The Convergent Law Lab
Building Dynamic Research Communities in Global Legal Studies
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Convergent Research Teams

Convergent research teams are research groups composed of scholars with broad and complementary sets of skills, who are committed to working collaboratively on transformative research projects. The idea is to leverage variation in many types of expertise across fields in order to generate results that would not be producible by any member of the team working alone. Convergent research is similar to but not quite the same as an "interdisciplinary" or "multidisciplinary" approach to science. While convergent research teams can be interdisciplinary or multidisciplinary in nature, the key characteristic is that they produce research by leveraging complementary skills. They are convergent in that, while team members may not necessarily work together on the same study, they are all wrestling with the same problem or family of problems; and, they are all informed by what others are doing to solve that problem, in the hope of learning something jointly that could not be learned singly.

We envision a team in which some members primarily make use of comparative historical analysis or process-tracing methods while other members primarily make use of experimental design or survey methods for public opinion analysis. We imagine a team in which theorists are paired with scholars who are committed to careful measurement. What will unite the team members is a commitment to theoretically structured, rigorous empirical analysis on questions of clear normative importance to the law and social science. All team members should agree that the ultimate goal of empirical research is to aid in the construction of theoretical models of law and politics that can, at a minimum, promote the understanding of complex sociopolitical processes, and at best, suggest pathways for welfare enhancing reforms. All team members should come to the project with an open mind about what can be learned from methodological approaches they do not adopt and they should be willing to learn and ultimately contribute to new techniques when possible. Finally, by linking faculty members from across universities, convergent research teams present natural opportunities for the expansion of learning opportunities for the undergraduate and graduate students who work with team members. For graduate students in particular convergent research teams offer a unique chance to build deep connections to colleagues outside of their own programs.

Why are convergent research teams necessary in comparative law and politics?

The forces of legalization are proceeding at unparalleled rates around the globe. Domestic and international political and economic interactions are increasingly regulated through law. The most complex and vexing problems of the globe are being addressed, with varying degrees of success, through a hybrid of local and global law and legal processes. Judges are of course critical elements of our efforts to solve these problems with law and they are increasingly called upon to manage this complexity. Against this backdrop, social science practices and standards

are themselves in flux, subject ever more to global as well as interdisciplinary innovations. Scholarly practices are at once more international, more interdisciplinary and more rigorous.

There is a paradox at the heart of all this change. The internationalization of legal subject matter has expanded the scope and complexity of our analysis at the same time that international standards for research and innovation have encouraged simpler, cleaner designs for causal inference. Scholars are also commonly encouraged to pursue a multi-methods approach research and to apply strict standards of data management, collection and dissemination that challenge diverse methodological traditions. Precisely as the subject matter of law and social science has expanded in global scope and complexity, individual methodological approaches have become both varied and yet increasingly specialized and technical, all in the pursuit of rigor.

As currently practiced, our law and social science research programs are not well structured to resolve this paradox. Although the historical interdisciplinarity of the research program has made it relatively easy to support the broadest approaches to scholarship, the field's approach has powerfully encouraged research silos, even within particular disciplines, making it difficult to let international scientific innovations flow across disciplinary and subfield boundaries. This problem is known. For us, there are two additional and ultimately critical realities related to innovation in law and social science in a global age.

First, the increasing complexity and interdependence of law implies that no one scholar can possibly be expert in all of the important areas of the law that are materially relevant for the research project she pursues. Second, the increasing number of methodological options, as well as the increase in expectations about the rigorous use of these methods, implies that no one scholar can be expert at many of the techniques that she will need to effectively answer her research questions. Essentially, if we are committed to the insights that can be gleaned by leveraging multiple methods in pursuit of answers to normatively important questions in the field, we must also be committed to working in groups. The alternative, relying on individual scholars' efforts to produce rigorous multi-methods research, is likely to result in suboptimal work in at least one of the many possible approaches and perhaps all.

What question(s) motivate the team?

