Accepted: 18 July 2023

DOI: 10.1111/lasr.12673

REVIEW ESSAY

Law & Society REVIEW

Remembrances of Lauren B. Edelman both personal and professional

Well, that's a fine pickle! I really want to write this essay to honor Lauren B. Edelman (Laurie to me and many others). But, I also *don't* want to write it because writing it means acknowledging that Laurie has died—way, WAY too early. I haven't really wanted to acknowledge this incredibly distressing reality. I shall miss Laurie in perpetuity as one of my closest intellectual interlocutors and colleagues and also as one of my dearest friends.

I first met Laurie when she was an undergraduate music major at the University of Wisconsin, just switching to a major in sociology. I was a beginning graduate student in sociology at UW. Since this was (ahem) considerably more than 40 years ago, I can't quite remember if I met Laurie or her father, political scientist Murray Edelman, known especially for his work on symbolic politics, first. Eventually I took a wonderful elective course in political communication with Murray, for which he corralled me to lecture on Louis Althusser's theory of ideology. But I digress.

Laurie and I met because we both worked on the Wisconsin Longitudinal Project (WLS) with Bob and Tess Hauser and Bill Sewell. Still an undergraduate, Laurie was tasked with refiling all the paper survey schedules—yes young'uns, these used to exist—that we graduate students had pulled to check for coding errors and left in an enormous messy heap on the big conference table that we all sat at to do our project work. Laurie hated filing and was clearly way overqualified for the task. I spoke to Tess about this and got Laurie a grand promotion – to occupation coder! At least this was better than filing, and Laurie and I used to joke that, by this act, I showed I was earliest to recognize Laurie's great academic promise.

Laurie and I bonded immediately not only over our mutual interest in social inequality and how to mitigate it, but also over our love of art, music, and European travel. Laurie was an accomplished violinist and jewelry maker. I proudly wore and advertised her jewelry creations, as did many other female socio-legal scholars. I cried with her when health issues made it impossible for her to continue fiddling. Our bond was enriched by our great affection for canines. The antics of the pup who ruled my home in the mid-1990s helped convince Laurie she needed to get a dog. It's a straight line from there to her most recent canine companion, Juno, who now has a home with Laurie's sister Sarah in Madison, making a cross-country car trek with Laurie and Roseann Greenspan from the Bay Area to Madison, Wisconsin during the COVID pandemic, so Laurie could spend a few months of her sabbatical in Madison.

Laurie and I had both gotten to live in Italy in our childhoods, she in Rome and I in Verona. We were both academic brats and Daddy's first-born girls (my father, Shel Stryker, was a well-known academic social psychologist who spent his career at Indiana University). When Laurie and I began our academic training, both of us feared we were going to besmirch our family names by failing in our studies. Still, we persevered. When Laurie decided she wanted to get a law degree to complement her PhD, Murray called me and asked me to provide her with advice because at the time, I was in my first year at Yale Law School. I took my first academic job in the Sociology Department at the University of Iowa and was tenured just a year before Laurie, who began her own academic career in the Sociology Department at the University of Wisconsin. I was honored to be asked by the University of Wisconsin to write my first external letter for a tenure case on Laurie's behalf.

As our respective careers progressed through the years, Laurie and I kept in close touch wherever we were. Before I left the University of Iowa, I and my colleagues wanted to hire Laurie there.

 © 2023 Law and Society Association.

https://doi.org/10.1111/lasr.12673 Published online by Cambridge University Press

Of course, she sensibly went to JSP at Berkeley instead! Over time, Laurie's and my intellectual agendas began to both complement each other's and to collide in various ways. At the small ceremony during the Purdue Board of Trustees meeting at which I was officially awarded a distinguished professorship, one of the board members remarked that he had especially enjoyed Laurie's letter on my behalf. In it, she apparently took care to stake out all her intellectual disagreements with me before concluding that I nonetheless merited a distinguished professorship, and that she especially appreciated how hard I pushed her on everything she wrote. Of course, she returned the favor and pushed me as well. We were constructive critics and unabashed cheerleaders for each other, spurring each other on to publication through a seemingly unending stream of "revise and resubmits."

