

Ethnography and Law: Methods and challenges in times of crisis

Workshop (July 2-3, 2026)

Abstracts

Legal procedure and lay persons

Chair: Eva Kocher (European University Viadrina Frankfurt (Oder))

The law has been entrusted to professionals. The autonomy and formality of the law are difficult to access for lay persons. Nevertheless, lay persons play important roles in the manufacturing of the law – as claimants, defendants, victims, witnesses, lay judges, etc. This panel discusses the diverse ways lay persons interact with, are involved in and engage in the legal system. It considers legal procedures in asylum law, criminal law, labour law, and international criminal law. Two central questions will be discussed. On the one side, research on the effects procedures have on lay persons and their perception of justice and the state is presented. On the other side, the panel reflects on how a non-legally trained anthropologist might methodologically approach technicalities in judges' practices, and how researchers can interact with witnesses and victims.

Kari Anne Drangslund (University of Bergen)

Legal form, technicalities, and care: understanding judges' practices in times of legal contestation

In April 2025, the Federal Administrative Court in Germany reached a controversial decision: young, single, and healthy men with refugee protection in Greece could be returned without breaching their human rights. The decision was based on a revision of country information on Greece and was described by the court as "historical": It was only the second time the court had revised decisions on factual rather than legal grounds. Yet, while presented in celebratory terms by the federal court and acclaimed by the Federal Office for Migration and Refugees, the judgment sparked strong criticism from first-instance administrative judges, ranging from concerns about the quality of the federal court's investigation of country conditions to critiques that the decision could undermine the principle of the rule of law - particularly because it assumes refugees can sustain themselves through labor in the (unlawful) "shadow economy."

This paper is based on ethnographic fieldwork in two German administrative courts between February 2025 and May 2026. As my fieldwork commenced just before the issuance of the "Greece decision," it came to center on local judges' responses to this decision - that is, how judges interpret and relate affectively to the decision and how it influences their practices of knowing and adjudicating their "Greek cases." My ethnographic data – based on

observation of court hearings and recurrent informal conversations with judges, discussing cases and preliminary analysis - reveals a diversity in judges' responses and might valuably contribute to deepening the understanding of judges' practices in times of (perceived) crisis of law. Yet, my fieldwork and ethnographic material also raise challenging methodological questions.

Drawing on the work of scholars such as Annelise Riles and Mariana Valverde, I am interested in the role that legal form and technicalities – such as legal concepts and procedural rules – play in judges' practices of knowing and judging. Yet, while invested with meaning and affect, I experience that legal technicalities often remain unarticulated in hearings and in judges' conversations with me as a non-legal researcher. How, thus, I ask in this paper, might the non-legally trained anthropologist methodologically approach, study, and understand the meaning and affective bearings of legal technicalities in judges' practices in contexts of legal contestation? While reflecting on this, I also argue that the anthropologist should be cautious not to uncritically reproduce a division between “legal questions”, “factual questions”, and “ethical questions” - a division that is important to the judges I work with. Rather, I ask whether centering legal technicalities analytically might provide an entry point to understanding what judges care about and thus, in this case, the stakes of their different responses to the higher court decision.

Julia Struppe-Schanda (Sigmund Freud University Vienna)

Studying emotions in court: a feminist ethnographic approach to intimate partner violence criminal trials

In Western legal systems, professionalism is closely tied to emotional restraint. To act professionally is often understood as acting without emotion, while emotions are associated with precisely what law seeks to avoid or counteract—subjectivity, partiality, and irrationality—rather than recognized as constitutive of legal practice. Maroney (2011) conceptualizes this as a “regime of judicial dispassion” permeating the legal profession. Legal professionals' reluctance to acknowledge the role of emotions in legal practice has posed challenges for socio-legal research and has forced researchers to adopt creative approaches to study them. Research suggests that ethnographic approaches are particularly well suited to studying emotion in legal professions, as emotions are situated phenomena and ethnography allows researchers to immerse themselves in social settings where emotional processes unfold “naturally” and can be observed as they occur. Yet, while ethnographic work on emotions and law has expanded, it has rarely engaged systematically with intimate partner violence criminal trials. To date, researchers have not sufficiently acknowledged how the distinctive characteristics of intimate partner violence cases may be connected to the emotions of legal professionals in these trials. Hence, there is limited research that systematically examines emotions in intimate partner violence criminal trials from the perspective of legal professionals, using both a gender-analytical lens and a feminist social-psychological framework that considers conscious and unconscious emotional processes. My project seeks to remedies this gap by using an ethnographic approach that builds on fieldwork, including observations of proceedings in criminal courts in Austria, and qualitative interviews with judges, public prosecutors, and victim protection lawyers.

In this presentation, I introduce my current research project examining emotions in intimate partner violence criminal trials in Austria, and reflect on my field experiences and insights. I discuss methodological challenges encountered during my fieldwork, such as issues around field access and researcher positioning, as well as the opportunities of ethnographic approaches for studying emotions in the legal field. Finally, I also address ethical issues involved. Although my primary research focus is on legal professionals, I engage with the panel's theme of lay persons in criminal proceedings—particularly victims of intimate partner violence—from a methodological and research ethics perspective. In doing so, I focus primarily on the panel's second theme: how researchers without legal knowledge or training can conduct participant observation in these trials, how they can succeed and where they sometimes fail, the role of their own emotions and social position in this kind of work, how they interact with victims, and the ethical dilemmas that arise from their position and how they can be addressed—though not always resolved.

