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Investigación militante: thinking-doing-living law and society in troubled times

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Abstract

Law is both shaped by and a vehicle for hierarchically structured dichotomies that fragment life, thought and action – most enduringly the split between scholarship and activism. This article revisits *investigación militante*, a Latin American and Caribbean tradition that rejects the separation between theory and practice, and between academic inquiry and political struggle. Through the work of Orlando Fals Borda, Lélia Gonzalez and Silvia Rivera Cusicanqui, we explore how *investigación militante* offers a distinctive onto-epistemological and ethical orientation for law and society research. Concepts such as *senti-pensar*, *amefricanidade* and *ch'ixi* open up approaches to law as a terrain for co-producing alternative normativities. We identify three core commitments – methodological, political and ethical – that distinguish *investigación militante* from adjacent approaches such as movement lawyering, offering critical resources for re-imagining law and society praxis amid intersecting planetary crises.

Keywords: law and society; militant research; *investigación militante*; activist scholarship; commitments

1 Introduction

We were both born in parts of the world commonly referred to as Latin America, which we left in our youth to pursue postgraduate studies at high-profile academic institutions in the Global North, or what we preferred to call here the Minority World.¹ One of us became a scholar of international law and development, holding academic positions across Europe and Oceania. The other returned to Brazil to take up a professorship in social sciences and feminist studies at a public university. Despite these shared beginnings, our trajectories have unfolded along different paths, affording us distinct forms of recognition and possibility: internationally funded research projects and a global platform in one case; greater autonomy to pursue unconventional ideas, albeit with limited resources, in the other. Yet we both continue to experience a persistent sense of ‘always being somehow out of place’ (Eslava 2023) in an academic world that repeatedly

¹The terms ‘Majority World’ and ‘Minority World’ have emerged as alternatives to earlier designations such as ‘Third World’ and ‘First World’, ‘developing’ and ‘developed’ countries or, more recently, ‘Global South’ and ‘Global North’. They acknowledge that the majority of the world’s population – as well as much of its poverty, landmass and cultural life – is located in Africa, Asia and Latin America: the so-called Majority World. These terms challenge entrenched global hierarchies in which populations, perspectives and priorities from the West or Global North are routinely centred despite representing only a minority. The term Majority World is widely credited to Bangladeshi photojournalist Shahidul Alam (2008) and has since gained traction across the social sciences as a critical intervention into the geopolitics of knowledge.

repositions us within our designated ‘place of origin’, Latin America, while remaining oblivious to the intellectual richness of that place and its peoples. We have resisted these attempts to ‘place’ us in different ways. This paper is yet another such act of insubordination.

As academic debates around activist scholarship gain momentum, we find it vital to foreground a long-standing tradition rooted in Latin America and the Caribbean – though not confined to it. After all, what is this region if not a colonial construct, one that can also be subverted as an imagined space of resistance? *Investigación militante* has long offered powerful ways to rethink – and, more importantly, to do and live – the relationship between activism and scholarship beyond Eurocentric assumptions. It precedes and exceeds the recent traction such debates have gained in Euro-American, English-dominated academic circles, including in law and the social sciences. *Investigación militante* thus warrants the same ‘universal’ status granted to other critical traditions with Latin American and Caribbean roots, such as participatory action research, popular education and insurgent ethnography.

Emerging during the turbulent decades of the 1960s and 1980s, *investigación militante* was forged in the practice of multiple intellectuals across Latin America and the Caribbean who sought to put their research, writing and teaching at the service of systemic change. In their view, and responding to the Marxist command that ‘[p]hilosophers have interpreted the world in various ways, but the point is to change it’ (Marx and Engels 1886/1969, p. 15), these intellectuals directed their attention to workers’, Indigenous, Afro-descendants and peasants autonomous organisations as crucial sites of social transformation (see, e.g. Ferreri and García-Lamarca 2024; Galeano 2018; Versiani and Jaumont 2016). These organisations were often resisting the drive of developmental-capitalist projects shaped by the post-World War II context and fuelled by the Cold War (Eslava 2019). Modernisation was in the air – mostly in the form of the modernisation theory of development – heralded by both foreign and multilateral aid agencies and by national governments, many of which were under dictatorial regimes (David 2011; Engerman *et al.* 2003; Gilman 2003; Latham 2010). Against this backdrop, grass-roots autonomous organisations emerged as bastions of organic resistance, drawing left intellectuals into their struggles and inspiring the imagination of alternative, more just futures.

The mid-twentieth century was a time when several forms of liberation movements, theories and strategies emerged across the region, including liberation theology, anti-US neocolonial activism, popular education and *abogacía popular* (people’s lawyering, later known as movement lawyering) (Löwy 1991; Junqueira 2002; Bruno-Jofré 2016; Assis 2021). Although internally diverse and often marked by disputes over directions and tactics, these strands of critical engagement were united by a shared political and ethical impulse: to transform oppressive structures from the perspective and in the interest of the oppressed, placing marginalised people and communities at the centre of political action and power. Equally diverse and animated by internal debates, *investigación militante* shares with these movements both core values and long-term strategies. For instance, its collaborative and participatory approaches mirror many of the practices found in popular education, particularly the recognition and legitimisation of knowledge production outside the academy. Similarly, militant research shares with both liberation theology and people’s lawyering the conviction that structural change must be rooted in grass-roots organising. And with anti-US neocolonial activism, *investigación militante* converges in its commitment to political and epistemic decolonisation, drawing inspiration and guidance from local traditions and practices.

Yet *investigación militante* distinguishes itself from these other strands through its strong commitment to theorising from within movements. Rather than treating research as an external tool in service of a movement’s goals (as in movement lawyering) or primarily as a means of pedagogical empowerment (as in popular education), *investigación militante* makes research itself part of the struggle. It collapses the divide between researcher and participant, and between theory and practice, treating knowledge production not as an auxiliary task but as a constitutive dimension of collective political action. This orientation generates powerful insights for bridging

the gap between activism and scholarship, and for developing alternative ethical, ontological and epistemological frameworks rooted in communities' own understandings of their worlds and their visions for the future.

Among its many influential voices, Colombian sociologist Orlando Fals Borda (1925–2008) played a critical role in building the *investigación militante* tradition. In 1973, he added an appendix to the fifth reprint of his classic *Ciencia Propia y Colonialismo Intelectual*, entitled 'Militant Research Bursts In' (*Irrumpe la Investigación Militante*) (Ángel 2008). In this appendix, Fals Borda distilled his learnings from a major peasant mobilisation in Colombia in 1972, in which he actively participated as a 'militant researcher'. For him, 'knowledge is obtained by observing the concrete social processes in which insertion takes place (in a specific place or context), as well as by acting within them and engaging in activism [*militando*] to provoke political, social, and economic changes in a specific direction'.² This strong commitment to bottom-up action led Fals Borda and fellow *investigación militante* researchers to engage deeply with foundational questions about the nature of being, doing and thinking.

