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Annual Review of Law and Social Science

Comparative Sociolegal Trajectories

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Keywords

sociolegal studies, sociology of law, legal and academic cultures, trajectories, comparative methodologies

Abstract

This review offers a methodology for the comparative analysis of different sociolegal research cultures by tracing the distinct trajectories of their scholarly communities and academic traditions. Drawing on sociolegal studies and the sociology and history of science, we examine both microsociological (individual) and macrosociological (structural) dimensions to reveal how historical contingencies, institutional dynamics, and personal scholarly pathways have shaped each national approach to non doctrinal legal scholarship. Employing four conceptual heuristics (intellectual histories, institutional economies, epistemic communities, and scholarly agency), we highlight the interplay between biography and academic structure, challenging dominant narratives of disciplinary development. While acknowledging the interdisciplinary and contested nature of sociolegal scholarship, we propose a comparative case study methodology through which to disentangle, and make sense of, the complexity of sociolegal studies in different cultures.

1. INTRODUCTION

In this review, we offer a methodology for the comparative analysis of different sociolegal research cultures by tracing the distinct trajectories of their scholarly communities and academic traditions. Drawing on theories and methods used in sociolegal studies and the sociology and history of science, we consider comparatively those drivers and contexts that create, shape, and maintain different sociolegal scholarly communities and legal-academic cultures. Such an embedded approach allows us not only to expose the disciplinary divisions and similarities between national-jurisdictional approaches to nondoctrinal research on law and legal phenomena but also to highlight the iterative quality of legal-academic cultural development. To this end, and to denote our original approach to this comparison of sociolegal research cultures, we use the term trajectories, with a view to capturing both the microsociological (personal) and macrosociological (structures/populations) scales being explored in this study, as well as their development over time. Indeed, our interest lies in how the very different progress of these respective communities can be explained and understood by means of scrutinizing individual scholarly pathways alongside institutional, structural, and collective forces and developments. Within these two sociological scales, we can identify historical contingencies, path dependencies, legacy hangovers, and deliberate choices that have had intended and unintended consequences for the development of a sociolegal scholarly approach and its (national) communities.

In exploring these sociolegal trajectories, individual and collective, we rely upon four comparative heuristics: (a) intellectual histories and sociocultural legacies, (b) institutional and political economies within the academy, (c) epistemic communities and the academic habitus, and (d) individual scholarly agency and positionality. We aim to engage these heuristics not as theories per se but rather as conceptual devices serving to guide the observation of empirical phenomena across the scales and vectors mentioned, and in a manner that captures the value of personal biographies in providing insight into academic structures, institutions, cultures, and materialities. In considering the roles played by sociopolitical contexts, institutional incentives, academic networks, and epistemic communities, these comparative heuristics serve to uncover alternative histories to the familiar “great mind” and “towering figure” narratives that are so often the focus of retrospections.

Although sociolegal approaches are definitionally interdisciplinary, and comparative approaches to legal issues layer atop a further methodological/disciplinary consideration, it is worth situating our specific approach, not least because we borrow from both the history and sociology of science in constructing it. That said, we identify our approach as being distinctively sociolegal, although this broad intellectual project is not one that lacks tensions between its different strands (inter alia, sociolegal studies, law and society, sociology of law, law in context). Banakar (1998, p. 3), for example, has criticized its “myriad... ‘sectarian’ alternative approaches,” alongside the lack of a basic consensus about the field’s fundamental theoretical and methodological paradigms, and Tamanaha (1997) has criticized what he terms the field’s normatively and politically biased tendencies, arguing that these undermine the scientific credibility of sociolegal research.

We see no such issue with theoretical and methodological pluralism. Indeed, our position is in keeping with the view, generally accepted within social sciences and humanities, that scientific practice is deeply human and social, and not merely an iterative process of replacing erroneous knowledge with true knowledge. We emphasize that such pluralism in social scientific practice is both socially and spatially conditioned: Its context is key. This is why there are disconnects and cross-purpose discussions even within the big umbrella of law and society or empirical legal studies project/s, connected as they are through international scholarly discourse, because local scientific practices have a huge effect on the knowledge that is being produced. Indeed, any cursory reading of articles on “Sociology of Law in Country X” or “Sociolegal Studies in Jurisdiction Y” will demonstrate that scholarly social scientific practices across national and regional settings are

markedly different (Boulanger et al. 2025a). A further consideration is the complexity introduced by different legal-academic cultures (Cownie 2004),¹ comprising shared institutional, pedagogic, and disciplinary understandings. Our own experience bears this out.² Despite the geographic proximity of our own respective academic-legal cultures of Germany and the United Kingdom (England and Wales, Scotland, Northern Ireland), legal-historical differences³ and contemporary demands (that we come back to) have intersected to generate strikingly different sociolegal scenes: Whereas the sociolegal scene in the United Kingdom is healthy and growing stronger,⁴ in Germany it can best be described as institutionally precarious.

