UC Irvine

UC Irvine Previously Published Works

Title

Schrodinger's Cat and the Ethnography of Law

Permalink

<https://escholarship.org/uc/item/0fj4j0mq>

Journal

PoLAR: Political and Legal Anthropology Review, 31(1)

Authors

Coutin, SCB

Yngvesson, B

Publication Date

2008

Copyright Information

This work is made available under the terms of a Creative Commons Attribution License, available at

<https://creativecommons.org/licenses/by/4.0/>

Peer reviewed

Barbara Yngvesson

Hampshire College

Susan Coutin

University of California, Irvine

Schrödinger's Cat and the Ethnography of Law

Drawing on research regarding undocumented immigration and transnational adoption, this essay argues that legal and ethnographic accounts retroactively instantiate potential realities that were there all along but are only made visible by official recognition. In this sense, the "field" that is at the center of ethnographic inquiry is brought into being by the activities of the ethnographer, just as the field of (un)documented bodies is brought into being by a judicial decree. At the same time, such authorizations of the real are haunted by the noise that is left behind. This noise makes itself known by its pull on official representations, pointing to the instability of our objects of study, the multidimensionality of everyday life, and the gaps and disjunctions that compel us to return to what was overlooked in order to make our ethnographies real. [adoption; immigration; deportation; temporality; ethnography]

In 1935, in an attempt to demonstrate the absurdity of the argument that physical reality, until measured, is indeterminate, physicist Erwin Schrödinger proposed the following thought experiment, discussed in Nadeau and Kafatos (1999). Imagine that there is a box containing a photon source, a slanted translucent mirror, a gun, and a cat. After the box is shut, a single photon is released in the direction of the mirror. The probability that the photon will pass through the mirror is precisely 50 percent. If the photon does not pass through the mirror, it will be reflected toward the bottom of the box. On the other hand, if the photon does pass through the mirror, it will cause the gun to release a pellet of poisonous gas, killing the cat. Without opening the box, it is impossible to know whether the cat is alive or dead. Similarly, according to quantum physics, the location of an electron or photon is best represented by a probability that takes the form of a wave. If the location or path of the electron is actually measured, in a laboratory, then this wave function collapses into certainty. If it is *not* measured, however, experiments suggest that the electron (or photon) actually takes multiple paths, thus occupying multiple locations, *at the same time*.¹

It is not that the electron (or any particle for that matter) really was located at only one of these possible positions, but we simply don't know which. Rather, there is a sense in which the electron was at all

of the locations, because each of the possibilities—each of the possible histories—contributes to what we now observe. [Greene 2004:179]

Thus, until the box is opened, the photon may have gone multiple ways, leaving the cat in a state of alive–deadness that, upon being observed, resolves itself into a single photon path, and into life or death. It was this prior indeterminacy (the alive–dead cat, the multiple simultaneous paths of a single photon) that Schrödinger found absurd.

This quantum physics problem of the relationship between a measured outcome and the much more contingent (and multiplicitous) history that resulted in that outcome also characterizes both law and ethnography. For example, when a U.S. immigration judge awards political asylum to an immigrant, events that the immigrant experienced in the past officially resolve themselves into persecution. Note that this resolution of a more ambiguous reality is the *opposite* of how law is supposed to work. The determination that an individual deserves political asylum is supposed to simply affirm that the individual *was already* persecuted (or had a well-founded fear of persecution). Prior to the judge's ruling, however, the legal definition of these events was in contention and, in fact, had the judge ruled otherwise, the events in question would not have been officially deemed persecution. Similarly, when a probate judge grants an adoption decree to parents in the United States, events that a birth mother experienced in the past as "giving birth" retroactively turn out legally to be nonevents. Thus, when Jan Waldron, a woman who placed her infant daughter for adoption in 1969, contacted the town hall 23 years later in the city where she had given birth, she was told that there was no record of the birth. "At the legal moment of adoption, explained the clerk of the court, the birth certificate was 'filled out as if her adoptive parents were her parents, y'know, the real parents, the natural ones'" (Waldron 1995:193). At the hospital where her daughter was born, there were records of the infant's birth, but no cross-reference with the mother's file. Her daughter Rebecca "had been born, yes, but there was no evidence that a mother, I, had brought her into existence" (1995:194). Giving birth turns out to be a contingent process that, until legally measured, may or may not have officially occurred (or may have occurred *and* not occurred).²

Ethnographies, too, select a particular path among processes that, while unfolding, are somewhat fortuitous potentialities. Thus, while ethnographers collect data in order to answer research questions that motivate a particular study, ethnographers simultaneously must remain open to possibilities that had not occurred (to them) before they "entered" the "field," and that in fact, may not be considered as having "occurred" prior to the ethnography being written. This need to remain open to the possibility that the field may be reconfigured as the results of fieldwork take shape poses a conundrum not unlike that confronted by the physicist attempting to reconcile probability and outcome, or the legal analyst attempting to align judgment and history. Ethnographers must reconcile the veracity of ethnographic accounts with ethnographers' own (re)constructions of the field during fieldwork. As ethnographer Marilyn Strathern (1999:5) asks, "How does one argue back from an unforeseen event, an unpredictable outcome, to the circumstances of its development?"