Reflecting on *investigación militante's* critique of the division between scholarship and activism and its implications for how we conceptualise people's realities and objectives, this article questions how law, as usually conceived, repeatedly splits reality into over-imposed opposites that obstruct the appreciation of life, thought and action in their flux. Law, particularly within the Western tradition, is both embedded in and a vehicle for a series of hierarchically organised dichotomies (Fitzpatrick 1992). These splits fragment histories, places and modes of thinking, being and acting. International/national, past/present, near/far, modern/primitive, human/nature, victims/perpetrators, public/private, formal/informal, theory/practice and law/reality are only some of the binaries that continue to structure mainstream legal thought and practice. In stabilising these binaries, law legitimates and often enacts the violence that accompanies such divisions (Carter and López 2024).

The field of law and society, despite its foundational critique of purely doctrinal approaches, is not immune to entrenched dualisms. One enduring example is the persistent distinction between scholarship and activism, which has given rise to recurring debates around the hybrid category of activist scholarship (Munger 2001; Nelson 2001; Ewick 2001; Lempert 2001; Lennox and Yildiz 2019a). As an attempt to weave together two realms of life still conceptualised as separate, activist scholarship has prompted law and society scholars to grapple with questions such as: Who do we seek to influence, and how (Munger 2001)? What are the limits of law as a vehicle for social change (Nelson 2001)? And what kind of objectivity does acting in the world require (Ewick 2001)? As we outline below, these debates can be loosely grouped into three strands: 'transformational', 'change beyond the confines of the law' and 'situated-engagement'. Yet across all three, the foundational dichotomy between scholarship and activism remains largely unchallenged. This is due, in part, to the continued conception of law as distinct from social life and more-than-human realities, or to the view that the legal scholar's role is separate from that of communities and movements.

Our contribution to these conversations is to revisit the tradition of *investigación militante*, which rejects the separation between scholarship and activism and, more fundamentally, between theory and practice. Drawing on the writings and lived experiences of three influential militant researchers – Orlando Fals Borda, Afro-Brazilian feminist thinker Lélia Gonzalez (1934–1994) and Bolivian feminist sociologist Silvia Rivera Cusicanqui (1949–) – we argue that engaging with reality without conceding to Western-imposed dichotomies, including those structuring law, opens space for a mode of thinking-doing-living as part of the research process itself. Especially in these troubled, crisis-laden times – marked by overlapping and widespread economic disparities and ecological, political and social breakdowns, rapid technological transformations that outpace ethical and legal frameworks, and growing disillusionment with liberal legal and institutional solutions – *investigación militante* invites scholars to inhabit legal and political realities differently.

²All translations into English from the original Portuguese and Spanish are by the authors of this article.

As Donna Haraway (2016) reminds us, there is no neutral outside. Concepts emerging from *investigación militante* – such as *senti-pensar* (Fals Borda), *amefricanidade* (Gonzalez) and *ch'ixi* (Rivera Cusicanqui) – move socio-legal research toward more grounded, situated and reflexive forms of inquiry: approaches that remain analytically rigorous and ethically attuned to the communities we work with, their lived experiences of law and their visions for the world.

In the first section, we revisit how law and society scholarship has traditionally approached the relationship between law and social justice. In the second, we examine how Fals Borda, Gonzalez and Rivera Cusicanqui redefined the purpose of research by linking knowledge production directly to struggles for social transformation. While law was not their primary focus, their work repeatedly engaged with its pervasive role in shaping social life, offering distinctive ways of thinking-doing-living law from the perspective of communities often marginalised by legal institutions. We highlight how their practices exemplify *investigación militante* in action: Fals Borda's collaboration with peasant movements informed his advocacy for collective land rights and legal pluralism in Colombia's 1991 Constitution; Rivera Cusicanqui's *Taller de Historia Oral Andina* has advanced, for example, Indigenous claims to autonomous governance; and Gonzalez's concept of *amefricanidade* continues to inspire Black women's movements confronting Brazil's stratified labour market and myth of racial democracy. These experiences illustrate how *investigación militante* embeds research within collective struggles, treats law as a lived and contested terrain and co-produces alternative normative visions with communities. In the final section, we outline three core 'commitments' that emerge from this tradition – methodological, political and ethical – as guideposts for a law and society praxis attuned to the entanglement of knowing, acting and being.

2 Law, social justice and the world

In recent years, increasing attention to the concept of scholar-activism has given rise to a rich body of scholarship interrogating its methodological, political and ethical contours, its role within social movement struggles and the academic and political stakes involved in its practice (see, e.g. Bashiri 2024; Borrás and Franco 2023; Choudry and Kapoor 2010; Choudry 2019; Hale 2008; Lennox and Yildiz 2019b; Sudbury and Okazawa-Rey 2009).

While many other fields of social inquiry have only recently begun to grapple with questions of activist scholarship – particularly in international contexts – law and society has engaged with them for decades, owing to its long-standing concern with issues of power and justice (see, e.g. Garth and Sarat 1998; Valverde *et al.* 2021). From its inception, law and society scholarship has been animated by a commitment to engaging with social struggles and public debates – a commitment that has not only defined the field but, for many, constituted an existential imperative. Early scholars recognised that legal systems interact – often subtly and implicitly – with social norms, behaviours, power relations and conflict, and that these interactions frequently reproduce harm for marginalised communities. Accordingly, law and society research has long confronted issues such as access to justice, economic exploitation and the role of law enforcement (Garth and Sarat 1998). This orientation has also entailed a commitment to centring the voices and experiences of those most affected by legal processes – an ethos that continues to shape the field in our globalised present (Darian-Smith 2013).

In this vein, law and society scholarship has often sought to support legal reform efforts aimed at addressing inequality and injustice, at times contributing directly to policy changes that benefit marginalised communities (Nielsen 2024). Yet despite this shared orientation – and the field's sustained commitment to interrogating law's role in either deterring or advancing social justice – law and society scholarship remains divided into at least three distinct strands. These strands reflect a persistent separation between scholarship and political practice and, more fundamentally, between theory and action. As with any typology, such distinctions inevitably flatten certain

complexities, but they remain analytically useful for tracing broad patterns in the field's internal dynamics around questions of praxis.