With a view to taking a more systematic approach to exploring scholarly trajectories, we employ insights drawn from García-Villegas's (2006, 2016, 2018) comparative study of sociolegal scholarship in conjunction with heuristics developed through our curation of a collection of case studies (Boulanger et al. 2025b) to augment and refine a comparative social science framework for case study comparisons (Bartlett & Vavrus 2016). Integrating these new considerations into a recognizably formal comparative framework achieves the key blend of stability and nuance required for our approach, which we discuss in four parts, as follows.

First, we give an account of those theoretical sources we use to inform our approach, notably the insights of Max Weber's comparative sociology of legal development and Pierre Bourdieu's conceptual tools ("field," "habitus") for the comparative study of academic development. Here we also situate our study in relation to comparative legal historical approaches, noting the latter's propensity to engage in longer-term narratives and macrosociological comparisons that transcend mere doctrinal analysis by integrating sociological considerations.

Next, to provide a nuanced methodological foundation for our approach, we introduce and explain those methodological sources used in our cross-jurisdictional/academic-legal cultural comparison of sociolegal studies. Mentioned above, Bartlett & Vavrus's (2016, 2017) comparative social science framework is explained in more depth and then integrated with relevant insights drawn from García-Villegas's comparative sociopolitical perspectives on law across the United States, France, and Latin America. Noting García-Villegas's (2018, p. 5) own reliance on Weberian and Bourdieusian ideas, we engage with his study of the development of (what he calls) sociopolitical legal studies (SLS), that is, "a collection of transdisciplinary research, theories, and studies that see law as a sociopolitical phenomenon that is central to the understanding of power and society." Finally, we discuss key context-sensitive practical considerations for undertaking comparison.

The second part presents our own method, that is, our comparative heuristics approach, supplemented by narrative case studies. This considers phenomena grouped by "family resemblance"⁵: the role of individual scholars, epistemic communities, institutional and political economies, and

¹In this study of the lived experience of legal academics in university law schools in England, Cownie uses the phrases "culture of legal academia" and "academic culture" to denote an approach cognizant of different causal contextual and institutional factors, as well as more microlevel individual decision-making.

²We have been working on a project comparing UK sociolegal studies with German *Rechtssoziologie* for several years. From 2021 to 2025, the project was hosted at the Max Planck Institute for Legal History and Legal Theory in Frankfurt (Main), Germany. See <https://www.lhlt.mpg.de/2512903/socio-legal-trajectories> (last accessed Nov. 10, 2025); see also Hendry et al. (2020).

³England's common law heritage can be juxtaposed here with Germany's civilian tradition, foundational differences that in turn influence legal reasoning and legal pedagogy.

⁴This was not always the case: As recently as 2014, "empirical legal research" in the United Kingdom was described as not being "in the same rude state of health" as in the United States, and even as having a "sense of uncertainty and perhaps even decline" (Adler & Simon 2014, pp. 174, 202, respectively).

⁵The term is from Wittgenstein (2010, p. 36), who denotes a group of elements having "family resemblance" if they do not all share the same traits but share enough of these traits among them in an overlapping and crisscrossing way to form a distinct group.

cultural and intellectual factors. This heuristic approach facilitates the identification of commonalities and differences across the disciplinary developments in different countries and legal-academic cultures. Not theories in themselves, our four heuristics can be understood as conceptual devices that guide the observation of empirical phenomena, based on reflection rooted in theoretical traditions from the social sciences.⁶

In the third part, we apply our approach to one instance illustrating the difference between two legal-academic cultures regarding their political economies of the academic field: the role of research evaluation in the United Kingdom, such as the Research Excellence Framework (REF), and the absence of any similar mechanism in Germany. This illustrative example showcases the methodological approach we propose and the scalability inherent to this type of comparative method.

