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▶ **To cite this version:**

Baudouin Dupret, Julie Colemans, Max Travers. Introduction - Legal rules in practice: an exploration into law's life. Baudouin Dupret; Julie Colemans; Max Travers. Legal Rules in Practice: In the Midst of Law's Life, Routledge, 2021, 9780367495909. halshs-03124575

**HAL Id: halshs-03124575**
**https://shs.hal.science/halshs-03124575**

Submitted on 4 Feb 2021

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# Introduction: legal rules in practice: an exploration into law's life

**Baudouin Dupret, Julie Colemans, Max Travers**

**Abstract**

We propose a volume which, taking law in and for itself, develops a sensitivity to legal practices, that is, an anthropology of these practices which refer somehow to a legal rule, be it to apply or interpret it, or even to dodge or violate it. Legal rules do not determine the behaviors of people to which they are supposed to apply, but they serve as their point of reference. It is these referring practices that the many contributions will address: how is the rule invoked, referred to, interpreted, put forward, or blurred? How do legal practitioners and lay participants participate in the construction of facts and rules, conceive the particularity of the former and the generality of the latter, subsume, and articulate the ones to the others so as to produce decisions? How are notions of person, evidence, intention, cause, and responsibility formulated in the constraining context of a trial? By so doing, the contributions to this volume will converge in the production of a praxeological anthropology of law, a socio-anthropology that focuses on words, concepts, and reasoning as used to solve conflicts with the help of legal rules.

## General presentation

Legal anthropology has a long, though controversial, tradition. It suffices to mention the name of Henry Maine to be convinced. For reasons related to the nature of the law as issued from the Common Law, however, the division between lawyers and anthropologists was less sharp. The insistence on the judge's work, the development of American legal realism, and the shift toward conflict resolution are all reasons that led legal anthropology to plainly belong not only to anthropology/ethnology but also to the very large domain of law and society studies. The central

figure of the judge also largely explains the fact that questions about the nature of law took in this context a less theoretical aspect than in the continental universe. As a consequence, we see the quickly hegemonic rise of the school of legal pluralism, whose extremely variegated forms share in common a minimalist definition of what could be the proper nature and object of law.

French legal anthropology, from which some contributors to this volume originate, is no less ancient. Like legal history, it was mainly the concern of specialists in jurisprudence. Trained in positive law but in contact with the colonies, they felt the need or even the necessity to seek out the law outside the courts and the statutes instituted by metropolitan authorities. Their conception of legal anthropology remained nevertheless marked by the categories specific to their academic and judicial tradition. On the side of anthropologists, it was more sheer ignorance that prevailed, and this was because of a double suspicion: first, vis-à-vis the law, which e.g. the Marxist vulgate confined to the status of a simple superstructure disguising primordial human relationships; and second, vis-à-vis the lawyers, because they seemed to lack the indispensable linguistic and ethnological competences. This division persisted until recently, although the lines started shifting.

Legal anthropology took a new start with the extension of the anthropological perspective to the study of societies that were until then excluded from its investigation scope, that is, mainly Europe and North America. Indeed, it abandoned its questions regarding the forms the law has taken outside its modern understanding and started addressing the practices specific to law in the modern context. In other words, instead of looking for the law in places where legal theory refused to recognize it, legal anthropology undertook to use its own methodological tools and especially ethnography in order to describe and analyze what the law looks like in the concreteness of its practices. In a generic way, one can call this perspective, following the now more than 50-year-old realist expression, “law in action”, which must principally be distinguished from “law in the books”. The latter would actually correspond to the dogmatic face of the law whose reality would reside elsewhere, for instance, in doorway negotiations, in the euphemizing of power relationships, in authority symbolism, in the patriarchal nature of its functioning, or in its disciplinarization of social relations.

This interest for law’s human thickness – and not only for its simple formal enunciation – constitutes certainly an important shift in perspective that enlarges our capacity to seize the legal phenomenon in all of its dimensions. It is, however, striking to observe that a constitutive element of law is still missing, because precisely one wants to escape the dangers of dogmatism. This "missing-what" (Garfinkel, 1986)[1] is the rule itself, but the rule understood not in

the mere Kantian or Kelsenian sense as a proposition backed by other statements in a raw logical articulation. It is the rule understood as a compelling point of reference in the concrete work of those who achieve a legal task. One can thus criticize legal anthropology for not taking law seriously, that is, for not taking (enough) into account what constitutes the core or even the purpose of law and of its actors, both profane and professional. In the same way that it seems hard to conceive of an anthropology of health that would take health as a mere pretext or of an anthropology of religion that would not take religious beliefs seriously, it is detrimental to conduct the ethnography of law in all its forms and practices without any consideration for the rules which, in their crafting, interpretation, and implementation, form the ordinary shape of legal life.