Some scholars regard the ethos of law and society as rooted in a direct response to injustice and imbalances of power. They often locate, at the heart of social conflict, a persistent and evolving gap between law on the books and law in action (García-Villegas 2019; Levitsky 2015; Valverde *et al.* 2021). In his 2001 Presidential Address to the Law and Society Association (LSA), Frank Munger took this gap as a point of departure to reflect on the relationship between inquiry and activism within the field. At first glance, he observed, the commitment to activism may appear to conflict with the ideals of objectivity and impartiality traditionally expected of legal scholars. Yet this tension, Munger argued, need not be antagonistic. On the contrary, activism could enrich socio-legal inquiry by pushing it to become 'an ally of progressive change' (Munger 2001, p. 9). Defining activism as a form of engagement, Munger emphasised the importance of cultivating 'respect for the subjects of our research' and 'humility about our understanding of the needs and the goals of action' (Munger 2001, p. 10). For him, scholar-activism also entailed recognising the constitutive role of law and critically interrogating its authority (Munger 2001, p. 11). Within this 'transformational' strand, as we would call it, law is approached as something that can and should be reformed – implying a normative and moral commitment for socio-legal scholars to contribute to progressive change.

A second, more radically critical strand offers a bleaker assessment of law's capacity to produce meaningful social transformation. In this view, law is unable to fulfil its emancipatory promises – at least not on its own and certainly not without sustained, fundamental critique (Nesiah 2021). This is because law is not merely insufficient but is often part of the problem – if not *the* problem. Law functions as an instrument that (re)produces and legitimates injustice and entrenched hierarchies of power; it cannot be presumed to align with virtue, progress or civilisation (Lecmaitre 2019). From this standpoint, while law undoubtedly shapes social reality, it is structurally incapable of delivering greater inclusion, equality or justice. The task of the critical scholar, then, is not to reform law from within but to expose its operations and open up space for imagining and enacting social change beyond – and, at best, cautiously within – law's normative economy (Borras and Franco 2023; Speed 2008). This 'change-beyond-the-confines-of-law' strand leaves little room for scholar-activism *within* legal institutions, precisely because those institutions are so often implicated in reproducing exclusionary forms of power.

In both of the above strands – the 'transformational' and the 'change-beyond-the-law' – the underlying dichotomy between scholarship and activism remains intact. In the first, the socio-legal scholar engages with concrete struggles and their facticity, even participating in them, only to ultimately return to law as the privileged medium for transforming reality. She must remain conscious of the persistent gap between the world as it is and law's limited potential to effect structural change – whether socio-economic, environmental or political. In the second strand, law's entanglement with domination and its role in reproducing exclusionary power hierarchies precludes the possibility of meaningful activism within its framework. As a result, scholarly contributions are largely confined to critique and to providing support for transformative efforts that take place outside – or in spite of – law.

There is yet a third strand that resists the binary between scholarship and activism altogether, spanning from the interpretive socio-legal tradition to more recent work on the materiality of law. Interpretive socio-legal scholars (Ewick and Silbey 1998; Merry 1990, among others) have long challenged the idea of law as a fixed body of abstract rules, instead emphasising its embeddedness in everyday practices, material relations and social interpretation. Through carefully grounded empirical research, they have shown that law's authority and meaning are constantly negotiated, experienced and remade through localised practices, everyday narratives and acts of reinterpretation. In this view, law is not a closed system external to social life but a living social phenomenon co-produced by those who live under it – including the socio-legal scholars who study and interact with these contested processes. Building on this tradition, scholars of the

materiality of law (Brigham 1996; Pottage 2012; Eslava 2015, among others) have drawn attention to law's existence in material forms – institutions, artefacts, technologies of governance, spatial arrangements and political struggles. Legal meaning emerges not only through discourse but also through these tangible infrastructures of power and social life. This approach further underscores the constitutive interplay between legal and sociomaterial transformation: hands-on political practices are inseparable from legal change and vice versa (Goldoni 2023).

Even as interpretive socio-legal scholars and those working on law's materiality acknowledge the scholar's role in shaping law – and thus power relations – their engagement with movements, unions and parties is often marked by what we might call 'engaged detachment'. Here, the intellectual's role is to 'interpret law to social movements' (Brigham 1996, p. 131) rather than to act *with* them. This third approach – what we call the 'situated-engagement' strand – marks a significant advance in recognising law, politics, materiality and everyday life as deeply entangled. Yet it still tends to place the researcher outside political struggle, even while acknowledging her implication in structures of power. The result is a scholarship attuned to law's complexities but removed from the ethical and political commitments that come with collective struggle.

As we argue in the next section, *investigación militante* rejects the residual separation between scholarly and political work, envisioning their relationship in a profoundly different – and, within the socio-legal field, innovative – way. From a legal perspective, it challenges the dichotomy between scholarship and activism by insisting that life is shaped by law and law by life. Studying law and society, in this view, requires conceptualising society as inseparable from law, such that confronting prevailing social conditions demands active engagement with the communities alongside whom we study, while remaining attuned to their understandings and lived experiences of law. By disrupting both the ontological split between law and society and the epistemological divide between theory and action, *investigación militante* re-imagines the law and society scholar's role and object of inquiry. It calls on us to adopt a radically different ethical and political stance in our collaborations with the communities with whom we co-produce knowledge.

3 Three investigadores/as militantes

At its core, *investigación militante* is both a political stance and a methodological approach, one that fuses activism with scholarly research. Over the past decades, numerous intellectuals, including those we focus on in this section, have contributed to its development, each bringing distinct political struggles, lived experiences and theoretical perspectives. Yet a closer examination reveals that *investigación militante* is far more than a participatory, bottom-up approach to social research. It entails a fundamental rethinking of the relationship between reality and knowledge – what counts as knowledge, how knowledge is produced, and how it can be mobilised within collective struggles.

Substantively, *investigación militante* offers an epistemological and ethical invitation to reconfigure the relationship between – and the content of – theory and practice. It shifts the entry point for social inquiry from decontextualised concerns and abstract assumptions to the realities and knowledges of communities and peoples. In so doing, it challenges assumed-universal theoretical and methodological frameworks, as well as the still-prevalent expectation that researchers maintain intellectual and political disconnection from their subjects of inquiry. For *investigadores/as militantes*, thinking-doing-living is part of a single continuum.

In what follows, we offer a succinct overview of the diverse and heterogeneous contributions of Fals Borda, Gonzalez and Rivera Cusicanqui – three figures central to the tradition of militant research, each with markedly distinct trajectories. Fals Borda completed his doctorate in the United States, a formation that shaped both the visibility and institutional reach of his academic and policy work. In contrast, Gonzalez and Rivera Cusicanqui remained intellectually grounded in Latin America, developing scholarship deeply attuned to local epistemologies. González's pioneering interventions in Black feminism and Afro-diasporic thought have only recently begun to gain the international

recognition they merit, while Rivera Cusicanqui has long pursued a path outside conventional academic hierarchies, privileging activism and autonomous forms of intellectual production.