At a certain point, Laurie and I decided to write together a chapter on the social processes linking law to the economy for a Russell Sage-sponsored *Handbook of Economic Sociology* (2005). Although our chapter has an appropriately professional title—"A Sociological Approach to Law and the Economy"—we dubbed it informally "Explaining how Laurie and Robin can both be right." Readers of the chapter will see that we *did* explain this by combining Laurie's cultural institutionalist perspective on organizational mediation, managerialization, and the endogeneity of law with my own political institutional perspective on how legal and economic action and institutions are mutually constituted in intersecting legal and economic-organizational fields. We both were fixated on field theories, though in our first draft, as *Handbook* editors Neil Smelser and Richard Swedberg pointed out to us, we failed to mention Bourdieu's theorization, instead drawing solely from new institutionalism. In any case, through our joint efforts on the *Handbook* chapter, we both came to better appreciate how power is manifested in ways both covert and overt, the strategies and tactics available to and used by advantaged and disadvantaged actors to pursue their interests, values, and cognitive orientations in the legal and social worlds they inhabit, and both the conditions that typically advantage the "haves," and those that sometimes enable the "have nots" to break through seemingly insurmountable barriers.

We also amused ourselves by including in our theoretical elaboration a statement about the centrality of meaning-making for which it was appropriate to cite both our fathers and the two of us in the same sentence. The commonality among the work of all four of us is the centrality of symbolic communication. It amused us as well that Murray—who distrusted quantitative research—begat Laurie, a scholar who mobilized quantitative methods to demonstrate how the legal endogenization of organizations' symbolic compliance with civil rights law tends to undercut that law's potential to promote egalitarian social change. Meanwhile, Shel, who until later in life deeply distrusted all *qualitative* research, begat a scholar who, although a statistics and methods trainee while at the University of Wisconsin, mobilizes case-oriented comparative methods to illuminate those conditions under which law providing rights to the disadvantaged can succeed in promoting egalitarian social change. Apparently, even ordinarily dutiful daughters have to rebel somehow!

I knew Laurie well before I met and married Scott Eliason, but Scott brought a new dimension to my relationship with Laurie, even as he crafted his own rewarding relationship with her. Scott was an able innovator in statistical methods, and he contributed his expertise to collaborating separately with both me and Laurie. Scott also died way too soon. But, it was he who developed the appropriate modeling strategy to empirically support Laurie's legal endogeneity theory. Scott was very proud to be a member of Laurie's legal endogeneity research team. On the one hand, Laurie praised Scott for his patience with her when explaining all manner of complex statistical issues. On the other hand, it was well known among all Scott's collaborators that he took a far more relaxed attitude toward deadlines than we did. Thus, Laurie would periodically telephone or e-mail me to let me know they had a deadline looming and to ask plaintively whether I could convince Scott that he wanted to work that day!

Some of my best Laurie stories also involve Scott. Here is a small sampling.

In the mid-2000s, CASBS (the Center for Advanced Studies in the Social and Behavioral Sciences), the American Bar Foundation, and the Ford Foundation together funded multiple interdisciplinary discrimination research working groups. Laurie organized and headed up one of these—

https://doi.org/10.1111/lasr.12673 Published online by Cambridge University Press

Social Science Perspectives on Employment Discrimination in Organizations—and Scott and I were privileged to participate along with many others. During our meetings, Laurie mostly exhibited her consummately professional self. However, she began one meeting by announcing in a very loud voice, "Scott, I think you forgot something at my place." (Scott and I had just stayed with her in Berkeley for a few days before our CASBS group meeting). She then held up a pair of blue boxer shorts, at which point Scott turned bright red and everyone else around the table cracked up. This is just one illustration of Laurie's wit and cheekiness.

