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INTRODUCTION

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Ethnographic legal studies: reconnecting anthropological and sociological traditions

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ABSTRACT

Legal anthropology and legal sociology have much in common. Traditionally, however, these approaches have tried to maintain disciplinary boundaries toward each other. Latest since the 1990s, these boundaries have become more and more porous and the academic practices of boundary-making do seem to convince practitioners of these fields less and less. The recent emergence of a subfield of the anthropology of the state situated at the interface of legal anthropology, legal sociology, ethnographic studies of bureaucracies and organizational sociology attests to this development. In this introduction, we propose to consciously transgress the traditional boundaries between legal anthropology, legal sociology and the anthropology of the state when it comes to the ethnographic investigation of official law. Based on the contributions to this special issue—consisting of empirical articles and commentaries—we map several avenues for boundary transgressions and the theoretical reconceptualizations these may engender. Among them are: looking at legal institutions of the state as practicing both informal formality and formal informality; moving from socio-spatial metaphors to investigating official law-places and -spaces as ethnographic objects; and studying norm-making within official law as a wider field of practice.

This article is concerned with the ethnographic study of law. It serves as the introduction to a special issue titled "Who is afraid of official law? Reconnecting anthropological and sociological traditions in ethnographic legal studies", which brings together (1) a discussion of the historical shifts in how legal pluralism research has conceptualized the state in legal anthropology and the implications for social and legal theory (Benda-Beckmann and Turner; Marschelke), (2) six empirical articles based on ethnographic investigations of contemporary legal phenomena (Bens; Freire de Andrade Neves; Jacobs; Mugler; Rohrer; Sandvik) and (3) six shorter conceptual commentaries from scholars in all three fields (Bierschenk; Drotbohm and Riedke;

Eckert; Kirsch; Scheffer; Yonucu). We draw on these contributions to make an argument for ethnographic legal studies as an interdisciplinary endeavor.

We understand ethnography as a mode of research in which the ethnographer immerses her- or himself in a social field, setting, or arrangement in order to comprehend the actors' social relations, their practices and their representations of themselves and the world. To do that, the ethnographer employs a variety of techniques: participant observation, interviewing, conducting surveys, engaging in naturally occurring conversations, and collecting documents as well as audio-visual materials. Ethnographic data is an artefact produced through constantly interrelated processes of collection, interpretation, analysis and representation—processes in which writing constitutes a central part. As such, the field always heavily inscribes itself into ethnographic theory-building, and the development of theoretical concepts takes place in a middle ground between prior theoretical debates and the practices of knowing and meaning-making that happen in the field.[1]

For the purpose of this text, we focus on the ethnographic study of *official law*. The term *official law* is reminiscent of the title of this journal and its aim to mobilize the paradigm of legal pluralism and widen the scope of legal studies toward the investigation of *unofficial law*. While we wholeheartedly agree with this approach, we insist that to take seriously law in all its forms also means to take official law seriously as a subject of ethnographic research. Those insights gained through the ethnographic study of unofficial law and legal pluralism can redirect us to explore official law in novel ways and to conceptualize forms, functions, representations and practices of official law in light of fresh questions.

Several sub-disciplines of the social sciences investigate law ethnographically. We focus on three of them in this article: legal anthropology, legal sociology, and the more recent anthropology of the state. These three approaches differ in the academic traditions in which they stand, the theoretical sources from which they draw, and the styles of writing in which they present their findings. But taking their ethnographic practice as a point of convergence, we contend that the disciplinary boundaries between them have become porous and that it is high time to initiate a debate about how and where it is beneficial to transgress them.

In the first part of this article, we therefore briefly sketch where legal anthropology, legal sociology, and the anthropology of the state are standing today. We then put forward possible avenues of bringing together these approaches by focusing on the ways ethnography contributes to understanding law in the contemporary world.

