

# **Files Circulation and the Forms of Legal Experts: Agency and Personhood in the Argentine Supreme Court**

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*A common assumption in Western legal cultures is that judicial law-making is materialised in practices that resemble the operation of a professional bureaucracy, practices that are also central to the construction of knowledge in other systems, such as accounting, audit, science, and even ethnography (Dauber 1995; Strathern 2000; Riles 2000, 2004, 2006; Maurer 2002; Yngvesson and Coutin 2006). This argument situates the judiciary as a formalistic organization that builds its ambition of universality on the procurement and dissemination of knowledge on a rational basis. Drawing on ethnographic research in the Argentine Supreme Court, this paper seeks to unpack this assumption through a detailed look at how the figures of legal bureaucrats, in particular law clerks, become visible through the documentary practices they perform within the judicial apparatus. As these practices unfold, they render visible these subjects in different forms, though not always accessible to outsiders. Persons are displayed through a bureaucratic circuit of files that simultaneously furthers and denies human agency while reinforcing the division of labour within the institution. This dynamic, I argue, can be understood in light of Marilyn Strathern's (1988) insights about the forms of objectification and personification that operate in two "ethnographically conceived" social domains (Pottage 2001:113): a Euro-American commodity-driven economy, and Melanesia's economy based on gift-exchange.*

❖ Key words bureaucracy, files, persons, agency, form

## **Introduction**

On December 19, 2005, I was conducting archival research at the Argentine Supreme Court's Library when I received a phone call from a law clerk telling me that he had been informed that there was a file about my research at the

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Court's General Administration office that handles the tribunal's administrative business. After my initial surprise (at the outset, I did not realize how my research might be connected to administrative issues), I decided to pay a visit to this office to check the information. At the front-desk, a staff member confirmed that there was indeed a dossier named "Expediente No. 3737/05 Barrera, Leticia Cornell University Law School s/pasantía a la CSJN" (Dossier No. 3737/05 Barrera, Leticia Cornell University Law School on internship to the Nation's Supreme Court of Justice), which, however, I could not access at that moment because it was ready to circulate to the seven Supreme Court Justices<sup>1</sup> for consideration. I replied that I had never presented my work to the Court General Administration, so I wanted to know who had made such a petition on my behalf. The person replied that, as far as he could track in the electronic records (he conducted a search on his personal computer), one of the Justices' offices had forwarded a letter (the officer could not give me any details as to the content of the letter) to the Court Administration to be analysed; and that the counseling division (Asesoría Jurídica) of the Administration office had concluded that all Court Justices should consider such a letter prior to the granting of consent for my "internship" (pasantía) at the Court. He also made it clear that I would need a majority of five affirmative opinions out of seven Justices for my petition to be approved — as in any other case that the Court decides.<sup>2</sup>

Only later did I realize that this letter might be one of the introductory letters addressed to the Justices that I brought to the field in fulfillment of Cornell University's policy on the use of Human Subjects. The letters provided a rough description of the ethnographic research I intended to pursue at the Court, such as the methods I would apply, my course of action within the institution, and, above all, my commitment to confidentiality. Yet, I had chosen to deliver them in person to each Justice's office instead of doing it through the Court's front-desk (Mesa de Entradas) to avoid further procedural formalities. However, regardless of how I had intended originally to introduce my work to the Court Justices, the fact that I had chosen to do it in writing meant, in the eyes of the judicial body, that I had filed a petition which should be reviewed and decided upon according to the rules and procedural mechanisms that regulate the Court's workings. Ironically, what I perceived initially as bureaucratic constraints to my field research in the institution became a prompt for ethnographic response: since that first visit to the Court's administration my movements within the judicial institution to follow up on the status of my dossier became a mimicry of the litigants' movements in their daily interactions within the judicial apparatus.

This article proposes to use a tool of bureaucracy, the file or dossier, as emerged from my fieldwork, to "open up" bureaucracy's workings (cf. Riles 2000); to search in the interstices of law-making "to uncover" (cf. Jacob 2006) and bring to surface what it is not discernible at first sight, for instance the

Court's view of itself in terms of division of labour. This, however, does not necessarily endorse the assumption that bureaucracy plays on hidden grounds; for such reason, the proposed methodology is "to look 'at' rather than 'through'" (Jacob 2006; cf. Ben-Ari 1994). The attributes of judicial officials, their relationships, and the manners in which they decide have been widely examined by socio-legal scholars, as in Critical Legal Studies and Law and Society literatures. However, some of these analyses fall short when they pursue to "check" their empirical observations against pre-established frameworks drawn as "ideals" of judicial organizations (cf. Damaška 1986). Here, I shift the focus away from these normative approaches to judicial decision-making practices towards an artifact of judicial bureaucracy, the file or dossier,<sup>3</sup> to look at the forms of interventions made by the subjects that create the files; figures that are typically perceived and portrayed as impersonal and interchangeable in the bureaucratic logic.

I begin by considering the approach to documents that informs this essay, and the scholarly work to which it is indebted. I then outline the figures on which my work focuses: law clerks, and their schema of division of labour based on the clerical posts they are formally assigned within the judicial structure—clerks, as I explain below, can work either for a Supreme Court judge or for one of the Court judicial secretaries. I subsequently consider how clerks themselves experience and perform such a division of labour and make connections with Strathern's (1988) insightful account about the forms through which persons and things are "objectified" in a Euro-American commodity-driven economy. The argument here is that these forms are replicated in the modes that the subjects of bureaucracy become palpable through the documents they create. I draw on Strathern's analysis gift-exchange logic in Melanesia to demonstrate how legal bureaucrats may also be rendered apparent and cognizable from a different perspective, not as documents but as persons themselves. Using a clerk's account of her work, I connect these perspectives.

### **The aesthetics of legal forms**

The anecdote about my dossier resonates with an overwritten argument in sociology, anthropology, and even legal scholarship: that judicial decision-making in Euro-American cultures is materialised in practices that resemble the modes of operation of a professional and depersonalised bureaucracy (cf. Weber 1968)—practices that scholars have found equally central to the construction of knowledge in other systems, such as accounting, audit, science, and even ethnography (cf. Dauber 1995; Strathern 2000; Riles 2004b; Maurer 2002; Yngvesson and Coutin 2006). An essential component to the rationality embedded in these practices was the emergence of written records that furthered the degree of separation (of person from office, and people from corporation) that characterized organizations of the kind Weber described: "Here affairs of state were embodied in written records which tended to

distance them from the personal affairs of the office-holder and to offer some kind of accountability” (as cited in Goody 1986:106).

Drawing on Weber, Dorothy Smith points out that these documentary practices actually “co-ordinate, order, provide continuity, monitor and organize relations between different segments and phases of organizational courses of action”, providing organizations with their essential attributes: “formality, the designed, planned and organized character” (1984:66) (italics in the original). Documentary bases, Smith notes, “objectify knowledge, organization, decision-processes, distinguishing what individuals do for themselves from what they do organizationally or discursively, thereby constituting properties of formal organization or of discourse that cannot be attributed to individuals” (ibid. 61-2).

