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Article

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Relocalizing the Judicial Space: Place, Access and Mobilization in Judicial Practice in Post-crisis Argentina

Leticia Barrera

Abstract

This article presents an image of the judicial space that seeks to challenge ubiquitous representations and scholarly metaphors of legal settings that recreate judicial practice as constrained within a delimited site. The article draws on ethnographic work conducted at the Argentine Supreme Court between August 2005 and March 2007, and focuses on the direct observation of the Argentine Supreme Court's daily dynamic articulated by concrete senses of mobility and access. Additionally, it builds upon the aesthetics of restoration, prompted by the scene of the restoration of the Court's building, to suggest the tensions that arise out of the efforts to reconstruct the judicial order in post 2001–2-crisis Argentina, constantly disrupted by the institution's own routine.

Keywords

Judicial space; access; mobilization; restoration

I. The Forms of Restoration and Legal Practice

1 Aesthetics

What I first noticed upon my arrival at the Argentine Supreme Court of Justice in August 2005 to conduct field work was that the façade of the "Palacio de Tribunales" (Tribunal Palace) (hereinafter the "palacio"), the Supreme Court's house, was being restored. In 1995, after noticing that the building façade was seriously damaged, and that many parts had already collapsed, a project for consolidating the entire building was implemented. The restoration process began in 1997 and would continue for a few more years.[1]

1. "Las acciones de preservación en los edificios de la Justicia," *La Nación* (Buenos Aires), December 26, 2001, Architecture Section.

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Figure 1. Restoration works on the *Palacio's* front façade, Buenos Aires, January 31, 2007

Not only did the restoration works dominate the landscape but they also modified it affecting the movements of those who interacted within the judicial apparatus (Figure 1). The front access to the building, for instance, was constantly moved away according to the physical needs of the restoration project, thus confusing people as to where they should access the *palacio.* Throughout my fieldwork, I was able to see partial results of the restoration process as different parts of the façade were gradually uncovered to the public, revealing delicate details of the building's original architecture. Until January 2008, these details remained unnoticeable; first, because of the aged aspect of the building; and, later, once restoration was underway, due to the scaffolding and veil that covered the façade to protect both workers and passersby. In fact, the building which I first entered in late August 2005 looked very different from the one I left behind in March 2007 when I finished my fieldwork. And yet, when I visited the Court in the summer of 2008 during my follow-up research, the same building looked even more renovated. In this lapse, conservation workings managed to imprint a light and vivid appearance to the old and opaque *palacio* across Lavalle Square ("Plaza Lavalle") in downtown Buenos Aires.

My appeal to the forms of restoration may be viewed here as a way of setting the stage of judicial practice, as encountered in the Argentine Court. More than describing a physical place, I draw on the forms of restoration seeking to convey the mode in which the judicial institution gets negotiated in this space. To me, my fieldsite often melted into the landscape of restoration. But I do not intend to make here a claim of direct correlation or

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influence.[2] This is only an exercise through which I seek to think about legal practices by appealing to other forms of culture; in this case, to the forms of restoration.[3]

2 Disruption and Continuity

Restoration holds the promise that everything will be perfect in the future; but meanwhile, everything is a mess, that is, the present appears chaotic and impractical.[4] It is this idea of "messiness," as suggested by the restoration works at the Court, which, on the one hand, I attempt to capture in this article through the description of my own ethnographic access to the Court's building. In focusing on its spatial aspects, such as infrastructure, appearance, internal distribution, as well as the daily dynamics of its social space, I seek to bring to the forefront the actual appearance of the Court's site. The image of my account suggests a dysfunctional space (and institution); an image that reflects the dominant perception of the judicial space and of the federal judiciary currently among legal experts (lawyers, legal scholars, NGO staffers, and even judges) and laymen, such as litigants and spectators. This view is epitomized in the "general store" metaphor which Supreme Court Justice Carlos Fayt drew upon in response to a group of journalists who asked him about his colleague Justice Belluscio's resignation from the Supreme Court in June 2005. "The Court has become a general store" ("la Corte se ha convertido en un almacén de ramos generales"),[5] the judge replied, giving voice, in plain language, to critiques of the Supreme Court's becoming everything *but* a highly specialized tribunal in the last years due, principally, to the dramatic enlargement of its docket.[6] Seen in this

2. Nathaniel Berman, "Modernism, Nationalism, and the Rhetoric of Reconstruction," *Yale Journal of Law and Humanities* 4 (1992): 351–80, p. 352.
3. Elsewhere, I engaged in a similar exercise. See Leticia Barrera, "Files Circulation and the Forms of Legal Experts: Agency and Personhood in the Argentine Supreme Court," *Journal of Legal Anthropology* 1 (2008), pp. 3–24. See, more generally, Marilyn Strathern, *Property, Substance and Effect: Anthropological Essays on Persons and Things* (London & New Brunswick, NJ: The Athlone Press, 1999); Annelise Riles, *The Network Inside Out* (Ann Arbor: The University of Michigan Press, 2001).
4. I am thankful to Annelise Riles for this observation.
5. "Fayt dice que la Corte se ha convertido en un almacén de ramos generales," *Clarín* (Buenos Aires), June 8, 2005.
6. Gretchen Helmke (citing both private and public statistics) argues that "between 1974 and 1984 the average number of cases decided annually by the Argentine Supreme Court was between 4,000 and 5,000. Between 1984 and 1994, that figure rose slightly to an average of approximately 6,000. But since 1997 it has skyrocketed to over 36,000." See: Gretchen Helmke, *Courts under Constraints. Judges, Generals, and Presidents in Argentina* (Cambridge: Cambridge University Press, 2005), 177 (citing FORES (Foro de Estudios sobre la Administración de Justicia), *Diagnóstico de la Justicia Argentina* (Buenos Aires: 1998); N. Guillermo Molinelli, M. Valeria Palanza and Gisela Sin, *Congreso, presidencia y justicia en Argentina. Materiales para su estudio* (Buenos Aires: CEDI-Fundación Gobierno y Sociedad, 1999), 710–13). In the last five years, the number of cases decided by the Court per term totaled 10,393 in 2005; 9,499 in 2006; 51,485 in 2007; 35,710 in 2008; and 16,406 in 2009. These figures, however, exclude the number of cases that retirees filed in the Court following Law 24463 article 19 that established that decisions of the National Social Security court of appeals had to be appealed directly to the

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light, the Court, like a town's general store where the people purchase their general goods, has become the place where virtually any kind of judicial conflict can be heard, in direct contradiction, according to my subjects, with the constitutional mandate that grants the Court exceptional jurisdiction and status of a state power.[7]

On the other hand, I also want to appeal to the notions of preservation and maintenance implicit in restoration's promise to suggest the tensions that arise between the daily dynamics of the judicial space and a specific and settled representation of judicial practice as a localized and detached phenomenon. In my opinion, this latter representation yields *vis-à-vis* the concrete senses of mobility, and even disruption at work within the contemporary judicial space. However, this common understanding of judicial practice is constantly re-enacted by institutional practices that tend to "naturalize" any disruption to the judicial order. Borrowing from Guillaume Ratel's material on the old *Parlement of Toulouse*,[8] I would like to argue that this image of the judicial institution – readily accepted as that of the Court itself – identifies this body with only some particular functions and practices: "those that manifest most clearly the sovereign attributions of the court." As a matter of fact, these are the kinds of activities underlying the accounts of many of my interlocutors at the Court, who claim for the Court to regain legitimacy, to assert its role "as a real state power,"[9] and to behave as a "co-governance body and real check of both Congress and the Executive."[10]

In Ratel's account, the representation of the *parlement* (the court), was restricted to the activities that took place in a particular room, the *Grande Salle d'Audience.* As he argues, this representation of the *parlement* was actually the one "that the *parlementaires* sought to give of themselves"; indeed, a "self-representation" that endured from the creation of the *parlement* onward, and yet, one that was well endorsed by modern historians who constrained their narratives "to the sovereign attributions and political activities that were manifested in that room." Implicit in these historical narratives of the court, he finds a link between "the unity of place" and "unity of action"; a connection that I also embrace in this article to explain how place and knowledge practices are imbricate.

