Author:
Riquelme Espinosa, Ignacio

Title:
The construction of legal authority

An ethnography of intrafamily violence procedures in Chilean family courts.

The construction of legal authority: An ethnography of intrafamily violence procedures in Chilean family courts.

Ignacio Riquelme Espinosa

Supervised by Professor David Cowan and Professor Emma Hitchings.

A thesis submitted to the University of Bristol in accordance with the requirements for award of the degree of Doctor of Philosophy in the Faculty of Social Sciences and Law, Law School, October 2021.

Words: 83.178

Abstract

This thesis is an ethnography of intrafamily violence (IFV) procedures in Chilean family courts (FCs). These procedures were implemented in 2005 following the legal reforms creating Chilean FCs and reforming the IFV law. Both reforms faced problems from the beginning, making IFV one of the most challenging issues faced by FCs today. Empirical studies of FCs' IFV procedures are scarce, and there is little knowledge about the scope of the problems and the methods these courts have developed to address them. This thesis is the first detailed socio-legal analysis of this new part of Chilean jurisdictional work.

The analysis draws on and develops Actor-Network Theory (ANT) scholarship. It focuses on the socio-technical arrangements that FCs have produced to process and decide IFV cases, and the political implications of such arrangements. This ethnography contributes to three main strands of literature. First, it expands the scarce Chilean scholarship on Chilean jurisdictional exercise on IFV. The thesis provides a detailed analysis of a new and very understudied part of Chilean jurisdiction, demonstrating the challenges FCs faced in processing IFV cases. Secondly, this thesis develops the Chilean and Latin-American socio-legal scholarship by producing the first court ethnography in the country. This thesis offers an innovative ethnographic reading of the judicial reform process unfolding in Chile over the last 30 years. Lastly, this thesis contributes to ANT socio-legal scholarship. It develops new conceptualizations that expand this material-semiotic approach concerning jurisdictional activity. The ethnography examines the multiple controversies involved in stabilizing meaning through the judicial procedure and the fragility of legal authority in this regard.

Dedication and acknowledgements

I dedicate this work to Amalia, the love of my life. Thanks for sharing your life, joy, and wisdom with me through this arduous and enriching process.

Thanks to my supervisors, Dave, and Emma, for trusting in me and encouraging my intellectual curiosity. Thanks for teaching me socio-legal thought and helping me cultivate a vocation still rare in my Chilean context. You helped me find a voice that will accompany me for the rest of my life.

Thanks to my family, Selene, Eduardo, Bastián, and Álvaro, for loving and encouraging me through difficult times. Especially to my brother Álvaro for helping me patiently and generously when I needed to.

Thanks to friends in this significant period of my life: Rachel, Michael, Matías, Pancho, Jose, Isidora, Diego, Pablo, Vasiliki, Francesca, and Antonia. You were the community infusing my PhD with vitality and hope.

Thanks to my research participants and my financial sponsors: the University of Bristol and the Chilean people through the Becas-Chile scholarship program. I hope my current and future work is a contribution to the collective.

Lastly, thanks to my dog Canelo for accompanying me in the solitude of writing.

Author’s Declaration

I declare that the work in this dissertation was carried out in accordance with the requirements of the University's Regulations and Code of Practice for Research Degree Programmes and that it has not been submitted for any other academic award. Except where indicated by specific reference in the text, the work is the candidate's own work. Work done in collaboration with, or with the assistance of, others, is indicated as such. Any views expressed in the dissertation are those of the author.

SIGNED: Ignacio Riquelme Espinosa. DATE: 29th of October 2021.

Table of contents

Chapter 1: Introduction

This thesis[1] is an ethnography of intrafamily violence (IFV) procedures in Chilean family courts (FCs). These procedures were implemented in 2005 following the legal reforms creating Chilean FCs (law that creates family courts, 2004, number 19.968) and reforming the IFV law (law that establishes intrafamily violence, 2005, number 20.066). Both reforms faced problems from the beginning, making IFV one of the most challenging issues faced by FCs today (Arensburg and Lewin, 2014; Casas and Vargas, 2011). Still, empirical studies of FCs' IFV procedures are scarce, and there is little knowledge about the scope of the problems, or the methods FCs have developed to address them in practice.

This thesis is the first detailed socio-legal analysis of this new part of Chilean jurisdictional work. The analysis draws on Actor-Network Theory (ANT) scholarship to analyze the socio-technical arrangements that FCs have produced to process and decide IFV cases and the political implications of such arrangements. This ethnography contributes to three main strands of literature. First, the thesis develops the limited scholarship on IFV as a jurisdictional matter in Chile; secondly, it expands the developing Chilean and Latin-American socio-legal scholarship; thirdly, it expands ANT-inspired socio-legal scholarship concerning the analysis of jurisdictional work.

This introduction discusses the significance and contributions of this thesis. It is divided into four parts. The first part provides an overview of the history of and research into FCs´ IFV procedures. This discussion highlights the innovative nature of these procedures in Chile and their problematic and under-researched status. The second part discusses this thesis' contribution to Chilean and Latin American Socio-legal scholarship. The third part is an overview of the thesis´ parts and chapters. Finally, the fourth part concludes this introduction by reviewing its main points and relation to the following part of the thesis.

[1] Parts of this thesis have been published as: Riquelme, I. (in press) El abandono de la violencia intrafamiliar ante los tribunales de familia en Chile: Genealogía de un objeto etnográfico. *Oñati Socio-Legal Series: Una Nueva Generación de Estudios Socio-Jurídicos en Chile.*

1.1 The case for research.

The FCs´ IFV procedures resulted from two legal reforms from a distinctive period of Chilean history. The FCs and IFV laws were late components of the project of state modernization led by the centre-left coalition that governed the country after the end of Pinochet's dictatorship in 1990 (Casas et al., 2006; Turner, 2002). Scholars stressed that these reforms were the achievement of feminist groups persistent demands concerning violence against women and gender equality in Chile (Universidad Diego Portales [UDP], 2006). These demands expressed a rapid social change experienced by the Chilean family since the return to democracy (Arancibia and Cornejo, 2014).

The FCs and the IFV laws entailed paradigmatic modifications in procedural and substantive family law, respectively (Carretta, 2014). Procedurally, the FC law created an entirely new competence specialising in family matters. FCs were part of a larger project known in Chile as "the justice reform" (Bordalí and Hunter, 2016). This project began in 2000 by creating new criminal courts, which introduced a new hearing-based procedural model that broke with the text-based and formalist procedural scheme traditional to the country (Palacios, 2011). Thus, FCs replaced the previous processing of family matters in the country, which involved civil and minor courts, for a new set of specialised courts based on principles of orality and flexibility.

In terms of substantive law, feminist scholars described the IFV law reform as a turning point in the state´s approach to this phenomenon (Araujo, Guzmán and Mauro, 2000). As Casas (2006) explained, the previous (and first) IFV law of 1994 (no 19.325) conceived the IFV work of the courts as a therapeutic intervention focused on reconciling family bonds. The most explicit expression of this approach was the law´s conciliation stage, which meant civil court judges had to explore possible agreements between the parties before continuing with the judicial procedure. In contrast, the 2005 IFV law introduced an approach centred on protecting victims and sanctioning offenders. Consequently, the new IFV law provided a broad notion of IFV, criminalized specific forms of violence, and gave the courts ample discretion to issue precautionary measures to prevent IFV risks.

Both reforms had problems in practice. The implementation of FCs was followed by a series of operational issues, leading to five years described as "the collapse of the family court" system in Chile (Silva et al., 2007;

Casas et al., 2006; González, 2014). For its part, the new IFV law produced serious coordination problems between those institutions involved due to a lack of clear guidelines and the provision of necessary resources for its implementation (Casas and Vargas, 2011; Cámara de Diputados, 2015; Larraín, 2008). One report from the Chilean Supreme Court's Research Department (DECS, 2018, p. 23) described the situation regarding the IFV law, thus:

> "The law is unable to provide jurisdictional tools for generating specific solutions to the different phenomena under consideration … The answers from the government and the judiciary will always be insufficient because they are built on a defective law."

Today, IFV is one of the most challenging issues for FCs (Araujo et al., 2000; Arensburg and Lewin, 2014; Casas and Vargas, 2011): IFV cases are almost 20 per cent of FC cases each year (Ministerio de Justicia y Derechos Humanos [MINJUSTICIA], 2014); there has been a steady increase of these over the last decade (Arensburg and Lewin, 2014); and researchers have noted FC professionals consistently point to IFV as one of the most challenging matters in their work (Casas, 2006; Casas et al., 2010b; González, 2014).

Despite the above, FCs IFV procedures are seriously under researched in Chile. On the one hand, although a body of qualitative research on oral courts has begun to form (Azócar, 2015; Casas et al., 2010a; Fuentes, 2015; González, 2014), Chilean scholars coincide that empirical research on jurisdictional work is very scarce (Hersant, 2014). On the other hand, there is limited literature explicitly focused on IFV. Chilean feminist scholars have promoted and produced most empirical analyses on IFV procedures over the last decade (Arensburg and Lewin, 2014; Casas and Vargas, 2011). Still, these works have focused almost exclusively on criminal jurisdiction. Thus, there is limited knowledge about the logic and practices FCs´ have developed to process IFV and the effects of these arrangements..

In response to the above, this thesis seeks to provide an in-depth empirical exploration of the complexity involved in discerning and deciding IFV cases in the FCs. It focuses on the everyday discourses and practices that FCs have developed as part of their expert knowledge on IFV matters. The analysis seeks to unearth the organisational logic FCs have followed concerning IFV cases and the form of technocratic knowledge this entails. Thus, I´m not concerned with testing failure hypotheses or looking for "gaps" between legal

texts and judicial practice, but with understanding the formation logic of this new site of legal authority in Chile.

The general question guiding this research was:

- How is intra-family violence translated into the everyday work of the family court?

That general research question expressed the exploratory nature of the project. The general question linked two loosely defined topics - intra-family violence and the Chilean family courts' work - through a formal concept expressing the theoretical stance of the project, ANT's notion of translation. The following sub-questions substantiated the above. I developed these sub-questions gradually as the ongoing empirical work provided greater insights into the process of translation at hand. The sub-questions are:

1. How are academic understandings of the IFV legislation reflected in the everyday processing of IFV cases?
2. Which tensions did the gender-neutral approach of the IFV law produce in the FCs' IFV processing?
3. How is jurisdictional competence on IFV framed in the everyday work of the FCs?
4. How are ideas about "risk" stabilized in the everyday processes of the FCs?
5. How is culpability constructed within intra-family violence procedures in the FCs?

The methodology chapter (three) examines the underpinning of these research questions, and the third section of this introduction reviews how the thesis chapters respond to the sub-questions posed. Before this, the following section discusses the contributions of this thesis to Chilean and Latin American socio-legal scholarship.

1.2 An ANT court-ethnography in IFV procedures

This thesis contributes to two lines of Chilean socio-legal scholarship. The first is empirical works on the state's response to IVF. As in other jurisdictions[2], feminist scholars and activists have encouraged and produced most research concerning the violence afflicting primarily women within intimate contexts. Thus,

[2] Particularly relevant to this thesis subject are the works from Merry (2006) and Hunter (2006) from the English-speaking academy, and the work of Segato (2003) within the Latin American context.

feminist scholars have produced fundamental insights into the challenges women face within legal procedures and the difficulties of translating feminist views about violence against women into compatible jurisdictional arrangements. Key Chilean works in this regard include Casas and Vargas (2011) socio-legal analyses of the IFV legislation, Hiner y Azócar's (2015) sociological analysis of the legislative debate of the IFV law, Arensburg and Lewin's (2014) analysis of narratives from women involved in IFV criminal procedures, and Haas' (2010) work on Chilean feminist movement's policy-making strategies. Feminist associations and NGOs´ literature form another significant part of IFV literature (Arce, 2018). These works record and reflect upon the various ongoing struggles to achieve legal arrangements responding to women's concerns and advancing a feminist view within the Chilean state.

This thesis draws significantly on feminist works above, which illuminate various parts of the thesis. However, it develops a different and complementary focus. The thesis concentrates primarily on the complexities and difficulties in the operation of the IFV procedures and the ethical and practical challenges faced by the practitioners. Thus, the thesis´ core is the FCs´ authority-building process - rather than the mismatches between court work and women´s experiences of violence or the goals of the Chilean feminist movement. There are theoretical and methodological reasons for the approach above. I sketch these here and discuss them further in chapters two and three.

First, my white male positionality entails limitations concerning a gendered phenomenon like IFV. Thus, ethical considerations led my fieldwork away from the parties to IFV cases, considered vulnerable subjects in this research. My data did not include interviews with lay participants in IFV procedures (claimant or defendants). I chose not to fill this gap theoretically, which entailed portraying their voices through abstractions not based on the data and distant from my personal experience. I considered this to be problematic, particularly concerning IFV women claimants. Instead, I chose to focus on the work and expertise FCs practitioners as I thought myself well-positioned to analyse this object as a Chilean male lawyer and sociologist. Secondly, I decided not to assume a feminist viewpoint concerning the FCs´ IFV work. By which I mean a line of analysis concerned primarily with jurisdictional work´s effects on women as a social group and feminism as a political movement (Aedo y Barrientos, 2018). This decision followed reasoning similar to the above. I considered myself ill-equipped to represent such a voice concerning my research object. As chapter five discusses, fieldwork posed an empirical challenge in this regard because FC professionals were predominantly female, many knowledgeable in feminist theory and history, and

some self-described as feminist. However, their work clashed with the views of feminist lawyers representing women in court. Inspired by ANT literature and my own positionality, I decided not to close these controversies theoretically but to contribute to the debate by mapping these empirically within the jurisdictional exercise.

I consider this thesis' approach as my way of contributing to the debate that women and feminist movements have raised and sustained concerning male violence within intimate settings. Thus, Chilean feminist researchers' critique of IFV procedures´ functioning and how this hinders women's access to justice is a pillar in this research. This thesis departs from this problematization to provide an additional perspective focused on the challenge of producing and maintaining legal authority in the context of political and technical instability. Correspondingly, this thesis assumes its collaboration with a more extensive research community, including researchers best positioned to articulate women voices and feminist politics concerning jurisdictional action.

This thesis´ second contribution to Chilean scholarship concerns literature on the justice reform process. Chilean research about courts has been traditionally doctrinal and far removed from socio-legal analyses. As Millaleo (2014, p. 12) argued: "very few works are conceptualized as legal sociology or socio-legal research in Chile. Those that are, are mostly theoretical analyses without empirical basis and distant from the country's specific socio-political processes." This thesis contributes to the nascent group of socio-legal scholars concerned with empirical analyses of the judicial reform process unfolding in the country over the last 30 years (Hersant, 2014).

More specifically, this thesis strengthens legal and court ethnography in Chile. This specific strand of socio-legal research has begun to develop recently in Chile through authors like Azocar (2018), looking at the role of emotions in the everyday work of FCs; Le Bonniec (2014), studying the criminal processing of indigenous people in the south of Chile; and Feddersen (2021) looking at the manufacturing of legislation within the bureaucracy of the executive. Nevertheless, ethnographic understandings of legality are still rare in Chile. As Le Bonniec (2014, p. 116) noted: "Various works allude to ´legal culture´ in Chile and Latin America. However, very few actually research this as a cultural phenomenon, that is, from disciplines commonly used to apprehend the traditions, habits or beliefs conditioning human groups."

Beyond Chile, this thesis contributes to a small but growing group of scholars working with ANT to analyse Latin American legalities. As Barrera and Latorre (2020, p. 96) explained, this formed a new line of Latin American researchers proposing "a different kind of engagement with bureaucracy, which through an ethnographic lens on the technical dimension of law, reveals a different modality of how law works: one that emphasises the law's constitution and its constitutional force .." Key works within this growing wave to which I aspire to contribute are Barrera's (2012) ethnography on the construction of legal knowledge in the Argentina supreme court, Buchely's (2015) analysis of Colombian administrative law bureaucracy, and Amietta's (2020) ANT inspired court ethnography on jury work in Cordoba, Argentina.

1.3 The structure of the thesis

This section provides an overview of the parts and chapters of the thesis, highlighting its contribution to ANT scholarship on courts' work. On the one hand, this thesis is concerned with a jurisdiction unusual in ANT socio-legal literature. Previous ANT court-ethnographies have focused mainly on European (Latour, 2010) and North American (McGee, 2015) courts. Thus, Chilean lower courts represented a new research site unexplored previously by this literature. On the other hand, the thesis uses its empirical findings to suggests new ANT-inspired conceptualizations concerning jurisdictional activity.

The thesis contains eight chapters in addition to this introduction. These are grouped into three sections, plus the conclusion. Section one comprises the theoretical and methodological framework (chapters two and three, respectively). These chapters stress ANT´s usefulness for analysing "messy" research objects -such as the FCs' IFV procedures- containing multiple controversies or clashes between representations of reality and, thus, making it difficult to produce a single authoritative version of the object.

Chapter two is the theoretical framework. This chapter discusses ANT's performative understanding of authority and its use in this thesis to analyse the FCs' legal representation of IFV. ANT scholars suggest studying social phenomena in terms of empirical processes stabilising material-semiotic networks. This approach places fluidity and contingency at the core of research, thus focusing on the empirical relations stabilising or performing identities of various sorts. As Mol (2010) explained, ANT's emphasis is on understanding how things are done before naming who does what. From this stance, ANT scholars

suggested analysing authority as the result or effect of an empirical ordering process enabling a given actor (like the FCs) to represent or speak on behalf of others (like those involved in the judicial procedure). ANT scholars call this process "translation". This thesis suggests conceptualising jurisdiction exercise as a particular form of translation performing legality.

The third chapter discusses the methodology of this thesis. First, this chapter discusses the thesis' research questions and the plan of action devised for the fieldwork. Next, the chapter discusses fieldwork, which extended for 10 months from April to December 2017 in two Chilean FCs and other institutions related to the FCs' IFV work (including the National Women Service (SERNAM), the Legal Aid Corporation and the prosecution). I carried out observation, 48 interviews with professionals, and document collection during this period. After discussing the fieldwork, chapter three examines the thematic analysis of the data and the writing of the thesis. Finally, it concludes with a discussion of research ethics and limitations. This discussion stresses the absence of lay participants from my interview sample and how this makes this thesis silent regarding the experience of IFV claimants in court, most of whom were women.

Section two of the thesis consists of two chapters discussing the context of the FCs´ IFV procedures. These chapters provide a panoramic understanding of the historical, cultural, legal and institutional setting in which the FCs´ IFV procedures have unfolded. Beyond this, section two develops a methodological argument concerning the research context. This argument draws on ANT´s critique of the notion of context as an explanatory resource. As Asdal and Moser (2012, p. 292) put it, "that which we cannot see or study directly, but which we nevertheless invoke in order to explain events and people's actions". Thus, part two develops a situated contextualization inspired by Mol's notion of ontological politics. It focuses on how FCs IFV procedures created their own context by excluding specific versions of reality from jurisdictional practice.

Chapter four analyses the relationship between scholarly representations of the IFV procedures legislation and the version performed in the everyday processing of IFV cases. The academic versions included socio-legal and doctrinal works, which stressed the messiness of the FCs and IFV laws. On the one hand, socio-legal scholars demonstrated legislative, government and judicial authorities underrated women-focused legislation politically, producing a poor debate and implementation in practice.

On the other hand, doctrinal works criticized the technical quality of the legislation, highlighting its conceptual flexibility, which produced judicial discretion and hindered scholar juridical knowledge. In contrast to the above, FCs performed a clear and decisive version of the legislation in their everyday work on IFV cases. This chapter looks at how FCs achieved this authoritative version of these laws, which placed scholarly claims of ambiguity and confusion outside jurisdictional exercise.

Chapter five discusses the relationship between the gender-neutral version of IFV within the FCs procedures and gendered versions of IFV outside these. The IFV law utilized gender-neutral conceptualization but was framed within international agreements committing the Chilean state explicitly on gender violence. Thus, gender occupied a controversial role concerning IFV. The FCs processing of IFV cases clashed with the gendered understanding of IFV from other institutions. Specifically, the culturalist understanding of IFV promoted by the Chilean National Women Service (SERNAM) and the statistical view in academic and policy reports. These versions clashed with IFV procedures representation of IFV. This chapter empirically analyses the controversies concerning gender in IFV, providing an original understanding of the challenges of translating gender into a jurisdictional exercise in Chile.

Part three of the thesis discusses the content of IFV procedures. It includes three chapters focused on the FCs translation of IFV through the processing of IFV cases. Part three uses the notion of jurisdiction to describe the FCs distinctive kind of translation—a process stabilizing a material-semiotic network linking facts and law.

Chapter six is a socio-legal analysis of IFV competence issues. I draw on Callon´s idea of framing to discuss how FCs responded to competence issues in the IFV law and the effects of these responses. The IFV law was problematic in terms of competence because the criminal and family system limits were not clear and the number of IFV claims exceeded the capacity of the FCs. FCs responded by filtering claims that should and should not be processed as IFV. This selection of cases determined the limits of the FCs competence and, therefore, IFV as a legal matter. Moreover, framing the FCs´ IFV competence oriented these courts´ jurisdictional exercise by controlling which cases were more and least relevant to the process. Thus, FCs competence focused on IFV risk management and deemphasized establishing culpability.

Chapters seven and eight discuss IFV risks and culpability during the pre-trial and trial stage of the procedure, respectively. Again, I draw on Callon's idea of interessement to analyze the FCs representation strategies concerning risks and culpability.

Chapter seven suggests FCs' IFV risk assessment involved a diplomatic form of interessement. FCs evaluated risks based on a loose technicality that predicted IFV events vaguely through qualitative analyses of claimants' performance in court. This flexible technical approach enabled a political balance between multiple actors concerned with the processing of IFV cases. This balance was based on the FCs' risk assessment's leniency towards claimants' requests. For its part, chapter eight suggest the representation of IFV culpability during trials involved a legalist interessement strategy. As opposed to the technical flexibility of diplomatic interessement, IFV cases' adjudication followed a rigid and standardized technical pattern. This pattern made the defendant's culpability hinge on a single piece of evidence: the psychological reports of the parties. The FCs' approach to culpability was problematic because psychological reports were expensive and difficult to obtain. Thus, claimants saw their prospects of success were severely diminished, while FC professionals felt trapped within a rigid and dysfunctional scheme of adjudication. The two chapters above argue FCs IFV procedures contained two contrasting ways of stabilizing legal meaning. FC professionals expressed unease with both due to the unbalanced understanding of legality these contained - overemphasizing politics in the case of IFV risks and legal technicality in the case of culpability

Chapter nine concludes the thesis. This chapter reviews the main arguments made, stressing this thesis` contribution to the literature. I discuss the thesis response to each sub research question and how these substantiate my response to the general research question. Then, the conclusion discusses the contributions these analyses entail for Chilean and Latin American research and ANT research on jurisdictional activity. Lastly, I discuss research limitations and potential further lines of scholarship.

1.4 Conclusions

This chapter discussed the significance and contributions of this thesis. The first section addressed the history and state of research on FCs IFV procedures. These procedures involved two reforms innovative in Chile. The FCs reform creating an institution specialized in family matters based on a new oral and flexible procedural scheme. And the IFV reform, which changed the State´s approach to this phenomenon and

focused jurisdictional work on protecting victims and sanctioning offenders. The research stressed that both reforms posed significant problems in practice. However, research on IFV procedures was limited, more so research specialized on FCs` work on this matter. This thesis was the first ethnography of FCs' IFV procedures in Chile. Hence, its significance. Previous to this thesis, there was no in-depth analysis of the everyday discourses and practices of FCs IFV procedures, the kind of legal expertise these involved and their political effects.

The second section discussed this thesis´ contribution to Chilean socio-legal research. This section stressed the incipient socio-legal reflection concerning Chilean jurisdictional work. I suggested that this thesis contributes to an interdisciplinary socio-legal understanding previously absent in Chile. The thesis´ ANT approach innovates concerning the current Chilean socio-legal approach structured upon the divide between law in the books law in action. The third section summarized the thesis parts and chapters. I argued that the thesis expands ANT socio-legal scholarship to a jurisdiction not addressed previously: the jurisdiction of Chilean lower courts. From this stance, the thesis expands ANT concepts, developing new insights for the analysis of jurisdictional exercise. The part that follows contains two chapters discussing the theoretical and methodological approach of the thesis.

Part one: Theory and methods

Chapter 2: An ANT inspired court ethnography

ANT is a school of empirical research that originated within science and technology studies (STS). Its primary authors - Michel Callon (1981), Bruno Latour (1986a), and John Law (1984) - developed ANT to analyse the production and circulation of scientific knowledge in society empirically. Their approach combined ethnographic and ethnomethodological insights with poststructuralist and pragmatist philosophy. ANT quickly surpassed STS boundaries, evolving into an empirical methodology focused on the epistemic groundings of diverse knowledge processes. Over the last 20 years, ANT has inspired socio-legal research, problematising conceptual divides between material/ideological and technical/social aspects in legal knowledge-making. ANT inspired socio-legal researchers have thus developed a new understanding of the material-semiotic relations underpinning a legal view of reality. This chapter discusses ANT´s analytical stance and its resources to this thesis.

The chapter's discussion is divided into four parts. The first part discusses the interplay between theory and methods in the socio-legal court research through approaches different from ANT. This discussion is organized around the sociological divide between structure and agency and briefly discusses Bourdieu's response to this conceptual divide. The second section discusses ANT's ontological and epistemological stance. It suggests ANT stressed phenomena's stability/instability dynamic rather than the sizes or levels of reality in the structure/agency paradigm. Thus, ANT shifted the sociological focus from steady identities (like social structures or individual agents) to empirical processes stabilizing or performing contingent human-nonhuman networks. The second section finishes with a discussion of the main critiques of ANT's stance. The third section discusses three ANT conceptualizations that are the main influences on this thesis: Callon's work on translation and framing, Mol's idea of ontological politics, and Latour's views on legality and court work. Finally, the fourth section concludes with a discussion of this chapter's relation to the rest

of the thesis. These conclusions stress this thesis' view of legal authority or jurisdiction as a form of translation: the effect of a material-semiotic ordering process stabilizing meaning by linking facts and law.

2.1 The Homo-duplex in Court Research

The conceptual distinction between agency and structure has traditionally expressed the tension between individuals' intentions and freedom and the surrounding constraints controlling their actions (Giddens, 2014). Durkheim (2005) coined the term "homo duplex" to describe this double-layered view of reality. On the one hand, humans mould their environment through their decisional capabilities. On the other, human actions are conditioned by external social facts or structures (like institutions or cultures). As Giddens (2014, p. 52) put it, the homo-duplex articulates sociology's "attempts to understand the relative balance between society's influence on the individual (structure) and the individual's freedom to act and shape society (agency)."

Socio-legal research has relied on the homo-duplex paradigm to understand the work of courts (Cotterrell, 1992; Scheffer, 2007; Travers, 1993). Debates between structuralist versus interpretative or macro versus micro approaches are found across decades of socio-legal research (Atkinson, 1979; Banakar and Travers, 2005; Cowan and Wincott, 2015; Scheffer, 2005; Travers, 1993; Travers and Manzo, 1997). Most empirical socio-legal research relies on a combination of both structural and agential elements in its analyses. However, the precise point of distinction between one level and the other is obscured for the most part. This has been highlighted by socio-legal scholars arguing for further theoretical development concerning empirical socio-legal work (Scheffer, 2007; 2005). In this regard, Cowan and Wincott (2015) stressed the relevance of the structure/agency opposition in socio-legal studies´ metatheoretical reflection - i.e. the analysis of how this academic endeavour understands the world and itself.

At one level, the image of a dual reality can be found in traditional doctrinal reflections on judicial interpretation. Banakar (2000) and McGee (2015) argued that doctrinal thinking is commonly organized under an image of the law as an abstract and coherent entity. A specific social structure, waiting to be materialized (and distorted) through individuals' interpretation. The role of the doctrinal scholar is thus to clarify law's internal coherence and help control the inaccuracies of empirical expressions. Ewick and Silbey (1998, p. 76) described this as a particular form of hegemonic legality, 'before the law': where the law is

represented as “a powerful, apparently autonomous place of ordered rationality whose capacity transcends particular human actions … Law and everyday life are seen in juxtaposition and possible opposition.” Smart’s (1998) poststructuralist feminist critique deepened this conclusion, stressing how the abstraction above plays a pivotal factor in upkeeping the power of legal knowledge in society and silencing alternative modes of signification - like those raised by women about their everyday experiences.

Despite this widely held socio-legal critique of doctrinal abstraction, the underlying paradigm is reproduced through alternative sociological structures within socio-legal analysis (Atkinson, 1979; Lazarus-Black, 2007; Mirchandani, 2005). For example, Hawkins (1992, p. 30) criticized the doctrinal view representing judicial discretion as a case of an “unfettered legal action”. However, Hawkins reintroduced the structure/agency division by resorting to non-legal structural forces when expanding the frame of analysis. In this sense, he argued:

> “while lawyers may conceive a part of a legal system without rules as one of absolute discretion, it does not make sense from a social scientific point of view to speak of ´absolute´ or ´unfettered´ discretion, since to do so is to imply that discretion in the real world may be constrained only by legal rules, and to overlook the fact that it is also shaped by political, economic, social, and organizational forces outside the legal structure.”

The conceptual divide above has produced an epistemological divide, each side with its preferred methods and modes of analysis. Structuralist readings of court work are characterized by their top-down disposition. Thus, the researcher’s pre-ordained concepts (about class, gender, or social systems) are resources to decode empirical variation and explain how social structures condition court practices. Bankowski and Mungham’s (1976) work on the Law and the legal profession is one example of Marxist structuralist analysis in this vein, stressing how particular forms of professional socialization explained the work of judges and lawyers in practice.

Criticisms to structuralist approaches have stressed that these analyses obscure the creativity of court actors. As Travers (2007, p. 24) put it, “what matters to the judge and other professionals involved in a particular legal case disappears or becomes irrelevant.” Structuralist analysts are thus said to assume an expert stance, presuming their analytical categories are better equipped than those of research

participants to identify the true principles underlying court practices. The analyst thus resorts to its expert knowledge of social dynamics to explain empirical data through notions alien to participants. Travers´ (1999, pp. 27-28) ethnography on British immigration courts presented this critique and contrasted the micro or interpretative sociological approach.

> "This kind of [Marxist] analysis does not address the day-to-day experiences of members of racial and ethnic groups, or how they understand their prospects and problems in British society. Instead, it puts members of these groups into the broad categories of 'race' and 'class', and then discusses problems arising from how the relationship between the two categories have been understood within Marxist theory … There is, however, an alternative way of thinking in sociology, known as the 'interpretive' or 'action' tradition … The aim here is not to construct a body of theory – neo-Marxist, poststructuralist, or whatever – to explain people's actions, but to explicate how social actors understand their own activities."

Micro or interpretative analyses of court-work have focused on court actors´ negotiation of meaning and ad hoc responses to their surroundings (Atkinson and Drew, 1979; Dupret, 2011). In this way, microanalyses highlight the creative impulse of participants and the empirical diversity of legal work. Mack and Anleu (2016, 2007) works are fruitful examples of this approach, showing the strategies developed by lower court judges to manage time, pressure, and uncertainty in their work. Another example is Conley and O'Barr's (1990) conversation analysis, exploring the interactive logic that lay people face when interacting with small claim courts in the U.S.

Micro-sociology criticism has pointed towards its limited account of how local interaction relates to and reproduces large-scale social phenomena (like systemic biases concerning class or gender). As Scheffer (2007) noted, analyses focused strictly on individuals´ interactions depict courts as a closed system somewhat in which meaning builds independently from social conditionings. Therefore, it is hard for the researcher to explain how seemingly unconnected situations (like interactions in a specific court or professional group) fit into large social patterns. In other words, if court-work is examined based only on individuals´ interactions and ad hoc responses, structural social conditions are obscured.

The conceptual puzzle posed by the homo-duplex has inspired social thought for decades - Bourdieu (1977), Knorr-Cetina and Cicourel (1981), or Giddens (1984). Before discussing ANT´s approach to this challenge, I briefly look at Bourdieu's response. An analysis of Bourdieu´s rich theoretical is beyond the possibilities and aims of this work. Instead, This discussion aims to sketch one well-established way of approaching this debate to provide a conceptual contrast to ANT's perspective. Moreover, Latour´s (2005) has commonly referred to Bourdieu´s work to contrast and explain ANT, allowing me to provide a more straightforward discussion of ANT by following Latour.

2.1.1 Bourdieu´s response; habitus and social fields

Bourdieu´s (1977) concepts of habitus and field are widely recognized responses to the structure/agency divide. These concepts have served to describe fruitfully how social structures are internalized (or embodied) by individuals, at the same time as individuals shape social structures through their practices.

Habitus referred to the gradual embodiment of social conditioning. Individuals, Bourdieu argued, inhabit distinguishable positions within society (as a result of, for example, their class, gender, profession, and so on). The experience of such places has a formative effect on them and produces shared subjectivities among individuals of the same group. Participating in a group, that is, engaging in common practices, entails a process of socialization that structures individuals´ future dispositions towards action. As Maton (2012, p. 66) explained, the concept of habitus links the social and the individual "because the experience of one's life course may be unique in their particular contents but are shared in terms of their structure with others of the same social class."

Habitus describes a particular subjectivity orienting individuals´ actions or practices. These practices, Bourdieu notices, unfold within a context with a sociologically discernible structure. Bourdieu suggests the notion of the social field to designate these spheres or domains of action. Social fields describe semi-autonomous space within society (such as the legal, political, or artistic field) organized around specific forms of power or capital. These involved empirically observable areas built upon its participant´s belief in the legitimacy and value of the capital this contains. As Schinkel (20017) and Thompson (2003) explained, social fields orient individuals´ interests and functions by determining what is valuable or non-valuable, acceptable or non-acceptable, in a particular social setting.

Bourdieu's analysis related the concepts above to explain the underlying logic of concrete practices. His approach involves interpreting the empirical data by describing the structure and dynamics of particular fields, the logic of distribution of capitals, and the participants' habitus (Moore, 2012; Thompson, 2003). Bourdieu's analysis of the juridical field (1987, p. 833) was one example of this approach. In it, Bourdieu mobilized the notion of habitus to explain the consistency of judicial practices:

> "The predictability and calculability that Weber imputed to 'rational law' doubtless arise more than anything else from the consistency and homogeneity of the legal habitus. Shaped through legal studies and the practice of the legal profession on the basis of a kind of common familial experience, the prevalent dispositions of the legal habitus operate like categories of perception and judgment that structure the perception and judgment of ordinary conflicts, and orient the work which converts them into juridical confrontations."

Bourdieu's concepts have proven useful for analysing power dynamics between social groups in different settings or social fields. Like the academic, religious or artistic field. Nevertheless, essential issues still arise for the empirical researcher and, more specifically, for an interdisciplinary exploration of courts (which, as I show in the next section, ANT scholars have sought to address).

As in previous structuralist approaches, Bourdieu's analysis suggested an inquiry into deep structures operating beyond or underneath experience (Thompson, 2003). Habitus and social fields are entities occurring at an abstract level. As Maton (2012, p. 61) notices, "one does not see a habitus but rather the effects and beliefs to which it gives rise". Therefore, Bourdieu suggests unearthing structures governing action that are mostly hidden to actors on the field. As Prabhat (2016, p. 9) explained, "those located within the juridical field may themselves remain unaware of the presence or effects of the forces, as it becomes part of their personal and contextual conditions." Consequently, this analytical stance renders participants' self-descriptions (that is, the language and rationalities through which they refer to their surroundings) secondary in the analysis. Those self-descriptions are symptoms or epiphenomena of forces requiring a sociological language to be expressed. Maton (2012, p. 56) explained this idea:

> "Bourdieu argues that previous accounts tend to focus on regular practices or habits rather than the principles underlying and generating those practices. What may be 'invisible relationships´ to the

> untrained gaze because they are obscured by the realities of ordinary sense-experience, are, to Bourdieu, crucial to understanding the social world."

The authoritative position Bourdieusian concepts require from the researcher has significant consequences for an interdisciplinary research project. Namely, it demands a belief in the capacity of sociological methods to produce a more accurate or perfect view of an object (like courts) than, say, legal notions.

As Schinkel (2007) noted, Bourdieu based this sociological authority on the potency of quantitative methods. Statistical methods were crucial for the sociologist ability to objectify social positions, situate individuals, and infer habitus. However, Schinkel added, this meant that Bourdieu´s approach had to exclude those same methods from his critical reflection. The above rendered Bourdieusian concepts strongly disciplinary because these were validated based the researcher's own methods. Thus, they galvanized the analysis from critiques foreign to its conceptual language and generated a closed disciplinary discussion. Habitus and field, for example, were concepts observed empirically by the sociologist, but participants´ themselves had no means to challenge or disprove them.

This analysis logic poses a problem for an interdisciplinary discussion of court work, as it positions socio-legal research in a conceptual domain alien to the legal debate. This is something that socio-legal scholars in the last decades have criticized. Riles (2011, p. 15) noticed that "Socio-legal scholars have long assumed a certain outsider perspective on the law."; while Banakar (2000, pp. 273-274) argued that:

> "The overwhelming majority of sociological studies of the law are conducted extraneously to law focusing on the interaction between legal and social factors. These studies stop short of taking 'the final and logical step from sociology into law' leaving the black-letter or substantive aspect of the law intact, as a result of which 'most legal academics feel able to dismiss sociological studies as peripheral to the "real" nature of law as an activity of heightened academic, textual reasoning."

This line of reflection has inspired fruitful developments in recent socio-legal research aiming for an approach standing simultaneously inside and outside of law (Cowan and Wincott, 2015). These developments have been inspired importantly in by ANT scholarship and are a main influence in this thesis.

2.2 Actor-Network Theory (ANT)

ANT scholars developed a line of analysis stressing contingency and flow in empirical sociological research. Rather than focusing on set sociological notions to explain practices (like social fields or individuals´ habitus), ANT suggested analysing empirically the processes producing stability and endurance in social phenomena. This is analytic reversal led ANT to replace the structure/agency divide with the notion of Actor-network: temporary assemblages of human-nonhuman relations underpinning social action empirically. Law (1992, p. 380) explained ANT´s emphasis:

> "If we want to understand the mechanics of power and organization, it is important not to start out assuming whatever we wish to explain … If we do this, we close off most of the interesting questions about the origins of power and organization. Instead we should start with a clean slate. … Then we might ask how some kinds of interactions more or less succeed in stabilizing and reproducing themselves: how it is that they overcome resistance and seem to become ´macrosocial`; how it is that they seem to generate the effects such power, fame, size, scope or organization with which we are all familiar."

This section discusses ANT by drawing on the main lines of thought influencing it. I draw on key concepts from Foucault, Garfinkel, and Whitehead to demonstrate their development in ANT´s empirical methodology. Others (such as Law and Hassard, 1999) have organized their discussion of ANT around particular projects to demonstrate its "ontological choreography"; or (such as Latour, 2005) have produced a more programmatic version of its foundations and underpinning positions. My discussion strategy entails limitations and possibilities. On the one hand, it amounts to a selective reorganization of lines of scholarship and thinkers whose complexity exceeds this chapter´s possibilities greatly. On the other hand, however, it allows me to present ANT as a porous and interconnected school of research—itself a changing identity, rather than a fixed or closed conceptual system. This approach is consistent with ANT scholars' reflections about their work over the years (Latour, 1999a). As Law and Singleton (2013, p. 485) argued,

> "ANT theory isn't reified, separate or abstract. It doesn't pre-exist, waiting to be applied. Instead it is created, recreated, explored and tinkered with in particular research practices. Perhaps ANT is best understood as a sensibility, a set of empirical interferences in the world, a worldly practice or a craft."

First, I consider the influence of poststructuralist thought in ANT through Foucault's notion of problematization. Then, I discuss ANT's problematization of social structures based on Garfinkel's work and the problematization of agency based on Whitehead's.

2.2.1 Origins of ANT: Problematization

One of ANT´s earliest concerns was with the constraints faced by science and society studies in the 1970s. As in other subfields, STS faced the limitations of the homo-duplex paradigm. While macro-approaches focused on the aggregated relations between scientific institutions and other social structures, the micro-sociology of science restricted itself to scientists´ interactions within laboratories. Latour (1983, p. 142) explained the challenge:

> "Many analysts of STS are proud of not entering at all into the content of sciences and into the micro level of scientific negotiations, while, at the other end of the spectrum, some analysts claim that they are interested only in controversies between scientists, or even claim that there is no society at all or at least no macro society about which something serious could be uttered."

As Latour (1999a) explained, ANT scholars' goal was to design a methodology that circumvented the homoduplex's frame of analysis and was still capable of orienting the researcher. ANT's response combined a relational or nondualist epistemological stance with a strong empirical emphasis. The aim was to avoid macro-sociological notions - which could obscure the particularities of scientific practice - and simultaneously expand observation beyond an internalist account of the laboratory. Latour (1999b) referred to this research agenda as "opening the black box in scientific practices." This entailed expanding the exploration of scientific knowledge through a systematic thematization of available sociological conceptualizations and detailed documentation of scientific practices. The idea was to counteract the researcher's familiarity with pre-given categories of analysis and to account empirically for the conditions enabling scientists to transit from a particular and ephemeral experience to a clearly articulated and steady scientific object. Latour (1999b, p. 304) explained this view

> "BLACKBOXING: An expression from the sociology of science that refers to the way scientific and technical work is made invisible by its own success. When a machine runs efficiently, when a matter

> of fact is settled, one need focus only on its inputs and outputs and not on its internal complexity. Thus, paradoxically, the more science and technology succeed, the more opaque and obscure they become."

ANT scholars produced a strongly relational and empirical understanding of knowledge-making from this stance. They suggested the solidity of scientific claims hinged upon the composition of a particular relation between subject and object of knowledge - and not of a constant parameter independent of that relation. Moreover, this relation was contingent upon heterogeneous aspects that were material and symbolic, human and nonhuman, technical and social.

The basis of ANT´s response to the structure /agency debate was in poststructuralist scholarship. Particularly, in the work of Foucault and Deleuze. As Law (2009, p. 6) explained, "actor-network theory can also be understood as an empirical version of post-structuralism." Latour´s concern with scientific black boxing thus mirrored methodological insights Foucault discussed through the notion of problematization.

Problematization described a reflective methodology concerned with the conditions under which specific parts of the world come to lose their familiarity or givenness to become matters of interrogation and debate at different points in history (Dean, 1996). Rather than seeking the true or correct mode of representation, Foucault´s sought to concentrate on the provisional processes implicated in the structuring of the distinction between truth and falsity itself.

> "is the analysis of the way an unproblematic field of experience, or a set of practices which were accepted without question, which were familiar and silent, out of discussion, becomes a problem, raises discussion and debate, incites new reactions, and induces a crisis in the previously silent behaviour, habits, practices, and institutions." (Foucault, 2001, p. 74)

Foucauldian scholars have suggested problematization involves two inseparable facets (Bacchi, 2015; Barnett, 2015; Koopman, 2013). This conceptualization captures the research disposition ANT will develop empirically concerning scientific knowledge. First, as a noun, problematization refers to a particular object of analysis. It aimed to "Critically show the way in which certain practices, beliefs, and conceptions have become problematic in the history of thought due to the contingent intersection of complex set of enabling

and disabling conditions" (Koopman, 2013, p. 95). Secondly, as a verb, problematization refers to an analytical disposition requiring critical inquiry, focused on the taken for granted and underscoring the provisional shape of any problem and solution. Likewise, ANT scholars develop a research agenda placing contingency and scepticism at the centre of the analysis, making its goal to demonstrate the black-boxing or stabilization of reality empirically.

2.2.2 Stabilizing networks

The above research approach led ANT scholars to suggest an alternative take to the structure/agency debate. Rather than focusing on different levels of reality, ANT scholars concentrated on the ordering processes underpinning micro and macro-sociological identities. The heart of research was the tension between stability and change rather than the division between individual agents and sociological structures.

ANT scholars drew on micro-sociological insights to problematize structuralist sociology (Latour, 1999b; Law, 2003; Law, 2009). Particularly on the works of Ethnomethodology (Garfinkel, 1967, 2002) and Symbolic Interactionism (Goffman, 1971). The basic premise was that researchers should not presuppose social order or the stability of meaning. Instead, the researchers´ task was to demonstrate how shared patterns of meaning emerged from practical and empirically accountable actions.

