INTRODUCTION

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Trust in the state
Negotiating legal and bureaucratic encounters

Sophie Andreetta and Flávio Eiró

Scholars have increasingly coined trust as one of the key aspects of human existence and contemporary social interactions: some see it as a form of affect, while others study the conditions under which it emerges or fades away (Weichselbraun et al. 2023). Until recently, the idea of (mis)trust had mainly been studied in connection to interpersonal relationships (Bell 2016; Carey 2017), economic transactions (Rubbers 2009) and religion (Ashforth 2005; Geschiere 2013). In a recently edited collection, Anna Weichselbraun and colleagues (2023) shifted the focus from intimate spheres to 'technologies of trust'. This issue continues that shift, bringing the anthropological study of trust into a new field by exploring the concrete practices and effects of trust in the state, what these reveal about the ideas and imaginations of the state, and the daily practices of those who embody it.

Questions of trust related to the state have been at the core of recent public debates, from political scandals to contestations around elections. In international reports, trust is often associated with good governance and the rule of law. Based on quantitative methods, political scientists have coined trust in institutions and fellow citizens as an indicator of political stability. Sociologists, in turn, have highlighted trust in institutions as one of the key features of modernity (Giddens 1990; Schilke et al. 2021). The idea of 'low-trust bureaucracies' as endemic to the Global South has also gained popularity (Moynihan et al. 2014), associated with low social capital or limited democratic practices (Ramos Larraburu 2019). Qualitative social scientists have recently noted that neoliberal institutional practices may foster feelings of distance, disenfranchisement and distrust, especially amongst ethnic minorities and low-income groups, when considering policy implementation (e.g. Chiong and Dimmock 2020; Ule et al. 2015). Others have mentioned how corruption can eventually foster distrust towards public institutions (e.g. Tidjani Alou 2007). This special issue aims to further these insights by exploring how ethnographies of state–(non-)citizen interactions can

enhance current understandings of trust in the state, thereby contributing to studies of the state, the rule of law, and democracy in practice.

How do (non-)citizens make use of public services when they do not trust the state? How is public servants' work impacted when the state is not to be trusted? Is trust differently manifested depending on which institutions or bureaucracies people turn to? How do mistrust and hope towards the state coexist, especially for marginalised groups such as migrants or people in extreme poverty? Different understandings of the state – as an idea, a source of power or a body of institutions – eventually shape how trust is built, questioned or withdrawn, and help inform the loyalties, strategies and expectations of *(non-)citizens* (Andreetta et al. 2022). Our choice for this term in this introduction stems from the fact that citizens' and non-citizens' engagements with state institutions have often been analysed by different strands of the literature and regularly conceptualised in contrasting ways. Non-citizens are often assumed to distance themselves from the state (Le Courant 2022), or to demand recognition from the sidelines (Isin 2009; Nyers 2010), while the state's presence in citizens' lives is often regarded as a given (Bierschenk and Olivier de Sardan 2014; Thelen et al. 2014). This issue aims to bring both perspectives together and reflect on ethnographic encounters between (non)-citizens and state institutions, public servants, or intermediaries of the state. The articles combine various entry points – from migration governance to criminal justice, and from (non-)citizens' perspectives to those of public servants or judicial professionals – to understand how trust can vary depending on different policy fields and the behaviour of public servants.

Giordano Magri and Flávio Eiró, in the first article, and Iris Sportel, in the second article, examine how individuals from marginalised groups interact with the state in contexts of both physical and structural violence in Brazil and the Netherlands, respectively. They analyse how feelings of mistrust are built when people are forced into particularly tense interactions with state agencies and how (non-)citizens' specific experiences with particular services or institutions affect feelings of trust towards the state. Elizabeth Challinor explores how in Portugal the outsourcing of refugee reception to civil society organisations raises issues of accountability that create uncertainty and distrust amongst migrants, shrinking their 'citizenship horizons' of rights and belongings. Ingo Rohrer turns to Argentinian legal counsellors, arguing that by warning citizens against fraud, these counsellors encourage a general attitude of mistrust. In doing so, they also aim to increase the trustworthiness of state institutions. Still focussing on legal intermediaries,

Sophie Andreetta delves into Beninese lawyers' daily work in a context where the state and state courts are no longer trusted. Together, these articles reveal complex interplays of attitudes influenced by individuals' experiences with the various faces of the state, which frequently give rise to simultaneous feelings of trust, mistrust, distrust and, ultimately, hope.

