

INDEX

- “Before the Law”, 17
 “head of the actor”, 14, 74, 115, 121
 “The Trial”, 20, 42, 50, 178
 “there is no *there* there”, 29, 42
 “Before the Law”, 42, 50
 “missing-what”, 52, 122
- abstraction
 and the “remainder of things”, 26
 and the concrete, 45, 166
 limitations of, 19, 45, 169
 operation of, 45
 uses of, 46
 vicious abstractionism, 9, 15
- accountability, 7, 9, 11, 57, 168, 170
- actor-network theory, 38
- Agamben, Giorgio, 179
- allochthon, 70, 71, 76, 78, 79
- aporia, 7, 14, 91, 114, 177
- archive, 172
- Austin, John, 22
- authentication, 149
- backstage, 13, 50, 60, 63, 115, 117, 118, 123, 131, 137, 170, 171, 173, 184
- banality, 180
- Barad (2003), 162
- basic norm, 24, 34, 174
- Becker, Howard, 74
- behaviorism, 27
- Benjamin, Walter, 179
- Bentham, Jeremy, 22
- black box
 of decision-making, 73
- Black, Donald, 25, 26, 27, 28, 29, 30, 36, 41, 72, 185, 187, 188, 192, 198
- boundary work, 30
- Bourdieu, Pierre, 29, 30, 31, 32, 33, 35, 36, 41, 54, 56, 58, 65, 169, 188, 197
- case files, 59, 184
 as folded object, 14, 140, 144, 147, 155, 160
 digitization of, 54, 120, 131, 135, 139
 file-work, 12, 123, 138
 forensic approach to, 148, 165, 173
 hermeneutic approach to, 164
 interpretative approach to, 164
 materiality of, 53, 125, 127, 136, 140, 172
- case making, 7, 8, 58, 168
- category mistakes, 6, 39
- category work, 65, 73, 78
- censor, 22
- chain of custody, 149
- chain of reference, 39, 149
- climate change, 175
- collateral realities, 74, 85
- Conseil d’État, 9, 37, 39, 40, 49, 193
- contemplation, 19, 22, 43, 62, 168, 179, 182
- control variables, 70, 73
- controversy, 3, 5, 6, 7, 8, 33, 64, 66, 67, 71
- courtroom interaction, 93, 94, 115
- critical discourse analysis, 111
- critical legal theory, 25
- culpability, 15, 50, 69, 70, 84, 90, 111
- decision-making
 cognitive models of, 120
- Deleuze, Gilles, 43, 177, 180
- and Guattari, Felix, 16

- demarcation, 2, 3, 6, 21, *See* purification
 limitations of, 8, 9
- Derrida, Jacques, 18, 51, 116, 165, 172
- Dewey, John, 55, 117, 189
- Didion, Joan, 110
- digitization, 14, 115, 138
- diplomacy, 39, 41
- discrimination, 3, 6, 66, 80, 81,
 87, 170
- domestic abuse, 86, 107, 109, 110, 152
- Dutchness, 76, 77, 197
- ecology of practice, 12, 60
- enactment, 57, 60, *See* performativity
- epistemics, 59
- equality before the law, 3, 6, 11, 124
- ethnicity, 69, 76, 80, 113
- ethnomethodology, 48, 111, 122
- expositor, 22
- exteriority, 176
- external point of view, 34, 72, 75
- face-to-face interaction, 50, 119, 161
- face-to-file interaction, 13, 50, 61,
 115, 119
- fact finding, 12
- fallacy of misplaced concreteness, 47
- felicity conditions, 39, 41
- file-work, 123
- focal concerns theory, 69
- folded object, 147
- folding, 53, 54, 154, 172
- foundationalism, 19
- frontstage, 13, 137, 170
- Garfinkel, Harold, 28, 48, 49, 52,
 74, 115, 137, 138, 144, 145,
 155, 190
- habits of thought, 20, 36
- Haraway, Donna, 55, 56
- Hart, H. L. A., 22, 24, 30, 31, 33, 34, 35,
 36, 41, 54, 72, 75, 120, 121, 122,
 136, 169, 183, 187, 190, 191, 192,
 197, 198
- hearsay, 52
- hiatus, 13, 39, 40, 63, 117
- Hume, David, 22
- hyper-explanation, 10, 15, 46
- hyper-object, 15, 166, 167, 175, 176,
 177, 178, 181
- individual liberty, 26
- infrastructural inversion, 171
- internal point of view, 34, 35, 60, 120,
 122, 136, 172
- intertextual field, 154, 155, 160
- James, William, 9, 41, 44, 62, 181,
 187
- Joseph K., vii, ix, 41, 42, 43, 44, 47, 49,
 63, 168, 178, 179
- judgcraft, 85, 91
- judging
 as practical accomplishment, 11
- judicial intuition, 85, 87, 90
- jurisdiction, 29, 67, 182
- Kafka, Franz, 17, 25, 28, 41
- Kelsen, Hans, 22, 23, 24, 25, 26, 28, 29,
 30, 31, 36, 41, 46, 193, 198, 199
- knowledge
 and movement, 63
 as practical accomplishment, 11,
 55, 59
 as situated, 56, 60
 spectator theory of, 55
- labor power, 26
- Latour, Bruno, 6, 9, 28, 36, 37, 38, 39,
 40, 41, 47, 48, 49, 51, 53, 68, 72, 73,
 117, 119, 121, 122, 123, 124, 127,
 136, 137, 138, 146, 154, 161, 167,
 169, 177, 185, 186, 193
- Law
 and normativity, 20, 27
 and production of time, 146, 172, 177
 as a distribution machine, 79, 80,
 170
 as a legal construction, 23
 as a social construction, 23
 as a social field, 30
 as concrete practice, 37
 as gated, 18
 as hyper-object, 178
 as narrative practice, 114

