Chapter 1
Towards a proposition

> ‘I am going to do what I can to show you how I arrived at this opinion...I am going to develop in your presence as fully and freely as I can the train of thought which led me to think this’
>
> Virginia Woolf

This book explores the proposition that sociolegal researchers can and ought to draw on design to enhance their ability to understand and meet the methodological challenges they face.

Design is a varied and shifting field of practice and scholarship which, like sociolegal research, resists precise definition. When I use the term ‘design’ I mean the planning and making by humans of tangibles and intangibles including images, objects, places, activities, policies and systems. Designing is a core human activity—we all do it every day (Simon [1969] 1996 p. 111). However, I will reserve the term ‘designer’ for those who have ‘had training or extensive practical experience in a discipline such as architecture, product design, graphic design, or interaction design’ (Zimmermann et al. 2007 p. 493). And I will use the term ‘designerly ways’ (Cross 2001) to refer to mindsets, strategies and processes that, albeit not necessarily individually exclusive to, are together characteristic of, design methodologies—that is, how designers work and why. When experts in others fields of practice, such as sociolegal researchers, take up these designerly ways I will refer to them as approaching their work ‘in design mode’ (Manzini 2015).

Many before me have explored how design can enhance expert practices in other fields across the private, public and civil society sectors. Industry leaders such as the Design Council, IDEO and Stanford’s d.school have for several decades promoted the export of designerly ways, often under the banner of ‘design thinking’, for use in a wide range of commercial and policy contexts (See for example Dorst et al. 2016; Kimbell 2013); while the subfield of Legal Design[1] emerged out of efforts to apply information design techniques to make individual contracts more accessible (Brunschwig 2001, Haapio and Passera 2013), and then to apply service design techniques to make legal systems more ‘usable, useful and engaging’ (Hagan 2017). Today designerly mindsets, strategies and processes are applied across the legal spheres of practice, activism and policy making (Perry-Kessaris 2019). And some have investigated how designerly ways might contribute to scholarly research beyond

design (See Julier and Kimbell 2016). But there exists no sustained introduction to what it might mean to do non-design research in design mode, and what might be the risks and rewards. This volume addresses these questions through the example of sociolegal research. In so doing, it lays the foundations for the same to be done in relation to other disciplines.

Many before me have explored sociolegal research methods—that is, how we (ought to) use conceptual and empirical strategies to approach our substantive field of inquiry (See Banakar and Travers 2005, Creutzfeldt et al. 2020). But these treatments tend to be in the form of case studies and edited collections rather than sustained accounts. Importantly, there exists no generally agreed methodological narrative that integrates consideration of how individual research strategies (ought to) fit into wider processes, and how these (ought to) fit with deeper, norm-infused mindsets that (ought to) motivate and sustain our sociolegal research. It is also noteworthy that, despite concerns around training having circulated within the sociolegal community for well over a decade (Genn et al. 2005; Adler 2007), there are few sustained conversations about how we (ought to) teach research methods or why. We are not alone here: A recent study found deep pedagogical thoughtfulness, but limited systematic knowledge, among those delivering training across the social sciences in the UK and beyond (Nind and Lewthwaite 2019).

If we want to know what design can do for sociolegal research these questions are unavoidable. So, in exploring the proposition that we can and ought to do sociolegal research in design mode, this volume necessarily goes beyond introducing shiny new methods. It also confronts deeper questions around what sociolegal research is or ought to be and how we (ought to) do it, as well as why and for whom.

This chapter begins with an account of the intensive and curiosity-driven process of learning-by-doing through which I, a sociolegal research, came to hunt for methodological intersections between design and sociolegal research. It then identifies three challenges that face all sociolegal researchers—working with indeterminacy, generating meaningful change, and engaging in meaningful relations; and three designerly ways that might enhance our ability to meet them—mindsets that are simultaneously practical-critical-imaginative, experimental processes and strategies that make things visible and tangible. The chapter ends with the proposition that together these designerly ways can contribute to the generation of enabling ecosystems that can enhance our ability to understand and meet sociolegal research challenges.

From visual communication to research through design

It requires ‘little courage or originality...to point out that a problem or issue can be addressed only in an interdisciplinary manner’. The challenge is to realise the aspiration, especially in ‘institutional settings’ (Klein 1996, p. 209). My own interest in design arose out of a frustration with what I perceived as ineffective communication among researchers working on questions of law and development—that is, how law shapes and is shaped by economic life, especially in relatively poor countries. For example, I argued that although ‘approaches to law and development need not be uniform’, they must at least ‘take note of, place themselves in relation to, and build upon, each other’; so we ought to try harder to ‘pool the concepts, facts, and values that are characteristic of law, economics, and sociology to produce a connected, econo-socio-legal, approach’ (Perry-Kessaris 2014a, 197). For those who specialise in epistemology and the history of knowledge this is not a novel observation. For they know contemporary academia to be ‘a house in which the inhabitants are leaning out of … many open windows’ – some ‘happily chatting’, others ‘arguing’ and still ‘others have fallen out the windows’ altogether; while inside the building, ‘[m]any doors remain closed’ and others ‘have been broken down’; and just down the street, ‘entirely new buildings have been constructed’ (Klein 1996, 19). But it ought to be a source of continuous concern to sociolegal researchers as they go about their fundamentally interdisciplinary work.

It seemed to me that visual methods might help to transcend disciplinary boundaries by making concepts, facts and values more, or at least differently, accessible; and by placing multiple perspectives in shared spaces. I decided to explore what graphic design, which is about visual communication, can do for law. I chose to do so as a participant observer not only because I wanted to acquire expert visual communication skills, but also because I wanted to access the dramatic shifts of perspective that can (only?) be gained by immersion in a new disciplinary ecosystem that I had previously experienced as a part-time student of economics. So I completed a few short courses, assembled a basic portfolio of designs, and gained entry to a part-time postgraduate certificate in Design for Visual Communication at London College of Communication.

Over the course of an exhilarating and humbling year, I learned through looking—at typefaces, buildings, people, signage and posters; through making—with printing presses, binding twine, paper, scissors, pencils, clay, ink, glue, sticky notes, bodies, digital editing software and programming code; as well as through showing works in progress (Figure 1.1). As I completed weekly hands-on tasks I learned how the principles of visual grammar, colour theory and semiotics impact upon the communication of legal messages; that an indirect

benefit of designing visual communications is that we are forced to pay unusually close attention to exactly what we want to communicate, and to whom; and that visual communication can be as exclusionary and disabling as any other medium when designers fail to anticipate and accommodate a potential user's perceptions, expectations and experiences. An example of the impact of these insights on my sociolegal practice was *What can graphic design reveal about law?* – an online interactive exhibit of my own designs each expressing a perception or expectation of law, using just the word itself; and intended to provoke and facilitate conversation within academia and beyond about law, about design, about law and design.[2] But the deepest insight afforded to me by these experiences was that designers do things differently. I noticed an explicit emphasis on experimentation, which was entirely new to me; and that the emphasis on communication which initially drew me to graphic design also leads to an enrichment in interpersonal relations, especially through processes of continuous communal critique of visible and tangible work in progress.