Despite their differences, all three share a critical stance toward mainstream academia, shaped by their experiences as Majority World intellectuals subject to epistemic extraction. Rivera Cusicanqui has explicitly denounced this extractivist ‘political economy of knowledge’ in her critique of decolonial theorising conducted from elite Minority World institutions – what she calls a ‘small empire within an empire’ (Rivera Cusicanqui 2010). Gonzalez, for her part, went largely unrecognised as a scholar during her lifetime, and her work has only recently begun to be translated into English. Although Fals Borda achieved global recognition during his lifetime, he too consistently critiqued and resisted the intellectual colonialism of his European and North American peers, denouncing a geopolitics of knowledge that produced a ‘one-sided worldwide political system organised to favour the richer countries, where southern realities and facts may be unknown, disregarded or unilaterally exploited’ (Fals Borda and Mora-Osejo 2003). Rather than seeking to reclaim the academic centre, these thinkers instead focused on remapping political and intellectual terrains in close collaboration with the communities at the heart of their work.

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It is this shared refusal to occupy the academic centre, combined with their insistence on grounding knowledge production in lived experience and collective struggle, that informs our interest in the ‘ethico-onto-epistemological’ (Barad 2007) implications of their work. Through research practices that take seriously the entanglement between knowing and being, they invite us to reconsider how we apprehend, understand and act in the world. This orientation is not merely biographical but reflects a deliberate methodological stance – one we take as the starting point for exploring how their work re-imagines knowledge-making as an entangled, ethical and political practice.

In the 1960s and 1970s, Fals Borda played a pivotal role in shaping a mode of engaged social research that moved beyond narrow political affiliations and standard theoretical frameworks. A highly influential Colombian sociologist, public intellectual and political actor, his work emphasised the analytical and political necessity for researchers to directly engage with the communities they studied (Robles Lomeli and Rappaport 2018). Trained in sociology and anthropology, Fals Borda had an appreciation of social dynamics and inequalities, and the role of different regimes of representation and ways of knowing in social analysis. His academic formation, his political convictions and the broader historical conjuncture in Latin America led him to immerse himself in the realities of peasant and riverine communities, prompting a sustained critique of dominant academic models. Central to this engagement was a dual commitment: to empirically document the lived conditions of marginalised groups, and to draw epistemological and analytical insights from these communities themselves.

Ethnographic in orientation, Fals Borda’s work challenged prevailing standards of scientific objectivity and neutrality, even for anthropologists and other social scientists at the time. Participant observation, the core method of ethnography, was still conceived, in his words, as the

job of ‘an individual who observes but who does not want to get dirty; who does not want to get involved in the processes they observe’ (Fals Borda and Brandão 1986, p. 15). For Fals Borda, such detachment masked underlying methodological and teleological commitments, particularly among researchers claiming neutrality and impartiality. These stances, he argued, were often grounded in Eurocentric epistemological frameworks and ontologies – assumptions about knowledge and being that privileged detached observation over relational engagement and positivist inquiry over dialogical knowledge production.

Blending academic rigour with a deep appreciation for popular wisdom laid the groundwork for Fals Borda’s development of *investigación acción participativa*, or participatory action research (Fals Borda 2009). This approach calls on researchers and community members to act as co-investigators, fostering more grounded and generative understandings of local realities, aspirations and knowledge systems. In his essay *How to Research Reality in Order to Transform It* (1986), Fals Borda contended that involving communities directly in the research process produces new forms of knowledge – forms that can serve as powerful instruments for social transformation. Conventional social science theories and methods, in his view, either projected the interests of dominant elites or abstracted from sites of power without attending to local conditions and alternative epistemologies. Instead, *popular science* was needed: one that addressed the needs of oppressed classes and incorporated their understandings of the world and their conditions – without romanticising communities or overlooking entrenched power asymmetries (Fals Borda 2009, p. 270).

Sentir-pensar, or thinking-feeling, is one of Fals Borda’s most influential concepts, emerging directly from his understanding of research as a deeply committed praxis (Moncayo 2009). During his fieldwork along the Magdalena River in Colombia, Fals Borda observed how peasants and fishing folk in the region self-identified as ‘turtle-people’ (*hombres/mujeres-hicotea*), a reference to their amphibious existence. Having survived for generations in this flood-prone landscape, they had learned to live both on land and in water. But their amphibiousness was more than ecological – it was also epistemic and affective. It shaped how they thought and felt, suffered and resisted landowner oppression and lamented their hardships while embracing life’s pleasures. As *seres sentipensantes* – thinking-feeling beings – they defied the categorical divisions of Western social science. Their lives, like those of many across Latin America, the Caribbean and the Majority World, refused the dichotomies that underpin dominant modes of knowledge production.

The concept of *sentir-pensar*, along with other theoretical insights emerging from Fals Borda’s fieldwork and historical research, deepened his commitment to honouring the self-understandings and struggles of peasant and fishing communities (Escobar 2016). It also underpinned his call for a research practice that brings personal and communal experiences – both affective and embodied – into a process of co-theorisation. For this reason – and even as he distanced himself from conventional forms of activist research aligned with party politics and their agendas (Fals Borda 2009, p. 255) – his work helped to pioneer a distinctive model of *investigación militante*: a form of inquiry rooted in the struggles, needs and knowledges of the communities it engages.

From the perspective advanced by Fals Borda, legal institutions and norms are not merely components of a societal superstructure. They are also woven into the emotional and intellectual economies of individuals and communities – integral to a complex social fabric that resists simplistic dichotomies. Struggling against repressive laws while simultaneously nurturing the enactment of community-based normativities became one of Fals Borda’s long-standing political commitments. He was eventually able to give concrete institutional form to this project through his role as an elected member of the Colombian Constitutional Assembly, which drafted the 1991 Constitution – widely regarded as the most democratic and progressive constitutional text in over two centuries of republican history. Fals Borda is still remembered for his defence of peasants’, Indigenous and Afro-Colombian collective rights in the Assembly, including his advocacy for legal pluralism and for communities’ territorial and political autonomy (Ángel 2008).

Echoing Fals Borda's commitment to producing knowledge in support of social movements and struggles defined on their own terms, the philosopher, anthropologist and intellectual Lélia Gonzalez made groundbreaking contributions to both Black and feminist movements in Brazil and beyond. Early on, she exposed the entanglements of racism, sexism and classism (Gonzalez 1984), anticipating intersectional debates that would later become central to critical and feminist theory and praxis (Collins 2019). Raised in poverty as one of eighteen children, with a mother of Indigenous descent and a Black father, Gonzalez was the only sibling to pursue education beyond primary school (Sindicato dos Escritores do Rio de Janeiro 1988/2023). Her personal experience of cultural whitening – particularly through formal education – deeply informed her critique of the gendered ideology of racial democracy, which remained dominant in Brazil and much of Latin America and the Caribbean. At the core of her intellectual and political work was a commitment to decolonising Black and Indigenous experiences, knowledges and histories across the Americas (Rios 2019). Gonzalez pursued this project across academic, institutional and autonomous political spaces.

