



WORKSHOP ABSTRACT

Tracing Legal Artifacts in Contexts of Violence

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Abstract: This panel invites scholars to unbind the study of law and its material instruments from the courtroom space in contexts of violence. How might documents, objects, and other artifacts that are excluded from trials or legal proceedings leave traces throughout the life course of a case, for instance, in war tribunals, truth and reconciliation proceedings, or asylum cases? How do the artifacts that fail to find a foothold continue to echo through archives, households, neighborhoods, and the weave of social life? Anthropologists have described the methodological challenges of studying how mass violence transforms the social (Navarro 2020), pointing to the ways that “fragments of subjective experience” (Rechtman 2006) fail to fit the demands of law’s sharp-edged categories (e.g. criminal legal elements, categories of civilian and combatant, and definitions of harm) and notions of procedurally legitimate evidence (e.g. hearsay exclusions). In a burgeoning literature on documents, anthropologists note the central importance of case files as a device that gathers and excludes certain documents in constructing legal cases (Latour 2010, Oorschot and Schinkel 2015). In the face of these exclusions, scholars demonstrated how people create “counter archives” (Hakyemez 2017) while striving to render their experiences of violence legally visible, collating documents that become, at once, tools for contesting state narratives and forming memories within kinship (Hussain 2019; Cronin-Furman and Krystalli 2021; Sehdev and Haldar 2022). Bringing this concern with documents and legal proceedings to bear on the study of violence, this panel asks scholars to move beyond equating absence with exclusion. We encourage tracking how exclusions of certain materials that speak to violence continue to produce echoes in legal institutions and beyond. We welcome papers charting these circulations and their political and ethical stakes across empirical contexts.

SESSION SCHEDULE

Tuesday, September 24, 2024 | Slot 5 | Room 4

Talia Katz: On The Disappointments of the Human: Psychodrama and the Eichmann Trial

Anna Wherry: Documents in the Grip of Doubt: Household, Madness, and the Real after Demobilization in Colombia

Marina Vieira: Race and Objects on Trial: From Persecution to Cultural Heritage

SESSION PAPERS

On The Disappointments of the Human: Psychodrama and the Eichmann Trial

Talia Katz

This paper re-approaches the well-studied Eichmann trial in Jerusalem (Criminal Case No. 40/61, AttorneyGeneral v. Adolf Eichmann) from the perspective of two "minor characters" – psychodrama therapists who use theatre methods for the purpose of healing. Tracing psychiatric knowledge production at law's margins, this paper attends to the life of an artifact produced for the courtroom that never quite managed to gain a foothold within. Drawing on archival research across Tel Aviv University's Department of Psychiatry, Yad Vashem in Jerusalem, and the Harvard Countway Library, this paper asks what might be learned about the figure of the human in the shadows of mass violence, about changing norms around psychiatric knowledge production, and about self-knowledge, from spending time with an incongruent and polyvocal psychiatric evaluation? The paper addresses the ethical and political stakes of a singular moment in the genealogy of the persecution of war crimes, wherein the Israeli prosecution turned to psychiatric evidence to prove mens rea in a genocide charge. Contrasting the juridical and psychodramatic subject thus offers a way to attend to the disappointments of law and the stretching of the figure of the human in the shadows of mass violence.

Documents in the Grip of Doubt: Household, Madness, and the Real after Demobilization in Colombia

Anna Wherry

This paper follows "Gio," a former militant in the Revolutionary Armed Forces of Colombia, as he compiles and circulates documents into a carpeta (file/folder) while seeking state protection for anonymous threats. Gio's search for protection unfolds after the Colombian Constitutional Court's 2022 State of Unconstitutional Affairs ruling for the government's failure to prevent the assassination of former guerrilla militants who participated in the 2016 peace agreement. To date, Gio's carpeta and its documents have never been taken up by legal institutions and he has never received protective mechanisms. Instead of viewing this as a failure of the law to protect, the paper contends that Gio's and his kin's efforts to circulate his folder perform crucial work in the weave of relations during crisis, even as they never become official files. This paper shows how the carpeta mediates doubts over whether Gio's threats are "real" or merely a symptom of, in his kin's words, "a paranoid delirium," helping the household gain a foothold in what "could be named as the madness of the milieu itself" (Das 2020). Gio's circulation of documents prompts a reexamination of the case file in legal anthropology. Anthropologists have illuminated how case files assemble materials that epistemically constitute legal objects. Gio's use of carpeta points to another kind of "file" that emerges from within a household, one whose life reveals a mode of securing kinship relations in the aftermath of war.

Race and Objects on Trial: From Persecution to Cultural Heritage

Marina Vieira

This study examines the persecution of Afro-Brazilian religions, focusing on the arrests of practitioners and the seizure of liturgical objects by police authorities in Sergipe from the late 19th century to the mid-1940s—a phenomenon also observed in various other regions of Brazil. The research maps cases of objects seized as evidence of crime that later became collections of police museums or historical institutes in Brazil, as a way of understanding the collection of Afro-Brazilian religious objects at the Historical Geographic Institute of Sergipe [Instituto Histórico Geográfico de Sergipe, IHGSE]. By comparing and contextualizing the Sergipe case with similar occurrences in other Brazilian states, such as Rio de Janeiro and Alagoas, this study seeks to illuminate broader patterns of religious persecution and the formation of such collections of objects. The methodology employed is archival ethnography, involving the analysis of documents from the IHGSE Archive and legal records from the Sergipe State Justice Archive. This approach aims to elucidate how judicial proceedings were used to institutionalize persecution, a process now recognized as religious racism. The same Brazilian Constitution of 1891, which guaranteed religious freedom, was used to persecute these minority groups, based on legal articles that enforced the law of silence (public disturbance) and the regulation of medicine, condemning the rituals as the practice of “witchcraft healing” and the illegal exercise of medicine. In recent years, in several Brazilian states, these objects have undergone processes of restitution and cultural heritage recognition. The objects that were once proof of crimes against Candomblé and Umbanda practitioners are now proof of the state's violence and racism.