

Laurie in Paris. Diffusion, discussion and influences of Lauren Edelman's work in France

As someone who was privileged to call Laurie B. Edelman a mentor and also a friend, I write this short essay to highlight the international diffusion of her research and in particular, the important legacy she has left to French scholarship on law and society. Laurie certainly preferred Italy, Bellagio, and Lake Como notably, but she did not hate Paris either, and she traveled here several times for academic events. Beyond this, however, her work has been very influential for many young French researchers in recent years. As an actor facilitating the diffusion and discussion of Laurie's work in France, I want to pay tribute to her by describing how the legal endogeneity theory that she gradually forged based mostly on her work in employment discrimination law has been understood by French sociologists, institutionalist economists and political scientists over the last 20 years. In the remainder of this essay, I first point to some milestones in the attention to and diffusion of her work in France. These include theses, invitations to colloquia, and the publication of books and special issues of journals. Second, I evoke various publications and how they have been further mobilized in French law and society scholarship. Third, I point to two main avenues of thought that have been opened up so far.

SOME MILESTONES OF LAURIE'S IMPORT IN FRANCE

The central journal of the sociology of law in France, *Droit et société*, and its associated publications, were important vehicles for the dissemination of Laurie's work in France at the turn of the 2010s. The journal published a special issue in 2011 (Pélisse, 2011 "Giving Oneself Rights: The Strength of Organizations vis-à-vis the Law")¹ and the same year saw publication of a book, *Droit et régulations des activités économiques. Perspectives sociologiques et institutionnalistes* in the collection « *Droit et société* » of the legal publisher LGDJ.²

These two projects stem from the same colloquium, which I initiated with the help of Christian Bessy (an institutionalist economist) and Thierry Delpuech (a political scientist), and held in 2008 at the Ecole normale supérieure de Cachan, near Paris. In 2003, I discovered the theory of legal endogeneity by reading a draft Laurie wrote for the Law and Society meetings that was available on the internet. I was completely unfamiliar with Laurie's work at that time, but 2 years earlier, I discovered the work of the American Law and Society movement by reading two famous books (Susan Silbey and Patty Ewick's *The Common Place of Law*, 1998 and Michael McCann's *Rights at Work*, 1994) which, along with Laurie's *Working Law* (2016) make up my personal pantheon of the best socio-legal books that I ever read. The theory I discovered in the 2003 draft strongly inspired me. Even better, it gave me the key and the plan to the manuscript of the doctoral thesis that I was beginning to write. I contacted Laurie in 2007 because I wanted to organize a symposium in France so that her work could be more known to French scholars. Laurie agreed immediately to come to Paris. She even suggested some additional people who might participate. These included Robin Stryker, Mark Suchman and Scott Eliason who, along with Susan Silbey, also suggested Garry Gray. All came to the symposium and participated,

¹In French: « Se donner le droit: la force des organisations face à la loi »; the special issue is in French, only abstracts are in English.

²*Droit et société* is part of a European network of researchers in law and sociology since its foundation in 1986, which also included a collection of the same name hosted by the French legal publisher LGDJ and then Lextenso.

along with others. The colloquium entitled “Law and regulation of economic activities” took place a few days after the bankruptcy of Lehman Brothers, and the onset of a financial and then economic crisis. These events transformed our discussions of regulation and economy, as the public policies for regulating banks; more broadly, the relationship between economy and legal rules in the United States, Europe and the world came under the spotlight. Some of the symposium presentations, although written before the crisis of 2008, shed light on what was happening. They were translated and published in the book mentioned above (Bessy et al., 2011, republished in Bessy, 2022).

The dissemination of Laurie’s work in France was thus launched, and carried out mainly through two publications: this book and the special issue of the journal *Droit et société* that I edited that same year, and was made up of papers that we were unable to include in the book for reasons of size, and which were to constitute a part grouping together analyses on the interactions among law, organizations and work. In reality, the diffusion and use of Laurie’s work had begun before, including my own dissertation on the 35-h work week, defended in 2004 (Pélisse, 2004). Other young scholars working on anti-discrimination and diversity policies in the workplace, empirically closer to Laurie’s work, published related papers (Bereni, 2009; Doytcheva & Alaoui-Hachimi, 2009) or defended a related dissertation (Chappe, 2013). They continue to work on diversity and anti-discrimination policies and remain deeply influenced by Laurie’s work (Bereni, 2023; Chappe et al., 2019). This modality of diffusion—mainly through theses that would take up, discuss, and deepen the theory of legal endogeneity and the organizational internalization of law—would continue in the following decade. Many other doctoral students would build on this in the 2010s. These include Sebastian Billows, Julien Kubiak, and Fanny Vincent, all three of whom would defend in 2016; and Lisa Buchter, who defended in 2019. In my opinion, studies of organizational responses to law have had a deeper impact than legal consciousness studies experienced in France. As I have noted with colleagues (Chappe et al., 2018), although legal consciousness is often cited, it has been mobilized more superficially and less in discussion and analyses.