Supreme Court. In 2005, the number of cases involving retirement issues decided by the Court began to drop, which might be explained by Congress' passing of Law 26025 in 2005 that abrogated the former provision. http://www.pjn.gov.ar/07_estadisticas/Trabajos_Especiales/Fallos/indicefallos.htm (accessed June 14, 2010).

7. The organization of Argentine federal courts was inspired by the United States' Constitution (Argentina's Constitution, Second Part: Authorities of the Nation; Third Division: On the Judicial Power; Sections 108: On the Organization of the National Judiciary, 117 and 118). These two latter sections establish the issues that fall under the jurisdiction of federal tribunals, including the Supreme Court. Moreover, the judicial review doctrine granting courts the authority to declare the unconstitutionality of laws has been acknowledged by the Argentine Court's jurisprudence as "implicit" in the text of the Constitution, mimicking the development and tradition of judicial review in the United States.
8. Guillaume Ratel, "Subjects by Law: The Judicial Practices of the Magistrates of the Parlement de Toulouse (1550–1715)," PhD dissertation, in progress, Cornell University.
9. Interview, November 9, 2006.
10. Interview, February 16, 2007.

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Nonetheless, what I understand as a detached and localized representation of the Argentine Court's practices cannot be identified with any individual room, such as the hearing room described by Ratel as the overriding image of the *Parlement*'s activities.[11] Judicial practice at the Court is usually regarded as constrained within a space that is vague and diffuse but nonetheless removed, distant. In my opinion, this space is constantly enacted in the Court bureaucrats' representations of the Court's "essential" functions, for which the tribunal should keep itself apart, detached from those aspects that are not a proper matter of law, that is, of the Court. "There are cases that *should not* be here [in the Court]," a Justice's clerk told me while pointing toward the dossiers piled up for review on her office's floor.[12] Indeed, it is common that law clerks see the current caseload as a deviation from the Court's proper activities, and hence from the status it enjoyed in the past when the Court had more control of its docket.[13] But also importantly, scholarly narratives have contributed to create an image of judicial practice as a phenomenon separated from social practices. In this sense, the field is rich in metaphors of space that further a commonplace image of judicial practice in terms of hierarchy, status, and enclosure. Like Court bureaucrats' accounts, these metaphors work to remove the practice of the tribunal from the public at large; however, while in the bureaucrats' descriptions of the judicial space this is something conceptually diffuse and imprecise, scholarly representations tend to locate the Court's workings "behind-the scene," to borrow Ratel's terms.

In building upon these two aspects of restoration – on the one hand, the messiness and impracticality that a restoration process brings about; and, on the other hand, the preservation and recovery of the damaged object that a restoration project presupposes – I seek to reflect the tensions regarding the construction of judicial authority in the particular post-crisis context in which the Court´s practices that I studied developed. Nonetheless, this effort of renegotiating the semantic field is not the subject of a focused analysis in this article. Rather, I rely on it only *laterally,* through the aesthetics of restoration, to comprehend and restage the everyday practices that I encountered in my field. Therefore, my main argument is that we can gain access and draw useful insights on the Court's contemporary knowledge practices – my larger research subject – by observing the spatial dynamics of the judicial institution as this makes visible how place and the relations it enacts exist in a mutually constitutive association. This means to draw my analysis not only on my direct observation of the Court's daily dynamics, but, more importantly, on particular moments in which the institution is instantiated through the notions and senses of place enacted by the practices of those who interact with the judicial apparatus; specifically, through concrete senses of access and mobility perceived within the Court.

11. As a matter of fact, judicial procedure in Argentina – with the exception of the changes introduced to federal criminal procedure in the early 1990s, and the public hearings that from time to time are held by the Supreme Court – builds upon a marked tradition of written and faceless procedure.
12. Interview, June 22, 2006.
13. Interviews, October 21, 2005, March 3, 2006, June 22, 2006, October 30, 2006, December 15, 2006.

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In a document issued in 2007, the Supreme Court President stated that the Court's present moment (by present moment, he meant the period that began with his taking office as the Court president in January 2007) was a moment of "institutional reconstruction"; the time for restoring the damaged links between the judicial power and society. But also, he remarked, it was the time for reassertion and consolidation of judicial power *vis-à-vis* the other (state) powers. (Ricardo Lorenzetti, *Políticas de Estado para el Poder Judicial,* 1, http://csjn.gov.ar/documentos/novedades.jsp, accessed October 18, 2007). Nonetheless, despite the judge's strong statement of change, the meaning of the consolidation or restoration of the judicial power seems to have no single answer. As I encountered in the field, the question about the kind of judicial authority that is sought to be restored might be interpreted very differently. Responses may vary according to the disparate – and even contrasting sometimes – perceptions and understandings of the judiciary advanced by the multiple actors that in some way or another are involved in judicial practice. For instance, many Court's bureaucrats with whom I interacted usually gave an account of the Court's workings – and of what the Court and the judiciary *should* become – through the instantiation of what is missing from the present. They evoked a social order of relationships in which the Court was that they found better than the present. Likewise, outside the Court, the discourses of many NGO officers and progressive scholars on the role of the judiciary also mourned for what is missing in the present. However, unlike Court agents' discourses, the latter did not draw on representations of past relations taken as exemplars. Rather, they mobilized a different way of embodying the past in the present. In my view, their nostalgic narratives instantiated a gap between reality and ideals of justice, judicial adjudication, and lawmaking, among other institutional practices, that for them have not been achieved yet. For these agents, what is missing might be in the norms, or in the "ought to be" that the present fails to realize – in other words, an instantiation of the canonical distinction between "law in the books" and "law in action."

The judicial space that emerges from my account seeks to challenge the ubiquitous representation of judicial practice as a phenomenon constrained within a delimited site, as it points toward practices that are seen as external to judicial decision-making. In so doing, it offers the possibility to rethink the contemporary judicial space and to elaborate on the efforts to negotiate the judicial authority triggered from constant disruptions to the juridical order generated by these practices. My argument, however, would not be complete without explaining my point of departure. Accordingly, in the next section, after introducing a brief vignette about law's relationship to place, I address descriptions of legal settings that successfully show how place (i.e. courtrooms) may become an artefact of political and symbolic systems. Nonetheless, despite my sympathy for these approaches, I find them still engaged with the notion of place as static, fixed, an even external phenomenon. In the subsequent section I introduce the bodies of literature that informs this article and my larger research project. Later, I provide a description of the Court's spatiality that seeks to replicate my own access to the institution. A series of metaphors of space through which judicial actors and socio-legal scholars imagine and re-create the judicial

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institution also flow in my description. However, as the ethnographic materials presented in this article will demonstrate, the commonplace representations of the judicial space that these metaphors further are challenged permanently by the Court's own social dynamics. Building upon the relations of space and knowledge that unfold in legal bureaucracy's practice, I return in the conclusion to the point about the re-construction of judicial authority suggested by the aesthetics of the Court's building restoration.

II. The Symbolic Place

The association of law and place usually spawns enduring debates about the *place of law.* As Sarat, Douglas and Umphrey assert: "It is difficult to think of law without adding the name of a place – be it a powerful nation-state, or a small municipality".[14] These debates are beyond the scope of this work, although it is worth mentioning them very briefly.

