

FEAR AND LOATHING IN LEGAL ACADEMIA: LEGAL ACADEMICS' PERCEPTIONS OF THEIR FIELD AND THEIR CURIOUS IMAGINARIES OF HOW 'OUTSIDERS' PERCEIVE IT

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ABSTRACT

This article concerns the question of how legal academics imagine 'outsiders' perceive legal academia. Centralising our empirical work undertaken at a UK research intensive University which explored the attitudes, beliefs and knowledges of non-legal academics about the field of legal academia, we focus on the findings flowing from benchmarking surveys with legal academics which invited self-evaluations of the field of legal academia as well as imagining how non-legal academics ('outsiders') might evaluate the field of legal academia. Of particular interest, we note the presence of a curious divergence between self-perceptions of legal academia and their 'imaginaries' as to how 'outsiders' will perceive the field. Supported by a review of the legal scholarly literature, our study reveals a persistently bleak 'folklore' surrounding the question of how 'outsiders' will regard legal academia – though critically, one which on the basis of our empirical work, finds little root in reality. Providing the first study of its kind, and offering a range of novel analytical techniques, we highlight the significant purchase of empirical meta-disciplinary work of this nature for better understanding legal academia and its relationship with other fields. While undertaken as a scoping study, we identify potential opportunities for raising the profile of legal academia in wider spheres, as well as enhancing opportunities for cross-disciplinary collaboration. As we argue by reference to our findings, part of that work may simply involve legal academics projecting their more positive self-perceptions of their field and the value of their work to the outside world.

KEYWORDS

Empirical study, Meta-disciplinary Analysis, Legal Academics, Cross-disciplinary Attitudes, Insider Imaginaries

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Law as a discipline is not simply about knowing what the law is, but can extend to questions about what the law should be. It can range from knowing how the law really works in practice, what type of law will achieve a particular goal, how law has evolved (and failed), to the importance and role of law to achieve political, economic and social goals (Legal Academic, Survey Respondent).

I. INTRODUCTION

The novel concern at the centre of this article is how legal academics *imagine* non-legal academics think about legal academia. Forming part of a broader study funded by the British Academy exploring how non-legal academics standing as 'outsiders' perceive the field of legal academia,² a major aspect of our research possessed an 'insider' focus. We sought to capture how legal academics typify their own field, as well as their 'imaginaries' as to how they anticipated academics employed in other schools and fields would come to portray them and their discipline. These 'insider imaginaries' and the comparison between these and the actual perceptions of 'outsiders', provide illuminating insights into an understudied area. While a growing and valuable body of research about legal academia and legal scholars by legal academics exists, ranging from Fiona Cownie's landmark work *Legal Academics*,³ to a broader scholarship about the research behaviours, patterns and trends within

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² This project, 'Multidisciplinary Understandings of Legal Academia' was supported by a British Academy Small Grant (Grant number 509225).

³ FIONA COWNIE, *LEGAL ACADEMICS: CULTURES AND IDENTITIES* (2004).

the discipline,⁴ limited empirical attention has been given to the questions of how legal academics believe their field (and the field's constituents) is perceived by those standing externally to it, and how 'outsiders' do in fact perceive it. As our research has uncovered, other than Tony Becher's exploration of disciplinary cultures in the 1980s,⁵ and Paul Trowler's subsequent work with Becher,⁶ much of the literature around how 'outsiders' perceive legal academia comes from scholarly literature generated by the legal academic community itself. This becomes a significant and fascinating source of literature in its own right. While close attention to this body of work demonstrates the extent to which legal academics' ideas of how 'outsiders' think about the legal field rests upon speculation (albeit, often represented as fact), these accounts are nevertheless revealing. What we discovered within that literature was the curious presence of a series of insider imaginaries which consistently highlight the expectation that 'outsiders' will perceive the field of legal academia in a largely negative way.

The insider imaginaries appearing within legal scholarship formed the starting point for our research as a means of investigating whether they possess a broader life within the minds of legal academics, as well as in the minds of 'outsiders'. Undertaken as a scoping study, our investigation explored such questions in the context of the higher education community of academics. We sought to evaluate whether these negative insider imaginaries might be more prevalent within the legal academic community, and to explore the extent to which these aligned with legal academics' self-perceptions of their field, and indeed, importantly, the actual beliefs of non-legal academics ('outsiders'). We conducted our empirical research using online surveys to gather data from non-legal academics across different departments in one higher education institution in the U.K., Cardiff University, with the aim of empirically exploring what non-legal academics ('outsiders') know or believe about legal academics and legal academia. As an analytical benchmark to evaluate these responses, and a mechanism for eliciting legal academics' imaginaries, we conducted similar surveys with legal academics ('benchmarking survey'). At points in this article we pause to consider issues around how non-legal academic 'outsiders' come to view the legal academic field,⁷ but with the aim of evaluating the extent

⁴ Susan Bartie, *Histories of Legal Scholars: The Power of Possibility*, 34 LEG. STUD. 305 (2014); Susan Bartie, *The Lingering Core of Legal Scholarship*, 30 LEG. STUD. 345–69 (2010); HAZEL GENN, MARTIN PARTINGTON & SALLY WHEELER, *LAW IN THE REAL WORLD: IMPROVING OUR UNDERSTANDING OF HOW LAW WORKS* (2006); Paddy Hillyard, *Law's Empire: Socio-legal Empirical Research in the Twenty-first Century*, 34 J.L. SOC'Y. 266 (2007); Mathias M. Siems & Daithí Mac Síthigh, *Mapping Legal Research*, 71 C.A.M.B. L. J. 651 (2012); J. M. SMITS, *THE MIND AND METHOD OF THE LEGAL ACADEMIC* (2012).

⁵ TONY BECHER, *ACADEMIC TRIBES AND TERRITORIES: INTELLECTUAL ENQUIRY AND THE CULTURES OF DISCIPLINES* (1st ed. 1989).

⁶ TONY BECHER & PAUL TROWLER, *ACADEMIC TRIBES AND TERRITORIES: INTELLECTUAL ENQUIRY AND THE CULTURE OF DISCIPLINES* (2d ed. 2001); Paul Trowler, *Depicting and Researching Disciplines: Strong and Moderate Essentialist Approaches*, 39 STUD. HIGH. EDUC. 1720 (2014).

⁷ Our findings in relation to the wider study, and in particular around the question of how 'outsiders' regard the field of legal academia, are discussed extensively elsewhere. See further, Nicky Priaulx et al., *How "Outsiders" See Us: Multidisciplinary Understandings of Legal Academia and Legal Academics*, CARDIFF UNIV. L. LAB WORK. PAP. 1–60 (2018).

to which these align with the imaginaries and self-perceptions of legal academics. Discussion of the results from our benchmarking survey and the connected legal scholarly literature form the central focal points of the current article.

Providing the first study of its kind, this article positions itself in the context of literature aimed at identifying the kinds of conditions that will enhance opportunities for legal academics and others within the academy to work in a more collaborative fashion across traditional disciplinary and sectoral divides.⁸ While a strong focus has been on the cognitive and structural barriers that need to be overcome to enhance the potential of cross-disciplinary collaborative work,⁹ an emerging literature is highlighting the critical role that socio-attitudinal, relational and emotional factors can play in both facilitating and hindering integrative collaborative practice.¹⁰ While inviting an enquiry of how actors external to a field actually perceive it, and the extent to which inaccurate perceptions and stereotyping of other fields might act as a barrier to cross-disciplinary collaboration,¹¹ our study also underpins the importance of attending to a field's internal constituents in terms of their 'imagined' beliefs about how their own field might be regarded by 'outsiders'. While our analysis of the literature and the responses of our legal academic participants suggest that imagination, rather than empirical reality, plays a significant role in shaping these bleak ideas, these imaginaries can help us to uncover aspects of disciplinary life. Imaginaries can prove illuminating for gaining insight into how actors make sense of their field and mark out its boundaries, just as they can point towards a performative dimension.¹² While the faculty of imagination can be prized 'as an attribute of the creative individual', enabling 'the extraordinary person to see beyond the limits of constraining reality', in

⁸ See, e.g., Arild Buanes & Svein Jentoft, *Building Bridges: Institutional Perspectives on Interdisciplinarity*, 41 FUTURES 446–54 (2009); Catherine Lyall, Laura Meagher & Ann Bruce, *A Rose by Any Other Name? Transdisciplinarity in the Context of UK Research Policy*, 65 FUTURES 150 (2015); HELGA NOWOTNY, INVESTIGATING INTERDISCIPLINARY COLLABORATION: THEORY AND PRACTICE ACROSS DISCIPLINES (Scott Frickel, Mathieu Albert, & Barbara Prainsack eds., 2016); Nicky Priaulx & Martin Weinel, *Connective Knowledge: What We Need to Know About Other Fields to 'Envision' Cross-Disciplinary Collaboration*, 6 EUR. J. FUTURES RES. 21 (2018).

⁹ For a summary of that work, see further Priaulx and Weinel, *supra* note 8.

¹⁰ See Gabriele Griffin, Pam Medhurst & Trish Green, *Interdisciplinarity in Interdisciplinary Research Programmes in the UK* (2006), https://www.york.ac.uk/res/researchintegration/Interdisciplinarity_UK.pdf; Veronica Boix Mansilla, Michele Lamont & Kyoto Sato, *Successful Interdisciplinary Collaborations: The Contributions of Shared Socio-Emotional-Cognitive Platforms to Interdisciplinary Synthesis* (2012), <https://dash.harvard.edu/handle/1/10496300> (last visited Dec. 21, 2017); Deana Pennington, *Collaborative, Cross-Disciplinary Learning and Co-Emergent Innovation in eScience Teams*, SpringerLink, 4 EARTH SCI. INFORM. 55 (2011).

¹¹ Christine A. Ateah et al., *Stereotyping as a Barrier to Collaboration: Does Interprofessional Education Make a Difference?*, 31 NURSE EDUC. TODAY 208 (2011); B. Mallaband et al., *The Reality of Cross-Disciplinary Energy Research in the United Kingdom: A Social Science Perspective*, 25 ENERGY RES. SOC. SCI. 9–18 (2017); Priaulx & Weinel, *supra* note 8.

¹² Sheila Jasanoff, *Future Imperfect: Science, Technology, and the Imaginations of Modernity*, in DREAMSCAPES OF MODERNITY: SOCIOTECHNICAL IMAGINARIES AND THE FABRICATION OF POWER 20 (Sheila Jasanoff & Sang-Hyun Kim eds., 2015).

'visionary' or potentially 'transformative' ways,¹³ so too can the role of imagination implicate 'shared perceptions of futures that should or should not be realized', or of the blurring between 'real and imagined realities'.¹⁴ In turn, underpinning their operative potential, imaginaries can 'frame and represent alternative futures, link past and future times, enable or restrict actions in space, and naturalize ways of thinking about possible worlds'.¹⁵ In these latter respects, our study reveals the presence of insider imaginaries that appear to run counter to aspirations for cross-disciplinary collaboration with *others*. The harboring of *expectations* that 'outsiders' will perceive one's field in a negative, confused and inaccurate light, summons up a range of perceived challenges that could limit the appetite of legal academics to engage in cross-disciplinary collaborative work. Undoubtedly, where those kinds of cross-disciplinary confusions and misunderstandings do exist, these can present significant challenges and frustrations for researchers engaged in collaborative work;¹⁶ but what is at issue in the present article is the extent to which those confusions and misunderstandings on the part of 'outsiders' are generated by *imagination* rather than being based on empirical reality. Imagination then, is far from benign in its effect—instead, for some it may present a barrier to collaboration in limiting, ruling out, and foreclosing a range of otherwise potentially valuable collaborative partnerships. This is particularly so where investigation of the attitudes and beliefs of 'outsiders' reveals the presence of more favourable and insightful views of legal academia than is commonly imagined by its 'insiders'.

Emerging from the scholarly literature, as well as our empirical investigation, is a fairly undisrupted pattern of imaginaries about how 'outsiders' perceive the legal academic field and its constituents—one that is consistently bleak. As we highlight in our review of the literature, and as is supported by our survey results, underpinning these negative imaginaries is a persistent concern that 'outsiders' are often operating on the basis of flawed stereotypes of legal academia which fail to align with what legal scholars actually do. While this cognitive deficit on the part of 'outsiders' is often assumed to exist, it is also an experience reported as real by some legal academics in two key empirical studies.¹⁷ That 'outsiders' will come to miscast the legal academic field is also treated as phenomenologically real by authors who have highlighted that such misunderstandings and lack of insight arise by virtue of a failure of communication on the part of the legal academy. Murphy and Roberts,¹⁸ for example, highlight that the legal academy has 'failed to provide any significant explanation or justification of what academic lawyers do (as is normally demanded of the theoretical component of a discipline) and thus of what academic law is or

¹³ *Id.* at 5–6.

¹⁴ *Id.* at 6.

¹⁵ *Id.* at 24.

¹⁶ David Budtz Pedersen, *Integrating Social Sciences and Humanities in Interdisciplinary Research*, 2 PALGRAVE COMMUN. 1 (2016); Vanesa Castán Broto, Maya Gislason & Melf-Hinrich Ehlers, *Practising Interdisciplinarity in the Interplay Between Disciplines: Experiences of Established Researchers*, 12 ENVIRON. SCI. POLICY 922 (2009); Andrew Bartlett et al., *The Locus of Legitimate Interpretation in Big Data Sciences: Lessons for Computational Social Science from -omic Biology and High-Energy Physics*, 5 BIG DATA SOC. 2053951718768831 (2018); Mallaband et al., *supra* note 11.

¹⁷ COWNIE, *supra* note 3; Dave Owen & Caroline Noblet, *Interdisciplinary Research and Environmental Law*, 41 ECOL. LAW Q. 887 (2015).

¹⁸ *Introduction*, 50 MOD. L. REV. 677, 682 (1987).

might be'. In similar force, Chynoweth¹⁹ notes that the failure of the legal research community to 'adequately explain itself to its peers in other disciplines' means that 'it can hardly complain if those peers then judge it by standards other than its own'. For other legal scholars, the failure to communicate what legal academics do is not the concern. Pointing towards more attitudinal factors, some have highlighted that 'outsiders' will regard legal scholarship in a negative light or regard it as 'irrelevant' by virtue of the inherent weaknesses and methodological problems in legal research and the paradigm orientation of legal scholarship. As we discuss later in this article, such views are often accompanied by a call for the close evaluation of the future of legal academia, its core business, and its 'identity' as an academic discipline. In this respect then, while these imaginaries highlight a sense of pessimism about how 'outsiders' perceive the field of legal academia, they may also be fairly revealing of some 'insider' tensions and uncertainties about the identity of the field itself. A number of authors have noted the self-deprecating tendency of legal academics and the harbouring of insecurities and uncertainties about the field as a whole;²⁰ while these raise questions as to the transmission and communicability of negative assessments of the legal academy externally—they also raise questions about the extent to which this 'talking-down' of the field might impact on the attitudes of legal academics to their own discipline.²¹

Importantly, our survey findings provide us with an opportunity to critically revisit the assumptions about how legal academia is perceived—and imagined. While insider imaginaries emerging from the literature find their expression in the imaginaries of legal academics from our surveys at Cardiff, there are nevertheless two critical and fascinating points of divergence across the survey results that disrupt this persistently bleak characterisation of the legal academic terrain. The first point of divergence is how legal academics think about their own field—as 'insiders'—as contrasted with how they imagine that those external to their field, will regard it. The second point of divergence is how legal academics imagine outsiders will perceive legal academia, and how in fact non-legal academics come to portray the field. In respect of the first, while one might not be surprised to learn that many constituents of legal academia might find value and derive pleasure from the field in which they are actively engaged, what is fascinating is how the more positive messages we see here about legal academia are rarely, if ever, projected onto the imagined 'outsider'. In respect of the second point of divergence, we find

¹⁹ Paul Chynoweth, *Advanced Research Methods in the Built Environment*, in *ADVANCED RESEARCH METHODS IN THE BUILT ENVIRONMENT* 28, 37 (Andrew Knight & Les Ruddock eds., 2009).

²⁰ Douglas W. Vick, *Interdisciplinarity and the Discipline of Law*, 31 J.L. & SOC'Y 163 (2004); BECHER, *supra* note 5.

²¹ We note, for example, that the fairly persistent 'negative imaginaries' of legal academia highlighted in the literature (i.e. those who venture views on how others might regard legal academia) points to remarkably few sources; moreover, our study highlights the same persistent negative pattern. While far from attempting to explain this phenomena, which may relate to a far wider range of sources about how 'lawyers' as a whole are portrayed, there is nevertheless a growing body of work that highlights within organizations a phenomena called 'emotional contagion', and the role that (positive and negative) emotions can have in shaping others' behaviors and attitudes. See Stéphane Côté, *Positive Emotions in Organizations*, in *HANDBOOK OF POSITIVE EMOTIONS* 448–61 (Michele M. Tugade, Michelle N. Shiota, & Leslie D. Kirby eds., 2014).

a pronounced divergence between the negative imaginaries of legal academics, and what non-legal academics report in our survey. While this aspect of our survey is more fully reported elsewhere,²² as this article highlights, the assumption that outsiders will generally hold legal academia in a dim light is not borne out in practice.

Both points of divergence appear to stem from a problematic conception of the 'outsider': one that is based on assertion, rather than inquiry. As we come to argue, this highlights the potential importance of a rethink for the legal academy in terms of how the field is both internally and externally perceived. Given the points of divergence we identify here, there is certainly a pressing need for broader empirical work around how 'outsiders' *do* think about legal academia. More fundamentally, however, we suggest that there may also be a need to interrogate in far more depth how legal academics 'think' about and 'portray' their field—to themselves, and the outside world. To make strides in raising the reputational standing of legal academia as an academic field, as some have urged is now needed,²³ and to enhance legal academia's capacity to engage in cross-disciplinary work, greater gains might be made by thinking harder about why law as an academic specialism and pursuit is interesting and exciting to be part of and valuable in the insights it can offer others external to the field. As we argue, it may be time for legal academics to be prepared to project *this* message to the outside world.

II. LITERATURE

The aim of this section, presented in two parts, is to outline the critical literature which underpins the present article, and has served to shape our empirical work and analytical priorities for this study in important ways.

The first part of this section (Part A) engages literature which highlights the importance of legal academics' imaginaries to our study. That a study aimed principally at evaluating how 'outsiders' perceive legal academia should end up becoming fascinating on account of how legal academics *imagine* their field is regarded by outsiders, might seem surprising. When we embarked upon the overarching study, our main purpose was to investigate the beliefs, attitudes and knowledge of non-legal academic 'outsiders'—yet this still implicated 'insiders'. From the outset, it was clear that to be meaningful, a study aimed at eliciting responses from non-legal academics about the field of legal academia, also needed to centralise the perspectives of legal academics. Our ability to assess the responses of non-legal academics and to judge the extent to which they aligned with 'legal academia', correspondingly required us to investigate 'insider' norms from within the legal academic community via benchmarking surveys.

That the *imaginaries* of legal academics constituted an important theme, became apparent at the point of undertaking an extensive literature review designed to identify the presence of other work that might reveal how non-legal academics portrayed the field of legal academia. On investigating the non-legal academic literature, as we highlight below, we found remarkably little of substance on this

²² Priaux et al., *supra* note 7.

²³ C. J. J. M. Stolker, *Legal Journals: In Pursuit of a More Scientific Approach*, 2 EUR. J. LEG. EDUC. 77 (2005).

topic. While an oblique finding, what we identified was a body of *legal scholarship* which commented on how 'outsiders' perceived legal academia. In this respect, two things stood out; the extent to which these accounts were driven by speculation and 'imagination', and the extent to which it was asserted that those outside of legal academia hold the field in very low regard. This interesting finding led us to more deeply centralize in our study the insider imaginaries produced by legal academics themselves, and to include this aspect as a specific query at a range of junctures in the benchmarking surveys. By virtue of this, our subsequent survey sought to capture three different perspectives: legal academic self-perceptions (insiders), legal academic imaginaries of how 'outsiders' will perceive the field of legal academia, and the perspectives of outsiders themselves.

In the second part of this section (Part B), we turn our attention to the literature that informed our broader survey design. A study aimed at evaluating how the field of legal academia is perceived by multiple audiences, consisting of those internal to it (which for our purposes also included two sub-populations—vocational legal scholars and academic legal scholars), those external to it (non-legal academic 'outsiders'), and indeed, how its insiders imagine 'outsiders' are likely to portray it, poses some interesting and unique challenges in terms of survey design. These included quite fundamental issues, ranging from what kinds of questions and queries one should pose in order to elicit meaningful portrayals of 'legal academia', to how one designs a robust survey aimed at eliciting and comparing responses from quite distinctive audiences. As we highlight in the second part of the section, we greatly profited from engaging strongly with earlier empirical approaches in legal studies, which while narrower in scope and aimed at eliciting 'insider' perspectives, provided us with important cues as to how we design a survey that would meet our multiple objectives.

