

BOOK REVIEW

Eve Darian-Smith (ed.), *Ethnography and Law*. International Library of Essays in Law and Society (ed. Austin Sarat). Aldershot: Ashgate, 2007. 608 pp. ISBN 978-0-7546-2502-5 (hardback).

Franz von Benda-Beckmann

As Darian-Smith says in her introduction to this volume (p. xi), it follows a number of edited volumes, readers and anthologies that have been published during recent years on law and anthropology, notably Mundy (2002) and Moore (2005). It has collected 21 journal articles or book chapters by leading law and society scholars working in the US (15), UK (4) and Canada (2). Most contributions were originally published during the ten years before this collection was published.

The book is organised in five parts. Part I, “Historical Contexts and Postcolonial Realities”, comprises one major overview article by Sally F. Moore, a comprehensive review article by Peter Just, and two essays (by Rosemary Coombe, Susan Silbey) placing issues of law and society scholarship in a global context. Part II brings contributions dealing with “New Ethnographic Subjects and Methodologies” by Sally Merry, Lee F. Monaghan, Susan Bibler Coutin and Susan Hirsch, Annelise Riles, and John Borneman. Part III collects papers dealing with “Narratives of Law: Rhetoric, Performance and Imagery” by Rebecca French, David Engel, Austin Sarat and Susan Silbey and Patricia Ewick. Part IV deals with “States, Rights, Violence and Constructing Legal Subjectivity” and brings contributions by Marilyn Strathern, John and Jean Comaroff, Iris Jean-Klein, Shannon Speed and Jane Collier. The book then ends with Part V on “Sovereignty, Property and the Spatial-Temporal Dimensions of Law”, with contributions by Susan Bibler Coutin, Nicholas Blomley, Tobias Kelly and Renisa Mawani.

All contributions are excellent and certainly belong to what should be read in the various and expanding thematic fields in which law and society scholars do research and theorize. It also provides a fine balance between studies in regions of

the world that used to be the main fields of earlier anthropology with studies from industrialised states (Palestine, South Africa, Australia, Papua New Guinea, Mexico, Thailand, the US, Tibet, Germany, Britain, Argentina, Kenya, Japan, and Canada). As Darian-Smith stresses in her introduction, the contributions show the expanding fields and themes of law and society scholarship and the increasing interest in law by scholars outside anthropology such as in geography, where Blomley is the main exponent of law in society. Her thoughts on these new challenges, the changed character of ethnography, the conceptualisation of and relations between subjects and objects, states and people, and times and spaces are interesting and rewarding to read.

However, it did not become fully clear to me why Darian-Smith is so concerned about a shift, or the shift she makes, “from anthropology to ethnography”. Ethnography rather than anthropology is used to underscore the interdisciplinary nature of law and society scholarship. The focus and the rationale for making this selection rather than another one is on ethnography as a methodology, as a genre of investigation, rather than on anthropology and others as a discipline (xi). But what then is ethnography (xiii)? It is not, or no longer, the idealized image of the anthropologist as fieldworker, created by those scholars who, like Malinowski, transformed anthropology from an arm-chair enterprise into a fieldwork-based research academic discipline. Fieldwork now is multilocal, becomes a cosmopolitan ethnography, involves a range of methods and forms, and the tapping of a wide range of social phenomena as sources for saying something about law in society (xiv). But then, is this difference not one of the changes and expansions within anthropology, from old-fashioned fieldwork and its underlying assumptions, methods and objectives, to a contemporary anthropology of a more complex world, to more complex ways in which any research theme or any site, however single- or multilocal, on whatever its spatial and temporal scale, is located? And is it ethnography that is the common denominator of different disciplines? Is it not also genre, a method, in which disciplines show their difference? Just think about those other “tribes in the big tent of law and society scholarship” (Erlanger 2005) who are absent from this volume: institutional and development economists and law and economics scholars, who also do empirical research in societies formerly mainly studied by anthropologists, and their theoretical approaches. Isn’t there a danger of overlooking the different theoretical and epistemological underpinnings of perceiving and writing about “law in society”? I fear that the challenge posed by different disciplines concerned with “more or less the same”, that is, “law in society”, the potential excitement from engaging in critical and constructive dialogues with different disciplinary

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traditions, are not illuminated by common ethnography; rather they are obfuscated. This is probably why some larger theoretical issues, theoretical and methodological approaches to the interrelations between complex legal constellations and social practices, to new dynamics in plural legal and political orders (not just transnationalisation and local appropriations) and issues of comparison are not systematically thematized in the volume – although they also invite interdisciplinary dialogue and reflection.

Nevertheless, the reader will certainly enjoy reading the contributions, and will profit from it. However, for many potential readers, and certainly for those inside the US and the Law and Society network, it will rather be a re-reading exercise, since she or he is likely to have come across the contributions on their first publication. Moreover, and perhaps practically more important, the price of £140.00 (or US \$ 205 or € 156) is prohibitive for individual buyers. The book rather seems to be a matter for libraries. Thus, given that most papers have been published during the relatively recent past, I doubt whether the normal academic, not to speak of students, will be able and willing to buy the book.

References

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