Another illustration comes from a summer that Scott and I spent in Italy, where in the mid-2000s we would rent a place for June and July in a little town called Zoagli on the Ligurian coast. Laurie would fly over and stay a couple weeks with us. On one such trip, Scott and I had traveled by train to the Malpensa airport in Milan to meet her (Seriously, who would name an airport "Bad Thought?"). En route by train back to Zoagli there was an unannounced rail strike. So, the train just stopped in the middle of nowhere, and we waited. During the multiple hours of waiting time until the strike ceased, two very young children in our compartment were screaming and crying and all around behaving badly. As Scott and Laurie got more irate, they bandied back and forth to arrive at what thereafter we would shout out anytime we witnessed young children behaving badly: TAPE! TAPE^{tm} is the acronym for our invented system "Total Actualized Parenting Excellence." The trademarked (not really) logo is a little kid caught in a tsunami kind of wind swirl that is wrapping him/her/them from head to toe in duct tape.

That same summer, the three of us went hiking in Cinque Terre. Laurie carried a sensible backpack with just the essential water bottle, and so forth. I carried my usual bottomless pit of a purse with all kinds of unnecessary stuff in it. The purse was heavy and awkward to carry, and I was flagging. Laurie looked back at me in an appropriately disdainful way and said "Just give me that or we'll never make it! Did you think we were going to Nordstrom?" However, later in the day it was she who committed the faux pas, in this case of asking for an after-meal cappuccino at a small restaurant we stopped at for a very late lunch. For Italians, cappuccino is for breakfast but becomes a no-no after 10 a.m. The proprietor of the restaurant, who spoke English, responded with a friendly but aggravated "You Americans, you want cappuccino for lunch, cappuccino for dinner, cappuccino last dance." We all had to laugh. However, undeterred, Laurie convinced him to make her a cappuccino. Overall, it was a joyous summer of many cappuccinos and affogati (vanilla ice cream poured over with espresso).

Of course, Laurie's love for good coffee was not restricted to Italy. At one point, Scott and I congratulated ourselves on having found the largest coffee cup imaginable – planter size – and we shipped it to her. She did in fact use it as a planter for some months, but as it was taking up most of her dining room table, she decided to find it a better home. She donated it to the coffee shop in the law school at Berkeley, where it serves as appropriate décor. Now that Laurie and Scott are no longer with us, I have to make my own coffee in the morning. But in my mind's eye, I can hear Laurie yelling back to me still buried in blankets in her guest bedroom, "Coffee's ready and I'm taking the dogs for a walk. Get your lazy a … out of bed."

As I look back on a lifetime of interaction both professional and personal with Laurie, and as I grieve her passing, I find myself both laughing and crying. Above all, however, I am in awe of her scholarly career that so adeptly combined the trilogy of research, teaching, and service, and contributed so much to socio-legal scholarship on all three inter-related fronts.

When I moved to Purdue and received funding to host a Law & Society Colloquium Series, I could think of no one better than Laurie to be the Colloquium's inaugural speaker. Although at the time, health issues were making it hard for her to travel and she quickly tired, Laurie agreed to come to Purdue to give a major research talk to faculty and students, as well as to do a more informal lunchtime event for graduate students. At the latter, she provided professional tips and advice, and answered the students' many questions about her biography and how she made her career. She was both erudite and passionate about her theory and research, and she also was interpersonally warm and friendly, showing great interest in the graduate students' own career aspirations and concerns,

https://doi.org/10.1111/lasr.12673 Published online by Cambridge University Press

and in *their* research topics and questions. These are, of course, the very qualities that made her an award-winning teacher and mentor, as well as an award-winning scholar. I nominated her book, *Working Law* (Edelman 2016) for the American Sociological Association's Distinguished Book Award. When it won, I was delighted but not surprised. I sat right behind her at the award ceremony to help calm her nerves, and I can still feel myself grinning from ear to ear as she accepted this well-deserved award.

