Policy Lab enables abductive approaches which generate new insights and ideas which are plausible but provisional.

FIGURE 5

Results of a year embedded with the Policy Lab, a specialist team based in the UK Cabinet Office. Source: Kimbell 2015, cover and detail p. 30.



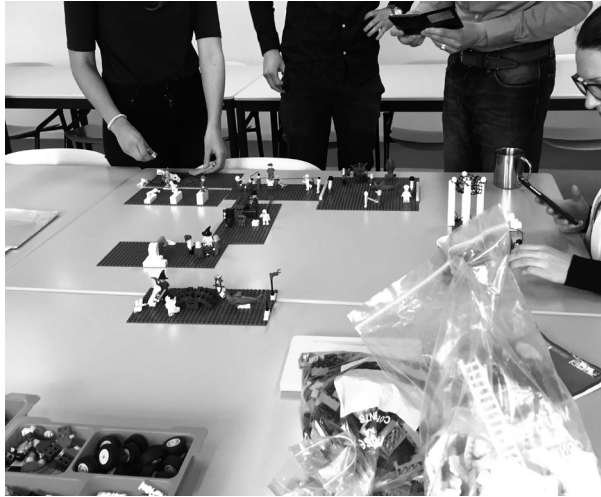
SEPTEMBER 2016

Plenary, Regulating Time conference, Canterbury Cathedral. 50 participants. Credit: A. Perry-Kessaris.



FEBRUARY 2017

Legal Object Workshop, British Museum. 12 participants. Credit: A. Perry-Kessaris.



MARCH 2017
Workshop, University of Leiden.
6 participants. Credit: A. Perry-Kessaris.



MARCH 2017
Workshop, Kent Law School.
10 participants. Credit: A. Perry-Kessaris.

which we operate, and beyond to the wider world which we seek to affect. Manzini argues that when we, whether expert designer or otherwise, go further to integrate these three sense(abilities), then we enter into 'design mode' (Manzini 2015, p. 31).

But these (sense)abilities that secure entry into 'design mode' must, like 'all human talents' be 'stimulated and cultivated' (Manzini 2015, p. 31). Here lies the distinct contribution of social design/ers: they can 'make things happen'. Specifically, expert designers can make things 'visible and tangible', 'possible and probable', 'effective and meaningful', 'replicable and connected', and 'local and open'. Social designers use these abilities to provoke and facilitate both themselves and diffuse designers, such as sociolegal researchers, to enter into design mode, and to reap the ensuing rewards (Manzini 2015).

Of these, the ability to make things visible and tangible is, I would argue, foundational to all others, and the most distinctive of design. So it is on the possibilities of making sociolegal research visible and tangible that the remainder of this paper, and the underlying project, focuses.

problem becomes apparent, which in turns offers a ‘bridge’ to a solution. Each stage requires communal mechanisms of participation, expression and the coordination of values, perspectives and interests.³

Dorst’s nine-stage re-framing process has helped civil society actors to generate new frames for problems as diverse as shop layouts and infrastructure development (Dorst 2015, Dorst et al. 2016. Figure 5). It is this process that helped me to reframe sociolegal research—which systematically reinterprets law as a social phenomenon—as if it were itself a social phenomenon, open to systematic reinterpretation through design-based practices, improving its quality, and rendering it a more communal resource.

Crucially for the present project, public policy and (even more so) social design share an emphasis on what Manzini calls ‘diffuse’ design in which non-experts (policy-makers, civil society actors) are provoked and facilitated to enter into ‘design mode’ in design-based practices (Manzini 2015, p. 37). In their hands design becomes a communal resource which, like law, supports trusting and, therefore, productive social relations.