Legal anthropology, legal sociology, and the anthropology of the state: mapping the field

From the full institutionalization of the social sciences at the universities in the early twentieth century until the 1960s, there was a comfortable division of labor between legal sociology and legal anthropology—a division of labor that followed the logic of the disciplinary boundaries between sociology and anthropology more generally. As sociology investigated those societies characterized by the "modern" nation state, legal sociology[2] was consequently responsible for law in the Global North. As anthropology investigated those societies where the state was presumed to be absent, legal anthropology was consequently responsible for the law of "premodern" non-state societies

in the Global South.[3] While classical authors of political and legal sociology such as Émile Durkheim (1893) and Max Weber (1922) were interested in understanding the European nation state and its law, the classical authors of political and legal anthropology such as Bronislaw Malinowski (1926) and Max Gluckman (1955) worked on traditional non-state legal systems outside of Europe.[4] Following this interdisciplinary logic, such a field as the anthropology of the state did not yet exist. The classics of political anthropology focused on the organization of social order and political power in non-state contexts (Fortes and Evans-Pritchard 1940; Leach 1954).[5]

This general rule of an interdisciplinary division of labor between sociology and anthropology became severely challenged in the late 1960s, when anthropologists—against the background of a significant institutional expansion of the discipline in the U.S., the end of formal colonialism in Africa and the rise of postcolonial nation states, as well as a strong political turn to the left in the wake of the Vietnam war protests—started to include the Euro-American nation state into their research (see Bens 2016). At that time, the legal anthropologist Laura Nader published her famous article "Up the Anthropologist: Perspectives Gained from Studying Up", in which she made a plea for anthropologists to study state institutions in the United States (Nader 1969a, 293). This article, which favored an expansion of anthropology into the realm formerly reserved for sociology, did not only aim to change legal anthropology's outlook, but can also be seen as laying the groundwork for the emergence of an anthropology of the state.[6]

Since the late 1960s, the global outlook of anthropology and sociology has changed significantly, and the traditional disciplinary division of labor has gradually become more and more obsolete. One important development in this context is legal anthropology's paradigmatic shift to focus not only on non-state law as the object of study, but on the interaction of official law with traditional, religious, and informal legal forms (Moore 1973). Legal anthropologists "coming home" and studying *inter alia* the American legal system contributed to this shift (see Conley and O'Barr 1993), as did more Marxist oriented approaches which included historical research into the study of state and non-state law and the power relations law is embedded in (e.g. Starr and Collier 1989).[7]

Since the 1980s, legal pluralism has emerged as a guiding paradigm for the subdisciplinary field of legal anthropology (Griffiths 1986; Merry 1988). In debate with legal scholars, proponents of legal pluralism explicitly criticized the "legal centralism" (Griffiths 1986, 3–4) of overly state-centered conceptions of "the law" as what they called a "dominant legal ideology" (F. von Benda-Beckmann 2008, 97–98). In this issue, Keebet von Benda-Beckmann's and Bertram Turner's contribution focuses on how the movement toward legal pluralism has contributed to include the state into legal anthropology, but also decentered it as one producer of norms among others. Particularly, legal sociologists institutionally embedded within law faculties and studying the social life of official law on the books viewed anthropologists' broad notion of law that includes normative orders not sanctioned by the state with skepticism. This became apparent in the drawn-out debates over the concept of legal pluralism and the diverging notions of law held by its proponents and critics, which were led throughout the 1990s and 2000s (e.g. Tamanaha 1993, Roberts 1998, F.

von Benda-Beckmann 2002, see also K. von Benda-Beckmann and Turner, this issue).

Among legal sociologists more strongly embedded in the discipline of sociology, another line of research drawing on a different set of theoretical and methodological assumptions emerged. Early studies by Harold Garfinkel (2002 [1967]) and Harvey Sacks (1972) were the starting point for what developed into the ethnomethodological tradition of ethnographic legal research (Travers and Manzo 1997; Dupret, Lynch, and Berard 2015; for a discussion of their role in courtroom ethnography see Bens, this issue). Rather than taking the gap between "law on the books" and "law in action" as a starting point for their investigations,[8] these ethnomethodologically and linguistically oriented studies started from the assumption that legal order is a "methodic achievement" *produced* through the activities of legal professionals and lay participants (Dupret, Lynch, and Berard 2015, 1). Although diverging in their epistemological outlook and methodological approaches, the research designs of legal sociologists have mainly remained focused on official legal settings, professional legal actors and lay persons' perceptions of official law.