These first forays into design left me as much chastened as emboldened and, therefore, ready for more. I went on to complete a part-time master's degree in Graphic Media Design—a programme with a curriculum aimed at exploring 'the use of graphic design as a critical tool to investigate the complexities of contemporary society'. In the terminology of Christopher Frayling (1993), my training in design for visual communication had left me with an appreciation for the idea of research *for* design—for example, exploring typefaces or paper stock to support the development of a new visual communication about law; and research *into* design—for example, exploring archives to understand how designs/ers work. This second round of training would focus my attention on how we can research *through* design. Over the ensuing two years I responded to briefs inviting me to, for example, work collaboratively to 'edit/write, design and publish a short story' for a street market in east London, 'to be presented on-site'; 'formulate a critique and articulate a position' through a designed visual essay; design a digital commentary grounded in close engagement with an archival artefact; collaboratively interview a designer, and document it in a designed video; in relation to each brief to design a critical, visualised reflection on my process; and individually and collaboratively to design exhibitions of works in progress and final outputs (Figure 1.2).[3] These were, once again, exciting and unnerving times. I was 'frustrated', for example, 'by my shallow visual library' and 'inadequate' technical skills, as well as by the challenge of producing designs that were 'both visually and intellectually clear,…widely useable but also meaningful'. More significantly it took me some time to understand how my research programme had shifted. Now I was doing research, in design mode, into doing sociolegal research in design mode (Personal Fieldnotes).

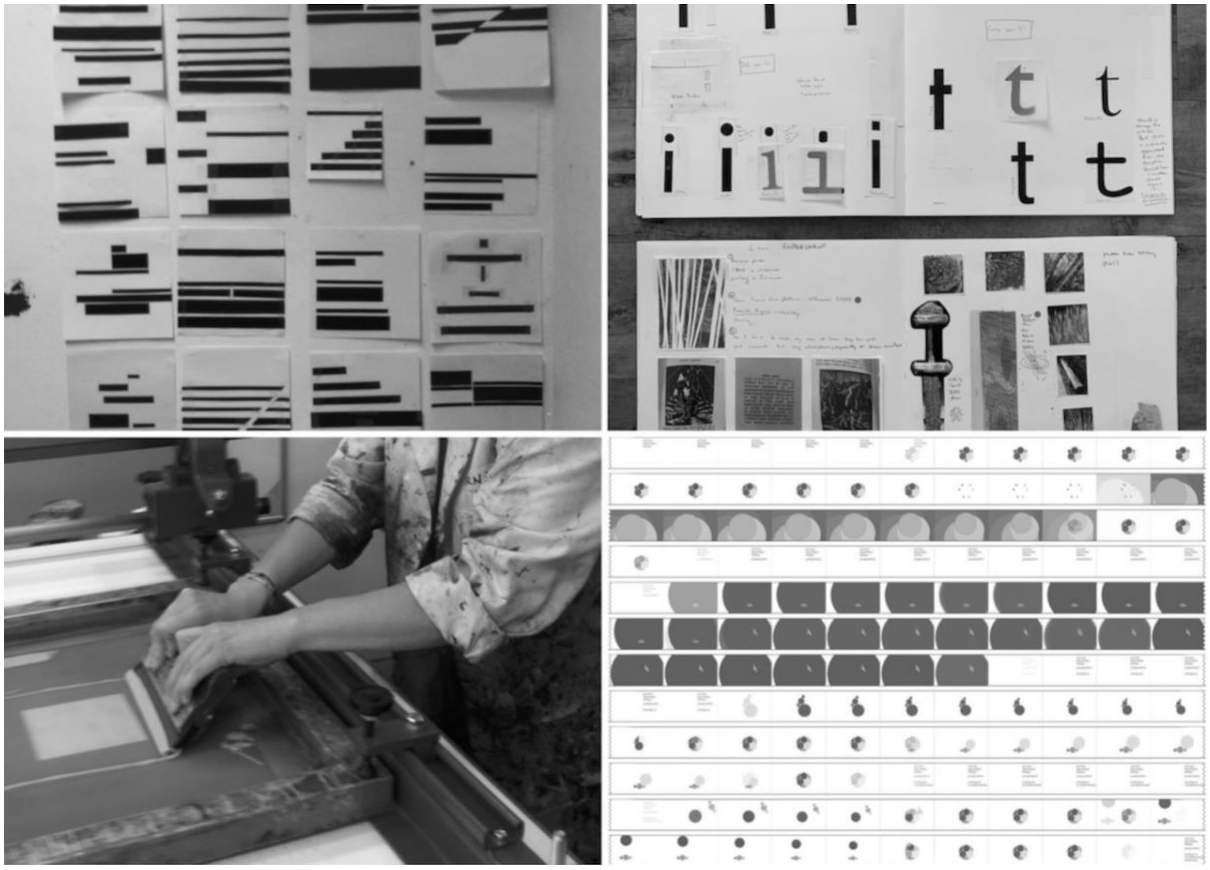

Figure 1.1: Scenes from a Postgraduate Certificate in Visual Communication, London College of Communication, 2014. Clockwise from top left: displaying visual grammar tests, sketchbook entries documenting visual research into typographic and organic and inorganic shapes, story board of a video on colour theory, and screen printing. Images: Amanda Perry-Kessaris.

Figure 1.2: Scenes from an MA in Graphic Media Design, London College of Communication, 2015-2017. Clockwise from top left: collecting and analysing primary data for EXCHANGE a short story published on-site, in text and audio format, in and for Ridley Road street market (see Perry-Kessaris 2016a); then co-designing and attending an exhibition of the making of that story. Images: Amanda Perry-Kessaris.

Over time I began to widen my exploration of the potential risks and rewards of doing sociolegal research in design mode through a series of three types of activities—some individual, others participatory or collaborative—involving a total of over 200 predominantly sociolegal researchers. Each activity was grounded in the three designerly 'emphases' that I had identified during my studies in graphic design: Experimenting, communicating and relating. Firstly, I mirrored my ongoing experience as a student of design by incrementally re-orienting the postgraduate Research Methods in Law module at Kent Law School around tasks, akin to design briefs, each of which invited students to experiment with different aspects of their own research project. They exhibited the results on seminar room walls, or in models formed of building blocks; and we explored them together in the manner of a design 'crit'. Secondly, I (co-)designed a series of hands-on events in which groups of up to 50 other researchers explored their ideas through various modes of model making; and observed them understanding and sharing their projects in new and productive ways. Thirdly, I increasingly conducted my own research, which addresses the economic life of law, in design mode. For example, I used LEGO and clay to plan the central argument of an article, and to develop an appropriate language for approaching a sensitive field of inquiry (See Perry-Kessaris 2017a and 2017b). Some of these activities, including participant feedback, are explored in chapters 3 and 5 of this volume. All of them contributed to the evidence base underpinning the final component of my MA in Graphic Media Design—the *Sociolegal model-making* project—which centred on a downloadable guide intended to provoke and facilitate any sociolegal researcher anywhere to engage in the designerly strategy of making three dimensional models (Sociolegal Model Making website). More broadly, this experimentation confirmed that it is possible to do, and to prompt and facilitate others to do, sociolegal research in design mode. Participants generally reported that working in design mode had positive impacts on their research and research relations; and these rewards seemed to outweigh the risks of, for example, alienating sociolegal researchers, or distracting them from their core concerns.

The following sections place these empirical findings in the context of literature from sociolegal studies and design. They centre on two questions: What challenges do we face as sociolegal researchers; and how might designerly ways enhance our ability to understand and address them?