The above argument situates the judiciary as a formalistic organization that builds its ambition of universality on the procurement and dissemination of knowledge on a rational basis (cf. Weber 1968), regardless of the multiple forms in which judicial authority is structured in Euro-American legal cultures. The quintessential figure of the file epitomizes the workings of the judicial apparatus. Indeed, files are mundane objects—if not the most ordinary ones—of court’s life. They are the forms that set into motion the tribunal’s work dynamics, and organize all its activity, even though this commonsensical quality of files does not have yet its place in legal theory (cf. Latour 2004:83).

But also importantly, in the Argentine legal system—as in civilian legal cultures that build upon a marked tradition of written and usually faceless legal procedures<sup>4</sup>—files work as the devices that set up the limits to the judicial scope; that is, the search for [legal] truth is achieved, contested, and negotiated only within the boundaries of the official dossier.<sup>5</sup> Accordingly, fact-finding, witness examination, evidence-collection, legal opinions, and every other judicial proceeding are meticulously recorded in the file, a practice that somewhat resembles double-entry bookkeeping operations. This practice of documenting,<sup>6</sup> however, cannot be taken as just the inscription of words on paper; rather, it accounts for my subjects’ commitment to the file as a source of authority (cf. Derrida 1997): from the point of view of the Court bureaucrats that I encountered in the field, dossiers are the venues of knowledge-making; that is to say, that which counts as knowledge is actually what is *in* the files.

As I suggested in the introduction, my present interest in the file is largely instrumental; thus, other ways of assessing the technologies of documents, for instance, the quest of its normative dimensions (Reed 2006:158; cf. Foucault 1977),<sup>7</sup> are beyond the scope of this article. Specifically, I build upon the dossier, a “found object of fieldwork”<sup>8</sup> (Reed 2006:158; Riles 2004a) to bring attention to a particular effect that the dossier elicits in the judicial apparatus, namely, the forms in which they render visible the subjects

that create these documents. Working on this technical dimension of law implies not only turning the actual tools of legal knowledge themselves into objects of inquiry, but also using them as a means to advance the knowledge of the subject. This move replicates, to some extent, what Annelise Riles (2005) has called the “literalization” of the Realist metaphor; that is, the Realist insight about the instrumental nature of law is, itself, fashioned as an actual instrument (2005:1009).

Riles has noted that this instrumental side of the law is usually seen as “non-strategic” for critical socio-legal scholarship, since humanistic legal scholars are most likely to find “legal technicalities” such as legal instrumentalism, managerialism, procedures, legal technocrats, and the forms of legal doctrines, among others, too “mundane” and “profoundly uninteresting” to engage themselves in their study (2005: 976). In contrast to this view, she urges those scholars to shift their attention to the instruments of legal reasoning and knowledge and to turn them into objects of humanistic inquiry. “Indeed, it is precisely the commonsensical quality of the thing that makes the lawyer’s love of tools an appropriate point of entrée for an ethnographer into contemporary law and institutions” (Riles forthcoming).

Consequently, far from assuming that persons often cloth themselves in the aporia of bureaucratic indifference, this paper will demonstrate that a look at the Court’s documentary practices enables a more differentiated portrayal of the relationships between judicial bureaucrats and the documents they create. These relationships, however, are ethnographically accessible depending on the forms in which they appear (cf. Strathern 1988; 1999) in the analysis of the institution’s documentary practices. In other words, files’ aesthetic effect may present different versions of the same relations. This means that even “persons, their actions and relations can be understood as an effect” (Riles 2000:68) of files (cf. Latour 2004).

### **Encountering legal expertise: law clerks**

In addition to the seven Justices—so-called ministros (ministers) in the Argentine judicial lexicon—who currently sit on the bench, there are several lawyers who work for the Court. Lawyers may clerk for a Court Justice as his or her staff attorney, in which case they work as law clerks (*secretario* or *prosecretario letrado*) in a Justice’s *vocalía*, that is, a Justice’s office. Alternatively, lawyers may work also as law clerks for one of the eight Court judicial secretaries or judicial desks (*secretarías judiciales*), each of which is chaired by a Court clerk, so-called *secretario de la Corte Suprema* or just *secretario*, and specializes in a different branch of law.<sup>9</sup>

Both law clerks and Court clerks are called *funcionarios judiciales* (judicial bureaucrats, civil servants), which is indicative of clerks’ high-ranking in the judicial hierarchy. Indeed, as many clerks pointed out when I first met them, law clerks hold the equivalent ranking of first-instances judges,<sup>10</sup> and Court clerks are comparable to appeal court judges.<sup>11</sup> The

pairing of the figures of clerks with those of judges is actually materialised in the salaries that law clerks and Court clerks receive. What seems more important to the day-to-day Court's practices, however, is the symbolic capital (cf. Bourdieu 1987) that these legal experts acquire through their association with judges—competence, status, authority, are the salient features that differentiate clerks from other judicial staff members.<sup>12</sup> Nonetheless, the following account by one of my subjects, an ex-Court clerk who was appointed later as court of appeal judge, of the reasons for her becoming a judge explains what the coupling of judges and clerks actually leaves out:

Certainly I did enjoy the same status there at the Court as I am holding now as a judge and earned the same salary as an appeal court judge; but after so many years in the Court there is a moment in which you do not want to write for other person; you want to have jurisdiction of your own... Here, in the court of appeals, it is you, the judge, who holds the authority to adjudicate, here *you sign your own decision*, while in the Court there is 'another' [the judge] who decides; it does not matter that you have drafted yourself the decision; what finally matters is who takes it.<sup>13</sup>

The number of Court clerks and law clerks working at the Court has increased gradually. This is particularly so in the case of the latter.<sup>14</sup> In 1990, a Court-packing plan promoted by then-President Carlos Menem (1989-1999) that enlarged the Court from five to nine Justices,<sup>15</sup> also expanded the number of law clerks dramatically: from approximately thirty in the 1980s to over 150 by the mid-1990s (Verbitsky 1993:75; Helmke 2005:179). A few clerks among those I interacted during my fieldwork (from August 2005 to March 2007) estimated their actual number to be about two hundred.<sup>16</sup>

The post-enlargement Court (so-called "the Menem's Court")<sup>17</sup> has been highly criticised (Baglini and D'Ambrosio 1993; Verbitsky 1993; Oteiza 1994; Carrió 1996; Gargarella 1996, 2004; Miller 2003; Helmke 2005). However, these critiques focused on more normative and political aspects of the enlarged Court's workings and decisions. The enlargement also has affected somehow the way in which judicial bureaucrats imagined and performed their sociality. As it emerges from clerks' accounts, in particular those who entered the Court in the mid-1970s, perceptions about the Court as a site in which people knew each other dominated the field; [...] "each Ministro (Justice) had only one or two clerks," a clerk explained to me. Another clerk, appealing to a kinship metaphor, remembers the pre-enlargement Court as a family: "Every morning the justices stopped by the clerks' offices to check if everything was okay and to ask if we needed anything ... we were like a little family ... with the Court's enlargement, this went out of our hands..." Remarkably, from another

perspective, critical to this clerk's invocation of kinship, a younger clerk makes sense of the family metaphor in these terms: "They [older clerks] speak about the 'Court of 5' (five Justices), an elite Court,<sup>18</sup> as the best Court ever, not because of its members' intellectual skills--actually they were better—but because of the Court's size; it was a small Court and they knew one another. (...) "Though Menenismo<sup>19</sup> changed many things dramatically in the Court, for the worse, it also made the Court a more accessible place."<sup>20</sup>

