



Working and writing together – a reflection

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INTRODUCTION

When the editor of this journal asked me (Dave Cowan) to contribute to this series about writing, it prompted me to revisit a grumbling, perhaps festering itch, about an unsuccessful collaboration I had with somebody I admire (Simon Halliday).¹ We therefore decided to write a piece together, as a series of emails – there are four of them. For both of us, it may have been an unsuccessful attempt at catharsis. By way of context, we are both serial collaborators and work (hopefully) successfully in research teams.

We have also had a sustained friendship, including the odd friendly dig at each other, since around 1996, and a mutual respect for the work produced by each other. Indeed, we often read one another's work as reassurance before submitting it to a journal.

The project which forms the basis for our discussion was a generally well-received study (at least, we think so) about administrative justice – homelessness internal reviews by local authorities of their decisions – and, indeed, it carried on after the events which we discuss in the exchange below, making further subsequent interventions in the interdisciplinary journal *Housing Studies* and the disciplinary journal *Public Law*. It is work of which we are both proud. It was also work in which we engaged with a range of colleagues, including Caroline Hunter, with whom we both have worked subsequently and fruitfully.

However, our unsuccessful collaboration came to a head with the publication (in Dave's name alone), in another journal, of a paper about legal consciousness on which we had both worked.² This

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- 1 Other articles in this series that discuss co-writing are Tamara Hervey, 'The company of long-distance co-writing' (2025) 76(RS) Northern Ireland Legal Quarterly 50–58 and Nicola Lacey, 'On academic writing' (2025) 76(RS) Northern Ireland Legal Quarterly 97–115.
 - 2 D Cowan, 'Legal consciousness: some observations' (2004) 67(6) *Modern Law Review* 928–958.

paper, and our disagreement about it, forms part of the basis of our discussion below. It is a discussion about how we read and report on our research data. In terms of 'legal consciousness' research, the question which we address is how we can read legality in our data when it is not precisely addressed as such by the research subjects. The final draft of the actual article sought to address that point, but the issue of principle remains. The other part of the discussion is a rumination on why our collaboration was unsuccessful, despite our friendship. This is a discussion about the messiness of everyday life, and how we write it up. Journals like this one, and monographs, contain outstanding discussions of socio-legal empirical research. Often, including in our own work, these discussions have the appearance of being smooth transitions, of analytical clarity, of neat structures. This is unlikely to represent, however, either the messiness of the data or the project – as we know, empirically oriented research projects rarely end up as they were initially contemplated. The question faced by the researcher is how to neaten the data for publication – and we are regularly asked how to do this when presenting at graduate research conferences (for example). There is, as we discuss, no easy way to do it, and we have different versions of truth on it.

What we hope our discussion leaves you feeling is that, beyond our mutual respect and occasional

bad jokes, working collaboratively is a process which gnaws at you and raises difficult questions. You could take a principled stand or be pragmatic, but either way the decisions we/you made/make have consequences both for yourselves and the research project/process. Reflecting on them (as we have done over the years) is part of that project and process. The distinction that Simon makes between being co-researchers and co-authors is, we think, an important reflection, as is the discussion about audience (and how to write for it, assuming it exists). Both of these points are commonly forgotten as we, as an academic band, focus on our work; and, we suppose, if you take one thing from our dialogue, it would be to remember the audience, as we have tried to do in our email discussion in the second part of this article.

What is left out of the conversation below is our WhatsApp 'side chat', in which we ask each other if they are ok with what we have written (and wonder if we should edit it), as a process of reassuring each other. We had hoped to include those messages but one of us has automatic disappearing messages on, and so we can't include them. The important point about this paragraph, though, is that working together requires reassurance, and that ensuring the well-being of your collaborator is part of the research process and, we would argue, an ethical duty.

THE EMAILS

From: David Cowan
Date: Monday, 10 March 2025 at 17:37
To: Simon Halliday
Subject: Here we go

Simon

It's been ages since we wrote something together, and I am filled with trepidation about doing this with you now. I have spent most of my career working and writing with different people. It's been fun working and writing with others – the main reason why I am a serial co-author and, given that the subject-matter of our work is frequently pretty depressing and distressing, we should take our fun where we can. I guess I have learnt a lot about how to write over that period. But, I also know (minimal self-reflection and what others tell me) that I am pretty difficult to work and write with. I write quite fast, voluminously, and sometimes in an unstructured way. As somebody (a critic) once said, my work is too 'heart-on-sleeve' to be taken seriously (a badge of pride to me).