Interest for law in context and in action has developed recently. This interest, first of a behaviorist nature, transited through the philosophy of ordinary language before ending up with the social sciences that put interaction at the heart of their analytical approach. One thus shifted from an interest for behavior or the actor's rationality to an interest for action, what can be called a pragmatic or praxeological approach to the social world. This trend of a phenomenological type aims at seizing the law in itself, in its contextual unfolding, in its interactions, in its sense-making activity, in its practices. In a behavioristic way, the realist schools (American realism, Scandinavian realism, new realism) blend the critique of radical positivism with an approach made of the observation of behaviors linked to the law, to the making of legal rules, and to the relationships that are interwoven with them.

In a rather different tradition, the philosophy of language has deeply contributed to the study of law in action, under the impulse of Wittgenstein (1967), on one hand, and of the theory of speech acts, on the other. Interactionist, constructivist, and semiotic trends (symbolic interactionism, ethnomethodology, legal semiotics, narrative theory, Latourian semiotics) have hugely transformed the social sciences of law, putting the accent on legal activities and on the discursive usages that are linked to it. Authors like Mertz (1994, 2007a, 2007b, MacAulay and Mertz, 2013) proposed to study law in the perspective of semiotic anthropology, at the crossroad of social and linguistic anthropology. This approach makes it possible to consider the law through language exchanges, as they integrated in the social context and situated in the legal and judicial arenas.

In a comparable way, works on legal consciousness address the relationships between ordinary individuals and the law. They study how laymen perceive, represent, assess, and mobilize legal rules. They certainly permitted socio-legal studies to get rid of its schoolish and dogmatic vision of law and to enlarge their scope to the manners in which ordinary people bear on law to resolve conflicts of everyday life (Ewick and Silbey, 1992, 1998; Sarat, 1990). Merry

(1990) defines legal consciousness as the ways in which people understand and use the law. These works show how the frames of thinking of everyday life operate in the legal sphere, including in the institutions in charge of conflict resolution. This field of research extended to everyday life and to the influence the law exerts in it. Starting from a perspective close to Garfinkel's (1967, pp.75ff) breaching experiments, these inquiries address the problems as perceived and lived by the people, starting from the principle that the breach in routines and ordinary life disclose legality. Law is thus considered here as a social practice.

It is, however, in the ethnomethodological tradition in the social sciences that praxeological research on law has best developed. This is not the place to discuss this research literature in detail, other than to note that it seeks to explicate the modes of reasoning proper to the members of a given group, what Garfinkel (1967) called "ethnomethods".[2] The praxeological approach to the legal rule, in this perspective, corresponds to the study of the ways the diverse protagonists of law have to refer to such rule, to play with it, to follow it, to apply it or to dodge it, or even to violate it, in sum, to practice it.

The organization of referencing practices finds in texts produced by legal activities a perspicuous setting. For instance, if we take the text of a ruling, we observe that the context of its production evades us. The written document is written for practical purposes that correspond more to its prospective use than to its retrospective historical exactitude. In other words, the ruling is a "polished" version that occults the action that led to its production. From an action to the account of this action, from a verbal exchange to a written narrative, from a record to a report, from a report to a ruling, an enormous transformation operates that created a gap between what happened, what was recorded, and what was given the force of law. However, an ethnographic analysis permits to palliate the deficiencies of an approach limited to formalized texts and to retrieve the uses that presided over the drafting of the ruling, over the formalizing of its retrospective and prospective dimensions, over its dialogical and intertextual constitution assembling in one and the same document multiple pieces and testimonies, over the relating of diverging narratives, and over the emergence of a master narrative. One can thus see how mundane events become legal facts, how terms with fuzzy outlines transform into binding legal provisions, how ordinary personalities evolve into parties to a case, and eventually how commonsense morality can acquire the status of law.