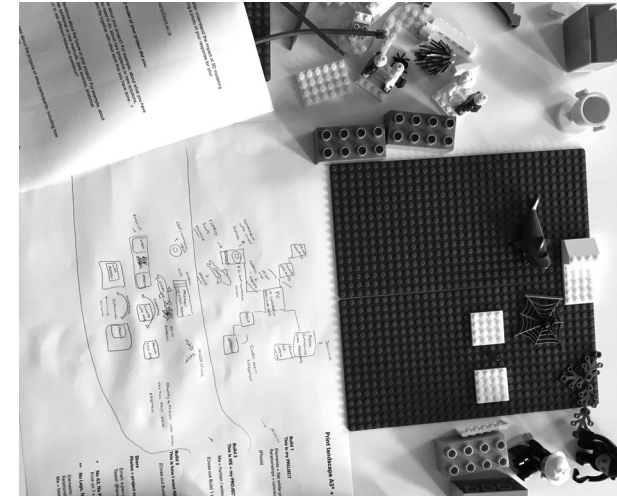
ENTERING DESIGN MODE

Social design and public policy design projects seek to provoke and facilitate change, by provoking and facilitating non-experts to become what Manzini (2015, p. 37) calls ‘diffuse’ designers.

Manzini begins to make his case for diffuse designer to operate in ‘design mode’ by identifying three ‘senses’ that are ‘human gifts’ shared by all, whether expert designers or otherwise. These are the critical sense—that is, ‘the ability to look at the state of things and recognise what cannot or should not be acceptable’; the imaginative sense—that is, ‘the ability to imagine something that does not yet exist’; and the practical sense—that is, ‘the ability to ‘recognise feasible ways of getting things to happen’ (Manzini 2015, p. 31).

Professionals of all types deploy these senses or senses or abilities—let’s call them sense(abilities)—in relation our own work, to the community of practice within

3. This terminology is borrowed from Perry-Kessaris 2008.



MARCH 2017

Researcher development training day, University of Kent.
15 participants. Credit: A. Perry-Kessaris.



APRIL 2017

Pop up Museum of Legal Objects
Socio-legal Studies Association conference, Newcastle.
15 participants. Credit: A. Perry-Kessaris.

III

DESIGN AS A COMMUNAL RESOURCE

Two fields that emerged as a consequence of the spread of design practice to non-traditional spheres are especially proximate, and therefore relevant, to sociolegal research: public policy and social design.

Across the world design-based practices are increasingly used to improve policy-making by national governments and international organisations (Julier and Kimbell 2016, UNDP 2016, Kimbell 2015, Bason 2014). Examples of strategies used by policy designers include ‘evidence safaris’, in which ‘everyone involved in a project look at all the data, evidence and knowledge surrounding a policy issue’; and ‘journey mapping’ in which policy makers plot the experience of those who use their services in order to ‘understand the interactions and touch points that people have regardless of department or policy boundaries’ (Cabinet Office 2017. See also Hagan 2017 and Passera 2017).²

2. For insight into these processes listen to *The Fix* (BBC Radio Four 2017).

Meanwhile social designers have sought to disseminate expert strategies to generate and facilitate social change primarily among non-state actors. One way of understanding how design practices can contribute to such public-oriented contexts is through the example of a specific strategy: ‘frame creation’ as developed by Kees Dorst and his collaborators. Here ‘open, complex and networked’ problems — referred to by Buchanan (1992) as ‘wicked problems’ — are approached by repeatedly ‘zooming out and zooming in’ between the context of the problem and the problem itself, until an alternative ‘frame’ for the

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of a 'practice' as 'routinized... behavior' including bodily and mental activities, "things" and their use', 'background knowledge', know-how, emotion and motivation. By approaching design as a practice she is able to reveal design to be more than the thoughts and actions of individuals, instead comprising 'dynamic configurations of minds, bodies, objects, discourses, knowledge, structures/processes, and agency which can be routinized and institutionalized'; in which objects and materials — such as illustrations, models and prototypes — play a 'crucial' role; and in which the designer is not the main 'agent' (Kimbell 2012, p. 142).

In this way, Kimbell 'rethinks' the field in a way that accommodates the spirit and reality of design as thought and action, as process and as product, for public interests and private, by experts and non-experts; including the practice of diffuse design to which this paper now turns.