Law's relationship to place has usually been analyzed in fairly standard geopolitical terms – territory, sovereignty, jurisdiction, etc.[15] However, new analytical forms emerging from recent socio-legal scholarship offer alternative ways, bureaucratic;[16] disciplinary;[17] ideological; etc., of conceptualizing the role of law in the construction of place and *vice versa*. Sarat, Douglas and Umphrey notice a shift in the literature about the modes of interpreting place *vis-à-vis* law, which, leaving behind geopolitical notions of place, asks instead about its sociological construction. According to these authors, this literature may be grouped in two general ways of thinking about the place of law in social life: the instrumentalist, on the one hand; and constitutive, on the other hand. For the instrumentalist, law is just a tool, an auxiliary for changing aspects of social life or maintaining the *status quo.* Instrumentalism draws on a firm division between the legal and the social, and, therefore, denies that law is already an integral part of what it regulates.[18] Law is interpreted as outside of real life, as an artificial category. In contrast to this, the constitutive perspective takes law's interior place in society as the starting point for its analysis. Law shapes society from inside out, and is imbricate in social relations[19] – law is a part of the structure in which social action is embedded.[20] In thinking about the place of law, the scholars who adopt the constitutive perspective, "tend to see the links between law and society at the level of networks of legal practices on the one hand, and clusters of beliefs, on the other."[21]

14. Austin Sarat, Lawrence Douglas, and Martha Merrill Umphrey, "Where (or What) Is the Place of Law? An Introduction," in Austin Sarat, Lawrence Douglas and Martha Merrill Umphrey eds., *The Place of Law* (Ann Arbor: The University of Michigan Press, 2003), p. 1.
15. Op. cit.
16. See Annelise Riles, *The Network Inside Out.*
17. See Susan S. Silbey and Patricia Ewick, "The Architecture of Authority: The Place of Law in the Space of Science," in Austin Sarat, Lawrence Douglas & Martha Merrill Umphrey eds., *The Place of Law* (Ann Arbor: The University of Michigan Press, 2003).
18. Sarat, Douglas & Umphrey, op. cit, p. 6.
19. Op. cit, p. 19.
20. See David Trubek, "Where the Action Is: Critical Legal Studies and Empiricism," *Stanford Law Review* 36: (1984), pp. 575–622.
21. Sarat, Douglas & Umphrey, op. cit, p. 7.

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Particularly, descriptions of the legal settings, mostly courtrooms, have played a central role in socio-legal analysis of courts' decision-making processes. In recreating courtrooms' designs and management, scholars seek to account for the nature of the legal proceedings they observe. Rituality, drama, performance, constraint, and surveillance, are some of the categories used to describe court's life. And the aesthetics of courtrooms may themselves at times adopt an overtly political role.[22]

In accounting for courts' spatial aspects, scholars usually build upon generalizations about the court's symbolic construction.[23] This idea is epitomized in Antoine Garapon's work *Bien Juger, Essai sur le Rituel Judiciaire*, in which the author studies an architectural style specific to the construction of the judicial space.[24] The canon of "architecture

22. As we see, for instance, in Hannah Arendt's description of the courtroom where the Nazi criminal Adolf Eichmann was tried: "the proceedings happen on a stage before an audience, with the usher's marvelous shout at the beginning of each session producing the effect of the rising curtain. Whoever planned this auditorium in the newly built *Beth Ha' am*, the House of the People (now surrounded by high fences, guarded from roof to cellar by heavily armed police, and with a row of wooden barracks in the front courtyard in which all comers are expertly frisked), had a theater in mind, complete with orchestra and gallery, with proscenium and stage and with side doors for the actors' entrance." Hannah Arendt, *Eichmann in Jerusalem, A Report of the Banality of Evil* (New York: Penguin Books, 2006), p. 4. As the narrative proceeds, we see that this portrayal of the courtroom is vital for Arendt's critique of the prosecutor and the government's conducts during the trial.

    Likewise, Lissa Hajjar portrays the courtrooms of the Israeli military court system as instantiations of the Israeli-Palestinian conflict itself: "The bench is on an elevated dais, enabling judges to survey the room over which they preside. It requires little stretch of imagination to read the position of judges as analogous to that of the Israeli state they represent, or the courtroom as a synecdoche of Israeli surveillance and control over the occupied territories. Defendants see the courtroom through the bars of a fenced enclosure that surrounds the dock. This, too, is analogous to the constraints and punitive dimensions of life under occupation." Lissa Hajjar, *Courting Conflict: The Israeli Military Court System in the West Bank and Gaza* (Berkeley, Los Angeles: University of California Press, 2005), p. 79.

    Though more subtly, Michael Peletz's account of the informality pervading the atmosphere of Malaysian religious courts (for instance, hearings held in the *kadi*'s chambers and not in the courtroom; the decorations adorning the workspaces; and even the presence of the *kadi*'s children) may be read in equally political terms, as he understands such informality as the manifestation of the role of the *kadi* is called to perform in this legal system: a "family man" who knows about maintaining relationships; supporting a wife and children; and familial duties and responsibilities. Michael Peletz, *Religious Courts and Cultural Politics in Malaysia* (Princeton, NJ: Princeton University Press, 2002).
23. Susan J. Terrio, "You'll Get Your Day in Court: Judging Delinquent Youth at the Paris Palace of Justice," *PoLAR: The Political and Legal Anthropology Review* 26: 2 (2003), pp. 153–6.
24. Garapon follows Robert Jacob and Nadine Marchal's chronology of the process of construction of judicial buildings in France. They account for six periods: the era of adjudication without location (by the end of the twelfth century, approximately); the medieval judicial architecture, by the end of the fifteenth century; the big wave of construction of judicial edifices from Louis XXII to Henri IV; the period of royal power confirmation through majestic monuments; the "classic" period (from 1760 to 1960) in which the judicial style is consolidated and expands

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judiciaire" (judicial architecture), says the author, is the result of a long and complex historical construction. Garapon's genealogy of the "temple de justice" (justice temple) accounts for the symbolic external "registres" (or styles) (cosmological,[25] mythological, religious,[26] and historical, among others) that initially commanded the construction of the judicial space. He notes that when the figure of the "palais du justice" (palace of justice) became associated with that of a "temple" in the early eighteenth century, the emancipation of adjudication from religion was complete, and justice gained symbolic autonomy, that is, justice's symbols became secularized.[27] Garapon also provides a detailed and enlightening description of how canonical judicial architecture gets therefore organized around the notions of distance, neutrality of forms, abstraction, separation, enclosure, symmetry, order, etc., that symbolize modern judicial adjudication (i.e. impartiality, objectivity, detachment, rationality). Remarkably, the symbols, when taken in conjunction, play a significant role in elevating justice to the realm of the sacred.[28]

Place is essential for Garapon's description of what he calls the "**évènement** de juger" (the event of judging, adjudicating);[29] and he succeeds in pointing out the symbolic link between space and judicial practice.[30] Nonetheless, I think that his placing so much emphasis on the symbolic judicial apparatus actually overlooks the effects of mundane bureaucratic practices on the construction of the judicial institution. The "cadre symbolique" through which justice works, according to Garapon, actually builds upon the separation between legal and social practices – law and society are, therefore, mediated through justice's rituals and symbols. In this scheme, judicial practice assumes an artificial and even dramatic character; and gets confined to the legal procedure developed within the boundaries of a fixed locality, the judicial palace.

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across the country; and the current period, whose contours are yet relatively uncertain. Antoine Garapon, *Bien Juger, Essai sur le Rituel Judiciaire* (Paris: Editions Odile Jacob, 1997), p. 24.

25. The connection with the forces of nature seems important for justice. Following Carbonnier, Garapon argues that the tree is a symbol omnipresent in the judicial decoration. Op. cit, p. 25.
26. Though the religious style does not conceptualize adjudication as a directly divine function, this is nonetheless implicit in displays of religious symbols (i.e. crucifixes or reliquaries) that serve to "remind" justices of the ethical content of their work. Op. cit, p. 28.
27. Op. cit, p. 29.
28. Op. cit, pp. 38–9.
29. "Justice's first attitude is neither intellectual nor moral, but architectural and symbolic: to demarcate a perceptible space that keeps moral indignation and public anger at distance, to save time for itself, to establish the rules of the game, to agree upon an objective, and to set up the actors." Op. cit, p. 19.
30. Nowadays, the palaces of justice are abstracts of the judicial procedure, which is itself defined as a socially neutral form: ready to receive any claim or to hear any argument insofar as it follows the right (procedural) forms. Impartiality (of forms) means to search inside (their) impersonality. Op. cit, p. 30. Overall, as Bruno Latour notes, Garapon borrows from ethnologists their "petit bagage de rite-mythe-symbole pour redefnir avec talent la practique juridique." Bruno Latour, *La fabrique du droit. Une ethnographie du Conseil d'État* (Paris: La Découverte/Poche, 2004), p. 292, footnote 63.