Alina Zurmühlen (European University Viadrina Frankfurt (Oder))

Legal expertise and lay encounters at the Berlin labor court

Scholarly debate has long observed an increase in populism and democratic backsliding in liberal democracies. Alongside this trend, scholars have identified a “crisis of expertise” (Eyal, 2019) – a growing mistrust toward state institutions and public officials who draw on expertise to solve socio-political problems. One arena in which such expertise comes into play is the court system: legal professions and court administrations draw on different forms of expertise to resolve social, political, or economic disputes (Abbott, 1988; Huising et al., 2025). Judges mediate or adjudicate, lawyers advise and negotiate on behalf of their clients, and public officials process files and correspondence to maintain an information infrastructure.

While there is a rich body of scholarship on legal professions, comparatively little attention has been paid to how lay people experience the legal system through encounters with legal expertise and professional authority. When citizens seek a fair hearing in court, they inevitably interact with legal professionals and their authority (Huising, 2023). In doing so, they are exposed to the language, customs, and procedural norms of a body of professional expertise that they do not necessarily understand without legal consultation (Carr, 2010). Nevertheless, they place trust in the system to address their claims. The working paper therefore asks the following research question: How do lay people encounter and navigate legal expertise in labor law conflicts?

Methodologically, the paper draws on an ethnographic study of the socio-legal ecosystem at the Berlin Labor Court. Combining semi-structured interviews with plaintiffs, observations of and around court hearings, and informal conversations, the study examines how lay people engage with legal expertise in practice. In doing so, it sheds light on the relationship between subjugation and subjectification within the labor law system. More broadly, the paper explores how lay actors navigate and shape complex systems of knowledge such as the constitutional state and legal jurisdiction.

Sophie Konrad (University of Hamburg)

The role of victims in German international criminal law

Since 2002, Section 1 of the German Code of Crimes against International Law (CCAIL) has established universal jurisdiction for international crimes. Germany can prosecute genocide, crimes against humanity, and war crimes even without a direct national link. Over the past decade, these proceedings have increased, leading to landmark Higher Regional Court rulings, including cases involving crimes by the Assad regime during the Syrian civil war.

These proceedings are largely based on the initiative and cooperation of survivors. However, the criminal judicial system primarily revolves around the accused, as they are the ones subjected to intensive infringements of their fundamental rights by the state. The extent of victims' rights in criminal proceedings is therefore under severe scrutiny in legal discourse. For victims of international crimes, concerns of lengthy trials and political instrumentalisation have produced further restrictions on procedural rights. While there is substantial research on victims' experiences at the national level, as well as for several international criminal tribunals, empirical research on victims' experiences in German trials of international criminal law has been sparse so far.

My research project takes a step towards filling this gap by employing an ethnographic approach, thus centering victims' perspectives in the legal debate on procedural rights in universal jurisdiction trials. In addition to observations of court proceedings at several Higher Regional Courts across Germany, the project collects data through qualitative interviews with victims who participated in these trials, for example, as witnesses or joint plaintiffs. The aim is to identify parameters for victims' perceptions of justice in relation to criminal proceedings. The research is embedded in procedural justice theory, arguing that the victims' acceptance of the trials affects the legitimacy of judicial power in universal jurisdiction cases. In assessing the role of victims of international crimes in German trials, the doctoral project also addresses the construction of victimhood in legal procedure and gives a systematic overview of procedural rights for victims of international crimes.

Located at the intersection of Ethnography and Law, the doctoral project considers how ethnographic methods can illuminate the transformation of international criminal law, a subject that is relying increasingly on domestic trials. I argue that victims are key actors in this transformation. In my contribution to the workshop, I will analyze the role of victims in German international criminal proceedings, specifically from the perspective of their participation as lay persons within the legal procedure. In this context, I will present preliminary findings of my research and discuss methodological peculiarities.

Where law happens: Ethnographies of normativity and meaning-making

Chair: Jonas Bens (University of Hamburg)

This panel explores how ethnographic methods can trace the entanglement of normativity and meaning. Rather than studying law through courts, legislation, or formal institutions, the four papers attend to the sites where legal relevance emerges—or fails to emerge: in the discursive formation of legal cases, in the fleeting moments of everyday life, in communicative practices beyond legal fora, and in more-than-human assemblages. Together, they ask not only where law happens, but how normative orders become meaningful and how meaning-making itself carries normative force. The panel thus proposes ethnography as a method for capturing law's distributed, affective, and often invisible presence in times of crisis.

Thomas Scheffer (Goethe University Frankfurt/Main)

Trans-sequential analysis of legal case-work: a critical ethnomethodology

How can we study case-work in sociolegal settings in the midst of contemporary existential demands? While the starting point is the everyday of legal praxis, the analytical orientation pushes the reconstruction towards the potentials and limitations of the legal apparatus. What does it take to fabricate legal responses and how are they bound to the discursive forms and formats inherent of law's power? The critical ethnomethodology would not just analyze those doings and their objects-in-information, but the recursive limitations and conditions arising from the practical preference for the problems-at-hand for any organization providing for case-work from law firms to constitutional courts.

Bertram Turner (Max Planck Institute for Social Anthropology, Halle/Saale)

Interview with a volcano: ethnographic approaches to human-MTH relations in times of anthropogenic crisis

While classic legal empirical research takes the dominant legal order which is deeply rooted in capitalist modernity as the frame of reference for doing legal ethnography, the paper draws attention to the more-than-human (MTH) contributions to the pluriversality of ontological lifeworlds and asks how to study law in times of the anthropogenic crisis? Under the current conditions of the anthropocene with climate change and unprecedented environmental challenges, the question inevitably arises to what extent the existing legal frameworks have been successful in protecting the planet from extinction by humans. What we see is that under the given legal frameworks, domestic and international, ecological degradation of multispecies assemblages and ecosystems has continued, resource competition increased, and dispossession of the livelihoods of local communities continued. This state of affairs urges us to encourage a more radical rethinking of planetary legal ordering, given that the existing global legal order has failed to protect the planet from the ecological situation the law itself is co-responsible for. To cope with the dilemma situation that we cannot dispense of the very same technoscientific and legal tools that have contributed to the anthropogenic scenario, the epistemic challenge is to inquire ethnographically whether there are local notions and perceptions to be taken up in the debate beyond the western juridical concepts and legal figures, and if so, how they interact

with dominant juridical concepts of legal ordering? MTH normativity appears to be integral part of various local ways of knowing the law.