Other research also was strongly inspired by Laurie’s theorization. A recent example is research on the law on “le devoir de vigilance” (transnational corporations’ duty of vigilance) passed in 2017 in France, which led to one special issue of *Droit et société* journal (Barraud de Lagerie et al., 2020).

Today, Laurie’s work, in particular her book published in 2016 (Edelman, 2016), and the concepts she forged and worked on (managerial rhetoric, legalization of organizations, managerialization of law, legal endogenization theory) are well known in France within the sociology of law and, increasingly, the sociology of organizations.³

DISCUSSIONS IN AND OF THE FRENCH CONTEXT

Like the dissemination of legal consciousness studies a few years earlier (Israël & Pélisse, 2004; Pélisse, 2005), the applicability of Laurie’s work to France is not immediately self-evident. The legal and judicial systems are very different between France and the United States, as is the very notion of law (and the difficulty of translating “law” or “rights,” for example). Corporations and other “firms” or “companies” have equally different legal bases, not to mention the very different place and rules for unions in labor relations in the United States and France. The unions are thus rather absent from Laurie’s analyses, much more so than in the work of Vincent Arnaud Chappe on the same issue of discrimination in employment in France. The American distinction between employment law and labor law, which is non-existent in France, and France’s delay in implementing anti-discrimination policies and the content of those policies also make for very different legal, institutional and cultural contexts.

³Working Law’s lecture notes, such as Buchter’s (2019) in *Sociologie*, or Pélisse (2019a) in *Sociologie du travail*, or a chapter by Lemerrier and Pélisse (2022) in *La société des organisations*, a recent landmark work in the field of organizational sociology in France, are a sign of this as much as they continue to contribute to it.

However, the concepts, the theory, the analysis of the processes of managerialization of law and legalization of organizations, of organizational interpretation and framing of what it means to “comply” as well as of “judicial deference” have proved to be very inspiring. Although Laurie’s theory has required adaptation before being used in France, it has helped to illuminate some very French realities: the 35-h work week,⁴ the unique ways in which France deals with discrimination issues, the 12-h work week in hospitals,⁵ workplace safety policies, the uses of patent law, and so forth.

Laurie’s work also has led to extensive discussions on multiple topics including for example the question of the type of data and materials Laurie examined. These are essentially formal and procedural, possibly analyzed quantitatively (such as the dissemination of internal conflict resolution mechanisms or court decisions) or interpretively (such as the content of training courses or job descriptions focusing on discrimination and diversity issues in companies) or based on discourses (such as articles in the human resources press, for example). Despite their richness, however, the empirical data that Laurie collected and analyzed provided little direct access to internal personnel management practices in companies: in most of her work she did not rely on observations of the latter, or even interviews with those diversity professionals about their practices within organizations. Similarly, the actors in charge of compliance controls such as labor inspectors—admittedly not part of anti-discrimination compliance in the United States—are never considered in her analyses, even though it is conceivable that they play a role in the ways in which legal rules are interpreted and compliance with law constructed in business organizations.⁶

In other words, the processes of intermediation and the ways in which the legalization of organizational practices and the managerialization of law are practically taking place must be further explored by ethnographic observations and analyses of the practices to fully understand and explain these processes. Scholars conducted such discussions during various seminars and colloquia, notably several sessions or panels I organized at Berkeley (USA) in 2016 and in Lyon (France) in 2017 as part of the annual colloquia of the *Society for the Advancement of Socio Economics* (SASE), and then at the Law and Society Association meeting in Washington DC in 2019. At these panels, such as the one organized for the publication of *Working Law* at the Mexico Law and Society Meeting in 2017 where I was invited with other scholars to discuss her book, international colleagues from many countries including France and the United States, but also Canada, Germany, and Italy shared their views on legal endogenization processes.