- Law (cont.)
 as timeless, 146
 command theory of, 180
 documentary understanding of,
 28, 32
 genetic understanding of, 25, 28
 natural law theory, 22, 23
 sui generis, 21
 tautological understanding of, 19,
 24, 29
 law finding, 12
 legal archive, 51, 52, 172
 legal positivism, 21, 22, 25
 legal temporalization, 146
 Luhmann, Niklas, 29
 lumping and splitting, 65, 73
- Marx, Karl, 25, 26, 27, 28, 29, 30, 31, 32,
 36, 41, 46, 54, 194
 mediation, 161
 medium-specificity, 14, 139
 miscognition, 32, 58
 modes of existence, 9, 36, 38, 39, 41,
 161, 193
 Mol, Annemarie, 15, 48, 57, 60, 61, 74,
 174, 184, 195
 moral holiday, 181
 moyen, 39, 40
 multiplicity, 15, 57, 66, 167, 174, 175,
 176, 178, 179, 184
- narratives, 13, 15, 84
 structure of, 92, 103
 typified, 13, 59, 84, 86, 103, 104, 109,
 110, 113, 171
 nationality, 78, 81, 82
 Nietzsche, Friedrich, 28, 196
- obligatory passage point, 23,
 67, 68
 oligopticism, 72
 ontological politics, 80
 overhearing audience, 111
- partiality, 5, 12, 64, 65, 82
 people-processing organizations, 75
 performativity, 8, 11, 20, 57, 74, 168,
 184, *See* enactment
- person of the defendant, 76, 83, 84, 85,
 89, 90, 91, 94, 113, 129, 170
 perspective
 cross-sectional, 15
 perspectivism, 9, 19, 169
 and jurisdiction, 30
 Archimedean point of view, 36,
 56, 66
 phenotype, 4, 77, 78, 79, 81,
 82, 170
 phonocentrism, 52, 115, 117, 137,
 164, 171
 population group, 170
 population groups, 15, 76, 78, 83, 85,
 86, 113, 114, 170
 practices
 epistemic, 7, 60
 legal practices, 53
 of visualization, 14, 15, 115, 117,
 120, 123, 130, 136, 138, 140,
 141, 171
 pragmata, 56
 pragmatic respecification, 11, 17, 20, 38,
 44, 49, 52, 53, 144, 169, 170, 174
 praxiography, 61, 62, 63
 of writing, 137, 164
 premature quantification, 74
 presentism, 163
 procedure, 144, 146, 162
 as context, 144, 145, 163
 process-event distinction, 164
 process-verbal, 52, 152, 156, 157,
 158, 160
 professional vision, 32, 138
 pure description, 19
 pure law, 19
 pure sociology, 27
 pure theory, 23, 24, 169
 purification, 9, 10, 15, 16, 19, 36, 40, 41,
 45, 46, 167, 169, 182
- race, 82
 racism, 64, 65, 66, 79, 80, 81, 82, 83,
 87, 170
 structural forms of, 81
 rapport, 66, 67, 82, 83, 113
 reality effects, 58, 80, 85, 114
 recalcitrance, 14

- recidivism, 73, 97
 remainder of things, 10, 45, 46, 47,
 58, 180
 remorse,
 and narrative, 93
 and narratives, 109
 as binary variable, 92
 contestation of, 92
 performance of, 13, 50, 89, 98, 101
 weighing, 101
 weighing of, 106, 107
 rule-following, 33, 34, 35
 rules
 legal, 33, 51
 primary, 33
 rule of recognition, 34, 35
 social, 33, 34, 35, 51, 52

 sameness and difference, 12
 sentencing, 3, 12, 69
 and sentence types, 70
 disparities in, 64
 individualized, 86, 89
 shadowing, 12, 60, 94, 131
 social control, 27
 social order, 21, 29, 48, 51,
 112
 soul of the defendant. *See* remorse

 statistics, 12
 criticism of, 58, 74, 87, 113
 in sentencing research, 67
 Stein, Gertrude, 29
 Stengers, Isabelle, 62, 167
 stereotypes, 4, 70, 71, 86

 Tata, Cyrus, xi, 59, 63, 76, 84, 86, 89, 91,
 103, 164, 191, 198
 temporal interference, 162
 temporality, 14
 the concrete, 10, 20
 thinking with the trouble, 3, 6, 11,
 20
 tools to think, 10

 values, 26, 73
 verbal interaction, 13, 117
 view from nowhere, 56, 66, 169
 vision
 professional, 30, 121
 professional vision, 31
 vulgar vision, 31

 ways of seeing, 56, 57
 Weber, Max, 28, 136, 137, 199
 Whitehead, Alfred North, 10, 26, 46,
 47, 200