Garfinkel´s concept of indexicality summarized the methodological approach above. Indexicality stressed it was impossible to describe rigorously social phenomena through a prefixed interpretation system. Structuralist views, Garfinkel noted, tended to reduce the context of action to an accident or added feature within their analytical frames. As Foster (2010, p. 457) put it, Garfinkel suggested that "meanings are wholly dependent upon the contextual factors that are present when the word/symbol/sign is used" Consequently, Potter (1996, p. 45) added:

> "Language understanding in this view is not a product of shared semantic representations - a sort of mental dictionary that all speakers can look up - but is the consequence of shared procedures for generating meaning in context."

Garfinkel´s research on juries in the US was one example of the significance of the ethnomethodological turn. Garfinkel examined jurors´ decision-making process by looking at the interactional dynamics experienced by laypeople as they participated in this activity. His research differed from previous analyses focused on classifying jurors´ biases regarding gender, race, or age. Instead, Garfinkel focused on what he called the dialectic of becoming a juror. One of Garfinkel´s findings was that juries often made decisions under conditions of great uncertainty. However, these decisions were re-signified ex-post to construct a coherent and legitimating narrative. This view problematized prior analytical models, which presupposed a steady identity to jurors—individuals with a clear set of decision-making dispositions merely receiving information during the judicial process. Rather, Garfinkel showed, jurors' identities and interpretations depended significantly on their experience of the role.

In line with ethnomethodological insights, ANT scholars suggested turning structural entities - which were common resources in sociological explanation - into topics of analysis (Murdoch, 2006). This approach did not deny the reality of social structures. However, it refused to use them as explanatory causes in the analyses. As Cloatre (2013, p. 15) explained, sociological categories "are part of the 'explained' or 'to be explained', rather than explanatory."

ANT's most prominent feature was its problematization of the agency notion. ANT scholars suggested conceptualizing actors or the responsible for a change as a scheme of human-nonhuman relations, thus distancing from the human-centred understandings developed by macro and micro-sociological analyses. Rather, ANT studies argued that humans inhabited a dynamic of stability and change involving the ongoing and mutual determination between symbolic and material and that nonhumans were key actors in this process. Traditional sociological approaches, ANT scholars added, relied on conceptual tools presupposing a marked distinction between the human or cultural sphere (the focus of sociological analysis) and the nonhuman or natural domain (which belonged to the natural sciences). Therefore, these have tended to downplay or ignore materiality's role in their empirical analyses.

Latour (1993) called the above analysis strategy "the modern constitution". This designated the particular paradigm devised by modern science to stabilize knowledge, which separated the human or cultural from the nonhuman or natural. This strategy, Latour argued, created certainty at the expense of obscuring or

neglecting the mutual determination humans and nonhumans had in the process of knowledge-making. Thus, ANT proposed a form of analysis focused on this ongoing dynamic of co-production or "ontological choreography", as Law called it.

The heart of ANT's proposal was rooted in Whitehead's pragmatist philosophy of science (Latour, 2014). In particular, in Whitehead's (2015) critique of the conceptual divide between subjectivity and objectivity in scientific knowledge, he called the bifurcation of nature.

Whitehead argued that modern theories about scientific knowledge were based on a fundamental incongruence. This incongruence stemmed from the dualist conceptualization of scientific knowledge inherited from Descartes. Cartesian dualism, Whitehead argued, rooted the solidity of scientific knowledge on the clear separation between knowing subjects and known objects. As Stengers (2008, p. 91) explained, the cartesian paradigm "divides the world into objective causal nature, on the one hand, with the perceptions of subjects on the other. On such a view, truth lies in a reality external to such subjects, and it is the task of science to deliver clear and immediate access to this realm." The bifurcation of nature thus produced an unsolvable inconsistency. Under this logic, human perception and subjectivity came to be conceived as an extra layer introduced upon an independent world of objects. However, Whitehead noted, all knowledge of reality demanded human perception. Thus, the cartesian notion of objectivity produced a stable natural world that was inaccessible to humans at the same time.

> "What I am essentially protesting against is the bifurcation of nature into two systems of reality, which, in so far as they are real, are real in different senses. One reality would be the entities such as electrons which are the study of speculative physics. This would be the reality which is there for knowledge; although on this theory it is never known. For what is known is the other sort of reality, which is the byplay of the mind. Thus there would be two natures, one is the conjecture and the other is the dream." (Whitehead (2015, p. 21).

Descartes´ conceptualization produced a reality with two opposite and incommensurable natures. On the one hand, the objective world of nature. On the other, the subjective human experience. Thus, the philosophy of science was led to a dead-end, Whitehead argued. Theorizing knowledge demanded the impossible task of completely separating the subjective from the objective. The bifurcation of nature (or

the modern constitution, as Latour called it) engendered an unresolvable clash between theories explaining science as completely independent from human subjects, and theories reducing scientific achievements to subjective accords. Whitehead (2015, p. 20) explained this:

> "This is exactly what scientific philosophers do when they are driven into a corner and convicted of incoherence. They at once drag in the mind and talk of entities in the mind or out of the mind as the case may be. For natural philosophy everything perceived is in nature. We may not pick and choose. For us the red glow of the sunset should be as much part of nature as are the molecules and electric waves by which men of science would explain the phenomenon. It is for natural philosophy to analyse how these various elements of nature are connected."

Whitehead proposed a non-dualist conception of nature, determining ANT´s empirical sociological approach. Whitehead proposed dissociating from the subject/object divide and creating concepts capable of jointly addressing perceptive subjects and perceived objects. His approach thus turned from the subject/object separation to the association between humans and nonhumans. Whitehead suggested analysing identities as provisional events rather than as pre-set issues. He saw identities as sites where heterogeneous elements (living or non-living) unified, endured and disintegrated, creating a temporary distinction between internal and external elements. As Hernes (2014, p. 258) explained, "Whitehead suggests an analysis in which the subject emerges from process, and not vice versa."

As Stengers (2008) explained, Whitehead´s work entailed a new form of constructivism. The aim was not to demonstrate the false belief of scientists in objectivity nor to reduce scientific claims to purely social relations, thus differing from previous critical and deconstructive analyses. Instead, Whitehead suggested focusing on the selective or ordering process involved in producing stable scientific notions and the subject-object relationship these notions entailed.

> "there is no need to deny Galileo's achievement. Rather, the task is to characterize the achievement, that is, to specify the rather singular and specific demands it succeeded in satisfying … [the scientist] has constructed an experimental situation which allowed what was questioned to make an actual, decidable difference." (Stengers, 2008, p. 97)

Whitehead´s work significantly influenced ANT´s understanding of agency (as well as other social thinkers named broadly as post-humanists - like Deleuze and Luhmann). The term actor-network highlighted this reversible facet of agency, in which an actor pinpointed empirical networks or assemblages including but not restricted to humans. Following Whitehead, ANT suggested a form of analysis centred on the networking process producing and sustaining identity. The following quote from Latour (2014, p. 3) illustrated Whitehead´s influence in ANT:

> "all entities manipulated by scientists start as a list of actions and slowly coalesce later into the name of an object that summarizes or stabilizes them for further retrieval … this is such a trivial transformation that it disappears from view as soon as it is achieved: for instance, episode one, a pad of cotton absorbs water first; then, episode two, it is named ´hydrophilic´ … absorbing water is an *action* performed on some lab bench with some material contraption by some people who *don't yet know* what the ´properties´ of the material under scrutiny are, while ´hydrophilic cotton´ is a well known substance … The first is a *performance* — you cannot deduce what it *is* from what you slowly register it is actually *doing* —, while the second is a *competence* — from what it *is* you may draw the conclusion that it will be able, in the future, to *do* this and that."

Latour´s example described an everyday laboratory process regarding the stabilization of an entity. Sociological writing, Latour continued, should be theorized as the exact inverse process. Like Foucault, ANT focused on rendering stable identities unfamiliar. The ANT analyst had to problematize stable categories to invite new ways of conceptualizing experience. This is because, unlike laboratory entities that capture hard to reach facets of experience, social scientific categories reduce and stabilize so close experiences that these become easily black-boxed.

2.2.3 Critiques

The discussion above demonstrated ANT´s interpretation of different lines of scholarship to produce an innovative empirical methodology. ANT scholars introduced a shift in the sociological debate of the homo-duplex by emphasizing the contingency of social phenomena and focusing on the processes of ordering or production reality. This section discusses the key lines of criticism raised against ANT. It considers three arguments in particular: the vagueness of ANT concepts, the problem of its expansive conception of agency,

and ANT´s limited engagement with power inequalities. The discussion enables me also to highlight some positive benefits of the ANT sensibility for interdisciplinary research.

Early critiques pointed to the loose definition of ANT concepts and its self-claim of difference from previous micro-sociologies. Bloor (1999) and Schaffer (1991) argued that ANT's unorthodox and porous concepts lead to confusing descriptions that wrap common ideas of interpretative sociology under new terminology. Hence, they argued, ANT evaded a meaningful disciplinary discussion. As Bloor (1999, p. 99) put it;

> "What does it [ANT] look like in practice? The answer is that it looks suspiciously like ordinary sociology of scientific knowledge, albeit of a rather limited and one-sided kind. The only difference is the addition of some obscure terminological twists, and repeated assertions to the effect that the two enterprises are disjoint and opposed."

Indeed, the fluidity and minimalism of ANT concepts make it ill-equipped to provide rigid definitions or solid grounds for certain forms of analysis - particularly causal or comparative (Mopas, 2015). ANT notions are usually open ended and multi-faceted, which hinders their use as tools of comparison between different settings (Mol, 2010, p. 257). ANT's emphasis on diversity and contingency is made at the expense of a more static and schematic mode of analysis.

The limitation above is also one of ANT's advantages for rich interdisciplinary research. ANT is best understood by its commitment to following the actors – rather than to a stable set of disciplinary concepts. As Latour (1999b, p. 20) has explained, "The ridiculous poverty of the ANT vocabulary … was simply a way to systematically avoid replacing their [the actors] sociology, their metaphysics and their ontology with those of the social scientists who were connecting with them through some research protocol." ANT´s language and resources, I suggest, need to be judged by the aims pursued. From this perspective, ANT has provided useful tools for expanding the scope of research, introducing nuance within established understandings and disciplinary boundaries (Bennett, 2004; Cowan and Wincott, 2015; Mopas, 2015).

A second line of critique has aimed at ANT's redefinition of agency. Schaffer (1991), Jones (1996), and Ingold (2008) questioned ANT´s expansive concept and the inclusion of nonhumans. These authors argued that ANT neglected the concept´s dependence upon human reflection. Agency, they argued, would not be

described adequately by attending solely to patterns of change independently from human´s capacity to conduct reflectively the course of events (however partially). Ingold (2008, p. 214) explained this critique:

> "the essence of action lies not in afterthought (as our human philosopher would claim) but in the close coupling of bodily movement and perception. But that is also to say that all action is, to varying degree, skilled."

The argument above demonstrates that ANT should not be thought of as a solution to the subject and object opposition. ANT does not answer the question about the nature of human consciousness and its difference and involvement with nonhumans. Rather, ANT suggests a different starting point for empirical research. This involves a methodology opting for an empirical exploration of how different forms of knowledge crystallize particular human-nonhuman relations, rather than an abstract solution on what belongs to each side. As Latour (1997, p. 151) explained: "this is not to say that machines think like people do and decide how they will act, but their behaviour or nature often has a comparable role." Consequently, the fact that humans and nonhumans are not the same, should help to inform the empirical analysis. As Schaffer (1991, p. 185) noticed when criticising ANT, "'symmetry', like all analytical concepts, has no essential meaning. It can only be judged in application."

The third line of criticism has pointed to ANT's insufficient concern with power and politically engaged research. This argument involves two parts. First, it points to the relation of ANT with the attribution of responsibility. As Ingold (2008, p. 2010) noticed, in ANT, if you want to assign blame for what is going on, "you could not lay it at the door of the individual or the collectivity. It is rather spread around the entire network." In this sense, ANT produces a form of analysis making difficult a direct judgement on people or groups of people responsible for harmful or unjust effects (Faulkner et al., 2012; Jones, 1996). It is a theoretical approach that emphasizes unpredictability and the actors' limited control of the course of events and thus, not well suited to responsibility judgements.

The second aspect of this critique refers to ANT's relation with widespread or structural patterns of exclusion. As Valverde (2005, p. 421) has put it, "An actor-network analysis is never a complete and total picture. It excludes precisely that which Bourdieu – and Critical Legal Studies, and Feminism - tries to highlight … The systemic governance relations that constitute much of the substance of the claims seen

circulating." This critique highlights the downsides of ANT's sceptical methodological stance concerning political critique. ANT problematizes concepts and notions that have been central to critical analyses (like class or gender). Instead, ANT scholars suggest analysing power empirically as an effect of practices in the field. This approach stresses a loose research normativity focused on power dynamics in the field rather than normatively inclined sociological concepts. However, as Cloatre (2013) and Schaffer (1991) noted, the inherent limitations of any research project mean that ANT underestimates participants unequal position in practice. ANT's detailed accounts overlook that actors' capacities to influence or even participate in the course of events are differently distributed when seen from a broader historical and societal logic. Thus, Van Loon (2002) argued ANT falls prey to a "metaphysics of presence". It loses sight of politically significant relations silenced or suppressed concerning its research objects.

ANT inspired scholars have provided different answers to the dilemma above. For example, Van Loon decided to compliment ANT methodology theoretically - elaborating a normative stance to direct his research - while Cloatre (2013) opted for an empirically oriented approach - discussing her empirical findings in relation to critical scholarship. This thesis takes a stand closer to Cloatre's. I do not theorize about how FCs IFV procedures ought to operate. Instead, normative judgements feature in the text more loosely. These appear as discomfort points with the state of affairs in participants and the researcher. The research's normativity becomes a dialogue between participants, the researcher, and the reader - rather than a stable conceptual scheme to contrast my empirical findings.

The stance above has methodological reasons - in addition to the theoretical concerns discussed in this chapter. I discuss these methodological concerns in the following chapter. These relate to my positionality as a white male researching IFV procedures and the potential contributions of my work from this stance. Succinctly, I conceive my work as complementary to feminist readings demonstrating the mismatches between the courts' work and women's experiences and needs in IFV procedures. I draw inspiration from Riles (2006, p. 15) in this regard. "I worry that a failure to appreciate the efficacy of technocratic knowledge, in the rush to critique it, ironically renders ethnography itself non-efficacious in the face of politics and gender." Thus, this thesis focuses on understanding the technocratic knowledge developing in Chilean courts concerning IFV. This approach provides an additional perspective and input to current Chilean feminist analysis driving reform in these matters.

2.3 ANT resources

This ethnography draws on three main ANT works to organize the analysis: Callon´s work on translation and framing, Mol´s idea of ontological politics, and Latour`s reading of court work and legality. This section discusses these works and how they help structure the thesis argument.

2.3.1 Callon: authority as performance

The notions of translation (1984) and framing (1998a) contained Callon´s empirical understanding of scientific authority. These notions conceptualized this phenomenon as the practical result of a material-semiotic ordering process. Thus, rather than deducing authority from set methodological principles or concepts of social consensus, Callon suggested analysing authority as a performance enabling an actor to speak on others´ behalf through situating them in a scheme of relations. This thesis draws in this pragmatic and empirical view of authority to discuss the FCs´ jurisdictional exercise concerning IFV cases. Thus, part three of the thesis develops Callon´s ideas to discuss the ordering strategies FCs deployed to represent IFV cases in their everyday work.

Callon (1984) introduced the notion of translation in one of ANT´s seminal papers. In that paper, Callon analysed how a group of marine biologists achieved build their authority concerning the ecological and economic problems of the fishermen community of St Brieuc Bay. These problems involved a sustained decrease in the population of scallops that formed the primary source of income for the local fishermen. Callon´s analysis documented the group of scientists as they attempted to articulate the challenges of St Brieuc Bay scientifically. This process, Callon highlighted, entailed creating and maintaining a scheme of social and technical relations, including human and non-human actors. Thus, scientific knowledge presupposed crafting a network of relations between the scallops, the fishermen, the scientific community, and the group of marine biologists. Callon (1984, p. 223) explained his approach.

> "To translate is also to express in one´s own terms and language what others say and want, why they act in the way they do and how they associate with each other: it is to establish oneself as the spokesman … The three researchers talk in the name of the scallops, the fishermen, and the

> scientific community … At the end a discourse of certainty has unified them, or rather, has brought them into a relationship with one another in an intelligible manner."

Translation described scientific knowledge as a practical achievement. First, this entailed mapping and defining the actors that would be relevant scientifically. Callon called this first translation stage problematization. Thus, the scientists produced reports portraying the fishermen as a cohesive group with an economic interest in the long-term conservation of the scallops. For their part, the scientific community was seen as an actor interested in bridging the knowledge gap concerning scallops' reproduction; and the scallops as a species interested in reproducing itself. Next, scientists modelled a scheme of relations that made their project an indispensable node for all the involved interests. Callon called this position an "obligatory passage point", which positioned scientists as mediators capable of speaking on behalf of the whole network. Producing scientific authority involved consolidating the organization or network of relations conceived and, consequently, determining others' identities. ANT used the notion of enrolment to describe an actor´s ability to secure others' identities by ensuring that these behaved according to the order of reality modelled.

To enrol others, actors relied on what Callon called ´interessement´. Interessement were the series of actions an actor - like the marine biologists - devised to guide others´ conduct according to plan and prevent alternative modes of behaving. Successful interessement enrolled others into a stable network of signification. For example, the interessement of the scallops involved creating a particular artefact comprised of a towline and collector. This device aimed to separate them from surrounding predators (like the starfishes and the fishermen) and thus secure their identity as species with a reproductive impetus. For their part, interessement devices for the fishermen and scientific community involved documents and meetings destined to retain their concern and participation within the project.

However, Callon noted, enrolment was an ongoing achievement, always susceptible to future failure. Actors in the network could reject their roles at different times, establishing relations unforeseen and thus questioning the representative´s authority. Even though scallops did attach to the collector initially - showing the reproductive technique´s potential and inciting interest in the fishermen and the scientific community, these refused to do so at a later stage. Furthermore, a group of fishermen decided to capture the few newly born scallops, demonstrating interest divisions within this community. Subsequently, the

scientific community loses interest in the project. The marine biologists´ capacity to sustain others´ enrolment dissolves with the network conceived, therefore losing their authority to speak on behalf of St Brieuc Bay´s actors.

Callon´s loose concepts aimed to facilitate an empirical description of scientific representation. Thus, translation stressed the mixture of socio-cultural and technical logics in knowledge production and how humans and nonhumans constantly negotiated their identities to produce a stable state of affairs. Callon et al. (1986, p. xvii) summarized translation as follows:

> "The methods by which an actor enrols others. These methods involve: (a) the definition of roles, their distribution, and the delineation of a scenario; (b) the strategies in which an actor-world (q.v.) renders itself indispensable to others by creating a geography of obligatory passage points; and (c) the displacement imposed upon others as they are forced to follow the itinerary that has been imposed. The elementary form of translation is that of interessement (q.v.). A common form of translation in science is that of problematisation (q.v.)."

Callon´s concept of framing expanded his pragmatic analysis of authority-building. This idea joined ANT insights on the materiality agency to Goffman's research on interpersonal interactions. Goffman´s argued all interaction presupposed a frame, i.e. a scheme of selection discriminating elements considered and ignored within a given exchange. The effect of such selection was creating boundaries or limits to that interaction. These limits allowed individuals to produce relative independence from their immediate context and, therefore, facilitated and oriented their engagement. Callon added to Gofman's analysis by stressing nonhumans´ role in demarcating what could or could not be considered within an interaction. Thus, he suggested expanding Goffman´s human-centred analysis to include the boundaries introduced by nonhuman actors like buildings or documents. Callon (1998a, p. 249) explained his idea:

> "The frame establishes a boundary within which interactions – the significance and content of which are self- evident to the protagonists – take place more or less independently of their surrounding context"

Framing, Callon noted, was central in the production of authority. Interactive frames generated relatively controlled spheres of action, allowing the formation and recording of patterns key to actors seeking to represent a state of affairs. Thus, framing laid the basis for developing expertise concerning the behaviour of a given phenomenon by generating stability and predictability within a given domain.

> "If calculations are to be performed and completed, the agents and goods involved in these calculations must be disentangled and framed. In short, a clear and precise boundary must be drawn between the relations which the agents will take into account and which will serve in their calculations and those which will be thrown out of the calculations as such." (Callon, 1998b, p. 16)

Callon used this approach to analyze how actors produced expert knowledge on financial markets. His work analysed empirically how financial transactions depended on the constant exclusion of issues to consider in each operation. This ongoing simplification was essential to people seeking to trade in these markets because it produced a manageable environment in an otherwise overly complex environment filled with uncertainty. Thus, traders created the possibility conditions of their activity by constantly obscuring or excluding issues to consider within their knowledge scheme.

Like in the case of translation, interactive frames were ongoing empirical achievements. The closure or control these provided was never absolute or definitive. On the one hand, interactive frames depended on implicit elements that were not recognised by actors relying on these. For example, "the framing of a contract presupposes … the existence of solicitors entrusted with recording the state of knowledge by each of the contracting parties before the contract comes into force, and so on" (Callon, 1998a, p. 254). On the other hand, humans and non-humans maintaining a frame participated in multiple frames simultaneously. For example, a judge was simultaneously a person with preferences and biases that they could potentially introduce within a judicial frame. Therefore, Callon noted interactive frames were at constant risk of overflowing. This entailed the emergence of unforeseen elements in a given frame

> "[In unstable frames] The controversy lurches first one way, then the other – because nothing is certain, neither the knowledge base nor the methods of measurement … Framing – predicated upon the assumption that actions and their effects are known and measured - is a chaotic process … [In stable frames] Actors are identified, interests are stabilized, preferences can be expressed,

responsibilities are acknowledged and accepted. The possible world states are already known or easy to identify: calculated decisions can be taken." (Callon, 1998a, p. 261)

Framing analysis entailed looking at how actors produced expertise by delimiting interactions, what these limits excluded and included, and the conduits or sources of overflow presupposed by that frame. Like the notion of translation, this approach involved focusing on how actors (human and nonhuman) organized their environments and made them more easily manageable and intelligible. This thesis draws on this understanding of authority to analyze jurisdictional exercise. Part three of the thesis discusses this theoretical link further. I rely on the notions of framing and translation to describe the production of the courts´ legal authority concerning IFV.[3] Thus, I suggest seeing IFV procedures as a socio-technical performance carving out a sphere or domain of action to produce a stable representation of legal meaning.

2.3.2 Mol: Ontological politics

One of the early critiques raised against ANT´s ide of translation pointed to its limited account of scientific work´s engagement with other forms of expertise. Star and Griesemer (1989) stressed that ANT scholars depicted scientists as the only (or the only relevant) actor engaged in the production of authoritative claims about the world. Thus, Star and Griesemer noted, ANT ignored the multiple forms of expertise that interacted constantly within the ´institutional ecology´ surrounding scientific work.

> "In order to create scientific authority, entrepreneurs gradually enlist participants (or in Latour's word, 'allies') from a range of locations, re-interpret their concerns to fit their own programmatic goals and then establish themselves as gatekeepers (in Law's terms, as 'obligatory points of passage') … Yet, a central feature of this situation is that entrepreneurs from more than one social world are trying to conduct such translations simultaneously. It is not just a case of interessement from non-scientist to scientist … (or let us say, the challenge intersecting social worlds pose to the coherence of translations) cannot be understood from a single viewpoint." (Star and Griesemer 1989, p. 389)

[3] This thesis draws on ANT notions to develop this performative understanding of legal authority. However, socio-legal scholarship contains various conceptualizations developing compatible insights, particularly legal ethnography. I conceive ANT´s views as a contribution and not a contestation of those approaches. As mentioned in the introduction, feminist postmodern socio-legal scholars like SMART (1989) have raised similar reflection lines to analyze how women´s demands are systematically excluded from legal knowledge-making.

Star and Griesemer´s argument highlighted the limitations of the concept of translation concerning the messiness of empirical phenomenon - in which multiple forms of authority coexisted and clashed many times.

Mol's (1999, 2002) notion of ontological politics provided an innovative response in this regard. Mol suggested addressing the interaction between translations in terms of performativity - or enaction as she prefers to call it. Mol´s approach stressed translation was a way of organizing and producing realities. Thus, she proposed focusing on the different realities created in practice and the manners in which these realities interacted. As Mol explained: "objects come into being – and disappear- with the practices in which they are manipulated. And since the object of manipulation tends to differ from one practice to another, reality multiplies" (2002, p. 5).

Law and Singleton (2005) conceptualized Mol´s approach as shifting from epistemology to ontology.[4] This meant that Mol´s analysis problematized a common assumption in sociological analysis: knowledge processes focusing on the same object could and should find a shared reality base to solve discrepancies. This stance discussed translation clashes as an issue of different perspectives ultimately. Instead, Mol proposed stressing the contingency and controversy inherent to knowledge production, highlighting reality and translation were inseparable. Thus, clashes in translation were controversies over types of reality and, therefore, unity aspirations limited empirical analyses.

> "It is useful to distinguish between two different strategies for knowing mess. We'll call these the *epistemological* and the *ontological*… [The first one] works by saying objects look messy because people have different perspectives on them…[Thus] We need to *explain* (and in some cases explain away) the different perspectives, and so retrieve the real object behind interpretations … But Mol argues differently … She recommends that difference be understood ontologically. This means that difference is no longer a matter of different perspectives on a single object, but the enactment of different objects in the different sets of relations and context of practice" (Law and Singleton 2005, pp. 3-11)

[4] As Mol and Singleton recognize, sociological scholarship contains diverse approaches similar to Mol´s views on epistemological clashes. Within ANT, authors like Hacking (1992), Pickering (1995), Haraway (1997).

Mol´s concept was the result of her ethnographic work on medical practices. Medical institutions had different diagnostic techniques for diseases like anaemia (Mol, 1999) or atherosclerosis (Mol, 2002). Many times, diagnostic procedures offered contradictory outcomes for a given case. Mol noted that medical institutions and social researchers usually addressed these inconsistencies as matters of perspective. This approach presupposed that notwithstanding methodological differences, knowledge processes using the same referent or name eventually came together on a single point of reality: the disease within the patient´s body. So, different diagnoses were but different views or perspectives on a single phenomenon.

However, Mol's ethnography showed different diagnosis approaches failed to find a unifying point commonly. In practice, each diagnosis strategy looked at a slightly different set of materials and signs. For example, anaemia diagnosis comprised three methods: First, clinical diagnosis was based on patients' medical interviews and looked for symptoms like tiredness and eyelids or skin colour; secondly, the statistical diagnosis - this strategy compared patients' blood haemoglobin levels with the normal values of a given population; thirdly, the pathophysiological diagnosis - which measured the blood's capacity in each patient to transport oxygen through the body.

Each of these methods was formally indicative of a single phenomenon called anaemia. However, each of these relied on its distinctive means to determine the presence of the disease. Moreover, results were inconsistent and contradictory between them frequently. Thus, patients with visible clinical symptoms could have average haemoglobin levels or vice versa. In this sense, Mol argued, anaemia was multiple in medical practice, not single; it referred to different versions that did not have a unique anchor point in reality. Similarly, Mol (2002, p. 46) explained this concerning atherosclerosis:

> “It may also happen that a patient who never complained turns out to be severely atherosclerotic at the postmortem. In such a case, the objects enacted in the clinic and in the pathology department don’t map. They *clash.* One atherosclerosis is severe while the other isn’t. One atherosclerosis might have been a reason for treatment while nobody ever worried about the other… their natures are simply not the same.”

Mol's idea sought to explore the politics between forms of expertise or authority from an empirical stance. In line with Callon, Mol conceived authority as the result of a competitive socio-political ordering process. Thus, ontological politics' idea was to avoid artificially closing controversies present in the field by appealing to one seemingly correct version of reality. Instead, she suggested mobilizing ANT sensibility to document the details of the interaction between ways of knowing.

> "The question most relevant to relational materialism … has to do with how to value contrasting versions of reality. Which version might be better to live with? Which worse? How, and for whom? As long as ontology is taken to be stable and singular, it may either be within or out of reach, but good and bad have nothing to do with it" (Mol 2012, p. 3).

This empirical line of analyses led Mol to suggest what she called the distribution of reality. Different ways of knowing did not stand solely in a state of controversy or consensus. Instead, their interaction points were restricted because knowledge processes were bounded in space and time – taking place through specific tools, groups of people, institutions, or means of dissemination. In practice, contradictions could be circumscribed to exact and partial points (like specific documents or certain meetings) and need not be about ontologies in toto. Therefore, different versions of an object did not always move towards coherence or unity. Instead, incongruities could co-exist as long as the respective parcels of reality remained distributed. As a result, politics became paramount in specific sites or nodes where clashes occurred, and actors were forced to privilege some versions over others.

> "Work may go on so long as the different parties do not seek to occupy the same spot. So long as they are separated between sites in some sort of *distribution* … Difference isn't necessarily reduced to singularity if different 'sites' are kept apart … The *localities* over which the reality of atherosclerosis is distributed may be wings in the hospital building but also boxes in schematic drawings of the disease." (Mol 2002, p. 88).

This thesis draws on Mol´s approach to discuss the relationship between the translation performed by FCs IFV procedures and other forms of representations present in my fieldwork. In this vein, I use Mol´s insights to facilitate an account of IFV procedures´ messiness, in which meaning was highly unstable and contested. Part two of the thesis expands on this argument by relating Mol´s work to ANT´s performative approach to

context. Thus, I suggest FCs´ translation of IFV excluded alternative ways of representing. These excluded versions formed the context of the FCs´ IFV procedures in practice.

2.3.3 Latour: ANT and legality

Latour´s (2010) court ethnography is a third main reference in this thesis. This work influences the thesis analysis in two differing ways. On the one hand, Latour´s work is the basis for my understanding of jurisdictional exercise as a material-semiotic process. In this regard, his court ethnography provides vital insights and concepts for my analysis of legality. On the other hand, this thesis takes a critical stance concerning Latour´s use of law as a comprehensive notion for court ethnography. This argument draws on sociolegal critiques, stressing the limitations of Latour´s emphasis on an abstract idea of law for ANT-inspired sociolegal research.

In The Making of Law, Latour (2010) presents an ANT ethnography of the French Conseil d'Etat. The aim of this work, Latour explained, was to produce a detailed following of the processes and materialities underpinning the production of legal entities and a legal version of reality. Levi and Valverde (2008, p. 806) described the project:

> "a network of people and of things in which legality is not a field to be studied independently, but is instead a way in which the world is assembled, an attribute that is attached to events, people, documents, and other objects when they become part of the decision-making process"

In line with ANT´s non-essentialist stance, Latour arrives at the conseil with as much conceptual flexibility as possible. The goal was to enter "one of the kitchens of the law, not in the manner of a health and safety inspector checking on hygiene standards, but like a gourmet keen to understand the recipes of the chefs" (Latour, 2010, p. 22). Thus, Latour describes a middle ground ethnographic stance: which avoids the view lawyers and legal scholars might assume as well as a purely external representation (reducing law and legal practices to aftermaths of politics, society, or economics).

From this position, Latour´s ethnography identifies different nodes or actors involved in translating infinitely diverse situations or conflicts into judicial decisions. These actors are sophisticated, like the symbols or values structuring the counsellors´ discussions, and mundane, like the legal files and documents

formatting peoples´ claims according to the court´s sensibility. Thus, Latour´s work describes innovatively the details of a network that makes possible the stabilization of legal meaning by securing a link between a set of documents in the judicial file and the legal texts stored in the conseil´s library. Levi and Valverde (2008, p. 818) explained Latour´s understanding concerning jurisdictional exercise.

> "Latour sees legal decision making as the very mediation of these associations between the dossier and the library. Rather than there being a mythological moment of 'invention' in which a decision is reached, in La fabrique du droit we see law as a process of drawing textual links and associations – fusing together a documentary footbridge between the library and the dossier."

However, Latour´s concluding chapters introduce a shift in his analysis. These set out to contrast legal and scientific truth and, therefore, suggest a general theory of Law as a system of signification. Unlike in science, Latour suggests, legal truth does not rest on material chains connecting subjects and objects. Rather, legal truth depends on the concatenation of statements within a unified ´regime of enunciation´. It rests on the judge´s use of a particular perspective or ´clef de lecture´ projecting legality onto materiality.

As Pottage (2012) noted, Latour´s conclusions move away from ANT. His research question shifts from the material-semiotic processes of legal assemblage to the organizing values of an abstract identity or structure called law. In a manner oddly akin to Luhmann´s, Pottage added, Latour´s court ethnography ends up describing law as a permanent communicative scheme according to which matters are sorted or classified. In this manner, Pottage concluded, that Latour´s approach constrained the analytic potential of ANT concerning legality by reintroducing a structuralist disposition in the analysis.

Latour's (2013) later work - outlining his research on different modern domains of truth production (like science, law or religion) - confirmed Pottage's interpretation. Latour draws on his court ethnography conclusions to suggest a view of the values underlying and giving continuity to law within modernity:

> "There are laws, regulations, texts, issues without number; but to capture the type of verediction proper to the law, one has to take things legally … Either you are inside it and you understand what it does – without being able to explain it in another language – or you are outside it and you don't do anything 'legal'." (Latour, 2013, p. 359)

Pottage (2012, p. 170) suggested a different analytical path retaining materialities´ potential for destabilizing abstractions and exhibiting the lively condition of social orderings through law: “Instead of seeking to materialize or substantiate ‘law’ as a kind of universal category, why not mobilize materialities to develop alternative and more plausible ways of tracing out these implications?” Pottage´s argument follows the lead of socio-legal researchers arguing for a de-centred conception of law, in which law is not assumed as a coherent or primary element of research but interrogated as an emergent, porous, and locally produced practical feature (Ewick and Silbey, 1998). Rose and Valverde (1998, p. 545) articulated this view:

> “there is no such thing as ‘The Law’. Law as a unified phenomenon governed by certain general principles is a fiction. This fiction is the creation of the legal discipline, of legal textbooks, of jurisprudence itself, which is forever seeking for the differentia specifica that will unify and rationalize the empirical diversity of legal sites, legal concepts, legal criteria of judgement, legal personnel, legal discourses, legal objects and objectives.”

Cowan and Wincott (2015) highlighted materiality inspired socio-legal scholars to go beyond the traditional prisms of 'law' and 'society' - where one side frequently explicates the other- and move towards an analysis of the diverse manners in which the legal and social were co-produced in practice. In this sense, ANT provided valuable inspiration for socio-legal research precisely for its refusal to reify the limit between law and all the rest.

This research follows the argument above. It draws on Latour work on the court's work but distances from law as a framing concept for ethnography. This argument does not deny that court practices are embedded within a context in which play a central role. However, it suggests building said context from the data and not pre-setting research by looking for a unified idea of law.

2.4 Conclusions

This chapter discussed the thesis´ ANT inspiration. I began by discussing the relation between theory and methods in the socio-legal research of courts based on the debate between structure and agency. Thus,

the first section demonstrated the contrasting epistemologies formed on each side of this conceptual divide and Bourdieu´s conceptual response to this challenge. I argued that Bourdieu´s notions were critical resources in this debate but posed difficulties for interdisciplinary socio-legal research of courts.

The chapter´s second section discussed ANT´s ontological and epistemological stance. This discussion demonstrated ANT scholars use of different lines of scholarship to produce an innovative response to the structure/agency debate. ANT drew on poststructuralism, ethnomethodology, and pragmatism to elaborate a processual and relational methodology focused on how social phenomena acquired stability empirically. This approach preceded questions about the levels of reality with a problematization of the stability/instability of identities, developing a research agenda concerned with the mutual determination of human and nonhuman identities through knowledge processes. The discussion of ANT´s ontological and epistemological stance finished with discussing the main critiques raised against it.

The third section discussed the main strands of ANT influencing this thesis. Callon and Mol´s works helped me conceptualize authority empirically and pragmatically. Part two draws on Mol´s idea of ontological politics. This part suggests addressing context empirically as the relations IFV procedures formed with alternative knowledge processes considered external to these. For its part, part three draws on Callon´s ideas of framing and translation to discuss how FCs stabilized legal meaning concerning IFV cases. Latour´s ethnographic insights run across the thesis. Notwithstanding, these are directly addressed in chapters three - concerning the thesis´ methodology - four - where I rely on Latour´s idea of judicial hesitation to analyse the FCs´ exclusion of gender from the processing of cases - and eight - which discusses Latour´s reading of judicial files agency in relation FCs´ adjudication through IFV psychological reports. The following chapter is the thesis´ methodology.

Chapter 3: Following the actors

The last chapter discussed ANT's possibilities and limitations concerning court ethnography. This chapter discusses the thesis' methodology. First, this chapter discusses the research design. It introduces the research aims and questions and discusses a plan of action used to organize the ethnography - or 'follow the actors', as ANT puts it. The second part discusses fieldwork. It describes access to the FCs, sampling criteria, and the use of different research methods (observation, interviews, and documentary sources). The third part presents the process of data analysis. It introduces thematic analysis and demonstrates how this thesis used this. The fourth part discusses critical ethical issues and limitations in this research. This discussion highlights this thesis's limitations concerning IFV parties' voices, particularly regarding women claimants in IFV procedures. I explain the methodological reasons under these limitations, suggesting this thesis provides an analysis complementary to feminist readings focused on women's experiences and achieving gender equality in Chile. The final part presents the chapter's conclusions. This chapter provides a detailed discussion of my translation of ANT notions into a fieldwork practice, developing previous ANT studies, which are less transparent about their methods and analysis for court ethnography.

3.1 Research design

3.1.1 Research questions

Malinowski (1922) coined the term 'foreshadow problems' to describe how anthropologists approach their object tentatively before fieldwork. Foreshadow problems designate loose sets of theoretically grounded reflections that help to delineate a line of inquiry. As O'Reilly (2008, p. 106) put it, "notions ethnographers take into the field with them to help them focus but not to foreclose the research."

This research´s foreshadow problems included a set of ideas about the challenging situation faced by the Chilean FCs concerning IFV procedures. These ideas resulted from my previous experience as a Chilean lawyer and sociologist and the revision of the available literature. IFV developed increasing public notoriety in the country since the enaction of the current IFV law in 2005 (Arensburg and Lewin, 2014; Casas and Vargas, 2011; Núñez, 2017). This public concern was driven by a growing feminist movement stressing the poor response provided to IFV matters by the Chilean judiciary. Despite the above, there was little knowledge of how the FCs processed IFV. Empirical research on IFV was limited, fragmentary, and focused

almost entirely on criminal courts. For their part, FCs were relatively new institutions in the country, operating with an innovative procedural scheme that was very understudied empirically (Casas et al., 2007; DECS, 2018). The limited research in FC IFV procedures stressed FC professionals felt overwhelmed and unprepared to address this kind of conflict (DECS, 2018; Madariaga, 2015). Therefore, I foresaw my research object as a complex social and technical challenge faced by Chilean jurisdictional activity.

The methodological design of this thesis sought to enable an in-depth empirical exploration of the complexity of IFV procedures, accounting for the components, tensions and actors involved. The design was not concerned with testing a hypothesis of failure or looking for gaps between legal texts and judicial practice. Instead, my concern was empirically accounting for the arrangement that FCs IFV procedures had developed since their implementation, the tensions this arrangement responded to and contained, and the diverse effects of this specific way of exercising legal authority. The goal was thus to provide a detailed account of the logic underpinning the formation of a new kind of jurisdictional exercise in Chile.

I went into the field with a research question that expressed the exploratory nature of the project. This question articulated research through two loosely defined topics: Intra-family violence and Chilean family courts' work. These topics were linked by a formal or theoretical concept expressing the conceptual inspiration of the project: ANT's notion of translation. The general question that guided this research was:

- How is intra-family violence translated into the everyday work of the family court?

More detailed research questions were developed gradually as the empirical work provided greater insights about the process of translation. These questions sought to address problems observed within the field:

1. How are academic understandings of the IFV legislation reflected in the everyday processing of IFV cases?
2. Which tensions did the gender-neutral approach of the IFV law produce in the FCs IFV processing?
3. How is jurisdictional competence on IFV framed in the everyday work of the FCs?
4. How are ideas about "risk" stabilized in the everyday processes of the FCs?
5. How is culpability constructed within intra-family violence procedures in the FCs?

3.1.2 Action plan

Although there is no single definition of legal ethnography (Bibler and Fortin, 2015; Paik and Harris, 2015; Scheffer, 2007), Bibler and Fortin (2015, p. 72) have described it broadly as a form of account that focuses and problematizes 'often taken-for-granted norms and understandings associated with a particular group of people, social context, cultural phenomenon or set of practices.' Ten Have (2004, p. 108), on his part, has suggested ethnography is a mode of inquiry committed to studying phenomena in their natural setting, focused on what actors do and not only their own accounts of their behaviour. In this same vein, Riles (2011, p. 13) reflected:

> "If the actors could simply tell you about the symbolic structures underlying their kinship, for example, you wouldn't need ethnography; you could simply conduct a telephone survey. It's the same with legal devices. There are aspects of the lawyer's own instrumentalist knowledge practices that remain woefully misunderstood, underappreciated even, by the lawyer him-or herself."

Thus, ethnography has traditionally designated a mode of inquiry developing a situated analysis of social phenomena (Cloatre and Cowan, 2018). Although it relies on a variety of methods, observation (participant and non-participant) is one of its central resources. The use of different methods within this research will be discussed below.

One of the critical features of an ethnographic approach is its relative openness regarding the where and what of its research object (Scheffer, 2007; Starr and Goodale, 2016; Travers, 2001). This indeterminacy allows it to remain sensitive to the contingency of empirical phenomena. As Riles (2011, p. 13) has put it, "to get close enough to let the facts truly shake them [the ethnographers] of their own assumptions." However, methodological openness can be a double-edged sword within the practical constraints of a PhD project. Consequently, one of the initial tasks within research design was formulating a plan of action that would provide a basic fieldwork organization whilst retaining the ethnographic inspiration of the project. This plan sought to embody a strategy to 'follow the actors' (Latour, 2005).

3.1.2.1 Follow the actors

The 'follow the actors' premise expressed ANT's relational ontology into a methodological proposal. This expression stressed a form of constructivist account centred on the contingency of social phenomena and

the situatedness of scientific description (Haraway, 1988; Strathern, 2004). Thus, ANT distances from methodologies frequently referred to as structuralist – which rely on a more or less stable system to explicate empirical phenomena (Murdoch, 2006) – or positivist – which take the distinction between knowing subject and known object as a condition of knowledge (Sarat, 1990). Rather, ANT suggests understanding contingency, partiality and situatedness as resources for methodological innovation (Law, 2002). Research quality stems from the richness of the account provided, the reflexivity of the researcher, and the account´s participation within a material-semiotic network of academic production that connects researcher, research participants, and reader though texts (Law, 1994, 2003).

> "The whole question is to see whether the event of the social can be extended all the way to the event of the reading through the medium of the text." (Latour, 2005, p. 133).

However, the 'follow the actors' premise is not overtly prescriptive in a detailed way. More than a research framework is a methodological claim that has been used in various ways and that enables its own readings (Cloatre, 2018). At one level, it designates a disposition shared broadly by ethnography (Nader, 2016) and other strands of qualitative research - grounded theory in particular (Charmaz and Mitchell, 2007). [5] It means anchoring the research in the world-building agency of the researched and putting in their hands the question of what is interesting and important (Riles, 2015, p. 260).

> "ANT simply doesn't take as its job to stabilize the social on behalf of the people it studies; such a duty is to be left entirely to the 'actors' themselves" (Latour, 2005, pp. 30-31).