The ethnographies referred to in the paper rely on an STS-inspired relational approach to onto-legal pluriversality. Point of departure for these reflections is to understand ethnography as a relationship rather than a method. The methodological avenues to encounters with and situations of MTH normativity were guided by the question of how MTH play out their legal agency and how humans perceive the legal agency of MTH and matter. The aim is to attend to all that what people consider to be ruling their lifeworlds. We take the exceptional, the situation of crisis, as a diagnostic event to analyze the ways it informs the everyday lifeworlds of people concerned. Ethnographic collaboration learns us listening to everyday negotiations of legality within MTH assemblages. We come to experience situationalities of collaboration and conversations with those who were willing to share their knowledge with us and MTH encounters as relational exercises with fuzzy and fluid delimitations composing assemblages of knowing that index their subjective, affective and emotional dimensions resisting spatiotemporal constraints and in which experiential and experimental protocols resonate with one another.

The ethnographic encounters involve a forest landscape in Morocco and a volcano in Indonesia. The MTH contribution to legal reasoning is addressed by taking into account landscape and lifeworld, the inherent spirituality, and the legal complexity around the Moroccan forest and the Indonesian volcano where different worlds are situated.

Marco Motta (University of Lausanne)

Law through life in the cracks

Based on five years of in-depth ethnographic research on law, violence, and resistance in Haiti, this contribution proposes a shift in perspective for the ethnographic study of law. Rather than approaching law primarily through its production or its application, it argues for studying law obliquely, from the vantage point of what I call “life in the cracks.” This perspective does not take law, its relevance, or its effects for granted; instead, it seeks to apprehend how legal issues emerge, transform, or dissolve within the interstices of ordinary life.

“Life in the cracks” refers to those fleeting, often unexpected moments and places where something decisive happens: a change in tone, a failed joke, a disdainful gesture, a silence, a look of fear, a hand placed on a shoulder. Most of the time, such moments have nothing to do with law as such. Yet sometimes they do—and when they do, they can be critical to what is at stake. These moments are not scenes of deliberation, judgment, or reasoning, but they may nevertheless bear a crucial relation to legal arguments, decisions, or acts of justice. They are easily overlooked when attention remains narrowly focused on what is presumed in advance to count as law.

The methodological wager of this paper is that one does not know beforehand where law will matter, how it will matter, or even whether it will matter at all. In contexts marked by crisis, violence, and institutional fragility, the applicability of law is often indeterminate, but more importantly, the very insistence on applicability risks obscuring other layers of complexity. By remaining excessively attached to law—whether in its doctrinal form, its uses, or its practical effects—we may miss the moments in which conflicts are addressed,

acknowledged, displaced, or transformed through ordinary ethics and aesthetics rather than through explicitly legal means.

This contribution thus calls for an ethnography that places the very texture of ordinary life, rather than law, at its center, while remaining attentive to how legal issues emerge within it. Such an approach requires detailed descriptions of heterogeneous, sometimes seemingly insignificant situations, and a heightened sensitivity to silence, gesture, affect, and interaction. This suggests that, often, something decisive happens, not in the expected setting of a courtroom or in the pronouncement of a judgment, for example, but somewhere in the many scenes of everyday life, such as in a fleeting moment during a transaction in a hallway, in an improvised scene on the street, or in a silent exchange of glances.

By foregrounding “life in the cracks,” this paper invites a rethinking of how legal anthropology can be conducted today—especially in times of crisis—by cultivating a poetic and critical attentiveness to what our conventional focus on law tends to render invisible.

Louise Victoria Johansen (University of Copenhagen)

The materiality of emotion control: presenting media-based evidence in courtrooms

This paper explores how prosecutors employ media-based evidence to manage emotions in Danish courtrooms. Recent technological improvements in these courtrooms, including installation of stereo sound, large screens, and digital displays, have intensified the visibility and audibility of such evidence for all participants in court. Drawing on a series of fieldwork engagements and research projects spanning fifteen years, I analyze the evolving materiality of criminal cases such as case files, photographs, and audio and video recordings within an Actor-Network Theory (ANT) perspective. By combining ANT with a sociology of emotions, I show how feelings are simultaneously embedded in media-based evidence and reconfigured through courtroom interaction, offering an understanding of materiality as an active, spatially constituted component in shaping emotions. Emotional responses are thus outsourced to external materialities that may strategically mediate impressions of victims and defendants. Prosecutors, in particular, deploy these ‘physical stimuli’ to elicit horror, indignation, fear, or compassion, thereby attempting to control the emotional climate of trials involving violent crime. Yet prosecutorial efforts remain unstable: emotions may be amplified or diminished in unintended ways, revealing the uncontrollable dimensions of materialized affect.

Ethnographing Professional Legal Practice: Methods, Challenges, and Insights

Chair: Mareike Schmidt (Max Planck Institute for Social Anthropology, Halle/Saale)

This panel examines how professional legal practice can be ethnographically studied and what methodological and analytical challenges this entails. Bringing together research on courts, legal professionals, and administrative contexts, it addresses issues of access, site, opacity, and formalization in settings where law is applied. The contributions explore how legal reasoning, expertise, categories, and decision-making are produced in practice, including under conditions of technological mediation and institutional pressure. The panel highlights ethnography's potential to render visible the everyday practices through which law becomes actionable.

