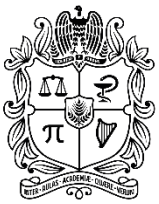

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Thou Shalt not Write. Reading Inscriptions, *Touching Files* and The Sacred in the Constitutional Court of Colombia

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A mi madre

A Guillo

A los trabajadores invisibles de las burocracias

A lo sagrado no conocido…

To my mother

To Guillo

To the invisible workers of bureaucracies

To the sacred unknown…

For as I passed along and carefully observed your objects of worship, I came also upon an altar with this inscription, To the unknown god. Now what you are already worshiping as unknown, this I set forth to you. - Acts 17:23

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Los agradecimientos son un género de particular escritura, que ciertamente despliega una idiosincrática geografía de los afectos. ¿Debería escribir nombres y distribuirlos de acuerdo a mi relación emocional con las personas que designan? ¿Debería en su lugar ubicar de primeras a quienes han afectado más intensamente este trabajo? Pero, ¿qué debería considerar bajo tal categoría de afección intensa o directa? Trataré en todo caso de escapar a esta geografía, si es que esto es posible.

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Y con el miedo de omitir lo importante: a la amiga, colega o profesora no (re)conocida.

Resumen

No escribirás: leer inscripciones, tocar expedientes y lo sagrado en la Corte Constitucional de Colombia.

Esta tesis se ocupa de un objeto sagrado en una institución moderna. Para esto, tomo en serio una metáfora naturalmente ocurrida durante mi paso etnográfico por la Corte Constitucional entre agosto y diciembre de 2019, según la cual un expediente es sagrado al ser un documento público. Me pregunto cómo una tecnología de conocimiento jurídico -una inscripción- como el expediente se convierte en un objeto sagrado en manos de quienes lo manejan y, para ello, me centro en las prácticas de tocar los expedientes de tutela en su revisión. Analizo cómo lo sagrado habla de dos formas diferentes de tocar y relacionarse con esta tecnología: como documento de trabajo y como historia de un caso. En una de estas, la escritura y el tacto de expedientes forman parte del funcionamiento habitual de la Corte y, en la otra, la escritura y el tacto del expediente están restringidos y prohibidos en su circulación. Me centro en la transformación de una versión del expediente en otra, donde la Corte y el expediente se convierten en un macro actor (uno totalmente-otro), mientras que otros actores son invisibilizados en sus prácticas de representación. Así, muestro cómo el expediente organiza la Corte y cómo, en el mismo movimiento, éste se vuelve sensible y envolvente: algo delicado que debe ser protegido, siendo dotado con la riesgosa capacidad de registrar todo a su paso. En esto, al expediente también le es concedida la capacidad de tocar, produciendo un testimonio emocional de la Corte.

Palabras clave: Lo sagrado, inscripciones, burocracias, tacto, afectos, etnografía, Corte Constitucional de Colombia

Abstract

Thou Shalt not Write. Reading Inscriptions, Touching Files and The Sacred in the Constitutional Court of Colombia

This thesis deals with the presence of a sacred object in a modern institution. For this, I take a naturally-occurring metaphor seriously, during my ethnographic passage through this institution between August and December of 2019. According to this metaphor, a file is sacred because it is a public document. I ask how a technology of legal knowledge - an *inscription*- such as the file becomes a sacred object in the hands of its holders. For this, I focus on the practices of touching tutela files in their reviewing. I analyse how the sacred speaks of two different ways of touching and relating with the file: as a working document and as the history of a case. One in which writing and touch are part of the business-as-usual of the Court, and the other in which writing and the touch on files are restricted and forbidden in their circulation. I focus on the transformation of one version of the file into another, in which the Court and the file become a macro actor (a Wholly-other entity), while other actors are absent from their representational practices. Thus, I show how the file organizes the Court and how, in the same movement, it becomes touchy and touching: something delicate that must be protected, being endowed with the risky capacity to record everything in its path. In this, the file is also granted the capacity to touch, producing an emotional witnessing of the Court.

Keywords: The Sacred, Inscriptions, Bureaucracies, Touch, Affects, Ethnography, Constitutional Court of Colombia

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Note on Translation and Confidentiality.

All translations of fragments from interviews, conversations, texts (Spanish) and literature (Spanish and Portuguese) are my own. In speaking of interviews and conversations, I have privileged sense over accuracy, meaning this that I have tried to be more faithful to the use of words in context than to a literal translation. In some cases, when needed, the reader will find some words in Spanish along with the respective clarifications on its meaning and use. Besides, bolds to do emphasis for calling the reader's attention to particular fragments and I the use of squared brackets to add contextual information that would be missed by a literal translation are mine too. On the other hand, for the sake of confidentiality, all the names regarding cases and informants have been changed.

Introduction

What does it mean to say that *we have never been modern*? Does this mean, perhaps, that we have never been secular? This thesis as a project started as one of these intends to revisit the secular as a *we have never been* kind of problem, by focusing on the boundaries between religion, knowledge and the State rhetorically traced in some decisions of the Constitutional Court of Colombia when matters of religious interest were at stake (See Annex A).

However, Malcolm Ashmore, my supervisor, encouraged me to look at the production in-the-making of those decisions and conducting an ethnographic work on the Constitutional Court. A key one, considering that, in Colombia, many public debates concerning the frontiers between the religious and the State usually appeal to the national *Magna Carta*, as well as the Constitutional Court decisions about it. Consequently, I thought of it as a good place to pry into how those boundaries were negotiated.

Then, I made my request to the Court and I was accepted to conduct an observation on the formalities involved in enacting a sentence, however just in one of the nine bureaus of the Court. The first day I went there to meet one of the auxiliary justices of this bureau -Gretha- I told her that I wanted to do an ethnographic observation of the production of a judicial decision, but that nonetheless I was not looking for one of any kind. I was specifically concerned in those in which Religion constituted a fundamental issue to be defined.

However, despite my interest -and Gretha's willingness-, I was prevented at my first (and most important) obstacle from fulfilling what I planned to do. Though the Court deals monthly with tons of cases and produces various decisions, only a few of them have to do with Religion in some way. *"We can wait until one of these cases appears, but they're really unusual and I presume you can't wait too long"*, said Gretha and she was right. Thus, I had to choose whether I wanted to insist on the ethnographic observation of the production of

the judicial decision (by taking the risk of throwing my interest on religion away) or to stick to my original project.

As the reader may think, considering my interest and research topic, the wiser and more acceptable option would have been that of getting back to my original project as, at first, I was not interested in the administrative practices themselves, but in the production of the (non)religious. Nevertheless, for I was already engaged in the idea of doing ethnography of such a key place and as I had put so much effort to get access to the Court, a kind of retreat would have meant, both, a shame and a pity! I was resignedly determined, then, to take a stand for the first option and do ethnographic research in the Court.

However, this did not mean the withdrawal of my interest in Religion. I hoped to find the religious no longer in the sentences, but in the Court itself. For this has been a place of much debate due to the presence of religious symbols and the religious affiliations of some of its justices -as other institutions alike (Ranquetat, 2012)-, I thought something might come out along the way. Yet, to keep this interest alive, I had to submit my research to several changes in the general idea of my quest.

The first one was the selection of the kind of decision I wanted to follow, since the Court produces decisions in three different categories: those related with matters of constitutionality, decisions for the unification of similar jurisprudence and those related to concrete review of decisions taken by other courts, regarding the protection of constitutional rights (here and after: *tutelas*). As the first two entail considerable time to be decided, I preferred to choose the *tutelas*, which cannot exceed three months to be ruled.

The second change was to decide the case of my research. Most of the usual *tutelas* in the Court have to do with pensions and “the right of health”. Thus, as one of the conditions for accessing the Court was to restrict my observation to the office of the Justice that allowed my entrance (here and after: Justice Santamaria), I did not have any control over the main topic of the case. And so, I found myself conducting an observation of the process of reviewing a *tutela* case about material justice. A *tutela* about pensions!

I did not have any chance to look for a different case without running the risk of wasting time. Then, the case I was able to trace imposed its topic on me. Another matter to consider, therefore, was to decide whether or not the case (its content) would be the focus of my

research. If so, my interest would have to be drastically transformed from knowledge, religion and the State to pensions and the production of justice (and maybe the technical disputes and documents embedded in granting people their right to social security). Instead, I thought, If I followed the case as an excuse to see the production of the State and the Law in the particular context of this Court, perhaps this would be more akin to my original interest.

Then, my decision was simple: follow the case to come after my interest somewhere, somehow. Hence, facing the problem of how to grasp an absent object of research. The more I looked for Religion, the more elusive it became. Neither the State, nor the Law would lead me to Religion in following a case about pensions! And the reason for this was not the difficulty to find them in a tangle, it was rather simpler: I was in the wrong quest for a wrong object. One so definite, so particular, that it can only be searched in the places where by definition it must be found: in the churches, in the temples, even in the hearts and souls of the faithful! But not in a Court, in a public institution and much less in following the case I got.

I could not find it in symbols either, such as the controversial crucifix in the room where all the Justices meet (*Sala plena*). One symbol I did not get to know (just barely see in a tour) and that I could not find in the places I frequently passed by. All I got were files. I was so attached to my quest for Religion that I was unaware of my surroundings. Interestingly, at that time I was doing field work, attending the meetings where the case was reviewed for decision making. Meanwhile I was reading most of the works that compound the first chapter of this thesis (a State of the art, a conversation with the literature). And although these pointed at files and documents as active *mediations* for organisational and legal work, I was not taking them seriously.

At least it was that, until an *epiphany* occurred. A scribble appeared on a file and with it – for those who were reading it- the judge of a minor court who issued the decision on the case about pensions that I was following. But this was not just a mere image of the judge, it was like the appearance of a messenger with a *bad feeling*. An annunciation in which -like an *angel*- the judge appears as bringing bad news (*something happened*). A *feeling* that at that moment spread like a rumour to those who were reading the file. A *rumour of angels* -to use the Peter Berger's (1970) provocative expression-. A feeling that the readers of the file were now able to feel too.

And with all of this series of manifestations, a *naturally-occurring metaphor* (Lynch, 1988) emerged. I asked the readers of the file why did they read from the scribble the *bad feeling* from the judge, giving way to an explanation in which the *presence* of the scribble was linked to the sacrality of files within the Court: “a file is sacred”, Gretha said. Thus, emerging its touch (being the scribble a particular way of touch) as a problem to handle… and a problem for me! That after these and other negotiations with the field, mi interest came back! Now I was interested by this scribble and by the files I was overlooking.

Then I had to conduct a sort of *infrastructural inversion* in the sense of paying attention to the backstage of action where files remain as technologies of legal knowledge and things embedded in the day-to-day work of the Court. Something that the Court workers themselves do, for the file is also a thing of special value. If *infrastructures* become visible after breakdown (Bowker & Star, 2000), files seem to have a particularity in that they are, at once, backstage and frontpage. Like two sides of a coin, the file is a thing you must handle all the time, but you cannot touch without precautions, for it is sacred, a “public document”.

This thesis is an effort to seriously take this metaphor, both as discourse and as the practices and entities it speaks of. The complex network it entails! Implying this another inversion, that of what I was looking for. A change from Religion to scribbles and documents that seem to inhabit a public-sacred world. One that consisted in what Malcolm Ashmore called -in one of our conversations about it- a case of “losing a topic, finding a world”. Nothing more accurate! What is this world about? Certainly not one in which Religion, its presence or the secular can be traced, but an opportunity to speak of other *presence*. That which is brought -and that I also help to bring- onto existence as more than a mere scribble.

Thus, instead of looking for a secluded realm to finally find its entanglements, hybridations and connections with other social and not per se social things (my original project), now I get entrapped -and I invite you to get trapped too- by this network of heterogeneous elements, within which technologies, people of flesh and bone, of paper and ink (or graphite) and sacred things meet. A network for which I draw on material-semiotics as a toolkit, “a sensibility to the messy practices of relationality and materiality of the world” (Law, 2009, p. 142). to look at how a file as a technology of legal knowledge -or an *inscription* to use the well-known term- becomes a sacred object in the hands of its holders? And what does it speak of and relates with the Constitutional Court, its workers and their relations?

I approach this question in the form of an ethnography of a particular kind. Not of the Constitutional Court as a place, neither of the reviewing process of a tutela, nor of the production of a decision, but of a sacred object -the tutela file- and of the practices in which it is enacted. A description in which, of course, the other mentioned elements are *touched* in its path. Bureaucratic practices, the processes of pre-selecting cases and the reviewing of the particular case I was allowed to follow will appear assembled in an "ethnographic passage". I took this graceful way to call it from the work of Ashmore & Restrepo Forero (2013) and I use it for referring to a series of descriptions of moments, interviews and moments-interviews around the file as a technology and the description and analysis of that particular file. The result of my passing through the Constitutional Court, which took place from August to December 2019, and that I briefly mention here to offer the reader an idea of its methodological implications:

First, descriptions of moments

Under this category I name the practice of writing about others' practices and my encounter with them. The Constitutional Court is a very protected place, and with this I mean that it is both subject of security practices and has a very stratified division that makes the transit on it (both, the organisation and the building) an "interrupted flow". That implies that to follow a file in its circulation is a very difficult activity, for each step involves a problem of access. Let me recall that my observation was authorised only in the limits of one of the nine bureaus, thus being this interruption the business-as-usual of my visit.

I took advantage of this moments of interruption to dwell on them and describe my passage and to describe with it the circulation of the file. But I also describe those practices, moments and places in which access was possible thanks to the authorisation of my research[1]. One that was mediated by a confidentiality agreement that is important to mention not only as to exemplify this interrupted flow, but to say that in order to fulfil its requirements, I will change all the names of the people involved in the case and in the interviews I conducted.

[1] Moments of interruption are those like my very passage through the security system (turnstiles and lobby) and the petition for access to particular sites. Moments of flow are those in which I could observe, take notes and be there: what the reader will get familiar with as the bureau and the *judicantes* workplace.

Regarding the observation of the practices, I focused on the boring stuff, the business-as-usual or what the members of the Court consider mere technicalities or non-substantial tasks. Practices that are commonly disregarded as important, but that sustain the very flow of the cases and files. And I did that starting by this technology: the file, paying attention to the ways in which it was taken, read and taken-to-be-read (in some cases, distributed). An observation that draws on ethnography of infrastructures (Star, 1999) as a sensibility to look at what otherwise could be “invisible work”, and ethnographies of touch (Blake, 2011), being touch itself and its affective dimension part of the realm of the invisible.

Second, interviews and moments-interview

Almost all of these moments were accompanied by talk, in both interviews and casual conversation. The first being recorded and the second written down. The way I approached this talk is pragmatic in a sense: it focuses on discourse as practice. An approach that is informed by -though not strictly conducting- ethnomethodology, Conversation Analysis and rhetorical analysis, which makes me pay attention to the interactional character of these interviews (what I call moments-interviews) and to “people's methods for conducting social life in an accountable way” (Potter, 1996, p. 43). A means to follow the “actants own ontologies”, a seriously taking of the accounts that the Court workers produce about their practices. Producing a thesis from a metaphor is certainly an attempt of that!

Third, the file

Many of the practices that the Court workers account for are conducted or assembled in the file. In that sense, its semiotics, what it links and represent becomes an important matter to follow, being the file itself the place to do such a following. I conducted an analysis of the file, then, as a representational device. An *inscription* made of other *inscriptions*, a *graphic artifact* (Hull, 2012b). But I also approach it as a thing (Prior, 2008), a mediation (Berg & Bowker, 1997) that affects and is affected by its use in interaction (Kameo & Whalen, 2015). Thus, becoming the materiality of the file the centre of this analysis.

The protagonist file was that whose case I was allowed to follow: the tutela file with a case of pensions. Certainly, I was allowed to interview different members of the bureau staff and other workers about what they do, regardless this particular case. However, this file/case was the binding element for the workers of the bureau in charge of its revision and for me,

who went to the Court from time to time to witness the moments in which it was read or some novelty was discussed in order to decide a new step and project a decision. In addition, I could also be around other files that were everywhere in my visit. Piles of files gathered one after the other, over the floor, over tables, against the windows, in corridors, offices and elevators. And I also could talk with some workers while working in other files different from that of pensions, which were important things that helped to build up my passage.

With this clear, I ask the reader to take some strings with me to weave a description of how the file emerges on the hands of the Court workers as a sacred thing; and how this speaks of the organisation of the Court and its relations. I hope you (let me occasionally approach you in a direct way) have fun in the process.

1. How many angels can dance on the surface of an inscription? STS touch the sacred

We inhabit the sacred more than we think we do. For many people, “life is sacred”, no matter if they practice some religion or not. Its sacredness could plague State campaigns on car crashes or in the defence of civil rights (sacred be the right to vote, indeed!). Sacred could be a covenant or an agreement based on the sanctity of the given word. Sacred could be the land in which a catastrophic event occurred, the resources of public institutions or the public space. However, “the sacred” has been a neglected category in sociology and even in religious studies[2] (Righetti, 2014; Stausberg, 2017) for it has been understood as ideologically tied to theological and religious compromised arguments. Though neglected, at the same time it has been a foundational and pivotal concept for either sociological and religious studies, whether for its positive presence in classical works or for its rejection in the description of “modern societies”. The relation between this presence and rejection must be clear. The sacred has been taken as a powerful category to describe the others of moderns (the non-moderns, the pre-moderns, the traditional, the primitive…), so powerful that it is everywhere in their particular ways of living. But this power could be found at the expense of an emptying: the over-mystification *there*, of *others,* has as its counterpart the demystification of the *here,* of moderns.

1.1 The non/moderns’ sacred. An asymmetrical manifestation

The sacred seems to be a concept borrowed from religion, or at least deeply related with the religious. Many things have been said about it. It has been used to designate the non-

[2] Of course, there are significant exceptions to the rule, such as the works within cultural sociology. See Lynch & Sheldon (2013) and Lynch (2012).

rational, more sensitive and emotional dimensions of *religious experience* (Otto, 1936) and in so doing, it has been used to designate a power and the experience of *being in the presence of* a *"wholly other"* that constitute that power. As a totally different reality or an order that is separated from ordinary-mundane life or a separation in respect of the profane -an oppositional category that defines the sacred, but that also defines itself in this opposition- (Durkheim, 1995).

Whether as a power or a secluded order, the sacred has been also used to speak of a *presence*. The sacred manifests, said Mircea Eliade (1959) in his famous book "Sacred and Profane", coining the term *hierophany* to refer to this manifestation. However, this presence and its recognition has become a problem in modern thought: the sacred manifests differently in moderns' descriptions of the *hierophanies*. While for the others the sacred manifest in things (rocks, trees or artifacts), "the modern Occidental experiences a certain uneasiness before many manifestations of the sacred. He finds it difficult to accept the fact that, for many human beings, the sacred can be manifested in stones or trees" (Eliade, 1959, p. 11). Moderns think the true sacred belongs to belief and the inner-self of humans and they have passionately tried to divide the sacred from matter which, in contrast, is placed out-there.

Moderns think of their societies as purified from the action of things -a mistake they think the others commit- (Latour, 2010a), for the source of social action is located in human subjects, while non-humans are thought to be merely there, as passive objects to be discovered. Under this conception, matter cannot manifest. This vision of matter as passive (non-active), put in Latourian terms as antifetishism and in the terms of Peter Pels (2012) as *the modern fear of matter*, not surprisingly helps to understand the ways moderns see their own sacredness not as coming from material sources, but manifested in and as *the self*. Thus, "the sacred" seems to be a flexible category that in the exoticization of others is used to read their societies as entangled with heterogeneous associations of beings, things, or powers; all the different forms of manifestations that the sacred seems to gather.

Sacred cows, mountains, temples, rivers, lands, idols, and experiences; sacred animals, places, relations, values, and things seem to populate moderns' descriptions of *others*. In contrast, moderns depict themselves -their cultures and societies- with a strong iconoclastic and *antifetishist* drive. "Antifetishism is the religion of Europeans" says Latour (2013) speaking of this modern drive that is shared in agreement by "the most religious, the most

scientific, and the most secular of persons" (p. 168). This antifetishism is manifested in the different ways in which the moderns depict themselves in a war against artifacts and images: inventions opposed to the true God (idols) or opposed to facts (beliefs).

Antifetishism has been fundamental to Durkheimian sociology of religion that, in describing the societies of the "primitive" (better said, the "pre-moderns") as fully engaged with the sacred and the material (totems), strengthens the representation of modern' societies as less conflated with the materiality of the sacred (more "differentiated", we must say). Durkheim approached the "Australian totemism" in an ethnological description of the linkages between different peoples, animals and the material elements treated as totems of their *clans*. Then, different practices understood as rituals were presented as how the particularity of those linkages were sustained and manifested. The sacred as a concept emerged in Durkheim's work to describe this specialness and those practices designed to seclude it from ordinary life/the profane. That is, to pay attention to the "making sacred" through which a thing, an animal, a plant, some places, and times become "something else".

The totem is the sacred object *par excellence* in Durkheim's study, one of its main features being its untouchability. In different ways, a sacred thing is something that is excluded from mundane touch through a series of interdictions as "categorical imperatives" over the presence of and the proximity to the consecrated thing. Consecration, indeed, could be understood in Durkheim's work as the process of making something untouchable[3]. For him, this untouchability does not either reside in the physical qualities of the thing nor in the particular relation that is established between the thing and the individual member of the clan, but rather in the clan itself. That is, the totem is the clan, the sacred is society, or in Durkheim's terms "God and society are one and the same" (1995, p. 208).

[3] Durkheim's (1995) exemplification of the sacred in modern societies through the case of The French Revolution, in which: "In the general enthusiasm of that time, things that were by nature purely secular were transformed by public opinion into sacred things: Fatherland, Liberty, Reason." (p. 188). The key term to understand this modern presence of the sacred, as it was for primitives is (un)touch, However, while primitives are described as (un)touching the tangible, moderns are presented as regulating touch over ideas and concepts that, by virtue of the protection against criticism (for Durkheim, a kind of touch), are consecrated.

The sacred manifests because society manifests. All the force of the sacred is located in the force of the social upon individual persons. Thus, for Durkheim, society creates gods and is a god for itself. Though articulated as the same thing, this assertion, I think, speaks of two different descriptions. While his account of “Australian totemism” is a production of gods scenario, the Big Takeaway of his book (the conflation between the sacred and the social) fits better for the Durkheimian understanding of moderns’ societies: the social as a god for itself.

It is highly noticeable that the Durkheimian conception of the sacred as “something else” is derived from the description of a series of practices of seclusion, prohibition and organization over the touch of a sacred thing that occurred in certain non-modern “primitive societies”. Practices that seem to be necessary to conduct, because the thing is considered as manifesting/acting/touching/affecting the individuals related to them. However, in his final conception of the sacred as the social, he discarded all these entanglements and practices of touch to focus on the “something else” as an external force that imposes itself over individuals and that produces in their minds a sensation (a representation) of itself. How is it that the untouchability of the sacred that belongs to the world of practice is transformed into a representation of society? Here an assumption supports this movement and I have been suggesting it since the beginning of this section. In Durkheim’s work, the description of others is based on what Eliade (1959) has put in the following terms:

> The man of the archaic societies tends to live as much as possible *in* the sacred or in close proximity to consecrated **objects**… for primitives as for the man of all pre-modern societies, the sacred is equivalent to a *power* and in the last analysis, to a *reality.* The sacred is saturated with **being** (p. 12)

Meanwhile, for the moderns, any attribution of power, agency or beingness to matter, even if we speak of sacred things, is a reprehensible mistake. It is fetishism. For them, the true sacred -like the true religion- is located where the agency also lives: in the subjects’ minds. The modern sacred, devoid of materiality, is better understood as belief: something that is located not in the out-there of *objects*, but in the in-here of *subjects*. Thus, any practice of the *others* is treated as a naivety. Durkheim’s totemists -the possessive is on purpose- think that objects manifest and that they relate to those objects, but they do not see the true action flowing behind-the-scenes, the real manifestation: that of society.

This is accompanied by a methodological movement: a voyage to “the primitives” life to see a world full of touching (powerful) things to find the “elementary forms” of religion and to find in religion the elementary form of society. Then, to extract this notion to a modern theory of society. Why did Durkheim go so far? I consider that this long movement derives from the idea that these “elementary forms” are more difficult to follow in more “complex societies” like *ours*. Durkheim’s conclusion in which the sacred and society “are one and the same” is assumed to be difficult to reach in studying the religions of the moderns in which the religious sacred is not out-there. Because Durkheim wanted to overcome “psychologism” and wanted to treat society as the subject and source of power, his movement from *primitives*’ socio-material entanglements to the modern idea of belief was quite strategic.

Thus, the Durkheimian conflation of society and the sacred in “the primitive” did not have the purpose of putting the religious sacred at the core of all societies (especially the moderns’) by extension. Instead, to hold the sociological-methodological precept that “the social” is a “Wholly other” -to use Rudolf Otto’s (1936) term-: a coercive force, a collective experience that imposes upon individuals and to which “the sacred” seems to allude. Certainly, by doing so, Durkheim extended the notion of the sacred to the moderns but took care to secularize it in the notion of the modern social: a society that does not produce hand-made gods to relate with, where there are no material forces that act; a god for itself. If Durkheim had written “the complex forms of religious life” to speak of the moderns’ experience, he wouldn’t have merged the sacred and the social in the same way as he did with the Australian “aboriginal” societies and here a methodological reason must be given: he wouldn’t have seen “idols” “fetishes” or “totems” in the face of the *modern constitution*[4].

[4] The separation -or to use the complete Latourian jargon, the *purification*- between “humans and non-humans, their properties and their relations, their abilities and their groupings” (Latour, 2012) which includes the *objects* of nature and the *subjects* of the political/social pole, but also those related to -in the human/non-human divide- “what happens above and what happens below” (p. 13). What I assert here by bringing in the “modern constitution” is that the Durkheimian conflation between the social and the sacred is only possible thanks to speaking of “primitive” societies and religions as full of animated things (those that can act and affect social relations). Something that he could not attempt in a description of the modern, “differentiated”/complex societies in contrast.

Certainly, Durkheim did not write such a work and it is not necessary to go further with the imagination of its possibility. Perhaps it would be most fruitful to see this movement of analysing the religious sacred from the "primitives" to moderns in the work of Max Weber. Though a purist sociologist would distinguish the Durkheimian and Weberian enterprises, I would like to treat them as two sides of a balance in speaking of the sacred. And to do so, I would like to bring again something stated at the beginning of this chapter: that the mystification of the Others is accompanied by the demystification of the moderns. However, this time, let me change some concepts that would help to offer a better idea of this balance: the enchantment of the worlds of the *others* has as its most important effect the disenchantment of the world(s) of the moderns, something that can be traced in the following Weber's assertion: "Unlike the savage for whom such forces existed, we need no longer have recourse to magic to control the spirits or pray to them. Instead, technology and calculation achieve our ends." (2004, pp. 12–13).

Precisely, Weber's account of moderns' societies and their relation with the sacred could be resumed in his concept of "disenchantment" (1978, 1993). A concept that implies a previous enchantment[5]. A movement from pre-moderns to moderns in which just as the Durkheimian movement from the sacred to the social, there are things that have been lost. *Rationalization* attributed to the sciences and *bureaucratization* (scientific and legal knowledges as the necessary ways in which the moderns order the world) are accountable for a war against the enchantment of idols (human-made orders of the world in which, just like the commodity fetishism in Marx, appear as realities external to the producer). Dominion over nature is thought to reduce the enchantment of the world and the moderns (the sciences and especially the social sciences) are called upon to undertake the iconoclastic adventure of undressing the (modern) emperor by telling him that he has not and never has had invisible clothes: he has just been faced with the naked truth of nature[6] and all the "theodicies" *he* was wearing are now gone.

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[5] Here the notion of belief is once again important. For the enchantment is located in the mind, disenchantment is produced in the confrontation of the mind to the out-thereness/objectivity of nature.

[6] Like in the Durkheimian sociology, the Weberian *disenchantment of the world* implies that the modern world is less artefactual than the premodern, both in a material and a cosmological sense. It assumes moderns are less involved with those mysterious things of the traditional societies and more related to the *facts* of nature and, at the same time, they are seen as less affected by those

What Weber did not envisage was that to undress nature from its fantastic images, moderns had built another wardrobe. Just as the iconoclast has to fabricate the true image of the true god in order to destroy those that are to be taken as false images/gods, moderns have been consecrated to achieve a better *representation* of nature in such a way that they -moderns and nature- are not as naked as was thought. This is the aporia of the moderns, Latour (2010) has said, that its *antifetishism* -which in Weber is conducted on behalf of rationalization and the sciences- has become its own cult; thus, not escaping from the proliferation of new idols and fetishes.

The moderns' fabrication of idols and fetishes have been explored by Science and Technology Studies (STS) in the form of scientific representation, materiality, and their relations (Coopmans *et al.*, 2014; Lynch & Woolgar, 1990), thus bringing attention over what Latour (2010a) has called *factishes*, hybrids of the facts and the fetishes of culture. Considering what I have asserted in the previous paragraphs, STS and specially Actor-Network Theory and all the perspectives in the material-semiotic tradition, have restored to the study of the social what has been limited to the study of the others' cultures. That is, the socio-material entanglements, the nature-cultures, the more-than-human worlds and largely the agency of things and the question over the notion of agency itself. However, apart from a few *canonical* works, the study of moderns' socio-material entanglements has not directly reached "the sacredness" of these entanglements such that they could emerge as a topic: as part of the actants own' ontologies. Furthermore, "the sacred" has not been part of the repertoire of concepts to describe the heterogeneous assemblages that STS are used to speak of. It seems to be that for STS too "the sacred" has been a neglected category.

If I can be said to be undertaking an "anthropology of the moderns" (Latour, 2012, 2013) in this thesis, my especial interest is to restore to modern's self-description what *has never been* abandoned in their experience: their fetishism[7], that they have wrongly seen in the

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things (they cannot longer appear as sources of power/sacred/enchanted) that become more *knowable (*they have been desecrated*)*.

[7] I would like to offer an apology, for this notion of fetishism could not appear as central as it could be in this thesis. I do not want the reader to expect in this work an extensive use of this category to name a huge variety of practices. Instead, it is used here to refer to (and to take position against)

others and not as a log in their own eye (Latour, 2010a); taking its sacredness seriously. Of course, here I do not intend to reproach STS for not having explored this enough. Instead, I want to gather some of the works in which it has been explored and to propose it as an interesting research topic in STS.

1.2 The sacred as assembling

The assumption that locates the sacred in the minds of the moderns has another feature. That in contrast with the "religious life" of the others, moderns have religions, differentiated from their public life. The Weberian disenchantment of the world, in fact, implies this: "Our age is characterized by rationalization and intellectualization, and above all, by the disenchantment of the world. Its resulting fate is that precisely the ultimate and most sublime values have withdrawn from public life" (Weber, 2004, p. 30). That is, the public life of moderns has been desecrated: the sacred that inhabits all *there*, is each time more reduced *here*.

The sacred is commonly tied to the notions of religion and belief. As linked to religion, "the secular" is assumed as its opposite. As related to belief, it lacks materiality: it is treated as located elsewhere, not in the worldly transactions of the moderns and even less in the out-thereness of nature. Within sociology and religious studies[8] recent scholarly attention has been brought unto the sacred by bringing those supposed opposites closer together. In respect of the sacred-secular false dichotomy, there is a tendency to differentiate the sacred from religion, by analysing it as an independent category. Thus, the existence of a religious sacred does not exclude the presence of a secular sacred as well.

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the modern's epistemology that we can treat as anti-fetishism. The concept of fetishism is complex and commonly misunderstood under a series of wide-spread racist constructions of it. To avoid such confusion, I would prefer to limit its use. For a critical reflection on fetishism, see Matory (2018).

[8] Important and interesting mentions are the work of Demerath (2000) who advocates a wider understanding of the sacred, by arguing that religion could be one manifestation of it, among others, that does not contend with the secular. Knott (2013) also advocates for a dissociation between the sacred and the religious, proposing the "secular sacred" in order to avoid the conflation of the sacred-profane divide with the religious-secular. Gordon Lynch (2012), while not directly defending an independence thesis, constructs its understanding of the sacred in the modern world over the premise of its secularisation.

This independence thesis that advocates for the existence of a secular sacred usually relies on the basic definition of the sacred as something separated from the profane. That is, that the sacred functions and is defined contextually in its own dichotomic relation with the profane, remaining independent from other dichotomies (mistakenly associated or not) like that of the religious-secular. The advocacy for a secular sacred, however, holds an important ontological problem. That in pursuing the independence of the sacred from the religious, what it -the sacred- *is* results necessarily tied to the religious-secular dichotomy, thus not obtaining its yearned freedom.

In one hand, the very definition of the secular sacred cannot be entirely freed from religion, for the dichotomy religious-secular provides for its particularity as a concept. On the other hand, as the conceptualization over the sacred has deeply concerned religion, the analysis of a secular sacred seems to be constrained to the use of terms and concepts that have been long used to describe religious settings and activities, thus, making its differentiation difficult.

The secular sacred, then, seems to be a difficult enunciation. However, it tries to present an interesting problem: the presence of the sacred in the modern's societies. Its difficulty relies on its formulation of the independence of the sacred that intersects with the -partial or complete- acceptance of secularization as a distinctive feature of moderns' societies. For religion and the secular are taken as actual opposites and the latter is seen as a well differentiated realm in which many of the moderns' activities take place. Thus, it seems strategic to put the sacred in better alignment with the secular and less with the religious.

Here and after, I want to draw on STS to explore the sacred as something that has never left the moderns (Francis & Knott, 2011), but nevertheless I do not think it useful to treat the sacred secular and the sacred religious as derivations of the well-defined and secluded category of the sacred. Yes, the sacred and religion need not be interchangeable and the secular and the sacred can meet, but the latter assertion is not a result of the former.

Going further, I would like to suspend the notion of the secular to refer to the presence of the sacred in moderns' societies. Instead, I would like to bring into discussion the way in which the sacred assembles and constitutes an assembling of heterogeneous elements of the experience of the moderns. And with this, I do not intend to do anything very different from what Durkheim did with the conflation of the sacred and the social. However, I do not

treat the social as the finished, well-defined, and pre-existent entity that gives force to the sacred.

I am, of course, standing with the ANT understanding of the social, not as a material, but as a result of elements that are not per se social (Latour, 2005a). One of the consequences of the Durkheimian sacred-social transfiguration is that the social became untouchable: something that inhabits and explains everything, but that does not need any explanation. However, an unexpected result is the potentiality in which making sacred constitutes a way of making social[9]. But to explore this possibility it is necessary to focus on the heterogeneous socio-material assemblages and their assembling practices through which the ontology of the social, the sacred and all their heterogeneous elements are defined.

Thus, the sacred should not be taken as tracing the secular-religious divide's limits. Kim Knott (2013) has well asserted that "rather than distinguishing religious from secular *goods per se*, the term "sacred" is premised on the idea of "setting things apart (…) Sacred-making activity, then (…) is that which separates things, creating a place for those things of supreme value and distinguishing them from profane or impure things that are negotiable or may contaminate" (p. 153). Thus, the sacred has a potential to associate different elements that are usually understood as divided -such as the secular and the religious- in multiple ways that are not determined, but that emerge in the particular and contextual practices of seclusion (what is to be secluded and what is to be taken as profane depends on those practices).

The sacred is nothing but metaphorical: it does not belong to any realm or sphere, but it is a hybrid. It does not belong to religion, but it does not mean that it is devoid of it. It is not secular, but it is full of mundane, banal, ordinary elements that are supposedly foreign to the conceptualization of religion as spiritual. The sacred as hybridity is about entanglement

[9] Latour identified this possibility, which he called a "Tardian moment", in Durkheim. The totem/clan conflation leads to the question "Does the totem express the group, facilitate its cohesion, or is it what allows the group to exist as a group?" (Latour, 2005a). Is the totem a bearer of society or does the former constitute the latter? Durkheim's answer to this seems to recognize in the totem a constitutive along with a representational character. Though its theory of the social leads to finally opaque the constitutive feature of the totem for it is seen as an *intermediary* and not as a *mediator*, the line that divides *intermediaries* and *mediators* is too thin. ANT takes all heterogeneous elements -e.g., the totem- that are usually understood as *intermediaries* in social theory as *mediators.*

and heterogeneity: it has the potentiality of bringing together the assumed opposites of the public and the private, the internal and the external, extraordinary, and mundane, nature and culture, the human, and the non-human, the discursive and the material.

In the face of such a hybrid, it is highly noticeable that STS have not paid much attention to the sacred as a category with which to trace hybrid worlds that STS scholars use to speak of. In the following section, I will be dialoguing with some STS works that have ventured into exploring this metaphorical/hybrid potentiality of the sacred, or that could suggest its sensitive exploration.

1.3 The metaphorical sacred in STS: from representation to touch

STS and post humanist philosophies have challenged the assumed nature/culture divide, thus calling recent scholarly attention to the entanglements of the human and the non-human, the semiotic and the material. Under the category of the non-human can even be included those beings that "were comfortably put away as creatures of human imagination (...) Beings that were excluded as speculative make their comeback, and we no longer have the appetite or the criteria of the censor to keep them at bay." (Stengers, 2010, p. 4). Thus, opening the possibilities for detaching the sacred from human subjects so as to place it in a world of constructions and socio-material entanglements in which, once agency is not a (human) quality, it is widely distributed.

Studies on religion, environment and technology have been deeply immersed in these reflections on the human/non-human divide to explore the cultural meanings of nature. Thus, nature and technology that are commonly related to secularization in modernity have been alleged to have profound religious connotations. The notion of the sacred has served, then, to explore this in different ways, by questioning how "notions of "the Sacred" might be at work in human technical creativity. How are understandings of nature and the environment in relation to "the Sacred" at work in different technologies and discourses?" (Deane-Drummond *et al.*, 2015, p. 29)

At the same time, the sacred has served to explore the ways in which humans and non-humans can be related in environmental struggles. In so doing, a focus on the sacred helps to highlight the *affective* and *meaning making* activities that mediate these entanglements,

configuring a “vital space of experience and representation” (Latta, 2014, p. 336). As experience, it can link the presence of humans and non-humans’ and produce a sense of their relation. As representation, it serves as a “cultural technology” that brings together and mobilises different conceptions of nature and materiality that modify humans’ understandings of their associations.