Before we introduce the literature, which forms a critical base for the remainder of the article as a whole, a note on language is required. Throughout the article, subtly different terms are deployed to describe the identity of the individual or individuals that stand external to the legal academic field. This is particularly apparent within the literature, where some authors refer to 'Other(s)' or 'Outsider(s)' or broader terms. The lack of stable language used to refer to this external (non-legal academic) population is also attended by some ambiguity around which 'external' populations that such authors point to, with some centralizing non-legal academics, 'non-lawyers', specific sub-populations within higher education, or more hazily-cast populations still which could refer to a range of publics or the world-at-large. While imperfect, and our engagement with the literature throughout much of this article results in some interchangeable use of terminology, our preferred term for signalling all those external to the legal academic field, is 'Outsider' or 'Outsiders',²⁴ although we also have recourse to the terms 'Others' or 'Others'/'Outsiders'. In the

²⁴ We are aware of course that this creates a stark dichotomy between 'insiders'/'outsiders' that is far from uncontentious. In our broader work, particularly focused on how 'outsiders' do perceive legal academia the boundaries between 'Insider'/'Outsider' is problematized (for instance, amongst the so-called 'Outsider' population, actors demonstrated very different levels of interaction *with* legal academics, with some frequently and intensely engaged in cross-disciplinary collaborative work that should make it hard to conceptualize these individuals as 'Outsiders'). See *further*, Prialux et al., *supra* note 7.

context of our survey, the question of the identity of the 'Other'/'Outsider' is clear and far narrower, relating exclusively to non-legal academics employed at Cardiff University.

A. PERCEPTIONS OF LEGAL ACADEMIA AND THE IMPORTANCE OF 'INSIDER
IMAGINARIES'

As noted above, the overarching aim of our main study was to focus on how *non-legal academics* perceive legal academia and legal academics. However, the question of how legal academics perceive themselves and their field and how they imagine others within the academy would perceive the legal academy became a fascinating topic in its own right. This is not only by virtue of the results from the benchmarking survey, but also arises by virtue of our analysis of legal scholarship and those moments when legal scholars have ventured views on how 'outsiders' regard the field.

In exploring the literature on how *non-legal academics* view legal academics, and searching for instances where legal academics strongly featured within non-legal scholarship by which to assess 'how others see us', it became apparent that there is remarkably little work available.²⁵ That is not to say that legal scholarship does not emerge within the corpus of other disciplines, nor that law is not interesting to other disciplines, but in terms of *legal academia* being the focus—whether for empirical evaluation or even as the subjects of speculation—for non-legal academics, such accounts were far and few between. Legal academics, where they emerge, are such marginal characters, so that these cameo appearances told us virtually nothing about how others might regard legal academia.²⁶ In terms of work

²⁵ The paucity of interest by non-legal academics in the academic field of law may be due to the fact that, in England and Wales at least, law as a discipline of study is a relatively recent entrant to the academy. While the confines of space preclude a thoroughgoing historical exegesis of law's place within the academy in England and Wales, some aspects of its emergence warrant attention. Although Roman Law was taught at Oxbridge from the C12th, Twining reports the first LLB degrees in England as having been awarded as late as 1839 by University College London (WILLIAM TWINING, *BLACKSTONE'S TOWER: THE ENGLISH LAW SCHOOL: DISCIPLINE OF LAW* (1994)). And it was arguably only following the scathing report of a House of Commons Select Committee in 1846 that Universities in the UK began to take up the mantle of legal education in earnest. See Roy Stuckey, *The Evolution of Legal Education in the United States and the United Kingdom: How One System Became More Faculty-Oriented While the Other Became More Consumer-Oriented*, 6 INT. J. CLIN. LEG. EDUC. 101 (2014). Consequently, law's place within Universities in England and Wales is comparatively novel relative to other disciplines (sometimes described as 'pure' academic disciplines) such as philosophy, theology and mathematics. Indeed, for some, law 'has remained rather aloof from the academy'. See TWINING, *supra* note 25.

²⁶ We do not assume that the absence of interest suggests that legal academia or academics are perceived as *irrelevant*, albeit some might arrive at that conclusion. See Mark Tushnet, *Legal Scholarship: Its Causes and Cure Symposium on Legal Scholarship: Its Nature and Purposes*, 90 YALE L. J. 1205 (1980). In many respects the absence of attention given to legal academia as an object of study for other disciplinary actors might not be at all surprising. As most of us are aware, there are strong research incentives (and disincentives) that operate so that our own discipline remains our primary focus. In this regard, those outside of the discipline of law that centralize legal academics in their work

that enables us to capture the views and attitudes of a wider population of non-legal academics about legal academia and its constituents, Tony Becher's²⁷ empirical study undertaken in the 1980s constitutes a noteworthy exception.²⁸ But beyond Becher, we were surprised to find that our main sources on this topic came from *within* legal academia itself. Here we find that a variety of authors have ventured views about how the external world and/or legal academics do or might regard the field.

So, we start with Becher. While not the sole focus, Becher's²⁹ small-scale study of the nature of academic disciplines included law—alongside chemistry, physics, biology, mechanical engineering, pharmacy, economics, sociology, history, modern languages, geography and mathematics.³⁰ Undertaking interviews with practising academics from these fields in institutions in the U.K. and the U.S., Becher sought to investigate the characteristics of these disciplines, epistemological and methodological issues, as well as concerns around career patterns, reputations and rewards, and practitioners' 'value systems'. Embedded within this latter category, and of interest here, Becher also explored practitioners' characterisations of other disciplines and disciplinary actors. Noting that academics' perceptions of other disciplines and disciplinary practitioners seemed to be 'surprisingly hazy', 'neither particularly perceptive nor particularly illuminating',³¹ and on the whole 'rather crude and hostile', Becher nevertheless found that the 'gallery of stereotypes'³² produced discernibly different profiles of the academic subjects in question. To those outside the field, Becher notes that the predominant view of academic lawyers,

constitute quite a special population indeed; the small number of non-legal theorists that have done so, are better rationalized as empirical theorists of higher education, or the study of academic disciplines – so that law, rather than constituting the *specific* object is part of a broader enquiry about disciplines or specialisms. See BECHER, *supra* note 5; J. Douglas Toma, *Alternative Inquiry Paradigms, Faculty Cultures, and the Definition of Academic Lives*, 68 J. HIGH. EDUC. 679 (1997). While we had expected to find more discussion about law as an academic discipline, given the heightened interest in cross-disciplinary collaboration, the work around cross-disciplinarity is still fairly novel.

²⁷ BECHER, *supra* note 5.

²⁸ Beyond those instances where legal academics make marginal appearances in non-legal scholarship (see e.g., LAWRENCE BAUM, *JUDGES AND THEIR AUDIENCES: A PERSPECTIVE ON JUDICIAL BEHAVIOR* (2009); BRUNO LATOUR, *THE MAKING OF LAW: AN ETHNOGRAPHY OF THE CONSEIL D'ETAT* (2013); KYLE MCGEE, *LATOUR AND THE PASSAGE OF LAW* (2015)), the only work we could find where legal academics centrally feature (albeit a range of authors whose work belongs to sub-specialisms of law and economics, and law and literature) was Kellert's monograph which centralized scholarly works from law, economics and literature in their 'technical applications and metaphorical speculations' of 'chaos theory'. See STEPHEN KELLERT, *BORROWED KNOWLEDGE: CHAOS THEORY AND THE CHALLENGE OF LEARNING ACROSS DISCIPLINES* (2008)

²⁹ BECHER, *supra* note 5.

³⁰ *Id.* at 174–6, Becher undertook a total of 221 interviews lasting between half an hour and two hours with actors from these 12 disciplines from a variety of locations in the UK (Bristol, Reading, Southampton, Cambridge, Exeter, UCL, Kent, LSE, Birmingham, Brighton, Imperial and Essex) and the US (Berkeley, Santa Barbara, Los Angeles, Stanford, San Francisco).

³¹ Tony Becher, *Towards a Definition of Disciplinary Cultures*, 6 STUD. HIGH. EDUC. 109, 110 (1981).

³² BECHER, *supra* note 5, at 28.

[I]s that they are not really academic—"arcane, distant and alien: an appendage to the academic world". Their personal qualities are dubious: vociferous, untrustworthy, immoral, narrow, and arrogant: though kinder eyes see them as impressive and intelligent. The discipline is variously described as unexciting, uncreative, and comprising a series of intellectual puzzles scattered among "large areas of description".³³

This negative view, Becher found, also seemed 'to be shared by its victims'.³⁴ This speaks not only to a self-confessed tendency of legal academics 'towards self-denigration', or 'a sense of doubt about one's intellectual quality', but also the views of different legal academic communities towards each other, expressing greater or lesser levels of esteem.³⁵ While U.S. academic lawyers expressed concerns that their 'techniques and methodologies' might not be sufficiently probing or fundamental, some cast their British counterparts as 'narrow and uninteresting', 'atheoretical, *ad hoc*, case-orientated and not much interested in categories and concepts'.³⁶ In contrast, while English legal scholars themselves downplayed the 'scholarly' status of English academic law, suggesting it shared the 'anti-intellectual ethos of practising lawyers', was 'insular', standing separate to other fields, and 'based on a narrow and isolated education',³⁷ the view of legal academia across the Atlantic was far more favorable, presented (in contrast to English legal academia), as a 'higher tradition of worthwhile academic thought'.

Unsurprisingly, given the novelty of Becher's work and the broad ranging enquiry about the 'cultures' inhabiting higher education, *Tribes and Territories* and his subsequent edition of the text with Paul Trowler,³⁸ have become heavily-cited classics. Moreover, his approach has also inspired others to investigate the 'cultures' and everyday practices within their own fields, including law.³⁹ Nevertheless, in terms of investigating how different disciplinary actors perceive other disciplines, including law, Becher and Trowler's work continues to stand apart. For broader commentary which attempts to capture how 'others'/'outsiders' view the discipline as a whole then, our main sources on this topic come from legal scholarship produced by the legal academic community itself.

Although often arising as a marginal theme, various legal academics have ventured views about how 'others'/'outsiders' regard academic law and its constituents. These views consist of three main kinds: anecdotal reports, 'thought experiments', or assertions presented as 'fact'. Importantly, none of these accounts claim to be based upon an empirical evaluation of what non-legal academics think. Nor do these accounts point to broader evidence from the field to substantiate how legal academics are regarded. While we highlight the strong possibility that the 'other' stands as a rhetorical vehicle, what is particularly striking is the extent to which the view that non-legal academics will regard legal academics in a negative light arises as a persistent and fairly undisrupted theme within the literature.

³³ BECHER, *supra* note 31, at 111.

³⁴ BECHER, *supra* note 5, at 30.

³⁵ *Id.* at 30.

³⁶ *Id.* at 30.

³⁷ *Id.* at 31.

³⁸ BECHER & TROWLER, *supra* note 6.

³⁹ See in particular COWNIE, *supra* note 3.

1. Anecdotal Reports

No doubt many legal academics can point to social exchanges which suggest that some ‘others’/‘outsiders’, whether within the academy or among the lay public, have a fairly limited insight into what legal academics do or the kind of concerns which drive legal academic research. Based on her interviews conducted during 2002 and 2003 with 54 U.K. legal academics, Cownie notes how outsiders, even within the academy, ‘frequently characterise law as vocational’.⁴⁰ While all her interviewees worked in academic, rather than vocational law departments, a few of them reported a lack of understanding of what a ‘legal academic’ is or does. Some complained of being confused ‘with practicing lawyers’,⁴¹ while another commented that ‘[e]ven in universities, there are people who think we’re all in practice’.⁴² Cownie comments that because the discipline of law is not ‘merely vocational or staffed exclusively by practitioners’ it would seem that legal academics have ‘failed to communicate themselves even to closer observers of academic life’.⁴³ In fact, only around 35% of legal academics in Russell Group institutions are qualified to practice law.⁴⁴ Cownie’s comment might find its basis not only in what her interviews revealed, but also her analysis of Becher,⁴⁵ and Becher and Trowler’s⁴⁶ representations of the legal academic terrain.⁴⁷ The mischaracterization of the legal field by ‘others’ within the wider academy was also a theme arising from Owens and Noblet’s study with U.S. environmental law professors engaged in environmental legal research and related cross-disciplinary work.⁴⁸ Highlighting the frequency by which ‘people outside of the legal academy often misunderstand the kinds of questions that interest law professors’, the authors note that,

Ironically, for the most commonly cited problem was that nonlawyers tend to ask for help with narrow legal issues—in other words, for the kinds of focused legal analyses that critics sometimes allege is the antithesis of interdisciplinary work—rather than on the more systemic questions that tend to interest legal academics.⁴⁹

The accounts presented, of course, do not present empirical insights about how non-legal academics do in fact perceive the discipline of law. That is not the aim of either study. Cownie’s work was aimed at gaining insights into the (wider) lived experiences of those legal academics, and Owen and Noblet sought to explore environmental legal professors’ attitudes towards, and experiences of, cross-disciplinary work. Nevertheless, while not their aim, there is a risk of being left with the impression that

⁴⁰ *Id.* at 78.

⁴¹ *Id.* at 100.

⁴² *Id.* at 78.

⁴³ *Id.* at 78.

⁴⁴ Mark Davies, *Educational Background and Access to Legal Academia*, 38 LEG. STUD. 120, 132 (2018).

⁴⁵ BECHER, *supra* note 5.

⁴⁶ COWNIE, *supra* note 3.

⁴⁷ *Supra* note 3, at 78.

⁴⁸ *Supra* note 10.

⁴⁹ *Id.* at 909.

non-legal academics *do in fact* commonly or frequently miscast the legal discipline and the work of legal academics. While Cownie's research and Owen and Noblet's study reveals the experiences of some legal academics finding themselves being mischaracterized by 'others'/'outsiders', and presents a fascinating hypothesis for empirical evaluation, those accounts constitute an unreliable proxy for identifying what 'others' do in fact know or believe about legal academics.

2. The Thought Experiment

Stolker's work provides the source of the 'thought experiment'.⁵⁰ Noting how the discipline of law has fallen behind other fields which have become far more dominant in respect of qualitative evaluations of academic research and the contest for 'research funds', Stolker asks why this should be the case by adopting 'the perspective of other disciplines'. He surmises that other disciplines would view legal scholarship in the following way,

[T]o have a strong national focus, an individualistic nature and a rather peculiar publishing culture; it is normative, commentative, a discipline lacking an explicitly-defined scholarly method, and one with little interest in empirical research. As a result, it *is* a remarkable discipline in terms of both form and content. ...[I]t is difficult to obtain a clear picture of what we do... .⁵¹

Stolker's imaginary of 'others', of course, strongly intersects with accounts based on anecdotal reports. Rather than offering a description based on external evidence (and perhaps also falling short of a genuine 'thought-experiment'), how the 'other'/'outsider' thinks stands as pure assertion. The 'other', he imagines, encounters difficulties in understanding what legal academics do, but also curiously s/he appears to possess a sophisticated level of insight in picking up some key ingredients of the internal norms of the field. Further elements of Stolker's 'other'/'outsider' depiction are contestable. First, his portrayal of how 'other' disciplines will view legal scholarship looks suspiciously like an 'insider' perspective, given that the concerns raised can be detected in many legal scholars' evaluations of legal academia in Anglo-American literature. Secondly, while Stolker is concerned that 'others' will find it hard to get a clear picture of what legal academics do, this seems every bit as applicable to the 'insider'. It might be noted that even for *legal scholars* it is quite a tall order to 'presume broad knowledge' of the research practices which inhabit the field, given the volume of work produced and the wide variety of sub-specialisms within it.⁵² As such, Stolker's account perhaps more ably portrays an 'insider' view—or more specifically *his* insider view (rather than an external view). And arguably, sharing much in common with our final category—assertion—the portrayal of 'other(s)'/outsider(s)' may well simply operate as a rhetorical device by which to prompt the broader evaluation of concerns about the discipline from an insider perspective.

⁵⁰ *Supra* note 12.

⁵¹ *Id.* at 78.

⁵² Owen & Noblet, *supra* note 17, at 890.

3. Pure Assertion

The largest category in terms of ‘how others/outsideers regard us’ as a theme arising in legal scholarship, is far trickier to classify. In general, it is often unclear *who* the other/outsideer is, and such work frequently slips and slides between others/outsideers who are out there in ‘the world’ or (non-legal) others/outsideers within the academic community. Either way, the emphasis is upon the ‘other’ as an outsideer, standing external to the legal academy. While evidently not based upon empirical research, nor offered explicitly as ‘thought experiments’ or highlighted as based on anecdotal experience, in the work we analyzed, the views expressed take the form of pure assertions, albeit ones which often appear to operate as rhetorical devices. Take for example, Smits who notes that ‘not only do outsideers accuse legal science of being unacademic, but also legal scholars themselves no longer seem to know which discipline they practice’.⁵³ Within the confines of the University, he notes that ‘legal scholars often have a hard time convincing colleagues from other disciplines about their methodology’ and ‘too often, the study of law is considered the odd one out in the modern university’.⁵⁴ Critically, no support for any of these propositions is offered. Positioning this as a moment of crisis for the field, albeit a surprising one, he offers a speedy review of the fall of the field from a position of being held in high esteem, to its subsequent demise in the eyes of others. Providing the foundation for the development of empirical science, he argues that in the nineteenth century, ‘legal science was seen as one of the most important achievements of human civilization and even superior to many other academic disciplines’, but by the twenty-first century, that view had shifted:

The image that the outside world has of legal academics is apparently no longer based on these (or other) merits. The general tendency is to say that ‘real’ knowledge cannot be based upon conceptual constructions, the findings of coherence, or the development of abstract theories (all important parts of the ‘internal’ approach to law) but should rest on empirical work instead.⁵⁵

Of course, the call for more engagement with empirical approaches in legal scholarship has been a strong feature of debate within legal academia over the past few decades,⁵⁶ and Smits’ himself notes the increasing influence of empiricism on legal studies. In part, this is his concern—or at least the pivot for his later arguments: that law is increasingly under pressure to become like other disciplines to make it more ‘scientific’. This marks out Smits’ next move. Arguing that a wholesale shift in that direction would be problematic, Smits concentrates his efforts on providing a strong defence of conceptual work, one that recasts legal science, teases out and elevates the importance of its normative core. It is an account that is highly engaging and thought-provoking. But his portrayal of how the ‘outside world’ regards legal

⁵³ SMITS, *supra* note 4, at 4.

⁵⁴ Jan Smits, “What Do Legal Academics Do?”, ELGAR BLOG FROM EDWARD ELGAR PUBLISHING (2012b), <https://elgar.blog/2012/08/15/what-do-legal-academics-do/> (last visited Jan. 15, 2018).

⁵⁵ SMITS, *supra* note 4, at 4.

⁵⁶ GENN, PARTINGTON, & WHEELER, *supra* note 4; HILLYARD, *supra* note 4.

academia stands as assertion. It is rendered immediately suspect by virtue of the asserted homogeneity of others'/outsiders' views in respect of legal academia. In respect of these claims, it takes little effort to displace them. He paints an unbelievable characterization of the 'other'/'outsider' who exclusively deifies the empirical and ignores the value of other kinds of work. In doing so, Smits' account ignores debates in other fields,⁵⁷ including the social sciences, which promote the value of, and assert the inescapable place for conceptual and normative work—every bit as strongly as Smits goes on to do.⁵⁸ Moreover, Smits' paradigm of science, which he then projects on the “outside world” (and then reflects back on “legal science”) is fatally one-dimensional; it is a paradigm of science that is strongly contested within the sciences themselves.⁵⁹ As such, it is hard to escape the sense of irony that flows from an account that cautions against moving towards empiricism, when it is so strongly driven by speculation about the 'outside world'. That is not to say that the 'other'/'outsider' that Smits presents might not exist in some form, but that the actual existence of this 'other' is fairly irrelevant. Instead this caricature of the 'outside world' is a pure literary construction. The 'other'/'outsider' standing in this outside world constitutes an external threat ('traditional legal scholarship has been under attack for quite some time now'⁶⁰) which has driven a debate over the future of the field. Smits' aim is to respond to this threat, engage in this (self-constructed) “debate”, by reconceptualising the terrain of legal scholarship—a field which he argues possesses its distinctiveness and strength by virtue of its normative orientation and its 'ability to reflect upon what people and organizations legally ought to do'.⁶¹

The use of the 'other'/'outsider' trope as a rhetorical device by which to contemplate the discipline and provoke contemplation of the tensions and shifts within it, also emerges within Vick's work around legal academia and interdisciplinarity.⁶² While embracing aspects of Weinstein's work, which itself draws on a number of empirical studies,⁶³ albeit in respect of mixed populations of law students and lawyers, Vick highlights a potential barrier to collaboration by virtue of there being 'a strong perception, in some, that lawyers are bad collaborators because they tend to be pushy know-it-alls'.⁶⁴ Nevertheless, the other/outsider in

⁵⁷ Richard Dawid, *The Significance of Non-Empirical Confirmation in Fundamental Physics*, ARXIV170201133 PHYS. (2017), <http://arxiv.org/abs/1702.01133>, (last visited Jan 12, 2018); Stephen Toulmin & David Leary, *The Cult of Empiricism in Psychology, and Beyond*, CENTURY PSYCHOL. SCI. 594–617 (1985).