Kerstin Eppert and Franca Heuer (Bielefeld University)

Knowledge in court: ethnographic analysis of terror trials and epistemic subjects in trial proceedings

Courts function not only as venues of judgment but also as sites of knowledge. This phenomenon is particularly evident in terror trials, where 'case knowledge' is entangled with ideological and security regimes that add complexity and emotions to the proceedings. Our paper brings together two strands of scholarly literature on i) courts as sites of knowledge production and ii) the epistemology of 'terror' and its epistemic subjects. Using our own court ethnographic research of a jihadist-motivated terror trial of a German Higher Regional Court as a heuristic, we trace the multiple levels and dimensions of 'truth finding' and knowledge production in court as a social process. Using the perspectives of multi-sitedness and trans-sequentiality in ethnographic research, we carve out how trial proceedings and social interactions in the courtroom orchestrate encounters between distinct epistemic cultures and how these shape the reconstructive fact-finding process and its normative horizons. We aim at tracing how different artefacts, objects and types of knowledge—from digital forensics through expertise in ideology to assessments of everyday life practices—are produced, authorized or contested, and eventually folded into the legal argument over the life of a trial.

Our methodological approach allows us to situate the courtroom as a point of convergence between social worlds 'inside' and 'outside'. Our approach foregrounds positionality. We practice immanent critique that interrogates law's knowledge-making from within its procedures and are reflexive about the affordances and limits of this vantage point: access is uneven, secrecy rules shape what can be seen, security concerns and community sensibilities require ongoing ethical calibration. However, the longitudinal nature of the fieldwork, in conjunction with its multi-sitedness, facilitates the capture of legal transformation in the context of counterterrorism, migration governance, transnationalization and digitalization, building temporal depth and cross-jurisdictional comparison.

By using empirical data from court ethnography as a heuristic, we aim at mapping an epistemic landscape - a patterned set of practices by which certain social facts are transformed into actionable legal arguments while others are left behind as peripheral incidents.

Sophie Andreetta, Claire Lefort-Rieu and Emma Vescovi (University of Liège)

Following legal categories: a collective ethnography of law and administration in the Belgian asylum reception system

This paper proposes a collective, multi-sited ethnographic approach to the study of law in times of crisis. Rather than treating law as a coherent normative system or focusing exclusively on formal legal change, our method follows legal categories, documents, and disputes across institutional sites in which law is enacted, interpreted, and contested in practice. By combining ethnographic fieldwork within national courts, federal administrations, and legal aid networks with migrants' lived experiences, we examine how legal norms are transformed through everyday routines, discretionary practices, and bureaucratic classifications.

Methodologically, this approach allows us to move beyond a state-centred or doctrinal understanding of law and to capture its fragmented, processual, and often contradictory character. Collective ethnography makes visible how different legal actors - judges, bureaucrats, lawyers, and rights-holders - engage with the same legal objects from distinct positions, producing diverging interpretations and effects. It also enables a reflexive analysis of the boundary-work between law and non-law, legality and discretion, formal decisions and informal practices. In contexts marked by crises of reception, legitimacy, and accountability, such an ethnographic perspective is particularly suited to understanding how rights are not formally withdrawn but practically suspended.

We illustrate the analytical potential of this method through the case of the Belgian asylum reception system and the administrative classification known as "Code 207 no show." Originally intended for asylum seekers who voluntarily leave or fail to take up their allocated reception place, this code has since late 2022 been systematically attributed to single male applicants at the moment of registration, due to structural shortages in reception capacity. Following the "Code 207 no show" across courts, federal asylum administrations, and legal aid organisations, we show how an apparently technical classification acquires strong normative power. Those labelled as "no show" are deprived of shelter, food, social assistance, and a legal address, while remaining only partially entitled to healthcare through complex requisition procedures. Although courts, including labour tribunals and the European Court of Human Rights, have repeatedly condemned this practice, it persists, revealing how administrative categories can operate as extra-legal devices that bypass legal safeguards without formally changing the law.

By foregrounding method, this paper demonstrates how ethnography can highlight the subtle mechanisms through which law is reshaped in times of crisis. It argues that the boundaries of legality are not only defined in statutes or judgments, but enacted through routine administrative practices that obscure responsibility and reconfigure legal subjecthood.

Mark Yin, Pratishruti Preeti Dash and Monika (University of Cambridge)

Analysing the role of 'site' in legal ethnographic methods: reflections on law, 'field' and context

This paper draws from three research projects based in India and Australia that used different configurations of legal ethnographic methods to study crime, justice and

marginalisation. Studies in the sociology of law have established legal ethnographic methods as integral to understanding law as situated and implicated in social contexts, rather than as abstract and objective. This has likewise marked a concrete move away from the text of the law (such as bare acts or court judgments) towards legal and quasi-legal sites occupied by both social and state actors in order to understand how law is inhabited. In this presentation, we critically interrogate the centrality of 'courtrooms' in legal ethnographic research by presenting three central arguments based on methodological reflections from our respective field research. First, we discuss how centering the courtroom in legal ethnography proves unavoidable given its unique position as a convergence point for diverse actors in the criminal justice process. Each actor-participant offers a distinct fragment of the larger narrative, their testimonies and interactions forming pieces of a complex jigsaw puzzle. Thus, the courtroom's role as an institutional hub makes it nearly indispensable for generating empirical data. This convergence remains essential for comprehensive criminological research that captures multiple perspectives within legal proceedings. Second, in contrast, we posit that if legal ethnographic research operates with an exclusive focus on legal spaces, this risks distorting the knowledge that researchers can generate. Legal spaces often also can shoehorn actors into a specific role – victim, offender, advocate, judge, and even researcher – in ways that constrain their identities and lived realities. A richer understanding of these actors and their experiences, then, can come from 'displacing' the law and its settings, by situating our research thematically or even spatially beyond these settings. This leads us to our third argument in the form of a provocation: Can 'abandoning' the site play an epistemological function in research? In this part, we ask whether decentering the site of our conversations and interviews, legal or non-legal, may provide useful insights into law and its limitations. What role does 'site' play in foregrounding and understanding the granular experiences of inhabiting the law, and that may go unrecognised when participants are approached as stakeholders of the criminal justice system. In doing this, we also reflect on the ethics of 'decontextualising' vulnerable participants from the ambit of law and legal 'redress', asking can ethnography be as much about decontextualising as contextualising?