Fourth and finally, we conclude by drawing out the main arguments for a successful comparative approach to understanding sociolegal studies in different legal-academic cultures. As good comparatists, we are cognizant of how easy it can be to adopt uncritically an accepted or *prima facie* dominant application or usage. Through using established vocabulary, we buy in to the particular cultural and discursive context in which it was used, arguably to the exclusion of others. Sociolegal studies is a term rooted in the UK setting and, as such, is contextually distinct from, *inter alia*, *Rechtssoziologie* in German-speaking jurisdictions, North America's law and society, or China's *Fǎ Shìzhué* (法社会学). We acknowledge the cultural specificity of the term but employ it in this article with a view to situating this research contribution within a body of scholarly work that aims to understand the social embeddedness of normative practices that take the form of modern law. Although the term sociolegal studies is used throughout, where we talk of a local variant of sociolegal studies this is explicitly mentioned (e.g., UK sociolegal studies).

2. THEORETICAL AND METHODOLOGICAL FOUNDATIONS

2.1. Conceptual Sources

In terms of a conceptual pedigree, an obvious theoretical starting point for our approach is Max Weber: A key theme of his comparative sociology of legal development concerns the contrast between the empirical rationality and law-as-craft paradigm that characterizes the law in the United Kingdom versus the formal rationality and law-as-science paradigm, based on the reception of Roman law, in continental European universities (Weber 1978, pp. 774–802, 854–59). Many aspects of the ideal typical differentiations Weber constructed between the “types of legal thought,”⁷ including the juxtaposition of the common-sensical, charismatic English judge with the bureaucratic, doctrinal continental judge (cf. Weber 1978, p. 890), can still be observed today despite strong convergence tendencies of the past 100 years (Mattei & Pes 2008). Weber does not discuss the consequences that these different styles of legal thought have for sociological thinking developed in response to them, but it is straightforward to derive hypotheses: The more empirical and less scientific legal thinking is, the more the law itself can be thought of as open to societal influences. Inversely, the more the law is thought of as an autonomous system of concepts that operates outside social forces and can generate rational outcomes via an objective method, the less space there is for viewing it as a genuinely social phenomenon—a proposition that might merit empirical verification or refutation.

⁶Examples of such could be Weberian ideal types, Bourdieusian habitus, Marxian political economy, Luhmannian systems theory, or feminist analyses of power relationships.

⁷Despite talking about “legal thought” (*Rechtsdenken*), Weber is not confining himself to comparing ideas about the law—he is presenting a historical sociology of legal practices, with a vast abundance of the empirical evidence that was at his disposal at the time (Adair-Totef 2012).

Shifting our focus now from legal to academic development, the significant foundational contribution in this regard comes from Bourdieu and his relational concepts of field and habitus as applied to the field of law (Bourdieu 1987, Dezalay & Madsen 2012, García-Villegas 2004). Bourdieu's ideas combine in a dialectical relationship, less as foundational premises and more as a conceptual toolbox, with the field conditioning the habitus and the habitus, in turn, constituting the field as meaningful.⁸ In this way, whereas the field—one among many—has its own practices, rules, and hierarchies of value, habitus is the means through which individuals in that field both perceive and internalize those standards, customs, and practices. (This would quickly become obvious if one were to undertake a comparative anthropological study of UK and German legal academia.⁹) Critics have argued that Bourdieu's field concept is too fuzzy to be empirically useful, and that habitus provides too little opportunity for explaining change (e.g., King 2000). However, for our heuristic purposes, a Bourdieusian lens has clear utility in providing empirical anchor points for comparison. It also aids understanding of the ways in which phenomena on the micro-, meso-, and macro-levels of observation are interrelated: how personal life choices are interwoven with institutional career paths and curricula, professional associations, and academic cultures.

Although we have introduced these ideas separately, they are not exclusive. On the contrary, the project is strengthened by being informed by several theoretical frameworks, all providing useful means of conceptualizing the empirical reality. We are, of course, not the first to point out the fruitfulness of these sociological classics. The relevant interaction of Weberian and Bourdieusian thought is well-exemplified by García-Villegas's study of the development of SLS. He writes,

For the comparison of SLS I draw upon two main presuppositions: First, legal and sociolegal ideas are shaped, to some extent, by the distribution of symbolic and social capital among legal actors (e.g., lawyers, law professors, legislators, and judges) and by the relationships that these actors maintain with actors in the political field. These power relations among actors in the legal field differ according to the civil law and common law traditions, as Weber...explains in a classical text. Second, in each of these traditions and legal cultures, certain types of relationships between law, power, and society are established, which are the reference points that allow for the construction and interpretation of norms and legal doctrines. (García-Villegas 2016, p. 30)