⁵⁸ Andrew Abbott, *XXXVIIe conférence Marc Bloch. Andrew Abbott: The Future of the Social Sciences* (2015), <http://home.uchicago.edu/aabbott/Papers/Marc%20Bloch%20Lecture%20Pre%20Trans.pdf>.

⁵⁹ BENT FLYVBERG, *MAKING SOCIAL SCIENCE MATTER: WHY SOCIAL INQUIRY FAILS AND HOW IT CAN SUCCEED AGAIN* (2011).

⁶⁰ SMITS, *supra* note 54.

⁶¹ SMITS, *supra* note 4, at 151.

⁶² VICK, *supra* note 20.

⁶³ Janet Weinstein, *Coming of Age: Recognizing the Importance of Interdisciplinary Education in Law Practice*, 74 WASH. L. REV. 319–66 (1999).

⁶⁴ VICK, *Supra* note 20, at 192. Such a view, finds its roots in the work of Weinstein, *supra* note 63, which we return to later in this paper—but we should note that this work is not without its difficulties, by virtue of combining and erratically moving between a range of populations that we would wish to keep distinct – law students, legal academics and legal practitioners—even if the work proves refreshing for drawing upon empirical studies evaluating personality traits.

Vick's account is mainly based on assertion, albeit one that strongly resonates with attitudes emerging from Becher's and Cownie's interviews. He notes (as Smits had), how the uncertainties legal scholars harbor about their own discipline might deleteriously impact on others' perceptions of the field, so that,

To this day, many within universities harbour a palpable scepticism about the academic rigour of legal scholarship which is often a reaction to the close association of the discipline of law within the legal profession—a skills-orientated profession at that. In fact, the self-doubt engendered by perceptions that law is as much a professional discipline as an academic one may partly explain why some legal scholars turn to interdisciplinary research. Moreover the same disciplinary inferiority complex might also partly explain the tenor of criticism some academics have directed at such research.⁶⁵

Still sitting within the category of 'assertion' about how 'others'/'outsiders' regard legal academics, is the complaint that legal scholars are not regarded at all. In the early 80s, Mark Tushnet famously highlighted the 'intellectual marginality of legal scholarship'.⁶⁶ Tracing the rise and fall of the influence of legal scholarship in the broader social sphere he noted that while 'in the past, legal thought has been a component of important intellectual movements...', now 'few of the various strands of contemporary thought are informed by legal scholarship'⁶⁷—a position all the more surprising given the 'immense role that law plays in American society'.⁶⁸ Tushnet's diagnosis rested on the extent to which legal scholarship is strongly tied to professional legal education, 'the desire to support the rule of law, and the attempt to escape the implications of Realism'.⁶⁹ For this reason he noted, many of the 'main currents of twentieth-century intellectual life' prove irrelevant for lawyers with this professional legal orientation.⁷⁰ His broader analysis as to the future relevancy of the discipline makes for fairly depressing reading. He noted that while one area of legal scholarship, in particular, social theory, has the capacity to address epistemological problems of social knowledge, it occupies little more than a toehold in law schools. Moreover, such an approach arguably poses a fundamental challenge to law as a field; as Tushnet argued, abandoning the 'liberal theory of law' and turning away from its traditional professional orientation 'might deny law its privileged status as a device'.⁷¹

While much time has elapsed since Tushnet's contribution, it might be thought such concerns have diminished over time in light of increased cross-

⁶⁵ VICK, *supra* note 20, at 187.

⁶⁶ TUSHNET, *supra* note 26.

⁶⁷ *Id.* at 1205.

⁶⁸ Echoing Tushnet's concern with the 'marginality' of legal scholarship, is Matthew W. Finkin, *Reflections on Labor Law Scholarship and Its Discontents: The Reveries of Monsieur Verog Essay*, 46 UNIV. MIAMI L. REV. 1101 (1991). Finkin argues that this is not an isolated view (citing the largely negative assessments given of academic lawyers from Becher's study). He comments that it seems 'that a great intellectual feast is being held, a veritable Banquet of Ideas, to which law professors have not been invited' *Id.* at 1151.

⁶⁹ Tushnet, *supra* note 26, at 1216.

⁷⁰ *Id.* at 1260.

⁷¹ *Id.* at 1222.

disciplinary and cross-sectoral collaborative activity—the kind of step-change that grant funders, governments and higher education institutions have been strongly pushing for.⁷² Nevertheless, the apparent rise in such collaborative work, for some, has made the absence of engagement with law seem that much more obvious. Even in contemporary fields noted for their high levels of cross-disciplinary collaboration, such as environmental research, legal researchers have complained about the degree to which the field of environmental legal research is passed over.⁷³

That 'others'/'outsiders' exclude, ignore or perceive as wholly irrelevant the body of legal scholarly work has also troubled a range of U.K. authors. Echoing the U.S. literature, a recurring complaint is the lack of cross-disciplinary *mutuality*. While legal academics frequently turn to a multitude of other disciplines for inspiration, it is claimed that scholars from other disciplines are disinterested in legal academia.⁷⁴ In common with Tushnet's more substantive concerns about the marginality of law as a discipline in the eyes of others, is the critique offered by Geoffrey Samuel. Noting the deliberate exclusion of law from social scientific work, Samuel highlights that while regrettable, 'it is understandable in some ways why social science theorists might not wish to take lawyers seriously'.⁷⁵ He argues that 'it would seem to some outside the discipline to be a subject that has little to contribute to social science epistemology'.⁷⁶ The root of his argument is based on much of legal scholarship being tied to an 'authority paradigm' rather than one of 'enquiry', so that law 'is not really a discipline whose validity is confirmed by correspondence with reality (although the success or failure of a particular law can be judged by its social effects)'.⁷⁷ While disciplines like the social sciences attempt to investigate and model aspects of the external world, Samuel claims that legal scholarly work within the 'authority paradigm' in contrast, 'is not really telling us much about the world. It is, like astrology or numerology, telling us about formalism, coherence, and philosophy in a world constructed by consenting insiders'.⁷⁸ Strongly resonating with Tushnet, Samuel's concern of course, is why legal scholarship might prove irrelevant to other fields (rather than evidencing how and if it is). In this respect the putative 'irrelevancy' of legal scholarship (in the eyes of these imagined 'others'), constitutes a powerful vehicle for evaluating the terrain—one that invites deeper exploration of what Samuel regards as a fundamental (and perhaps insurmountable) challenge to the discipline the moment that its paradigm orientation shifts from 'authority' to a realist one driven by enquiry.

⁷² GENN ET AL., *supra* note 4; MICHAEL ADLER, *RECOGNISING THE PROBLEM: SOCIO-LEGAL RESEARCH TRAINING IN THE UK* (2007).

⁷³ Owen & Noblet, *supra* note 17.

⁷⁴ Gerhard Anders, *Law at Its Limits: Interdisciplinarity between Law and Anthropology*, 47 J. LEG. PLURALISM & UNOFFICIAL L. 411 (2015); Stephen Feldman, *Can Law Be a Source of Insight for Other Academic Disciplines?*, 8 WASH. U. JURIS. REV. 151 (2016); GENN ET AL., *supra* note 4.

⁷⁵ Geoffrey Samuel, *Is Legal Knowledge Cumulative?*, 32 LEG. STUD. 448, 449 (2012).

⁷⁶ Geoffrey Samuel, *Interdisciplinarity and the Authority Paradigm: Should Lawyers Be Taken Seriously by Scientists and Social Scientists?*, 36 J. L. & SOC'Y 431, 432 (2009).

⁷⁷ *Id.* at 453.

⁷⁸ *Id.* at 459.

In contrast with these accounts, Roger Cotterrell's evaluation is focused on the question of how legal scholarship (and at points, 'law' more generally), has come to be neglected by the social sciences.⁷⁹ Highlighting that 'the sociological study of law has been marginalized in the image of sociology-as-discipline',⁸⁰ Cotterrell traces what happens to 'legal sociology' when it moves within the field of mainstream sociology. The process he describes is one where the 'legal' dissipates, and is transformed into 'something more amenable to observational methods of research or, at least, not requiring engagement with the object "law" constructed in legal discourse'.⁸¹ He notes that while one of the founders of modern sociology, Max Weber regarded his 'studies of law as the most complete part of his work', these aspects have proved to be peripheral to sociology-as-discipline which has 'tended to focus on behaviour and avoid entanglement with the mysteries of jurisprudence'.⁸² The same process of filtering out the legal, he notes, can be said of Emile Durkheim whose work has proved highly influential to contemporary sociology. While Durkheim centralized the sociological study of law and legal institutions, 'the works which most strongly reflect this concern are neglected in Anglo-American sociology and in many cases have remained untranslated into English'.⁸³ Cotterrell highlights a similar concern in respect of Talcott Parsons' work. He notes that despite Parsons making frequent incursions into the world of law and regarding law as significant for sociological analysis,

[N]o confrontation with legal discourse takes place. Parsons betrays no recognition of the questions which are raised in so much legal literature ... about the nature of transformations occurring in Western legal doctrine in recent decades. Yet these matters demand sociological analysis.⁸⁴

The aim here is not to take issue with any of the substantive claims as to spaces and bodies of work where law and legal scholarship is suspiciously absent. Instead, our interest is in how the 'other' emerges in such accounts, and the extent to which these 'others', who purportedly disregard or neglect legal scholarship, are grounded in reality. The 'other' as s/he (or indeed they) emerges, seems to be exclusively based on assertion rather than based on empirical investigation. Whether invoked as thought experiment, assertion or narrated through anecdotal experience, none of these accounts aim to unravel or explore the truth of their assertions about how 'others' regard legal academia. Perhaps the constant repetition of these claims, through a range of literatures (often by individuals of high standing within legal studies) in the absence of competing accounts, helps to reinforce the idea that legal academia *does indeed* maintain a low standing in the eyes of others. Nevertheless, as noted above, the manner by which this putative 'other' is invoked, requires us to critically stand back from these claims. The first point to be made here is that the majority of these accounts present a homogenous external 'other'—an actor, actors,

⁷⁹ Roger B. M. Cotterrell, *Law and Sociology: Notes on the Constitution and Confrontations of Disciplines*, 13 J. L. Soc'y 9 (1986).

⁸⁰ *Id.* at 28.

⁸¹ *Id.*

⁸² *Id.* at 27.

⁸³ *Id.*

⁸⁴ *Id.* at 28.

a discipline, or perhaps the entire world, that comes to miscast, misrepresent, regard as irrelevant, or present in a negative light or one-dimensional way, legal academia. And while a number of authors point towards more specific populations (i.e. some 'others' rather than the entire 'world'), there is still no consideration of how 'others'/'outsiders' are likely, based on differing levels of interaction with the field, to regard it in different ways. It seems, we think, fairly implausible that *all* 'others' will come to view the field of legal academia through the same negative lens—even if one might suppose that *some* others might perceive legal scholarship in the way that these authors describe.

A second concern relates to the internal-facing nature of the accounts offered and the fleeting emergence of the 'other' in that context. There is no contemplation given as to how the very same concerns—being passed over or misunderstood by other disciplines,⁸⁵ or even 'crises' about the characterization of one's own field and its relevancy⁸⁶—populate most, if not all, disciplines.⁸⁷ The complaint that law proves irrelevant to 'others', whilst then retreating back within the field of legal scholarship to contemplate its internal dynamics, seems fairly hollow in substance. Instead, a more valuable critique might emerge from evaluating how many aspects of the 'crisis' some have highlighted as occurring within the field of legal academia are shared in common with other disciplines. Such an enquiry can better interrogate what 'relevancy' means in this context, evaluate who are the winners and losers in the game of 'relevancy', and why. But of course, the aim of these works, as noted above, does not appear to be directed towards a genuine evaluation of how non-legal academics really perceive the field of legal academia nor to contemplate the challenges of gaining insight into other fields; rather, in the main, the 'other' appears to stand as a strategic trope, a rhetorical vehicle for reflecting upon the field of legal academia itself.

Overall, our evaluation of the literature suggests a strongly negative set of imaginaries held by legal academics, in terms of how they portray the 'outsiders'/'other' view of the field of legal academia. Yet insofar as the literature presents a fairly small population of legal thinkers, many of whom came to write

⁸⁵ Mallaband et al., *supra* note 11.

⁸⁶ See e.g., ANDREW ABBOTT, CHAOS OF DISCIPLINES (2001); Angus Dawson, *The Future of Bioethics: Three Dogmas and a Cup of Hemlock*, 24 *BIOETHICS* 218 (2010); Jason R. Goertzen, *On the Possibility of Unification: The Reality and Nature of the Crisis in Psychology*, 18 *THEORY & PSYCHOL.* 829 (2008); ALVIN W. GOULDNER, *THE COMING CRISIS OF WESTERN SOCIOLOGY* (1980); Nicky Priaulx, *Vorsprung Durch Technik: On Biotechnology, Bioethics, and Its Beneficiaries*, 20 *CAMBRIDGE Q. HEALTHCARE ETHICS* 174 (2011); Cormac Shine, *Our World Is Changing. It's Time for Historians to Explain Why*, *THE GUARDIAN* <https://www.theguardian.com/higher-education-network/2018/jan/18/our-world-is-changing-its-time-for-historians-to-explain-why> (Jan. 18, 2018, 07:30 AM GMT); George Steinmetz & Ou-Byung Chae, *Sociology in an Era of Fragmentation: From the Sociology of Knowledge to the Philosophy of Science, and Back Again*, 43 *SOC. Q.* 111 (2002); JOSEPH STIGLITZ, *FREEFALL: FREE MARKETS AND THE SINKING OF THE GLOBAL ECONOMY* (Penguin Books 2015) (2010).

⁸⁷ Furthermore, those characterizations, for example of '(ir)relevancy' to the outside world are open to contestation – that is so in law, as with other fields. For a recent example, see the below the line comments and broader engagements on social media in response to Shine's recent piece which laments the 'irrelevancy' of history on the wider social stage (See Shine, *supra* note 86).

on the topic decades ago, our benchmarking survey with legal academics at Cardiff University gives us the opportunity to identify whether these negative depictions continue to emerge in the legal academic community, and whether they are widely held amongst that population. So too are we able to investigate, even if only in a small way, how ‘outsiders’ within the university context *do think* about legal academia, and to explore the extent to which these might converge or diverge from the imaginaries emerging within the legal scholarship, and by legal scholars in our survey.

B. PORTRAYALS OF LEGAL ACADEMIA: CHARACTERISING APPROACHES TO LEGAL RESEARCH

We turn then, from portrayals of legal academia in the literature, to the question of how one designs a survey that meaningfully captures comparative data that can highlight how multiple audiences come to portray legal academia in practice. As we discuss later in this article, our survey involved posing a wide range of questions to survey participants, some of which invited respondents to provide broad field wide depictions—but here we focus on the literature that provided us with critical cues as to how we might elicit more specific portrayals around *legal academic research*. Insofar as the imaginaries emerging in legal scholarship anticipated that ‘others’/‘outsiders’ would regard the field of law as strongly vocational in orientation, as individualistic, insular, descriptive, normative, disinterested in empirical research, and distant from other disciplines, we sought to explore the extent to which these kinds of characterizations emerged within the responses of non-legal academics, and within the imaginaries of our legal academic survey respondents.

Our aim was to elicit fairly specific insights into how these different populations portrayed legal research, consisting of questions ranging from the nature of, and kinds of approaches legal academics (might) take to legal research. Such questions would be posed to non-legal academics, whilst in the benchmark survey, we sought to ask legal academics to map out their actual approaches to legal research (and in the case of those on teaching and scholarship contracts, their approaches to legal scholarship) and as is particularly central to this article, we also asked legal academics to imagine how non-legal academics would respond to the same questions.

Nevertheless, while our work is novel in attempting a systematic analysis of how the views of ‘insiders’, ‘insider imaginaries of others’ and ‘others’ align, we are not the first to empirically investigate the research approaches that legal academics adopt in practice. As such, the aim here is to highlight intersecting scholarship, and how it connects to two overarching concerns that were particularly pressing for us at the point of survey design: *how* one investigates academics’ views around research approaches that will capture something valuable, and how one does so in a way that will make sense for an external (‘other’) audience that may have varying levels of insight into the field of legal academia and legal research. While many of the authors we have pointed to earlier have attempted field-wide description, our focus here is on some of the methodological challenges inherent in empirical attempts to ‘capture’ the field, and research approaches within it.

1. 'Black-Letter Law' and 'Socio-Legal' Approaches

Perhaps the most obvious way of categorizing legal research approaches is to draw upon the traditional 'black-letter law'⁸⁸ versus 'socio-legal studies' dichotomy, or sub-variants of this.⁸⁹ The imaginaries emerging within the legal scholarship, of course, play completely into this division, and serve to overwhelmingly reflect the view that others will perceive the field in a way that mirrors a 'purely doctrinal' conception of legal scholarship. While these terms might baffle some those external to legal academia, within the legal scholarly community, these terms tacitly express a lot. As Bartie notes, historically, the dominant conception of law in terms of legal scholarship was largely wedded to legal education, with scholarship directed at an audience comprised mainly of legal professionals or students.⁹⁰ Captured by the concepts of 'doctrinalism' or 'black-letter law', scholarship falling into this tradition is focused primarily on,

[L]egal principle (largely that generated by courts but also the legislature); basing argument and prescription on a normative premise which is not unpacked or explained; reacting to events comprising of changes to the law by judges or legislatures; and looking for deficiencies in legal principles, suggesting ways to improve them or clarifying the law so that judges or legislatures can better understand their development. The methodology adopted is likened to that of the courts with primary focus resting on the internal logic of judgments or statute.⁹¹

Not all, however, would agree with such a definition. Smits for example claims that 'the days of a purely doctrinal approach ... if those times ever existed at all—are now far behind us'.⁹² From this position, he goes on to advocate a form of legal scholarship—one which elevates the normative core of the field—in a way that still fits squarely within Bartie's description. Whether real or apparent, most accept that the concept of 'black-letter law' summons up an approach within legal studies that whether rightly or wrongly, has been subject to sustained criticism. The concern, as expressed by some, has been of the tight coupling with the needs of the legal profession, which has encouraged 'the production of textbooks and other items of utility to practitioners, such as case notes and commentaries on statutes, while inhibiting the production of the kind of original theoretical research which the academy in general would value'.⁹³ As Cownie notes, this remained the dominant

⁸⁸ See Shane Kilcommins, *Doctrinal Legal Method (Black-Letterism): Assumptions, Commitments and Shortcomings*, in LEGAL RESEARCH METHODS: PRINCIPLES AND PRACTICALITIES (Laura Cahillane & Jennifer Scheppe eds., 2016).

⁸⁹ We use these terms in a broad sense. We take 'black-letter law' to include what is sometimes referred to as doctrinal research (See e.g., Allan C. Hutchinson, *Beyond Black-Letterism: Ethics in Law and Legal Education*, 33 LAW TCHR. 301 (1999)). We also take 'socio-legal studies' to include research that falls under the banner of 'Law and Society' research.

⁹⁰ Bartie, *supra* note 4.

⁹¹ *Id.* at 350.

⁹² SMITS, *supra* note 4, at 29.

⁹³ Fiona Cownie, *Law, Research and the Academy*, in TRIBES AND TERRITORIES IN THE 21ST-CENTURY: RETHINKING THE SIGNIFICANCE OF DISCIPLINES IN HIGHER EDUCATION 57, 59 (Paul Trowler et al. eds., 2012).

model of teaching and research until part way through the twentieth century when a number of alternative approaches emerged offering alternative paradigms—critical legal studies, feminist legal theory, socio-legal studies and ‘law in context’.⁹⁴ While Cownie comments that there was little evidence to support the extent to which these alternative approaches had become entrenched within the field of legal studies, leading some to assume that ‘doctrinal analysis retained its dominance over legal education and legal research’,⁹⁵ Cownie’s empirical study of English legal academics⁹⁶ led her to revise her views.