Following its representational dimension, the sacred has also been explored in the different ways that moderns represent nature. Bronislaw Szerszynski (2005) has shown how nature, technology and the sacred have never been purified in the modern understanding of their relations. As a powerful example, he shows how *The Blue Marble* and *Earthrising,* two of the most popular images of the Earth, were circulated as *icons* of its sacrality. Those images, as results of the Apollo missions -and the Apollo missions themselves- constituted a “*transformative* media event” -Szerszynski argues- “after which ‘society’s members are as if reborn to a different world” (p. 166).

Like the biblical telling of Moses descending the Sinai with the *Ten Commandments,* he treats astronauts returning to earth as if they were bringing “an important universal spiritual truth” (p. 161). This time, in the form of a golden calf: an image of a common and bounded world, hanging from a “boundless universe”. The sacred emerges here in the sense of awe that those images produced, following its mediatic treatment. Szerszynski claims that in the treatment of the images, there were two opposed understandings of earthly nature and technology that are in his terms “two different orderings of the sacred” (p. 164).

First, the identification of the “brotherhood of man”, based on the representation of a *whole earth*, in which humans can be envisioned as sharing a common experience of being so small and insignificant in comparison to the vast universe. Here, technology is endowed with sublime meanings in that it can produce in humans a sense of self-endangerment and vulnerability. Second, the sublime appears in the representation of nature and technology in a different manner: that of mastering and control. Humans are placed outside nature thanks to technology’s power, and the earth is seen as “one world” in which technology can have salvation (even missionary) meanings.

Szerszynski suggests that those images serve to produce a global imagery and a global citizenship: a sense of belonging to a Global world. This is produced in the emergence of a “Global sacred”, in which the transmission and “contemplation” of these (and other) images are treated as a kind of ritual. In doing so, Szerszynski’s work highlights -I could say- the

potential of “the sacred” to produce senses of belonging that is the basis of the Durkheimian sacred-social.

Szerszynski treatment of the sacred, then, is iconic. It focuses on its representational dimension. However, it also opens the possibility for trace it in the rituals and circulation of things that produce not only an icon (of the sacred earth), but the assembly of a Global Earth. However, images are not just symbols of “something else”; if they are followed as artifacts, they transport the “original” *thing* they represent, and its representation is to be taken as the *thing* itself (the earth). In so, such transportation becomes material: the earth is *there*, to be witnessed, experienced and -therefore- meaningful. The meanings of nature, technology and the earth as a Globe (and of citizenship, endangerment and the sublime) emerge in this transportation. In so, “the ritual” deserves more attention than the metaphorical imposition of the concept. It is itself a metaphorical transportation to be followed!

With this, I want to stress that *Icons* are deeply embedded in relational and material practices in which meaning is not a “something else” that manifests and transforms[10]. It emerges from and along with practices of manifestation and transformation. Those practices are indeed metaphorical, they link, associate, relate heterogeneous elements and take place in material circulations of those elements that are to be taken seriously. How Szerszynski’s images of the earth produced a global sacred is less a problem and more an assumption in his work: a (symbolic) connection is established, but we cannot trace its *ways.*

Similar to Szerszynski’s earth, Dorothy Nelkin and Susan Lindee (2004) explored the way in which DNA has become a cultural icon. As icon, it comprises values and assumptions that are shared. According to them, these assumptions and values are closely related to the Christian idea of the human soul as the individual identifier of personhood and the essence and origin of life (p. 48).

It seems to be a case of “elective affinities” in which, metaphorically, the meanings of DNA and the genes flow between religious and scientific imaginations, without a clear

[10] The reader could find here, again, an extension of the discussion around the Durkheimian social-sacred as this “something else”.

differentiation of these commonly assumed opposites. DNA holds the secrets of life, and sometimes is treated as God's code or even God itself. Nelkin and Lindee focus on how DNA -as a sacred entity- traces boundaries between life and death (e.g., in anti-abortion campaigns), between an *animated* being and things that are not.

Similar to what Weber (2005) did with the "Protestant Ethic" and the "Spirit of Capitalism", Nelkin and Lindee treat DNA as a secular derivation of the soul. In Weber, this movement from the religious to the secular sustains a differentiation between these two realms, as one thing (the protestant ethic) has become the other (the spirit of capitalism), thus losing its first quality. In other words, the sacred has been desecrated, but its values have been transferred. In contrast, Nelkin and Lindee's movement constitute a passing from the religious to the secular, to finally sacralise the secular. This movement, however, comprises two different understandings of the sacred though they may appear as one: that of the *cultural icon*.

First, as a metaphor. Nelkin and Lindee enlist multiple cases in which DNA appears as sacred, holy, or godly -as a "Bible", the "Book of man" or the "Holy Grail"- and messing with DNA appears as desecration: the "modern Prometheus" figure of danger and taboo. In such metaphors, of course, the sacred is exposed in its iconic character: it is made of narratives that provide for its discursive enunciation. Thus, ideas of the immortality of the soul appear in the form of DNA as "the immortal essence of an original human" (Nelkin & Lindee, 2004, p. 49). Second, the authors affirm that those expressions of the sacrality of DNA are more than mere metaphors, they are actual relations. As relations, they can be thought as constituting *transformative mediated events,* like Szerszynski's expeditions and the circulation of the images of the earth. In those events, the sacred is converted from an icon into a relic. The metaphors of the sacred DNA allow the emergence of certain practices and relations with it. For instance, Nelkin and Lindee mentioned the selling of some celebrities' DNA and its distribution in containers such as cards and jewellery[11], through which those celebrities' *essence* (themselves) can be transported. By this way, "DNA cards can be

[11] Lindee and Nelkin referred to Kary Mullis' biotechnology firm in the 90's called Stargene, whose purpose was producing DNA cards to be sold among the youth to teach them about genes and -at the same time- put them in contact with the celebrities they follow. Like a nail of the cross or a thread of the hair of the Virgin, these cards contained a piece of the *essence* of these celebrities to be put on jewels.

understood as a form of “contagious magic [in which] any object that comes in contact with the revered person (…) is believed to be equivalent to the person’s whole self, no matter how small or how distant in time” (Nelkin & Lindee, 2004, p. 50).

Thus, sacred DNA is treated here as a relic that comprises not only a discursive technique: a metaphor. It enables the word to become flesh. Though it was not fully explored by the authors, the concept of the *relic* inserts metaphoric connections in the world of material practices, in which metaphors emerge along with relations of touch, presence and mobilization. The treatment of DNA as an immortal essence is accompanied by the mundane material transportation of DNA.

Better said, the transportation is a way of making sacred. This circulation achieves the sacredness of the DNA in the production of an event through which the celebrity DNA (the celebrity herself) and the buyer of the relic are put in co-presence, thus making it possible to the second to *touch* the first. The material transportation of DNA allows it to produce another transportation/transformation: it now constitutes “something more”, the essence of life that is shared, by both the celebrity and the buyer.

The link between material and “metaphorical” transportation is potentially explored in another work: Michael Lynch (1988) on animal (rat) sacrifice in laboratory culture. Though its emphasis is manifestly iconic, it focuses on the “handling” of animals in the laboratory as a way to explore their “consecration”. Lynch focuses on “sacrifice”, both as metaphor and practice. First, he explores “sacrifice” as a *naturally occurring metaphor* (p. 276) during his ethnographical observation of a neuroscience laboratory, that was used by scientists to speak of the practice of killing animals for research purposes. Of course, the term has traditionally-tied religious significance and in this sense constitutes a metaphor: it does not originally belong to the technical jargon of laboratory scientists, but it is used by them nevertheless.

Lynch wanted to take the metaphor[12] seriously, opposing treating it as a euphemism to background the cruelty of a killing. For Lynch, it speaks of a genuine practice of

[12] Here Lynch’s work constitutes an important precedent for this thesis and the reader will find how useful is the attention paid to “naturally occurring metaphors” when approaching the sacred. One of the main features of the study of the sacred is that its very notion is usually deployed as a prefigured

transformation over animal bodies: from naturalistic animals -a holistic living being- to an analytical, abstract, and transcendent object -in the sense of being more than just one body; a bearer of generalized knowledge-. Of course, here he is referring to a representational change, from the common-sense animal, full of assumptions about its reciprocity, to "electron micrographs and statistically based arguments about the regeneration of axons in cell layers of the hippocampus" (p. 266).

The sacred is found in the idea of sacrifice that Lynch examines: sometimes in the production of an object that is more than an individual entity (the cultural object, the icon -one could say-), sometimes as the process of seclusion that assures the consecration of the animal. However, it is not taken in its full potential, as for Lynch analytic animals are not per se sacred, and the metaphor -its application-, is not fully embraced. It is important here to notice that the limitations of the sacred as metaphor are imposed by Lynch himself. Better said, I argue that those restrictions are imposed by his understanding of, both, the sacred and the analytic animal as icons; as bearers of something else, instead of active, concrete, and powerful (agentive) objects.

In Lynch's work, the representational change that he speaks of, has two different treatments. Before the sacrifice, the encounter with naturalistic animals is treated as an event, a material practice of "handling"[13]. After this, the analytic one, though a product of material practices of rendering, is assumed devoid of the "informal modes of reasoning" that the naturalistic one implies. The metaphorical sacred is present, then, in two different ways. First, materially, in the preparations that occur prior to the act of killing, and the act itself, when scientists are still faced with the naturalistic animal, the *reciprocity* and *emotional attachment* it embeds. Second, representationally, when, once transformed into

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analytic category for the social scientist -or the theologian- and any "vernacular" definition is taken as information for a wider construction of the concept of the sacred. To produce a more sensitive understanding of the heterogeneous associations that the sacred entails, I follow Lynch's work in calling attention to the importance of following the "vernacular" and embodied practices of its definition.

Thus, the analyst's focus on the essence of the sacred as religious, secular or something else vanishes into another concern: the innovative connections that could be gathered in the definition of the sacred. In other words, the ontology of the sacred is transformed from an analyst's task and assumption to something to be traced. To use once again the semiotic-material principle of ANT, the sacred should be followed in the actors' (actants') own ontologies (Latour, 1999, 2005a).

[13] See, for example, Lynch's treatment of the practices and moments of "preparing the victim", "destroying the victim" and the "constituting the victim" as a bearer of human attributes (Lynch, 1988).

graphic inscriptions (Latour & Woolgar, 1986) of the naturalistic animal, they are endowed with transcendence. They can even represent more than rats -e.g., they become possessors of information about mammals and humans-, erasing their attributes as presential living creatures.

However, representation is a deeply material practice. One could say that laboratory rats are transformed into *immutable mobiles*[14] that can circulate without altering the "original substance" or the essence of the living creature (even if it renders its essence as "mammal"). In fact, in following the naturalistic animal in its manipulation before and during sacrifice, Lynch pays special attention to the practices of careful preparation of the animals to minimize the effects on the result (the extraction of tissues). Thus, sacrifice allows the circulation of the animal and its superposition with other animals to produce them as "symbols", meaningful abstractions for research purposes. Yet, at the same time, it allows the naturalistic animal to be *there* in its tissues. In this sense, graphic inscriptions and tissues are more than symbols. They transport the animal, thus becoming *relics*.

The relic produces a connection between a source of presence and a thing in such a way that the thing manifests and constitutes the source itself. A relic is not a simple mimic of a saint or a holy being (in the case of DNA, of a person; in the case of rats, of rats' tissues), it contains its original substance. Whether we think of the sacred as ritually achieved in the circulation of Icons, or in the production of *transformative mediated events*, or in the idea of the relic, it speaks to us of presence. In the following section I would like to start with Latour's ideas of religion as presence and the notion of immutable mobiles to finally explore the possibilities for analysing the sacred as touch in STS.

1.3.1 The sacred as re-presentation. Inscriptions, presence, virtuality, and touch

In STS, Latour (2001, 2005b, 2014) has paid extensive attention to the ways in which religion produces presence in contrast to scientific detachment (objectivity). For him, the

[14] A concept coined by Latour (1990) to analyse scientific representation in which a piece of land -to use the archetypical example- that cannot be moved is made transportable through its inscription (a map). Inscriptions have the quality of being so mobile to be collected, transported, and superposed, and of being so durable that the transported thing cannot lose its "original substance".

regime of enunciation of religion consists in a production of *immutable mobiles* that are different from those of science. For the latter, the notion of *inscription* becomes relevant to speak of "long referential chains" that transport a distant thing through a process of transformations (translations and betrayals) that however assure the immutability of its original substance (information). For the former, in contrast, Latour (2001) prefers to speak of "processions of angels" as chains of transformations of content without regarding the immutability of some sort of information, achieving the transportation of a messenger: a moment, a presence. In other words, assuring the immutability of a presence- regardless of what it could inform; this seems to be the peculiarity of the Latourian understanding of religion.

Implicit in this *procession of angels* is a kind of association that the receiver understands that is transported in a particular way: it must be, at the same time, sensed and made sense of *Hic et Nunc,* in the immediacy of experience. Contrary to its comprehension as an activity concerning a detached/outer world, Latour places religion right into "present materiality" (p. 232). However, the materiality of religion -though implicit in the idea of presence- seems to be indeterminate, for Latour treats religion -this *procession of angels*- exclusively as a kind of discourse.

Better said, while in speaking of science and its referential chains Latour can list the material instruments that produce it, the "present materiality" of religion seems to travel from nowhere. Instruments and inscriptions are important in the description of the life of the laboratory, but -in approaching the "religious life"- although they are thought of as mediations that directly concern materiality and experience, angels seem to be devoid of -precisely- materiality[15].

This is due to the association that Latour makes between inscriptions and science on the one hand and angels and religion on the other. He wants to get rid of the confusion between

[15] Based on his early ethnographic work (Latour & Woolgar, 1986), Latour exclusively uses the notions of inscriptions and instruments for referring to scientific knowledge, as its specific immutable mobiles and mediations. Contrarily, religious immutable mobiles, though this is not clearly stated, seem to be differentiated from these concepts. Angels are opposed to inscriptions in two ways. First, as mentioned before, angels do not carry the immutability of any distant "original substance"; rather, originality is always renewed and found in its transportation. Secondly, inscriptions inserted in long referential chains produce distance: the out-there-ness of nature -to use Woolgar's (1981) term-. Angels, oppositely, achieve a sort of in-here-ness of "present materiality".

religion and science as *regimes of enunciation* that -for him- is on the basis of a misunderstanding: depicting science and religion as the opposing sides in a war for truth. Paradoxically, the distinction he makes on inscription/information and angels/presence builds another gap between science and religion as incommensurable regimes.

However, what happens when inscriptions and angels meet? When is presence achieved through inscriptions and objectivity/information through presence? I would like to argue that inscriptions and presence are constitutive elements of the immutable mobiles of science, religion and various assemblies. In other words, that the distinction between information and presence is a useful elaboration for waving the flag of peace between science and religion, but it imposes important limitations when following the material-semiotic world of hybridity and heterogeneous assemblies. It is not the case that presence is a unique feature of religion, nor that the transportation of an original substance/information is a distinctive feature of science.

Whether religious or not, the intersection of inscriptions and presence is at the core of the very formulation of *immutable mobiles* as things to think with "eyes and hands" (to use the Latourian provocative title[16]). Immutable mobiles are, at once, things and representations of an "original substance" in such a way that the representation could be taken as the original thing. They are things to be witnessed and witnessing does not uniquely require vision, but also implies touch and presence. In other words, they also constitute re-presentations in the material sense of making things present[17].

There is no need to go far, for this problem of re-presentation (as producing a presence) has been a major subject of discussion in STS in speaking of scientific knowledge and it has been the focus of one of its canonical works: that of Steven Shapin (1984) on Robert Boyle's literary technology of the experimental report. Shapin tore the veil between production and communication of scientific knowledge by putting the problem of production

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[16] Thinking with eyes and hands is the first subtitle of Latour (1990).

[17] Another important intersection between *inscriptions* and *angels* can be found if we follow *immutable mobiles* when used in workplace (when they are inscribed in an ecology of work, one could say). As *immutable mobiles* are abstract and formal representations, they have to be managed and translated in concrete situations, thus becoming mutable. Traveling along a "re-representation path" (Star, 1995, p. 92). If the distinction between inscriptions and angels are the immutability of the first and the mutability of the second, this is undone in practice.

in terms of the “extension of experience from the few to the many” (p. 481). The experimental report as a literary technology implied this problem of extension in how to tell others “that the things had been done and done in the way claimed” (p. 491). That is, the report as a “technology of virtual witnessing involves the production in a reader's mind of such an image of an experimental scene as obviates the necessity for either its direct witness or its replication” (p. 491).

In this idea of the virtual witness, vision has become the realm for representation and the problem of how to produce a presence is reduced to an impression, an afterimage of the presence. But witnessing as being in-the-presence-of cannot be completely reduced to vision (“blessed are those who have not seen”). In bringing touch to representation and witnessing, the idea of a mental image is insufficient, as to be present entails the possibility of being touched. Meaning that to be a witness it is necessary to be affected.

Diana Ordoñez-Castillo (2018) has coined and developed the concept of *emotional witness* to stress affection of being in-the-presence-of the material-semiotic assemblage of memory in a Colombian Museum of Memory. The Museum is a place stuffed with presence and touch; perhaps much of this has been lost sight of, for the museum has been transformed into a “hands off”-scenario and touch has been replaced by sight as the archetypical dimension of museum experience (Classen, 2012). Thus, representation overshadows objects in traditional understandings of the museum. Against this, Ordoñez-Castillo emphasises materiality and emotions to understand the ways objects and visitors are embedded in mutual transformation, through the identification of the object and the visitor’s body. Therefore, the body is transformed into a “material technology that accounts for suffering” (2018, p. 123); a piece of broken plate and a broken body emerge as witnesses of a violent event. Thus, transforming witnessing into something, at once, virtual and emotional, distant and present.

It could be argued that, when facing the study of literary technologies or those that have to do with speech and talk (Latour’s case), presence becomes more virtual and less affective. However, this is true neither for the Latourian understanding of religion, nor for Shapin’s literary technology when touch and the affective are placed as fundamental features of virtuality, witnessing and their technologies.

Affect and touch are everywhere, and STS and social sciences at large (especially feminist approaches) have been aware of their presence in recent decades. Touch has been

addressed as a cultural and organised social practice commonly disregarded and "taken for granted as a fundamental fact of life, a medium for the production of meaningful acts, rather than meaningful in itself" (Classen, 2020, p. 2). If touch has constituted a *neglected thing* (Puig de la Bellacasa, 2017), representation and vision have constituted its dominant counterpart that evokes an opposition: that of the mind and the body, of thought and feeling.

However, touch and thought are not actually distant. Suffice it to pay attention to the embodied and sensorial adjectives that describe thought, knowledge and cleverness: "smart", "sharp", "bright", "grasping", "comprehension" (Classen, 2020) constitute examples of how thought and touch are entangled in everyday experience. Therefore, touch has been also treated as an important dimension of knowing and acting (Barad, 2012; Myers, 2015), and as a constitutive element of the entanglement with the material in more-than-human worlds (Puig de la Bellacasa, 2017).

Knowing as touching brings into question the assumed features of *knowing-as-vision*, producing awareness on the "embodied character of perception, affect and thinking" (p. 96). If detachment is at the core of visual objectivity, touch evokes engagement. It blurs the distinction between subject and object present in those schemes that treat knowledge as visual representation (Barad, 2007, 2012; Puig de la Bellacasa, 2017) and directs our attention to the ways in which materiality and matter comes to matter, not just to be seen or read, but experienced. As a kind of relation that cannot avoid affection, touch challenges the distinction between human and non-human actions, by paying attention to their "intra-actions".

This is based on a premise: if a distant vision can be achieved, a distant touch becomes problematic, for touch implies *reversibility*[18], "a sense of the co-transformative" (Puig de la Bellacasa, 2017); immersion and co-presence (Paterson, 2007): to touch is to be touched. However, touch does not necessarily oppose absence or detachment. It is important to

[18] As a kind of encounter between the self, the other and the environment, a fold on the flesh, a bidirectional transformation, it has been used by Paterson (2007) to approach tangibility, less as a mere sensation or a sense, but a model of proximity (p. 162). One in which actual and metaphorical touch can be followed in the ways it allows or enhances the experience of being in the presence of something. An experience that implies a notion of immersion; one in which not only the *object* that is touched by the *subject/body* gets transformed: the object also touches back. In Puig de la Bellacasa's words: "when bodies/things touch, they are also touched" (Puig de la Bellacasa, 2017, p. 99), blurring the distinction between subject and object.

avoid romanticizing touch as an “embodied unmediated knowing and relating” (Puig de la Bellacasa, 2017). It is, as Paterson (2007) would argue, a (social)[19] mediated practice (p. 131). The production of haptic technologies (like videogame consoles and computer mice) shows this, when something that is not *here* must be felt and experienced. Achieving touch and presence at a distance becomes possible through a series of mimetic devices that constitute, less a representation (an image) and more a re-presentation: a vivid, performative, and active transformation in which what is felt is relationally transformed. As Puig de la Bellacasa (2009) affirms: “touch technologies are remaking what touching means. Inversely, I would add, haptic technology works with the powerful imaginary of touch and its compelling affective power to produce a touching technology” (p. 303)

Inscriptions have been thought as representational devices and, therefore, they have been related to detached vision. Perhaps this is the reason why Latour distinguishes *inscriptions* from *angels*, for inscriptions are not thought to touch and affect. They can be accumulated and, then, can configure actors’ positions and relative scales into a network: the macro-actors that can act (and see) at a distance (like Pasteur or the State), or those that can be defeated. They are active mediations in knowledge production, but they can be perceived as passive when affect and touch come on the scene: too much attention has been conceded to their representational character and the distant vision it assures over an original substance through its *flattening*, thereby backgrounding the exciting dimension of its transportation.

Karen Barad (2007) differentiates what she calls *apparatuses* from *inscriptions*, precisely because of the neglected feature of reversibility in the notion of *inscription* that the *apparatus* intends to *reclaim* (p. 169). *Apparatuses* -contrary to *inscriptions*- “are not bounded objects or structures; they are open-ended practices” (p. 170). Apparatuses touch and then, can be touched; they affect and are affected in a constant process of constitutive becoming. In other words, they can be understood as touch(ing) technologies in literal and figurative ways. Because haptic/touch technologies deal with the challenge of making virtual objects present, neither the technology, nor its users, nor what is to be felt (the “feeling” and its meanings) are pre-set but reconfigured in their encounterings.

[19] STSy Brackets are mine.

However, if we consider *inscription devices* as technologies of virtual witnessing (like Shapin's literary technologies) and witnessing as a more than representational issue, there is a possibility to treat them as haptic/touch technologies. That is, as technologies of presence and co-presence in which the original substance's transportation does not only entail the carrying of information, but the constitution of a phenomenon "open to rearrangements"[20].

Natasha Myers (2015) has shown, in following the modelling work of crystallographers, that the flattening of *inscriptions* is not the totality of scientific visual representation. Focused on the production of three-dimensional models, she highlights "the embodied, multisensory nature of scientific visualization" (p. 17) that the notion of inscription seems to set aside. Thus, models are not just transportable, accumulable and superimposable representations, but -as she puts it- *objects-to-think-with* (p.17). While inscriptions are thought to assure fidelity, models are done and undone (as if they were Latourian *angels*), demanding from crystallographers an embodied engagement.

Though this work constitutes a criticism on the notion of *inscriptions* and *immutable mobiles* for their flattening of representational practices, it is conducted to differentiate from them the tridimensionality of the modelling of crystallographers. However, I wonder if what is said of modelling can also be explored in what is thought to be the flatland of inscriptions. I argue that, although Latour (1990b) formulated inscriptions as things not only to be seen but also to be touched, read and grasped, manipulated and transported, he paid too much attention to its visual-flat dimension, leaving aside these other tangible features.

By restoring touch to *inscriptions*, immutable mobiles constitute more than flat-surfaces[21]. They become *tangible materiality*. If fidelity is to be assured through immutable mobiles, the practices of handling, touching and even their absence (prohibition) are not secondary.

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[20] As Barad (2007) says of the apparatus: "apparatuses are themselves phenomena. To take a specifically scientific example, apparatuses are not preformed, interchangeable objects that sit on a shelf waiting to serve a particular purpose, as any experimentalist will confirm. Apparatuses are constituted through particular practices that are perpetually open to rearrangements, rearticulations, and other reworkings." (p. 170)

[21] Another thing must be said here. It seems to be present in the concept of agency (and power) in ANT that actants are constantly being transformed without being touched (action at a distance) and the concept of inscriptions fit this formulation. But this is a contradiction: if agency should be taken as effectivity (to affect/being affected) instead of as a particular quality of the agent, the possibility of being touched and to touch at a distance is in its very notion.

On the one hand, as things that could and must be distantly (virtually) witnessed, they must be experienced in the right way (another aspect of fidelity, one could say). Thus, re-configurations over its feeling and meaning can occur. On the other hand, when touch is at play, authenticity is at stake too, whether in its promise of enhanced reality (Puig de la Bellacasa, 2017) or in its threatening of alteration, contamination, manipulation or exposure.

That is to say that to transport an original substance entails the mediation of touch: the manipulation of the transported thing in such a way that “originality” is sustained. At the same time, what is to be considered authentic or original is done and undone in its practice of handling. By understanding the importance of touch, the question of the immutable mobiles’ accumulation gains a dynamic counterpart: What do inscriptions and the inscribed substances become in the hands of their holders? What meaningful and material transformations are conducted in its transport?

The reader must be aware here that, by approaching inscriptions as *touching technologies*, I intend to tear down the distinction between the immutable mobiles of science and those of religion. *Inscriptions*, I propose, suggest the possibility of being as touchy as *angels*. Therefore, a possibility remains open and is the one I have been advocating: that of exploring the sacred in the transportation of presence that the notion of inscription seems to carry. With the concept of *the relic* in previous pages I wanted to anticipate this. Inscriptions can be followed as relics, by paying attention to the ways in which they are carefully transported. At once, the sacred could be traced in the semiotic-material world of inscriptions as mediations of touch. In any case, has not the prescription and organisation over touch and presence the distinctiveness of the sacred?

The concepts of inscription devices and immutable mobiles have been used to speak of different settings and ecologies of knowledge production. In the following section I focus on a particular kind of inscription device: those of bureaucracies and the State.

1.4 Sacred files

A spectre is haunting bureaucracies, the spectre of touch. Anyone who has been immersed in the world of State documents (forms, letters, files) could identify this: touch seems to be omnipresent among documents, yet, wherever a document is produced, different elements are put into a *holy alliance to exorcise this spectre*. Stamps, signatures, page numbering,

among other documentary technologies are important and visible examples of how touch inhabits documents and at the same time constitute good examples of mediations to keep (improper/unauthorized) touch at bay.

Even so and despite the prolific academic literature about it, when approaching documents, touch has not been taken into account as much as other dimensions of bureaucracies. This is not to say, of course, that in studying documents as *touching technologies* one finds oneself in an uninhabited country. This whole section constitutes an argument that considering touch of/on documents is a way to conduct an anthropology of the moderns (Douglas, 2001; Latour, 2012). In addition, it constitutes an opportunity to explore the sacredness of this spectre in documents and -consequently- in moderns' experience. Thus, no other starting point is as fruitful as the discussion about the agency of documents in moderns' societies. Along with STS, the anthropology of the State has played a leading role in studying the agency of these artifacts (Hull, 2003, 2012b). Documents are usually understood as things to be read: written pieces where action is informed and documented. However thanks to these approaches recent work has taken into account that documents "do things as well as contain things", and has shown "how they can influence episodes of social interaction, and schemes of social organization, and how they might enter into the analysis of such interactions and organization" (Prior, 2008, p. 824).

That is, documents can be considered actors "in their own right", though this definitely does not mean that they hold inner agentive qualities in the same fashion as traditional sociology has thought of human actors (Latour, 2005a). Instead, their agency needs to be traced in their associations with other documents, things, and human actors. In other words, the agency of documents must be addressed as the result of the *documentary networks* (Castillo, 2017) they build and in which they are integrated. This entails paying close attention to the ways documents are used (Kameo & Whalen, 2015; Prior, 2008) and circulate (Barrera, 2011; Hull, 2012b; Lewandowski, 2014; Smith, 1974) in organizations. Following this understanding, what a document does, its meaning and action, must be followed in a dynamic way: they define sets of actions (Kameo & Whalen, 2015) and constitute *documentary realities* (Smith, 1974) through which their interpretations are organizationally mediated, negotiated and contingent.

Due to this dynamic approach, most of the recent work that trace the agency of documents in organisational settings, especially bureaucracies, are ethnographic. Jaramillo and

Buchelly (2019) have used the term “bureaucratic ethnographies” to refer to those works concerned with the study of the State’s mundane operations. If the State is commonly seen as a defined totality, a “Leviathan”, bureaucratic ethnographies follow it in the messy form of documents:

> The particularity of the bureaucratic ethnographies is that they evidence the fragmentation and lack of physical coherence of what is shown as unitary and powerful within the traditional frameworks of either social theory or the theory of law. Rather than unity, ethnography shows bureaucracies as dense entanglements of meaningless juxtapositions that make more sense as holograms than as rational organizations. (Jaramillo & Buchely, 2019, pp. 15–16)

Briefly stated, under the title of “bureaucratic ethnographies” are placed those works that take as both their topic and their methodological model, the messiness, fragmentation and contradictions in the use and circulation of bureaucratic forms, in which rationality and irrationality, “texts, agents, emotions, action and relation” coexist (p. 12).

There is a recent tendency in bureaucratic ethnographies, which these authors point to, to displace the centrality of the human in the study of bureaucracies. The Archimedean point of this particular attention to the agency of the *non-humans* rests on the early work of Latour and the influence of Actor-Network Theory in the study of the law and bureaucracy. This “Latourian turn” is taken as an “emphasis on the materiality and the aesthetics (not just the textual, representative and semiotic character of the State)” in which it “is the materiality of the paper instead of its meaning that produces the State”[22] (Jaramillo & Buchely, 2019, p. 27)

[22] By bringing this statement into the argumentation of this section I do not intend to endorse an opposition between materiality and meaning. Nor do I think the quoted authors have any interest in producing such a fracture. A stress on materiality “instead of meaning” opposes those approaches in which meaning pre-exists or is taken as ‘bigger’ than its materials and mediations. Instead we are after a complex understanding of materiality as placed in the midst of things (Latour, 1999; Pottage, 2012), not as a quality of those things, but relationally, as an effect of their association with other elements. As Pottage (2012) would put it “what really matters is not the simple materiality of these things -their mass, density, or spatial definition- but rather `materiality' as the kind of agency that is afforded by, elicited from, or ascribed to them.” (p.168). Thus, meaning is not opposed to, but included -as a (co)constitutive element- in my understanding of materiality.

Especially, this approach questions and transgresses the assumed division between administrative action and the law, by taking them as one and the same. The attention here is put on the material artifacts through which the law is assembled, files being the archetypal entity that these studies follow. “Law and files”, as Cornelia Vismann (2008) says, “mutually determine each other” (p. xiii), meaning this that they are not just mediators of legal action (whether you place that in a judge’s mind or in the content and meaning of written laws), but are also active mediations (Latour, 2005a).

The bureaucratic/legal file as a technology makes possible the exploration of documents in their circulation, as well as in their influence in organizational interaction. Furthermore, files constitute an assembling through which it is possible to trace “how documents engage (or do not engage) with peoples, places and things to make (other) bureaucratic objects” (Hull, 2012b). This is the complex technology we are going to explore hereafter.

1.4.1 Files as inscription devices. Persons, moments, and borders

> What is more grey, more dusty, more worthy of contempt than piles of files? Yet, the ethnographer has no choice. Since he does not know the law, he must – in order to follow its particular movement – discover something material belonging to it which is visible, and that can be located and traced. Now, there exists something that traces and organizes all the activity of the Council. It forms the object of all types of care, of all conversations, and it allows continuous movement – without missing a step – from the most inarticulate complaint to the most sublime points of doctrine and even to this ersatz of eternal life by the *Lebon* volume: it is the *file*.
>
> (Latour, 2010b)

The above quote condenses the way Latour’s ethnography on the French *Conseil d’Etat* approaches files. First, as a material thing that circulates in the Council, organizing its activity, by gathering documents of different natures (not *per se* legal), through an “immense labour of ‘shaping ’and ‘formatting’ evidence which alone allows for the Council to carry out its task efficiently” (Latour, 2010b, p. 75). Second, if a thing, it is one that mobilizes a type of writing that connects it to another thing. Files, for Latour, enter the domain of the law (p. 81) and ethnographers take their materiality as a starting point to finally reach those “sublime points of doctrine”.

In the Latourian description of files, they circulate and by following their flow the ethnographer finds the circulation of the law itself: its passage. In so doing and following the spirit of a bureaucratic ethnography in the sense of Jaramillo and Buchelly (2019), the law and its files seemingly are to be taken as interchangeable, as the circulation of the latter unveils the passage of the former. However, as the important feature of this circulation is to be traced in the arguments or "means" that can be extracted from the files by the judges (to finally relate them to the written law placed on bookshelves), the materiality of the file is overshadowed by the importance granted to writing.

The files of the *Conseil d'État* circulate to be read by judges and this movement is described precisely in what could be taken as important for this final moment: its content, that sometimes intermingles with form: a written form. Thus, Latour's ethnography surprisingly abandons some of the principles and tools of ANT to develop *An Inquiry into Modes of Existence (AIME)* of the Law as a kind of enunciation that tends to reify law as a field or a domain in a way that is at odds with Latour's own earlier sociology of associations (Latour, 2005a).

Therefore, Latour's understanding of the law places science and the law as clear-cut worlds. However, "Is law a 'material world' in the same sense as science or technology"? (Pottage, 2012, p. 168). Can it be approached in such a way? Latour's negative answer to this question entails important omissions. Briefly stated, Latour's division precludes the study of the law in its knowledge-production practices and in the technologies that mediate them: "a concerted emphasis on the *referential* work files does [*sic*] seems slightly underdeveloped in his sociology of law", thus not paying sufficient attention to "the active and constitutive work of the legal case file in producing, for the law's benefit, a `judgment-compatible' world" (Van Oorschot & Schinkel, 2015, p. 507).

In a similar way to the Latourian focus on the circulation of files, Andressa Lewandowski (2014) draws upon ANT to follow the movement of the *processos* inside the *Supremo Tribunal Federal (STF)* in Brazil. *Processo* is the Portuguese name for both a file and a case, a container, and its content, thus making visible their constitutive relation. Lewandowski's attention, nevertheless, focuses on different features of files' circulation in contrast to Latour's. Instead of on writing and its content, her focus is more *aesthetic* in the sense that it follows what is "reduced to a piece of paper, what is placed on the surface of a way of knowledge, that is at once a means (a tool) and an end" (Lewandowski, 2016, p.

157). If much of the activity of the Conseil's ethnography takes place among judges, in the *STF* it is located among the flow of these *processos.* Thus, by looking at these, the author approaches the law as a knowledge practice through its materiality, understanding this not as a per se quality of the court's documents, but as an effect of the transformative practices that occur over and through the *processos*.

It is worth mentioning how, by doing that, Lewandowski exposes the ways these artifacts enable the emergence of forms of "feeling" (*sensibilidade*) in the STF, placing the law as a more than technical world. Thus, files constitute a complex and heterogeneous assembling of more than words: they could be understood, as Vismann (2008) puts it, as "comprehensive recording devices that register everything in the medium of writing, even that which is not writing. They register events, voices, gestures and appearances" (p. 10).

Although in Latour's ethnography of the *Conseil d'État* the notion of inscription is only mentioned a couple of times, it will become important for other works in understanding those "comprehensive recording devices". Fortunately, concepts -as files- are living things, whose "aliveness" (Van Oorschot & Schinkel, 2015) depends on the networks or associations in which they are enacted. Perhaps it has been Matthew Hull (2012b) in his ethnography of Islamabad governing/bureaucratic practices who has taken the centrality of this notion furthest in the study of documentary technologies such as the file. He has coined the concept of "graphic artifacts" as the mediations for city government. By doing so, he stresses the way in which inscription devices carry with them implicit "graphic ideologies"[23].

Another important particularity of this concept is that, taken as graphic artifacts, inscriptions could be approached on diverse levels, as they could be seen as belonging to different genres. In so doing, the file can be understood as the most complex genre that incorporates others like signatures or stamps (as simpler and secondary genres that are embedded in the constitution of a file). Therefore, "graphic artifacts" displaces the communicative dimension of written artifacts "to emphasize the non- and paralinguistic semiotic functions of this type of artifact" (Hull, 2012, p. 259).

[23] In Hull's terms "sets of conceptions about graphic artifacts held by their users, including about what material qualities of an artifact are to count as signs, what sorts of agents are (or should be) involved in them, and what the roles of human intentions and material causation are" (2003, p. 14)

A file is full of autographic writing. “Autographic writing is supposed to accompany, produce, or be action. Many actions, such as commanding subordinates, approval of proposals, and communication of information and opinions, are normatively accomplished through writing” (Hull, 2012b, p. 130). Files establish relations between authors of a graphic sign and their agency: “Through autographic writing the actions of individuals within an organization are made visible.” (p. 130). Thus, in the circulation of the file, agency is also *ritually*[24] transported and diffused. As one of the main theses of Hull’s work: the circulation of files produces, at the same time, individual agency (authorship, authority) and collective agency for, once in motion, no single action could be interpreted as isolated from the rest, but always as part of a chain of relations: the action of the organisation.

In other words, by considering these technologies of inscription such as signatures and stamps, through which authorship and agency are attributed, Hull shows how files and graphic signs are at once “presupposing and creative”. That is: “Through graphic artifacts, functionaries locate their actions within a presupposable social context and create a social context around their actions” (Hull, 2012b, p. 132). As signatures and stamps are the result of physical events and persons, they infuse files with those moments, spaces and people involved in their production. Thus, the circulation of the files also constitutes a circulation and translation of these “original substances”, and, in the same movement, these are produced too.

