European Law Open (2026), page 1 of 20
doi:10.1017/elo.2026.10083

DIALOGUE AND DEBATE: SYMPOSIUM

Towards epistemic justice: a case for creative methods in legal research

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(Received 21 June 2025 UTC; revised 7 January 2026 UTC; accepted 25 March 2026 UTC)

Abstract

This article makes a case for creative methods in legal research that is both analytical and moral. Beginning with an information-theoretical account of legal evolution, I propose a shift from 'law as language' and 'law as communication' to the more foundational unit of information coded by legal language. I conceptually clarify 'legal coding' as the process by which legal meanings get constructed and conceptualised, and position the legal academy as an active site of legal coding. Critically examining the information that is excluded from legal codes (because of ignorance, irrelevance, or illegibility) opens pathways to reveal, challenge, and shift the selective and patterned tendencies of legal coding processes to reinforce epistemic injustice. Positioning the legal academy as a site of legal coding further helps in understanding legal research as a practice of legal coding. I argue that expanding our methodological toolkits can enable a more holistic coding of social reality. By expanding the form of legal codes, creative methods equip us to capture new (or previously excluded) information about lived realities that remain on the margins of meanings. The analytical case for coding social reality more holistically, by including new forms of information through a creative praxis, is complemented by a moral case to include alternative perspectives and hermeneutically misunderstood lives. I demonstrate these arguments through a self-produced short film '(IN)VISIBLE' that captures the working lives of Indian women legal experts, towards a grounded theory of legal evolution from the south. The film combines embodied, poetic, sonic, and visual analyses to capture and analyse legal coding from the point of view of my research participants. My discussions on the process and output of the film show how a phenomenological analysis can help reveal the structural, allowing for a more complete and just coding of social reality, from within the academy.

Keywords: creative methods; epistemic injustice; rhythms; legal evolution; decolonial; feminist

> Many law schools begin introductory teaching of law's methods and reasoning from a position of false innocence, colonial amnesia, eurocentrism, and methodological whiteness. And so, we do not, and cannot explain, from within the discipline, how our discipline has been complicit in producing the current state of the world.
>
> – Folúkẹ́ Adébísí[1]

[1]F Adébísí, *Decolonisation and Legal Knowledge: Reflections on Power and Possibility* (Bristol University Press 2023) 131.

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1. Introduction

Folúkẹ́ Adébísí, in her book '*Decolonisation and Legal Knowledge: Reflections on Power and Possibility*', argues that in dissociating the pursuit of knowledge from the body and from space-time, the legal academy shapes the gaze of the researcher to study the system *as is*, rather than as *it should be*.[2] According to Adébísí and other critical legal scholars,[3] we must challenge the ontological nature of law itself and examine why law tends to further oppress and marginalise.[4] Adébísí provokes her readers to think about the *process* by which legal meaning is constructed in the first place, instead of solely examining the exclusionary and violent outputs that the legal system produces. In this article, I respond to this provocation with a three-fold objective.

First, I seek to conceptualise the *process* of construction of legal meaning as 'legal coding'[5] from an information-theoretical lens and clarify the role of legal knowledge in that process. Second, I aim to establish an explicit correlation between legal knowledge and 'epistemic injustice'[6] by proposing a theoretical shift from previous understandings of law as language[7] or communication[8] to the more foundational unit of *information*. This shift from legal language to the information it codes allows for (1) critically examining the role of the legal academy in co-constituting the reflexive relationship between law and 'social reality'[9] and (2) building a case for expanding our methodological toolkits to code (while examining) social reality more holistically, towards capturing new forms of information to arrive at new meanings. Third, I plan to demonstrate how creative methods can help in this expansion through my own use case of a short film titled '(IN)VISIBLE'[10] on the *lived realities*[11] of women (and women-identifying) legal experts in India.

With this three-fold objective, I respond to Adébísí's provocations of challenging the ontological underpinnings of legal knowledge by demonstrating *what* information about *which* lived reality tends to get excluded by the unquestioned *form* of legal coding. In developing my case for creative methods in the legal academy from an analytical information-theoretical lens, I extend Adébísí's critique of legal knowledge beyond the moral case of decolonisation.

Further, by partly grounding my information-theoretical framework of legal coding in the lived realities of Indian women lawyers through (IN)VISIBLE – I not only de-centre westernised and

[2] Ibid., 82, 148–57.

[3] J Britton-Purdy et al, 'Building a Law-and-Political-Economy Framework: Beyond the Twentieth Century Synthesis' 129 (2020) The Yale Law Journal 1784.

[4] J Cobbe, 'Legal Singularity and Reflexivity of Law' in S Deakin and C Markou (eds), *Is Law Computable? Critical Perspectives in Law and Artificial Intelligence* (Hart 2020).

[5] 'Legal coding' is used in the same vein as used in the literature on 'legal evolution' (Deakin 2011), critical legal scholarship on the legal coding of 'capital' (Pistor 2019), and my own theoretical framework of 'Information Theory of Law' that bridges the two (Billa 2023). Further expanded in Section 2. S Deakin, 'Legal Evolution: Integrating Economic and Systemic Approaches' 7 (2011) Review of Law & Economics 659; K Pistor, *The Code of Capital: How the Law Creates Wealth and Inequality* (Princeton University Press 2019); B Billa, 'Law as Code: Exploring Information, Communication and Power in Legal Systems' 2 (1) (2023) Journal of Cross-disciplinary Research in Computational Law 1.

[6] M Fricker, *Epistemic Injustice: Power and Ethics of Knowing* (Oxford University Press 2007). Further in Section 3.

[7] M Constable, 'Law as Language' 1 (2014) Critical Analysis of Law 1.

[8] M van Hoecke, *Law as Communication* (Hart 2002).

[9] The article adopts an epistemological account of social reality as developed by R Bhaskar, *A Realist Theory of Science* (Routledge 2008).

[10] B Billa, A Bagga, '(IN)VISIBLE' (*Cambridge Festival*, 14 October 2024) <https://www.youtube.com/watch?v=oAnm88Sozj8&ab_channel=CambridgeFestival> accessed 5 January 2026.

[11] My use of plural 'lived realities' (as opposed to a singular 'social reality') captures how social reality is comprised of various components, including lived realities. While social reality is objective from a systems-level perspective, lived realities – even though observable from the outside – are subjective. The term 'lived realities' can be further distinguished from 'lived experience'. My understanding of 'lived realities' captures both experience as *observed* (from the point of view of the researcher) and experience as *lived* (from the point of view of the agent/research participant whose experience is being understood). For further clarification, see B Billa, 'Lives, Letters, and Rhythms of Law: Choreopoetry as a Socio-Legal Method' 29 (2025) Law Text Culture 125.

patriarchal *forms* of legal knowledge but also their *substance*. In this light, my methodological expansion can be understood as an endeavour to 'empirically ground'[12] and theoretically situate the previously universalised western accounts of legal evolution,[13] towards an updated theory of legal evolution 'from the south'.[14] I ground my information-theoretical framework using qualitative empirical data from 25 semi-structured interviews with Indian legal experts engaged in the *work of legal coding* at various sites concentrated in and around Delhi, including the Indian Parliament, litigation and legislative offices, and courtrooms. (IN)VISIBLE situates this data in the bodies, voices, colours, and rhythms of how women experience the 'phenomenon'[15] of legal coding in their mundane working lives. This phenomenological analysis of how my participants experience legal coding completes and complements existing accounts of legal evolution from alternative perspectives. My case for creative methods offers a template for examining previously excluded lived realities and/or excluded information about them towards both alternative and complementary theoretical accounts of law-society interactions within and beyond Europe.

Before diving in, some clarifications about terminology, structure, and scope are warranted. I define 'creative' broadly as a process that goes beyond a purely text-based or numbers-based analysis of both the legal doctrine and the social reality it codes. A creative *praxis*[16] for doing legal research then considers how 'bodies, spaces, and times'[17] are treated and experienced within the processes by which, and the outcomes of how, law and society interact. I define 'methods' broadly too, as anything that involves *doing*,[18] including, for instance, the approach to asking questions, ways of responding to them, processes of writing about them, and their steering towards new audiences as well as new questions.[19] 'Creative methods' for the purposes of this discussion, therefore, include but are not limited to practice-based and practice-led,[20] embodied,[21] poetic,[22] and artistic[23] methods.

A final caveat is that my case for creative methods is not limited to the logic of reaching wider non-legal or non-academic audiences (a commonly intuitive and well-reasoned argument in favour of creative methods).[24] By legitimising, accepting, and adopting creative methods within the legal academy (and treating them as more than just tools of dissemination), I show how we can add *richness*, *rigour*, and *reflexivity* to legal research. While the scope of this article is limited to demonstrating the value of using data and knowledge systems *situated* in India to de-centre Europe from theoretical accounts of legal evolution, it hopes to expand the methodological toolbox for future works that seek to critically explore the epistemic logics underlying different

[12]BG Glaser and A Strauss, *The Discovery of Grounded Theory: Strategies for Qualitative Research* (Aldine Publishing Company 1967).