The findings which led Cownie to depict the discipline as one that was in ‘transition’, as well as her findings in respect of how legal academics understood the labels of ‘black-letter law’ and ‘socio-legal studies’, prove particularly germane here. Asking interviewees to position their research and teaching according to a range of paradigm orientations on a scale—‘from doctrinal [generally referred to by academic lawyers as ‘black-letter’], through socio-legal studies to critical legal studies (CLS) and feminist’⁹⁷—Cownie reported that 10 per cent described themselves as taking a socio-legal/CLS approach, 40 per cent as adopting a socio-legal approach, with the remaining half describing their approach as black-letter.⁹⁸ Noting that while a range of alternative approaches to doctrinal law appeared to have become firmly established in academic law, socio-legal studies had emerged as the ‘major challenger’. Critically, however, her work also revealed that the categories of ‘black-letter law’ and ‘socio-legal’ were ill-understood in terms of what kinds of research either actually accommodated. While just under a fifth of her respondents depicted their approach ‘without qualification’ as black-letter law, about a third of the total offered a qualified answer, noting that this ‘did not mean that they concentrated solely on legal rules’ but that it was also important ‘to introduce contextual issues (social, political, economic and so forth)’.⁹⁹ While socio-legal studies is a broad church, embracing a wide range of topics, subject-matter and a large array of research methodologies and methods, Cownie noted that some of her legal academic respondents held a belief that socio-legal studies referred ‘exclusively to empirical investigation of the law, using standard quantitative social science methodology’.¹⁰⁰ As such, she highlighted the need for caution with these terms, given their interpretive ambiguity:

Some of those describing themselves as ‘black-letter’ appeared to be adopting a very similar, not to say, identical, approach to others who described themselves as ‘socio-legal’, so that the line between legal academics adopting a doctrinal perspective and those adopting a socio-legal perspective is not always clear.¹⁰¹

⁹⁴ *Id.* at 61.

⁹⁵ *Id.*

⁹⁶ See generally COWNIE, *supra* note 3.

⁹⁷ Cownie, *supra* note 93, at 63.

⁹⁸ COWNIE, *supra* note 3, at 54.

⁹⁹ *Id.* at 55.

¹⁰⁰ *Id.* at 56.

¹⁰¹ *Id.*

Cownie observed that the fluidity of these research descriptors, in particular the conflation of 'socio-legal' with 'empirical', had ramifications for her impression of the field; conceivably, she noted, the community of socio-legal lawyers might well be larger than appeared on her data.¹⁰² Notwithstanding these concerns, Cownie's overall findings led her to assert that purely doctrinal law no longer 'dominates the legal academy in the way it used to'. Highlighting a range of changes of research orientation and approach, Cownie described a field in transition,

Looking at the culture of the discipline as a whole, it becomes clear that, whatever they call themselves, the majority of academic lawyers occupy the middle ground between the two extremes of pure doctrinal analysis and a highly theoretical approach to the study of law. Arguably, law is a discipline in transition, with a culture where a small group still clings to a purely doctrinal approach, but a very large group (whether they describe themselves as socio-legal or not) are mixing traditional methods of analysis with analysis drawn from a range of other disciplines among the social sciences and humanities, while other small but significant groups are mainly concerned with the application of feminist ideas to law or in analysis of law which, like socio-legal studies, is interdisciplinary in nature but tends to be more overtly concerned with critical theory.¹⁰³

Of course, not all have quickly accepted these claims. Pointing to critique around this aspect of Cownie's methods and findings, in particular by virtue of the (nearly) catch-all definition afforded to 'socio-legal studies', Bartie argues that Cownie's assessment of the field can 'be viewed as either an accurate reflection of movements in legal scholarship or as a form of advocacy'.¹⁰⁴ Whether an 'accurate reflection' or not, the specific point under debate—and Cownie's words of caution—are instructive in themselves and further underline the contested (and political) nature of the terms 'black-letter law' or 'socio-legal studies'.¹⁰⁵ This consideration, coupled with our main survey audience, consisting of non-legal academics, for whom the terms 'black-letter law' or 'socio-legal studies' might have little purchase, pointed towards the need to explore different and perhaps more granular descriptors for categorizing research approaches in law.

¹⁰² *Id.* at 58.

¹⁰³ *Id.*

¹⁰⁴ Bartie, *supra* note 4, at 356.

¹⁰⁵ This is also the case in respect of slippery terms such as 'interdisciplinarity'. As Vick notes, it is often applied loosely in practice, and 'has a tendency to be all things to all people' (Vick, *supra* note 20, at 164). While some see the drawing or borrowing from other fields as a form of 'interdisciplinary' engagement which is highlighted as highly prevalent (*see* Hillyard, *supra* note 4) others have their focus on genuinely integrative collaborative cross-disciplinary work (*see* Anders, *supra* note 74; Gavin Little, *Developing Environmental Law Scholarship: Going Beyond the Legal Space*, 36 *LEGAL STUD.* 48 (2016)), which is regarded, at least, by some within specialist pockets, as far less typical. Nevertheless, these differential understandings lead to assessments of quite different things and a quite confused picture as to what style of 'interdisciplinarity' engagement is prevalent.

2. Between and Across Categories - Mixed Approaches

A range of alternative approaches can be identified for attempting to capture the different methodologies and methods deployed by legal academics in ways that move beyond the potentially troubled dichotomy of ‘black-letter law’ and ‘socio-legal studies’ in favour of a more granular approach. While there are some who rely on the ‘published discourse’ of the field,¹⁰⁶ we sought out empirical approaches which centralized academics’ own representations of their research approaches. Our aim was not to sum up or capture a field in its entirety but rather to gain more detailed impressions about a particular population of legal academics and their research practice and approaches. In fact, there are few examples of such work attempting meta-disciplinary analysis of this kind in a way that builds upon Cownie’s study. One of the rare exceptions to this has been more recently provided by Siems and Síthigh.¹⁰⁷ Their method and overarching framework provides a source of fresh inspiration for thinking about different ways of mapping research orientations in legal academia. Moving away from the more conventional labels of ‘doctrinal’/ ‘black-letter law’ and ‘socio-legal’, the authors organize research orientations through the conceptual framework of “law as a practical discipline”, “law as humanities” and “law as social sciences”.¹⁰⁸ While the authors set out to explore the interplay between “macro-level” (the position of law schools within university structures) and “micro-level” factors, it is the latter that is of particular interest here. Mapping the orientation of legal academics using “ternary plots”, the overall results are plotted onto a triangle with each of the three research orientations located at a corner. An academic whose work is strongly concentrated on practically and vocationally orientated work, for example, will appear in the “law as a practical discipline” corner. Importantly, however, the approach can also show the “balance” between these three approaches, and their overall orientation. Within the triangle sits an inverted triangle that distinguishes where academics’ research profiles become mixed between approaches, with points falling within the central area when this is the case.

There are numerous merits to this approach, and it elegantly builds on previous attempts to map legal research. It provides a method that is capable of capturing the more dynamic and complex features of research profiles where scholars move between or across the categories of ‘black-letter law’ or ‘socio-legal’. In avoiding these terms explicitly, the approach squarely addresses Cownie’s concern as to the “fluidity” that these terms could invite. Siems and Síthigh’s approach can be commended for broader reasons. While others have attempted to identify patterns relating to different intellectual traditions (e.g. doctrinal, feminist, empirical etc.)

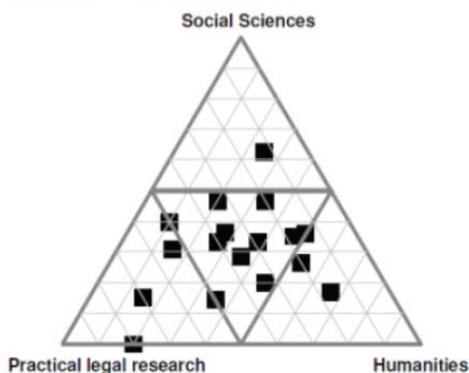
¹⁰⁶ See, e.g., Robert C. Ellickson, *Trends in Legal Scholarship: A Statistical Study*, 29 J. LEGAL STUD. 517 (2000). Ellickson’s work in which is focused on achieving scope of capture (even if not depth) by deploying ‘words and phrases’ as proxies for different intellectual traditions. These proxies were used to search a Westlaw database to statistically map the rise and fall of different intellectual traditions in U.S. legal scholarship, including doctrinal approaches, law and economics, critical legal studies, postmodernism, feminist jurisprudence, empirical work, sociological approaches and a range of “law and ...” approaches (history, psychology, philosophy and civic republicanism).

¹⁰⁷ See generally Siems & Síthigh, *supra* note 4.

¹⁰⁸ *Id.* at 652.

Figure 1. Mapping Legal Research¹⁰⁹

Display of results: ternary plot



using words and phrases as proxies to search across large databases of published legal scholarship,¹¹⁰ a key weakness is that such analyses point to very general trends across the legal scholarly terrain. What they cannot tell us is about research orientations of specific legal academics, or the extent to which the work of different researchers might demonstrate methodological plurality. In similar force, the choice of 'black-letter law' or 'socio-legal' either demands a stark choice, or a qualified one, leaving us unclear quite where researchers actually 'fit'. In contrast, this is where Siems and Sithigh's contribution is particularly valuable. Noting that legal academics 'often tend to mix approaches', the authors comment that it is 'not uncommon that a legal researcher starts with a historical introduction, then turns to an analysis of the relevant case law and finally engages with socio-political considerations'.¹¹¹ Such a researcher might depict herself as being split between all three or two particular orientations, rather than falling 100% into a single orientation. Using a written survey, Siems and Sithigh undertook a pilot survey with research active staff at the University of East Anglia in 2010. They invited survey respondents to highlight how frequently on a scale of 0 – 10 (not at all to always) they used one of the three approaches, described in the following way,

- Practical legal research, i.e. research aimed at understanding the law using similar approaches to the ones used by practicing lawyers (judges, solicitors etc.);
- Legal research as part of humanities, i.e. analysis of legal texts (cases, statutes etc.) using approaches similar to research in humanities (history, philosophy, literature, religion etc.)
- Legal research as part of social sciences, i.e. analysis of law in its socio-economic context, similar to research in social sciences (sociology, economics, psychology etc.).¹¹²

¹⁰⁹ Mathias M. Siems & Daithi Mac Sithigh, *Mapping Legal Research - Online Supplement* 8 (2012), <https://papers.ssrn.com/abstract=2097698> (last visited Jan. 26, 2018).

¹¹⁰ See Ellickson, *supra* note 106.

¹¹¹ Siems & Sithigh, *supra* note 4, at 668.

¹¹² Siems & Sithigh, *supra* note 109.

While the authors note that the sample size is small ($n = 17$), overall it nevertheless lends further support for Cownie's finding¹¹³ that there is a strong prevalence of 'mixed approaches' in legal studies, rather than any single orientation (law as practical discipline, as social sciences, or as humanities) being dominant (the results of their pilot survey is shown above in Figure 1).

Given the aims of our survey, Siems and Síthigh's contribution struck us as particularly valuable for a further reason. As we have already highlighted, we sought to address quite distinct audiences, consisting not only of non-legal academics and legal academics, but also two specific legal academic sub-populations consisting of vocational legal scholars and academic legal scholars. The centralization of more generic typifications of *how* one goes about research or scholarly practice, which could then be translated into particular paradigm orientations (e.g. for Siems and Síthigh's purposes, 'practical legal research, legal research as part of humanities, legal research as part of social sciences) would enable us to speak in a comprehensible way to all of our audiences but also elicit granular data around legal research and scholarly orientations.

While Siems and Síthigh's approach provides particular inspiration for the survey design and analytical approach we adopted in enquiring about legal research, we have also benefited from combining aspects of the approaches adopted by Cownie and Ellickson. For our survey design we embraced some of the categorizations offered by Ellickson as well as Siems and Síthigh in order to gain a more granular approach to research approaches which will make sense to 'insiders' and 'others'/'outsiders'. In addition, rather than asking survey respondents to pick between research orientations in binary fashion, we have used the 'scaling' approach that Siems and Síthigh introduce. Our aim has been to build overall individual research profiles, ones which can be subsequently analyzed to assess their key constituent elements and whether they are strongly orientated in one direction or another. The combination of these approaches served to provide a useful and accessible framework for online survey design that could be presented to different audiences, including those which might not be familiar with the concepts of 'black-letter law' or 'socio-legal studies'. Nonetheless, as we detail in section three below, we reintroduce these concepts at a later stage, using these as crude analytical tools for evaluating the results in assessing the overall research orientations our respondents offer. Even if these concepts are ambiguous and political, they nevertheless connote meaning within the legal academic community and can give us a sense of the general orientation of the field.¹¹⁴

¹¹³ COWNIE, *supra* note 3, at 58.

¹¹⁴ We should note that we also introduced further categories for evaluating the legal academic terrain that supplemented these approaches. While Cownie found in her study that interdisciplinarity and cross-disciplinary collaborative work were not prevalent features of legal academia at that time, this is an aspect of the field that has been somewhat neglected since in terms of mapping exercises. Given that the 'collaborative' cross-disciplinary behaviors of legal academics, and perceptions others hold about legal academics constitute strong drivers for our overarching study, we included some soft measures around individualistic/collaborative approaches. Given space constraints, the results of this aspect of our study are reported elsewhere (*See* Prialux et al., *supra* note 7).

III. THE STUDY

The aim of this third part of the article is to focus on the study we undertook at Cardiff University across 2016 and 2017. Following an introduction of our methods and research approach, we then turn to set out our findings in respect of the two key queries surrounding how legal academics imagine non-legal academics ('outsiders') perceive legal academia. Separate consideration is given to two queries that were central in our study, notably (1) field wide depictions of legal academia, and (2) more specific depictions of the research approaches that legal academics adopt in respect of legal research. While we separate out these queries, as we shall see, analysis of both highlights strikingly consistent themes.

A. METHODS AND RESEARCH APPROACH

We used online surveys as our method for investigating beliefs, attitudes and knowledge around legal academia at Cardiff University. We consulted with scholars with expertise in survey design in the social sciences, screened our initial survey through a social science focus group, and gained ethical approval for our study in early 2016. We also ran small pilots with legal and non-legal academics to inform the design of the survey we eventually launched. Across the course of 2016 and early 2017, we ran a total of four surveys, in two survey releases. The first survey release occurred in 2016, involving a 'main' survey with non-legal academics and a 'benchmarking' survey with legal academics. In 2017, we also ran a shorter second survey release, consisting of a main and benchmark survey. The survey questions are presented in Tables 1 to 4 in the Appendix.

The first survey release, which forms the basis of the findings we centralize in this article, required an extensive commitment for survey participants given a large number of questions designed to investigate typifications and perceptions of legal academia. While our broader findings are discussed extensively elsewhere,¹¹⁵ a brief overview of the main components of the surveys provides useful context for what follows. In the main survey aimed at non-legal academics, we sought to elicit detailed insights around how non-legal academics characterize the field of legal academia. Question sets addressed a range of themes including the personality traits of legal academics, the relative prestige of a variety of research outputs/activities, beliefs/knowledge about approaches taken to and nature of legal academic research, non-legal academics' sources of understanding (e.g. contact with legal academics, films, television etc.) and general (inter)disciplinary disposition. We also asked non-legal academics about their interaction with legal academics, the context of those interactions and about their engagement with legal scholarship. Such factors enabled us to gain some insight into the extent to which non-legal academics venture into the field of law and/or collaborate with legal academics, and whether those factors had any discernible impact upon their responses to questions about the field of legal academia. We also posed a series of broader demographic questions by which to further contextualize responses. Our benchmark survey posed similar questions to legal academics, albeit with the aim of eliciting 'insider' knowledge and 'imaginaries' about how 'outsiders' might regard their field. Gaining

¹¹⁵ *Id.*

a spread of legal academics' perspectives on their own individual approaches to legal research and scholarship provided, in our view, a promising benchmark for evaluating and comparing the responses of non-legal academics, as well as a useful source of information about the kinds of approaches legal academics purport to take and differences in attitude. The second survey release, consisting of a main survey and benchmarking survey, was aimed at the same general audiences but targeted a smaller number of non-legal academics. The second survey consisted of a small number of questions aimed at testing out slightly different survey techniques (e.g. affording options to 'rank' rather than using sliding scales) and eliciting wider data around interactional behaviors and contexts. Across these surveys, all of the three Colleges at Cardiff University were well represented in the sample, with a strong distribution of disciplinary backgrounds, position (e.g. research associates, lecturers, senior lecturers, readers and professors), gender, age and time in service.

The findings presented in this article draw exclusively on the first set of surveys in which a total of 102 non-legal academics (estimated minimum of 3.72% participation rate from non-legal academic population)¹¹⁶ those sections of the survey which sought to elicit, 'insider views' of legal academia, 'insider imaginaries' of outsiders' views and 'outsider views' themselves on the same questions. These reveal distinct sources of data about the same phenomena which can be evaluated to assess the extent to which they converge or diverge. In this respect two question sets fall into this category, notably "Beliefs and Knowledge about legal academia as a discipline", and "Nature of and approaches to legal research and scholarship". These were the only areas of the survey where we asked legal academics to imagine how non-legal academics at Cardiff University would be likely to respond to those specific questions.¹¹⁷

In our discussion of these findings, we also draw upon broader supportive data from wider aspects of our survey where it is useful and relevant to do so. In thinking about the alignment between legal academic and non-legal academic responses, we refer to some of our analytical work around frequency of interaction between actors within the non-legal academic population with legal academics. In addition, we fleetingly refer to data emerging from a further question which was presented to legal academics as optional, notably how legal academics would describe the discipline of law to the hypothetical non-legal academic. In this latter respect, such narratives add life to and are wholly consistent with other findings which flow from legal academics' self-portrayals of legal academia: notably of a field that is rich, stimulating and one that legal academics appear to be proud to belong to. Significantly, these upbeat 'insider' views stand in stark contrast to how legal academics anticipate outsiders will envisage their field.

Using survey as a method also allowed us to explore demographic differences

¹¹⁶ For Survey 1, we experienced some technical obstacles in our attempt to communicate the presence of the survey to academics outside of the school of law/across the University. This was intensified owing to freshly rolled out policies concerning email communication (a measure taken to reduce high volumes of email across campus), including access restrictions to use of other departmental/school email lists, and a lack of alternative modes of easily reaching (or gaining the attention of) academics across campus at that time. Using social media was not an option for us given that we restricted this survey to Cardiff University academics.

¹¹⁷ See Table 2, Questions 8 and 12, in the Appendices.

within the population of legal academics as a whole.¹¹⁸ A broad range of legal research is conducted by legal academics at Cardiff University in the School of Law and Politics. Within this range of study, a variety of approaches to legal research are taken. These can be plotted on a continuum of 'doctrinal legal studies' to 'socio-legal studies'.¹¹⁹ Cardiff is renowned as an important hub for socio-legal scholarship, which is reflected in the fact that the highly-respected Journal of Law and Society was founded in Cardiff in 1974 in the early days of the socio-legal studies movement in the UK.¹²⁰ More recently, following Adler's *cri de coeur*,¹²¹ the School of Law and Politics has been recognised by the Economic and Social Research Council's Doctoral Training Partnership as being fit to offer an MSc Master's degree in Social Science Research Methods on a Socio-Legal pathway. But Cardiff also has a strong reputation for doctrinal scholarship and is the only Russell Group institution in the U.K. to offer vocational legal training. At Cardiff University, law is taught in two Departments within the same School—the Law Department and the Centre for Professional Legal Studies—collectively known as Cardiff Law. These departments form separate centres of legal activity and as such, we see clear points of distinction between them on the basis of typical contract type, and potentially paradigm orientation to law. Out of the 26 legal academic respondents, 6 came from Professional Legal Studies. Holding a strong vocational orientation, the majority of these staff are employed on teaching and scholarship contracts and are engaged in delivery of the Bar Professional Training Course, the Legal Practice Course and the Graduate Diploma in Law. The remaining 20 survey respondents were academic lawyers, most of whom are employed on teaching and research contracts and engaged in the delivery of the LLB and a wide range of postgraduate programmes. When we discuss these legal scholarly populations separately, we describe them as VLS (vocational legal scholars) and ALS (academic legal scholars); where we discuss the law department as a whole, we use the term 'legal academics'.