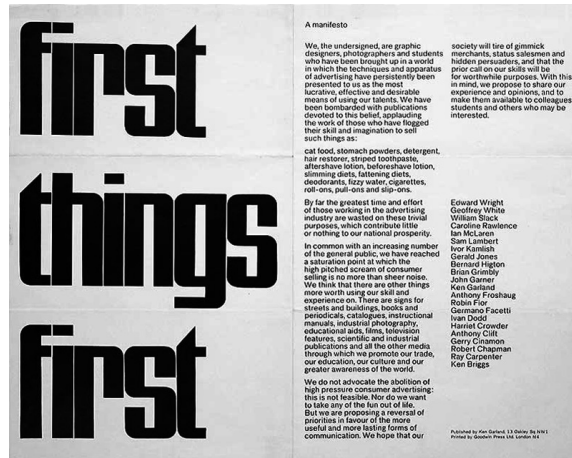


FIGURE 3
First Things First manifesto. Source: Garland 1963/4.

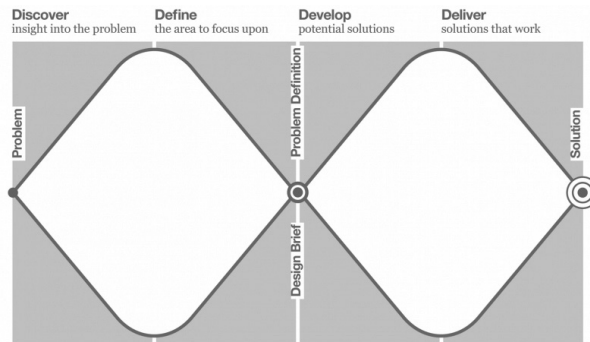


FIGURE 4
Double Diamond model suggesting commonalities across design processes. Source: Design Council 2015.

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II

DESIGN-AS-PRACTICE,
DESIGNS-IN-PRACTICE

OVER the decades, 'designers have developed a treasure trove' of 'sophisticated creative and innovative' practices, 'many of which can be used outside of the confines of the traditional design domain' (Dorst et al. 2016, p. 3).

Since the mid-1960s the First Things First manifestos (Figure 3) have called for graphic designers to direct their talents away from commercial advertising and towards more 'worthy', public-spirited interests such as 'education... public awareness and social campaigns' (Garland 1963/4, Adbusters et al. 1999 and Peters 2014).

In recent years this 'trove', often referred to as 'design thinking', has captured the imagination of a wide range of private and public sector users outside of the expert design sphere (Figure 4). But, as service and policy innovation designer Lucy Kimbell (2011, p. 286) observes, although many from within design and beyond have claimed to engage in 'design thinking', or to hire others to do so on their behalf, or indeed to have identified its fatal flaws, we have little shared understanding of what it is.

Research across multiple disciplines and several decades has presented design thinking as 'a cognitive style', or 'as a general theory of design' or as a 'resource for organizations' (Kimbell 2011). Kimbell (2012) intervenes in this discourse with a pair of concepts: *design-as-practice* and *designs-in-practice*. She draws on sociology-based theories of practice to locate design as a 'practice' on a 'sociomaterial' plane. She adopts Andreas Reckwitz's (2002) definition

WHAT FOLLOWS

The remainder of this paper first notes the evolution of design from a field of artefact production to a field of practice and, relatedly, its increasing influence across disciplines and professions (Chapter II).

Next, the paper highlights social design as a field in which design strategies are regularly used as a communal resource, much as some sociolegal researchers see law has the potential to be (Chapter III).

Of these strategies, that of ‘making things visible and tangible’ is argued to be the most distinctly design-based, and model-making in particular is identified as the relatively absorbable by sociolegal researchers, especially given an on-going ‘material turn’ across the humanities and social sciences (Chapter IV). The paper then moves to explain the theory and practice underpinning both the identification design of three forms of sociolegal model-making — modular, found and bespoke (Chapter V). Chapter VI concludes with a summary of lessons and plans for the future.