## **Roles**

The aforementioned separation between *vocalías* and *secretarías* that I first encountered through a detailed look at the judicial directory, and later apprehended through my subjects' accounts, actually elicits a division of labour inside the Court that pivots on clerks' views of their works in terms of creativity, instrumentality and agency. Notably, this division of labour is enacted in relation to the clerical movement of files within the judicial institution. For the most part, Supreme Court's dossiers are created upon the texts of appeals to lower courts' judicial decisions or upon lawsuits that are filed before the Court directly. Moreover, dossiers are made up of every bureaucratic matter involving the Court's daily operation, such as staff issues, payroll, internal procedure and organization, budget administration, management. Leaving aside the empirical question of whether a file entertains a bureaucratic affair or a judicial affair, they are ultimately circulated to the Justices for their opinion. Yet, in most of the cases, and depending on the type of appeal in question, they are first reviewed by a *secretaría* determined by the particular branch of law the case deals with. As an example, appeals involving lawsuits filed by bank depositors against the "freezing" of their savings in US dollars during the 2001-2 economic crisis are sent to the *secretaría* or desk that deals with Tax, Customs and Banking issues for a legal opinion before their circulation among the Justices. My dossier, given that the subject matter was framed as an "administrative" affair at the outset, was sent directly to the Court General Administration for review, and later forwarded to the Justices for their opinions.

In this scheme, *vocalías* (the Justices' offices) are consistently depicted as the venue in which creativity "happens", "flows", while judicial *secretarías* or judicial desks are the "instruments" through which Justices know the Court's previous rulings on similar cases. As a *secretaría* clerk explained to me: "the role of the *secretaría* is just technical; hence, the duty of the *secretaría*'s staff is to offer the Justices all the current available possibilities to help them reach a decision on the new case." Yet, the opposition between creativity (*vocalías*) and instrumentality (*secretarías*) that clerks pointed out to me, evokes a very powerful image of *secretarías* as the "guardians" of the Court's precedents and of the *secretarías*' chairs (Court clerks) as "simple executors" (*meros ejecutores*) who manage the circulation of files and assist the Justices in this proceeding. "You know, a Court clerk is an assistant; who gives the orders is

someone else [the judge]”, a Justice’s clerk argued, recalling in this way, the existing “gap” between judges and clerks, pointed out by the judge and ex-clerk’s account above discussed.

In contrast to this, the data shows that those who work for the justices do not themselves seem bound by the Court’s precedents as the secretaría’s staff attorneys do. Indeed, at the vocalías, “you can choose,” as one Justice’s clerk argued, furthering this idea of creativity, which she experienced as the possibility to make “new” law, leaving aside the precedents.<sup>21</sup> In a similar sense, another Justice’s clerk stated: “you can create the decision with the Ministro (Justice).” Yet, in the course of an interview, a law clerk explained to me how she had to change her discursive practices according to the clerical post she held at the Court—first she had been assigned to clerk for the “Court” in a secretaría; and later, she clerked just for a Justice, in a vocalía.

In the first case, I had to address my legal opinions to the entire Court, to the all Justices... I wrote my opinions to the Court as an institution...; whereas in the second case, I drafted the opinions only for my Ministro... I had to write as if I were him... I wrote only for myself [the Justice].

Nonetheless, the scheme of creativity versus instrumentality on which my subjects draw is not as rigid as the clerks’ portrayal would lead one to believe. On the contrary, it leaves room for both subtle and meaningful variations on the roles my subjects depict, in particular, those played by the clerks in the secretarías. For instance, a clerk of a secretaría, whose account drew heavily on the idea of secretarías as only technical bodies, told to me that despite the fact she did not work for any particular Justice, she had been “called” (consulted) directly by the Justices on several occasions due to her expertise in a very specific sub-field of law (“very technical, with no political implications”). I return to this particular point further below. Along the same line, the chair of one of the secretarías mentioned that his supervision of the circulation of the file was hardly a bureaucratic proceeding; in some instances his intervention became a significant tool for reaching a majority opinion, he said to me very proudly. Equally proud of his work, a clerk from a secretaría told me about an opinion he had just drafted in a case (involving a fundamental right issue, as he made it clear) in this way:

Clerk: I drafted that opinion based on my philosophical beliefs. I strongly draw on natural law, and the rationale of the opinion cites natural law arguments. I could not have done it, but I did it.

I: So, why did you do it?

Clerk: Because I have to be congruent with myself; because the Court has drawn previously on natural

law, and also there is a large tradition that precedes my pre-comprehension. I cannot put my personal beliefs only because I want to do it. I back my opinions on thousands of authors and on the Court's case law with similar arguments.

As the above accounts suggest the binary *vocalías* and *secretarías* works on a discourse that both furthers and denies the autonomy of human agents. At *vocalías*, agency is acknowledged by the (law clerks') possibility to leave aside precedents, and to "create" the law. Agency and creativity, therefore, appear as identical features, and, implicit in this association, is the assumption that agency—like creativity—is linked to will or intention (cf. Strathern 1999:17; Leach 2004:152). Now, turning to the *secretarías*, my subjects' discourses elaborate on a form of agency that rejects the autonomy of human agents by stressing the technical and instrumental role of the *secretaría's* staff attorneys, who come to value the constraints of their agency in the service of "papering" things or being the voice of the Court's precedents.

Further, in the context of the practices that I observed within the Court, the displacement of agency that operates in the *secretarías* draws attention to their clerks' commitment to conform their workings to an ideal model of adjudication. Here, judicial bureaucrats are seen as operators of a machine; or "operators of the law" (cf. Merryman 1985), as they are commonly referred to in the civil law tradition literature. In this sense, the constraint of agency that emerges in the clerks' view of their work might constitute a rhetorical tool for the maintenance of bureaucracy's rationality, since it ultimately works to cast these subjects' workings on a rational and objective basis. In other words, "they [Court bureaucrats] present a version of themselves as they would like to be seen", to borrow Strathern's terms (1999:19). An anecdote told by a *secretaría* staff attorney shows how this modality of agency is deeply embedded in judicial bureaucrats' consciousness and social practices (cf. Merry and Brenneis: 2004): a draft containing a legal opinion on a case was sent back to the *secretaría* that had drafted it because it conveyed the opinion of the chair of the *secretaría* rather than that of the Court.