Beyond this, following the actors can be interpreted as a reference to what Cloatre and Cowan (2018, p. 450) called ANT´s materiality-inflected methodology: "in which matter extends beyond human matter, and which emphasise the processes, practices, discursive trajectories and translations of things across time and

[5] However, there are key differences to consider before equating ANT and Grounded Theory. Even though both share constructivist understandings of social phenomena, ANT draw strongly on French post-structuralist philosophy. For its part, Grounded theory draws from the North American positivist tradition. Such difference distances them in terms of their style of analysis and the aims of the research. As Charmaz (2006, 6) explained, "Glaser and Strauss aimed to move qualitative inquiry beyond descriptive studies into the realm of explanatory theoretical frameworks, thereby providing abstract, conceptual understandings of the studied phenomena". Nevertheless, it would not be unreasonable relate ANT and lite versions of grounded theory, i.e., those that rely on grounded theory as a set of techniques for gathering, coding and organising data (Braun and Clarke 2006).

space." In this sense, ANT suggests a problematization and contravening of the object-nature /subject-society divide and focuses research on processes rather than identities. To this end, ANT speaks of connections or associations as the focus of analysis, the points at which heterogeneous materials interact or influence each other. As Cloatre (2008, pp. 265-266) puts it:

> "Empirically, the role of researchers in ANT becomes to highlight the connections that make up their object of study, and to illustrate through these its modes of social action."

3.1.2.2 A point of departure

ANT's methodology entails that 'who to follow' and 'where to begin' are key decisions in the research design: "Depending on which path we follow, the plot ends very differently" (Latour, 2005, p. 173).

Two discussions from court ethnography literature helped decide this thesis´ point of departure. The first was about the benefits of organizing fieldwork on the chronology of judicial cases. In other words, on the need to start with the filing of the claim and follow cases through their life and death, as Van Dijk (2015) puts it. I concluded that this was not the best approach. Centring fieldwork on the life of an IFV case entailed starting where claims were created, which was mainly outside the courts (like in police departments and lawyer offices) and thus negotiating access with multiple institutions and professionals. This approach raised access and ethical clearance challenges, potentially deviating my fieldwork away from my core interest: the translation process in the everyday work of the FCs.

On the one hand, the considerations above were informed by Valenzuela and Ramos (2015), the only example of ANT-inspired research on IFV in Chile. These researchers aimed to describe how 'abuses become IFV'. Their fieldwork started with the filing of IFV claims - in claimant´s first interview with police, prosecutors, or medical personnel. Their analysis showed the framing practices in these interactions; however, it left the court´s work unanalysed due to practical research limitations. I feared something similar happened to my fieldwork.

On the other hand, privileging the chronology of IFV cases entailed an assumption about the temporality of this translation. This approach assumed that events that came before from the perspective of a given

case (for example, the filing of a claim) were the main conditionings of those coming later (for example, the case's judicial hearing) – hence the centrality of such chronology. However, socio-legal literature on the courts' bureaucratic practices led me to question this assumption (Anleu and Mack, 2016; Lipsky, 1983; Merry, 1990). From the perspective of bureaucratic work, the judicial procedures sought to manage volumes of cases efficiently rather than highlight cases' particularities. Authors like Galanter and Cahill (1994) and Lazarus-Black (2008), for example, demonstrated bureaucratic case management entailed the pre-trial stage's dynamic depended significantly on the court's scheme during the trial stage ahead. Potential future events in the life of a given case could thus determine its processing in previous stages. Under this logic, what was relevant or irrelevant for the judicial process hinged on an organizational dynamic different from the chronological development of each case.

The second discussion concerned the possible following of specific individuals or social roles, which entailed organizing fieldwork by following IFV parties, lawyers or judges. This strategy has been a standard resource for organizing empirical court research (Friedman, 2015; Lazarus-Black, 2008). The basis of this approach has been to conceptualize more or less stable identities, like a professional role or social position, and use them as an anchor point from which to explore court work (Scheffer, 2002). Feminist research on court´s work on violence against women has been one key example in this regard. These researchers have relied on women´s subjectivity to demonstrate the barriers women face as a social group in these settings and promote institutional change (Kaganas, 2007). The work of SEGATO (2003) in courts in Argentina and Brazil has been an essential Latin American reference of this research approach. Arensburg and Lewin (2014), for their part, developed this approach in Chile. Their work critiqued criminal courts' work on IFV through in-depth interviews with claimants. It drew on broader sociological theorization about patriarchal violence to demonstrate the court´s insensibility towards women´s social position and the structural causes of gender violence

My focus was slightly different, however. Rather than seeking to observe the court´s work featuring within a given group identity (such as the social role of judges or the experience of the IFV parties), I was interested in describing how IFV was translated judicially. I envisioned this translation as an interactive process, determined by (but not limited to) the experience of a particular subject. As Yngvesson (1993, p. 11) put it: "the law, the court, and legal officials are formed in the exchanges of officials with victims, defendants,

witnesses, and others... In these exchanges, and in collective practices that develop around them, 'cases' and 'courts' are constituted, as everyday acts and spaces are transformed into legal ones."

The focus above had significant consequences in this research. It introduced limitations in my fieldwork and oriented the theoretical emphasis within the thesis. Distancing from social roles or subjectivities as the core of fieldwork led to excluding IFV parties from my interview sample. The basis of this decision was practical and ethical – I discuss these more broadly below. Succinctly, including vulnerable subjects (like cases´ parties) demanded a methodological technique beyond my possibilities at the time. Therefore, I decided to exclude IFV parties from the sample and focus on the work of professionals. This limitation meant that women claimants´ voices were absent from this thesis. I decided not to produce this voice from an abstract theoretical perspective, empty of empirical data and removed from my white-male positionality. Instead, I decided to develop an alternative form of analysis consistent with feminist scholars. Thus, this work focuses on the FCs´ development of technocratic knowledge concerning IFV. It draws primarily from socio-legal scholarship about bureaucracy and legal technicalities (Barrera, 2012; Friedman, 2015; Lipsky, 1983; Riles, 2005; Yngvesson and Mather, 2015) and less so from the significant feminist reflection on violence against women (Smart, 1989; Merry; 2016; Hunter, 2006). I see this both as a research limitation and an avenue for potential fruitful dialogue with the work of Chilean feminist scholars (Azócar, 2018)

Based on the reflections above, I conceived a fieldwork plan divided into three parts. This plan entailed a retrospective logic that began by identifying relevant agencies within IFV judicial hearings and followed their traces outwards.

The first part focused on IFV judicial hearings (both pre-trial and trial). The aim was to identify the main actors, tools and strategies deployed within judicial hearings to base my ethnographic following. This would include my physical displacement in following people and things, and informal conversations and interviews to follow concepts and ideas through discourse. The second part encompassed the FCs more broadly. The focus was placed on the material environment of the court – e.g., its building and surroundings - as well as the court's IFV work taking place outside of hearings – e.g., in the court´s waiting areas or administrative offices. The third part expanded fieldwork to people, institutions and sites outside the FCs linked in some relevant way to the interactions taking place within them and to which reference had been made in the other stages.

3.2 Fieldwork

Fieldwork was conducted between April and December 2017. Here I discuss my access to the FCs and methods, which included observation, interviews, and documentary sources.

3.2.1 Access

Access is a key challenge for court ethnography (Barrera, 2012; Travers, 2001). Although the FC law (article no 15) established that IVF procedures were public, empirical research conducted in Santiago noted that FCs had made access to IFV hearings restricted to the cases lawyers and parties in practice (Casas et al., 2006). For its part, the Chilean judiciary had no standardized protocol to obtain access to court hearings. Thus, my fieldwork was uncertain in terms of access.

Contrary to my expectation of restraint from the judiciary, access to the courts was not a significant problem. My access was channelled through the Supreme Court's Studies Department (DECS) and concluded with an approval decree from the appeal court overseeing the FCs participating. The entire process took four months approximately.

Access raised positionality topics in this research. My entry to the courts developed differently from other Chilean researchers´ experiences, which I attributed to my connections in the judicial system. During fieldwork, I held a continuous dialogue with Chilean researchers that had conducted or attempted to conduct empirical research within the judicial system. Most of them had the impression that accessing this institution was very difficult and that the most fruitful strategy was to approach and convince FC judges personally. This approach involved contacting and developing relations of trust with particular judges, which was very difficult to achieve as a researcher based abroad and circumscribed my research sample to courts where judges might be sympathetic to the project.

My relationship with DECS took place through one of its professionals, a young lawyer I had become a friend with years before working as an intern in the legal aid corporation. DECS was a small department to assist supreme court judges in developing organizational goals. Very few of the researchers and professionals I met during fieldwork – even within the judiciary itself – knew of its existence. Thus, my friend acted as a gatekeeper at the institution's highest level, mediating my identity as a researcher and my project. I became

aware of the significance of this mediation in one of our early phone calls. On that occasion, she expressed confidence in her ability to obtain the court's consent. She said that the only difficulty was having to 'make up the procedure along the way.' Through my friend, my access request travelled directly into one of the regular meetings of the supreme court judges. After that, it descended to the respective appeal court and, finally, to each of the participant FCs. I received a copy of the approval decree four months later.

The supreme court authorization played an essential role in how the FCs presented themselves to me. Initially, I feared that my approach could give way to 'legal relationality', as Barrera (2009, p. 60) has put it, in which "the relationship between the individual fieldworker and her research participants is disrupted by the insertion of the institution into this relationship". Fieldwork led me to a different conclusion. Formality was indeed part of my positionality, but not the way I anticipated. The authorizing decree enabled personal relationships within the courts rather than constrained them. FC professionals referred to my authorization recurrently during our first interactions. This helped them dissipate doubts about my presence and their freedom of action around me. The superior court´s authorization thus made me closer to a colleague than an external inspector. I shared lunches and coffee with court professionals, played in a football team with one counsellor, and was invited for an afternoon tea by one of the judges and her family.

Access raised ethical issues. First, there was the problem of being asked for feedback from my participants. Merry (in Halliday and Schmidt, 2009, p. 131) has reflected on the counterproductive effects of assuming the expert position for court ethnographers: "It's really important to resist answering those questions. Once you've become the expert and start judging them, they're going to feel uncomfortable about having you, the judge, there." I did my best to evade the expert positionality. At times this involved deflecting questions. On other occasions, I declared myself simply not experienced enough to have a set position. Despite its methodological usefulness, my silence made me feel uncomfortable at times and made me wonder about my potential complicity with practices that I saw as unjust or harmful. Secondly, access involved restraining data collection on occasions. I consciously avoided including sensitive data - like documents or conversations containing private information. Finally, it demanded a conscious selection of the data to discuss in this thesis. During fieldwork, I recorded interactions in which professionals spoke about different aspects of their work in derogatory terms (including references to the parties of the cases). Often, these comments were in the form of casual jokes or sought to express professional frustration. Sometimes, the same professionals would have second thoughts just moments after making such comments. Thus, access

demanded a conscious effort to capture the context in which opinions were made and an ethical commitment to a just description of the situation.

3.2.2 Methods

Sample

Two Chilean FCs participated in this research, which I refer to as Court 1 and 2. Their respective zones of the country and jurisdictions are omitted for reasons of anonymity. These FCs were selected purposively on the following criteria.

The first sampling criterion was the average number of IFV claims per court. The aim was to ensure a selection of courts with a weekly number of IFV hearings on which to conduct observation. I relied on data generated by the Chilean National Statistics Institute (INE, 2014, 2015). According to this source IFV claims represented between 10 and 15% of the annual number of claims in the FC system between 2014 and 2015. Large urban areas had the largest number of IFV claims and the capital of Santiago had the greatest number of IFV claims in the country. Secondly, FCs were selected on theoretical considerations. Based on insights provided by other court ethnographers (Halliday and Schmidt, 2009; Travers, 1999) I decided to include two FCs. The idea was to enrich the analysis by highlighting potential differences within a manageable sample size. Under the same logic, the sample included one FC from a big city and one from a nearby town. The latter was based on arguments raised by empirical Chilean scholarship (Casas et al., 2006), which signalled high case volume in city courts as a factor determining the FCs' approach to IFV. Differences between courts provided contrasts that informed my understanding on specific aspects of their work. I highlight these differences to support particular arguments in the thesis. For example, Chapter six describes the how each court had produced different arrangements for filtering admissible claims, thus demonstrating different ways of performing the limits of the FCs jurisdiction.

The sampling strategy for interviewees was purposive. It aimed to obtain a variety of relevant accounts that would enable the following of IFV as a judicial entity - not seeking statistical representativeness. The dataset encompassed 46 interviews and 48 interviewees. Interviews were conducted individually in most cases. However, two interviews were conducted in couples at the request of the interviewees. The vast majority of interviewees were women, 46 of the total sample. This gender distribution resulted from the participating FCs, run predominantly by female professionals.

In terms of sampling, interviewees can be categorized as follows. First, FC professionals, which include judges (N=9), counsellors (N=7) and court-staff (N=5). I interviewed almost all judges and counsellors in each court - with 5 exceptions due to their unavailability or reluctance to participate. I only invited court staff whose work most directly related to IFV. Secondly, I interviewed lawyers who frequented the court. This group included lawyers from the legal aid corporation (N=4), from the national women service´s women centres (SWC) (N=3), from the Elders' national service (N=2) and private lawyers (N=3). I approached lawyers directly before or after IFV hearings. I sought to interview the ones that visited the court most frequently so as to ensure that they had some experience with the practices and people of the courts of this research.

Thirdly, interviewees who did not frequent the FCs, which included SWC professionals (N=6), one activist from an NGO focused on violence against women (N=1), expert psychologists from the medico-legal service (N=4), prosecutors (N=3) and, one appeal court judge (N=1).

I selected interviewees who did not frequent the court by following specific aspects of the FCs work on IFV. SWC professionals were introduced to me by SWC lawyers. I requested interviews from those SWC professionals who work-related most directly to one of the FCs, including the centre's coordinator and the professionals in charge of reports used within IFV hearings. The NGO activist was introduced within the sample after attending a seminar organized by the FCs' technical counsellors' association. The latter included a panel on gender issues within judicial work, and the interviewee was one of the speakers. I decided to conduct this interview according to my goal of empirically addressing gender in IFV procedures (see chapters two and five). Thus, I sought to learn from this activist lawyer how feminist notions features in the FCs work. Expert psychologists were selected due to their relationship with the psychological reports used within the IFV procedure. I interviewed both of the expert psychologists from the medico-legal service in charge of putting together psychological reports for the courts in this research. In turn, these psychologists referred me to the psychologists coordinating the medico-legal service´s mental health division nationally, who I also interviewed. Also, following documentary leads, I interviewed prosecutors that worked at the prosecution offices in charge of processing the IFV claims diverted by the FCs. Finally, I interviewed one appeal court judge from the appeal court overseeing the participant FCs. This last interviewee was introduced to me by one of the FC judges.

List of Interviewees		
Institution	**Type**	**Number**
Judiciary	Family court judges	9
	Appeal court judge	1
	Counsellors	7
	Court Staff	5
Lawyers	Legal aid corporation	4
	SWC	3
	Elder´s national service	2
	Private	3
Others	SWC professionals (other than lawyers)	6
	Expert psychologists	4
	Prosecutors	3
	NGO activist	1
Total		**48**

Observation

Observation was the basis of the methodology. As the action plan above pointed out, this method was used as a tool to organize my following within the field. Observation took place mostly within the FCs' premises; however, other sites were also included (such as, SWC, the legal aid corporation, the FCs' surrounding neighbourhoods and public events of the judiciary). I recorded observations through handwritten notes as they occurred. When it was not possible - e.g. during informal conversations - I took notes as soon as possible. Afterwards, at the end of each day, handwritten notes were transcribed into a digital word document. In that same word document, but with a different notation, I kept a reflective diary about ideas for further inquiry and issues of positionality and ethics.

Observation began in court 1 in May 2017, expanded into court 2 one month later and finished in November of the same year. As fieldwork progressed and I felt that enough data had been produced on court 1, I gradually allocated more time to court 2. I allocated three to four days of each week to observation. Most of the time, observation entailed spending the full workday at one of the courts, which ran from 9 am to 4 pm. During the day I would observe as many IFV hearings as possible, the IFV work outside hearings (such

as, people coming to court to file claims or the making of judicial documents by court staff) and the dynamics within the court's public areas (for instance, waiting rooms and halls). I discussed IFV with different professionals throughout the day (including lawyers and other non-FC professionals). In these conversations – which took place in the court or nearby places - I would ask them about situations observed during the day, as well as their own practices and those of the FCs more broadly. In this way, I was able to compare my own interpretations of the field with participants on regular basis.

I began observation in each court by meeting the court administrators. The latter were in charge of managing the courts administratively and financially, and oversaw my research stay in that capacity. Court administrators introduced me to the other FC professionals and provided me with information about the court's organization and schedule throughout fieldwork.

The initial stage of observation focused on IFV hearings. The frequency of IFV hearings varied significantly between both courts due to their size and surroundings. Court 1 had between three to five judges[6] and was situated within a semi-rural town. Its weekly schedule comprised between five to ten IFV hearings, distributed unevenly throughout the week. I prioritized attending court 1 on the days that concentrated the greatest number of IFV hearings. Court 2 had over five judges and was situated within one of the region's main cities. This court had a stable schedule of four IFV hearings per day. In addition to the IFV hearings that were scheduled in advance, each court had a variable number of unscheduled hearings due to people coming directly to file IFV claims that required precautionary measures urgently.

IFV judicial hearings proved to be highly standardized events in both courts. I was able to notice patterns after the early weeks of observation. Some examples of the patterns observed included the following: first, hearings were determined by the routinized interaction between the judge and the counsellor working on each case. These two professionals showed recognizable modes of coordination - which varied slightly on the basis of their personal affinity. Secondly, hearings relied on the work conducted by counsellors with the parties beforehand. This work took place in specific events, such as conversations in the waiting rooms outside the courtroom. Thirdly, IFV hearings were conducted on the basis of a standardised handful of documents. Some of these documents were produced within the courts and some in other institutions. The

[6] I have omitted the specific number of judges for reasons of anonymity.

content of these documents was standardized also. Fourthly, most parties were not represented by qualified lawyers. Cases with legal representation were conducted mostly by legal aid agencies of the State (i.e. SERNAM and the Legal Aid Corporation). Fifthly, the overwhelming majority of cases ended at the pre-trial hearing, which made IFV trials scarce. Sixthly, the number of legal provisions and concepts utilized were limited but loosely applied in highly disparate situations.

Observation expanded beyond hearings and included: Interactions in between hearings (usually between the judge, the counsellor, and the court secretary). Time in between hearings proved to be one of the richest sources of insights during fieldwork. This occasion allowed me to look 'behind the team performance', as (Goffman, 1971) puts it, by observing the professional's discussions of cases recently addressed and upcoming. It also allowed me to ask these participants about their practices and decisions in detail, which often gave way to rich conversations. Secondly, I included the counsellors' work before hearings. In court 1, for example, counsellors would discuss cases in the waiting room with the parties and their representative (if available). This interaction was designed roughly to explain the legal procedure to unrepresented parties, analyse their disposition towards extra judicial measures, and advise the judge beforehand about possible ways of managing the case. Thirdly, I included practices of court staff like security guards and court receptionists – who regularly provided advice to the majority of unrepresented parties on how to behave and present their arguments within hearings. Also, I included institutional adverts displayed in the waiting areas, like videos and posters about IFV. Finally, I identified the documents used in IFV hearings and followed them to the sites where they were created. This led me to observe specific aspects of the FC's administrative work and to identify institutions beyond the FCs – to which I reached out in the following phase.

During the final three months of observation, I gradually included sites beyond the FCs. I kept attending the courts during this period but less frequently. Two main sites were included: SWC and the legal aid corporation. During the first months at each court, I became close with lawyers from each of these institutions and asked them to introduce me to their organizations.

I decided to restrict observation to SWC and approach the work of the legal aid corporation through interviews. I concluded it was preferable to focus my efforts in one institution considering the time available. I selected SWC due to their prominent role in the fight against gender violence in the country and

the controversial relationship this institution held with the FCs´ way of managing IFV cases. SWC proved to be a strategic site for my goal of empirically analysing the relationship between the court´s translation of IFV and feminist ideas about violence against women. Thus, this thesis´ discussion of gender in FCs IFV procedures is based mainly on the observation and interview data on SWC´s work. I develop this discussion in chapter five, which looks at FCs´ resistance to SWC claims about gender in the processing of IFV cases.

Interviews

Interviews were conducted during the final months of fieldwork and were organized on the basis of the observation work. They served to expand the depth and scope of fieldwork by inquiring further into aspects identified so far and adding sites that were difficult to access through other methods (such as the psychological work within the SML). Interviews ranged from 60 to 90 minutes in duration, were digitally-audio recorded with the written consent of the participants and transcribed in full. Exceptionally, one interview was recorded through handwritten notes at the request of the interviewee. I conducted all of the interviews myself and took notes of my own self-assessment and comments of the conversation, which were then included within fieldnotes. I conceived interviews as social events producing accounts, rather than tools to excavate the participant's information (Roulston, 2014; Ten Have, 2004). In terms of structure, interviews relied purposively on a semi-structured scheme (Mason, 2002, p. 62) which was tailored with different prompts for each interviewee. A copy of my interview scheme is included in appendix two. The overall goal was to elicit an open-ended conversation that relied on the interviewee's terminology, concerns, and ideas. Hence, the topics and structure of the conversation could vary according to how our interaction progressed.

The interview scheme was based on the insights obtained from fieldwork observation and had four parts. The first part referred to the interviewee's own professional history with IFV. The idea was to elicit a self-definition of their role by asking them, for example, about the way in which they had come to work on IFV, what their work entailed, and the main capabilities it required. The second part delved into specific practices within their work and their relationship with other participating actors – like documents or institutions and other professionals. The prompts within the discussion were tailored for each interviewee according to their work. The third part focused on IFV as an object of expertise. This section sought to explore the meaning that interviewees attributed to IFV by discussing features that they considered most relevant: for example, the kind of people, arguments and dynamics involved, or IFV's contrast with other

kinds of judicial conflict. The fourth section focused on the purpose that the interviewees ascribed to their own work and that of other actors on IFV. I asked, for example, about the signs of a good work For their part and others, and the objectives that they attributed to the FCs' IFV work as whole.

Documentary sources

Documents of different kinds were used in this thesis. These included documents collected within the FC (Like court templates and decisions), documents of public access (Like statutes and the history of the law[7]) and academic literature used to guide the analysis.

First, documents collected from the field were accompanied by and analysed in relation to other methods of the research. Observation and interviews thus served as means to introduce the documents' context of action within the analysis. Secondly, documents of public access were selected based on their relationship to the practices observed empirically. This means that rather than assuming the significance that certain documents could have within FCs work (and hence the need to include it within the data), I selected documents based on their empirical relationship to the FCs everyday work. Finally, the selection and use of academic literature involved a situated research practice. This means that the thesis relies mostly on academic literature from the English-speaking academy, and that literature in other languages or academic networks feature secondarily – as in the case of Chilean scholarship written in spanish. The point is significant in the sense of acknowledging the analysis´ relational stance with regards to its analytic context.

I have not added nor subtracted emphasized words in any of the literary references quoted in this thesis, and I have personally translated all quotes from the literature originally in Spanish.

3.3 Analysis

The themes of this thesis began to take form during fieldwork. As Scheffer (2002, p. 9) has explained, one of ethnography's valuable resources is enabling a recursive relationship between the field and data-analysis.

[7] *History of the law* is the name of the document containing the transcripts and summaries of the parliamentary debates associated with the discussion of a particular bill. This document is published by the library department of the Chilean congress.

> "The ethnographer alternates between being there and being home, between fieldwork ('immersing in the field') and data-analysis ('distancing from the field'). Through alternation between 'in and out', the ethnographer tries to correct initial misunderstandings, to fill information gaps, to find out what matters and to focus on these central issues."

Even so, it was only after fieldwork - once settled back in the University of Bristol- that research themes became delineated more clearly through systematic coding, ordering, and writing of the data. Data-analysis involved an iterative process between the data set, the literature, and the research questions. As Srivastava and Hopwood (2009, p. 77) explain:

> "The role of iteration, not as a repetitive mechanical task but as a deeply reflexive process, is key to sparking insight and developing meaning. Reflexive iteration is at the heart of visiting and revisiting the data and connecting them with emerging insights, progressively leading to refined focus and understandings."

I analysed the data thematically. Thematic analysis designates a flexible method for identifying patterns or themes across qualitative data sets (Braun and Clarke, 2006). It has been described broadly by Ayres (2008, p. 867) as "a data reduction and analysis strategy by which qualitative data are segmented, categorized, summarized, and reconstructed in a way that captures important concepts within a data set". One of its main features, and the reason why I decided to use it within this research, is its capacity to couple with different theoretical positions, whilst providing an organized and accountable treatment of the data (Braun et al., 2019).

As its name indicates, thematic analysis offers a set of tools for generating themes from a data set. The notion of themes refers to "a pattern of shared meaning, organized around a core concept or idea, a central organizing concept" (Braun et al., 2019, p. 845). Or, "a unit of meaning that is observed (noticed) in the data by a reader of the text" (Guest et al., 2012, p. 49). Braun and Clarke (2006) have usefully schematised

the process of thematic analysis into a six-phase approach – going from familiarization with the data to the writing of the report.[8]

3.3.1 Developing themes

The first three phases of thematic analysis involve familiarizing, coding, and generating themes. Overall, these stages followed a 'bottom-up' approach in which "the starting point of the analysis is with the data, rather than existing concepts of theories" (Braun et al., 2019, p. 853). These steps were conducted in Spanish, which was the language of my research participants and my native language. Hence, it was preferred to avoid time-consuming translations and remain attentive to participants' expressions. Nonetheless, reports were produced in English regularly to be discussed with my supervisors.

Ethnographic observation is a privileged method with regards to familiarizing with the data. Long-time immersion in the field provides the researcher with a distinctive form of experiential closeness to its data (Clifford,1983). However, I initially sought to enrich the analysis by stressing the distance between the data and my fieldwork experience. Thus, I began by transcribing the audio interview material and using my participants' voices as a tool to problematize my initial ideas about the data -mainly found in the fieldnotes and my memories.

The second phase involved generating codes. I coded interview transcripts, fieldnotes and specific documents using NVivo software. The coding process was first focused on interview transcripts and then on fieldnotes and documents. This order was, as in the previous phase, aimed at highlighting participants' voices and reflecting critically on my own conceptions of the field.

I grouped interviewees according to professional roles and created different sets of codes for each group (judges, counsellors, court staff, lawyers, and other professionals). After interviews, I moved onto fieldnotes, which were close to 240 pages of text, from which I separated the sections belonging to my reflective diary (approximately 30 pages). I coded the remaining fieldnotes using a single list of codes.

[8] However, as Braun et al. (2019, p. 852) stress, thematic analysis involves a "reflexive and recursive, rather than a strictly linear, process". This means that phases should not be thought of as discrete or unidirectionally linked steps, but as interrelated and mutually reinforcing aspects of the meaning making process.

Although I did not code notes from my reflective diary, I used them as an interpretative resource during data-analysis – for example, drawing on the emotions and/or theoretical associations evoked to me by certain interactions. Lastly, I coded two long-extension documents, the History of the law of the statutes no 19.968 (of family courts) and no 20.066 (of Intrafamily Violence). Shorter documents, like the ones picked up in paper from the FCs were analysed manually. This was seen as a preferable strategy considering the complex sets of codes that had been generated already and the fact that references to these same documents were part of the interview and fieldnote material.

The third phase of data analysis involved the generation of themes. As Brawn and Clarke (2006) suggest, the aim of this phase is to analyse the codes by looking at how they may be combined to form more comprehensive patterns within the data.

> "Themes are built, molded, and given meaning at the intersection of data, researcher experience and subjectivity, and research question (s). Because themes do not emerge fully formed from the data, the process of constructing them is akin to processes of engineering or design" (Braun et al., 2019, p. 854)

After coding, I was left with a highly complex and difficult to manage set of codes. As Kelle (2014, p. 557) suggested, "attempts often made by novice researchers to … let the data speak can lead to a 'drowning in the data' and to a proliferation of coding categories." Hence, I decided to organize and explore relationships between the codes by crafting a map of codes – also referred to as thematic mapping (Braun et al., 2019, p. 855). This visualizing tool was done manually in paper and then in power point, not through NVivo's automated functions. The goal was to reformulate and group codes into themes by looking at issues found across particular parts of the data and by examining different modes of relation between them. The crafting of the map helped me to integrate codes, literature, and research questions gradually. I revised and rearranged the map in various occasions. This revision continued through the rest of the analysis and allowed me to tune the research focus progressively. I include a version of this map of codes in appendix 3.

3.3.2 Revising themes

The next three phases of thematic analysis involve the revision and definition of themes, and the writing of the thesis. These stages embody the reflective and open-ended character of thematic analysis.

> "candidate themes are effectively prototypes. Sometimes they do not work! ... a candidate theme can potentially result in analytical 'thinness' or conceptual overlap … reviewing and defining is compiling all coded data for each of the candidate themes and reviewing them to ensure that the data relate to a central organizing concept… how themes fit together and tell the overall story of your data" (Braun et al., 2019, pp. 855 - 856).

The revision and redefinition of themes took place importantly through writing the thesis. The struggle of "moving across the gap from data to text", as Strathern (2015, p. 244) puts it, was one of the longest and most challenging aspects of the project. It was a constructive rather than merely expressive exercise (Denzin, 2014; Hammersley and Atkinson, 1995).

Two aspects of this process were particularly relevant. First, the building of a thesis´ overarching narrative. The organization of this thesis somewhat mirrors the chronological steps of the IFV procedure. Thus, chapter six looks at IFV jurisdictional competence, chapter seven at the pre-trial stage and eight at IFV trials. This narrative is the result of a process of trial and error. Initially, the thesis themes were organized around different kinds of materials of the IFV procedure. For example, chapter eight - which currently discusses the trial stage by looking at psychological reports - focused initially on the IFV file´s agency across the judicial procedure. This organization emulated Latour's (2010) court ethnography, thus using the IFV file as a theme. Other chapters would therefore discuss different material agencies within the legal procedure (Like the claimant's performance in court or the role of the court's architecture). The underlying idea was to highlight the FCs IFV translation´s materiality.

After failing to convey the data and my readings clearly, I reformulated my strategy. I concluded that my approach raised a methodological dilemma. The narrative proposed stressed the ANT influence of my ethnography, but it moved the analysis away from categories that organized the descriptions of my human participants. Court professionals conceptualized IFV translation through successive or diachronic procedural stages (for example, pre-trial versus trial) - rather than through synchronic layers of materiality

(like files and human performances). Thus, my Latour-inspired conceptual approach did not map easily onto their voices. This mismatch was notable within the interview data especially. Consequently, I decided to rely on the conceptualization proposed by court professionals to facilitate a more exhaustive use of my data. I reorganized the thesis' narrative according to the chronology of the IFV process.

The decision above had essential consequences concerning the thesis relation to ANT scholarship. I toned down the distinctive emphasis ANT works have placed on the material agency to tailor the account to my participants´ epistemology. This made my ethnographic account closer to the concepts professionals of my research used and to more classic court ethnographies. ANT scholarship remained the core of my analytic approach, but the tone of my description was more traditional in the end. In hindsight, this led me to a more sophisticated understanding of ANT´s limitations and relations to other strands of anthropological and ethnographic analysis of courts. These debates exceed the possibilities of this thesis but constitute one central insight I retrieve from it as a researcher.

The new data organization was closer to legal distinctions. Therefore, it opened a new line of discussion in the thesis concerning Chilean doctrinal literature. The use of legal categories allowed me to examine theoretical debates in Chilean doctrine based on my empirical data. Thus, the thesis draws on socio-legal literature on legal technicalities (Barrera and Latorre, 2020; Riles, 2006, 2011; Vismann, 2008) to consider the epistemological congruences and mismatches between doctrinal and the courts' ways of performing legality empirically. For example, chapter six discusses the notion of jurisdictional competence based on my data on the FCs filtering of IFV claims. This chapter suggests FCs' filtering practices performed competence limits sketching IFV as a legal object in practice. This pragmatic shaping of IFV was absent from doctrinal reflections concerned with clarifying IFV in theoretical terms exclusively. Likewise, every chapter in the thesis begins discussing the doctrinal understanding relative to the practices discussed in it.

A second issue related to the presentation of the data. As Hammersley and Atkinson (1995, p. 191) explain, "ethnography is inescapably a textual enterprise, even if it is more than that." This means that how themes are substantiated with evidence is an important part of its methodology, which seeks to achieve an "analytic narrative that compellingly illustrates the story you are telling about your data" (Braun and Clarke, 2006, p. 93). In this regard, there are two further points.

First, there is the data's translation from Spanish to English. Linguistic translation was done gradually as parts from data were selected to be included in the thesis. I translated segments from my fieldnotes and interview material for each of the reports discussed with my supervisors. In this sense, the translated material accumulated and was discussed with my supervisors over the writing stage of the analysis. I translated all of this material myself. With regards to technical terms – like legal categories – I have tried to translate them as close as possible to the original spanish word - and not to look for functional equivalents in the UK jurisdiction. Although this might make the thesis less immediately transparent for some readers, I considered this to be the best way to avoid confusions stemming from the technical discussions held in different jurisdictions.

Second, there is the format of data presentation. This thesis uses quotes (from interviews, documents, and fieldnotes) and fieldwork scenes. The latter are descriptions of events which took place during fieldwork and were recorded through fieldnotes. They describe sequences of interaction in which key aspects of IFV's translation process was revealed. I rely on fieldwork scenes as tools to provide the reader with a view into the world of my research participants. Although I have translated them from Spanish to English and edited them for reasons of space and focus, I have tried to remain as close as possible to my original recording. This is not to suggest that scenes or any other data presented in this thesis are to be taken as objective accounts. Rather, I introduce data samples as immutable mobiles (Latour, 1986b). That is, as objects with the capacity of stabilizing certain aspects of the world – like fragments of my experience from the field -so it can be transported elsewhere - like this thesis. However, transportation always involves some degree of translation or alteration of what is being transported.

3.4 Research ethics

As Cloatre (2008, p. 270) pointed out, "ANT emphasizes that the complexity of any network means that some dimensions and connections will remain hidden, even in the most thorough research process." This section discusses this thesis's ethical considerations, limitations, and future research. Mainly: the limited featuring IFV parties voices; the absence of police work in the account; and limited analysis on the particularities of IFV involving elders.

This thesis was performed under the ethical approval of the University of Bristol Law School's ethics review panel. Ethics approval for this research was granted on the 20th of February of 2017. I include a detailed description of the ethical review process in appendix 1. This appendix contains the entire application submitted to the Law School's ethics review panel and the panels' response.

The first ethical consideration and limitation referred to the participation of IFV parties in this research - particularly women claimants, given the well-documented gendered dynamics of IFV (Araujo et al., 2000; Casas and Vargas, 2011). As the previous section discussed, the original fieldwork design considered professionals and lay participants indistinctively. IFV parties, particularly women claimants, were regarded as crucial fieldwork participants. The idea was to use interviews to analyse the parties' views in the same way as professionals.

I attended courses on gender and domestic violence research during the first year of the PhD to address the aim above. This training provided me with a background in the diverse and rich literature on gender violence within the English-speaking academy and the central role of the feminist critique concerning the court´s work in this regard. Chapter five - which focuses on the role of gender in the FCs IFV procedures - discusses the relationship between this literature and this thesis´ pragmatic approach to gender (see chapter two concerning the theoretical basis of my pragmatic understanding of gender). However, I became aware of my approach`s methodological problems shortly after. My own experience in the Chilean FCs and the literature highlighted the vulnerability of the IFV parties. It was reasonable to expect high levels of stress from these participants. Interviews with vulnerable female claimants were particularly demanding in this regard. As a white man researching IFV, this work required a specially tailored methodological strategy. It entailed, among other things, acquiring training in interviews with vulnerable subjects and developing unique kinds of interview schemes. This ethical requirement posed a problem with the project's scope. The potential amount of data and the range of literature required to analyse professional and lay participation in the judicial procedure exceeded the possibilities of a PhD project.

The methodological challenge above split my research object into two. I had to choose between focusing on the experience and performance of IFV parties - particularly women claimants - or in the technocratic work of professionals. Taking both routes was not a realistic option.

I opted for the second path based on a reflection about my positionality and the potential contribution of my work. The empirical literature on FCs IFV procedure was scarce, which meant little clarity about their practical operation. I concluded that the most pressing issue was the opacity of this jurisdictional exercise, which prevented sophisticated critique of any kind. If judicial work were to serve as a tool against intrafamily and gender violence, mapping the logic underpinning such agency was crucial. Having been trained as a lawyer and sociologist, I considered myself well-positioned to conduct an analysis that would help render visible the forming technocratic logic of the FCs IFV procedures. On the contrary, I was poorly equipped to represent the needs and frustrations of women going through the IFV procedure or the political destinations of feminist reclamations.

The decision above entailed a limitation for this research. The thesis does not include interviews with IFV parties, leaving unexplored the subjective experience of the primary addressees of the courts' work arguably. As the previous chapter discussed, I have chosen not to produce such subjectivity on purely theoretical terms by conceptualising the concerns of IFV claimants or defendants abstractly. Instead, I accept this limitation as an indication of the partiality and situatedness of this research. In the same vein, the analysis of this thesis draws mainly from the literature on the development of technocratic legal knowledge and distances somewhat from feminist readings on gender violence. I see this focus as my way of contributing to the debate on IFV in Chile and not minimising feminist critiques to jurisdictional work. As Haraway (2013, p. 191) has argued, the strength of situated knowledge resides in "sustaining the possibility of webs of connections called solidarity in politics and shared conversations in epistemology". Thus, I present this study with the explicit aim of developing fruitful future dialogue with socio-legal feminist research emerging in Chile (Azócar, 2015).

Two further limitations arose at later stages. First, the thesis does not explore the role of police work concerning IFV procedures. This limitation is the result of fieldwork access challenges. I approached the police departments working with the participating FCs over the first fieldwork months. I intended to observe police filing of IFV claims and interview police officers about the enforcement of judicial orders. However, police departments were challenging to access. Police officers were reticent to discuss their work without formal authorization from their superiors. After pressing the matter for days, officers told me that I had to initiate a formal request process that would take three months with an uncertain outcome. I

concluded that the best approach was to concentrate my resources on other aspects of the field - also considering Valenzuela and Ramos (2015)

Consequently, this thesis does not look at courts´ work before and after in police departments. I consider the blind spot on the enforcement of judicial decisions the most significant because the thesis is silent about whether judicial orders triggered police action in practice. This effect of jurisdictional exercise was critical for claimants and posed conceptual issues. If judicial work did not enrol police action, how does this modify our understanding of the shape of IFV as a judicial object?

The third major limitation is the thesis´ lack of analysis about IFV against elders. FC professionals stressed IFV against elders as an urgent and complex problem. Accordingly, I arranged and conducted interviews with the Chilean national elders' service lawyers during fieldwork. However, during the analysis stage, I considered my data somewhat fragmentary and less robust than other themes. Consequently, I prioritized those themes in which my information was most compelling.

The limitation concerning elders is relevant in two ways. On the one hand, these cases usually involved claimants in highly vulnerable positions. State assistance was minimal and poorly coordinated in these cases. The Chilean national elders´ service, for example, had two lawyers to represent cases in over six FCs in the region. On the other hand, many of the claims involved family abandonment - rather than positive acts of violence. The IFV law did not include the abandonment hypothesis. Consequently, FCs' responses were erratic. Some FC professionals provided innovative answers with the limited resources available. These responses were extra-judicial for the most part (Like mobilizing hospitals or local municipalities). Others, however, saw the issue as non-juridical and dismissed the claims. Altogether, violence involving elders pointed toward a pressing issue that combined dynamics of social exclusion, inadequate State coordination and poor legal tools.

3.5 Conclusions

This chapter presented the thesis' methodology, which I situated under the umbrella of ANT and court ethnography literature. The first part discussed the research design, which articulated this research aims and questions. The Chilean literature described the FCs IFV procedures as innovative yet malfunctioning

and under researched. I foresaw my research object as a complex social and technical challenge faced by Chilean jurisdictional activity. Thus, this section discussed a research plan to follow the actors and describe the technocratic knowledge strategy that FCs developed in their everyday work for translating IFV. The second part of this chapter described the fieldwork. I discussed how access to the courts took place, the thesis sampling criteria, and the use of observation, interviews, and documentary methods. The third part introduced thematic analysis and how this was used to generate themes and write the thesis. Finally, I discussed three main limitations of this thesis and the sequence of ethically informed decisions entailed. This section highlighted this thesis's limitation concerning IFV parties' voices and its effects on the analysis. I stressed my interest in developing an account of the FCs work logic, complementary to feminist readings about women's experiences of IFV procedures and the latter's effects on gender equality.

The following part (two) of the thesis discusses the context of the FCs IFV procedures. Chapter four discusses their design and implementation, and chapter five the controversy over gender these produced. The discussion of gender draws on the methodological strategy discussed in this and the previous chapter. I seek to address gender from an empirical and pragmatic stance as a concrete feature discussed by my research participants in the field. Chapters four and five are preceded by a short theoretical discussion on the notion of context. This discussion helps me introduce the analytic strategy of the chapters in this part.

Part two: Context

This part contains two chapters discussing the context of the FCs' IFV procedures. These chapters offer an overview of these procedures' historical, cultural, and legal environment. Beyond this, part two draws on Mol's work to expand ANT's reflection about the notion of context in empirical research. This preface discusses the problematization ANT developed in this regard and my use of Mol's ontological politics to address it. I suggest using Mol´s work to analyze the context as an empirical product of the FCs translation, which excluded other ways of knowing IFV and consequently made these external or surrounding.

Problematizing context

ANT developed a critical understanding of the context within sociological research (Latour, 1986a; Law and Moser, 2012; Strathern, 2004). ANT authors stressed this term has commonly designated agencies said to determine a research object but placed beyond empirical analysis. Thus, the idea of the context surreptitiously blackboxes and enrolls the surrounding world in the sociologist´s account. As Asdal and Moser (2012, p. 292) put it, the context designates "that which we cannot see or study directly, but which we nevertheless invoke in order to explain events and people's actions".

Recent ANT scholarship has developed the reflection above methodologically (Asdal, 2012; Law, 2003; Singleton, 2012). These scholars have suggested an analysis based on the idea of performativity. Their stance suggested seeing the context empirically as an effect or product of their object´s performance. As Woolgar and Lezaun (2013, p. 323) explained:

> "Exploring how objects are 'enacted in practices' implies first a refusal to draw on 'context' as an explanatory or descriptive tool. Objects do not acquire a particular meaning in, or because of, a given context … Rather, objects are brought into being, they are realized in the course of a certain practical activity, and when that happens, they crystalize, provisionally, a particular reality, they invoke the temporary action of a set of circumstances."

As the quote above noted, contextualizing objects from an abstract perspective was problematic within ANT thinking because it reproduced what Haraway's feminist critique called "the view from nowhere". It

generated a disembodied representation of the whole surrounding an entity, obscuring the biases and limitations of such an account. Instead, Woolgar and Lezaun argued for a performative-based contextualization. This involved accounting for an object´s surroundings empirically, based on the relationships this produced with external to itself. Rather than designating static background conditions discovered by the researcher, the context referred to the dynamic relation scheme invoked in the performing of that object.

Wolgar and Lezaun (2013) exemplified their approach by analysing a news article from a British tabloid. This article focused on the story of a woman fined by her city council for repeatedly putting recycling materials in her rubbish bags. The authors' analysis demonstrated how the article performed a context for the reader. This context involved a "moral universe", as they called it, characterised by an opposition between citizens' common sense and the unscrupulous actions of council bosses. This moral universe was implicit but vital to the newspaper's performance. It was a tacit background against which the explicit content in the article was newsworthy.