Relatively independent from these debates among legal anthropologists and legal sociologists, a heightened interest in the state developed among anthropologists since the end of the Cold War. Within this emerging subfield, we find several different approaches: a broad movement of Foucauldian inspired studies of governmentality (e.g. Hansen and Stepputat 2001; Das and Poole 2004; Gupta 2012; see also Sharma and Gupta 2006); a range of empirical investigations of "states at work" and the practical norms of state officials in the Global South inspired by a re-reading of Max Weber and Lorenz von Stein (e.g. Bierschenk and Olivier de Sardan 2014; de Herdt and Olivier de Sardan 2015); a relational approach for studying transformations of statehood in post-socialist societies as well as Western Europe (Thelen, Vetters, and Benda-Beckmann 2018; for a discussion of an African context see Jacobs, this issue); an interest in legal and bureaucratic documentary artefacts and practices as objects of ethnographic study, not least inspired by science and technology studies (Latour 2010; Hull 2012; Mathur 2016); as well as an emerging paradigm of looking at the state in terms of its moral and affective dimension (Stoler 2007; Navaro-Yashin 2012; Fassin et al. 2015; Freire de Andrade Neves, this issue).[9] Despite their diverging theoretical starting points, these studies converge in the centrality they attribute to ethnography as a research technique. The ethnographic approach is seen to be tailormade to bring to light dimensions of statehood and governance that have been left underinvestigated by more macro-oriented traditions of political science or political sociology.

Recurrent themes in the anthropology of the state have been how state officials navigate between formal and informal practices, as well as how perceptions of statehood relate to the actual implementation of state policies and processes of (re-)configuring the state apparatus and its institutional arrangements. The focus has been, for instance, on discourses of corruption (e.g. Gupta 1995), practical norms (e.g. De Herdt and Olivier de Sardan 2015), and moral subjectivities (e.g. Fassin et al. 2015). Suprisingly little reference, however, has been made to debates and insights from legal anthropology and legal sociology. Rather than framing research in terms of a state

legal order executed and mediated by state bureaucracies, most of these authors drew on notions of governmentality, governance, or policy, politics and the political.

We feel that it is time to connect these fields more closely with each other and to explore where and how avenues for cross-fertilization and boundary-crossings open up. Such an endeavor can be based on a shared ethnographic approach to the study of official law. In the following sections, we put forward a number of suggestions that resonate with the contributions to this special issue.

Reconnecting approaches with a focus on the ethnographic study of law

In each of the six articles collected in this issue, ethnography is the entry point to studying official law. In one way or another, they all cross the boundaries of the sub-fields as characterized above in that they move between theoretical starting points, ethnographic insights and conceptual frames. While in each of these articles ethnography takes a different form depending on the chosen research sites and the initial research question, each piece shows how ethnography, understood as a particular mode of knowledge production, brings unexpected aspects of official law to the fore-front and contributes to ongoing debates in legal sociology, legal anthropology and the anthropology of the state. We see three thematic points of convergence that pervade the articles in this issue: (1) observing the practice of official legal institutions, both as informal formalities and formal informalities; (2) moving from spatial meta-phors to the investigation of the materiality of legal settings and the ways such legal settings are interlinked; and (3) investigating official norm-making as a wider field of practice. The questions and insights from the empirical articles are taken up by short commentaries. In these shorter pieces, the authors outline their understanding of the field of ethnographic investigations of official law and take the empirical pieces as a springboard for weaving their own suggestions into the fabric of on-going sub- and transdisciplinary debates.

The practice of official legal institutions: informal formality and formal informality

It has become common-place in the ethnographic study of law that one cannot differentiate formal and informal modes of governance strictly by referring to official or unofficial settings. In fact, both official as well as unofficial institutions can be characterized by formal and informal procedures, processes of decision-making and the mobilization, creation and transformation of more or less codified norms. Ethnographic research rather observes the intricate processes of boundary-making that uphold the appearance of a separation of formal and informal spheres and the particular ways in which formality and informality are negotiated: how informal practices are embedded in formal ones, formal rules are informalized or informal practices become standardized and formalized in both official and unofficial settings.

