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The Company of Long-Distance Co-Writing

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Alan Sillitoe's short story *The Loneliness of the Long-Distance Runner* (WH Allen, 1959) relies on the metaphor of running to express the solitary position of Smith, the working-class teenage protagonist, in his struggles against the ruling elite. My own (modest) experience of running is absolutely the opposite: it is Parkrun, a weekly free 5km community event, in which runners (and walkers) of different abilities run together. Parkrun began in the UK in 2004, and has now spread to 23 countries. My fastest Parkrun times are when I ran with someone else. What I want to share is how adding co-writing to my writing practice has opened up a new set of experiences. Writing used to be a solitary and sometimes losing struggle, against, at different times, lack of inspiration, competing pressures, perfectionism, and insufficient commitment. Co-writing has turned writing into a sometimes joyful, sometimes workaday habit in which it feels I win every week, and, what is more, do so without (nearly so much) pain or distress.

Before I say more about co-writing, I want to acknowledge that co-writing is of course not for everyone, and not for every piece of writing. A future employer, a current employer from whom you seek promotion, or a research funder all might reasonably ask questions about your professional or academic independence. If your career stage means that you need to show such independence, then sole authorship is a splendid way to do that. If you have a burning idea that you need to get 'out there', and the time and discipline to write it up, then there's no need to look for a co-author. If you really relish solo writing, and thrive as a writer, then perhaps co-writing is never for you. There were times in my career – and there are pieces of writing still (this being one) – where I needed or need to write as sole author.

But what I want to do here is to offer some thoughts from my own experience for anyone considering co-authorship. The best things I have written, and the most fun I have had writing, have invariably involved co-authors. It goes without saying that these are just my thoughts, based on my way of doing things, and my reflections, looking back over the 30 years in which I've been co-writing. I've structured them around the age-old questions: 'what; who; how and where; and why'. Throughout the answers to those questions, I have threaded some pitfalls and mistakes I made, and what I learned from those, and how I now do things differently, in the hopes that others might learn from them.

What is co-writing?

For me, co-writing is not the kind of writing where one person writes a part of a longer piece (some chapters in a book, some sections in a chapter or journal article) and another person or people writes the other part or parts. That kind of writing has an important place in the academy too, and I'm proud of the chapters I have contributed to edited scholarly collections, special issues of journals, and textbooks. But this is not what I mean by co-writing. For me, co-writing is a collaboration where both (or all) parties take ownership of (and perhaps actually write and/or edit) all of the text. When done well, the single 'voice' in which the writing 'speaks' to the reader is just that: one voice. It's not possible for a reader to tell who wrote which paragraphs, sentences or words.

One of the longest-running co-writing collaborations I've had is with Jean McHale: we were once asked (for the purposes of the UK's Research Excellence Framework exercise) to say who was responsible for writing which chapters of one of our books. We were literally unable to do so: every chapter, every paragraph, every sentence was the product of us both sharing

verbally and writing up our thoughts. The (older generation than us, male) person asking the question did not believe us. If – for whatever reason – you need to be able to show which thoughts and ideas are yours, as opposed to the other person's, co-writing isn't the best way to go.

With whom do I co-write?

Co-authorship is not always easy, and I do choose carefully with whom I co-write. I suppose you could think of my co-authors as falling into three groups: those with greater experience than I have or had at the time; my peers; those with less experience than I have or had at the time. The latter group includes many students, not only research students, but also undergraduates.

I learned a huge amount by co-writing with people with more experience than I had at the time. Of course, I learned about the law, legal analysis and legal argument; about different jurisdictions; and about literatures with which I was less familiar or unfamiliar, especially in different disciplines. But I also learned about the craft of writing for different academic audiences. For example, writing with Louise Trubek taught me how to make sociolegal arguments for non-law journals, where you have just 6000-8000 words to convince your audience, rather than the 10 000 plus words of law journals. By myself, I simply could not see how to make the argument in half the words, yet remain persuasive and based on evidence. And I also learned something about academic comportment: how to respond when you receive a 'revise and resubmit' or 'reject'; how to get the most out of presenting writing-in-progress at conferences; how to organise my time to make sure writing didn't get squeezed out by other activities; how many ideas are needed for a good case note, book review, book chapter or journal article (it is fewer than one might think).