This raises questions, then, of how files establish knowledge relations within institutions. As they are inscription devices (graphic inscriptions), they transport and assure access to “distant” moments, places and persons that are to be known through them. At the same time, it focuses our attention on how these *technologies of legal knowledge* constitute at once, through these knowledge relations and practices, the realities that must be known and the ways they should be known. As Leticia Barrera (2011) puts it: “Files speak of events, register processes and introduce knowledge relations and practices inside the legal apparatus; they even establish the limits of their own reality”[25] (p. 63)

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[24] For Hull (2003), ritual is limited to how the individual becomes collectivized. But it could also be used to speak of the parsimonious process through which this collective authority is achieved.
[25]On the performativity of the law, see Vismann (2008, p. 56)

Barrera's ethnography on the bureaucratic/legal practices inside the *Corte Suprema de Justicia* in Argentina centres on the epistemic dimension of these technologies. Barrera (2009) follows her own file inside the court, as her solicitation to conduct research was taken by the institution as a case to be decided on, meaning that her request was transformed into the material form of a dossier. In following the practices and interventions over the files, she is concerned about the relations "between judicial bureaucrats and the documents they create" (Barrera, 2008, p. 7). Similarly to Hull, she argues that files, agency and personhood are put together in the practice of circulation in such a way that persons and their relations can be understood as effects -precisely- of files.

In the *Corte Suprema* Barrera analyses how files set up "the limits of the judicial scope: that is, the search for (legal) truth is achieved, contested and negotiated only within the boundaries of the official dossier" (p.6). Files draw boundaries: they trace the limits of what is to be considered as important or irrelevant, visible or invisible, internal or external. Thus, the practices of documenting are not passive technicalities, but are constitutive of the law itself, the court, and its subjects: these practices "cannot be taken as just the inscription of words on paper, it accounts for my [*sic*] subjects' commitment to the file as a source of authority" (p. 6).

Barrera (2008, 2009) and Hull (2003, 2012b), then, share the understanding of files as inscription devices that inscribe more than words, eliciting a network of "aesthetic effects" (Barrera, 2009) in which, agency, authority, subjects, moments, among other heterogeneous and more than textual elements count as such. In so doing, Barrera shows how the file "renders visible" some subjects and their actions, while concealing others. Thus, having as an important effect, the sustaining of a particular reading of their relations (a graphic ideology, to use Hull's term).

For instance, in the Court, Barrera finds the enunciation of a gap between what happens in the *vocalías* (the justices' bureau) and the *secretarías* (the court clerks). The first is depicted as creative and the second as technical and instrumental. The file sustains this understanding, denying the autonomy of agency in the *secretarías* "by stressing the technical" (Barrera, 2009), thus constituting the "collective agent" of the Court.

I am interested in Barrera's focus on the file as a "rendering" practice, for this "rendering visible" implies more than a mere portrayal in its effects. It comprises a sort of transubstantiation -yes, the catholic dogma- in which the substance of the subject is

contained by that of the paper in such a way that subject and document become interchangeable: the action of the subject is that of the document and the subject's action relies on the limits of the file. In Barrera's words, 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 form of the thing they produce (…) they may also appear and be grasped as persons (Barrera, 2008, p. 13)

This elicits the problem of *reference* that is common both to administrative practices and inscription devices at large (Latour & Woolgar, 1986).

Similar to Barrera, Van Oorschot & Schinkel (2015) draw on how the legal casefiles of two Dutch criminal courts "allow epistemic access to the persons and events in question" (p. 500). Their focus, then, goes beyond the limits of the file itself which the literature reviewed above dealt with; they are not just concerned with the persons, practices or interventions once established within the files and the (internal) limits of the "legal" that they produce. These authors also consider those outside; for them, the file must be understood as a "border object": "objects that, in their materiality and discursive techniques enact a border between different worlds they themselves (co) produce" (p. 501).

How documentary technologies and documenting practices function as *border objects* can be seen in two remarkable Colombian works: Ashmore and Restrepo (2013) on *Notarías* and the practice of authentication and Camilo Castillo's ethnography on the production of bills in the Congress of Colombia (2017). The first analyses how the technology of authentication -a very widespread technology for mundane transactions through which documents are endowed with a wider mobility- and the social technology of the Notaria -the place and *obligatory passage point* (Callon, 1986) where authentication is conducted- produce (dis)trust and formality in Colombia.

Through their circulation and the interventions of stamps and signatures that characterizes the practice of authentication, documents are endowed with formality and trust. This carries the important consequence of emptying subjects and society of these features. Authentication and *Notarías* function as "mundane technologies of distrust" in that they "configure some users as always ready to avoid swindle, fraud, and robbery and others as potential authors of such offences" (Restrepo Forero & Gómez Morales, 2016). Thus, they can be seen as *border objects* that produce, at once, the words of the formal and the

informal, the legal and the illegal: what is to be taken as trustworthy to enable circulation in wider legal networks (authenticated documents) and what is -as its counterpart- devoid of that: society.

These borders between the law and society, or between State and society are also explored by Camilo Castillo (2017) in following the legislative process in the Congress of Colombia. He analyses how a Free Trade Agreement with South Korea is translated into a matter of public interest and how the legislative process, as enacted through a document network, produces boundaries between the Congress and the society. These boundaries are produced and sustained by a network that includes more than documents -for instance, the building within which the activities of the Congress take place- calling our attention to how these boundaries are a feature of State and public institutions (in which documents are placed as important mediations).

In speaking, precisely, of documents, Castillo (2017) shows how they, in their textual, intertextual, and material relations, not only constitute the legislative process, but also define those that can and cannot be part of it. Thus, the *document network* of the legislative process, in a similar way to Barrera's files, produce the visibility of some actors, while concealing others such as assistants and outsiders.

These studies have in common the treatment of the frontiers between the State and Society not as a given, but as the result of associations in which documents and documenting practices play an important role. Documents such as the file co-produce the law and its context (Van Oorschot & Schinkel, 2015), the State and society (Hull, 2012b).

But the problem of *reference* is not exhausted in the way files constitute, at once, two different worlds (the internal and the external). It also implies the mechanisms through which it allows access to what is produced as external. Similarly to Barrera and Hull, Van Oorschot & Schinkel (2015) approach the constitution of subjects in the records. However, they pay attention to both the self-referential practices through which agency is ascribed and circulated, and the "external" *other-reference* produced through the file. By doing so, the work of the file resembles those inscription devices of the laboratory embedded in the production of a world "out-there". Files make reference to a "State of affairs" and they "do so in ways that inspire trust and give confidence" (p. 505).

Other-reference practices are performed through the documentary doubling of events and actors that are deployed to ensure "an epistemic object constancy" (p. 518). That is, the file constructs a singular event through practices such as the assignation of ID codes, as well as the binding of statements and routine forms (p. 520). Through this *documentary doubling*, persons and objects are "broken down", "abstracted from… [and] reassembled in different settings" (p. 522). In so doing, persons and events "can be reconfigured in relation to the legal, as well as oral, rehabilitative, and risk-oriented categories and kinds resulting in a pure virtuality upon which legal operations can now be performed" (p. 523).

That is to say that files elicit a form of "virtual witnessing" (Shapin, 1984), in a more productive than representative way. Better said, files re-present their *referents*, constituting an event itself. As Van Oorschot & Schinkel (2015) claim about the performative effect of these practices on defendants: "the legal file produces an event and person and introduces it into law, where in court, these productions are folded back onto the defendant" (p. 523)

In the following subsection, I will try to call your attention to this virtual witnessing as I have done in section 2.3. Yet this time I will explore files as *touching technologies*.

1.4.2 Touching files: touch, presence and the sacred

"People don't read writing. They read (and do much else with) files, road signs, forms, computer screens, reports, and visiting cards." (Hull, 2012b). What does this mean? That the semiotic-material technologies of files bring to eyes and hands an experience that the common understanding of reading as a visual/textual activity does not seem to grasp. Grasping and rendering, indeed, seem to be better words for this. Precisely the "grasping" which Barrera (2009) attributes to files. a transportation of persons and moments through *graphic artifacts* such as signatures and stamps.

An experience that entails the *circulation of reference* (permitting epistemic access to the subjects and moments in question through the file) as well as the *circulation of presence* that we have already explored; both of these are constitutive of religious experience - according to Latour- and extensible to the very notion of inscription. By *circulation of presence,* I refer to accessing something distant or past, even *out-there* (like the Latourian reference), but in such a way that it can be *felt* actually present, *Hic et Nunc.*

As mediations of presence, it could be said that the inscription technology of the file allows at least two things. On one hand, the already mentioned transportation of moments and persons to be grasped by bureaucrats, decision makers and State's institutions at large. On the other, the production of presence/existence of the collective agents such as the State and its institutions. As the file produces these agents in its circulation (Hull, 2003, 2012b), they are put in touch with their *referents* to be experienced and made present and to produce in them the trails of their own actions (to transform them in such a way that both the action of the referents can be traced and those of the institution can be witnessed).

This is the co-constitution[26] of the law and its environment (Barrera, 2009; Van Oorschot & Schinkel, 2015), the State and Society (Hull, 2012b), the performativity of the law (Vismann, 2008): files enact and transform, at once, the macro-actor of the State and those micro-actors that appear before its action, producing their relation. A relation that is deeply affective: can there be transformation without the affective dimension that touch evokes? (Puig de la Bellacasa, 2017).

Contrary to the conception of the State as located elsewhere, as a secluded thing, a unified object/subject, ethnographic approaches to its study that draw on anthropology and STS follow it as a network (Passoth & Rowland, 2010). Which means that instead of taking for granted its defined and limited character, these studies take as a problem its processual constitution: its performances of state-ness (Sharma & Gupta, 2007), as well as the mechanisms through which it appears as a unified actor (Jaramillo & Buchely, 2019; Passoth & Rowland, 2010).

States are enacted (Passoth & Rowland, 2010), as mentioned, as secluded from the societies they governs and control and ethnography is a useful tool to understand how these borders are established, sustained and experienced. And let me here briefly dwell on this. If in the previous subsection I have tried to show the literature on files that analyses this technology as one of the mediations that help to produce this division. Here, my

[26] The reader will occasionally find the terms co-constitution and co-production as interchangeable concepts to refer to a twin track process of shaping, constitution or production in which technologies, particular knowledge practices, institutions, identities, discourses and representations take form in parallel. Though sometimes taken as an approach, it has become -as we would wish- an idiom to express the characteristic STS modes of giving an account of particular *orderings* of knowledge and society. See. Jasanoff (2004).

intention is a little different. Namely, to establish a dialogue with some works that make it possible to think of documents and files not just as border producers, but as mediations of presence too, highlighting their affective dimension.

An important consequence of taking the State as a process is that it raises the question on how it is experienced on a daily basis (Buchely, 2018). Which means that, whether in its absence or its "saturation", ethnographers of the State depart from the assumption that these are effects of its very existence (Jaramillo & Buchely, 2019): of the associations of elements that allow the enactment of its (detached or close) presence and its experience[27].

In so doing, *affection*, becomes a crucial dimension of the State and its bureaucracies. Lina Buchelly (2018), for instance, shows how the State is affectively produced in Bojayá -an emblematic place for the history of the armed conflict in Colombia-. She shows how the State's presence is constituted as *fragmented, saturated, fragile* and *efficient* in conjunction with its counterpart: the citizens of Bojayá -victims of the armed conflict- as *precarious*. *Precarity* is not here, as is commonly assumed, a consequence of the State's absence, but an effect of the associations, practices and technologies through which its fragmented presence is achieved. Important here are those implied in the recognition of victims and the production of memory and reconciliation, by whose means citizens in Bojayá become subjects of care and attention -translated into an *oversupply of psychological services* (p. 12)- instead of material justice: "Here, the state is becoming a kind of therapy, a concern for the emotions, which is the only way in which it can be present in the territories" (p. 26).

Nevertheless, the affective State is not only enacted through such *soft bureaucracies* that emphasize attention, but through traditional bureaucratic processes embedded in the recognition of rights and the status of the victim. Fredy Mora Gámez (2016) has illustrated how the Colombian State is produced as seeker of peace in the registering practices through which a victim is acknowledged as such. He follows the RUV (Unique Victim Registry) and the FUD (Unique Statement Form) as socio-technical assemblages: as mediations through which, at once, victims and the State are represented.

On the one hand, experts translate the persons to be recognized, their voices and painful narratives and experiences into preformed categories inscribed in a taxonomy of

[27] On the myth of the absence of the State (and its effects), see Serje (2012).

victimisation happenings (p. 83). As a consequence, affects are inscribed in the forms in such a way that alternative versions of those narratives and experiences are silenced (p. 84). On the other hand, the State is endowed with the power of speaking on behalf of the victims and circulating this represented voice through different contexts. Thus, "acknowledgment, besides being an act of administrative work, constitutes a space of socio-technical configuration of the state notion of the victim" (p. 93)

This representation is far from being a unidirectional action of the State. Through forms and other documentary technologies, different negotiations take place. Valentina Pellegrino (2017) shows how documents and State bureaucracies that can usually be understood as "trojan horses" for -in her case- indigenous organisations, leaching into their inner issues, they can also do so in the opposite direction (p. 214). It could be useful to think that documents are endowed with a sense of aliveness in that they take forms and can be used and experienced in different ways that are -in a sense- independent from their original purposes (Pellegrino, 2017). It is so that this author follows the ways in which documents and numbers are used to enchant and convince others, but also for breaking this enchantment (Pellegrino, 2021).

An important feature of the aliveness of documents is that they can transport affect and emotions. As Wissink and Van Oorschot (2020) affirm: "bureaucratic practices are saturated in and thrive on diverse affects of varying intensity. Bureaucratic action is a deeply affective practice" (p. 1). It is thought of files and bureaucracy that they belong to the realm of indifference -one of Michael Herzfeld's "evil[s] of bureaucracy"[28]-. Mainly because of its association with rationality, there is a tendency to overlook emotions and affects in the life of bureaucratic practices, technologies, and bureaucrats themselves. However,

[28] In his book "The social production of indifference", Herzfeld (1993) presents the tension between national bureaucracy -as a wholly transcendent entity- and identity in terms of a problem of evil that brings back the Weberian notion of theodicy to the study of bureaucracy. How can the existence of such a transcendent organization be compatible with the persistence of the tortures of dehumanization it produces? Through indifference, it seems that national bureaucracies produce humourless automatons: the archetypical or the ideal type -keeping the Weberian jargon- of bureaucrats. For Herzfeld, such indifference is produced throughout popular conventions that differentiate and trace boundaries between insiders and outsiders. Thus, indifference is less an output of the rationalization of the "West" as an assumed specific form of organisation of the societies identified as such. It is embedded in symbolic, cultural and ritual relations. In so doing, Herzfeld aligns himself with Douglas' effort to question the assumed distinction between the *west* and the rest, the *moderns* and their *others*.

indifference can be looked at as one of the different affects achieved through the circulation of files. Particularly speaking of the problem of reference we pointed at in the last subsection and taken here as the twin track process of transportation/production of the State and its society, Wissink and Van Oorschot spotlight that “affects have to be made and are so in relations between the file, the file referent and the caseworker” (2020, p. 2).

These authors follow such production of affects comparatively in the cases of a Deportation Unit and a Criminal Court, focused on the materiality -the aesthetics- of the casefiles and their circulation. It is important here to mention that affects are not to be taken as *clear-cut* emotions, but they are more “every day and subterranean investments and attachments” (2020, p. 6). That is, they are relational and situated effects of the practices in which they are inscribed. Thus, files are embedded in different “economies of value and attention”, for “they imbue certain dimensions of practice with importance, while other may be rendered peripheral” (2020, p. 6). In so doing, affects become an important dimension of the rendering practices that the file produces.

Here is where touch emerges as an important dimension of files and bureaucracies. As Wissink & Van Oorschot (2020) affirm, the affective modes mobilised through the file are tangible in two senses: “they speak both of the way these materials are touched -collected, cared for, read, discarded- as well as for how they touch their users” (p. 6). On the one hand, files mobilise *institutional affects* that organise touch over them, for they become subjects of care, custody, and handling among other tactile practices.

“[A]ll bureaucrats need to pursue one shared goal: to make the right decision based on a file of quality” (2020, p. 8). Thus, the “quality” of files is a hugely important feature of a right decision. And what a file of quality could mean depends on the contextual practices and locations in which files are embedded. For instance, files can be ‘fast’ in the material sense of demanding a shorter amount of time to be worked on, thus constituting a relief for caseworkers concerned with the “loss of precious time” in the race for meeting procedural deadlines and eliciting predictions about the course and destiny of a case. Therefore, “the casefile is an object of care and concern” (2020, p. 6). It elicits fantasy or relief, it distributes attention and value, it requires concern in its handling.

On the other hand, documents touch. Navaro-Yashin (2012) has illustrated this in her work on the documents of Turkish Republic of Northern Cyprus (TRNC) as “make-believe documents”. The TRNC is an unrecognized state outside of Turkey and thus the documents

it produces and the citizens that use them stand in a liminal and phantasmatic position. In speaking of documents, “they exist and there is an administrative practice in place in Northern Cyprus that requires them. On the other hand, these documents mean little once one leaves Northern Cyprus” (Navaro-Yashin, 2007, p. 80).

For the author, documents are “affectively loaded phenomena”, and this can be traced in their interaction with people. This does not mean that people project emotions over documents. Instead, in an ANT-like fashion, she follows documents, the State, and their affects as co-constitutive: elicited and produced in their association with other things and human actors, as effects of networks.

Documents of the TRNC can elicit wit, irony, familiarity or even anxiety and ridicule. However, this affective dimension of documents is not simply related to the unrecognized character of the TRNC state. It has to do with the way documents constitute a fictional reality. In doing so, Navaro-Yashin (2007) treats TRNC’s documents as a hyperbolic *mise-en-scene* of documents: they, in their “extraordinary” situation show how documents, even those regular, “legal” and recognized ones, function. They produce fictions that can be believed and experienced. Fictions that effect and produce affects: tangible fictions (p. 94).

An emphasis on this *touchy* dimension of documents would lead to an understanding of them not only as elements of Flatland, but as having a lively Flatland existence too (Restrepo Forero & Ashmore, 2021). This is to suggest that documents (like files) can be approached as *touching technologies:* as inserted in the reversibility of touch, in their handling, they touch their handlers.

In other words, documents are endowed with agency in a particular way. First, in speaking of their epistemic dimensions -and specifically of files-, they allow access to its referents in such a way that they become graspable. On the other hand, and in consequence, documents re-present and render persons and moments in such a way that they can be experienced and transformed.

I would like to argue that, as a technology of inscription, files inscribe touch. Through them, it is possible to trace the touchy dimension of inscriptions in that, in order to produce a reference, they have not only to allow access to some features of the subjects and moments in question, but they produce their *virtual doubling*. Thus, transforming them and transforming those they encounter.

This transubstantiation of the file calls my attention to the similarity of files with relics in the sense that they transport and produce a presence and in the way that they are carefully handled. As relics, documents are embedded in and constitute *transformative mediated events:* an encounter between subjects (the one that is rendered as the referent and the one that reads/experiences it), moments (the moment when something happened and that must be known and understood, when an action was done, and the moment of its rendering) and a Wholly other (the institutional actor that is produced in the circulation of files, be this the State, a Court, or any organisation).

Can this metaphorical treatment of documents-as-relics be useful to approach their touching -whether in its proscription or in the mundane handling of them- as an interesting thing to follow? Even further, would this lead us to say that documents enclose the sacrality of (let us say catholic) relics? No need to go that far as yet, but certainly it is useful to do not let go unnoticed such a possibility. Far from affirming that documents are sacred, as a generalization, I do not want to treat their sacredness as an inner quality or a given feature. Instead, it questions the place of documents in moderns experience and institutions as more than recipients of and more than cold and rational means for bureaucratic practices.

At the same time, it provides for an interesting means to trace the -commonly assumed- disappeared sacred in moderns' experience. Yet this time not taking as ours the assumption in which moderns and their *others* must be treated as possessing different manifestations of the sacred (one material, all-encompassing and -let us say- fetishist, and the other spiritual and differentiated). Thus, calling our attention on and producing a special sensitivity to, first, the tactile and affective dimension of documents and, second, the ways in which they are endowed with aliveness -in a sense-.

To recover the old mocked scholastic debates in a more exciting way (I hope), a curiosity for those relics of paper would lead us to ask how many angels can dance on the head of a pin[29] (an interesting question in an inappropriate tradition, it could be said). Yet this time

[29] A popular transformation of the well-known question presented in Aquinas' *Summa Theologica* through which he presents different objections to the material apprehension of angels (the religious entities, not the Latourian messengers!). According to Peter Harrison (2016), it has become a myth that scholastic philosophers engaged in such debates beyond Aquinas' objections referred neither to the pin, nor the dance, nor the "how many". It has been recognized, though, as a seventeenth century protestant mockery of the scholastic debates. Whether in Aquinas objection or in the

in a new form: how many angels (Latour's immutable mobiles of religion) can dance (touch and be touched) on the surface of an inscription? How touch, its reversibility, and presence can be followed in the virtual witnessing that inscriptions produce? What kind of orders, technologies, values and conventions, institutions and "all the building blocks of what we term the social" (Jasanoff, 2004a, p. 3) are produced when touch, presence and the sacred are placed in the world of bureaucratic files?

seventeenth century mischaracterization of such questions, the idea that angels (and other sacred, idealised type of spiritual beings) are incompatible with materiality is present. In the first as a direct approximation to the problem, in the second as a truism: an archetypical banality. Of course, my purpose here is to problematize the same kind of banality present in the assumption that obscures the possibility of tracing the sacred as materiality in moderns' experience.


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2. Touching Files, Sacred Documents in the Constitutional Court of Colombia

2.1 A touchy issue. On touching a file

It was the last time I was in the Court. My final day, the moment to say a farewell to my fieldwork and I just needed to do one important thing to conclude it. A month ago, I had asked permission to take pictures of the file of the case that I was allowed to follow. As Greta -the auxiliary justice- and Jesús -the auxiliary judicial official in charge of the case- had to talk to Justice Santamaria about my request, I had to wait for it. She finally agreed, for I had signed a confidentiality agreement once they had authorized my research. Jesús was the one in charge to let me access the file and take pictures. I had arranged a meeting with him to do that, though he had totally forgotten. He welcomed me, then, with bad news: “the decision was handed down yesterday and the file along with the decision was taken downstairs”. “Downstairs?” I asked, “what does that mean?”. He was referring to the Clerk’s Office. When a file is “taken downstairs”, the work is done, it is no longer in custody of the Justice in charge, but in the Clerk’s. Jesús told me that he had sent the file and the decision the afternoon before, meaning that probably we had the chance to take it back to Santamaria’s office for a moment.

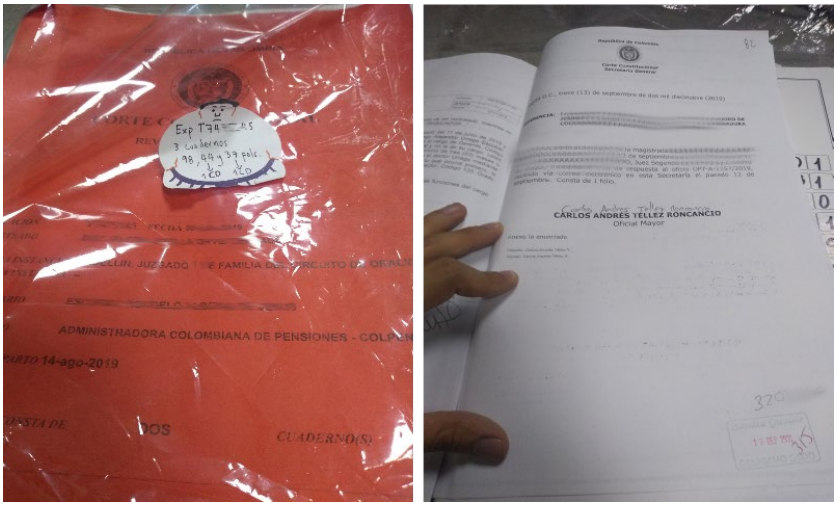
Just like the file and the decision, Jesús and I went downstairs too. We entered a part of the Clerk’s Office I did not know. There were many officials sat in their workstations, checking documents and writing. Jesús approached one of them to gently ask him if he could have the file back. The Court Clerk’s official, shocked by this request, asked Jesús why he needed to take it back. I saw him (the official) as if he were trying to hide his

astonishment. Maybe it is highly unusual for him to attend such requirements, but it is rude in any case to openly show distrust to a co-worker. Of course, under such circumstances, Jesús was not going to say: “I need it back, because I need to give it to that man (pointing at me) who is going to take pictures from it”. No, he merely said that the office needed to check some information.

Without dispelling his astonishment, the official took an empty control sheet, and put its first register: the ID of the file, the date on which it is being transferred to Santamaria’s office and the name and signature of the receiver (“Jesús…”). Perhaps, the rudeness of openly showing distrust could be softened thanks to the mediation of a piece of paper. Immediately after, the official looked for the file and gave it to Jesús, who politely responded with an “I’ll be back in a minute”, perhaps to relieve the official concern.

After this, we went upstairs and Jesús made a space for me in the Clerk’s Office of the bureau, where other auxiliars were having a chat. Seeing that I was sitting there, holding a file and with my cell phone ready to take pictures from it, one of them opened her eyes wide and asked Jesús if I could do such a thing. He said it was okay, for I had the Justice’s permission and we had signed a confidentiality agreement. After all this paraphernalia -those questions and answers, control sheets, permissions, registrations and even confidentiality agreements- I finally had a file in my hands (**Figure 1**).

Figure 1 *The Clerk’s Official file and the file in my hands*



From left to right: 1. The file, once Jesús and I took it back from “Downstairs”, covered with a plastic envelope and with a sumo wrestler post-it on it. Apparently, the strange post-it was put by the Clerk’s official. 2. The file in my hands (actually, my hands on the file).

Before mine, several hands had been at this file. Just considering its life inside the Constitutional Court, the *tutela* files pass through different stages of handling and reading, though only three of them are usually used to resume the process: the pre-selection, the actual selection (selection chamber) and the reviewing (whose outcome is a decision). Is worth mentioning that not every tutela file suffers the same fate of becoming a decision. While some accomplish the whole journey (meaning this that they are pre-selected, selected and reviewed), some others only reach up to the *selection chamber* to be finally discarded. Others -the vast majority- not even move beyond the pre-selection phase.

According to the Court's statistics, in 2018, 607.498 *tutelas* were filed in the Constitutional Court, however just 1.492 were selected to be re-viewed. In other words, the whole-journey tutela files are a minuscule amount. The file in my hands is one of these select(ed) cases. As said by the official version, this whole-journey implies nine steps through which the file flows between Justices (see Annex B) and "going downstairs" among other movements of the files disappear from this account of the stages. Just like the Clerk's official's hands, that have been certainly at this file before I grab it, I wonder how many other hands had been involved in its handling. A question that is, however, less about quantity and more about substance.

By considering the paraphernalia through which I could access the file and the one embedded in its registering in the clerk's official book, it could be said that touching a file embeds more than a mechanical or simply unproblematic question. If it is able to trigger those passionate affects, like the clerk's official's apparently fear or the wide-open eyes of the other auxiliars of the bureau, the file seems to be more than a piece of paper (or a collection of them) for those who handle it on a regular basis.

And here I found the file immersed into a paradox. On the one hand, it constitutes a routine and taken for granted tool for legal work that tends to become invisible (Hull, 2012a, p. 253) in the accounts of the Court's action (commonly depicted as performed by justices). On the other hand, it is treated as a thing of special value: something that must not be touched, handled, transmitted or carried without precautions.

Thus, the file is like an ordinary coin, useful for mundane transactions: a *working paper* that passes through the hands of many busy handlers that, sometimes, put some particular imprints on it (see the sumo wrestler in **Figure 1**). But at the same time, it is endowed with a special aura: it is like an enchanted thing. If the file would belong to a different ecology -

one of those of special interest for the anthropologists of the *Others* - it could be said that it is something that seems to have its own *totemic force* or its own *hau*[30] for the way it is treated.

On the one hand, it mobilises affects on and compels those who deal with it; on the other hand, many of these affects seem to be shared or to allude to an identifiable feature of the file (please, consider the official's fear, Jesús' sensitivity in handling the situation, and the bureau's official astonishment). What is that? What is it that makes the file so special in the Constitutional Court assemblage? A first response to this question could be given regarding its content: a file is special for what it contains. However, what a file contains becomes another problem to solve. It could be said that files contain *the history of a case*, which means that they make traceable every movement and every change on them. Nevertheless, as I have suggested before, there is a tendency to reduce the accounts of these movements and changes into the action of the justices over the case and, as I will discuss later, the file sustains this version.

Thus, it could be said that the file contains the official *history of a case* and that is what matters. Perhaps, those passionate court workers seem to show concern about the possibility of losing its content as a unique version. However, considering that plenty of the documents of a file are actual copies of other documents, and that the original communications that it holds can be recovered whether by asking a copy from the issuer or the recipient, I wonder if a loss of content is really the subject of such concern and paraphernalia.

I could not imagine another literary technology, another written piece, whose content could provoke such affects on its keepers when regarding its handling. Perhaps in this process of imagination, I could think of -in some contexts- a Bible, the *Tablets of the Law, or the Koran (to name a few examples of the same species): a* book that contains the word of the god. Or I can even think of a relic that contains the god itself. Something that by its very *presence* could affect those in the surroundings. The tutela file is, then, enclosed by a halo of mystique. Thus far, without the aim of answering the question of the specialness of the

[30] In Marcel Mauss' "The Gift" (1966), a Māori concept for the power or force of the given thing.

file held in my hands, I do not intend to solve the mystery, quite the reverse! Its mysticism becomes the subject of this chapter.

On the one hand, Touch seems to be a mediated and organised practice. Not every touch is allowed on files and other technologies and mediations are put as its gatekeepers (confidentiality agreements, registration forms, to name a few). Thus, files become subject of protection and affect. Which makes me question, as an ethnographer, what does a file contain? What does it become in the hands of its holders? Why is that touching a file demands a complex paraphernalia in which -as argued later- some touches are kept at bay?

On the other hand, there is a tendency to overlook the many hands involved in reviewing/selecting a case/file. Here I have used hands to refer to actual hands of the people embedded in handling and reading the file. However, I want to give that word more texture: it refers to both hands and their doings. Law students, mentors, transport systems (delivery service providers), as well as regular meetings, practices of reading, handling, registering and filing disappear from this step by step. Is there a kind of connection between the keeping at bay of those hands *on* and in the file?

Let me introduce some places and moments when, whether by its absence or its presence, touch is part of the file in these locations.

2.1.1 A chaotic *there*: The Room

Tutela files of every minor court must be sent to the Constitutional Court for its reviewing[31] (see Annex: A commented step by step of the process of reviewing *tutelas* B, step 1). Once sent, they drop anchor in the Court in a room (which I will simply call The Room), where they remain before being handed to the Clerk's Office for filing.

In Colombia, there is an information system called "Justicia Siglo XXI"[32] where almost all processes of the judicial branch are registered, except those of the Constitutional Court. Gretha told me that in the Court's first years (it was created following the Constitution of

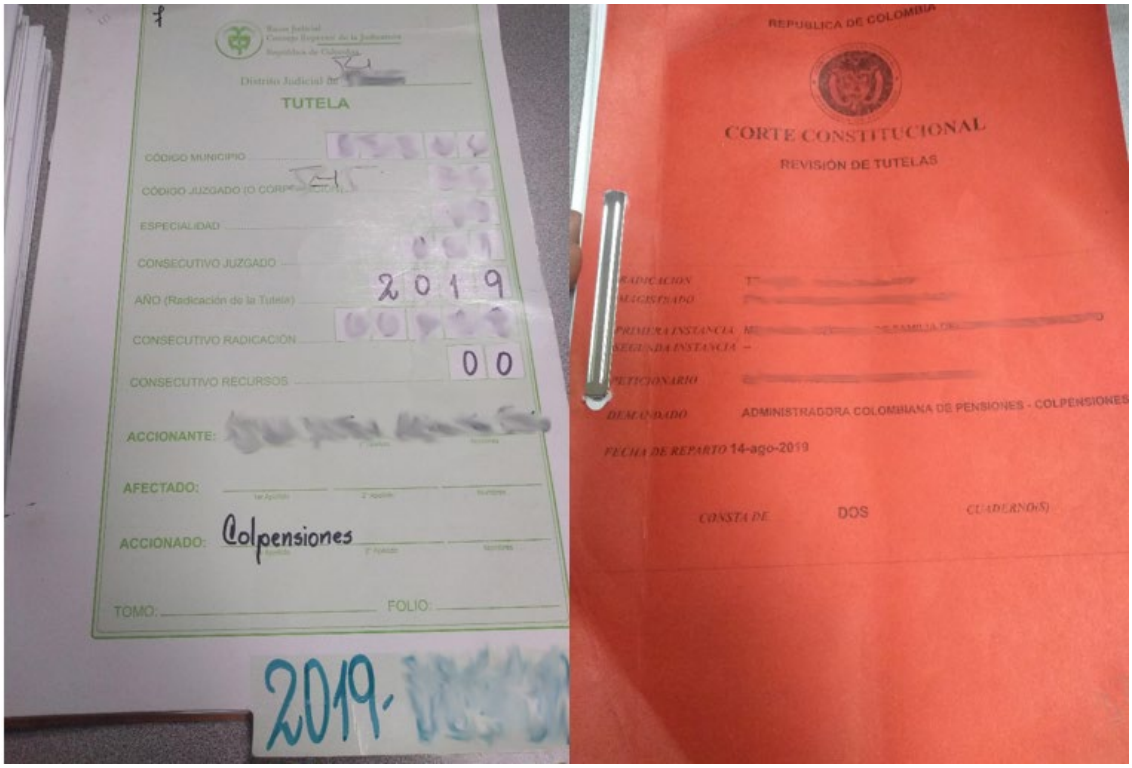
[31] The Constitutional Court of Colombia has two main endeavours related to its vocation: to decide cases relative to constitutional matters and review all the *tutela* cases (guardianships) that are decided in the country for its eventual *selection* for *Reviewing*.
[32] Acuerdo 1591 de 24 de octubre de 2002

1991) the system “did not work well”. The Court, as a consequence and according to Gretha, implemented a new information and filing system just for itself.

Though perhaps this could have granted the institution some independence – for “at that time that was the only thing that guaranteed the speed that its role demanded” (INT-OCT11-GRETHA&JESÚS), this has posed various problems of traceability. On one side, people cannot easily trace “their processes”, because once inside the Court, files are registered with a different filing number and indexed in a new system. On the other side, this problem has a material parallel: the file that transits through these two information systems becomes actually two files. One that has a standard white and green coversheet with the particular filing number assigned before its passing through the Constitutional Court. Another with a standard orange coversheet, with the particular filing number of the Court (**Figure 2**).

Hence, it does not take so long to realize, just by taking a look at the file, that it is a decision about another decision, a reviewing: the object under the scrutiny of the Court is actually another (identifiable) file, that contains a decision about an original case. Visibly, the new orange file traces a boundary between the outside and the inside the Court, yet in an encompassing movement: the judicial system outside the court is covered by the envelope of the Court’s action. Just as the bigger fish eats the smaller, one file (the one with the orange coversheet) contains the other.

Figure 2 *Two different folders, two different systems*



From left to right: 1. The file, with the filing information according to "Justicia Siglo XXI". 2. The file with the Constitutional Court's filing information

This boundary sustained by the different information systems, the filing numbers, the coversheets and the superposition of two files in a single one, is also produced in the process of arrival of the files. Considering the foregoing, none of the files in The Room are yet files of the Constitutional Court and their status is different from that of a process, for in order to be so, they have to be filed again[33]. What happens when a file arrives at the Court is therefore characterized with the indeterminacy of tons of pieces of paper that cannot be traced inside the Court and yet are now in its custody.

In speaking of The Room, members of Santamaria's Office described this place as a *chaotic* location where trucks come and unload files that cannot be easily counted. The descriptions of the place make them look like a warehouse, a place of unloading things which are not yet in an inventory and should initiate a chain of registrations and transactions. However,

[33] Thanks to Guillermo Viasús for the fruitful discussions we had around this.

unlike a warehouse, The Room is depicted not as a safe place where things are stocked, but as a risky spot in which *things happen*:

1. Gretha: Oh, but there we would have to ask Gilma Suarez for authorization. No, perhaps to Gabriel.
2. Jesús: Yeah, to Gabriel, because where the truck comes…
3. Gretha: No! And the room where **they** [the files] **are**[34]… What happens is that I don't know **how** [possible is it?] ... I would have to **ask the boss**, because as **there** is no… Let's say, it is **a chaotic place** in the sense that the **files aren't identified**. This is done **here**. So, **all paper is at risk**. (INT-SEP12-GRETHA&JESÚS)

The excerpt above took place once I mentioned the possibility of asking for permission to go to The Room to conduct an observation. Therefore, Gretha and Jesús were discussing the practicalities of this requirement. To that end, they were embedded in defining who would have been the source of that authorisation. First, Gretha pointed at the Clerk (Gilma Suárez), for she was in charge of authorising the movement and handling of every file in the Court (and every document that had to do with them). Slightly later, she mentioned Gabriel as the person in charge of *The Room* and the unloading of files in it (as Jesús pointed out).

After this, in the final part of the excerpt (line 3), Gretha showed doubt about the possibility of either speaking to the Clerk or to Gabriel, adducing a problem with the *presence* of the files in The Room ("No! And the room where **they are…**"). She suggested, then, that she should speak first with her "boss" (Santamaria). Thus, the practical question concerning who to talk to -to enable me to enter The Room- is transformed into a *matter of delicacy*: who to carefully consult about the possibility of accepting such a requirement.

In the first case, the answer would have been either "let's talk to Gabriel" (an informal procedure), or "we have to go to the Clerk's Office" (a formality). Anyway, the answer would have pointed at a means to an end (of me being there). That is, the problem to be solved is either logistical or administrative. In the second case (asking the boss), it is a matter of gerrymandering, of touch and delicacy: *how possible* is it to allow a person external to the Court to conduct an observation in The Room becomes a question of *how prudent* could it be. A question that is solved in a kind of "speak to the manager" technique.