We see yet further relevant reliance on Bourdieusian ideas coming from the history of sociology. Steinmetz (2021, p. 9) criticizes the history of science's focus on individual scholars, groups, or lines of research at the expense of looking at the social context, arguing that considering only what happens in the lab, office, or conferences is insufficient because it overlooks outside influences and social debates. Relying on Bourdieu's theory of intellectual production, Steinmetz (2021, p. 22) notes that "texts are defined by the interaction of an author's habitus with their positions in specific, relevant fields, and by the history of those fields," an approach that requires the careful reconstruction of disciplinary debates in the light of what happens politically, socially, economically, and intellectually. The results are comparative narratives that show how and why, for example, French and German sociology have evolved differently.

Indeed, to this already-complex foundation we must add another dimension: comparison. The history of science approach has so far been disinterested in providing tools for comparative inquiry: Its focus on the hard sciences and microstudies of the development of the scientific method and of the scientists involved has left little space for comparative endeavors. Hentschel (2003), who, like Steinmetz, criticizes the lack of engagement with and contemplation of social context

⁸For an interesting methodological discussion of Bourdieu's conceptual toolbox vis-à-vis sociolegal application, see Mant (2020).

⁹Fiona Cownie and Anthony Bradney have done extensive studies for the UK case. See, for example, Bradney (2011), Cownie (2004), and Cownie & Bradney (2017).

within the history of science, also notes a general skepticism within this discipline toward comparative approaches. He too cautions against the search for universal laws, instead arguing in favor of “medium-range” comparisons that identify changing patterns characterizing specific phases of scientific development (p. 259). In the case of the sociology of science, where one would expect theoretical tools for the comparison of national developments, the situation seems similar; like the history of science, the mainstream of the discipline does not seem to care much about comparison.¹⁰

Comparative legal history, by contrast, gives us more options. This approach regularly engages with long-term narratives and macrocomparisons that go beyond doctrinal analysis by integrating sociological factors (see, for example, Berman 2009, Kelley 1990). Prominent examples include Damaška’s (1986) *The Faces of Justice and State Authority* and van Caenegem’s (1987) *Judges, Legislators, and Professors*, both of which argue that legal systems—and the corresponding views on what the law is and how it should be studied—are products of a society’s political ideology and social power structures.¹¹ Although our own approach is less macrohistorical than that adopted in those works, the insights about macrosociological processes and the—loosely Weberian—approach to working with ideal types for comparison provide a foundation for both conceptual development and empirical investigation. This takes us to consideration of the methods employed in this study.

2.2. Methods Sources

Our methodological sources comprise our intentionally systematic approach to comparisons. Primary among these is García-Villegas’s (2006, 2016, 2018) study of comparative sociolegal scholarship, an approach that charts a course between excessively abstract and contextually reductive. He points out the inadequacy of accounts focusing solely on ideas, which fall foul of “the temptation to explain the evolution of a discipline . . . by tracing the vicissitudes of its arguments, movements, ideas,” while also criticizing reductionist materialist explanations constituting an “economistic approach that reduces legal thought to the economic context in which it arises” (García-Villegas 2006, pp. 347–48). As mentioned, his “via media” alternative is SLS: “a collection of transdisciplinary research, theories, and studies that see law as a sociopolitical phenomenon that is central to the understanding of power and society” (García-Villegas 2018, p. 5). Notably, this definition does not differentiate sharply between the disciplinary approaches of the sociology of law, legal studies, or legal theory. Instead, it is concerned with the epistemic interest of certain strands within these disciplines, those looking for law’s role in shaping society and constituting power, and the effects that social forces and power structures have on law. Accordingly, García-Villegas compared sociopolitical perspectives on law across the United States, France, and Latin America in light of two respective considerations: legal autonomy and legal neutrality. Appraising SLS’s relationship with legal autonomy required consideration of how much each perspective acknowledges law as independent from social and political forces. On the other comparative axis, SLS’s relationship with legal neutrality was premised upon whether each perspective views law as a neutral instrument or as inherently political and in the service of power structures. Both axes could then be observed in the “internal” perspective of the law and the “external” perspective of the social sciences.

¹⁰If this is any indication, a recent article on theories and methods in STS does not even mention “comparison” (Silvast & Virtanen 2023).

¹¹They each analyze the same fundamental divergence between the Anglo-American common law and the continental European civil law, but from complementary perspectives: Damaška argues that state ideology matters in the judicial process, whereas van Caenegem offers a bottom-up explanation rooted in a struggle for power between different groups.