In the field of the anthropology of the state a recent example is Thelen, Thiemann, and Roth's (2018) study of the efforts invested in boundary work between state and family as part of the abovementioned relational approach to studying the state.

Examples closer to the topic of official law are Bierschenk's treatment of informalization and privatization strategies in the everyday functioning of the Beninese judiciary in an earlier volume of this journal (Bierschenk 2008), Hamani's use of the notion of ordered informality to describe inventive practices of district court personnel in Niger (Hamani 2014) and—with an explicit reference to legal pluralism—de Herdt and Olivier de Sardan's concept of practical norms to grasp those unwritten rules that direct civil servants' practice but do not comply with official norms (de Herdt and Olivier de Sardan 2015, 3, 7). While these latter works are situated in a strand of the anthropology of the state which calls for drawing on insights from organizational sociology and the sociology of law to counter an unwarranted exoticization of states in the Global South, a third strand of such recent ethnographic work has its origin in legal anthropology's concern with the notion of customary law. The essays collected in an edited volume by Zenker and Hoehne signal a deeper interest in state actors and the inner workings of state law by asking how the everyday practices of state officials contribute to shaping the interplay between and substance of state and non-state normative orders (Zenker and Hoehne 2018, 3). That they draw extensively on the anthropology of African bureaucracies mentioned above shows the on-going rapprochement between these two sub-fields.

The first two articles in this issue by Carolien Jacobs and Ingo Rohrer—respectively concerned with access to justice in urban contexts in the DRC and in Argentina—contribute to this emergent conversation. In many respects, they function as mirror pieces: Jacobs explores, how citizens perceive the capacity of the DRC law enforcement and judicial institutions to deliver justice, and how this perception influences whether and how they seek to access state justice or opt for other forms of justice, such as so-called popular justice. She finds that citizens believe informal and personalized relations to office-holders and payments not foreseen by official procedures to be crucial elements in accessing state justice and successfully resolving their grievances. Rohrer starts from the other side of the state-citizen relationship and traces how state officials in a judicial outreach office imagine the conditions under which citizens can develop trust towards judicial institutions, and how these perceptions shape their judicial practice as well as their (critical) self-positioning within the judiciary. These officials employ a particular mix of professionalism, informality and personalized interactions in their aim to facilitate access to state justice.

Both papers start out by looking at dispute resolution mechanisms for violent interpersonal conflicts—a classical interest of legal anthropology—but do so with an ethnographic focus on the provision of state justice. The authors do not primarily conceive state justice as a more or less unified and centralistic normative order competing with other normative orders, but rather as an institutional apparatus in which both personalized relations and internal divisions among state officials play out. This idea is taken up by Thomas Kirsch (this issue) who argues for an ethnographic approach to the state that takes into account the perspectives and imaginations state actors themselves have about the boundary between state and society. While Kirsch's commentary is in line with much of the recent anthropology-of-the-state scholarship advocating for studying the state as a disaggregated configuration, his emphasis on the pluralism of possible positionings and social imaginaries of justice among state

officials opens a new avenues for inquiring about the effects of these imaginaries and positionings for a practical normative pluralism *within* official law and among state-employed judicial actors. In their commentary on Carolien Jacobs' article, Heike Drotbohm and Eva Riedke (this issue) similarly propose to conceptually pluralize the state and its law by analyzing it in its historical and affective dimensions (similar: Freire de Andrade Neves, this issue). They suggest that those spheres and issues purportedly "unpolitical", such as claiming justice in violent interpersonal conflicts, can also be productive sites for the ethnographic analysis of the political.