Yet, one could find analogies between this modality of agency in which these clerks see themselves as "instruments" and "mediators" and what Miyazaki has termed in his study of a community of religious practitioners in Fiji, the "abeyance of agency" (1998).<sup>22</sup> According to Miyazaki, one way to understand agency abeyance is to view it as the ultimate strategic act of rhetorical manipulation (Miyazaki 1998:42); though he is far from endorsing the conceptualizations of the abeyance of agency as purely strategic—e.g. either as an excuse for human agency (cf. Herzfeld 1997), or as a tool for controlling risks (cf. Keane 1994).

## **Subjects as Documents**

In the internal organization of the judicial bureaucracy, persons are easily identified by the positions they hold inside the institution. A careful reading of the large Supreme Court's Directory (*Guía Judicial*) was useful in this sense. People are listed in alphabetical order according to the functions they are assigned within the institution, which helped me outline a scheme of division of labour within the institution and orient my inquiry. My encounter with judicial bureaucrats worked largely on the basis that their names were referred to me by their colleagues or found in the judicial nomenclature due to the posts these people held and the functions they were said to perform in the judicial apparatus, for instance, clerks study the cases and draft legal opinions; judges decide upon clerks' opinions.

Underlying this view, furthered by the clerks' above descriptions about their workings in the Court is the notion that persons and things are interchangeable; that is to say, the subjects of decision-making practices are surrogated and, therefore, apprehended through the texts and documents they create; in other words, persons are "objectified" by the things they produce (cf. Strathern 1988). From this perspective, the subjects of judicial practices are narrated, described, and understood through their interventions in the judicial process, which, as I mentioned in the previous section, take place within the contours of the dossier. Consequently, creativity and instrumentality are categories which might work for either persons or their labour, in the understanding that both are identical. This point is illustrated by Alain Pottage (building his argument on Strathern's ethnographic analogy): "Things [in a commodity economy] are cast as independent forces in the world, and the agency of persons is distinguished or disclosed by their interventions in, or modifications of these forces. The agency of persons is therefore understood in terms of an idiom of labour, or productivity, so that personal relations are reified in the composition of things" (2001:114).

In Strathern's view, objectification is understood as "the manner in which persons and things are construed as having value, that is, are objects of people's subjective regard or of their creation" (1988:176). Moreover, in Strathern's account, objectification becomes a basis of comparison between two economies—Euro-American commodity economy, on the one hand; and Melanesia's gift economy, on the other—with the assumption that this artifact enables simultaneous perceptions of similar and different process in each (*ibid.*). As Pottage (2001) explains, Strathern's ambition is to enact an analogical counterpart to the cultural domain of Euro-America, a perspective from which the presuppositions and contexts of that domain can be made visible.

“If we take symbols as the mechanisms through which people make the world known (objectify it), these mechanisms themselves may or may not be an explicit source of their knowledge practices. The commodity logic of Westerners leads them to search for knowledge about things (and persons as things); the gift logic of Melanesians to make known to themselves persons (and things as persons). For the one makes an explicit practice out of apprehending the nature or character (convention) of objects, the other their capabilities or animate powers (invention). If I call these practices reification and personification then, in the first case people are making objects appear as things, in the second as persons” (Strathern 1988: 176-7).

### **Role Players**

Strathern’s description about these two modes of objectification of persons and things in a commodity and gift exchange economies, helps elaborate on the different perspectives from which the subjects of bureaucratic practices become apparent and cognizable. Nonetheless, this suggested juxtaposition of forms is not a claim of a direct correlation or influence; rather, it is just an exercise in thinking about legal practices through the appropriateness of forms (Strathern 1999). Accordingly, as I indicated above, the subjects of Court documentary practices are mostly regarded through their interventions in the files. Personhood, therefore, is grasped in the practice of “papering”, that is, in the practice of creating the judicial dossier. However, following Strathern’s insight about how objectification operates in a gift economy, one may also encounter a parallel form in which files render the subjects of Court documentary practices visible, not just as objects or things, but as relations and persons. In other words, if persons may take the forms of the things they produce, as previously described, they may also appear and be grasped as persons, that is, “as positions from which people perceive one another” (Strathern 1999:15). These relations become apparent through the commonsensical routine of circulation of files or dossiers within the Court, as I describe below.

Under the gift exchange logic, Strathern argues, specific relations are created “through the separation of persons from one another”; and, it is through relations that persons are defined in respect of one another;<sup>23</sup> but relations are personified in the separation of persons to the extent that persons (continue to) (thereby) have an effect on one another” (1999:16). Gifts, she explains, reify or objectify the capacities and powers contained in persons/relations. Relations are “endowed with effect, in anticipation of—or in commemoration of—being activated,” although the effectiveness of relations “depends on the form in which certain objects appear”(ibid.).

I do not seek to compare Court dossiers with Hageners' wealth items; nor the circulation of files with gift exchange rituals. However, in one sense this analogy may work: it indicates a similar aesthetic effect. Accordingly, the dossier, like the transacted resource in the gift, holds out the possibility to elicit and actualize personal capacities. Here, I have in mind the relations that the circulation of files discloses, in a mode that conceal them from view. To expand on this point, I return to the opening anecdote about my Court dossier:

After several months of trying to get "formal" access to the Court, I found myself holding a bundle of sheets [my dossier], the last of which granted me permission to conduct "normal research" in the Court's library. Indeed, the dossier that had intrigued me for months consisted only of eleven pages, four of which were the introductory letter I had addressed to the President of the Court and its Spanish translation. The rest of the dossier contained: the short text of the decision and the official communications addressed to my thesis supervisor and to the dean for graduate legal studies at Cornell Law School; my request to access the file; another decision which allowed me the access requested; and lastly, a notification addressed to me, informing that I was granted permission to read the file. When I asked the Court's staff member who gave me a copy of the dossier about the rationale of that decision, he responded that, as in all other cases, the document outlining the rationale was only for "internal" circulation, which, he insisted, could not be accessed by me.

In other words, regardless of how files are initiated,<sup>24</sup> the practices of the various figures involved in document-making seem to converge in one particular action: the practice of the file circulation (*circulación del expediente*). The circulation of dossiers is manifested in different dimensions: materially, in the quotidian passage of carts saturated with files that are pulled by the Court's staff along the corridors of the *Palacio de Tribunales* (the Palace of Tribunals, home of the Supreme Court)—an aesthetically powerful ritual; and virtually, in the check of electronic records. Both rituals lend regularity to the file circulation practice, quintessential to any bureaucratic organization, making both the institution's documents and subjects knowable.

In addition to this, the material circulation of files within the institution produces an effervescence of textuality that is manifest into resolutions, legal opinions, memoranda, reports, conclusions; documents are attached (as different layers, one below the other) in the order of circulation of a given file—to the extent that my subjects tend to measure the size of the file by the "thickness" of the layering. Thus, if there are different legal opinions on a case, all of them are probably enclosed in the dossier through their accompanying memoranda.<sup>25</sup> However, as one of the Court clerk confided to me, "the better the memorandum is written at the outset, the faster the decision

on the case will be achieved”, meaning that an exhaustive memorandum is most likely not to be challenged.