The insights García-Villegas developed based on the US-American, French, and Latin American traditions are helpful for understanding the different forms of SLS that emerged in each country. That said, his categories did not align well with our UK–Germany comparative data. García-Villegas's (2018, p. 155) two-by-two typology identifies four types of SLS: “legal improvement,” “legal deconstruction,” “political admonition of law,” and “sociological explanation of law,” with a view to classifying scholarship in the SLS field within the observed countries. However, we identified empirical traces of all these types in varying degrees over the history of sociolegal studies in both comparator countries. There seemed to be no obvious reason to transfer the explanatory narratives, for the emergence of each type, to our cases.

In this regard, this approach must be complemented with more dynamic comparative strategies (Adler & Simon 2014). While acknowledging the role of structural forces in the *longue durée* of things and path dependencies, these comparative strategies should allow a greater role for the consideration of historical contingencies and the influence of individual actors. Moreover, García-Villegas's insights can be thickened through integration with the heuristics we have developed in the course of curating a collection of case studies (Boulanger et al. 2025b) and with the comparative social science framework proposed by Bartlett & Vavrus (2016), to which we now turn.

Bartlett & Vavrus offer two logics of comparison to be applied: first, to compare and contrast, and second, to trace across sites or scales. This method of comparison allows us to tease out the changes in culture, context, space, place, and comparison itself. Next, Bartlett & Vavrus (2017) suggest focusing the comparative case studies along three axes: horizontal, vertical, and transversal comparison. This comparative case study approach allows us to explore, inter alia, institutions, academic actors, and the production of knowledge across the two countries. It goes outside the functionalist vision of a case, thereby releasing itself from the imposition of treating a case study as a system. We respond to sociolegal theorists' calls for comparative research that moves beyond mere “butterfly collecting” (Cotterrell 2012, p. 40) or “comparison by juxtaposition” (Nelken 2005, p. 248) by letting the case studies set the structure and boundaries of our studied context, which in turn allows culture to be treated as ever-changing, active, and sense-making in concert with others (Erickson 2011). In other words, this approach allows us to escape the confines of bounded case studies seen as systems (Yin 2014, p. 10), a restrictive approach that does not allow for a full appreciation of valuable contextual information. Rather than starting from a closed system, then, the comparative case study approach “divorce[s] the phenomenon of interest from the context in order to gain analytical purchase” (Bartlett & Vavrus 2016, p. 39). This lets us be sensitive to both power relations and a cultural production of common-sense notions to ordering; indeed, by centering comparison, we can pay attention to, and make sense of, three described axes of comparison through a processual approach. We can consider strings of relevant events and actors, use notions of culture or context to consider those processes across space and time, and constantly compare what is happening in one place with what has happened in other places and historical moments.

3. OUR APPROACH: THE COMBINED HEURISTICS AND NARRATIVE STUDY METHOD

3.1. Heuristics

Our combined heuristic approach relies upon existing theoretical insights while using concrete empirical anchor points for the comparison. Our starting point is social phenomena, that is, observable behaviors arising from social interactions, grouped by family resemblance, namely, features that make them gravitate toward each other, both conceptually and theoretically. We suggest four heuristics through the developments of sociolegal studies in different legal-academic

cultures. Again, although these conceptual devices are based on reflection rooted in theoretical traditions from the social sciences, they are not theories in and of themselves, instead being more mechanisms guiding the observation of empirical phenomena. We outline and explain these four heuristics as follows.

3.1.1. Historical context and trajectories: intellectual histories, sociocultural legacies, geographic influences. Contemplating intellectual histories in context provides insight into the evolution of ideas, philosophies, and knowledge systems that have influenced the development of sociolegal studies (Zahn 2020). These ideas are often embedded within sociocultural legacies, encompassing, *inter alia*, institutions, political developments, and funding structures. Geographic considerations further situate and materialize these trajectories, as differing resources, physical landscapes and boundaries, and other spatialized relationships all influence both the flow of ideas and scholarly migration patterns. For example, Forić (2025) shows this in the case of the Western Balkans, where a multitude of historical layers bear on the present: Ottoman domination, socialism, violent conflict, and economic problems have left a huge imprint on the context in which sociolegal studies have evolved. Acknowledging these historical legacies does not mean subscribing to historical determinism or the reifications of cultural-historic stereotypes, however. Things could always have developed differently, so the role of historical contingencies must always be considered. The development of an academic field such as sociolegal studies is better conceptualized as a case of critical junctures: Given certain initial conditions or intervening factors, development in one direction is much more likely than in another one, and reversing course can be impossible or require prohibitively high costs or effort (Pierson 2004). Intervening factors can be events (wars, economic crises), actors (intellectual entrepreneurs, discussed below), or even ideas that are (un)available at specific times.