From spatial metaphors to the study of the materiality and affect of legal settings

With "semi-autonomous social field" (Moore 1973), "legal arena" (Lazarus-Black and Hirsch 1994) and "forum" (K. von Benda-Beckmann 1981), legal anthropology has put forward powerful conceptual tools for understanding the reach of and interaction between different normative orders. Drawing inspirations from the ethnomethodological tradition of legal sociology and a recent interest in science and technology studies in legal sociology as well as the anthropology of the state and infrastructures (see Scheffer 2006; de la Cadena et al. 2015; Star 1999; Larkin 2013), we argue for going one step further and to take the materiality of "law-places" seriously. This directs us to ask not only why one law-place is chosen over another, or how norms originating in different orders might be mobilized locally, nationally or transnationally and how they enter into or are excluded from a specific law-place. But it also stimulates us to analyze, how the materiality of a setting, the specific arrangement of bodies in a setting, and the discursive as well epistemic apparatuses, which can be mobilized in particular settings, affect the substance of the norm as realized through a structured decision-making process.

Two articles in this issue, by Jonas Bens and Ingo Rohrer, focus especially on the materiality of law-places in their analysis. Rohrer attributes to place a central role in trust-building strategies. The outreach offices he investigates aim at establishing distinct modes of trust building also in spatial terms. Placed in specific neighborhoods and by organizing the material environment inside the office in a specific way, they signal that they have a special positionality within the justice system. Rohrer shows that these material arrangements ultimately contribute to conceptualizations of the state and perceptions of justice—both regarding the staff working there, as well as their clients.

Bens proposes a methodological approach toward another law-place, a courtroom. In defining the courtroom as an affective arrangement, he argues that focusing on how human as well as non-human bodies are arranged in the courtroom opens up novel ways of thinking about the affective dimension of place. While several authors in this issue highlight the affective dimension of legal settings (Freire de Andrade Neves; Drotbohm and Riedke), it is the intricate workings of atmosphere as the affect that is generated in a material and spatial setting that Bens proposes to make the object of ethnographic analysis. In her commentary, Deniz Yonucu takes up the idea of the affective dimension of the courtroom and proposes to include this perspective

in the growing body of studies that draw on Judith Butler's (1990) conceptualization of performativity for the investigation of legal settings.

While courtroom ethnographies in the ethnomethodological tradition have been criticized not only for their talk bias but also for their radical localism (Scheffer 2006, 78), Bens ethnographic study of an international criminal tribunal demonstrates how —when coupled with the conceptual lens of the affective arrangement—courtroom ethnography can grasp precisely those moments, in which sentiments of justice are forged in an international judicial setting in which actors (and audiences) embedded in diverging normative orders participate in the decision-making process. Whether and how such legal decisions are then mobilized in other settings and become norm-like (as precedent or by reference), is a question that is also present in Sandvik's discussion of an evolving standard of humanitarian organizations' duty to care for their employees, as litigated in the Oslo District Court in the case of *Dennis v. the Norwegian Refugee Council*. Here, a local Norwegian court had to decide a case involving a global NGO with Norwegian headquarters, and Canadian, Filipino and Kenyan humanitarian workers, who, having been kidnapped in a refugee camp for Somalis in Kenya, claimed compensation from their employer on the grounds of negligence. Sandvik traces the entanglements and contingencies of these different normative spaces as well as the involved actors' normative orientations by drawing on Moore's concept of the "semiautonomous social field" and on Ewick and Silbey's concept of "legal consciousness". In her commentary, Julia Eckert singles out such entanglements of world society and urges researchers to ethnographically study how notions of immediate and mediate causation are renegotiated in a globally interconnected world. This entails a multi-scalar tracing of processes of juridification, through which moral obligations are turned into legally binding obligations and redefined notions of liability, as well as of countermoves advocating for more restrictive notions of liability and the "cutting" of chains of causality. Both processes take place in a series of more or less interconnected and more or less judicialized settings that can be investigated as law-places. In his commentary on Marcos Freire de Andrade Neves' analysis of the affective governance of assisted suicide in Germany (see below), Thomas Scheffer similarly argues (although from within a different research tradition) for a research program that combines a micro-analytics of particular law-places with an object-centered tracing of the emergence of legal problems, their travel through legal passages and how they are worked upon by diverse (legal) apparatuses. Reading together the contributions by Rohrer, Bens and Sandvik with the commentaries by Eckert and Scheffer allows to bring into dialogue disparate conceptual frames for grasping the effects of particular, often asymmetrically structured, legal settings on the outcomes of contested negotiations over justice in an interconnected world.