As I mentioned above, the clerical movement of files can be tracked through the check of the Court’s electronic records,<sup>26</sup> which makes possible, as in my own case, to follow up the status of dossiers. However, in the proceeding of tracking down one’s file, one is presented with a version of the file in which all but its ends—or the file’s top (an appeal or a lawsuit) and bottom (a decision or the final ruling in the case) layers—remain concealed from view. In other words, the whole argumentative sphere is missing. I am not interested here in uncovering the conceptual structure of Court’s judgments that the apparent “bifurcation” of its discursive practices may articulate (Lasser 2005); nor in the “meaning” and the “politics” underlying these documents (Riles 2006b). Rather, by pointing out to the documents that bureaucratic practices veil, I elaborate on the mode in which they make persons and relations visible within the contours of the judicial apparatus. From this perspective, the composite of arguments, opinions, conclusions, and even the recount of facts usually assembled in the memorandum that accompanies the legal opinion (*proyecto de sentencia*) in a case, are relevant not so much as the foundation of a decision that may or may not be accessible to others, but as the forms in which persons unfold and are “constituted as persons in the regard of others” (Strathern 1988: 275).

This insight was first suggested to me by the Court’s officer denial of access to the rationale of the decision on my dossier, on the basis that the documents [containing such a rationale] were only for internal circulation, from which I was excluded in my petitioner capacity. Later, this idea about the subjects’ of the judicial bureaucracy becoming apparent not in the form of the documents they create, but as persons themselves, was even more palpable in these subjects’ own descriptions of the circulation of files. For instance, in one of the interviews that I conducted with law clerks, one of them (a Justice’s clerk) stated that the memorandum enclosed in the file was something “written to us”, meaning by “us” the people who study the case and write legal opinions. She explained further: “the case must be studied, and the memo reflects such study; it is to persuade the other, the people who will read the file [...] without the memo, nothing is convincing ... (T)he memo is like a dialogue, as most of the time deliberation is written.” Indeed, the memo is perceived as the venue that makes discussion possible, since arguments and counter-arguments are deployed and exhausted beyond the external scrutiny. But more importantly, as I describe below, it is in this commonsensical bureaucratic practice of writing, amending, and discarding memoranda through which the subjects that create these documents are elicited.

In the secretarías, memoranda are generally initialed, a practice that not only enables identification through the physical presence of the author’s initials on the document (cf. Biagioli 2006), but according to some of the law clerks also evidences the secretaría chair’s (Court clerk) deference to his staff lawyers’ professional skills. At one of the secretaría, a law clerk who had held previously a clerical post at a Justice’s office confessed to me that her newly

adopted practice of initialling her memoranda actually helped her overcome the feeling of being pulled back by her relocation from a *vocalía* to a *secretaría*. “Initially, I felt like a sort of political devaluation (*devaluación política*);” and she explained to me that clerking for a Justice implied some managerial advantages for her: “if you need something it is most likely that you get it faster if you work for a Justice than in any other place in the Court.” However, she told me that she had realised that to work in a *secretaría* was good “because you are not an anonymous person any more.” She recounted that as a Justice’s clerk she used to work in a team and that her drafting of legal opinions for the Justice was a collective rather than an isolated effort. In contrast to this, “in a *secretaría*, you have to sign in (to write your initials on) your work for it to be identified and criticised by others.” In her view, this act of identification made herself gain her colleagues’ “recognition” and “respect” as an expert in her field of law; “they even praised my writing”, she proudly confided to me.

In this context, the name of the author of the legal document (the clerk) may unfold the same “indicative” and “descriptive” functions as proper names (Biagioli 2006: 138; cf. Foucault 1977).<sup>27</sup> Nonetheless, that the clerks’ names are actually stamped on the documents that they make becomes incidental to the “individuating” effect of these documents in their bureaucratic circuit within the Court. As a few clerks mentioned to me, they were able to identify who wrote the memoranda on the cases of their specialty (e.g. public law, banking) even where the writer’s identity is not disclosed. “There are many people here, in the Court, but we know each other,” was one clerk’s explanation for her ability to identify the authors of anonymous memoranda and legal opinions that come for her review. In other words, regardless of the author’s name on a given document, the bureaucratic knowledge acquired through the “routinization and specialization of tasks” in long term office (cf. Damaška 1986) supplies the basis for identification and recognition. In this context, authorship, if claimed by the subjects that create these documents, does not entail an exercise of ownership of individual labour or of a particular piece of work. Rather, it becomes a mode of making personal capacities visible, and recognizable among peers. A law clerk summarised this recognition’s effect in terms of trust and confidence. As she told me, the fact that she knew who wrote a memo in a case that came for her review would influence her level of confidence about the legal analysis and solution that person proposed in the document. “I know the person”, she said to me, “I know how she works, how she thinks, and how serious and reliable her work can be [...] If I trust her, it is most likely that I will agree with her legal opinion about the issues discussed in the case; if I do not share her opinion, I am sure that she reached such a conclusion because she saw things that probably I have overlooked at first sight”.

## Putting pieces together

At this point, I would like to return to the description that one of my subjects, a law clerk, made of her work at one of the Court's secretarías. As she explained to me, her role in the Court consisted of giving expert advice on a very specific and technical sub-field of law, "with no political implications". She provided this emphasis to make it clear that she would keep herself apart from any "external" influence (whatever it is) that, in her view, might compromise her judgment. For instance, she would not meet the counsels or the parties of a case to hear informally their arguments, an ordinary practice in the Argentine Court: "I don't need them [the parties' arguments] to reach my opinion in a case ... I read every file page; I read everything that is written [in the file]; and what is not, that will not make me change my mind". Likewise, if she had to choose between her clerical post at the secretaría and a clerical position for a Justice in particular, she would decide to maintain her current position, as it would be difficult for her to keep her legal expertise if she worked at a *vocalía*: "Justices' clerks have to be more versatile," she asserted. In this clerk's view, clerks' meeting with the parties, or even her potential abandoning her field of specialization are perceived as "a failure of knowledge" (Riles 2004b:396)—a failure of her own knowledge and unique role as a legal 'technician.' These circumstances represent a "deviation from proper bureaucratic practices" (*ibid.*), that is to say, from rational and objective adjudication.

While describing her professional tasks, this clerk insisted on the idea that she gave only technical legal advice, that she drafted technical legal opinions and that she discussed only technical issues in the memoranda she wrote for the Court; she even saw herself as a technician. Consequently, the clerk gives an account of herself through her interventions in the process of judicial law-making: the documents she produces. From this perspective, these documents are taken as a proxy of [her] agency, as both the clerk and the relations of knowledge she elucidates are disclosed and apprehended in terms of her labour or productivity. Persons and documents, therefore, become the same thing and are knowable in this capacity.