Crisis, Critique and Unquestioned Baselines in Ethnographic Legal Research

Chair: Larissa Vettters (MPI SocAnth Halle/Saale)

This panel looks at perceptions of crisis and articulations of critique from the vantage point of ethnographic legal research projects embedded in different political regimes and legal contexts. The panel aims to further our understandings of ill-/liberal legalism and anthropological critique by means of juxtaposing and comparing situated research experiences. Presentations in this panel explore ethnographic research on legal education and lawyering in contexts of authoritarian rule and democratic backsliding, on constructions of illegality and legality in the context of migration management, and on legal pluralism and Indigenous legal systems in the context of multiple forms of (state) violence.

Grigory Gorbun (American Bar Foundation)

Ethnography of moot jurisdiction

This paper proposes moot jurisdiction as an ethnographic concept for studying how the authority of law is produced, sustained, and reimagined beyond, and sometimes in spite of, state legal institutions. The concept develops the notion of jurisdiction as the discursive and interactional process through which law is simultaneously founded and enacted — a process that, this paper argues, can unfold outside official legal institutions. Drawing on long-term ethnographic research on moot court competitions in pre-war Russia, I examine how these legally non-binding, explicitly fictional proceedings come to be experienced as sites of authentic law, particularly amid growing skepticism toward state courts and the legal profession.

Moot courts are typically treated as pedagogical exercises and rarely approached as ethnographically consequential legal sites. Yet where confidence in state legality is fragile, these simulations take on different significance: they offer a protected space in which legal professionals and students perform an image of law as autonomous, reasoned, and authoritative — one that participants increasingly describe as absent from everyday legal practice in Russia. The paradox at the center of moot jurisdiction is that distance from political reality and absence of legal consequence is precisely what allows these proceedings to function as authoritative legal sites. Crucially, the authority generated in moot courts does not remain confined to these fictional settings: state courts, arbitration institutions, and other legal bodies increasingly draw on moot courts to bolster their own jurisdictional claims.

Methodologically, the paper argues that attending ethnographically to such marginal seemingly inconsequential “moot” legal events challenges prevailing assumptions about how we approach what law is and how its authority is established. Rather than focusing on adjudication, enforcement, or state decision-making, an ethnography of moot jurisdiction foregrounds events, interactional formats, and professional rituals through which law is reproduced as a distinct socio-cultural domain. More broadly, it suggests that ethnographers of law should take seriously other practices that appear fictional, marginal, or non-consequential, as these may be precisely the sites where the authority of law is being actively produced when established institutions no longer secure it.

Agnieszka Doll (University of British Columbia)

Institutional ethnography of legal aid lawyering: bridging the micro and macro investigation in the ethnographic studies of law

Lawyers are situated in the space between “the experiential” and “the institutional” in the operation of law. This is when they undertake their front-line work, transforming the realities of clients into institutionally and legally recognized narratives. Like other front-line professionals, they create linkages between their clients’ lives and legal discourses and institutional regimes, for example, when they “work up” the messiness of everyday life into institutional categories and fit it into legal parameters.

Ethnographic studies of law have been attentive to various aspects of lawyers’ practice, in courts, in the work with clients, troublesome moral ideology that informs lawyers’ work, institutional pathologization of persons involved in legal processes, to which lawyers contribute. Yet, lawyers and their work are entangled in a complex set of legal, institutional, political, economic and other macro relations that extend beyond local legal procedures or practices. In this context, extensive literature on neoliberal restructuring and the processes of deregulation of the legal profession and structural changes to legal aid also helps us understand the material conditions of lawyers’ work, including how legal aid lawyers navigate difficult conditions in their legal practices, and how deregulation has been reshaping and reformulating lawyers’ professionalism and working culture. Nonetheless, these two sites, the local and trans-local, are connected in a poorly understood way when it comes to the organization of lawyers’ work.

Drawing on my institutional ethnographic research conducted in Poland on legal aid lawyering in mental health cases, in this presentation, I will demonstrate how studying lawyering as a social relation – one that is produced in multiple sites, in concrete material conditions, by actual people, through their everyday activities that are coordinated by trans-local relations can help us bridging the micro and macro level explorations of law and legal practice (Doll and Walby 2019).

Aino Korvensyrjä (University of Bristol)

Towards a fugitive ethnography: Duldung and black mobilities in Germany

Liberal legality appears to be in crisis, yet for precarious sectors of the global working class, it has never been an unquestioned foundation or a viable option. This paper examines what ethnographic legal studies can learn from illegalised migrants and marginalised black mobilities when thinking beyond liberal frameworks – both in understanding how immigration law actually functions and in imagining its transformation or abolition. Drawing on a decade of ethnographic research (2016–2025) with individuals facing deportation in Germany under the Duldung “status”, and during onward (deportation) journeys across Europe and West Africa, the paper advances three arguments. First, attending to people subjected to the full coercive powers of immigration law exposes relations that the law works to obscure: forms of expropriation that exceed the confines of the nation-state, and the ways immigration law operates as a tool of enclosure after arrival. Second, this perspective highlights how resistance from below shapes the law, and how immigration law responds to transnational struggles over the means of life – even when its categories

misrepresent this resistance as “illegality”, “fraud”, or “criminality”. Third, despite the intense constraints generated by state repression, illegalised migrants’ embodied stance toward law is striking. By refusing to submit their passports – crucial for deportation enforcement – people render themselves unavailable for removal. Such refusals generate a particular embodied consciousness, which I understand as a “conceptual measure of abolition” (Gordon 2018). These practices invite ethnography to become fugitive: to join in rejecting the categories, rationales, and affective force of liberal legality, including its foundational division between citizens and migrants and the presumed “necessity” of legal violence.