[13]N Luhmann, *Law as a Social System*, F Kastner et al (eds), K A Ziegert (tr) (Oxford University Press 2004); JB Ruhl, 'Law's Complexity: A Primer' 24 (2008) Georgia State University Law Review 885.

[14]B de Sousa Santos, *Epistemologies of the South: Justice Against Epistemicide* (Routledge 2014); MJ Dutta and M Pal, 'Theorizing from the Global South: Dismantling, Resisting, and Transforming Communication Theory' 30 (2020) Communication Theory 349.

[15]R Sokolowsky, *Introduction to Phenomenology* (Cambridge University Press 2000).

[16]My use of 'praxis' here is based on Hanna Arendt's formulation that defines 'praxis' not only as practice but also as action and agency. Just as Arendt challenges the conventional understanding that separates praxis (or practice) from poesis (or creation), I challenge the separation of 'legal code' from the process of legal coding. H Arendt, *The Human Condition* (The University of Chicago Press 2006).

[17]Adébísí (n 1) 1–13.

[18]KT Bartlett, 'Feminist Legal Methods' 103 (1990) Harvard Law Review 829.

[19]The underlying claim here being, the temporality of the research process itself is not linear, unlike what traditional methods of knowledge production propagate. For example, a method may not only follow but also inform the research question.

[20]R Throne, *Practice-Based and Practice-Led Research for Dissertation Development* (Information Science Reference 2020).

[21]R Chadwick, 'Embodied Methodologies: Challenges, Reflections and Strategies' 17 (2017) Qualitative Research 54.

[22]SL Faulkner, *Poetic Inquiry: Craft, Method and Practice* (Routledge 2019).

[23]V Michelkevičius, *Mapping Artistic Research: Towards Diagrammatic Knowing* (Vilnius Academy of Arts Press 2018).

[24]R Ayrton, 'The Case for Creative, Visual and Multimodal Methods in Operationalising Concepts in Research Design: An Examination of Storyboarding Trust Stories' 68 (2020) The Sociological Review 1229.

areas of law, including European Union (EU) law. The pointed argument that the article makes is to expand the disciplinary boundaries from *within* the legal academy through methodologies that are better equipped to reveal, examine, and dismantle the wider hierarchies *outside*.[25] The scope of this article is, therefore, restricted to my case for creative methods in legal research, demonstrated by a use case that updates the previously universalised western accounts of legal evolution, both in their substance and form. Even though this template could very well be used to critically explore specific areas of law – such as how constitutional and human rights jurisprudence across Europe co-constitute identity[26] – exploring substantive questions of EU law using creative methods remains outside the scope of this discussion.

Beyond this introduction, the article is divided into four further sections followed by conclusion. The second section will briefly discuss 'Information Theory of Law' (ITL), a framework that models the legal system as a multi-sited information system.[27] This theoretical background will help in (1) grounding the processes of construction of meanings (conceptualised here as 'legal coding') at different physical sites where experts translate social reality into a networked web of legal language and concepts, (2) shifting from a theoretical understanding of *law as language* to *law as information*, and (3) discussing the methodological implications of this shift in our understandings of law and society interactions and how they root from and reinforce epistemic injustice.

The third section will build on ITL to position the legal academy as a *site* of legal coding and legal research as a *practice* of legal coding. This section will extend the theoretical implications arrived at in the previous section and introduce the methodological implications of the shift from language to information. By expanding our methodological toolkits and developing creative methods, I argue for capturing new forms of information to arrive at new meanings, towards potentially addressing epistemic injustice.

The fourth section will demonstrate what the previous section proposes, through my own use case of (IN)VISIBLE. This section will show how the film re-centres the perspectives of the agents in theorising the co-constitution of the Indian legal system and its agents and, by extension, the co-constitution of law and society. My choice of highlighting the perspectives of women legal experts stems from a feminist praxis of re-centering the lived realities of those on the margins, to better reveal the workings of the structural.[28] I will begin by discussing the empirical data that the film is based on, followed by a detailed discussion of the output itself. This discussion will hopefully reveal the potential of embodied, poetic, visual, and sonic analyses to inform theory. The objective is to demonstrate how the multi-dimensionality of creative methods can act as an antidote to analytical 'flatness'[29] in the study of the social, by offering a commentary on how each specific element of the film (both in substance and form) *visibilises* and *challenges* structural power locked into the processes of legal coding. By discussing both the process and the output of (IN)VISIBLE, I will offer modalities for studying what *goes on behind* the black letter by *going beyond* the black letter and how ontologies and epistemologies can be radically undone through creative methods.[30]

[25]B Billa, 'Folúkẹ́ Adébísí, Decolonisation and Legal Knowledge: Reflections on Power and Possibility', 87 (2024) Modern Law Review 1603.

[26]L Allezard, 'Beyond Constitutional Identity: Thinking Identity in Constitutional Law' 5 (2025) European Law Open 172; C Thornhill, 'Constitutional Subjects: The Formation and Fracture of Constitutional Legitimacy. Towards a Phenomenology of Law and Violence' 5 (2026) European Law Open 235.

[27]Billa (n 5).

[28]M Arvidsson, 'Embodying Law in the Garden: An Autoethnographic Account of an Office of Law' 39 (2013) Australian Feminist Law Journal 21.

[29]'Flatness' in theorising the social generally indicates an ignorance of the hierarchical and structural nature of systems that constitute social reality. T Lawson, 'Social Positioning Theory and Quantum Mechanics' 53 (2023) Journal for the Theory of Social Behaviour 583.

[30]M Angrosino and KM de Perez, 'Rethinking Observation: From Method to Context' in N K Denzin et al (eds), *The SAGE Handbook of Qualitative Research* (SAGE 2023); I Yoon-Ramirez and AI Ramírez, *Decolonial Arts Praxis* (Routledge 2023).

In the fifth section, I will discuss possible limitations of creative methods and how those can be acknowledged, addressed, and complemented to ensure a more holistic and reflexive legal coding of social reality from within the legal academy. The article will finally conclude by clarifying contribution and summarising my case for creative methods as both moral and analytical.

2. Law as a multi-sited information system: going beyond language

Recent critical legal scholars have been discussing the co-constitutive role of law in shaping social reality, ontologically, politically, and economically in ways that have widened inequalities and entrenched structures of power. Examples include ways in which law has constituted and entrenched the logics of unequal labour markets and reinforced wealth inequalities by constructing meanings through interconnected concepts, or *networked codes* of 'capital', 'labour', 'disability', 'time', and 'work'.

Katharina Pistor critically analyses the law's role in 'coding' or conceptualising 'capital' for the benefit of the wealthy.[31] This legal coding of 'capital' is complemented by a legal coding of 'labour' in ways that have historically 'invisibilised'[32] the racialised and ableist hierarchies of the labour market. Diamond Ashiagbor explains how the neutrality of employment contracts often masks the precarity of work that racialised bodies have historically carried out.[33] Adébísí further traces law's complicit role in coding 'bodies' to facilitate such hierarchised labour to the assumed ontological understanding of body as separate from its labour in legal code.[34] The 'body' and 'labour' are further separated from the 'time' it takes to carry out that labour, repositioning labour as a commodity for capitalist use.[35] Clare Williams shows how labour law in particular co-opts the default legal subject as a fully abled body, and renders legible for law only those who can 'optimise' in the workplaces that are designed for fully abled bodies in the first place.[36] Zoe Adams discusses yet another networked concept of 'work', which excludes from its boundaries certain kinds of work that are more often invisible, precarious, gendered, or racialised – such as care work and household work.[37]

How and where do these concepts – capital, labour, bodies, time, and work, for instance – get legally coded and networked, and why do these coding processes tend to entrench previously attributed power? Part of the answer lies in the underlying causal mechanisms that determine what information tends to get prioritised in legal coding and why, questions that my framework of ITL has begun to address.[38] ITL theorises legal coding by modelling the legal system as a multi-sited information system. It explains how networked codes co-evolve in exclusionary, reflexive, and adaptive ways, determined by legal coding in parliaments, courtrooms, law offices, litigation chambers, judges' chambers, media offices, and newspapers, among others. During these multi-sited legal coding processes, certain information gets selected, while other remains excluded from the scope of these codes.

[31]Pistor (n 3).

[32]I use 'invisibilising' as an active verb representing an intentional/strategic/ignorant process, rather than the phrase 'making invisible' that indicates invisibility as a passive incidental outcome of a process.