It is important that the team settle on a general subject of research. Individual projects conducted by team members should ultimately relate to this subject. To help promote coordination around a topic area, we propose that the team take up issues concerning the role of judges as tools of political oversight. Modern political systems, international and domestic, delegate considerable authority to judges over the final outcomes of political conflicts. The consequence of these choices is that judges are commonly asked to evaluate the validity of public policy choices and outcomes from a variety of legal perspectives. Judges are often invited to substitute their judgment for the judgment of elected officials and their agents on matters of supreme political salience at the national and international levels as well as matters routine, wholly bureaucratic and quite local. These powers raise questions about how much oversight authority we should give judges within a political system. It also raises critical questions about how judges endowed with such powers should and can exercise them in practice. How should judges think about the right balance between ensuring that legal commitments to fundamental rights are respected and

ensuring that the policy process is guided by bureaucratic expertise? How far should judges push political figures to change policies, especially when those policies are supported by a large majority? What are the distributive and other consequences of shifting decision-making authority to domestic and international judges -- that is, from more majoritarian, interest-based ones to ones that appear to be grounded in technical-legal expertise, from more domestic ones to ones situated at the international level?

An Idea Lab on Judicial Dialogue

For this first Idea Lab, we propose to explore the possibilities of convergent research in the context of a somewhat more specific topic. An increasingly common answer to the legitimacy and capacity questions raised by powerful judges is that judges should conceive of themselves as involved in a form of "dialogue" with political officials, with publics, or with other judges. Instead of engaging in a rigid process of oversight, in which judges insist on immediate policy change which they themselves direct, it is said, judges ought to invite joint deliberation on possible solutions to complex policy challenges that have resulted in constitutional failures. Indeed, at times, it seems that dialogue is imagined as the solution to any and all problems raised by judicial oversight. This solution, if it is one, itself raises a number of more concrete empirical questions that have not yet been answered:

- Do courts really engage in inter-branch (or international/domestic, or inter-judge) dialogue on the meaning of the constitution or a country's international obligations? What does it mean to engage in dialogue? How is it different from other types of judicial behavior? How can it be validly and reliably measured?
- If there is dialogue, does dialogue meaningfully change the behavior of the actor that technically has ultimate decision-making authority, or does it just delay a final result? If there is change, what kind? Does it affect the substance of the decision? If so, in what way?
- Does dicta in majority or dissenting opinions, understood as a sort of dialogue with future publics, influence future decisions by litigants seeking to exploit openings, judges seeking guidance, or political actors seeking to promote or prevent the court's movement in a certain direction?
- Does it matter when courts try to engage the public in a dialogue, rather than writing in very technical/cryptic language? (And for what? Legitimacy, compliance, uptake, socialization of constitutional meaning, the quality of decisions?)

These are just examples of possible questions participants might raise and pursue. The questions might be more or less concrete, more or less specific, but they should all be amenable to empirical research. Our hope is that convergent research will meaningfully contribute to our understanding of the nature, causes and consequences of judicial dialogues as a way of allocating and exercising power in our political systems.

What to expect from the Idea Lab?

The goal of an Idea Lab is to generate new, convergent research collaborations among a team of scholars with complementary skills and interests in the joint pursuit of shared research questions. The exact format is something we can discuss, and most likely something that will

evolve as we experiment. But for now, we envision the following format for the main Idea Lab work session on Friday:

- Introduction (45 minutes):
    - This would include a presentation by the conveners and a brief discussion around the question, what is missing from what we've been doing on this topic? What have we been getting wrong, or ignoring?
- Lightning Proposals (90 minutes):
    - Each participant can propose a project, in about five minutes, that seeks to identify a question that needs to be answered in connection with the topic, in light of the previous discussion. If any of the participants simply want to offer themselves as possible partners, rather than pitching a project, they can just briefly describe what sorts of skills/expertise/interest they think they can and would like to contribute to a project.
- Break (45 minutes):
    - We break for a general, unstructured, conversation about what we have just heard.
- Topic Identification (60 minutes):
    - Reconvene for a general discussion of what seem to be promising areas of collaboration and research.
- Lunch (60 minutes):
- Break out sessions (60 minutes):
    - Break out sessions to brainstorm particular projects.
- Study Identification (120 minutes):
    - Come back together and pitch the projects from the break out sessions; discussions of those projects.
- Review (60 minutes):
    - Overall discussion of directions/macro issues/what is still missing, who should be included in ongoing conversations, who can contribute to projects that seem most likely to emerge