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III. The Nature of Place: Theoretical Considerations

As I elaborate further below, place (or the "judicial space," paraphrasing Garapon) unfolds in my fieldsite as a composite of spatial aspects and individual and institutional practices (e.g. files circulation; public hearings); that work to enact the judicial institution – the Argentine Supreme Court, in this case.

In his ethnographic research of Bomana Prison in Port Moresby, Papua New Guinea's capital, anthropologist Adam Reed offers an insightful account of the links between place and relations. Drawing on other anthropologists working in Melanesia, he argues:

> Places take the form and significance through the history of life activity that marks them — the gardens people make, the houses they build, the paths they use, the everyday acts of feeding and sharing (Weiner 1991; Kahn 1996; Leach 2003).[31] Particular landmarks – a river, a group of stones or a mountain – reflect peoples' memories of those events and remind them of obligations. **Sets of relations animate those places, just as places animate those relations.** (emphasis added).[32]

For her part, Annelise Riles recalls that in the early 1990s anthropologists, literary theorists, cultural geographers and even legal scholars all addressed – in various ways – both the constructed and the constructive nature of space and place. That scholarship, she notes, focused on the fundamental role that conceptions of place – aesthetic, geographic and political – played in the formation of personal, group, and national identities: for instance, studies showed that ideological constructions of space and place informed regimes of racial exclusion; that displacement correlated to the loss of personal or group identity; and even that space became a means of resistance and empowerment.[33]

Drawing on the tensions between place and space, Edward Casey approaches the culturally constitutive character of place from a phenomenological point of view.[34] He explains the special ways in which place is manifested, hence stressing its gathering capacity. Minimally, Casey argues, place holds things (both animate and inanimate entities); but it also keeps experiences, histories, and even languages and thoughts: "Being in a place is being in a configurative complex of things."[35] Casey makes it clear that he does not take place to be something simply physical. He argues instead that place is more an

31. James Weiner, *The Empty Place: Poetry, Space and Being among the Foi of Papua New Guinea* (Bloomington: Indiana University Press, 1991); Miriam Kahn, ''Your Place and Mine: Sharing Emotional Landscapes in Wamira, Papua New Guinea'' in Stephen Feld and Keith Basso (eds), *Senses of Place* (Santa Fe, NM: School of American Research Press, 1996), 167-96; James Leach, *Creative Land, Place and Procreation on the Rai Coast of Papua New Guinea* (Oxford: Berghahn Books, 2003). Cited in Adam Reed, *Papua New Guinea's Last Place: Experiences of Constraint in a Postcolonial Prison* (New York, Oxford: Berghahn Books, 2004), p. 3.
32. Op. cit.
33. Annelise Riles, "The Empty Place: Legal Formalities and the Cultural State," in Austin Sarat, Lawrence Douglas and Martha Merrill Umphrey eds, *The Place of Law (*Ann Arbor: The University of Michigan Press, 2003), p. 43.
34. Edward S. Casey, "How to Get from Space to Place in a Fairly Short Stretch of Time. Phenomenological Prolegomena," Steven Feld and Keith H. Basso eds, *Senses of Place* (Santa Fe, NM: School of American Research Press, 1996), pp.13–52.
35. Op. cit, p. 25.

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event than a thing to be assimilated to known categories (i.e. space and time, substance or causality). As events, places continually demand from us new forms of understandings:

> Rather than being one definite sort of thing – for example, physical, spiritual, cultural, social – a given place takes on the qualities of its occupants, reflecting these qualities in its own constitution and description and expressing them in its occurrence as an event: places not only *are,* they *happen* … Sorts of places depend on the kinds of things, as well as the actual things, that make them up.[36] (italics in the original).

Perception, therefore, is central to Casey's phenomenological account of place: there is no knowing or sensing a place except by being in that place; and to be in a place is to be in a position to perceive it.[37] Casey argues that place is the most fundamental form of embodied experience – the site of a powerful fusion of self, space and time.[38] Thus, place is a concrete *experience*.

In one sense, all of these approaches are remarkably consistent: they share a similar starting point – a different engagement with place – which, in turn, opens up different analytical possibilities. This has particular resonances with Science Studies scholar Bruno Latour's work, whose insight about the production and circulation of knowledge is relevant to this article's approach to judicial practice, as it advances the appreciation of legal knowledge as part of a larger network of knowledge practices rather than an isolated outcome (namely the judicial decision) or the result of the actions of a few individuals (e.g. judges). In turning to the study of law by inquiring into the decision-making process in the French *Conseil d'État*, Latour accounts for the legal process as an assemblage of people, texts, everyday objects and even architecture.[39] Following the clerical movement of files, he makes visible the network of people, objects, texts, concepts, and even infrastructure that make up the legal phenomenon.[40]

IV. In the Place

Located across "Plaza Lavalle" (Lavalle Square) in downtown Buenos Aires,[41] the *Palacio de Tribunales* is an eight-story building designed by the French architect Norbert Maillart following the European classicism canon. The project began in 1904. The building opened in 1910 but it was not completed until late 1940s. The building itself is considered a typically eclectic work due to its stone-like façade, its Doric-style pillars,

36. Op. cit, p. 27.
37. Op. cit, pp. 17–18.
38. Steven Feld and Keith H. Basso, "Introduction," in Steven Feld and Keith H. Basso eds, *Senses of Place* (Santa Fe, NM: School of American Research Press, 1996), p. 9.
39. Bruno Latour, *La fabrique du droit.*
40. Op. cit.; see also Ron Levi and Mariana Valverde, "Studying Law by Association: Bruno Latour Goes to the Conseil d'État," *Law and Social Inquiry* 33:3 (2008), pp. 805–25.
41. Specifically in a neighborhood traditionally known as "Tribunales," an approximately eight-square business district that concentrates several federal courts, law firms, notary public offices, law books publishers, the offices of the Buenos Aires Bar Association, among others. For a lively description of the ''Tribunales neighborhood,'' see Lucia Eilbaum, *Los "casos de policia" en la Justicia Federal en Buenos Aires. El Pez por la boca muere*, Buenos Aires, Antropofagia/IDES 2008.

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the monumental appearance, the sculptures, and the sober decoration – features altogether taken as symbols of the function "that the building was called to perform."[42] Visitors can access it through the three public entrances located on the second floor – the main entrance on the front, facing Lavalle Square; and two on each side of the building. The *palacio* not only houses the Supreme Court's offices; it is also the home of federal first instance courts, court of appeals, and a number of other offices involved in the administration of justice. Space organization tends to be vertical – as it is mostly observed in the distribution of the criminal courts: for instance, while the judges in charge of pretrial investigation (instructing judges) are on the third floor, the trial courts are on the seventh.

On the way through the front entrance there is the atrium; on its facing wall, a ten foot-tall statue (an allegory of Justice) dominates the scene. Two lateral hallways connect the atrium to the main court, the building's most vital center. The *patio* hosts a branch of the City of Buenos Aires Bank where attorneys usually line up to pay the docket fees, a post office, and a convenience store. A bit further down, off one of the hallways, there is also the press room. At the rear there is the Federal Court of Appeals' hearing room. This room has a special meaning in the Argentine judicial history, as in that place the military *juntas* that ruled the country from 1976 to 1983 were tried and convicted in December 1985 by this Appeal Court. Thus, any mention of the so-called "juicio a las juntas" (trial to the *juntas*) seems inescapably associated to that courtroom. As a matter of fact, this particular image became a symbol of democratic restoration and subjection of the military dictatorship to the rule of law, even through the uneasy transition. Nowadays, this courtroom is used by the Supreme Court and serves as an *ad hoc* hearing room for other tribunals (i.e. the Supreme Court itself; or the Special Jury that adjudicates in cases – impeachments – against federal judges).