B. INSIDER PERSPECTIVES OF LEGAL ACADEMIA, OUTSIDERS' PORTRAYALS OF LEGAL ACADEMIA AND INSIDER IMAGINARIES: POINTS OF CONVERGENCE AND DIVERGENCE

In the main survey, we asked non-legal academics to highlight their beliefs and/or knowledge about legal academia as a discipline *as a whole*. We provided 21 pre-set key attributes to arrive at a range of descriptors which in principle could apply to a range of fields/specialisms. We identified 'disciplinary' descriptors emerging from Cownie's interviews with legal academics,¹²² as well as those arising from Becher's interviews across 12 disciplines.¹²³ We then reviewed the range of overall key terms

¹¹⁸ Note that Cownie's study on legal academics focused exclusively on legal academics that were located in academic rather than vocational departments. (See COWNIE, *supra* note 3, at 19).

¹¹⁹ See generally Hutchinson, *supra* note 89.

¹²⁰ See further, Phil Thomas et al., *The Journal of Law and Society at 40: History, Work, and Prospects*, 2015 J. L. & Soc'y 390.

¹²¹ ADLER, *supra* note 72.

¹²² COWNIE, *supra* note 3.

¹²³ BECHER, *supra* note 5.

and added to these where necessary attribute ‘opposites’ (e.g. ‘interesting’ versus ‘boring’), excluded terms that were overly specific, either in a disciplinary sense or in terms of overall description (e.g. ‘dusty’, ‘white coats’, ‘very left’, ‘Boffins’, ‘fuddy-duddy’, ‘dubious in methodology’) or transformed them in order to achieve more generalizable concepts (e.g. ‘scientific’, ‘methodological’).¹²⁴

Non-legal academic survey participants could select as many of the attributes as they wished but were asked to select those that they considered best described the discipline. In the benchmarking survey, legal academics were also invited to select from these pre-set attributes on the same terms. We also followed up this question by presenting legal academics with the same list, asking respondents to indicate which attributes they imagined academics from other disciplines would select. The sample of non-legal academics was 102, and the number of legal academics was 26. We report our key findings below highlighting percentages which indicate the frequency by which different participant groups selected particular attributes in each survey. In addition we highlight key contrasts in the overall depictions each population provides, as well as points of convergence and divergence between the self-reports of legal academics (‘insider’), the reports of non-legal academics (‘outsider’), and the reports of legal academics in terms of how they anticipate that non-legal academics will portray the field (‘imaginaries’). In respect of legal academics, we also split this community into two distinctive parts where there are striking differences between the accounts provided by those belonging to the vocational part (VLS) and academic part (ALS).

1. Insider Perspectives: How Legal Academics Portray Legal Academia

Across the community of surveyed legal academics our findings reveal some commonalities in response around the attributes that ‘insider’ participants considered to best describe their own discipline. Of note, however, we also see some interesting points of contrast between the two populations inhabiting the Law Department. Potentially reflecting different paradigm orientations and distinctive everyday ‘business’, the most frequently selected descriptors for legal academia among VLS were *Theoretical*, *Vocational*, *Academic*, *Practical* and *Reliant on Documents*, with 66.7% selecting each of these attributes. Some convergence in view between VLS and ALSs can be identified on a number of these attributes (ALS: *Theoretical* (80%), *Academic* (80%) and *Practical* (75%). Nevertheless, on aggregate the ALS population, while selecting options across all of the descriptors, very strongly emphasised *Interesting* (90%), as well as *Creative* (70%), in contrast with VLS, of whom 16.7% and 33% selected those options. A majority of VLS selected *Vocational* and *Reliant on Documents* as attributes (66.7%), but while still featuring prominently, a comparatively smaller proportion of ALS selected these (45%). In addition, 55% of ALS typified the field as *Empirical* (in contrast with VLS: 16.7%) and 50% of ALS considered the discipline of law to be *Innovative* (in contrast with VLSs: 33.3%). In terms of the negative descriptors highlighted

¹²⁴ Pre-set attributes given to survey respondents were: *Innovative*, *Interesting*, *Applied*, *Unapplied*, *Coherent*, *Uncreative*, *Arcane*, *Modern*, *Fragmented*, *Creative*, *Empirical*, *Unscientific*, *Methodological*, *Boring*, *Practical*, *Theoretical*, *Vocational*, *Reliant on Documents*, *Dealing in Pure Ideas*, *Scientific*, and *Academic*. These attributes were randomized as they appeared to survey participants.

above, few selected these across the population of 26 legal academics: *Arcane* (VLS: 0%; ALS: 15%), *Boring* (VLS: 0%; ALS: 5%).¹²⁵ Across the population of legal academics as a whole, the mean number of attributes selected per survey respondent stood at 7.57, with none selecting above 14.

These depictions of the field also emerge within the narrative section of the survey. We included an optional question which invited legal academics to attempt to 'describe law as an academic discipline to a non-legal academic interested in what kinds of research, scholarship and enquiries populate the discipline as a whole'. 18 of the 26 legal academics provided substantive responses to this.¹²⁶ A number of VLS respondents emphasised the vocational or transactional-orientation of law, and its importance, for example, emphasising that "*Legal academia has most impact when it is combined with the practical/vocational aspects of law to deliver 'real world' solutions to problems*", or "*Explaining, demonstrating and applying the law in a transactional context*".

In contrast, another VLS respondent noted how the discipline as a whole "*is hugely varied*", encompassing the "*practical and the theoretical, the empirical and the procedural and more besides*". Nevertheless, the same respondent also noted some tension between different depictions of law as an academic discipline,

If I was being honest I would also tell the hypothetical non-legal academic that it's full of lack of understanding and distrust between those who view academic law as primarily a social science and those who view it as in part vocational (VLS Respondent).

From the ALS respondents, one expressed uncertainty about the vocational orientation of the discipline, "*I'm not sure that law as an academic discipline is 'vocational' (although it may be a vocation, and may be on vocational questions)...*" while another considered that the traditional vocational focus of the field "*has had an impact on the kinds of research that have traditionally been pursued... often around analysing law... with a practical focus*". Nevertheless, the same respondent, akin to many other ALS contributors, did not see a tension between paradigm orientations, instead emphasising that the role of 'socio-legal enquiry' "*broaden[s] the focus, by using social research methods and by looking at different aspects of 'law in society'*". On these accounts, enquiry within the discipline of law, can embrace "*both doctrinal and socio-legal scholarship*", be both "*problem and solution orientated, with a deep concern for society and social relations*", with a strong orientation towards questions of "*what the law should be*" or "*knowing how the law really works in practice*". One respondent highlighted that while the field appeared to be "*increasingly fragmented*", it was perhaps held together by "*a shared knowledge of the principles by which legal norms are (traditionally) created, identified and interpreted*".

¹²⁵ We note however, that in contrast with the ALS population, the VLS population sample size was small (6 survey respondents) and as such greater participation by this community in the survey may have led to very different results.

¹²⁶ With a further two providing text highlighting that they would either not attempt such a task, or that their response would depend on "who was asking".

Across the ALS population, the portrayal of law as an academic discipline was highly positive, and the sheer breadth and diversity of the work and approaches the field captures often underpinned this depiction, “*An exciting set of varied engagements with law: some doctrinal, some philosophical, some critical, and characterized by a very high number of law-and subjects: law and geography; law and literature; law and anthropology etc.*”, with another describing law as,

[A] muscular, interactive field full of surprising angles and unexpected convergences. It is a highly stimulating world to work in” (ALS respondent).

One respondent noted that “*it would be sad to consider [the field of law] unscientific, but a broad definition of science is required!*” and also added that “[*c*]learly it cannot be uncreative and boring...!”

2. Outsiders’ Portrayals: How Non-Legal Academics Perceive Legal Academia

Those ‘insider’ portrayals offer an interesting benchmark for evaluating non-legal academics’ responses. In respect of non-legal academics, while the population as a whole provided responses that span the full range of attributes, the most frequently selected were *Academic* (60.8%), *Applied* (54.9%), *Reliant on Documents* (46.1%), *Interesting* (45.1%) and *Theoretical* (43.1%). We see points of convergence between legal academics’ own description of the field and the selections made by non-legal academics (“non-law”) in respect of the frequency of selection of *Theoretical*, *Academic* and *Reliant on Documents*. We also see convergence between the ALS and non-legal academics, with both populations highlighting *Interesting* as a key attribute (non-law: 45.1%; ALS: 90%). Attributes attracting the lowest selection frequency by non-legal academics included *Uncreative*, *Unscientific*, *Dealing in Pure Ideas*, and *Boring*. Nevertheless, 54.9% of non-legal academics also selected *Applied* which was more strongly emphasised by ALSs (45%) than VLSs (33.3%). Across the population of non-legal academics as a whole, the mean number of attributes selected per survey respondent stood at 5.08, with none selecting above 16.

We also cross-referenced the responses of non-legal academics (‘outsiders’) with their self-reported frequency of interaction with legal academics to assess whether this factor might present different findings within that population. While this aspect of our study extends beyond the remit of the present article, and is discussed elsewhere,¹²⁷ it merits some mention here. Interactional frequency fell into four categories: Frequently, Occasionally, Rarely and Never. We found that level of interaction did appear to make a difference to characterisations of the field of legal academia. Non-legal academics who frequently interacted with legal academics were more likely to characterize legal academia as *Theoretical* (50%) than those that never interact (23.9%). Significant differences also appeared in relation to other attributes: *Methodological* (Frequently: 62.5%; Never: 41.3%) and *Empirical* (Frequently: 50%; Never: 17.4%). While none of those reporting higher levels of

¹²⁷ See Prialux et al., *supra* note 7.

interaction with legal academics (Occasional and Frequent) selected *Uncreative*, *Dealing in Pure Ideas* or *Boring*, a small percentage of those falling into 'Never' or 'Rarely' selected these (<10% in each category, with the exception of *Boring* which 11.1% of those Rarely interacting selected).

3. Insider Imaginaries: How Legal Academics Imagine Non-Legal Academics Perceive Legal Academia

As we discussed earlier, the literature reveals a variety of legal scholars that have asserted how 'others'/'outsiders' perceive legal academia in a way that is persistently negative and homogeneous. While aware that we were inviting speculation, we also asked our legal academic survey population to undertake such an exercise. We asked them to select from the same list of 21 descriptors the attributes they believed non-legal academics might select in typifying legal academia. In respect of those surveyed, while the legal academics' imaginaries often contrasted with how non-legal academics responded, we do see a number of points of alignment. Attributes frequently selected by legal academics in terms of how they imagined non-legal academic responses, included *Theoretical* (VLS: 83.3%; ALS: 40%)—an attribute which was in the top five of those selected by non-legal academics. In respect of *Reliant on Documents*, a large proportion of both parts of the law school (VLS: 83.3%; ALS: 80%) also anticipated this attribute as one that non-legal academics would likely select (non-legal: 41.6%), which also sat in the top five of attributes selected by non-legal academics in practice.

Nevertheless, for the greater part we see very different portrayals of legal academia emerging between the imaginaries of legal academics and how non-legal academics actually typified the field. In terms of *Interesting*, no VLS members anticipated that non-legal academics would select this attribute to describe legal academia. Only 10% of ALS imagined that non-legal academics would select this attribute—a factor also mirrored in the frequency of ALS respondents selecting *Boring* (60%) as an attribute that they imagined non-legal academics would select. In fact, only 6.9% of non-legal academics selected this attribute. While a high number of vocational lawyers and academic lawyers had selected *Academic* in terms of their 'own' perception of the discipline, when coming to imagine how outsiders might perceive law, this factor was far less pronounced (VLS: 16.7%; ALS: 25%). Legal academics' perceptions were rather far off the mark on *Unscientific*. In practice, while a small percentage of legal academics had selected this item in terms of their 'own' assessment (VLS: 16.7%; ALS: 10%), 66.7% of VLS respondents imagined that non-legal academics would perceive legal academia this way, whilst 35% of ALS respondents shared this view. In practice, only 7.8% of non-legal academics made this assessment (with 11.8% of non-legal academics positively selecting *Scientific*). Again, in respect of the movement away from their self-assessment of the field of legal academia to how they imagine outsiders will portray the field, both vocational and academic lawyers downgraded *Applied* as a factor (VLS: 33.3% to 16.7%; ALS: 45% to 15%), whilst this was the second most popular descriptor selected by non-legal academics in practice (54.9%).

C. BLEAK LEGAL IMAGINARIES

When evaluating the responses afforded by non-legal academics, the 'other'/'outsider' perspective emerging from our survey presents a rather different

narrative to that appearing within the legal scholarly literature. Although there are limitations to a survey, undertaken at a single university and drawing on a relatively small population of academics, we see that a high proportion of the surveyed non-legal population characterize legal academia as ‘academic’, ‘interesting’, and ‘theoretical’. While some emphasised its vocational dimension, as well as its applied nature, these are attended by a broader range of descriptors which suggest that survey participants from a non-legal academic background anticipate a far richer and diverse scholarly field.

While this is an interesting finding, what is perhaps more striking, is the shift in attitudes of legal academics themselves between their *own perceptions of their field*, and their imaginaries about how outsiders might regard legal academia. This is perhaps most revealing in those areas where legal academic constituents have upgraded or downgraded attributes away from their ‘insider’ descriptions. In respect of the vocational lawyers, such shifts can be seen strongly on three particular attributes: *Applied* (from 33.3 to 16.7), *Vocational* (66.7 to 16.7) and *Practical* (66.7 to 0). In fact, all of these descriptors were selected by a significant number of non-legal academic survey participants (54.9%, 37.3% and 42.2%). This may highlight the possibility that VLS constituents believe that ‘outsiders’ will regard the field in ways that stand not only at odds with how they perceive it, but potentially more in line with an academic legal portrayal.

When turning to the responses of ALS respondents, what we see is a remarkably similar pattern of responses that mirror the negative imaginaries that populated the rather bleak ‘outsider’ narratives in legal scholarship. There is a very clear pattern that emerges, from ‘insider’ assessments to ‘insider imaginaries’ of outsiders, that suggests a high level of pessimism about how non-legal academics might perceive the field of legal academia. The shifts away from self-appraisals of the field (and the often upbeat narratives legal academics provided) are striking across the board: *Uncreative* (from 5% to 30%) whilst only 3.9% of non-legal academics selected this descriptor; *Arcane* (from 15% to 40%) whilst 17.6% of non-legal academics selected this; *Creative* (70% to 5%), whilst 15.7% of non-legal academics selected this option; *Unscientific* (10% to 35%), whilst 7.8% of non-legal academics selected this; *Modern* (30%) and *Innovative* (50%) are both downgraded to zero (whilst 13.7% and 10.8% of non-legal academics selected these attributes); *Methodological* was downgraded from 45% to 5%, whilst 37.3% of non-legal academics selected this. Aspects we have already noted, such as *Academic* moved from 80% in terms of self-perception to 25% in evaluating how non-legal academic ‘outsiders’ might see legal academia (whilst 60.8% selected it in practice - the most commonly selected descriptor). In similar force, *Interesting* moves from 90% to 10%, whilst 45.1% of non-legal academics selected interesting. And *Boring* moves from 5% to 60%, while only 6.9% of non-legal academics selected this in practice. Other noteworthy descriptors include *Empirical*, where 55% ALSs selected this in their self-assessment, but downgraded this to 5% when imagining the responses of outsiders (whilst 24.5% of non-legal academics selected this) and *Practical* moves from 75% to 15% (whilst 42.2% of non-legal academics selected this).

The overall picture presented in terms of how ALS imagine legal academia through the eyes of ‘outsiders’ is pretty bleak and fairly peculiar – *arcane*, *uncreative*, *unscientific*, *unapplied*, *non-methodological*, *an impractical* field, with minimal *empiricism*, minimal *coherence*, that is vocationally-orientated, *boring*, and perceived as less *academic*. What remains, confidently, is an imaginary that outsiders will see the field as one that is highly *Reliant on Documents* (80% of legal

academics selected this; whilst 46.1% of non-legal academics did). To the extent that this attribute is selected by all populations it highlights some alignment between legal academic imaginaries and outsider perspectives; despite this, the overall thrust of legal academics' imaginaries is that outsiders are unlikely to grasp the more nuanced position that 'documents' or 'text' occupy within the field—a factor that one of our ALS respondents was keen to emphasise to the 'hypothetical outsider',

The legal discipline always implies the analysis of legal texts (whether hard law, soft law, or case law) in a way no other discipline does. At the same time, the legal discipline engages with the context of these texts; mostly to understand them better, while some legal research reverses that order by primarily aiming to understand the societal reality in which the texts operate. Understanding that reality (partially by analysing the texts) is then the main focus, rather than aiming to interpret the texts by taking into account the contextual reality (ALS Survey Respondent).

D. THE NATURE OF AND APPROACH TO LEGAL RESEARCH (AND SCHOLARSHIP)

While our survey was directed to two main groups, legal academics and non-legal academics, the legal academics constituted the critical benchmark for evaluating all of the responses of non-legal academics, and indeed, the legal academic imaginaries. In approaching the next major aspect of this article—notably how legal academics imagine that 'outsiders' will portray legal research specifically, it proved necessary to devise an approach that could capture (a) how legal academics in our survey population typify their own research approaches; (b) how legal academics imagine 'outsiders' in the academic population will typify their research; and (c) how non-legal academics will conceptualise the approaches that they believe are ones typical in the field of legal research.

This element of the survey proved to be the most challenging by virtue of a range of considerations. The first major challenge concerned the issue of how to design a survey inviting responses around legal research approaches that would also be comprehensible to multiple audiences, consisting of both insiders and outsiders. As noted earlier, some of the terms deployed by legal academics to describe different legal research orientations can be interpretatively slippery even to insiders. That concern is amplified when centralizing non-legal academics, some of whom may be entirely unfamiliar with concepts such as 'black-letter law' or 'socio-legal'. Our approach to this was to include more general categories of research (such as *empirical*, *vocational* and so on) which would be comprehensible to all survey populations. The second challenge related to how one goes about analyzing these categories so that one can sensibly map the approaches that (1) legal academic respondents actually take to their research, as distinct from (2) their imaginaries of how outsiders will typify legal research approaches, and (3) non-legal academics beliefs about legal academic research. Both of these issues are discussed shortly. The final major consideration, and certainly quite an initial stumbling block for us, related to our legal academic survey sample and the question of which legal academics should be included. We tackle this latter issue first.

Insofar as this aspect of the survey concerned *legal research*, as distinct from *scholarship*, there had been considerable debate within our research team about whether to include the VLS population at all. As noted earlier, the activities and work

profiles of VLS scholars can be seen as distinctive in many respects from those of the ALS population, and engagement in research constitutes a clear point of distinction. Vocational legal scholars employed at Cardiff Law are typically on teaching and *scholarship* contracts, rather than teaching and *research*, and their central work consists of work activities that have a vocational and practical lawyering orientation rather than an academic leaning. In turn, VLS colleagues, as with all those on teaching and scholarship contracts are not expected to meet research benchmarks (e.g. through producing research outputs) for promotion or other institutional requirements. Yet, VLS and ALS are all ‘legal academics’. Moreover, there are some members of the VLS population, who, despite contract type, *are* engaged in research activities, just as ALS is not composed exclusively of individuals on teaching and research contracts (e.g. one of our ALS survey respondents was employed on a teaching and scholarship contract). These considerations, alongside our value of the work of VLS colleagues and our belief that the distinction between scholarship and research is an unpromising and problematic qualifier for sorting out who is, and who is not a ‘legal academic’, led us to explore further the ways that including the VLS population might prove fruitful. In this respect, we considered that even where a clear delineation emerged between the VLS and ALS populations, including distinctions between approaches to *scholarship* and *research* in terms of paradigm orientations, this, coupled with the imaginaries produced by both populations and the alignment with non-legal academic responses might produce useful and interesting results. For these reasons we sought to design our ‘legal academic’ facing survey on inclusive grounds so that it captured approaches to *scholarship* and *research* in this section of the survey. The categories that speak to approaches therefore serve to span those two potentially distinctive paradigm orientations.

So here we start by highlighting how we went about capturing the research and scholarship approaches of those within the VLS and ALS populations. All legal academics were presented with the following categories, and were asked to situate on a sliding scale how much they thought the subjects and approaches best described *their own* research or scholarship:¹²⁸

- **Descriptive**, concerned with legal judgments, statutory provisions and other legal instruments;
- Investigative/**empirical** approaches;
- **Normative**/Philosophical/Analytical Approaches.
- Investigation of **social phenomena**;
- Adopt **vocational approach** with strong focus on legal education and legal profession;
- **Theoretical** and critical approaches, including social, economic, feminist, historical and political.