[33]D Ashiagbor, 'Race and Colonialism in the Construction of Labour Markets and Precarity' 50 (2021) Industrial Law Journal 506.

[34]Adébísí (n 1) 67–76.

[35]For further discussions on the relationship between law and time, see E Grabham, *Brewing Legal Times: Things, Form, and the Enactment of Law* (University of Toronto Press 2016).

[36]C Williams, 'Ability Capitalism: Law's Constitutive Role in Constructing Disability' (2024) Industrial Law Journal dwae043.

[37]Z Adams, *The Legal Concept of Work* (Oxford University Press 2022).

[38]Billa (n 5).

It must be acknowledged that the legal coding process, like any other meaning-making process, will always remain selective by design.[39] It is the patterned tendency of the system to repeatedly select and process information in favour of previously attributed power that needs to be identified, examined, and challenged.

These skewed tendencies of selectivity that underlie legal coding processes must be shifted to re-centre information, meanings, and lives that have continued to remain on the margins. The exclusion of information from legal coding both roots from and results in what Miranda Fricker calls 'epistemic injustice' – a harm where someone is wronged specifically in their capacity as a knower, based on a lesser credibility attributed to them because of not what they know but because of who they are.[40] According to Fricker, epistemic injustice can either be 'hermeneutical' (ie, when a lived experience is misunderstood due to its lack of comprehension through language and therefore continues to remain absent from systemic meaning-making processes)[41] or 'testimonial' (ie, when a speaker is not attributed enough credibility because of their identity, also known as the 'identity-prejudicial credibility-deficit').[42]

Epistemic injustice embedded within, and reinforced by, legal coding can be attributed to at least three kinds of intertwined and mutually reinforcing mechanisms – *ignorance*, *irrelevance*, or *illegibility* of information. Whether information was excluded from legal coding because of ignorance, irrelevance, or illegibility further depends on a combination of agent-driven and systemic mechanisms.

An example of exclusion by the first mechanism of *ignorance* is the *For Women Scotland* case, where the UK Supreme Court coded the legal definition of 'sex' as 'biological sex', based on courtroom hearings where the voices of transgender communities were not heard or cited in the judgement text.[43] The result of the coding in *For Women Scotland* is a binary conceptualisation of 'sex' exclusive of the lived realities of those who do not fall into either of the binary categories of male or female. Ignorance of information in this case is a type (and a result) of silencing that leads to a deliberate exclusion of lived realities from the meanings of legal codes.

An example of exclusion by the second mechanism of *irrelevance* includes cases related to hijab or veil bans across Europe and elsewhere, which tend to ignore the agency of the women who choose to wear them. For instance, Ratna Kapur points to various cases at the European Court of Human Rights where 'veil bans' were upheld by the Court as the veil was considered a symbol of gendered oppression.[44] Legal coding of the hijab has historically reduced the identities of Muslim women to victims of culture and religion, awaiting some form of rescue through liberal rights intervention.[45] All this, while the first-hand voices, agency, and freedom of choice of Muslim women continue to remain largely irrelevant for legal coding in legislative bodies and courtrooms.

The third mechanism is the exclusion of information because of *illegibility*, where legal coding processes do not have the capacity to process or code a certain type of information. For instance, Dipika Jain and Kimberley M. Rhoten highlight how transgender and non-binary persons in Indian litigation are faced with not only the barrier of establishing that they *belong* to a protected

[39]S Deakin, 'Law as Evolution, Evolution as Social Order: Common Law Method Reconsidered' in S Grundmann and J Thiessen (eds), *Recht und Sozialtheorie im Rechtsvergleich/Law in the Context of Disciplines* (Mohr Siebeck 2015).

[40]Fricker (n 6) 4.

[41]Ibid., 147.

[42]Ibid., 43.

[43]*For Women Scotland v The Scottish Ministers*, [2025] UKSC 16 ('*For Women Scotland*'); 'The Supreme Court ignored trans voices. I'm ashamed of what our law has become' (*Good Law Project*, 16 April 2025) <http://goodlawproject.org/the-supreme-court-ignored-trans-voices-im-ashamed-of-what-our-law-has-become/> accessed 5 January 2026.

[44]R Kapur, *Gender, Alterity and Human Rights: Freedom in a Fishbowl* (Edward Elgar 2018).

[45]L Abu-Lughod, 'Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others' 104 (2002) American Anthropologist 783.

identity but also the bigger barrier of proving the *validity* of the identity itself.[46] This means that they have an additional burden of communicating and helping the legal system develop a working understanding – some sort of legal legibility – of their identity. Other similar examples include the failure of legal coding processes to comprehend the embodied and emotional lived realities of illness,[47] forced migration,[48] and living in indigenous groups.[49]

These examples show that exclusion of information from legal coding – be it from ignorance, irrelevance, or illegibility – continues to reinforce path-dependent tendencies of legal evolution to selectively visibilise, include, and protect certain lived realities over others. Once coded into legal language, these networked codes become a repository of information for some lives and a carrier of epistemic injustice for others. By shifting the focus from language to the more foundational unit of information in theorising law and society interactions, ITL lays the ground for revealing, challenging, and potentially dismantling the epistemic hierarchies embedded within legal coding processes, as well as the epistemic limitations imposed by the *form* of their outputs.

3. Research as legal coding: de-centring the black letter

Just as in parliaments and courtrooms, the legal academy is also an active site of legal coding.[50] The epistemic logics with which we produce legal knowledge as researchers seep into legal codes, just as the arguments of counsels and the interpretation of judges. Legal research does not only *observe* or *measure* how law has coded social reality, but in clarifying that position further, it actively codes social reality in deeply non-neutral ways. For instance, the Supreme Court judges in *For Women Scotland* relied on the works of legal scholars to arrive at a strict biological interpretation of the identity category of 'sex'.[51] Similarly, it is common knowledge that the voices and lived experiences of petitioners are increasingly becoming irrelevant for Indian constitutional litigation,[52] which disproportionately increases the burden on judges to rely on research.

A more elaborate example of the role of the legal academy in legal coding can be presented through the networked codes of 'data', 'cloud', and 'platforms' and how they have come to be conceptualised for legal systems across the world. Nick Couldry and Ulises Mejias explain how international economic laws code and conceptualise 'data' as an open resource that is somehow just there, readily available, and potentially valuable, to be extracted, exploited, and monetised by whoever has the means and will to do so.[53] This extractive coding, primarily based on the knowledge produced about the ontological nature of data in the west, has enabled large market

[46]D Jain and KM Rhoten, 'Epistemic Injustice and Judicial Discourse on Transgender Rights in India: Uncovering Temporal Pluralism' 26 (2020) Journal of Human Values 30.

[47]PL Munhall, 'A Phenomenological Method' in PL Munhall (ed), *Nursing Research: A Qualitative Perspective* (Jones & Bartlett Learning 2012).

[48]T Destrooper and S Verclyte, 'Artistic Practices as a Site of Human Rights: How Performative Ethnography Can Facilitate a Deeper Contextual Understanding' 13 (2022) Journal of Human Rights Practice 565.

[49]DL Townsend and L Townsend, 'Epistemic Injustice and Indigenous Peoples in the Inter-American Human Rights System' 35 (2021) Social Epistemology 147.

[50]Unlike plural 'law schools', a singular 'legal academy' includes spaces that cannot be marked within the constraints of brick, mortar, or cement, indicating that a legal coding of social reality can occur through research and writing anywhere in the world, regardless of the department, university, or affiliation.

[51]*For Women Scotland* (n 43), cites, at para 142 of the judgement, legal scholar Michael Foran's arguments to construct definitions of protected characteristics based on a 'groups-orientation' (rather than individual-based).

[52]Anuj Bhuwania calls this 'the curious case of the disappearing public interest petitioner', A Bhuwania, *Courting the People: Public Interest Litigation in Post-Emergency India* (Cambridge University Press 2017) 39.

[53]N Couldry and U Mejias, 'Data Colonialism: Rethinking Big Data's Relation to the Contemporary Subject' 20 (2018) Television & New Media 336; J Thatcher, DO' Sullivan and D Mahmoudi, 'Data Colonialism through Accumulation by Dispossession: New Metaphors for Daily Data' 34 (2016) Environment and Planning D: Society and Space 990.

players in developed countries to unilaterally extract data from developing countries.[54] Couldry and Mejias term this extraction as 'data colonialism'.[55] This control over data supply chains is exercised by Amazon, Microsoft, and Google, in particular, who control the global cloud market with a combined market share of more than 60 per cent.[56] The legal coding of 'data' is further facilitated by the legal coding of platform services such as the 'cloud'. Tung-Hui Hu argues that a metaphorical coding of the digital 'cloud' as placeless, mute, ethereal, and unmediated has facilitated a cultural rhetoric that separates the idea of the cloud from the material data centres it is embodied within.[57] These ontological underpinnings, largely theorised within academies, are conveniently co-opted by industrial lobbies at the domestic level and western lobbies at international forums like the World Trade Organisation, to attribute economic value in ways that selectively favour some market players over others.[58] The construction of the legal meanings of 'data', 'cloud', and 'platform' that only render data valuable *after* it has been processed is the reason why a few market players with processing capacity have competitive advantage. This competitive advantage is not an unforeseeable result but a careful construction of *networked codes* that strategically and selectively attribute value in the globally scattered supply chains.