Researching legal activism: Engaged ethnographic approaches

Chair: Francesca Barp (HIS), Laura Affolter (University of Hamburg)

This panel examines what it means to study legal activism through engaged ethnographic approaches in contexts of crisis and contestation. Focusing on the consequences of such embedded research, the panel highlights how close engagement blurs boundaries between researcher, participant, and advocate, raising questions of positionality, responsibility, and the uses of knowledge. At the same time, it foregrounds the ambivalent effects of legal activism, emphasizing not only its transformative potential but also its costs, including exhaustion, fragmentation, and harm. The panel aims at calling socio-legal research to remain attentive to the ethical, methodological, and political tensions of studying (and participating in) legal struggles.

Ania Zbyszewska (Carleton University) and Flavia Maximo (Universidade Federal de Ouro Preto)

Ethnographies of resistance: grappling with activist depletion in the field

Resistance against extractivist development or perseverance in the face of it are often celebrated in critical scholarship as rejection of racial/colonial capitalist hegemony. Such resistance is the metaphorical “grass in the cracks of the urban pavement,” to quote Silvia Federici – it represents hope and possibility amid crises. In feminist scholarship, these are stories of survival and social reproduction in the face of violence, attempted erasure, or the environmental racism of a sacrifice zone, where activism and resistance are place-based expressions of care for the human and more than human relations. And yet, the personal and collective costs of this resistance are often enormous; so much so that its replenishing potential can be overwhelmed by its depleting effects .

Drawing on two years of fieldwork in Antônio Pereira, Brazil, a community affected by the mining tailings dam at the risk of rupture, we explore how resistance (which utilizes legal and extra-legal means), both nourishes and depletes this community. We then reflect on the practical realities, challenges, and ethical concerns inherent in politically engaged (i.e., feminist, decolonial) community-based research that centres resistance in its various forms. Specifically, we focus on the local collective – the Mulheres Guerreiras de Antônio Pereira (Warrior Women of Antonio Pereira, the Warriors) – and the wider ecosystem of activist care that supports this ‘affected’ community’s fight for recognition and reparation (this ecosystem includes NGOs, technical advisories, and researchers from the local university). As we show, while the Warriors’ struggle and dedication have reaped concrete benefits for this community, the levels of fatigue and depletion amongst the activists are enormous. The law, while it is used as an important strategy of reclamation, also plays a significant role in eroding individual and collective activist capacities especially when used by mining companies to engage in counter ‘lawfare’. The emotional labour, stress, and fear for physical safety, exhaust those on the frontline of the struggle, while frustration and uncertainty about outcomes precipitate community conflict, fractures in solidarity, and lateral violence. Aside from revealing the messy and, at times, contradictory material realities of anti-extractivist resistance, our field observations also pose serious unease and questions regarding how we, feminist scholars, characterize resistance, and how we can ethically undertake research in communities that engage it.

Sebastian Benedikt (University of Göttingen)

Legal struggle as a method? Reflections on ethnographic engagements with law in times of crisis

With this contribution, I seek to reflect on my experience conducting ethnographic research during the so-called Belgian reception crisis, in which the systematic denial of reception to asylum seekers and the persistent non-implementation of court rulings have rendered legality itself an unstable and contested terrain. Rather than approaching law as a stable institutional framework, my research engages with law as a contested field within the rapidly evolving EUropean border regime. Drawing on long-term fieldwork closely embedded in struggles for reception and access to justice; I would like to discuss what I term “legal struggle as a method.” Legal struggle as a method describes an ethnographic approach that places legal mobilization at the center of inquiry and treats engagement with legal struggles not merely as an object of study but as a methodological stance. Combining border regime analysis, legal anthropology, and case law analysis, this approach focuses on the praxes that emerge in the tension between systematic rights violations and collective claims to rights by asylum seekers and their supporters. Methodologically, it entails conducting legal research through ethnographic means, thereby bridging legal scholarship and anthropology. Empirically, the paper draws on fieldwork conducted in close collaboration with lawyers, legal professionals, activists, and asylum seekers. In this context, I developed an intermediary role that exceeded classical distinctions between researcher, observer, and participant. My research material was not only analyzed academically but was also mobilized within litigation efforts. Legal struggle as a method foregrounds positionality, responsibility, and the privileges associated with ethnographic access and witnessing. The paper advances three methodological arguments. First, it shows how ethnographic inquiry is particularly suited to studying law as a dynamic and contested formation in times of rule-of-law decay, where rights are appropriated not only within formal institutions but also through informal, affective, and collective practices. Second, it argues that ethnography can function as a tool not only for socio-legal research but also for legal practice, particularly in documenting human rights violations and a-legal or illegal governance techniques that often escape doctrinal legal scrutiny. Third, it conceptualizes legal struggle and legal mobilization as forms of collaborative and solidaristic practice that both draw on and amplify ethnographic material. By reflecting on legal struggle as a method, the paper contributes to ongoing debates on ethnographic methods in legal research and argues for a more engaged, interdisciplinary ethnography capable of responding to contemporary crises of the rule of law and democracy.

Matthew Canfield (Leiden University)

Participatory Legal Anthropology?

Contemporary legal anthropology is often motivated by researchers' concerns about social justice, power, and inequality. However, given the discipline's history as an auxiliary of colonial administration, there is often apprehension toward policy engagement, save for occasional circumstances in which anthropologists have served as expert witnesses. This model of legal anthropology is frequently divorced from the direct interests of our interlocutors. Moreover, it often reproduces the colonial gaze of Western science by maintaining the subject-object distinction that critical socio-legal scholars have long sought to overcome.

