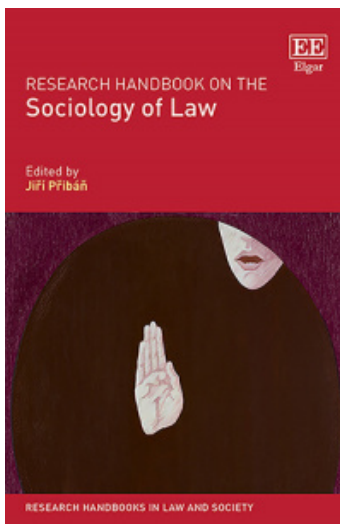




Review of *Research Handbook on the Sociology of Law*.
Edited by Jiří Přibáň. Edward Elgar Publishing, 2020.

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1. INTRODUCTION

In the run-up to last Christmas, we received an early gift in the form of an invitation to provide commentary at an Oñati Community event upon Jiří Přibáň's *Research Handbook on the Sociology of Law* (Edward Elgar Publishing, 2020). Despite the cold season the occasion was hotly anticipated, and notwithstanding the busyness of that time of year, it drew a considerable crowd and an active audience. Undoubtedly, this speaks to the importance of the *Handbook* to the sociology of law community, both in Oñati and internationally. It is also a testament to the extraordinary quality of the contributions gathered in the *Handbook*. And moreover, it is a further demonstration of Přibáň's position as

a now talismanic figure in the field.

Given their size and the variety of their contents, most scholarly handbooks make rather difficult texts to pass both succinct and meaningful comment upon. Because of this, we refrain here from skating over excellent individual contributions that merit detailed exploration. Rather, we focus our observations on the *Handbook* at large, the process of "handbooking", and the different approaches that can be taken to handbooking the sociology of law. At this level of abstraction, we explore what a handbook should and could

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be, and specifically, what this *Handbook* conveys about the discipline of the sociology of law, its nature, its limits, and its relations to proximate fields of study.

2. A HANDBOOK AMONGST HANDBOOKS

Handbooks can, of course, be unwieldy and unfriendly doorstops. Much like the phonebook, back when such publications were ubiquitous, a handbook will likely – perhaps necessarily – contain a vast amount of useful information. As a consequence, some handbooks become bewildering and byzantine volumes, losing any semblance of readability to their sheer thematic variegation. Thusly, in the pursuit of completeness, handbooks can unintentionally drain a discipline of some of its vitality.

The risk of a handbook, then, is the flattening of a discipline, a tidying of its ragged and rugged edges, a massaging of its past (Glenn 2014, 21), and the *post-hoc* rationalisation of an intellectual tradition’s trajectory. This jeopardises expurgating the vivacity often to be found in a field’s emergent and more eccentric fringes. And with the tidying-away of the messy and the mobile, the fuzzy and the funny, the handbook can have a totemic effect – a totalisation of the field and its closure to novelty and new directions. So too, at times, can handbooks lack a certain through-line character, spirit, or style. To manufacture continuities, whilst allowing individualism to still emerge from each contributor, is an exceptionally challenging editorial task. This requires an editor to have both a sensitive touch and an aptitude for shepherding their flock, or herding feral cats, as the case may be.

Enter stage left, the prodigious and polymathic Professor Přibáň. As editor, Přibáň takes up the (un)enviable challenge of corralling an international group of superstar contributors. In addition to this, as Přibáň himself notes, the *Handbook* joins an already crowded sector of the academic market. This “very rich, diverse, competitive, and successful academic environment” (Přibáň 2020, 1), includes encyclopaedia resources (Clark 2007), extensive mini-libraries (Cowan *et al.* 2014), and a number of journal special issues too (Přibáň 2017, Mulcahy and Cahill-O’Callaghan 2021).

As to handbooks *per se*, there is an abundance of “law in context” collections located at the nexus of law and the social world, including surveys of criminology, globalisation, technology, race, gender, sexuality, and so forth. And as to handbooks deliberately designated and denominated “law and society”, or indeed “Socio-Legal”, there is a considerable variety of resources already available. Arising from the North American law and society tradition one could consult Larson and Schmidt (2014), Sarat and Ewick (2015), or Valverde *et al.* (2021) – a recent and more globally-oriented volume. Some handbooks have been produced with specific geographical focuses, such as Latin America (Sieder *et al.* 2019) or East Asia (Antons and Tomasic 2013), whilst others are anchored around specific methodological (Creutzfeldt *et al.* 2020), or thematic (Clark 2012, Hirsch and Lang 2018), emphases. Nevertheless, conspicuously absent from this library, is a specific and current treatment of the sociology of law, broadly conceived.