Studying norm-making within official law as a wider field of practice

We have suggested that moving from studying processes of dispute resolution as a classical topic of a legal anthropology to the analysis of the internal workings, material and affective arrangements, as well as external perceptions of official legal institutions can engender fresh conceptual work, which is equally relevant for discussions of

legal pluralism and the anthropology of the state. In the articles by Kristin Bergtora Sandvik, Marcos Freire de Andrade Neves, and Johanna Mugler, we see another shared feature, namely an interest in a wide range of (national and transnational) norm-making practices within official law. While conventional legal doctrine sees law-making as the prerogative of legislative bodies or the result of intergovernmental treaties, legal sociologists and ethnographers alike have highlighted the role of legal professionals, particularly judges (Lautmann 1972) and bureaucrats (Lipsky 1980) in the creation of norms and policies. The impact of ordinary citizens and social movements through legal mobilization and vernacularization has been pointed out (Felstiner, Abel, and Sarat 1980; Sarat and Scheingold 2006; Merry 2006) and legal anthropologists have long argued that norm-making is no monopoly of the state (Benda-Beckmann and Benda-Beckmann 1988). More recently, the juridification of politics has been a prominent research topic in legal anthropology (Comaroff and Comaroff 2006; Eckert et al. 2012). The articles in this issue contribute to these debates by situating norm-making in an even wider field of practice in which state and non-state actors (re-)make official norms in complex ways. They demonstrate how such practices and processes of norm-making can come into sharper focus when combining existing conceptual frames from legal sociology, legal anthropology and the anthropology of the state and using them as sensitizing concepts.

Johanna Mugler looks at the making of international tax law. Her ethnographic approach to negotiations around the making of international tax norms at the OECD in Paris reveals not only a dynamic official legal order consisting of treaties, standards and guidelines, which differ in their binding character and enforcement mechanisms, but also a wide array of actors, who participate in an intergovernmental norm-making process in different, sometimes shifting roles (as representatives of national finance ministries, as lobbyists for multinational enterprises, as NGO activists or OECD tax specialists). While her findings could be analyzed in terms of global legal pluralism (a conceptual framework that is increasingly also accepted by legal scholars, see Benda-Beckmann and Turner, this issue), Mugler also draws on regulatory theory as well as the anthropology of bureaucracy and the state to shine a light into the "black box" of international tax law making. The picture that emerges in this transnational field can be compared and contrasted in interesting ways to the nuanced accounts of the work of street-level officials in recent ethnographies of African bureaucracies (for example, Andreetta and Kolloch 2018). Both types of officials are embedded in multiplex social relations, both contribute to the practical (re-)making of norms and policies and in the process negotiate what "service/justice provision" or "public interest" stand for. But while in the one case high-ranking civil servants and their transnational interaction with multinational corporate enterprises in a field of highly formalized technical expertise are studied, in the other case street-level bureaucrats' interactions with citizens are observed in prescribed locales and embedded in everyday routines. In his commentary, Thomas Bierschenk explores this methodological challenge. While acknowledging that these two strands of research are situated in wider contexts of global inequalities and local asymmetrical power relations, he argues that an a priori counterhegemonic stance of the ethnographer is not helpful. What is needed instead, is a more careful consideration of

the ethnographic process—,in particular, of the conditions and challenges of studying highly formalized expert knowledge and the epistemological (self-)reflection this requires.