Many critical social scientists in other fields have turned to participatory action research (PAR) as a model for socially engaged research. PAR seeks to transcend the subject–object distinction by incorporating research interlocutors—often members of marginalized communities—as active participants in the design, implementation, analysis, and dissemination of research. Rather than depending on the lone ethnographer, it aspires to co-produce knowledge in the service of justice and liberation.

Yet PAR also raises challenges for legal anthropology, particularly when the subfield is defined narrowly as the study of law. PAR often produces less research focused directly on law than on the broader structural conditions facing communities. It also tends to generate knowledge grounded in local conditions rather than the abstract theory more commonly privileged in anthropological publications. Drawing on my research in Kenya with local communities engaged with agricultural digital technologies, I examine the “participatory option” for legal anthropology. I suggest that participatory legal anthropology reorients the field’s relationship to theory, law, and justice.

José Saldaña Cuba (McGill University)

Learning, translating, and contesting environmental law: ethnographic insights from a mining sacrifice zone in southern Peru

This paper draws on legal ethnographic fieldwork conducted between 2023 and 2024 in Espinar, a province located within Peru’s Southern Mining Corridor, a 500-kilometer extractive hub connecting large-scale mining operations to global export markets. Often described as a “zone of environmental sacrifice”, Espinar has been shaped by more than four decades of intense interaction among Indigenous Quechua and campesino communities, mining companies, state agencies, NGOs, and transnational experts. In this context, environmental law emerges as a contested and continuously reworked assemblage of transnational norms, technical standards, and local practices.

Using the framework of transnational legal processes, the paper examines how environmental norms – particularly those embedded in Environmental Impact Assessments (EIAs) – are produced, circulated, and appropriated within the transnational mining regime. I focus on how EIAs, as legal–technical instruments central to the governance of extractive activities, have become key sites of struggle. Drawing on ten months of ethnographic fieldwork, including participant observation of Indigenous assemblies, dialogue roundtables, and legal accompaniment carried out in collaboration with the NGO Derechos Humanos Sin Fronteras, the paper reveals how K’ana communities actively engage with, reinterpret, and strategically deploy EIA-related norms to resist extractivism, negotiate better conditions, and defend territorial interests.

The paper argues that ethnography is uniquely positioned to capture the everyday practices through which transnational environmental norms are learned, translated, and put to use. EIAs have introduced a new vocabulary into local political struggles – terms such as water flows, maximum permissible limits, baseline studies, and areas of direct influence – reshaping how environmental management is articulated and contested. This legal–technical language only partially resonates with local ontologies and values.

Ethnography allows questioning the assumptions embedded in EIAs, showing how Indigenous understandings of environment – where land, community, and non-human beings are inseparable – expose the limits of technical–scientific assessments and point toward alternative ways of knowing environmental harm.

Finally, the paper approaches positionality as an epistemic condition that shapes what can be seen, known, and interpreted in legal ethnography. Access to the field, modes of participation, and the roles assumed by the researcher actively configure the legal realities that become ethnographically visible. Conducting research from within an NGO providing legal assistance structures encounters, conversations, and interpretations in specific ways, influencing how transnational norms are understood, translated, and problematized. Attending to positionality thus becomes a methodological practice through which ethnography makes explicit the conditions under which legal knowledge is generated in contexts of extractive governance and socio-environmental conflict.

Collaborative challenges for Institutional Ethnographers

Chair: Heike Drotbohm (University of Mainz) and Olaf Zenker (University of Halle/Saale)

Ethnographic research on law and bureaucracy depends on forms of engagement with institutions that are both productive and challenging. Researchers must work alongside legal professionals, social workers, administrators, documents, and affected populations while remaining attentive to the often-unspoken assumptions that shape institutional practice. This panel explores how ethnographers study processes that are difficult to access directly: implicit social categorizations, discretionary judgments, textual forms of governance, and the affective dimensions of legal decision-making. Drawing on research in welfare administration, youth diversion, and child protection proceedings in Switzerland, Germany, and Brazil, the contributions reflect on methodological strategies for tracing how law is enacted through everyday practices. Together, they highlight ethnography's capacity to make visible the hidden mechanisms through which contemporary legal orders reproduce, negotiate, and sometimes contest social inequalities.

Anna Wyss and Kim Herrmann (University of Bern)

Studying the unspoken: an intersectional approach to analysing the effects of social categories on legal practice in the Swiss welfare regime

Ethnographic research on bureaucracies has challenged the ideal of the state as a neutral and impersonal apparatus. Rather than involving the mechanical application of legal rules, law and the state are enacted through the discretionary decisions of street-level bureaucrats. Although their work is officially guided and legitimised by principles of equity and impartiality, gendered, classed, racialised, and migratised ideas about who is deserving of support still shape bureaucratic practice. Yet such social categories often remain unspoken, making them difficult to study and render explicit. Our paper explores how such hidden dynamics can be investigated ethnographically, reflecting on the methodological challenges that arise.

The paper draws on initial insights from an ongoing research project on social assistance law in Switzerland. We examine how understandings of gender, intersecting with class, legal status, and nationality (and other social categories), shape access to law and social support. Particular attention is paid to how ideas about (un)deserving masculinities affect legal practice. We explore how social categories operate within administrative practices and legal procedures by informing assessments of vulnerability and deservingness. Understanding law as a dynamic field shaped through the practices of different actors – not only lawyers, but also street-level bureaucrats or social workers – the project examines both the work of state actors in welfare services as well as the role of non-state actors such as legal and social advisors who facilitate access to law and resources and challenge bureaucratic decisions. Methodologically, we combine multiple ethnographic tools: we conduct semi-structured interviews to understand institutional discourse, participant observation to follow interactions between state officials and legal advisers with their clients, and we analyse case files, including file notes, decisions, and appeals.