The idea of the context as performance is relatively new in social sciences (and more so in socio-legal research). However, it has longstanding precedents in other areas of scholarship. For example, Spencer-Brown´s (1969) reflection on logic demonstrated that context was the necessary complement and reverse face of denotation. Thus, the content and the context determined and presupposed each other because both emerged in identifying an object. For its part, Whitehead´s (1949) idea of prehension underlined that identity formation and endurance involved, in addition to maintaining certain constitutive elements, determining which external issues would be relevant for that identity and how. McGee (2014, 52) explained Whitehead´s view in terms of a valuation scheme entities developed concerning their surroundings: "in action, in ´doing´, values are necessarily generated: we cannot even imagine a course of action, human or nonhuman, in which everything is equally important to its unfolding… e.g., citrus trees valorize nitrogen and phosphorous while discarding several other nutrients in soil". Another example of this idea was in Maturana and Varela´s (1987) research on cognitive biology (which Luhmann drew on for his social systems theory). Maturana and Varela highlighted that an individual´s context or environment mirrored its way of being - i.e. it was isomorphic to its structure. For example, the context bats inhabited included sounds non-existent to human context (where these were conceivable only via numerical airwaves measurements). Thus, each entity populates its world by developing specific sensibilities or adaptations to its surrounding

ANT scholars expanded this constructivist view of the context from an empirical sociological stance. Each entity populates its world in practice by developing specific sensibilities or adaptations to its surrounding. As Latour (1988, p. 166) put it:

> "Every entelechy makes a whole world for itself. It locates itself and all the others … and it seeks to make them accept the version of itself that it would like them to translate. Nietzsche called this ´evaluation, ´ and Leibniz ´expression.´"

ANT's goal was to empirically analyse contextual relations. Law (2004) explained these relations in terms of a dynamic between presence and absence. Law argued that to indicate or make something present presupposed to exclude or render absent all the rest. These excluded or absent elements formed that object's context. However, regardless of its open-ended nature, the context had a structure in practice. Absent matters differed in their practical relevance to a particular performance. Some elements were simply ignored by that object, while others were relevant to its performance.

ANT scholars stressed the political nature of producing the context. Contextualising was not a neutral practice because it involved valorising the world in practice. Thus, Singleton (2012) argued that the context subtly determined who featured in a particular world or was ignored or disregarded. Law and Moser (2012, p. 13) stressed this point:

> "there are many ways of assembling contexts and holding them together. The contexts and the narratives in which they appear reflect, inter alia, the traditions of intellectual scholarship and affiliation … to smooth the contexts together to make a single narrative, has consequences that are potentially performative, and indeed political."

This part of the thesis draws Mol´s idea of ontological politics to address the problematisation above. Mol´s work helps develop an empirical view of the exclusions produced by the FCs´ IFV translation and the contextual relations resulting from such exclusions.

The FCs processing of IFV cases excluded alternative ways of knowing or representing reality. Chapter four looks at the exclusion of academic views on IFV procedures´ legislation, and chapter five at the exclusion of gendered understandings of the IFV conflict. These alternative representations (of the legislation and gender in IFV) did not feature in the documents and hearings delimiting IFV procedures, which contained a particular version of reality (see part three). Thus, these alternative representations were absent from jurisdictional exercise formally.

Nevertheless, the external versions discussed in the following chapters had an empirical relevance to FCs´ IFV procedures. Research participants highlighted these versions in sites immediately adjacent to IFV procedures, like during interviews or informal interactions in the court´s waiting areas. These empirical references expressed the relationship FCs´ translation had in practice with other ways of knowing. For example, chapter four shows that academic readings criticised IFV procedures legislation, portraying a messy jurisdictional arrangement. FC professionals acknowledged the problems stressed by the literature during interviews but performed an assertive and precise version of the legislation while processing IFV cases. For its part, chapter five looks at the clashes between FCs´ gender-neutral understanding of IFV and the gendered representations of IFV in other institutions concerned with IFV procedures. Therefore, Mol´s ontological politics helps me empirically demonstrate how FCs IFV translation produced its context by excluding different ways of knowing and relating to these simultaneously.

Chapter 4: Versions of legislation

The FCs´ IFV procedures were based on two pieces of legislation implemented in 2005: the FCs law (no. 19.968) and the IFV law (no. 20.066). This chapter contextualizes the FCs´ IFV translation by providing an overview of the history and contents of these laws. To do this, I discuss the representation of the legislation present in Chilean scholarship, which included socio-legal and doctrinal readings, and the practical version of these laws I found during my fieldwork.

The chapter´s discussion has three parts. The first part analyses two scholarly ways of representing the legislation: socio-legal and doctrinal. Chilean socio-legal works saw IFV procedures´ legislation expression of recent Chilean socio-political history. These scholars stressed these procedures were the achievement of feminist and women´s movements pushing for legal reform on violence against women since the return to democracy in 1989. However, authorities in charge of designing and implementing law underrated women-focused reforms. As a result, Parliament developed a simplistic debate that omitted gender issues, and the executive and the judiciary implemented these reforms recklessly. Chilean doctrinal scholars developed a different form of analysis. These works expressed Chilean strong legalist tradition, which stressed statutory law as the primary legal source and formal reasoning as the main form of legal research. Doctrinal scholars added a technical critique from this perspective, arguing IFV procedures legislation prevented accurate legal analyses due to its extreme conceptual vagueness. The chapter's second part discusses the version of the legislation in the FCs' everyday IFV work. Contrary to the messy image portrayed in the academic versions, FCs performed a clear and authoritative version of the law within IFV procedures. This section suggests FCs achieved this stabilisation based on three practical features of IFV procedures: the hierarchical relation between FCs and IFV parties, the FCs bureaucratic standardisation of judicial procedures, and the implicit concern with gender in IFV cases.

The last part presents the chapter's conclusions. I suggest this innovatively contextualizes my research object. At one level, this chapter introduces the reader to IFV laws´ history, content, and practicalities. Beyond this, however, the ontological politics approach allows demonstrating different ways of performing the legislation and the relations these established in practice, including the Chilean academy´s radical partition between socio-legal and doctrinal legal studies and the remoteness of both these from the FCs everyday processing of IFV cases.

4.1 Scholarly versions of the legislation

Socio-legal and doctrinal literature coincided in their critical stance concerning the FCs and IFV laws. However, these academic lines exhibited a marked disciplinary divide in practice - each with its own methods and understanding of legality. Thus, socio-legal and doctrinal works omitted each other´s conclusions and obscured the interrelation between socio-political and technical features of this legislation.

4.1.1 Legislation as politics

At the time of my fieldwork, a growing community of scholars were concerned with studying legality from a practical and empirical stance in Chile (Hersant, 2006). Nevertheless, the socio-legal scholarship was still a fairly new approach. Scholars like Millaleo et al. (2014), for example, preferred terms like legal sociology, and most scholars doing empirical work on legality did not identify their works under the encompassing notion of socio-legal. In this vein, Chilean socio-legal works were conducted almost entirely by scholars outside the legal academy, which were not concerned about the doctrinal debates on the structure or content of legal concepts. Rather, these works stressed how the legislation represented and stabilized the social and political processes of the country.

The majority of socio-legal works looking at the FCs and IFV laws were produced by female researchers analysing the legislation from a feminist stand (Azócar, 2015; Arce, 2018). These works developed a consistent account of the political history underpinning these legal reforms. Both laws were the product of the feminist and women movement´s tenacious work at the turn of the twenty-first century in Chile. This work involved a continuous struggle to place and maintain women concerns in the public debate and demand responses from the newly formed democratic system.[9] However, both reforms were undervalued by legislative, judicial and government authorities of the time. This political devaluation was based on gender considerations and determined their design and implementation.

Hinner and Azócar´s (2015) coined the term "political culture of reconciliation" to describe the approach the centre-left governing coalition (1989 – 2010) developed concerning women issues during the 90s and

[9] Haas (2010) is a detailed historical analysis of the feminist movement´s efforts to advance a women-focused agenda in Chile in the first decades of the twenty-first century. Another is AEDO Y BARRIENTOS (2018), compiling different scholars looking at feminist reforms in different parts of the Chilean state.

early 2000' in Chile - following A. Pinochet´s dictatorship (1973-1989). This approach had two features. On the one hand, the culture of reconciliation stressed an apolitical and conciliatory narrative that excluded contested issues from public debate. This included feminist concerns about gender, rejected by conservative elites. On the other hand, this strategy emphasized the State´s role as a moderator or pacifier of Chilean society, projecting the dominant discourse in political elites onto families. The political culture of reconciliation determined the design and implementation of FCs and IFV laws, distancing these reforms from the feminist concerns that originated them and undermining their prominence within the political agenda.

The rest of this section discusses the historical process above for the FCs and IFV laws respectively. I expand the conclusions of current Chilean socio-legal readings with my analysis of each reform's "History of the law". The latter is the document containing edited transcripts and summaries of the congressional discussions of a given bill.[10]

The history of FCs

Two main concerns inspired the FCs law of 2005. The first was growing dissatisfaction with the judicial response to family conflicts through the 1990s. As Arancibia and Cornejo (2014) noted, family notions changed rapidly in Chile since the return to democracy due to rising demands for gender equality silenced during the dictatorship. These sociological changes inspired rapid changes in substantive family law. However, the Chilean court´s work on family matters remained unchanged throughout this period, coming to be seen as an impediment to such reforms. Turner´s (2002, p. 414) analysis of the antecedents of the FCs reform explained:

> "a new family law adequate to meet the new social reality and the country´s commitments at an international level was expressed only in substantive law … There was no progress whatsoever

[10] The history of the law is produced by the library department of the Chilean congress. The history of the FCs law no. 19.968 has a total of 2.030 pages, and the IFV law no. 20.066, 565 pages. These documents include the full or edited transcripts of interventions from parliamentarians, experts and civil society members in the different commissions and congressional sessions and the successive versions of the bill.

concerning procedural law. The modernizing trend had not touched the judicial response to family conflicts."

IFV cases were processed as common civil issues before creating the FCs. Empirical analyses of that period argued that civil courts- designed to process contractual matters - lacked the expertise necessary to manage IFV cases and gave secondary importance to IFV claims in practice (Centro de Derechos Humanos, 2009, p. 184). This meant that civil court judges opted not to concentrate on IFV cases, and IFV procedures ended up being managed by court staff most. As Haas (2010) noted, FCs promised to be a new institutionally providing an efficient and specialised response to the demands formulated by feminist and women groups concerning violence against women.

The second inspiration was the reform of the criminal jurisdiction. The criminal reform was implemented in 2000 after a 10-year design period. The heart of the project was the replacement of the Chilean traditional inquisitorial and written-based procedural structure with an adversarial and oral-based one. The criminal reform was applauded as a ground-breaking public policy locally and in other Latin American countries, defining the meaning of a modern justice administration system in Chile (Palacios, 2011). Modernity meant two things in this project: efficiency and transparency (Langer, 2007). The criminal reform accomplished these goals through oral hearings. Such hearings were conceived as publicly accessible fora where legal debate could operate quickly based on face-to-face interaction. In addition, the criminal reform created an entirely new set of institutions to deliver this adversarial scheme - including new courts and prosecution and public defence office previously non-existent in Chile (De la Barra, 1999).

Azócar (2015) developed an empirical analysis of the criminal and family courts´ reforms from a feminist perspective. This work qualitative empirical data (interviews) and documentary sources (including the history of the law) to contrast the political rationale framing these reforms´ design and implementation.[11] Azócar suggested that gender differences defined the discussions of each reform. The FCs´ law was conceived under a feminized image of judicial work contrasting with the ideals of analytical rigour, legal objectivity and judicial impartiality mobilized in the criminal reform´s discussion. As Azócar (2015, p. 23) noted, the criminal reform sought to express, "complex jurisprudential theory with international links,

[11] The FCs legislative design included the period between 1997 when the bill was introduced to Congress by the government and 2005 when law no. 19968 was promulgated.

resorting to hard sciences to achieve a scientific and objective system ... [For its part] the lawyers behind the family court´s reform mobilized a feminized image of legal practitioners, in allegiance with family mediators, psychologists and social workers, that promoted humane and harmonic solutions through the dialogue with the parties. Their competences were subjective rather than objective ... based on personal relationships … rather than individual work, intelligence and merit."

Azócar concluded that the feminization of the FCs design determined their legal expertise and status among legal scholars. The FCs´ debate stressed the emotionality of family conflicts and, thus, their remoteness to legal rationality. Azócar argued FCs´ expertise was envisioned as soft skills and practical strategies to facilitate dialogue and understanding between the parties. Their goal was to reconcile family bonds rather than determine peoples´ rights. Moreover, the FCs law was promoted as a reform for legal practitioners and psycho-social professionals, attracting little attention within academic legal circles and holding a low status within the legal community.

Although Azócar does not mention it, the history of the FCs law demonstrates how this particular understanding of the new institution imbued oral hearings with a new meaning. Unlike the criminal reform´s focus on efficiency and transparency, the FCs law conceived oral procedures as means to address the otherness of family matters. Oral hearings were conceived as tools to address the epistemological challenges family matters posed to legal work and resolve the contradiction legislators faced in designing a judicial system to address conflicts seen as non-juridical. The Supreme Court's intervention during the FCs law´ congressional debate exemplified this idea.

> "In light of the peculiar nature of these matters, which often raise issues that are not strictly legal, this court deems positive and timely the intent to create courts specialized in family matters" (BCN, 2004, p. 57).

The notion of modernity of the criminal reform was replaced gradually during the debate of the FCs law, giving way to the view of oral procedures as tools enabling a flexible and holistic jurisdictional exercise. Thus, the centre of the FCs model was the soft skills and sensibilities of the court professionals. Particularly of FCs´ technical counsellors, psycho-social professionals whose role was to assist judges in decoding the elusive nature of the family conflict. Bordalí and Hunter (2016) would refer to this idea as the myth of the

psychologist judge. "This myth has had profound effects in national and comparative legal scholarship, imagining oral procedures as means to assess the body language of the parties and witnesses." Thus, the political goals of transparency and efficiency became secondary in FCs, subordinate to the need to address family conflicts´ quasi-legal features. One Senator summarized the new meaning attributed to jurisdictional expertise in the FCs law:

> "In front of perhaps one of the most difficult and complex issues of human conflicts: family relationships … A specialized judge will have the ability, the criteria, to resolve properly a conflict of this nature, where it is very difficult to elucidate who is guilty or innocent. Usually, they are disputes that are triggered by partial views of the reality of the family group. And judges, through their training in the Judicial Academy, should have the ability and talent to conduct processes, not in the spirit of sharpening conflicts or being indifferent to them, but in trying to resolve them." (BCN, 2004, p. 945)

The FCs were implemented in October 2005. There then followed by a series of operational problems (Casas et al., 2006; González, 2014; Silva et al., 2007). The FCs launch was hasty and disorganized. Unlike the criminal court reforms, whose implementation occurred gradually over five years and by zones in the country, all the FCs began operating simultaneously. Implementation was preceded by a short 13-month preparation period that Silva et al. (2007) characterised as unprofessional and deficient.

During their first year, FCs received more than double the cases anticipated, leading to serious delays in processing cases (González, 2014). Misunderstandings of the protocols accompanied case processing. These involved unclear guidelines concerning the distribution of cases between judges and courts and the formalities involved in each matter´s procedures. This period came to me known the collapse of the FCs in Chile, which Muñoz (2012, p. 157) summarized:

> "The court´s management was insufficient and inefficacious. From the point of view of the people involved, these difficulties entailed enormous workloads that undermined the life quality of judges, technical counsellors and court staff."

The collapse of the FCs led to five years of institutional redesign. In December 2009, the Supreme Court declared having overcome the problem. However, empirical research argued that the Supreme Court´s

affirmation involved a strictly quantitative appraisal of this jurisdiction and neglected significant qualitative problems in the FCs´work (Fuentes et al., 2011). Scholars added the FCs redesign process focused on increasing FCs´ efficiency by standardizing judicial procedures (González, 2014; Silva et al., 2007). This standardization had decreased the court´s processing times but generated problems concerning the quality of legal debate within FC (Fuentes et al., 2010). Contrary to FCs´ original procedural design - seeking to provide flexible jurisdictional exercise sensitive to the conditions of each case - the collapse sparked rigid bureaucratic patterns restricting discussion significantly. Fuentes (2015, p. 916) argued quality problems produced friction between FCs professionals, reinforcing the low status of this institution among legal scholars. Family lawyers discredited judges for developing a simplistic and overtly imposing tone in court, while Judges criticised what they saw as a lack of technical skills in family lawyers.

The history of IFV law

Feminist socio-legal researchers described the 2005 IFV law as part of a larger political process driven by feminist and women movements to raise awareness and address gender violence in Chile. (Maturana, 2009; Núñez, 2017; Universidad de Chile, 2018). This process had its roots in women movements formed under the dictatorship and gained momentum since the return to democracy in 1989. Key events included the ratification of different international agreements on violence against women since 1987, the creation of the National Women´s Service (SERNAM) in 1991; the promulgation of the first IFV law in 1994; and the creation of FCs 2005. Authors like Madariaga (2015) and Arce (2019) saw these events as accomplishments expanding a feminist agenda within the Chilean state, laying the ground for the 2005 IFV law.

The 1994 first IFV law (no. 19.325) was the direct antecedent of the 2005 reform. Feminist activists and scholars signalled this first IFV law as the moment violence in Chilean families ceased to be a private legal issue (Calvin et al., 2008; Universidad de Chile, 2018). However, the first IFV law faced criticism even before its enactment from these same groups. Feminist academics and women groups questioned the law´s "therapeutic approach to IFV", as Casas (2006) called it, which focused courts´ intervention in restoring family bonds. The clearest sign of this approach was the mandatory conciliation stage the law prescribed for IFV procedures. Hence, Casas (2006, p. 197) concluded the law “followed the principle of family unity and disregarded the physical and psychological integrity of the people involved”. Empirical research noted most IFV cases ended through parties’ agreements under this legislation – estimates ranged from 65% to 92% of cases (Casas, 2006; Casas and Vargas, 2011; Universidad de Chile, 2018).

Haas (2010) and Hiner and Azócar (2015) empirically analysed the first IFV law's legislative process, arguing this was an expression of the politics of reconciliation. Although violence against women was the primary inspiration of the bill, feminist ideas about gender were contentious for conservative groups - including the right-wing opposition and the Christian Democracy Party, which formed the government and directed SERNAM at the time. Consequently, the focus of the legislation shifted from violence against women to protecting family relationships. Hiner and Azócar (2015, p. 60) explained:

> "[Violence against women] could lead to divisive discussions on the structure of the Chilean family, reproductive rights for women, and the legalization of divorce. Therefore, the discussion of violence against women had to be framed carefully to promote consensus. This was when the hegemonic politics of national reconciliation offered an opportunity: instead of treating women as victims in their own right, some sectors—primarily the PDC [Christian Democracy Party], backed by SERNAM—treated domestic violence as an issue of the ´family´ and its solution as a matter of personal rehabilitation."

Scholars and women groups applauded the 2005 IFV law for replacing the 1995 therapeutic approach and centring jurisdictional work in protecting victims and sanctioning offenders. Thus, the legislative debate and subsequent socio-legal works concentrated largely on eliminating the conciliation stage from the procedure and creation of the new crime of habitual abuse - portrayed as the hallmark of the State´s change of focus.

The 2005 IFV law was thus applauded for replacing the 1995 therapeutic approach and centring jurisdictional work in protecting victims and sanctioning offenders. In particular, scholars and activists highlighted eliminating the conciliation stage from the procedure and the creation of the new crime of habitual abuse - which stated that repeated acts of violence were a criminal rather than a civil matter regardless of their typification separately.

At the moment of this research, there were no empirical works on the pre-legislative stage of the 2005 IFV law - including, for instance, interviews with the congressional actors directly involved in the parliamentary debate. However, I suggest the history of the IFV law no. 20.066 demonstrates continuity with the politics

of reconciliation. Like the first IFV law, the 2005 law excluded gender when conceptualizing the problem addressed. This exclusion was achieved through the notion of IFV, whose abstraction and ambiguity served legislators circumvent this contentious issue. Thus, IFV facilitated a legislative agreement without deliberation.

The history of the 2005 IFV law exhibited two opposite conceptions about its subject matter. On the one hand, the progressive view of the bill's promoters - who stressed the legislation´s focus on violence against women. On the other hand, the stance of conservative members of congress - who stressed the bill´s aim of protecting the Chilean family. The history of the law demonstrates how both views developed in parallel throughout the legislative process, disguising their differences beneath a more abstract and vague notion.

The following quote helps me demonstrate this point. The quote is from the bill´s initial stage, within the commission for family matters of the deputies' chamber. During these early discussions, experts were invited to comment on the bill. The invited experts informed the bill´s promoters about the potential problems of the concept of IFV. These comments stressed IFV´s lack of specificity and, therefore, its potential for confusing institutions in charge of applying the law. Thus, the expert below encouraged legislators to avoid circumlocutions and address the social demands directly underpinning this initiative, which concerned violence against women and elders.

> "the broad and non-specific approach of the Bill translates into a general sanctioning of aggressions between family members and does not consider crucial distinctions … the problem with an undifferentiated notion of IFV is double: the judicial system will congest with claims, and it will make invisible the fact that it is women and children who experience violence in Chile… The expert reminded the legislators that this law was the product of a concrete social demand for making visible the gendered based abuse." (BCN, 2005, pp. 59-60)

The following stages of the bill did not address the critique raised by the expert. However, the legislative debate between members of parliament coincided with the expert´s argument. This debate exhibited divergent understandings about the subject matter of the legislation. While some members of parliament stressed the bill´s focus on violence against women (BCN, 2005, p. 116), others the bill´s focus on the crisis of the Chilean family (BCN, 2005, p. 131).

The excerpt below was part of the senate´s constitutional commission debate in the second half of the legislative process. On that occasion, the commission debated and rejected the executive´s amendment to specify the law´s objective (contained in article 1 of the bill). The executive, represented by SERNAM´s director, suggested replacing the generic aim of "protecting the safety and integrity of IFV victims" with the phrase: "preventing, sanctioning, and eradicating violence against women and the family". The IFV law did not include any of these expressions in the end. However, the debate demonstrated the evasive approach concerning gender distinctive of the pre-legislative process of the IFV law.

> “The SERNAM´s director, Mrs Cecilia Perez, pointed out that the amendment will highlight the specificity of violence against women in the legislation.
> […] The Honourable Senator Mr Zaldivar argued referring to women directly gives the impression that these were not part of the family. Thus, although he understands the goal of highlighting women as one of the main victims of IFV, he disagrees.
> The honourable senator Mr Aburto stressed that the text agreed so far comprises all family members. Hence, introducing a specific reference to women would mean doing the same, for example, concerning obviously vulnerable new-borns.
> […] SERNAM´s director noted that, although the law addresses violence within the family, there should be an explicit concern with the particular form of violence experienced by women in this context.
> […] The honourable Senator Mr Zaldivar argued that, as indicated by senator Mr Aburto, making a special reference to women would entail making special references to children and adolescents, which have experienced dramatic cases shocking Chilean society.
> […] The commission agreed to replace the expression ´violence against women´ with ´intrafamily violence´ in the entire text of the bill." (BCN, 2005, p. 299)

The quote above captured the discursive strategy that silenced gender in the legislation. This involved resorting to conceptual abstraction and circumlocution to avoid addressing directly political differences at the base of the debate. Below I present three quotes from the final congressional session after the bill's passing. Members of parliament and the executive celebrated the new legal text. Their celebrations demonstrated underlying unaddressed differences concerning the role of gender in IFV. The first and last

quotes are from two senators. Both stressed the relevance of the new law in protecting Chilean families. The quote in the middle is from SERNAM´s director. She responded to the senators' remarks by stressing the law´s focus on violence against women.

> “[Senator 1] I would like to highlight that this project is not directed just to women, but to the family as a whole. It is oriented towards women, children and, as one senator already said, elder men and women.” (BCN, 2005, p. 517)

> "[SERNAM´s director] In spite of the broad approach of the project, which considers all family members, we must ask ourselves what kind of intrafamily violence is more compelling than the naturalization and legitimation of unequal rights, treatment, and opportunities on the bases of gender? Which form of violence is more potent than the brutal and extreme femicide cases? The most brutal harm that a child can experience is the death of their mother in the hands of their father!” (BCN, 2005, p. 521)

> “[Senator 2] Indeed, violence against women has been the symbol of this initiative. But this has a broader scope that seeks to eradicate violence within the family understood broadly. We are not excluding any possible victim of intrafamily violence. Be that a son, partner, elder, or women. The law is protecting the family group.” (BCN, 2005, p. 524).

The new IFV law (stat. no. 20.066) was implemented in 2005. Empirical analyses have highlighted the legislation´s unsatisfactory outcomes. First, many of the problems of the first IFV law continued under the stat. no. 20.066. These included limited funding for institutions enforcing the legislation and lack of training for professionals on the ground (Casas et al., 2010b; Centro de Derechos Humanos, 2009). Secondly, the scheme of institutions included in the law faced significant coordination problems (Casas et al., 2010b; Casas and Vargas, 2011; Cámara de Diputados, 2015; DECS, 2018; Larraín, 2008). These problems included: inconsistent registers between institutions, poor coordination between the family and the criminal system (due to the conceptual vagueness of new crime of habitual abuse), inconsistent judicial criteria on risk assessment, and poor coordination between the courts and the police in the follow up of cases. Policy evaluation reports linked these problems to the unclear guidelines contained in the new legislation (DECS, 2018, p. 23):

> "The main problems generated by the law that regulates IFV in Chile are based on a lack of coordination between the different components of the legislation. This means that the law is unable to provide jurisdictional tools for generating specific solutions to the different phenomenon under consideration."

There was no empirical work focused specifically on FC professionals' views on IFV at the time of this research. However, authors like Arensburg and Lewin (2014) and Casas et al. (2007) analysed criminal court professionals' opinions. These authors highlighted that these professionals made a poor evaluation of the law, stressing its poor technical quality and insufficient resources to apply it in practice. Moreover, Casas et al. (2007) found criminal court professionals considered IFV as a matter that ought to be processed by family courts exclusively, which had the necessary network of assistance for addressing this kind of conflict in their view.[12]

4.1.2 Legislation as a technique

This section discusses the doctrinal approach to the FCs and IFV laws. Chilean doctrine was the mainline of legal analysis in Chile and stood out for cultivating a strong positivist tradition (Le bonniec, 2018) Peña (1995, p. 329) described this tradition as a mode of legal thought self-conceived as "predominantly descriptive and non-prescriptive activity, whose primary function is to register valid norms and then systematize these according to scientific neutrality." Moreover, Amunategui (2016) explained Chilean doctrine expressed the legalistic juridical culture present in the country more generally. This approach to legality, Amunategui added, began to form during Spanish colonial rule and accentuated during Chile's formation as an independent state since 1810. Chilean legalism emphasized the role of statutory law as the fundamental source of law and formal textual reasoning as the core of legal knowledge

[12] Chapter five demonstrates that some of my participants held the exact opposite view, arguing that IFV should be exclusively a criminal matter. These FC professionals imagined criminal courts having the resources and legal-technical means FCs lacked to process these cases adequately.

The FCs and IFV laws´ loose conceptualisations and flexible jurisdictional design thus challenged doctrinal reflection. Although praising their aims, legal scholars criticised this legislation from a legal-technical stance (Casas et al., 2010). Their critiques stressed the vagueness of these new laws prevented sound legal analysis and produced discretionary jurisdictional work.

The FC's reform involved a complete restructuring of procedural family law (Turner 2002). This reform replaced the previous family law procedures, managed by minor and civil courts through an entirely written scheme, for new oral procedures managed by specialized courts on the principles of reduced formalism.New FC procedures considered a simple two-hearing structure. First, preliminary hearings contained the pre-trial stage. Their objectives were: 1) to present claims, 2) evaluate and propose agreements (excluded IFV cases), 3) determine the content of the dispute and the specific points of controversy, 4) stipulate the means of evidence to be used during the trial, and 5) to assess the pertinence of precautionary measures. Secondly, there were to be trial hearings, the objectives of which were 1) to produce the evidence, 2) to discuss the conflict, and 3) to pass judgement.

Doctrinal analyses of the FC´s law stressed the problematic nature of many provisions. Henríquez (2018, p. 135), for example, analysed the regulation of the FCs´ technical counsel – a body of psycho-social professionals assisting judges in the processing of cases. He concluded that "the rule that describes the functions of the technical counsel is too ambiguous in its terminology and requires to be revised in accordance with the principle of legality." Carretta (2014, 2015) researched the concept of reduced formality introduced in the FCs´ law. His work highlighted its vague statutory formulation and how this risked neglecting the basic needs of due process.

> "Reduced formality cannot include the prospect of excluding or omitting all procedural formalities … The process depends upon, and it is not possible without them. Like a train that is useless without the rails" (Carretta, 2015, p. 189).

Similarly, Casas et al. (2010, p. 5) analysis of the FCs´ law concluded:

> "The law that creates FCs shows serious problems in its normative design. These translate into a lack of clarity concerning complex, yet fundamental issues for the operation of any justice system. It

> seems like the executive nor the legislators approving this project were able to define with clarity some of the basic features of the system. This public policy ends up being an expression of broad ideas rather than the formulation of a technically sustainable reform."

Doctrinal analyses of the IFV law followed a similar line of argument concerning substantive family law. Chilean family law, Domínguez (2005) argued, was the area of civil law experiencing more significant changes during the second half of the 20th century in Chile, particularly over the 1990s. These changes involved successive reforms introduced to the Chilean civil code's (1855) norms on family matters, oriented towards producing more egalitarian family relations (Lepín, 2014). Reforms included: the end of women's partial incapacity in the administration of marital assets (1989), the first regulation of intrafamily violence (1995), the end of legal discrimination against extra-marital children (1998), and the creation of the right to divorce (2004). Arancibia and Cornejo (2014) concluded a modern phase of Chilean family law developed after the dictatorship. Nevertheless, Lepín (2014, p. 49) argued these reforms were made unsystematically and distanced from academic reflection.

> "the profound transformations of Family Law have produced a new set of principles. These have been shaped over time and do not respond to planned reforms or coherent legislation. Rather, these have been aimed at solving specific problems."

doctrinal scholars praised the new focus of the IFV law – concentrating on the protection of victims and the sanctioning of offenders. However, they criticized the technical quality of the same.

Scholars praised the IFV law's goals but criticized its technical quality. For example, Van Weezel (2008, p. 233) stressed the problems the definition of IFV and habitual abuse raised within the criminal system: "The definition chosen by the legislator is so broad that, in practice, it comprises any possible forms of abuse towards another. This forces the interpreter to conclude that criminal intrafamily violence includes all crimes typified in the penal code or special laws…". Casas and Vargas (2011) noted that the legislation's broad notion of IFV obscured the particular features of the different kinds of conflict involved - most notably, those concerning women. Moreover, as Casas (2017, p. 51) noted, technical deficiencies meant doctrinal scholars had little interest in IFV as a subject matter.

> "There are very few works about intrafamily violence within the juridical literature … In spite of its prevalence and impact on the family and criminal justice administration, IFV is perceived to be the poor relative within family law and within criminal law."

This section's literature review helps me illustrate two points. The first refers to the relation (or estrangement rather) between two scholarly ways of representing laws in Chile. Both views, socio-legal and doctrinal, agreed that the FCs and IFV laws were much-required responses to demands for gender equality in the country but crafted poorly by the authorities. However, despite agreeing on their overall conclusions, socio-legal and doctrinal works formed two different representations of these laws in practice. Socio-legal works looked at the political rationale underpinning these laws' design and implementation, while doctrinal works looked at these legal texts formally, separate from their historical unfolding. This disciplinary divide obscured the continuity between Chile's recent political history - characterized in the politics of reconciliation - and the country's legal-technical development - marked by conceptually vague legal texts.

The second point refers to doctrinal scholarship's relation to FCs' IFV procedures. Overall, Chilean doctrinal scholars showed disinterest in the FCs and IFV laws. This disinterest had to do with the loose technicality of these texts, which hindered the traditional doctrinal mode of analysis and made FCs IFV procedures opaque to this gaze.

Thus, the politics of reconciliation translated into a kind of legal text that generated a disposition from the legal academy. In turn, the legal academy's stance translated into a practical problem to the FCs, which found little resources in the legal academy to orient their everyday work. The following section discusses this dissociation between academic and jurisdictional work by examining the FCs´ everyday representation of the FCs and IFV laws.

4.2 Legislation as everyday court proceedings

The FCs and IFV laws in the FCs everyday processing of IFV cases differed from their academic versions. Although FC professionals personally coincided with the scholarly views during their interviews, they performed the legislation assertively and clearly within IFV hearings and documents. Thus, IFV procedures´

participants faced a different version of the legislation in practice. This section discusses how FCs achieved this stabilization (rather than why they did this). This discussion helps me introduce IFV procedures´ practicalities, which were vital in the FCs capability to clarify and stabilize the meaning of these laws.

Outside IFV procedures, FC professionals coincided with the academic critiques. On the one hand, FC professionals emphasised Chilean authorities´ neglect concerning the courts´ IFV work. As the Judge below explained, IFV procedures had been poorly implemented and neglected by the various governments following the 2005 IFV law enactment. This neglect entailed FCs had to with minimal support from other state institutions in the processing of cases:

> "It's very easy to enact a law and say, ´ok, there you go, family courts will address this. Done, I promulgated the law´ ... What are we supposed to do? The law must include adequate resources. You cannot just stipulate mechanisms that do not exist in practice ... The IFV law is like a boat full of holes, which we are always trying to fix without any results. So, I say we have to get a new boat with the proper means and institutional support."

On the other hand, FC judges argued the IFV law was deficient in technical legal terms. They added that the law´s technical dullness inspired widespread disaffection from legal scholars´ and high courts supervising their work. Thus, the legislative strategy of the politics of reconciliation produced legal texts that translated into an institutional disaffection for IFV procedures. Judge V explained FCs´ estrangement concerning the legal academy:

> "Judges have nothing to hold on to. I mean, if a civil judge has doubts – which happens all the time – they can look in the juridical gazette. The same happens in criminal matters. Where do I go in family matters? For example, in IFV procedures, judges have to rely on their intuition and common sense. The only available channel is emails between colleagues, which are not academic. They are but a series of personal opinions on how to address certain practical issues." (interviews Judge V)

Similarly, FC judges argued, high courts that were supposed to oversee and orient lower courts from a technical stance showed distancing from the FCs. This distancing, they argued, was a consequence of FCs' loose technicality, which made their work uninteresting and bland in the eyes of high court judges. The appeal judge I interviewed confirmed this view, noting that although she had developed a personal interest

in family matters: “the rules that govern FCs are broad and provide great discretion to the judge … FCs are looked down upon from the perspective of the juridical field” (Interview Judge A). FC judges critique was not concerned so much with FCs professional status; rather, they criticised how this undervaluing of their work deprived them of the support they needed from their superiors. Judge V explained this later in his interview:

> “I think that appeal courts look down on family courts … I would love to be directed in a juridical sense by a decision from the appeal court. To receive a decision from the appeal court that could help me improve or change track. But this has not happened, or I cannot remember it has. And this is terrible because, if your superior, which is supposed to have more experience than you and has three heads instead of one, does not provide you with such feedback, then, we are back again in the mud, so to speak.” (Interview Judge V)

The quotes above demonstrated the context of institutional abandonment in which FCs applied the laws concerning IFV cases. This context contrasted with the representation of these laws people faced while processing claims. As Goffman (1971, p. 50) suggests, the legislation had a front and backstage in the court’s everyday work. The inside version was clear and assertive, excluding the ambiguities and limitations scholars and FC judges argued abroad. As one FC counsellor put it: “you have to look confident when you are in front of the users because that is what they expect of you. So they need for you to orient them with their problem and tell them what they can get from this court or not” (Fieldnotes).

What was interesting about the above was not why FCs produced this back/front stage performance (which aimed at projecting expertise, as the counsellor above explained) but rather how FCs created and maintained the divide. FCs´ achieved this by stressing three critical features of IFV procedures in practice: the FCs´ marked hierarchy over IFV cases parties, the FCs bureaucratic standardization of procedures, and the implicit recognition of gender in IFV cases. These features were not in the text of the law, but FCs resorted to them to simplify meaning and produce a stable and functional legislation version in their everyday work.

A set of institutional videos displayed in the FCs´ waiting areas help me demonstrate the above. These videos, called educative capsules, were created by the press and communications department of the

judiciary - which had as one of its goals “to educate the community at large about varied aspects of the administration of justice and the role of judges and courts” (Poder Judicial de la República de Chile [PJUD], 2020). To this end, this department had created a set of animated clips summarising and staging some of the most common legislation and formalities of the FCs. Educative capsules used a simplistic aesthetic and linguistic style to elucidate legal issues. At first, I took this simplification for granted in light of the videos´ aim. However, during my time in the field, I noticed educative capsules mirrored the FCs´ simplification strategy. These achieved a clear version of the law by grounding concepts in their practical use in the courts. Educative capsules turned people's time within the waiting area into a lesson whose content was the version of the legislation FCs´ utilized front stage.

Scene 4.1 describes my arrival at one of the courts and encounter with the educative capsules. This scene demonstrates the hierarchical stance FCs´ held concerning IFV parties. Educative capsules stressed this practicality through childish aesthetics positioning viewers as uninformed individuals facing an expert institution.

Scene 4.1

Second day in town court. I’m scheduled for a meeting with the court administrator. A private security team guards the entrance. Two men over 60 with a ritualistic attitude asking for people’s IDs, registering their names, and seeing that they go through the metal detector. I sit in the ground floor’s waiting area. The place is calm and has standard minimalism: Light grey tiled floors, all white and glass walls, light-coloured wooden benches, and an imposing wooden portico at the courtroom’s entrance. Two female court staff at the reception desk, two female court users, a child, and I wait in silence. A large television screen vies for our attention. In it, institutional videos explain the new family court, its procedures, and matters. A series of looping clips of about five to eight minutes each summarise, order, and deliver practical information for the viewer to know where they are and how they should navigate this place.

Most of the videos comprise caricatures explaining different aspects of the courts´ work. Each educative capsule, as they are called, deals with a special theme like the organization of the courts, how to ask for an increase or reduction of child support, or improvements in the

upcoming electronic processing reform (that promises to digitalize all paperwork within the judiciary). The narrative unity among the capsules is maintained through a childish aesthetic that stresses order and institutional progress. This narrative uses verbal and visual references highlighting the judiciary's new processes, buildings, and technological resources.

Two cartoon characters act as presenters of the videos, Just and Justine. These are the male and female anthropomorphic versions of the institutional logo of the judiciary: a Greek temple portico. Just and Justine stand out for their clearly alluded genders and their pedagogical speaking style. The former wears big black shoes and the latter red shoes, lipstick, and long eyelashes. In this way, the videos establish a teacher-student relationship to introduce us to the semiotic universe of the FCs. Minutes later, one of the court staff explains to me that the videos are summaries of the law screened in every family court in the country.

Educative capsules used visual illustrations to clarify the meaning of the legislation. Visuals aids informed the practical features of IFV procedures. The videos´ childish aesthetic was one of these aids. This aesthetic stressed an asymmetrical relationship with its viewers. The videos presupposed and recreated an uninformed court user. This spectator required uncomplicated and lively images to be instructed on legal issues and the institutional developments of the judiciary. Thus, Just and Justine personified a teacher or expert, instructing pupil FC users.

The unequal or hierarchical stance adopted by the video was a general feature of the FCs everyday processing of IFV cases. The FCs´ hierarchical stance was beyond formal. It was based on marked social differences between FC professionals and people resorting to the courts. Although there was no quantitative data about this feature, this was a well-known issue for all FC professionals. Most of the hearings I observed, involved litigants in person exhibiting a significant distance from the formal legal language of the court. The minority of IFV cases with legal representation were conducted by the legal aid services of the State - which included a reduced number of lawyers acting in each court. Three legal aid lawyers attended court one regularly and five to court two.

The FCs´ marked hierarchical relationship over court users reduced the chances of technical dissent. The latter meant a reduced group of professionals - comprised of each court´s judges and technical counsellors and the group of legal-aid lawyers assiduous to that court- discussed the meaning of legal categories in practice. Thus, the everyday work of IFV procedures rarely involved interventions from professionals unaccustomed to the FCs routines, reducing disputes over the legal categories´ meaning in each court.

One judge's strategy for conducting IFV hearings involving litigants in person helped me see the significance of hierarchy in simplifying legal meaning. This judge was particularly supportive of litigants in person. In this spirit, they would warn them before deciding on their case: "Now I'm going to speak on complicated legal terms, but don't worry, I will explain everything to you afterwards" (field notes). Subsequently, she would look directly at the courtroom secretary and utter her decision quickly and formally. Then, the judge would conclude the hearing, stop the audio recorder, and open a frank and colloquial dialogue with the parties. This expression of concern demonstrated the degree of control FCs had over the meaning of legal provisions. Like Just and Justine, FCs related to their users from an asymmetrical perspective, which involved teaching rather than debating the legislation.

The second practicality was bureaucratic standardization. FCs IFV procedures relied on a rigid bureaucratic pattern to maintain order and predictability in their use of the law. Thus, the FCs version of the law abandoned the original flexible procedural design. Standardization focused on achieving efficiency in processing cases by having a set structure for each matter.

The following scene describes the educative capsule called "Family courts". In the video, Just and Justine educate people in the waiting area about the FCs law. This version explains this reform as part of a significant modernization process of the judiciary aimed at providing efficient procedures. The videos thus emphasized efficiency in case processing and omitted procedural flexibility and judicial discretion.

Scene 4.2

In the educative Capsule "Family Courts", Just and Justine introduce the FCs law by noting that "these courts started working in October 2005, unifying in a single and specialized jurisdiction across all family matters." The presenters explain that family courts gathered a series of legal

matters distributed previously between Minor Courts and Civil Courts. “Following the previous reforms to labour and criminal justice, the new family courts were created to provide faster and more transparent legal procedures. These principles translate into the carrying out of continuous and successive hearings making new procedures very different from the written, slow, and hermetic procedures of the old courts.” These statements are accompanied by drawings that represent, first, the parties in front of the bench, and, afterwards, a quill next to a stack of brown paper.

In its second half, the video explains the types of hearings in family procedures. There are two types, the presenters explain, preparatory and trial. “Preparatory hearings include the possibility of reaching an agreement between the parties and deciding the case immediately. If this is not possible, these hearings serve to define the object of the trial and the facts to evidence within a subsequent trial hearing.” The video shows cartoons of people passing one after another in front of the judge's stand. The judge moves his gavel as the parties pass in a series.

The educative capsule of the FCs law centred on efficient case processing. Just and Justine´s explanation stressed the benefits of a quick justice system overcoming the old written-based procedural structure. Thus, the video explained this legislation by referencing the ideas of the successful criminal reform preceding it. This simplification, which reduced the FCs law to the aims of the criminal reform preceding it, allowed the presenters to communicate a straightforward idea about the FC procedures. The video´s last image stressed this simplification through a line of people passing in front of the judge in a series - contrasting the original focus of the law on procedures sensible to the conditions of different cases.

FCs had developed the standardising logic above following the initial collapse of the system. The original collapse of the FCs was a founding narrative for the FC professionals of my research. It designated a long and stressful work period where FCs faced immense pressure (I discuss this further in chapter six). This origin narrative entailed that FC professionals valued highly keeping an efficient bureaucratic arrangement capable of processing cases rapidly. In IFV procedures, this standardisation entailed: filtering cases before the judicial procedure (chapter six), keeping a set of forms for people´s presentations and requests (chapter seven) and restricting the number and kinds of evidence allowed in these procedures (chapter eight).

The third scene describes the educative capsule about the IFV law. This capsule demonstrated how FCs` clarified this legislation by addressing gender implicitly in their practice. Although IFV procedures were neutral to gender formally, FC professionals were almost all female who acknowledged IFV as a gendered social problem. Thus, gender played an implicit role in the FCs´ legislation performance, determining professionals´ personal views and IFV procedures practical focus. In this vein, the IFV law´s educative capsule clarified legal notions through visual examples stressing the gendered nature of the IFV conflict.

Scene 4.3

The educative capsule called “What to do where an individual is a victim of Intrafamily Violence?" summarizes the IFV law. Just and Justine show up standing on the judge’s bench. They are about the same size as the bench’s microphone. “This time, we will talk about a critical issue that we must be able to identify. This is, Intrafamily Violence”. Just raises his hands and eyebrows to argue, “let’s begin by answering what intrafamily violence is. IFV involves any abuse affecting the life or the physical or mental integrity of a family member. It can take place, for example, amongst husband and wife, cohabitants, ex-spouses, ex-cohabitants, parents of a child, minors, elders or disabled people under the care of their family”. The screen gradually fills up with pictures representing each category. “IFV manifests itself in different ways”, Justine adds, "involving physical, psychological, sexual or economical forms of aggression". Each category is accompanied by cartoons representing a male offender and a female or child victim.