3.1.2. Institutional and political economies of academia. Academia's institutional and political economies encompass those structural and power dynamics that govern knowledge production, dissemination, and access within academic institutions, dynamics that influence research priorities, working conditions, and resource allocation, often privileging topics or projects with immediate economic or political usefulness. Universities operate as key actors within the broader political economy, shaped by funding sources, government policies, and market demands, with the result that academic institutions are sites of power negotiation. Contemporary academia operates within a space increasingly characterized and texturized by neoliberalism, as evidenced by intensified competition for students, publications, and grants, pressures that have served to reshape traditional ideals of intellectual freedom, academic autonomy, and collegiate collaboration. Institutional logics thus create both opportunities and constraints, which vary across jurisdictions and disciplines. This consideration is key to our comparative approach of trajectories of sociolegal studies in different legal-cultural academies: Although the broader sweep of history is fundamental in terms of context, for academic actors and communities, institutional logics are as formative.

3.1.3. Collective sense-making and identity formation: epistemic communities and the academic habitus. Epistemic communities, comprising subject-specialist scholars and other experts (practitioners, judges) sharing a common set of norms, values, and methodologies, play a critical role in the production, definition, validation, modification, and dissemination of knowledge. This term has evolved beyond Haas's (1992) original conceptualization, which concerned "networks of knowledge-based experts" engaged in problem-solving within international relations. These communities created shared frameworks for interpreting complex phenomena, reinforcing collective intellectual identities while also delineating boundaries between insiders and outsiders (although less an Us/Them binary and more a porous boundary). As mentioned, the scholarly habitus, a concept rooted in Bourdieu's sociology, reflects those internalized dispositions

and practices that academics develop by means of their immersion in institutional and disciplinary cultures, and is key for our purposes due to its reliance on and openness to self-reflection. Habitus shapes how scholars approach their work, engage with peers, shape their publication strategy, and navigate the power structures of academia. Taken together, epistemic communities and the academic habitus foster a sense of belonging and purpose while also influencing the situated evolution of academic disciplines and the reproduction of institutional hierarchies (Bulpin & Molyneux-Hodgson 2013, Hendry 2013).

3.1.4. Agency and positionality: scholars' biographies. A scholar's agency—their capacity to act and make choices—is shaped by their positionality. Positionality is the idea that a person's social, political, and historical context shapes their identity and perspectives and, perhaps most importantly, the knowledge they produce or understand. It is the explicit acknowledgment that one's position in the world is not neutral. An individual's positionality thus includes their social identities, cultural backgrounds, and lived experiences (Feenan 2013, Frerichs 2012), with these elements informing their perspectives, research interests, and methodological approaches. In academic settings, positionality situates scholars within specific power structures and hierarchies, all of which affect their access to resources, networks, and opportunities. Recognizing the interplay between agency and positionality allows for a more nuanced appreciation of how personal and professional scholarly trajectories intersect with broader academic and societal contexts. Dedicated consideration of positionality prevents against reliance on views from only one or a few perspectives, a practice that is likely to generate distorted or inaccurate information, as well as providing an impoverished scholarly discourse in terms of the included and reflected experiences. These heuristics not only influenced the design of our methodology but also are key in analyzing the data this approach generates, as the next section discusses.

3.2. Methodology

In terms of empirical research, what are the methodological sources for a comparison of sociolegal trajectories? This article is primarily conceptual, and we discuss the data we have been collecting in a future publication; therefore, we keep this section brief and simply argue that such comparison requires a mixed-methods approach. Alongside the traditional methods sociolegal scholars employ, such as desk-based research for the reconstruction of historical pathways, quantitative surveys, qualitative interviews, or the comparison of statistical data concerning the object of study, we pursued a lesser-used method within sociolegal studies, namely, the comparative analysis of quantitative data on scholarly knowledge production. This includes descriptive analyses of bibliographic metadata, text-linguistic analyses of content, and network analyses of citation graphs. This approach has already achieved some successful insights in our recent analysis of the UK *Journal of Law and Society* (Boulanger et al. 2024), where we were able to identify notable patterns in content and citations that would have been very difficult to find using close reading.