Academic work, particularly legal research, therefore, has direct implications for how law codes and co-constitutes social reality. Thinking about legal and law-adjacent research as a *practice* of legal coding can, therefore, open new pathways to challenge and shift the implicit role of law in perpetuating different forms of injustice, including epistemic injustice. This sentiment is echoed by Marija Bartl, Pola Cebulak, and Jessica C. Lawrence who argue that legal research needs to become more self-aware and critical of its implications by acknowledging its theoretical assumptions and methodological choices.[59] Our ability to code new concepts within the legal academy relies on pre-existing webs of *networked codes* such as data-cloud-platform and capital-labour-work. A sole focus on legal doctrine, or even text-based empirical research, can reinforce the pre-existing patterns of selectivity by which codes have included and processed information. These risks make knowledge production about law as self-referential (or 'autopoietic')[60] as the law itself. The purpose of the academy, however, goes beyond complementing legislators, judges, and lawyers in their coding processes and maintaining internal consistency. Considering the academy as a site and research as practice of legal coding can reveal the epistemic implications of our methodological choices and equip us to question what information they ignore, render irrelevant, or simply exclude because of illegibility.

The case for the legal academy to have a method of its own – in most cases specified as doctrinal – rests in a justifiably unique normative power of the law to construct (and not just observe or measure) social reality.[61] This argument relies on a correct apprehension of quantitative methods based on risks such as the difficulty of studying realities that cannot be (or are not yet) counted or measured.[62] The doctrine can be and has been studied without falling into the trap of believing everything it says. However, purely relying on doctrinal methods limits our ability to examine what happens outside the boundaries of legal language. While quantitative

[54]B Billa, 'Free Hands and Footprints at the WTO: Colonial Ontologies of Information Capitalism' in S Rolland (ed) *Research Handbook on Trade Law and Development* (Edward Elgar 2025).

[55]Couldry (n 53).

[56]F Richter, 'The Big Three Stay Ahead in Ever-Growing Cloud Market' (*Statista*, 21 August 2025) <https://www.statista.com/chart/18819/worldwide-market-share-of-leading-cloud-infrastructure-service-providers/> accessed 5 January 2026.

[57]TH Hu, *A Prehistory of the Cloud* (MIT Press 2016).

[58]J Cobbe, 'The Politics of Artificial Intelligence: Rhetoric vs Reality' 15 (2024) Political Insight 20.

[59]M Bartl et al, 'Conclusion: An Emergent Alliance for 'Critical Doctrine'' in M Bartl and JC Lawrence (eds), *The Politics of European Legal Research: Behind the Method* (Edward Elgar 2022).

[60]According to Luhmann, social systems such as the law are autopoietic in nature, ie, the system reproduces itself through self-reference and self-rectification – enabled by its closed operational boundaries. Luhmann (n 13).

[61]S Rodin, 'Telos of a Method' in Bartl and Lawrence (n 59).

[62]I Domurath, 'The Politics of Interdisciplinarity in Law' in Bartl and Lawrence (n 59).

empirical methods offer suitable alternatives in some cases,[63] qualitative methods are being increasingly adopted by socio-legal scholars to push the methodological boundaries of legal research. However, even qualitative approaches are only equipped to capture information that has largely been excluded because of ignorance or irrelevance. Continuing to be rooted in the western hierarchies of knowledge production that prioritise language (especially written text) over other forms of communication, purely text-based qualitative methods risk excluding information that has historically been considered illegible. This exclusion reinforces hermeneutical injustice, particularly for lived realities that have not yet found a language to capture aspects of their lived experience.

If doctrinal research is one method to examine reality from within the legal academy, then empirical research – qualitative or quantitative – does not have to be the only alternative. A third type of method that expands the toolbox to capture epistemically misunderstood or excluded realities is *creative*. While there is remarkably little attention to methods in legal research training and writing,[64] there has been an explicit and rather surprising underutilisation of creative methods within the legal academy.[65] Using a *creative praxis* in research methodology is relatively more common in ethnographic[66] and feminist[67] methods, spanning disciplines such as literature,[68] anthropology,[69] sociology,[70] international relations,[71] education,[72] and performance studies,[73] to name a few. Within law, critical legal studies, feminist legal studies, law and political economy, and socio-legal studies are some of the approaches that have begun to address this gap. By adopting methods from disciplines occupied with studying lives (over letters), and by borrowing from other knowledge systems, these approaches have gone beyond the doctrinal and text-based empirical to consider the lives that law births from, inhabits, impacts, or oppresses.

Examples include Danish Sheikh's call for dispensing the rigid black letter traditions of law schools by adopting creative pedagogies that allow for multiplicity of meanings.[74] Renske Vos has extended the visual turn in legal research from *knowing* to *doing* through 'legal sightseeing' as a method.[75] Vos calls for studying the ways of 'seeing' international law by visiting the actual sites where international law gets coded, intertwining her tourist-self with a more reflexive researcher-self.[76] Tine Destroopera and Sofie Verclyte use embroidery to connect with their research participants and study trauma in the legal processes of migration.[77] Joanna Kusiak, in her creative account of how the law enabled the corporates to take control over Berlin's housing, followed by

[63]Z Adams et al, CBR Labour Regulation Index (Dataset of 117 Countries, 1970–2022) Codes and Sources in S Deakin et al (eds) *Leximetric Datasets [Updated 2023]* (Apollo – University of Cambridge Repository, Centre for Business Research) <https://doi.org/10.17863/CAM.9130.2> accessed 5 January 2026.

[64]L Kestemont (ed), *Handbook on Legal Methodology: From Objective to Method* (Intersentia 2018).

[65]S Mulcahy, 'Methodologies of Law as Performance' 16 (2022) Law and Humanities 165.

[66]L Hjorth et al (eds), *Creative Practice Ethnographies* (Lexington Books 2019).

[67]J Pollitt et al, 'Performing Feminist Research: Creative Tactics for Communicating COVID-19, Gender, and Higher Education Research' 35 (2023) Gender and Education 487.

[68]J Cook, 'Creative Writing as a Research Method' in G Griffin (ed), *Research Methods for English Studies* (Edinburgh University Press 2013).

[69]J van Maanen, *Tales from the Field: On Writing Ethnography* (University of Chicago Press 1988).

[70]R Ayrton, 'The Case for Creative, Visual and Multimodal Methods in Operationalising Concepts in Research Design: An Examination of Storyboarding Trust Stories' 68 (2020) The Sociological Review 1229.

[71]BA Ackerly et al (eds), *Feminist Methodologies for International Relations* (Cambridge University Press 2006).

[72]H Kara et al, *Creative Research Methods in Education: Principles and Practices* (Policy Press 2021).

[73]B Kershaw, 'Performance Practice as Research: Perspectives from a Small Island' in S Riley and L Hunter (eds), *Mapping Landscapes for Performance as Research: Scholarly Acts and Creative Cartographies* (Palgrave Macmillan 2009); D Whitten, 'The Practical Turn in Theatre Research' 24 (2009) Forum Modernes Theater 77.

[74]D Sheikh, 'Legal Theatre: Staging Critique in the Law School' 46 (2020) Australian Feminist Law Journal 115.

[75]S Stolk and R Vos, 'International Legal Sightseeing as a Phenomenon and a Methodology' <https://www.lawart.it/Article/Archive/index_html?ida=50&idn=3&idi=-1&idu=-1#_ftnref10> accessed 5 January 2026.

[76]Ibid.

[77]Destrooper (n 48).

an organised social movement to topple it, discusses the role of dancing and 'action research' to intervene in policy while critiquing it.[78] Other examples of use cases are 'socio-legal research in design mode',[79] 'art as a legal method',[80] and 'practice-led'[81] methods in the study of law and performance.[82]

As these scholars merge their teacher/researcher-selves with their artist/activist/performer-selves, they code information about how law is embodied, felt, and lived. In this process, they also clearly visibilise their own positionality and acknowledge that, as agents producing critical knowledge about an unequal social world, they are a part of it. Following in their footsteps, I have tried to merge my different selves too, towards centring the lived realities and voices of my research participants in a way that accounts for the embodied, emotional, spatial, and temporal aspects of their lived realities. Re-centering the individual in a study that seeks to theorise systems, both as the *knower-doer* (ie, the subject of research) as well as the *known-done* (ie, the object of research), can reveal the structural.[83] As the next section demonstrates, creative methods have immense power to do that.