As Přibáň notes both in his introduction to the *Handbook* (Přibáň 2020), and also in his recent piece for *Frontiers of Socio-Legal Studies* (Přibáň 2021), his intention as editor was not to tread the same ground in the same ways as previous handbooks, encyclopaedias, and journal special issues have done. The art of handbooking, as the aforementioned titles show, is undertaken very differently by different editors. Whilst some attempt to be encyclopaedic, others elect to feature detailed, original scholarship on relatively small topics. This latter approach, may perhaps mesh better with the form and function of journals than academic handbooks, given the breadth of coverage one might typically hope to find in a handbook. However, we do not wish to unnecessarily prescribe or proscribe what a handbook, let alone the *Handbook*, ought to be. Nevertheless, it is absolutely clear that, when handbooking, there is essentially a balance to be struck between the breadth and depth of coverage, and more trickily, between originality and originalism.

Přibáň's editorial rationale for how a handbook for the sociology of law ought to be oriented, is cogently expressed in his introduction (Přibáň 2020). Firstly, rather than a purely contemporary presentation of the field, it ought to reflect and reflect upon the development of the field – as he contends, it “needs to connect the discipline's origins and genealogy with its current state and future ambitions” (Přibáň 2020, 2). Secondly, the *Handbook* must be conscious of similarities and divergences between the sociology of law, Socio-Legal studies, and law and society scholarship – but not be beholden to “artificial academic borders”. And thirdly, a handbook for the sociology of law, “should discuss its canonical knowledge and concepts as much as possible, and ways of moving beyond them.” Each of these deserve attention as they speak to what the *Handbook* does so well, and indeed, touch on the fundamental nature of the discipline.

Přibáň's *Handbook* is structured in three parts. The first part, “Sociology of Law Beyond Disciplinary Boundaries”, is primarily concerned with mapping the margins of the field and articulating the interactions between sociology of law and cognate disciplines: legal theory, anthropology, ethnography, history, and economics. The second part, “The Sociological Concept of Law and Legal System”, turns to fundamental legal concepts (and long-running debates therein), as seen through the sociological lens: the rule of law, living law, legal systems and cultures, and more. These contributions breathe new life into staples of the legal sociologist's diet – but this section also features topics that have often and regrettably been overlooked, such as time and temporalities (Francot 2020). Lastly, Part 3, “Sociology of Legal Disciplines”, seeks to apply the sociological gaze to particular areas of positive law and legal disciplines – contributions that do not become bogged down at a doctrinal level (and in the study of the particular) to the detriment of a broader applicability and an appreciation of the (more) universal. Here, again, the *Handbook* features some innovative mappings of relatively uncharted sub-disciplines, such as the sociology of health law (Krajewska 2020).

Individual chapters are also approachably and appealingly structured. Most begin by introducing, discussing, and defining the key terms and concepts of a particular sub-discipline. Thereafter, typically there is a presentation of the “state of the art” and the development of the field to date. Each chapter also proposes particular perspectives and make unique contributions to the subjects explicated. Lastly, most contributors sketch a research agenda for future work in their particular areas of expertise. And for the reader looking to delve deeper on a given matter, they will be delighted to find that most chapters conclude with sizable reference lists.

3. ORIGINS AND FUTURES

Příbáň's emphasis on both "the discipline's origins and genealogy" as well as "its canonical knowledge and concepts" (Příbáň 2020, 2), prompted reflections for the present authors upon the sociology of law as a discipline, a scholarly community, and as an intellectual tradition. The editor's stated commitments indicate that the sociology of law is perhaps more aware of – and in turn more committed (or beholden) to – its forebears than the closely entwined fields of law and society, or Socio-Legal studies. In this sense, the discipline could be depicted, much like law can be (Krygier 1986), as exhibiting a particular quality of traditionality, and consequently, an ethos of inter-generational continuity.