In this essay, we take up the question of fortuitousness or unpredictability in order to consider the multiple locations and temporalities of both ethnography and law. In so doing, we seek an alternative to the seemingly dichotomous possibilities that ethnography and law either “invent/construct” or “discover” social reality. The notion of discovery of course characterizes positivist notions of empiricism, whereas the notion of invention, that ethnographies were in some sense “fictions” or “constructions” that could be read alongside other cultural products, grew out of critiques developed during the 1980s (Clifford and Marcus 1986; Marcus and Fischer 1986). Instead of revisiting such debates, we suggest that legal and ethnographic accounts retroactively instantiate realities that potentially existed all along. By narrating versions of reality that were there all along but that, without official recognition, remained potentialities, ethnographers and legal actors perform the act of measurement or assessment that enables social or legal reality to resolve itself into a single outcome. Thus, the “fictions” that make fieldwork possible—the moments of substitution, for instance, in which field notes come to stand in for events and quotations come to stand in for field notes—enhance rather than undermine ethnography’s capacity to convey social truths. Similarly, legal judgments are based on evidence even as they select among potential interpretations of legal facts. Of course, there are points at which the analogy between law and ethnography breaks down, when, for example, one contrasts the power of a legal verdict with the power of an ethnographic account. The former can result in incarceration, liberation, death, or the transfer of property, whereas the latter is not usually a basis for subsequent social action.³ Nonetheless, our analogy between ethnography, law, and, to a lesser degree, quantum physics, suggests that “each of the possibilities—each of the possible histories—contributes to what we now observe” (Greene 2004:179). As they instantiate potential realities, ethnographers become privy to those that were not realized and that in retrospect can be seen as discredited histories or unreal events. As a consequence of this multiple vision, ethnography itself, and the fields that materialize in its wake, moves.

To consider this movement and the potentialities it instantiates, we draw on our own fieldwork regarding unauthorized immigration and transnational adoption. In the 1980s, Susan Coutin conducted fieldwork among religious activists who had declared their congregations “sanctuaries” for Salvadoran and Guatemalan refugees. In the 1990s, she examined these immigrants’ efforts to obtain legal permanent residency after wars in their homelands had subsided; and, in the 2000s, she interviewed activists, policy makers, and immigrants in both El Salvador and the United States in order to analyze forms of inclusion and exclusion that were authorized by U.S. and Salvadoran policies (see Coutin 1993, 2000, 2007). Barbara Yngvesson’s fieldwork on transnational adoption began in the mid-1990s with an examination of the transactions through which adoptable children are produced—transactions which occur between orphanages and agencies, on the one hand, and sending and receiving nations, on the other. In the late 1990s and 2000s, she interviewed adult adoptees raised in Sweden and the United States who have made multiple journeys “back” to their birth nations and in some cases developed ongoing relations with their birth families, in order to examine the position of the adoptee in defining and transgressing the borders of national, familial, and individual identities and belongings (see

Yngvesson 2000, 2002, 2003, 2007). Putting our separate fieldwork experiences in conversation with each other, of course, creates additional potentialities.

Lost in Translation

One of the unpredictable aspects of fieldwork is juxtaposition, that is, the particularities of the “collection” of which the “data” for a given project is comprised. The present essay is based on just such an unpredictable juxtaposition. It grew out of two prior collaborations in which we placed seemingly disparate phenomena together in order to translate between them. This mode of collaboration differs from comparison, in which similarities and differences between phenomena, cases, or situations are identified in order to decipher the broader processes that are producing these similarities and differences, and, in some instances, to predict or shape future outcomes.⁴ For instance, in order to determine which types of proceedings are most effective in institutionalizing democratic practices, one might compare the tribunals and truth commissions employed in countries that have attempted to transition out of a period of authoritarian rule. Such comparisons assume that similarities and differences are already part of the phenomena being compared, and that these characteristics are evidence of the processes that produced them and that they in turn will shape.

In contrast, our collaboration emerged somewhat fortuitously, when, along with our colleague, Bill Maurer, Professor of Anthropology at University of California-Irvine, we discovered that we could translate between our respective analyses of transnational adoption, unauthorized migration, and offshore finance. When we read the papers that we each had prepared for a session at the 1998 Law and Society Association meeting in Aspen, Colorado, we found that we could substitute different terms for sentences in each other’s drafts, and that the sentences would still make sense.

Offshore transactions originate, precisely, ‘offshore,’ somewhere else, a space imagined to lie outside of powerful sovereign states.

Transnational adoption originates, precisely, in a natural ‘real,’ somewhere else, a space imagined to lie outside of law.

Unauthorized migration occurs, precisely, ‘underground,’ somewhere else, a space imagined to lie outside of powerful sovereign territories.

This realization led us to write a joint article (Coutin et al. 2002), in which we each wrote not only our own, but also each other’s data. We were able to do so partly because we were very familiar with each other’s work, and because we came to know the phenomena that we had not studied through those with which we were already familiar. In other words, we proceeded less through comparison than through analogy and translation.

Similarly, the two of us subsequently wrote an article analyzing “roots trips” that transnational adoptees make to their birth countries, and deportations in which Salvadoran immigrants are forcibly returned to their country of citizenship (Yngvesson

and Coutin 2006; see also Yngvesson 2003). It seemed obvious to us that juxtaposing these two phenomena would reveal complexities of such journeys “back” and of ways that law assigns and erases “origins.” Some reviewers and colleagues observed, however, that these phenomena were not comparable (a criticism that we had also received regarding the joint paper that we wrote with Bill Maurer). We concluded, then, that “roots trips” and “deportations” were a sort of collection, analogous to the collections described by Walter Benjamin (1968). According to Arendt (1968), Benjamin did not assemble collections (of books, of quotations) instrumentally (e.g., in order to read the books, in order to comment on the quotations); rather, after the fact, such assemblages suggested their own *raison d’être*.⁵ Similarly, juxtaposing roots trips and deportations reveals potentialities that, after the fact, are discovered to have been there all along. Thus, characteristics of roots trips and deportation are not simply “there” to be identified and enumerated; rather, they emerge (as already having existed) in the process of juxtaposition itself.