Anthropology of the state: Governance, justice and the tensions of trust

Anthropologists of the state have highlighted citizens' and non-citizens' multifaceted representations of the state and the interactions shaped by these imaginations. Recent studies of bureaucracies 'at work' contend that the state can be experienced simultaneously as a provider of goods and a punitive force, warm and cold, intimate and to be feared, as Martijn Koster (2014) notes. In West Africa, public institutions – including the courts – are largely perceived as corrupt or inefficient (e.g. Blundo and Le Meur 2009) but are still regularly mobilised by citizens hoping to benefit from the symbolic authority of the state (see Andreetta 2020). Migrants in Europe experience the symbolic and physical violence of the state from the moment they cross borders (e.g. Alpes 2017; Bosworth 2016; Spire 2008), yet they still expect bureaucracies to fairly assess their claims (Andreetta 2022; Schwenken 2013). Recipients of cash transfers in Brazil react to frontline workers' erratic decision-making by devising deceptive strategies to gain their trust, as Eiró (2019) notes. Frustrated promises made 'by the state' can result in deep mistrust towards it, as residents see such inaction as betrayal (Koster 2019; Salmi 2019). Public servants can be critical of the state and their own working conditions, using public office and resources to serve their own interests while simultaneously trying to uphold certain public good standards (Bear and Mathur 2015; Lambert 2022). In highly politicised contexts, the rule of law, humanitarian principles and democratic values still remain the standards to which public servants strive to remain loyal (Andreetta 2022; Kolloch 2022; Saglam 2022; Verheul 2013). Despite numerous occasions of frustration and despondency, the state continues to generate feelings of hope, as the only entity capable of responding to certain needs and aspirations (Jansen 2012). In this issue, and throughout this introduction, we use trust – and implicitly its derivatives such as mistrust and distrust – as a heuristic device to delve into these complex, sometimes conflicting views and practices of the state.

(Non)-citizens, fragmented statehood and the place of trust

As Akhil Gupta states: 'Any understanding of the state is a form of misrecognition' (2012: 53). This statement illustrates a wider body of anthropological literature which challenges us to resist the reification of the state as a singular, cohesive entity. Instead, we aim to question the all-encompassing ambitions that modern states often project, even if they frequently fail to achieve these goals. Instead, we aim to follow a now significant body of critiques for a more nuanced exploration of the fragmented nature of state bureaucracies, where the magical realism of these institutions often obscures their inherent contradictions and elusive and porous boundaries (Das 2006; Mitchell 1991). Gupta notes that 'efforts to represent the state as a cohesive actor fail precisely because poor citizens have a clear idea that it is not, in fact, singular and that some branches, bureaus, and levels are more responsive to their needs than others' (Gupta 2012: 60). This insight underscores the importance of recognising that while institutions and bureaucrats can be trusted, the nature of that trust is relational and context-dependent.

Factors such as political ideology, organisational conditions, work ethos and individual identities significantly influence the interactions between state agents and (non-)citizens. Moreover, the transformations relating to regime changes, political polarisation and democratic backsliding cannot be overlooked, as these elements potentially redefine the trust dynamics within state–citizen relationships (Eiró 2022). Trust in the state can, eventually, foster a cycle where citizens' reliance on state institutions can reinforce the very structures that govern them. Despite their profound mistrust, citizens repeatedly subject themselves to state institutions, driven by a lack of alternatives and a fragile hope – as shown in the action of marginalised homeless individuals (Magri and Eiró, this issue). This continued engagement paradoxically reinforces the state's power and perceived unity, even as individuals remain deeply sceptical of its operations, as illustrated by the case of Beninese lawyers (Andreetta, this issue). Conversely, mistrust and distrust may lead to inequalities that are perpetuated when trust is demanded but not reciprocated. Thus, exploring the multifaceted forms of trust within the realms of state interactions inform understandings on the broader implications for governance, social justice and the lived experiences of citizens.

For these reasons, our approaches in this introduction, and in the articles of this collection, take the perspective of people 'outside' the state, and consider how, from this outside positioning, they engage with

and navigate the micro- and macro-aspects that constitute the state. This perspective reviews how the state can be significant for individuals both in privileged and in vulnerable circumstances. Ranging from lawyers, members of civil society organisations and (non-)citizens in marginalised positions, the state can be a central part of their existence or survival. This special issue also has a particular interest in the perspective of migrants, refugees and populations in extreme poverty. On the issue of margins, we turn to Veena Das and Deborah Poole (2004), who proposed the concept of 'margins of the state'. They emphasise that an anthropology of the margins provides a unique viewpoint, by revealing that these margins are a necessary component of the state itself, as their existence is embedded in the functioning of state power. Das and Poole encourage us to reflect on how the practices and politics of life in these marginal spaces are influenced by the regulatory and disciplinary practices that constitute what we refer to as 'the state'. They conceptualise the state as an always incomplete project that must be understood through the lens of wilderness, lawlessness and the threats that these margins pose both externally and internally. Not dissimilar to other related critiques on homogeneous notions of the state (Bierschenk 2014; Gupta 2012; Holm Vohnsen 2017), their work highlights that the margins encompass diverse populations – such as minorities, refugees, and immigrants – each with distinct experiences and challenges. The authors focus on how these margins serve as containment spaces for those deemed insufficiently integrated into legal and social norms. They describe the specific technologies of power that states employ to manage or pacify these populations, often involving both coercive measures aimed at transforming 'unruly subjects' into lawful citizens. This nuanced understanding of the margins allows for a more dynamic view of the state, breaking open the rigid solidity often attributed to it.