Sociolegal ways

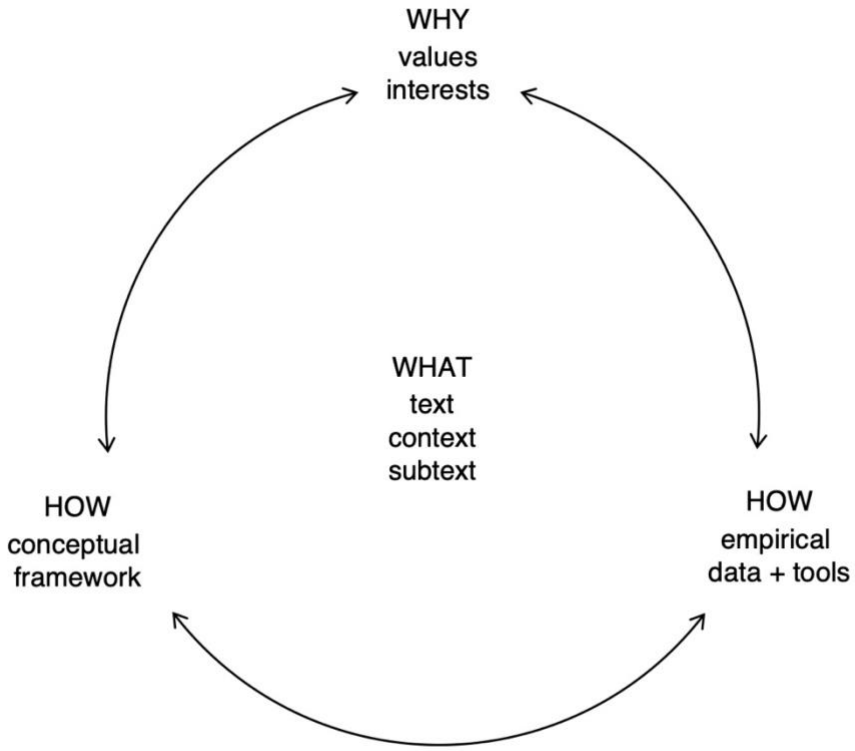

Figure 1.3 The questions that (ought to) lie at the heart of sociolegal research. Amanda Perry-Kessaris 2021.

The first step towards understanding the how designerly ways might help us to understand and address sociolegal challenges is to identify the methodological underpinnings of sociolegal research. These can be explored along three interrelated dimensions: What, substantively, is researched; how—conceptually, empirically, analytically and processually—it is researched; and, normatively, why—for what purposes and peoples—it is researched (Perry-Kessaris 2013).

What?

The substantive focus or 'what' of individual sociolegal studies varies widely because any research activity that is concerned with the 'mutually constitutive relationships between law and society' can be categorised as sociolegal (Creutzfeldt et al. 2020, 3). Such studies address different legal fields—for example, informal, local, national, regional, transnational and international; and/or the relationships between them. They focus on different levels of social life—for example, micro-level actions of, and meso-level interactions between, individual actors; on macro-level systems formed by sustained interactions; on meta-level

rationalities that are shared by individuals; and/or on mutually-constitutive relationships between those different levels of social life. They focus on law's roles in different social fields—for example, on instrumental relations such as commercial trade and public investment, on relations grounded in shared beliefs, on emotional relations, on traditional or customary relations, and/or on the interactions between those different fields of social life. As the following section explains in more detail, of particular relevance to this exploration of what design can do for sociolegal research is that a substantial body of sociolegal scholarship now focuses on surfacing relationships between legal, visual and material worlds.

How?

To take a sociolegal approach is to commit to making, and to communicating, sense of law as a social phenomenon. This commitment imposes widely acknowledged conceptual constraints, in the sense that we can no longer think, for example, of law on the one hand and society on the other. It also imposes widely accepted empirical constraints, in the sense that, for example, we must look out not only for law on the books, but also for the life of law—law in action. And law can, as a matter of plain fact, only meaningfully be understood as a social phenomenon if we attend to its real-world dimensions. 'You could never guess from the discourse of the jurists what their high-flown words really meant in context, or what practical meaning and effect legal doctrine would have once married to the realities of the established order in society' (Unger 2021, 3). So those who cleave to the theoretical, the abstract and the technical ought to consider their position. In the bracing words of economist Deidre McCloskey: 'An inquiry into the world must think and it must look. It must theorize and must observe. Formalize and record… Not everyone…needs do both... But the inquiry as a whole must reflect and must listen. Both. Of course' (2002, 37).

Within these parameters, an ever-expanding variety of methods familiar to the social sciences and humanities is generally accepted as 'sociolegal'. A sociolegal study may be more or less conceptual versus empirical. Conceptual components maybe more or less radical or critical; and borrow from a wide range of conceptual framings including queer, historiographic, spatial, economic and so on. Empirical components may take the form of intimate case studies and oral histories or wide-ranging narratives; and draw on interviews, surveys, focus groups, site visits and archival work. And studies as a whole may be more or less quantitative and/or qualitative. An important implication of this growing menu of options is that we must take ever-more explicit responsibility for the methodological decisions that we make in all phases of our research—conceptualisation, data gathering, analysis, communication, reflection.

Of particular relevance in the present context is that some sociolegal researchers are purposefully using visual and material methods.[4] I will highlight three such uses. First, and most obviously, sociolegal researchers are using visual and material methods to communicate about their research--including illustrations, diagrams and photographs in presentations and formal research outputs; visualising entire research projects in posters. For example, SLSA annual conferences have attracted ever more sophisticated contributions to the poster sessions introduced in 2012 (Figure 1.4); and some have turned the requirement to pre-record presentations for the virtual conferences of the current pandemic era into an opportunity to experiment with moving image, including to reflect on their research process (Figure 1.5. See also Williams undated). And a thriving community of scholarship exists around expressing legal ideas in comic format (See Giddens 2015).

Second, as it becomes ever more widely accepted that there can 'be no world and no subject … no public, no imagined community' and '[n]o state or nation or law or sovereign without the representations that bring them into existence' (Manderson 2019, 16), so sociolegal researchers are using methods from the humanities to analyse legal visuality and materiality, meaning 'what law looks'—and feels—'like' (Mulcahy 2017, S113. See also Resnick and Curtis 2011).[5] Some focus on the mutually constitutive relationships between the visual, the material and social lives of law. For example, Linda Mulcahy has used architectural analysis to reveal how court design influences relationships among those who 'use' the courts and the wider public sphere (Mulcahy 2011; Mulcahy and Rowden 2019); Marie-Andre Jacob and Anna Macdonald (2019) have combined sociolegal analysis and embodied dance practices to understand the combined affective and regulatory effects of a typographic device: the ~~strikethrough~~; and The Art/Law Network seeks to offer a 'space where lawyers, activists, academics, thinkers of all creeds, can learn new open forms of law and legal thinking through bringing art into law' (The Art/Law Network website).[6] Others are joining sociologists of the environment, of material culture and of animals, to decentre human accounts; and to give 'a central role to things/objects/materials' both epistemologically, by treating them as valid sources of knowledge in their own right, and ontologically, by treating them as integral to and entangled with social life (Woodward 2020, 29. See further Kang and Kendall 2019; Hohman and Joyce 2017; Perry-Kessaris 2017a).