For each of these categories, participants were presented with a sliding scale which ran from 0 – 100 (‘does not describe well’ – ‘does describe well’), with the default sitting at 50. Survey respondents could also select ‘not applicable’ under each item which if selected would have the effect of returning a zero response for that item.

¹²⁸ We also included the categories Individual/Armchair/Library based, *Lone Scholarship* and *Collaborative/Cross-Disciplinary Work*.

Following this, legal academics were presented with the same question but one which invited them to highlight, in the same way, how they thought academics from other disciplines would respond to such a question.

This question set was also put to non-legal academics in the main survey. The question asked non-legal academics to highlight on the sliding scale the extent to which they believed each of these categories described the research and research approaches of legal academics.

E. CONSTRUCTING A RESEARCH PROFILE SPECTRUM – BLACK-LETTER TO SOCIO-LEGAL

Each survey response to this question elicited a range of scores which the survey participants provided. Legal academic survey participants would weight the extent to which their *own* research (or where appropriate, scholarship) was weakly or strongly typified by *Descriptive, Empirical, Normative, Social Phenomena, Vocational* and *Theoretical* approaches on a sliding scale. Where this question was put to non-legal academics, that population was being asked to evaluate their beliefs or knowledge about research approaches typical of the legal academic field. The sliding scale afforded a numerical score from between 0 to 100. By way of an example, three different individuals, X, Y and Z, might use the sliding scales to typify research approaches in law in the following way:

Figure 2. Example Legal Research Profiles.

Example Respondent	Descriptive	Vocational	Normative	Social	Empirical	Theory
X	40	20	40	70	30	50
Y	100	90	10	10	0	10
Z	20	10	50	80	70	80

The collection of those scores, running from *Descriptive* through to *Theoretical* produced by each survey respondent is then treated as a unique and indivisible research profile record. The aim of so doing is to give us an idea of the range of approaches that a survey respondent considers to best represent their own research/scholarship in the case of a legal academic, or that a survey respondent believes is typical of legal research where they are a non-legal academic.

To evaluate and map the different research profiles of our survey respondents, and the raw scores within them, we created an overarching scoring method. We sought to produce a scoring method that could translate a series of raw scores contained within individual research profiles, into something more globally meaningful. In line with the different paradigm orientations highlighted in the literature, we settled on achieving an indicative spectrum running from *black-letter law* to *socio-legal* onto which the individual research profile records could be plotted, and enable us to make sense of a series of raw scores. While crude, the aim was simply to provide an overall visualisation of the kind of paradigm research (or scholarship) orientation that survey respondents claimed to possess (or imagine). While the associations that we make can be debated, each of the 'approach' variables (*Descriptive, Vocational*

and so on) were treated as indicators of a particular paradigm orientation in the following way. *Descriptive* and *Vocational* were treated as approach variables more commonly associated with a *pure black-letter law* approach, *Descriptive*, *Vocational* and *Normative* as indicators of a *black-letter law* approach (rather than ‘pure’),¹²⁹ and *Social Phenomena*, *Empirical*, *Theoretical* and *Normative* were treated as indicators of a more *Socio-Legal* approach.

These approach variables were organized within an equation accordingly (see Figure 3 below). The effect of the equation when applied to the individual raw scores of research profiles was to produce an overarching Research Profile Score. The overall calculation for a research Profile Score is achieved through combining the *Socio-Legal* score, the *Normative* element, the total from which the *Black-letter Law* score is deducted. This achieved a single “Research Profile Score” for each unique research record.

Figure 3. Calculating the Research Profiles.

	Descript (a)	Vocation (b)	Black Let (c)	Norm (d)	Social (e)	Empiric (f)	Theory (g)	Socio- Legal (h)	Socio-L & Normative (j)	Research Profile Score
X	40	20	30	40	70	30	50	50	90	+20
Y	100	90	95	10	10	0	10	6.66	16.66	-78.34
Z	10	2	6	50	80	70	80	76.66	126.66	120.66
	$(c) = \frac{(a)+(b)}{2}$				$(h) = \frac{(e)+(f)+(g)}{3}$				$(j) = (d) + (h)$	$= (j)-(c)$

These overall ‘Research Profile Scores’ could then be plotted on a Spectrum accordingly. In Figure 4 below, the Research Profile Scores are visualised on a graph which runs from Black-Letter Law through to Socio-Legal.

In testing the spectrum, the *maximum scores* achievable under the two main categories (at either end of the spectrum) were as follows. For *pure black-letter law*, the maximum research profile score would stand at -100¹³⁰ where scores consisted

¹²⁹ Some of the legal scholarship we highlighted earlier noted normative dimensions of legal research, with some theorists affording it a particularly special place (e.g. SMITS, *supra* note 4.) Nevertheless, distinct from the other categories (e.g. vocational, empirical and so on) it proved extremely challenging to determine where (if anywhere) a normative approach to law might fit within different research paradigm orientations. A legal academic who considers herself to be doctrinal *or* socio-legal (or a blend of the two) might well conceptualize herself as engaged in work that has a normative dimension to it. Coupled with a hypothesis that those engaged in practical and vocational ‘scholarship’ within the VLS population might be less inclined than their ALS counterparts to typify their work as possessing a normative dimension, we separated out ‘normative’ as a category in its own right for analysis.

¹³⁰ We could, of course, have reversed this overarching research rating in order to produce a minus value for scores associated with *Socio-Legal* attributes, rather than *Black-Letter law*. On reflection, while such a change would have been presentational only, it may have been worthwhile given how the assertion of a negative/minus value here appears to

exclusively of 100 on both *vocational* and *descriptive* approaches, with all other ingredients (i.e. empirical, normative, social phenomena, theoretical) being scored by the survey respondent at zero.¹³¹ In fact, one VLS respondent mapped directly onto this definition of 'pure black letter law' having selected 100 *Vocational*, 100 *Descriptive* with all other attributes scored to zero (see Figure 4 below). At the other end the spectrum is *purely socio-legal*, where the maximum research profile score would stand at +200. This would be achieved through responses of 100 on each of the categories of *social phenomena*, *empirical*, *normative* and *theoretical*, with an absence of all black-letter law ingredients.

Scores sitting in between -100 and zero are typified by a dominance of black-letter law approaches—e.g. a score of zero can represent a response of 100 for *Vocational*, *Descriptive* and *Normative*. Nevertheless, scores around zero can also denote an increasing mixture of approaches, but these remain more strongly typified by those attributes highlighted here as black-letter law factors. Scores between zero and 100, indicate an increasingly mixed profile which becomes more dominated by socio-legal approaches towards 100. Profiles above 100 sit within a terrain very strongly dominated by socio-legal approaches with an extremely limited emphasis on *Vocational* and *Descriptive* factors. This spectrum and the scoring method provided the framework for plotting the profiles of legal academics (and in the main survey, the profiles of 'non-legal academics') and enabling subsequent analysis.

To be clear, the aim here is not to achieve a neat categorisation of all individual survey participants into either 'black-letter law' or 'socio-legal'. Considerable debate can be enjoyed over whether specific approaches are genuinely indicative of a 'black-letter law' or 'socio-legal' approach. Instead, the intention is to create an *indicative* spectrum that indicates in relative terms differences in paradigm orientation to legal research and scholarship. Even if we arrive at final research profile scores that indicate a paradigm orientation that is more socio-legal than black-letter law, or even 'mixed', the final assessment is designed to achieve relative scoring and to compare and contrast different sub-populations (e.g. all legal academics, or VLS and ALS).

F. FINDINGS ON RESEARCH APPROACHES

Earlier in this article when discussing survey responses around general depictions of the field, we noted that while legal academic survey respondents generally held favourable views about their own field, they were noticeably more pessimistic in their estimation of how non-legal academics would view their discipline. This was

tacitly feed into, rather than depart from, the sustained criticism that purely black-letter law approaches have been subjected to. Our aim here is not to suggest that particular approaches to legal research are preferable to others, nor to diminish the (critical) value of doctrinal/black-letter law approaches.

¹³¹ This is, of course, contestable. While some definitions of 'black-letter law' often include normative elements (See Bartie, *supra* note 4.), this would appear to be contested by others (for example, see SMITS, *supra* note 4). Moreover, insofar as those engaged in scholarship might be involved in work that is not necessarily self-consciously involved in addressing overarching questions about 'how society ought to be', it seemed to us a better description of more vocationally-orientated work to exclude normative dimensions. What we found in practice was that while most respondents across the legal academic population selected 'normative' to some degree, the respondents that did not include this element sat exclusively in the VLS population.

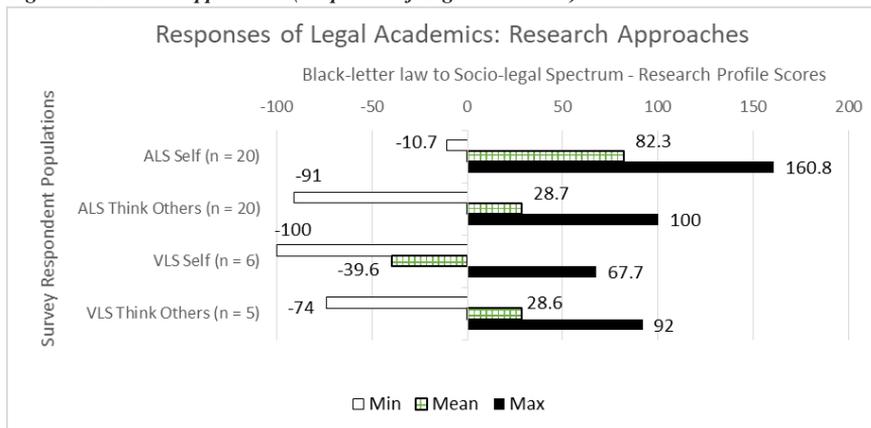
particularly apparent with the ALS survey respondents, where it was anticipated that non-legal academics would portray the field as: *Arcane, Uncreative, Unscientific, Unapplied, Non-methodological, impractical* field, with minimal *empiricism*, minimal *coherence*, vocationally-orientated, *boring*, and perceived as less *academic*. While such a perspective aligns quite neatly with the asserted ‘outsider’ view presented in legal scholarship, as we highlighted, it did not align with the portrayals provided by the non-legal academics we surveyed. While some key elements converged (e.g. *Reliance on Documents*), the general pattern was of divergence, with a typification of the field by non-legal academics as ‘academic’, ‘interesting’, and ‘theoretical’.

The current exercise sought to dig more deeply into such attitudes and beliefs. Engaging all survey respondents in a more granular evaluation of the field by focusing on the range of research methods and methodologies available to researchers, presented two opportunities. First, it allowed us to evaluate the consistency of some of the responses provided earlier. However, the second, is that it provided survey respondents with a different opportunity to articulate their impressions of the field, and indeed, to think through in a more detailed way about how outsiders/non-legal academics might come to imagine it. If, as the ALS respondents seemed to believe on the basis of their earlier responses, non-legal academics would regard the field as non-methodological, impractical, unempirical or largely vocational—the current question invited them to state the extent to which they believed that would be so.

1. Legal Academics’ Presentation of Own Research and Scholarship Approaches

The overall mean of each legal academic group, ALS, and VLS, in respect of self-rating (‘my approach to research and scholarship’) is reflected below in Figure 4 as ‘ALS self’ or ‘VLS self’, and the rating in respect of how ALS and VLS groups believe non-legal academics will respond when addressing such a question is detailed under ‘ALS Thinks Others’, and ‘VLS Thinks Others’, accordingly. The results present the overall means of these groups, as well as providing the minimum and maximum Research Profile Scores from each constituent group.

Figure 4. Research Approaches (Responses of Legal Academics).



In respect of self-reports of ALS, the overall mean sits within “mixed” territory, but with a strong orientation towards socio-legal approaches, and to a lesser degree, a tendency to also draw on approaches associated black-letter law. 7 of the ALS survey participants had Research Profile Scores that were above 100, indicating profiles that are very strongly socio-legal, with very low scores on black-letter law factors (an overall black-letter mean score of 16). Nevertheless, for the remaining ALS population (n = 13) factors associated with black-letter law, *Vocational* or *Descriptive*, or both, most clearly have a place in their work (with a black-letter mean of 43). The maximum ALS Research Profile Score at 161, highlighted a profile composed of 85 Social Phenomena, 5 *Vocational*, 12 *Descriptive*, 80 *Theoretical*, 85 *Normative*, and 88 *Empirical*. At the minimum end, the lowest Research Profile Score recorded is -10.7. This was the only ALS score that dipped below 0, and the profile belonged to the only survey respondent on a teaching and scholarship contract in the ALS population. Such a finding appears to support the conclusions reached by Cownie, and Siems and Síthigh, to the extent that there would appear to be a strong prevalence of mixed approaches within the field of legal academia, with a strong socio-legal orientation.¹³²

In respect of the survey responses of VLS, the overall mean score demonstrates the opposite pattern, sitting firmly below zero, indicating a very strong orientation towards black-letter law factors. An overall Research Profile Score of zero, would typically indicate a profile composed of *Vocational*, *Descriptive* and *Normative*, whilst a score of -100 indicates a more “Professional Law” profile consisting exclusively of *Vocational* and *Descriptive*. In practice, 5 VLS Research Profile Scores sit below zero (-17, -23, -74, -91, and -100) indicating an orientation that ranges between black-letter law towards a more professionally distilled form of black-letter law. Out of the 6 VLS respondents, only one had a Research Profile Score above 0, sitting at 67.7 with a strongly mixed profile: 82 *Social Phenomena*, 96 *Vocational*, 82 *Descriptive*, 80 *Theoretical*, 80 *Normative*, and 68 *Empirical*. Overall, these findings align neatly with our expectation of the VLS population in light of contract type and professional orientation.

2. *Insiders' Imaginaries of Outsiders' Depictions of Legal Research*

In the context of how legal academics ‘imagine’ others/outsideers will regard legal research, here we see particularly interesting results. The imaginaries of both ALS (n = 20) and VLS (n = 5)¹³³ were fairly similar with means that sit within the “mixed” territory. This sits somewhat at odds with the earlier insider imaginaries our legal academic survey respondents provided in respect of general depictions of the legal academic field—and it certainly provides a very stark contrast with the imaginaries of ‘Others’/‘Outsiders’ as presented in the literature which highlight a portrayal of legal academia that is strongly black-letter law in orientation. This stark portrayal, however, might well reflect a key weakness of that earlier survey

¹³² COWNIE, *supra* note 3; Siems & Síthigh, *supra* note 4.

¹³³ Across other areas of the survey, we report 6 VLS survey respondents. The drop of 1 VLS participant here reflects that one of our VLS respondents that had provided a self-report of approaches to research and scholarship, and went onto complete the remainder of the survey, nevertheless selected ‘not applicable’ for all elements of this aspect of the survey. No explanation was given for this.

question, which sought out broad typifications of the legal academic field through the presentation of a series of binary choices (e.g. boring/interesting, academic, unacademic etc.), rather than affording survey participants the opportunity to offer more nuanced/measured evaluations of how ‘others’/‘outsiders’ might think. As such, if the prior survey question suggested extreme pessimism among the legal academic community in terms of how they think others/outsiders will perceive the field, the present question elicited responses which suggest that the overall view is not as bleak as it had first appeared.

The overall scores of ALS and VLS populations highlight a belief that non-legal academic ‘others’/‘outsiders’ will regard the field as consisting of a “mixed” terrain, rather than squarely ‘black-letter law’. However, as Figure 4 above shows, both the ALS and VLS populations anticipate that non-legal academics will nevertheless portray the research approaches in law very differently to how ALS and VLS populations themselves depict them. In common with our earlier finding, across both legal populations we see a combination of up- and down-grading from self-reported data that suggests that legal academics expect to see a strong divergence between ‘insider’ and ‘outsider’ perspectives. This pattern can be seen in Figure 5 below. Across both legal populations, we see significant movement away from self-assessments, with 17 survey respondents migrating on average 76 points towards or deeper into black-letter law territory, and 8 survey respondents moving on average 65.9 points towards or deeper into socio-legal territory. While we see movement across all categories (social phenomena, vocational etc.), the most significant changes can be seen in the stronger emphasis placed on black-letter law factors, *Vocational* and *Descriptive*, with some downgrading of other categories. Interestingly, the only factor that remains more or less stable is *Normative*.

Figure 5. Shifts in Means from Self-Assessment to Imagined ‘Other’/‘Outsider’ (n = 25).

(n = 25) ¹³⁴	<i>Social Phenomena</i>	<i>Vocational</i>	<i>Descriptive</i>	<i>Theoretical</i>	<i>Normative</i>	<i>Empirical</i>
Self-Assessment	57.4	43.1	51.7	61.9	60.0	45.6
Think Others	41.2	66.9	84.4	58.8	59.4	34.8

Looking within the specific populations, we can potentially account for the strength of the overall pull towards black-letter law factors by virtue of the comparatively larger population of ALS. It is the majority of the ALS population that accounts for the strong migration towards black-letter law in their assessments (ALS constitute 16 of the 17 respondents that migrate in this direction). This particular population very strongly moves away from self-reported Research Profile Scores. While the overall mean for self-assessment Research Profile Scores falls squarely into ‘mixed’ territory, with a maximum sitting high in socio-legal and the lowest score sitting narrowly below zero, when it comes to imagining how others/

¹³⁴ By virtue of considerations highlighted in n 134 above, the overall sample of legal academics is impacted (n=25, rather than n=26).

outsiders might survey the field, the score lines shorten considerably so that profiles appear far less socio-legal (on average by 77.6 points). The overall imaginaries of the ALS population seem to suggest an expectation, on the part of the majority, that non-legal academics will see the field of law as extremely different to the approaches they take to their research. But, insofar as this suggests an expectation that 'others'/'outsiders' will see it as *more* vocational and descriptive, this is a far cry from an expectation that non-legal academics will anticipate a field that is purely doctrinal. Instead, the overall results highlight an expectation that outsiders might see the field as largely mixed.

In turn, while a smaller population pull in the opposite direction, towards socio-legal factors, 8 of our legal academic survey participants made selections which demonstrated this trend. Here we see an even split between 4 VLS and the remaining 4 ALS (including 1 ALS on a teaching and scholarship contract, and another ALS that is recorded as a part-time tutor). While the VLS population is small, those migrating towards a more socio-legal depiction are far more pronounced with a very strong shift away from self-reported Research Profiles (VLS: an average of 89.2 point rise). In respect of the 4 ALS participants who anticipate a more socio-legal depiction, we see a 42.5 point rise.

The general pattern across the populations of VLS and ALS is highly consistent; a series of imaginaries that others/outsiders will categorise the field in ways that are at odds with own approaches. Certainly, for the ALS population, this maps to some degree onto our earlier findings of a tendency towards pessimism in respect of how 'others'/'outsiders' think. Nevertheless, this is far less marked, and the overall results provide a series of legal academic voices which sit at odds with those in the legal scholarly literature. Moreover, even if the overall trend highlights that the ALS community in particular hold an expectation that 'others'/'outsiders' will regard the field in a way that is *more* vocational or descriptive in orientation, there are exceptions to this. We noted a number of exceptions earlier, in respect of two ALS survey participants on non-typical contract types (teaching and scholarship and part-time casual tutor) who migrate away from their own research profiles towards a stronger socio-legal depiction when imagining the responses of non-legal academics (from Research Profile Score of 37 to 69, and -11 to 76 respectively). However, two further ALSs also shifted higher up the socio-legal scale, highlighting a perception that others/outsiders might imagine the field to be slightly more typified by socio-legal approaches than was the case with their own research depictions (migrating from 40 to 65, and 73 to 100 respectively).¹³⁵

¹³⁵ While we have cross-linked all profile responses with a range of separate markers around cross-disciplinary collaboration, we found no particular pattern emerged between those that migrated from one Research Profile Orientation to another. Nevertheless, what we did find is that these 2 ALS respondents were among 8 out of the entire cohort of legal academics (n = 25) that had high cross-disciplinary collaborative scores, and consistently reported this orientation across the survey. Nevertheless, to assess the extent to which higher levels of collaboration might provide greater insight into the beliefs of others, would require far more detailed questioning than our survey set out to achieve.

3. Do Legal Academics' Imaginaries Align with the Views of 'Others'/'Outsiders'?

Central to the present article has been the insider imaginaries of legal academics about how 'others'/'outsiders' will perceive the field of legal academia. As we noted at the outset, this was a theme which emerged from our evaluation of the legal literature and the results of the benchmarking surveys from our scoping study at Cardiff Law. Our key aim in the scoping study as a whole was to explore how non-legal academics conceptualized legal academia, their attitudes towards and insight into the field. While the results of our main survey are discussed extensively elsewhere,¹³⁶ our findings around how non-legal academics at Cardiff University perceive legal academia and the extent to which this aligns with imaginaries, merits brief discussion here.