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[34] In Spanish: *"No, ¡y en el lugar en el que están!"*

The reason that Gretha at first gave for her caution, as I have pointed out, was related to The Room, for it is a chaotic place in her words. The *chaotic* is a vague category for it points at an undetermined state of affairs. What could happen in a chaotic place? Gretha put this chaos in terms of the lack of identification of the files "there" (The Room); being identification a practice that is only conducted "here". This *here* and *there* splits the Court into a binary topology: the *inner organised world* of the Court (where Santamaría's Office and the Clerk's are) and the *outer disorganised world* of new arrivals. It is not clear though, how the importance attached to identification *here* and its lack *there* relates with my request that must be *taken with touch*.

9. Gretha: Because we do have to ask for a **special authorization**, as it has been a very **touchy issue** here. Because, although in general we haven't lost anything, **sometimes things happen**.
10. Miller: okay.
11. Gretha: So, it's like super **touchy**. (INT-SEP12-GRETHA&JESÚS)

The excerpt above strengthens the idea of my petition as a *matter of delicacy*, in which a simple authorization (either formal or informal) is not enough. But what does a *special authorization* imply? It does not entail the direct result of enabling me to be in The Room. On the contrary, it is a consultation (a "*talk to the boss*"), or an issue to delay (who could assure that Gretha talked to her boss about this particular issue?) and, in any case, a barrier, an *interdiction* in the Durkheimian sense (Durkheim, 1995, p. 304) for *protecting* what must remain *isolated* from potential sources of damage. You know, *sometimes things happen!* However, how is it that this mention of things that happen serves as a way of dealing with my request?

This mention of things that happen seems to blur the source of the happening and the happening itself (which could be the loss of something). That things happen is a generality, however this generality does not necessarily have to be an obstacle for me to be there. How is my presence, its very possibility, linked to this generality? Here is where touch appears as a mode of relating. The description of it (the problem with the presence of the files in The Room and my presence there) as *a touchy issue* must not be disregarded as irrelevant. It should be taken seriously in two senses.

First, the *touchy issue* appears here in its very material sense. The question is in what is presented as an obvious consequence at the end of excerpt 1, line 3: "So, all paper is at risk". How is it that documents and files are at risk in The Room? And how does this risk

involve me? The expression “all paper is at risk” should be divided into two sections. “All paper” and “is at risk”. The former refers to the indeterminacy that comes with no identification. In speaking of files, usually when they are “referred to in the plural, their content rarely seems to matter; it is buried underneath their materiality”. Cornelia Vismann (2008) ingeniously named files under this situation as “Babylonian stacks of files” to refer to their indeterminacy when they pile up, when they accumulate in such a way that their content seems to disappear in their thingness. The mention of files as “paper” seems to evoke this idea of the Babylonian stacks as babel towers, for the mounds of files in The Room are located in the middle of different worlds of classification.

Therefore, files in this description should be understood as a group of things that are gathered under the same criteria. “All paper” gathers together a variety of cases, of sources of information and of literary genres (clinical records, medical opinions, letters, declarations, etc.) under the material that supports them all: pieces of paper. In this sense, a medical record in a file in The Room, and the piece of paper in which I take notes for sketching this chapter of my thesis should be taken as similar entities: just sheets, pieces of paper.

On the other hand, a situation of *being at risk* points at not a *per se* quality of a file, but a circumstantial one: a moment of exposure. One of the qualities of the files that is stressed with their materiality in their description as pieces of paper is that of exposure: the idea in which the files are *at risk* supposes their presence as threatened by a source of an undesirable happening as a latent possibility (*things happen*). However, if exposure to an undesirable happening, a happening of what? Of a virtual transgressor against files-as-things. It should not be ignored that the situation of being at risk emerges in a response to my request to enter The Room. Thus, the possibility of my presence and the risk (to the documents in The Room: their presence) should be here (*there*) considered in terms of a consequential relation, as the notion of presence (to be present) involves *touch, one that* “exposes vulnerability”[35]. What I suggest is that with my request I took the place of the virtual transgressor; I became present in the situation of the virtual setting of my presence as a possibility. As a result, the files in The Room also became virtually present in the

[35] There is no way to be present without touch, for as Puig de la Bellacasa (2017) states, it: “is there all the time—by contrast with vision, which allows distant observation and closing our eyes. Even when we are not intentionally touching something, the absence of physical contact can be felt as a manifestation of touch. Touch (…) exposes vulnerability” (p. 99).

awareness of their exposure. That is, the files and I became co-present in a relation of vulnerability-source of transgression.

Having said this, there is a second (not opposed) way to understand my petition and the presence of files in the room as a *touchy issue* and this is related to the mention of the *things that happen*. Perhaps, while pointing at those "things", Gretha seemed to be confronting the same *touchy issue* as that which the Clerk's official attended to by registering in his control sheet that a file was handed back to Santamaria's office. For citizens as for co-workers it is always rude to show distrust and it becomes necessary to handle the situation with a light touch. In any case, this *touchy issue* constituted a matter of assessment and evaluation of the risk to the files supposed in their exposure.

Although I signed a confidentiality agreement and, in Santamaria's Office Gretha had opened a folder to store all the documents that had to do with my requests and passage through the Constitutional Court and though they served as mediations for letting me touch the file in the bureau (**Figure 1**), why could not Gretha use it as Jesús had used it to account for my authorised access to the file to take pictures? Certainly, an important dimension of a *touchy issue* is that it needs mediation: you cannot touch directly something without carrying the possibility of its (presumably bad) consequences. A *touchy issue* implies the reversibility of touch (Puig de la Bellacasa, 2017) in that touching a thing envisages a reverse affect on the toucher. In dealing with a *touchy issue*, therefore, it becomes necessary to mediate *touch* in such a way that a protection of the thing becomes a protection of its guardian against the *affection* that may follow.

However, how to handle a *touchy issue* if things in *The Room* have not yet been processed? How, if the problem is precisely that they have not been subject to the mediations of the Court (that start with filing)? In Gretha's response, isolation (isolating files from me) takes the place of that mediation.

Thus far, isolation and discursive techniques like the "talk to the boss" are added to the list of gatekeepers of touch mentioned above. A list that becomes longer each time and that constitutes the *touching* of a file as a *touchy issue*. With this, the mystique of the file does not cease to call my attention on how -by what means- a file is endowed with so special a character that its touch must be treated with delicacy.

The question of what a file contains here takes on added relevance, through the contrast with the treatment of files as "paper" in The Room. The indeterminacy of their content and

the persistence of the restriction over touching them challenges the identification of this specialness of a file to its content (to what files say). In The Room, there is no way to know what a file says; however, those “Babylonian stacks of files” must be placed into custody.

Can files contain more than words, by any chance? Whatever the specialness of the tutela file could be, it must not be greater (and elsewhere) than (in) a piece of paper. I have called the reader’s attention to green/white and orange coversheets, filing numbers and the filing process that different information systems suppose in order to imagine together some kind of content. So far it can be said that files contain boundaries that are the result of these materials and practices.

The file becomes two files in the same way that the *here* and the *there* become two worlds: the inner and the outer. Whether in the orange file that contains the green and white, or in Gretha’s description of The Room and the delicate handling of my request, there is a division between a chaotic *there* -The Room with its lack of identification or the rest of the judicial system that “did not work well” and that now is subject of the Court’s scrutiny- and a *here* where chaos is handled, as well as identification and review are conducted, thus putting order in the court.

However, because in The Room files are not yet filed, it could be argued that files *there* cannot contain this border. They only do it in the inner organised world of the Court. Their relation with the boundary in the imagination of a *there* in contrast with the *here* is thus one of result-production rather than container-content. Files, however remain isolated, as if they were containing something special.

It should not be overlooked that files *there* are immersed into another paradox: that their isolation is at once a process and its result. A production of a boundary and a practice that comes as a consequence of this division. And in that sense, files in The Room sustain this boundary too, even without being filed; they do it in a particular mode though. Perhaps, it is better to say that they contain a *touchy issue*. That is, a conjunction of threatening/threatened content: an exposed presence that entail those boundaries between chaos and order, the inner and the outer. In a nutshell, files contain touch in a figurative sense: they become *touchy issues*.

Touch as the content of a file is figurative, but material as well and here I ask the reader to get immersed into other places and moments where this can be traced and where the

question about the specialness of the file still remains open. Why is this boundary/*touchy issue* so special?

2.1.2 The passage and transubstantiation of a file

If there is a *here* and *there* in Gretha's description of *The Room* where *there* is presented as chaotic, by contrast the *here* should be ordered. What kind of order does it entail? One thing is for sure, it embeds neither silence nor neatness. If anything could define the *Judicantes*[36] workplace it is noise. In Gretha's description of *The Room* it could be imagined as silent. Even more, it touches me in its silence. The absence of touch in which my presence becomes a threat provides for its experience as a silent place. By presenting files *there* as mere pieces of paper in a place where we have to assume that normally nothing happens (but *sometimes things* could), noise speculatively appears in the imagination of my presence.

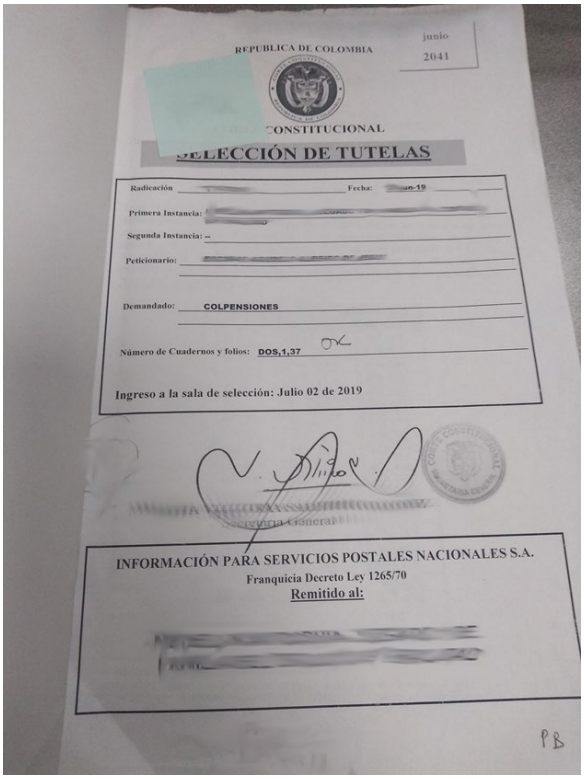
Pieces of paper, as contentless things, are not to be read aloud but are (waiting) to be handled. How does a piece of paper sound? Perhaps in ripping, crumpling, or moving it (if we suppose the act of taking a sheet produces the sound of friction). Contrary to *there*, the *here* is anything but silent: *here*, sheets are not just in-touch with a multitude of other sheets, but other things and human touches are also present. Sounds of touch are everywhere: fingers over pages to be turned, wraparound plastic envelopes being opened, the typing of keyboards, readings aloud in mundane talk-in-interactions and laughter. How to understand such a contrast?

To be *here*, pieces of paper should have passed through the Clerk's Office in which officials take them in their hands to put some basic data into the information system of the Court: the first and second (if necessary) instances of the *tutela* decisions -the minor courts in charge of them-, the names of the plaintiff and the defendant, and a particular serial that starts with the letter T, a hyphen (*T-*) and then some numbers. It is the case number that will identify the file inside the Court that is finally tied to a date that registers the day on

[36] A *judicante* is a kind of an intern, a law student that has finished courses in the law school and needs to fulfil the requirement of the *judicatura* (a public service usually *ad-honorem*, which is the case of the Court, that every law student must provide to receive the law degree). However, I would like to avoid using "intern" as a translation for this title. For as it is a local and very important name in the court, I will keep it in Spanish.

which that number was generated and assigned to a particular file. This serial number transforms a material set of pieces of paper into a case to be solved (a plaintiff, a defendant, a history) for the Institution. That is, to be *here*, pieces of paper have been transformed into documents. A thing made of information and materials, a thing to be read and to be handled (**Figure 3**).

Figure 3 *A filed file*



Just like files, to be *here* I had to be transformed too, not only by means of the confidentiality agreement I have previously referred to, but on a regular basis, as a ritual of entrance (or perhaps, like a *ritual of passage*). The day I visited the *judicantes* workplace, I entered the building as usual, passing through the security checkpoint at the main door and had to be announced in the particular lobby (another checkpoint with turnstiles) designated for the Constitutional Court (in the building there are different doors, check points and lobbies for the Constitutional Court, the Council of the State and the Supreme Court). I had an appointment with David, the auxiliary in charge of the *judicantes* in Santamaria's bureau. Thus, I said at the checkpoint: "I'm going to office ### in Justice Santamaría's bureau, for I have an appointment with David ***". The receptionist in the lobby did her magic with a little

help from her computer, a phone, a cardholder and some forms. She asked me to give her my *cédula*[37] (ID card) and I gave it to her. She looked at it, looked at the monitor of her computer while typing something (presumably my name and *cédula* number).

After this, she took a little form from a cardholder and filled some spaces with the name of the official I was going to visit, the date and the arrival time, leaving some others blank (my name, the number of my ID that then was in her hands and the check-out time). She said to me that the person I was going to meet should fill them in (by his own hand?). And as if it were a transaction, she gave me the form and a "guest card" (**Figure 4**) that was authorised to open the turnstiles at the left of the lobby and Santamaria's bureau door.

Figure 4 *A guest card and the form*

At this moment, I could not leave these security procedures without establishing a parallel between them and the files that pass through the Clerk's Office to be filed. Just like a file I was subject to a kind of filing too. I was transformed into someone that can pass through the building doors and has to be handled by different security checkpoints: a case for the security staff. For safeties sake? Who knows, sometimes things happen!

Thinking of me as a subject of filing too makes me realize more similarities between this kind of transitory *ritual of passage* and the passage of files between *there* and *here*. We, the files and I, must be transformed into something that we were not before: subjects of the Court's action. Like files, I was not expected to endure in the Court or have a permanent

[37] For the intricacies of this technology in Colombia, see Restrepo *et al*. (2013).

standing, but to pass through. The material technologies that allowed this call my attention to establish a contrast.

On the one hand, files. The boundary crossing of files between *there* and *here*, produced an actual transformation of them (the splitting of each one in two and the coexistence of these two in one: the constitutional Court file). On the other, a piece of paper that bears some resemblance to the clerk's official control-sheet -an annotation of date, hour and person-responsible, but that accompanies the movement of the filed subject: me- and a guest card to cross the turnstiles and open doors, like a passport (a technology for crossing boundaries).

This mention of the passport is not without justification. Similar to the arrangement of the two different filing systems, numbers and coversheets of files, their isolation in The Room and their passage through the process of a new filing, here at the lobby a boundary is produced too. One, again, between the inside and the outside the Court. However, it should be noticed that the boundary that is traced regarding files endows them with an aura of specialness, in which my access to the Room -for instance- is presented as implying a risk. A hazard that transforms me into a threat. In other words, though similarly crossing boundaries in the Court, the files and I are subjects of two different actions.

First, I was subject to surveillance and control. A consideration of potential threat that seems reasonable – one could say- given the history of the Palace of Justice: in November 1985, some members of the M-19 guerrilla took the Palace under siege and the military conducted an operation to retake the building, thus effecting one of the most horrific remembered episodes of the history of Colombia: A *holocaust* (see **Figure 5** and **Figure 6**).

Figure 5 *In memoriam. An always-burning flame at the entrance of the Palace of Justice's courtyard. A remembrance of the holocaust*

Figure 6 *The palace, that is called "Alfonso Reyes Echandía", in honour of the ex-president of the Supreme Court of Justice, assassinated by the military during the retake*

However, this paraphernalia over visitors and the consequent production of boundaries is far from being a particularity of the Court, but a tendency in many State institutions like this one. I am indebted to Camilo Castillo (2017), who conducted a similar analysis on the Congress of Colombia (the building is just in front of the palace) showing how these

boundaries of stone -as he calls them- control the flow of people, also producing the greatness of the institution (p. 82).

By following Castillo's argument, it could be said that the inside and the outside and the organisation itself are produced at the same time. Through them, what belongs (or not) to the organisation is defined, thus achieving "an internal representation" of it and producing a sense of its actions as autonomous (p. 84). Thus, through this boundary crossing, the State, the Court (in my case), the society and the citizens it governs and controls are enacted.

In the second action, files are subjects of protection. If in my passage there is something to be protected, it is certainly not me, but the Court itself. In the passing of files from *there* to *here*, the protection against transgressors includes them in such a way that, in any situation, my presence (or any other unauthorised actor) is treated (and the situation is handled) as if it were a potential offender.

Like the file my movement/passing was recorded and registered. Yet, in contrast with files, the Court (luckily!) did not leave on me any permanent and visible mark. Files instead record (an English verb that, used as a noun, is another name for files). Record this movement, becoming *the history of a case*. Certainly, that "a file is a chronicle of its own production, a sedimentation of its own history" (Hull, 2003, p. 296) is not a novelty at all. However, the movement from *there* to *here* in the *tutela* files suggests that this sedimentation should not be taken merely as a recording of information.

As said before, files *there* could be seen as external to the Court and present an interesting contradiction: as unidentifiable pieces of paper, they are handled and referred to as contentless things, and at the same time they are treated as containing something special. Through their filing, they are transformed in such a way that they are not just subject to the Court's action, but they seem to contain it, so that the protection of the Court against unauthorised visitors becomes extensible to non-filed files.

It is interesting that, c*ontagiously*, even before filing, they are treated as if they had already crossed the boundary that makes them part of the Court, containing/registering its action. It seems that a kind of *transubstantiation* occurs between the Court and the file: content and container fuse as in the Catholic dogma and practice, in which the host, through the

rite of the eucharist is said to contain the body of the Christ in such a way that they become the same thing: *hoc est corpus meum*[38].

Curiously, if hosts after their consecration are treated with special reverence, before that moment they are handled in a similar way. The specialness of the host accompanies them in their process of production and stocking, as if, though not containing/being the sacred thing yet, its sacred fate confers the sacredness to come upon them. Though not going as far, a similar situation can be found in Michael Lynch's (1988) following of the consecration of rats in a laboratory: even before their killing, living rats are handled with special care, for a bad handling could mean a "bad rat" (a tissue of a bad quality, whose valuable information could be altered). In any case, being a host, a rat or a file, it seems like their special future content transforms them in special containers that need special handling, thus keeping improper access and touch at bay.

Hitherto, my passage has shed some light on files' passage and *transubstantiation* has been a useful metaphor to give an account of this process in which the action of the Court and the file seem to be confused; or fused! Taking the container as content in such a way that, even where they remain external, unidentified, they become subject of protection and special handling. A *touchy issue* indeed! It could be said that, in this *contagious* confusion, files are endowed with a kind of materiality that seems unique. In their isolation, protection and special handling, files are filled with their *recordability*. To the question of what a file contains, thus far, it could be said that a file contains the capability of containing and recording (even that which it will become and what it will visibly register: the Court and its action).

This helps me to understand why those Court workers presented at the beginning of this chapter show those passionate affects when regarding the touch and movement of a file. Such *contagious magic* should not be taken in vain, of course. For before that, *sometimes things happen*! Things could happen, for instance, at the lobby or in the flow of external visitors. My passage through it speaks of the understood possibility of a happening, a disruption and a series of procedures and technologies that place the visitor as a controlled suspect in a single transaction: the interchange of my ID with the guest card and the little

[38] "This is my body", the words intoned by the priest, while elevating the host, after which the transubstantiation is said to occur.

form. *Mundane technologies of distrust* (Ashmore & Restrepo Forero, 2013) that manage misgivings so that passions can be curbed and handled.

Yet the things that happen regarding files seem to be different. Even equipped with similar technologies, whether in the clerk's official control-sheet annotation or in the account for their standing in *The Room*, emotions are running high. As if fearing what the file contains or, perhaps, what it could? A double fear in any case: of others -those transformed into threatening presences- and of files. Considering that files are recording technologies and that record their own flow, it is quite noticeable that those movements like the clerk's official are not imprinted on them, but other external technologies are needed to do so (control-sheet). In contrast, their passing from there to *here* leave a significant mark that is worth the splitting of themselves. What could trigger such a selectiveness in its recording?

Perhaps, more than accounting for its own history or a case, files account for somebody's action. Then, becoming *special* records that are treated like if they could -like a sponge- absorb everything in their wake. In consequence, unleashing the fear of what should not be registered but that nevertheless could leave its footprint.

To understand the specialness of something, perhaps there is no better way to start with than considering what, apparently in contrast, remains ordinary or mundane[39]. Therefore, for continuing questioning about and exploring this specialness of a file, I ask the reader to take with me another travel for another passing. One in which files becomes an ordinary object for mundane/work transactions.

2.1.3 The judicantes' workplace: an uninscribed touch

After putting the guest card through the turnstiles, I took the elevator to go upstairs. I opened the door of Justice Santamaría's bureau and looked for David in his office. He was going to take me to the fifth floor: the *judicantes* workplace. The *judicantes* are *ad-honorem* workers

[39] In Durkheim's sacred, specialness becomes differentiated from the ordinariness of the profane. The sacred seems limited to time and space disruptions, thus, producing the mundane as its opposite. I want to challenge this assumption. Not only ordinariness needs to be performed and sustained through effortful achievements (Sacks, 1984), but it could be said that the specialness (even in the form of the sacred) of something should be sustained by mundane acts such as isolation or those related with the assurance of the untouchability of the special thing. Specialness and sacredness, just like the isolation of the tutela files, are at once a process and result.

that constitute the first instance in which a file is taken to be read. In fact, they are the first filter in the process of *selecting* (Annex B).

For selecting cases, the Court should *read*, day by day, month by month, the huge number of cases I have mentioned before, that exceeds its capacity to give detailed attention to every file. Thus, a practical question to handle is: how to *read* such a number of files in a short period of time while ensuring proper attention to those cases in which a right is being infringed or in which it is necessary to say something new?

Well, the answer to the previous question could be disappointingly obvious: finding the cases in which a right is being infringed or in which it is necessary to say something new. No matter how simple this sounds, it embeds some complexity. *A good* case *is hard to find, you always get the other kind!* Considering the number of cases selected to be reviewed, in contrast with the number of cases that arrived at the court, the former are needles in haystacks. The art of selecting cases is, therefore, a matter of discarding the straw to get the needles.

It would be fair to affirm that ruling *tutela files* out consumes most of the time of those embedded in *selection*. In other words, the most notorious outcome of the *selection* process is mainly a massive de-selection. However, this is not to say that the Court does not do its job. On the contrary, by looking at what *is neglected* in the official accounts of this process (de-selection), it is possible to get an idea of how the *first reviewing* of all the cases (though not recognised as such) is done.

Reviewing is a name usually given to the last process in which, once the cases are selected, are distributed among the bureaus, which have to render a draft of the final decision about the case (Annex B), to be finally discussed and decided in a *Review Chamber*. As this is the step endowed with the final word, *reviewing* phase is usually described as an action conducted by the Justices in charge. In consequence, in the Court, most people would not say that the judicantes do the actual *reviewing* of the files and here a problem arises when an account must be given of what happens with those files that do not reach the Review Chamber. Does this imply that they are not reviewed? But of course, they have to be reviewed. And this is what the *judicantes* do.

The Selection and Review Chambers only read files that have passed through the *judicantes* filter (adding some exceptions and clarifications[40]), and in contrast with the small number of files read by the auxiliars and judges in the different bureaus, the *judicantes,* embedded in the practical issue of finding needles in haystacks, are the ones who do the actual reading (reviewing, in its more elementary sense) of all the files[41]. Therefore, the place where David was going to take me was that of the actual reading of all the tutela files, that in different conversations with Gretha and Jesús was depicted as a really busy place.

"Would we need a chair?" David asked after we leave, to immediately respond himself with the action of entering his office again to take a chair and hand it over to me. He helped me to pass the chair through the door of his office, the elevator and the corridors of the fifth floor where Santamaria's bureau is (for almost all the doors have to be open with an authorised card). However, where he has to help me the most was in the glass door that leads to the space where the *judicantes* work. As it was a narrow door, David had to put his card to access and had to find a way to open it without disturbing the people who were working there, since the entrance was very narrow too. This narrowness is not a characteristic of the architecture of the place, but an issue of the distribution of the people and things inside it. Even before entering the place, the transparency of the door reveals the reason for it: there are considerably more files than people and office objects (markers, pens, post-its, etc.) in the place. The files build up in piles of documents against the hallway walls, next to, behind, and above the cubicles.

Those piles pullulate, and this is not an exaggeration. At least not for me and my temporary chair, as we had to walk carefully so as not to trip over files, furniture and people passing

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[40] As a result of their reviewing, *Judicantes* have to produce a schematic review of the cases they think should be selected. The Selection Chambers only read those files that have become schematic reviews (*fichas*), yet there are two additional ways in which a file must be read in the Selection Chamber: a citizen request (a "memorial" in which a citizen express to the Court why her case should be considered) and the insistence on a case by a Justice of the Constitutional Court, the Ombudsman Office or the Attorney General.

[41] For this reason, even just being participants of the selection process and though they are not justices, their work is sometimes referred to as a "*first reviewing*". However, usually this mention of a first reviewing erases the judicantes as the workforce in charge of its production, instead, tutela files are presented as merely passing through this phase. Is there, by any chance, a *fetishism of the commodities* (Marx, 1906, p. 81) in the Court's regime of production? This mentioning of the *first reviewing* is also accompanied by its depiction as a resource for the selection chamber, whose outcome is a summary of every case and some recommendations for the Justices that make up the Selection Chamber.

by. *Here* the chair, the result of a kind gesture, became impractical for me. That made me think about its usefulness and the reasons why David wanted to give me a chair. I suppose he was assuming two things: that my activity would be of a contemplative kind and that there would be no place to sit; reasonable assumptions considering the amount of work of the *judicantes* and the conditions of the space.

In fact, this place is a large but narrow rectangle (a corridor), where nine cubicles are located ("each one corresponds to one Justice," David said to me). And all the cubicles have two lines of desks, some lamps on the ceiling, and at least 10 computers and 10 chairs. All this is surrounded, if not undermined by documents of a similar kind. The cubicle for Santamaría's *judicantes* is located almost at the end of the corridor and I was taken there by David.

Since *judicantes* are divided by Justice/Bureau, every cubicle is a different world, for each is a working group with a different "boss". When I get to the cubicle, I put my temporary chair in the middle of a pile of files that - all of them - seemed to be assigned to this bureau. They were at one side of the cubicle, on the way to the corridor that allows circulation among other cubicles. As I put the chair on the floor, David introduced me to the *judicantes*: "Guys, this is Miller. He is writing his thesis on the Court, and he is going to observe you. He's also going to talk to you, and probably will ask some questions. So, don't worry, he is allowed to do that." That said, he left me in-touch with them.

First, a distant observation. I was sat in the chair, trying to get familiar with the *judicantes'* work by observing their movements. All of them were alternating their gaze from the files on their desks to the monitors of their computers while typing. To be precise, all except one of them who was putting some parcels of files covered by transparent plastic envelopes on her desk (**Figure 7**). She was so focused on that activity that I thought *something must have happened* and she could be checking something in order to find a solution. If not, why was she wasting so much time and effort in taking files, and taking some notes over a little piece of pink cardboard (another activity she was doing)?

Second, a closer touch. That *judicante* (here after Camila) looked at me sitting in the chair and said: "Miller, here's an extra chair -pointing at her left-. If you want to, come on over here. Don't stay over there!". Perhaps she was aware of my discomfort in obstructing the hallway and my distant observation seemed a more evident interruption of their activities. In any case I of course accepted the invitation (nice gesture) to get closer and took it also

as an invitation for talk. “What are you doing?”, I asked. In response, she mentioned a practice that constitutes the day-to-day business as usual of the *judicantes’* work of Santamaria’s bureau: a (re) distribution of the files.

Figure 7 *Action in the bureau’s cubicle seen from the chair*

From right to left: files in the hallway that had been read, expecting to be handed to the general secretary and a big blue water container. On the left, some *judicantes* alternating their gaze from files to monitors (which have some reading post-its on them, ready to be used) and typing. Camila is on her feet, taking a package of files. Finally, as every cubicle is a world, this one is customized with two signs near the ceiling depicting the following messages: “Girl power” and “In Santamaría’s we don’t support hostility”.

“We receive files daily and distribute them equally among the people who are in the office. There are days when the files are like these, as you can see”, Camila said while she was bringing to the desk two dissimilar parcels of files from a pile behind us in which one parcel was bigger than the other (**Figure 8**). “I mean, look at this”, she said while taking the bigger one with one hand: “This is a package”. Then, she took the other parcel, the smaller one, with the other hand: “and this is a package”. The *judicante* put herself as a balance between

two packages of files of different size and weight -of course-, two different burdens. “So, it's pretty unfair for one person to have these [for reading –pointing with one hand to the smaller] and another these [pointing to the larger]”. She mentioned that in the bureau they -the *judicantes*- try to be fair in distributing the files, which means also a fair allocation of the burden.

This distribution goes like this. According to Camila*:*

> Every day **300 files** arrive. That is, **15 packages**, **20 files** each. What we do is to set a baseline. The baselines are the smaller packages. The smaller ones. And a baseline for each person. For instance, today we estimated **10 baselines**, because there are 10 who are working [today]… The rest, that is, those **5 left** we divide them among everyone according to the day. **(INT-SEP12-CAMILA)**

It catches my attention the way Camila put the estimate of files in numbers than can easily be distributed and in such an order of distribution: 300, 15, 20 (300/15=20) and 10. As in the excerpt above when she was telling me about what she was doing, numbers should not be taken for granted in the way they produce explanations. Furthermore, if we take into account that the initial number she mentioned -300- is an estimation that in other interviews and documents is always different (see footnote 43). This number -of course- has been offered for the purposes of this account in which fairness is an important issue.

“300 files”, “15 packages” and “20 files each” account for a division of files, the result of -perhaps- a mechanical distribution. It seems to underpin a handling of files treated as contentless documents[42] that can be delivered in fragments that do not entail the amount of work required to read them. It seems rather to obey the elementary school math problem in which there are six apples on the table and we have to apportion them equally to John Doe and to his friend. Apples and files, here, appear as pieces that can be joined as a group of things made of the same material. And as in apples, in which -whether sweet or rotten-

[42] I have said that the filing in the Clerk’s Office transforms files-as-things (sheets, contentless pieces of paper) into documents. How can I, then speak of this monster of an already filed file as a contentless document? It implies that files have become a different thing by passing through the filing process, but also that it has to be transformed again in its handing from the Clerk’s Office to the Judicantes’ Workplace (to be read). It is embedded in the practice of distribution of a number of files and packages, not of cases.

we do not need to be aware of their size or their taste to do the math, this initial distribution of files is not concerned about the amount of work needed for each one to be read.

This is highly noticeable in the way it is presented as a practical problem for the bureau and specifically for *judicantes* who demand action over this distribution ("what we do" should be understood as opposed to "what they -the Clerk's Office- do"). The way in which files are handed on from the Clerk's Office -once they have been filed- should be taken as an equal distribution that however could be felt unfair once actual work should be distributed; the practice of setting baselines is presented as a solution for this problem.

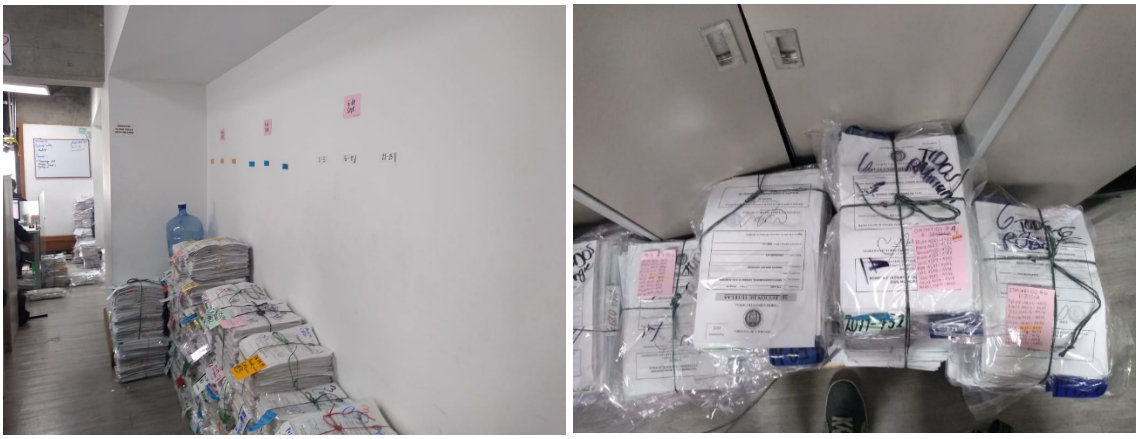
Contrary to the contentless distribution of the files-as-arrived, setting baselines as a practice is not presented in easily distributable proportions. Having the 15 packages from the Clerk's Office, how to share them among 10 *judicantes*? Sharing files as units, that is, taking those 300 files to divide them into 10 workers does not appear as a direct solution, of course, as it entails the problem that demands the new division. Thus, here files are presented in two different numbers of packages: 10 and 5. 10, as an easily divisible number, in which each person has a package assigned, and 5 as problematic. Distributing 5 packages to 10 workers is not a mechanical action, but a careful one: considering a different version from Sebastián (INT-SEP12-SEBASTIAN), another *judicante*, all *judicantes* receive from those 300 files per day, 30 each. Why did Camila use such strange math, while she could have used Sebastián's version to affirm the same?

In Camila's version, she concedes importance to the division of those 15 packages in 10 and 5, because she is offering a description of a process that divides a "baseline" from "the rest" in terms of fairness. This division constitutes another *matter of delicacy*. And it is such in the sense that it implies an assessment, an evaluation that cannot either be easily done or easily taken, for it implies *affection*. The distribution is done considering the *affection* that it could have over all the *judicantes* of the bureau. It is a question of a feeling of (un)fairness, that demands a figurative sense of touch.

Having said this, setting baselines and "the rest" implies a practical question: how to make a distribution based on content when no file has yet been read? Considering time as a crucial issue for the work of *judicantes*, who have the overwhelming task of reading a file

each 16 minutes (on the basis of an 8-hour working day without any pause[43]), no matter how *delicate* a fair distribution could be, it must not demand an excessive part of the day. Then this division, 10 and 5, the baselines and the rest must rely on other divisions and assumptions.

Figure 8 *Piles of packages, packages of files and cardboards (compartidos)*



From left to right. 1. Files in the hallway that have been already read. On the wall, some pink pieces of cardboard that classify them per date September 4, 5 and 6, and per package number (i.e., from 1-5, 6-10, 11-15). Some files are considerably bigger than others (i.e., The only two in the second row, in front of the big blue water container!). 2. Some files behind the *judicantes* in the bureau's cubicle. Many of them have been marked by the *judicante* responsible for the package and over them the piece of cardboard with the title "Compartido" (shared) and a list of names and serials of numbers (i.e., Mónica: 2345-2346, Martha: 2347-2348…). Some items of these cardboards had been highlighted. Finally, my shoe.

First, files must be divided into smaller and bigger, though considerations about the size of a file could not be more than guesswork. A scene of a distribution, then, is similar to that in which Camila took those parcels of files onto her desk to point at them and balanced their different weights. The differentiation between smaller and bigger files are also submitted to a daily drawing of lots that ratifies this separation, in which every package classified as baseline will be assigned to one *judicante* plus a pair of files from every package of the larger parcel.

[43] An anecdote: on one occasion Gretha and Jesús talked to me about the *Judicantes'* work, mentioning this feat of reading a huge number of files in short temporal fragments, however using different estimates. "How many [files] do they have to read?" Gretha asked Jesús, after they estimated a basis of 50 a day. "Oh, they work a lot!" was Jesús answer, followed by Gretha who in turn set a division in which the result was a time assignation of "not even 10 minutes per file… if they worked 8 hours, though many work much more!" (INT-OCT11-GRETHA&JESÚS).

In speaking of the bigger ones, this is registered on small pieces of pink cardboard that are placed over every parcel. They contain lists of files (ranges of them, by pair) put in the sequential order of the (last) serial numbers assigned to the files in their initial filing and lists of the names of the *judicantes* that have been assigned to each range. Camila refers to them as "*compartidos*" (shared)[44] and this is the actual title that the piece registers: "*Compartido #1"; "Compartido #2"*. This identifies every package of *shared* files with the corresponding result of the drawing of the lots.

Second, this distribution, of course, embeds the assumption that bigger or smaller files equal bigger or smaller cases. In other words, that smaller files take less time to read. If not, why bother with all this (re)distribution? According to Sebastián, it is easier to identify those cases that should not be selected than those that deserve a *ficha*[45]. It is necessary just to look at its content backwards: the decision, the *ratio decidendi*, the tutela, what did it claim? Is the plaintiff a *subject for special protection*? By looking at a decision, for example, if the *tutela* was granted, probably it would be easier to discard it, for in "normal circumstances" its purpose has been fulfilled: it has granted a right, therefore it is okay. It is more difficult, then, when a case is rejected. In those cases, the ratio or the tutela itself should be more *carefully* read.

For David, who was a *judicante* before being their coordinator, all cases "don't deserve the same level of detail" depending on a thematic classification. He stated to me that most cases that arrive at the Court have to do with *rights of petition*. However, most of them

[44] I feel in debt with the reader for a clarification. Here and after, for this particular artifact, I will use the Spanish word *compartido* to refer to the little pink piece made from cardboard, that could be easily described as a post-it-like instrument used to bear information about the distribution, that accompanies each of the 5 packages or bigger files. In practice, a *compartido* is a term used for referring to both this (pink) form and what it registers (the distributed files). However, I will use the English translation ''shared" to speak of those files, for the sake of clarity.