This is a healthy, intellectually honest, and furthermore, almost certainly necessary disposition (Popper 1969, 129). If our pursuit of knowledge in and through the sociology of law is one that extends beyond the individual lifetime (Durkheim 1960, 213, Merton 1985), then it truly is "a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born" (Burke 1982, 195). Despite this, when handbooking there is a heightened risk that this may devolve from historical contextualisation into historiophilic reverence. And given the threat of totalisation and closure already noted, an editor's duty to avoid reproducing restatements of the status quo in an intellectually conservative manner requires careful balancing.

Any handbook inevitably occupies a moment in time, and this, unavoidably, threatens to produce a temporally shallow account – a mere snapshot of a field. Such an isolated island in the vast sea of knowledge can provide only a momentary intellectual vista, one that might quickly become obsolete. But rather than just capturing the present, Příbáň and the *Handbook's* contributors endeavour to articulate the myriad connections between the past, present, and possible futures of the sociology of law. The handbook accomplishes this in two ways. First, by the way in which it is divided into sections that look at the relationship with other disciplines, the law and legal systems, and the application of sociological inquiries in areas of law. And second, in the way in which every chapter approaches its inquiry between past, present and future. The result is a mapping of the discipline in its historical, theoretical and methodological contexts. This odyssey entails Foucauldian expeditions in epistemic archaeology (Foucault 2002a, 2002b), a mapping of current margins and marginal currents, a charting of potential futures, and a Nostradamusian voyage of clairvoyance and prognostication.

4. THE BORDERLAND SCIENCE

Putting tasseography and cartomancy to one side, we turn now to Příbáň's exhortation to recognise the similarities and divergences between the sociology of law, Socio-Legal studies,

and law and society scholarship, but not be beholden to “artificial academic borders”. This is important in two regards. The first pertains to what the sociology of law is (and what it is not), whilst the second relates to the “borderland” (Přibáň 2021) character of the discipline.

As to the first, reading a handbook naturally moves a reader to think seriously about what the subject in question is, or rather, what its presentation and representation within that handbook says about it. And within our discipline there is a certain obsession with defining, delineating, classifying, and taxonomising, what our discipline is. However, excessive focus on what the sociology of law is and is not at any given moment can serve to limit what the field could be. Přibáň acknowledges both real and “artificial” distinctions between the sociology of law, Socio-Legal studies, and law and society traditions. But crucially, he enjoins us to recognise that what borders do exist are “porous”, and that the *Handbook* seeks to confront “simplistic distinctions, academic clichés and dated research self-images” (Přibáň 2021).

The second regard speaks to the sociology of law as a “borderland science” and could be considered a call to interdisciplinarity – for as Přibáň argues, “the borderland character of the Sociology of Law should lead to the crossing of academic borders” (Přibáň 2021). This is, of course, wholly antithetical to the inward-looking, self-categorisation noted above. Instead, it is the quest for emancipation “from cognitive closure defining of all human orders” (Legesse 1973, 271), for liberation from partitioned “mental ghettos” (Zerubavel 1991, 34), and encouragement to replace an “either/or” for a “both/and” logic (Geertz 1983, Zerubavel 1995). The potential rewards for doing so are significant, and made explicit in Cotterrell’s observation that, “intellectual advance in social studies now often occurs by ignoring disciplinary prerogatives, boundaries and distinctions” (Cotterrell 2006, 6).

And so, what are the external (inter and trans disciplinary) and internal (in its methodologies) limits of the discipline, if any? As the *Handbook* illustrates, the sociology of law has strong, longstanding relationships with numerous related disciplines, for example, legal theory, anthropology, history, and economics. But do the interdisciplinary absences from this *Handbook* indicate incompatibilities with the sociology of law or the presence of intellectual borders (porous or otherwise)? Perhaps these lacunae signify nothing more than future, as-yet-unbeaten, paths.

5. COMPOSITION, COMPARISON, CRITIQUE

As explored earlier, Přibáň’s *Handbook* enters a heavily populated sector of academic publishing. The scale of this market, the number of handbooks – and the clear differences between them in particular – can be seen to demonstrate the vitality of the discipline, the diversity of work in the field, the plurality of approaches being taken, and furthermore, the spiritedness of debates taking place. It might also speak to the distinctness of our research communities and their scholarly traditions. Context is everything. Where we come from, and how we think about the law, and its implications for our daily life is marked by the relationships we have with ordering systems, our social world, and legal traditions (Lemaitre

2007). In some sense, it may also denote a talking past each other in addition to demonstrating disparate opinions on theory, methodologies, methods, and worldviews.