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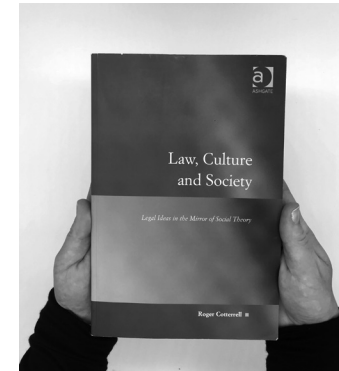


FIGURE 1

In this influential book Roger Cotterrell (2006) argues that we ought to approach law as a 'communal resource'. Credit: A. Perry-Kessaris.



FIGURE 2

Researching in parallel. A scene from University of Michigan Law Library c. 1863. Source: Bentley Historical Library.

These practical requirements of transposition, integration and accommodation present challenges across the sociolegal research process — from conceptualisation through to data collection, data analysis, dissemination and reflection.

At present sociolegal researchers tend to address these complex challenges almost exclusively through words — read, spoken and written; and largely individually — alone in their office, alone at the podium, alone in control of their argument. In so doing they fail to deploy their full range of senses. Furthermore, all this solitude and individuality goes against the inherently communal orientation of a sociolegal approach (Figure 2).

So an important sub-question for this project is whether model-making can improve the communication, openness, and agility of sociolegal research process; resulting in better quality research with a more communal orientation.

RESEARCH INTO, FOR AND THROUGH DESIGN

Research in design (and art) falls into three camps: research into design, research for design and research through design (Frayling 1993). This paper and the underlying project are best seen as exercises in research into (social, industrial and event) design, and research for design (experiments); which are being used to provoke and facilitate sociolegal researchers to conduct their research through design-based methods (model-making).

The practical resolution of this project is an online repository—*A Site*—of artefacts that are designed to be downloaded and deployed by sociolegal researchers; and intended to provoke and facilitate their first steps into model-making.

The primary artefacts are *A Proposition*, *A Guide* and *A Space*; which are supported by *A Context* (this paper) and *A Portfolio*.

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I

INTRODUCTION

THIS paper introduces the multidisciplinary theoretical and practice-based context for a project exploring the risks and rewards of using design-based strategies to enhance sociolegal research. It is written by an experienced sociolegal researcher, and it asks whether design can and should be used to provoke and facilitate model-making by other sociolegal researchers.

SOCIOLEGAL RESEARCH

Sociolegal researchers are distinguished from other academics and policy-makers who research law by their commitment to ‘consistently and permanently . . . reinterpret law . . . as a social phenomenon’ (Cotterrell 1998, p.183).

In theoretical terms, a sociolegal approach means going beyond the text of law to expose its social context and subtext, origins and impact. More specifically, argues sociologist and lawyer Roger Cotterrell, it means approaching law as a ‘communal resource’ which has the potential to support social relations that are trusting and, therefore, productive (Perry-Kessaris 2008 p. 13. Figure 1).

In practical terms, a sociolegal approach means transposing conceptual and empirical tools from multiple disciplines — such as law, sociology, economics, ethnography, geography and political science; integrating materials derived from a wide range of sources — including, abstract theory, site visits, artefacts and interviews; and accommodating empirical and analytical contingencies.

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CAN AND SHOULD
DESIGN PRACTICES BE USED
TO PROVOKE AND FACILITATE
MODEL-MAKING BY
SOCIOLEGAL RESEARCHERS?

Amanda Perry-Kessaris
Research Portfolio

TYPOGRAPHY

Scala (1990) and Scala Sans (1993)
Designed by Martin Majoor
Distributed by FontShop

PROJECT REPOSITORY

<https://amandaperrykessaris.org/modelmaking>

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Paul Bailey and my fellow students have made this MA the most exciting, communal and rewarding educational experience I have had. There is no place like Kent Law School, where academics, professional staff and students have actively supported my training in graphic design, in every possible way, for four years. There is no family like my family, BBE KOTS. Special love to Nicos and his uncanny knack for identifying perspective-altering books.

SOCIOLEGAL
MODEL
MAKING

:

A Context

2017