A key reason for this is by virtue of how some of our results from the non-legal academic survey responses appear to disrupt the imaginaries that we have noted throughout this paper. What is particularly disrupted is the view maintained within legal scholarship around how 'others'/'outsiders' regard the field. In particular, the assumption that 'others'/'outsiders' will perceive the field of legal academia in a negative light, and as largely doctrinal, unempirical, untheoretical etc. is one that appears to be countered by the survey responses from non-legal academics. We earlier highlighted how our survey findings around field wide descriptions (e.g. *interesting, boring, academic, unacademic* etc.) suggested a more positive portrayal of the field on the part of 'others'/'outsiders' than the imaginaries of legal academics surveyed. In similar force we find points of non-alignment between legal academics' imaginaries on the benchmark survey and the survey responses of non-legal academic population in respect of depictions of approaches to legal research.

The results on approaches to legal research as reported in the main survey, and as highlighted below in in Figures 6 and 7, organize the non-legal academic survey Research Profile scores by interaction. This used the frequency of self-reported interaction with legal academics across a range of settings (e.g. teaching, supervision, workshops, research etc.) as a vehicle for evaluating whether the extent of interaction with legal scholars and researchers might make a difference to their responses. While this is discussed elsewhere at greater length,¹³⁷ here we comment on the aggregate finding—notably, that standing in contrast with the portrayal within the legal scholarship that others/outsiders will regard the legal academic field as being dominated by a doctrinal or black-letter law focus, the results as a whole highlight that non-legal academics portray the field as one which is overwhelmingly *mixed* in terms of the nature of research and research approaches deployed.¹³⁸ While scores below zero indicate research profiles more strongly characterized by black-letter law approaches, significantly, none of the non-legal academic Research Profile score *means* dip below zero (or even come close to zero). Only 7 of the overall 102 non-legal respondents produced Research Profile Scores that dipped below zero, moving into black-letter law territory. The remainder are situated above zero, with over 55 per cent recording Research Profile

¹³⁶ Priaux et al., *supra* note 7.

¹³⁷ *Id.*

¹³⁸ This finding is one that is also supported strongly by a second set of surveys run at Cardiff University.

Scores above 50, and nearly 6 per cent with a Research Profile above 100. As we noted earlier, while the VLS population on aggregate is more strongly characterized by black-letter law approaches, none of the 'outsider' groups (represented here as 'no', 'low', 'medium' and 'high' interactors), nor the non-legal academic population on aggregate, come close to resembling the legal scholarly profile of our VLS population in overall mean score.

Note that in Figures 6 and 7 below, the 'Survey Respondent Populations' highlighted as *No interaction*, *Low interactors*, *Medium Interactors* and *High Interactors*, all belong to the non-legal academic group of survey respondents.

Figure 6. VLS Imaginaries and Non-Legal Academics.

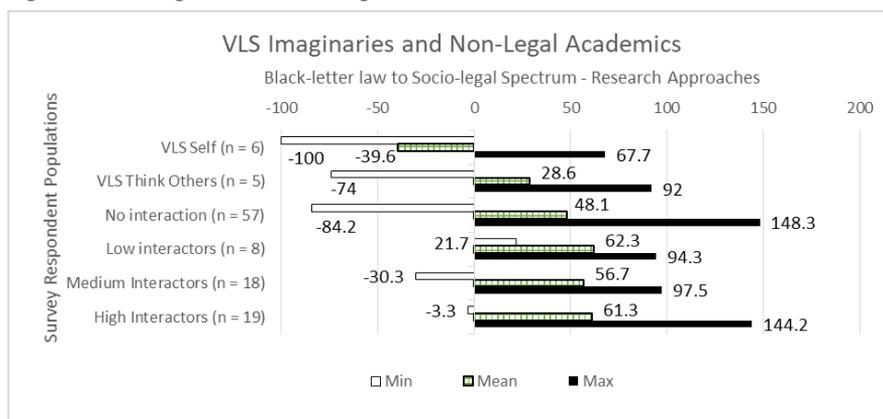
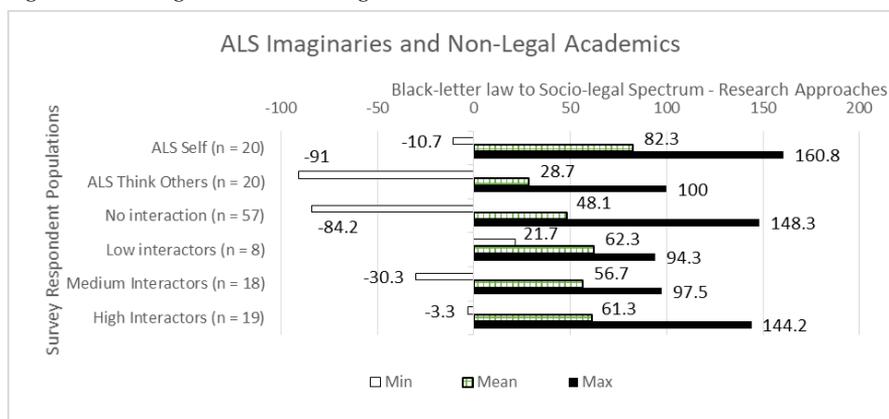


Figure 7. ALS Imaginaries and Non-Legal Academics.



When we focus on the legal academic respondents in our survey, a slightly more nuanced and less extreme series of imaginaries emerge—most certainly ones which sit at odds with the imaginaries profiled in legal scholarship. While the minimum scores among both the ALS and VLS populations suggest imaginaries that non-legal academics are likely to regard the field of legal academia as bordering

on ‘purely black-letter law’ in approach (with the ALS group anticipating this to an even stronger degree with a Research Profile minimum score of -91), the mean scores of both the ALS and VLS groups both appear to suggest an expectation that ‘others’/‘outsiders’ will regard the field as more mixed in practice. While the VLS group self-reports a more black-letter law orientation, the imaginaries as to how others/outsiders are likely to regard the field of legal academia shifts in the opposite direction—with a mean that anticipates that ‘others’/‘outsiders’ are likely to perceive the field as more mixed in practice (and at odds with the approaches VLS take to their own work). In contrast, while the ALS group self-reported mean sits high on the socio-legal spectrum, and this drops significantly when imagining the responses of ‘others’/ ‘outsiders’, there would appear to be an expectation that others will anticipate the field to be populated by more mixed legal research approaches in practice. On the basis of the mean scores however, the ALS imaginaries do tug the hardest towards the black-letter law end of the spectrum.

Overall then, we find a series of responses around research approaches that diverge quite significantly from the imaginaries within legal scholarship as to how ‘others’/‘outsiders’ will perceive the field of legal academia; this is not only by virtue of how our non-legal academic population responded, but also the imaginaries provided by legal academics themselves. What we do find, however, is that even if legal academics imaginaries suggest an expectation that ‘others’/‘outsiders’ are unlikely, on the balance, to depict the field as starkly ‘black-letter law’, the difference between self-reported approaches to research and scholarship highlights an expectation that how others will regard legal research will be rather different (i.e. more dominated by black-letter law approaches or socio-legal approaches) to how legal academics go about their own research in practice.

While our surveys highlight pessimism within the legal academic community at Cardiff University about how others/outsiders might perceive the field at the point of field-wide description, with an expectation that others will see legal academia as unacademic, untheoretical, purely doctrinal, unapplied, non-empirical or indeed, boring—the results from the imaginaries in respect of research approaches, suggest *less* pessimism. While there is an expectation that non-legal academics/‘others’ might perceive the field in ways that are distinctive from the self-perceptions of legal academics themselves in terms of approaches to legal research, the overall results do not suggest that legal academics expect ‘others’ to regard the field as purely black-letter law. Perhaps there is now an emerging sense, at least amongst this community of legal academics, that the field of law is now far more strongly integrated within the academy so that it would be inconceivable that academics in other parts of the University could come to imagine the discipline in the particularly stark and harsh terms that legal scholarship has portrayed.

IV. CONCLUSION

Throughout this piece, we have centralized the legal academic ‘imaginary’ around how legal academics believe that ‘others’/‘outsiders’ perceive their field. In the legal academic literature, as with our survey findings, we identified a bleak series of such imaginaries. While certainly far more pronounced in the legal scholarly literature, both the literature and our surveys suggest an expectation that ‘others’—whether in the world at large, or within neighbouring disciplines at Cardiff University—perceive the field of legal academia in a negative light.

Expectations of this kind may have a far from benign effect. As we noted at the beginning of this article, 'imagination' has a performative dimension. In this respect, the persistently pessimistic beliefs and expectations that legal academics appear to hold about how 'others'/'outsiders' might regard them and their field, suggest the potential for inhibiting, forestalling and closing down the kinds of collaborative opportunities and intellectual partnerships that legal academics could strongly benefit from. If legal academics expect to find that others regard legal academia as boring, methodologically deficient, unscientific, or irrelevant, this is perhaps more likely to encourage legal academics to be more cut-off from the wider intellectual environment than is desirable, given the value of the work that they perform, and of its potential to inform cross-disciplinary discussions. Indeed, in the context of legal scholarly contributions which emphasize the critical importance of cross-disciplinary collaborative engagements for the future of law as a discipline,¹³⁹ and its relevance to the outside world, these imaginaries suggest potential anxieties about taking this step given the expectation that 'outsiders' will perceive the legal academic field in a largely negative way.

Perhaps the most notable finding of our research, however, is how these negative imaginaries contrast so markedly with legal academics' beliefs about their *own* field. While legal academics at Cardiff who participated in our empirical research appear to imagine that other academics would hold a similarly negative view of their discipline to that found in the literature, when asked to evaluate their own field, many expressed a sense of confidence and pride. Again, we see a sharp contrast with the literature which highlights uncertainty on the part of insiders about their discipline, tantamount to an 'identity crisis'.¹⁴⁰ One possibility is that this sense of rampant confidence, pride and general security within legal academia is specific to Cardiff Law—but this seems doubtful. Here we see a rich description, charged by a sense of positivity, and at points displaying excitement at being part of a "muscular" and "stimulating" discipline. Yet when invited to contemplate how 'others'/'outsiders' might regard the legal academic terrain, this sense of confidence and excitement is far more muted, and on some accounts, entirely absent. In undertaking field-wide description, the overarching responses or imaginaries, are most certainly negative—but as we noted, when asked to evaluate research methods and methodologies from an insider and outsider perspective, the insider imaginaries softened so as to become *less* harsh and pessimistic. Nevertheless, overall, the pattern is clear: when moving from self-evaluation to the imagined evaluation of others, the accounts become *gloomier*.

Across both these substantive areas of the survey, the shifts in tone and tenor from self-evaluation to imaginary was very striking so that it was possible to identify that legal academics appeared Janus-like, speaking in two voices depending on which judgement, inward-facing or the imagined outsider looking in, was begged. Whether vocationally-orientated or situated on the academic side, the legal academic imaginary of how outsiders would depict the discipline of law strongly resonates with the often 'hostile' and 'cruel' commentaries provided by some of Becher's interviewees several decades ago. Moreover, so too does this harsh voice resonate with some of the legal scholarship when it comes to thinking about the

¹³⁹ Little, *supra* note 105; GENN ET AL., *supra* note 4.

¹⁴⁰ SMITS, *supra* note 4, at 4.

outside world—of devaluing the discipline—through the voice of the imagined ‘other’/‘outsider’. As we highlighted earlier, this other/outsider *is* imagined. As implicated within the legal scholarship, this ‘other’ often appears as a fleeting, but ultimately rhetorical vehicle. There is, however, one constant in terms of when the outsider appears—his/her personality, thoughts and perspectives are crafted largely on the back of fantasy, rather than based on external enquiry about how ‘others’ contemplate legal academia.

Although the imaginaries of legal academics have constituted the central focus for us in this article, we found it useful to make reference to some of our wider findings around how ‘others’/‘outsiders’ regard legal academia. Crucial here, was the question as to whether the views of ‘outsiders’ would resonate with the imaginaries emerging from the legal scholarly literature, and survey responses of legal academics themselves. Significantly, the non-legal academics who participated in our study generally provided far more positive evaluations of legal academia than those espoused in the literature. We also found an extremely low incidence of negative appraisals on the part of non-legal academics about the legal academic field. The attributes selected least frequently by non-legal academic survey respondents were *Uncreative, Unscientific, Dealing in Pure Ideas* or *Boring*. Instead, non-legal academics placed greater emphasis on attributes that aligned more strongly with the more positive characterizations of the legal academic field provided by legal academics themselves. The extent to which these findings are generalizable of course requires further investigation. In similar force, as we noted in respect of research approaches, here too, the ‘imagined’ view that non-legal academics would generally come to portray the legal academic field as doctrinal, unacademic, unscientific and so on—fitting a description of a field that is strongly doctrinal/black-letter law—also sharply contrasted with our findings across the non-legal academic population. Overwhelmingly, the vast majority of our non-legal academic population anticipated a field that would be composed of mixed approaches to legal research.

While we acknowledge the limitations of this study, it is noteworthy that our small-scale study has provided results that do not adhere to the negative portrayals of legal academia found in the literature. The findings of this study provide some room for asserting that the depictions of the ‘other’/‘outsider’ as presented within legal scholarship might more strongly find their roots in legal scholarly imaginations, than in reality. That is not to say that the non-legal academics responding to our survey necessarily possessed strong insight into the discipline (this went beyond what our survey sought to capture), nor that we gained depth of insight into or invited open narratives—and indeed, deeper enquiry might well tell a different story. Again, further research is needed to evaluate how and whether these trends might be replicated elsewhere, and perhaps in the context of broader populations beyond Higher Education. But until that work is undertaken—and if external perceptions about legal academia as a discipline matter, as we contend they do—our study opens up the possibility of a new and far more upbeat narrative that can be told—one which departs from negative ‘folklore’ imaginaries entrenched within the psyche of legal scholars, but whose place in reality appears more questionable.

For us, this points to the importance of a dual strategy for the legal academy. The first, which speaks to the reason for us coming to write this article, is that there is a pressing need to disrupt the (negative) folklore ideas apparent in the literature of how ‘others’ regard the legal academic field. While we do not claim that the small population of non-legal academics in our survey speaks to how all

'others'/'outsiders' would represent legal academia, that our findings quickly trouble a series of negative accounts that find their roots in speculation and imagination rather than in empirical reality, does strike us as significant. Our hope is that this will prompt others to move away from speculation as a device for thinking about how 'others'/'outsiders' perceive the field in favour of evidence-based approaches. Connected to this, our second point concerns how *legal academics* 'talk' about the field of legal academia as a whole. We started out with a concern about how these negative imaginaries can have a performative effect in limiting and foreclosing collaborative horizons. But so too, can imaginaries potentially help to open up and expand horizons.

The concerns here are two-fold, but both ultimately point to the desirability of placing meta-disciplinary accounts on a stronger empirical footing. One of the striking aspects of some of the legal academic literature that we have captured here has been how a number of authors attempting meta-disciplinary level analyses have produced fairly critical takes on the state of the field, from its development, the approaches that define it, to advocacy about how the field ought to develop. While we highlighted the role that speculation played in the context of portrayals of how 'others'/'outsiders' view legal academia, it is hard to avoid the conclusion that speculation might play a role in how some depict legal academia more generally, from the attitudes of 'others' to more substantive concerns about the techniques, approaches and topics that populate the field. While valid questions can be asked about the extent to which single authors are well situated to capture legal academia at large,¹⁴¹ which given the incredible diversity of methods, methodologies and concerns it invites, should be a tall order for most of us, what particularly interests us here is *how* one portrays the field. While some have portrayed a field in crisis, as uninteresting or 'irrelevant' to 'others'/'outsiders', our small investigation with legal academics at Cardiff University highlights the presence of a far more optimistic set of conceptualizations of the legal academic field. This was most apparent in the context of inviting legal academics across Cardiff Law to describe the field to the hypothetical 'outsider'. These more positively charged, richer and diverse accounts, particularly when contrasted with negative portrayals that find their root in imagination, highlight the potential benefits of giving voice to those from within and across legal academic field. It also highlights the presence of a largely untapped resource that could enable a new way of talking and thinking about the legal academic field. It may be that broader investigation, with this more positive end in sight, could reveal a far wider range of resources with different audiences in mind, that make far more visible and apparent to insiders and outsiders what is useful, important, and promising about contemporary legal studies.¹⁴² This points to the presence of a potentially far more promising terrain for communicating to a range of publics, within and outside the academy, what legal academics do,

¹⁴¹ Buanes & Jentoft, *supra* note 8, at 451.

¹⁴² See, e.g., the positively charged account of Neil H. Buchanan, *Legal Scholarship Makes the World a Better Place*, in LEGAL SCHOLARSHIP WE LIKE AND WHY IT MATTERS (2014), <https://jotwell.com/legal-scholarship-we-like-and-why-it-matters-program/> (last visited Aug. 18, 2019). See also the Research Excellence Framework 2014 (REF2014) Impact Case Studies which highlights a large range of impactful research produced by members of the legal academic community (REF 2014 IMPACT CASE STUDIES, <https://impact.ref.ac.uk/casestudies/> (last visited Sept. 5, 2019)).

why their academic research and scholarship matters and signalling the way that legal academics can collaboratively contribute to a wide range of cross-disciplinary projects. In a significant way, we are pointing to the increased importance of legal academics being prepared to 'talk up' the work that they do, and to be increasingly willing to project these more positive articulations of an exciting, rich, diverse and relevant field to the outside world.

V. APPENDICES

APPENDIX 1. SURVEY QUESTIONS (PHASES ONE AND TWO)

Across the surveys, we also posed a series of demographic questions in respect of age, gender, level of education, job title, contract type, employment status, length of time in higher education, College/School. We also included an open text box at the end of the surveys allowing individuals the opportunity to provide comments/suggestions.

Table 1.

Phase One Survey – Non-Legal Academics at Cardiff University (Main Survey)		
No.	Statement/Questions	Response choices
1	<i>Interactional Assessment – Intensity</i>	
	Please select the frequency that you meet/talk/work with legal academics	<ul style="list-style-type: none"> • Never • Rarely • Occasionally • Frequently
2	<i>Interactional Assessment – Contexts</i>	
	In which contexts, if any, have you met/interacted with legal academics (you may select all those that apply)?	<ul style="list-style-type: none"> • Research (research groups, workshops, conferences, reading groups, research projects) • Private (social friendship) • Citizenship (advisory boards, multidisciplinary ethics committees etc) • Teaching (joint supervision, joint teaching) • Administrative (e.g. University committee meetings etc) • Other (please state)
3	<i>Interactional Assessment – Quantifying</i>	
	Please make a rough assessment of how many legal academics you know in a teaching or research context (e.g. joint supervision/teaching, interaction in research groups, reading groups etc.).	<ul style="list-style-type: none"> • None • 1 or 2 • 3-5 • 6-9 • 10+
4	<i>Interactional Assessment – Engagement with Research and Legal Scholarship</i>	
	Please select statements below that best represent you (you may select all those that apply)	<ul style="list-style-type: none"> • I do not use any legal scholarship for my research/teaching • I access and read work of legal scholars for my research/teaching • I collaborate with legal scholars in the production of research/collaborative teaching • I seek advice from legal academics in respect of my work • Other

Table 1 contd.