We propose a volume which, taking law in and for itself, develops a sensitivity to legal practices, that is, an anthropology of these practices which refer somehow to a legal rule, be it to apply or interpret it, or even to dodge or violate it. Legal rules do not determine the behaviors of people to which they are supposed to apply, but they serve

as their point of reference. It is these referring practices that the many contributions will address: how is the rule invoked, referred to, interpreted, put forward, or blurred? How do legal practitioners and lay participants participate in the construction of facts and rules, conceive the particularity of the former and the generality of the latter, subsume, and articulate the ones to the others so as to produce decisions? How are notions of person, evidence, intention, cause, and responsibility formulated in the constraining context of a trial? By so doing, the contributions to this volume will converge in the production[3] of a praxeological anthropology of law, a socio-anthropology that focuses on words, concepts, and reasoning as used to solve conflicts with the help of legal rules.

## This volume

The three parts of the volume are preceded by a chapter in which Frederick Schauer analytically develops and frames the concept of “ruleness”. Although non-defeasible (absolute or non-overridable) rules are conceptually possible and occasionally exist, most rule-governed decision-making environments allow some category of decision-makers to defeat a rule when previously unforeseen circumstances appear to demand it. In reality, however, some of these environments are ones in which the weight of the rule as a rule is very strong, and others are ones in which the weight is much weaker. Whether "strong" and "weak" rules can be identified precisely on a continuum through empirical research in legal settings seems less clear: perhaps the studies in this collection about decision-making in relation to facts only describe "weak" rules. Nevertheless, Schauer is helpful in identifying the existence of a variable, which we can call “ruleness”, and this chapter explores the conceptual and empirical dimensions of seeing ruleness as a variable rather than a property that does or does not obtain.

Following this conceptual keynote chapter, the volume is organized in three parts. Part 1 addresses the conception of law as a system of rules, its relativity, and its contingency. Part 2 observes the share of materiality, artefactuality, and idiosyncrasy in the practice of rules. Part 3 investigates the issue of interpretation and the role moral and emotional standards play in it.

Part 1 addresses the concept of “ruleness” and its relativity. The critical perspective on law and justice denunciates the formalism implicated by the statement of rule centrality in legal work. Such is the position of American realism whose mark can be observed until now, including in works on legal language (Mertz et al., 2016). Instead of denying the centrality of rules in the practice of the law, there is another approach that wonders how rules manifest

their presence in the heart of law's life. Between the pure theory of law's formalism and the realistic theories' sociologism, there is probably room for a theory of rule-based decision making, which considers rules as points of reference endowed with an open texture.

In Chapter 2, Marianne Constable and Linda Ross Meyer offer a critique of ruleness that is interesting to read alongside Schauer's chapter. Drawing on the theories of language, they argue that rules offer, at best, an incomplete account of law. As they explain first, the articulation and use of rules in Western legal texts and decisions involve the use of language and judgment. Law "on the books", that is, results from "action" or speech acts, and such acts cannot be reduced to rules insofar as these acts require judgment. Judgement may or may not be conventional, but it is always situational. Second, they argue that even philosophical accounts that conceive of law as a system of rules ultimately appeal to something outside the rules – whether to the "fact" of official acceptance of rules (e.g. Hart, 1961) or to a "norm" that warrants rules' acceptance (Kelsen, 1967). Third, they illustrate their claim that there is no rule for the application of rules through examples in which judgment occurs – and lawlike institutions are established – precisely when rules appear to run out. This is a relativist critique of the more formalist presentation of rules advanced by Schauer. We would, however, argue that this issue can be re-specified (Garfinkel et al.,1981; Garfinkel, 1986) by conducting empirical research on how rules are employed in actual legal settings (see the final section of the last chapter).

The remaining chapters in Part 1 are authored by legal theorists and anthropologists who have conducted comparative, historico-political studies of law. In Chapter 3, Michel Troper explores the structure of the legal system and its relationship with the emergence of the State. He first asks: What is the influence of legal practice on the law itself? If, by law, we understand merely a set of rules, and by legal practice the behavior that leads to the production or the application of those rules, then the answer is "none", but the law is much more than a set of rules. When we teach law, we also describe all sorts of theories that lawmakers and lawyers use to justify, interpret, and apply the rules, and these theories are not all derived from other theories, from religious, political, or economic doctrines, imported from outside the legal system, and formalized in the law. There is also the possibility that some theories including some that are constitutive of the legal system are being constructed as a result of constraints born out of legal practices. In this chapter, he explores that possibility using the example of the theory of the State and the related concept of Sovereignty emerging from the practice of the hierarchization of norms.