The second floor, the access floor, is also the home of a number of lower court offices – although, as I mentioned above, first instance tribunals and court of appeals are spread across the building – and even of the Supreme Court's admission office (the Court's front-desk), which was moved recently from the fourth to the second floor, certainly a more accessible place than its previous location.[43] Among the offices with significant roles in judicial adjudication other than courts that operate in the *palacio*, I want to note the Judicial Detention Center located in the building's basement. Generally known as the "Alcaida de Tribunales," this detention center is actually a branch of the Federal Penitentiary Service in charge of transporting criminal defendants held in pre-trial detention from the prison facility to the court and *vice versa*. Though visits are not allowed there, family gatherings (mostly women and children) at the entrance of the detention center are part of prisoners' daily arrival and departure routines.

The fourth floor exclusively houses the Supreme Court's offices. The occupants include the seven Court Justices, their law clerks, the Court's General Administration office, a few Court clerks ("Secretarios de Corte," who chair the Court's specialized

42. Comisión Nacional de Museos y de Monumentos y Lugares Históricos. A presidential decree declared the building a national historic monument in 1999. Decree No. 349, April 15, 1999, B.O. April 20, 4.
43. Fieldnotes, February 4, 2008.

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Figure 2. *Salón de Acuerdos (Conference Room)*
(Source: Corte Suprema de Justicia de la Nación webpage http://www.csjn.gov.ar/otras_salas.html. Photo credit: Pablo Molina Almirón)

judicial secretaries or desks), and other clerks that work for these secretaries.[44] Also on the fourth floor, across the Honor Court ("Patio de Honor") there is a compound of rooms devoted to institutional events. Among them, the Court's hearing room or courtroom ("Sala de Audiencias"); the Justices' conference room or "Sala de Acuerdos," where the Justices meet every Tuesday at 9:00 AM around a ten-sided table to approve and sign the final versions of their decisions (Figure 2);[45] the ambassadors' room, devoted to official

44. As I explained elsewhere, law clerks at the Court may work for a Justice, in which case they work in a Justice's "vocalía"; or in one of the Court's eight specialized judicial secretaries – "secretarías" – or desks chaired by Supreme Court clerks. The first *secretaría* 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, which had been inactive for years, was "re-launched" in 2006 as the secretary that handles cases of institutional importance or of interest for the public. Additionally, there is a *secretaría* of jurisprudence and comparative law. Law clerks and Court clerks are equally "funcionarios judiciales" (judicial bureaucrats, civil servants), though they rank differently in the judicial hierarchy (the latter hold a higher-ranking). Leticia Barrera, op. cit.
45. For a more detailed description of this room's furniture and the proceedings held therein, see Héctor Sabelli, "Cómo trabaja la Corte," *Jurisprudencia Argentina* Suplemento I (2007), pp. 3–11.

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gatherings or special occasions;[46] and the so-called "tea room" – at present the Court clerks' waiting room.[47]

In addition to the fourth floor and the second floor, the Court's offices have expanded gradually to other floors, a fact that several of my informants take as evidence of the rapid growth of the Court's body – both in number of its staff members and its docket – since the early 1990s.[48] Accordingly, most of the third floor has been devoted to the Court's office space, including the offices of Court clerks and their law clerks. When I asked about the reasons behind such a spatial distribution, that is Court clerks' offices being located on the third rather than on the fourth floor, an informant responded that many of the third floor's occupants had been relocated as a result of the Court's enlargement process – it was necessary to make room for the new Court's staff, that is the post-enlargement Justices and their clerks, he said. The Justices, he explained to me, traditionally exercise the privilege of locating their clerks' offices nearby.[49] He, however, also believes that in some instances relocations have been used as a means of (masked) punishment to high-ranking Court's functionaries.[50]

The seventh floor is mainly occupied by the Court's Central Library.[51] A big terrace also extends on this floor, around which are situated the offices of the judicial employees'

46. This room is also informally called "el besamanos" (the hand-kissing room), as the Justices gather in this room to greet the Court's staff during Christmas and New Year celebrations. Interview, December 16, 2005.
47. After their Tuesday meeting (at which the Court clerks attend), Justices may decide to deliberate privately on cases. Therefore, the Court clerk whose office is responsible for the case being discussed by the Justices, moves to the tea room to wait to be called if further information on the case is needed. Interviews, October 25, 2005, November 2, 2006, December 14, 2005, December 16, 2005.
48. In 1990, a Court-packing plan promoted by then-President Carlos Menem (1989–1999) enlarged the Court from five to nine Justices. Soon after, the post-enlargement Justices became known as the "automatic majority," as their opinions altogether tended to favor the Menem administration's position in every relevant case that came to the Court for review. In 2006, Congress passed a law cutting down the number of Supreme Court's Justices to five. However, since the number of Justices was seven at the time the law was enacted, it was therefore statutorily established that the Tribunal would be composed provisionally by seven members – and that four (out of seven justices) would make majority (Law No. 26183). The 1990 Supreme Court's enlargement also increased the number of law clerks from approximately 30 in the 1980s to over 150 by the mid-1990s. See, Horacio Verbitsky, *Hacer La Corte* (Buenos Aires: Planeta, 1993), p. 75; Gretchen Helmke, *Courts under Constraints, Judges, Generals and Presidents in Argentina* (Cambridge: Cambridge University Press, 2005), p. 179. My informants' (mostly clerks) estimations about the current number of clerks are vague; a few of them estimated that number to be around 200. Sabelli 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.). Sabelli, op. cit.
49. Interview, December 16, 2005.
50. Interview, December 14, 2005.
51. According to one informant, there are Court offices even on the seventh floor. Interview, August 18, 2006. Another informant told me that the Court's expansion to the seventh

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union, the Federal Police Fire Division, facility management, and public restrooms, among others. The library's reading room is open to the public from 7:30 AM to 7:00 PM. Admittance is allowed upon showing a personal ID, or a Buenos Aires Bar Association's membership card (so-called "Tomo y Folio," in reference to the way that membership numbers are recorded in the Bar Association's files). First-time visitors' names and ID numbers are saved on a computer system for subsequent visits.[52] For instance, in my very first visit to the library's reading room I was asked at the admittance desk if I was a lawyer, to which I responded affirmatively. Then, they requested me to show my Bar Association ID as proof of my professional status. I told the library employee on duty that I did not have one. She looked at me and replied that I had said that I was a lawyer. Yes, I answered, but "I am not a member either of the Buenos Aires Bar Association or of any other bar association." She then asked me for my personal ID and typed the numbers on her computer keyboard. Since then, every time I visited the reading room, I just had to repeat, after greeting the employee on duty at the admittance desk, the words "número de documento" (document number) to warn her or him that I would not access the room by "tomo y folio." The employee then asked me the number and typed it on the keyboard; and I waited for a few seconds until my name popped up on the computer monitor. The admittance routine was completed by the employee repeating my name and my confirmation of it. Only then was I cleared to access the reading room.