Phase One Survey – Non-Legal Academics at Cardiff University (Main Survey)		
No.	Statement/Questions	Response choices
5	Beliefs and knowledge about legal academia as a discipline	
	Please indicate, by clicking on the appropriate radio buttons, which attributes you believe best describe law as an academic discipline (you may choose as many as you wish).	Practical, Scientific, Creative, Innovative, Academic, Boring, Fragmented, Modern, Methodological, Vocational, Coherent, Interesting, Unapplied, Unscientific, Reliant on Documents, Empirical, Arcane, Dealing in pure ideas, theoretical, applied, uncreative.
6	Describing Personality Traits of Legal Academics	
	13 Personality factors are listed below, each is subdivided into 4 primary personality traits and individual qualities. Please select only 1 primary personality trait per factor that you believe best describes legal academics (this may be on the basis of generalising about the legal academics you know, or in the absence of this, what kinds of personality traits you believe legal academics generally possess).	Warmth , Reserved, Attentive to Others, Caring, Impersonal; Reasoning , Concrete, Deliberative, Abstract, Quick-thinking; Emotional Stability , Reactive, Co-operative, Assertive, Aggressive; Liveliness , Enthusiastic, Serious, Spontaneous, Careful; Social Boldness , Timid, Thick-Skinned, Socially bold, Threat-sensitive; Vigilance , Suspicious, Trusting, Unsuspecting, Skeptical; Abstractedness , Abstracted, Imaginative, Practical, Down-to-earth; Privateness , Genuine, Discrete, Private, Forthright; Openness to Change , Experimenting, Conservative, Attached to Familiar, Open to Change; Self-Reliance , Individualistic, Group-orientated, Affiliative, Solitary; Perfectionism , Perfectionistic, Tolerates disorder; Organized, Flexible; Rule-Consciousness , Non-conforming, Expedient, Rule Conscious, Dutiful.
7	Prestige Markers in Legal Academia	
	Please rate the extent to which you think that the following items constitute research prestige markers (for career, promotion) for legal academics.	[Slider bar – between 0 [low prestige] and 100 [high prestige] <ul style="list-style-type: none"> • Peer-reviewed Journal Articles • Student Texts • Journal articles in practitioner journals • Case notes (on legal judgment) • Impact on legal practice (e.g. citation in judgments, ideas influencing legal reform) • Acquisition of grant funding • Monograph • Short letters announcing findings • Citations
8	Nature of and Approach to Legal Research	
	Please highlight on sliding scale how much you think these subjects and approaches best describe the research and research approaches of legal academics.	<ul style="list-style-type: none"> • Collaborative cross-disciplinary work • Descriptive, concerned with legal judgments, statutory provisions, and other legal instruments • Individual – lone scholarship • Investigation of social phenomena • Theoretical and critical approaches, including social, economic, feminist, historical and political • Normative/Philosophical/Analytical approaches • Armchair/library based approach • Adopt vocational approach with strong focus on legal education and legal profession • Investigative/empirical approaches

FEAR AND LOATHING IN LEGAL ACADEMIA: LEGAL ACADEMICS' PERCEPTIONS OF THEIR FIELD AND THEIR CURIOUS IMAGINARIES OF HOW 'OUTSIDERS' PERCEIVE IT

Table 1 contd.

Phase One Survey – Non-Legal Academics at Cardiff University (Main Survey)		
No.	Statement/Questions	Response choices
9	Sources of Belief/Understanding	
	Please indicate how you have acquired your understanding of legal academia and legal academics (you may select all those that apply)	<ul style="list-style-type: none"> • Professional contact with legal academics (collaborations, committees, conferences, workshops etc.) • Films and TV Dramas etc. • Academic literature • Private Contact with Legal Academics (twitter, Facebook, friendships etc.) • Popular literature and print media • Other
10	General Interdisciplinary Attitudes	
	How would you describe your approach to research in interdisciplinary terms? (You may select all those that apply)	<ul style="list-style-type: none"> • I wouldn't describe myself as very interdisciplinary – I prefer to stick to my own discipline • I like to draw upon the work of other disciplines for my research • I attend workshops/conferences which are interdisciplinary in nature • The research problems I work on are inherently interdisciplinary and require collaboration with scholars from other fields • Other

Table 2.

Phase One Survey – Legal Academics at Cardiff University (Benchmarking Survey)		
No.	Statement/Questions	Response choices
1	Interactional Assessment – Intensity	
	Please select the frequency that you meet/talk/work with academics from other disciplines (i.e. non-legal academics)	<ul style="list-style-type: none"> • Never • Rarely • Occasionally • Frequently
2	Interactional Assessment – Contexts	
	In which contexts, if any, have you met/interacted with non-legal academics (you may select all those that apply)?	<ul style="list-style-type: none"> • Research (research groups, workshops, conferences, reading groups, research projects) • Private (social friendship) • Citizenship (advisory boards, multidisciplinary ethics committees etc.) • Teaching (joint supervision, joint teaching) • Administrative (e.g. University committee meetings etc.) • Other (please state)

Table 2 contd.

Phase One Survey – Legal Academics at Cardiff University (Benchmarking Survey)		
No.	Statement/Questions	Response choices
3	<i>Interactional Assessment – Quantifying</i>	
	Please make a rough assessment of how many non-legal academics you know in a teaching or research context (e.g. joint supervision/teaching, interaction in research groups, reading groups etc.).	<ul style="list-style-type: none"> • None • 1 or 2 • 3-5 • 6-9 • 10+
4	<i>Interactional Assessment – Qualifying your Response</i>	
	If you wish you can expand on the above in the text box below. We are interested in learning more about your interactions with non-legal academics (e.g. are these at Cardiff? Do you collaborate on funded/unfunded projects? How (if at all) does these interactions impact upon your research and teaching? We are also interested in learning about those that collaborate with others outside of academic (e.g. business, external bodies, third sector, government, professional societies, etc.).	<ul style="list-style-type: none"> • Open text box.
5	<i>Interactional Assessment – Engagement with Non-Legal Research and Scholarship</i>	
	This question seeks to identify whether you use scholarship from disciplines other than law in your research/teaching. Please select statements that best represent you (you may select all those that apply).	<ul style="list-style-type: none"> • I do not use any non-legal scholarship for my research/teaching • I access and read work of non-legal scholars for my research/teaching • I collaborate with scholars from other disciplines in the production of research/collaborative teaching • I seek advice from non-legal academics in respect of my work • Other
6	<i>Your Beliefs and Knowledge about Legal Academia as a Discipline</i>	
	How would you describe <i>law as an academic discipline</i> to a non-legal academic interested in what kinds of research, scholarship and enquiries populate the discipline as a whole? (This is a hard question but we'd value any response you can offer).	<ul style="list-style-type: none"> • Open text box.

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Table 2 contd.

Phase One Survey – Legal Academics at Cardiff University (Benchmarking Survey)		
No.	Statement/Questions	Response choices
7	<i>Your Beliefs and knowledge about legal academia as a discipline</i>	
	Please indicate, by clicking on the appropriate radio buttons, which of the following pre-attributes you believe best describe law as an academic discipline (you may choose as many as you wish).	Practical, Scientific, Creative, Innovative, Academic, Boring, Fragmented, Modern, Methodological, Vocational, Coherent, Interesting, Unapplied, Unscientific, Reliant on Documents, Empirical, Arcane, Dealing in pure ideas, theoretical, applied, uncreative.
8	<i>Others' Beliefs and knowledge about legal academia as a discipline</i>	
	The following list of attributes has been given to non-legal academics in order to ascertain how they typify legal academia. Please indicate, by clicking on the appropriate radio buttons, which attributes you think academics from other disciplines would select when asked to describe law as an academic discipline (you may choose up to five attributes).	Practical, Scientific, Creative, Innovative, Academic, Boring, Fragmented, Modern, Methodological, Vocational, Coherent, Interesting, Unapplied, Unscientific, Reliant on Documents, Empirical, Arcane, Dealing in pure ideas, theoretical, applied, uncreative.
9	Describing Personality Traits of Legal Academics	
	13 Personality factors are listed below, each is subdivided into 4 primary personality traits and individual qualities. Please select only 1 primary personality trait per factor that you believe best describes you (You might experience difficulties completing this question, but it has been included for comparative purposes by virtue of an earlier study on academics undertaken in the early 1980s).	<i>Warmth, Reserved, Attentive to Others, Caring, Impersonal; Reasoning, Concrete, Deliberative, Abstract, Quick-thinking; Emotional Stability, Reactive, Co-operative, Assertive, Aggressive; Liveliness, Enthusiastic, Serious, Spontaneous, Careful; Social Boldness, Timid, Thick-Skinned, Socially bold, Threat-sensitive; Vigilance, Suspicious, Trusting, Unsuspecting, Skeptical; Abstractedness, Abstracted, Imaginative, Practical, Down-to-earth; Privatness, Genuine, Discrete, Private, Forthright; Openness to Change, Experimenting, Conservative, Attached to Familiar, Open to Change; Self-Reliance, Individualistic, Group-orientated, Affiliative, Solitary; Perfectionism, Perfectionistic, Tolerates disorder, Organised, Flexible; Rule-Consciousness, Non-conforming, Expedient, Rule Conscious, Dutiful.</i>
10	Prestige Markers in Legal Academia	
	Please rate the extent to which you think that the following items constitute research prestige markers (for career, promotion) for legal academics.	<p style="text-align: center;">[Slider bar – between 0 [low prestige] and 100 [high prestige]]</p> <ul style="list-style-type: none"> • <i>Peer-reviewed Journal Articles</i> • <i>Student Texts</i> • <i>Journal articles in practitioner journals</i> • <i>Case notes (on legal judgment)</i> • <i>Impact on legal practice (e.g. citation in judgments, ideas influencing legal reform)</i> • <i>Acquisition of grant funding</i> • <i>Monograph</i> • <i>Short letters announcing findings</i> • <i>Citations</i>

Table 2 contd.

Phase One Survey – Legal Academics at Cardiff University (Benchmarking Survey)		
No.	Statement/Questions	Response choices
11	<i>Nature of and Approach to Legal Research - YOU</i>	
	Please highlight on sliding scale how much you think these subjects and approaches best describe your research and scholarship.	<p><i>[Slider bar, including ‘not applicable’ box]</i></p> <ul style="list-style-type: none"> • Collaborative cross-disciplinary work • Descriptive, concerned with legal judgments, statutory provisions, and other legal instruments • Individual – lone scholarship • Investigation of social phenomena • Theoretical and critical approaches, including social, economic, feminist, historical and political • Normative/Philosophical/Analytical approaches • Armchair/library based approach • Adopt vocational approach with strong focus on legal education and legal profession • Investigative/empirical approaches
12	<i>Nature of and Approach to Legal Research – Beliefs of Non-Legal Academics</i>	
	Please highlight on sliding scale how you think academics from other disciplines would be likely to typify legal research.	<p><i>[Slider bar, including ‘not applicable’ box]</i></p> <ul style="list-style-type: none"> • Collaborative cross-disciplinary work • Descriptive, concerned with legal judgments, statutory provisions, and other legal instruments • Individual – lone scholarship • Investigation of social phenomena • Theoretical and critical approaches, including social, economic, feminist, historical and political • Normative/Philosophical/Analytical approaches • Armchair/library based approach • Adopt vocational approach with strong focus on legal education and legal profession • Investigative/empirical approaches
13	<i>General Interdisciplinary Attitudes</i>	
	How would you describe your approach to research in interdisciplinary terms? (You may select all those that apply)	<ul style="list-style-type: none"> • I wouldn't describe myself as very interdisciplinary – I prefer to stick to my own discipline • I like to draw upon the work of other disciplines for my research • I attend workshops/conferences which are interdisciplinary in nature • The research problems I work on are inherently interdisciplinary and require collaboration with scholars from other fields • Other

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Table 3.

Phase Two Survey – Non-Legal Academics at Cardiff University (Main Survey)		
No.	Statement/Questions	Response choices
1	<i>Interactional Assessment – Intensity</i>	
	Please select the frequency that you meet/talk/work with legal academics	<ul style="list-style-type: none"> • Never • Rarely • Occasionally • Frequently
2	<i>Interactional Assessment – Contexts</i>	
	In which contexts, if any, have you met/interacted with legal academics (you may select all those that apply)?	<ul style="list-style-type: none"> • Teaching (Joint supervision, joint teaching) • Broader citizenship and external engagement activities (advisory boards, Government, Third sector activities etc.) • Events largely aimed at academics in my field/discipline (research groups, workshops, conferences) • Administrative (e.g. committee meetings, Senate meetings, interview panels, general training) • Collaborative Research (e.g. joint publishing, research projects) • Multidisciplinary Events aimed at no discipline in particular (e.g. Cardiff Futures, interdisciplinary workshops etc.). • Interdisciplinary/Multidisciplinary Events that are law-specific (law-based workshops, law conferences or network events, with law as a primary focus etc.). • Other (please state below).
3	<i>Interactional Assessment – Quantifying</i>	
	Please make a rough assessment of how many legal academics you know in any of the above contexts.	<ul style="list-style-type: none"> • Box for individuals to provide number of their choice.
4	<i>Interactional Assessment – Engagement with Legal Research and Scholarship</i>	
	Please select which of the statements that apply (you may select all those that apply).	<ul style="list-style-type: none"> • I do not use any legal scholarship for my research/teaching • I access and read work of legal scholars for my research/teaching • I collaborate with legal scholars in the production of research/collaborative teaching • I seek advice from legal academics in respect of my work • Other [open box]

Table 3 contd.

Phase Two Survey – Non-Legal Academics at Cardiff University (Main Survey)		
No.	Statement/Questions	Response choices
5	<i>Prestige Markers in Legal Academia</i>	
	<p>What kinds of publications, markers and activities do you think are likely to be most highly regarded in research prestige terms, for the career and promotion prospects of a legal academic?</p> <p>Here we give you a set of 10 items to select from. Please take these items from the list and rank them relative to each other in the ‘Prestige’ box. ‘1’ being the highest item in prestige, and 10 the lowest.</p>	<ul style="list-style-type: none"> • <i>Peer-reviewed Journal Articles</i> • <i>Student Texts</i> • <i>Publications for legal practitioners</i> • <i>Case notes (on legal judgment)</i> • <i>Impact on legal practice (e.g. citation in judgments, ideas influencing legal reform)</i> • <i>Grant funding</i> • <i>Monograph</i> • <i>Publication in Conference Proceedings</i> • <i>Successful litigation of a Case</i> • <i>Short notes/letters/case study</i> • <i>Citations</i>
6	<i>Prestige Markers in Your Own Field/Discipline</i>	
	<p>What kinds of publications, markers and activities are most highlight regarded in research prestige terms, for your career and promotion prospects in your field?</p> <p>Here we give you a set of 9 items to select from. Please take these items from the list and rank them relative to each other in the ‘Prestige’ box. ‘1’ being the highest item in prestige, and 10 the lowest. We also want to learn about your discipline too. If you can think of one other item relating to your own field/ discipline, we give you the option to fill in the ‘other’ text box.</p>	<ul style="list-style-type: none"> • <i>Peer-reviewed Journal Articles</i> • <i>Student Texts</i> • <i>Publications for practitioners</i> • <i>Case notes (on legal judgment)</i> • <i>Impact</i> • <i>Grant funding</i> • <i>Monograph</i> • <i>Publication in Conference Proceedings</i> • <i>Short notes/letters/case study</i> • <i>Citations</i> • <i>Other [open text box]</i>

FEAR AND LOATHING IN LEGAL ACADEMIA: LEGAL ACADEMICS' PERCEPTIONS OF THEIR FIELD AND THEIR CURIOUS IMAGINARIES OF HOW 'OUTSIDERS' PERCEIVE IT

Table 3 contd.

Phase Two Survey – Non-Legal Academics at Cardiff University (Main Survey)		
No.	Statement/Questions	Response choices
7	<i>Nature of and Approach to Legal Research</i>	
	We want to know what kinds of subjects and approaches you believe are likely to describe the research/research approaches of legal academics, and those that you believe would be poor descriptors. Please choose four or more items from the list below and place into the relevant groups.	<p><i>[Slider bar, including 'not applicable' box]</i></p> <ul style="list-style-type: none"> • Collaborative work • Descriptive, concerned with legal judgments, statutory provisions, and other legal instruments • Interdisciplinary approach • Individual (lone scholarship) • Investigation of social phenomena • Theoretical and critical approaches, including social, economic, feminist, historical and political • Normative/Philosophical/Analytical approaches • Armchair (library based approach) • Vocational approach: strong focus on legal education and legal profession • Investigative/empirical approaches
8	Sources of Understanding and Belief	
	<i>We have already asked you about a variety of interactive contexts where you might meet/mix with legal academics. We are keen to identify other sources of understanding/knowledge of legal academia and legal academics (you may select all those that apply)</i>	<ul style="list-style-type: none"> • Newspapers/print media (please give examples if you can) [open text box] • Films and TV Dramas etc. please give examples if you can) [open text box] • Popular literature please give examples if you can) [open text box] • Documentaries please give examples if you can) [open text box] • Other [Open Text box]
9	<i>Your Own Research/Scholarship and Interdisciplinarity</i>	
	Which statements best describe you (You may select all those that apply)?	<ul style="list-style-type: none"> • I wouldn't describe myself as very interdisciplinary – I prefer to stick to my own discipline • I like to draw upon the work of other disciplines for my research/scholarship • I attend workshops/conferences which are interdisciplinary in nature • The research problems I work on are inherently interdisciplinary and require collaboration with scholars from other fields • Other

Table 4.

Phase Two Survey – Legal Academics at Cardiff University (Benchmarking Survey)		
No.	Statement/Questions	Response choices
1	<i>Prestige Markers in Legal Academia</i>	
	<p>What kinds of research markers, outputs and activities do you think are most highly regarded in research prestige terms, for the career and promotional prospects of a legal academic (on a teaching and research, or research only contract)?</p> <p>Here we give you a set of 10 items to select from. Please take these items from the list and rank them relative to each other in the ‘Prestige’ box. ‘1’ being the highest item in prestige, and 10 the lowest.</p>	<ul style="list-style-type: none"> • <i>Peer-reviewed Journal Articles</i> • <i>Student Texts</i> • <i>Publications for legal practitioners</i> • <i>Case notes (on legal judgment)</i> • <i>Impact on legal practice (e.g. citation in judgments, ideas influencing legal reform)</i> • <i>Grant funding</i> • <i>Monograph</i> • <i>Publication in Conference Proceedings</i> • <i>Successful litigation of a Case</i> • <i>Short notes/letters/case study</i> • <i>Citations</i>
2	<i>Prestige Markers</i>	
	<p>Are there any items on this list that you think do not belong here at all (please leave comments if you wish)?</p>	<ul style="list-style-type: none"> • Open Text Box.

APPENDIX 2. DEMOGRAPHICS

Phase One Surveys - Demographics

College/School (Non-Legal Academics)

Arts, Humanities and Social Sciences	44	Biomedical and Life Sciences	42	Physical Sciences and Engineering	16
<i>Business</i>	4	<i>Biosciences</i>	7	<i>Architecture</i>	2
<i>English, communication and philosophy</i>	4	<i>Healthcare sciences</i>	14	<i>Chemistry</i>	1
<i>History, archaeology and religion</i>	9	<i>Medicine</i>	14	<i>Engineering</i>	8
<i>Politics¹⁴³</i>	7	<i>Optometry and Vision Sciences</i>	3	<i>Mathematics</i>	2
<i>Modern Languages</i>	1	<i>Pharmacy and Pharmaceutical sciences</i>	1	<i>Physics and Astronomy</i>	3
<i>Planning and Geography</i>	4	<i>Psychology</i>	3		
<i>Social Sciences</i>	15				

Legal Academics

Law Department	26
<i>Centre for Professional Legal Studies</i>	6
<i>School of Law</i>	20

<i>All - Participation by Age</i>		<i>All - Job Title</i>		<i>All - Length of time working in the University</i>		
	Non-Legal Academics	Legal Academics		Non-legal Academics	Legal Academics	
<i>Under 25</i>	1	1	<i>Lecturer Senior Lecturer</i>	30	9	<i>Less than 5 years</i> 19
<i>25-34</i>	16	7	<i>Lecturer</i>	18	6	<i>5-10 years</i> 21
<i>35-44</i>	28	6	<i>Reader</i>	9	3	<i>10-15 years</i> 14
<i>45-54</i>	39	9	<i>Professor</i>	20	3	<i>15-20 years</i> 22
<i>55-64</i>	14	3	<i>Research Assistant</i>	2	-	<i>20+ years</i> 26
<i>65-74</i>	4	-	<i>Research Associate</i>	16	-	
			<i>Research Fellow</i>	4	-	
			<i>Other</i>	3	5	

¹⁴³ Politics is a department which is part of the School of Law and Politics (following a merger in 2014).

Phase Two Surveys - Demographics

College/School (Non-Legal Academics)

Arts, Humanities and Social Sciences	12	Biomedical and Life Sciences	8	Physical Sciences and Engineering	9
<i>Business</i>	2	<i>Biosciences</i>	1	<i>Computer Science</i>	6
<i>English, communication and philosophy</i>	3	<i>Healthcare sciences</i>	3	<i>Earth and Ocean Science</i>	3
<i>Music</i>	2	<i>Medicine</i>	1		
<i>Politics¹⁴⁴</i>	1	<i>Psychology</i>	1		
<i>Journalism Media and Cultural Studies</i>	3	<i>Dentistry</i>	2		
<i>Social Sciences</i>	2				

Legal Academics

All – Gender

Law Department	19		Non-legal Academics	Legal Academics
<i>Centre for Professional Legal Studies</i>	1	<i>Female</i>	7	11
<i>School of Law</i>	18	<i>Male</i>	19	6
		<i>Other</i>	3	1

¹⁴⁴ Politics is a department which is part of the School of Law and Politics (following a merger in 2014).