Juxtaposing disparate yet analogous phenomena is akin to relating a translation to an original. As Benjamin points out,

Fragments of a vessel which are to be glued together must match one another in the smallest details, although they need not be like one another. In the same way a translation, instead of resembling the meaning of the original, must lovingly and in detail incorporate the original’s mode of signification, thus making both the original and the translation recognizable as fragments of a greater language, just as fragments are part of a vessel. [1968:78]

Similarly, juxtaposition entails seeking correspondences among fragments that may be unlike. These correspondences are made possible not by a form that exists outside of the phenomena, but rather by the possibility of analogy itself. Thus, roots trips and deportations are neither intrinsically analogous nor intrinsically incomparable. Rather, they are rendered analogous by the relationships that juxtaposition brings into being. These relationships are fictions, akin to legal fictions, not in the sense of something that is “false” or “invented,” but in the sense that they are necessary for reality to assume its observable form. The relationships brought into being through juxtaposition are therefore not unlike the multiple simultaneous paths of a photon, or unrealized versions of social reality that are not recorded in field notes or quoted in a published work, but that nonetheless make ethnography possible.

The Ethnographic Moment

Data come from all directions, but one still wants to hear more. Everything seems methodologically scrambled, contingent, and at odds with any desire for functional efficacy. At first, one can only listen. The racket threatens to deafen and to mute all possibility of response All one hears resembles noise, discordant sound lacking any syntax, disturbances

that interfere with the reception of signals and useful information. [Fortun 2001:348–349]

When it comes to building up *knowledge* about any complex organizational system, with its diverse outcomes, it is the initial conditions themselves that emerge as unpredictable—they are unpredictable from the point of view of the observer or whoever is striving to describe the social processes at issue. After all, *what must be taken into account is what has been overlooked*. [Strathern 1999:5, emphasis in the last sentence added]

In the above passage from *Advocacy after Bhopal*, Kim Fortun describes how conducting an ethnography of the Bhopal disaster threw conventional understandings of instrumental data collection into disarray. “My work in Bhopal was shaped by both too much and too little information . . . Focused inquiry was deferred, and I simply accepted the barrage of data that characterizes disaster at the grassroots” (2001:348). Fortun’s comments call attention to ways that, in addition to being an instrumental process, fieldwork can be passive, a suspension of agency (Miyazaki 2000), in which ethnographers allow themselves to become caught up in the phenomena that they are analyzing. We are not advocating the approach taken by grounded theorists, who attempt to collect data without preconceptions regarding what the data may show (Emerson 2001). In such approaches, the researcher is free to follow the data in any direction that seems promising—theory is constructed from the ground up. In contrast, we are not suggesting that ethnographers dispense with instrumental data collection in favor of passively following the data. We suspect that, even when ethnographers *intend* to proceed noninstrumentally, their research is guided by their own perceptions of significance. Further, scholars embark on particular studies for particular reasons.

Rather than advocating particular approaches to gathering data, our purpose here is to theorize the relationship between ethnographic accounts and the necessarily somewhat contingent process of “data collection.” Although most noticeable in extreme situations, such as those encountered by Fortun, this dimension of fieldwork is central to the ethnographic project. A “barrage of data” entangles ethnographers, drawing ethnographers into a field while simultaneously permitting ethnographers to anticipate a subsequent moment in which an ethnographic account will be produced. Strathern (1999:1) describes this process as “immersement”. Ethnographic practice, she writes, has a “double location”—in the “field” and “at the desk . . . It is a moment of immersement that is simultaneously total and partial.” Moreover, these two locations are interpenetrating. As Strathern notes, “Each [field] is an order of engagement which partly inhabits or touches upon but does not encompass the other . . . The fieldworker has to manage and thus inhabit both fields at the same time” (1999:2). Ethnography moves between worlds that inhabit each other.

Strathern describes this process of moving between worlds as “the conundrum posed by fieldwork,” which seems to require that we “work . . . backwards with our archaeologies”: that is, the data collected by the fieldworker “must encompass enough to include material which cannot be seen at the time, let alone be specified in advance,

but which could well be useful later” (1999:5). As a consequence of this need to work backwards, an element of surprise is embedded in what is conventionally regarded as a process of data “collection.” In other words, as noted above, methodological plans are to be open to possibilities that were not apparent at the time the research was formulated, but that subsequently become significant analytically. In this sense, ethnographers are “collected” by data, which hold ethnographers, “as it were, on the threshold of understanding” (1999:11). This experience of being “immersed” in data that may—in a case such as Kim Fortun’s study of Bhopal—“threaten to deafen and to mute all possibility of response” but that at the same time may contain “signals and useful information” (348–349), is central to the construction of ethnographic narratives. It is common for the introductory sections of ethnographies to describe ways that ethnographers were drawn to phenomena that they did not originally intend to study. For example, Bourgois (1995) explains that he set out to study the underground economy among Puerto Ricans in New York, only to discover that crack use was exploding and that crack had become a defining element of street culture. Similarly, Goldstein (2004) recounts that while studying community formation and collective action in a marginalized neighborhood in Bolivia, he was struck by the connections between public lynchings (which he had not set out to study) and community festivals. In such narratives of being pulled in unanticipated directions, antinomies such as ideology and practice (or “study/analysis” and “field/data gathering”) “each creates the possibility of escaping from [by returning to] the other, and thus relies on its trajectory being tied at some point into the other in order to emphasize its own path of flight. Its counterpart remains (half) hidden” (Strathern 1999:10).