Third, some are using visual and material methods to understand the social life of law more generally. For example, they use images and objects in interviews and in more participatory settings to 'draw out' and/or to 'anchor' emergent 'narratives, comments or experiences'; or to act as 'spaces of encounter' and 'points of connection' in the sense knowledge is co-produced by interviewers and interviewees as they collaboratively interact with the images

and objects (Woodward 2020 34-7, 39-40, 42-3 and 85). For example, Leslie Moran (2015) has used judicial images not only as a source of data about judges and judicial institutions, but also as a tool for eliciting responses from interviewees. Such strategies have the potential to surface 'far more' than an 'entirely verbal approach' (Mannay 2016, 41). Most recently, some sociolegal researchers are tapping into 'the playful capacity of things' to invite people' to participate—to 'interact, respond and join in'; and their 'exciting' and productive capacity to introduce unpredictability into a research process (Woodward 2020, 54 and 72).[7] One example is *Law in Children's Lives* project led by Dawn Watkins. Here a digital game was developed with the close and iterative participation of children and experts in childhood as a 'first step towards' developing resources to 'increase [children's] legal knowledge' and 'develop their legal capabilities'. Information provided by children during focus groups was used to generate 'everyday "worlds"' such as 'a school, a park, a shop and a friend's house' within the game, each of which was the site for 'law-related hypothetical scenarios or vignettes' (Watkins et al. 2018, 77-8. See also Mcdermont 2018; McKeever and Royal-Dawson 2021; Perry-Kessaris and Perry 2020). In deploying these visual and material ways, sociolegal researchers are already moving towards doing sociolegal research in design mode.

Figure 1.4 Poster submitted to SLSA Annual Conference 2020 which emerged out of a collaboration between a post-graduate researcher and a former child soldier turned activist, and which aims to bring the voices of child soldiers, including girls, into the international discourse. Sandhar and Omony (2019) '"I am free from the conflict, but I do not feel free": experiences of child soldiers in Northern Uganda'. Illustrator Jennifer N R Smith.

Figure 1.5 Stills from a video diary through which two postgraduate researchers sought to 'capture fragments of a reading project that emerged from a disenchantment with critical theory' (Personal correspondence). Sheikh and Dao (2021) 'Translating Dark into Bright: Diary of a Post-critical Year', presented at the SLSA Annual Conference 2021, hosted online by Cardiff Law School.

How do sociolegal researchers bring together and synthesise the conceptual and empirical insights that they generate through these various methods? Sociolegal researchers tend to rely on deductive and, to a lesser extent, inductive modes of analysis. To think deductively is to begin with theories—what we already 'know'. We draw on those theories to hypothesise about how things might be in different situations, and then confirm or reject that hypothesis through further investigation. When we think inductively we seek from the outset to continuously 'ground' our theories in particular observations (Bryman 2016, 21 and 572-81). Both deductive and inductive methods are crucial to the incremental development of

knowledge because they ‘establish relations between already known constructs’ (Kovács and Spens 2005, 135-7). Much of this volume is the product of these modes of analysis—the deductive work of drawing on design literature to theorise about what working in design mode might mean for sociolegal researchers; and some more inductive ethnographic and auto-ethnographic exploratory activities.

Deductive analysis is well-suited to explanation and justification—‘taking apart’. It is less well-suited to ‘making something new’ (Cottam 2018, 221). An excessive reliance on deduction can lead to us behaving like ‘lone warriors’, ‘heroically’ seeking ‘total control over’ our field of interest, beginning sentences with ‘of course’. At a group level we begin to ‘shape our identity around’ the ‘established practices’ of our communities and become impervious to external influence (Dorst 2015, 13-8). When we treat these practices as ‘sacred’ it becomes difficult to make anything other than utilitarian ‘use’ of them. We can implement them as they are but we cannot ‘play’ with them. And play we must if we are to keep open the possibility of change (Agamben and Fort 2007). Science and Technology Studies tells us that research methodologies ‘not only describe but also help to produce the reality they understand’. When we ‘work on the assumption that the world is properly to be understood as’, and therefore through, ‘a set of fairly specific, determinate, and more or less identifiable processes’, we risk elevating that which already dominates and stifling the actual/potential rest (Law 2004, 4-5). Stuckness sticks. An important result of ‘stuckness’ is we tend to narrow down too soon. For example, we define our ‘problem’ prematurely, and we don’t stop to ask ‘what if’, all of which can ‘lead to suboptimal or even counterproductive solutions’ (Dorst 2015, 12).

Although we sociolegal researchers are working to produce something new promising and hoping to engage in transformative or ‘ground-breaking’ research, we are also wary of the uncertainty associated with such indeterminate ventures, tending to frame it as both ‘avoidable and to be avoided’ (Akama et al. 2018, 22). And, whether due to space constraints, doubts as to relevance, or fears of undermining the project’s credibility, we prefer to present the selection and implementation of our research methods as pre-defined and linear, rarely reporting the ‘false starts, blind alleys, mistakes and enforced changes’ that shape our projects (Bryman 2016, 13. See also Townsend and Burgess 2009).[8] Sociolegal researchers interviewed by Herbert M. Kritzer (2009) advised that indeterminacy and uncertainty it engenders becomes manageable when we commit to making a plan and amending it as necessary. However, it is rare to find formal and specific discussion of exactly how to go about being provisional or multiple—how, for example, simultaneously to make the plan and commit to amending it.

Sociolegal research is and ought to be laced with indeterminacy. This is, firstly, because that is the nature of all research; and, secondly, as we shall see in more detail below, because that is the nature of the wider world that we seek to understand and perhaps to influence. But this indeterminacy is not always explicitly recognised or well managed, let alone embraced or even activated.

Designerly ways can help.

Why?

Why—for what purposes—do we engage in sociolegal research?

We can surely agree that we aim to contribute something meaningful—in the dual sense of significant and valuable; and further that, in order to be meaningful, a contribution must have the potential to improve our ability to make and communicate sense of law as a social phenomenon. But what does improvement look like? The UK Research Excellence Framework criteria for assessing research tell us to look not only for 'rigour', but also for 'originality' and 'significance'; and separately seek to chivvy us towards contributions that generate wide-reaching and deep 'impact' in the wider world. But these are superficial and generic guides. For more specific direction we can look to *Sociological Jurisprudence: Juristic thought and social inquiry*, in which Roger Cotterrell (2018) asserts that anyone who works with law, but especially sociolegal researchers, has a moral obligation to nurture and promote the 'well-being of law as a practical idea', including its 'worth' and 'meaningfulness as a social institution'. At first glance the emphasis on 'practical' suggests this is a restatement of the above-mentioned requirement for empiricism. However, the notion of 'well-being' implies a deeper purpose that ought to direct sociolegal research methods; and it implies a need for coherence in the service of multiplicity. There is widespread, albeit not universal, agreement that the fundamental purpose of law is to offer certainty and justice to 'all those living within [its] jurisdiction'; and 'communicat[ing]', sometimes 'forcefully', the 'need for adequate and equal respect for [their] autonomy and dignity' (Cotterrell 2018, 31, 38 and 170). Often expressed in terms of the Rule of Law, this purpose of supporting certainty and justice can be thought of as a global constant. But there is a twist: The criteria with which to determine law's wellness—its actual fitness for that purpose—are as varied as the people, (inter)actions, systems and rationalities that shape law are shaped by it. 'The idea of society is indeterminate'—not fixed—'even when it is idealized. No particular ordering of social life is natural or necessary. None enjoys uncontested authority' (Unger 2021, 19). The sociolegal is and ought to be a 'pluriverse' (Escobar 2017). Furthermore, every person participates in and across multiple, varied, fluid, overlapping, social networks; and each of us

has multiple perspectives, expectations and experiences relating to law and its well-being. So, while working for the well-being of law as a practical idea can afford a certain energy, direction and sense of purpose, it is a necessarily multiple, fluid and, therefore, indeterminate—and, therefore, challenging—enterprise.