Of course, many more methodologies could add to our understanding of sociolegal trajectories; for example, archival studies by legal historians can also assist detailed comparative analyses (Haupt & Kocka 2004). Bartlett & Vavrus's comparative framework helps to embed such—often heavily contextual and historically specific—findings into a larger comparative picture, while also allowing, importantly, more attention on temporal variability.

4. EXEMPLIFICATION

Having explained our conceptual and methodological sources, and having set out the methodology, we now showcase it via a brief illustrative example of the kind of comparison it facilitates. For this exemplification, we highlight the disparate and divergent trajectories of sociolegal

studies in the United Kingdom—often cited as a major success story of sociolegal studies these past 20 years—and Germany, a distinctive legal culture with a strong intellectual tradition in sociological thought but a limited contemporary presence in sociolegal studies.

Sociolegal studies in Germany (Kocher 2025, Machura 2020) and the United Kingdom (Cownie & Bradney 2013, Harris 1983, Wheeler 2025) reflect distinct academic traditions and methodological approaches, each having been shaped and determined by their legal-academic cultures. In Germany, sociolegal research has remained in the shadow of the German legal academy's emphasis on doctrinal scholarship and its fidelity to the field's sociological roots. By contrast, sociolegal studies in the United Kingdom can be characterized by its interdisciplinary nature, drawing extensively from, inter alia, sociology, anthropology, criminology, and, increasingly, the arts and humanities. UK sociolegal scholarship¹² can be said to blend theoretical and empirical research, with the latter being increasingly prominent within scholarship examining law in action, exposing structural inequalities, and elucidating the planned or unintentional consequences of specific legal practices and features. One striking difference, however, which is immediately obvious if you are familiar with both places, is the degree of institutionalization of the field. Although Germany is home to many towering figures in *Rechtssoziologie*, such as Max Weber, Eugen Ehrlich, and Niklas Luhmann, sociolegal studies has not achieved a foothold in the universities, whether in law or sociology. There is not a single professorship for the sociology of law in sociology departments, and in law schools, although the sociology of law is touted as a foundational subject, in practice it plays a marginal role in the legal curriculum, and an almost nonexistent one in terms of research. No sociolegal degree programs exist, nor is it possible to plan a career based on empirical legal research. Contrast this with the United Kingdom, where there is a clear pathway to pursuing a sociolegal career within a thriving field (Wheeler 2025).

As we have hypothesized following Weber's ideal types of legal thought, one could assume that the root of this divergence lies in the countries' different legal traditions. Germany's codified legal system and continental civilian tradition can be juxtaposed with the common law tradition in England, Wales, and Northern Ireland, and even with Scotland's mixed common/civilian tradition. These differences certainly go some way to explaining key differences in the practice, focus, and method of sociolegal inquiry in these countries. But it would be a mistake to assume that a monocausal explanation is sufficient: Other factors are at play, made identifiable through the four heuristics described above. For example, if one looks at the origins of postwar sociolegal studies in both countries, as reflected in the biographies of key actors and their publications, it becomes apparent how significantly the sociopolitical context shaped both the conditions and content of knowledge production. The post-1968 rebellion against a conservative status quo was influential in both countries, although in different ways. In the United Kingdom, a generation inspired to introduce new ways of thinking into law schools established journals, teaching curricula, and specialized centers (usually within law schools) with a focus on sociolegal studies. In Germany, by contrast, there was a short burst of a very sociological sociology of law,¹³ alien in both method and political orientation to the doctrinal legal establishment and ill-equipped to outlast its brief period of political support in the 1970s (Machura 2012, 2020). There are notable contrasts in terms of epistemic communities also. As mentioned, in the UK case, disciplinary boundaries are much more porous, whereas in Germany the sociolegal community is extremely fragmented (Kocher 2025, p. 131). It is also very small, which makes apparent the contributory factor of

¹²We use this as a general term to encompass the practice across the four home nations of the United Kingdom: England, Scotland, Wales, and Northern Ireland.

¹³Influential sociological authors include Hubert Rottleuthner, Erhard Blankenburg, Hubert Treiber, Wolfgang Kaupen, Rüdiger Lautmann, and, most impactfully, Niklas Luhmann.

language: The size of the English-speaking sociolegal community is significantly greater than the German-speaking one, providing a much larger space for the exchange of knowledge, employment, and job mobility.