On the eighth floor the University of Buenos Aires Law School operates one of its legal clinics, so-called "el práctico" (the practice) in reference to the year-long legal practical course that law students must take to graduate. These classes are held from February to December from Monday to Friday, from 8:00 AM to 8:00 PM. The clinic offers *pro bono* legal counseling to low-income people on issues related to family law, immigration law, tort law (battery), social security law, labor law, criminal law, etc. The clinic also participates in client interviewing during business days (except on Wednesdays), from 8:00 AM to 5:00 PM.[53] As the legal clinic classroom and office are accessible only through the staircase located on the corridor next to the library's reading room, I usually shared the elevator (either the elevator #1 or #2) with students and clients on my way to the Court's library. The elevator #2 takes one directly to the library (and to the clinic); though sometimes this is not the fastest way to get there. During the building's operational hours (from 7:30 AM to 1:30 PM), the line to get a spot in the elevator may take about ten minutes – not to mention during the "rush hours" (11:30 AM to 12:30 PM approximately), when the lines are even longer. There are ten public elevators in total in the building, which from 7:00 AM to 7:00 PM are (mechanically) operated by the *palacio* staff.

floor took place during the latest economic crisis (2001–2002), when the *Secretaría* of Tax, Customs and Banking Law (*Secretaría* No. 7) "collapsed" due to the amount of lawsuits filed by bank depositors. There was not enough room for those files in the *Secretaría*'s third floor offices; thus it was necessary to find a new place to store the dossiers, she explained to me. Personal communication, February 1, 2008.

52. Fieldnotes, September 9, 2005.
53. Universidad de Buenos Aires, Facultad de Derecho, Departamento de Práctica Profesional-Centro de Formación Profesional, http://www.derecho.uba.ar/institucional/depto_pracprofesional_centro_form_prof.php (accessed March 3, 2008).

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The elevators in the building are actually sites of brief intersections: people with different backgrounds come together and break apart. But they also may be regarded as artefacts of the hierarchical (judicial) organization. Signs inside the public elevators citing a 1974 resolution order preferential treatment (priority) to the magistrates who identify themselves as such to elevator operators.[54] In other words, they grant judges a spot on the public elevators. However, I did not see it in practice during my fieldwork. But in my view, that was not because judges do not have priority; but because they usually take elevators other than those assigned to the public. Indeed, besides these elevators, there are two exclusive ones: one for lower-instance judges, Court clerks, law clerks and other judicial bureaucrats; and the other for Supreme Court Justices, which also may be used by distinguished visitors, like high-ranking government officials, foreign chiefs of state, diplomats, etc. The following account shows how hierarchical space distribution may be enacted through the use of elevators: it was January 2007, at the very end of the one-month judicial holiday ("feria judicial"), and I had just finished my interview with a law clerk. She kindly offered to accompany me to the elevator. We left her office and she naturally turned in the direction to the elevator that she, a Court bureaucrat, usually took. She called the elevator while affirming that that would be the fastest way to get out of the building. I asked her if I was "allowed" to use that elevator, and she responded that nobody would care; that it was almost evening, and also the building was empty due to the summer break. Yet, she replied to my query with another anecdote, one of her own: she was walking along with a Court Justice through one of the hallways on the fourth floor. She was relating an informal oral report on a case she was studying. She then stopped suddenly when she realized that the Justice was heading to the Justices' exclusive elevator. Then she asked the Justice the same kind of question I just asked to her: whether she was allowed to get on that elevator reserved for the Justices exclusively. He replied she could because she was with him.[55]

V. Mobilization

The easiest way to get to the fourth floor (the Court's main floor) is taking either of the two main staircases located on the main *patio* on the second floor.[56] Signs painted on the walls indicate the floor numbers, though the fourth floor is exceedingly noticeable by the fences that block the direct passage from the staircases and the hallways to the Court's offices. Nonetheless, as the fences are not fixed, one may access the floor by simply getting around them (usually there is a small break between the fences and the

54. Additionally, following customary courtesy rules, another sign posted on the elevators' facing walls grant priority access to the elevator to people with reduced mobility, pregnant women, and women with babies.
55. Interview, February 20, 2007. Nonetheless, on different occasions I saw people other than clerks using the clerks' elevators. A few of them confided to me that they did so as mode of challenging the judicial hierarchy. Fieldnotes, September 5, 2006.
56. There are eight other (secondary) staircases on the sides and the rear of the *palacio.*

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wall). Once on this floor, the Justices' chambers are easily discernible due to the fact that in front of most of them[57] there is a police officer guarding the door.

The fences in the Court date from the most recent economic crisis that affected Argentina in 2001/2002. Probably the most salient aspect of the economic breakdown (both the financial crisis and the debt default) were the restrictions imposed by the De la Rua Administration on cash withdrawals from bank accounts (the so-called "corralito": the blockade drawn around bank accounts restricting access to savings)[58] and the "pesification" – the forced conversion of the previously frozen savings accounts in US dollars into Argentine pesos at unfavorable rates. The image of hundreds of depositors banging pots at banks´ doorsteps epitomizes that situation. However, this picture leaves aside a series of events that triggered the crisis and eventually led to then-President De la Rua's resignation.[59]

As early as December 2001, thousands of injunctions ("amparos") against the *corralito* were being filed all across the country, both in Federal and Provincial courts, which eventually ended up at the Supreme Court.[60] In the context of the crisis the Supreme Court became a target of middle-class protestors. In the public's imaginary the Supreme Court appeared as co-responsible for the economic collapse since in the moment previous to the crisis the composition of the Court seemed inevitably associated with the Menem Administration and the monetary policy that triggered Argentina's economic

57. With the exception of one Justice's office, the rest are safeguarded by police staff.
58. Decree No. 1570, 2001 (B.O. 29787, 1).
59. Among these events, Smulovitz includes the resignation of the vice president Carlos Alvarez in October 2000, the midterm defeat of the ruling party (the Alliance) on October 14, 2001, key cabinet members' resignations, the IMF refusal to continue paying the bailout loan, and "the still unclear role of some Buenos Aires Province Peronist Party leaders in the lootings that marked the end of De la Rua's government." See Catalina Smulovitz, "Protest by other means. Legal mobilization in the Argentinian Crisis" in Peruzzotti, Enrique and Catalina Smulovitz (eds), *Enforcing the Rule of Law. Citizens and the Media in Latin America* (Pittsburgh, PA: Pittsburgh University Press, 2006).

    President De la Rua resigned on December 20, 2001 in the midst of riots and massive mobilizations held in reaction to his declaration of a state of siege the day before. His resignation followed that of his Minister of Economy, Domingo F. Cavallo, the so-called "father of convertibility" – the ten-year long monetary policy implemented by President Menem in 1991 tying the unit of Argentine currency – the Peso – to the US Dollar's fluctuations. De la Rua's resignation set the country off on a rapid succession of five presidents until Congress appointed Senator Eduardo Duhalde (Peronist Party) as provisional president on January 1, 2002 until new elections were held. For a description of the post-De la Rua adminstration's scenario see Victoria Goddard, "This is History. Nation and Experience in Times of Crisis–Argentina 2001," *History and Anthropology* 17: 3 (2006), p. 267–86; Gretchen Helmke, op. cit; Catalina Smulovitz, op. cit.
60. Based on statistical information provided by the National Judiciary Bulletin for the period 2001–2003, Smulovitz notes that injunctions filed against the *corralito* at the federal judiciary total 396,741. Catalina Smulovitz, "Petitioning and Creating Rights. Judicialization in Argentina" in Rachel Seider, Line Schjolden and Alan Angell eds, *Judicialization of Politics in Latin America* (New York: Palgrave Macmillan, 2005).