Indeed, to make and communicate sense of law as a social phenomenon, in ways that support the well-being of law as a practical idea—as 'adapted to the specific, varying conditions of [its] sociohistorical existence'—might be 'the most distinctive' and 'ultimately the most difficult, form of legal expertise' (Cotterrell 2018, 31). It requires that we 'hold' the idea of law 'together' across these varied and shifting conceptual frameworks and empirical realities (Cotterrell 2018, 31). We must take a 'holistic approach' and 'be open to seeing links between seemingly unrelated realms that may raise non-intuitive relationships and interconnections' (Darian-Smith 2013, 15). Empirically, we must be able to move nimbly and assuredly across the micro, meso, macro and meta; the state, non-state, para-state and supra-state; the formal and the informal; the individual and the communal; the instrumental, affective, faith-based and traditional; the human, animal and ecological; the material and immaterial; the fun and frightening, stable and fleeting; and between pasts, presents and futures. Conceptually, we must adopt 'a theoretical sensibility', so that we can build the necessary language to communicate coherently with ourselves and with others, and so contribute to shared spaces. But we ought not necessarily to generate or adhere to any particular grand theory. This is not only because they tend to collapse on contact with the multiple empirical realities, but also because, as the jurisprudence of difference has long reminded us, we researchers are not and need not all be 'engaged in the same inquiry, about the same legal experience, with the same ends in view' (Cotterrell 2018, 162). Rather we must be 'eclectic and creative' (Darian-Smith 2013, 15. See also Escobar 2017 p. xvi), generating or borrowing vocabulary and grammar and 'bricolag[ing]' it into a 'general but flexible practical framework of thought—a way of envisaging or modelling law as a phenomenon, at least provisionally in relation to' a given 'time and place'. And we ought to treat any resulting 'model' or 'framework…less as making a "claim to truth" … than as' a way of 'organising efforts towards solving specific problems' (Cotterrell 2018, pp. 33, 99 and 162). The aim is to achieve 'coherence' rather than uniformity--not to merge these multiplicities, but rather to 'gather' them together provisionally into shared spaces (Law 2004, 100).

If we are to manage, let alone activate, indeterminacy we must first acknowledge that all research is wandering and serendipitous, 'messy' and therefore itself indeterminate (Law 2004. See also Bryman 2016, 13). Then we must commit to embracing and activating that

indeterminacy by being more ‘multiple’, more ‘modest’, more ‘uncertain’, more ‘diverse’ (Law 2004, 9). We must ‘unmake’ our bad ‘methodological habits’ such as our ‘depend[ence] on the automatic’, our ‘desire for certainty’, our ‘belief that we have special insights that allow us to see further than others’, and our expectation that we will ‘arrive at more or less stable’ and generalisable ‘conclusions about’ how ‘things really are’ (Law 2004, 11). In short, we need to be less determined, more provisional.

Designerly ways can help.

For whom?

We can also surely agree that any academic research ought to be for, or aimed at, making some contribution within academia: If not there, where; if not that, what? Research proposals and outputs that do not specify how they might contribute, for example, to creating, highlighting and/or resolving misconceptions in existing scholarship are less likely to be funded, published, read or lauded by ‘the’ sociolegal community. And we may also aim to contribute to the wider world. Today this idea is associated with the contemporary ‘impact’ agenda, which some see as part of an oppressive and damaging trend towards the marketisation and auditing of public spaces. But all research—even that which seeks ‘only’ to describe, predict and explain—has the capacity to impact upon real world perceptions, expectations and experiences. Edward Said argued that ‘[e]very intellectual whose métier is articulating and representing specific views, ideas, ideologies, logically aspires to making them work in a society’ so any ‘who claims to write only for him or herself, or for the sake of pure learning, or abstract science is not to be, and *must not* be, believed’ (1994, 110); and Bagele Chilisa goes further to argue that research must be designed ‘to challenge existing power structures in order to transform lives’ within and beyond research communities (2012, 22 and 174-5. See also Tuhiwai Smith 2012). But the perceptions, expectations and experiences of those within and beyond research communities are multiple and fluid; and this amplifies the indeterminacy of the sociolegal research enterprise, including what might constitute a meaningful contribution or relationship, and how to make it happen.

As the SLSA’s Statement of Principle of Ethical Research Practice of 2009 reminds us, we must attend not only to the importance of ‘integrity and quality in conducting research’—including, for example, of crediting contributions made by colleagues and collaborators—but also to the wider ‘value [of] collegiality in the socio-legal community’. A sense of community can emerge out of any form of relatively stable interactions centring on shared values and interests, but only if those interactions are grounded in feelings of belonging and mutual interpersonal trust (Cotterrell 2018, 163). Who is (not) able to engage in stable and trusting

relations around sociolegal research, and so to feel, and be seen as, a member of 'the' sociolegal community? We know that the academic population in the UK does not reflect the wider population of the UK, let alone the wider world that it researches. Of all professors across all disciplines in the UK in 2019, 3.2 percent disclosed as disabled, 23.6 percent were white women, 7.7 percent were men of colour, and 2.3 percent were women of colour (Advance HE 2019a and 2019b). The majority of higher education institutions in the UK employed not one female professor of black or minority ethnic origin in any discipline in 2017, and in law there were just six women of colour employed as law professors in the UK (Solanke 2017). A great deal of intellect, time, energy and emotion has been put into explaining how and why we fail to 'include'; why it matters, pragmatically and morally; and how we might do better (Ahmed 2012, Memon and Jivraj 2020). We know that to be genuinely communal, the spaces that we generate must be 'meaningful, relevant and accessible to all' actual and potential participants, and that this requires the anticipation and proactive 'valuing' of difference (Hockings 2010). Just as law must gather, nurture and protect all its peoples, so must legal research communities.

Whether or not we aim for our research to contribute to wider social life, we must take responsibility for the fact that it is part of it. We must, of course, do this by way of ethical approval processes which focus on the impact that any entanglement in our research—as subject matter informant, participant or collaborator—may have. But there is more to it than that: '[I]n the course of their activities', sociolegal researchers 'enter into personal and moral relationships with those whom they study closely'—whether 'individuals, households, social groups or corporate entities'. And '[w]henever possible, research relationships should be characterised by trust (SLSA 2009). [9]

So the work of making meaningful contributions through sociolegal research is 'about more' than methods and methodology, and more than how the social world is or ought to be. 'It is also, and most fundamentally, about a way of being' (Law 2004, 10). Here 'being' is about how we relate to ourselves and our projects, about how we relate to others within and beyond our sociolegal research community, and about whether and how those two ways of being reflect and sustain each other. For example, when we are assessing the well-being of law we might to ask whether it tends to function as a 'communal', as opposed to solely 'private' or 'individual', 'resource for channelling power'. Is law supporting mutual interpersonal trust within and between communities—by expressing whatever varied values and interests hold us together, by coordinating the varied values and interests that hold us apart, and by provoking and facilitating participation by all in varied forms of communal life (Cotterrell 2006; Perry-Kessaris 2008)? Is it prompting, facilitating and sustaining unity from

and for diversity? Likewise, in assessing the meaningfulness of sociolegal research we ought to ask whether we are supporting trusting relations within and beyond the sociolegal community by expressing what holds us together, coordinating what holds us apart and encouraging participation.

Designerly ways can help.

Designerly ways

The next step towards understanding the how designerly ways might help us to understand and address sociolegal challenges is to identify the methodological underpinnings of design. beginning with its substantive focus.

Design is, perhaps above all things, about change:

> 'It seems like designers always want the world to be different. And even when it's not the specific desire of designers themselves to spark a particular change, designers and the practices of design are constantly being brought to bear by others to initiate change' (DiSalvo 2016, 29).