Nonetheless, another way in which the subjects of this regime of documentary practices are made apparent is not in the form of the documents (things) they create, but as persons themselves. Files stage a relation between the participants of these documentary practices through which their personal capacities are elicited and actualised. From this perspective, which the practice of adjudication keeps concealed from view, each participant is differentiated as a particular person, and apprehended in her or his specific capacities. This effect of individuation (*cf.* Strathern 1988) takes place throughout the circuit that files complete within the Court. Or to put it in different words, the circulation of files, as a sort of ceremonial exchange, supplies "the context or vehicle for this constitutive display of capacities" (Pottage 2001: 114). From this perspective, the anecdote told by the same clerk about the Justices' call for

her expert advice, also noted earlier, becomes even more meaningful. “They [the Justices] have listened to me, they had confidence in me,” she affirmed while recalling that episode.

## **Conclusion**

In building upon Strathern’s account of the forms that activate persons and things in two disparate social domains such as Euro-America and Melanesia, I sought to bring attention to the simplifications underlying “radical” representations of judicial bureaucrats’ practices. Neither totally subjective or even discretionary, as indicated for instance by studies of the Argentine judiciary,<sup>28</sup> nor absolutely mechanical and emotionally disengaged, as portrayed by a conception of judicial adjudication as just an act of legal interpretation, these practices demand that scholars engage in their analysis with proper analytical tools. These tools may enact different forms of cognition of the subjects and contribute to leave behind the dichotomies modern/pre-modern, objective/subjective, stable/erratic, to which legal bureaucrats’ behaviour is often reduced. In this sense, bureaucracy’s own files offer an analytical space from where socio-legal scholarship can orient its inquiry.

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## **Biographical Note**

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## **Notes**

<sup>1</sup> I use the terms Justices, Supreme Court Judges or the local term *Ministros* (Ministers) indistinctively throughout the article.

<sup>2</sup> This qualified majority (5 out of 7) is explained by the two vacancies in the Court from September 2005 to December 2006. Law 26183 (B.O. December 18 2006) cut down the

number of the Supreme Court Justices from nine to five. However, since the number of Justices was seven at the time the law was passed the same statute established that the Court would be composed provisionally by seven members, and that four (out of seven justices) would make majority.

<sup>3</sup>For the purpose of this article, I use files and dossiers as identical categories.

<sup>4</sup>In this respect, dossiers are the forms in which every issue is incarnated: “Toute affaire, du moins dans nos pays de droit écrit, a pour enveloppe corporelle une chemise cartonnée liée par des élastiques” (Latour 2004:83).

<sup>5</sup>It is worth noting that in advocating for non-judicial mechanisms of dispute resolution such as ADR, my research subjects point toward files’ ‘material’ aggregation of knowledge as a logic that limits and constraints the search for [legal] truth. Interview, November 9 2006.

<sup>6</sup>Some scholars see the civilian legal cultures’ emphasis on written documents as a sort of “text-fetishism”. I thank Mariana Valverde for this observation (personal comm., June 19 2008). Other scholars interpret the influence of legal texts on traditional civilian judging as the manifestation of a dominantly positivist approach to law (cf. Ginzburg 1999).

<sup>7</sup>“Foucault has directed our attention to the discursive power of these artifacts [documents]; as documents should not simply be viewed as tools, but also as texts, responsible for producing or objectifying the subjects that use them [...] Further, links might be drawn between the technology of the document and the regimes of observation or surveillance that make this documentation possible” (Reed 2006: 158).

<sup>8</sup>In describing the dossier as “a found object of fieldwork” I seek to emphasise the unexpected turning of my research request into my artifact, that is, my point of entry into my subjects’ knowledge practices, and an orienting analytical tool. This finding, however, is not a novel one: documents, as objects of modernity, are “the salient artifacts that ethnographers are now bound to encounter in modern fieldwork contexts from law to science, to the arts, religion, activism, and market institutions” (Riles 2006a: 4). Moreover, grasping the unexpected and unpredicted is essential to the fieldwork enterprise. I thank an anonymous JLA reviewer for this observation.

<sup>9</sup>The first judicial desk handles Civil and Commercial Law issues; the second, cases on Civil and Social Security Law; the third, entertains Criminal Law matters; the fourth, Administrative Law or Public Law; the sixth, Labor Law; the seventh, Tax Law, Customs and Banking affairs; and the eighth studies cases of original jurisdiction. The fifth, who had been inactive for years, was recently “re-launched” as the secretary that handles “cases of institutional importance or of interest for the public”(cf. Acordada Corte Suprema de Justicia de la Nacion [Supreme Court bylaw] No.18 of May 30, 2006); this means that it does not specialize in issues related to a particular branch of law, but considers cases that either all Justices, or the Chief Justice by himself, may deem relevant for public opinion, such as a class action on water pollution issues, the annulment of laws precluding criminal prosecution of human rights violators in the latest dictatorship. Additionally, there is a desk of jurisprudence and comparative law, which is the only judicial desk chaired by a woman. Only 6 women have held the position of Court clerk, three of them have been in charge of the desk of jurisprudence.

<sup>10</sup>Reglamento para la Justicia Nacional, Acordada Corte Suprema de Justicia de la Nacion [Bylaw for the National Judiciary] section 102 bis, 224 Fallos 575 (1952)

<sup>11</sup>Reglamento para la Justicia Nacional, Acordada Corte Suprema de Justicia de la Nacion [Bylaw for the National Judiciary] section 88 224 Fallos 575 (1952)

<sup>12</sup>For instance, of the two “exclusive” (or private) elevators existing in the Court’s building, the Tribunals’ Palace, (Palacio de Tribunales), one is assigned to Supreme Court Judges, and the other to the lower-court judges, clerks and other high-ranking judicial bureaucrats.

<sup>13</sup> Interview, December 10 2006.

<sup>14</sup> The Court has been established in 1863; the first clerkship position was created in 1865 (cf. Danelián and Ramos Feijoó 1990).

<sup>15</sup> See Law 26183, December 18, 2006, B.O. 31055, *supra* note 2.

<sup>16</sup> Sabelli (2007) breaks down this number among clerks who actually assist the judges and the secretarias, and other lawyers who, holding the position of clerks, perform other kinds of jobs (i.e. at the Court Library, the Court general administration, etc.).

<sup>17</sup> Also called “the Menem’s Court”, since the post-enlargement Justices ended up grouping themselves in a so-called “automatic majority”, partial to the Menem administration’s position in every pressing political issue decided by the Court (Miller 2003; Gargarella 2004).