4. Creative methods in legal research: re-centring the lived

A. Context and process of producing (IN)VISIBLE

After modelling the legal system as an information system that is exclusive, reflexive, and adaptive in my framing of ITL, I conducted semi-structured interviews with 25 legal experts working at various sites of legal coding, mostly concentrated in and around Delhi. These sites included the Indian Parliament, Supreme Court, High Court, litigation chambers, judges' chambers, and bureaucratic offices. My objective was to examine the role of 'experts'[84] in legal coding processes and how their own lived experiences and identities shaped the selectivity of the legal coding processes.

More than half of my research participants, identifying as female, spoke about the everyday policing of their bodies and behaviours at the physical sites of legal coding. As I sat down to transcribe these interviews, the rage in their voices echoed through my earphones, telling similar stories of battling different forms of physical and epistemic exclusions in their everyday professional lives. I had observed this rage while interviewing them, in their body language, tonality, and facial expressions, but had not thought about accounting for it in my analysis while I was still in the field.

A text-based empirical analysis seemed unequipped to fully capture the *richness* of my data. How could I capture the emotion, body language, and the collective rage that was threading my interviews together? A simplistic classification of data, based solely on the substance of what they were saying, within linear thematic boxes, seemed restrictive in a sense captured by Leinic Chung-Lee and Jennifer Lapum as 'robotic'.[85] Lee and Lapum argue that a prescriptive and mechanical

[78]J Kusiak, *Radically Legal: Berlin Constitutes the Future* (Cambridge University Press 2024).

[79]A Perry-Kessaris, *Doing Sociolegal Research in Design Mode* (Routledge 2021).

[80]M Hadley and T D Vries, 'Art as Legal Method' (*Critical Legal Thinking*, 30 January 2023) <https://criticallegalthinking.com/2023/01/30/art-as-legal-method/> accessed 5 January 2026.

[81]L Candy and E Emonds, 'Practice-Based Research in the Creative Arts' 51 (2018) Leonardo 64.

[82]Mulcahy (n 65).

[83]M Arvidsson, 'Embodying Law in the Garden: An Autoethnographic Account of an Office of Law' 39 (2013) Australian Feminist Law Journal 21.

[84]'Experts' here includes anyone who has access to legal language and who gets a say in what and how information gets translated juridically. Experts would, therefore, include litigating lawyers, judges, judicial clerks, legal interns, academics, policy experts, journalists, and so on. For further details, see Billa (n 5) 8.

[85]L Chung-Lee and J Lapum, 'Resisting the Robotic – Moving Fluidly Towards Soulful Qualitative Analysis' 23 (2024) International Journal of Qualitative Methods <https://doi.org/10.1177/16094069241247475> accessed 5 January 2026.

process of analysing data can confine the researcher's capacity to extend and leverage their creativity. This can be addressed through arts-based research that allows the researcher to not only bring their authentic selves to the process of research but also engage with their data with more fluidity, reflexivity, and care towards a richer analysis.[86]

To include the emotion, body language, tonality, and the repetitive patterns of frustration amongst my participants as essential 'components'[87] of my own coding process, I found myself dabbling with rhyme and rhythm – giving myself permission to discard the burden of borders[88] and boundaries of text[89] in a traditional and rigid thematic analysis. As I was contextualising the data using poetic tools, I found my mind choreographing to the words and the emotions behind them – addressing the discomfort I had witnessed in their body language (which I had myself experienced, both previously in these spaces and during my interviews). In hindsight, these were the seeds of a short film that would eventually bring together the voices, thoughts, and body with the rhyme, rhythm, and rage in my data. By combining choreography and poetry on screen, I was not only borrowing from epistemic disobedience[90] and roots of resistance[91] embedded in the two art forms of dance and spoken word previously known to me, but also interrogating the rhythms[92] of the physical sites of legal coding as an object of analysis through the methodological tool of rhythm itself.[93]

As discussed further below, this choreopoetic[94] translation of the data on film also added *rigour* to my analysis by allowing me to capture more forms of information than I would have been able to with a purely text-based qualitative empirical analysis. The film also visibilised my own positionality, making the method *reflexive*. The film allowed me to both *study* and *tell* the stories of epistemic injustice faced by women lawyers, tirelessly fighting sometimes for visibility and sometimes against hypervisibility in the Indian legal system, through visual, sonic, rhythmic, and embodied tools simultaneously. By rejecting the flatness of a traditional qualitative analysis, the process of producing the film helped me acknowledge and visibilise the messiness of the social reality (comprising of many lived realities) I was trying to make sense of, as well as the space I occupied within this structured reality. I had *experienced* some of this anger myself as a budding woman lawyer at these sites many years ago, and then again during my interviews, as we shared the embodied anger *stuck* to our bodies.[95] Each conversation eventually aligned me with a *collective* of women who had experienced and embodied similar emotions as a result of different kinds of epistemic exclusions in their working lives.[96]

Before diving into a detailed discussion on the film, I would recommend watching the three-minute short film and its three-minute behind-the-scenes process documentary included in this article as 'supplementary material'.[97]

[86]Ibid.

[87]T Lawson, 'Social Positioning Theory' 46 (2022) Cambridge Journal of Economics 1.

[88]DW Vick, 'Interdisciplinarity and the Discipline of Law' 2 (2004) Journal of Law and Society 163.

[89]D Gauntlett, *Creative Explorations: New Approaches to Identities and Audiences* (Routledge 2007).

[90]S Sengupta, 'Dance for the Times' (*Versopolis*, 5 July 2023) <https://www.versopolis.com/articles/author-of-the-week/1389/dance-for-the-times> accessed 5 January 2026.

[91]B Billa, 'Two Bodies with One Voice on Poetry, Dance and the Law' (*Can Art Save Us?* 22 July 2023) <https://CanArtSaveUs.podbean.com/e/bhumika-billa/> accessed 5 January 2026.

[92]H Lefebvre, *Rhythmanalysis: Space, Time and Everyday Life* (Bloomsbury 2013).

[93]B Billa, 'Cultural Coordinates of Credibility and "Sticky Scripts": Womaning versus Lawyering in the Indian Legal System' 21 (2025) Socio-Legal Review <https://repository.nls.ac.in/slr/vol21/iss2/1/> accessed 10 April 2026.

[94]Billa (n 11).

[95]S Ahmed, 'Affective Economies' 79 (2004) Social Text 117, 89.

[96]Ibid., 174.

[97]Billa (n 10).

B. Can you hear us: mapping temporality of legal coding

(IN)VISIBLE begins with a quote by one of my research participants, a female lawyer who no longer practices in courtrooms because of how unsafe she felt entering the chambers where she used to work. The film then proceeds with multiple sections of such quotes – most of them excerpts from original audio recordings of my interviews – progressively overlapping with each other where they echo similar sentiments, tonality, or experiences.[98] Some of these quotes highlight how the exclusion of voices can lead to the perpetuation of hermeneutical injustice.

For example, the petitioners in the *Hijab case'*[99] (timestamp – 1:58), whose lived realities are often misunderstood,[100] were excluded from discussions on what argumentation approaches the lawyers would take to challenge a ban on Hijabi women entering exam halls imposed by a private educational institution.[101] The lawyers representing these women did not consult their petitioners and approached the case from their own limited understanding of the petitioners' lived realities.

Other comments on a systemic physical exclusion of bodies, such as the one at the beginning where the lawyer felt unsafe entering her own chambers (timestamps – 0:25 and 1:40–1:51), reflect different forms that silencing and exclusion can take. This exclusion interferes with the participation of certain identity groups in legal coding processes, even when they are physically present in the right rooms at the right times.

As contributions of my research participants to these legal coding processes are disrupted by specific instances and different forms and degrees of epistemic exclusions, the authentic presentation of the data is also disrupted by spoken word – my own poetic interpretation of the data. Besides offering analysis, the punctuating poetry breaks the rhythm of the data with an external rhythm to represent the disruptions of my interviewees' lived realities in their working lives. The spoken word also represents the repetition of these experiences, and ways in which they affect memory and perception, harming women experts in their capacities as knowers. The poetry evokes ascending frustration through the dynamically paced sounds of heartbeats and the literary tool of repetition, which is representative of how these repetitions are lived by the participants. While the ascent of rage is reflected by a progressively increasing pace of heartbeats in the backdrop of words, the repetitive nature of these exclusionary experiences is reflected in the repeating hook of the accompanying poem: *Lady Justice might be blindfolded, but the men guarding her aren't.*

This phrase, in its substance, seeks to challenge the linguistic pretence of neutrality by the legal system, invoking the political and politicised bodies behind the black letter. The phrase, in its repetition and the sound that accompanies it, captures the rhythms of the *work* of legal coding – as perceived by my research participants. By vocalising how different agents of the same legal system experience messy 'lived time'[102] (as opposed to chronological clock time) differently and how these differences are primarily based on identity, the film demonstrates new ways to study, analyse, and

[98]Explicit consent was taken from all participants whose voices have been included in the film. In rare cases where interviewees did not consent to their original voice being used as it is, the quotes were recorded by voice actors who listened to original excerpts (while maintaining anonymity) and recreated the tonality, pace, and emotions of the quotes as accurately as possible.