Foregrounding the pull of noise (the effect of immersion) on methodological practices that demand useful information and predictable outcomes makes it possible to identify the gaps and disjunctures that make possible the ethnographic real. Thus, “the field” is imagined as a particular place where data are gathered, even as ethnographic practices (interviews, participant observation) produce a “field” of potential information that, in a sense, materializes around the ethnographer. Ethnographers “collect” particular moments, statements, objects, and events (as field notes and interview transcripts) and transform these into information that can be used to produce the ethnographic equivalent of a legal judgment—equivalent not in force, as legal judgments are implemented by powerful institutions, but rather in the process of rendering truth. Ethnographic collections excerpt events, moments, and data from the flow of social life (the “barrage of data”) in which the ethnographer is immersed, transforming them into notes that take up space on a hard drive or that fill a file drawer in the ethnographer’s office. Through these records, the ethnographer is able to “return” to the moments and place of fieldwork and create an ethnographic account. Through a chain of translation involving a number of substitutions—particular moments and individuals for a “culture,” strokes on a keyboard for events and statements, quotations for a larger data set—ethnographic truths are produced. This mode of knowledge production is haunted, however, by the noise that is left behind. Interestingly, such multidimensionality in certain respects resembles descriptions of the physical world being developed in the field of physics. According to string theory, the world as we know it is “stuck on a thin membrane of space-time,” a boundary

or discontinuity that separates us from, and prevents us from seeing, “a whole world of currents swirling beneath the surface” (Cole 2003:A1). Similarly, the world (of currents) that is outside the frame of liberal law makes itself known by its “gravitational pull” on our world (2003:A22). Discontinuity between these worlds or frames interrupts the chain of translations and conversions in which “truth-value *circulates*” (Latour 1999:69).

Juxtaposition and Collection

Bringing together roots trips and deportations involved a double translation and collection: the initial period of data collection on roots trips and on deportations, and a second process in which roots trips were juxtaposed to deportations and became a new collection, of sorts. In the second moment, we were brought up against a “problem” of comparison: as we thought roots trips through the frame of a deportation and vice versa, what we had imagined to be the ground of each (an origin point in a birth country or in an adopted country) shifted because of its newly apparent connection to the other. “Deportation” became the half-hidden counterpart of adoption and the roots trips that followed. “Adoption” became the half-hidden counterpart to deportation, emphasizing deportation’s specific “path of flight.” This revelation—that a deportation is a kind of shadow other to a roots trip (and vice versa)—suggested both their inseparability and why they cannot be “compared.” “Immigration” and “deportation” proved to be unstable objects of study. Like the process of “gathering” data in a “field” where one’s hosts might be pulling in unexpected directions, our comparative project pulled us to discoveries of information in our field notes that we would have overlooked, had we not “immersed” ourselves in each other’s field of data and been forced to struggle with the forms in which adoption and immigration took shape (in relation to one another) in this engagement.

Examining each of these processes vis-à-vis the other was revelatory not only for our interpretation of what roots trips or deportations are “about,” but also for our understanding of the implications of each in securing the foundational figures of liberal law: the “natural” child, the “native-born” citizen. If “natural” children and citizens can be alienated through adoption or emigration, then both kinship and citizenship are potentially ephemeral and in need of the anchoring provided by adoptions and emigrations, which realize these “natural” figures retroactively (much as, upon measurement, a photon’s travels resolve themselves into a singular path). Note, however, that this analysis reverses conventional understandings, in which it is the “natural” child and the “native-born” citizen that anchor the “as if” worlds of adopted children and naturalized citizens. As Benjamin notes, “Translation, ironically, transplants the original into a more definitive linguistic real” (1968:75).

An example of such reversibility, and of the complex ways that adoption and deportation shadow one another, is provided by the following excerpt from an interview with Greg, a man who was adopted to the United States from El Salvador as a child and was subsequently deported to El Salvador because of a criminal conviction. His deportation was an effect of his parents’ failure to naturalize him as a U.S. citizen. But

because his adoption naturalized him as the child of U.S. parents (but not as a citizen of the United States), Greg's "return" to El Salvador placed him in a space where he was not viable. Although technically a Salvadoran citizen, Greg was alienated from El Salvador and, in effect, had no country. As another unauthorized U.S. immigrant interviewed by Coutin stated, when individuals' social location and jurisdictional status do not coincide, "there is nothing here, there is nothing there," and "you're just walking around, and you're just, you're like invisible to everything else."

The excerpt that follows from Coutin's interviews with Greg suggests the implications of deportation and adoption for making and unmaking not only juridical but "natural" personhood, as well. The interview took place in El Salvador, following Greg's deportation:

Susan: You're now a Salvadoran citizen, is that right?

Greg: As far as I know, I'm sure that's what they consider me, but now there is someone, which is really ironic, from Ohio who was adopted from Brazil. And INS [Immigration and Naturalization Service], they, the judge signed the papers for him to be deported, but Brazil would not accept him. Because they say that his adoption was irrevocable. "You took him from here. He is now a citizen of your country." So in reality, he has no country. So I don't know how different, I don't know how they look at me here. But my friends here consider me from the United States. They consider me a citizen.

Susan: Your friends here (in El Salvador) consider you a (U.S.) citizen?

Greg: Is it wrong that I don't explain the situation? That's my question.

Describing his efforts to reassemble his life after "returning" to El Salvador, Greg said:

It's like trying to put a puzzle together when you don't have the pieces. It's tough. I can put the corner pieces together and some of the outside pieces, but I can't do the rest because I don't know . . .