<sup>18</sup> Sociologist Ana Kunz (1989) has elaborated on the social profile of the Argentine Supreme Court Justices between 1930 and 1983. She inquires into aspects such as the justices’ places of birth, legal training, and social origins, exploring the working relations between justices’ social origins and their attitudes toward religion, and that between magistrates’ social origins and type of government (democratic rule or military rule) under which they came to power. She also pays attention to the Justices’ ideology, their specialization in private or public law, their scholarly activities and involvement with academia and/or politics. Kunz concludes that almost half of the Justices of the Supreme Court had been drafted from the highest social strata (aristocracy and upper-class) during democratic rule. The representation of these strata reached almost the two-thirds of the total of the Court members during periods of military rule. In addition, Kun argues that the Supreme Court magistrates’ high participation in university teaching helped improve their prestige vis-à-vis other social sectors that perceived such activity as a guarantor of authority and furthered the image of the Court as an elite institution (1989:30).

<sup>19</sup> *Supra* note 17.

<sup>20</sup> Following Kunz’s insights, one might interrogate whether the enlargement actually opened the Court to lower social strata, as this clerk’s account suggests. *Supra* note 18.

<sup>21</sup> The organization of the Argentine judiciary was inspired by that of United States, and the judicial review doctrine that grants courts the authority to declare the unconstitutionality of norms has been acknowledged in the Argentine Court’s jurisprudence as “implicit” in the text of the constitution, mimicking, in this way, the development and tradition of judicial review in the United States. However, unlike US courts, Argentine tribunals do not follow the *stare decisis* doctrine. That is to say, that lower-instance courts in Argentina are not legally obliged to follow the Supreme Court’s precedents; although, in fact, they may always follow them.

<sup>22</sup> “What makes religious rituals consequential is not the intentions of experientially inaccessible entities from religious practitioners’ viewpoint but the limits placed, at least temporarily, on their own capacity to make sense of events or even their capacity to act” (Miyazaki 1998:32).

<sup>23</sup> A useful way of thinking about Strathern’s argument is through the relationship between donor and recipient, which she takes as the paradigm here: “it is in each distinguishing himself from his partner—in order to undertake the transaction—that the relationship between them becomes visible. Each acts with the other in mind” (Strathern 1999:16).

<sup>24</sup> As I explained above, Supreme Court’s dossiers are generally created upon the texts of appeals to lower courts’ judicial decisions or upon lawsuits that are filed before the

Court directly. Additionally, dossiers are made up of every bureaucratic matter, like my request to conduct research in the Court.

<sup>25</sup> These documents are not attached to the main dossier actually; rather, they are enclosed in an accompanying yellow paper folder that circulates along with the dossier.

<sup>26</sup> A Court's bylaw enacted in 2004 established the electronic publication of the circulation of Court's dossiers.

<sup>27</sup> Biagioli recalls Foucault's insight on the functions of the author's name, as described in reference to proper names' own functions. Building upon Foucault's association between the proper name and the author's name, I extend it to a memorandum, in light of the observed effects of these documents. As Biagioli recounts, Foucault finds proper names both indicative and descriptive; though they "can also function as a label that does not refer to any specific person and yet constitutes a certain body of texts as a unified whole" (Biagioli 2006:138). In Foucault's view, these multiple functions of the author's name reflect different operational logics in regimes of fields and disciplines (cf. Biagioli 2006; Foucault 1977). Nonetheless, in contrast to Foucault's empirical assertion that the scientific method "had supplanted the name of the author as the entity demarcating scientific texts from other kinds of works", Biagioli argues that "the name of the scientist has always remained crucial [...] the author's name may have become 'banal' in modern science, but its role is more crucial than ever" (Biagioli 2006:140).

<sup>28</sup> For instance, Sarrabayrouse Oliveira (2004), describes the Argentine judiciary as a double-faced body: on the one hand, a modern institution, a bureaucratic apparatus, governed by universal and general rules; and, on the other hand, a world of personal relations characterised by a pervading clientelismo (a clientele, patronage system), status, and hierarchy. Building upon Da Matta (1989), this author argues that these apparently contradictory "worlds" nonetheless operate in a relationship of reciprocal reflexivity: they feed and complement each other. In large extent, Sarrabayrouse Oliveira's account seeks to foreground multiple forms of kinship relationships that she encounters within the local judiciary: "it changes according to the context and the actor who enunciates it" (2004:211). However, in my opinion, to assume kinship as an encompassing analytical category poses a risk for the analysis itself: while trying to make kinship visible—either rooted in biology; or made up by social practices; or as a symbol, embodied in the 'judicial family' metaphor—the analysis takes kinship for granted, turning it into almost the single logic that drives the institution's workings. Ultimately, the local judiciary is cast as a distorted image of what a judicial system should be.

## References

- Baglini, Raúl and Ángel D'Ambrosio (1993) *Juicio a la Corte*. Buenos Aires: Mecanografix.
- Ben-Ari, Eyal (1994) "Caretaking with a Pen? Documentation, Classification, and 'Normal' Development in a Japanese Day Care Center", *International Review of Modern Sociology* 24 (2): 31-48, 32. Cited in: Marie-Andrée Jacob, *The Match of Relatedness: Bureaucracy, Legitimation and Kinship in Organ Transplants*. J.S.D. Dissertation. Ithaca, NY: Cornell University, 2006.
- Biagioli, Mario (2006) "Documents of Documents: Scientists' Names and Scientific Claims", in Annelise Riles (ed.) *Documents: Artifacts of Modern Knowledge*, pp. 127-157. Ann Arbor: University of Michigan Press.
- Bourdieu, Pierre (1987) "The Force of Law: Toward a Sociology of the Juridical Field" *Hastings Law Review* 38:805-53.