[45] A *ficha* is a "sheet", a brief resume of the case, which the *judicante* and the supervisor use to determine if what a *judicante* thinks is a case for selection actually is. *Fichas* are important inputs for the selection chamber. If a file does not get to be summarized into a *ficha* and no other mechanism has been interposed by a citizen or the competent authorities, it will not be read in the selection chamber. Many times, in this text I have used the word "sheet" to refer to a part of a document to highlight the document's materiality. For that reason and because it is a "local" term, I will use *ficha* here.

constitute an “overruling fact”[46], for “usually institutions answer those petitions when they have become a tutela”. Therefore, *judicantes* -according to David- put less effort into such cases than into those that “are more difficult, more complex”.

It is not my purpose to offer a detailed description of the reading of a file to produce, or not, a *ficha*. However, I have used David’s and Sebastián’s accounts to highlight a practical division of cases in terms of difficulty. And though these accounts put content at the core of this classification between difficult and easier cases (i.e., thematic, *ratio decidendi*, among other substantial aspects of the tutela), in speaking of the distribution of the shared files mentioned in Camila’s version, in the very moment of its distribution and the drawing of lots it would be an impossible task to consider the content of all these files.

Let us examine this with the help of the following fragment.

> So, I think that all of my colleagues always start at the *baseline*. They always start at the 20. I don't like it, because I feel that **they are so simple**, I prefer to take out **those that can be more complicated**, because often they are *tutelas* of the **Council of the State**, of the **Supreme court**, so **they are much heavier**[47]. So, I always start with the shared ones and that's why I was taking mine… Look, I already highlighted here [pointing at the *compartidos*], which of mine are already done, and in the end, I finish my baseline. It seems to me that it is cooler, because you arrive like with all the morning **energy** to do the **difficult ones**, whereas you don’t want to do anything at 4 in the afternoon and you get a "Council of the State" at 4 in the afternoon! It’s like, really? **(INT-SEP12-CAMILA)**

In the account above, Camila does a contrast between her own work and her colleagues’. The contrast is based on the previous division of the *baseline* and the *shared* files, the 10 packages of 20 files each, and the 5 remaining packages. What is new in this description

[46] When the subject of a decision -namely a problem- has been already solved over the course of the judicial process. So, the particular decision becomes useless. Here a tragic but usual example: someone files a *tutela* to get a vital surgery from a clinic, but when the case is to be decided, the plaintiff dies.

[47] In Spanish, *más pesadas*. Here, the heaviness alludes to the hard work embedded in reading those *tutelas*. It intersects, however, with the other sense of the heaviness: that of files as things, when bigger files are actually heavier.

is the mention of this division in terms of *difficulty*. In accounting for their colleagues' work, the mention of starting at the baseline indicates two different ways of getting involved with the work that must be done. In the whole excerpt, a relation is established between the size of files (smaller and larger in the form of the baselines and the "shared") and the difficulty they imply (simple and complicated).

Moreover, another dimension is added when those cases of the "shared files" are to be taken as "heavier". Colleagues are presented as prioritizing the immediacy of comfort over hard work, while she presents herself as *grasping the nettle.* That is: facing the problem, embracing difficulty in such a way that *energy* (we could think: the capacity of moving -or facing- heavy things) is put in the right place: where it is needed. This is particularly noticeable in the way she presents the case of getting a "Council of the State" at 4 p.m.[48] The *judicante* with a "Council of the State" (case) at 4 p.m. is a Sisyphus at the bottom of the hill. And in such a case, Camila could be imagined as avoiding the punishment of carrying a heavy thing when all the energy has been already wasted, by simply leaving the lighter to the last.

[48] The Council of the State, just as the Supreme Court of Justice, the Higher Council of the Judiciary, and the Constitutional Court have the highest status in the judicial branch. Its mention, then, serves as an archetype of a big thing. 4 p.m., for its part, should be taken as the beginning of the end of the journey. On the other hand, it is important to mention that the Council of the State also refers to a delicate thing. In Colombia, the Constitutional Court has been the target of numerous criticisms about the limits of its actions, for sometimes is read as exceeding its competences by reviewing, reversing or changing the dispositions of other higher courts. This constantly controversial issue, under the name of "train crashing", constitutes not a minor problem for the Court. In fact, according to Gretha and Jesús, it is a *matter of delicacy*. It was even mentioned once as an explanation for the low number of tutela decisions that come to the Review stage: as the judicial branch is supposed to be one and all the courts belong to it, it becomes troublesome that one of its parts submits the others to scrutiny, bringing the idea of the hierarchy of the judiciary into dispute. Is the Constitutional Court, by any chance, the Court of courts? Informally, one of the (anonymous) workers of the Court actually put this in the following terms: "Every member of the Council of the State, the Supreme Court, or the Constitutional Court says that the institution he works for is the highest. And there is a certain animosity when the Constitutional Court reviews a decision from another Court. They think that the Constitutional Court believes of itself that is the highest instance. But I said to myself, it is the Constitution! If it is not the highest norm that rules this country, what else could be?". However, attributing this hierarchical dispute to the alleged arrogance of some high court or to the supremacy of the Constitution would be simplistic if nothing else was taken into account. For instance, as I have shown above, boundaries between the Court and Society, but also between the Court and the rest of the judiciary are sustained by a large mesh of (differentiated) information systems, filing practices, The Room, the modification of the files once they enter the Court, and so on.

Here, files are not understood as containing detached information to be read, reviewed and registered (in *fichas*), but as demanding something from the *judicante*. Just as in (re) distributing files among the *judicantes* to avoid an unfair division, Camila's tactic of starting with the *shared* files is presented also as a distribution, though now, one of *energy*.

It should not be disregarded that, in Camila's account, herself and her colleagues cannot escape this distribution. Whether taking them first, early in the morning, or leaving them until the end, *energy* is brought onto two kinds of files that are to be taken differently (that are not the same). Thus, similarly, to distributed files, here it could be asked: how can one distribute *energy*, regarding the reading of files that have yet to be read*?* What kind of clairvoyance endows Camila and the other judicantes with a knowledge of the content of a file before reading them? Once again, files are immersed into a confusion of content and container, the result of a practice of material distribution[49].

Like in The Room, in the judicantes' workplace files are treated as if containing more than words. However, it could be said that this content has different features. Specialness, for instance, does not seem to be one of them. Instead, files are treated as mundane/ordinary objects that, on a daily basis, constitute a problem to be solved: how to distribute them equally and how to distribute one's *energy* to ease the workload. In other words, files contain burdens to deal with. And here with burden I refer to something that weights and *affects*. A *touchy issue* of a particular kind: one that has to be thoroughly handled to avoid the undesirable *affects* of unfairness, the heaviness of files and a pointless waste of *energy*.

Documents like files are deeply affective phenomena (Navaro-Yashin, 2012). Depending on the practices and relations in which they are immersed, they can elicit fear, astonishment, distrust, but also coolness, heaviness, or a sense of fairness. In the judicantes workplace, then, files emerge as documents (things to be read) that cause a particular *affection* over the *judicantes*: they could feel their work to be heavier or lighter and, therefore, it demands from the *judicante* a tactic to deal with its weight. Thus, distribution of files and distribution of *energy* become similar tactics.

[49] This practice of (re)distribution establishes a connection between the materiality of the file and its content in which the former announces the latter: it weighs, *ergo* it is.

It is important to mention that if files contain burdens, it is because they are transformed into subjects of the judicantes' workforce, similarly to their passing from The Room (the outside) to the inside of the Court, in which files become subject to the Court's action. However, in relation to the Court's action, files emerge as the *history of a case*, and specially, the history of its own production. Here, however, in the practice of their re-distribution among the judicantes, they emerge as *working papers*.

In so doing, files cohabit -along with other elements- a particular ecology of work. In the description I have offered about the judicantes' workplace, I have mentioned (reading and regular) post-its, computers, and even big blue bottles of water (image) as examples of these other elements to which files are added as mundane essentials for the exercise of a job: the hard task of finding needles in haystacks, an achievement in which the specialness of files is overshadowed by their heaviness.

That does not mean that touching a file cease to be a complex and organised practice, nor that files are entirely devoid of their halo of specialness. Rather, the specialness of files belongs to the "seen but unnoticed" of the judicantes' routine work. By paying attention to the technologies that mediate the exercise of this work, it is possible to understand this.

In the process of re-distributing files or in reviewing them to produce the resulting *fichas*, handling and reading are usually accompanied by writing and highlighting. Once files have been allocated, how can we remember that the file "T-x-x-x-x-x-x" has been assigned to Camila or Sebastian? As the reader has seen before, the *compartidos*, the little sheets made of pink cardboard, are used to attend to this practical issue and generally accompany every group of shared files. Besides, plastic envelopes are used to divide by *judicante* every parcel of shared files. Thus, usually the name of each *judicante* is written over the envelopes (**Figure 9**).

Figure 9 *Plastic envelopes and compartidos over parcels of files*

Similarly, what happens with what a *judicante* finds important or remarkable in a case? What about their thoughts? Many of them -like Sebastián, for instance- have the practice of writing the *ficha* while reading. However, like him, many of the *judicantes* use reading post-its as navigation charts to move back and forth in the file. Reading post-it are put in those places in which the judicantes considered that important information could be found to make sense of the case (according to Sebastián: the decision, the *ratio decidendi*, etc.). Sometimes, in places of particular interest or special concern, regular post-it contains little notes to call the reader's attention to what should not be missed: "*ojo!*[50]" and other exclamation marks used to announce these findings.

The pink *compartidos*, the reading and regular post-it, the written envelopes however are technologies for the registering of some basic information (who is in charge of a file during

[50] In Colombian Spanish, an expression for "watch out!" that, apart from highlighting something, has the important quality of fitting in a single and small post-it.

a particular moment, who conducts its first review and what is considered important or relevant to reach a conclusion about the fate of the file). Precarious technologies and inscriptions (in the case of the *compartidos*) of *uninscribed touch* whose main characteristic -what highlights its precarity- is their lack of durability. They are there to be finally, in some point, removed, erased and forgotten. They are neglected footprints of the judicantes work, erasable material evidences of the passing of files through a first reviewing process.

Is not the file a history of its own production? Thus, should it not integrate and contain documents that evidence their circulation through the judicantes workplace? However, in spite of the file being a *working document* for the judicantes, no action, process or thought is imprinted on it during this passing. In consequence -and in contrast with the passing from *there* to *here* and its registering through a new filing number and a new split file-, no visible record is put on the file that could account for this. No formal document registers the process; rather these precarious technologies serve to keep any register of this passing and of the judicantes' work at bay.

Therefore, untouchability and specialness, though *unnoticed* here in this workplace, are sustained too in this socio-material arrangement in which at least two things are co-produced (Jasanoff, 2004b). First, the judicantes work as invisible and non-mentionable activity, which is confirmed by the official accounts in which nothing is said about their action on the process (Annex B). Though conducting a really important task[51], the judicantes' action, effort or -what is more accurate- *energy*, like the precarious technologies they work with, melts into air. Second, the file is produced as a protected object, whose *recordability* remains selective: a thing to never write on.

Yet, a file is a written technology. An *inscription* (Latour & Woolgar, 1986) or what Mathew Hull (2012b) calls a graphic artifact. Thus, what does a file inscribe? If certainly not the judicantes' work, what does a file render visible? And, finally, what is so special about it?

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[51] The division between heavier and lighter files constitutes a first reading of them, for this anticipates their content: more complex or easier cases that become a differentiated distribution of work and importance among them. Though a connection between the redistribution of files and their final fate is not here -in this thesis- completely established -as I did not and I was not allowed to follow how many distributed files become *fichas* and how many *fichas* become selected cases-, at least I hope that the reader share with me my strong suggestion. As the judicantes have to discard files and to select those that could be of import for the Court, I think this distribution is substantial.

2.2 The Big Fish Eats the Smaller

An ethnographic passage through the Court could be an exciting activity for a sociologist, who could engage in conversation with its workers just as she could with her colleagues. Inside Santamaria's office I found lawyers that were *de facto* very good sociologists or -sometimes- good psychologists too. In almost all the interviews I conducted, they often offered explanations of their work as if it were determined by hierarchy, power and human agency or subjectivity. Especially the agency, hierarchy and power of the Judge (or Justice). Thus, a sociologist in the Court could easily take the workers' explanations as deeply critical and true, *ergo* taking them as confirmations of likely sociological theories[52].

In speaking of the first kind of explanations, usually the decision about a particular case is attributed to the Justices' minds and volition. *Discretion*[53] thus appears as the preferred word for referring to this. Justices are depicted as having the last word. A word that, however, serves as a *black boxed* (Latour, 2000) explanation for what the Court does. If one intends to go backwards to open the *black box*, *discretion* relies on hierarchy as its related cause. In consequence, as a *blackboxing* effect, any other possibilities, explanations, doings and steps remain out of focus. Thus, those who are not justices usually present their work as unimportant, as in the following excerpt:

> Even if we don't want it to, it is quite visible. Because it ends up being in one way or another very **subjective**. Even if you consider that something is right, [or] something is wrong, it is still very **subjective**. I mean, **I put myself here in my position as a *judicante***. **At the end of the food chain**, that **I do not have the power to decide something**... And this will be the case in all settings, because it is not as if the justices have a guideline of "everything related to health must pass (INT-SEP12-CAMILA)

[52] This is not, however, the path I chose to follow and, at the same time, this does not mean that I dismiss those explanations. As the reader has realised, this thesis intends to take the explanations, descriptions, metaphors and discursive and material doings of the informants seriously.

[53] "Es una vaina muy discrecional" (it's a very discretionary thing) … "la selección es discrecional a los magistrados" (Selection it's up to the Justices' discretion), said David (INT-AUG21-DAVID) to me for explaining how different opinions about a case are solved and how the judicantes' suggestions (through *fichas*) are not necessarily actual selections.

In this interview, Camila was talking about a case that was really important and remarkable for her. A case that, in her words, “was sad, because I [she] thought was a really nice case, a case worth studying” (INT-SEP12-CAMILA). One, that, however, was not selected. Thus, she was explaining why the case she wanted to be selected, actually was not. Subjectivity appears as a resource for accounting for this. Something that is difficult to avoid, even if willing to do so: the determination of whether something is right or wrong depends -finally- on someone’s *discretion*.

Then, Camila describes the hierarchical relations among the Court workers as a *food chain* to place herself at the bottom of it as a *judicante*. In doing so, she presents her work as not decisive: just an input among others, that could be either considered or discarded -just like her account- by higher instances. Curiously, here though hierarchy is a resource for an explanation, Camila’s account can also be used to describe hierarchy as a problem.

The act of introducing hierarchy into this explanation and to slightly afterwards put herself at the bottom could be read as a deployment of modesty, thus minimizing the factual character of her statement. Softening it. Just as everything ends up being subjective, so does her account. The more so by placing herself at the end of a *chain*... She positions herself as not playing the game of judging the judge, since in her *position* she is not allowed to decide (judge, in this case) anything (much less about a Justice!). However, at the same time, she presents her account as an example of how a judgment is conducted subjectively.

In addition, the hierarchy serves to point out -in contrast- that if it is so with her, it is also with those who do produce actual judgments (the top of the chain). In this way, the relation between subjectivity and hierarchy (or, as I have called it before "discretion”) is established in a relation of scale: if it happens in the smallest link, the more so in the larger ones. Let me explain by considering the dietary metaphor. A *food chain* depicts the Court’s hierarchy, not as a given/static situation, but as a process. Like a transference of *energy* (one could say) from a subject of one species to another. Thus, it could be said, the one disappears to ensure and sustain the other’s survival. And so on. In other words, it is a *big fish eats the smaller* scenario.

The metaphor helps us think about the hierarchical *chain* of the Court as a connection between effects. A continuous movement from a subjective-but-not-decisive bottom and a subjective-and-decisive top (the Justice). A chain of effects and of subjects that are eaten by someone else in the next step; disappearing the one, feeding the other. Perhaps, could

we understand the *precarious technologies of uninscribed touch* in the Judicantes' workplace in these terms?

It is difficult to think about how the bottom of the *food chain* is eaten by the other links without looking at the instruments that are necessary for its digestion. I invite the reader to open the mouth of the Big Fish with me and look at its teeth.

2.2.1 The file, by itself

Like a map drawn on the sand, on the shore of the sea whose waves threaten it with imminent disappearance, I have presented the work of the judicantes as precarious. At least in its most elementary sense: a work that is not there to last, nor to be acknowledged. A touch - a passage, a doing, a handling, a distribution and a reading - that has produced an important result: the judicantes have produced dozens of *fichas* and the files have been divided between those that deserve the attention of the Selection Chamber's justices and those that do not. As a result, "the Court" has read thousands of *tutela* files and now is able to select some cases and produce a few decisions (the final words).

Put this way, erasure is not disappearance, but transformation. Files have been transformed, though not visibly[54]. No register has been left standing; the sea has taken them away. But then, what does last? It is here where files, as opposed to those *precarious technologies of uninscribed touch* appear in contrast. Especially because the files are *inscriptions* in principle: "A general term that refers to all the types of transformations through which an entity becomes materialized into a sign, an archive, a document, a piece of paper, a trace" (Latour, 2000, p. 306). The question for what actually lasts is then one about what kind of entities are materialized in the file.

If we take a look at the file I had in my hands, it -as I mentioned before- is a folder that contains other folders (actually dossiers) and documents, that are organised in a sequential order. A trinity of paper: one true file, three distinct dossiers[55]. The first set of documents

[54] Thanks to Diana Ordoñez for her thoughtful comments about this.
[55] Dossier and file could be interchangeable words to name the same single thing. However, I use them here to introduce a differentiation. The Christian dogma of the trinity helps me here to understand it. It could be said that this file has three parts: 1) a set that contains the series of actions of the Court about the case (the reviewing), 2) a delegation of authority that gathers new and old

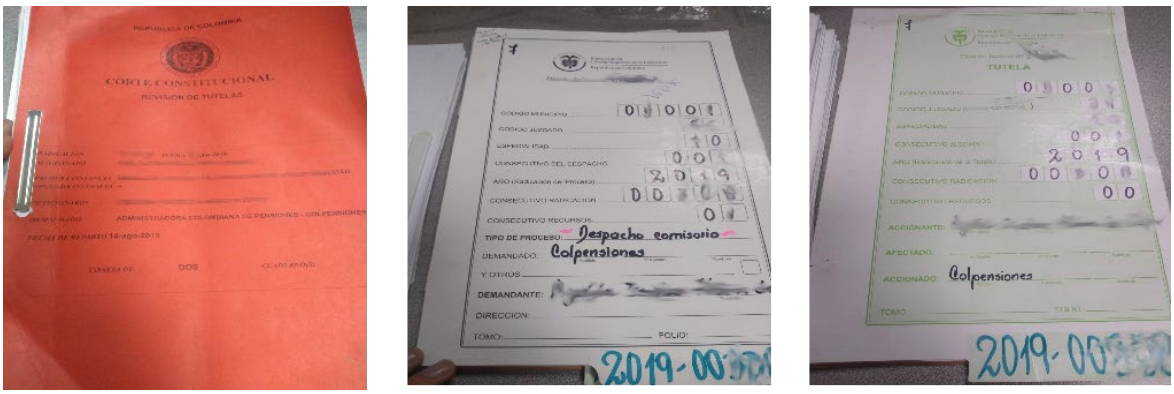
(the first dossier) starts with a filing sheet: the one I have presented in Figure 3. A document that gathers some basic information about its content, an identification that is signed by the Clerk. This is followed by an order signed by the justices of the Selection Chamber in charge and the Clerk. The endpoint: the decision that is signed by the three Justices that make up the Review Chamber and, once more, the Clerk.

In the middle, multiple documents of different kinds are annexed one to another in such a way that no single sheet can be considered alone, for it is always a link to the previous one and to the next. These documents are of two kinds: the internal and the external. The documents I have referred to as external are those produced by a person or an institution outside the Court, that are not necessarily legal by nature and that are sent to the Court as a response to an order or an obligation (some responses from a pension fund administrator, a medical record, among others). Internal documents are those series of communications that have been produced by some instance or worker of the Court; which may well be issued to another official, to a lower court or to an external institution or individual.

Finally, this set of documents is followed by two other dossiers (Figure 10). One has been produced under the Court's requirement: it is a delegation of authority from the Court to a lower court to examine evidence. The other is the original file, the subject under review. These files, like the first set of documents, have a starting point and an end point that are marked by coversheets. Each one was produced by different institutions in different places and in parallel or past times with regard to the first set of documents.

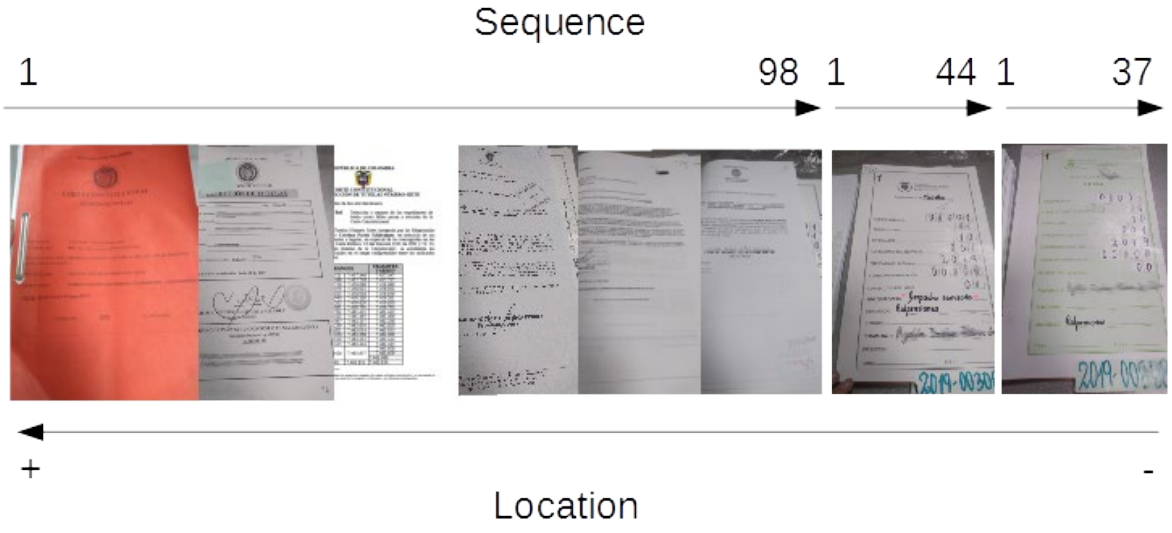
evidence about the case, reconstructing a version of it and, 3) the original file. However, this may be not entirely accurate. They cannot be considered alone: each *dossier* is different, yet they are -have become- the same file/case. Dossier is then a word to call attention to this differentiation (what theologians would call *hypostasis*).

Figure 10 *A (sacred) trinity of paper: three distinct dossiers, one true eternal (durable) file*



Thus, although the last two *dossiers* have their own temporality, they are absorbed by the Constitutional Court's file, not in the form of an interrupted flow, but one of a sequence of fragmented times. Numbering (by establishing a particular order), stamps containing dates, the headlines of the documents inscribing the date of their production and proofs of delivery are part of this complex temporality. While these stamps, headlines and proofs of delivery record and represent moments of production and exchange of documents (these technologies affix time to the document in such a way that it can circulate with it), numbering builds a sequence for this series of productions and exchanges (Figure 11).

Figure 11 *Sequence and location in the file in my hands*



With this figure I would like to display one version of the file in which sequence and location are two important elements to understand the way in which documents are woven together. Regarding sequence, I present numbering as creating a flow in the first set of documents

(from pages 1 to 98) in which internal and external communications are placed as a chain of causes and effects. Thus, older documents start the flow and the most recent are placed at the end. In turn, the last two folders have their own stream, containing documents that are numbered from 1 to 44 and from 1 to 37 respectively. At the start of a new numbering, there is a gap, a fragmentation: the beginning and the end of a new set of documents that, however, placed after other sets, are not to be read as a chain of effects.

Therefore, here location establishes another temporality. This time a continuum in which, from right to left, each set of documents appears as nourishing the others in such a way that the Constitutional Court file is now one larger and more complex case/file. Its most recent and complete version contains the others. A web of documents in which each sheet weaves a particular *history* and *geography*. Two metaphors I take from Berg and Bowker (1997) who have used it to follow the relation 'patient-record-clinic', in which the file emerges as a *mediation* that performs both the patient's body (or properly said, bodies) and the clinic. *Time* and *Space* become important in this account and in mine about the file in my hands and although the *tutela* file belongs to a different ecology and legal files may differ from medical records, as dossiers they have plenty of similarities. Here, I heuristically use these two for giving an account of the feast in question!

To start with, let us talk about *history*. The medical record and the work in the clinic produce a series of registers about constant and sequential measurements that, at the end, constitute a *history* that is not clearly distinguishable from the history of the patient. Rather these representations and what is to be represented or measured are mutually transformed (Berg & Bowker, 1997, p. 519). In the *tutela* file I have in my hands, different documents record the series of actions that were undertaken within the Constitutional Court to clarify and *review* the history of a case. In this way, the "original" case is transformed into a new one, by being placed within the temporality of the Court. Thus, the case -or better said, its history- is re-written, like the patient's body in the medical record, performing a *live dissection* (Berg & Bowker, 1997): old dossiers and documents are put there to be observed and traversed, making part of an expanded and more complete - more digested - version of the case. To say it differently, the file as the *history of a case* builds a sequence of actions and transformations of the file that are actual transformations of the case, in such a way that the former case/file appears as previous, insufficient and reopened.

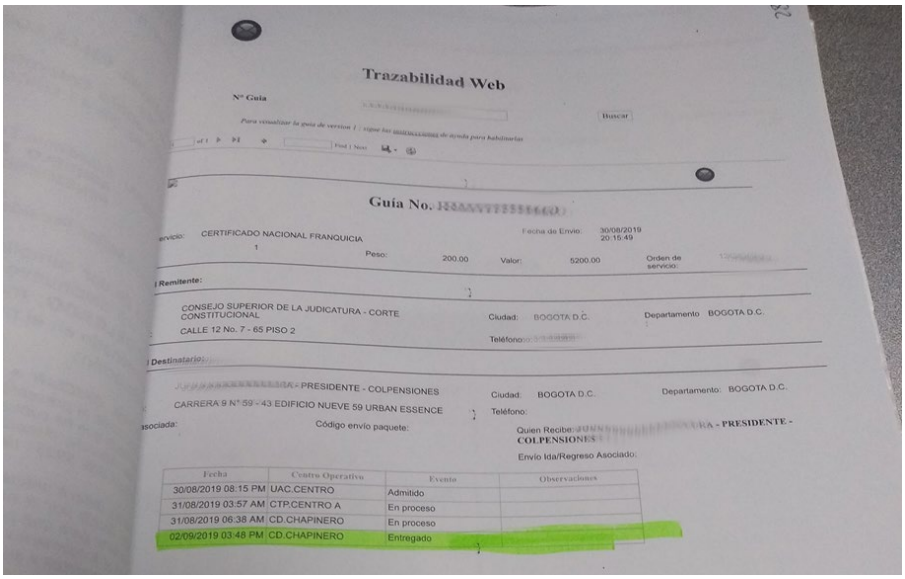
This *history* is tied to a *geography*. Berg and Bowker (1997) have shown how *medical records* produce a map of the terrain that is to be found beneath the skin of the patient. Thus, providing a ground to work on. At the same time and in the same movement, these records "perform the clinic", its different places. In a sense, the geography of the clinic intersects -in the record- with a fragmented body. In a similar way we can consider the tutela file's geography in its fragmentation and the boundaries it produces.

The file establishes the boundaries or limits of its own reality (Barrera, 2009). Lawyers know this well under the concept of *procedural truth*: everything to be known is inside the file. But these boundaries are geographical too. The file appears as moving between some offices that receives information, processes it and sends it to other offices that annex it, read it and produce a next step (another document, whether related to the received documents or a moving forward).

Regarding our file, I have mentioned two kinds of communications in the first set of documents: the internal and the external. Like my passing through the turnstiles and the lobby of the Court, these kinds of documents enter the file though not without an interruption. One that, however, like the filing of the file, leaves a visible record. Disruptions that inscribe place and trace boundaries. This web of places is mainly made by proofs of delivery (Figure 12), formal communications of the chief clerk and by stamps (Figure 13). The first are used to make traceable that a communication was sent by the Court: its action has knocked on others' doors. Thus, registering and producing the distance between the Court and the rest[56] that are placed in different locations (addresses, even cities); a distance that documents have to pass through and in which the Court appears as *acting at a distance*.

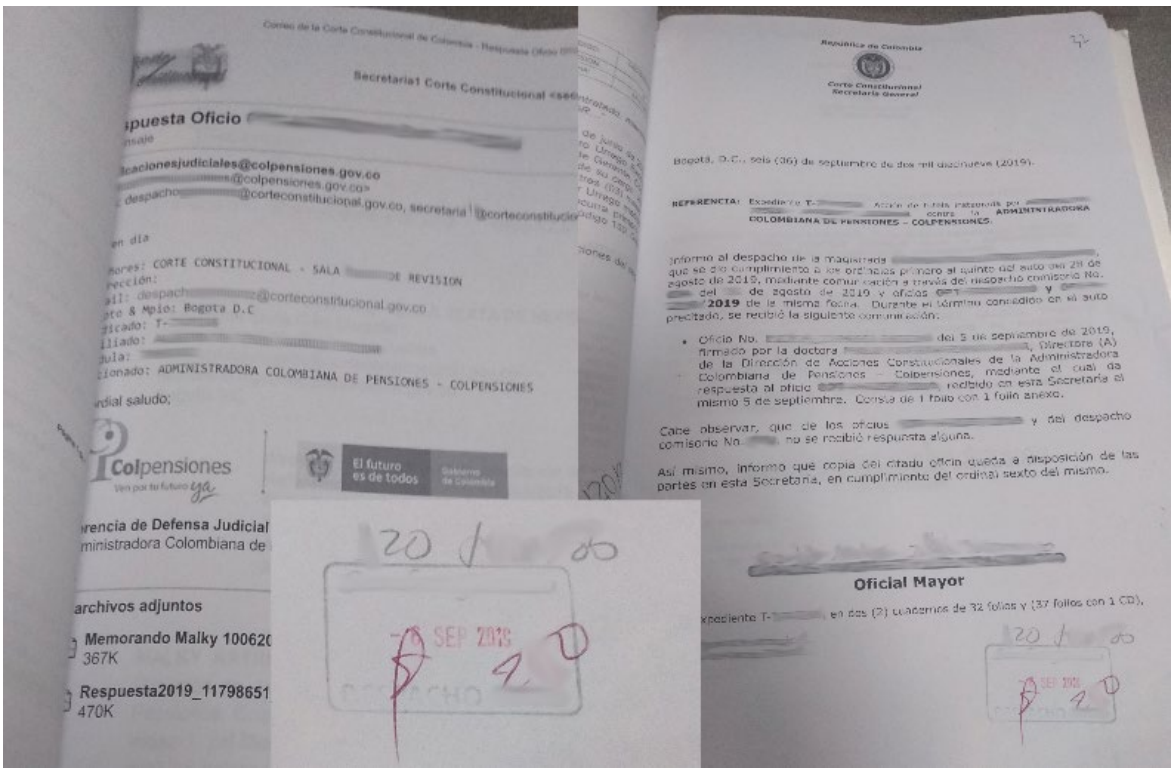
[56] The rest include other public and private institutions and the plaintiff, but also and especially the "rest" of the judicial branch that is represented in the Constitutional file as this fragmented continuum, in which the Court's size is performed as bigger, more complex: a higher court. Perhaps the highest?

Figure 12 *A proof of delivery*



As examples of internal documents, Formal communications of the chief clerk are documents of a particular kind (Figure 13, right). They are internal letters that follow the reception of external ones, notifying the bureau in charge of the reviewing that the mentioned documents have arrived at the Court. Formalities *par excellence* that perform those distant places as external and the Court as a differentiated place: a centre where external documents arrive. Thus, producing the Court and the file as *centres of calculation* in which different inscriptions “are combined and make possible a type of calculation” (Latour, 2000, p. 304), a “calculation of justice” that makes other actors dance around it (Beira-Combariza, 2018).

Figure 13 *A(n) (in)formality par excellence*



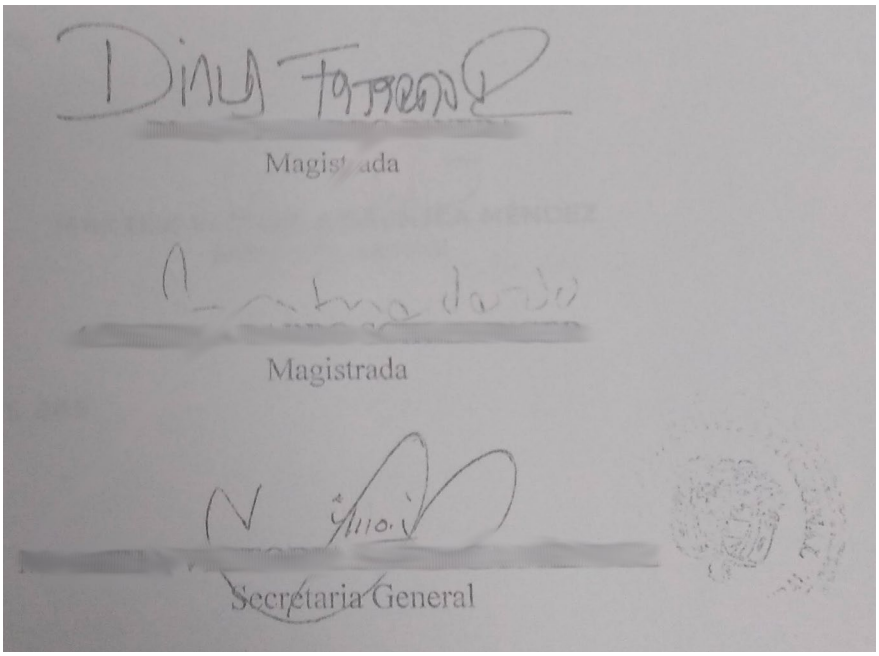
In this figure, an archetype of formalism, from left to right: 1. An e-mail in which the pension fund administrator sends the Court the response to the official letters that, at some point in the past, the Clerk's Office had sent to its offices to comply with an order. This e-mail, as can be read between the blurred lines, was sent -together with the annexes- to the e-mail address of Santamaría's bureau (despacho...@corteconstitucional.gov.co) and also to the Clerk's Office. 2. The chief clerk informs the bureau that this email has arrived and sends it printed -along with its annexes- to the bureau (now as part of a more robust file). 3: In the centre a close-up to a stamp for acknowledging receipt of this formal communication in Santamaria's office. It is the seal of the bureau's clerk, which is completed with her signature and internal identification number. On top of this, the signature and identification number (blurred) of Jesús -the lawyer in charge of the case- in pencil.

Who are entitled to do such kinds of calculation? Thus far, I have presented a *geography* that draws boundaries between the outside and the inside of the court. One that could even be traced in the position of the folders at the end of the file as something external that is incorporated as an object of scrutiny and that is sustained by an interrupted movement of documents between the outside and the inside. A *geography* that makes our fish become bigger and bigger, a more all-encompassing place.

However, this fish feeds on other smaller fish within its own ecology and here is where the internal *geography* gains relevance. I think the reader must have noticed the preponderance the Clerk's Office has within the file as the place where the transactions between documents occur. The site through which every piece of paper, external or

internal, must pass to be annexed to the file. The Clerk's Office appears then as the gateway and exit of the Court: the guardian of all action. And just as external documents must pass through it, internal communications are also controlled by this place. In fact, there is no single communication signed by someone other than the Clerk, the chief clerk or the Justices involved in the Selection and Review Chamber. And, in any case, even when the Justices appear as authors of a decision or order, their authorship is accompanied by the Clerk's autograph and stamps[57] (Figure 14).

Figure 14 *Signatures and Stamps from Justices and the Clerk*



Very rarely does a name, signature or seal other than that of the Clerk and a Clerk's official appear on the file (see Figure 13, above), and they are registered in such a way that authorship is not attributed: signatures are actually abbreviations placed on one corner, names are replaced by internal identification numbers and those that do not follow a seal -

[57] Stamps for their part are graphic artifacts of a second order (Hull, 2012b), for they usually follow and strengthen more complex inscriptions such as the two I have mentioned. As images "physically controlled by a group of functionaries in a particular physical location" (Hull, 2003, p. 295), stamps inscribe places and moments: the moment of a passing of a document among offices. Therefore, being important parts of this complex geography. Especially an internal geography of the Court.

superimposing place over subjects- are modestly registered with pencil![58] Authorship then circulates among the Clerk's Office and the bureaus, one for the technical-formal work (like in the formal communications of the chief clerk), the other for the "substantial" (orders and the decision). That is, a *geographical* distribution of authorship that is also a distribution of agency: one of *creativity* and *instrumentality*, to use Barrera's (2009, pp. 84–85) classification.

Agency and authorship are extremely related in signatures. By the act of signing *an inscription* of moments (events), place and person occur on the basis of *physical causation* (Hull, 2012b). Thus, registering action on a document as proceeding from an identifiable individual. In so doing, subjects, their actions and relations are rendered visible in the file in such a way that -taking the file as an inscription, a *mediation* in knowledge production- they can be apprehended as such. That is, not as mere objects (the result of their action: a document), but as subjects. As Leticia Barrera (2009) said about the case of the Supreme Court in Argentina: "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" (p. 90).

I have mentioned that these interventions produce a particular *geography* in which the file moves among the Clerk's Office, the Justices' bureaus and their gatherings for producing particular events. Those that are formal and routinized -the collection and superposition for calculation- and those that are decisive: the calculation in the selection and reviewing conducted by Justices. Thus, this *geography* now becomes more a *sociography* in its most elementary sense: a writing of society, its subjects, relations and positions. One in which persons and actions inscribed into a document *via* signatures and other *graphic artifacts* do

[58] A similar understanding of this hierarchy regarding autographic writing is deployed by Hull (2012b), for whom "The signature is the one unavoidable reference to self. However (…) there is a hierarchy of signatures that differentially indexes the degree of involvement indicated. From most involved to least, they are: (1) full typed name and title, with full signature and stamp; (2) full typed name and title without stamp; (3) full signature; (4) initials; (5) small initials. The graphic area occupied by this self-reference is an icon of involvement. Small initials, the weakest index of commitment, no more than a graphic nod of the head, are the most common" (p. 140). Here, regarding the *tutela* file, the weakest index of commitment can be found written in pencil. Something that keeps resemblance with the judicantes' *precarious technologies of uninscribed touch*, as something that can be erased. However, they keep an important difference in that the pencil-made autograph is allowed to be in the file as part of its circulation. It is a cherry on the (cherry) pie. Something that, though part of it, can be easily removed without any substantial modification.

not necessarily register and produce a subjective/individual action. Or better said, register and produce, at once, agency and hierarchy.