As a university professor who also taught in public parks and community spaces, Gonzalez consistently called for the decolonisation of the social sciences. In the 1980s, she co-founded the national *Movimento Negro Unificado* (Unified Black Movement) and *Nzinga – Coletivo de Mulheres Negras* (Black Women's Collective) in Rio de Janeiro, and was also an active member of the *Escola de Samba Quilombo*. Through these initiatives, Gonzalez disrupted conventional boundaries between politics and culture, insisting that cultural practices and artefacts are themselves instruments of political struggle. She also engaged in institutional politics, running twice for the House of Representatives (in 1982 and 1986) with leftist parties and collaborating with the Black caucus during the drafting of the 1988 Brazilian Constitution – an emblematic moment of democratic renewal following the end of a brutal military dictatorship (1964–85).

González's activism and scholarship consistently crossed disciplinary and geographical boundaries. Deeply engaged in the transnational feminist mobilisations of the 1980s, she remained sharply critical of feminism's Eurocentrism and what she termed a pervasive racism 'by omission'. In response, Gonzalez called for an 'afrolatinamerican feminism' (Gonzalez 1988b) grounded in the lived experiences of Afro-descendant and Indigenous women across the Americas. Drawing on psychoanalysis, anthropology and history, she developed the concept of *América Ladina* to describe the spaces of resistance, adaptation and reinterpretation forged by Afro-descendant and Indigenous peoples in opposition to both European coloniality and US imperialism. As she explained, *amefricanidade* refers to 'the possibility of rescuing a specific unit historically forged within different societies, which have formed in a certain part of the world ... America, as an ethnographic reference system, is our creation, and our ancestors' (Gonzalez 1988a, p. 77).

One of González's most enduring contributions to *investigación militante* – resonant with Fals Borda's commitment to unearthing new onto-epistemic realities, and new ways of being and knowing that emerge when the boundary between theory and practice is dissolved – is her notion of *amefricanidade*. This politico-cultural category challenges the framing of the Americas as solely a legal-political invention of European colonial modernity. Instead, González's *amefricanidade* situates the Afrocentric 'creative explosion' at the heart of the region, foregrounding the reinvention of life in the diaspora as a constitutive force. As she writes, 'it was within the enslaved community that political-cultural forms of resistance developed, which today allow us to continue a centuries-long struggle for liberation' (Gonzalez 1988a, p. 78).

Speaking and writing in a language she called *Preuguês*, an Africanised form of Portuguese, Gonzalez practised anticolonial and anti-racist resistance in both thought and action, never pausing to ask whether the two should be separated. Her scholarship was inseparable from her life: forged in the struggle against the military dictatorship, the emergence of new social movements, the transnational mobilisation of feminists and the fight against the myth of racial democracy and whitening ideology in Brazil and other post-colonial contexts. In this understanding, law was a permanent field of struggle where openings had to be created for alternative racial and gender

realities – including *amefricanidade* – to emerge. And *Pretuguês* was the language to pursue this project, as Thula Pires reminds us: ‘In *Pretuguês*, what is contested is not the possibility of being included (always in a controlled manner) in the established notion of a legal subject, but rather the production of law, the State, and politics from the zone of non-being and on its own terms.’ (Pires 2019, p. 71).

Silvia Rivera Cusicanqui’s work has likewise sought to produce knowledge rooted in and emerging from, the processes of resistance of marginalised communities. A Bolivian sociologist, historian and activist of Aymara origin, Rivera Cusicanqui was imprisoned in Bolivia and later exiled to Mexico, Colombia and Argentina during the 1970s for her involvement in the Katarista Indigenous movement (Paige 2020). During her imprisonment and exile, she wrote *Oprimidos, pero no Vencidos: Luchas del Campesinado Aymara y Qhechwa de Bolivia: 1900–1980* (1984/2010), now regarded as a classic of Latin American political thought. In this work, she challenged traditional Left politics for their failure to recognise Indigenous peoples as full political actors. Drawing on her lived experience in Indigenous union organising and documenting the twentieth-century struggles of Aymara and Qhechwa peasants, Rivera Cusicanqui foregrounded ‘the propositions of sovereignty, and full and decolonised citizenship’ embedded in popular and Indigenous demands. Her aim was to trace the contours of a ‘nation from below’ emerging from Indigenous movements – one that resisted a political system intent on reducing them to a ‘minority’ (Rivera Cusicanqui 2010, pp. 66–68).

In 1983, Rivera Cusicanqui co-founded the *Taller de Historia Oral Andina* (THOA) (Crales and Condoreno 2016), an initiative dedicated to documenting Indigenous participation in colonial-era revolts through decolonial methodologies, particularly oral tradition (Cacopardo 2018). The *Taller*’s collective approach to knowledge production endures today in *El Colectivo*, a self-organised group for cultural action and critique based in La Paz, Bolivia, co-founded with students at the Universidad Mayor de San Andrés.

Over the years, Rivera Cusicanqui has continued to interrogate the colonial encounter, turning to the Aymara language to articulate the enduring condition it has produced. Her concept of *ch’ixi*, meaning ‘grey’ in Aymara, captures a world marked by ambiguity and simultaneity. *Ch’ixi* names the co-existence of elements that remain distinct: it is to be and not be at the same time. In her reading, *ch’ixi* expresses the experience of Indigenous peoples as both traditional and modern, without collapsing into contradiction or the sense of being split. It describes a broader colonial condition that shapes societies formed by both ancestral and contemporary forces, particularly resonant in Latin America and the Caribbean, though not exclusive to them. Like Fals Borda’s *sentipensar* and Gonzalez’s *amefricanidade*, *ch’ixi* is both an epistemological framework and an ontological stance: an invitation ‘to inhabit contradiction without succumbing to collective schizophrenia’ (Rivera Cusicanqui 2018, p. 55).

Rivera Cusicanqui locates in *mestizo* identity – her own – a potent ambivalence, which she describes as the *pä chuyma* condition: ‘having the soul divided by two mandates that are impossible to fulfil’ (Bacca 2018). As *mestizos*, living with divided souls in a permanent ‘double bind’, suspended between two worlds that contradict yet sustain one another, ‘we, who are *ch’ixis*, exist’, she affirms. This is a claim to a place for those ‘who are neither Indigenous nor Europeans, and who are both at the same time’ (Cacopardo 2018, p. 183). Rejecting purist logics and all forms of essentialism, Rivera Cusicanqui situates her research in the service of constructing another *ch’ixi* world – one that draws from the best of both modernity and tradition, where opposites co-exist without hierarchy.