Change for what purpose? Why, and with and for whom? We can think of designers as aiming for change that is meaningful, in the dual senses of being both significant and valuable. I choose 'meaningful change' in part because I want to maintain some distance from some of the 'dark sides' historically associated with the term 'innovation'—specifically, its emphasis on change for the sake of it; on aggregated costs and benefits over micro-disparities and diversities in perceptions, expectations and experiences; and on neoliberal values such as efficiency, maximisation and growth (See further Fougère and Eija Meriläinen 2021; Julier 2017). In our anthropocentric world, the value or meaningfulness of a change tends to be assessed according to human perceptions, expectations and experiences around a combination of beauty and functionality. But questions of what is beautiful, what functions and, therefore, what is meaningful are dependent upon, for example, the perspectives of designers and users, and the context within which a design is designed. The following paragraphs trace some key moments in the evolution of these perspective and contexts, and how these moments have influenced both designerly ways, and how those designerly ways are understood.

Design has long been closely, albeit not exclusively, associated with 'functionalist, rationalistic, and industrial' aims (Escobar 2017, x; Perry-Kessaris 2020). The pioneering Preliminary Course (*Vorkurs*) at the Bauhaus school of art and design—which built on the

Arts and Crafts Movement and continues to influence how design is taught and practiced globally to this day—aimed to systematise design methods and design pedagogy, in particular by using 'practical, concrete exercises' to emphasise the importance of 'process' (Saletnik 2007). These practices travelled to the Ulm School of Design (*Hochschule für Gestaltung* 1953-1968) where course leaders explicitly sought 'to make the design process more readily accessible and easy to understand'. And their objective here was not only to improve design as a discipline, but also 'to facilitate cross-disciplinary work, for example, with anthropology and psychology' (Oswald 2012, 68). Thereafter, this systematisation agenda persisted in the design methods movement that came to dominate in the 1960s.

At the same time, some designers increasingly promoted design as a resource for other disciplines—not only to improve how those disciplines function internally, but also to improve how they interact with each other. Most famously, political scientist and cognitive psychologist Herbert A. Simon declared in 1969 that design is / ought to be a systematic, 'process-oriented activity' for solving a wide array of problems; and, moreover, that as a problem solving 'science' design could act as a 'glue' to hold the social sciences together (Huppatz 2015, 29. See also Bayazit 2004, Charman 2010, 29). In 1973 Horst Rittell and Melvin Webber (1973) sought to identify which kinds of ostensibly non-design situations or issues are especially well-suited to a designerly approach. They declared that some problems are 'wicked problems'—that is, they involve the sometimes conflicting and shifting perceptions, expectations and experiences of multiple stakeholders. Such problems, they argued, can only be addressed through designerly, rather than 'reductionist', scientific, approaches. In this way they identified 'an opportunity for design research to provide complementary knowledge' to that offered by other disciplines, and 'through methods unique to design' (Zimmerman et al. 2007, 496. Emphasis added. See also Buchanan 1992).

More recently, such wicked problems have been described as 'dynamic, open, complex and networked' (Dorst 2015, 6 -12); and it has been argued that one reason designerly ways are so well-suited to addressing wicked problems is because they prompt and facilitate abductive thinking. The notion of 'abductive' thinking was developed by philosopher Charles Sanders Pierce between 1878 and 1913 'as a means of finding out what exists in the world' (Askeland 2021, 67). It was part of his new philosophical tradition of pragmatism, which is characterised by its adherence to the proposition that in assessing the meaningfulness of an idea—both analytical and normative—we must take account of its practical consequences. Abductive thinking can be thought of as a form of 'systematized creativity' (Kovács and Spens 2005, 135-137) in which 'imagination, association and intuition' are combined to produce 'flashes' of insight (Askeland 2021, 66) into 'puzzling phenomena' (Hammersley

2016, 748). Judgement and decision-making are suspended, provisionality is embraced (Dorst 2015, 49), and both the 'problem' and the 'solution' are allowed to emerge. In this way 'unfiltered and associative elements' may 'spontaneously emerge as knowing'. Such 'emergent' knowing may be 'intimate', not be 'publicly verifiable', 'independent' or grounded in theory or empirical proof; and it 'might only matter in that moment' and the researcher(s) in question (Akama et al. 2018, 116-7). But it is, nevertheless, a way of knowing, and it can open the door to new insights. We all engage in abductive thinking[10] when, for example, we suddenly realise 'This is the research question to which I am really seeking an answer!'; or 'This quote from this interviewee begins to make sense when I place it next to, or categorise it with, that quote from that interview!' It may happen on a furious walk, in repeated rewritings, whilst watching a football match or in the reading of a poem. The presence and potential of abductive thinking and resulting insights are generally underappreciated among natural and social scientists,[11] but philosophers of science note that 'advances… are often achieved' abductively—that is, not by 'logical process' but 'through an intuitive leap that comes forth as a whole', and is triggered by an 'unexpected observation' or 'anomaly' (Kovács and Spens 2005, 135-137). And this imaginative and provisional way of thinking is central to design practice because it is essential to the indeterminate task of making new things, systems and so on (see further Chapter Two). It is also well-suited to addressing 'wicked' problems because they are 'mess[y]', 'ambiguous', interconnected, 'unpredictable' and, therefore, indeterminate (Burns et al. 2005, 8); and, therefore, resistant to conventional deduction and induction.

The final moment to which I wish to draw attention is a 2007 intervention by Human-Computer Interaction designers John Zimmerman, Jodi Forlizzi and Shelley Evenson who revealed, albeit not quite explicitly, that much of design's potential as a resource for transdisciplinary research lies in its materiality, even sociomateriality. They proposed that 'making' is 'a method of inquiry' capable of directly addressing the kinds of 'wicked problems' that mainstream design was by now happy to accept as its home turf. Their argument was that both design artefacts, and the processes by which they are made, can generate knowledge (Zimmerman et a. 2007, 497). In so doing they clarified two things about design and design research. Firstly, they clarified how a designer might, specifically in their capacity as makers, collaborate with researchers from other disciplines (Zimmerman 2007, p. 496): By making new conceptual frames for problems, making material representations of possible solutions, and making records of research process. Secondly, it clarified that design is more than 'a cognitive resource': It is a sociomaterial practice—that is, an assemblage of mindsets, tools and processes that emerge from 'dynamic configurations of minds, bodies, objects, discourses, knowledge, structures / processes and agency' (Kimbell 2012, 134-6).[12]

Because design is a sociomaterial practice, we are both 'designed by our designing' and also, 'through our interactions with the structural and material specificities of our environments', we are designed 'by that which we have designed'. Anne-Marie Willis summarises these relationships between humans and design as a 'double movement': '[W]e design our world'—that is, 'we deliberate, plan and scheme in ways which prefigure our actions and makings'; and 'our world acts back on', and 'designs', 'us'. So we must understand design 'ontologically' both in the abstract, conceptual sense that we can use design to think about the world; and in the concrete, pragmatic and moral, sense that we ought to use design to advance, mitigate or avoid particular outcomes (Willis 2006, p. 80).

Contemporary designers tend to understand their purpose, their search for meaningful change, as entailing a mixture of, on the one hand, problem finding and solving—that is, with identifying how things do and might work, as a matter of function and utility; and, on the other hand, 'sense-making'—that is, with identifying how things are and could be understood, as a matter of form and beauty (Manzini 2015). They draw on methods familiar to social science and humanities such as literature review, interview, ethnographic observation, focus groups and so on to understand the characteristics, values and interests of those for whom their designs are meant; and they draw on visual and material methods from across the creative arts to make those designs a reality. What I want to highlight as distinctive of design is the ways in which they use those methods—with what mindsets, in the context of what processes and strategies.