RESEARCH AVENUES

The influence of Laurie’s scholarship was partly based on the ways in which the theory of legal endogeneity and the work of Laurie have been presented, translated and disseminated in France, while also borrowing from two avenues of further development of this work that had been identified in the 2011 book *Droit et régulations des activités économiques* (see the 2022 postface of the book). The first develops and theorizes the action of these “legal intermediaries” whose decisive action Laurie had worked on in terms of the managerialization of law. This is a path pursued in particular by Christian Bessy (2022) on intellectual property counselors (Bessy, 2022), and myself, with S. Talesh (see Talesh and Péglise, 2019) or alone (see Péglise, 2014, 2019) on a wider variety of legal intermediaries, both legal professionals and non-professionals. Lisa Buchter (2019) also showed how “insider activists,” a notion developed in the sociology of social movements, can also pertain to the activities of intermediation and framing of legality, in ways distinct from the managerial perspectives to which we often reduce the role of executives and managers. This work on legal intermediaries is now the subject of a

⁴In 1998 and 2000, two laws were passed in France reducing the legal working time to 35 h per week (or 1607 h per year) and encouraging companies to negotiate agreements to reduce working hours.

⁵Since the 2000s, a method of organizing working hours in French hospitals in continuous 12-h sequences has been spreading. This replaces the previous three eight-hour sequences, which, as the 12-h, allows health organizations to operate 24 h a day.

⁶In the field of occupational health and safety, for example, OSHA inspectors undoubtedly play such a role, just as, in France, labor inspectors are full-fledged actors in policies to ensure that companies comply with labor law (see A. Bonnano’s dissertation defended in April Bonnano, 2023).

great deal of research, allowing us to reconsider the role of many professionals in sectors as diverse as insurance, medicine, occupational health prevention, real estate agents, hospital management, condo syndicate council, and many street level bureaucrats, in order to emphasize their role in framing legalities for laypeople (Pélisse, 2023), and interpreting rules and compliance practices that organizations put in place in response to increasingly dense and complex legislative and legal environments.

A second avenue, also identified in the 2011 book and which has been the subject of slightly less work, concerns the socio-legal arrangements embodied in material objects and rules, through which the processes of organizational mediation of the law take place. These processes are not, in fact, limited to grievance procedures and other due process procedures that Laurie worked on extensively. Contracts (in the tradition of a famous article by Mark Suchman (2003), who worked closely with Laurie), also must be taken into account to understand legal endogeneity process, like management software or other standardization documents. Two articles, one by Sebastian Billows (2019) and the other by Alina Surubaru (2019) that appeared in 2019 *Studies in Law, Politics and Society* - the special issue edited by Billows, Buchter and Pélisse (2019) - are devoted to the ways these other material objects and devices figure into legal intermediation.

Besides these two original avenues of research directly stemming from Laurie's work, other avenues that she herself has taken have not yet been explored in France. This is particularly true of the statistical analysis of judicial decisions, whose representativeness and the rigor with which they are treated constitute particularly convincing elements of proof in her analyses. In France, the analysis of judicial decisions are preserved for jurists, but only on the basis of a jurisprudential and doctrinal analysis, so it remains a territory poorly explored by sociologists.⁷ However, French sociologists will have to get involved if they really want to test in France the relevance of legal endogeneity theory with the same level of evidence as Laurie supplied for the United States.

CONCLUSION

In the end, the dissemination of Laurie's work continues today, always in an open mode and without mechanical application. This can be seen for example, in calls for workshops and conferences, and in recent theses. For example, the 2022 thesis of Charles Reveillere (Reveillere, 2022), concerns rehousing policies in working-class neighborhoods in Marseille. Laure Bereni, who followed in the footsteps of Laurie in studying diversity policies in France, is also continuing her work, in a more directly comparative way. Her latest book (Bereni, 2023) analytically compares the trajectories, practices, activities, and effects of diversity management in Paris and New York. These scholars cite Laurie's work as a central influence. Indeed, Laurie's theoretical framework, methodological rigor, and robust results that culminated in her award-winning book *Working Law* make her a central actor in the field of law, organizations and society, including in France. Laurie's research has the potential to guide policy recommendations and practitioners. The importance, subtlety and rigor of Laurie's work means that it remains very much alive and generative, even though she has left us so abruptly.

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⁷See nevertheless the work of Isabelle Sayn or Evelyne Severin, two legal scholars working with statisticians in the field of social and labor litigation.

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