That brings me to working with you and my sense of trepidation about describing the 'process'. In retrospect, the problem with us working and writing together was always: how do we merge our very different styles? If I'm 'heart-on-sleeve', you are what I described as *soooo Oxford* (used in a pejorative way) – the opposite of me, ie careful, methodical, neutral, always finding flaws and

going back over it. I loved that we could laugh about it, although it probably also felt a bit bruising. It certainly did when my writing was consciously rewritten, but it kind of helped that I had an enormous amount of respect for you at the time (which has continued). My sense that you were searching for structure and order in things that were inherently messy and complicated meant that our writing styles and the substance clashed. Over the last 20 or so years since we wrote together, my sense is that you had a significant impact on the way I write and analyse materials, but I still struggle with the search for structure and order that you always seem to find.

And then there's that paper – the legal consciousness one from 2003. I sometimes teach it and, when I read it again, realise how much of it you wrote. I couldn't understand why you didn't want your name on it. Do you remember that presentation at the Law and Society Association meeting in Pittsburgh when we presented it to an audience of one (who was there for somebody else's paper) on the Saturday at 8.15am with a slight hangover (may have made that up)? That was a laugh – we just wanted to go and have a chat over breakfast, but they kind of made us present it. It was quite a good piece of work. And it has turned into my most read and cited piece. But it wasn't 'mine'; it was ours; and I still feel really rubbish about it. You said that, if I wanted to publish it, that was fine,

but you didn't want your name on it. In the end (reading that phrase again: where was the end?), it was published with this asterisked note at the start:

* It is with some diffidence that this article appears in my own name. Simon Halliday was a crucial inspiration throughout the many months of its production; it was originally intended as a joint article between us and some parts of the paper were worked through jointly. We disagreed, however productively, on the proper place of 'law' in 'legal consciousness', and Simon graciously chose to allow me to pursue my approach. We co-presented this paper in rough form at the Law and Society Association meeting in Pittsburgh, June 2003. ...

Should I have canned it or tried to persuade you further to appear as an author with me? I've carried that guilt with me for the last 20+ years – was it part of my instrumentalism or ambition? I'd been really ill, I remember that much. When we have discussed it, you have expressed regret, albeit with a laugh. And I can't say that I have ever lain in bed wracked by

guilt about it appearing in my own name. I can barely remember what our disagreement was about, but, at the time, it felt really minor – perhaps we could have finessed it. It was about what 'law' meant in legality, wasn't it? And whether law included the kind of street-level practices we had been investigating. The odd thing, I suppose, about that paper is that we were late to the legal consciousness party – the work had never been set up as that kind of project. I hadn't really engaged with Ewick and Silbey's book until you introduced me to it (is that right?). But our data spoke to those themes although we set up a bit of a straw person argument at the start.

Anyway, I'll be amused to read what you come back at me with. This isn't as cathartic as I thought it might be. But, just to reiterate, we had a great laugh working together, and with our colleagues on that project. But it was also fantastically insightful working with you all and learning from you all.

Looking forward to your response. Love ya

Dave

From: Simon Halliday
Sent: 25 March 2025 19:03
To: David Cowan
Subject: Re: Here we go

Hi Dave,
It's nice to be writing about writing, don't you think? And I like this epistolary format. I suspect we'll

find it liberating – though that may simply beg the question, 'liberating from what?' Maybe we should leave that question hanging for now ...

Your opening gambit raises a couple of important issues, I think: (1) the distinction between writing and working together; and (2) the value of searching for structure in a

messy world. I'll deal with those in a moment, but first I want to clear something up about that article that we didn't write together.

I remember the disagreement well. It was about who gets to say what counts as 'legal' within legal consciousness, wasn't it? I've always been of the view that researchers should run with what their participants think is 'legal'. I feared that you were ascribing legality to the things our interviewees were saying. So, to my mind, that counted as your legal consciousness, not theirs.

But that wasn't why I withdrew from the article. That's the kind of disagreement I like! It was about ideas, not each other. And isn't getting to argue about that kind of stuff why we become academics in the first place? I'm pretty confident our respective positions became a bit sharper for the exchange.