This last week, I taught *Working Law* in my graduate law and society seminar at Purdue. Although I had read and taught the book multiple times before, and had commented on it more than once, including in print in a book symposium for *Law & Social Inquiry* and at the Kagan lecture event in Laurie's honor at JSP, this time around, I saw yet new things to appreciate. My first teaching of Laurie's work since her death was especially poignant in bringing home the fact that as I (finally) am in danger of completing my own book synthesizing all aspects of my cumulative research program on the politics of social and behavioral science in employment discrimination law and social change, Laurie is no longer here to provide constructive critique and to cheer me on. She is in my head, however, telling me—as she did in life—that I know her scholarship as well as she does. Sometimes she would joke that my memory was better, and I could pinpoint where she first argued some point far more quickly than she could. In any event, she reminds me that because I have so thoroughly internalized her work, I can assume her part as well as my own in the conversation so that our intellectual dialogue continues.

On this reading, I found myself especially impressed with the concluding chapter of *Working Law*. In this chapter, Laurie first helpfully summarizes her empirically supported and elegant argument pertaining to the endogeneity of federal employment discrimination law. Toward the end of the chapter, she broadens her purview, mobilizing empirical research on prisoners' rights and prison governance, as well as on corporate financial misconduct, to suggest persuasively that the theory of legal endogeneity is quite general, encompassing many legal arenas outside employment discrimination law. In between, she provides detailed policy implications and recommendations for all key actors in the managerialization and legal endogeneity drama in the equal employment opportunity arena, from judges to plaintiffs and defense lawyers, to human resource and other compliance professionals. The point is to show the actors whose interactional dynamics make employment discrimination law, how to ensure that the law becomes effective. It can only do so by forestalling mechanisms—organizational, social psychological, and legal—whereby organizations tend to construct symbolic compliance structures that veer toward pure symbolism over substance, and then courts tend to defer to symbolic structures that do *not* reduce race and gender inequalities in employment. She considers many of the dos and don'ts that she offers to be feasible, although true to form she is not very optimistic that they will be implemented. Still, she does hold out some hope, especially given that plaintiffs' lawyers' jobs especially incentivize them to follow her suggestions.

Laurie also is realistic in pointing to the political and legal *infeasibility* of purely results-oriented jurisprudence of the sort that Nicholas Pedriana and I have discussed under the conceptual rubric of GCE – short for group-centered effects. This is a group-oriented and effects-based approach to legislating and enforcing laws providing rights to the disadvantaged in capitalist democracies, including but not restricted to employment discrimination law (Pedriana & Stryker 2017). Nick and I too have highlighted how liberal legality, including its focus on individuals, on their intentions and fault, and on procedures, for good or for ill depending on your point of view, makes a pure GCE approach beyond the pale of American legal culture and the American legal system.

At the same time, virtually all of Laurie's advice to the actors in the American employment discrimination litigation system focuses on improving their understanding of and promoting their action to forestall, institutional and systemic mechanisms of discrimination and of purely symbolic compliance. For example, she strongly encourages judges to second guess their usual fallbacks on psychological heuristics that mistake symbols for substance. She also urges them to scrutinize organizational structures, policies, and procedures both generally and in every specific litigation, for effectiveness. Here, Laurie points out that social and behavioral science evidence pertaining to what

https://doi.org/10.1111/lasr.12673 Published online by Cambridge University Press

usually is effective or ineffective is insufficient because we must ensure effectiveness in every specific litigation. Reading all this and more in that final chapter, it became clear to me that Laurie repeatedly endorses the utility of Nick's and my GCE framework. She does so implicitly, because Nick and I did not publish our perspective unifying a variety of socio-legal elements under the GCE label until after she had published *Working Law*.