Some of my early co-written pieces (and some later ones) were the product of dinner or staff room conversations, some with colleagues; others with my Significant Other, Philip Rostant. It would have been possible for me to write up on my own the arguments that had been hammered out over wine or coffee, but it would have felt quite wrong to do so. Co-writing with my peers, who are at a similar career stage to me, is my 'go-to' default for co-authorship. As academic equals, it is not difficult to ensure that both or all our contributions are equally valued and equally credited in the co-writing process. Sometimes, however, it is difficult to reconcile different styles. David Orentlicher and I have very different approaches to comparative law, which resulted in very different written prose in initial drafts. It required a great deal of compromise and mutual respect to produce our co-authored single-voice Editors' Introduction: it is a better piece of writing for it.

When I co-write with those with less academic experience than I have, I do spend a lot of time worrying about equality. I think it would be easy to inadvertently exploit someone with less academic experience, especially in today's academy where it is so difficult for early career people to get a foot on the ladder, because of all the unrealistic (and, frankly, sometimes soul-destroying) expectations placed on them. I was not exploited myself – ever – but I know of plenty of people who have been. Just being aware of the possibility of being exploitative isn't enough to guard against it, of course, but it is a bare minimum.

The three things that I (now) do to try to be fair to my early-career co-authors are: maximum transparency, involving a third party, and author ordering. By maximum transparency, I mean that, when I approach a possible co-author at an earlier career stage, I try to set out in as much detail as possible what I am proposing. I explain what specifically I envisage they will

do, what I envisage I will do, what the timeline is for each, and – if this is the case – where there is scope for negotiation. Second, if at all possible, I like to involve a third party, not least to allow for a face-saving way for the other person to decline the offer. Usually, this takes the form of ‘don’t answer straight away: ask your (former) PhD supervisor/professor whether they think you should take up this offer, given your career trajectory and what you need to do to reach the next stage’. If I am the PhD supervisor, that’s not so easy, but sometimes there is a co-supervisor or other senior person around. Third, I think carefully about author order. My default is alphabetically by surname: for most legal scholars that denotes equal contributions. I cannot think of a circumstance where I put my own name before an early career academic’s name instead of alphabetical order. But I have put the other author first in some instances: for example, where all the data on which the publication was based came from that author’s work, and where a student in a group of summer interns who delivered the required outputs (some detailed law and policy briefs) persuaded me that we should write a journal article too, and did most of the legwork to make it happen.

Writing with students involves a whole extra level of possibility for exploitation. I’m ashamed to admit that some of my student co-writing in the past has been on the basis of unpaid work on their part. It was really fun to realise that a first year LLB tutorial based on a recent case could become a case-note, by simply writing up what had been discussed during the tutorial and submitting it to a peer reviewed journal. Four of the 12 students in the group agreed to do so, during the ensuing Christmas vacation. I naively thought that having their name on a publication would be worth it for the relevant students, despite expecting them to give their labour for free. That was wrong: and I won’t do it again. I learned this the hard way, from a black woman student summer intern who was being paid below minimum wage on my (then) university’s summer student research experience scheme, and made herself ill by also working night shifts in Nandos to pay her rent.

Now I deploy one of two models for ensuring students with whom I co-write are paid for their efforts. One model involves payment in money. I now spend what feels like an inordinate amount of my time trying to source funding for paid student internships. These used to be relatively easy to secure as universities had internal funding schemes for summer research fellowships, or departments allowed research funding to be used to pay research assistants. (I rarely use a research assistant just to ‘fix footnotes’, although that is also fine, it just isn’t co-writing.) Now student interns are fewer and further between, and I find that I am often diverting funds that I have earned through consultancy activities into hiring students. Sometimes the sources are unexpected: a current project with Eraj Haidari involves British Council and Overseas Development Agency funding for transnational learning, but will result in some co-written blogposts.

The other model involves payment in academic credits. I have yet to bring this fully to fruition, but Francesca Strumia and I have set up a module in which students co-produce knowledge in projects with staff, and do so for credit, as part of their degrees. In the current UK Higher Education climate, this seems to be the only ethical way forward, if we want to bring our students ‘behind the curtain’ of academia, and help them understand what it is like to work in a university, and what we do all day when not in front of them in a lecture hall or seminar room. When the right opportunity presents itself, I will co-write with a student who enrolls on this module.