Deeply committed to the struggles of Aymara, Qhechwa and Amazonian Indigenous peoples, Rivera Cusicanqui’s historical and grass-roots work recovers memory and uncovers new sources of knowledge long silenced by colonial expansion and state-centric legal regimes (Rivera Cusicanqui 2010, 2018). This is not a nostalgic effort to rescue a lost tradition. Rather, it is a collective endeavour to generate new political and legal spaces capable of assembling alternative futures – futures grounded in horizontality as a transversal principle. These emergent intellectual and material

geographies aim to create meeting grounds between academic and other ways of knowing, Indigenous and non-Indigenous peoples, women and men and humans and more-than-humans.

4 Thinking-doing-living law and society

Our account of Fals Borda, Gonzalez and Rivera Cusicanqui reveals the depth and scope of *investigación militante*, as illuminated by their distinct yet converging trajectories. Each engages different social groups, adopts varied modes of collaboration and articulates diverse horizons of empowerment – always grounded in the communities’ own understandings of themselves and the world. Their work also foregrounds the historical specificity of the social struggles they accompany. Taken together, their contributions underscore the inseparability of research and activism, showing how knowledge produced through these encounters can be both theoretically rigorous and practically transformative in the pursuit of social justice. Moreover, they point to the need for progressive, self-reflexive legal action – distinct from other activist legal practices yet resonant with contemporary efforts to decolonise knowledge and institutions – to be rooted not only in attentiveness to community interests but also in communities’ own epistemological and ontological frameworks.

Dismantling the recurring dichotomies that characterise Western thought and legality – and that continue to frame knowledge production as something external to, and detached from, lived realities – concepts such as *sentir-pensar*, *amefricanidade* and *ch’ixi* challenge entrenched configurations of power and the epistemological and ontological frameworks that sustain them. In this analysis, law is approached as structuring social relations from within. Still broadly aligned with a Marxist sensibility, while remaining sharply critical of the whiteness and Eurocentrism of that framework, law, viewed through these conceptual lenses, appears less as a neutral arbiter and more as an expression of power – frequently serving, as Chatterjee (1993) suggests, a bourgeois conception of history.

For Fals Borda, Gonzalez, Rivera Cusicanqui and other *investigadores/as militantes*, this positioning of law should not imply, again, its detached operation. Law is embedded in patterns of land maldistribution and exploitative labour relationships, racial disparities and erasures and in the historical marginalisation of peasant, Black, Indigenous and mestizo communities and their ways of knowing and being. Yet law can also be imagined and produced otherwise, by attending to the struggles of those historically placed in the ‘zone of non-being’ (Pires 2019), articulated in *Pretuguês* and with an awareness of their inherent *ch’ixi* quality.

We now turn to how these ideas might inform a different way of thinking, doing and living law and society. Seeking epistemological, political and ethical lessons, this exploration leads us to articulate three ‘commitments’, as Fals Borda would describe them, to guide law and society scholarship (Fals Borda and Brandão 1986, pp. 15–16). First, by centring subaltern people’s lived experiences within collective forms of knowledge production (a methodological commitment) and embracing the goal of building people’s power beyond the state (a political commitment), *investigación militante* invites us to attend to the transformative legalities that may emerge in this process. Following from this, it also calls for an ongoing examination of our complicity in sustaining hegemonic legalities and for active support for the emergence of alternative normativities – those attuned to the experiences and visions of communities on the ground (an ethical commitment). Together, these commitments distinguish *investigación militante* from other forms of legal activism, grounding legal action in community-driven epistemologies, ontologies and political horizons. They invite law and society scholarship to cultivate a form of critique rooted in co-constructed practices and knowledges, oriented toward transformative social change.

4.1 Methodological commitment

Investigación militante entails a methodological commitment to forging a positive and sustained link with what Gramscian and post-colonial traditions have termed subaltern knowledges and their embodied realities (Kroonenberg 2023). This alliance with life and knowledge from below is often dismissed as a mere methodological choice – a pragmatic ‘turn to praxis’ in the limited sense of making scholarship relevant by paying attention to ground-level realities. Yet, as we have outlined above, the capacity to encounter, experience and learn from subaltern knowledges requires dismantling entrenched dichotomies that dominate academic, political and legal institutions – most notably the divide between those who ‘think’ and those who ‘do’. As Verónica Gago reminds us, this separation is rooted in a deeper, more conservative and hierarchical split: ‘the division between an above and a below, where knowledge is an overestimated power of the elite and the doing is a modest subaltern resource’ (Gago 2017, p. 66).

Overcoming these divisions demands, as Fals Borda argued, dismantling the distinction between ‘observed peoples’ and ‘observers’ in favour of recognising that all participants engage in a shared labour of inquiry and theorisation. Thinking and doing are inseparable dimensions of what he calls *investigative work* that approaches ‘others’ not as mere ‘objects of research’ (Fals Borda 2014, p. 206). In this view, militant research is inherently collective: it is not the product of a solitary intellectual but emerges through collaborative processes of knowledge-making. This entails a deliberate rejection of both the ‘lone researcher’ model and the instrumental use of collectivity as an organisational technique or as a means to generate impact (Ferreti and Rojas 2018). For *investigación militante*, collectivity is not an accessory to research – it is constitutive of the very process of exploring, thinking, theorising and acting in the world.

Rivera Cusicanqui’s notion of rooted theory (*teoría enraizada*) further substantiates *investigación militante*’s commitment to embodied subaltern knowledges. As she explains, *teoría enraizada* ‘roots itself in experience, without neglecting the history and genealogy of the way we have come to think about the world. It conceives knowledge as something that we all have’ (Cacopardo 2018, p. 187). While Gonzalez did not use a specific term to describe her own investigative practice in examining the effects of coloniality on Brazil’s socio-racial formation, her work stands as a major example of *teoría enraizada*. Grounded in lived experience, it was shaped by the imperative of interpreting institutions and norms from the vantage point of Black women’s experiences and representations in society. By theorising from figures such as the *mãe-preta*, the *mucama*, the *mulata* and the domestic worker, Gonzalez deconstructed essentialist representations, exposed how such stereotypes constrained Black women’s full participation in society and foregrounded their critical role in the social reproduction of Brazilian society. In doing so, she vindicated Black women, asserted their rights and affirmed their generative contributions to Brazil’s culture and politics (Gonzalez 2019).

For law and society scholars, *investigación militante* presents a particular challenge: it demands that we understand the world from and through the communities at the centre of research – a stance that runs counter to dominant conceptions of law and legal institutions as existing outside or above social relations. In a move reminiscent of legal realism’s critique of positivist formalism, *investigación militante* asserts that the relationship between legal forms and their content must be worked out in practice, ‘not merely through intuitive or contemplative behaviour’ (Fals Borda 2009, p. 257). As Fals Borda more broadly argued, ‘[e]verything presents itself as an inextricable complex of form and content; hence, theory cannot be separated from practice, nor can [researchers and communities] be separated from the [research] object’ (Fals Borda 2009, p. 257). The militant research tradition thus begins by recognising that the assumed authority of formal knowledge over popular knowledge – about law or any other domain – ‘has been deployed by the elites, on both sides of the political spectrum, to sustain people’s subordination’ (Fals Borda 2014, p. 262).