While Mugler's article can be seen as contributing to the study of bureaucratic norm-making and Sandvik explores processes of judicial standard-setting, Marcos Freire de Andrade Neves starts his ethnographic exploration into the affective governance of assisted suicide in Germany and Switzerland with a legislative amendment to the German criminal code which introduced a norm criminalizing "businesslike" assisted suicide. He describes, how this norm was inserted into a plural legal landscape consisting of a diffuse set of norms in various statutory laws as well as professional medical codes of conduct, guidelines and recommendations, and how it created not only overlapping federal and regional jurisdictions, but an also acute sense of legal uncertainty among applicants for as well as providers of suicide assistance. Drawing on approaches that look at the state in terms of its moral and affective dimension, Freire de Andrade Neves urges us to read this legislative law-making activity in the context of a plural normative landscape in which the state does not assert an absolute monopoly of legal definition, but rather produces a form of affective governance precisely by shrouding assisted suicide in an affective tone of illegality and legal uncertainty. This finding resonates with Benda-Beckmann and Turner's observation (this issue) with regards to colonial settings, "that the state was not a passive onlooker but an active agent in the construction of multiple legal orders". It demonstrates how the concept of legal pluralism developed by legal anthropologists in a colonial context can be employed as a sensitizing concept in the study of a highly institutionalized, codified, differentiated and procedurally regulated legal landscape.

In his commentary, Thomas Scheffer argues that such research should go beyond mere statements confirming the existence of legal pluralism and should show how exactly legal pluralism effects the social. Pleading for a praxeological approach to legal pluralism, he mobilizes the language of science and technology studies as well as ethnomethodology. He proposes to investigate trans-sequentially how plural legal orders (of which state apparatuses are often a part)[10] transform their objects, and he urges legal ethnographers to pay close attention to the events and processes that bring about these transformations. As such, Scheffer suggests a methodological move encompassing both micro-analytics and a more holistic inquiry into basic cultural codes or category systems of normative orders.

This commentary, together with the empirical articles described above, can be seen as one way of engaging with the long-standing concern of many legal anthropologists that Western folk models of law are unreflexively imposed as analytical concepts for the comparative study of law (Bohannan 1969; Gluckman 1969; Nader 1969b). Mugler, Rohrer and Freire de Andrade Neves ethnographically dissect such Western folk models and shine light on their underlying constitutive practices, for example, by asking how state officials perceive the judicial system they are part of and act upon this perception, how international tax norms are negotiated by national bureaucrats and private stakeholders, or how legislative changes intersect with professional codes of conduct, creating a plural and morally ambiguous legal landscape in which uncertainty and fear become affective techniques of governance.

Ethnographic legal studies as an interdisciplinary endeavor

The frequency with which calls for interdisciplinarity in the study of law are repeated is matched by skepticism about the possibility of such an interdisciplinary dialogue (for a recent commentary in this journal, see Anders 2015). With Benda-Beckmann and Turner we share an understanding "that there is no impermeable disciplinary demarcation between anthropology and other social sciences" and we also do not take legal anthropology to be a "closed sub-discipline" (this issue). In his comment on Benda-Beckmann's and Turner's article, Jan Marschelke (this issue) challenges ethnographic legal studies to be even more ambitious and makes a plea for an even wider interdisciplinary dialogue with social theory and legal theory. We, too, believe that the ethnographic endeavor is a fruitful point of convergence to make both empirically grounded and theoretically ambitious contributions to the investigation of law, culture and society beyond disciplinary boundaries.

It is the nature of the ethnographic endeavor to derive analytical insights from an open-minded immersion into the field. Ethnographic research is based on a certain degree of appreciation, respect and empathy for the way research subjects give meaning to the world in which they act. At the same time, ethnographers often aspire to be critical, to make visible and analyzable the relations of power and structures of inequality they perceive to be present in their field or stretching beyond it. When it comes to the study of official law and the various forms of "studying up" this frequently involves, the role and nature of critique has been a long-standing point of contention in inter- as well as intradisciplinary debates. In their contribution to this issue, Benda-Beckmann and Turner observe that early discussions of legal pluralism were riddled by legal scholars' suspicions of a "moral anti-state tenet" among legal anthropologists. With regards to the anthropology of the state, Bierschenk equally notes an *a priori* counter-hegemonic stance among some anthropologists studying the police or other actors carrying out core functions of statehood. All three authors agree that establishing whether, and how precisely, social, economic and symbolic relations of domination are established, embedded and reproduced in a legal order or the practices of public officials, is first and foremost an empirical question.