Subjectivity is a relevant dimension of Justices' agency that is commonly represented as an agreement between different wills. One in which volition and *creativity* are important to represent the action conducted. Can there be a decision or a deliberation without subjects, wills and minds? Can there be a decision without *discretion*? An important question to which, as presented earlier, different court workers have answered with a strong denial.

In contrast, subjectivity becomes less relevant in the file where autographic inscriptions register its circulation. "The most basic practice in the construction of corporate authority is the circulation of the file" (Hull, 2012b, p. 136) and the centrality of the Clerk's Office as the place where each document has to necessarily pass through to be annexed to the file constitute this practice that constructs the Court's authority. This circulation as described by Hull (2003, 2012b) and Barrera (2009) includes a production of a series of inscriptions that made up a large network of functionaries in such a way that agency and responsibility is distributed and displaced.

For Hull (2012b), this circulation constitutes a strategy for avoiding responsibility so that "the more you try to pin responsibility to individuals, the more responsibility is collectivized" (p. 133), however in the *tutela* file there is an important difference to consider: this large network of functionaries is actually shorter and draws on the *geography* I have discussed. That is, a circulation from the Clerk's Office to the bureaus and, to be precise, a movement among the Clerk, the chief clerk, the bureau's clerk and the Justices, with a subsidiary pencil-made showing up of a bureau's worker: Jesús. A fistful of hands that affix an intervention on the file. A fistful of subjects is made visible along with their actions, in a hierarchical way.

What matters here is not the size of the network in terms of the number of officials that compound it, but the way in which it is cautiously woven. A mesh that has been compared on more than one occasion to a ritual, for -similar to religious rituals- a suspension of agency occurs to give way to the collective (Barrera, 2009, p. 87). At least in two forms. First, distribution. In the circulation of the file, whether in a larger or a limited network of functionaries, the agency of the organisation is achieved by relating every inscribed/visible subject "with the broadest context of their production, so that autographic writings become

grounded in the corporate order of the bureaucratic organization beyond the individual agency of their authors."(Hull, 2012b, pp. 132–133), thus constituting them as "persons in regard of others" (Barrera, 2009, p. 93). The Clerk's Office is the place where this distribution occurs, gaining the authority to be the gatekeeper of action. Second, as in an interplay of forces, agency is displaced in the sense of a dislocation: in the *geography* of the file, agency is placed on Justices' bureaus and, in its *sociography*, it is attributed to Justices themselves. However, in such a way that it is always placed along with a mark of corporate *authority,* transforming Justices into subjects that represent the organisation (Figure 14 is an example of this).

However, displacement is a word that falls short to account for all that happens in this movement and supersession becomes a better word, for the ways in which *authority* and agency are allocated often involve a zero-sum game: while some are drained of *authority*, others are gifted with it and while some are endowed with power as the capacity to act -namely justices- others are neglected. And here I am not speaking about the visible hierarchy that the file sustains through different forms of autographic inscriptions (Hull, 2012b, p. 140). One that instead includes those who do not last, whose action is not registered, nor recognized. Thus constructing a *graphic* and *institutional ideology* (Hull, 2012b; Smith, 1974) in which some actions are disregarded as unimportant, insubstantial, and much less than decisive (Camila's case).

One important consequence of the shorter web of circulation of the tutela file is that it is a restricted one. In its *history*, *geography* and *sociography,* the file renders visible some moments, times and persons -that is: some actions and relations- at the cost of the erasure of others. To say it otherwise, the *rewriting* -to use Berg and Bowker's term (1997)- of these entities also implies a not-writing of others. In Hull's ethnography, not writing is presented as a strategy for functionaries to avoid the responsibility that the action registered on a file supposes, but this is certainly accompanied by a larger distribution of agency in the material and documentary circulation of the file. However, in the Constitutional Court, though the *tutela* file certainly involves a large material movement -in which persons like the judicantes, moments, places and practices are important stages- its *papering* is shorter. If not-writing is in these terms a strategy, it is certainly not one of the functionaries, but of the organisation to sustain its own hierarchy and the justices' subjectivity. To sustain itself.

In fact, in this case, an approach of not-writing based on strategy crumbles. Here, the question for what does a file *makes durable* (Latour, 1990a) through *inscriptions* (what kind of entities does it materialize?) should start by its counterpart. Thus, becoming "more analytically interesting and more politically just to begin with the question: *qui bono*?" (Star, 1990, p. 43). That is, a question for what is left (sometimes with violence) out of what is *stabilized* or *made durable* in this network or *documentary reality* (Smith, 1974). Hence, we can follow this *food chain* a little more clearly. One that transforms the *energy* of the judicantes, among many other things, into the deliberation of a group of Justices and into the action of the organisation: the Constitutional Court. Transforming also the judicantes and their work into a missing link: a fine sand that a sea full of *precarious technologies* has cautiously brought to this Big Fish's mouth.

And here this metaphor of the *chain* that leads us to the one of the Big Fish is useful for the purpose of the analysis to trace how the macro-actor of the Court -this Leviathan- is performed (as the clinic of the medical record) in a series of relations. As Latour and Callon (1981) say, there are: "macro-actors and micro-actors, but the difference between them is brought about by power relations and the constructions of networks that will elude analysis if we presume *a priori* that macro-actors are bigger than or superior to micro-actors" (p. 280). These power relations, then, as *black boxes* are opened. I have done it by leading Camila's sociology to the file's *history*, *geography* and *sociography* -what in other moments I have refer to as "the history of a case"- in which the judicantes among other actors do not even appear as micro. They have been left out of sight.

By paying attention to these not-even-micro actors[59], those normally invisible but crucial actors for the sustenance of a network -these working infrastructures (Bowker & Star, 2000)- I propose that the reader follows with me a movement from *absence* to *presence*. A movement that I have addressed before by bringing the notion of inscription into this analysis. However, I want to open up the tracing of what is materialized in the file, as something that involves more than a representation. Hitherto, I do not want the reader to think of the file as just producing a paper-made Justice, which depends on a series of

[59] Or what Star and Strauss (1999) refer to under the concept of *non-person,* regarding visibility and invisibility in ecologies of work.

relations between graphic artifacts and documents. Rather, this web of *semiotic-material* relations is even larger, including flesh-and-blood subjects which become hardly distinguishable from the paper-made ones. Not only does the file "elicit and actualize personal capacities" (p.91) in the flatland of documents, but they do it in such a way that actual Justices are also endowed with creativity and power, while others are neglected. Hierarchy and subjectivity then organise the work of the organisation. An organising practice conducted by and through the file.

But transformations are not just folded back (Wissink & van Oorschot, 2020) onto the human workers of the Court, the case, or even the Court itself. What about the file as a thing? I argue that the organising practices conducted through the file also produce organised practices regarding its handling and use. It could be said that one of the most prominent effects of the file's circulation is that it renders visible some actions, events and relations while those that are not included on it are dismissed. By doing so, the file produces a witnessing of the organisation and the organisation itself as a witness: it presents to the eyes what must be seen about a case, the series of actions that took place to solve it and the way this must be understood. But it also presents -or better said, makes present- this organisation to the hands. Please, let me to bring a little more focus on writing and witnessing as practices and events in which we can trace our same old questions: what does a file contain? What is so special about it?

2.3 Touching files: on inscriptions of touch, not-writing and the sacred

The notion of inscription has been a useful tool for paying attention to writing. Autographic writing, numbering and even stamps, going on to other complex forms of writing that calls our attention to the practices of not-writing in which the Judicantes's *precarious technologies of uninscribed touch* appear as important archetypes. Yes, they are themselves writings, but they are not-writings in contrast with the file as the place where different inscriptions are put together to produce a *history of a case*.

Actually, the practice of registering information on these *precarious technologies* or its use to produce a temporal mark on the files to finally be discarded constitute, as said before, an avoidance of writing. Thus, both writing and not-writing become a form in which the Court is not just represented to the eyes of a potential reader of the file, but it also implies a

material organisation of the Court. A way to touch -and get touched by- the Court, since writing is touch. And this straightforward statement needs a brief explanation.

In what I have referred to as the circulation of the file, authority and agency are allocated. However, what does this imply for the workers of the Court? And, at the same time, how is that this allocation performed on a regular basis? Here the file gains relevance, not only as a *documentary network* (Castillo, 2017), but as the thing that circulates. Touch circulates with the file and it does so in two ways. First, the inscription of moments, places and persons through autographs, stamps and other graphic artifacts are literally inscriptions of touch: the touch of a person and persons in certain situational/spatial conditions. "Original essences" that are transported in their re-writing (Berg & Bowker, 1997) or as Oorschot and Schinkel (2015) would call it, *a documentary doubling of events and actors* (p. 517): a state of affairs that no matter how far in distance or time could be, the file permits to access in-here, close at hand.

Second, as the circulation of the file is restricted, so is touch. That is, touch turns into an organised practice in which the file becomes untouchable. Better said, its touch implies a problem for those who have to handle it as a *working paper*, for it becomes necessary to take it with certain precautions. The Clerk's Office becomes the place where "precautions" are taken for a file is something that must not be freely released (let us remember the Clerk's official registering of its move from his custody to Jesús'). These precautions are of two kinds, those related with the external touch and those with the internal.

Regarding the external, untouchability becomes authorisation. I have referred to the Clerk's Office as the gatekeeper of every action and here the image of the gate is somehow accurate. The interrupted flow it supposes produces a seclusion from the "rest" that translates into an excessive formalism like the one presented along with Figure 13. Something that is considered by some members as unnecessary from the point of view of pure rationality. As one member of the Court told me once, "the Clerk's Office shouldn't exist" as it implies a pointless repetition, for "they do what whatever a Justice could do" [60]. A repetition that is more likely to correspond to the world of the religious ritual than to the

[60] As these words were part of an informal conversation during one of my visits, as the Colombian saying goes: I may "name the miracle, not the saint", or "say the what, not the who".

rational bureaucracy (only, of course, if we were Weberians!). Actually, this ritualism has been analytically exploited by Hull (2012b) and Barrera (2009) to give an account of the *circulation of the file*, but without going very deeply.

In speaking of this ritualism, Gretha names the Clerk's Office a *Notaría*: "it is the first thing one learns from law school: the Clerk's Office is a *Notaría*". And contrary to the previous depiction of its work as unnecessary, Gretha concedes it an important value:

> …**here** we think that **people** act in **good faith**, but there must be a **third party** that **effectively verifies that this is true**. Imagine if the **evilest people** in the world **came here** and said that everything was proven and made everything up, thereby deciding a case, which **could happen**... With the Clerk's Office there is a guarantee of **transparency**. Indeed, I, **who have no interest in this**, received it or did not receive it and I send it to you, because that is my task… everything here is designed as if foreseeing that **murky** situation. (INT-OCT11-GRETHA&JESÚS)

In this astonishing piece, I want to call the attention to the way a division between the inside and the outside is constructed. This is something that we have already came across at other situations and moments, such as in the description of The Room, the *passage* of the files through their filing, and the *geography* of the file. Actually, this *geography* appears again in its external and internal dimensions: the "here" Gretha is talking about is certainly inside the Court, but located in a particular spot. She is referring to the Bureau. This could be understood in the placement of the Clerk's Office as a *third party* between this place and the *evilest people.* Those out-there, the rest, whose evil action is to come *here* to say something was proven while it actually was not.

It is interesting to notice that, in this tripartite geography, two sides are displayed as interested and one is constructed as a disinterested middle-point. On the one hand, I have mentioned how important for the *geography* of the file is the presentation of the bureaus in terms of creative, volitional and subjective work. The kinds of good qualities that have, as an Achilles' heel, the problematic of interest. The discretion of a Justice can actually be regarded with suspicion in these terms. And here is where the circulation of the file is important to tie this subjectivity to a wider social context: that of the Court. A binding that we have referred to as *authority*. A placement of the Justices' action into an organisational ground. A ground that is displayed in the presentation of the *here* as a place, as opposed to a person.

Yet, if *authority* seems to be the relation between the Clerk's Office and the *here* of Gretha's account, something else seems to be the case for the second part presented as the *evilest person*. In this imagination of an extreme situation, the world out-there is personified. Like the person of the Justice, this one is endowed with subjectivity. One, however, where evil and interest are at their peak. This evil imaginary person is then tied to an activity. Evil persons do evil, there is no doubt about this. It is a truism, a redundancy (perhaps, the same kind of redundancy that distinguishes the formalism of the Clerk's Office?). But here this evil materializes into a specific action: that of saying. Just a saying - an oral verbalization- that can be (actually presumably) made up.

Interestingly, those persons could actually be institutions and most of the people that *come here* do so together with an *inscription* of what they say. Thus, in that sense, the saying is not just a saying, but a document (or a series of them). Thus, putting these documents in terms of a saying (along with its personification) has epistemological implications (Potter, 1996): they are constructed so that they are devoid of trust and credibility. What they refer to is not true. Therefore, trust is not something placed in the sayings, but in the *effective verification* that the Clerk's Office as a *third party* does. However, verification becomes *impossible in principle,* while *feasible in practice* (Ashmore & Restrepo Forero, 2013, pp. 415–417).

Like a *Notaria* (and here the metaphor Gretha uses help us to understand it well), the Clerk's Office receives an absurd quantity of documents that must pass through it to be put in the files (an activity that does not exclusively occupy the Clerk's officials). Thus, verification, like *authentication* in the *Notarías,* instead of being an actual checking, becomes an action whose outcome is just an: "I, who have no interest in this, received it or did not receive it and I send it to you, because that is my task". An action in which the sayings of the evil out-there are transformed into written[61] forms. Like my passing through the turnstiles of the building that transforms me into an authorised visitor, here the *passing* of those external sayings through the Clerk's Office produces a similar kind of *authorisation.* An even more

[61] Here it is important to notice that the "sayings" are not explicitly contrasted with writing as a different form of enunciation, but implicitly, this "I received" echoes a conventional form of writing in bureaucratic and legal settings.

important one: one that allows it to last. One that transforms a saying into a touch: a durable affection on the file.

It is important to mention that this affection is displayed as recurrent in its possibility. Hence, we face again the expression that we already know as the first reason for the seclusion of the file (from my touch): that things sometimes *could happen*. An expression that, as in the handling of my solicitude of access to The Room, transforms outsiders into *virtual transgressors*. Active presumable evil persons on the lookout for producing a happening. One situation that we finally know what it does refers to: an improper writing! A threatening evil *presence* that, by not taking the diligent precautions, could become an authorised *presence* (in the file).

Curiously, the restriction of my access to The Room and the advent of the evilest person, both constitute an imagination of an extreme/extraordinary situation that actually becomes mundane in its contention (sometimes it could happen, thus it must remain restricted). They are virtual assemblies and encounters that become material through the practice of the circulation of the file. A materialization that produces a seclusion of the file and the Court from the outside and that locates the Clerk's Office as the place in which protection is conducted through constant writing. A writing that, no matter how absurd it could be in appearance, turns out to be necessary as a rite of purification (where the *murk* become *transparent*); "It is written", said Pilate to after washing his hands, thus transforming his action as devoid of fault and writing as untouchable[62]. This is to say that the Court becomes protected and the file untouchable in this constant *foreseeing [of] that murky situation* that produces at once an emptying and a fulfilment such that we can say of the Clerk's Office what Ashmore & Restrepo (2013) assert about the *Notarías*:

> But while in one sense the Notaria is this safe place, filled with trust and engaged in producing more and more trust with each signature it affixes, it also contributes to an emptying of the society around it. There is a sense in which trust is a zero-sum good: the more of it there is here, the less of it there will be there; the more trust

[62] As Pilate and his hands become the same, the Court and the file too. The seclusion of one becomes the protection of the other.

> accumulates in the Notaria, the less there will be left to be distributed in society. (p.425)

This is also a distribution of morality[63] in which the out-there is drained from *good faith*, which is placed into a *transparent*[64] *here* as the result of its passing through the Clerk's Office. Furthermore, it implies a distribution of touch: while the out-there is (must be, on a regular basis) deprived of touch, the file (where the written forms of authorisation end up) is provided with it. Hence, becoming a *touchy issue* to handle! A permanent place where things could happen, thus requiring the Clerk's Office papering as mediation. To say it otherwise, the file is endowed with what I have called before its *recordability,* a virtue and a danger of recording every touch in its path, therefore demanding constant purification.

And here we can move onto precautions regarding touch in the inside, where untouchability becomes fear. In different moments, various members of the Court presented themselves as fearing what might happen to a file. The Clerk's official at the beginning of the chapter is an example of this, but he is not the only one. It could happen -who knows- that in releasing a file something happens to it. However, what can happen to a file? And, what can happen to as the person said to be responsible for its custody? The response of a court official would be that nothing can happen to the file, since "a file must be cared for as life itself" (INT-OCT11-GRETHA&JESÚS)

That *nothing can happen* contrasts with the statement in which *sometimes things could,* which places the happening out-there: a state of affairs that is actually a permanent state of alert. Contrarily, that *nothing can happen* links the person to that alertness, in a relationship of binding prohibition. The universe of the possible happenings encompasses a variety of frightening events and practices; in conversation with Gretha and Jesús, for example, we talked about these many possibilities. By taking into account the presence of other mundane elements in the bureau and the judicantes' workplace, like cups of coffee and bottles of water; we discussed about what was the chance of spilling some of these liquids into one of the file's pages. Does "a file must be cared with life itself" include these

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[63] These distributions are a complex issue in themselves, thus deserving special consideration and attention. For that reason, the reader can find in the outline of the Chapters to develop in (some future) a special section for this issue.

[64] A very particular transparency that does not consist in displaying an open window, but a closed door. Not showing every touch, every movement of the file, but a reduced/limited version of it.

kinds of accidents? According to them, yes. A file must not get wet. However, this seems to be a speculated fear, introduced by an outsider (the ethnographer, me) and it remains little noticed in its daily possibility.

Figure 15 *Bottles of water next to, in between and on top of files*

As an ecology of work, the bureau and the judicantes' workplace as its backyard makes stacks of files cohabit with bottles of water everywhere (Figure 15). And although these elements differ in number (the population of files overwhelmingly exceeds that of bottles by a speculative ratio of one hundred to one) they meet in their availability. As if files were bread and the water was water, judicantes and other court workers can have the assurance that they will never be short of them. Other fears seem to be more extremely manifested, for instance, that a file must not get burned:

> JESUS: Yes, and go tell your boss that your file was burned
>
> GRETHA: No!
>
> JESUS: [Laughs]
>
> GRETHA: You better burn yourself at once… immolate yourself! [laughs]

Laughing, Jesús and Gretha present themselves as extremely responsible in this situation. A responsibility that certainly borders on devotion and guilt. Burning yourself at once is much more than a desire to be swallowed by the earth at the moment of facing an embarrassing situation (telling the boss). Honouring the idea according to which the file must be cared with life itself, the consequence of the destruction of a file is imagined as the destruction of that life.

What makes the imagination of the damage of a file lead these officials to expose themselves -in the same exercise of imagination- as victims of self-sacrifice? By any chance, is there something of the Court workers in the file? Is it there a connection between them and the file they hold? If in the circulation of the file certain happenings are placed out-there, regarding its handling inside the court, these are placed in the in-here of its workers. Spilling water on files or that they could get burned are accidental episodes, actually extreme ones, that however become a fear at-hand in the enunciation of *caring for the file with life itself*. And a fear that is, at once, about the file -whatever could happen to it- and about oneself, in a relation of mutual affection: the destruction/alteration/intervention of the file folds back (as if the file were a *relic* of oneself).

But this is not just mere enunciation. As such, an immolation of oneself is a displaying of devotion (to continue with Gretha's religious metaphor) that presents the file's untouchability as accompanied by a self-disappearance: *you better burn yourself* is like the result of breaking a sacred interdiction. However, this self-disappearance is not just a result, but a prevention. Not only in the discursive practice of presenting oneself as extremely responsible/devout as to not reach such circumstances (*you better burn* as I would never do). But it also helps us to understand the internal circulation of the file as a material practice of purification.

I have argued how the *circulation of the file* also implies the depiction of a restricted internal geography, through a limited production of writing located in the Clerk's Office. A distribution of agency that represents a series of relations, while concealing others, presenting some (doubled/re-written) subjects as actors, while others are disappeared. They are absent. But absence is not the opposite of presence, but rather of writing. I understand here absence as a particular kind of presence. A not-being there that can be affected and affect. That it can be affected could be exemplified by the *judicantes* and other workers that the file makes invisible. They are there -in the file- in their absence and this can easily be reversed by a

single act: writing. What could happen if, by accident or on purpose, one of these *not-even-actors* of the file left some visible marks of their path? What would this produce? This is graspable in how this greedy hierarchical distribution of power, acting like Camila's food chain, is routinely sustained through a non-writing (mediated by precarious technologies) that translates into a fear of leaving a trace. A fear of intervention.

Hence, the practice of avoiding writing as an evading of responsibility (Hull, 2012b) could make sense here. An intervention on the file, a new trace, would expand the documentary network thereby transforming the way in which the file performs the organisation. Let us think of the file here as a *relic* of the Court. A *relic*, which like any *relic*, brings into contact -better said, co-presence (Paterson, 2007; Puig De La Bellacasa, 2009)- what it transports and who touches. Yet as what it transports includes itself, each touch is a possible affection on itself (a folding back!). As a *relic*, then, the file transports an order (that of the organization), whose disturbances cannot go unnoticed. It is better, then, to sacrifice oneself!

By putting the file in terms of a relic I want to speak of a hybrid. The relic, like the Latourian conception of the inscription, deals with the problem of reference: it allows access to the moments, persons and times it transports. It accounts for what happened! But at the same time, it does so in such a way that what it transports is made present *hic et nunc*. So, the file -like the Latourian angels, the equivalent of inscriptions for religion (Latour, 2001)- deals with the problem of *presence* too. It allows the transported thing to be grasped in two senses: to be known and experienced. Better said, the file in its circulation achieves a movement from the many (hands that work on the file) to the few (that are rendered visible in it), but also it allows -in this folding back- a movement *from the few to the many* (Shapin, 1984). One in which the organisation can be at once witnessed and performed (witnessed in its performance). Indeed the *tutela* file is a *literary technology* through which what happened about a case and the series of interventions that the Court produced about it are "made known to those who were not direct witnesses" (Shapin, 1984, p. 484). But it is a material technology as well, in which those interventions are performed. This hybrid[65] allows the file to be a *touching technology* (Puig De La Bellacasa, 2009), in which the Court

[65] Perhaps the kind of hybridity that Prior (2008) has put on documents by saying that they "do things as well as contain things" (p. 822).

can touch and be touched. It can touch both its members and the outsiders as something bigger than themselves. It mobilises *institutional affects* (Wissink & van Oorschot, 2020) like the fear of writing as a witnessing at-hand of the organisation[66]. But it also makes possible this *live dissection* (Berg & Bowker, 1997) I have mentioned before, in which the Court and the case are intervening, which bring into the scene a sense of *aliveness*: any intervention, like an open wound, becomes risky (sometimes things happen!), for each one is an opportunity to put things in place[67] or to produce contraventions. Let us see this in detail.

2.3.1 Thou shalt not write: on making things sacred

It was the first time that Gretha and Jesús read together the file of the case that I was allowed to follow. It was their first meeting about it. A reading of a full-journey file that, according to the selection chamber's order was selected for containing a badly-failed case that, by disregarding a Court's precedent, was violating the rights of the plaintiff (from now on " the citizen"). We were upstairs, in the bureau and Jesús, who was responsible for the *substantiation* of the case, had already read it and was now in Gretha's office to tell her and me what it was about. He was holding a notebook with some notes and Gretha was holding the file. I had another notebook, taking the necessary ones so as not to interrupt the discussion between them while being able to ask some questions at the end.

Jesus' first reading was, as he called it, a "first-hand reading" (INT-SEP12-JESÚS). An approach to the file in which he says he felt too much frustration at finding a case of "great administrative evil." The evil was this: by resolution, Colpensiones -the public pension fund administrator- had granted a disability pension for an older man, after having obtained the necessary score for it being granted, according to the medical opinion conducted by the same institution. A standardized form that had stated in one of its boxes that the citizen

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[66] This is an *emotional witnessing* that, using the concept of Ordonez-Castillo (2018), is capable of *distilling emotions*, not as projections of people, but as an effect of the network.

[67] A mundane experience of the Big Fish of the Court. A way to feel and get touched by its bigness. A routine colocation of everything in its place, each actor and not-even-actors, like Camila did when she placed herself at the bottom of the chain. If dirt is "matter out of place" as Mary Douglas (2001, p. 36) has famously stated, thus producing an order and certain practices of keeping it controlled, avoiding writing is putting matter in its place. A ritual purification of any improper touch, any mark, any writing that, as contravention, could alter the order. Perhaps in this sense the file organises the organisation (Kameo & Whalen, 2015).

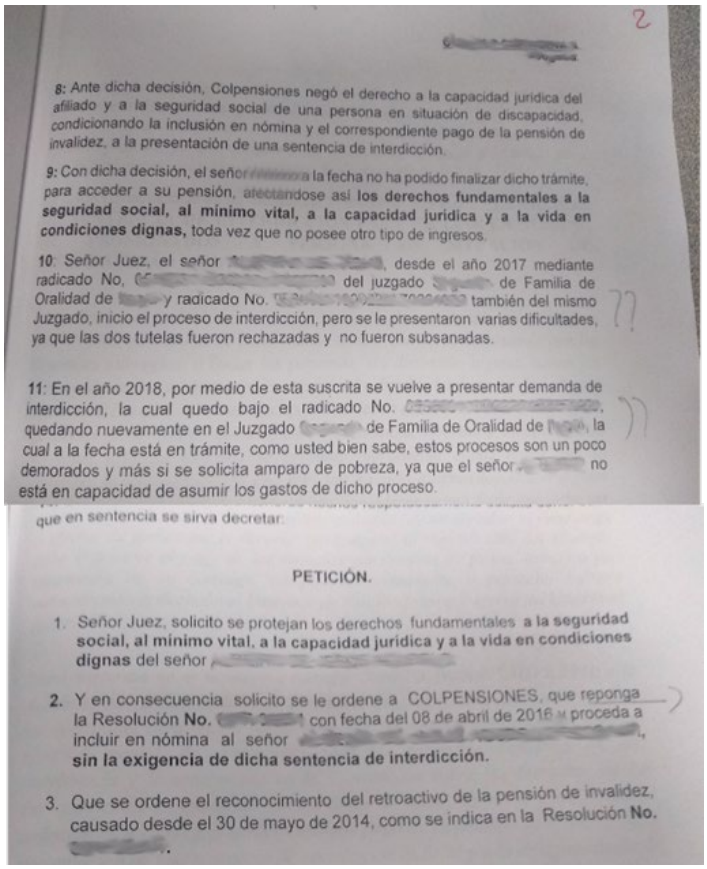
required third parties to decide for him. On these grounds, Colpensiones made the effective payment of the pension subject to the submission of this citizen to a process of judicial interdiction which requires someone to be designated as an ideal curator who, in this case, would receive the pension granted on the citizen's behalf.

Three years after the resolution of Colpensiones, the citizen -while expecting to name his permanent companion as its curator and to be declared *interdicto*- he files a *tutela* (an action of protection[68]) through a legal representative (a lawyer) in a lower family court of his municipality. The *tutela* is rejected and this is the decision that Gretha and Jesus were reviewing to render a draft for a new one. The idea of "a great administrative evil" includes the series of administrative obstacles that prevented the citizen from enjoying his pension, in addition to the poor performance of the legal representative who, besides being unnecessary for no intermediary is expected for filing *tutelas*, as a cherry in this legal cake, she had wrongly written this document.

Jesus was bringing into discussion the details, while expressing the outrage produced by this at-first-hand reading; Gretha on her part was asking some questions about the case, in such a way that all the details were clear to determine what kind of proofs would be necessary to request (to write a subpoena). The questions constituted sometimes a pause around the file she was holding: "But look at that", "here it says". During one of these moments, as evidence of the great administrative evil, Jesus pointed at the document of the written *tutela*. They were evaluating the performance of the lawyer who served as the citizen's representative and in so, Jesus makes Gretha aware of the presence of a couple of scribbles on the document (Figure 16).

[68] Throughout the present chapter, I have used the word tutela to designate the tutela file. Here, by filing a tutela I am referring to a mechanism for the protection of rights that is materialized into a document, signed by the person claiming for protection, which can be simple or complex. According to different court workers "no knowledge is needed" to write one of these documents, though certain features of a written tutela are expected to be found: conventional forms of writing that citizens know how to deploy. According to David: "not just lawyers, but citizens too… know how to do that: they have to say "look, I have no income, I'm unemployed…". This speaks of the vulnerability of a person." (INT-AUG21-DAVID)

Figure 16 *Scribbles on the file*



8: Ante dicha decisión, Colpensiones negó el derecho a la capacidad jurídica del afiliado y a la seguridad social de una persona en situación de discapacidad, condicionando la inclusión en nómina y el correspondiente pago de la pensión de invalidez, a la presentación de una sentencia de interdicción.

9: Con dicha decisión, el señor [redacted] a la fecha no ha podido finalizar dicho trámite, para acceder a su pensión, afectándose así **los derechos fundamentales a la seguridad social, al mínimo vital, a la capacidad jurídica y a la vida en condiciones dignas,** toda vez que no posee otro tipo de ingresos.

10: Señor Juez, el señor [redacted], desde el año 2017 mediante radicado No, [redacted] del juzgado [redacted] de Familia de Oralidad de [redacted] y radicado No. [redacted] también del mismo Juzgado, inicio el proceso de interdicción, pero se le presentaron varias dificultades, ya que las dos tutelas fueron rechazadas y no fueron subsanadas.

11: En el año 2018, por medio de esta suscrita se vuelve a presentar demanda de interdicción, la cual quedo bajo el radicado No. [redacted], quedando nuevamente en el Juzgado [redacted] de Familia de Oralidad de [redacted], la cual a la fecha está en trámite, como usted bien sabe, estos procesos son un poco demorados y más si se solicita amparo de pobreza, ya que el señor [redacted] no está en capacidad de asumir los gastos de dicho proceso.

que en sentencia se sirva decretar:

PETICIÓN.

1. Señor Juez, solicito se protejan los derechos fundamentales **a la seguridad social, al mínimo vital, a la capacidad jurídica y a la vida en condiciones dignas** del señor [redacted]
2. Y en consecuencia solicito se le ordene a COLPENSIONES, que reponga la Resolución **No.** [redacted] con fecha del 08 de abril de 2018 y proceda a incluir en nómina al señor [redacted], **sin la exigencia de dicha sentencia de interdicción.**
3. Que se ordene el reconocimiento del retroactivo de la pensión de invalidez, causado desde el 30 de mayo de 2014, como se indica en la Resolución **No.** [redacted].

In the following fragment, Jesús and Gretha discuss the scribbles (question marks) on the sheets' margins:

1. Jesus: and I feel that **the judge is like *rayado***, because ...
2. Gretha: He's *rayado* with the lawyer
3. Jesus: because, he put it ... because, did you see that **there are a lot of question marks** on the *tutela*?
4. Gretha: Oh, are those from the judge?
5. Jesus: Oh, no, I don't, I don't know
6. Gretha: this is what I say unto them. **Never scribble on the files** because **they'll read you there.**
7. Jesus: no, **I never do**
8. Gretha: They'll **know exactly what you think there**.
9. Jesus: Yes, yes (INT-AUG22-GRETHA&JESÚS)

The piece above is certainly rich and could elicit a huge analysis on every turn. I would like to highlight just a few things though to focus on this as a particular *encounter* with the file. To begin with, Jesús establishes an interesting metonymy by making the scribble on it (*rayon*, in Spanish) a sign of the "*rayada*" of the Judge (anger, in informal Colombian slang that also mean "scribbled"). The metonymy is twofold, since it not only constitutes the displacement between the "rayón" (scribble) and the "rayada" (scribbled), but also one between outrages. If the displacement between *rayon* and *rayada* were successful, so would the outrage that Jesus claimed to bring from his first reading and that of the judge for the same circumstance: the poor performance of the lawyer/representative (the beginning of the "administrative evil").

In fact, the displacement of outrages is the first thing that happens when Gretha completes what Jesus said (line 1), taking it as information that she acknowledges, affirming that, indeed, the judge is *rayado* with the lawyer (line 2). Recognition that does not happen immediately with the association between the *rayón* as *rayada* that Jesús does in line 3, but rather comes later in the claim that Gretha expresses in line 6: "this is what I say unto them. Never scribble on the files because they'll read you there". Please allow me to briefly dwell on this, returning then to the *rayon* and the *rayada*.

"This is what I say", to whom? Considering that Jesus takes Gretha's utterances as an accusation, responding with a denial (line 7) -, to her team (within which Jesús is found). And why does she say so? Gretha in this way presents those "many question marks" (scribbles) on the document as the result of an incorrect, prohibited or improper practice in all situations ("never scribble"). The scribbles are then a breaking of an interdiction (a Durkheimian one this time: a prohibition). Faced with such a situation, Gretha presents herself as someone who does not commit such a practice and Jesus does the same in his denial, presenting himself free of all guilt: whoever is without sin, cast the first stone, or the first "I never"!

On the other hand, the reason given by Gretha, on the two occasions in which she introduces it (lines 6 and 8) deserves special attention: "Because they'll read you" and "They'll know exactly what you think". They read and know, who? Deduced from the context, scribble readers. People like Gretha and Jesus. Or Gretha and Jesus themselves, reflexively, who are reading the judge. The expression "they read you" also implies the idea that the reading is not done on the basis of a statement that "one makes" (strictly speaking,

a scribble *per se* is far from being a claim about the world), but rather implies a totality: "exactly what you think", the interior, the mind, the essence, the self. To be read is to be transported, as the judge who made the decision seems to be transported here, letting Gretha and Jesus know what he thought, or what he thinks. Eureka!

As if following the traces of the judge, shortly after the scene I presented in the previous fragment, Gretha reviews the file from front to back and back and forth. She goes back to documents which she had already glanced at. She reads fragments of the tutela, others from the decision, others from a correction of the tutela that the legal representative sent to the judge. She notices some of these passages that she had already read, but that now seem to say much more than they did before. And they seem to suggest the obvious: that the judge was *rayado* with the lawyer, certainly, but because she gave him a bad feeling.

If Jesús brought his version of the "great administrative evil" in which the bad decision of the judge and the bad performance of the lawyer were signs of this, once the identification between *rayón* and *rayada* was established, a completely different version arose following Gretha and Jesús's encounter with the question marks. That of the bad feeling of the judge. One that folded back on Gretha who started to share with the *rayado* judge the same feeling, now reviewing elements such as dates that account for the three-year delay of the citizen in filing the tutela and starting an interdiction process to define his partner as curator; the non-presentation of an appeal for reconsideration against the resolution of Colpensiones, or the presentation of the tutela itself through the lawyer! Elements that could previously have meant different things: whatever contextual impediments for the citizen, a "lack of knowledge", among others.

In this version, the evil is no longer administrative, but personified. Although the decision is still not correct, it becomes a protection for the citizen against those persons in his environment. According to Gretha: "[the judge] in trying to protect him, he [the citizen] is being fucked up ... well, of course, she [his permanent partner] surely wants to take the pension for herself" (INT-AUG22-GRETHA&JESÚS). And with this she starts to speculate with the rayon -or better said, with the judge- the imagination of a greater evil: that *evilest*

person in the world that comes here. I would like not to dwell on the details of this mistrust[69]. But suffice it to mention that it was important to order, in the subsequent subpoena, the taking of the declaration of the citizen through a commissary office issued to a family court judge in his department to dispel that bad feeling. A declaration in which the citizen had to be asked for his knowledge and will about the processes and for his relationship with his family.

This whole scene constitutes an imagination with the file. An encounter with what it materialises: not only the judge who is accounted for enacting the sentence of the tutela that is being reviewed, but the Court and its relations with the out-there. It is interesting to think how the happening could have come from different sources: one of the different hands in the chain of work on and custody of the file. Why the judge and not, for instance, a *judicante*? A scribble is just a scribble and finding the judge in a scribble, like finding the virgin on a slice of toast constitutes an event, an epiphany, that requires both a making sense of it and a making sacred. Let me explain.

I have argued how writing and witnessing are organised in the Court, regarding the *tutela* file. It is important for this the representation that the file achieves, through *graphic artifacts* like the ones described in the previous sections (stamps, signatures, numbers), that inscribe on files certain actions and relations in such a way that they can be known. Regarding this, the reference to places, times and persons that construct *the history of a case* build up and sustain what Hull (2012b) has called an *official graphic ideology*. A conventional way of making sense of signs whose most important accomplishment is "the identification of autographic authorship with agency" (p.130). This implies not only that the file renders actions and relations visible, but that they can be known in an accurate way by members of a community of (bureaucratic) practice.