The second half of the video focuses on the processing of claims. Justine argues: “Family courts process IFV acts that are not classified as crimes. On its part, cases that involve physical abuse and are classified as crimes are sent to the prosecution office to be managed by criminal courts”. However, she adds, any kind of aggression can be considered a crime if it is repetitive or continuous in time, which is called habitual abuse. Family judges can send these cases to the prosecution office. Just asks, “what if the victim feels threatened?” This entails a risk situation, Justine replies. It means that one or more people could suffer some kind of abuse.

The video shows cartoons representing a man with an angry face next to a woman and two children. The man tries to hit one of the children, who escapes to the woman´s side. Justine explains that the court can issue precautionary measures in these cases. Just and Justine say goodbye from the bench.

Scene 4.3 demonstrated the tacit role of gender inside IFV procedures. The presenters' speech followed the explicit gender-neutral terminology of the IFV law´s text but resorted to gendered visual examples to clarify the meaning of these words in practice. In this manner, the educative capsule managed to convey the meaning of the IFV law more clearly to people in the waiting area. The video utilised visual aids identifying a typical IFV case involving aggressive men threatening or harming women and children.

FCs IFV procedures were neutral to gender formally. However, FCs were comprised largely of young women professionals who recognized the gendered pattern in IFV cases and the significance of Chilean macho culture in IFV cases. The vast majority of FC professionals and staff were women under fifty years of age. In court one, its three judges and four out of five counsellors were women. Likewise, in court two there was one male judge and one male counsellor, and all the rest (n=11) were women.

These professionals recognized the gendered pattern of IFV cases and the FCs. One of the judges in court two, for example, had the custom of collecting women magazines, bringing them to court and asking court staff to place these in the waiting room of the IFV courtroom. This judge explained how she considered it essential to make the court welcoming and less stressful for IFV claimants. This trivial gesture exemplified the critical role of gender in IFV procedures. Rather than being absent, gender appeared through the tension between the explicit and implicit facts of the courts´ work. Like the women magazines in the waiting area, gender was significant to IFV procedures but addressed outside their formal limits. The FCs´ gender-neutral version of IFV raised controversies with other participants of the judicial procedure. I analyze these controversies in the following chapter.

4.3 Conclusions

This chapter is the first of two contextualizing FCs´ translation of IFV. At one level, its discussion provided an overview of the history, main contents, and practicalities of the FCs and IFV laws. Beyond this, the

chapter drew inspiration from Mol´s work to develop a situated contextualization. This meant analysing FCs IFV procedures´ surroundings as an effect of their empirical performance.

The first section discussed two scholarly representations of IFV procedures legislation. On the one hand, Chilean socio-legal analyses performed these laws as political phenomena, focusing on the historical rationale underpinning the design and implementation of the FCs and IFV laws. These works stressed that this legislation resulted from feminist demands over the 90s in Chile. However, this political motivation was debilitated by the political culture of reconciliation framing legislative debate at the time. On the other hand, doctrinal scholars stressed the technical problems in the FCs and IFV laws. The doctrinal critique stressed these texts used ambiguous notions that produced a confusing and opaque jurisdictional arrangement.

Mol´s idea of ontological politics helped me highlight the disciplinary divide separating Chilean socio-legal and doctrinal works. These two versions of the legislation had consistent conclusions concealed by their methodological constraints. Both portrayed the FCs IFV procedures as problematic sites characterised by political, institutional and technical exclusion. However, their analyses failed to account for this multifaceted exclusionary logic.

The third section discussed how FCs produced an authoritative version of the legislation in their everyday processing of IFV cases. This authoritative version involved excluding the limitations and messiness of the legislation stressed by scholars. The IFV procedures´ version involved a practical approach combining words in the law and the concrete features of IFV procedures. This performance produced a clear and consistent legal meaning by mobilizing three practical features of the FCs: the hierarchical relationship with court users, the standardization of procedures, and the tacit reference to gender. Thus, FCs IFV procedures managed to remove versions of the legislation emphasising ambiguity of meaning and expertise.

This chapter´s analysis complements Chilean feminist scholars´ critique of the undervaluing of women-centred legislation in the country. The chapter shows how the political framing of women issues during the 90s translated into a technical problem in these laws, which, in turn, translated into an institutional devaluation of the FCs IFV procedures. Thus, reproducing the low status this jurisdictional exercise held in practice.

The following chapter discusses IFV procedures´ context from a different facet. That chapter focuses on the relationship between the FCs gender-neutral IFV understanding and the gendered versions of IFV produced by institutions surrounding the FCs work.

Chapter 5: Versions of gender

Gender played a controversial role in IFV procedures. The IFV law omitted to mention gender, and the FC procedures were formally neutral concerning the gender of the parties. However, the Chilean State was party to international conventions and institutional agreements on violence against women, which committed it to develop a gender perspective. Consequently, State authorities and institutions used the notion of IFV commonly as a synonym for violence against women. This chapter discusses the clashes between the FCs' IFV procedures´ gender-neutral approach and alternative IFV versions stressing gender in policy reports and SERNAM´s women centres.

The chapter´s discussion has four parts. The first part examines the Chilean doctrinal reading of gender in IFV procedures. I suggest an alternative to the theoretical approach of doctrinal scholars by focusing on the epistemological clashes gender posed empirically in FCs´ IFV procedures. Section two discusses IFV´s statistical and cultural performances. It examines the logic in these two gendered versions and how they clashed with the FCs IFV translation. The third section looks at the FCs' gender-neutral version of IFV. This section argues that FC professionals acknowledged the overall claims of gendered versions of IFV. Still, they questioned the restrain these representations entailed in the court´s ability to doubt the legal meaning of IFV cases. To them, the clash was methodological rather than substantive. Finally, the fourth part presents the chapter´s conclusions. I suggest this chapter provides an alternative to the current Chilean reading on the controversy of gender in IFV procedures. It develops an empirically oriented analysis consistent with feminist research stressing jurisdictional exercise limitations concerning feminist IFV understanding.

5.1 Gender-based justice: Methodological challenges

Chilean doctrine was critical of the IFV law´s omission of gender (Casas, 2017). Thus, Núñez (2017) has argued that the IFV law disregarded a series of international conventions and institutional agreements on violence against women ratified previously by the Chilean State. The most significant of these was the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the 1994 Convention of Belém do Pará (CBP). Moreover, Miranda (2017) noted the IFV law´s conceptualization generated inconsistencies and confusion among Chilean State agencies. Regardless of its gender-neutral

stance, Chilean State agencies and public officials used IFV commonly as a synonym for violence against women, taking for granted the significance of gender in this phenomenon.

> "The State's discourse through policies linked to the IFV law interpret women as the main victims … Even though the law has avoided gender as a category to refer to unequal power relationship; this is present clearly in the translation made by public authorities." (Miranda, 2017, p. 64)

This section looks at the doctrinal approach to the controversy on gender in IFV to suggest an alternative empirical stance. Doctrinal scholars analysed the controversy over gender based on the formal/material justice distinction. This approach presupposed the analyst's capacity to stabilise a representation of material conditions like gender and, therefore, to mobilise these in the judicial procedure. Thus, the doctrinal reading overlooked the practical challenges involved in stabilising representations of social phenomena, which included lively political and technical controversies over the ways of representing the social. I draw on feminist literature on domestic violence in the English-speaking academy to stress this point.

5.1.1 Formal and material justice

Chilean doctrinal analyses about gender in the IFV law concentrated on criminal procedures (so far, no doctrinal works have focused on the FCs' IFV procedures). Notwithstanding, these reflections serve to contrast my approach and highlight what it could contribute.

Criminal scholars have primarily developed theoretical debates from a feminist stance, designed to include gender in IFV cases processing. These works have drawn from the analytical distinction between formal and material justice to orient their discussions. Poza´s (2019, p. 79) reflection on Chilean response to violence against women summarized this approach:

> "Women worldwide have nourished feminist reflection and work, allowing the understanding of phenomena like patriarchy and its link with public power structures in a dimension that goes beyond initial recognition and participation demands, putting material and moral conditions in which they live on the table. In the field of law, they have reconsidered the visions about formal equality, distinguishing it from material equality"

The formal/material justice scheme has depicted judicial work as responding to two opposing principles (Bordalí, 2013; Hunter, 2011). On the one hand, formal equality – supposedly the organizational notion of modern legal procedures – systematizes judicial reasoning based on abstract subjects. The latter represent a legal fiction by which the parties to the case come to be deprived of all their social and historical singularities within the legal procedure. In this way, formal equality claims to exclude all non-legal criteria from the deliberation of the case. Bordalí (2013, p 207) puts it as follows:

> "The ideology that informs the modern codified law from the beginning of the 18th century – the idea of a general and abstract law, with an abstract legal subject and people's equality in front of the law – is common to all the juridical system … people's material conditions do not matter underneath the clothes of the legal subject or party to the process. It is not relevant whether it is a woman or a man, rich or poor, businessman or worker: the law assumes that these subjects are equal in front of the law."

On the other hand, material justice principles have reintroduced some of the parties' concrete social and historical conditions into the procedure. Such an approach involved a later shift within legal thinking – as recently as the second half of the 20th century in Chilean procedural law – responding to the unfair effects of formal justice. Hence, material justice attends to the concrete social positioning of the parties in certain respects. Criteria like gender provide a basis for a differentiated judicial treatment of the legal subject.

> "this fiction that sought to simplify social reality begins to fade with the first protests of the masses and slight democratization of power by the end of the 19th century …. [gradually] there has been an abandonment of the abstract and formal conception. And a shift towards addressing the material conditions of the litigant subject – taking under consideration whether it is rich or poor, worker or employer, producer or consumer." (Bordalí 2013, p. 208)

In the doctrinal scheme, introducing gender considerations to the judicial procedure entailed recognizing women´s empirical condition as a group and structuring judicial knowledge on this basis. Thus, Villegas´ (2012) feminist reading of the IFV law suggested interpreting the crime of habitual abuse based on the notion of human dignity, which involved considering the vulnerable social position occupied by women

victims. Fernandez (2019) expanded Villegas work, suggesting an interpretation of the law based on the concept of patriarchy. From this stance, the objective of the law was to achieve a social position encompassing the vulnerability experienced by women. For its part, Araya's (2020) work has suggested incorporating a gender perspective in the interpretation of the evidence rules of IFV procedures. This interpretation would entail problematizing some of the core principles of this part of criminal law, which have the practical effect of discriminating against women.

The doctrinal approach provided valuable insight in terms of abstract principles expected to orient jurisdictional work. However, it contained a theoretical presupposition problematic from an ANT perspective. It assumed a known social setting merely described and mobilized as a judicial resource. Doctrinal definitions concerning patriarchy or human dignity contained this stabilization, and these notions presupposed scholars' ability to stabilize and mobilize society conceptually. This approach did help to suggest theoretical solutions to gender´s inclusion within the jurisdictional exercise. However, it ignored the practical difficulties and tensions involved in stabilizing "material conditions" and the different ways in which these could be represented or known in practice. These conflicts were technically and politically complex, raising thorny issues that made society appear much more fluid than the version proposed by the doctrinal scheme. FCs faced this practical fluidity in their everyday work on IFV, which made gender a contested and challenging category. The doctrinal disregard for these difficulties made its analytical frame ill-equipped to address messy research objects like IFV, in which consensus and coordination proved empirically difficult.

Scene 5.1 helps me exemplify my argument. The scene is from a seminar organized in 2015 by the appeal court overseeing my research of FCs. The event was recorded and published on the webpage of the judiciary (PJUD, 2015) and was part of my fieldwork preparation. Its title was "On the access to justice for women victims of IFV". The seminar's objective was to publicize amongst family judges the judiciary's participation in an international protocol on the access to justice of vulnerable groups. The seminar lasted over two hours and covered issues ranging from the use of language within judicial sentencing to the procedural technicalities of the new protocol. The seminar was relevant for my argument because it raised a demonstrative exchange between the keynote speaker – a constitutional law professor – and one of the FC judges in the audience.

The first part of the scene describes a summary of the professor´s presentation. The professor explained the conceptual underpinnings of the new protocol and its relation to previous approaches to jurisdictional activity. The protocol, he said, signals a transition from formal to material justice. Material justice principles entail developing a jurisdictional scheme able to consider social conditions. This consideration involved recognizing an individual's belonging to a socially disadvantaged group and providing differentiated treatment on such a basis.

Scene 5.1 part one

Law professor – I will present an overview of the theoretical framework underpinning these new ways of organizing judicial work ... these are things that were not in the books when I studied law, and I think this will be the case for most of the audience ... The individualistic version of equality ... has been renewed in recent decades by a view of equality that starts not from the person, but from its belonging to certain groups ... This view has brought an awareness and modification of certain categories ... The belonging to vulnerable groups generates special obligations for the administration of justice ... Judicial work can no longer be blind to colour, sex or other characteristics that ascribe a person to a certain group. The neutral and blind justice model changes towards a justice focused on gender in this case. Justice must not be blind. On the contrary, it must avoid prejudices that prevent it from being sensible to these criteria of belonging to certain groups .... The court can have a pro-worker, pro-woman, pro-child treatment, because it knows in advance, at the beginning of the process that a given subject belongs in that category.

The professor explained to judges the new logic in this protocol, which relied on knowledge about an individual´s social conditions. This knowledge served to problematize judges' preconceptions and reorient their work in favour of vulnerable groups.

The second part of the scene is from the question-and-answer section of the seminar. One of the attending family judges wonders about the precise means through which judges will be able to perceive group features in the parties to each case. The judge wonders about the certainty of this practice and how to

differentiate this from stereotyping. The judge´s question problematizes the stability attributed to social categories by questioning the practicalities involved in mobilizing these in a particular case.

Scene 5.1 part two

Judge – Maybe it's because I don't know much about the subject. However, my concern when talking about gender perspectives and about eliminating negative categorizations and stereotypes is, how can we fight against these? How can we perceive them and individualize them without falling into another kind of categorization? Which is what I do when I use a gender perspective. I don't know if I'm expressing myself clearly. [Stops to think] Am I not using one stereotype to overcome another?

The judge's question echoes what sociologists call the ecological fallacy – the argumentative error involved in attributing properties articulated for aggregates or collective phenomena to particular cases. This question stressed the fluidity or instability of the social categories suggested by the professor to the audience. The judge analyses the professor's argument from a practical stance, demonstrating the technical-logical challenge it entails. The judge´s final expression anticipates how using the approach suggested could lead to an equally biased position: "Am I not using one stereotype to overcome another?"

The final part of the scene describes the professor's response. This response demonstrated the limitations of doctrinal theorization, which could not work with contested and fluid social categories. These categories were unstable in practice and, thus, had no self-evident way of being mobilized.

Scene 5.1 part three

Law professor – The danger is falling into what anthropology has called essentialism. Essentialism means thinking that certain things possess certain attributes because of their sole belonging to a group. That is, for example, thinking that a woman, because of their mere belonging to a group, is always weaker and, therefore, it is empirically impossible for a man to be abused ... So, there is a danger in ascribing those categories as essential properties. This is the view of radical analyses, which suggest that these properties are essential. But I think that

these instruments can be applied without being a feminist necessarily and without being radical.

The professor's response presents a somewhat contradictory solution. Although social conditions are to be used as judicial tools in IFV cases, they must also to be doubted or problematized by the judge to prevent essentialism. I suggest this contradiction points towards the fluidity of the social phenomenon under discussion and how gender produced a socio-technical controversy within jurisdictional work. As a consequence, the material justice approach had a limited grasp on situations where stable categorizations seem problematic.

5.1.2 Gender and domestic abuse.

Chilean researchers are starting to empirically explore the methodological challenges of a gender-based approach to IFV (Aedo and Barrientos 2018). Nevertheless, Feminist English-speaking scholars on domestic violence have researched this issue systematically over the past decades (Buzawa et al., 2011; Dobash and Dobash, 1992; Walby and Allen, 2004). Hunter (2006) referred to this issue as the "implementation problem", i.e. how feminist-inspired reforms aimed to address violence against women changed orientation dramatically as they went through state agencies not sharing similar understandings. Hunter (2006, p. 737) thus argued, "studies of the outcomes of feminist law reform efforts have persistently demonstrated that decision-makers are often highly resistant to putting the provisions of the statutes into practice, and that much-heralded legal interventions may have little or no impact in practice." Even more, feminist authors like Smart (1989) suggested these limitations made law a problematic means for feminist ideas overall, adding feminists should be wary of overemphasizing law's role in achieving gender justice.

Feminist scholars have demonstrated the sociological relation between domestic violence and women's position as a social group (Kaganas, 2007; Skinner et al., 2005; Walby and Towers, 2017). However, translating these insights into compatible jurisdictional schemes has proven highly difficult (Dempsey, 2006; Hester, 2011). First, there is a conceptual or definition problem. Different conceptualisations of the phenomenon have shown diverse and contested effects. As Walby and Towers (2017, p. 11) explained

> "The goal to end violence is widely accepted. This includes, but is not confined to, gender-based violence against women. Reducing and ending violence requires paying attention to its gender dimensions, which means concepts of both 'gender' and 'violence' are needed. These are, however, contested concepts, with a variety of interpretations that draw on different theoretical frameworks."

Authors like Dempsey (2006) have stressed the divergence between sociological and legal concepts of domestic violence - proposing a philosophically-informed integration. Thus, Herring et al. (2015) emphasised that UK courts have rarely articulated a clear definition of this phenomenon; instead, these coordinate work based on the various available legal responses. Hitchings (2006) added that an unclear delimitation between criminal and civil treatments of domestic abuse entailed problems for victims. From a sociological stance, Walby and Towers (2018) criticised the UK's recently introduced legal concept of coercive control. These authors argued this legal notion had counterproductive effects on promoting a gendered-based understanding of the problem more broadly.

Secondly, feminist researchers have noted the challenge of measuring domestic violence. As Merry (2016, p. 45) argued, domestic violence "has moved from being the subject of political mobilisation to a site of technical knowledge. As the global effort to diminish this violence grows, there are increasing demands to classify, measure, and count it. Assessing the size and nature of the problem is fundamental to drawing attention to the issue and holding governments accountable for their efforts."

What and how to measure matter significantly for visualising the role of gender in domestic violence (Walby and Towers, 2018). However, measurements are contested tools elaborated on a diverse theoretical basis (Kaganas, 2007; Walby et al., 2014). For example, authors like Dobash and Dobash (2004, p. 324) argued, "The question of who are the most usual victims and perpetrators rests, to a large extent, on 'what counts as violence". Hence, conceptual and measurement issues correlate and reverberate on the problem´s understanding and difficulties for unifying perspectives. For example, Myhill and Kelly (2019) critiqued Walby and Tower's (2018) arguments concerning cohesive control from within feminist research:

> "In arguing that physical acts 'that pass the threshold of criminal law' are sufficient to illuminate the gendered nature of domestic violence, Walby and Towers are, then, placing themselves outside

> the usual reference point for feminist perspectives … Making criminal law the arbiter of what counts as abuse is problematic in relation to much feminist theory." (Myhill and Kelly, 2019, p. 5)

Lastly, there is the problem of institutional coordination. Feminist scholars have stressed consistently the challenge of co-ordinating institutional action concerning domestic violence (Freeman, 1982; Gilchrist and Blissett, 2002; Goldscheid, 2015; Hague and Mullender, 2005; Langan et al., 2016; Skinner et al., 2005). Domestic violence brings together multiple institutions with diverse lines of work and approaches. Thus, different and even contradictory understandings arise commonly between allegedly collaborating institutions working under a single concept (Buzawa et al., 2011; Powell and Murray, 2008). Hester (2011) explored coordination problems in detail in the UK, suggesting what she called the "three planet model". Her work concluded that "Areas of work are especially difficult to bring together into a cohesive and co-ordinated approach because they are effectively on separate 'planets' - with their own separate histories, culture, laws, and populations."

The brief discussion above is not intended to summarize the vast and significant debate feminist scholars have developed on gender, domestic violence, and jurisdictional exercise. Instead, I seek to highlight these issues' complexity in practice. As Ohana (2015) concluded, feminist scholars have demonstrated domestic violence must be addressed as political action and a technical legal debate. Although this thesis is not framed as feminist (see chapter one), I draw insights from feminist researchers concerning the significance of empirically looking at the relationship between jurisdictional exercise and political concerns about gender. In this regard, Hunter (2006) stressed that understanding court professionals' internal legal culture is critical to developing insight into the recurring implementation problem in feminist reform. Poza´s (2019) feminist reading of the IFV law articulated this challenge recently for Chilean research:

> "The task then starts by recognizing the cultural mechanisms and the justifications that maintain and reproduce this pattern of inequality by everyone who operates in the field of law."

This chapter´s following sections explore how issues of conceptualization, operationalization and coordination concerning gender arose empirically in the FCs´ IFV procedures. I take a pragmatic approach to discuss the logic underpinning the FCs´ response to gender claims and how this logic drove (predominantly female) FC professionals to clash with the feminist views of IFV. This thesis sought to

empirically explore the role of gender in IFV procedures, which meant looking at gender as a feature signalled by my research participants rather than a theoretical research construct (see chapters two and three for the theoretical and methodological basis of this approach). This chapter discusses the main ways in which my research participants problematized the relationship between gender and IFV procedures.

5.2 Gender versions of IFV

This section discusses two ways of performing IFV: the statistical version in public policy literature and the cultural version of SERNAM. These versions stressed the gendered nature of IFV and clashed with the work of the FCs on this basis. These clashes led to reciprocal accusations of obtuseness and narrow-mindedness between FC and other professionals.

5.2.1 IFV as statistics

Statistics were one of the primary forms of discussing IFV in Chile. Academic and public policy reports performed this version seeking to order various Chilean state agencies addressing IFV. This version thus presupposed the consistent quantification of judicial procedures (their different events and outcomes) to achieve the particular visualisation required by the state (Scott, 1998). However, policy researchers had emphasised the inability of courts to produce reliable data for over a decade at the time of my fieldwork (Casas, Riveros, et al., 2010; Universidad de Chile, 2018).

> "The lack of a good record system makes it difficult to know the magnitude of the phenomena that is being addressed; there can be no efficient evaluation of the judicial or public policies devised on the matter"(Casas et al., 2007, p. 153)

> "The Chilean state's intervention on IFV has focused on judicialization…[Yet] judicial records do not allow an adequate evaluation of the situation and deter the design of efficient public policies. In summary, there is no technical and political leadership uniting and guiding the work of the state within a common route…"(Centro de Derechos Humanos, 2009)

Researchers stressed deficient quantification blinded public policy discussions and directly impacted their ability to respond to women as a group of interest. Thus, Casas et al. (2007, p. 129) argued, "The lack of

reliable information impedes the measurement of the impact of new legislation on IFV. Specifically the prevalence of gender violence against women." A decade later, Miranda-Pérez (2017, pp. 72-73) argued, "Different forms of violence against women are very difficult to categorize through the statistics of the judiciary because they are subsumed within broader ones like IFV… there is a lack of adequate categorizations that can provide inputs for public policy planning and design, and that provide a clear image of the social effects of this problem."

I became aware of the problems with IFV statistics during my fieldwork preparation´s literature review, taking this concern with me into the courts. Once in the field, I realised that FC professionals were largely unaware of this problem and undisturbed by the quality of their quantitative data. IFV statistics occurred within reports that did not form part of the FCs repertoire. Thus, FC professionals were oblivious to these claims. Beyond this, however, the problem demonstrated the clashes between two ways of knowing IFV. IFV statistics involved an expectation conflicting with the FCs IFV representation. Statistical accounts expected the courts´ work to be visible and governable through numbers. This prescription was controversial within the FCs, whose professionals questioned and resisted the effects of quantification on jurisdictional exercise.

The controversy of IFV statistics appeared at the court´s everyday work´s specific point of interaction with quantification, the FCs´ record system (SITFA). SITFA was the online platform designed to coordinate the FCs system and quantify its operations. This register encompassed all the data available to the judiciary on a given case (e.g. the information of the parties and professionals, digital copies of the documentation and hearing minutes, and references to the different procedural events). As one FC professional put it, "when SITFA fails, the whole FC system comes to a halt". Hence, SITFA was supposed to operate as the interface between IFV procedures and the rest of the Chilean state, enabling quantification.

However, SITFA was unable to perform the role above. During my time in the field, I repeatedly tried to clarify the FCs´ coding of different procedural events. I discussed the particular uses of SITFA with administrators, courtroom assistants and judges, looking for cues that would allow me to obtain a numerical representation of the trends I was observing: for example, the majority of female claimants, the high number of inadmissible claims, the wide use of precautionary measures, and the very low number of IFV convictions. By the end of fieldwork, I realized that the task was not achievable. FCs registered IFV cases

unevenly, often incompletely, varying between courts and professionals. The only way to have certainty about the numbers was to browse through the documents of each case file and count the variables manually. SITFA was the computer equivalent of a room full of paper files for my research.

Scene 5.2 describes my interactions with FC staff concerning SITFA. These interactions demonstrated the relationship FCs established with statistical knowledge. These professionals explained statistics were foreign to the FCs´ logic and perceived as a control mechanism imposed by upper courts.

Scene 5.2

I skip the morning hearings to learn about SITFA and the statistics it might provide for my research. Following the advice of one of the judges, I have arranged a meeting with the court's schedule manager. He is in charge of organizing the court's agenda and supervising the functioning of SITFA. Once in his office, I tell him about my interests and the problems I have faced when trying to understand how different outcomes and procedural events are classified. After 15 minutes discussing the matter, the manager concludes that the only way forward will be for me to go through each casefile counting manually the variables of interest. He kindly offers me one of the court's computers for doing so. Our meeting concludes with a protest from the manager: "it is difficult to use SITFA for this kind of information. It is difficult to have certainty about what each category means because they have been changing and [a]mending SITFA over and over again. Everything has been done unsystematically by the judiciary's central IT department. They have never included the people who work in the courts."

After the day's hearings have ended, I go into one of the courtrooms to discuss my query with the courtroom assistant. The assistant is surprised about my interest and acknowledges that she has not given much thought to how she uses different 'nomenclatures' (as SITFA categories are called). She explains that she is unsure if other assistants register things exactly as she does and that she has learned mostly on her own or by asking judges about their preferences. I tell her that I have been trying to find out the ratio of precautionary measures per number of claims over the past year. She tells me that SITFA has an online form for precautionary measures – which might have provided those figures – but courtroom assistants

do not use it. “People and judges need to get things done quickly, so it’s better to write everything in the hearing minute (which is a word document) and print it all at once.” Also, she adds, judges tend to forget to order the closing of the digital file once the period of the precautionary measure has expired. This means that the file remains open until someone notices the error. She thinks that it could be good to use the digital form, but there is no training on the use of SITFA and the court does not seem to care very much about it.

I ask her about some of the nomenclatures used on IFV. The most used ones are related to the admissibility of claims. But, she says, “it is important to distinguish the computer language from what is done in practice. Because even though we are talking about ‘admissibility’, we use the nomenclature ‘decision’ in the SITFA.” The latter is the default category for a variety of procedural outcomes. The assistant thinks that this is because “courts and judges are evaluated through the number of decisions, so it suits them to close and open new files. There is an incentive to have more decisions on the records”. Moments later, the assistant concludes, “Now that I think about it, it’s not good for the claimant. Because I’m registering the case as ‘decision’, as if the claimant had lost the case. But, in reality, the case was ‘dismissed.”

This scene demonstrated how SITFA crystalized the FCs’ disregard for statistical knowledge and its significance beyond measuring case-flow. It illustrated two main features of quantification within the FCs. On the one hand, it revealed SITFA’s disregard for IFV as statistics and the FCs’ distance from a numerical performance of IFV. The FCs were not interested in how disputes behaved as a population nor in questions about the parties’ profiles, nor the proportion of people receiving this or that outcome. The courtroom assistant’s comments at the end of scene 5.2 provided an example of this detachment. After highlighting the institution’s lack of interest in the topic, she expressed surprise at conceiving that her classificatory work could play a role in depicting the FCs’ work and IFV as a phenomenon. Similarly, she realized the potentially unfair effects of using an incorrect category.

On the other hand, scene 5.2 exposed how quantification featured within the FCs more broadly. SITFA was referred to as a tool devised by the upper courts to assess and control lower ones. FC professionals criticized

this form of assessment, arguing that it was reductive and harmful to judicial work. The situation was relevant for my argument in that it showed the FCs' problematic relationship with the underpinning logic of IFV statistics. As with other settings (Fortes, 2015; Restrepo Amariles, 2015), SITFA numbers were used by higher courts to control their subordinates. This control mode valued judicial work by its capacity to process cases as swiftly as possible.

FC judges were particularly critical of the form of assessment above, which they saw as a growing trend within the judicial system. Judges stressed that quantitative assessments neglected the most important aspects of their work, which were not captured by adding up the cases that went through the system. Rather, good jurisdictional work involved attending to the conditions of each case and providing an adequate response. Statistical knowledge expanded a standardizing gaze, threatening to ´normalize´ jurisdictional activity (Foucault, 2004, p. 63). It was an approach concerned with maintaining a statistical distribution, oblivious to the qualitative nuances in each case. One judge explained the issue as follows:

> "Everything is looked at quantitatively, nothing from a qualitative perspective. That limits us a lot. Because you have court managers who are only focused on those measurements and do not care about the other aspects, they do not understand that we need more time and have longer hearings. And that the main thing is not whether we have 100 decisions or two. To me, two good decisions are worth more than 100 decisions in which the judge wrote five lines and the parties did not understand anything." (Interview Judge CIII).

Almost every FC professional I spoke with conceived statistics as external to jurisdictional exercise, thus flagging up two ways of performing an object like IFV. However, controversy arose at a specific point of interaction between the judicial procedure and statistical knowledge production. By looking at SITFA's agency within the FCs, we can grasp the tension that quantitative measurements introduced within judicial work. Quantifications were perceived as inadequate and harmful for judicial work because they promoted a knowledge process that obscured the particularities and qualitative nuances of each case in the view of the FC professionals.

5.2.2 IFV as culture

SERNAM performed a different version of IFV in Chile. This one was rooted in women's narratives of violence and a diagnosis about Chilean culture.[13] SERNAM´s representation of IFV emphasized the gendered nature of the conflict and the need to tackle it by concentrating on its structural roots. One of SERNAM´s policy briefings described this institutional approach:

> "Violence against women is one of the main social problems of our country. Its cultural origin allows it to be an invisible phenomenon. Women, for the sole reason of being so, experience multiple forms of violence ranging from control to physical aggression from their partners and social context. In many cultures, including Chile, this is justified because there is a belief still that men have the right to control the freedom and life of women." (SERNAMEG, 2018)

SERNAM was created in 1991. Although imagined initially as a political "lightweight" (Haas, 2010; Hiner and Azócar, 2015), the institution grew and consolidated its position during the following decades. As a result, SERNAM became the primary coordinator of the discussion on gender and violence against women in the country. Madariaga (2015, p. 218), former director of SERNAM, explained SERNAM´s role concerning violence:

> "The National Woman´s Service (SERNAM) has the duty to guide an ambitious process of cultural transformation towards a more inclusive society. To this aim, it must develop a gendered approach to violence against women."

SERNAM had two types of activity with regards to IFV. First, it sought to raise awareness of this issue within the Chilean population. For this purpose, it conducted media campaigns regularly to highlight the seriousness of the problem, provided training for State departments, and acted as Chile's official

[13] SERNAM´s approach to IFV was consistent with Chilean feminist organisations on this matter. As Chapter three discussed, I explored the views of feminist organisations tentatively during fieldwork. I accompanied the court´s counsellors to a seminar on gender and justice administration organised by the national technical counsellor's association. From this, I contacted and interviewed one of the seminar´s keynote speakers, a lawyer from a key feminist NGO working on IFV in Chile. However, I decided not to extend this part of the fieldwork due to the absence that feminist organisations exhibited concerning FCs´ everyday IFV work. The feminist NGO lawyer I interviewed noted their work was focused mainly on promoting change at a legislative and government level, not on representing individual judicial cases. I did not come across any further participation or reference to the work of feminist organisations during my time in the courts. Thus, I focused on SERNAM´s work because this was the only representative of feminist views on IFV involved in processing IFV cases.

coordinator between State and non-state agencies nationally and internationally. Secondly, SERNAM worked with individual parties to IFV disputes. Accordingly, it ran programmes to assist women experiencing violence and counselling centres for men that exert violence.

> "To eradicate violence against women, SERNAM has decided to focus its efforts on prevention, by conducting national media campaigns and training monitors at the local level.
> To assist women who experience violence [SERNAM] runs Women's Centres, Women's Shelters and Centres for the Reparation of Victims of Sexual Aggression. For men [SERNAM] runs the Centres for Men that Exert Violence." (SERNAMEG, 2018)

Both schemes interacted with judicial work. Here, I focus primarily on SERNAM's work with women who experienced violence. This, I suggest, was the point at which differences concerning IFV representation became most clearly visible.

SERNAM's Women Centres (SWC) provided psychological support and legal representation for women experiencing violence. This meant that SWC professionals – lawyers in particular – regularly interacted with the FCs. The following fieldwork scene describes a meeting in which SWC professionals discussed the work of the centre and its discrepancies with FC practices. The scene demonstrates the main features of the SWC's performance of IFV. First, IFV involved a process of re-interpreting women's experiences and narratives in relation to cultural gender patterns. Secondly, this version operated with the explicit goal of changing those cultural gender patterns. It sought to raise awareness among women about the collective nature of their experience and, as a result, promote change at an individual and aggregate level. Lastly, the SWC's version expected judicial work to function as an instrument within this cultural project and organize itself accordingly. However, FC practices turned out to be disruptive elements concerning the SWC's efforts.

Scene 5.3

I arrive at the women's centre a few minutes after 3 pm. The centre is situated in the back-parking lot of a municipal building within an old container that has been adapted to work as an office. The scarcity of resources is evident. This reminds me of a conversation held with one of the SWC lawyers a few days ago. On that occasion, she complained about SERNAM's precarious

working conditions and the problems they had with small things like getting cartridge replacements for their printer. Posters about women's rights and gender violence cover the entrance door and the small waiting area inside. After waiting for a few minutes, the lawyer invites me into a room where she and the other five professionals of the centre are gathered. The team is comprised of young professional women and includes two social workers, three psychologists and one lawyer. I feel welcome.

After I describe my research, the group explains to me the work they do as a centre. The SWC coordinator tells me that they focus on "low to medium complexity cases", which means that they do not work with "serious injuries or attempted femicides" (which are diverted to a different SERNAM programme). She stresses that their work is interdisciplinary. "It involves an integral psych-socio-legal support program." She described the latter as a complex intervention oriented to assist women in becoming aware of violence, empowering themselves and reflecting on the situation from a gender perspective. One of the social workers explains that a lot of their work involves talking to women and providing them with emotional support. Only then they evaluate if psychological and/or legal assistance is needed. She explains that over half of the women do not wish to file a complaint and that, as a centre, they are very respectful of women's choices. "Yet", she adds, "many women only become aware of what they are experiencing through their participation in the centre." Another professional adds, "they decide to file a complaint after they realize that they have the right to a life without violence". One of the psychologists describes the work of the centre as having a "group or collective logic". By this she means that women's participation happens through group meetings, rather than through individual sessions. The coordinator of the centre defines this approach as a "social and cultural deconstruction of violence. The idea is to go beyond the identification of what is happening 'to me' and understand that different forms of violence have social features and are based on gender differences."

I ask the group about their impression of the FCs. They all agree that the FCs frustrate the expectations of their participants. In their opinion, courts make women feel that they lose the public recognition of their problem. One of the professionals suggests that the FCs contradict

the series of government's efforts and campaigns that urge women to come forward with their stories. The lawyer says that women become frustrated not only with the possibility of losing the case but also because legal procedures are much more burdensome, bureaucratic and longer than they expect. She adds that the judicial approach can work against the "gender and human rights perspective" held by SERNAM. One psychologist adds, "they disrupt the welcoming logic that this program is after. Within which women's stories are validated and take part in a group dynamic that seeks to share and re-signify their life processes … [Thus] we try not to focus too much on what might or might not happen in the courts. It would be very frustrating to circumscribe one's own work to a judicial decision."

Scene 5.3 demonstrates the main tenets of IFV as culture. First, this version performed the object by working with and centring women's narratives of violence. SWC professionals fostered processes that helped women to re-interpret their experiences and empower themselves. This work was done by associating their stories with a diagnosis of the overarching social causes. As stated in scene 5.3, the aim was "to go beyond the identification of what is happening 'to me' and understand that different forms of violence have social features and are based on gender differences". The SWC's role involved dedicated work with each of its participants. In addition to psychological and legal guidance, SWC professionals helped women with matters like finding places to stay in cases of immediate danger or putting them in contact with available support programmes. Through this form of engagement, women's narratives acquired a testimonial value. One professional explained the latter as follows:

> "We believe that a woman who tells you that she is experiencing violence … She gets up early, spends over an hour with you, she cries, she feels sad, she remembers things, maybe even from her childhood. She is not lying to you. That is our position. And we see it from a gender perspective. With all the cultural and historical implications that visualizing the issue of violence as a violation of rights has entailed ... Thus, if women come forward to tell us that they are going through this really hard process of reversing that cultural logic, for us, that is credible." (Interview SWC professional PI)

The second aspect of this version was that it was framed as a project of cultural and political change. This was a declared objective of SWCs but also the main motor for many of its professionals. SWCs were small

State programmes. They comprised mostly young female professionals who referred commonly to their work as burdensome but politically meaningful. It entailed working with limited resources and, many times, enduring the disrespect of other public officials. As one SWC professional recounted: "A few days ago, before one of our training courses on IFV, we had to put up with police officers saying, 'here come the bearded feminists´." (Fieldnotes) By the same token, SWC professionals emphasized how this was an element of a larger and ongoing process taking place in the country.

> "There is no other way to render visible violence … I mean, we cannot leave this issue to civil society alone. We cannot wait for foundations, NGOs, or whatever to make things visible. If SERNAM does not do it from within the State, nobody will do it." (Interview SWC professional L)

Judicial work was only one aspect of IFV as culture. Not all SWC programme participants filed a legal claim, and SWC professionals saw their work as going beyond judicial statements. However, judicial work featured within this version as a malfunctioning element. SWC professionals criticized the FCs' work for what they considered an obtuse approach that failed to understand the bigger picture of women's unequal social position and, thus, produced inadequate responses.

> "There are many factors that have to do with gender, which is not visible there [in the courts]. Because, in the end, women experience violence not only because of isolated abuses of power, but because there is a social and cultural pattern that allows it and naturalizes it. And this is not considered in the IFV law. I mean, in the law, women are but another member of the family. The whole context is made invisible, the gender context that leads women to experience violence." (Interview SWC professional C II)

In the same vein:

> "I feel that the judicial system looks at these narrow points … The IFV law is insufficient with regards to the different types of violence that women experience. Which has to do with gender. It has to do with forms of socialization determining and conditioning men and women." (Interview SWC professional CI)

SWC lawyers criticized how the courts managed IFV from this stance. FCs, they argued, obviated the international agreements that Chile had ratified on violence against women, which provided legal grounds to SWCs' arguments about gender inequality. Furthermore, FC professionals resorted to gendered personal biases when processing cases. These biases involved practices focused on discrediting the women´s accounts. Consequently, judicial procedures had harmful effects on women's experiences within SWCs and ended up ignoring the social conflicts that they were trying to overcome. One SWC lawyer exemplified the situation by recalling one of her trial hearings:

> "There is a judge in particular who, I do not know if she is ignorant about gender perspectives or is straight against it, but I remember that ... I decided to ask for a statement from my client. The judge stopped me and said, 'come on, have a bit of objectivity!' I replied 'magistrate, I am representing my party, who wants him to be assigned responsibility for the facts.' That was a hearing that I knew I had lost from the start. Because the judge did nothing but discredit all my side's evidence. As I was presenting it!" (Interview SWC professional)

SWC professionals' strategically chose not to raise arguments about gender in the cases they represented. In this way, they managed to avoid overt clashes with FC professionals with whom they worked regularly and, thus, did not compromise the procedural prospects of women they represented. However, SERNAM´s views about IFV manifested themselves in sites immediately adjacent to IFV procedures formal limits. This included discussions with SWC lawyers in the waiting areas of the courts or with FC judges in between hearings.

As I followed SWC lawyers, I realized that the terms established by the FCs were the object of a much more ambitious strategy on their part. SERNAM sought to adjust the balance of the controversy by replacing the concept of IFV with Violence Against Women (VAW). The first step in this plan was to promote a change in how the general population referred to the phenomenon to push for an amendment of the legal definition and finally a new approach to IFV legal processing. One SWC professional explained this as follows:

> "It is delicate how the phenomenon of the family, the social, women, children or girls are understood. And it is difficult to work with their [the court's] reading because we're going in a different direction. I do not wish to sound presumptuous, but we, as SERNAM and as professionals, are always trying to

look at things from a different angle. We have not talked about IFV for a while now. We are talking about Violence Against Women … when we are not in court, we all speak about violence against women. This is a concept that we have established already and that is very significant." (Interview SWC professional PI)

VAW crystalized the particularities of IFV as culture. For SWC professionals, IFV had become the sign of a poorly crafted and outdated entity. It was underpinned by an individualistic view of women's narratives that ignored underlying gender dynamics. VAW, for its part, was seen as a richer and more complex notion. It was an object made from the association of women's narratives with a diagnosis of the cultural structures of gender inequality. In this vein, SERNAM aspired to solidify a performance of the conflict that was firmly rooted in gender.

5.3 The FCs´ and gender neutrality

The FCs IFV translation excluded statistical and cultural views. In line with Smart´s (1989) poststructuralist reading of feminism and legality, FCs´ practices placed versions stressing gender in the context of this jurisdictional exercise. This section looks at the logic in this exclusion from the perspective of FCs professionals. I suggest that FCs resisted gendered versions of IFV because, from their perspective, these compromised the courts' duty to doubt the legal meaning of each case and thus create the conditions for stabilizing this through the legal procedure. Latour called this performance "judicial hesitation". This section discusses FCs´ hesitation concerning IFV cases and the problems FC professionals saw in their own capacity to administer doubt.

The previous section discussed two versions of IFV: statistical and cultural. This section discusses the gender-neutral understanding of the FCs' IFV procedures. I suggest that FCs´ resisted gendered versions of IFV due to their potential effects on what Latour called "judicial hesitation". Hesitation refers to the courts' capacity to doubt the legal meaning of each case before stabilizing it through the legal procedure. Thus, rather than disagreeing on substantive claims about gender in IFV, FCs rejected external versions' effects on jurisdictional work's knowledge strategy.

Latour's court ethnography coined the notion of judicial hesitation to describe one of the critical practices in the court's translation. Hesitation was a practice introducing instability of legal meaning purposefully and, therefore, opened up space for jurisdictional exercise. By projecting doubt onto cases, Latour noted, the court produced the gap between the cases' conditions and the legal texts. This gap enabled the court's translation or reconstruction of legal meaning through the judicial procedure. Latour (2010, p. 150) explained his idea.

> "It is to do with a kind of reserve of degrees of freedom in the definition of our capacity of judgement, an aptitude to *unbind* which permits us to *bind again* without attaching ourselves in any durable manner either to the brilliantly coloured multitude of external events to which we have little access or to the strict application of rules and texts which are never sufficient to define our task. If they [the judges] consider themselves to be 'too bound' they will never be able to exercise their faculty of judgement; they must then, through all this labour, effect some kind of unbinding. Only then will they be able to stick to their position."

Similar to Cowan and Moorhead´s (2007) view of the craft of judicial decision-making, Latour´s idea of hesitation stressed the practicalities distinguishing the court´s work from other methods of decision making. The exercise of jurisdiction introduced vulnerability and uncertainty in each case. It created unsteady paths for its participants that made it not reducible to a mere collection of facts or the mechanical application of rules.