A law and society militant research approach must look beyond state law and its formal institutions, turning instead – following Silvia Rivera Cusicanqui (2010) – to *la micropolítica*: the forms of knowledge continually produced through collective and everyday practices, often unnoticed or unacknowledged. In moments of rebellion or uprising, such knowledge may crystallise into explicit legal proposals. More commonly, however, socio-legal researchers must search for it in the peripheries – in the practices and ontologies of communities shaped by and resisting the structural conditions of marginalisation. These include contexts generated by peasants, low-income urban dwellers, workers in popular economies, land and territorial movements, feminist and anti-racist struggles and resistances to dispossession and debt. This orientation has already informed our own work in fields such as informal labour, informal housing and the intersections of law and security – leading to methodological commitments that centre informal workers, peripheral urban dwellers and subjects targeted by security and development regimes in the Majority World as sources of knowledge and authors of alternative legal and political imaginaries (Eslava 2015; Eslava and Buchely 2019; Alessandrini *et al.* 2022; Assis 2023).

To undertake research without positing a conceptually separate object of study – or without objectifying those whose struggles we seek to understand – demands ongoing critical self-reflexivity. This involves scrutinising the role of law in our own actions and assumptions while remaining open to other normativities and alternative visions of justice, development and well-being. In significant and illustrative ways, such an approach has recently resonated within judicial practice. In its 2025 Consultative Opinion No. 31, the Inter-American Court of Human Rights recognised care as a human right, affirming generations of feminist activism and long-standing demands that daily care work be acknowledged as work. By centring historically marginalised knowledges and struggles – particularly those led by women, as it has in the past with Indigenous knowledges – the Court’s reasoning reflects an incipient juridical openness to epistemologies and life-worlds that *investigación militante* takes as foundational. Before turning to the ethical commitments that flow from *investigación militante*’s methodological orientation, we first examine its political commitments and how these intersect with the concerns and practices of law and society scholarship.

4.2 Political commitment

In a speech delivered before the Brazilian Constituent Assembly in 1987, Lélia Gonzalez addressed the question of Black liberation. Rather than grounding her critique of racial stratification and the gendered ideology of racial democracy in abstract notions of equality or civil and political rights, Gonzalez spoke from the long history of Black organising and resistance – struggles that have largely unfolded outside formal political structures. She linked the reawakening of the Brazilian Black movement in the 1970s to earlier insurgent traditions, including *Quilombo dos Palmares*, the sovereign polity founded by fugitive enslaved people in the seventeenth century under the leadership of Zumbi and Dandara (Anderson 1996); the *Malês Revolt*, an eighteenth-century uprising in Salvador, Bahia, led primarily by Muslim Africans – both enslaved and free – who sought to overthrow colonial rule (Reis 1986); and the *Revolta da Chibata* (Whip Revolt), a 1910 mutiny of Afro-Brazilian sailors in the Brazilian Navy who, under the leadership of João Cândido (1880–1969), known as the *Almirante Negro*, rose up against brutal corporal punishment and exploitative labour conditions (Nascimento 2016).

By recalling these moments of radicality – when Black people built constituent power against what she described as a ‘sophisticated apartheid state’ that denied both their status as rights-bearers and their very existence – Gonzalez sought to summon the political imagination needed to envision a nation capable of guaranteeing substantive equality for all. In her words:

‘We are not here playing at making a Constitution. We do not want this abstract and general law that suddenly perpetuates the narrative that racism doesn’t exist in Brazil because Black

people “know their place”. What we want is for the law to effectively create fiscal incentives so that civil society and the state take concrete compensatory measures to guarantee Brazilians of African descent the right to equality in areas such as employment, wages, education, justice, housing, health, and so on.’ (Gonzales 2019, p. 239).

Gonzalez’s articulation of a theory of constituent power – grounded in the experience of subaltern sectors resisting dispossession outside dominant political structures and in contexts of crisis and upheaval – is emblematic of the political commitment of *investigación militante*. This tradition stands in tension with the Gramscian idea of the ‘organic intellectual’ (Gramsci 1971), who, while emerging from a class usually excluded from producing intellectuals, returns to the social struggle as an informed aid. For *investigación militante*, the actual battle is over reality itself: the decisive question is not where you come from or even where you are positioned but how you are positioned. The traditional ‘organic intellectual’, even when directly tied to a social class, still articulates that class’s worldview from a place of outsidership. By contrast, the militant researcher’s task is to learn from collective action while supporting its normative visions and otherwise. Here objectivity is not discarded; it becomes a compass that requires constant recalibration through the ongoing questioning of assumed truths and principles (Fals Borda and Brandão 1986).

The militant researcher supports the construction of *poder popular* – people’s power – through both theoretical and practical engagement, working collaboratively to generate knowledge and explore pathways toward alternative forms of sociability. As the Argentina-based militant research collective *Colectivo Situaciones* puts it, the objective is ‘to establish a positive linkage with subaltern knowledge, dispersed and hidden, to produce a body of practical knowledge about counter-power’ (2003/2018). *Investigación militante* thus seeks out the potencies and openings embedded in the lived realities of politico-legal struggles, remaining attuned to the ways in which resistance, experimentation and collective action might prefigure other modes of being, knowing and organising life in common.

In this orientation, the militant researcher ‘does not work to publish’ – because, although publication may be important, it might not be what is tactically most needed – ‘nor to acquire an academic degree’, even if the knowledge produced could serve those ends (Fals Borda 2014, pp. 207–208). Her primary point of reference is not necessarily academic institutions or disciplinary audiences but people in action, in the situation. What underpins *investigación militante* is a clear political commitment: to help articulate and activate the diffuse potency of *poder popular* from below and from the peripheries rather than reinforcing the authority of the state and its laws (Fals Borda 2014, pp. 262–63).

This political commitment not only re-shapes the research process itself but also calls for a rethinking of law’s role – from a neutral arbiter of rights and obligations to an active element in struggles over knowledge, power and social transformation. Unlike movement lawyering and other activist legal research traditions, which often mobilise law in the service of predefined agendas (Assis 2021), *investigación militante* treats law simultaneously as an object and site of struggle within a co-produced inquiry, where the boundaries between researcher, participant and legal subject are intentionally blurred. Crucially, this approach is particularly attuned to contemporary struggles – especially among law and society scholars – over finding space for non-Western frameworks and normative orders: laws that articulate the diversity of worlds, challenge the dominance of universalising legal forms and unsettle the epistemic foundations on which they rest (Adébisi 2023; Malkani 2025).