In Chapter 4, Paul Dresch addresses the related issue of equality, hierarchy, and the status of rules in a historico-anthropological perspective. Anthropologists have written on hierarchy and equality, holism and individualism, often not distinguishing the first opposition from the second. The questions that arise involve value and morality. Many involve explicit rules of the kind that law trades in, and thus involve explicit categories. The force of the rule here lies less in its manipulation than in its seeming objectivity and its promise, beyond passing contingencies, of a reasonable life. "Treat like cases alike (and different cases differently)" is an easy principle. But no cases are quite alike. Much debate concerns which differences matter. The problems run deeper. Even displacing equality of outcomes with equality of opportunity leaves us in bind, for we cannot start equal in society as it presently exists. Whether to maintain society or reform it, we turn to government. The "holistic individualism" of state and citizen then threatens an unwanted uniformity. Escaping the bind requires, as Justin Schwartz argued, recognizing different scales of value, such that wealth and honor might be distinguished, or rank and power. This in turn requires further rules. A comparison between nineteenth-century European liberalism and Yemeni tribalism sheds light on rule-bound alternatives to tyranny. In passing it shows that the idea of law without centralised coercion makes sense and that rules need not serve only instrumental ends.

Fernanda Pirie addresses, in Chapter 5, through the study of legalism in fourteenth-century Tibet, the passage "from custom to law". Adjudication according to law creates stability, but laws are inevitably both under- and over-inclusive. If applying law does not always produce justice, as legal theorist Frederick Schauer points out, why have people the world over resorted to law-based adjudication? That question is sharpened if we consider the notorious expense and delays of most formal legal systems. In the contemporary world, where almost all states have introduced law-based systems of adjudication, it is hard to find a context in which to ask about who introduces law, and why. This paper turns to medieval Tibet and examines a text that appears to be a deliberate attempt to transform custom into law. In the fourteenth century, the Tibetan population was largely engaged in agricultural and pastoral activities, with little local administration and no centralized courts. Elders and mediators resolved disputes arising from revenge killings, thefts, divorce, debts and loans, truth-finding, and officials' fees, according to local norms. These customs are carefully described in this text. But is also evident that the writer was attempting to systematise the relevant practices, for example, by naming different types of offence and compensation. In this paper, Pirie asks who created this text, in what context, and for what purposes, thereby addressing the question of why a law-based system of adjudication might seem to be worth the effort.

The second part of this collection deals with the materiality, artefactuality, and idiosyncrasy of legal practices. Although rule practices are often associated with judicial reasoning, law is not the monopoly of judges. The legal rule is also the basic tool of administration. The centrality of rules in law's life can be observed e.g. through the materiality of its practices, that is, through their relations to documents. Paying attention to the materiality of action allows us to conceive of the legal rule in a manner other than the syllogistic reasoning and demonstrates how the establishment and organization of a file proceed, as in filigree, from a pre-characterization of the cases at stake that furnishes therefore the contextual and cognitive background of their further treatment.

In Chapter 6, Jean-Marc Weller investigates the question of how a legal file is read. He addresses one of the unavoidable activities of any practice of the legal rule when examined in its ordinary accomplishment: reading. More specifically, the chapter deals with the reading of files. How do civil servants who are in charge of the assessment of a situation and of the characterization of the facts constitutive of it read documents contained in corresponding files? On the basis of several inquiries in the activities of agents of the Ministry of Agriculture in charge of defining farmers' payment rights, we shall examine unremarkable situations of bureaucrats' reading of documents contained in files from the time of their first encounter with them. Beyond the issue of potentially diverse practices of reading, one can observe different conceptions of the rule and of public action. Administrative work should be studied "at work" from an ethnographic and anthropological angle. Two perspectives will be discussed. The first one uses the concept of "literacy" as proposed by Goody (2000) and discussed in literacy studies. The second one is in line with the teachings of sciences and technology studies, as inspired by Latour (2002; Latour and Woolgard, 1986). The praxeological and pragmatic specificity of legal practices will be analyzed in this double perspective and on the basis of a contextualized empirical material.