The following sections introduce three designerly ways: Practical-critical-imaginative mindsets, experimental processes and visible and tangible communication strategies. Others will select different ways, and use differently terminology to capture them. My choices here are influenced not only by my research into design but also by my position as a sociolegal researcher seeking to influence the thinking and behaviour of others in my field. I focus on these ways in part because I have found them to be at once ostensibly alien and deeply relevant to sociolegal researchers.

Practical-critical-imaginative mindsets

Designers have variously been described in terms such as 'open' and sharing', devoted to 'continuous improvement' and 'tinkering' and likely to ask 'not whether but how' (Cottam 2018, p. 239); or as 'empathetic', 'optimistic', full of 'creative confidence' and capable of 'embracing ambiguity' and 'learning from failure' (IDEO 2009 p. 10). Social innovation designer Ezio Manzini (2015) perhaps captured it best—most comprehensively, precisely and accessibly—when he proposed that designers are practical, critical and creative.

Designers are, Manzini argues, critical in the sense that they can identify opportunities for change; they are creative, in the sense that they can envisage what the shape of those changes, and their effects, might be; and they are practical, in the sense that they can ensure that change is valuable to those who are implicated in and by it, and that they can make it happen. Drawing on Amartya Sen and Martha Nussbaum's 'capability approach', Manzini proposes that all humans are inherently practical, critical and creative, and/but that these capabilities can be activated and enhanced if we operate in 'design mode' (2015).

Over time I have come to substitute 'imaginative' for 'creative' because imagination seems to point more evenly towards thinking as well as making and, perhaps for this reason, it is, as we shall see, more commonly and easily referred to than creativity in the legal sphere. Furthermore, as I will explain in more detail in Chapter Two, I have argued that a designerly mindset is necessarily *simultaneously* practical-critical-imaginative; and that the combined effect of these three dimensions of a designerly mindset is to afford a sense of openness and direction—of 'structured freedom' (Perry-Kessaris 2017a). To contextualise these propositions in wider, including legal, theories of knowledge, we can say that in a design context, the relatively practical and critical modes of deductive and inductive thinking are supplemented with a relatively imaginative mode of abductive thinking.

But to work in design mode requires more than a mindset. This practical-critical-imaginative orientation must be reflected in, and sustained by processes and strategies.

Experimental processes, visible and tangible communication strategies

When we work in design mode, practical-critical-imaginative mindsets, and the sense of structured freedom that they generate, are reflected in, and sustained by, designerly processes that promote experimentation, and strategies that emphasise visible and tangible communication.

Design is about making something new. The making of any new thing—an artefact, an argument—is a necessarily indeterminate enterprise. Ideas emerge from a 'process of growth'. Over time, various 'pieces… gradually acquire a feel for each other', they '*settle*, holding each other in place ever more tightly', and so 'the work advances…towards' a 'closure' of sorts (Ingold 2013, 21 and 69. Emphasis original). In the process we 'organically and evolutionarily learn, discover, generate, and refine' (Lim et al. 2008, 2) our understanding of what, if anything, needs to be changed, what shape that change might take, and how to make it happen; and each such understanding is susceptible to rejection or amendment in future iterations (See Malpass 2017, 88; Buchanan 1992, 16; Dorst 2015,

490). Indeterminacy, and the feelings of uncertainty that it provokes, can be distracting and debilitating, even distressing. But it is not all or always bad. Indeed, for designers, indeterminacy and associated feelings of uncertainty are a necessary, even 'familiar or comfortable way of being'. They are 'at the very centre of design practice, animating and propelling creative exploration'. Indeed, design anthropologists Yoko Akama, Sara Pink and Shanti Sumartojo argue that indeterminacy, and the feelings of uncertainty that it engenders, can afford three opportunities to designers. Firstly, it may afford opportunities for 'disruption'—to defamiliarize oneself from, and to look afresh at, well-used concepts or well-known objects, places, people or relationships. Secondly, it may afford opportunities to 'surrender'—whether to contingency, to collaboration, to process or to chance. Thirdly, it may afford opportunities to 'mov[e] beyond'— to step forwards to futures, backwards to pasts, sideways or behind to alternatives and so on (Akama et al. 2018, 22, 35-6 and 45-52).

What distinguishes designers from others, including sociolegal researchers, who seek to make new things is, firstly, that they access these affordances by meeting indeterminacy with explicit, proactive provisionality. And they keep that provisionality productive—maintain direction and avoid being overwhelmed by uncertainty—by structuring it within processes that promote experimentation. Here I am using experimentation both in 'the natural scientific sense of testing a preconceived hypothesis, or of engineering a confrontation between ideas "in the head" and facts "on the ground"', and 'in the sense of prising an opening and following where it leads' (Ingold 2013, 6-7). One example of such an experimental design process is an innovation design technique known as 'frame innovation'. This involves repeatedly 'zoom[ing] in and out' between a problem and its context to generate alternative possible 'frames' for a problem situation. The new frames, to be formulated in the pattern 'If…as if…then', then act as working propositions from which to 'bridge' to a new approach (Dorst 2015; Dorst et al. 2016). Like practical-critical-imaginative mindsets, these processes introduce a sense of structured freedom: The freedom of provisionality structured by a strong impetus to do something, decide something, deliver something. In these ways designers direct indeterminacy towards meaningful change.

The second distinguishing feature of designerly ways with indeterminacy is that they make things visible and tangible. In part as a consequence of the fact that the things they make—objects, images, spaces and so on—tend to be visible and/or tangible, designers tend to adopt a strategy of communicating their ideas, to themselves and to others, in artefacts as they go along, as part of their experimental process. In short, designers use experimental making as a 'method of' individual and/or collaborative 'inquiry' (Zimmerman et a. 2007, 497):

> ‘Through an active process of ideating, iterating, and critiquing potential solutions, design researchers continually reframe the problem as they attempt to make the *right* thing. The final output of this activity is a concrete problem framing and articulation of the preferred state, and a series of artifacts—models, prototypes, products, and documentation of the design process’ (Zimmerman et a. 2007 p. 497).

By making things visible and tangible in this way, designers prompt and facilitate themselves to see and to think, and also to relate—that is, to collaborate and to build community—in ways that are less accessible through other disciplines.

Designerly processes and strategies tend to be intentionally ‘lightweight and easy to grasp’, and to ‘filter complexity’ through a narrow ‘lens’ of, for example, a specific ‘user’ or ‘problem’ (Stickdorn et al. 2018 p. 14). And/but note that it often takes a great deal of insight and skill to make simple, clear and accessible things; and there is no reason to assume that such things they cannot generate profound insights. When combined with practical-critical-imaginative mindsets, these experimental processes and visible and tangible communication strategies contribute to generating potentially ‘enabling ecosystems’ (Manzini 2015) within which we can be prompted and facilitated to access opportunities for disruption, surrender and moving beyond; and individually and collaboratively to make and communicate sense of things in new and meaningful ways.