[99]U Poddar, 'Hijab Ban Interview: Why a Secular Court Should Not Tell a Citizen What Her Religion Is' (*Scroll.in*, 2 April 2022) <https://scroll.in/article/1020506/hijab-ban-interview-why-a-secular-court-should-not-tell-a-citizen-what-her-religion-is> accessed 5 January 2026.

[100]'Refuting the Historical Negation of Hijab' (*The Qarawiyyin Project*, 21 February 2020) <https://qarawiyyinproject.co/2020/02/21/refuting-the-historical-negation-of-hijab/> accessed 5 January 2026.

[101]A Sheikh and A Rawat, 'Karnataka Hijab Ban Part 1: An Unveiling' (*Oxford Human Rights Hub*, 27 February 2023) <https://ohrh.law.ox.ac.uk/karnataka-hijab-ban-part-1-an-unveiling/> accessed 5 January 2026.

[102]Lefebvre (n 92).

capture social and legal phenomena. A non-linear non-textual study of the space-times and bodies that these phenomena occupy is better equipped to analyse the rhythms by which these spaces, times, and bodies interact.[103] The sonic rhythms of the film and the non-linear visual presentation of data grouped on the basis of *emotion* rather than *chronology* are an attempt to capture the messy rhythms of the sites that selectively dislocate bodies to be 'out of place',[104] preventing them from entering the meaning itself.

C. Can you see us: mapping spatiality of legal coding

I accompany the participants' voices, my spoken word, and the sonic rhythms in the background with carefully choreographed embodied movement rooted in the Indian classical dance form of Kathak. The choreography includes 'mudra' (gesture), 'nritta' (dance), and 'abhinaya' (expression),[105] which attempt to represent my embodied interpretation of the data, as well as the embodied experience of my research participants. This is to acknowledge, analyse, and demonstrate that the process of researching law – just as the other work of legal coding – is not an emotionless or disembodied experience. The embodied challenges of researching the field (for the researcher), as well as of those working in the field (for the research participants), are often excluded from the written accounts of methodology.[106] The visuals of the film aim to address, acknowledge, and capture some of these challenges.

In my attempt to bridge the physiological with the psychological visually, I bring together the *embodied* with the *expressed*, as well as the *seen* with the *seeing*. Combining my rhythmic, sonic, and poetic analysis with Kathak helps me 'bring back' the 'flowing, resisting, and spinning body'[107] in the analysis. (IN)VISIBLE maps the spaces of legal coding through the bodies behind the black letter, moving to the letters behind those bodies. That is how the analysis itself becomes embodied.

The film, therefore, also responds to and builds on the 'visual turn'[108] in socio-legal research, towards what I propose as a 'rhythmic turn', while speaking directly *to* and *of* my positionality as a researcher. For example, I may not have been able to capture and present an embodied analysis if I had not embodied some of these experiences myself. It is important to note here that methods can be embodied not only at the stage of analysis but also at an early stage of the research project, such as at the stage of collecting data to connect more intimately with the research participants.[109] My motivation for choosing a movement-led method partly came from the embodied discomfort I had been sitting in after the fieldwork (which closely resonated with the discomfort I was hearing in my interviewees' voices). My decision to map the space through rhythms was also determined by the object of my analysis, which was not only bodies but also the way they were flowing across, interacting with, and shaping each other in dynamic space-times at the sites of legal coding.[110]

In addition to analysing this embodied discomfort through choreography, the film challenges the aesthetic pretence of neutrality within the legal system. As the dancing body spins through different types of spaces, ranging from shadowed bars to a black box to an open field, the visibility

[103]C Heaney, *Rhythm: New Trajectories in Law* (Routledge 2023).

[104]Billa (n 93) 17, 23.

[105]'Expressions Beyond Words: Abhinaya in the Kathak Dance Style' (*Kalashri Academy*, 1 September 2023) <https://www.kalashriacademy.com/expressions-beyond-words-abhinaya-in-the-kathak-dance-style/> accessed 5 January 2026.

[106]J Sharp and L Dowler, 'Framing the Field' in VD Casino Jr et al (eds) *A Companion to Social Geography* (Oxford University Press 2011) 146–60.

[107]D Herman and C Parsley (eds), *Interdisciplinarities: Research Process, Method, and the Body of Law* (Palgrave Macmillan 2022).

[108]L Mulcahy, 'Eyes of the Law: A Visual Turn in Socio-Legal Studies?' 41 (2017) Journal of Law and Society 111.

[109]E Vacchelli, *Embodied Research in Migration Studies: Using Creative and Participatory Approaches* (Policy Press 2018).

[110]J Ablitt, 'Book Review: Dawn Lyon, What Is Rhythmanalysis?' 20 (2020) Qualitative Research 243.



Figure 1. Visual oscillations between colour and (in/hyper)visibility.

of the body also fluctuates (Figure 1). The visual elements capture this fluctuation by at least two types of non-linear oscillations – first, an oscillation between black/white and colour, and second, an oscillation between the reflections, shadows, silhouettes, and images of the body. Both these types of oscillations capture the fragmentation of the embodied experiences of women's bodies at the sites of legal coding. On some occasions, they become (hyper)visible in settings where dressing, hair, or make-up are selectively scrutinised as a misdirected measure of 'merit',[111] while on others, their invisibility directly results in epistemic injustice.

D. Can you feel us: mapping affect in legal coding

Emotions are often marginalised in field diaries, even in disciplines that take fieldwork more seriously than law.[112] In this creative analysis, however, I re-centre emotion in ways that make it possible to explain why and how certain bodies *feel* epistemically excluded from the processes of legal coding. This also enables me to map the invisible 'emotional geographies'[113] of the sites and work of legal coding, which constitute the rhythms of legal institutions as much as their visible aspects like moving bodies, voices, and behaviours. By accounting for emotion in my multimodal analysis through a combination of voice modulation, evocative sonic backgrounds, and facial and embodied expressions, I render the emotions of my participants legible for legal coding through my own academic work. In bringing together the data, sound, spoken word, dance, and colour, (IN)VISIBLE combines the *witnessed* with the *felt*, resulting in an output that helped me collect further data, verify my phenomenological analysis, and extend solidarity beyond my research participants.[114]

Various anonymous testimonials collected via a short feedback survey after (IN)VISIBLE's screenings demonstrate how the *witnessed* was *felt* by the viewers. In over 15 screenings of the film in various academic and non-academic spaces so far, legal experts in different capacities from Afghanistan, Bangladesh, Belgium, Canada, India, South Korea, Pakistan, Poland, the United Kingdom, and the United States have provided powerful testimonials of how they resonated with the film. Over 80 per cent of around 100 survey responses 'agreed' or 'strongly agreed' that the film made them feel 'angry' or 'uncomfortable' with the treatment of women's bodies in the physical spaces of legal coding – indicating the universality of the exclusionary rhythms of legal coding, regardless of what cultures they occupy.

Some of the testimonials collected from the survey responses at these film screenings are presented below (each testimonial is a survey entry from a different audience member):

[111]S Jain, 'The Illusion of Level Playing Fields: On the Myth of Meritocracy' (*CRN Webinar 5*, 16 July 2024) <https://www.youtube.com/watch?v=u8ZB6srZTlY> accessed 5 January 2026.

[112]S Punch, 'Hidden Struggles of Fieldwork: Exploring the Role and Use of Field Diaries' 5 (2012) Emotion, Space and Society 86.

[113]N Laliberté and C Schurr, 'The Stickiness of Emotions in the Field: Introduction' 23 (2005) Gender, Place and Culture 72.

[114]Munhall (n 47).

Made me think about similar dynamics within UK policing!

This film equally applies to the imbalance of power in judiciary in England and Wales. Also, not as many women in top jobs in law firms and academia.

I really enjoyed and empathized with the film as a female lawyer from Pakistan who didn't pursue actual practice because of the same worries and concerns as presented in the video.

As a female lawyer, I have had to deal with inappropriate comments from male clients while practicing in the United States.

Very evocative and thoughtful treatment of the legal systems and the barriers faced by women. I reflected on the fact I could feel the frustration of the women in the video as my own, as I have had similar experiences.