> "Justice only writes law through winding paths. In other words, if she had refused to make mistakes, if she had applied a rule, if she had summed pieces of information, we could not identify her as being either just or indeed legal. *For her to speak justly, she must have hesitated."*(Latour, 2010, pp. 151-152)

Hesitation was a two-stage process. First, it involved unbinding cases by purposefully projecting doubt or question onto them. This projecting dissolved predetermined relations between the facts and law and created a doubt to be addressed by the court. Secondly, judicial hesitation involved reconfiguring or clarifying the uncertainty produced. As Latour noted, judicial hesitation has the practical aim of rebinding cases. As Cooren (2015, p. 239) explained when commenting on Latour, "participants (plaintiffs, juries,

judges, lawyers, prosecutors, etc.) thus have to find the means that will establish the link between the case they want to establish and the actions they want to see undertaken".

FCs, I suggest, excluded cultural and statistical views because, in their view, these threatened to reduce jurisdictional exercise to a mere reflex or administrative decision. Rather than disagreeing on substantive claims about gender in IFV, FCs refused external versions' effects on their distinctive knowledge strategy.

5.3.1 Unbinding

Two FC professionals were especially relevant in developing my awareness of how gendered views of IFV defied the jurisdictional exercise. Both professionals were women versed in theories about gender and the history of women's movements in Chile. Both self-defined as feminists. However, both expressed unease in using means from other versions of IFV within their work. In contrast, these professionals upheld the importance of hesitating concerning the legal meaning of IFV cases. The first one was a technical counsellor:

> "I worked at SERNAM, and I know what their criteria are. I led training for SERNAM on IFV. The thing is that now I am in a different position, where one sees that sometimes there is a misuse of the IFV procedures to achieve other objectives ... I worked at SERNAM, and I have, of course, a priority for children, women, the elderly, the disabled, all vulnerable groups. And for all the history that is behind patriarchy … But that is one thing, and another very different is what happens when each person starts telling their story." (Interview Counsellor CIII)

The second professional was a judge who had previously worked in an NGO concerned with violence against women and published articles on gender perspectives on law before becoming a judge. During her interview, she stressed the relevance of keeping an open mind concerning IFV cases:

> "I think that you have to look at their [the defendant's] history too. Because they also have very sad stories that made them what they are. I try not to take a righteous posture against defendants … I try not to start by judging immediately … I try, first of all, to make this thought process and then read the file … It is about taking off some of your personal prejudices. This is a constant and personal exercise that one should do as a judge." (Interview Judges CII)

Unbinding was a practice rather than a principle. It involved a skill not reducible to fixed notions like the defendant's innocence principle. Instead, it entailed the capability to identify and disregard signs that could predetermine the meaning of a case before the legal procedure.

From this stance, FC professionals argued that other knowledge processes relating to IFV were reductive because they did not consider the full complexity of the phenomenon. On the one hand, statistics neglected the qualitative nuances of each case and sought to reduce judicial work to a numerical logic. As the judge quoted in section two (above) argued, "the main thing is not whether we have 100 decisions or two … two good decisions are worth more than 100 decisions in which the judge wrote five lines, and the parties did not understand anything". On the other hand, cultural understandings of IFV were seen as reductive because these could crystallize the identity of claimants. One judge expressed this idea by referring to SERNAM's work pejoratively: "for them [SWC], every woman is a victim" (Fieldnotes). FC professionals stressed that the identity of the parties to a case had to remain uncertain. This ambiguity enabled jurisdictional activity and the reconstruction of meaning through the court´s procedure. The judge below explained this.

> "To me, a victim can be men or women according to the facts of the case. I refuse to make this an issue exclusively about women because she will not always be the weaker part of the relationship … You cannot make general rules out of singular cases. Because this might not help you in other cases in which you might also have violence. You might also have a man and a woman, but the surrounding circumstances will always be different. Which means that you have to change your position." (Interview Judge CII)

The FCs projected doubt onto IFV cases and thus produced the conditions for jurisdiction. However, judicial hesitation entailed the additional and more difficult challenge of rebinding cases. The FCs had to have the skill to recompose what these had dismantled. FCs faced severe limitations in this regard, which made FC professionals question their own authority on IFV matters.

5.3.2 Rebinding

FC professionals recognized the second element of judicial hesitation, rebinding, was problematic. These professionals consistently expressed feeling adrift and dissatisfied with their means of processing IFV cases and the unpolished representation of IFV they were producing. One of the counsellors explained this:

> "It's like we are making up things along the way. There is nothing clear or systematic. It's like we don't have tools that can help us as a court. We do not have a line of work … We react in the heat of the moment like we are just dodging bullets." (Interview Counsellor CI)

The chapters forming part three of the thesis discuss the FCs´ version of IFV and the controversies this translation involved. Here, I pose this issue in more general terms. IFV differed from other legal matters processed in the FCs because it overwhelmed many FC professionals. This feeling in FC professionals was mainly due to the degree of uncertainty involved in IFV cases and the impression that FCs lacked adequate means to address the issue. Thus, judicial hesitation turned into feelings of being adrift and acting discretionarily. The judge quoted below summarized an opinion I found repeatedly among FC professionals.

> "There are many ways of using the law in IFV cases, which rely on common sense more than anything. And you end up feeling that everyone is doing what they can, with the best of their intentions … [This] great openness to intuition takes away that thing that civil or criminal courts have. It is difficult to explain this without depicting a nasty image of what is happening here." (Interview, Judge CV)

Another judge explained how problems with rebinding IFV cases led her to distrust her work, which seemed unfounded or technically poor.

> "I have told some lawyers that they should appeal some of my decisions. I say, appeal! Because you would like for someone else to check on what you do. You can make a mistake; you can be doing things wrong. Well, the appeal court confirmed both of those decisions in the end. So, that is the situation (sighs) … I think this isn't good. And it isn't good for me too. I mean, if you are a bit meticulous, you cannot like that no one checks on what you do and that you can do what you like. So, I would like for someone to check my decisions." (Interview Judge PI)

The jurisdictional approach created uncertainty concerning IFV cases, opening-up room for its distinctive performance. In this vein, FCs resisted versions they saw as reductive of jurisdictional exercise. However, FC professionals stressed there seemed to be no preparation or reliable means for processing IFV cases afterwards. Thus, the gap opened up by the court seemed unsurmountable or precariously bridged. This problematization of their own authority was the backdrop against which FCs´ everyday processing of IFV cases occurred. I turn to this processing in the following chapter.

5.4 Conclusions

This chapter was the second of this thesis context part. Thus, the chapter focused on relations FCs IFV procedures established empirically with other ways of knowing. Particularly, this chapter focused on the relationship between the FCs gender-neutral understanding of IFV and versions performed by other institutions stressing the role of gender in this phenomenon.

The chapter´s first part discussed the doctrinal reading of the IFV controversy concerning gender. Chilean doctrine approached this subject from material justice principles, suggesting theoretical models to introduce gender within the judicial procedure. Though helpful, these theorisations omitted the practical challenges of mobilising gender in court. This chapter thus proposed a pragmatic and empirical approach new to Chilean IFV research. This approach followed the interactions between performances of IFV present in the field, analysing the clashes between the FCs´ gender-neutral view of IFV and gendered versions outside these.

The chapter´s second and third sections focused on the interactions between different ways of representing IFV. The second section focussed on statistical and cultural understandings of IFV, and the third section on the logic underpinning FCs´ exclusion of the latter. The discussion in these sections demonstrated IFV produced tense relations between the different institutions and professionals involved in this issue. These tensions entailed a dynamic of reciprocal accusations of obtuseness and narrow-mindedness concerning the nature of the phenomenon. Moreover, this chapter showed that, even though FCs controlled the representation in IFV procedures, these were in a position of resistance concerning statistical and cultural ways of knowing IFV suggested by seemingly less powerful institutions, like SWCs and policy researchers.

Additionally, this chapter has opened up new avenues for ANT socio-legal court research. To do so, I developed Latour´s notion of judicial hesitation through ontological politics. Latour's concept served to describe the FCs' stance within the IFV gender controversy as a practical issue. I have demonstrated that the FCs have retained a distinctive instrument of jurisdictional exercise. For the courts, the controversy´s core was not about the validity of substantive claims about gender in IFV. Instead, it was about the practicalities of the jurisdictional method and how other knowledge processes threatened to reduce this translation. FC professionals were primarily women who agreed with the conclusions in cultural and statistical analyses. However, they resisted the ways in which these approaches could obfuscate the exercise of jurisdiction, which presupposed unbinding cases and opening up the court´s translational space.

Latour's concept of judicial hesitation helped me describe the FCs' stance within the IFV gender controversy. I suggest the controversy´s core was not about the validity of substantive claims about gender in IFV for the courts. Instead, it was about the practicalities of the jurisdictional method and how other knowledge processes threatened to reduce this translation. FC professionals were almost all young women who agreed with the conclusions in cultural and statistical analyses. However, they resisted how these approaches could obfuscate the exercise of jurisdiction, which presupposed opening up room for jurisdictional practice by unbinding cases. Mol´s idea of ontological politics thus helped analyze judicial hesitation as a politically situated practice. Unbinding involved making uncertain or interrupting others´ ways of knowing, which had significant and differentiated effects for those involved in the legal procedure. In the case of the IFV procedures, hesitation undermined the strength of feminist reclamations about the role of gender in IFV. For their part, FC professionals recognized problems with their own work. These professionals acknowledged being ill-equipped to produce a solid representation of IFV through the legal procedure, which undermined their own authority. This technicality and politics of the FCs IFV procedures is the focus of the following part of the thesis.

Part three: Jurisdiction

This part of the thesis moves from the context to the content of the FCs translation of IFV. I conceptualise this translation through the notion of jurisdiction, which has traditionally signalled the link between power and knowledge in legal work; the authority to speak in the name of the law (Dorsett and McVeigh. 2007, p. 3).

This foreword discusses the notion of jurisdiction above, its relation to my ANT framework, and the three chapters forming this thesis´ part. I suggest that poststructuralist legal scholars have recently developed a renewed understanding of jurisdiction. This understanding has been broadly equivalent to ANT´s translation concept. Both conceptualisations were based on a critique of modern interpretations of authority dividing political and technical aspects of expert representations. Thus, both lines of scholarship suggested analysing authority as a performance: an ongoing scheme stabilising political and technical relations at the same time. However, poststructuralist works on jurisdiction were limited to theoretical or historical methodologies. From this perspective, ANT´s empirical analyses of scientific authority-building expanded the current problematisation about jurisdiction.

Re-centring jurisdiction

Legal scholarship has long possessed a concept signalling the relationship between power and knowledge in legal representation. As Dorsett and McVeigh (2012, p. 4) noted:

> "First, jurisdiction connotes authority. Second, it is an act of speaking – of declaring the law. Jurisdiction is derived from the Latin *ius dicere* – literally to speak the law. Thus, jurisdiction is the practice of pronouncing the law. It declares the existence of law and the authority to speak in the name of the law."

However, a narrow conception of this phenomenon has characterised modern legal thought. Thus, Mussawir (2011) argued discussions about jurisdiction in modernity differed from classical, medieval, or non-western legal traditions. Non-modern traditions emphasised the difficulties in producing and

maintaining an authoritative legal view, while modern legal thought ignored these and disregarded the jurisprudence of jurisdiction.

Poststructuralist legal scholars have developed a critique of modern understandings of jurisdiction over the last 15 years (Dorsett and McVeigh, 2007, 2012). This critique stressed that modern representations of legal authority obscured the complex processes involved in this phenomenon, reducing questions of jurisdiction to two separate forms of analysis.

On the one hand, legal authority was referred to abstract philosophical discussions about the origins of State sovereignty. These readings portrayed jurisdiction as the consequence of general political principles indifferent to the legal technicalities and everyday work. On the other hand, jurisdiction was reduced to technical legal analysis allocating parcels of authority. This approach involved mechanistic debates indifferent to political concerns involved in addressing legal matters through different forms of jurisdiction. Mussawir (2011, p. 153) thus concluded that "Legal discourse, as a result, tends to lack the means of addressing its own authority in anything but vague or technical language." For its part, Kaushal (2015, p. 762) expressed the poststructuralist problematization of jurisdiction:

> "The theoretical form [of jurisdiction] collapses into questions of origins, while the technical form re-projects foundational concerns onto questions of scope. Yet, jurisdiction is the labourer of law. It is through jurisdiction that ´a life before the law is instituted, a place is subjected to rule and occupation, and an event is articulated as juridical´."

The diagnosis above is comparable to ANT´s critique of modern theories of scientific objectivity. I discussed these in chapter two based on Latour´s idea of the modern constitution. The modern constitution designated a strategy for stabilizing knowledge based on isolating nature or objects from subjects or culture. Under the modern constitution, scientific authority rested on the impossible task of removing subjects from the representation of objects. ANT proposed an alternative approach. This entailed focusing on distinctive subject–object associations or networks produced by scientific work to stabilize reality. The goal was to describe the process enabling scientists to empirically produce their unique representation.

Poststructuralist legal scholars followed an equivalent line of thought concerning jurisdiction. Their problematization stressed the limitations of theories separating politics and technique in jurisdictional exercise. Thus, these authors criticized how legal authority's subjective–political facet had been circumscribed to philosophies distant from legal work's everyday tools and categories. These philosophies modelled abstract principles of juridical power while disregarding the technicalities underpinning jurisdiction in practice. Dorsett and McVeigh (2012, p. 5) explained this:

> "We are perhaps used to sovereignty as a political idea – it is the source of power and authority – but we pay much less attention to the material legal forms of sovereign, state and territory. We have become used to the representation of the authority of the sovereign, and of law, as abstract and virtual."

On their part, technical–legal analyses objectified or naturalized jurisdictional debates. As Valverde (2005, 2009) noted, legal jurisdictional arguments commonly involved mechanical sorting exercises distributing parcels of authority. This analytic exercise was based on the fiction that legal authorities were homogeneous and apolitical phenomena. Thus, legal–technical debates presupposed an abstract space divided through reasoning that was indifferent to political concerns. In practice, jurisdictions varied significantly in terms of their focus and preferences, facilitating or hindering different interests. This qualitative difference was evident to practitioners on the ground but explicitly omitted by technical analyses of jurisdiction. Thus, Valverde concluded, jurisdictional thought was built upon obscuring legal authorities' empirical and political diversity.

> "For lawyers, jurisdiction is the law of law; but jurisdiction can be more generally described, from a socio-legal perspective, as ´the governance of legal governance´ … by deciding the ´who governs´ question, the game of jurisdiction simultaneously but implicitly determines how something is to be governed." (Valverde, 2015, pp. 83-84)

Poststructuralists´ notion of jurisdiction followed a logic comparable to ANT´s translation notion. As Chapter two discussed, translation describes the process by which an actor (like a group of scientists) is able to represent or speak on behalf of others by producing a network or scheme of relations. Similarly, the problematization of jurisdiction has gathered together scholars concerned with "how legal authority gets

done – how it is extended, reconceived, and abbreviated" (Kaushal, 2015, p. 788). To this aim, poststructuralist scholars have suggested focusing on "the practical knowledge of how to do things with law … the technique and craft of legal ordering and the art of creating legal relations" (Dorsett and McVeigh, 2012, p. 4). Like ANT´s idea of translation, poststructuralist scholars conceptualized jurisdiction as an effect of a networking performance. It designated an ongoing political achievement executed through legal means, rather than a stable position inferred from political principles or technical reasoning.

Part three of the thesis uses the concept of jurisdiction to designate the material-semiotic network stabilizing the meaning of IFV cases. Using the idea of jurisdiction, rather than the more generic concept of translation, serves two purposes. On the one hand, it facilitates this thesis´ engagement with my fieldwork's language, particularly with the legal conceptualization of FC professionals and doctrinal scholars. On the other hand, it helps me expand poststructuralist discussions on jurisdiction.

Unlike ANT´s ethnographic approach to scientists' work, poststructuralist works about jurisdiction have been characterized by their text-based methodologies. With the exception of Valverde (2009, 2015), these works have privileged theoretical (Dorsett and McVeigh, 2007; Mussawir, 2011) and historical analyses (Cormack, 2000; Haldar, 2007). Their discussion has thus problematized jurisdiction conceptually but provided limited insights in terms of empirically documented practices and materialities. As Valverde (2015, p. 83) noted: "Their interest in jurisdiction is thus more in keeping with the research agendas of political theory and ethical philosophy than with the questions that drive studies of government." Thus, this thesis contributes to filling this gap through an ethnographic view legal authority-building.

Part three contains three chapters dividing the FCs´ jurisdiction on IFV. Chapter six looks at the limits or borders this performance. This chapter discusses IFV competence issues, drawing on Callon´s notion of framing. I argue that IFV competence issues implicated a technical and political discussion defining the limits and emphasis IFV has as a legal issue for the FCs. Chapters seven and eight discuss the FCs´ work within the competence frame above. These chapters analyse the two ways in which the FCs linked facts and law concerning IFV cases: namely, through the notion of risk during the pre-trial stage and culpability during the trial. These chapters´ analyses draw on Callon´s idea of "interessement", focusing on the strategies FCs deployed to enrol others in a distinct scheme of signification.

Chapter 6: The framing of jurisdictional competence

Not long after the enactment of the IFV law, it became clear that the legislation posed significant challenges in terms of the IFV competencies of the courts (Casas et al., 2007; UDP, 2006). On the one hand, the law was unclear concerning the limits between the criminal and family systems, producing coordination problems between the two; on the other hand, the number of IFV claims exceeded the capacity of the FCs, and FC professionals argued that most of the claims were not legally relevant. FCs developed mechanisms to distinguish which cases should and should not be processed as IFV, thus determining the limits of IFV as a legal matter. This chapter analyses the FCs´ IFV competence issues as a material–semiotic process defining the boundaries of legal authority.

The discussion in this chapter is divided into four sections. The first section contrasts Chilean doctrinal analysis of IFV competence issues and this chapter´s approach. I suggest doctrinal works helped identify IFV law´s imprecisions; however, they did not analyse the practical effects of the legal issues. The notion of framing expanded the analysis by looking at the jurisdictional arrangement triggered in practice by competence problems. The next two sections of this chapter discuss the framing process. Section two discusses the overflowing of IFV competence. Imprecise legal provisions meant that IFV cases overflowed the FCs at two specific points, which I refer to as the "upper" and "lower" competence threshold. The third section discusses the framing devices created to control the overflow of cases. Framing devices selected the cases that would go through the procedure. Thus, these devices defined what FCs competence would include and determined the focus IFV procedures have in practice. The fourth part discusses the chapter conclusions. I argue this chapter expands the limited Chilean literature on IFV competence issues. The chapter´s framing approach helps me demonstrate how competence issues stressed a recursive relationship between FCs as knowers and IFV as a legal subject matter. Competence issues triggered a socio-technical process shaping FCs as a legal forum and IFV as a legal matter.

6.1 Doctrinal views on jurisdictional limits.

Article 5 of the IFV law defined IFV and the consequent intervention of the courts as including "all abuse harming the physical or psychological integrity of [the family members as defined in this article]". Article no 6 divided IFV matters between two competencies: family and criminal. This article defined the FCs´ competence by stating the general rule that: "the family courts will process the acts of intrafamily violence that do not constitute a crime". Additionally, the IFV law introduced a new crime called "habitual abuse", which criminalized recurrent acts of violence notwithstanding their individual legal categorization. Article no 14 typified the crime of habitual abuse as: "the habitual use of physical or psychological violence upon any of the people referred to in article no 5 of this law".

Doctrinal analyses of those provisions were scarce and focused mainly on the criminal procedure. These include four papers discussing the limits and content of IFV as a legal object processed by the courts. Doctrinal works had a common line of argument: namely that they were critical of the IFV law provisions' vagueness and how these hindered a clear competence delimitation.

Van Weezel (2008) argued against what he considered to be an expansive definition of IFV. This author stressed that article no 5 lacked clear limits, which meant that the concept of IFV overlapped with almost any crime in the Chilean criminal code. Van Weezel thus suggested that IFV had to be interpreted as an element added to previous types of criminality rather than a crime on its own. Both Van Weezel (2008) and Villegas (2012) criticized the law´s conceptualization of the new crime of habitual abuse. These authors stressed that the notion of "habitual" was unclear in the law, highlighting the problems this entailed for a consistent interpretation by criminal courts and a clear separation between the criminal and family systems. Moreover, Villegas suggested abolishing this crime due to its significant conceptual imprecisions. For its part, Casas' study (2017, p. 79) was the only doctrinal work focused specifically on the FCs. She noted that the FCs were commonly identified as comprising cases of psychological IFV. However, this notion was a product of judicial interpretation which lacked clear definition:

> "The law does not describe the forms of violence that the family courts can sanction. However, it is clear that these involve disparate expressions … It is to judges to decide if cases´ expressions of

violence amount to the significance necessary for a civil or criminal offence or if both options are discarded. Many times, there are contradictory criteria even within a single court ….”

Doctrinal analyses were consistent with my findings in the field. These works stressed problems of clarity with the legal provisions. These works focused on the gap between how the IFV legislation was and how it should be according to a standard of conceptual clarity. However, doctrinal analyses provided a negative and static view of IFV competence issues. These did not consider the courts´ practical use of these legal provisions, ignoring the effects of clarity problems in the FCs' jurisdictional exercise. In practice, IFV competence issues were ongoing and lively processes. These triggered particular institutional responses to pressing everyday court challenges. These responses weighted technical and political variables, combining legal technical arguments with the need for organizational efficiency. Therefore, doctrinal works missed how legal provisions evolved within a social and technical process.

This chapter expands available analyses of IFV competence issues based on Callon´s notion of framing.[14] It focuses on the empirical process by which FCs created limits to the elements considered within IFV procedures, thus building a manageable and predictable sphere of action. As Blomley (2014, p. 137) suggested:

> “Judicial practice can be usefully thought of as a bracketing devise that helps perform reality into being, rather than providing a more or less transparent window on a pregiven reality … The effect is to carve out a realm of law that operates according to a distinct set of exclusions.”

This conceptualization highlighting the effects or products of IFV competence issues. I suggest the FCs´ framing produced a new type of IFV case referred to as psychological IFV. In turn, psychological IFV guided the FCs' specialization as a legal forum.

[14] Feminist research has had a longstanding concern with the effects of jurisdictional issues in processing violence against women and the challenges different legal forums pose in this regard (Hunter, 2016). Thus, feminist researchers have discussed the particularities of civil versus criminal cases processing (Kaganas, 2007) and the creation of specialised jurisdictions (Mirchandani,2005). In Latin America, Segato (2003) has developed this line of reflection. In Chile, the Casas et al. (2006) and Arensburg and Lewin (2014) analysed empirically the various problems IFV competence issues entailed for women. This chapter draws on these works and complements their analyses from the perspective of the FCs authority building.

6.2 Jurisdictional overflow

IFV competence overflowing occurred in two ways. First, the divide between the criminal and family court systems was not clear conceptually, which led to coordination problems between the institutions involved. I have termed this issue the upper threshold problem. Secondly, the FCs received an unforeseen large number of IFV claims. FC professionals argued that a high proportion of those claims contained trivial family disagreements that were felt not to be within the proper competence of the court. I will refer to this second issue as the lower threshold problem.

6.2.1 The upper threshold

FC professionals described their jurisdiction frequently as encompassing "non-habitual psychological IFV". This notion summarized in a shorthand phrase the exclusion of physical and habitual violence from the FCs' competence due to their criminal nature. In practice, the line separating the family and the criminal systems was not always clear and raised multiple problems between the institutions (Universidad de Chile, 2018).

The problem with the upper threshold combined two issues. First, there was an issue with the distribution of claims between the criminal and family competencies. Within parliamentary debates, the IFV law was imagined as creating a system in which the judicial response was organized according to a gradient of violence (BCN, 2005, p. 445). This gradient classified IFV according to its seriousness within a single violence continuum. The FCs' competence would encompass less serious cases, while criminal courts were competent over claims serious enough to be considered a crime. In terms of procedure, police departments and the FCs were in charge of assessing claims before the beginning of the judicial procedure and diverting them to the competent court. The system envisaged by the legislators proved to be problematic in practice. This was because the gradation of violence lacked clear guidelines and generated confusion amongst the institutions involved. This meant that claims were diverted wrongly and many ended up shuttling between institutions before the judicial procedure could begin (Casas et al., 2010b).

As a response to the practical problems in the distribution of cases, the judiciary introduced a further conceptual distinction. It divided IFV claims between those involving physical expressions of violence and those that did not. This solution was based on the proposition that all physical violence was encompassed by the criminal notion of injuries (Article 395 and following in the Chilean penal code). Therefore, physical

violence was excluded from the FCs´ competence. The physical/non-physical distinction enabled more efficient management of IFV claims because it turned the gradient of violence into a dichotomous variable that was more easily discernible by professionals on the ground. Bodily marks of violence were one of the main signs used by FC professionals to differentiate the criminal and family competences.

The judiciary's sorting strategy created a new kind of legal concept as a by-product: psychological IFV. This concept was not in the law previously but came to designate the kinds of claims belonging within the FCs´ competence. FC professionals relied heavily on the idea of psychological IFV to explain the focus of their work. For example, one of the counsellors of Court 1 had integrated this concept into her routine greetings. She would begin all interviews by saying: "I'm a psychologist who is here to help you with your problem. We are here to discuss situations of psychological violence, not physical, and between adults." (Fieldnotes). Another professional, from Court 2, described the FCs' competence as follows:

> "When someone arrives, the first thing I ask is about the situation that brought her here, I ask for the facts. I must distinguish whether the event is about psychological, that is verbal, or physical violence. If there is physical violence, we must discard the claim immediately because that is a criminal matter. If the facts belong within the family courts, then one starts to figure out if it fits within the legal parameters." (Interview court secretary)

Thus, psychological IFV designated the FCs' IFV procedures subject matter. Nonetheless, psychological IFV was a fluid notion defined largely by its exclusion of physical signs of violence. While the IFV law referred to the psychological aspects of IFV in a rudimentary fashion in the definition of article no 5, it still did not provide any detailed description of the elements that such an entity encompassed. Thus, psychological IFV's meaning lacked clear reference in the text of the law and had to be clarified and delimited constantly by FC professionals.

The crime of habitual abuse complicated further the upper threshold situation. Chilean empirical scholarship on IFV has focused mostly on this aspect of the FCs´ jurisdictional overflow from a feminist stance (Casas et al., 2007; Centro de Derechos Humanos, 2009; Universidad de Chile, 2018). Despite the judiciary's efforts to distinguish between the family and the criminal competences, habitual abuse´s definition did not match the physical/psychological distinction because psychological IFV could become a

crime if considered "habitual". For its part, the IFV law was unclear regarding the content of the notion of "habitual" and did not provide a specific number of acts or time frames, nor did it give clear guidelines for what counted as "one IFV act". Rather, the law stipulated vaguely that: "the habitual will be evaluated considering the number of acts executed and their proximity in time, regardless of whether said violence has been exerted on the same or a different victim" (IFV law, 2005, Article no 14).

Therefore, the meaning of habitual abuse was unclear within the judicial system, complicating the competence division between criminal and family courts. Furthermore, some FC professionals I spoke with argued that psychological IFV was inevitably habitual, and, therefore, the crime of habitual abuse nullified the FCs' competence in theory. Larraín (2008, p. 6) discussed the competence problems the new crime of habitual abuse entailed for women shortly after the promulgation of the IFV law:

> "[There is a] Lack of uniform criteria among family and criminal judges when determining habituality. Some consider it necessary to attend to the level of harm in the victim, others to the presence of previous claims of violence, and others to previous convictions for the same type of acts. If we add that the prosecution decides not to investigate 50% of the cases referred by the family courts and that dismissed cases do not return to the court of origin, the crime of habitual abuse is practically non-existent, and women are left without access to justice …"

My empirical data confirmed that the prosecution did not investigate most of the claims FCs sent to them. This resulted from the low gravity accorded to those claims compared to other criminal investigations and the limited information available to investigate or obtain a possible criminal conviction. Prosecutors participating in this study were certain that most claims sent by the FCs did not meet the gravity or the practical requirements for conducting a criminal investigation. Hence, they organized their work so that their junior professionals or assistant lawyers handled these claims. One prosecutor explained the situation:

> "Look, I do not know if this will help you in your research but, in this office, there are three prosecutors and two assistant lawyers. IFV crimes have a penalty that, in general, does not exceed 540 days [of possible imprisonment]. Hence, cases of IFV are investigated exclusively by the assistant lawyers." (Interview Prosecutor P)

FC professionals where aware habitual abuse gave rise to a set of claims that were too serious for the FCs, yet too minor for the criminal courts. One judge referred to this as the black hole of IFV claims.

> "It makes my stomach ache every time I declare myself without competence. Because I know what is going to happen. The case will fall into a black hole at the prosecution office." (Fieldnotes)

The overflow at the upper threshold involved a lack of clarity concerning the limit separating the family and the criminal competences. These coordination problems had two key effects: first, producing the notion of psychological IFV, which described the FCs' jurisdictional content; and second, the black hole of IFV claims, which designated a group of claims lost between jurisdiction limits.

6.2.2 The lower threshold

Chilean literature (doctrinal or empirical) has hardly touched on this form of overflow – one brief mention can be found in Casas et al. (2007). Nonetheless, my own fieldwork showed that the lower threshold problem was at the core of FCs' work on IFV and that most of their everyday IFV routine was designed to control this situation by filtering out cases deemed legally irrelevant.

The lower threshold problem stemmed from the number and content of the IFV claims received by the FCs. FC professionals argued that the number of IFV claims was beyond that which the system could process. They associated such overdemand with the fact that a large number of those claims did not involve legally relevant disputes. Rather, these matters were seen as family disagreements in which the courts could or should not intervene. Consequently, legally irrelevant cases overflowed the FCs´ jurisdiction quantitatively and qualitatively by bringing in too much family conflict. In a similar vein to previous findings of lower court ethnographies (Merry, 1990; Yngvesson and Mather, 1983), most FC professionals were of the opinion that these cases did not merit a legal procedure. Thus, they characterized IFV as a legal matter through which their work could become entangled in trivial family quarrels, leading to a misuse of public resources. One judge described the problem in the following terms:

> "[In IFV cases] There is a lack of communication ... she might be annoyed and bad-tempered and he might be this and that. But they do not communicate. Suddenly, the whole thing bursts, 'Get out of here, you so and so!'. They file an IFV claim … and they have never talked to each other! ... People

bring this stuff to court …. That is the problem, by judicializing everything, really important and serious things get mixed up in the same bag … The courts are filled with issues that can be addressed extra judicially. Judicializing everything is really serious." (Interview Judge C-II)

Below I present a scene from fieldwork. This scene provided an example of how IFV cases could overflow the FCs´ competence qualitatively. Scene 6.2 contains a pre-trial hearing in which a mother filed a claim against three of her sons. The claim had gone through the FCs' filters and, therefore, was already within the FCs´ jurisdiction (arguably, this claim passed the FCs´ filters due to the old age of the claimant). Notwithstanding its procedural stage, the scene was useful because it demonstrated that overflowing at the lower threshold was qualitative as much as quantitative. Beyond the processing capacity of the courts, legally irrelevant claims challenged the FCs by bringing in disputes for which they seemed conceptually and practically ill-prepared. Legally irrelevant cases involved subtle gender and intergenerational family dynamics for which the FCs´ available responses seemed too rough or inadequate. FC professionals conceived these cases as external to the courts' jurisdictional activity and, in this sense, as legally irrelevant.

The scene had two parts. In the first part, the claimant and the FC professionals discussed the content of the claim. The claimant explained to the court her problems with her sons and her intentions in getting help in making them behave respectfully towards their parents. The claimant's objective presented a problem for the court because the legal means available seemed inappropriate to address the situation. This would involve a restriction order against the defendants, which would forbid the claimant´s sons from visiting their elderly parents. The case overflows the FCs´ frame by bringing into the procedure unexpected elements that did not fit within the pre-set jurisdictional arrangement.

Scene 6.1 part one

Two women enter the courtroom for the next hearing. The claimant is an old lady who seems to be close to 90 years old. She is accompanied by her daughter. The defendants are not currently present.

The judge starts the hearing by reading the police report. The document is short and does not

provide details of the situation. It says that the woman has filed a claim against her three sons, who are said to behave violently against her and her husband (their father). The judge asks the claimant about the situation. The woman says that they live a very quiet life and that her three sons are disruptive and disrespectful. She explains that her husband is older than her and is unable to move anymore. Their sons, who visit them every weekend, use their house to party and behave loudly. She says that a few weekends ago one of them got drunk and broke a table by falling over it, which provoked great distress for the father. She concludes by saying that all she wants is to have some peace.

The judge asks whether the sons are aggressive to them in any direct way. The woman responds that they just shout and behave rudely. 'Do any of them take drugs?' asks the judge. 'Yes', says the claimant, 'the oldest one drinks in my house and refuses to stop even when I ask him to do so'. The judge asks the claimant about her expectations from the court. 'I would like for them not to make a fuss, stay calm and visit their father respectfully', she responds. The judge, who seems a little confused with the situation, says that in the claim she is asking for a restraining order against her sons. The claimant hesitates and seems unsure as to whether she wishes for her sons not to visit their house anymore. She replies that she 'just wants them to calm down'. The interaction turns problematic at this point. The claimant's hesitant response, added to the fact that the mother seems too vulnerable to be pushed for a clear answer, leaves the judge without knowing clearly how to proceed. After a short silence, the counsellor tells the woman that 'the court cannot teach good-manners'. He adds that what can be asked from the court is either a restraining order to keep her sons away or, maybe, periodic police rounds.

Scene 6.1 first part demonstrated how IFV cases could qualitatively overflow the FCs' frame. Although FC professionals referred to these cases as trivial, legally irrelevant cases were complex from an epistemological perspective because they involved subtle family dynamics that the FCs´ jurisdiction was unable to process. As one judge put it during an interview: "the intrusion of the courts or the judiciary becomes destructive for the families sometimes" (interview judge PI).

The main conduit for the overflowing at the lower threshold were litigants in person. IFV was the only matter processed by the FCs that allowed for the possibility of litigants in person. FC professionals argued that many litigants in person held misplaced ideas and expectations about the role of jurisdictional activity. These litigants, FC professionals stressed, sought to address problems like poverty, drug abuse and precarious housing, which were not seen as legal issues in the eyes of the court. Thus, FC professionals argued that many litigants in person were not seeking a legal authority, but a more generic form of authority to orient them in problems that were of a different nature. One judge explained the situation:

> "IFV expresses mainly problems of work, drugs and alcohol. Nothing else. The other day there was a gentleman who came and said, 'She is a lazy person, she does not get out of bed. I go out and when I come back, she is still lying there, still with the potty full of urine'. Then, I said, 'Sorry, you do not have a toilet?' They did not a have toilet! … I said, 'if you have a job, try to change the house, ask for help'. But that is not judicial. This is not judicial! But it is producing many claims that eventually vanish because there is a different underlying issue here." (Interview Judge C-II)

Litigants in person's mistaken conception of the jurisdiction, FC professionals argued, was related to a broader problem concerning recent representations concerning jurisdictional work in Chilean political and media discourses. This shift in public discourse, they argued, was linked to the series of sensibilization efforts conducted by the government and the media over the last decade. The latter led people to categorize their experiences more easily as IFV and, therefore, to increase the number and kinds of claims received by the FCs. As a result, it was suggested, the Chilean population, and women in particular, had become increasingly sensitive and critical of family relationships.

The problem, FC professionals argued, was that political authorities stimulated the claiming of rights without any clarity as to how those conflicts were to be channelled through the State or as to the real capacities of the courts. Hence, litigants in person ended up bringing to court expectations about legal authority that were incompatible with the jurisdictional frame. One judge explained this issue as follows:

> "The state or the government, without ascribing any political colour, also has its share of guilt. When the law of IFV came out, [they advertised] 'Madam, go! You do not forget your rights! Don't forget

this and don't forget that'. And that's fine, but they should have told them what rights! What rights are we talking about? What is important and what is not important?" (Interview Judge C-I)

The two counsellors below reflected similarly, but targeted the media´s influence over litigants in person:

"The media influences people, so they start thinking 'well, she was called ugly and dumb. Sometimes I get called ugly and dumb. Then, it's violence'… people start to tell their stories and others start to identify themselves. And they say, 'it seems that I am immersed in this situation, so I will file a claim'." (Interview Counsellor CI)

"Sometimes people think that any form of conflict is violence. And now it's like, everything has to be turned into a claim. It seems that there is a hysteria in which everything must be turned into a legal claim" (Interview Counsellor C III)

The scene´s second part contained the court´s response to the woman´s claim. FC professionals framed the case as a matter of risk, issuing the precautionary measure. After the parties have left the courtroom, the judge explained how cases like this overflowed the FCs' jurisdictional exercise recurrently. The following section demonstrates the centrality that the notion of IFV risk had for the FCs' competence and how this was an effect of the notion of psychological IFV.

Scene 6.1 part two

The judge breaks the silence by asking the opinion of the counsellor. The counsellor points out he can observe risk factors in the situation and mentions the alcohol consumption of the defendants and the age of the claimant. He recommends providing the claimant with a restraining order and scheduling a new hearing in which the defendants can be heard. The judge articulates her decision quickly and formally. She argues that the court sees the need to clarify the situation, for which a new hearing will be scheduled and that a restraining order will be put in place against the three sons. She finishes the hearing formally and asks the courtroom assistant to stop the recording. Then, the judge looks at the claimant and her daughter and explains what she has decided in colloquial terms.

Once the parties have left the courtroom, the judge looks at me and says 'This is a typical case of an old woman who just wants respect from her offspring. Most of these cases drop later on, especially once they realize that her sons might end up with a record that will become a problem when looking for a job'. She concludes by saying with disappointment 'FC can do so little about these cases'

.

The response of the FC professionals from scene 6.1 was unusually sympathetic to the claimant (which I attributed to her advanced age). Most of the FC professionals I met were not as supportive to legally irrelevant claims. FC Judges and counsellors stressed that the vast majority of IFV claims that came to the FCs should not be addressed through judicial means. Thus, professionals argued the IFV law regulated the FCs´ competence too broadly. One counsellor explained the problem:

> "There are many [cases] that can be resolved at the community level and not judicialized. Why do we have to judicialize everything? ... There was a gentleman this week who came because he was upset with his granddaughter. She lived with someone else upstairs, and they had a dog that was pooping everywhere. And it makes you think, you know, this is not IFV. This is not psychological violence. It might affect you, of course. But are we supposed to process these cases?" (Interview Counsellor C-II)

In summary, overflow at the lower threshold involved problems with the quantity and quality of cases being processed as IFV. This produced legally irrelevant cases, which legal professionals believed were not appropriate to be addressed by legal authority.

6.3 Framing devices

IFV cases challenged FCs´ capability to control the contents of IFV procedures and produce a stable frame. The FCs´ responses to IFV overflowing created different types of IFV cases in practice. Left outside the FCs competence were those falling down the prosecution office´s black hole and those excluded from legal

processing due to the absence of legal relevance. Within the FCs' competence were cases identified through the notion of psychological IFV.

This section discusses the FCs´ framing devices. These devices were used to select the cases that would go through the IFV procedure, thus performing the boundary to the FCs´ IFV competence. Case selection had the additional effect of focusing or specializing the FCs' IFV competence. FCs adapted IFV procedures to better respond to the practical features of psychological IFV cases. This specialization involved prioritizing the pre-trial stage of the IFV procedure - concentrated on risk assessment and management - and downplaying the relevance of establishing culpability through trial. This approach was based on the considerable problems psychological IFV cases posed in terms of evidence during the trial. Consequently, competence issues stressed a recursive relationship between FCs' structure as legal fora and IFV cases contents as a legal matter.

The following two quotes demonstrate the recursive logic suggested above. The first quote is from Court 1´s staff member. He was a young court officer in charge of interviewing people coming to court to file an IFV case. His work involved discussing people´s situations and potentially filing an IFV claim if the case exhibited the basic content necessary for the procedure. In the quote, the officer makes explicit the focus of this filtering. The FCs´ prioritized cases indicative of IFV risks and downplayed the relevance of establishing the defendant's culpability.

> "Unfortunately, we are not here to see how we can repair things or help the aggressor. No, that is not the end. The purpose of the court is that the victim does not suffer any more harm. That is where we aim as a court. Therefore, if there is a serious situation, where one truly sees risk, one has to act as a court." (Interview Professional C-RD)

Both FCs in this research focused their work and resources on creating an IFV procedure capable of responding swiftly to IFV risks. This emphasis resulted from the practical features of psychological IFV cases which rendered trials futile in the eyes of many FC professionals. The following quote demonstrates this.

The quote contains the reflection of an FC judge about the features of IFV as a legal matter and the FCs' relation to this. Although short, the quote captures the complex process involved in framing the FCs' IFV

jurisdictional activity. First, the judge expressed the problems that IFV posed in terms of adjudication. She stressed that the FCs´ competence seemed meaningless because it contained cases that rendered adjudication dysfunctional. Then, the judge briefly ponders the possibility of a useful IFV trial. The judge´s pondering employs a colloquial Chilean expression denoting physical aggressions broadly: "sacar la cresta". Immediately afterwards, the judge reformulates this thought through the legal categorization distinguishing between physical/non-physical violence – which underpins the notion of psychological IFV. This conceptualization leads the judge to reaffirm the idea that IFV trials were futile.

> "I do not understand what our competence is, to be honest. Is it over fleeting insults that happen in the heat of the moment? Are we going to make a whole trial for something of this sort? Is it worth having all that regulation for a trial that is going to lead nowhere? Maybe if he attacks [*´sacar la cresta´*] her … Actually, no, because if he does that that would turn it into 'injuries' and then it's up to the prosecution. So, what within our competence makes all this work worthwhile? I cannot imagine a situation to be frank." (Interview Judge PI)

The judge´s thought process above expressed a larger institutional dynamic: FCs created psychological IFV to overcome the overflowing of IFV´s competence; psychological IFV posed practical problems in the trial stage; FCs focused their work in assessing and managing IFV risks within the pre-trial stage; thus, psychological IFV was primarily a legal matter primarily associated with risk. The following thesis chapters analyse how FCs represented IFV risks and culpability within the pre-trial and trial stage, respectively.

Framing devices allowed the FCs to control the scheduling of judicial hearings. Claims having criminal features were diverted to the prosecution office, while those not containing a legally relevant dispute were declared inadmissible and dismissed. The filtering of claims was not stipulated in the law and therefore had a questionable basis. The dismissal of inadmissible claims without a judicial hearing was particularly problematic because the norms of procedure instructed that every claim should be addressed through a preparatory hearing. FC professionals estimated that over half of the IFV claims were classified as inadmissible. However, reliable quantitative data was not available because of the unsystematic record of these decisions (see Chapter five). FC judges were aware that the *ad hoc* nature of this work made the use of the term "inadmissibility" inappropriate in a strictly technical sense. Notwithstanding these limitations, FC professionals agreed widely on the necessity and usefulness of filters.

> "You need some kind of filter to select cases. Because it is impossible to work with everything that comes in and meet the deadlines, which are very short in IFV. In some cases, [filtering] is done poorly and, in others, it is done more carefully … Claims are discarded when the claimant does not want to go ahead for whatever reason or when you really see that the situation is not about violence." (Interview Judge CIII)

These filters, FC professionals argued, allowed their administration to make efficient use of its resources and respond to the aspects that were the most relevant of the IFV cases in practice. One counsellor explained this focus as follows:

> "If we were to process [all the claims] without any kind of filter the time between the claim and the hearing would be enormous. By then, the whole problem could be solved within the family system itself or, if the situation has turned too serious, someone might be dead. Then, there must be these orderings that are not established in the legislation … [which] can even be questioned as not legal. But it has to do with where you place your focus. Either you adhere rigidly to the legal text or you allow these intermediate mechanisms to exist precisely to give an appropriate treatment to the people who need it." (Interview Counsellor C-IV)

Framing devices varied according to whether a claim arrived in a written format or was filed personally by the claimant in court.