4.3 Ethical commitment

The conventional researcher is not expected – indeed, is often discouraged – to examine herself. She is assumed capable of producing consistent and valid knowledge precisely because she stands

outside the situation she studies, at a distance thought to guarantee objectivity. This detachment exempts her from self-examination. Yet by situating herself externally, the conventional researcher becomes what *Colectivo Situaciones* has called ‘a machine of awarding’, driven by unquestioned ‘feelings, values, interests, affiliations, causes, influences, rationalities, intentions and unconscious motives’ (2003/2018). The researcher’s resources, values, gaze, prestige and her law, together ‘constitute a machine that classifies, gives coherence, inscribes, judges, discards and excommunicates’ (2003/2018).

In contrast, the militant researcher ‘cannot exist without seriously investigating her own self, without modifying herself, without reconfiguring herself in the experiences in which she participates, without revising the ideals and values she sustains, without permanently criticizing her ideas and readings’ (2003/2018). This is a demanding and ongoing task: not only to deconstruct the objectifying impulses cultivated by conventional academic norms, but also to recognise and addressing the power asymmetries between the researcher and the community – and acting to diminish those disparities. In this context, *senti-pensar* (thinking-feeling) entails engaging with people’s own experiences and understandings of reality and law, without imposing predetermined frameworks of inquiry. As a practice of decolonised knowledge production, this means formulating research questions collaboratively with communities and treating one’s own assumptions and legal tradition not as the ground of inquiry but as its first site of critique.

For its practitioners, militant research is therefore far more than a methodology or an expression of political activism. It is a way of inhabiting the world and the plurality of existing laws and legal imaginaries. It requires a contribution to people’s collective praxis as well as engagement in the researcher’s own praxis of self-assessment and critical transformation (Fals Borda 2014, p. 255). Within the legal context, this implies an examination of one’s attachment to and unquestioned support for those laws that embody the bourgeois conception of history described earlier (Chatterjee 1993).

In a 2007 interview, Silvia Rivera Cusicanqui – then serving as an adviser on coca issues to Bolivian president Evo Morales while remaining critical of the MAS movement and the limits of state politics – remarked that one of the main tasks of the ‘activist academic’ (as the interviewer described her) was to ‘rethink our assumptions’ (Farthing 2007, p. 9). Among the assumptions most in need of interrogation, particularly for those engaging with law and society from a militant research perspective, are the foundational tenets of liberal legality. The sacrosanct nature of private property, the sanctity of contracts and the value of legal predictability are not only pillars of Western legal thought but also shape how individuals come to organise their desires and expectations. Yet for militant researchers working with grass-roots collectives – often in tension with the state and formal institutions – these so-called ‘rule of law’ principles can function as instruments of containment, deployed by those in power to obstruct demands for structural change. From an *investigación militante* perspective, constitutional reforms grounded in Indigenous, Afro-Latino, feminist and LGBTIQ struggles, plurinational proposals, grass-roots truth and reconciliation processes and land reform and agrarian justice initiatives are examples of existing and potential legal interventions. What unites these efforts is that they are rooted not in preordained liberal frameworks but in the visions, priorities and normativities of the collectives themselves.

A militant research approach in law and society thus calls for an ethical commitment to act in ways that are ‘right’ in a grounded, situated sense – even when doing so challenges ingrained attachments to pre-established ideas, including abstract or universalist conceptions of the rule of law. The task is to think-do-live with a law shaped by the principles, practices and aspirations of the collectives at the heart of our work. This again marks a distinctive attitude of *investigación militante*: an ethic that binds the researcher’s labour and life to the struggles, epistemologies and politico-legal horizons of the communities with whom she engages.

5 Conclusion

Investigación militante opens what feminist theorist Karen Barad (2007) calls new ‘ethico-onto-epistemological’ avenues – pathways that take seriously the entanglement of knowing and being, and their implications for how we think, live and act in the world. Research, in this view, is not a detached exercise but a mode of thinking-doing-living with others: a practice of co-creating present and future realities alongside the communities that ground our work. In an era defined by deepening inequality, systemic breakdowns across ecological and political domains, and the accelerating pace of technological change, *investigación militante* offers a timely and necessary invitation. It calls on law and society scholars to abandon the illusion of neutrality and to recognise, as Haraway (2016) reminds us, that there is no outside in our troubled times – no place from which to observe or theorise the world without being implicated in it. This means rejecting the epistemic divisions that have long structured Western academic and legal thought – particularly the split between theory and practice – and instead engaging legal and political realities from a situated, relational and ethically committed stance. *Investigadores/as militantes* like Orlando Fals Borda, Lélia Gonzalez and Silvia Rivera Cusicanqui illuminate alternative epistemologies – *senti-pensar*, *amefricanidade*, *ch’ixi* – that embrace complexity, contradiction and interdependence. Without denying their internal heterogeneity, these approaches offer law and society research grounded, reflexive and transformative ways of engaging with law: not from above or outside but from within collective struggles for more just and livable worlds.

For the militant law and society researcher, the relationship between thinking and acting – and between both and living with law – is bridged through direct engagement with the facticity and heterogeneity of everyday struggles. This practice precedes any disembodied reflection. Remaining alongside communities, their knowledges, their politics and their daily struggles is both the task and the ongoing challenge. This orientation does not overlook the complexities and power asymmetries that shape relationships between militant researchers and the communities they engage with, nor the internal dynamics within communities themselves, where hierarchies of gender, race, class and other axes of inequality determine whose voices are heard and legitimised. On the contrary, the militant researcher remains acutely aware of the privileges conferred by academic legitimacy and the authority ascribed to scientific knowledge. Through active participation in collective struggle and knowledge-making, she commits to negotiating and contesting the very hierarchies that grant her status, even as she remains entangled in them. This entails refusing the lure of heroism, as Manuela Picq (2025) cautions, and resisting the romanticisation of ‘community’ by acknowledging the power dynamics that infuse all aspects of life.

Today, *investigación militante*’s orientation is more urgent than ever. Western law continues to underwrite the interlinked crises of our time. Attending to communities’ knowledges and aspirations while tracing the role of law in everyday life offers a promising terrain for cultivating pockets of justice amid intersecting crises. At the same time, applying *investigación militante* to legal fields that are nascent, underdeveloped or not yet salient for affected communities – such as artificial intelligence regulation or emerging environmental, financial, health and migration regimes – demands particular care. Here, the militant researcher must grapple with how to introduce such problematics without replicating epistemic or political imposition, ensuring that the framing of these issues emerges from, and remains accountable to, the situated priorities of the communities themselves. Engaging with this tension not only guards against the reproduction of extractive knowledge practices but also expands *investigación militante*’s relevance across diverse and evolving legal terrains.

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