Extended Sites of Action: In and Out of Marginality

The forum in this issue, reflecting on the problematics of the relationship between anthropology and law, as a timely focus is also indicative of how these debates revolve around disciplinary and cross-disciplinary issues. That such co-presence of anthropology and law, incorporating research in informal and formal settings, various kinds of collaboration and, in some instances, sceptical views about its value, continues to merit close attention also signals how views of differences animate a well-populated and extended field. The concerns are often articulated around an epistemic divide between anthropology and law, and allow for questioning both within and across disciplinary areas, even as much is made of the richness of an ethnographic approach to law alongside other methods and analyses, as indicated. Lawrence Rosen, in his response to the commentators in the forum, notes 'our special area of interest is actually a great doorway into many key issues for both disciplines', as he identifies the spaces where it is incumbent for anthropologists to act to address these cross-disciplinary challenges.

This is also where constant forms of boundary making illustrate how legal anthropology is rendered both as marginal to the discipline and central in key knowledge approaches. The desultory status which was afforded to legal anthropology in the 1970s in Britain (as distinct from the United States) following quarrels was to prompt Chris Fuller,[1] for instance, to urge for a rethinking of this outsider status. Fuller was replying to Simon Roberts' (1978) discussions on the quarrels and general lack of interest by British anthropologists in the sub-discipline. He noted, however, the critical role of legal anthropology despite the particular decline of interest which followed. Fuller urged: 'What is required above all, at least in Britain, is the sub-discipline's reintegration into the anthropological mainstream, so that legal anthropology can anew benefit from and vigorously contribute to the development of the subject as a whole' (1994: 12).

Within the discipline, the vigorous debates and shifts which ensued[2] affected how legal anthropology was perceived through a continuing difficulty to achieve 'genuine' sub-disciplinary status. This

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followed on from Laura Nader's much earlier point that the 'anthropological study of law has not to date affected, in any grand way at least, the theory and methodology of the anthropological discipline, in the way that studies of kinship and language have, for example' (1965: 3). The lacklustre positioning contrasted with efforts by legal anthropologists to highlight its roles in interdisciplinary and professional settings as the extended spaces for its knowledge contributions and 'renewals' where Nader was 'the leading advocate,' as Mark Goodale (2005: 946) noted.

Alongside a marginal status, legal anthropology expanded to incorporate a range of contemporary issues not least, in the burgeoning field of human rights, multiply occupied by researchers and others. As anthropologists became more involved in human rights and other areas, 'joining' with sociologists, lawyers and other professionals, the debates and exchanges would variously highlight perceptions of legal anthropology which, in some instances, allowed for 'easy' assumptions about anthropological knowledge itself. These were also likely expedient spaces for critique. Variously bracketed in and out of the discipline, legal anthropology appeared much more integrated into anthropology where it was being contested or claimed in the interdisciplinary spaces.

Often, particular core anthropological approaches were drawn on for new disputes and other kinds of boundary making. Annelise Riles (2006) was to bring out some of these dynamics, for instance, in discussing certain 'familiar' positioning of para-ethnographers and others in using anthropological methods, alongside debates encircling disciplinary concepts and stand-offs. Thus, the debate between the legal scholar Kunal Parker and the anthropologist John Borneman led them to ventilate and refute each other's 'fixities' about their respective disciplines. Noting the prevalence of appropriation of anthropological methods in these settings, Riles pointed out: 'This suggests that it is necessary to treat the intersections and gaps between disciplines as its own ethnographic zone, to observe how particular actors make claims for themselves and their disciplines through and against disciplinary accounts and the borrowing of one another's methods' (2006: 53). Riles's interventions illuminated that culture as a concept used to contest legal instrumentalism is also positioned within this sphere of contestation.

In these 'openings', critical reflections also revert to an anthropological mode of renewal through its own critiques and extend the scope for anthropological contributions even as various actors across contentious fields subject this to scrutiny and doubt. On anthropologists' exchanges with human rights practitioners, Richard Wilson

(2006: 81–82), points to an 'inconclusiveness' in such dialogues as one mediating the level of pessimism and which leaves the conversation ongoing. The range of scholarship which has critically engaged with the interfaces as analytical inputs also brings out the capacities for anthropologists to act as being part of involved processes in human rights arenas (see Goodale 2006).

This might also be considered in terms of practice anthropology where an inherent idea of activism propels reflexive engagement in the field and denote the capacities for social change. Sally Falk Moore in her exploration of fifty years of legal anthropology points to one such interventionist potential in considering a development in legal anthropology which engages 'with a very much wider vision of the political milieu in which law is imbricated' (2001: 110). In noting an inadvertent hopefulness about the 'possibilities of intentional action' and pointing to the extended scope of anthropological analysis in considering the legal (2001: 111), Moore highlighted the body of research which focuses on small-scale field studies to connect with macro issues. This returns us to a very disciplinary endeavour where the particularity of field data and analyses while 'tested' in knowledge construction exchanges and debates aids how anthropology is made visible with the potential to be part of envisaged solutions, for instance, in increasingly fraught geopolitical settings.

Thus, spaces for translated knowledge and action while beset by different performative scrutiny, exchanges and differing levels of pessimism and optimism (even while being refined by reflexive doubt) are suggestive of certain accommodations in interdisciplinary exchanges and which may offset views of a marginal sub-discipline. This also reminds of the value of an inconclusiveness in reaching out across boundaries. It underlines the importance for anthropologists to critically re-engage with their perceptions and biases in fostering productive collaborations (see Rosen, this issue). That the dialectics of legal anthropology as a sub-discipline might necessarily invoke its own marginality draws out other possibilities for its roles in and out of the peripheral and doubtful 'sites'. This includes a capacity to speak back to anthropology as in the extended sites of action in the interdisciplinary and professional settings.

Narmala Halstead, *University of Sussex*

Notes

1. Fuller noted that Roberts 'in pronouncing the death sentence on legal anthropology, encouraged indifference to the law as a fascinating and important subject that anthropologists should not leave aside' (1994: 9). See also Goodale (2005: 948n4), who notes that, despite his considerations, Robert continued to teach and encourage interest in the subject.

2. See also the well-known debate between Max Gluckman and Paul Bohannan, as highlighted among the quarrels Fuller discusses: 'The most notorious of these was between Bohannan and Gluckman . . . about the salience of western judicial categories, ancient or modem, for the understanding of non-western law' (1994: 9).

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