

## PREFACE

Positionality in research refers to the disclosure of how an author's self-identifications, experiences, and privileges influence research methods. A statement of positionality in a research article or other publication can enhance the validity of its empirical data as well as its theoretical contribution. However, such self-disclosure puts scholars in a vulnerable position, and those most likely to reveal how their positionality shapes their research are women, ethnic minorities, or both. At this stage of the field's methodological development, the burdens of positionality are being carried unevenly by a tiny minority of researchers. In this book, we spotlight a group of scholars from around the world who shaped the field of law and society through their intentional awareness of how their self-identifications, experiences of marginalization, and professional privileges influenced their research questions, design, methods, and writing about the law. The results of the challenging fieldwork that they conducted have been published elsewhere. In this book, they explain how their experiences of marginality and privilege shaped those influential contributions to the field of law and society.<sup>1</sup>

The authors of the chapters that follow have conducted research on law and society in various places in Australia, China, Colombia, Egypt, India, Indonesia, Myanmar, the Netherlands, Singapore, Somalia and Somaliland, South Africa, South Sudan, Sudan, Taiwan, Thailand, the United Kingdom, the United States, and Vietnam. Their research changed them during their fieldwork and across decades-long careers. As they changed, they approached law and society research differently. They learned to embrace the hard places – both inside and outside – that their research took them, and the surprises that they found in the law, including in the ways it sometimes changes society and sometimes does not. Their experiences are an invitation to all law and society

<sup>1</sup> Though “law and society” and “socio-legal studies” have different emphases in different contexts, this book uses the terms interchangeably.

scholars to consider the hard places that we have come from and gone to and how those places have shaped the meanings that we give to the law, how we study the law, and our understanding of law's claims to authority. The authors explain how they work through contradictory ideas, identities, and impulses, and in so doing they challenge the pull toward disciplinary assimilation in law and the social sciences.

In researching and writing this book we learned about the importance of embracing confusion – as well as our conditional and out-of-place identities – especially in places where absolutes seem most efficient or required. Legal research and social science scholarship both traditionally rejected the aphorism that what one sees depends on where one sits. But the scholars in this book specify where they sit precisely to share what and how they see. They show that life at the margins of a place or a disciplinary field – an “out of place” positionality – allows them to see what those at the center may not see. They are outsiders looking in, bringing fresh ideas from their fieldwork in different political contexts. This cultural turn – a subjective turn – has taken place in legal scholarship, journalism, and across the social sciences. It has created space for authors to reflect on themselves and, for some of them, to insert themselves, their backgrounds, and their experiences into their work. They are methodologically self-conscious, bridging rigorous empirical analysis and a commitment to justice. And when law and society scholars do this, they are transforming the field.

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*Out of Place* began as a conversation between the editors about how doing fieldwork has enhanced our contributions to the study of law and our lives as individuals. We could not have considered this project without experiencing the kindness of hundreds of people who gave us their time during our own fieldwork. We also could not have completed this project without being inspired by the law and society scholars who bring their fieldwork and positionality into this book: Leisy Abrego, Swetha S. Ballakrishnen, Pratiksha Baxi, Keebet von Benda-Beckmann, Margaret L. Boittin, Luis Eslava, and Sindiso Mnisi Weeks.

We presented earlier versions of this project at workshops we organized at National University of Singapore and the annual meeting of the Law and Society Association, where we benefitted from the insights of Penelope Andrews, Amr Shalakany, and Kathryn Young. Massoud also presented earlier versions of Chapter 1 at All Souls College

(University of Oxford), the American Bar Foundation, the University of British Columbia Faculty of Law, the UC Santa Barbara Legal Humanities Initiative, the UC Santa Cruz Center for Cultural Studies, and at the “Challenging Socio-Legal Methodology” workshop coorganized by the Cardiff University Centre of Law and Society and the University of Oxford Centre for Socio-Legal Studies. Massoud, with Sindiso Mnisi Weeks, organized a workshop, “Out of Place,” held at the University of Cape Town. Elements of the Preface and Chapter 1 draw on Massoud’s “The Price of Positionality” (*Journal of Law and Society*, 2022).

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