It's very defeating. It's sort of like trying to climb up a glass mountain. You can get up a little, but shoo! You go right back down. And I never thought I'd ever say I'd rather be homeless in the United States . . . But I firmly believe, I would rather be in prison or homeless in the United States.

Deportation from the United States reconnected Greg to a *de facto* legal self that had been rendered immaterial through his adoption to the United States almost two decades previously. Adoption, in turn, created a self and life in the United States that were forbidden to him, and that haunted him in El Salvador. The disjuncture between these "immaterial corporalities" (Žižek 1989:18) created first by adoption and then by deportation contributed to Greg's sense of alienage in his native land and his longing for return to the United States, his adopted country, where deportation had configured him as legally an alien.

Greg's experience as adopted and then deported illuminates the dependence of any point of origin or of any journey "back" on the power of law to situate (and resituate) the legal subject—that is, to define (and erase) origins, selves who originate, and the availability of a "back". But it also suggests the ways in which desire for a return may confound the definitions of belonging and the accompanying cutoffs authorized by law. As doubly deported, Greg may "in reality have no country." At the same time, the "back" for which he longs and which continues "in reality" to compel him is not simply an effect of law's exclusionary power. Rather it has taken shape (like the person known as "Greg") in the "indirect, crosswise, and crablike" movements (Latour 1999:64) through which Greg's sense of his past is created.⁶ The "path" that ought to connect these persons and places is unclear, has gaps, and may not really be a path at all. From one point on this path, other points can be seen, but dimly, as when peering through translucent glass. If time were linear, this path would be transparent (see Greenhouse 1996). However, when individuals move along this path, they move *across* as well as *through* time. Time becomes a dimension of space and thus assumes a planar as well as a linear form. Traveling such a temporal path entails multi-directional movements, not simply from present to past or future, but sometimes from one present to another. When Greg was sent "back" to El Salvador, for example, he had to become a "self" (a Salvadoran citizen) that he presumably (but unbeknownst to him) had been all along. Greg therefore occupied multiple locations simultaneously, but, *pace* Greene (2004:185), a different outcome singled out a different preceding history.

Greg's experience returns us to the paradox that adoption retroactively erases the legal birth of a child by so-called "natural" parents, and at the same time requires such parents in order to anchor the law in a "natural" real: that is, in something that is neither "here" nor "there," but in an elsewhere (a non-jurisdictional space "outside" the law; see Coutin et al. 2002). In Greg's adoption story, as we argued above, there should be no "back" because, officially, the back has been erased by law. But because of his deportation story and the relocation it requires, the "back" that was established by adoption law (his family in the United States) was also (in effect) legally erased, suggesting that *any* "back" or origin is an effect of the cutoffs established by law. If a "back" is constituted as a function of multiple cutoffs, emigrations, and deportations, it becomes more like a network of referents (Latour 1999:310) than a journey with a clear end point (or a clear point of origin). Just as one seems to reach the "back," there is a "false beginning" "right there hitting you, slapping you in the face" (to quote another El Salvadoran deportee). As Latour (1999:76) argues, it is only when a network of transformations ceases to refer (when its expansion is interrupted at either end, when the end point of a "back" is reached, when a true "self" is found) that it "begins to lie."

Another example of law's power to situate and resituate the legal subject, and of how an excluded "back" may pull this subject across time into a present that has been there all along, is provided by Deann Borshay Liem's autoethnographic film, *First Person Plural* (2000). The film describes what is in effect a deportation of an 8-year-old Korean child, Kang Ok Jin, whose mother had placed her in an orphanage near her home during a period when she was unable to provide for all four of her

children. One day, Kang Ok Jin is placed on a plane for California, accompanied by documents that provide her with a new name (Cha Jung Hee) and a new history as an orphan whose mother died and whose father relinquished her for adoption. (The 1993 Hague Convention on Intercountry Adoption requires that all children placed overseas for adoption must be declared “legal orphans” before an adoption can take place.) Liem recalls her effort, once she was able to communicate in English, to explain to her new mother that she was not an orphan, had a mother and siblings in Korea, and had a Korean name that differed from that in her adoption records. Her mother’s response was that this “other family” was something Deann had dreamt, and she shows her adoption records confirming her birth mother’s death. Told that she just needs “time” to adjust to the new situation, Liem eventually “forgets” what she had previously “known” and becomes to all intents and purposes a typical American girl.

In many ways, Liem’s documentary resembles science fiction. Relocated suddenly to a new world, she is presented on her arrival with new parents, a new brother and sister, a new home, and a new language. Eventually, she fashions a new self, using makeup, surgery (her ears are operated on), and other techniques of self-fashioning. In pictures taken of her in high school, it is hard to distinguish her from other (non-Korean) teenagers in her class. It is only in Liem’s dreams that a previous reality makes itself known. When she eventually returns to Korea in hopes of recovering the family she lost and, by bringing her two families together, making herself “whole,” she discovers that the legal transformation of her relationship to her Korean family (and specifically to her Korean mother) is not “simply” a matter of law. The adoption decree transformed the existential reality of her relationship with the person she imagined to be her “mother” into a relationship with her not-mother, and Liem’s film documents the materialization of this alternate reality: only when she realizes that her Korean mother is no longer her mother is she able to “return” to a relationship with her as not-a-daughter that (unbeknownst to her) had existed all along.