The sociolegal relevance of designerly ways

Looking through a designerly lens, we can better understand that to make meaningful contributions, and to engage in meaningful research relations, sociolegal researchers must be simultaneously practical, critical and imaginative. To make meaningful contributions towards the well-being of law as a practical idea we must *be* practical—that is, we must identify ‘feasible ways of getting things to happen’. And to do this we must be engaged in meaningful relations with real people, in real places, within academia and in the wider world. We must also be critical—that is, ‘look at the state of things and recognise what cannot or should not be acceptable’ (Manzini 2015, 31). It is through critique--‘asking questions, making distinctions, restoring to memory all those things that tend to be overlooked or walked past in the rush to collective judgement and action’ (Said 1994, 32-3)—that we become able to identify what might be need of improvement and how. But we cannot be content simply ‘unmask or debunk’ law (Cotterrell 2018, 32 and 33). If we were only to tear law down, lean back and survey the wreckage, offer no alternative vision, then we would not be working for law’s well-being. We must remain open, even in the worst of times, to law’s ‘utopian, aspirational face’ (Cotterrell 2002, 643). To do this we must be imaginative—to

conjure that which does not exist in our here and now (Manzini 2015, 31); to move beyond and between what has been, what is and what might yet be. Lawyerly types have long celebrated the many roles played by imagination in legal thinking and practice.[13] Some value imagination as a 'synthe[tic]' device, to generate coherent conceptualisations of what law—including the life of law—is. Some value imagination as an 'empath[etic]' device–a way of enhancing our ability to identify with others so that law can more effectively be deployed as an 'instrument of world-improvement'. Some value imagination as a 'transformative' or 'inventi[ve]' device—a way of generating new possibilities for and through law, as part of wider 'social imaginaries' and/or 'social realities'.[14] Finally, those who 'believe that a proper recollection of and care for the past makes a future possible', tend to value imagination as an 'attun[ing] device' (Antaki 2012, 8-14). Seen in this latter, 'nostalgic', light the human capacity for imagination is not merely useful. It is a way of 'overcoming' what Max Weber described as 'the fate of our times'—namely, to live lives that are 'characterized by rationalisation and intellectualization and above all, … disenchantment' (Quoted in Antaki 2012, 2 and 4). It enhances our 'capacity to accept the gift of enchantment'—that is, the ability 'to be struck, to be arrested, to experience wonder' (Antaki 2012, 15). Designerly ways can enhance our ability to be, and to value being, imaginative in all of these respects.

Looking through a designerly lens, we can understand that sociolegal research tends to focus on wicked empirical and conceptual problems. They are dynamic, open, complex and networked—and, therefore 'mess[y]', 'ambiguous', interconnected and 'unpredictable' (Burns et al. 2005, 8) and, therefore, indeterminate. We can also understand that the processes through which we research those wicked problems are themselves necessarily indeterminate—they are a form of making, and the making continues when we communicate about our ideas with others and 'an eternal process of adaptation, maintenance and renewal begins' (Ingold 2013, 48). And that process is a necessarily social, in the sense that research entails social interactions, it has a role to play in working for certain forms of social relations and it affects and is affected by wider social life (Perry-Kessaris 2020). And so a designerly lens can also prompt and facilitate us to consider those whom we anticipated might 'use' our research, within and beyond the academic world; and how our contributions to, and relations with, them might be made more meaningful (See Norman [1988] 2013).

Proposition:

> *If* we were to approach sociolegal research *as if* it were a design problem *then* we could enhance our ability to make meaningful research contributions, and to engage in meaningful research relations, both within our research community and in the wider world.

What follows

This book is intended to change how sociolegal researchers think about their research, and research relations. If it shifts how you think, then it will have made a meaningful contribution—all the more so if it also shifts your behaviour, and irrespective of whether that shift goes with or against the grain of its core proposition. If you use it, you will adapt it—make it more meaningful, and therefore valuable, to yourself and/or to others. Even if it is widely used, it will eventually will be let go as new contributions take its place. This is the proper fate of almost all academic work.

Although the primary focus of this book is on what we might take from design back to the sociolegal research community, it also offers lessons to designers, especially those who work with law. Firstly, it highlights points of contact between design and law—sites on which legal designers can productively focus to develop their thinking and practice to the benefit of both disciplines. Secondly, it offers persuasive grounds for arguing that legal designers should operate in sociolegal mode (Perry-Kessaris 2020)—that is, with an analytical-empirical-normative commitment to understanding the legal and the social as mutually constitutive, and to promoting the well-being of law as a practical idea. They ought to think of themselves as sociolegal designers.

Chapter Two sets out in more detail how designerly processes and strategies combine to generate practical-critical-imaginative, structured-yet-free, potentially enabling ecosystems. Those in search of specific examples of sociolegal researchers working in design mode will find them Chapter Three; while examples of expert designers working on issues of sociolegal concern are explored in Chapter Four. Because this volume is intended to prompt and facilitate sociolegal researchers to do things differently, it closes with an opening—Chapter Five ‘Entering design mode’, where the impatient can make an immediate start on a series of accessible sociolegal design briefs.

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[1] A term coined by Colette Brunschwig in 2001 and popularised by Stefania Passera and Margaret Hagan in 2013.

[2] The exhibition, #APKLawDesigns, is available under ‘collections’ at amandaperrykessaris.org.

[3] Blog posts detailing each of these briefs are available at https://amandaperrykessaris.org.

[4] Sophie Woodward (2020) coined the term ‘material methods’ and offered the first sustained, integrated account of the many ways in which materials and materiality can play a role in social science research.

[5] The rise in digitalisation and online life has brought highly visualisable immaterial sources such as big data and social media profiles (Creutzfeld et al. Part III) inside the sociolegal frame alongside tangible files and archives (Vismann 2008, Latour 2009).

[6] An example of their practice was Union, a participatory exhibition in which ‘sound, text, film and performance’ were used to ‘invite’ members of the public ‘to share their opinions and have their preconceptions challenged in advance’ of the Brexit referendum (The Art/Law Network website).

[7] On participatory research see Bergold and Thomas, 2012.

[8] Indeed, most academic ‘accounts’ of research methods focus more one the individual strategies through which we ‘collect’ and ‘manipulat[e]’ data or materials and less on overarching process (Law 2004, 4-5).

[9] See also the Concordat for Research Integrity produced in 2012 (updated 2019) by Universities UK, UK Research and Innovation and Wellcome Trust; and the Concordat for Engaging the Public with Research.

[10] Researchers from across the social sciences and humanities investigate abductive thinking in the wider world; and some, ethnographers in particular, seek to emulate the abductive thinking of their research subjects as part of a wider effort to conduct research through their ‘worldview’ (Bryman 2016, 394).

[11] Among doctrinal lawyers and legal practitioners, abductive thinking has generally been discussed in relation to evidentiary matters, which makes sense since this is their main point of contact with the empirical (Askeland 2021, 67). Sociologists Iddo Tavory and Stefan Timmermans (2014) have used the term abduction to describe ‘an approach to qualitative data analysis that steers a course between data-driven inductivism, at one end of the spectrum, and a theory-driven or deductive mode of analysis, at the other’. Fellow sociologist Martin Hammersley draws attention to two weaknesses in their important contribution: they ‘treat abduction as if it could stand alone’ rather than ‘complementary’ to induction and deduction; and although presented as new, their approach is perhaps better seen as a purposeful gathering, foregrounding, buttressing and/or activating of what many qualitative researchers already do (2016, 748).

[12] This emphasise on the kinesthetic generally and on embodied making in particular can be traced, at least in the global North, to the late 19th Century Arts and Crafts movement led by William Morris and the German Bauhaus school of art and design (1919-1933): Both

emphasised the social, psychological and creative importance of bodies, and of making and engaging with artefacts (Weingarden 1985, Saletnik 2007, Perry-Kessaris 2020).

[13] The 1973 publication of James Boyd White's *The Legal Imagination* was a 'pivotal moment' in the turn to imagination (Antaki 2012, 2).

[14] The term social imaginaries was coined by Cornelius Castoriadis (1975).