No, the reason I encouraged you to go ahead and submit without me was because I didn't think we'd have enough time to find a 'third way' to write about legal consciousness together, given our basic difference of perspective. You've always thought and written much faster than me. When we were writing our book together, I very distinctly remember taking a full month to send you 6000 words, while you took 8 days to send me back 22,000. I just didn't want to slow you down with the subsequent article. I felt I'd already done that with the book. So, it was a good decision. I don't think you should feel guilty at all. Save that for the

next life (as the Calvinist in me would say).

Anyway, let's tackle those two issues I mentioned earlier. The first issue – the distinction between working and writing together – follows on very nicely from what I've just been discussing.

You're right to say, I think, that working with people can be a lot of fun. It certainly was with you. You're one of my favourite people. And getting to have fun in the process of doing research is much undervalued, I suspect. It's not talked about enough. The importance of the topic, ethics, outputs, impact, etc, take centre stage. But finding some space for fun can get you through a project, particularly when it goes wrong, which is not infrequent.

Yet '*working together*' is a much more expansive category than '*writing together*'. And while we really enjoyed working together, I'm not sure you'd say we enjoyed writing together. I'd put money on the fact that what made working together so enjoyable was what made writing together quite hard. It's because we're very different people. That difference makes engaging with you very stimulating – and often very funny. But there's something potentially rather personal about writing. It's not just words on the page. I suspect one doesn't realise that until the first time you try to write with someone you can't get into step with. And, because it's personal, you have to tread carefully (though by the sounds of things, I maybe

didn't tread carefully enough ... I'm sorry). A potential compromise, of course, is to give each other the lead on separate articles. Maybe we should have tried that. Perhaps, there's still time ...

The second issue you raised was about my habit of trying to find structure in things that are inherently messy. And here I'm going to prove the point by drawing another distinction within your observation. The world we research is very messy, I agree. But the way we write about that messiness doesn't itself have to be disordered. When I write, I always have someone like my undergraduate self in mind as the reader. I was lucky enough to study a lot of sociology of law during my two honours years at Edinburgh (a great benefit of the Scottish educational system). I really loved the subjects, but some of the material was really difficult to understand. At the time, I found

it frustrating and disheartening and felt the failure was in me. But, looking back, I suspect the failure was in the writing – for some of the material, at least. Since becoming an academic, I've been much taken by the ability of some writers to make otherwise complex material accessible to those who are curious about the ideas but not yet steeped in the literature. Think about David Garland writing about Foucault, or Martin Krygier writing about Marx. If they can do it, shouldn't we aspire to it?

So, being '*soooo Oxford*', as you put it, wasn't about denying the messiness of the social world, it was just about taking pity on the poor buggers who find our stuff on their reading lists.

OK, I should stop there for now.

Simon

P.S. I'll get to edit this, won't I?

From: David Cowan
Date: Thursday, 3 April 2025 at 18:27
To: Simon Halliday
Subject: RE: Here we go

Simon

Your email made me smile as it demonstrated yet again the kind of methodical scholar you are, and how our styles are so different. I love the way you have always brought structure to what I was trying to say, and the distinctions you draw between co-working

and co-writing are spot on. And I appreciate that co-writing can be a frustrating enterprise. Both of us are serial co-authors, and I suspect you are more successful at it.

Following your structure (as I always do) ...

That methodological discussion we had about what counts as 'legal' was also a pretty fundamental discussion about what constitutes law, and, in the article, that understanding was expanded to include unofficial law, as well as identity and rights (including

assertions of dignity and self-worth). I think you disagree with that extension, but that enabled a reading of the data which accepts that I was reading law into their interview text. Looking back at it today, I suspect that I might not agree with myself – as my old doctoral student said to me the other day, I can be frustratingly inconsistent – but the point was not to provide a finished article about legal consciousness (our study wasn't about legal consciousness and wasn't set up in that way, anyway, which perhaps gave me a bit more licence than I might have felt in the first place). It did, however, enable observations to be made about the value of legal consciousness in opening up our understandings of everyday life; and re-focusing our gaze on the mundane/everyday and away from the spectacular. That was the purpose of the slightly pompous title.