Super effective use of visuals and sound effects, which invoked a deep sense of empathy.

Very thought-provoking for myself as an aspiring woman in law.

Made me emotional because it hit some of my core values and I hope this can be shared further and wider.

Being a woman, I have often faced similar situations, and having that voiced out like this felt really empowering.

For me, it really helped to evoke the way the cacophony of instruction, doubt, and other people's judgement and perspectives that women in all walks of life carry around with them. I think it's a really powerful piece and the dance really helps to bring to the fore the embodied nature of these experiences for women whose bodies are always being judged.

The powerful message – especially the voices of the women in the background - were moving and jarring even for someone like me to whom none of this is a surprise!

Use of music/dance was an effective way to prompt emotional engagement from audience.

The idea of integrating dance in the visual as a spinning wheel conveyed the point right away. The colour scheme used was also very telling. The realities of many women are that of being shadowed, not having enough light to voice their opinions, which was very well represented.

I was left with a lingering thought about how women in law and being a first-generation law student myself, I have trodden in the balancing act of pursuing legal studies.

Thank you for highlighting the casual sexism that goes on in the workplace, in legal system as well.

Besides verifying the accuracy of my overarching phenomenological narrative about the lived realities of Indian women experts, the feedback data helped me expand the scope of inquiry beyond India, ranging from UK policing to courtrooms in Pakistan and to legal practice in the United States.

Bringing together the emotions of my research participants through my own dancing body and poetic voice in (IN)VISIBLE paved the way for surfacing the individual and collective bodies these emotions circulate between, demonstrating how emotions *do things*, especially in the way they align bodily space with social space.[115] Sara Ahmed conceptualises the way in which emotions *do things* as adherence, or binding/sticking subjects together.[116] In the case of (IN)VISIBLE, the emotions captured in my multimodal analysis not only bring the subject and the object of the research closer to its audience – as depicted by the survey responses above – but also demonstrate

[115]Ahmed (n 95).
[116]Ibid., 118.



Figure 2. Flipping the gaze/point of view.

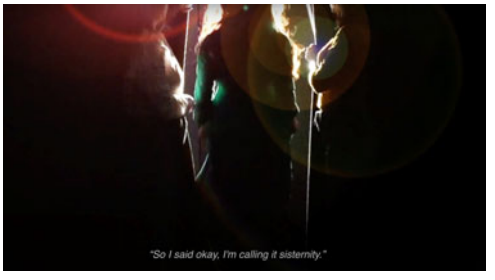


Figure 3. Sisternity.[117]

how they bind and exclude the cultures and rhythms of legal coding. The capturing of affect through an explicit convergence of the *witnessed* with the *felt* can further be demonstrated by at least three specific instances in (IN)VISIBLE.

The first is when the vision of the spinning dancer becomes the lens (timestamp – 2:05, Figure 2 below), visibilising the viewpoint of excluded bodies, highlighting the chaos induced by a collective male gaze that spans and shapes the spatiality of legal coding. In flipping the subject to become the object, the film 'flips the gaze',[118] invoking a form of resistance. The spinning room, as viewed by a spinning body, is also representative of my *reflexivity* as the researcher as well as my interpretation of the embodied experiences of my research participants. The film embeds within it a call to consider positionality within the hierarchies of meaning-making processes and the knowledge production about them. By revealing my own body in the film, I demonstrate that my analysis and interpretation of my participants' experiences are embodied and situated in a specific space, visibilising the subjectivity of legal coding.

The second instance that merges the *witnessed* with the *felt* is the visual reversal of time (timestamp – 2:11, Figure 2). This not only brings the felt non-linear temporality in conversation with the felt spatiality, but also inherits an explicit call to memory, unfolding how the ascending accumulation of individual instances of testimonial injustice (witnessed, heard, or felt) can lead to systemic silencing.

The third instance is when the dancing body finally escapes the closed dark spaces that were suffocating her (timestamp – 2:28, Figure 3). As the hands of two other women's bodies facilitate this escape, the visual is accompanied by a quote that sternly calls for sisterhood, explaining how 'sisternity' (a critical spin on the word 'fraternity') can open doors for liberation. Having travelled

[117]As represented in the film, the word was coined by and is credited to one of my anonymous research participants.

[118]M Beury and L Holzer, 'Orientations as a 3-Dimensional Tool for Practising Positionality in International Law', Practising Reflexivity in International Law Working Paper Series, EUI LAW 2022/04 <https://cadmus.eui.eu/entities/publication/d8c6cc69-c7aa-5bc5-a834-9c7b30a6e2e3> accessed 5 January 2026.

from fear to despair, to rage, to conviction, the phenomenological narrative of the film ends at hope – invoking the agency of the excluded bodies to write their own stories.

The escape to the outer field at this point can be interpreted in at least two different ways. Either the dancer, with the support of those who came before her, is finally able to overcome the various forms of epistemic injustice, but in a new space (also indicating the need for the change to come as much from the system as it must come from its agents). Or, it can be read as a commentary on how meaning is made outside the boundaries of the legal system too, especially when legal coding is exclusionary. The choice to transcend the black letter for dismantling power through social movements is one such example, like the one Kusiak was a part of in her action research to reclaim Berlin's housing.[119] These movements often take place outside the physical sites of legal coding. Dismantling of institutional structures that embed and perpetuate old world orders (sometimes through old methods) often needs a community for execution – just as the film needed generosity[120] from a community of committed and collaborative artists to come to life.

In de-centring the black letter both in its object (as doctrinal law) as well as in the method of its study (as a purely textual analysis of qualitative data), the film attempts to de-centre the hierarchies of knowledge production, which are often rooted in western, Eurocentric, and colonial traditions.[121] The film demonstrates new ways of studying 'law in context' by placing different *forms* of information about the lived realities of people at the centre.

5. Limitations of creative methods: caution, care, and complementarity

Before concluding, it is important to note the potential limitations of creative methods. Too much reliance on positionality can sometimes lead to inflated conclusions, presenting all understandings of reality within social science and humanities research as subjective. When stretched too far, this could lead to a conclusion that nothing is 'real' because everything that attempts to describe it is the researcher's perspective. I want to clarify that my ontological stance remains loyal to Roy Bhaskar's critical realist account that allows for multiple lived realities to exist *alongside* an objective social reality independent of individual perception, even when structured.[122] My case for creative methods is limited to the extent that it enables more information about social reality to be captured and analysed (from more perspectives) than doctrinal and text-based empirical methods currently allow.

A common limitation of creative methods lies in their undeniable need for an 'artistic nerve'[123] in the researcher. Just as the personal and professional identities of other experts – judges, lawyers, legislators, journalists, bureaucrats – shape the legal coding process, the personal and professional identity of the researcher also shapes legal coding from within the academy. Any potential argument for treating the 'artistic nerve' required for a multimodal socio-legal analysis in this case, any different from what one might call the 'philosophical nerve' or 'statistical nerve' or 'sociological nerve' required by other methods in the legal academy, is therefore weak.

Just as the knowledge systems that other methods have been engaging with are not immune to criticisms of power embedded within them, the knowledge systems that (IN)VISIBLE engages with are not immune to similar criticisms either. For example, while I am attempting to add depth to my data analysis through embodied movement, my choice of one form of dance, choreography, poetic form, or directorial decisions when it comes to sound and screen cannot be separated from

[119]Kusiak (n 78).

[120]Rachelle Chadwick explains how radical critiques cannot be made without epistemic generosity. R Chadwick, 'The Question of Feminist Critique' 25 (2024) Feminist Theory 376.

[121]Adébísí (n 1) 128–47.

[122]JM Budd et al, 'Inquiring into the Real: A Realist Phenomenological Approach' 80 (2010) Library Quarterly 267.

[123]Angrosino (n 30).

the social hierarchies they are embedded in. Similar to a text-based thematic data analysis, a choreopoetic analysis is also a form of translation, where meaning can be lost in ways different from textual translation. Just as a textual analysis would have been embedded within the hierarchies of colonial and patriarchal hierarchies of knowledge production, Kathak (the form of Indian classical dance chosen in the film) is embedded within similar hierarchies of caste, class, and religion.[124]

The cultural legibility of Kathak in (IN)VISIBLE, which allowed me to screen the film at various venues – including a stakeholder roundtable reporting back to some of my research participants – is deeply embedded in the heteropatriarchal order I was trained to perform as a Kathak dancer in. Dance scholar Rumya Sree Putcha theorises the transnational 'cultural legibility' of Indian classical dance forms in detail.[125] In her ethnographic account, she demonstrates how the political and cultural economy of Indian classical dance ontologically fragments the dancing body from its voice, coding a conforming version of Indian womanhood to be 'graceful', 'compliant', and 'silent', in ways that make her dancing body more palatable for both the native and oriental gaze.[126] My choice of Kathak, enabling me to screen the film before other legal experts can, therefore, be called a form of 'sticky script'[127] – a strategic choice of *form* that will allow me to shift meanings from within the legal academy, while continuing to make a radical case for going beyond the text outside.