First Person Plural illuminates the ways that legal judgments enframe (Heidegger 1993) and reconstitute historical realities: Kang Ok Jin, born on June 14, 1957, becomes Cha Jung Hee, born on November 5, 1956; Cha Jung Hee becomes Deann Borshay, who was born “the moment I stepped off the plane in San Francisco on March 3, 1966.”⁷ At the same time, Liem deploys the technologies of video and psychiatry to provide glimpses into alternative realities that fragment the time of law, tugging at the completeness of the families it creates. In the film, the legal truths of adoption and the families it “completes” evoke the (half) hidden truths of abandonment and the families it destroys. At the same time, the film documents the (half) hidden truths that pull on the ethnographer (Liem) who is at the center of the tale, as she attempts to sort out the “noise” (the emotional tensions with her adoptive parents, her conviction that “something was wrong”) from the “information” she was provided (the adoption record that legitimized her identity as Cha Jung Hee).

Analogic Thinking

In 1988, as part of my fieldwork among Tucson and Berkeley religious workers who were providing “sanctuary” to Salvadoran and Guatemalan refugees, I volunteered with TECLA, the Tucson Ecumenical Council of Legal Assistance. One day, while searching for secondary documents to support an asylum claim, I described my research to a U.S. volunteer and a Central American paralegal. “Do you remember when you were being a refugee?” the volunteer asked the paralegal. “Oh yes,” he replied, “People used to look at me and say, You have two legs just like white people and you walk just like white people”.

(Ethnographic note, Susan Coutin)

Noting that “sometimes it is assumed that the anthropologist is making claims to know ‘more’ than those he or she works with,” Strathern argues that while few practicing fieldworkers would make such a claim, and while some reframe the issue as a matter of “knowing differently,” both of these characterizations miss an important point: that “the anthropologist is equally trying to know in the *same* way—that is, recover some of the anticipation of fieldwork, some of the revelations that came from the personal relationships established there, and even perhaps some of the surprises which people keep in store for one another” (1999:10). In the above vignette, the Central American paralegal suggests that “being a refugee” was sort of an act, given North American sanctuary workers’ preconceptions about “refugees.” In a similar way, Coutin and others were doing legal research in order to help Central Americans win political asylum, and thus be retroactively defined as “refugees.” This work was necessary because of participants’ presumption that Central Americans were already *de facto* refugees but lacked legal recognition as such. Through advocacy and legal research (documenting claims), law was to be brought into accordance with a social reality—the claim that a particular individual was persecuted—that also existed as a potential legal reality.

This revelation, that “being a refugee” is an effect of the work of paralegals and sanctuary workers, and that “being an anthropologist” is an effect of succumbing to a legal (or other) process through which the “refugee,” “deportee,” or “adoptee” is produced, points both to the limits and the potentials of ethnographic knowledge. Our understanding of adoption as contingent on a deportation that necessarily precedes it—or, to put it another way, that a deportation is enframed as an adoption, cutting off the forms of exclusion that made the child adoptable—can be seen as an ethnographic effect: the effect of being “dazzled” by, and thus yielding ourselves to, the potentialities of data we each had collected that kept pulling us “back” to the field. In the process of this return, we found ourselves repeatedly up against the slim thread (and vast gulf) that separates deportations and roots trips, and the position of the anthropologist “in the middle” of the relational field in which each takes shape vis-à-vis the other.

Being “in the middle” situates the anthropologist at a key juncture in the evaluation of truth. Ethnographic truth no more resides in the “face-to-face confrontation of a

mind with an object” than does the value of a “thing” that is referred to by a term of reference in a sentence reside in its physical verification as an object-in-the-world (Latour 1999:69). Rather, truth-value “passes across” (1999:71) the anthropologist, whose questions when she enters the field are deflected by a mass of data that is way more than she can possibly write down—and that continues to dazzle her, upon “leaving” the field. The “longing for correspondence” (1999:73) that pulls the anthropologist into the thick of things in a field (of events, of notes), where at times there seems to be only noise, produces the conditions for this movement of truth value: she continually bumps up against the ephemeral quality of realities that remain (half) hidden, always demanding just one more journey back.

This process of circulation (of the anthropologist through the field, of value across the anthropologist) is only cut in the process of producing a “good” (an article for publication, a film),⁸ a form of reification or objectification that works to make value visible in another form (the deportation that was half hidden within the adoption; Greg’s experience of becoming a Salvadoran “self” that, unbeknownst to him, he had been all along). These forms may, in turn, disrupt the obvious correspondences that pull people back to “original” (natural, national) grounds of belonging that are authorized by law.

The current activism of Korean transnational adoptees whose “gatherings” in various national sites (Seoul, Washington D.C.) produce alternative accounts of belonging, and implicitly challenge conventions that allow “giving” and “receiving” nations to determine where and to whom they belong, is one example of this disruption and the emergence of new forms of value that have accompanied it (Aronson 1997; Hubinette 2004; Kim 2007; Trotzig 1996). Similarly, immigrant rights activists have sought to challenge the accountings that result in deportations. In both of these cases, the task of the anthropologist (like Benjamin’s translator or Kim Fortun’s advocate) is to “engage what information [she] has with limited expertise and an enduring sense” of the tragedies in which her work is embedded (Fortun 2001:348). At times inundated with data, ethnographers’ only hope is to seek further entanglements.

Such entanglement is depicted in the short story, “Schrödinger’s Cat,” written by Ursula K. Le Guin, science fiction novelist and daughter of the famous anthropologist Alfred Kroeber, a contemporary of Schrödinger’s and founder of the department of anthropology at the University of California, Berkeley. In Le Guin’s version, the narrator, who has found a stray cat, is approached by a dog carrying a box, the very box that is set up to carry out Schrödinger’s thought experiment. The dog insists that the narrator place the cat in the box. Before the narrator can refuse, the cat leaps into the box, knocking the lid shut. In search of certainty, the dog waits for the narrator to open the box. The narrator does so, and

Rover staggered up from his knees, gasping, to look. The cat was, of course, not there. Rover neither barked, nor fainted, nor cursed, nor wept. He really took it very well.