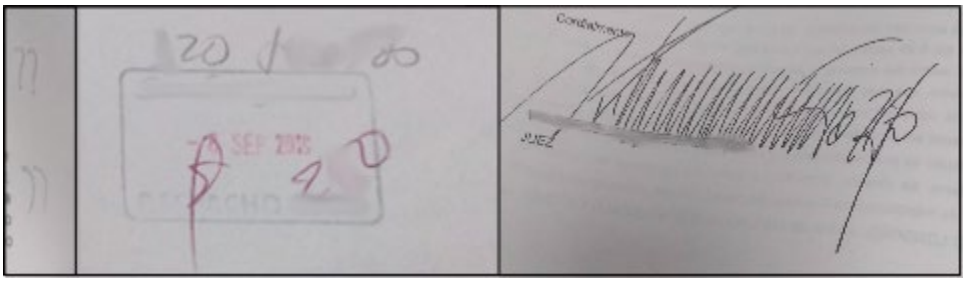
As a consequence, *graphic artifacts* function as *infrastructures* (Bowker & Star, 2000; Star, 2002) that involve a contradiction that makes them work the way they do: they are visible signs by whose means actors become visible. But, in so doing, the visibility of the signs themselves are backstaged. It is thus that court workers like Gretha and Jesús do not see signatures, they see judges and Justices, they do not see stamps, they see the Clerk's

[69] Please, see the outline of chapters of a whole dissertation, for the one presented as the second is planned to focus on this issue.

Office, other places and events. And seeing a judge in a scribble is an example of how this *official graphic ideology* works.

However, a scribble is far from being a conventional form of writing. If we treat it by its graphic qualities, it holds two particularities: first, it keeps resemblance with the abbreviated signature of Jesús I have presented before and that now (figure 17) I show again to establish a contrast: it is pencilled, an erasable mark. Second, in contrast with this abbreviated signature, the scribble is just a scribble, it does not make any identifiable/visible reference to a particular person, place or time. It is just there. Furthermore, the only graphic sign associated with the judge in question in the file is his signature: a big complex one, made of ink, put there to last and to be easily recognisable as (from) the judge.

Figure 17. The scribble, the pencilled abbreviated signature and the Judge's signature.



Actually, in its erasable and unidentifiable character, the scribbles remind us more of the post-its and the other *precarious technologies* of the *judicantes*, that are there to leave a reading mark on a draft or a *working document*: a workprint! And they maintain an important distance from other signs like the judge's. There is no clear relation, then, between the judge's autographic signs and the scribbles, more than that of visibility (the judge like the Constitutional Court Justices is made visible, while others are not) and contiguity (the scribbles are on the tutela that was the subject of this judge's decision). Yet in any case, the attribution of a series of scribbles to a judge is a kind of *leap of faith*, especially considering the whole paraphernalia (ritualism) that encloses the file to keep at bay this kind of writing, and here is where I propose to look at the making sense accompanied by the *making sacred*.

Considering the previous, not only is there no evident relation between the judge and the scribbles, but their presence is contradictory! A scribble should be discarded or activate a

state of alarm for its very presence, but actually it was not. It was precisely this that drew my attention, so as to question Gretha and Jesús about how they knew that the scribbles were from the judge. They told me that they could not imagine a *judicante* placing a scribble on a sheet, like saying “oh, what is this? This crap…”. Gretha specially said that earlier in her career she was a *judicante* and then she felt a “huge reverence” for the Court, and because of that, for her -in the present tense- “a file is sacred”. The following is part of this explanation that she offered, in which she expands on this idea of the sacred:

GRETHA: So, you can touch it [the file], but you can't scribble on it. Never, because it’s a **public document**… it’s not a draft or something like that, it's not your **working document**, it is **the history of a case**. (INT-AUG22-GRETHA&JESÚS)

In this explanation the interdiction “never scribble” as a “thou shalt not write” is again present in the contrast of two different documenting practices. Actually, I have described them in different moments of this chapter and the reader knows them well (to say it religiously, it has always been in the midst of us). The *history of a case* has been a useful name to give an account of the ritual of the circulation of the file and its “papering”. On its part, *working document* has been the name for the file inscribed in an ecology of work in which documents are things to work on.

In these two forms of documenting practices the file becomes *multiple,* in the sense that *it is more than one, but less than many* as in Mol’s (2003, p. 55) well-known quote. The file, though coordinated as a single thing in its circulation, is embedded in different practices that constitute it in ways that overlap and sometimes contradict, like those that enact it as a *working document* and as a *history of a case*. The sacred as public, as emerged in Gretha’s explanation serves to account for how this contradiction is handled regarding some of the features I have used so far throughout this ethnographic passage, and that I summarize as follows:

- *Seclusion*

When Gretha places the sacrality of documents in their public character, implicitly private documents appear as its opposite. The public is then achieved in the seclusion or isolation of documents such that they are distanced from private forms of writing. Public and private documents are contrasted in the way they involve touch: while the private are placed along with scribbles, the public is presented as what must remain untouched. However, what does a private document look like? Private documents are like field diaries! They are *private*

objects (Olarte-sierra, 2019, p. 89) that by means of a registering practice allow their authors to grasp them in a moment. Furthermore, they are made of layers of interventions that do not necessarily adopt a single form: they can be messy and recurrently subject to manipulation and transformation in the process of making sense of information. Certainly, *working documents*!

In so doing, private documents such as field diaries involve affects such as "every day and subterranean investments and attachments" (Wissink & van Oorschot, 2020, p. 6) that writing makes available and transformable (they can be accessed, intervened, as the very practice requires it). And attachment is here a good word for private documents, as they keep a close relation with their authors, circumstances and times of production; they are *Bodily injections*! To put oneself there. Like the judicantes' *energy*, if it were to be made durable in the file somehow, by a written form. Public documents, in contrast, involve a purification of such attachments so that they become something more than private, more than particular affects.

This does not mean, however, that a public document is free of any attachment or affection, as I have mentioned it in previous sections. Rather, that purification implies transforming these *bodily injections* into *embodied projections*. And with this I mean a document or a file that folds back! A witnessing of the organisation that implies a coordination of somebody's *working document* and the *history of a case,* in which the second version wins affectively through manifesting *institutional emotions* (such as the two we have explored thus far: fear and distrust). This coordination is commonly achieved through the circulation of the file by absence: by keeping messiness outside of the file's representation (for instance, drawing upon *precarious technologies*). Thou shalt not write! But what happens when absence is broken by the visible presence of a sign?

- *Recordability (the file's fragility)*

This coordination is achieved in the file itself as a thing, by what I have called its recordability. I have discussed how the file, in practices of seclusion, is endowed with the capacity of registering everything in its path: a constant vulnerability that transforms the file into a fragile thing. "Thou shalt not write" is more a recognition of this fragility that an actual practice of not-writing. Actually, Gretha is pointing at this when she speaks her sermon "Never scribble on files because they'll read you there" that could be translated into: you

cannot write, but in case you do, it will not be a simple scribble, it will be more than that: the whole of you! This is a recognition of a power in the file. The power to register, to transport, to make durable! To make everything part of itself and to bring it into presence in the next step.

This gives way to a paradox: the more protected (secluded) the file, the more fragile and prone to defilement it becomes, for -in its protection- defilement becomes protected too! *Quod Scripsi, Scripsi*[70]*,* allowing a scribble (a registering practice of a *working document*) to become part of *the history of a case*. And a very important one!

- *Order, borders, presence and affects.*

Scribbles on files can be *matter out of* place, a *murky situation* similar to that against which *everything is designed* for its *foreseeing*… of course, unless it is put in its place (ordered, in a sense). *Out-of-place* are the judicantes too, who are located in a kind of *non-geography* (the judicantes' absence) within the file. One that can be traced in Gretha's words when she mentions that she cannot imagine a *judicate* scribbling and saying "oh, what is this? This crap…". It is interesting to notice how the *judicantes'* emerge in this account as something that cannot be imagined, but that however constitute an imagination in itself. They are imagined as not-imaginable, as their writing does not have a place in the file. Therefore, a *judicante* scribbling on files is in this sense a contamination: he/she takes the file as -containing- crap, and writing on it turns it into crap itself. An *out-of-place* that becomes matter to handle (A *touchy issue*, one could say).

The judge in contrast belongs to a distant *geography*: the out-there (the rest for the Court) where *things happen*. Would not a scribble from the out-there be one of these happenings? But the judge pertains to a distant temporality too: the past of the case! As such, he can be brought into presence in the reviewing[71]. In this bringing into presence -as a *live dissection*-

[70] Pilate's saying!

[71] It is important to mention here that the original file keeps a similar distribution of agency to the Constitutional Court, regarding the lower court. The work of Abello (2016) in a lower court in Cali helps to picture this for -similarly to the Constitutional Court's justices- judges are not in permanent contact with files -that is, they are not who write and work on them- they are those who sign them. Thus, agency being displaced from a chain of workers and put onto judges. A movement that is conducted through the file. It is interesting to think how Gretha and Jesús, though knowing how lower

, what was distant in time becomes closer (the past is open *in vivo*) and the distant geography comes close too: it is here. And in such a circumstance, the scribbles enhance a sense of aliveness: they do not only transport a decision, an action, but the judge himself[72]. It is a *Parousia*, an advent: a *presence* that comes. A presence with a message: a bad feeling.

In this bringing into presence the *leap of faith* appears. A *somersault* that, for Latour (2005b), characterizes religious speech and experience: "one which aims at jumping, dancing toward the present and the close, to redirect attention away from indifference and habituation, to prepare oneself to be seized again by this presence that breaks the usual" (p. 45). When things are brought into presence, they are at risk, vulnerable, open to rearrangements and mutual affection. Actually, the recordability of the file is about this.

Transformation occurs in this process, in unexpected ways. This is what happens when, by an encountering with the scribbles, a version of an administrative evil that had elicited Jesús' outrage is transformed into a personified evil. Indeed, the recognition of a judge's bad feeling is a dipping into *institutional emotions,* in which somebody's outrage, astonishment, attention or even confusion (whatever the scribble would have been as a *bodily injection*) is relocated in terms of distrust. An *embodied projection*, a feeling with the file that is incorporated by Gretha who now feels the same as the judge. In so doing, the first "reading-at-hand" becomes a reading-with-other's-hands. Not only the judge's, who is

courts work, could not picture any other possibility, any other worker that could have put her work on the file in the form of question marks.

[72] There are multiple ways in which knowledge, presence, and writing intersect in different practices and contexts. I have presented one here, embedded in, elicited by and actively producing an organisational setting. But examples can be found in the apprehension of people, relations and feelings that social scientists produce. Two of these examples are the works of Rocío Londoño (2011) and of María Fernanda Olarte-Sierra (2019). In writing about the life of a peasant leader, Londoño took one of his favourite books -Les Misérables- that contained some scribbles and highlights made by himself, thus paying attention to what he once considered important. Londoño's interpretation relies on accessing the self, the mind and life of this subject, by transforming his *scribbles* into his *persona*. Olarte-Sierra's work is a reflection on her registration practices and those of forensic anthropologists paying attention to their affective, emotional and world-making dimensions. It is important to mention that, in the process, writing becomes a way to access moments and persons (oneself, the ethnographer in her fieldnotes and other writers) to be assessed in-here. Thus, bringing into presence seems to be a constitutive part of different knowledge-making practices which actors and social scientists draw upon. Practices that, as Law (2004) has said of methods, "may be understood as methods assemblages, that is as enactments of relations that make some things (representations, objects, apprehensions) present 'in-here', whilst making others absent 'out-there'" (p. 14). Thanks to Olga Restrepo for calling my attention to this.

rendered as physically putting some question marks on the tutela and pointing the way that must be followed. It also comprises the hands (their *inscriptions* or *graphic artifacts*) that make up the very way to follow (e.g., stamps of dates).

In this transformation, the evil is placed out-there and a passing from *chaos* to *order* occurs. Not only the presence of the scribbles is ordered (re-placed from there to here), but borders regarding the out-there must be redefined. That a thing is secluded means that it has to be differentiated from what is left outside. Thus, once the judge's presence is brought in, he becomes part of the sacred/public world of the *here* and the world out-there shrinks. It does not include a wider range of administrative actions, but the surroundings of the citizen, in a distribution of trust that also places Gretha and the Judge (and his scribble) in the place of the trustworthy.

But it could have been (and always could be) otherwise. And the encounter with the scribble could have elicited other ways of ordering, other readings and affects. For instance, it could have triggered the very fear of writing! In which Jesús could have avoided the pointing at the scribbles to evade a circumstance in which, as a possibility, he could have been accused of making. Or it could have remained as a problem: an improper touch on a file that demands tracing the guilty writer, or it could have been deliberately ignored or erased (perhaps a more difficult response to such a presence). What is for sure is that, in any case, the encountering with the scribbles constitutes an *event* that leads to transformation.

-The public-sacred thing: one and the same.

Up to now, the sacred has been a useful *naturally occurring metaphor* (M. Lynch, 1988) for paying attention to touch, writing (and not-writing), presence, absence, rituals of circulation and affects. It has also made me sensitive to practices of seclusion and the constitution of a macro-actor -the Big-Fish of the Court- and its witnessing as something that entails more than virtuality. In addition, it has emphasised in the notion of *inscription* what is usually left outside: that it speaks of things "so closed to the hands and the eyes" (Latour, 1990b, p. 3). Eyes and hands! Representation devices to access distant things, but to make them present in turn (as technologies of re-presentation too).

In short, it has developed a particular sensibility to the materiality of the file. On the practices in which the file, though a mundane instrument embedded in an ecology of work, circulates also as a thing of special value that contrasts with it (a *relic* of the Court itself). Two different sets of practices that overlap and have to be managed and coordinated. Although it can be

said that writing constitutes the principal activity of the Court, a great deal of effort is put in its avoidance. Better said, while the file is a technology for registration, it works too as a technology against that. One in which their handlers become a kind of -like the Weberian protestants- *inner-worldly ascetics:* those who live both within and against a world of writing, but that contrarily to the Weberian formulation, are not pure rationalists: *affects* and *leaps of faith* are important dimensions of sacred files!

And the sacred has also helped me to be aware of the materiality of the file as a thing endowed with power! The power to transport and record everything in its path. A power that must be contained, for it is also a source of fragility (who knows? Sometimes things happen). A thing that manifests! And in this sense a *hierophany* (Eliade, 1959): that of the Court and its relations which are returned on the individuals so as they can be made sense, felt and witnessed as a *Wholly-Other* (something more than themselves). A thing that acts! That like any actor, is affected by others and affects those around it.

But, is not this to bring again to the arena the Durkheimian notion of society and of the sacred as one and the same? As an external reality (a social fact) in regard of individuals? Certainly, the Court and the sacred file are one and the same; as I have said the latter is a *relic* of the former! But contrarily to the extractive movement that accompanies the Durkheimian equation -I mean, instead of extracting the sacred from a world of entanglements with the material- here I embrace the hybridity that implies the sacred-social. Or, to be faithful to the metaphor, the *public-sacred!* An unthinkable hybrid for those who persist in deconsecrating the moderns' public life.

Moreover, the way I have used the sacred in this *ethnographic passage* brings order at the front, yet not as a coercive force behind (the Durkheim's social), but as a fragile network. One in which "society is not what holds us together, it is what is held together" (Latour, 1984, p. 276) by things, by associations that include more than humans and in which the file has been -in this account- a fundamental part. A *mediation*! The thing that organises a State-organisation and the society in its limits.

So far, my dear reader, I hope that this ethnographic passage had been as much for you - as it was for me - an opportunity to be touched by the sacred and its materiality. An opportunity to return to the material to speak of the sacred and a return to the sacred to speak of society (better said, of associations). Certainly not as a deception located in the life of *the others*, but as a complex entanglement within a modern institution. In between

the moderns, in-the-midst of things. One case to say again, like a creed*, that we have never been modern* (Latour, 2012). Yet this time in a renewed way: that we have never left the sacred. We just have to start looking carefully!

3. Conclusion

The tutela file in the Constitutional Court is multiple. At least, it has two versions that must be coordinated and sometimes clash. Embedded into an ecology of work, tutela files are *working documents* and, as such, they inhabit a world of mundane practices in which the possibility of leaving a mark is just around the corner. Especially written marks. Can a bureaucrat, a lawyer -or a Law student dedicated to the task of reviewing casefiles- work by avoiding writing? Certainly not. However, this avoidance also constitutes an important dimension of working with *tutela* files. And here is where the other version -that of *the history of a case*- arises in a world of formal relations where the Court as organisation is performed. One in which writing becomes problematic. Why is that?

I have treated writing as a kind of touch. Thus, these two versions and the worlds they become (the ecology of work and the formal relations of the Court) are actually two ways of ordering touch. Touch constitutes a really organised practice in the Court, if we take a look on this coexistence. On one hand, we have a messy world, in which the relation of the workers with the file implies ordinary affective attachments, as the file is a burden to handle, a thing and activity that demands from the worker something of her. That is, an investment of *energy* that can actually be felt as unfair, thus giving place to practices of distribution. Thus, the file becomes a thing that is touched, distributed, handled; but it touches too: it weighs.

This kind of reversibility embedded in *touching* files becomes even more problematic when the formal relations of the file are put on the table. These include practices for avoiding and authorising the registration of touch. *Inscriptions* or *graphic artifacts* weave these relations by making visible and durable some touches, while others are made precarious and concealed. I have used this term -precarity- to refer to what is designed not to last, as the opposite of durability. But also, to highlight its consequences over persons of flesh and bone, whose work is devoid of importance and decisiveness, drained of value. And here

not only inscriptions as such participate from this, but I have been paying attention to precarious technologies that are used to keep regular touch at bay from the file, not leaving a mark.

As a *graphic artifact*, the file constitutes a *mediation* that organises the touch around it in two ways. First, as a representation device, that in its circulation establishes a particular *geography*, *history* and a *sociography* that gathers all the *inscriptions* of moments, places and relations that it renders visible to produce *a history of a case*. A version of distant events that, once *re-written* in the file, become knowable and available -so close to the eyes- in a restricted way: eliciting a *graphic ideology*, a way to read and make sense of the case, the Court, its actions and its internal and external relations.

Second, as a thing close to the hands, a technology of re-presentation: what the file re-writes folds back. That is, the file as a thing *strikes back* in the form of *institutional affects*, through which the Court is performed and witnessed as a something else, a *wholly other* that can be felt by its members in their fear of writing and in their mistrust regarding the outside. An *emotional witnessing* that puts in co-presence the file and what it transports: the Court and its members, producing an event in itself. In so doing, the file functions as a *relic* of the Court, a *touching technology*.

But, even though the ways the Court/file can touch are institutionally organised, they are not always stable. Touch and the sense of co-presence it involves “exposes vulnerability” (Puig de la Bellacasa, 2017, p. 99). Actually, this is the *aporia* of the file in the Court: the more protected (organised, formal, secluded) it is, the more vulnerable it becomes. To extend the religious metaphors our informants have elicited during fieldwork: the more purified the file, the more defiled. All the practices conducted to avoid and control writing transform the file into a protected thing, but thereby it becomes endowed with a vulnerable materiality that I have called its *recordability*: the capacity to absorb everything in its path (precisely the power that the Court members fear).

This is how a scribble (the effect of a forbidden practice) becomes part of the file, bringing into presence a judge. A presence that demands the transformation of *somebody’s working document* into the *history of a case*. A coordination that usually the file itself achieves, in its circulation, establishing boundaries and purifying/restricting touch, but that now must be conducted in another way. The sacred emerges as a naturally-occurring metaphor able to

speak, at once, of these different orders of touch and their coordination, the materiality of the file, the emotional witnessing that it produces, but also of a *leap of faith*: a dealing with a presence that cannot be avoided. The sacred is a sensibility that sheds light on seclusion, affects, presence, borders, fragility and hybridity as dimensions embedded in *touching* files and reading them in the Constitutional Court of Colombia.

The sacred is also an explanation for the practices of transformation and distribution that the file conducts and, at the same time, brings into discussion the problem of the agency of things in a modern institution. In speaking of transformation, the file – and the Court as a result- acts as a Big Fish that eats the smaller. This production of a bigger actor, that has been a distinctive problem in STS, especially for ANT, takes here a sacred dimension in speaking of a wholly-other entity. One that can be felt as such. The idea according to which "macro-actors are micro-actors seated on top of many (leaky) black boxes" (Callon & Latour, 1981, p. 286) appears here in the form of a presence -that of the Court- that is seated on the absence of many (those who are displayed as *not-even actors*), whose actions become black-boxed in the file and in the official accounts.

Here is where distribution comes into play. In the production of this Big Fish, an allocation of trust, morality, agency and value occur. In the *circulation of the file* and the restricted flow it produces, the Court adds to the places of production of (dis)trust in Colombia, and the file adds to the list of *mundane technologies* that mediate it. Places and mediations such as those studied by Ashmore and Restrepo (2013), that constitute a fruitful line of research on states, citizenships and the technologies embedded in their production.

In addition, the sacred enters in this approach as an opportunity for exploring the moral orders emerging in these relations. Orders in which the bad, the good, the pure and the impure and the terrors and devotions they elicit are shaped in the use and exchange of documents and documentary networks. One important consequence of bringing the sacred into the study of documents and inscriptions is that it brings unto them the kind of *delicacies* that are commonly studied in the objects of exchange in the societies of the *Others*. That is, the "power that force them to circulate" (Mauss, 1966, p. 81) and that make them not just representations of things, but things that make persons, moments and places be present and experienced.

Curiously, this problem of the objects of exchange is not new in the study of documents and institutions. It has certainly shaped Hull's (2012b) concept of the *circulation of the file* and Barrera's (2009) use of it, by paying attention and exploring its ritualistic features. However, rituals have been hesitantly understood as mere metaphors that help to elucidate anthropologists' descriptions of the flow of documents, who deny themselves the opportunity to take a step further, perhaps for a manifested aversion to the exoticization of bureaucratic practices (Hull, 2003, p. 290).

One of the most dangerous features of exoticization in the study of a particular collective is certainly the elaboration of a kind of thought that is, at once, strange for the ethnographer's modes of existence and those of the collective studied. A unidirectional imposition of a description in which the sacred (just like Religion and magic) is perhaps one its archetypical categories. Maybe, in the study of modern bureaucracies, the sacred could be seen as a hyperbole of its exoticism, because moderns are thought as inhabiting a *modern constitution* (Latour, 2012), where bureaucratic and sacred objects are understood as belonging to different (even opposite) realms. Thus, mixing these worlds could be seen as an excess that is only justifiable in the form of a heuristic metaphor.

This thesis has been a proposal to go further, by using the ANT principle of following the actors' own ontologies. It could be said that the sacred has been here my own scribble during field work. An epiphany -sorry for how exotic this may sound- of an object of research, an encounter and negotiation with the field; a metaphor that leaked into (Biehl, 2014) my description allowing me to pay attention to the presence of sacred objects among the life of the moderns: in the midst of "us". A way to think with and take seriously the Court workers' own metaphors and explanations.

By doing so, the rituals of the *circulation of the file* have resonated in this case study to follow the dislocation and diffusion of agency in the production of a collective agent (Hull, 2012b). However, as a step beyond, the sacred has added to the scene the equation of this collective agent (the Court) and the file, with which it becomes one and the same, like the Durkheimian sacred/social, the latter being a relic of the former. That is, the sacred has shed light on the materiality of the file and its agency in terms of a power and a capacity to record and make the recorded thing present in the next step of the file's movement. And, at the same time, this has helped me to understand this collective agent as a manifestation, an event in itself that can be witnessed by the members of the organisation.

This is related to the final form of distribution that the file as a sacred object allows and that I want to highlight here as an interesting problem to follow in a further development of these arguments. I am referring to the classical problem of a political economy: the distribution of value. Along with agency, value is allocated in the *circulation of the file*. As long as it gives place to a restricted practice of registration and flow, the file becomes the place where agency is to be found. In it, some of its human producers disappear; they cannot be grasped by other members once the file moves. They can only grasp the file. In this movement, then, value is not placed in those invisible actors and their doings, but in the file itself and the subjects it renders visible, whose actions are endowed with the authority and value that remain neglected for the others. It is here, in this movement, that the action of some workers is treated as unimportant and not decisive, while the Court and the justices are treated as having the last Word -the one that counts- and the file is attributed with the supreme value.

Work Plan

The reader should know that the present thesis is expected to be a partial development of a whole monograph. Thus, the empirical chapter I have developed is one of the chapters that constitute a whole work plan. I expect the reader to have found interesting the arguments hitherto expressed, for they will constitute -in different focus- the subjects of the other chapters.

1. **Touching files, sacred documents.**

Done.

2. **A sacred hunch. Mundane technologies of mistrust, moral orders and "the problem" of good faith.**

"The problem is that the whole judiciary is based on good faith", said Gretha to me, to account for how Court workers have to trust in what citizens say about themselves. Indeed, as I have explored it so far, the kindness -or the wickedness- of strangers are issues to be handled in the circulation of the file. Hence the assumption of good faith does not seem to be solidly grounded in the documentary network and practices of the Court. Quite oppositely, in the boundaries between the inside and the outside that the file performs, "we [the Court] face[s] something that not only happens with this society, but that is indeed distinctive of this society: bad faith" (INT-OCT11-GRETHA&JESÚS).

Far from taking this assertion lightly, this chapter proposes to explore the ways the Court as a State institution is co-produced in the file with this peculiar (distinctive) society where bad faith swarms. This chapter, then, is an extension of the argument that the file conducts a distribution of trust and morality in which practices of purification of writing and touch function as a contention of the evil that is located outside the organisation.

Here, I plan to use other excerpts of the interviews, documents -such as the subpoena and a standard form to take declarations from citizens in cases alike-, and descriptions of moments as well to shed light on the file as a *mundane technology of mistrust.* A subtle variation of the concept coined by Ashmore and Restrepo (2013) for speaking of those

technologies embedded in handling and eliciting a permanent state of alertness against possible happenings that characterizes the file's recordability and sacrality.

3. The fetishism of the file. On the agency of things, power and value.

In the study of documents as things too much emphasis has been put on their mundane character given rise to fruitful research paths. However, and as a consequence, their specialness has not been a major topic of research. These kinds of studies stand against a division of form and content and in doing so, the idea of content could be challenged as mere information (where the specialness of documents seems to be found). Even for those who scape an analysis of content, documents transport and contain complex things such as authority and authorship, affects and emotions. A content of more than words that in the case I have presented is treated with delicacy, as a relic of the Court.

The file as a *relic* can be thought in terms of the classical Marx's fetishism of the commodities. For the file makes invisible some subjects and relations as (if they were not) part of its production process, it could be said that it travels as a commodity whose value is to be found in itself and not in those relations. In this way, the file reifies or objectifies these relations. As this object is the centre of the Court's transactions and relations, it is the means by which different instances and persons communicate and learn about the Court's (and others') action on a particular case. At each step, then, the file makes a purification of the interventions to which it has been subjected. It is thus that it emerges as a producer of itself -a history of its own production (Abello Castiblanco, 2016; Hull, 2012b)-.

In so doing, the file appears as an agent and as a presence that affects its producers, who already see it as something wholly-other from themselves. A thing that acts. A thing endowed with such a power must not be overshadowed by its understanding as a human projection or deception. Here, a parallel between the sacrality of the file and the fetishism of the commodities brings into discussion an asymmetrical distribution of agency and power (the capacity to act and make others act) in which some human actors can be seen as immersed into an abeyance of agency (Barrera, 2009, p. 88), a kind of *masochistic attitude* that once Peter Berger (2011) pointed at as an archetypical religious attitude. One that seems to operate as a dislocation of the self into a bigger entity. A Big Fish digestion!

This is an interesting problem for STS as a way to approach "politics by the same old means" (Star, 1990), as it adds to the concern of an infrastructural approach in the complexities of the work that is left external, invisible or silenced. However, it presents

serious difficulties in that, put in terms of fetishism, it seems to point at some actors as powerless and some things/peoples/organisations as powerful in stable ways. That is, in the sustenance of a fiction in the sense of anti-real artifacts (the file and the State organisation of the Court as things that act) at the cost of a deception of many people.

I propose here to abord the "fetishism of the State" (Taussig, 1992) as the "peculiar sacred and erotic attraction… which the State holds for its subjects" as a "certain aura of might" (p. 111). That is, to approach the Capital S of the State in its production that involve affective and material dimensions, however getting rid of the antifetishism that the usual treatment of the concept of fetishism seems to involve. A great obstacle to trace the presence of the sacred in the midst of us in contradictory, unstable and vulnerable ways.

Thus, fruitful discussions on State, Infrastructures and Political economy could be raised in pursuing a kind of analysis of how we produce, sustain and relate to things of supreme value.

4. A rumour of angels in the Constitutional Court. Some conclusions on inscriptions and the presence of the sacred in the midst of us.

In speaking of the presence of the religious in moderns' experience, perhaps sociologists and scholars on religion have been looking wrong, and problems such as secularisation has directed our sight far away in the pre-modern ways of living -whether in its overcoming or its come back- or in the future of "our" societies. Thus, preventing us to get in touch with the ways in which we -Us- have been entangled with objects of special value. Sacred things. Objects that act with such a powerful force that demands our attention. This thesis has pursued a closer look, a direction of the sight from far away to what is at hand.

I have already explored an interface of *angels* and *inscriptions*, the allegedly immutable mobiles of religion and science (and other knowledge practices), in a bureaucratic artifact par excellence: the file. This section is intended for exploring this interface -that argues for a more hybrid understanding of these immutable mobiles- along with the presence of the sacred in the experience of the members of Court. I want to propose here the study of the sacred as a fruitful and comprehensive way to understand our entanglements with the "transcendent".

A. Annex: Original Thesis Project

El Estado secular. Estado, religión y conocimiento experto en sentencias de la Corte Constitucional Colombiana.

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Resumen ejecutivo

Adoptando la perspectiva de la co-producción en Estudios Sociales de la Ciencia (ESC), en diálogo con la perspectiva pos-secular en sociología de la religión y sumado a los esfuerzos recientes en ESC por generar reflexiones sobre objetos tradicionales de otras ciencias sociales, la presente investigación aborda el problema de la secularización. Lo hace centrándose en esta, no como proceso o estado de una sociedad o institución dada, sino como asunto de interés (un asunto en disputa), siguiendo los diferentes mecanismos que los actores, en la discusión, emplean para traerle a existencia. Esto es, siguiendo la producción y circulación de los conocimientos y experticias empleados por diferentes actores en la definición de las fronteras de "lo secular" en Colombia (específicamente, del Estado secular). Dada su pertinencia y relevancia para hablar del Estado y definir sus fronteras, la presente investigación se centra en sentencias de la corte constitucional colombiana en las que se discute el carácter secular del Estado, estableciéndose como objetivo analizar los ensamblajes de representaciones del Estado y de los conocimientos empleados en la toma de decisiones que son objeto de tales sentencias. Esto se propone llevar a cabo mediante un análisis retórico de la tecnología literaria de la sentencia

constitucional, enfocándose en las diferentes traducciones y negociaciones que allí tienen lugar para definir y representar los problemas jurídicos, el Estado y sus decisiones.

Planteamiento del problema.

El problema que aquí presento, a grandes rasgos, es el de la secularización en Colombia. Podría pensarse –producto de una primera impresión- que esto significa que de algún modo me concentraré en definir si Colombia corresponde a un modelo de país, Estado o sociedad secular, y si esto ha sido el producto de un proceso progresivo de paso de un estadio no secular –piénsese "confesional"-, a uno secular. De entrada, quisiera señalar que este no es el problema que me ocupa. Desmarcándome de dicha aproximación prescriptiva a la secularización, me interesan las formas en las que *se hace* posible decir "Colombia es un Estado secular", o al menos las formas en las que tal cosa puede llegar a ser un asunto discutible.

La sociología de la religión se ha enfocado en entender la secularización y lo secular como un proceso o un estado. Así, una institución, el Estado o la sociedad pueden ser o no seculares, si cumplen determinadas características, habiendo pasado por un proceso identificable en claras divisiones entre Estado e Iglesias, lo Público y lo privado, la razón/conocimiento y las creencias (Casanova, J, 2006). Esta última división no debe perderse de vista, como si fuese una más. Como diferentes aproximaciones al problema han señalado, el conocimiento y, también y con mayor especialidad, los conocimientos científicos y acreditados, la técnica y el desarrollo tecnológico son transversales a aquel mundo de divisiones que se suponen constitutivos de lo secular (Habermas, J, 2007; Brooke, J, 2009; 2010; Evans, J. H., & Evans, M. S., 2008). A esto la sociología de la religión poca atención ha dirigido y una perspectiva como la de los ESC puede resultar particularmente fructífera (Herrnstein-Smith, B. 2012; Gieryn, T. 1988; Mulkay, M. 1995; Restrepo, O. 2007) para "descajanegrizar" la secularización. Si antes esta era vista como algo aproblemático que se posee o se carece, los Estudios Sociales de la Ciencia pueden dar cuenta de su producción, de los mecanismos que le traen a existencia.

Ahora bien, dado que hablar de lo secular es –casi obligadamente- hablar de "El Estado" (pues es en este donde la tal toma forma), quisiera expresar el centro de este proyecto, a continuación. Sumado a los esfuerzos recientes en los Estudios Sociales de la Ciencia de dar cuenta de procesos de producción de Estados, órdenes sociales, a la par de la producción de órdenes y conocimientos sobre "la naturaleza" (en lenguaje de co-

producción (Jasanoff, (2004), mi interés es, siguiendo la circulación, producción y uso de conocimientos, dar cuenta de cómo la secularización es producida en la práctica, de múltiples formas -centrado en la elaboración de su forma Estado- en escenarios importantes para su fabricación.

Uno de estos escenarios, privilegiado por excelencia, es la Cote constitucional. Es imposible, en Colombia, hablar del carácter secular del Estado, o del Estado –en todo caso- sin apelar a la Constitución y las múltiples decisiones que alrededor suyo elabora la Corte. Las sentencias, que son citadas una y otra vez en debates que intentan definir si Colombia es o no secular, laica o religiosa, son una tecnología especial para representar el Estado de derecho (Maldonado, 2011), así como el proceso de toma de decisiones de este, produciendo una idea de justicia –la de sus decisiones - (Jasanoff, 1997). En esta vía –entre muchas otras- son una tecnología importante para seguir la producción del Estado secular, especialmente para su abordaje desde los Estudios Sociales de la Ciencia, dado el empleo constante de conocimientos expertos (Moreno, P. 2016) para construir y resolver problemas jurídicos en los que dichas representaciones del Estado surgen.

Estado del Arte

Un poco menos de dos décadas después que Rodney Stark (1999) proclamara la muerte de la secularización como teoría, argumentando que tal concepto poco o nada daba cuenta de la realidad religiosa contemporánea y que todas las profecías del final de la fe habrían fallado, esta -la secularización- sigue teniendo un lugar dominante en las reflexiones sociológicas sobre las religiones y creencias religiosas. Al parecer aquellas falsas profecías continúan diciendo algo, como cualquier profecía (y teoría) que, siendo reinterpretada y reiterada por sus oidores/proclamadores, hace del mundo su confirmación. Sobre esto volveré más adelante, por ahora quisiera iniciar la presentación de los trabajos implícitos en la construcción del problema que previamente he presentado.

Para esto será pertinente exponer la siguiente advertencia: mi interés no es presentar, aquí, una profunda revisión del estado de la cuestión teórica sobre secularización en la sociología de la religión. Si menciono algunas perspectivas que discuten este asunto, es porque las mismas me han ayudado en la construcción de la secularización como un problema empírico interesante para la perspectiva de los Estudios Sociales de la Ciencia. Una vez elaborado este “salvamento de voto”, en las siguientes líneas expondré algunos trabajos articulados para dar cuenta del problema planteado, a través de la organización

de tres partes relacionadas. Estas están dedicadas, a saber, a explorar los siguientes asuntos: 1. La ciencia y la tecnología en el problema de la secularización, 2. El problema de la secularización en los Estudios Sociales de la Ciencia y, finalmente, 3. La coproducción de Estados y conocimientos en la corte constitucional colombiana y sus marcos institucionales.

La (pos) secularización, ¿un problema de ciencia y conocimiento? O de como la secularización como paradigma normativo ha fallado en dar cuenta de las relaciones religión-esfera pública

Stark (1999) propuso la identificación de cinco hilos conductores en las teorías (profecías) de la secularización del siglo XX, señalando que uno de estos hilos es transversal a las diferentes discusiones sobre secularización, y consiste en la creencia en que, de todos los aspectos de la modernización, ha sido la ciencia la que ha dado los más duros golpes o ha tenido mayor influencia -negativa- sobre la religión (pág. 253). Esto se basa en el supuesto según el cual modernidad y religión están relacionados indisolublemente por medio de la relación antagónica entre ciencia y religión. Así, el "progreso científico" implicaría necesariamente el "declive religioso".

A pesar del surgimiento de perspectivas críticas de la secularización -actualmente vigentes en el debate- como la de Peter Berger (2008) y la del mismo Stark, donde se pone en cuestión la idea de la relación necesariamente opuesta entre ciencia y religión, algunas otras cuestiones son dadas por sentadas. Cuestiones que, me temo, tienen que ver con aquellas relaciones entre ciencia y religión. Por ejemplo, para Stark los "profetas" de la secularización pretenden combinar en una misma teoría la descripción de algo verdadero, como la separación de esferas institucionales en las "sociedades modernas", con el mito de la desaparición de las creencias religiosas.

Como lo presentaré en los siguientes párrafos, esto resulta también problemático. Reflexiones sobre la diferenciación de esferas, las relaciones entre lo público y lo privado, así como la pérdida de poder y presencia de lo religioso son, también, atravesadas por el supuesto de "a mayor modernidad-ciencia, menor religión" y, más allá, son discusiones donde la ciencia y la tecnología aparecen visibles en la negociación. Al respecto, Casanova (2006) ha señalado cómo el término "secularización" es comúnmente empleado para hablar de una o la totalidad de los aspectos que antes he mencionado: la disminución de las creencias y prácticas religiosas, la privatización de la religión y la diferenciación de

esferas seculares (como el Estado, la economía, la ciencia, etc.). Para este autor, dos grandes posturas se enfrentan al definir estos asuntos: aquellas que proclaman la validez de la teoría de la secularización y aquellas que ven la secularización como un proceso atípico, propio de la "excepción europea" y para nada acorde a la "norma" de lo que sería el panorama religioso mundial (que estaría regido por el ejemplo estadounidense de sociedad moderna profundamente religiosa).

