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Commentary: Performances of state criticism from the inside. Thoughts on "Contested constructions of trust in the juridical system of Argentina"

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ABSTRACT
This commentary interprets the performance of state criticism by state employees in an Argentinian judicial outreach office as a practice of boundary drawing between state and society that takes place *within* the 'state system'. It argues that this insight adds complexity to Timothy Mitchell's conceptualization of 'state effects' and that it also contributes to a (pluralized) understanding of state justice and the performative construction of 'the state' as a guarantor of common justice.

KEYWORDS
State effects; state criticism; imaginaries of justice

Seen in the light of David Beetham's double-edged dictum that bureaucracy is something "we all love to hate" (Beetham 1993: 1), Ingo Rohrer's contribution to this special issue is sure to surprise. While condemning state bureaucracy is usually assumed to take place within the context of strained relations between state and society, Rohrer presents an ethnographic case study of street-level bureaucrats in Argentina whose strategies of building trust with local citizens entail their expressly critical self-distancing from the higher echelons of their own institutions and from what they perceive to be attitudinal flaws among representatives of the "common justice system" (Rohrer, this issue).

Rohrer's interpretation of this self-positioning highlights the skeptical attitudes and perceptions of these state employees regarding the wider institutional context of their work. Yet, as I will elaborate in what follows, we can gain an additional analytical insight from this interesting case study. To do so, it is worthwhile revisiting Philip Abram's now classic distinction between "state-system" and "state-idea". For Abrams, the "state-system" is the "palpable nexus of practice and institutional structure centered in government and more or less extensive, unified and dominant in any given society" (Abrams 1988: 58). In the case of the Territorial Agency for Access to Justice (ATAJO), explored by Rohrer, the "palpable nexus of practice and institutional structure" is demonstrated by the existence of hierarchical chains of command and the structural dependence of the street-level bureaucrats in this legal prosecution unit

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on decisions made at higher levels of authority. Abram's notion of the "state-idea", on the other hand, foregrounds the fact that the state also represents an ideological project because it "gives an account of political institutions in terms of cohesion, purpose, independence, common interest and morality without necessarily telling us anything about the actual nature, meaning or functions of political institutions" (ibid.: 68). In contrast, Rohrer shows that the street-level bureaucrats employed by ATAJO "refrain from perceiving the state as monolithic and instead see a field of competing normative ideas concerning the rule of law, the juridical institution and the state" (Rohrer, this issue). More particularly, according to Rohrer, local ATAJO representatives claim that, in order to be successful, efforts to build trust in institutions must have certain qualities which in their perception are otherwise lacking in the state bureaucracy in Argentina: closeness instead of distance, approachability instead of inaccessibility, transparency instead of opaqueness, and commitment instead of indifference.

What I find particularly intriguing in Rohrer's ethnography is that, in order to bring this point home, street-level ATAJO bureaucrats draw heavily on stereotypes, for instance, "when the staff jointly perform an impersonation of a (typical) juridical clerk. They portray the unknown person as a superficial and disinterested personality who is only worried about her salary, her privileged status as a civil servant and her lifestyle" (Rohrer, this issue). In other words, by conjuring up a popular, even populist stereotype of "the typical bureaucrat", the Argentinian state employees studied by Rohrer produce a counter-image to how they themselves hope to be perceived by the wider public. At the same time, understood as acts of self-authorization, such situated presentations of the employees' selves as opposed to "the typical bureaucrat" can be said to have a performative dimension to them, actively calling forth these selves, and not merely giving expression to their existence.

There are two conclusions one can draw from my considerations thus far. On the one hand, if it is true, as Timothy Mitchell put it, that the "distinction (between state and society) must be taken not as the boundary between two discrete entities, but as a line drawn *internally* within the network of institutional mechanisms through which a social and political order is maintained" (Mitchell 1991: 78; italics added), then we can take Rohrer's findings to mean that there are at least two variants of how such lines can be drawn in order to produce what Mitchell calls the "the state effect": a grassroots version of the state effect as resorted to by ATAJO's street-level bureaucrats, and an aloof and remote version of it as supposedly represented by higher echelons of the state bureaucracy. This adds complexity to Mitchell's call for an examination of "how it is that the state seems to stand apart from society and yet see *this distinction as an internal arrangement*" (Mitchell 1991: 94–95; italics added). It suggests that this internal arrangement has an additional internal distinction by which the state aspect of the state–society distinction is internally subdivided into state practices that are perceived to be "closer" to society and those which keep a disembedding distance from it.

On the other hand, and related to the above, while Rohrer's analysis culminates in thoughts about social "imaginaries of institutional trust" (Rohrer, this issue), his ethnographic findings also allow new insights into the field of the anthropology of

the state (see also Bens and Vetters, this issue), especially concerning local imaginaries of the state as a guarantor of "common justice" (Rohrer, this issue). Broadly speaking, the state employees in ATAJO pursue a three-thronged approach. First, they expressly distance themselves from a (stereotyped) representation of the upper hierarchical levels of the state. This is an attempt to build trust with local citizens, as Rohrer convincingly points out. Secondly, in so doing, they voice criticism not of statehood per se (*the* state) but of what they experience to be problematic characteristics of the particular state practices they are regularly confronted with (*this* state). In this way, their criticism has ritualistic qualities to it that resonate with Max Gluckman's longstanding yet still compelling observation that certain forms of protest are aimed not at revolutionizing the political system but at consolidating it (Gluckman 1954). Thirdly, by questioning state practices from the perspective of state employees, they implicitly claim that the street-level practices they themselves pursue are an alternative and, seen from a normative point of view, "better" way of delivering common justice to the population. Taken together, the public performance of state criticism by state employees thus culminates in the conjuring up of an alternative image of what should *ideally* be involved in establishing and maintaining the role of the state as a guarantor not just of the "state legal order" (Bens and Vetters, this issue), but of legal justice in general.

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