These ambitions can be particularly effective in regulating the lives of individuals at the margins of state authority, which may seem counter-intuitive. It is precisely within these margins that the state performs its power most effectively – a performance meant to be seen by all. However, this performance does not necessarily imply the inclusion or incorporation of marginalised groups into the protective frameworks of the state or its welfare mechanisms. The pervasive presence of the state in the lives of these individuals does not alter their marginal status; rather, it is this very presence that perpetuates it – as we can see in the contributions of Challinor, Magri and Eiró, and Sportel. The specific ways in which the state regulates their lives delineate their

marginality, manifesting in targeted forms of state action designed explicitly for them. Recognising that being at the margins of the state does not imply its absence, understanding the expectations generated by this contact becomes a priority for us. This focus allows for comparative analysis across different approaches and case studies.

This situatedness of the state, viewed from its margins, produces distinct expectations and imaginations of authority that continue to attract thorough investigation. We have chosen 'trust' as the lens through which to pursue this enquiry. This means that the research included in this special issue did not always begin with 'trust' as a primary focus, nor did it rigidly adhere to a narrow conceptualisation of trust. This returns to how through the study of groups at its margins the state emerged as a significant presence structuring their lives. The articles thus, individually, draw on trust as a point of observation, a concept that could be deconstructed or reaffirmed through their specific ethnographic perspectives. This allowed for a detailed exploration of the relationships between these groups and the state, in different contexts.

Bridging legal and political anthropology

The articles in this issue are situated at the intersection between studies of the state and socio-legal studies: they testify to a recent trend in both sub-disciplines to consider issues around governance and the rule of law as interconnected (Bens and Vetters 2018). On the one hand, for a long time bureaucracies were deemed to belong to the study of the state (Bierschenk and Olivier de Sardan 2014) and public policies (Lipsky 1980). Scholars investigated the discretion and daily practices of street-level bureaucrats and the effects of these on policy outcomes (Dubois 2016; Holm Vohnsen 2017; Spire 2008). Socio-legal scholars, on the other hand, analysed how court cases were built, argued and decided (Galanter 1974; McCann 2004). They explored ordinary citizens' practices and understandings of law (Ewick and Silbey 1998; Merry 1990), as well as the daily practices of legal professionals (Abel and Lewis 1996). The first category of authors considered the law as an element of context; the second had a similar view of the state and its institutions. This special issue contributes to recent efforts to consider law, politics and policy implementation as intertwined and interrelated in practice.

In the last few years, anthropologists of the African state in particular have taken an interest in judges and prosecutors. Benjamin Rubbers

and Emilie Gallez (2015) address judicial discretion 'beyond corruption' in the RDC, Sophie Andreetta and Annalena Kolloch (2018) reflect on Beninese magistrates' views and expectations of the state, while Susanne Verheul (2013) sees prosecutors as bound between political orders and professional ethics. Legal professionals, however, are not the only ones to engage with the law and the state simultaneously. Bureaucrats are aware of the legal frameworks that they are meant to enforce and within which they operate (Anders 2009). Litigants taking claims to court mobilise both state norms and institutions to resolve disputes (Andreetta 2020). When contesting administrative decisions, especially, they effectively ask the judiciary to compel other public institutions to comply with state law.

In socio-legal studies, however, only a few contributions have considered understandings of law and expectations about the state to be related (Andreetta 2020; Eckert et al. 2012; Feddersen et al. 2024). They highlight the multiple, and sometimes seemingly inconsistent, conceptions of law and state institutions: laws can be used with the state (Sportel, this issue), against it – to challenge state practices or administrative decisions – or in the margins of its authority (Rohrer, this issue). These authors identify citizens' willingness to use legal strategies in contexts where state institutions delivering justice are not to be trusted, as also illustrated by Verheul (2013) in Zimbabwe and Anna Macdonald and colleagues (2022) in Uganda. In international human rights reports (e.g. Freedom House 2024), citizens' level of trust in their judiciary is often used as the main indicator to assess democratic regimes and measure corruption (perception). The rule of law is regularly perceived as fostering trust in the state and its institutions, while informal practices and corruption are associated with mistrust or distrust. This issue invites us to explore how the interplay between law and state influences citizens' trust and behaviour, revealing the complexities of their engagement with legal frameworks.