Apart from students, I tend not to co-write with colleagues in my own department. I’m not sure exactly why that is, but I think it is probably because I am always looking for both a shared interest in the subject for the writing, and a different perspective or quality to bring to the

content and to the writing process itself. Colleagues in my own department tend not to work in my specific topics of interest (very few law schools have this kind of focused expertise, because of the need to cover the 'foundations of legal knowledge' and to offer a range of choices in their degree programmes). By definition, (almost all) colleagues in my department share my disciplinary perspective. That's why I've entitled this piece 'long distance' co-writing: my co-writers are almost all at a distance. They are mainly dispersed across mainland Europe, but some are in (the island of) Ireland, and others in North America. I would love to co-author with someone from a completely different part of the world: perhaps I will be able to enjoy that one day.

How do I co-write?

The COVID-19 pandemic made the practicalities of co-writing much easier. It never occurred to me and Jean that we could call / Skype / Zoom each other to work together: we met physically, in Manchester University, long after we had both stopped being employed there. Now my co-writing practice involves phone calls, Zoom calls, and many shared electronic documents. I still prefer to meet in person whenever possible: there's something that I can't explain about in-person engagements that makes me feel differently from electronic communications.

When I establish a new co-writing project, I now take the following practical steps. I set up a shared online document (Google is my personal favourite), with the title of the project, and a sub-title like 'read me first' or 'landing page'. *Everything* involving the co-writing is then hyperlinked from that document. I have found that I simply cannot cope with collaborations being 'buried' somewhere in my emails. Without the 'landing page' document, I would waste too much time trying to work out where I am with each co-writing project, when I want to be getting on with writing. When I'm next due to work on that particular project, I need to go to one place, and then be directed to everything I need. A typical 'read me first' document will have hyperlinks to project meeting minutes and to-do lists; a literature review and relevant legal sources; an abstract; calls for papers for possible conferences; and successive drafts of the writing itself.

Then it's a case of agreeing a timeline and who will have the first go at drafting what. Sometimes first drafts are the product of physical meetings, phone calls or Zoom. Other times each of us, or one of us, will produce the first attempt at something, and after that, the other or others, will respond to that by commenting, suggesting or editing, depending on what has been agreed. I don't tend to get too wedded to my own drafts when I'm co-writing. That's one of the reasons why I find my co-written work tends to be better than what I can produce alone. Usually we both (or all) know when the next meeting is scheduled, and this helps everyone to keep on track. But sometimes, if the project isn't time-critical, I set up another meeting (or my co-writer does) when it gets to a point where it would be helpful to talk. Meeting requests (via electronic diaries or emails) include a hyperlink to the 'landing page' / 'read me first' document, which will include a brief agenda. It's as simple as that. But also that is the bare minimum: these days, I never leave it vague who is doing, what, by when, or when we are next talking or completing a part of the project.

I don't think I can overstate the importance of regular communication for successful co-writing. Life happens: people don't or can't deliver on what they promised for a host of reasons. When this happens to me, I don't disappear: I let my co-authors know what is going on. In return, I expect the same from them. Without communication, the trust necessary for co-writing dissipates, and eventually disappears.

Why do I co-write?

There are three reasons I co-write: quality; quantity; and the overall experience.

The main reason is simple: for almost everything that I want to communicate, what I can say through co-writing is much better than what I could say if writing alone. Writing with people who know about different aspects of law and legal scholarship than me avoids naïve errors, and saves me from getting on top of another area of law, or literature, especially when the co-writing needs to bring together topics about which I know a lot and topics about which I know much less. My co-authorship with Jean McHale could not have been done by either of us alone: when we started, she knew all about national medical law; I knew about EU social, and emerging health, law. We both know a fair amount about each! I'm currently starting a new project with Rachel Horton on EU gender equality law and health: my knowledge of EU gender equality law is decidedly rusty, hers of EU health law is much less than mine. I can't do the project without her, nor can she do it without me.

Working across disciplines, with authors such as Barbara Prainsack (bioethics, sociology), Scott Greer and Holly Jarman (political science), Jeremy Clines (religion and belief identities in universities) means I learned enough about another discipline to reach its audience. What I learned isn't just about the content or methodologies of other disciplines: it is also about how other disciplines communicate in writing. A collaboration with an employment judge (Philip Rostant), a head of a university disability service (Brian Coleman), a sociologist who is expert in invisible disabilities (Harriet Cameron), and a student (Sabrina Rahman), resulted in a publication on reasonable adjustments in university examinations under the Equality Act that I could not have written without the very broad expertise within that team. Working across borders means I can understand enough about other jurisdictions to write credible comparative law. Because of the nature of EU law, as a non-hierarchical relationship between the law emanating from the EU's institutions and that emanating from the national institutions of the EU's Member States, good EU law scholarship in many domains also requires comparative expertise. I will co-write something about the emergence and scope of the field of EU health law with the team of co-authors who are working on health law entries in the Oxford Online Encyclopaedia of European Union. It has every chance of being a credible piece of co-writing with an ambitious scope, because it combines perspectives from the EU's North, South, East and West.