An interesting opportunity for comparison in this very vein emerged a few short months after the publication of Přibáň's *Handbook* with the release of *The Routledge Handbook of Law and Society* edited by Valverde, Clarke, Darian-Smith, and Kotiswaran (Valverde *et al.* 2021). Whilst Přibáň's *Handbook* is composed of 30 chapters across three sections, Valverde's collection is composed of 52 chapters across two sections. This allows Valverde's handbook very broad thematic coverage, but since many contributions are only four to five pages in length, the chapters are ostensibly vignettes. Once more, the challenge for the editor when handbooking is how best to strike a balance – in this regard, between depth and breadth of treatment.

Beyond these structural dissimilarities, the editors' handbooking rationales appear to differ as well. Valverde *et al.* advance an explicitly critical account, founded upon the editors' "shared post-colonial, anti-racist, and feminist perspectives" and commitment to "social justice" (Valverde *et al.* 2021, 5). This translates into the themes addressed throughout its second part but even more clearly to the conceptual, theoretical, and methodological groundwork covered in its first part. In Part 1, "Contemporary Perspectives and Approaches", Critical Race Theory, Postcolonial Legal Studies, and Queer Theory, receive coverage whilst many of the discipline's staple methodologies do not. These are less well trodden issues for a handbook in this area, and of course they are of considerable contemporary significance. Part 1 of Přibáň's *Handbook*, in contrast, features perhaps more of what one might expect in terms of the prevalent methodologies and perspectives in the field, rather than its emergent paradigms. In a political world, in which we position ourselves within historical structural and intersectional inequalities created, in part, by the relationship between law and society, how does positionality influence "the field"? How should it mark the volumes from which we learn, question and build from?

This contrast is intriguing though, and travels to the heart of the question: what could, or should, a handbook be? Přibáň's *Handbook* deals less with critical legal studies or the role of distributive analyses of law. More generally, it might be said to forgo opportunities for argumentation upon what law *ought* to be: the normative dimension. Whether a handbook is the most appropriate repository for such lines of thinking may be a debatable proposition in and of itself. But it is an important question to ask. The *Handbook* is notable for its fusion of disciplines, cross-border borrowing of methods, and its incorporation of more positional claims to knowledge (Griffiths 2020) alongside more universal accounts.

6. CONCLUSIONS

Přibáň's *Handbook* is an impressive academic undertaking. The end product is a weighty but not bloated tome which provides a strikingly broad and rich treatment of the sociology of law. Just as there are different ways to write and edit a handbook, so too there are different ways of reading a handbook. It is sufficiently approachable in style and substance, as well as the size of individual chapters, that students and early-career scholars will find

considerable value in it. But researchers at all career stages will find utility in the *Handbook's* varied contributions when they are coming either to a new area of work, or to a sub-discipline that is not their primary area of expertise – something of increasing regularity in our evermore interconnected and interdisciplinary academic world. The clarity and succinctness of the *Handbook's* contributors make such trans-disciplinary engagement both entirely feasible and indeed pleasurable.

Of course, one could approach the *Handbook* as a reference tome, picking a particular chapter for a particular purpose or project. This will suit some readers' needs and may even tempt some to expand their horizons for that given piece of work or for a future project. However, the *Handbook* could also form a central plank of research training for doctoral candidates in the sociology of law – given that it allots space to such a wide range of theoretical perspectives and their applications. For the present readers, however, the experience of reading the *Handbook* was to see renewed that the sociology of law is a broad church, able to contain work from the philosophical to the concrete, and embrace inquiries undertaken at many different levels of abstraction, from the theoretical to the applied.