Sportel shows how migrants' interactions with the courts partly redefine their views and feelings of trust towards the state – as the opposing party to their case and as the institution deciding on their claims. In Andreetta's article, Beninese lawyers view law and the state as opposing forces: state actors keep bending or bypassing the rules meant to guarantee due process. These two articles illustrate how, although state laws and courts hold the potential for dissent and contestation 'from within' (see also Andreetta 2024), such power can only be guaranteed under the rule of law and when procedural safeguards are implemented. By examining these dynamics, we contribute to the

anthropology of law, offering insights into how trust may serve as a pivotal link between legal practices and the legitimacy of state institutions. Focussing on the place of law and judicial institutions therefore appears as a particularly fruitful site to delve into conflicting loyalties, hopes and expectations vis-à-vis the state.

Trust, mistrust, distrust and hope

For us, trust in the state is not a normative or idealised reference point. We do not assume that distrust is the automatic response at these margins, as a common thread throughout the studies in this collection is the coexistence of trust, mistrust and distrust. It is nevertheless important to differentiate between trust, mistrust and distrust, as these terms carry distinct meanings that shape individuals' interactions with the state. Trust typically refers to a positive expectation that the state will act in a reliable and beneficial manner, fostering a sense of security in its actions. In contrast, mistrust suggests a more cautious stance, where individuals may have reservations or doubts about the state's intentions or capabilities, yet they still engage with it under certain conditions. Distrust, on the other hand, implies a deeper level of scepticism or disbelief, often resulting in a complete withdrawal of confidence in the state's ability to act in the best interest of individuals or communities. In providing empirical insights into their coexistence, this collection illustrates how individuals navigate these nuanced feelings and modes of action. In the different articles in the issue, people may trust certain aspects or representatives of the state while simultaneously feeling distrustful of others, reflecting the multifaceted nature of their experiences and expectations.

Understanding the coexistence of trust, mistrust, and distrust returns to the critique in the scholarship of the state beyond its conception of a singular entity. The state emerges through the actions and performances of different actors and institutions. Such coexistence of conflicting feelings towards the state is also justified, as even the same individual or institution may not always act cohesively. Trust must continually be earned, and perceived failings and betrayals significantly impact people's evaluations of established trust.

We see trust as a relational construct that informs people's imaginations of the state and their actions in response to it. This reinforces the idea that the ambiguities and complexities we have outlined are not exceptional traits of marginal positions in society. In the various

articles in this issue, the state often emerges as both a source of frustration and a site of hope where individuals place their expectations for solutions to their problems. For example, Beninese lawyers express belief in a more democratic future (Andreetta), migrants look for a fair trial (Sportel), homeless individuals in São Paulo maintain hope in the state despite ongoing police violence (Magri and Eiró), and Argentine citizens express trust in public institutions despite widespread corruption (Rohrer).

Conflicting loyalties, legal strategies, and expectations of the state

As we have explored throughout this introduction (and this issue), trust in the state, alongside distrust and hope, emerges through the intricate interactions between citizens and state agents, marked by past experiences and current engagements. This dynamic raises critical questions about the contexts in which participants may perform trust and how it is reciprocated. This interplay prompts us to consider which agents or institutions are deemed trustworthy, when, and under what circumstances distrust and hope may arise – as illustrated by the distrust of refugees and non-state hosting organisations towards the Portuguese state (Challinor).

The articles within this special issue enhance anthropological theory by highlighting the varying capacities of trust in the diverse relationships people have with the state. Traditionally, trust has been portrayed as something that is earned, with mistrust seen as its opposite. However, by focussing on the relationships between the state and (non-)citizens, the articles demonstrate that trust and mistrust can coexist or that distrust and hope may be a form of more effective engagement with the state. This issue also furthers ongoing debates in the anthropology of law and the state (Laszczkowski and Reeves 2015; Thelen et al. 2014) by further adding to scholarship on the fragmented and sometimes inconsistent nature of the state and its laws.

By delving into the concrete interactions of citizens and non-citizens with state institutions, this collection illuminates how trust is built, questioned or withdrawn, thereby highlighting the conflicting loyalties, strategies and expectations that re-inform experiences of the state. These insights not only deepen our understanding of the complexities of state–(non-)citizen dynamics but also invite further inquiry into the roles that trust, mistrust and hope play in such social realities.

The nuanced perspectives presented here add to valuable frameworks for further examining the multifaceted relationships between individuals and the state, to keep doors open towards further avenues of exploration in the anthropology of law and governance. We hope this issue inspires critical reflection and dialogue as we collectively navigate the complexities of trust in an ever-evolving socio-political landscape.

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