In Chapter 7, Thomas Scheffer explores, through the analysis of the production of accounts in asylum interviews, the contentious passage "from narrative to confrontation". How do officials produce decidability in any asylum case? The production of decidability is intimately linked to the documentation practices during the asylum hearing. Scheffer uses applied conversation analysis and studies of work for this analysis of bureaucratic practice. The analysis mobilizes ethnographic fieldnotes, self-made audio-recordings, and the official record in order to show how officials turn their interviews into valuable accounts. It shows how the officials have to choose between different "disturbing" rhythms of recording: phrase-by-phrase or paragraph-by-paragraph. These interruptions go along with different practical demands: keeping the interview going or keeping the record going. The record as such is

formulated in two successive modes: a narrative mode and a confrontational mode. Both record-parts are interactively and textually produced. The first mode is supported by recordings that leave the extra interviewer's parts out. It reduces the interview down to a single question and comprehensive answers. The second (confrontational) mode, in contrast, highlights the interviewer's questions and interventions. It functions as a signaling device, guiding the reader to those parts of the interviewee's self-driven narrative that are doubtful or contradictory. As a result, the asylum hearing brings about a lasting account that allows to reject the asylum application on justifiable grounds. It produces an evidence-based judgement. The accounting anticipates the legal rules and demands for a justifiable and reasoned decision.

Max Travers, in Chapter 8, describes bail decision-making in the lower courts. Tragic events in Australia such as the Lindt Café siege and the Bourke Street rampage have led to calls to strengthen bail laws. A different approach is being pursued in some US courts that seek to augment judicial decision-making with risk analysis. These initiatives have only had a limited effect in changing criminal courts in Australia, partly because traditional craft skills still have legitimacy. They are perceived, at least among practitioners, as generally resulting in fair outcomes. What is missing from these policy debates has been a close, praxeological analysis by social scientists of how bail decisions are currently made. Drawing on ethnographic research being conducted in magistrates courts in four Australian states, this chapter describes some aspects of judicial decision-making: how judicial officers weigh up factors, and interpret and use rules, in applying the law; different approaches among decision-makers; the craft skills involved in ensuring "fair" remands for defendants who re-offend while on bail; and the effect on decision-making of resource and political pressures. It is suggested that algorithms cannot possibly match the craft skills in making these situated decisions. Nevertheless, if introduced appropriately, such tools may perhaps achieve greater consistency among decision-makers, and confidence in criminal courts.

In Chapter 9, Michael Lynch treats the question of evidence as both a topic and a resource in social studies of scientific, legal, medical, and ordinary activities. Such studies examine how participants in the activities they investigate present and make use of discursive, visual, and material evidence (or what counts as evidence). At the same time, such studies use evidence to support their own empirical claims about, and critiques of, the activities they study. In some cases, the same kinds of evidence, such as audio and video recordings, as well as transcripts of such recordings, depositions, and other written records, are used both by participants in the activities studied and by professional analysts of those studies. Of particular interest for the present study are so-called "viral videos" that

have touched off public reactions as well as legal investigations in recent decades. The videos, which are often treated in public commentaries as transparent evidence of excessive force (or worse) by police or military personnel, all-too-frequently are "deconstructed" and rendered equivocal by designated "experts" in legal and quasi-legal investigations. In addition to presenting epistemic disjunctures of interest in their own right, the analytical practices used during such investigations reflexively implicate the way videotapes and transcripts are used in social studies of those same practices. This chapter treats particular uses of evidence as a topic that includes professional social studies as well as the activities they study. The aim is not to contribute a meta-study to the philosophy of social science, but to identify and describe practices for selecting, presenting, and analyzing evidence to warrant and illustrate claims made in social studies as well as the activities they study.

The third part of the volume deals with the thorny issue of meaning and emotions in legal interpretation. The question to know whether references to rules, in legal reasoning, obey a purely formal logic is as old as the advent of codified positive law. The ideal of a dispassionate law, applied in a mechanical way, although it weakened from the First World War onward, is observable beyond the process of digitalizing the law. The fourth part of the volume takes the counter of this ideal and tend to show, while underscoring the irreducibly human competences of judges, the limits of a pretense to integral standardization of decision making.

Barbara Truffin, in Chapter 10, investigates the paradoxes and practical achievements of law and justice in family trials in which spouses face conciliator judges. This chapter accounts for legal practices in a context of apparent judicial de-formalization of hearings regarding amicable settlements taking place in Belgian family courts under professional judges' supervision. Based on a detailed ethnography of these hearings' functioning, the chapter re-examines a major stake of modern family justice through the analysis of the practical accomplishments which lead to the production of an agreement between spouses or parents. The empirical description of the context of production of the agreement allows to better understand how the equality among parents and spouses – which proceeds from the legislative evolution – does reflect or not in the application and interpretation of legal provisions by judges who have normally no decisional power. The analysis also depicts, from the angle of practices, the movement of de-formalization of family justice, as well as the re-shaping of the respective domains of the private sphere and public regulation.