References

- Antons, C., and Tomasic, R., eds., 2013. *Law and Society in East Asia*. London: Routledge.
- Burke, E., 1982. *Reflections on the Revolution in France*. London: Penguin.
- Clark, D.S., ed., 2007. *Encyclopedia of Law and Society: American and Global Perspectives*. 3 Vols. London: Sage.
- Clark, D.S., ed., 2012. *Comparative Law and Society*. Cheltenham: Edward Elgar.
- Cotterrell, R., 2006. *Law, Culture and Society: Legal Ideas in the Mirror of Social Theory*. Aldershot: Ashgate.
- Cowan, D., Mulcahy, L., and Wheeler, S., eds., 2014. *Law and Society*. 4 Vols. London: Routledge.
- Creutzfeldt, N., Mason, M., and McConnachie, K., eds., 2020. *Routledge Handbook of Socio-Legal Theory and Methods*. London: Routledge.
- Durkheim, E., 1960. *The Division of Labour in Society*. Glencoe: Free Press.
- Foucault, M., 2002a. *Archaeology of Knowledge*. London: Routledge Classics.
- Foucault, M., 2002b. *The Order of Things: An Archaeology of the Human Sciences*. London: Routledge Classics.

- Francot, L., 2020. Sociology of legal temporalities. *In: J. Přibáň, ed., Research Handbook on the Sociology of Law*. Cheltenham: Edward Elgar, 190-202.
- Geertz, C., 1983. Blurred Genres: The Reconfiguration of Social Thought. *In: C. Geertz, Local Knowledge: Further Essays in Interpretive Anthropology*. London: Basic Books, 19-35.
- Glenn, H.P., 2014. *Legal Traditions of the World: Sustainable Diversity in Law*. 5th ed. Oxford University Press.
- Griffiths, A., 2020. Ethnography and law in a transnational world: knowledge, power and discourse. *In: J. Přibáň, ed., Research Handbook on the Sociology of Law*. Cheltenham: Edward Elgar, 54-65.
- Hirsch, M., and Lang, A., eds., 2018. *Research Handbook on the Sociology of International Law*. London: Routledge.
- Krajewska, A., 2020. Sociology of Health Law. *In: J. Přibáň, ed., Research Handbook on the Sociology of Law*. Cheltenham: Edward Elgar, 304-17.
- Krygier, M., 1986. Law as Tradition. *Law and Philosophy*, 5(2), 237-62.
- Larson, E., and Schmidt, P., eds., 2014. *The Law & Society Reader II*. New York University Press.
- Legesse, A., 1973. *Gada: Three Approaches to the Study of African Society*. New York: Free Press.
- Lemaitre Ripoll, Julieta. 2007. Legal Fetishism at Home and Abroad. *Unbound, Harvard Journal of the Legal Left* [online], 3(6) 7-18. <https://ssrn.com/abstract=2920292> [Accessed 28 February 2022].
- Merton, R.K., 1985. *On the Shoulders of Giants: A Shandean Postscript*. San Diego: Harcourt Brace Jovanovich.
- Mulcahy, L., and Cahill-O'Callaghan, R., 2021. Socio-Legal Methodologies. *Journal of Law and Society*, 48(S1).
- Popper, K.R., 1969. Towards a Rational Theory of Tradition. *In: K.R. Popper, Conjectures and Refutations*. London: Routledge and Kegan Paul.
- Přibáň, J., 2017. Main Currents in Contemporary Sociology of Law. *Journal of Law and Society*, 44(S1).
- Přibáň, J., 2020. Introduction to Research Handbook on the Sociology of Law. *In: J. Přibáň, ed., Research Handbook on the Sociology of Law*. Cheltenham: Edward Elgar, 1-5.

- Přibáň, J., 2021. How to Handbook the Sociology of Law as a Borderland Science. *Frontiers of Socio-Legal Studies* [online], 10 November. Available from: <https://frontiers.csls.ox.ac.uk/borderland-science> [Accessed 28 February 2022].
- Sarat, A., and Ewick, P., eds., 2015. *The Handbook of Law and Society*. Hoboken: Wiley.
- Sieder, R., Ansolabehere, K., and Alfonso, T., eds. 2019. *Routledge Handbook of Law and Society in Latin America*. Abingdon: Routledge.
- Valverde, M., et al., eds. 2021. *The Routledge Handbook of Law and Society*. Abingdon: Routledge.
- Zerubavel, E., 1991. *The Fine Line: Making Distinctions in Everyday Life*. New York: Free Press.
- Zerubavel, E., 1995. The Rigid, the Fuzzy, and the Flexible: Notes on the Mental Sculpting of Academic Identity. *Social Research*, 62(4), 1093-1106.