Co-writing with academics who work in the health policy domain, like Martin McKee, Anna Gilmore or Bart Vanhercke, allowed me to bring my EU law expertise into academic co-writing about health policy, which strengthened our work. The experience of co-writing with those people for academic audiences led to me learning to co-write policy reports, especially with Nick Fahy, formerly of the European Commission, and Mark Dayan of the Nuffield Trust. If I hadn't embraced co-writing, it would have been much more difficult to learn the very different style that is needed for policy outputs, as compared to academic work. That EU health law and policy work led to my Brexit work, and a body of co-writing of different types, with Mark Flear, Matthew Wood and Ivanka Antova, all of whom brought different disciplinary and life perspectives, on UK health law and policy post-Brexit.

Several of my co-authors are more attentive to specific (legal) details than I am: my desire to tell a 'big picture' story has been saved from being embarrassingly inaccurate by Aurelie Mahalatchimy, Sally Sheldon and several others. When I am working with someone like that, there is always a tension between my capacity for writing sweeping narratives that make grand

claims, and the other person's capacity for ensuring that the tapestry we are weaving is based on a robust warp and weft of empirical evidence, and/or accurate legal analysis.

Quite simply, good co-authored work is greater than the sum of its parts. Different positionalities, different life experiences, different ways of seeing the world, so long as they are duly respected during the co-writing process, significantly strengthen the quality of a piece of written work.

Secondly, I like to co-write because I can get more done that way. I used to work on just one serious piece of writing each summer. I can still recall my joy in summer 2004, newly returned from maternity leave, at being able to work on two, one of which was with the very first student with whom I co-authored (Hari Black). I remain energised about my writing projects because I am always engaged in several live projects at once. Having a co-author means that it can be their 'turn' to work on a piece, and the project still moves ahead, while I attend to something else. Especially students and earlier career colleagues can be excellent at writing reviews of the literature and specific legal details, with meticulous references, all important aspects of good academic writing but ones that I tend to get fed up with doing. Co-writing plays to my strengths in this respect: I tend to get mired by boredom if I try to work on only one writing project at a time. It's also true that I have experienced getting overwhelmed by too many projects this way. I have learned the hard way that I cannot manage too many at once, if I want to remain mentally healthy. For me, half a dozen different writing projects, which interconnect and overlap with one another, is optimum. I now almost never experience the feeling of having to write something but not wanting to write it, or the overwhelm of a missed deadline. So co-writing means that I can write a lot. To quantify, in the last five years, 'a lot' means three books, one journal special issue, 16 full-length peer reviewed journal articles, two submitted journal articles, 11 book chapters, 29 shorter articles, three blogs, five successful and four unsuccessful funding bids. Only five of those 74 things were sole authored.

Co-writing also helps me to stay disciplined about writing, and not to give in to any of the multiple other calls on my time. The obligations that I have to my co-authors help me psychologically with any temptation to work on something easier than writing – and so many things that seem urgent about our jobs are easier than writing. Co-writing holds me to account. (I will admit that sometimes I fuss a 'desk-cat' for five minutes before getting down to it.)

Thirdly, for me, co-writing simply gives a better experience of writing. Writing is an inherently lonely process: even if you use a companionable technique such as 'shut up and write' (which I have done at times), when you are actually writing, it is you and the words. Having a co-author who is going to be the first audience of new or redrafted words, and who will help in the process of sharpening them so that they are the best communication they can be, with our available resource, means that I don't feel the same loneliness as when I'm writing alone. It's easier to face the emotional response to a 'revise and resubmit' with equanimity, and to get the very most out of reviewers' (almost invariably sensible) suggestions, when I have a co-author. Having co-authors was nothing short of essential to getting the final major output from the Brexit work written: I was just so *sad* about the waste and damage of it all that I almost didn't manage it. I felt a duty to my co-authors to make sure that their work saw the light of day that probably wouldn't have applied if it had been my work alone.

Apart from this piece, some blogs and the odd book chapter, I haven't written a sole-authored piece since 2012. My work is much better for it. Perhaps more importantly – although I still cannot say that I find writing 'easy', I now enjoy it much more than before. No more loneliness

of long-distance running that is sole authored writing; instead the mutual encouragement of community Parkrunning that is co-writing.