That exploratory approach is probably part of the way I write too. Frustratingly quickly but also frustratingly stream of consciousness – quite often, when I start writing, it's not clear to me how it will end up; and so, being a rather self-indulgent person, I like to take the lead. You are right that writing is personal. It would be interesting to see what would happen if we adopted your suggestion of taking a lead on different pieces. My suspicion is that I would probably find it quite difficult ceding control of a draft. I have been part of a discussion

with colleagues about co-writing at Cardiff, and I marvel at the ability of my colleagues to have successful, truly 'co-' experiences; one of my colleagues talked about sitting in a space together for an extended period writing (it reminded me of the way some comedy writers come up with gags together), and I felt a bit jealous about that. It seemed to me to be a proper 'co-' experience, but one which, for whatever reason (generally personal about time and place), has proved impossible for me. Maybe, I'm not suited to that – it seemed like a lovely idea, but really difficult to pull off in practice. Do you do that? I'm afraid that I haven't really learned to do that – my dream is always control of the first draft – but I have learned to respect the way my brilliant co-authors bring structure to my work and question my style.

The one thing I would say about writing with you is that I learned an enormous amount both about *how* to write, as well as how to structure work. I'm always a little dismissive in a take-the-mickey kind of way about your style, but the truth is that I really valued it and learnt an enormous amount and have tried to slow down since then. Writing quickly has served me well, I guess, in career terms, but I really did take on board the way you work. It's just I can't do it like that (or, perhaps better, don't want to).

Where we might continue to disagree lies in how to tell the complex, contradictory stories of our research participants. I still have not found a way to do

that convincingly – I’ve tried structuring or bringing archetypal stories together (Lydia Hayes adopted that approach in her brilliant monograph) and doing them in the same book; but it just doesn’t work for me. Disorder needs to be acknowledged – and to throw this back at you – because otherwise we are reading order into our participants’ narratives. As undergrads, I guess we both would have appreciated a simple story, but we also would have understood that social life is complex, messy, contradictory. To be sure, I do agree with you that the failure was not you but the authors you were reading who made their work difficult to understand. Over time,

I have become equally annoyed with that kind of work, although I suspect you would say that I have contributed to it (and I accept that I have, sometimes consciously) but the kinds of narratives that I’m talking about here don’t need to be made difficult to understand to appreciate their complexity. We can do that in a way which doesn’t bring structure to them, which may not be there, *and* do it in a way which our undergrad selves might appreciate? In short, we can have it all.

And I’m going to stop there too. No editing allowed, I think.

Love ya, mate
xxx

From: Simon Halliday
Sent: 24 April 2025 14:35
To: David Cowan
Subject: Re: Here we go

Dave,
You were much too generous (and characteristically kind) in that response, I think. It is greatly appreciated, of course. And for the record, I have learned a great deal through working with you too, not least because you seem to be relentlessly theoretically current. But before this morphs into some kind of slushy bromance, I think we should probably move on ...

On the question of structure and disorder, I think we’re actually in agreement for once! I could never bring myself to endorse a ‘you can have it all’ mantra, of course. No

one ever gets it all (and rightly so, in my view). But I sense we’ve finally arrived at a consensus on the importance of ultimately writing clearly about the messiness of the social world.

I’m also 100% with you in your scepticism about writing together in the same room at the same time. Personally speaking, I can think of nothing worse. Certainly, as far as we’re concerned, the attempt to write together like that would likely have extinguished the fun of working together. I do know two co-authors who have done this successfully (you know them too), but they’re better psychologically disposed (and probably ideologically committed) to that mode of co-operative endeavour. Neither of us has the personality type for

that kind of thing. Much like the silent discos one observes on the streets of Edinburgh during the Festival, I'm happy to be happy for those who are happy but it's definitely not for me.

This talk of personality types does makes me wonder about the psychological dimension of academic writing. I couldn't help but notice the passing references in your last email to streams of consciousness and dreams of control. A psychoanalyst could probably go to town on that material. But for me the question is about the psychological work that one's style of writing is doing. I certainly need to create a sense of order as a buffer against the threat of chaos, whereas I suspect you gain some energy from its expression. At least, that's where you want to start. Maybe, at an unconscious level, it's a challenge you throw out to the world. And perhaps my role was to meet it. In doing so, I got to comfort myself that order is possible.

Adler might have something to say about that (Alfred, not Mike). But, in any event, my point is that our writing partnership may have been fortuitous in a way we didn't appreciate at the time. Food for thought ... I'm not suggesting, of course, that people should swap psychometric test results before embarking on a joint writing project, but being attuned to issues of psychological compatibility may not be a bad thing.

Well, I've enjoyed this short exchange on writing together. I hope you have too.

Cheers for now,

Simon

P.S. In case you were wondering, I spotted the fact that you got to go first in this exchange ...

P.P.S. Are you thinking of this as a possible REF piece? It'd score well on originality, albeit less well on significance.