Lo que el análisis de Casanova permite ver es que dichos debates dan por sentada una relación única entre la modernidad y la secularización, donde estas se ven causalmente ligadas y que, dependiendo de cómo las posturas enfrentadas vean esta relación, estas podrán hablar de maneras diferentes sobre los tres aspectos que el concepto de secularización agrupa. Precisamente, para Casanova, esta supuesta relación es la base de la contradicción entre las dos posturas del debate. Por ejemplo, en los términos anteriormente expuestos, Estados Unidos puede ser visto como un país con fuerte presencia de las creencias y prácticas religiosas, pero a la vez muy individualista y con una diferenciación de esferas establecida en la base misma de su pluralismo religioso. Por su parte, Europa presentaría una disminución de las creencias religiosas, pero con una no tan definida diferenciación institucional. En el primer caso, ¿se trataría de una sociedad moderna, pero no secularizada? En el segundo, ¿una secularizada pero menos moderna? La respuesta, para Casanova, sería que cada caso particular debe ser analizado con el fin de dar cuenta de la configuración de diversas modernidades y secularizaciones.

La cuestión central, aquí, es: ¿vale la pena hablar de la secularización como un proceso que se da en "las sociedades modernas", como si estas fuesen el reflejo de un único modelo de modernidad? Y, más allá, ¿vale la pena hablar de la existencia de la secularización, la secularidad o el secularismo en "nuestros días"? ¿Acaso no estamos presenciando una renovación-avivamiento de las creencias religiosas y esto no nos llevaría a plantear un nuevo problema de la secularización? Y, finalmente, ¿no nos llevaría esto a reflexionar de manera diferente sobre las relaciones que, hoy, ciencia y religión sostienen?

Este último interrogante, en particular, ha sido el fundamento de diferentes propuestas agrupadas arbitrariamente bajo el título de "post-secularismo" o "post-secularización". Según sus defensores (Gómez-Rincón, 2014), estas propuestas defienden la idea de la inexistencia de la secularización como un fenómeno moderno o afirman que, en la contemporaneidad, un nuevo surgimiento de lo religioso ha sido protagonista en el

panorama político mundial -fíjese el carácter problemático de esta afirmación que presupone lo religioso como una memoria de algo que pasó y que se olvidó, pero que recientemente ha sido recordada-. Específicamente, sobre esta última perspectiva, la reflexión de Jürgen Habermas (2004; 2006; 2008) parece emblemática[73]. Para este, estaríamos presenciando un momento en el cual secularistas y religiosos se encuentran, ambos, en un escenario de conflicto que requiere de un proceso de traducción democrática de los términos en los cuales públicamente se debaten aspectos de interés.

Habermas, al igual que Casanova, destaca los tres aspectos que tradicionalmente definen a la secularización para poder ver, a través de ellos, cómo tal concepto debe ser reformulado. Al parecer, en el fondo, Casanova y Habermas comparten la idea de la diferencia entre el caso europeo y el caso norteamericano como producto de contextos diferentes, pero -paradójicamente- poco cuestionan la idea según la cual Europa sería un caso típico de secularización, mientras que Estados Unidos sería el caso contrario de fuerte presencia religiosa (que, para ambos autores parece haberse convertido en la norma para el mundo entero). Expondré esto con más detalle.

Los escasos cuestionamientos de Casanova (2006) a esta idea se encuentran en proponer que es necesario abordar la secularización desde una perspectiva local, tratando de percibir cómo diferentes elementos propios de una determinada sociedad producen diferentes secularizaciones y modernidades. Por su lado, Habermas (2008) aborda esto planteando la pertinencia de un análisis que dé cuenta de cómo secularistas y religiosos (de diferentes tipos) tienen que convivir y dialogar (superar barreras de comunicación), siendo transversal al entendimiento de este diálogo las relaciones entre conocimiento y creencia. Estas no son elementos opuestos, sino que conviven y deben aprender a hacerlo integrándose a (no subsumiendo –porque no pueden)- el sentido común que permea el espacio público. Ambas perspectivas son interesantes, pero quisiera reiterar que parecen fallar en una cosa importante: no cuestionar las ideas de “excepción europea” y “norma

[73] Advierto que no pretendo unificar las perspectivas de lo post-secular presentando la visión de Habermas. Si bien esta ha sido hegemónica, el punto de vista que niega la existencia de la secularización también ha sido llamado de post-secular, pues ambas perspectivas llegan a una conclusión similar: si nunca hubo secularización -o si la hubo pero las cosas han cambiado de parecer-, las reflexiones sobre las relaciones entre religión y sociedad deberían cambiar, resaltando dicha relación como activa y problemática (pues implica la proliferación de creencias: el encuentro contradictorio de múltiples religiones, formas de pensamiento y modelos de sociedad).

estadounidense", pues si la localidad -en el caso de Casanova- adquiere relevancia para hablar de "secularizaciones", no tiene sentido hablar de normas y excepciones, pues cada escenario local sería, más bien, una excepción. De igual modo, esto carece de sentido si el foco es analizar cómo diversos lenguajes son traducidos en el debate público, pues para esto resulta pertinente adoptar una perspectiva local que dé cuenta de cómo diferentes actores despliegan dichas estrategias de traducción en situaciones específicas, con el fin de ver cómo la secularización es definida como asunto discutible en dicho escenario particular -y no en escenarios globales de reglas y excepciones-. De igual manera, el análisis de Habermas falla al interponer su interés prescriptivo a la descripción. Es decir, dado que su interés es normativo: determinar cómo diversas posturas pueden dialogar, se pierde de vista lo que los actores hacen en la práctica.

Ahora bien, quisiera resaltar algo ya esbozado y es que tales perspectivas evidencian la existencia de un aspecto transversal a la secularización, que parece no tener mayor reflexión que su enunciación como aspecto problemático en las teorías tradicionales sobre secularización. Este es -volvemos a este punto planteado por Stark (1999)- la creencia en la relación causal del trinomio modernidad-ciencia, ciencia-religión, modernidad-religión. Propongo que, por su centralidad, vale la pena preguntarse por esta relación dada por supuesta entre conocimiento, ciencia, tecnología y religión, y en últimas ¡prestarle mayor atención!, haciendo visible estas relaciones y re-construyendo el problema de la secularización desde este punto de vista. De igual modo, considero pertinente encontrar la forma de poder hablar de la secularización desde una perspectiva centrada en lo local y que dé cuenta de las formas en las que ésta es discutida en el debate público, aprovechando la centralidad de la discusión sobre las relaciones ciencia y religión.

En esta vía, similares críticas a los tratamientos tradicionales a la secularización han provenido de los Estudios de Ciencia y Religión. Considero que estos han realizado una labor interesante al abordar este tema desde una perspectiva local. Para dichos estudios, nuestras pre-concepciones sobre la ciencia, desligadas de los contextos históricos en los cuales operan y han operado las relaciones entre ciencia y religión, han llevado a malas e inadecuadas interpretaciones de dichas relaciones. Especialmente, la conexión que esta malinterpretación presenta con la secularización ha sido destacada y problematizada por John H. Brooke (2010), para quien el postulado "a mayor ciencia, menor religión" es un mito y mito transversal a las reflexiones de las ciencias sociales sobre la secularización.

De acuerdo con Brooke (2009), este es uno de los fundamentos más importantes de la teoría de la secularización y está relacionado con el vínculo entre modernidad-secularización, pues se cree que si Europa es secular es gracias al triunfo de la ciencia y la tecnología en las “sociedades modernas”. Sin embargo, como lo ilustran múltiples casos en la historia de la ciencia, las creencias no solo han estado ligadas a la formación de disciplinas, prácticas y teorías científicas, (Fara, 2015; Numbers, 2010) sino que, también, la adopción de una cosmovisión científica del mundo no significa el abandono inevitable de una cosmovisión religiosa y viceversa (McGrath, 2010; Numbers, 2007).

A partir de la ilustración de dichos casos, esta perspectiva de estudios deduce que la secularización, basada en el mito de la oposición entre ciencia y religión, también tiene un carácter mitológico. Esto, a mi parecer, invita -si no es que obliga- a replantear el problema de la secularización. Reiterando las preguntas que formulé párrafos atrás; si dicha oposición es un aspecto transversal a la secularización, es pertinente preguntarse ¿podríamos seguir hablando de secularización? ¿Vale la pena seguir hablando del mito que la sustenta -después que este ha sido develado-?

Para estos interrogantes, las perspectivas sobre secularización que presenté con anterioridad han dado una posibilidad de respuesta afirmativa: sí, vale la pena, pero desde una perspectiva local y centrada en las formas en las que la secularización es definida en el debate público. Por otro lado, los Estudios de Ciencia y Religión centrándose en la crítica al mito de base de la secularización, plantean la posibilidad de hablar de esta, solo si se tienen en cuenta las formas en las que ciencia y religión interactúan en contextos específicos. ¿Cómo, pues, emprender tal tipo de análisis?

Antes de presentar algunos trabajos que han trazado un camino fructífero al respecto, quisiera señalar que un aspecto característico de los Estudios de Ciencia y Religión que, a mi parecer, no han permitido desarrollar un análisis de la secularización como problema empírico, más allá de su presentación como un asunto fundamentado en mitos empíricamente develados por la historia de la ciencia. Precisamente, este aspecto es el trato mitológico que se confiere a la idea de la oposición entre ciencia y religión. Como el mismo Ronald Numbers (2009) lo señala, el uso que estos estudios dan a la palabra mito tiene un sentido sencillo: algo que no es cierto. Al pensarlo de esta manera, se genera una distinción entre conocimiento e ideología que no parece muy beneficiosa, pues toda afirmación del mito -por parte de diferentes actores- será vista como un error o ideología.

Una de las repercusiones prácticas de esta “caza de mitos” -o de brujas- es que al ver que las ideas de incompatibilidad, guerra o “conflicto” corresponden a juegos o batallas ideológicas, cobra mayor interés el estudio de los múltiples casos en los que ciencia y religión se encuentran sin ningún problema, e incluso estimulan a muchos científicos y religiosos a cumplir con sus labores. Así, el “compatibilismo” cobra mayor interés que el conflicto. Sin embargo, de no ser supuesta la distinción entre ideología y conocimiento (científico o religioso), tanto el compatibilismo, como el “conflicto” deberían adquirir igual interés, permitiendo -precisamente- un análisis local, pragmático y simétrico sobre los encuentros entre ciencia y religión (Herrnstein-Smith, 2012). De esta manera, la secularización deja de ser exclusivamente un objeto de crítica, para ser, también, un problema de indagación empírica. Plantearé a continuación que este paso resulta posible gracias a las reflexiones de los Estudios Sociales de la Ciencia.

La producción de la secularización, o de cómo esta se transforma en un asunto de discusión. La perspectiva de los Estudios Sociales de la Ciencia.

Ya he presentado una idea fundamental -y me excuso si he sido reiterativo-: que la secularización es un problema de ciencia y tecnología, pues las relaciones ciencia-religión se encuentran en el fondo y son transversales a la secularización como problema. De igual modo he señalado que críticas desde los estudios de secularización y desde la historia de la ciencia (específicamente de la historia de los encuentros ciencia-religión) han planteado la necesidad de pensar diferente la secularización, siendo posible hablar de ella teniendo en cuenta los contextos en los que se producen diferentes secularizaciones. Esto, a mi parecer, resulta posible y fructífero para el análisis empírico si de verdad tomamos en serio el papel que desempeña la ciencia y la tecnología en la formación de diferentes secularizaciones, aproximándonos a esta relación de una forma más dinámica (no dando por sentado qué cosa es la secularización e, incluso, no dando por sentado qué son-en este proceso- la ciencia y la tecnología).

En esta vía, los trabajos de Livingstone (2001) y Restrepo (2007) han presentado una perspectiva interesante (que orienta y da una mejor forma a lo propuesto por los trabajos que he mencionado). Estos llaman la atención sobre la multiplicidad de formas que los encuentros entre ciencia y religión adoptan en diferentes escenarios, siendo importante hablar ya, no del binomio ciencia-religión, sino de ciencias y religiones -en plural-. Livingstone, por ejemplo, ilustró esto abordando las relaciones del calvinismo y el

darwinismo en tres lugares diferentes: Princeton, Edimburgo y Belfast, siendo estas diferentes, como diferentes eran las regiones en las que se producían.

Esto es una forma de ver que el compatibilismo y la oposición ciencia-religión, más que ser una cuestión de mitos, es una cuestión de repertorios discursivos y demarcación que dependen de contextos locales (Restrepo, 2007). El mismo Thomas Gieryn (1988) ha reflexionado al respecto; centrado en la muy conocida tesis de Merton (1984), según la cual *"la organización formal de valores constituida por el puritanismo condujo a la promoción, en gran medida involuntaria, de la ciencia moderna"* (pág. 163), Gieryn elabora una interpretación diferente. Así, adoptando una perspectiva constructivista señala que en la Inglaterra del siglo XVII coexistieron otras interpretaciones-encuentros entre ciencia y religión que Merton pasó por alto. De hecho, los discursos sobre la incompatibilidad entre ciencia y religión (entre, por ejemplo, el dogmatismo puritano y el qué hacer científico) fueron extremadamente recurrentes. ¿Acaso esta coexistencia de actitudes y discursos no es lo suficientemente importante para convertirlo en un problema empírico?

Gieryn al percibir la omisión de Merton emplea el concepto de Michael Mulkay (1994) de "repertorios discursivos" para dar cuenta de esta pluralidad de interpretaciones hechas por científicos con relación al puritanismo y sus implicaciones (es decir, tomándolas como discurso). La conclusión de Gieryn (1988) es que esta "coexistencia retórica resultó funcional para los científicos en sus esfuerzos por promover su actividad (como Latour podría ponerlo) reclutando aliados y aplacando enemigos" (pág. 592). Así, a la perspectiva de Merton de incentivos y obstáculos en las relaciones contexto social y ciencia -así como a la perspectiva que percibe la oposición ciencia-religión como mito-, se presenta una alternativa que entiende dichas relaciones como móviles, no fijas, en disputa o estrechando lazos, dependiendo de situaciones y relaciones específicas, contingentes, donde ciencia y sociedad no presentan la línea divisoria del incentivo o la ideología.

Esta perspectiva de "trabajo de frontera" o de demarcación (Gieryn, 1983), en últimas, permite analizar las relaciones ciencia y religión sin adoptar concepciones previas rígidas sobre ciencia, religión, fe, razón, valores benéficos o dañinos –para una u otra-, pues estos asuntos son objetos de negociación. Una negociación que, además es local, e implica dejar de lado los "ismos" en las relaciones entre ciencia y religión, llamando la atención a realizar este análisis en términos de ciencias y religiones (en plural), en contextos diversos, como lo señala Restrepo (2007).

Esto debería plantear, entonces, una aproximación similar al tema de la secularización. Es aquí donde los Estudios Sociales de la Ciencia y la secularización entran en contacto y el trabajo de Evans y Evans (2008) cobra relevancia. Ellos plantean la pertinencia de un nuevo análisis de la secularización que comprenda de forma más compleja la ciencia y la tecnología - ¡y la religión! -. El problema de las formulaciones tradicionales de la secularización es, para estos autores, su comprensión estática de la ciencia y de la tecnología, y de la religión. Forma de comprender el asunto que, si es desacertada para el análisis de la ciencia y de la religión, también lo es para la interpretación de sus relaciones. Es así que, adoptando la perspectiva de la demarcación, estos autores llaman la atención sobre la generación de nuevos diálogos entre los ESC y la sociología de la religión, para ver cómo el estudio de la producción y uso de la ciencia y la tecnología en escenarios más amplios y diversos pueden decir algo significativo acerca de la religión y la secularización. ¿Cuáles pueden ser estos escenarios? ¿Cómo se realizan dichos diálogos? ¿Qué perspectivas podrán servir para explorar esto?

Es claro que la demarcación es una de estas perspectivas, pero no suficiente (si el interés es generar diálogos entre diferentes temas, problemas y enfoques). Dicho problema, por supuesto, requiere de una perspectiva que permita una compleja comprensión de la ciencia, la tecnología, las experticias, la religión, el Estado y “la sociedad” a la cual se hace referencia cuando se habla de una “sociedad secular” o una “sociedad moderna”. Un punto de vista donde sea posible hablar de los múltiples objetos de las ciencias sociales, reflexionando a la par sobre diversos tipos de conocimiento y sobre cómo estos se relacionan con aquellos objetos.

El escenario institucional de la co-producción Estado (y lo secular) /conocimientos: la corte

Desde hace varios años, reflexiones en los ESC –como la de Shapin y Shaffer (1985)- han confluido en una perspectiva que ofrece una interesante y compleja mirada sobre la ciencia, la tecnología, la cultura y el poder, que ha sido denominada “co-producción”. Entendida esta como un “lenguaje” o “idioma” –en vez de una teoría con pretensiones predictivas, explicativas-, la co-producción permite ver cómo la fabricación de conocimiento se encuentra involucrada en la producción de Estados y viceversa; cómo órdenes sociales y órdenes naturales son producidos en paralelo (Jasanoff, 2004).

Es importante resaltar la centralidad que adquieren la producción de Estados en esta perspectiva. El interés de Jasanoff (2004), por ejemplo, en buscar las posibilidades de conexión entre los ESC y otros campos de las Ciencias Sociales y la teoría social sobre diferentes aspectos, se ha visto especialmente comprometido con los análisis del poder, la gobernabilidad y la ley.

Ciencia, tecnología y poder han sido un problema central en ESC, pero en la perspectiva de Jasanoff estos aparecen como elementos no separados, -precisamente- coproducidos en múltiples lugares de producción. Uno de estos, quizás uno de los más importantes y más abordados por esta perspectiva –al menos por Jasanoff- es el de las cortes. Estos no solo son lugares importantes en la toma de decisiones donde la producción y uso de la ciencia y la tecnología –y de diferentes tipos de conocimiento/experticia-, así como la demarcación entre buena y mala ciencia son fundamentales (Jasanoff, 1996; 1997), sino que también son lugares donde las ciudadanías, los derechos, las identidades –y el Estado mismo- se demarcan, producen y representan de forma paralela (Jasanoff, 2012).

Reiterando de nuevo la preocupación por la secularización, aquel interrogante sobre el papel de la ciencia y la tecnología en la construcción de sociedades seculares, en lenguaje de coproducción, adquiere un carácter más complejo. Por un lado, la articulación del poder, el Estado, la ley, etc., con la producción de ciencia y la tecnología (y viceversa), amplía el panorama de las relaciones ciencia-religión transversal a la discusión sobre las secularizaciones (ya no se trataría solo de un asunto de ciencia y religión, pues el Estado y la ley también son contemplados en el análisis). Por el otro, no solo la dupla ciencia y tecnología tiene relevancia en esta discusión, sino que también y de forma más amplia la tienen diferentes tipos de conocimientos, experticias, materialidades, discursos e instituciones involucradas en la producción de lo que llamamos “lo social” o “lo natural”, lo que creemos que aprehendemos por el conocimiento, y lo que creemos fruto de la actividad humana (que, una vez más, no son asuntos separados por una línea definida; se co-producen).

Ahora bien, es importante destacar el asunto de la producción de estados y las implicaciones que esto tiene para el problema que puede plantearse en lenguaje de co-producción. En su discusión con la teoría política, Jasanoff (2004) resalta el carácter representado o el lugar de la representación en la producción del Estado que evidencia la lectura de Anderson (1993) sobre la nacionalidad. Si la nación (el Estado-nación) solo

puede existir en la medida en la que existe un grupo que comparte la idea de esta nación y de una misma identidad ligada a tal idea de nación, resultan de capital importancia las formas en la que se representan el Estado y la Nación: “Un Estado puede ser o llegar a ser mucho menos que una concha vacía… a menos que sus ciudadanos estén dispuestos a dedicarse a él con sus propios sueños de identidad compartida” (Jasanoff, 2004, pág. 25). Es decir, si el Estado y la Nación dependen especialmente de una idea –de lo que Anderson llama una “comunidad imaginada”- es relevante saber cómo dicha comunidad imaginada/idea es representada.

El adoptar tal punto de vista -como lo he hecho en la construcción del problema que me ocupa- implica un reto para el análisis situado y complejo de la secularización, en la medida en la que exige no dar por sentados asuntos que son esenciales en su definición: el “Estado”, la ciencia, lo privado y lo público, lo individual y lo societal. Estos son elementos producidos/representados en escenarios particulares.

Un lugar o escenario privilegiado de tal análisis es -como lo he señalado- el de las cortes y su proceso de toma de decisiones. En Colombia, los trabajos de Moreno (2016) y Maldonado (2011) muestran cómo en una tecnología literaria -como la sentencia constitucional- son representadas/producidas experticias, testigos, hechos, evidencias, leyes, instituciones, identidades y hasta el Estado mismo, a la par de la construcción de una decisión de la corte sobre un caso particular (que se traduce en la construcción de un problema jurídico). Dicha representación tiene al menos un doble carácter: el de hacer presente –como se hace presente, por ejemplo, el Estado de Derecho y su funcionamiento de forma visible a los ciudadanos a través de la sentencia constitucional- (Maldonado, 2011) y en el sentido de ser la voz/”hacer presencia de”, pues no todas las personas –y actores en general- pueden participar de un debate público y la presencia de unos “representantes” –quienes son llamados a representar- en el debate, es por sí misma problemática (Evans , 2016).

A través de esta revisión de literatura, me parece, he encontrado un lugar interesante y pertinente para reformular la secularización como un problema empírico y ya no como un mito. Hacer esto es aceptar que los mitos circulan y su definición como realidad o mito es puesta en juego por diferentes actores. Esto es lo que importa para el tipo de análisis que quiero emprender, donde las secularizaciones, al igual que las brujas y los mitos, responden al famoso adagio popular sobre los artífices de hechicería “de que las hay, las

hay": existen, son nombradas y discutidas -por sociólogos, ciudadanos o juristas-. Esa es la forma en la que las profecías sobre las cuales Stark reclamaba falsedad se mantienen vivas: en el debate y su negociación como verdaderas o falsas. El problema es, entonces, ¿cómo llegan estas -las secularizaciones- a ser un asunto discutible?

El Estado como objeto de discusión de la secularización parece ser un buen foco de análisis, no solo por la centralidad que este ha tenido en el idioma de la co-producción, sino que, también, lo que comúnmente es discutido sobre la secularización es si un determinado Estado es o no secular. En Colombia, la Corte constitucional ha aparecido como la garante de este Estado y, como lo muestra la literatura nacional sobre ciencia y cortes, las sentencias sirven para representar dicho Estado, haciendo visible sus decisiones. Dentro de este marco, resulta pertinente analizar las representaciones de este Estado en decisiones jurídicas que demandan de este su aparición como secular o no (que demandan hacer de la secularización un asunto en disputa). Representaciones que, si he logrado mostrar la complejidad presentada por la perspectiva de la coproducción, se producen paralelas a representaciones, usos y particulares formas de circulación de conocimientos expertos, tecnologías y materialidades.

Marco teórico

He propuesto, para la presente investigación, la co-producción como marco teórico que permitirá explorar la producción del Estado Secular, siguiendo la producción de conocimientos. Esta perspectiva resulta pertinente para analizar el escenario institucional de la corte por los motivos anteriormente expuestos, pero, también, permitirá generar una discusión interesante con la teoría de la pos-secularidad que establece como uno de sus problemas centrales las relaciones entre conocimiento y creencia. Este enfoque de la sociología de la religión con el que deseo dialogar podrá enriquecerse con la perspectiva de la co-producción de órdenes sociales y naturales al centrarse en, ambos, los problemas de la producción de conocimiento y de Estados. Esto, debido a que permite abordar las relaciones entre conocimiento y religión, no como antagónicos, sino como elementos que se co-producen en espacios y discusiones específicas, definiendo sus fronteras, explorando así su hibridación, más que su división.

Objetivo general

• Analizar el ensamblaje de representaciones del Estado colombiano y conocimientos expertos empleados en la construcción de problemas jurídicos, en sentencias de la corte constitucional colombiana donde se discute el carácter secular del Estado.

Objetivos específicos

- Analizar las formas mediante las cuales la Corte constitucional colombiana emplea diferentes tipos de experticias en la toma de decisiones que apelan al carácter secular del Estado.
- Analizar la construcción de los problemas jurídicos, objeto de la toma de decisiones, en sentencias constitucionales donde el carácter secular del Estado es discutido.
- Examinar las diferentes representaciones del Estado desplegadas en tales sentencias constitucionales.

Metodología

Los estudios de caso han sido especialmente empleados por investigadoras del campo de los Estudios Sociales de la Ciencia, ocupando un lugar central dentro del campo, por su capacidad de resaltar la diversidad de formas (contingencia) que adopta una cuestión abordada en diferentes escenarios. Es por esto que, para los propósitos que he trazado en los objetivos, seleccionaré 3 sentencias de la Corte constitucional colombiana (casos) en los que se discute directamente el carácter secular del Estado.

Para ver cómo se produce el Estado secular, el contraste de estos diferentes casos será relevante. He tenido como criterio la elección de sentencias en las que se discuta directamente el carácter secular del Estado, por medio de la resolución de problemas específicos. He tenido, además, como criterio heurístico la organización de los casos en aquellos que atañen a la cultura y aquellos de la naturaleza (no para asumir esta división, sino para acentuar la proliferación de híbridos en este proceso de producción (**Latour, 2007**). Así, analizaré la retórica de las sentencias **C-224-16** y **C-567-16** sobre la declaración de la semana santa como patrimonio cultural nacional, en dos lugares de Colombia, en las cuales se emplean diferentes conocimientos para establecer si una celebración es religiosa o nacional. Ambas sentencias presentan un interés comparativo notable, dado que son sentencias -elaboradas el mismo año- que examinan dos leyes sobre el nombramiento de la semana santa como patrimonio cultural de la nación en dos lugares diferentes: Pamplona y Popayán (y sobre la asignación de recursos públicos para

promover dicha celebración). A pesar de tener el mismo objeto, ambas tienen decisiones opuestas y diferentes representaciones del Estado son desplegadas. También abordaré la sentencia **C-933-07** sobre la presunción legal de donación de órganos en Colombia, en la que se debate la propiedad sobre el cuerpo muerto de un ciudadano por parte del Estado o de sus deudos, los límites entre las disposiciones fúnebres religiosas y los procedimientos médico-legales para la determinación de la muerte y la extracción de los órganos. Estas sentencias las abordaré con el fin de dar cuenta de:

1. Las diferentes traducciones del problema de los demandantes al problema jurídico.
2. El empleo de conocimientos expertos en esta traducción.
3. Las representaciones del Estado y de tales experticias en el proceso.

Me centraré en las sentencias en sí por las siguientes razones: si bien la sentencia no es el reflejo de la discusión de los magistrados en la Corte, esta es una relatoría que, al igual que todo documento de este tipo, tiene una construcción particular (diferente a la de la discusión de primera mano) y esta debe ser analizada. Ahora bien, esta relatoría es más que el acta de una reunión; la sentencia es el documento oficial en el que la decisión es transmitida y textualmente creada. En este sentido, es la sentencia la que tiene el poder de representar (hacer presente) las decisiones del Estado empleando mecanismos para hacer esto efectivo: no todas las intervenciones son citadas, son abreviadas y presentadas de tal manera que la sentencia en sí, la demanda, su objeto, su discusión y su decisión parezcan coherentes. Centrándome en estos mecanismos de carácter discursivo, realizaré un análisis retórico de las sentencias constitucionales mencionadas.

Cronograma.

Actividad/Período	2017-2				2018-1			
	AGO	SEP	OCT	NOV	FEB	MAR	ABR	MAY
Revisión de literatura								
Escritura del Estado del arte.								
Recopilación, organización y sistematización de las sentencias.								
Análisis de las sentencias.								

Escritura del capítulo empírico.								

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B. Annex: A commented step by step of the process of reviewing *tutelas*

Step	Constitutional Court's Account[74]	Comment
1	The tutela files of the whole country are sent by the (minor) courts, tribunals or high courts to the Constitutional Court. Once in the Court, an internal filing number is assigned, with which the process in the Court can be followed up.	All the *tutelas* that are decided by other courts must be sent to the Constitutional Court after being delivered. Usually, a delivery service provider is in charge of the transportation of the files from the Original Court to the Constitutional Court[75]. After the arrival of tons of paper to the building where the Court is located[76], they must be filed by officials of the Clerk's Office. They assign a filing number and register some basic information about the case/file on, both, the information system of the Court and an orange piece of cardboard that is put over the file as its new cover sheet. At this moment, those tons of paper become files of the Constitutional Court; however, what happens at the moment where files arrive at the court, before being filed constitutes a *black box*, or a dark room (see. Section 3.1.1. of this chapter).
2	By means of an order published on the Court's website, the Selection Chamber for the month sets the range of the files under study during the month and establishes the date of the hearing (s). The orders that	According to the official version of this step, the Selection Chamber is in charge of setting the range of files under scrutiny, by means of an order. However, to do so, files have to be tied to the inscription of the file number in the Clerk's Office. Then, they are assembled there into a series or ranges to be distributed

[74] Textually taken from "the 9 steps of the tutela inside the Constitutional Court" (Corte Constitucional de Colombia, 2019, pp. 10–11), translation and squared brackets are mine.
[75] An interesting ethnographic approach to minor courts and some mentions about the sending/reception of *tutelas* from this point can be found in the work of Abello Castelblanco (2016).
[76] The Constitutional Court shares building with the Council of the State, the Supreme Court of Justice and the Higher Council of the Judiciary.

Step	Constitutional Court's Account[74]	Comment
	summon the Selection Room and set the (mentioned) range establish a deadline for the presentation of citizen appeals for selection.	"among the bureaus". The bureaus conduct a "first review" (see next step to open up the quotes) and every week, each Wednesday and Friday all the bureaus have to issue a letter to the Clerk's Office to inform the range of files that were actually *reviewed* and how many of these are to be considered by the Selection Chamber. Those letters constitute an acquittal (*descargo*), that is accompanied by some schematic reviews (*fichas*) of the cases/files suggested to be considered. Then, the Clerk's Office sends these letters with the range of files (pre)reviewed by the bureaus and the schematic reviews of the files pre-selected to the selection chamber that now can establish the final range of files under study, the list of selected files, its distribution among the bureaus and the dates of the hearings (a public event in which another order with this information is read). In these processes, files travel among the Clerk's Office (second floor) and the place dedicated to conduct the "first review" (Fifth floor). The selection chamber is a stage composed - on a monthly basis- of two justices. In *stricto sensu*, the selection chamber is composed by two bureaus (on the relation justices-bureaus, see next step) or, better said, of some members of the staff of these bureaus that are in charge of the organisation of this chamber. They receive, read and organise the schematic reviews, some citizen appeals for selection and some *pressures* (*insistencias*). These last two are requests by citizens (first case) and by the Attorney General of the nation, the ombudsman or a Court's magistrate. Those files that did not pass through a schematic review or the other mechanisms mentioned before are not considered by the selection chamber. They must return to the Clerk's Office to finally be sent back to the original courts.

Step	Constitutional Court's Account[74]	Comment
3	The bureaus make the first review of the files (pre-selection) and suggest the selection of some cases through schematic reviews (fichas), which are addressed to the justices that make up the Selection Chamber	As said before, the *tutela* files produced by other courts around the country must be sent to the Court for they to be reviewed. If, as I have mentioned, not all the files reach the review step, what happens with the rest? Are not they reviewed as they should be? There are actually two processes of reviewing: the first that this step talks about and the one that is conducted over the selected cases (step 7). This first review is done by law students (*judicantes*) who are in charge of reading all the files and suggesting some for the selection chambers. For these judicantes are law students, their work is accompanied by a mentor, who is actually another member of the Bureau, but a professional lawyer positioned in a higher level into the hierarchy of the Court (see section 3.1.2. of this chapter). Of course, mentors do not do the job of the *judicantes (the bulk of the work is done by these law students).* While these last are in direct and continuous contact with the files, the mentors advise the judicantes and help them to solve cases of greater difficulty. The relation between them (judicantes and mentors) is mediated by a software in which judicantes have to register some information about every single file: a brief mention of "the facts" addressed in the *tutela*, what does it claim and what did the first -or the second-instance court judge decide. Through this software, the mentors can comment on the case, but many details are also discussed off the record between mentors and judicantes. This registration in the software and the schematic reviews are the outcomes of the judicantes' work. Important outcomes if we consider that, on one hand, the review that the judicantes do on all the files that arrived at the court is the only review that the

Step	Constitutional Court's Account[74]	Comment
		overwhelmed majority of the cases have. On the other hand, the schematic reviews constitute pre-selections. Paradoxically, neither printed versions of these registers, nor the schematic reviews become part of the documents of the files (this will be discussed latter). To finish the comment to this step, it is significant also to notice that the review is said to be done by the bureau. This mention is important for, in the Court, justices, the bureaus and the Court itself are taken as the same thing (or the same source of action). In the Court, there are nine justices and nine bureaus. Each one commanded by a justice. The bureau is, at once, the Justice's office and the Justice's action. *E.g., D*ocuments produced by the bureau staff, once signed by the Justice, are documents of the Justice, thus disappearing its original writer. This enunciation of judicantes' work as the bureau's, then erases the original reviewer to transform it into a collective work that, then, can be attributed again to a single author: a Justice. This reduction of the work of the many into that of the Justice is a noticeable tendency in the official versions of the Court's operations. One version that unveils those multiple hands and works that comprises the reviewing of a *tutela* file.
4	Similarly, cases can be made available to the Selection Chamber by citizens themselves by submitting a memorial, requesting the selection of a specific case (citizen selection requests).	Requests or appeals for the reviewing of a case/file that are submitted by citizens to the Court bind the Selection Chamber to conduct a second review that is different from that of the judicantes' and that is not necessary to reach the review step. In this kind of review, the members of the selection chamber have to read the file.
5	By virtue of the guiding selection criteria (objective, subjective and complementary) and invested by the principle of discretion, the Selection Chamber of the month chooses on a monthly basis the	The internal regulation of the Court stablishes three guiding selection criteria, each one comprising not a very lengthy list of reasons that can be adduced in the selection of a case. To sum up, the objective is related to jurisprudence matters, the subjective to

Step	Constitutional Court's Account[74]	Comment
	files in which the Court shall render a review decision.	reasons on the protection of a person's rights and the complementary encompasses those issues that can be considered of public interest. However, it also stablishes that the list is not exhaustive or completely binding. Even if a case is tied to these criteria, it could be discarded (non-selected). It depends on the justices' discretion. Though not an exhaustive list, the criteria it encloses is actually used and referred to in the selection orders that are read in the public hearings, "without prejudice of the discretionary character" of the Justices choices. In fact, it could be said that the mentioning of these criteria in every selection order materializes the principle of discretion, for the Justices and the Court do not have to refer to any other reason, particularity or explanation about the motives for the selection of the cases.
6	Delegates from the Office of the Attorney General of the Nation and the Office of the Ombudsman participate in the public hearing of the Selection Chamber, which any citizen can attend. There, the files chosen are randomly distributed among the 9 Review Chambers that make up the Constitutional Court.	The files are distributed through a drawing at the lots. Then, they are allowed to be handed up to the bureaus. This distribution is registered in the order and announced in the hearings. It is important to mention that none of the different activities and works on the cases/files are visible in the file until this moment. The selection order constitutes the first trail of the action of the Court over the file.
7	The review stage begins. Each file is in charge of a magistrate of each Review Chamber, who will substantiate the decision. The rapporteur Justice prepares a draft of the decision, which is discussed and debated by the Review Chamber.	This step is, for some files, a second review on them. It is commonly referred as the "Review Chamber", even in the most informal situations. In a similar way to the selection chamber or the "first review" that is conducted by the "bureaus", the Review chamber alludes to the action of a Justice. Actually, the gathering of three justices and the presidency of one of them that is in charge of rendering a draft of the decision. In fact, this rendering is in charge of some officials of that Justice's bureau. The way of assigning the work that takes this process

Step	Constitutional Court's Account[74]	Comment
		varies according to the bureau (is an issue of the justices' discretion, could be said). It may be assigned to a particular team work inside the bureau, an auxiliary justice and someone of a lower rank embedded in the technicalities and details of knowing the case and writing the draft.
8	The Review Chamber comes to a resolution and delivers the decision of the Constitutional Court, which is identified by the prefix "T-", the number and the year of the decision.	The justice does not prepare the draft, but her officials, as I have said. The depiction of a process that is only conducted by the justices is not accurate and it is even less accurate the representation of that process as a gathering that comes to a resolution. It implies different activities, such as reading the file for the first time, the looking for what kind of proofs will be needed to better understand the case, the writing/rendering of the order or subpoena that calls some individuals or institutions to send documents or take some declarations; the reading of new documents and materials, the reading of some precedents, meetings, among other minutiae. Those activities suppose the moving of the file from different sections of the bureau. Justices very rarely meet with the officials and far less they meet with each other to talk about the files. However, they have to meet at least once to decide about the case. Therefore, many negotiations around it take place through documents that move among bureaus.
9	Once the decision is delivered, it is immediately published on the website www.corteconstitucional.gov.co and sent to the judge of first instance of the case for notification and compliance.	Once the decision is delivered, it has to move from the bureau to the Clerk's Office. In other words, it has to go "downstairs" (all the bureaus are placed in the higher levels of the building and the Clerk's Office is on the second floor). In the process or once it is in the Clerk's Office, stories like the one I use to begin this chapter can occur. Though that particular story seems to be more like an oddity than a regularity, at least every file "downstairs" has to be prepared, staying there for the final sign of the Clerk on the decision. Proceeding after which a copy has to be sent to be published.

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Referenced Interviews

INT-AUG21-DAVID

Recorded interview from August 21 with David in his office.

INT-AUG22-GRETHA&JESÚS

Recorded moment-interview from August 22 with Gretha and Jesús in Gretha's office.

INT-SEP12-JESÚS

Recorded interview from September 12 with Jesús in David's office.

INT-SEP12-GRETHA&JESÚS

Recorded moment-interview from September 12 with Gretha and Jesús in Gretha's office.

INT-SEP12-CAMILA

Recorded interview with Camila in the Judicantes' Workplace

INT-SEP12-SEBASTIAN

Recorded interview with Sebastián in the Judicantes' Workplace

INT-OCT11-GRETHA&JESÚS

Recorded moment-interview from October 11 with Gretha and Jesús in Gretha's office.

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