I address some of these internal criticisms in my own dance practice as used in the film in multiple ways. One of these is accompanying the dancing body with spoken word – voices of both the dancer herself through poetry, and the voices of women whose experiences she is interpreting through her dance. Including the participants' voices was essential to ensure that my non-textual creative method does not 'speak over' voices who have been using articulate language and text to describe their lived realities of exclusion for decades. Using 'choreo***poetry***' instead of 'choreo***graphy***', therefore, not only reduces the possibility of error in interpreting the message being communicated by the dance, but also addresses the burden that comes with the choice of Kathak as the language of movement. Another way in which I address some of these challenges is by expanding the boundaries of Kathak itself, to make the 'mudra' (gesture), 'nritta' (dance), and 'abhinaya' (expression) more legible and accessible to audiences who do not understand the language of Kathak.[128] I do this by aligning the gestures, dance, and expression with the spoken word and sonic analysis of their rhythms in the background – originally produced for this film – instead of aligning them with the internal logics and rhythms of Kathak.

Despite these attempts to dispense the burdens that come with choosing one type of 'art form' (or 'nerve') over others, (IN)VISIBLE remains ridden with the respectability politics of strategically choosing a culturally legible dance form for processing information about the embodiment of lived realities. While including Kathak-based choreopoetry in my embodied analysis can be said to de-centre the western and disciplinary boundaries of knowledge production, it continues to remain palatable to previously attributed power within the structures of caste and class.

Despite these shortcomings, I argue that an embodied, poetic, and visual translation, accompanied by sonic interpretation, rooted in the presentation of original interview excerpts, captures more 'essence'[129] than a text-based analysis would have allowed in this case. While the considerations involved in choosing a suitable creative method inevitably have the difficulty of

[124]TM Krishna, *Reshaping Art* (Aleph 2018).

[125]RS Putcha, *The Dancer's Voice* (Duke University Press 2023).

[126]Ibid., 110.

[127]Billa (n 93).

[128]For further discussion on accessibility and legibility of creative methods, see Billa (n 11) 134–5.

[129]M Naeem et al, 'A Step-by-Step Process of Thematic Analysis to Develop a Conceptual Model in Qualitative Research' 22 (2023) International Journal of Qualitative Methods <https://doi-org.ezp.lib.cam.ac.uk/10.1177/16094069231205789> accessed 10 April 2026.

replicating and training in these methods, it is important to make explicit the choices that balance the questions of suitability, capacity, and positionality of both the objects and subjects of research. Regardless of the choice of method, the ability and space for researchers to bring their authentic selves to socio-legal inquiries can go a long way in enabling a critical praxis for grounded theory that no longer conceptualises the abstract 'legal system' as universal or neutral.

Flexibility and acceptance of what creative methods can do for legal coding processes can equip researchers to not only reveal, but also shift the epistemic hierarchies embedded within and reinforced by the *networked codes* of law. This could allow for illegible realities to enter networked codes, as well as make space for more well-rounded and ethical analyses that embrace the subjectivity embedded within them. Doctrinal, empirical, or creative – if there is one takeaway about methods from the discussion above, then it is the call to make methodological choices well-thought-out, thorough, and explicit in the legal academy, towards richer, more rigorous, and more reflexive outputs.

And finally, from the receiver's perspective, creative methods, often resulting in relatively more evocative outputs, can disorient, challenge, prompt, and even trigger its audience. In examining research questions that deal with sensitive and potentially traumatic issues, adopting a creative praxis will, therefore, need extra caution and care.

6. Conclusion

In this article, I make a case for creative methods in legal research based on a fresh re-conceptualisation of the legal system as an information system that codes social reality into legal language, concepts, and meanings. I begin by conceptually clarifying *legal coding* and how it results in *networked codes* that continue to capture certain forms of information over others. Excluded information is often a result of one or more of the three mutually reinforcing mechanisms – ignorance, irrelevance, or illegibility. This framing helps establish a correlation between legal coding and epistemic injustice, highlighting the significance of a new information-theoretical lens to critically examine how legal coding processes embed or reinforce epistemic injustice. My rationale for shifting the analytical focus from the *language* of law to the *information* it codes stems from a re-theorisation of legal evolution from alternative perspectives. The rest of the article explores two of these alternative perspectives – decolonial and feminist – to offer a more holistic, grounded, and situated account of legal evolution, a theory from the south.

By positioning the legal academy as a *site* of legal coding and research as *practice*, I establish the need to include new forms of information to arrive at new (or previously excluded) meanings. I then explain how expanding our methodological toolkits can help code lived realities of those who have been historically considered illegible for social meaning-making processes or those who have experienced what Fricker terms as hermeneutical injustice. This lays the ground for my call to de-centre the black letter from legal research by primarily adopting what I call a *creative praxis*. Besides being based on a *moral* case for decolonising legal research (by dismantling the western hierarchies of knowledge production that disproportionately value text-based communication), my case for creative methods is also *analytical*. This becomes clear through my own use case of a short film '(IN)VISIBLE'. The film combines voices, Kathak-based movement, spoken word poetry, sound, and colour to explore, capture, and analyse the lived realities of women legal experts at the physical sites of legal coding in India.

By combining *rhythms* as an analytical object (the rhythms of legal coding as experienced by my research participants) and *rhythm* as a methodological tool (the rhythm of my own embodied, poetic, sonic, and visual analyses), the film offers a fresh template for studying social phenomena from alternative and marginalised perspectives. By capturing new forms of information (such as embodied, spatial, temporal, and emotional) about the lived realities of legal coding, particularly those that repeatedly experience epistemic injustice, the film offers a more holistic account of legal

coding in its own academic coding of these processes. My phenomenological analysis in the film, therefore, adds *richness*, *rigour*, and *reflexivity* to an empirically grounded theory of how law and social reality co-constitute each other.

In the same way as law and society are constantly engaged in reflexive communication processes where they co-constitute each other, so are theory and method. Being reflexive in the method of our critical inquiries, as we are in their substance, can take us to unexplored places, understudied points of view, and previously misunderstood realities. Legal academia has a lot of disciplinary legwork to do on how it perceives, understands, examines, and codes social reality. Within inquiries that seek to examine how law and society co-constitute each other, sticking to purely text-based methods will only help preserve the structured hierarchies of knowledge production, leaving hermeneutically misunderstood and illegible lives excluded from the meanings of the legal code. It is time the discipline begins to make space for these challenges from within itself and acknowledge its crucial role in rendering certain lives and information about them legible for the legal system. The boundaries of the legal system cannot be dismantled without opening the boundaries of the methods we *choose* to examine and code them – for methodology is, whether explicit or not – always a choice.

Supplementary material. The supplementary material for this article can be found at https://doi.org/10.1017/elo.2026.10083.

Acknowledgements. This work is derived from my PhD thesis that was awarded the Yorke Prize 2025 by the Faculty of Law, University of Cambridge. I am indebted to the Faculty and my supervisor Simon F. Deakin for creating a rare corner for curiosity-led and creativity-driven research in the legal academy. I am grateful to the reviewers and editors of ELO, Lena Holzer, Devarchan Banerjee, and Shubham Jain for their comments on initial drafts. I also thank Diamond Ashiagbor, Lars Vinx, Amanda Perry-Kessaris, Anna Chadwick, Zoe Adams, Folúkẹ́ Adébísí, Asiya Islam, and the editors of Frontiers of Socio-Legal Studies blog, for their encouragement, response, and support for this work, as well as the participants of the following events for their constructive provocations: Law and Political Economy ('LPE') in Europe Summer School (Rotterdam 2023), Workshop on the 'Co-Constitutive Idea' in LPE (Cambridge 2023), Rhythm as Knowledge: A transdisciplinary symposium (Cambridge 2024), Social Ontology Summer School (Cambridge 2024), SLSA Annual Conference - LPE and Dance/Law tracks (Portsmouth 2024, Liverpool 2025), and the Interdisciplinary Research Residence on Conceptual Innovation, Methods, and Law (King's College London 2025). Special thanks to my anonymous research participants, Cambridge Creative Encounters, Cambridge School of Visual and Performing Arts, and the amazing production team of (IN)VISIBLE (Aash Bagga, Shubham Jain, Silvia-Theodora Teodorescu, Xinyi Wang) for their trust and time.

Cite this article: B Billa, 'Towards epistemic justice: a case for creative methods in legal research' (2026) *European Law Open*. https://doi.org/10.1017/elo.2026.10083