“Where is the cat?” he asked at last.

“Where is the box?”

“Here.”

“Where’s here?”

“Here is now.”

“We used to think so,” I said, “but really we should use larger boxes.”

He gazed about him in mute bewilderment, and did not flinch even when the roof of the house was lifted off just like the lid of a box, letting in the unconscionable, inordinate light of the stars. He had just time to breathe, “Oh, wow!” [Le Guin 1982:48–49]

Notes

Earlier versions of this article were presented at the June 2005 “Polarisation and Convergence in Sociolegal Studies” workshop at the Oñati International Institute for the Sociology of Law and at the April 2006 Ethnographic Fictions conference at Clarke Center Cornell University. We are grateful to Sally Merry, Franz von Benda Beckman, Keebet von Benda Beckman, and the IISL for organizing the Oñati workshop, to Annelise Riles for organizing the “Ethnographic Fictions” conference, and to participants at both events for their comments on the draft that we presented there. Conversations with Sigfrid Yngvesson proved stimulating and helpful as we were working on revisions. Comments by Beth Mertz and by the anonymous *PoLAR* reviewers also helped us to sharpen our argument. Susan Coutin’s research on immigration from El Salvador to the United States was supported by the National Science Foundation’s Law and Social Science program (Award numbers SES-0001890 and SES-0296050) and by a research and writing grant from the John D. and Catherine T. MacArthur Foundation. Barbara Yngvesson’s work on transnational adoption was funded by the National Science Foundation’s Law and Social Science program (Award numbers SES-9113894 and SBR-9511937), and by faculty development grants from Hampshire College. We are also grateful to the individuals who participated in research projects discussed in this article.

1. Physicists have conducted experiments in which photons are aimed at a structure that contains two slits. Classical physics would predict that as the photons pass through these slits, they would create two parallel marks on a wall behind the slits. They produce, however, numerous parallel lines, known as an interference pattern. This pattern suggests that the photons act like waves rather than like particles; that in fact, the photons may have gone through *both* of the slits simultaneously. If, however, a detector is placed near the photon emitter, making it possible to determine which path the photons actually took, then the photons produce the two parallel lines predicted by classical physics. According to Greene, “Your new observation singles out those histories that could have preceded whatever your new observation revealed. And since this observation determined which path the photon took, *we consider only those histories that traverse this path, thus eliminating the possibility of interference*” (2004:185).
2. Of course, regardless of the legal erasure of giving birth, birth mothers and birth children may continue to regard birth as a real event. The persistence of these

social definitions of birth (and of potential alternative legal meanings) is one of the factors that compel searches for origins and efforts to bridge the gaps created by erasure.

3. But ethnographic accounts are sometimes used as a basis for reconstructing particular traditions.
4. For a critique of the politics of comparison, see Stoler (2004).
5. Hannah Arendt describes collecting as Benjamin's "central passion" (1968:39). He collected books, including books on topics in which he had no interest. "These books, like many others among his treasures, literally were not good for anything, serving neither to divert nor to instruct" (Arendt 1968:42). He also collected quotations, and dreamed of "producing a work consisting entirely of quotations, one that was mounted so masterfully that it could dispense with any accompanying text" (Arendt 1968:47).
6. Latour (1999:310–311) describes this process (borrowing a term from semiotics) as "shifting (in, out, down)." As a result of this, an "internal" referent, or depth of vision (here, now, I; there, then, he or she) is constituted. This "internal" realm, as Simmel noted almost a century ago, is neither subjective nor objective but arises from "the practical relation between man and his object," a relation that combines both proximity (desire) and distance (value) (1990:77; and see Appadurai 1986:3–6) for its realization.
7. As Bourdieu (1987:233–234) notes,

The judgment [of a court] represents the quintessential form of authorized, public, official speech which is spoken in the name of and to everyone. These performative utterances, substantive—as opposed to procedural—decisions publicly formulated by authorized agents acting on behalf of the collectivity, are magical acts which succeed because they have the power to make themselves universally recognized. They thus succeed in creating a situation in which no one can refuse or ignore the point of view, the vision, which they impose It would not be excessive to say that [law] *creates* the social world, but only if we remember that it is this world which first creates the law.

8. This recalls the discussion in Callon et al. (2002:199) of the process of qualification in which "goods" are produced and stabilized.

References Cited

Appadurai, Arjun

- 1986 Introduction: Commodities and the Politics of Value. *In* *The Social Life of Things: Commodities in Cultural Perspective*. A. Appadurai, ed. Pp. 3–63. Cambridge, UK: Cambridge University Press.

Arendt, Hannah

- 1968 Introduction: Walter Benjamin, 1892–1940. *In* *Illuminations: Essays and Reflections*. W. Benjamin, edited and with an Introduction by Hannah Arendt. Pp. 1–55. New York: Schocken Books.

Aronson, Jaclyn C.

- 1997 Not My Homeland: A Critique of the Current Culture of Korean International Adoption. B.A. thesis, School of Social Science, Hampshire College.

Benjamin, Walter

- 1968 The Task of the Translator. *In* *Illuminations: Essays and Reflections*. W. Benjamin, edited and with an Introduction by Hannah Arendt. Pp. 69–82. New York: Schocken Books.

Bourdieu, Pierre

- 1987 The Force of Law: Toward a Sociology of the Juridical Field. Richard Terdiman, trans. *The Hastings Law Journal* 38(5):201–248.