6.3.1 Selecting written claims

In the case of written claims (which could take the form of a police report or a lawsuit made with legal representation), filtering entailed a mechanical document-based process carried out by judges and counsellors. It was directed mostly at police reports and only exceptionally at lawsuits. Both courts preferred to stick to the statutorily established procedure for claims with legal representation. As one counsellor explained: 'Claims represented by lawyers always get a hearing. They still get dismissed, but after a longer round. Which is to avoid problems, basically.' (Fieldnotes)

In Court 1, one of its four courtrooms worked solely on filtering written claims. Professionals called it 'the admissibility room'. One judge and one counsellor worked every day evaluating the need to book hearings for the different claims. They based their decisions on the information contained in the police report and the parties' judicial record. Although I requested permission to observe the admissibility room, the judge in charge declined. Her decision was based on the argument that this work was uninteresting from an observational perspective because it was entirely based on the written documents in each claim. Nevertheless, the short scene below captured some of the dynamics of the admissibility room through a conversation held with one of the counsellors. In that conversation, the counsellor described the role of this work in setting limits to the FCs' jurisdiction; these limits prevented the overflowing of FCs by legally irrelevant cases. At the same time, the counsellor demonstrated the focus of this framing device. The latter processed cases exhibiting signs of risk and dismissed cases that did not. This focus was applicable to all framing devices and defined the distinctive features of IFV within the FCs' jurisdiction.

Scene 6.2

One of the counsellors approaches me while I'm in the court's waiting area. We start talking about the cases of the week. She tells me that "at the moment, there is an overpopulation of Fs" – which is the letter assigned to IFV files in SITFA. She explains that this is because "the admissibility room has not been filtering properly". Therefore, many people haven't shown-up to their scheduled hearings and many have had to be adjourned. I ask her about how the filter works. She explains that it is focused on the reports sent by the police, which usually arrive at the court a day after they have been filed or on Mondays, when they accumulate over the weekend. Police reports are reviewed by a judge and a counsellor in the admissibility room. "We [the counsellor and the judge] each read the documents silently and check the parties' backgrounds through the online system", she says. The counsellor explains that they look for former IFV claims on the parties' record, alcohol and drug use, or "anything that would indicate risk, like violence against things or threats". Claims are usually declared inadmissible when the conflict seems to be "a one-time event or involving a situation that´s already under control". She estimates that three out of five IFV claims coming from the police are declared inadmissible on the basis of their legal relevance.

Scene 6.2 demonstrated the operation of framing devices for written claims. The counsellor made explicit the admissibility room's role in controlling overflow and maintaining a normal work routine regarding IFV. Problems with the admissibility room meant that scheduled hearings had to be adjourned due to the absence of the parties. The recurrent absence of the parties reaffirmed to FC professionals that many IFV cases did not merit a judicial procedure and thus the need for framing devices. Additionally, the counsellor in the scene provided a description of the focus of the admissibility room. She characterized this work as looking for signs of risk – which she contrasted with claims that could be dismissed because they contained a "one-time event or that was already under control".

In Court 2, the framing device of written claims entailed a working strategy in which all claims were initially considered by one of the counsellors and then by one of the judges. Hence, it was known as 'the pre'. Counsellors were asked to provide judges with a written opinion about the need to conduct a judicial hearing. In addition to looking at the police report and the parties' judicial record, counsellors from Court 2 telephoned the claimants to evaluate their interest in the legal proceedings and the urgency of their situation. In the quote that follows a judge explained the organization of the pre. Like the admissibility room, this device allowed them to exclude claims and focus the court's work on processing cases indicative of risk factors:

> "The counsellors are responsible for filtering all claims beforehand. Because when the FCs began there was an avalanche of claims …Therefore, the counsellors have to filter the claims that are coming in. If a claim passes the filter, then it is important to evaluate the risk factors and whether they contain facts that are compatible with IFV … Because, sometimes, they are couples that explode and argue, but then they calm down. These are human problems." (Interview Judge P-II)

6.3.2 Selecting claims

For people who came personally to court, filters entailed discussing their problems with one or more of the FCs' staff before their claim was filed. Both courts had designated certain professionals to take on this role. The task was complex and emotionally demanding for them. It involved working with people's emotional states and, often, unclear narratives or goals. Accordingly, professionals interpreted people's problems, looked for relevant features of the IFV procedure, and gave practical advice on multiple levels (such as actions that might be taken personally or as a family, or paths available through multiple public institutions).

Court 1 had devised a two-step scheme in this regard. First, people had to approach the general customer-service desk, where court receptionists listened to their problem and evaluated whether it contained the basic features required for the IFV procedure. People who went beyond the first stage were sent to a second one in which a junior officer provided further guidance and potentially filed an IFV claim. In Court 2, for its part, two out of five counsellors worked exclusively on interviewing people at the door of the court. They evaluated the situation and advised people on possible courses of action, judicial or otherwise. The court had put aside special resources for this purpose, including two offices for interviews and one courtroom for urgent claims.

The following scene demonstrates how framing devices operate for people in Court 2. The scene describes a counsellor's interview with a woman who approached the court to file an IFV claim. The interaction in the scene involves three parts. In the first part, the interviewee narrated her problem to the counsellor. She blamed her partner for acting with disdain towards her and their son and wished the court to help her expel the man from the house (as he had refused to leave). However, when questioned by the counsellor, she argued that the man had not recently been violent in a direct way. This response placed her case at the turning point of lower threshold of legal relevance.

Scene 6.3 part one

A woman (who seems close to 40 years old) enters the room for an interview with the counsellor. She says that she has a problem with her partner because the man neglects their son, does not contribute with money, or help with the household. She says she has asked him to leave, but he resists, and that he consumes alcohol and crack. The counsellor asks about the man's working status and whether there has been any aggression or threats. The woman responds that her partner refuses to do anything, which means that she has to work non-stop to be able to pay their bills. She adds that he was violent years ago but not currently. She has not seen the man or her son recently, because she is constantly working to make ends meet. The counsellor asks whether she has taken any measures by herself, like trying to move somewhere else or changing the locks. She says that she has not done so. The counsellor asks, for a second time, if she can remember when she was last verbally assaulted by him. She says

she cannot and adds that she wants him to abandon the house and leave her and her son alone once and for all.

In the scene´s second part, the claimant and the counsellor negotiated the meaning of the situation. The counsellor provides the woman with an overview of the IFV procedure. This overview stressed the FCs' IFV competence as one in which convictions were unlikely and which was focused on preventing claimants´ risk. Accordingly, the counsellor files the claim by framing the woman's concerns under the notion of risk addressed by the FCs.

Scene 6.3 part two

The counsellor explains that the legal procedure on IFV looks at obtaining a conviction, which would appear in the man's records. However, he warns the woman that "many times, cases do not reach the conviction expected by the claimants because the judges consider that there is no IFV". Nevertheless, he stresses that the procedure includes the possibility of provisional precautionary measures which are based on certain risk factors that are related to the questions he has been asking her. The counsellor reiterates that she can take her own measures, like moving to a new house and ending the relationship with him. Lastly, the counsellor says that he will file her case so the judge can see the problem through a hearing. Yet, he insists that she should think of measures like filing for divorce and obtaining a financial remedy.

The counsellor prints out a copy of the form for IFV claims. He starts reading the checklist of risk factors. As they go through them, the woman realizes she is answering negatively to all the categories and doubts whether she is doing it correctly. She looks at the counsellor and says, "we mostly throw words at each other". When the counsellor reads the category "he denies the end of the relationship", the woman stops to think and says "yes, that is what is happening". The counsellor starts to write down the claim: "We're going to write that he is unemployed, so the court knows that he does not contribute to the house". "He is a bum", she replies. The counsellor asks the woman how often they fight. "Not so often. I do not waste

my time fighting with him. More than anything the problem is that he is lying there drunk every time I come home. It is unbearable", responds the woman. The counsellor writes down that the man is an alcoholic and a drug addict. Then, he reads out the description of events in the claim that he has written. She listens carefully and nods. Once they are finished, the counsellor explains to her about the time and place of the hearing. The woman thanks him and leaves the room.

The interaction between the woman, the counsellor and the IFV form demonstrated the boundary-setting nature of this interview. As the counsellor reads the list of risk factors, the woman is able to perceive the potential exclusionary effect of the form. Her problem seems momentarily to reside outside of the FCs' competence by her not responding to any of the categories mentioned.

In the scene´s third part, the counsellor made explicit the boundary-setting logic of his work after the women had left the room. The professional highlighted his doubts on whether the situation required a judicial hearing.

Scene 6.3 part three

I ask the counsellor about the interview. He says that he decided to file the claim because he noticed some risk factors, such as alcohol and drugs. Otherwise, he would have explained to her the measures that she could take on her own and tell her to return to the court in case of further problems. A few seconds later he says, "Sometimes I explain to women that they can do things on their own and they realize that they are free to leave the house or change the lock. Sometimes that is enough. In this case, she never realized her possibilities throughout the interview, which made me think that she needed some help."

In the scene´s final part, the counsellor made explicit that the claim was at the tipping point of the lower threshold of legal relevance and that he had pondered the possibility of telling the woman to return to the court in case of further problems. Jointly with delimiting the FCs' jurisdiction, framing devices reproduced

a jurisdictional focus selecting cases based on the notion of risks. One FC judge explained the focus or specialization FCs had developed concerning IFV in the following terms:

> "What we are doing at the moment is responding to urgent situations, the work with precautionary measures. I think that this is our job and what we are doing. [Stops to think] And that's not, of course, what we have to do. But, you know, that is the answer that we are providing at the moment." (Interview, Judge CIV)

The following two chapters focus on the meaning of IFV risks and culpability. These chapters analyse how the FCs have stabilized the meaning of IFV cases through these notions and the controversies involved in these representations.

6.4 Conclusions

This chapter has discussed the framing of the FCs' IFV competence, which refers to the socio-technical process delimiting the FCs' authority in IFV matters. This discussion comprised three parts. The first part contrasted the Chilean doctrinal readings of IFV competence issues and this chapter´s analysis through framing. This discussion argued that looking at competence issues as a framing process expanded current doctrinal representations of the problem. Doctrinal works noted the poor conceptualization of IFV competence limits in the IFV law. However, these analyses omitted to take into consideration the evolving nature of competence issues and how legal provisions changed as part of the ongoing performance of the jurisdictional exercise. The notion of framing thus shifted the focus of the analysis from a technical critique of the legislation to an empirical description of FCs´ limit-building practices and their effects.

Section two discussed IFV competence overflowing, which refers to the FCs´ problems in producing and maintaining a controlled IFV procedure with clear and foreseeable limits. The upper threshold overflowing involved problems concerning the distribution of claims between the family and criminal courts. The lower threshold overflowing referred to the FCs' problems with legally irrelevant cases. Competence overflowing weakened the FCs' authority by making IFV unmanageable as a legal matter. Thus, it triggered a series of institutional responses aimed at delimiting the courts´ relationship with IFV cases. This delimitation produced different kinds of cases in practice: these included psychological IFV cases, cases falling down the

black hole of the prosecution, and cases excluded from legal processing due to a lack of legal relevance. This part contributed to current feminist critiques to the IFV competence issues. It suggested empirical problems these researchers had identified previously could be interpreted participating from a single authority-building performance from the FCs perspective.

The chapter´s third part discussed the FCs´ framing devices. These devices performed limits that contained the FCs´ jurisdictional exercise. Framing devices selected cases as they progressed through the procedure, enabling a more manageable and predictable interaction domain for FC professionals. Moreover, framing devices had the additional effect of specializing or sharpening IFV procedures.

This chapter suggests Callon´s notion of framing provided useful tools for a socio-legal analysis of competence issues. Framing facilitates an empirical exploration of the relation between the structure of legal fora and the content of legal disputes – the co-production between knowing subject and known object in legal practice.

Chapter 7: Risk and its controversies

Risk and culpability were the two ways the FCs represented IFV legally.[15] This and the following chapter discuss these representations inspired in Callon´s notion of interessement (Chapter two).

This chapter focuses on the FCs´ representation of IFV risks. This includes the FCs´ assessment of IFV risks during the pre-trial stage and the issuing of precautionary measures in the claimant´s favour in the case of finding these. The FCs´ risk assessment was based on a loose technicality predicting IFV events resulting from qualitative analyses of claimants´ personal performance in court. This prediction technique enabled a series of political negotiations between actors in the IFV procedure. These negotiations produced a balance of interests reaffirming the FCs' technicality concerning IFV risks. Risk assessment was lenient towards claimants´ requests, benefiting multiple actors concerned with IFV procedures. I suggest the notion of "diplomatic interessement" to describe the FCs´ representation strategy concerning IFV risks.

This chapter´s discussion contains four sections. The first part is a theoretical discussion about the notion of risk underlying this chapter. This discussion problematizes objectivity in risk assessment and conceptualizes this as an interessement process. Following ANT insights, I suggest distancing from debates about objectivity/subjectivity and analysing risk assessment empirically as a socio-technical stabilization process: both objective and subjective. The chapter´s second part discusses the FCs´ diplomatic interessement. First, I analyse how the FCs predicted IFV risks based on a loose technicality. The FCs' prediction focused on testing the veracity of the claimant´s allegations by examining their personal history and reading their behaviour in court. Second, I discuss how the FCs´ loose technicality enabled the negotiation of different interests converging in IFV procedures. These negotiations produced a political balance reaffirming the FCs´ representation. The third part discusses two controversies produced by diplomatic interessement. Notwithstanding the particularities of each, both controversies shared an underlying logic reaffirming the inseparability of technique and politics in representing IFV risks. The fourth section discusses this chapter's conclusions. This chapter contributes to current Chilean literature on IFV

[15] I use the notion of "representation" performatively in this thesis to designate an ordering process stabilizing the meaning of reality. As Van Loon (2002) put it, this approach stresses the double meaning of the word "order" as a specific organization and as a command calling forth an entity. Thus, representing IFV in legal terms involves ordering the relationship between facts and law to stabilize the meaning of cases.

procedures and demonstrates that this literature has ignored the most significant part of the FCs´ everyday work on IFV. In addition, this chapter suggests ANT´s notion of interessement as a useful tool for the socio-legal analysis of risk in jurisdictional work.

7.1 Risk and jurisdiction

The FCs' risk assessment posed conceptual challenges to my research. On the one hand, main ANT scholars have not address risk as an object of research (Van Loon, 2002). On the other hand, the risk assessment I observed in the field differed significantly from the most well-known poststructuralist analysis on this matter: governmentality scholarship on "actuarial justice" (Cowan et al., 1999; Ewald, 1991; O'Malley, 1996; Rose, 2000; Simon, 1988, 2005). Thus, this section develops a theoretical discussion to delineate my approach to the FCs´ risk assessment. This discussion does not cover the vast literature of the last 50 years on the concept of risk and its proliferation within industrialized countries (Beck, 1992; Giddens, 1990). Rather, it discusses two arguments in risk and jurisdiction literature that provide theoretical grounds for my use of interessement.

The first argument concerns objectivity in risk assessment. I draw on Douglas' (1992) and Luhmann´s (1993) cultural understanding of risk to problematize a rationalist understanding of risks. The rationalist approach defined risks as the objective measurement of future probabilities, thus bracketing off cultural or social factors in this process. Douglas and Luhmann's works demonstrated the necessary interplay between politics and technique in risk assessment. The second argument draws on the idea of risk as a political and technical composite. I suggest the notion of interessement serves to move beyond the debate about the objectivity/subjectivity of risk assessment, describing this as a social and technical ordering of the future (objective and subjective, rather than one or the other). Finally, I suggest the notion of diplomatic interessement to conceptualize the FCs approach to IFV risks.

7.1.1 Objectivity in risk assessment

For Douglas (1992) and Luhmann (1993), the 1980s´ extensive literature on risk perception, assessment and management demonstrated a key conclusion: the limits and paradoxes inherent in the rationalist understanding of risk. The latter involved a technocratic representation, self-claiming independence from cultural and political determinations in risk assessment. On the contrary, these authors noted, the growing

research about risks had the effect of problematizing this critical assumption, repositioning the role of politics and culture in this technical object.

On the one hand, the literature demonstrated the selectivity involved in assessing risks. As Douglas (1992) explained, researchers showed, among other things, the unsolvable contrast between risk assessments from experts and those of the potentially affected communities: a sustained increase in risk perception within industrialized countries, despite improvements in their population´s health indicators and life expectancy; or, the growing level of risks produced by industrialized countries' own technological development. Thus, risks proved inseparable from the assessor's position and interests in practice.

On the other hand, risk scholarship demonstrated a paradox in the rationalist concept of risk. As knowledge about an event accumulated, so did the risks associated with it, and the awareness about the risks involved increased. Thus, risk assessment contravened its own political objective: namely, providing reliable knowledge for a more controlled and safe future. Luhmann (1993, p. 28) explained the epistemic incongruity:

> "… the more we know, the better we know what we do not know, and the more elaborate our risk awareness becomes. The more rationally we calculate and the more complex the calculations become, the more aspects come into view involving uncertainty about the future and thus risk."

Douglas and Luhmann suggested the above showed that the rationalist view had misunderstood risk's role and content. The proliferation of risk, they added, demonstrated a cultural rather technical change. This cultural shift was more significant than temporal projection techniques and knowledge accumulation stressed by the rationalist view. At its core, the concept of risk designated a new, distinctively modern way of responding to the future's uncertainty. The "risk" solution changed blaming patterns in society primarily - rather than preventing undesired events. Risk assessment served to establish presently and precisely the responsibilities for potential events. Thus, actors assured their capacity to track responsibilities independently of what happened in the end. As Douglas (1994, p. 27) explained, "The big difference is not on the predictive uses of risk, but in its forensic functions."

For Douglas, the idea of risk was analogous to notions like taboo or sin. These were all concepts describing cultural schemes to fulfil a forensic function. However, concepts like taboo or sin reinforced collectivity when allocating blame because they interpreted misfortune as the consequence of an actor´s failure to abide by social norms. Thus, the uncertainty of the future promoted social cohesion. In contrast, Douglas suggested that risk turned the collectivity against itself by fostering an individualist logic. The rhetoric of risk emphasized spheres of individual accountability among community members, allowing actors to turn temporal uncertainty into a monetarized variable:

> "Being 'at risk' in modern parlance is not the equivalent but the reciprocal of being 'in sin' or 'under taboo'. To be 'at risk' is equivalent to being sinned against, being vulnerable to the events caused by others, whereas being 'in sin' means being the cause of harm. The sin/taboo rhetoric is more often used to uphold the community, vulnerable to the misbehaviour of the individual, while the risk rhetoric upholds the individual, vulnerable to the misbehaviour of the community." (Douglas, 1994, p. 28)

Like Douglas, Luhmann stressed that the core function of risk was forensic and not preventive (which was secondary in risk assessment). Luhmann argued that the proliferation of risk was associated with this concept´s capacity to produce a structure of accountability over uncertain events. Prediction and control techniques followed this cultural shift, not the other way around. Luhmann suggested understanding risk in opposition to an older concept: danger. Both were formulae used socially to interpret and manage potential harms. However, while the old idea of danger attributed harms to contextual or environmental factors, which were phenomena without inherent responsibilities, risk assessment attached those potential harms to decisions made by an identifiable actor. Thus, the rhetoric of risk anticipated a scheme of accountability for a given event, safeguarding the involved regardless of how things turned out in the end.

The function of risk was to create a growing, more sophisticated structure of accountability within society. The future of actors affected by the event was attached to the evaluator's future – which took upon itself the responsibility of knowing the possible options and steering the course of events. In turn, the future of the evaluator was linked to that of whoever assigned that role. Therefore, the concept of risk mobilized actors due to their growing responsibility, not their concern with maximizing safety. Likewise, increasingly

sophisticated techniques of temporal projection (like probability) resulted from this accountability and were not its precondition. Luhmann (1993, p. 31) exemplified this

> "It is apparently easier to distance oneself politically from dangers than from risks … Even if prevention is available for both types of situation, it may nevertheless be relevant whether the primary problem is treated as danger or risk. In Sweden it was politically opportune to evacuate a large number of Lapps by helicopter for the duration of missile testing in their area, although the probability and extent of loss in the event of a helicopter crash were far greater than the possibility that a single person in a sparsely inhabited area would be struck by falling missile debris. But the one case was apparently assessed as a risk, while the other (moreover quite incorrectly) only as a danger."

Douglas and Luhmann demonstrated that risk assessment involved a politics about the future and techniques addressing those political negotiations.[16] As Douglas and Wildavsky (1983, p 5) concluded: "Risk should be seen as a joint product of knowledge about the future and consent about the most desired prospects." The following section discusses how interessement can help introducing an empirical view into this argument.

7.1.2 Risk assessment as interessement

As Van Loon (2002) noted, ANT scholars have generally avoided an examination of risk in spite of developing an empirical framework particularly suited to this task. ANT, Van Loon (2002, p. 45) added, could introduce nuance within grand theorizations about risk through a detailed examination of the ambivalences and tensions in everyday knowledge production: "Beck´s observations are general and rather abstract and do not engage in much detail with the inherent ambivalence of technoscience ... One way to supplement the

[16] It is worth noting these authors did not claim that risks were entirely subjective (an invention of the evaluators' minds). Instead, their point was to demonstrate that risks hinged upon a particular politics of knowing. As Douglas (1994, p. 29) emphasized: "This argument is not about the reality of the dangers, but about how they are politicized. This point cannot be emphasized too much."

risk society thesis and meet this criticism would be to look at what has been produced under the label of ´Actor Network Theory´ (ANT)."[17]

I suggest interessement is a helpful approach to analyse the various ways in which risk assessment strategies configure politics and technique in practice. This section develops this argument by contrasting two modes of assessing risk under the idea of interessement: governmentality scholars´ work on actuarial justice in criminal courts and the FCs' diplomatic approach to IFV risk assessment. I suggest governmentality scholars described a risk assessment that excluded political negotiation by developing sophisticated and rigid temporal projection techniques. In contrast, the FCs approach to risk was based on a loose technicality facilitating the negotiation of interests among participants to the judicial procedure.

Governmentality analyses of risk are encompassed in a series of works by authors inspired by Foucault's ideas about power-knowledge. These works formed one of the most recognized poststructuralist lines of analyses on risk during the 1980s and 1990s (Ewald, 1990; O'Malley, 1996; Simon, 1988). Governmentality scholars highlighted how techniques borrowed from insurance industries permeated government institutions in the last decades of the 20th century. This process, they argued, revealed a shift in the logic of the power and control of government institutions.

The proliferation of probabilistic risk assessment techniques was linked to the expansion of what Foucault called a governmental form of power. As O´Malley explained, governmental power was concerned with identifying and manipulating the behavioural patterns inherent in the different social phenomena (like populations or markets). This power strategy drew from the aggregate or statistical knowledge produced by the social sciences of the 20th century - which represented the social in terms of regularities and degrees of deviation and made normality the primary assessment parameter.

Governmental power differed from more direct or blunt forms of power, such as the juridical or sovereign approach. While juridical power traditionally focused on obtaining individuals´ compliance through

[17] Van Loon suggests conceptualizing risks through Mol (1998) and Law's (2002) notion of virtual objects. Virtual objects designate entities that the analyst cannot experience in their totality. Instead, the analyst infers these based on partial signs of their presence. Van Loon suggests risks are virtual because these are abstract realities inferred from bits and pieces of sense experience.

prohibition and punishment, governmental power was indirect and surreptitious. Its control focused on manipulating the contextual conditions to steer social phenomena, dispensing with individuals´ moral reasoning. Ewald (1991, p. 203) explained the contrasting power strategies:

> "Under the regime of juridical responsibility, the accident isolates its victim and its author… the accident is due to some individual fault, imprudence or negligence; it cannot be a rule… an accident is a unique affair between individual protagonists … Risk is, first of all, a characteristic of the population it concerns. No one can claim to evade it, to differ from the other like someone who escapes an accident."

Probabilistic risk assessment techniques within criminal courts were a central theme in governmentality scholarship. Risk-based jurisdictional exercises initiated what Simon termed actuarial justice. The main goal of actuarial justice was to produce safer social surroundings by managing social behaviour efficiently. Thus, the actuarial approach focused on predicting defendants' future and incapacitating risky populations. Prediction and incapacitation were based on pre-determined quantitative variables or risk factors. These variables could be tabulated in each case and correlated statistically to produce probabilistic images of the future.

This standardized approach, governmentality scholars noted, displaced some core political ideas in the criminal justice system, such as legal responsibility based on individuals´ rationality. Rather, actuarial justice turned individuals into a series of pre-set factors or variables operating independently from their moral and political experiences. In this way, it expanded a governmental logic that undermined the political principles of the criminal system and replaced them with instrumental concerns about population control. Actuarial justice achieved the above underneath a veneer of technical neutrality that emphasized efficiency in responding to social problems.

21st-century governmentality research problematized some conclusions in earlier governmentality analyses of risk. As O´Malley (2010) noted, 1990s´ governmentality works tended unwittingly to depict risk as a single technology with a linear and grim future. Thus, ideas like actuarial justice presupposed that risk proliferated within government institutions due to its capacity to expand social control through probabilistic knowledge. However, posterior works introduced nuances to these findings. Highlighting, for

example, judges and social workers´ resistance to reducing legal procedures to an actuarial exercise; citizens use of risk assessments to pressure for better social welfare institutions, and persistent uses of non-quantitative clinical methods in institutions´ risk assessments.

As a whole, this second stage demonstrated that risk was a much more versatile technology than governmentality scholars had originally imagined. Empirical research showed that risk assessment was not necessarily probabilistic in terms of technique nor governmental in terms of politics. O´Malley (2004, p. 6-7) explained this rethinking of governmentality analyses of risk:

> "All of these risk-related formations have dangerous potentials … But they may also offer the potential for the reconfiguring of risk in more optimistic, socially inclusive, and constructive fashion than is imagined by many of those opposed to crime control through risk techniques. Perhaps it is time, in the twenty-first century, to explore this ´uncertain promise´ of risk."

The actuarial justice of governmentality literature and the diplomatic approach I encountered within the FCs were opposite interessement strategies. Actuarial practices enrolled actors through rigid probabilistic prediction techniques that were not negotiable by the actors concerned. Thus, the actuarial approach channelled a governmental power mode, bracketing off political agency. In contrast, the FCs´ risk assessment was based on a loose technicality enabling political negotiations. Its functionality rested on a combination of politics and technique reverse to the one described in governmentality literature.

The rest of this chapter discusses the FCs risk assessment approach, which I refer to as diplomatic interessement.

7.2 Diplomatic interessement

This section discusses the FCs´ assessment of IFV risks through diplomatic interessement. The discussion has two parts. The first part discusses the FCs´ prediction of IFV events. The FCs´ prediction technique was based on what I call "inquisitorial practices", focused on testing claimants´ personal performance in court. The second part discusses how this loose technicality facilitated the negotiation of interests between actors concerned with IFV procedures. These negotiations produced a political balance reinforcing the FCs´

prediction techniques. However, first, I discuss the articles of the IFV law and the only Chilean doctrinal article on this issue.

The IFV law referred to risk in two of its articles: articles no 7 and no 9. These articles included two basic categorizations of IFV risk factors and precautionary measures. These lists were broad guidelines because IFV law gave the courts' discretion in considering additional risk indicators and/or ordering any alternative precautionary measures they considered fit. According to article no 7: "The court must adopt the corresponding precautionary measures based solely on the claim´s merit when one or more persons are in imminent risk of intrafamily violence." This article included a series of sample categories in which the court had to presume imminent risk to a party. These categories described circumstances concerning the defendant, which included: having threatened the claimant previously; drug or alcohol addiction; previous IFV claims or convictions; pending proceedings or convictions for crimes stipulated in this article; psychiatric or psychological records indicating a violent personality; violently refusing to accept the end of an emotional relationship with the claimant; and/or particular features of the claimant, including pregnancy, disability or other vulnerable condition; and elders who have been expelled from, or confined within, their house.

Article no 9 provided a list of precautionary measures to which FCs could resort in those risk situations. Precautionary measures were temporary judicial orders issued for periods of up to 180 days to prevent possible harms to claimants. As article no 7 indicated, courts could base their decisions solely on the claimant's allegations and issue precautionary measures without giving notice to the defendant. The list of precautionary measures included imposing potentially one or more of the following obligations or restrictions upon the defendant: an obligation to abandon the house shared with the claimant; prohibition of approaching the claimant or the places where the claimant regularly attends; prohibition of possessing or carrying firearms; mandatory attendance at therapeutic or counselling programmes; and the obligation to appear regularly at a designated police department. However, the law also gave ample discretion to the FCs to issue precautionary measures not included in this list if the circumstances of the case so demanded.

At the time the fieldwork was carried out, there was very little doctrinal literature on the subject of IFV risk assessment matters. This scarcity was a relevant finding because it demonstrated a gap between this type of academic reflection and the empirical structuring of the FCs´ IFV procedures. Casas et al. (2007, p. 5)

noted the relevance of IFV risk assessment and management as a legal tool shortly after the promulgation of the IFV law: "precautionary measures are one of the most important pillars in the legislation concerning the sanction and eradication of violence against women …". Similarly, professionals in my research signalled risk-based work as the most useful part of IFV procedures and FCs apportioned most of the resources concerning IFV matter to this work. Klenner (2017) provided the only doctrinal analysis of IFV law´s precepts on risk. However, this work was a superficial analysis of these legal provisions, mostly reiterating the different risk factors and precautionary measures.

7.2.1 Prediction

> "Precautionary measures are useful. And they work because the standard of evidence is much lower than the standard of evidence to issue a conviction. So, obviously, we do not ask for many elements for a precautionary measure. Article no. 7 of the IFV law gives you some objective risk factors. But even so, sometimes, a coherent account of the party is enough ... One of our counsellors evaluates it, which is an evaluation about the correlation between the person's statements and gestures. They conduct a complete analysis and provide us with some sort of credibility test. Basically, it allows you to see if, at least, you can sense some fear or distress." (Interview Judge PII)

I have begun with this quotation because the judge perfectly summarized diplomatic interessement in three ideas. The judge stressed the practicality of the FCs´ risk-based work; how this practicality was based on a loose epistemology; and described the main tools forming the latter, namely basic standardized information and inquisitorial practices. This section discusses these tools.

FC professionals acknowledged the imprecision of the FCs´ prediction techniques. As the judge noted, the functionality of the assessment relied on epistemological flexibility and not on predictive accuracy. The following scene demonstrates the mechanics of this approach. The scene describes the case of a woman approaching the court to ask for a precautionary measure. The claim had been filed moments before within the same court. This meant that the case went through the initial framing of the FCs´ jurisdiction described in Chapter six. The scene´s first part describes the interaction that occurred in the waiting room prior to the judicial hearing when the counsellor had interrogated the claimant about the defendant's judicial records to advise the judge before the hearing. This part demonstrates the role of standardized information in risk assessment. The second part of the scene is the hearing. The judge interrogated the claimant about

the ownership of the family home and her feelings of fear with regards to the defendant. This part also demonstrates the inquisitorial practices of the FCs. The judge analysed the claimant´s allegations by seeking possible inconsistencies in her narrative.

Scene 7.1 part one

A woman who seems close to 30 years old waits for the next hearing outside the courtroom. The counsellor comes into the waiting room. She asks the woman about the nature of her claim. The counsellor interrupts the woman's answers repeatedly, asking for precise information points. I can identify these points from the court's form for precautionary measures. The counsellor focuses especially on the defendant's previous record of IFV. The conversation is brief and tense due to the blunt attitude of the counsellor. After gathering the information needed, the counsellor goes into the courtroom to discuss her findings with the judge. The woman turns to me and says that she thinks that the system is awful and that she has been diverted from one institution to another without any response: "It is full of posters urging you to come forwards, but you get nothing out of it. Institutions do not respect women", she says. The counsellor comes in and out of the courtroom on various occasions to ask for further information from the claimant. At one point, their interaction becomes confrontational because the claimant assures the counsellor that the defendant has previous IFV claims against him, but the counsellor has been unable to find these through the register. The counsellor closes the argument with an imposing tone "I have checked the system and there is nothing. So, he doesn´t have any records."

Part one of scene 7.1 demonstrates one of the two tools used in assessing IFV risks. Standardized information includes formal statements satisfying one or more of the categories contained in article no 7. These statements were found in the defendant´s records (which FC professionals searched within SITFA and in the online register of the criminal courts) and in forms created by each family court and the police department (which contained check lists of risk factors mentioned in the law).

Standardized information followed a logic similar to the one described by governmentality scholars as actuarial justice. They sought to stabilize the identity of parties to the case based on a predetermined set

of information. However, within the FCs standardized information did not have the expansive character described by governmentality scholars. This tool occupied a secondary position within the FCs' risk assessment. FC professionals highlighted that most of the people who came to the court did not have previous records. Even when people did have records, there was no criterion to determine the number and type of records that would indicate high risk. Institutional forms were not reliable sources of information either. IFV claimants rarely conceptualized their disputes in the terms provided by these lists. Rather, they described issues in colloquial terms (like their feelings of fear, or their social or economic situation). This terminological gap meant that claimants had problems filling in the forms by themselves and professionals had to reinterpret the legal categories in a case-by-case manner. FC professionals had no unified way of doing this, and they did not trust the work of police officers – who were accused of copying previously filled out forms in many cases. One counsellor explained the limitations of standardized information in the FCs' risk assessment.

> "People say, 'yes, he has alcohol consumption', you check a risk factor. 'Yes, he uses drugs', another risk factor. 'He shows impulsive behaviours.' Ok, then he might check for violent personality … But, more than anything, this is kind of a checklist of someone's discourse about things. Occasionally, you can get some objective signs. Like, if someone says 'Oh, he likes to drink. He has always liked to drink.' Then, you check his record, and he has been convicted for drunk-driving." (Interview Counsellor C IV)

Beyond practical problems faced in the generation of standardized information, FC professionals stressed that there was no satisfactory way of assessing IFV risks. As the counsellor quoted below explained, standardized information was not an appropriate tool to assess the contextual nuances in each claim, which were key in determining whether that claim satisfied the terms of the IFV law.

> "There has been an effort to unify certain criteria within the courts or among counsellors … So, we made these checklists, these tables, etc. Other courts have done so too … These are indicators of a situation of violence. But to be honest, we do more of a general evaluation. A global assessment. If a woman comes and tells me 'he follows me to work' or 'he waits for me around the corner', well, whether it's true or not, that shows risk and I would recommend a precautionary measure. Or if, for

example, you see in the record that there are already two or three IFV claims, that might tell you something." (Interview Counsellor CI)

The main pillar of the FCs' risk assessment strategy was the skill of FC professionals in administering inquisitorial practices. These practices focused on contextualizing claims by "reading" the coherence of the claimant's allegations and their personal performance in court (Goffman, 1971, p. 34). Thus, this device included the claimants' utterances (verbal or written) and their "appearance and manners", as Goffman explained. The second part of scene two provides an example. Here, the woman´s case is discussed within the judicial hearing.

Scene 7.1 part two

We go into the courtroom. The judge states that the woman has filed a claim for IFV and that she is asking for a precautionary measure. She asks the woman to explain the situation. The claimant explains that a week ago her ex-partner verbally abused her and their children. She decided to leave the house fearing that he might become more aggressive and went to her parents' house. However, she was unable to take clothes and other basic things for themselves. She asks for a precautionary measure expelling the man from the house so she can return with the children.

The judge starts to question the claimant about the ownership of the house and the economic accord of their marriage.[18] The woman, who seems nervous with the judge's blunt attitude, answers that everything belongs to both of them. "You mean marital partnership", responds the judge imposing a legal terminology upon the women´s colloquial description. After this, the judge asks about the claimant's history of psychological treatment – which is mentioned in the claim. She asks about the reasons for these therapies. The woman says that the defendant has been abusive for years now and she was looking for support.

"How is this violence expressed?" asks the judge.

[18] The economic accord refers to the kind of legal regime regulating marital assets. Chilean legislation provides for three kinds of regime: marital partnership; total assets separation; and shared earnings. Marital partnership is the most common. It involves the contribution of both spouses´ assets into a common fund administered by the husband.

"It is a constant thing. I don't know if I can say the insults out loud" responds the claimant.

"Yes, you have to", says the judge.

After the woman has verbalized the insults, the judge asks her about the sequence of events described in the claim. Specifically, the judge asks why the woman decided to hand over one of the children on a Sunday, if she had fled the house on the previous Friday. I can sense a tone of distrust from the judge, who seeks to test the veracity of the woman's sense of fear concerning the defendant. The woman responds that the child is his, so she felt obliged to, and that it was her father who met with the defendant. The judge asks for the counsellor's opinion. The latter replies that she can see some risk factors and recommends granting the precautionary measure requested. The judge dictates her decision quickly and formally, agreeing to the claimant´s requests and setting a date for the next hearing. After she has ended, she looks at the claimant and says:

"This doesn't mean that you can just go home and forget about all of this, there is a whole legal procedure that is about to begin. I recommend you go to the SERNAM Women Centre, because you don't know the means of evidence required and you will need them to make your case."

Part two of scene 7.1 demonstrated how inquisitorial practices worked. The judge operated these by testing possible hidden motives of the claimant – related to the possession of the family home – and the authenticity of her declared feelings of fear – which would have been inconsistent with a voluntary meeting just days after to hand over the child for contact. FC professionals contrasted a claimant's allegations and personal performance to obtain an idea of the seriousness and urgency of the situation and assert the presence of risk accordingly. Inquisitorial practices were a professional skill demanding sensitivity towards the specific context in each case:

"The law is clear in indicating some risk factors for precautionary measures. But that is what the law says, we have to apply it … everyone comes with their own version of the story, of themselves. And

> they signify what violence is for them, what risk is for them … Thus, you have to consider the tools that people have as individuals to face the conflict according to their own history and experiences. Sometimes, you see a person who is very fearful. And you realize that it is the person that does not know how to manage or establish limits. Or that it has an anxious disposition which is playing an important role seeing things clearly." (Interview Counsellor CIII)

Contrary to the standardized technique of actuarial interessement, diplomatic interessement stressed context and relativity in risk assessment. Inquisitorial practices rested on FC professionals´ skills in interpreting the context. The diplomatic approach, I suggest, did not work because of its content. Rather, it worked because it represented a complex political balance built gradually between actors with different interests in IFV procedures. I now turn to these negotiations below.

7.2.2 Balancing interests

The FCs' notion of IFV risks was akin to what Osborne (2004) and McLennan (2004) called a "vehicular idea"[19].

> "Vehicular ideas emerge as ways of problem-solving and 'moving things on' … they serve as inclusive umbrellas under which quite a range of advocates can shelter, trade and shift their alignments and allegiances. It is not just that they are shaped by mobile cultural networks; the rubric and rhetoric themselves play a key role in constituting these networks." (McLennan, p. 485)

As chapter five demonstrated, the FCs´ competence focused on risk assessment and management. Both FCs I researched employed most of their resources for this aspect of the IFV procedure. The salience of risk was an effect of what McLennan and Osborne referred to as vehicular. Flexible epistemology made this concept useful for channelling negotiations leading to enrolment.

Scene 7.2 exemplifies the series of negotiations constitutive of diplomatic interessement. The scene contains the case of a woman approaching the court to renew a precautionary measure. The first part of

[19] Osborne and McLennan used this term to characterize intellectual 21st-century work, which they saw as increasingly focused on mediating political debate rather than producing conceptually robust knowledge.

the scene describes the moments before the judicial hearing. This part included a conversation in between hearings involving the judge, the courtroom assistant and me. In that conversation, the professionals made explicit the salience of risk assessment and management in producing rapid and efficacious responses to claimants. These opinions demonstrated a first point of negotiation. The focus on risk served to address frustrating aspects of the IFV procedure and built a sense of professional purpose within the FCs. Further on in the scene, the counsellor informed the judge about the woman´s case. Professionals noted formal problems that might prevent the court from processing her request. Consequently, FC professionals worked to find a solution enabling them to conduct the hearing and assess risks. The latter exemplified a second point of negotiation which was concerned with how to interpret legal texts.

Scene 7.2 part one

While we wait for the next hearing, the judge comments that FCs are referred to as "the emergency room" by many professionals. This is because the FCs focus on managing IFV risks by providing precautionary measures. She notes that significant resources were devoted to this room, which was created exclusively to assess IFV risks and provide precautionary measures. The courtroom assistant intervenes by noting that she likes working in this room: "I like the fact that people come to the court and leave with something tangible immediately," she says. The judge adds, "most IFV claimants are after precautionary measures and few continue later on."

The counsellor enters the room and informs the members about a woman that is coming to the court because she wants to renew her precautionary measures. However, the case poses a problem because the woman was diverted previously to the prosecution office based on the same facts. This means that the FCs´ file was closed and there might be an ongoing investigation in the prosecution office. The counsellor, the judge and the court secretary discuss whether there is a need to conduct a hearing and, if so, whether this would demand reopening the old file or creating a new one. The judge argues "the problem is that there are no new facts and, therefore, we cannot open a new file." The counsellor leaves the room and comes back after a few minutes saying that she has discussed the situation with the

administrative professionals, who have found a way to open a new file. The judge says that she is unsure about this suggestion and that maybe the woman should be sent to the prosecution office to ask for her case instead. The counsellor argues that the prosecution office takes a long time to see this kind of case, that the hearing should be very brief and that it is best to hear what the woman has to say. She suggests assessing possible risks and diverting the case to the prosecution once again. The judge agrees.

One of the key negotiations enabled by the FCs´ approach to risk referred to FC professionals´ sense of purpose concerning IFV matters. This negotiation traversed the gap between bureaucratic service ideals and provisions. Lipsky (1983, p. 141) explained this phenomenon by noting how "street-level bureaucrats modify their objectives to match better their ability to perform ... (they) develop conceptions of their jobs, and of clients, that reduce the strain between capabilities and goals, thereby making their jobs psychologically easier to manage".

The gap between bureaucratic goals and means was particularly acute in IFV matters. This was due to the problems posed by IFV procedures at the trial stage (I analyse these problems in the next chapter.) Risk assessment's loose technicality provided FC professionals with a practical tool to address this frustrating scenario because it involved a quick way of responding to the needs of people facing urgent situations. The court secretary in the scene made explicit this relation between professional purpose and the practicality of the court´s risk work. Her satisfaction was an effect of operating a technique providing claimants with fast and practical answers.

As the judge in scene two highlighted, most of the claimants who received precautionary measures did not return to the court or continue to trial. FCs did not follow up on precautionary measures so there was no certainty about the specific reasons for this behaviour. However, FC professionals interpreted it as an indication that precautionary measures were what most claimants wanted and needed from the court. This perception of the effectiveness of precautionary measures reaffirmed the professionals' enrolment in the FCs' approach to risk assessment. The counsellor and judge quoted below explained the negotiation of professional purpose in their respective interviews. Both professionals stressed their frustrations with IFV procedures and how FCs´ risk approach served to address these.

> "[IFV cases] should not go beyond pre-trial. I mean, if we do what we do until the precautionary measures, good. But then, all those hearing-modules that are lost during trials … And, hey, this is important time in which we could be looking at adoption cases or childcare ..." (Interview Counsellor CII)

Similarly, one judge explained:

> "[The IFV law] has received a lot of criticism. But I try to keep a positive disposition in front of the law. The law is the law, and you have to apply it. I think that we have to pick up what is good from it … Without a doubt, precautionary measures are the most useful thing in the law. They are useful for situations of hostility or abuses that a family member might be suffering … Yes, I think that's useful …. It gives you tools that are objective, and clear aims, clear sanctions, which can have real utility." (Interview Judge PII)

The quotes above demonstrated how FC professionals negotiated the gap between the ideal and feasible processing of IFV cases. Negotiations went beyond FC professionals individually considered. The purpose or orientation built around risk crystallized an institutional identity for the FCs. The idea of these courts as an IFV emergency room expressed this institutionalization. That name stressed that FCs were aimed at, and structured for, identifying and responding to IFV risk situations. The judge quoted below expressed this institutional identification and explained how this was a practical solution to address the lack of a fully fleshed judicial procedure.

> "If the lady is coming for a precautionary measure, we have no problem. Because we devised this special room for precautionary measures. We talk to people; we see if there are risks and we provide or renew the measure. [We say to them] 'Madam, this court has no competence over what you are telling me' … but we give them the precautionary measure, be that an order for the defendant to abandon the house or a prohibition of approaching the claimant." (Interview Judge CII)

The second point of negotiation concerned the interpretation of legal texts. FCs had a broad interpretation of legal texts during the pre-trial of IFV procedures. This was exemplified by how FC professionals in scene

7.1 worked with procedural rules to accommodate the woman's request within their risk assessment. This interpretative method was not present in other parts of the IFV procedure. For example, FCs had restrictive interpretative criteria concerning competence rules (chapter six) or during the trial (chapter eight).