Another key area of difference is the political economy of higher education, specifically, the impact of research evaluation. UK higher education institutions are subject to regular evaluation through the REF [formerly the Research Assessment Exercise (RAE)], whereby at regular intervals¹⁴ universities must make Unit of Assessment submissions upon which their research quality (outputs, impact, environment) is assessed, with a view to informing the allocation of public funding to institutions and, relatedly, providing accountability for public investment in research (on law, see Conaghan 2023, Johnson & Gibson 2025). More critically in terms of this audit and accountability apparatus, the REF can be seen as a neoliberal mechanism that aligns academic research with market-oriented values and managerial control. By quantifying research excellence in terms of measurable outputs, impact, and institutional rankings, the REF embodies neoliberal higher education at the expense of intellectual diversity and critical long-term inquiry. Institutions internalize these values by means of performance indicators pegged to year-on-year growth (Townsend 2012). However, as far as sociolegal studies is concerned, the impact of institutionalized research evaluation has not been entirely negative. In fact, as several of our interviewees emphasized, the REF might have actually been a crucial factor in providing legitimacy to empirical methods in studying the law, to the point of one interviewee claiming that the “RAE and REF had more impact on legal scholarship than it did in many of the . . . aligned disciplines because it fundamentally shook up what actually meant to be a legal academic.”¹⁵ By contrast, Germany does not employ a single, all-encompassing national assessment like the REF as a means of allocating core research funding. By way of background, it is important to note that legal education emerged out of the need for the Prussian absolutist state to produce personnel for the state apparatus and not, as was the case in the United Kingdom, as a way of providing an academic counterpart to the self-organized legal profession. This still can be felt today: The final exam is called *Staatsexamen* (“state exam”), and it is organized not by the universities but by the federal states.¹⁶ This is not to say that evaluation-based funding does not exist, of course: German universities depend heavily on evaluation for competitive, third-party funding.¹⁷ However, this system is not structured to induce structural change in the legal curriculum. It favors innovative, theme-centered interdisciplinary research projects with limited lifespans that can be integrated in parallel to the faculty’s core teaching and professorial structure, which remains focused on the *Staatsexamen*. Although sociolegal research could be essential for acquiring such competitive grants, its impact on the core reputation of the faculty—which remains tied to the professional influence of its doctrinal professors (Goerlich 2015)—is limited. Other than that, “there are few coherent standards for quality evaluation in German legal academia” (Purnhagen & Petersen 2019, p. 101), and empirical methods remain largely at the margins of the profession.

As we argue above, this is only one aspect among many,¹⁸ but an important structural background factor for understanding the development of sociolegal knowledge production over time.

¹⁴RAE 2008, REF 2014, REF 2021 (delayed due to the pandemic), and REF 2029. See <https://ref.ac.uk/> (last accessed: Febr. 2, 2026).

¹⁵Interview with senior UK academic, Jan. 11, 2023.

¹⁶For more information on German legal education and scholarship, see the report by the German Council of Science and Humanities (2012).

¹⁷Next to funding programs offered by the Deutsche Forschungsgemeinschaft and private funders, the most important is the Exzellenzstrategie, which provides generous funding for research clusters at the universities (Purnhagen & Petersen 2019).

¹⁸For example, the issue of gender relations in legal academia provides important comparative insights (Schultz et al. 2021).

In this example, looking at the temporal dimension allows us to see circumstantial evidence for an influence of the REF on the growth of sociolegal studies, and no corresponding impact of third-party funding on German *Rechtssoziologie*. However, all this means is that we must look closer at the issue qualitatively.

5. CONCLUSION

We have offered a comparative approach to analyzing the development of sociolegal studies in different countries. To understand sociolegal studies, made up of individual and collective trajectories, we relied upon four comparative heuristics as a starting point: (a) intellectual histories and sociocultural legacies, (b) institutional and political economies within the academy, (c) epistemic communities and the academic habitus, and (d) individual scholarly agency and positionality. We then combined these heuristics with the comparative case study method to tease out the nuances of contextual and historically specific findings into a larger comparative picture, while also acknowledging temporal variability. We discussed the literature of our proposed method to approach comparisons across multiple levels, timelines, and jurisdictions and provided a brief example of its application: the importance of looking at the political economy of higher education, and, more specifically, the distribution of reputation and money through research evaluation versus third-party funding schemes. We do not think that there is a monocausal explanation: Many factors can be identified using the heuristics offered. Indeed, we hope that our approach can be tested, refined, and applied to sociolegal trajectories in different settings and thereby assist in creating meaningful comparisons.

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