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stagnation in the second half of the 1990s.[61] Protesters began to rally outside the *palacio* and even marched to the Justices' private homes replicating an extended mode of demonstration in Argentina so-called "escrache" that builds upon public shaming.[62] Furthermore, the political turmoil triggered by the economic crisis impacted upon the Court so profoundly to the extent that the physical composition of the institution at its highest level changed dramatically from 2002 to 2005.[63]

When recalling the time of the crisis and the overwhelming litigation wave triggered by the *corralito,* a few informants at the Court mentioned to me that they understood the reasons behind people's massive turn to the courts. In their view, people saw the courts as their last recourse, their last hope; and that only the judiciary could guarantee them the rule of law in those critical moments.[64] In the same vein, a document issued by the Supreme Court President in 2007,[65] stated that during the period of transition that came after the 2001/2 crisis it was possible [for the judiciary] to manage the effects of the crisis while continuing with the provision of justice. And this, the judge argued, prevented an institutional debacle.[66]

Nonetheless, since the time of the crisis the fences have been kept at the premises and moved throughout the building according to the multiple demonstrations that usually take place both inside and outside the Court's building.[67] Far from disrupting the Tribunal's everyday practices, the fences have been gradually integrated into the Court's daily landscape, as if they were part of its infrastructure. Likewise, the kinds of protests and manifestations that the fences were supposed to deter have been internalized to the *palacio*'s routines. Accordingly, it would be a mistake to see them as exceptional to or even disruptive of judicial practices. This anecdote illustrates my point: until the Court's handing down a decision on the *corralito*[68] in December 2006, bank depositors used to rally every Tuesday morning at the *palacio*'s doorsteps, and then marched to the fourth floor demanding the

61. See *infra* note 48.
62. *Escraches* developed and became a widespread mode of demonstration in the 1990s in Argentina. They were held by the children of the victims of human rights violations during the 1976–1983 dictatorship (H.I.J.O.S) when criminal prosecution of the perpetrators was foreclosed by the-then effective Due Obedience and Final Stop laws. See, more generally, Susana Kaiser, "*Escraches:* demonstrations, communication and political memory in post-dictatorial Argentina," *Media, Culture & Society* 24: 4 (2002): 499–516.
63. Five out of the six Menem's appointees either were removed from office or resigned to avoid impeachment proceedings during President Néstor Kirchner's Administration (2003–2007). The sixth Menem's appointee had resigned in 2002 during the crisis.
64. Interviews, August 18, 2006; October 30, 2006.
65. See *infra* text box.
66. Ricardo Lorenzetti, op. cit.
67. Another line of fences was placed along the building's front, but at present it was completely removed after the restoration of the frontal façade concluded in January 2008.
68. See "Massa, Juan Agustin c/Poder Ejecutivo Nacional-Dto. 1570/01 y otro s/ amparo Ley 16986", C.S.J.N, 329 Fallos 5913 (2006), a Supreme Court's decision holding that to guarantee both the petitioner's individual property rights and the country's juridical stability*,* the only plausible solution is that banks return the savings in US Dollars in local currency at market exchange rate.

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Figure 3. The Supreme Court's Floor, "the Fourth Floor," September 5, 2006 after the first public hearing held in the *Riachuelo* case

Court's favorable ruling in the case: On September 5, 2006 (Tuesday), in the morning, the Supreme Court Justices were holding the first public hearing on a river pollution case (the so-called "Riachuelo" case)[69] in the Court's hearing room on the fourth floor. Suddenly, a firecracker exploded nearby. The then-Chief Justice turned to the right, and whispered to the Court's Vice-President: "son los ahorristas" ("they are the bank depositors"), and the comment was loud enough to be caught by the microphone and heard by the audience.[70] Few people in the audience smiled at the Justice's comment, and the hearing proceeded as if the protest was not taking place only a few steps from the hearing room.

In addition to the vast repertoire of social protests that hit the judicial scenario in the last several years, other social mobilizations have taken place both inside and outside the *palacio*. Indeed, the building has become a sort of "natural" protest forum for the National

69. "Mendoza, Beatriz Silvia y otros c/ Estado Nacional y otros s/ daños y perjuicios (daños derivados de la contaminación ambiental del Río - Matanza - Riachuelo)," CSJN, LL-2006, 281. This was a lawsuit of original and exclusive Supreme Court's jurisdiction filed by a group of neighbors of one of the vastly populated industrial urban areas in Argentina – the basin of the *Matanza* and *Riachuelo* rivers – that sued the federal government, the province of Buenos Aires, the city of Buenos Aires, and forty-four private corporations that operated in the area for the damages caused by the river pollution.
70. Fieldnotes, September 5, 2006.

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Figure 4. Rallying at the doorsteps of the *Palacio de Tribunales*, February 2006

Judiciary Employees' Union ("Unión de Empleados de la Justicia Nacional – UEJN"); professional associations, like the Buenos Aires Bar Association; Non Profit Organizations (NGOs);[71] associations of retirees; and Human Rights activists. Figure 4 shows a rally organized by the Buenos Aires Bar Association to protest Congress' passing a bill modifying the composition of the Federal Magistracy Council in February 2006. The banner on the left reads "We are the only option"; the other banner, on the right, reads "Defend yourself, participate, get involved."

VI. Access and Mobility

The above descriptions seek to convey a concrete sense of *mobility* within the judicial complex – as a matter of fact, even though random searches are conducted at the front door, everybody is admitted to the *palacio.*[72] This mobility is created by the daily flow of

71. Since 1994, members of "Memoria Activa" (Active Memory), a non-profit organization created after the bombing of the Israeli Mutual Association (AMIA) in July 1994, gather every Monday morning at Lavalle Square at 9:53 AM (the exact time of the bombing) to honor the 85 victims and demand for further legal proceedings on the case.
72. Metal detectors and x-ray scanners were located at all the building entrances in 2009, although there is no always permanent staff to check the scanning procedure at all access points.

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people in dynamic interaction with the judicial apparatus and, to a lesser extent, by the apparent absence of physical constraints to move across the building. Adam Reed accounts for a similar sense of mobility encountered in his ethnographic research of Bomana Prison. Mobility, argues Reed, is produced by the constant arrival and release of prisoners, despite restrictions upon movement and coerced dwelling that incarceration imposes: "Metaphors of enclosure and residence are sometimes substituted by language that emphasises the gaol as a site of continuous dispersal. Prisoners are keen to point out the arrivals and departures, the comings and goings of fellow inmates, in particular, the fact that these movements are often unanticipated. No one can be quite sure who might be arriving tomorrow and who might be released."[73] Nonetheless, he notes that this sense of mobility contrasts to penal routines – "the lack of qualitative change from day to day, month to month" – which inmates experience as "slowing down, a lack of spatial and temporal movement."[74]

Certainly, the experience of detention cannot be compared to the routines that make up the sense of mobility encountered within the *palacio*. However, in both situations, mobility seems to rest on encounters that rapidly disintegrate. The nature of these encounters is synthesized in the *bus stop* metaphor through which a Bomana inmate explained to Reed his vision of the prison: a place where people from different backgrounds are first thrown together and then scattered.[75] When attention rests on brief intersections, argues Reed, notions of stability and coherence drop away. Drawing on this metaphor of the bus stop, he concludes that if the prison can be regarded as a meeting place and site of dispersal, then encounter and mobility become features of incarceration.

Remarkably, the narratives of the subjects that I encountered in the Court account for different senses of access and mobility through which they understand and define contemporary judicial practice. *Access* for instance, became a keyword of the Supreme Court Justices' (in particular the newly appointed ones) discourse of change and accountability informing the new regulations of transparency adopted by the Court in the aftermath of the 2001/2 crisis. Building upon a vigorous communicational strategy aimed at conveying the image of institutional change these regulations introduced new mechanisms into the Court's decision-making process that, in both the institution's discourse and that of its critics (mainly NGOs and the media), worked to render judicial lawmaking more visible and accessible to the public. Paraphrasing a Court Justice, the purpose of these regulations – in particular the Court bylaw that set up public hearings in relevant cases – are to bring the Court to the people, "to humanize it": "meeting the judges in person [as in public hearing] brings about a different perception of the judiciary," she said, "it implies a perception of access to justice."[76]

On more routine grounds, that is to say, at the level of the mundane bureaucratic practices that make up the Court´s workings, also there is a perception of an almost unrestricted access to the Court; that the tribunal is available to hear almost every judicial

73. Adam Reed, *Papua New Guinea's Last Place,* p. 77.
74. Op. cit, p. 88.
75. Op. cit, p. 78.
76. Interview, November 9, 2006

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case in the country.[77] Indeed, this perception of “full access” to the Court pervaded law clerks’ accounts of the workings of the tribunal, to the point that references to the Court’s case load dominated their descriptions of everyday practices.[78] Moreover, through a discourse that evokes the aforementioned general store metaphor drawn by a Court Justice, they found the gradual and steady extension of the Court’s appellate jurisdiction during the last two decades to be responsible for the tribunal’s lost control of its own docket.[79]