As Laurie argues explicitly, legal doctrine must require proof that such typical and often ineffective compliance mechanisms as sexual harassment policies and procedures including training and grievance mechanisms, are effective in forestalling and remedying discrimination. There must be substantive and tangible metrics of compliance to remove ambiguity and advance the equality goals of civil rights law. Settlements should be monitored, and litigation evidence evaluated, using these metrics. Attention to all of this is incorporated into the GCE framework that Nick and I theorized and then used to analyze legislation and enforcement of 1960s-era voting rights, equal employment opportunity, and fair housing law, and to a limited extent, also law promoting racial desegregation in schooling. We showed empirically that these laws have moved the needle more, rather than less, in creating racial equality in their respective institutional spheres to the extent that they have incorporated GCE in legislation and law enforcement. Among other things GCE ensures, including viewing discrimination as systemic, promoting group-oriented effects-based legal liability and results-based legal remedies, and maximizing opportunities for class action litigation, GCE also turns out to be an effective mechanism to reduce legal ambiguity.

Both the inter-related issues of legal endogeneity and GCE-oriented jurisprudence also connect to my own focus on the nature, causes and consequences of variability in courts' reliance on social and behavioral science knowledge and experts for decision-making. I will spare you from the precis to my in-process book covering all of these topics for federal employment discrimination law in the United States. To see the full argument and evidence for it, you'll just have to read the book.

Suffice it to say, however, that Laurie would have chuckled at the pessimism of key book punchlines from the one of us known as the optimistic "half full" part of our scholarly duo to Laurie's more pessimistic "half empty" part of our duo. It turns out that social and behavioral science (SBS) expertise, including that from economics, psychology, statistics, and especially sociology, often but definitely *not* always provides resources promoting GCE-oriented jurisprudence by courts. However, the degree to which a particular usage of SBS within federal employment discrimination jurisprudence *does* promote GCE is an important factor (though not the only one) helping to determine the likelihood that courts will rely on SBS in their decision-making. Over time, SBS more (vs. less) consistent with promoting GCE is more likely to be selected *out* of employment discrimination law, and SBS more (vs. less) consistent with liberal legality is more likely to be selected *into* employment discrimination law. Thus, the very uses of SBS that are most likely to maximize the effectiveness of federal employment discrimination law in promoting egalitarian social change are also those least likely to be realized. I'm guessing Laurie would applaud my findings and conclusion ruefully, while triumphantly proclaiming "See, I win!"

For the full reasoning undergirding my argument, the factors that condition exceptions to it, and the empirical evidence for all of it, you will have to wait for the book. Laurie's passing has given me a new sense of urgency about completing it, and I so wish she were here to continue to discuss with me as I work to complete it. However, especially because she is not here (except in my heart and head), I hope others interested in law, inequality, and social change will take on her dual role of constructive critic and cheerleader for my work.

Robin Stryker

Correspondence
Robin Stryker, Distinguished Professor of Sociology, Purdue University, Stone Hall, W 700 Mitch Daniels Drive, Lafayette, Indiana 47905.
Email: rstryker@purdue.edu

https://doi.org/10.1111/lasr.12673 Published online by Cambridge University Press

REFERENCES

Edelman, Lauren B. 2016. *Working Law: Courts, Corporations and Symbolic Civil Rights*. Chicago: University of Chicago Press.

Edelman, Lauren B., and Robin Stryker. 2005. "A Sociological Approach to Law and the Economy." In *Handbook of Economic Sociology*, 2nd ed., edited by Neil Smelser and Richard Swedberg, 527–561. Princeton: Princeton University Press.

Pedriana, Nicholas, and Robin Stryker. 2017. "From Legal Doctrine to Social Transformation: Comparing US Voting Rights, Equal Employment Opportunity and Fair Housing Legislation." *American Journal of Sociology* 123(1): 86–135.

https://doi.org/10.1111/lasr.12673 Published online by Cambridge University Press