Our paper contributes to the workshop by reflecting on methods and strategies to study social categories that actors rarely name explicitly, yet which still shape their legal practice. We discuss ways to trace their effects, for example by attending to particular institutional narratives and vocabularies, as well as embodied practices, thereby rendering unspoken mechanisms visible. Among others, we build on Mulinari and Neergaard (2023), who,

drawing on Laclau, suggest using the concept of ‘empty signifier’ to study the effects of unspoken social categories such as race, class, or gender in texts and practices. Even when social categories are not explicitly named, they may nonetheless produce gendered, classed, or racialised effects. To analyse these effects, it is therefore necessary to identify the empty signifiers at work, which allows for an analysis of how such effects are produced despite discursive silence.

In conclusion, we argue that ethnography is particularly well suited to capture the unspoken, informal, and affective dimensions of law. Focusing on these processes is crucial for understanding contemporary transformations of legal orders, especially in welfare states facing increasing political contestation and resource pressures. By reflecting on how intersectional hierarchies operate in practice, the paper contributes to methodological debates on ethnography and law and provides inspiration for future intersectional studies of legal practice.

Leonie Thies (University of Oxford)

Learning from Dorothy E. Smith: institutional ethnography in Berlin's youth diversion offices

Youth diversion is widely understood as a formalised alternative to punishment, but it is rarely the focus of studies examining its actual practices. In Germany, diversion is commonly used as a mechanism through which young people participate in voluntary “educational” measures with social workers to have their legal proceedings discontinued. Drawing on an institutional ethnography in Berlin's youth diversion offices, this paper shows how a historically informed ethnographic engagement with diversion practices can help us learn about the grey areas of (non-)punishment in the hegemonic shadow of criminal law, civil law and migration law. I will both highlight the value of the institutional ethnography methodology developed by the sociologist Dorothy Smith and the need to situate our ethnographic studies in a historical analysis. Understanding the origins of diversion in the context of rising youth unemployment and unrest, critical deinstitutionalisation efforts, and law-and-order politics in the late 70s and 80s in West Germany provides the basis for a materialist analysis of daily practices in the present. Between December 2024 and April 2026 in Berlin, I followed 54 diversion cases through observations and case file analysis, conducted observations at educational projects of the diversion office and qualitative interviews with 30 persons (16 social workers and 14 young persons). Smith's methodology enabled me to pay close attention to the local doings and textual interactions of social actors in these highly institutionalised settings, without losing sight of how broader ruling relations are hooked into the very local. I will, however, also highlight the importance of understanding the possible subversions and spaces for resistance within institutional forces, which are usually not a focus of institutional ethnographers. The conceptual cornerstones of institutional ethnography and a sensibility to the subversive consciousness of my participants enabled me not to study youth diversion as a niche issue in youth justice but to view it as a lens for understanding negotiations around a social order and ambivalent care-and-control practices in the shadow of the law more generally.

Janaína Gomes (University of Rio Grande do Sul)

Violation in the name of protection: ethnographic reflections on child removal, legal practice, and reproductive injustice in times of crisis

This paper examines child removal proceedings involving women in situations of social vulnerability in Brazil as a privileged site for ethnographically analyzing contemporary transformations of law, legal practice, and moral judgment in times of crisis. Drawing on long-term ethnographic engagement with judicial processes, bureaucratic routines, and professional practices within child protection and family courts, the paper explores how law is enacted, negotiated, and reconfigured through everyday legal practices that remain largely inaccessible to researchers.

The analysis is grounded in two main empirical moments. First, it builds on a research report published in 2017 based on ethnographic fieldwork with public policies addressing homeless women in São Paulo, which revealed how child protection systems often accelerated child removal processes through restrictive interpretations of legal rights. These practices framed poverty and homelessness not as conditions demanding social protection, but as moral and legal failures that justified the separation of families. Second, the paper draws on doctoral research defended in 2022, which involved the ethnographic analysis of judicial case files and sustained engagement with psychologists and social workers responsible for producing expert reports in child removal proceedings in São Paulo. These reports play a central role in judicial decision-making, translating complex social realities into evaluative categories of risk, attachment, neglect and parental fitness.

Methodologically, the paper reflects on the challenges and possibilities of conducting ethnography within highly regulated and morally charged legal arenas. It argues that ethnographic attention to mundane bureaucratic practices—such as the production of reports, the circulation of documents, and informal professional assessments—allows us to move beyond doctrinal analyses and to understand how legal norms are selectively activated, reinterpreted or bypassed in practice.

One of the key ethnographic findings concerns the affective and ethical impacts of these legal practices on street-level bureaucrats, particularly social workers that work in

courts. Many professionals describe experiences of moral distress, emotional exhaustion, and illness, feeling deeply affected by the rights violations they perceive themselves as enacting in the course of their institutional duties. These accounts reveal how the implementation of child protection policies produces not only harm to families, but also forms of suffering and ethical tension within the bureaucracy itself.

Substantively, the paper situates child removal as a form of reproductive injustice, disproportionately affecting poor and black women exposed to intersecting forms of structural vulnerability, including poverty, housing precarity, and the growing effects of housing and climate-related crises. It shows how legal decisions are deeply shaped by moralized understandings of motherhood, personal values of judges and professionals, and unequal power relations, including the implicit valuation of the justice system over biological mothers and families of origin deemed “unfit.”

By foregrounding ethnography as a method for tracing the affective and moral dimensions of legal practice, the paper contributes to broader debates on how law operates and transforms in contexts of crisis, revealing the fragile boundaries between protection, punishment, and care within contemporary legal orders.