In Chapter 11, Julie Colemans examines the relationships between law and emotions. The judicial scene is largely described and analyzed through discursive exchanges, and this offers a fine understanding of judicial courses of

action. However, few works studied the judicial scene as the locus of multimodal exchanges mixing language, glances, intonations, postures, and gestures. When becoming sensitive to the non-verbal language that completes and indexes discourse, scholars can take the emotional dimension of judicial action into account. While ubiquitous in audiences, emotions are not considered as a relevant object to study practical legal reasoning, since they do neither belong to prescribed factual categories nor to the authoritative legal documents. Unless it is constituted as a topic for discussion (remorse, regrets, suffering), emotions are not welcome at the bar. The judicial ritual does not tolerate expression of anger or sorrow. Speech is framed and largely delegated to law professionals who are supposed to adopt a measured posture, while the audience is deemed to proceed without hitches. Surreptitiously, however, emotional expressions offer precious landmarks to law professionals, especially judges, who extract from them indications as to the veracity of alleged facts, the relevance of pleaded arguments, or the authenticity of the formulated request. Emotions become thus an integral part of the modalities of judicial reasoning. It supposes that judges proceed against the background of shared cultural knowledge, that is, a set of notions, codes, knowledges, standards, and tags within which an ordinary member of society moves in a way that is both competent and unproblematic. After having paved the ground of an anthropological analysis of emotions, the chapter proposes, on the basis of an ethnography conducted in a Belgian court in charge of family disputes, a study of the place of emotions in judicial interaction and in monocultural decision making, which will then be put into perspective with intercultural situations.

In Chapter 12, Baudouin Dupret et al. describe the search for legal grounds in cases of homosexuality in a comparative perspective (Senegal, Egypt, Lebanon, and Indonesia). The authors wonder how judges play by the rules when the law is silent. It appears that, on the one hand, even in cases in which the legal basis is thin or absent, judges are looking for rules on which grounding their decisions. In that sense, judges are positivist legal practitioners who need legal rules to perform their professional duties. However, on the other hand, moral considerations seem to influence deeply the same judges' legal cognition. The chapter examines how this unfolds in the concrete settings of four countries – Indonesia, Lebanon, Egypt, and Senegal – in cases related to male homosexuality. These countries offer in many respects an excellent basis for the comparative inquiry into the morality of legal cognition – Muslim-majority societies, public condemnations of homosexuality, civil-law inspired legal systems, sensitiveness to international discourse on the state of law and human rights. In each of them, it analyzes cases that attracted much public and media attention. It observes in these cases how judges proceeded in situations in which there was no or

only elusive rules to ground their rulings. Despite important differences, the cases exhibit striking similarities in the ways in which judges bypass gaps and silences in legislation via the selection of alternate rules that prove efficient in sanctioning morally associated aspects of the accused persons' allegedly deviant behavior.

Do the empirical studies by sociologists and anthropologists support the classical philosophical positions of legal realists and formalists, and contemporary versions by legal philosophers in this volume? We would not see empirical research as necessarily having the capacity to settle debates among philosophers. The chapters do, however, show in detail how legal practitioners use and interpret rules. Although we have not addressed every topic or drawn on every theoretical approach, the chapters demonstrate the value of law and society studies as an inter-disciplinary field. We hope that anthropologists, sociologists, philosophers, and legal researchers will find the combination of approaches interesting. We look forward to further conceptual and empirical studies about legal rules.

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[1] See the introduction page vii–viii. There also is a discussion in the 1981 pulsar paper (especially pp. 133–134) about the quiddity of scientific work. He also used haecceity instead of quiddity: see ftn. 16, p. 99 of Garfinkel's Program (2002).

[2] For discussion, see Dupret (2011), Colemans and Dupret (2018, introduction), Travers and Manzo (1997), Dupret et al. (2015).

[3] It should be noted that all the traditions that contribute to this collection offer distinctive ways of theorizing and researching law. There are, for example, significant differences in sociology between constructivist traditions and ethnomethodology (Button and Sharrock, 1993), or in philosophy between different interpretations of Wittgenstein on rules (see Travers this volume). Our aim in this collection is not to get drawn into these debates, but to explore how a number of theories and traditions can converge in examining rules in practice.