The articles in this issue illustrate that when such an empirical approach to the question of critique involves ethnography, at least three aspects come together: (1) Through immersion rapport is established with our interlocutors and their social worlds and their capacity for critique become visible and comprehensible, as well. (2) However, ethnography also entails an effort to grasp larger structural forces that inscribe themselves into micro-events and interactions (Bens, this issue) or attempts to trace how notions of causation and liability are (re-)negotiated to accord understandings of justice that reflect power asymmetries in a globally interconnected world (Sandvik, Eckert, this issue). Grasping such larger forces often makes it necessary to tap into sources beyond ethnographic data, such as historical, economic, statistical information. Striking a balance between immersion and contextualization is not only a matter of fieldwork practicalities, but also of epistemological reflection. (3) Therefore, an ongoing reflection on the practical and epistemological conditions of one's own research practice, including an awareness of different disciplinary heritages

in the study of official law, helps determine from which position a researcher chooses to articulate his or her critique.

We have highlighted how in legal anthropology, legal sociology and the anthropology of the state research traditions, analytical perspectives, and guiding concepts developed along sometimes relatively separate paths. But we have argued that ethnography as a mode of knowledge production that encompasses a process of establishing rapport with our interlocutors, immersing ourselves into their social worlds and understanding, but also conceptually reworking these worlds, is a particularly well-suited starting point for exploring how these research traditions, analytical perspectives, and concepts can be made productive for each tradition's core concerns. Applying and testing concepts developed in another tradition and reformulating a research question in the light of how this question is posed through a different analytical perspective, can enrich how we make sense of official law and whether or how we decide to critique its effects.

Notes

1. While this understanding has long been a part of sociocultural anthropology (for a recent discussion see Holbraad et al. 2018), it received wider recognition in qualitative social science research when formalized as grounded theory (Glaser and Strauss 1967).
2. In this article, we use the term legal sociology in a broad sense. The authors of this text and contributors to this special issue are based at European universities and most familiar with sociological approaches to law as they are common in continental Europe. In the United States, the Law and Society-movement has a broader interdisciplinary outlook, and the same applies to socio-legal studies, in the United Kingdom.
3. See Wolf (2010 [1982]) for an influential critique of this division of labor.
4. There were also exceptions to this rule, for example the work of Eugen Ehrlich (1913) in legal sociology and Cornelis van Vollenhoven (1928) in legal anthropology. Both worked on non-state legal systems and focused specifically on the interactions between non-state legal systems and colonial legal systems—Ehrlich in Southeast Europe, which was under Austrian control, and van Vollenhoven in Indonesia, which was under Dutch control. In their approaches they were ahead of their time and can be seen as early legal pluralists (Tuori 2013).
5. In how far the colonial context in which these so-called stateless societies were studied and the impact colonialism had on existing normative and political orders was taken into account, became a much-debated question among later generations of legal and political anthropologists. In legal anthropology, for instance, the "invention of customary law" became a focal point of debate (see Merry 1991). In political anthropology, frequent references to, and contested interpretations of Radcliffe-Brown's dismissal of the state as a "fiction of philosophers" in the foreword to the above mentioned volume "African Political Systems" are symptoms of a similar debate (see Radcliffe-Brown 1940, xxiii; Trouillot 2001, 126; Bouchard 2011, 186).
6. For early anthropological engagements with the modern nation state see Fallers (1974), Kertzer (1988) and Abélès (1990). While these studies seem to have had little impact, an anthropology of the state as distinct subfield consolidated somewhat later, when political scientists discovered the usefulness of a cultural turn for studying the state and anthropologists were able to provide such studies of discursive and cultural constructions of statehood (see Thelen, Vetters and Benda-Beckmann 2018, 3).
7. Methodological literature on legal ethnography in anthropology is relatively rare, but see Starr and Goodale (2002).

8. The differentiation between *law on the books* and *law in action* is a guiding principle of American legal realism (see Fisher, Horwitz, and Reed 1993).
9. A recent overview of this subfield is provided by Stepputat and Nuijten (2018), who identify yet another strand of research clustered around a renewed concern with sovereignty and violence (ibid: 138–139).
10. This echoes an early insight of legal pluralism research regarding forms of non-state dispute resolution in the shadow of the state, see Spittler (1980).

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