- Carrió, Alejandro (1996) *La Corte Suprema y su independencia*. Buenos Aires: Abeledo-Perrot.
- Damaška, Mirjan R. (1986) *The Faces of Justice and State Authority. A Comparative Approach to the Legal Process*. New Haven and London: Yale University Press.
- Da Matta, Roberto (1980) *Carnavais, malandros e herois*. Ed. Zahar. Rio de Janeiro. Cited in: Maria José Sarabayrouse Oliveira, “La Justicia Penal y los universos coexistentes. Reglas universales y relaciones personales”, in Sofia Tiscornia (ed.) *Burocracias y Violencia, Estudios de Antropología Jurídica* pp. 203-41 Buenos Aires: Facultad de Filosofía y Letras, 2004.
- Danelián, Miguel and Claudio Ramos Feijoó (1990) “Secretarías Judiciales de la Corte Suprema de Justicia de la Nación”, *La Ley Sec. Doctrina (B)*: 1218-1225.
- Derrida, Jacques (1997) *Mal de Archivo. Una impresión Freudiana*. Madrid: Trotta.
- Dauber, Kenneth (1995) “Bureaucratizing the Ethnographer’s Magic”, *Current Anthropology* 36 (1): 75-95.
- Foucault, Michel (1977) *Discipline and Punish: The Birth of the Prison*. Alan Sheridan (trans.) London: Penguin. Cited in: Adam Reed, “Documents Unfolding”, in Annelise Riles (ed.) *Documents, Artifacts of Modern Knowledge* pp.158-77, 2006.
- Gargarella, Roberto (1996) *La Justicia frente al gobierno: Sobre el carácter contramayoritario del poder judicial*. Barcelona: Ariel.
- Gargarella, Roberto (2004) “In search of a Democratic Justice-What Courts Should Not Do: Argentina 1983-2002”, in Siri Gloppen et al. (eds.) *Democratization and the Judiciary: the accountability function of courts in new democracies*, pp. 181-197. London: Frank Cass.
- Ginzburg, Carlo (1999) *The Judge and the Historian: marginal notes on a late-twentieth-century miscarriage of justice*. London-New York: Verso.
- Goody, Jack (1986) *The logic of writing and the organization of society*. Cambridge: Cambridge University Press.
- Helmke, Gretchen (2005) *Courts under Constraints: Judges, Generals and Presidents in Argentina*. Cambridge: Cambridge University Press.
- Herzfeld, Michael (1997) *Cultural Intimacy: Social Poetics in the Nation-state*. New York and London: Routledge. Cited in: Hirokazu Miyazaki, “Faith and its fulfillment: agency, exchange, and the Fijian aesthetics of completion”, *American Ethnologist* 27 (1):31-51, 2000.
- Jacob, Marie-Andrée (2006) *The Match of Relatedness: Bureaucracy, Legitimation and Kinship in Organ Transplants*. J.S.D. Dissertation. Ithaca, NY: Cornell University
- Keane, Webb (1994) “The Value of Words and the Meaning of Things in Eastern Indonesian Exchange”, *Man (n.s.)* 29(3): 605-629. Cited in: Hirokazu Miyazaki, “Faith and its fulfillment: agency, exchange, and the Fijian aesthetics of completion”, *American Ethnologist* 27 (1):31-51, 2000.
- Kunz, Ana E. (1989) *Los Magistrados de la Corte Suprema de la Nación (1930-*

- 1983), Buenos Aires: Instituto de Investigaciones Jurídicas y Sociales Ambrosio L. Rioja, Facultad de Derecho y Ciencias Sociales Universidad de Buenos Aires.
- Lasser, Mitchel de S.-O. -I.'E. (2005) *Judicial Deliberations: A Comparative Analysis of Judicial Transparency and Legitimacy*. Oxford: Oxford University Press.
- Latour, Bruno (2004). *La Fabrique du droit. Une ethnographie du Conseil d'Etat*. Paris: La Decouverte/Poche.
- Leach, James (2004) "Modes of Creativity", in Eric Hirsch and Marilyn Strathern (eds.) *Transactions and Creations: Property Debates and the Stimulus of Melanesia*. New York, Oxford: Berghahn Books.
- Maurer, Bill (2002) "Anthropological and Accounting Knowledge in Islamic Banking and Finance. Rethinking Critical Accounts", *Journal of the Royal Anthropological Institute (N.S)* 8: 645-667.
- Merry, Sally Engle and Donald Brenneis (2004), "Introduction", in Sally Engle Merry and Donald Brenneis (eds.) *Law & Empire in the Pacific, Fiji and Hawai'i* pp. 3-34. Santa Fe, NM: School of American Research Press.
- Merryman, John Henry (1985), *The Civil Law Tradition: An Introduction to the Legal Systems of Western Europe and Latin America*, second edition. Stanford, CA: Stanford University Press
- Miller, Jonathan (1997) "Judicial Review and Constitutional Stability: A Sociology of the U.S. Model and its collapse in Argentina", *Hastings International and Comparative Law Review* 21: 77-176.
- Miller, Jonathan (2003) "A Typology of Legal Transplants: Using Sociology, Legal History and Argentine Examples to Explain the Transplant Process" *American Journal of Comparative Law* 51:839-885.
- Miyazaki, Hirokazu (2000) "Faith and its fulfillment: agency, exchange, and the Fijian aesthetics of completion", *American Ethnologist* 27 (1):31-51.
- Oteiza, Eduardo (1994) *La Corte Suprema: Entre la justicia sin política y la política sin Justicia*. La Plata: Editora Platense S.R.L.
- Pottage, Alain (2001) "Persons and things: an ethnographic analogy", *Economy and Society* 30 (1): 112-138.
- Reed, Adam (2006) "Documents Unfolding", in Annelise Riles (ed.) *Documents, Artifacts of Modern Knowledge* pp.158-77. Ann Arbor: The University of Michigan Press.
- Riles, Annelise (2000) *The Network Inside Out*. Ann Arbor: University of Michigan Press.
- Riles, Annelise (2004a) "Property as Legal Knowledge: Means and Ends" *Royal Anthropological Institute (N.S.)* 10:775-795.
- Riles, Annelise (2004b) "Real Time: Unwinding technocratic and anthropological knowledge" *American Ethnologist* 31 (3) 392-405.
- Riles, Annelise (2005) "A New Agenda for the Cultural Study of Law: Taking on the technicalities" *Buffalo Law Review* 53: 973-1033.
- Riles, Annelise (2006a) "Introduction: In Response", in Annelise Riles (ed.) *Documents: Artifacts of Modern Knowledge* pp. 1-38. Ann Arbor: University of Michigan Press.
- Riles, Annelise (2006b) "[Deadlines]: Removing the Brackets on Politics in

- Bureaucratic and Anthropological Analysis”, in Annelise Riles (ed.) Documents: Artifacts of Modern Knowledge pp. 71-92. Ann Arbor: University of Michigan Press.
- Riles, Annelise (forthcoming) Collateral Knowledge: Legal Reason in the Global Financial Markets.
- Sabelli, Héctor E. (2007) “Cómo trabaja la Corte”, *Jurisprudencia Argentina Suplemento (I)*: 3-11.
- Sarrabayrouse Oliveira, Maria José (2004) “La Justicia Penal y los universos coexistentes. Reglas universales y relaciones personales”, in Sofia Tiscornia (ed.) *Burocracias y Violencia, Estudios de Antropología Jurídica* pp. 203-41. Buenos Aires: Facultad de Filosofía y Letras.
- Smith, Dorothy (1984) “Textually mediated social organization” *International Social Science Journal* 36 (1): 59-75.
- Strathern, Marilyn (1988) *The Gender of the Gift. Problems with Women and Problem with Society in Melanesia*. Berkeley, CA: University of California Press.
- Strathern, Marilyn (1999) *Property, Substance and Effect: Anthropological Essays on Persons and Things*. London & New Brunswick, NJ: The Athlone Press.
- Strathern, Marilyn (2000) *Audit Cultures: anthropological studies in accountability, ethics, and the academy*. London: Routledge.
- Verbitsky, Horacio (1993) *Hacer la Corte*. Buenos Aires: Editorial Planeta.
- Weber, Max. 1968 “Bureaucracy”, in Samuel N. Eisenstadt (ed.) *Max Weber On Charisma and Institution Building: Selected Papers* pp. 66-77. Chicago: University of Chicago Press.
- Yngvesson, Barbara and Susan Bibler Coutin (2006), “Backed by Papers: Undoing Persons, Histories, and Return” *American Ethnologist* 33(2):177-190.

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