Regardless of my informants’ perceptions of access to the Court, it is also worth noting that access – understood as the passage of cases from the courts of appeals to the Supreme Court – is formally governed by specific statutory provisions.[80] Moreover, a Court bylaw sets up formal requirements for appeal documents (i.e. docket fees; a suits’ cover page layout; maximum number of pages for appeals).[81] And even more importantly, the Supreme Court holds the statutorily granted authority to reject appeals at its own discretion,[82] which can operate as a sort of “gatekeeping” practice[83] enabling the tribunal to exclude cases that are deemed “garbage cases”[84] from those that, in the Court’s view, are a matter of judicial (of the Court’s) review.[85]

77. Furthering my informants’ point about the absence of restrictions to access the Court, I would like to mention a personal anecdote from the field: in November 2006 while searching for a Supreme Court decision on the Court’s on-line database I found a Court ruling in a case in which I had collaborated at its very initial stage in 2002. The appeal filed to the Court challenged the candidacy of Antonio D. Bussi to the City of Tucumán mayoral election due to his active participation in Human Rights violations during the military dictatorship that ruled the country between 1976 and 1983. “Castagnaro, Atilio y otros c/ Superior Gobierno de la Provincia de Tucumán (Junta Electoral Provincial)”, CSJN, November 14, 2006, http://www.csjn.gov.ar/documentos/cfal3/ver_fallos.jsp (accessed November 30, 2006).
78. Interview, June 22, 2006.
79. Interviews, March 27, 2006; October 30, 2006; December 21, 2006; February 22, 2007.
80. See Law No. 48, August 25, 1863, R.N. 1863-1869, 49; Law 48; Decree-law 1285, 1958); Decree-law No. 1285, February 4, 1958, B.O.18581,1.
81. See, Supreme Court bylaw No. 4, March 16, 2007, http://www.csjn.gov.ar/documentos/verdoc.jsp (accessed March 26, 2007) .
82. Articles 280 and 285 of Argentina’s Civil and Commercial Procedural Code (amended by Law 23.744) grant the Supreme Court the authority to reject appeals on its own discretion. See Federal Code of Civil and Commercial Procedure, Law No.17454, September 20, 1967, B.O. 21308. According to statistical information compiled by the Argentine Judicial Power from 2002 to 2008, the number of appeals rejected by the Court based on article 280 grew notably in this period: in 2002, 1,714 cases out of 2,906 cases rejected were decided on article 280, whereas in 2008, 3,008 cases out of 6,053 were rejected based on article 280. See http://www.pjn.gov.ar/07_estadisticas/Trabajos_Especiales/Fallos/indicefallos.htm (accessed June 14, 2010).
83. Barbara Yngvesson, *Virtuous Citizens, Disruptive Subjects. Order and Complaint in a New England Court* (New York, London: Routledge, 1998).
84. Op. cit.
85. I argued elsewhere that gatekeeping practices at the Argentine Court operate as a fiction of exclusion: appeals decided upon article 280 are deemed as “garbage cases,” that is, as cases that the Court excludes from its jurisdiction while, in fact, these cases are reviewed like almost any other appeal filed to the Court. See Leticia Barrera, “Performing the Court: Forms and Practices of Legal Knowledge in the Argentine Supreme Court of Justice,” J.S.D. dissertation,

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Drawing on the palpable senses of mobility and access that one may encounter and experience both in direct observation of the judicial palace's daily routine and in the interaction with judicial actors, I want to foreground the potential of this finding – that is, the enactment of the judicial space that arise out of the subjects' quotidian practices – to rethink conventional representations and pervasive metaphors that link judicial practice to a delimited site, or a set of practices and functions. As Reed indicates (questioning the direction of the representational strategies of prison usually found in anthropology and prison studies), these understandings "do not always account for the emphases that subjects provide when describing the nature of their existence."[86] In this sense, I would like to argue, that the accessibility and mobility perceived within the *Palacio de Tribunales* certainly challenges the notions of fixity, separation and symmetry of the judicial space outlined by Garapon's canon of judicial architecture reviewed above. This does not mean, however, that they come into conflict with the formalism and detachment associated with the judicial bureaucracy.[87] On the contrary, the artefacts that enact such mobility simultaneously elucidate bureaucracy's workings: elevators, for instance, while acting as sites of intersection and encounter, nonetheless elicit differences by unfolding the judicial hierarchy and separating out the judiciary from the public at large. Likewise, the fences that indicate routines of political mobilizations and demonstrations also demarcate the borders of the protest forum by isolating the Court's floor. Moreover, the recently adopted practices aimed at opening the Court's decision-making process to public participation like public hearings, or the practice of oral advocacy before the Court, build on a dynamic that works to remove the Court from the public at large, assuming a "staged-for-an-audience" form, where the Other's empirical presence is necessarily required. As a result, these practices that aim to open access to the Court may be experienced simultaneously as images of physical constraint.

VII. Restoring Judicial Authority

The materials discussed in this article show that place is not a neutral scene; rather, it is one of the forms in which the legal bureaucracy is instantiated – a composite of spatial aspects and individual and institutional practices that work to create and perform the judicial institution; in this particular case, the Argentine Court – as much as the circulation of files, public hearings and other documentary practices. This questions, therefore, whether judicial practice is constrained within a delimited spatial site. The senses of mobility and access perceived within the Argentine Court building reveal that judicial practice also unfolds at moments of brief intersections generated by the bureaucratic body's dynamics, challenging, in my view, the conventional understandings of legal

Cornell University (2009). Therefore, by seeing gatekeeping as a fiction of exclusion it is possible to have a better understanding of judicial bureaucrats´ perceptions of the Court as a very accessible place.

86. Adam Reed, op. cit, p. 80.
87. Max Weber, "Bureaucracy".in S.N. Eisenstadt ed., *On Charisma and Institution Building; selected papers* (Chicago: University of Chicago Press, 1968), pp. 66–77.

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knowledge as a localized phenomenon advanced by both the subjects that I encountered in the tribunal and scholarly narratives.

Additionally, in the particular context of the Argentine Court's practices in which I worked – a post-crisis context which I compared elsewhere with the process of restoring a building[88] – these mundane idioms, forms, and practices of the judicial bureaucracy become the site where the institution negotiates its own legitimacy. The set of photos displayed in this article depict an institutional order which is most obviously visible in the photo of the Justices' conference room with the ten-sided table (Figure 2) where Church (the crucifix on the facing wall), State (the Argentine flag in the glass box at the corner) and the ancestors' knowledge (the ex-Supreme Court Justice's portrait on the left) are symbolically brought together in the room for the Justices' guidance. However, this order is challenged permanently from different instances: the rallies and demonstrations that regularly take place both inside and outside the judicial palace, the Court's current case backlog; and even the new sets of knowledge practices, such as public hearings, which have been enacted in response to the demands for transparency spawned by the 2001/2002 crisis. Notably, despite the tensions that they may generate within the judicial space, these disruptions have become "naturalized," integrated into the tribunal's routine. Therefore, the Court is permanently re-enacted through practices articulated in reaction to the challenges to its order. Indeed, these practices work to re-instate the disrupted order and to reconfigure the proper space of law. To a large extent, these reactions are reflected in the photo of the removable fences located on the fourth floor, near the entrance to the Court's inner chambers (Figure 3). It is through these portable fences (supposedly used in temporary instances but now almost a constant presence, if only in their very public storage) that the judicial space is materially recovered from any disruption to its order. Through these fences, then, the Court's authority is preserved; in other words: restored.

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88. Leticia Barrera, "Restoring Legality: Performativity, Transparency, and the Crafting of a New Institutionality" (unpublished conference paper presented at the American Anthropological Association Annual Meeting, San Francisco, November 19–23, 2008).

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