Bourgois, Phillippe

- 1995 *In Search of Respect: Selling Crack in El Barrio*. Cambridge, UK: Cambridge University Press.

Callon, Michel, Cécile Méadel, and Vololona Rabeharisoa

- 2002 The Economy of Qualities. *Economy and Society* 31(2):194–217.

Clifford, James, and George E. Marcus

- 1986 *Writing Culture: The Poetics and Politics of Ethnography*. Berkeley, CA: University of California Press.

Cole, K. C.

- 2003 A New Slice on Physics. *Los Angeles Times*, May 17: A1, A22.

Coutin, Susan

- 1993 *The Culture of Protest: Religious Activism and the U.S. Sanctuary Movement*. Boulder, CO: Westview Press.
- 2000 *Legalizing Moves: Salvadoran Immigrants' Struggle for U.S. Residency*. Ann Arbor, MI: University of Michigan Press.
- 2007 *Nations of Emigrants: Shifting Boundaries of Citizenship in El Salvador and the United States*. Ithaca, NY: Cornell University Press.

Coutin, Susan, Bill Maurer, and Barbara Yngvesson

- 2002 In the Mirror: The Legitimation Work of Globalization. *Journal of the American Bar Foundation* 27(4):801–843.

Emerson, Robert M., ed.

- 2001 *Contemporary Field Research: Perspectives and Formulations*. 2nd edition. Long Grove, IL: Waveland Press, Inc.

Fortun, Kim

- 2001 *Advocacy after Bhopal: Environmentalism, Disaster, New Global Orders*. Chicago: University of Chicago Press.

Goldstein, Daniel M.

- 2004 *The Spectacular City: Violence and Performance in Urban Bolivia*. Durham, NC: Duke University Press.

Greene, Brian

- 2004 *The Fabric of the Cosmos: Space, Time, and the Texture of Reality*. New York: Vintage Books.

Greenhouse, Carol

- 1996 *A Moment's Notice: Time Politics across Cultures*. Ithaca, NY: Cornell University Press.

- Hague Conference on Private International Law, Final Act of the Seventeenth Session, May 29, 1993, 32 I.L.M. 1134.
- Heidegger, Martin
1993[1977] *Basic Writings: From Being and Time (1927) to the Task of Thinking (1964)*. David Ferrell Krell, ed. San Francisco: Harper.
- Hubinette, Tobias
2004 Adopted Koreans and the Development of Identity in the 'Third Space.' *Adoption and Fostering* 28(1):16–23.
- Kim, Eleana
2007 Our Adoptee, Our Alien: Transnational Adoptees as Specters of Foreignness and Family in South Korea. *Anthropological Quarterly* 80(2):497–531.
- Latour, Bruno
1999 *Pandora's Hope: Essays on the Reality of Science Studies*. Cambridge, MA: Harvard University Press.
- Le Guin, Ursula K.
1982 Schrödinger's Cat. In *The Compass Rose: Short Stories by Ursula K. Le Guin*. Pp. 41–49. Toronto: Bantam Books.
- Liem, Deann Borshay
2000 *First Person Plural*. Ho-He-Kus, NJ: Mu Films.
- Marcus, George, and Michael M. J. Fischer
1986 *Anthropology as Cultural Critique: An Experimental Moment in the Human Sciences*. Chicago: University of Chicago Press.
- Miyazaki, Hirokazu
2000 Faith and Its Fulfillment: Agency, Exchange, and the Fijian Aesthetics of Completion. *American Ethnologist* 27(1):31–51.
- Nadeau, Robert, and Menas Kafatos
1999 Schrödinger's Cat Paradox. In *The Nonlocal Universe: The New Physics and Matters of the Mind*. Pp. 56–59. Oxford: Oxford University Press.
- Simmel, Georg
1990[1907] *The Philosophy of Money*. Tom Bottomore and David Frisby, trans. London: Routledge.
- Stoler, Ann Laura
2001 Tense and Tender Ties: The Politics of Comparison in North American History and (Post) Colonial Studies. *The Journal of American History* 88(3):829–865. Available at <http://www.historycooperative.org/journals/jah/88.3/>, accessed June 11, 2008.
- Strathern, Marilyn
1999 The Ethnographic Effect I. In *Property, Substance & Effect: Anthropological Essays on Persons and Things*. M. Strathern, ed. London: Athlone Press.
- Trotzig, Astrid
1996 *Blod är Tjockare än Vatten (Blood is Thicker than Water)*. Stockholm: Bonniers.

Waldron, Jan

- 1995 *Giving Away Simone: A Memoir*. New York: Random House.

Yngvesson, Barbara

- 2000 'Un Niño de Cualquier Color': Race and Nation in Intercountry Adoption. *In* *Globalizing Institutions: Case Studies in Regulation and Innovation*. Jane Jensen and Boaventura de Sousa Santos, eds. Aldershot, UK: Ashgate.
- 2002 Placing the 'Gift Child' in Transnational Adoption. *Law & Society Review* 36(2):227–256.
- 2003 Going 'Home': Adoption, Loss of Bearings, and the Mythology of Roots. *Social Text* 74, 21(1):7–27.
- 2007 Refiguring Kinship in the Space of Adoption. *Anthropological Quarterly* 80(2):561–579.

Yngvesson, Barbara, and Susan Coutin

- 2006 Backed by Papers: Undoing Persons, Histories, and Return. *American Ethnologist* 33(2):177–190.

Zizek, Slavoj

- 1989 *The Sublime Object of Ideology*. London: Verso.