The purpose of IFV emergency rooms was to provide fast and efficacious responses to claimants. The broad interpretation of legal texts enabled speedy processing of highly diverse empirical situations. Hoag and Hull (2017, p. 12) conceptualized this negotiation logic which is commonly found by bureaucracy ethnographers: "Paradoxically, bureaucrats require discretion in order to follow the rules because the rigidly executed rule could very possibly be ´wrong´ (i.e., not in the spirit of the law) in certain contexts."

This broad interpretation resulted from a negotiation between the mandate of applying legal texts and the FCs´ institutional purpose in IFV procedures. As Judge PII stressed, "The law is the law, and you have to apply it." FCs thus developed interpretative criteria permitting an easy and quick fit with cases´ particularities in risk assessment. The quote above from Judge CII expressed this negotiation. Her quote stressed how FCs had a lenient disposition towards assessing risks even in cases where the court's competence was doubtful. As the judge put it: "Madam, this court has no competence ... but we give them the precautionary measure." The quote from the counsellor below reiterates the idea that I am suggesting in relation to article no 7 of the IFV law. This professional explained the details of the FCs' broad interpretation of legal texts and how this served to make these categories work in the particular context of each case. As she explained, IFV risk assessment demanded "opening up" the risk factors in law.

> "The law gives the categories, and you basically have to 'open' them … So, you take what the law establishes as risk factors and bring them into the reality of the person in front of you." (Interview Counsellor PIII)

The second part of scene 7.2 describes the hearing of the case. The judge and the counsellor assessed the risks involved in the woman´s case. This assessment led them not only to declare that the woman was at risk of IFV, but also to extend the precautionary measure and divert the case to the prosecution office. The hearing demonstrated two further negotiations taking place through diplomatic interessement. These concerned the interests of parties to IFV cases and public institutions affected by the FCs' IFV procedures.

Scene 7.2 part two

The court secretary calls the claimant into the courtroom. The latter wears a catering company's uniform. She tries to take off her cap in a gesture of respect, but this gets stuck in the hairnet underneath and ends up hanging on the back of her head. She looks vulnerable and frightened. The judge begins the hearing by reading the claim developed by the counsellor moments before. The document says that the woman declares that her ex-partner, who is also the father of her children, exhibits extreme jealous behaviour. She accuses him of following her around and threatening to rape her. The judge says that the case was diverted to the prosecution office on the same facts and asks the woman about her present situation. The woman says that he keeps on following her around and that one of her sons heard him say that he intends to return to the house once the precautionary measure has expired. She adds that she feels scared of the man. The judge asks whether the man takes drugs or drinks alcohol. The woman says that he doesn't.

The judge asks if she feels threatened. The question seems odd considering that the woman said almost the same seconds ago. I can see that the judge is trying to lay the basis for the precautionary measure. 'Yes, I do', responds the woman. The judge asks for the counsellor's opinion. The latter recommends diverting the case to the prosecution office and extending the precautionary measure. The judge states that the court can notice risk factors and a possible crime of threats. Hence, the case will be diverted to the prosecution office and the precautionary measure will be extended. The judge ends the hearing formally and asks the assistant to stop the recording. She turns to the claimant and explains what she has decided in colloquial terms. The judge stresses that she has to go to the prosecution office personally and insist on her case, otherwise things will not move forward. 'Yes, so I can get some peace,´ responds the claimant. The judge tells her to wait outside while the court secretary writes down the court order. 'You must have this paper with you at all times. Put it in your bag so you can show it to the police if necessary, ´ says the judge

.

Scene 7.2 demonstrated two further negotiations forming part of diplomatic interessement. One of these negotiations concerned the interests of the parties to IFV cases. At first sight, the enrolment of the parties

seemed like a pattern of judicial decision-making rather than an interest negotiation. This pattern enrolled the claimants by agreeing to their requests and enrolled the defendants based on their absence during the pre-trial stage. FCs in my research had no quantitative data on precautionary measure requests. However, FC professionals widely agreed that the FCs granted most of these. My own observation in the field reaffirmed this view. Most of the precautionary measure requests I observed were favourable to the claimant. The hearing in scene 7.2 was an example of how claimants benefited from the FCs' risk assessment. As in that case, claimants could resort to the court and receive a precautionary measure in their favour in a matter of hours. Precautionary measures certified their position at risk and enabled them to mobilize the police in their favour. For their part, defendants were enrolled tacitly in the FCs´ assessment of risk because they were absent in the vast majority of risk assessment hearings. Most of these hearings involved urgent situations, so they were not previously scheduled or announced to the defendants. Additionally, very few defendants attended pre-trial hearings that were previously programmed. Thus, defendants presented no counterargument or legal means and their identity was silent and abstract.

However, the FCs´ leniency towards claimants´ requests contained a subtle interest negotiation. To obtain precautionary measures, claimants had to fulfil the role that FCs had devised for "claimants at risk".[20] This role or identity was a product of the FCs and could not be deduced by simply reading the articles in the IFV law. Claimants had to endure and satisfy the FCs´ inquisitorial practices, which tested their personal performance and the sincerity of their allegations. As the previous section demonstrated, this work was based on a fluid technicality built gradually by the FCs.

The hearing in scene 7.2 demonstrated this subtle negotiation. The judge asked the claimant to restate her fear concerning the defendant. This was an example of an inquisitorial practice in which the judge sought to elicit a personal performance consistent with the FCs' idea of a person at risk. This identity included feeling scared of the defendant. The claimant´s compliant response crystalized her identity in the FCs' assessment, providing the basis for the precautionary measure.

Precautionary measures were the effect of being declared judicially at risk of IFV. This effect was based on a negotiation too. Article no 9 of the IFV law stipulated a series of possible precautionary measures and

[20] Feminist socio-legal scholars like Smart (1989) and Merry (2006) have analysed how jurisdictional exercise produces a conflicting identity for women involved in gender violence cases.

gave FCs discretion to adopt measures not stipulated explicitly in this article. However, FCs only used two kinds of precautionary measures in practice: restriction orders and orders to abandon the family house. The narrowing of the possible effects of being at risk was fundamental within diplomatic interessement. It allowed FCs to remain in control of the consequences of their decisions and the controversies these could raise. For example, one of the precautionary measures stipulated in law was the defendant's attendance at counselling programmes. In practice, the Chilean State had almost no availability of these kinds of programme, so FCs did not grant this kind of precautionary measure even though many claimants asked for them. The containment of the effects of risk assessments by reducing precautionary measures to two options was key in the FCs' ability to provide quick responses that were lenient to claimants. This was because these risk management tools were familiar to FC professionals and were not controversial.

The negotiation of the effects of IFV risks took place prior to risk assessment hearings. Commonly, counsellors and other court professionals informed claimants about the precautionary measures available to them during informal interviews. Claimants would then see how these tools could help them in their situations and request them in their written claim. One counsellor explained the above:

> "'ok, you can take the person out of the house or forbid that he or she approaches the claimant´. Most people do not want that. They want a treatment for the person who is a drug addict or has problems of impulse control ... This is what most people do not understand ... People say, 'you made a mistake, you did this, or you did that'. But things are different when you have to filter cases, where you have to make everything yourself and make sure that things work … Everyone is a general after the battle." (Interview Counsellor CIII)

A last negotiation in diplomatic interessement revolved around the goals of different public institutions concerned with IFV matters. The FCs' risk assessment facilitated the interests of claimants in urgent situations. In so doing, this approach facilitated the interests of public institutions working with IFV in their respective works. One of these institutions was the prosecution office. Prosecutors relied significantly on the FCs' loose epistemological scheme within their own work. As in scene 7.2, the FCs frequently received claimants sent from the prosecution office with the explicit instruction to request precautionary measures. The prosecutors I interviewed highlighted that claimants could obtain these measures relatively fast and easily within the FCs – in comparison to the criminal courts' approach to similar measures. The FCs' identity

as the emergency room was based on the negotiation of jurisdictional limits discussed in chapter six. According to the latter, the criminal courts processed the serious IFV cases, so the FCs were able to focus on risk assessment and management.

The negotiation of institutional goals was most clear concerning SWC providing counselling and legal representation to women claimants. The FCs´ risk assessment approach had positive effects on SWC's work. SWC lawyers could obtain rapid and favourable judicial responses for women they represented, and SWC psychologists and social workers stressed the positive effects this had in their counselling work. SWC represented women in different courts of the region and had fluid relations with most of these courts. They knew the different professionals and constantly coordinated their work. In cases of urgency, for example, SWC professionals would telephone counsellors to explain the situation of a given claimant before the judicial hearing. In this way, the women they represented could receive a quick and tailored response from the court. These professionals highlighted that programme participants began feeling safer and more confident once they received precautionary measures. SWC professionals added that many women saw in precautionary measures an institutional acknowledgement of the truthfulness of their claims. This acknowledgement helped them to build back their personal confidence. One SWC psychologist explained:

> "Our users experience a change after they file a claim. You can see that they start to feel more at ease immediately. The stress symptoms begin to diminish instantly. They are no longer hyper alert; they do not go around with the feeling that they are being followed in the streets … [This happens] from the moment they file the claim, but especially when the court grants them a precautionary measure." (Interview SERNAM PI)

This benefit came at a cost for SWC in that SWC had to conform to the FCs´ larger jurisdictional arrangement. This arrangement posed serious problems for women wanting to obtain a conviction through trial. Therefore, SWCs focused their efforts on the IFV procedure's pre-trial stage because they knew that this was the most fruitful part of FCs´ work for the women they represented. However, SWC´s focus was a response to the frustrations they faced with IFV procedures more broadly:

> "As we have so many women who are in the pre-trial stage, we give a lot of emphasis to precautionary measures ... And experience tells us that, in most cases, men lower their violence

levels afterwards ... Then, yes, we give importance to precautionary measures … But this is because at trial stage, the courts will ask us for the expert reports, which will take months and months." (Interview SERNAM PII)

The series of negotiations discussed in this section produced a political balance underpinning the FCs´ risk assessment. By political balance, I mean a set of stable relations based on the benefits these brought to participating actors. Diplomatic interessement enrolled actors in IFV procedures because the benefits of this form of risk assessment were greater than those of altering it. In this way, loose technicality enabled negotiations and was reaffirmed by the solutions resulting from these negotiations.

7.3 The politics of technical change

This section discusses two controversies of diplomatic interessement. These controversies were raised by different professionals who disagreed with certain aspects or effects of the risk assessment. The first controversy was about evidence standards in risk assessment. Professionals with a rationalist understanding of risk criticized the FCs' loose approach and pushed for a standardized and objective risk assessment method. The second controversy was about the responsibility diplomatic interessement gave to FC professionals. Some FC professionals criticized how the FCs´ risk assessment entailed making decisions with little information and assuming the responsibilities thereof.

Both controversies above shared a common theme. They demonstrated the interplay between technique and politics in the FCs' representation of IFV risks. Professional groups´ unease with diplomatic interessement pushed for a more standardized and rigid risk assessment strategy. But, in doing so, they disturbed the political balance of diplomatic interessement. Thus, technical sophistication redefined actors´ political relations.

7.3.1 Raising evidence standards

Professionals with rationalist aspirations concerning risk assessment criticized diplomatic interessement. This group argued that working with loosely defined risks and one-sided accounts lacked rigour and distorted the jurisdictional exercise. This group comprised judges, counsellors, and lawyers (who usually represented defendants) pushing for a change in the FCs' prediction technique. Politically, they used the

language of rights – particularly, the defendant's rights. Technically, they stressed the notion of objectivity, arguing for higher evidential standards and a more precise basis for assessing risk.

This group had members in both courts, but it was particularly influential in Court 1. Although professionals from this court relied on inquisitorial practices as their main prediction tool, they also distrusted this practice and aspired towards a more reliable and conclusive approach. These views were expressed by a judge and counsellor in the following terms:

> "I cannot speak for all the judges, but an unsupported request is not enough for me. I even discussed this during one of the seminars while I was studying a masters. The lecturer in family procedure asked us about this very issue. And I said what I'm telling you. That a simple 'I want a precautionary measure' was not enough for me ... Other classmates jumped out of their seats, especially those working in social services and with children ... They said, 'but how?! You cannot ask for evidence, because the law does not order you to do so.' But it seems to me that article no.7 establishes some risk factors that are possible evidence … I ask for a minimum of evidence. It's very rare that I decide to give [a precautionary measure] without any evidence. Not me at least. I know that there are other courts that simply give what people ask. I do not agree with that, because you also have the fundamental rights of that person that you are going to remove from the house." (Interview Judge PII)

> "Someone might say, 'where is my precautionary measure?'. I say, 'Ok but give me some grounds for it.' And they say 'what?!'... I need you to show me that what you are saying is related to what the law says … I mean, what are the risk factors that the law establishes for me to base my opinion? Is it only seeing a woman who is crying? I think not. Because we also have to listen to the other side." (Interview Counsellor PIII)

The judge and counsellor above demonstrated how diplomatic interessement was criticized for producing judicial decisions on shaky foundations and disregarding the defendants' rights. In the counsellor's view, sound work involved evidence provided by the claimant, rather than sought by the expert through the use of inquisitorial practices. Both professionals made explicit how their position ran contrary to widely held expectations about the IFV procedure. These expectations were marks of the political balance of diplomatic

interessement. Both professionals noted that their views on legal technicalities concerning risk caused dissatisfaction in others, thus raising a political argument.

Rationalist professionals dominating Court 1 had gradually introduced changes in the court's work scheme. These changes raised the evidential standards around precautionary measures. Such technical changes frustrated the intentions of many claimants and raised problems for institutions like SWC. SWC professionals interpreted changes in epistemology as a political afront and not exclusively a technical one. Court 1's assessment strategy signalled a betrayal of the tacit agreements on which these two organizations relied. One SWC professional explained the socio-technical nature of this controversy:

> "What bothers me the most is that I feel that one day they [Court 1's professionals] sat down and said, 'We have to impose order. Ok, we are going to be legalists and objective´ ... they need for us to provide evidence on everything. And they are mistaken in many cases ... [because] precautionary measures are supposed to work on the sole merit of the claim … I understand their logic of being rigorous. But if you rigorously look at the law, it says, for example, that risk factors include the vulnerability of women." (Interview SERNAM PII)

As the professional above noted, epistemological and political compromises were inseparable in this jurisdictional exercise. Court 1 was withdrawing from a wider agreement by changing its methodology. As a result of this, communications between SWC and Court 1 had gradually broken down. The dispute had become focused on a single document. A few months before my arrival, judges and counsellors from Court 1 had called SWC professionals for a meeting. They recommended that SWC modify its "Harm and Risk Report" – a document created by SWC psychologists to inform the courts about the violence experienced by the claimant. Court 1 argued that SWC's methodology was unreliable because it was based on subjective narratives. The court recommended that SWC psychologists should focus exclusively on evidence of risk factors (as opposed to relying solely on women's narratives). Moreover, court professionals stressed that the use of standardized psychometric tests was preferred. In the court´s understanding, risk assessment had to move towards representing clearly defined quantifiable phenomenon. One SWC professional reflected on this point:

> "For Court 1 you have to be very concise and only account for the risk factors and how harmed that person is … We had a meeting where they said that we should focus strictly on the risk factors. As a result, we have modified the report. They told us that our report was not reliable … They stressed that they did not want to read things that were unnecessary, they were only interested in the risk factors … [It has been] frustrating because it ignores all the work that we do with each woman. But we cannot do more, because they have a very rigid perspective." (Interview SERNAM PI)

When I left the field, the relationship between Court 1 and SWC professionals was tense and strictly formal. SWC professionals spoke with disdain about this court and warned women about its particular views on IFV. SWC psychologists had changed the language and structure of the Harm and Risk Report. They did this reluctantly, arguing that doing so diminished women's experiences and their own professional work. They questioned the obtuse position of Court 1 but conceded that it was important to make the document comply with the court's epistemology in order to improve women's chances of getting precautionary measures.

7.3.2 Detailing responsibility

As Luhmann (1993) stressed, Assessing risks involve assuming the responsibility for misjudging future events. In the case of FCs, this involved bearing the responsibility for potential abuses experienced by claimants. One group of FC professionals expressed unease with how diplomatic interessement allocated this responsibility. These professionals argued that FCs did not have the technical capacity either to predict or prevent IFV events. Therefore, diplomatic interessement subjected FC professionals to undue pressure, distorting jurisdictional exercise. One judge explained the political nature of this pressure.

> "It gives you a certain fear. The fear is that something happens, and you have not given it [the precautionary measure]. I mean, you would be surprised at how family judges run and, when I was a prosecutor, how prosecutors ran after hearing about a femicide ... Those of us who worked there, how we ran! 'Please let it not be one of my cases! Let it not be me who did not give the precautionary measure.'" (Interview Judge PI)

The responsibility laid upon the FCs was not legal in form. Rather, it was associated with the response that was forthcoming from public opinion concerning IFV cases. This relation between public opinion and IFV procedures was particular to FCs' risk-based work and did not happen in other parts of the procedure. For example, FC professionals rejected any such influence concerning trials, even though FCs faced significant challenges at that stage (see Chapter eight). The responsibility described by the judge was a consequence of the FCs´ loose technicality. The FCs' prediction technique entailed FC professionals being personally responsible for adequately interpreting and responding to IFV risk. This assessment strategy did not include standardized mechanisms that could justify their decisions if an IFV event were to occur. Therefore, diplomatic interessement personalized decision-making concerning risk, focusing public scrutiny on the decision-making of specific professionals.

FC professionals saw this responsibility as unjust, stressing that they did their best to prevent risks with the limited means provided by the Chilean State. They stressed that these measures were provisional responses with limited effects. These did not and could not control the true sources of risk. They concluded that the FCs had been delegated a task that the government did not want to address seriously, and that FCs were expected to perform an impossible function.

> "The Chilean state has to provide the means to address these issues. Instead, they create a flashy law. [And say] the family courts will handle it. Then people ask if the person was granted a precautionary measure and what did the court do. 'Oh, the court did nothing!' But where were you?! … What is the point of giving more and more precautionary measures if we do nothing to eradicate the problem?" (Interview Judge CII)

The judge below explained how diplomatic interessement distorted jurisdictional work. The judge conceptualized this distortion as the "pro-judge principle" – a cynical judicial stance in which judges side-lined epistemic questions entirely, granting precautionary measures regardless of the merits of the case. The pro-judge principle reduced the entire political balance of diplomatic interessement to a self-serving judicial interest in preventing responsibility.

> "Look, precautionary measures are the solution to the whole procedure. This is because they are self-satisfying measures. You do not commit or agree to anything, which makes all of the judges

> happy ... Do they solve the problem of violence? They do not ... Underpinning all of this is the 'pro-judge principle' … Think of it like this, if a lady comes in telling you that her husband is threatening her, and you do not have anything but her account, are you going to give a precautionary measure or not? You are going to give it. You know why? Because if you do not, and the husband kills her, you will bear great responsibility. But you are giving it for you, not for her ... Then, between giving and not giving, between getting into trouble or not, you avoid trouble. Pro-judge principle." (Interview Judge CV)

I did not come across any formal attempt to confront this issue at an institutional level. However, FC professionals developed strategies to resist the responsibility of risk on an everyday basis. These practices were oriented toward channelling professionals' frustration more than anything. Nonetheless, these coping mechanisms spoke about the core of the controversy. One of these was the 'pro-judge principle'. Another, less radical, was trying to adjust the claimants' expectations about precautionary measures and figuratively passing onto them the responsibility of risk. One judge explained this

> "I have been very blunt with claimants. I say ´If you do not respect this [the terms of the precautionary measure], no one will give you a hand again. If you come to ask for a new precautionary measure and I'm in the courtroom, I will not give it to you. Because contempt runs both ways´. But, well, those are just my words. The woman will go out and do as she please." (Interview Judge CII).

Not all FC professionals were as cynical as judge CV. Many showed sincere interest in preventing claimants' risks of experiencing harms. However, all of them acknowledged that risk-based work generated a distinctive form of political responsibility that influenced the judicial scheme.

7.4 Conclusions

The FCs´ judicial procedures represented IFV cases in two ways: assessing risks and establishing culpability for IFV events. These were two ways of stabilizing the meaning of IFV cases by linking facts and law. This chapter discussed the first of these representations. Risk assessment involved determining if cases satisfied the terms in article no 7 of the IFV law, and, if so, preventing possible IFV events through the precautionary

measures of article no 9. I analysed this process through ANT´s notion of interessement. This refers to the series of actions by which an actor manages to enrol others and stabilize its particular representation of reality. The FCs´ IFV risk assessment followed what I called diplomatic interessement. Diplomatic interessement enrolled actors through a series of negotiations enabled by and reaffirming loose technicality.

This chapter´s argument included three parts contributing to different strands in the literature. The first part was a theoretical discussion of my ANT approach to the FCs´ risk assessment. This discussion demonstrated this chapter´s contribution to the literature on risk and jurisdiction. ANT scholars largely omitted to mention risk in their works. I demonstrated how ANT´s notion of interessement enriched current discussions on risk and jurisdiction by providing a detailed and empirical analysis sensible to diverse configurations of risk assessment in jurisdictional work. This section began by problematizing objectivity in risk assessment. There, I discussed Douglas' and Luhmann´s cultural analysis of risk. These authors helped me move beyond a rationalist definition of risks. The rationalist view equated risk assessment with the objective probabilities of an event occurring, which entailed bracketing off cultural or political aspects in risk assessment. Douglas' and Luhmann´s works demonstrated the necessary interplay between politics and technique in risk assessment.

The second theoretical point drew on and expanded the idea of risk assessment as a political and technical process through ANT´s notion of interessement. Rather than focusing on risks´ objective/subjective nature, interessement focused on the socio-technical process stabilizing specific forms of risk assessment. This approach demonstrated the particular combination of politics and technique in different ways of assessing risks. I characterized the FCs´ diplomatic risk assessment by highlighting a conceptual contrast with actuarial forms of risk assessment produced by governmentality scholars during the 1990s in the US and the UK. Diplomatic and actuarial interessement enrolled actors through reverse socio-technical processes. Diplomatic interessement stressed political negotiations based on a loose technicality, while actuarial interessement used a rigid technicality to exclude political agency and exercise governmental control.

The chapter´s second and third parts discussed diplomatic interessement empirically. This discussion contributes to the minimal Chilean literature focused on the FCs´ assessment of IFV risks. Contrary to the empirical relevance of this part of the judicial procedure, Chilean literature contained a single academic

paper on this issue. Part two demonstrated that professionals considered risk assessment as the most efficient part of the FCs´ IFV procedure and that, consequently, FCs had chosen to concentrate their resources on this aspect. The FCs´ risk assessment functionality was based on a particular interplay between prediction technique and politics. The FCs' prediction technique was based primarily on what I termed "inquisitorial practices". These were court practices testing the veracity of claimants' allegations by reading their personal history and performance. Inquisitorial practices raised thorny conceptual issues. These practices meant that the court took upon itself to test claimants, which went against the adversarial design of the FCs' judicial procedure. Likewise, practices such as proving a claimant's sense of fear towards a defendant were the object of longstanding feminist critiques to the judicial processing of gender violence. Nevertheless, the FCs´ risk assessment was praised in practice. This was because it provided quick and usually favourable responses to the claimants´ requests. I demonstrated that the latter outcome was based on a political balance enabled by and reaffirming loose technicality. Technical looseness was not the same as a flawed technique in the case of the FCs. Rather, it was a mechanism enabling a process of political negotiation that stabilized a particular representation of reality.

The third part discussed the controversies involved in diplomatic interessement. These controversies detailed further the interplay between politics and technique in the FCs' risk assessment. Diplomatic interessement had unwanted effects leading some professionals to argue for more clearly defined risk assessment protocols. These attempts raised controversies because they unsettled the FCs´ complex political relations. As a result, controversies demonstrated the give-and-take between technical rigidity and political ductility, while aims of standardizing prediction techniques took political agency away from actors in the procedure, thus unsettling the political balance achieved through their negotiations.

The following chapter looks at the representation of culpability within IFV procedures. This process followed an interessement strategy that I call "legalist". Legalist interessement involved a rigid technicality reducing the FCs´ adjudication to a single piece of evidence: the parties´ psychological reports. Thus, the FCs' IFV procedures contained two drastically different representation strategies in the pre-trial and trial stage – each with its own socio-technical controversies.

Chapter 8: Adjudication and culpability

Chapter six discussed the framing of the FCs´ IFV jurisdiction. Framing jurisdiction entailed setting limits to the FCs´ authority by selecting what could be processed as IFV. Limit-building introduced a distinctive criterion concerning the relevant aspects of IFV as a judicial matter. The FCs´ jurisdiction focused on assessing and managing IFV risks and downplayed the relevance of establishing culpability. Chapter seven discussed the first of these representations. I coined the idea of diplomatic interessement to describe the FCs´ assessment of IFV risks. Diplomatic interessement enrolled actors based on a series of political negotiations enabled by loose technicality.

This chapter analyses the FCs representation of IFV culpability. As opposed to the epistemic flexibility of pre-trial's diplomatic interessement, adjudication followed a rigid standardized pattern. This pattern was based on a particular interpretation of IFV law which made the defendant's culpability hinge on a single piece of evidence: the psychological reports of the parties. That approach to culpability was problematic because psychological reports were expensive and difficult to obtain. Thus, claimants' prospects of success were severely diminished. For example, in the year prior to my fieldwork, guilty decisions were only at 0.7% of the total number of IFV claims in one of the courts in my study. Although there were no quantitative data available (Universidad de Chile, 2018), the structural bias of IFV trials against claimants was a well-known issue for all the professionals involved. FC professionals felt trapped within a rigid and dysfunctional scheme of adjudication. In this chapter, I suggest the notion of legalistic interessement to conceptualize the FCs´ adjudication of IFV cases. Legalist interessement provides a strategy for stabilizing legal meaning based on applying a rigid legal categorization to diverse judicial cases.

The chapter's discussion is divided into four parts. The first part is a theoretical discussion of my idea of a legalistic interessement and its contribution to the literature. First, I discuss two Chilean socio-legal readings of judicial legalism. I suggest that interessement served to move beyond these works´ subjectivist view. Chilean socio-legal scholarship attributed legalism to judges´ mindset and, therefore, did account for the FC professionals' unease with their own work. I discuss legalism as an interessement process linking subjects and objects. This discussion draws on Pirie's reading of legalism as an authority-building technique and Latour´s discussion of the agency of judicial files and documents. The second section discusses the FCs legalistic interessement. I demonstrate the FCs´ enrolment of legal texts through interpretation. The FCs´

interpretation aimed to address the practical problems produced by IFV trials´ overly flexible legal design and create a clearer scheme of adjudication. The FCs´ interpretative process resulted in a documentation regime making psychological reports the pillar of the FCs' jurisdictional work. This section also discusses the problems that the FCs´ scheme faced in the absence of psychological reports. FC professionals saw themselves enrolled and trapped within a documentation pattern that underpinned the court´s coordination. This section thus discusses legalism as a socio-technical structure (subjective and objective). The third section discusses two controversies produced by legalistic interessement - the controversy with claimants and with expert psychologists. These actors were also frustrated with the FCs´ legalistic approach to IFV culpability. Claimants and expert psychologists rejected the authority of the FCs´ representation, producing ontological clashes. Claimants chose to distance themselves from the narrow view FCs had of their cases and expert psychologists confronted the FCs´ understanding of IFV from their own discipline.

In the fourth part, I conclude by highlighting this chapter´s contribution to the limited Chilean literature on IFV procedures. I stress this chapter´s demonstration of IFV trials´ bias against claimants and the logic underpinning it. The FCs´ legalistic interessement reproduced gender inequalities by making judicial work blind to the majority of women claimants in court.

8.1 Legalism and materiality

My fieldwork demonstrated that IFV trials followed a rigid judicial scheme focused on reducing IFV judicial cases to a limited set of standardized legal categories. This section develops a theoretical discussion to explain and relate my ANT approach to IFV and its contribution to the literature.

The first part discusses two lines of Chilean socio-legal analyses on judicial legalism. This discussion problematizes these works´ emphasis on judges´ subjectivity as the cause of judicial rigidity. First, I discuss cultural analyses of judicial legalism. These works emphasized the judiciary´s reproduction of Chilean legalist culture. The cultural approach highlighted legal education and institutional hierarchies as the means of reproducing judges´ legalistic views. Secondly, I discuss empirical evaluations of the FCs´ implementation. These works evidenced the gap between the flexible design of FC procedures in law and the rigid implementation they had in practice. Empirical work attributed this gap to FC judges' mistaken understanding of the law. Both lines of analyses failed to explain my fieldwork findings because they could not account for FC professionals´ critical stance with regards to the adjudication pattern they themselves

administered. In other words, I found that those administering the law were just as troubled by the rigidity they experienced as the researchers. This contradiction between FC professionals´ ideals and practices suggested that legalism was not reducible to human thought.

The second part conceptualizes legalism as an interessement process. This conceptualization is based on bringing together two sets of anthropological findings. First, Pirie´s anthropological read legalism as a technique for stabilizing legal meaning. Her approach moved beyond critique to legalism´s reductivism by demonstrating the political tension involved in this approach. Legalism involved a tension between objectivity and particularity in judgement. Legalism facilitated the objectivity of judgment by creating standard legal categories independent of individuals´ views. Legalism also denied the possibility of an ideal type justice perfectly fitted to the particular conditions of each case. I suggest that IFV trials moved from one pole of this tension to the other. Both positions eroded the authority of their representation. Second, in Latour´s analysis on the agency of judicial files, he demonstrated this artefact´s key role in formatting empirical reality to be linked to legal texts. The file´s materiality shortens the distance between facts and law by turning cases into texts that look like the law. The file´s discussion helps me contribute to recent socio-legal scholarship on the agency of legal files and documents.

8.1.1 Chilean readings of legalism

Two lines of Chilean socio-legal scholarship addressed the rigid adjudication scheme employed by IFV courts. Their conclusions were consistent, but my findings also demonstrate their limitations. They were limited because they depicted legalism as the consequence of judges` subjectivity or mindset. Thus, they could not account for the critical stance that FC professionals themselves had concerning IFV trials.

The first of these works were cultural analyses of the Chilean judiciary (Huneeus et al., 2010). These works highlighted that Chilean judicial work had historically followed the country´s legalistic culture. Chapter four discussed Chile´s legalistic culture emerging from predominantly doctrinal analyses. Socio-legal scholars argued that Chilean legal culture overemphasized statutes as the paramount legal source and based legal knowledge on literal analyses of these texts. Gonzáles (2003 p. 295) noted that legalistic culture was at the core of Chilean adjudication tradition:

> "This vision reduced judges´ role within adjudication to applying legal rules. In which ´applying´ meant a syllogistic work first and foremost. A deductive logical work in which judges added nothing of relevance to the final decision of the case."

Hilbink (2007) provided the most comprehensive work on Chilean judicial legalism. Her work looked at the judiciary´s systematic oversight of human rights abuses during Pinochet's dictatorial rule (1973-1990). She concluded that legalism was one key factor in this phenomenon and that Chilean judicial culture consolidated during the second half of the 19th and early 20th century. This process was framed by the authoritarian ideologies underpinning the consolidation of the Chilean State. Political elites of the time conceived the law and jurisdiction primarily as a tool for achieving political stability. The judiciary was conceived as a strictly technical institution in this context. Technicality meant a strict attachment to legal texts in justice administration and distancing from substantive political debates about social justice issues. Hilbinck concluded that legalism was at the core of the Chilean judiciary and laid the ground for its narrow-minded and complacent attitude towards State abuses at the end of the 20th century:

> "In the first half of the nineteenth century, then, a legalism evolved in Chile that combined the legal positivist principles of Andres Bello with the authoritarian intervention and limitations inspired by Diego Portales. Law thus had far less to do with liberty, equality, and popular sovereignty than with order, clarity, and stability; and judges, as 'slaves of the law', were charged with serving and upholding order and stability above all…" (Hilbink 2007, p. 51)

The scheme of adjudication I observed in the field reproduced the judiciary´s legalist tradition. IFV trials involved a rigid interpretation of legal provisions focused on 'upholding order and stability above all', as Hilbink put it. However, IFV trials challenged the culturalist explanation. The culturalist approach explained judicial rigidity as the result of a process of culturalization or subjectivation. Barahona, for example, stressed the role of law schools in reproducing legalism through education. Hilbinck pointed to the judicial career as a central mechanism aligning judges behind the legalist view of the Chilean supreme court.

However, these acculturation mechanisms did not necessarily represent the views of my participants. On the one hand, counsellors played a major part in the FCs´ adjudication scheme. These psycho-social professionals had no formal legal training and were not formally part of the judicial system. On the other

hand, FC judges were part of a new generation of professionals formed specifically for the flexible procedures of the FC reform. Hilbink´s (2012) latter work, for example, regarded this new cadre of judicial officers as a possible way to overcome Chilean legalism. She argued that "Reforms from the late 1990s through the mid-2000s afforded a new generation of judges the professional confidence, security, and formal mechanisms needed to act in previously unthinkable ways." (Hilbink 2012, p. 605). FC judges I interviewed expressed being drawn to the FCs because of the court's innovative character and the opportunity it gave them to have a positive impact on people´s concrete problems. Also, judge participants declared that their views on IFV had little or no influence from the appeal court judges overseeing them professionally.

The second line of work addressing the FCs´ legalism was empirical works on implementation of the law. These works stressed the gap between the flexible design of the FCs´ procedures in the law and the rigid pattern these procedures exhibited in practice. They criticized judges' interpretations of the law from this purposive perspective.

IFV trials were originally designed and framed to have a flexible approach. This design was an explicit attempt from legislators to eliminate formalisms. For its part, the IFV law defined the trial´s content minimally in article no 5: "Any abuse that affects life or physical or psychological integrity …". Article no. 28 of the FCs' law stipulated the principle of free evidence, which prescribed that the parties could rely on any means of evidence at their disposal and that the court could order the production of further evidence at their request or on its own initiative. The notion of sound criticism (*Sana Critica*) framed the evaluation of evidence. Sound criticism oriented this judicial work on very loose terms by prescribing that: "(Judges) will not be allowed to go against logic principles, the precepts of experience, or the established scientific knowledge" (FCs law, 2004, Article no 32). However, the content of these last three concepts was left undefined by the legislation.

Doctrinal critiques of these concepts emphasized the particular flexibility provided in the design of IFV trials. Doctrinal scholars stressed that loose concepts like IFV (Casas, 2017), free evidence (Hunter, 2011) or sound criticism (Benfeld and Larroucau, 2018) produced extensive judicial discretion and hindered a precise doctrinal discussion. For example, Benfeld (2015, p. 155) stressed how sound criticism "keeps on generating

debate between legal scholars and practitioners of the judicial system … at this point, no author within the national domain has been able to point out which are said 'rules of sound criticism.´"

Fuentes et al. conducted a detailed socio-legal analysis of the implementation of FCs procedures in Santiago. One of the key findings of their research was that FCs had tended to standardize judicial procedures. Rather than focusing on the circumstances of each case and formulating the terms of each trial flexibly, the FCs had developed standardized trial schemes. Standardized trials involved pre-set points to evidence by the parties in each matter. Thus, FCs´ procedures acquired a rigid logic completely opposed to their original design. They imposed a standardized trial pattern with little room to consider each case´s particularities. Fuentes et al. (2011, p. 412) emphasized this contradiction:

> "It seems like the only relevant case is the judge´s. In which the goal is complying with the normative elements required regardless of the parties´ allegations. In which there is no contradiction of arguments but standardized requirements to satisfy, and in which evidence is produced to comply with the judges´ scheme and not with the parties' theory of the case."

Fuentes et al.´s findings were consistent with my own. My fieldwork demonstrated that the FCs followed the same standardizing logic in IFV trials. However, my approach differed from theirs methodologically. Fuentes et al provided a classic law in the books against law in action analysis - they concentrated on the gap between the FC reform principles and what had emerged in practice. Their analysis provided a critique based on pre-set ideas expected to guide jurisdictional exercise. Thus, Fuentes et al demonstrated how judges' views about the FCs procedures were inconsistent with the legal principles. For example, their research explicitly refuted the explanations of interviewed judges about their own work - which defended procedural rigidity in favour of organizational efficiency. Fuentes et al. reduced the FCs´ legalism to a subjective phenomenon because they attributed the courts' work to an error of interpretation. They regarded this as a problem of flawed understanding or will.

The two readings of judicial legalism above were consistent but limited concerning my fieldwork. IFV trials followed the legalistic tradition of the Chilean judiciary and the standardizing logic described by empirical research. However, these readings were unable to account for a key part of IFV trials´ legalism: FC professionals´ unease with the work they themselves conducted. FC professionals knew that IFV trials

worked poorly but felt stuck within a rigid arrangement. This contradiction between the individuals´ concerns and ideas and the practical arrangement in which they participated demonstrated the limits of the subjectivist interpretation. Judge CII captured this contradiction when explaining IFV trials in a cynical tone.

> "What is the most important thing in IFV trials? The infamous psychological reports. For which you have to wait more than ten months. That's all." (Judge CII).

The judge`s expression above demonstrated a feeling of frustration FC professionals had concerning IFV trials. The judge identified how adjudication reduced to psychological reports in these trials. She denoted her unease and feeling of entrapment by referring to these documents as infamous and stressing that there was nothing to be done about the situation ("that´s all"). This chapter suggests addressing legalism as an interessement strategy - a sociotechnical performance including or linking subjective and objective aspects. From this stance, I demonstrate the networking process by which psychological reports attained their hyperbolic epistemic function, as Kubal (2019) put it. The judicial file was a key nonhuman player in this performance. Below I discuss the theoretical basis of this approach

8.1.2 Legalism as interessement

This section discusses my idea of a legalistic interessement and how this is used in the rest of the chapter. Legalist interessement referred to the FCs´ strategy for representing IFV culpability. This representation imposed a rigid legal categorization upon judicial cases to stabilize the relation between facts and law. Two main works help me flesh out this idea theoretically. Pirie´s anthropological analysis of legalism as a technique for stabilizing legal meaning, and Latour´s work on the standardization agency of judicial files.

Pirie looked at legalism´s features as a method or technique of legal representation in different cultural settings. Beyond critiquing legalism´s reductive view, Pirie´s work demonstrated the ambivalent political status of this approach. Legalism was an attractive but rejected form of legal representation in different legal traditions.

Legalism, Pirie argued, was a form of representation prioritizing the stability of legal categories over the particularities of each case. On this basis, legalism promised more objective judgements distanced from the changing beliefs or perceptions of the individuals involved. The legalist view fitted cases´ particularities

within a predetermined categorization, assuring that decisions complied with rigid criteria beyond subjective will. Legalism helped build judicial authority by promising an impartial assessment based on objective standards. As Pirie (2013, p. 131) explained:

> "A legalistic approach to the world describes and prescribes human conduct in terms of rules, categories, and generalizations … legalistic thought separates facts and law, or what is presented as the ´is´ and the ´ought´, promising answers in cases of dispute and lending itself to a distinctive form of judicial decision-making, one that appeals to rules and generalities beyond the facts of the particular case"

However, Pirie noted, legalism was regularly followed by a critique warning about its narrow and rigid understanding of reality. Categories and standards reduced legal conflicts, and could not accommodate the diversity and complexity that each of these had in practice. Furthermore, stable categorizations were differently suited to different cases. Some cases fitted easily, others with more difficulty, and some not at all. Thus, legalism contained also the self-referential source of judicial authority's questioning. This approach denied the possibility of what Pirie (2013, p. 150) called an idealist justice, a legal decision that took account of each case's nuances and concrete conditions.

> "As an empirical matter, therefore, legalistic thought - widely found in different social and political contexts - is often accompanied by theoretical reflection on the dangers of rigid and formalistic rules and categories. Where justice, in particular, is the goal, legal rules and categories are inevitably flawed and fail perfectly to capture the complexity of real life … Laws often promise justice, then, but they are blind to the particulars of the case."

Pirie's analysis demonstrated that legalism was a stabilization technique involving a tension between two poles, both of which undermined judicial authority at their extremes. On the one hand, an extreme idealist justice was concerned with the particularities of each case, and, therefore, unable to provide standard rationales for its decision. On the other hand, an extreme form of legalism applied legal categories mechanically, thus being unaware of the limits and exclusions produced by its own operation. Negotiating this tension was crucial for maintaining judicial authority. For example, Pirie noted, in the case of the

Tibetan courts, in a legal tradition marked by the absence of set legal rules, judges commonly resorted to standardization and uniformity of reasoning to decide cases.

> "The Tibetan case indicates that even judges with political backing might not regard themselves as having the authority to make judicial decisions, however. It is rather the law that provides the resources for adjudication, not political power. Legal rules and principles ... make possible the discovery of a right answer ..." (Pirie, 2013, p. 144)

IFV trials´ legalism involved a transit from one pole of this tension to the other. From an idealistic design in the law - which dismantled the FCs´ technical authority - to an extremely rigid pattern of adjudication apparently biased against claimants. I suggest that the problematic rigidity of IFV trials was due to the tools that FCs used to produce their own objectivity and impartiality. FCs countered the problems of their idealist design through a bureaucratic regime of documentation. This bureaucratic arrangement delegated the IFV file with the task of maintaining the FCs categorization across cases.

The last 15 years of socio-legal studies and legal anthropology have seen a renewed interest in files and documents as instruments for cultural analysis (Riles, 2006, 2011; Vismann, 2008). Following trends in other areas of the social sciences (Harper, 1998; Hull, 2012; Prior, 2008; Hoag, 2011), socio-legal scholars have begun exploring the complex participation of these non-humans in the construction of legalities (Cowan and Wincott, 2015). Court ethnographers have drawn fruitfully from this analytical perspective (Barrera, 2011; Kubal, 2018, 2019; Scheffer, 2004; Van Oorschot, 2014; Welsh and Howard, 2019). Beyond identifying in purely theoretical terms that files and documents order and delimit legal knowledge, these researchers have explored empirically how this process is developed and with what effects. As Latour (2010, p. 90) noted,

> “We do not understand anything of Law if we seek to pass directly from the norm to the facts of the particular case without this modest accumulation of papers of diverse origin”.

This chapter draws on Latour´s reading of the file´s agency and also demonstrates its limitations. In *The Making of Law*, Latour identifies two facets of the files´ performance. The first facet refers to the file´s standardizing agency. Latour demonstrates that these artefacts transform gradually infinitely diverse

situations into texts that resemble legal texts. Things and situations cannot just be taken in front of the law, they need to be adapted and moulded before this can happen. The file, Latour observes, conducts a process of homogenization or standardization that makes issues 'judgement-compatible' (Latour, 2010, p. 75). The file´s materiality shortens the distance between facts and law by textualizing reality. This formatting facilitates decision making by placing two sets of similarly looking texts face to face - those containing facts and those containing law. As Levi and Valverde (2008, p. 818) explained:

> "Latour sees legal decision making as the very mediation of these associations between the dossier and the library. Rather than there being a mythological movement of 'invention' in which a decision is reached, in La Fabrique du Droit we see law as a process of drawing textual links and associations – fusing together a documentary footbridge between the library and the dossier."

On the other hand, Latour notes, the file operates by enrolling sites and institutions external to the legal procedure (police stations, hospitals, banks, etc). These institutions are connected through a network of documents that help visualize or represent empirical phenomena beyond the merely textual. A file's strength (i.e. its capacity to put pieces of empirical evidence into the form required) hinges on its alliance with a series of documents produced elsewhere and pre-formatted to provide representations of phenomena in a reliable way (documents that give confidence, as Latour puts it). The file depends on them for its existence - because, without them, it is left with nothing but some 'lofty words and second-hand accounts' (Latour, 2010, p. 76). But it also demands from them a specific posture, because "if they have been able to slip into the file so easily it is because they had been pre-formed and pre-folded to respond to this type of contestation." (Latour, 2010, p. 77). As Levi and Valverde (2008, p. 817) explained,

> "Through these documents, the world (or at least France) is enrolled into a legal network. And once the file has sufficiently ripened – with an increasing number of documents added to it through different offices - the alchemy of legal decision making takes place"

Latour´s court ethnography focused on the file´s standardizing agency in judicial procedures, leaving barely explored the enrolment of institutions external to the legal procedure through the file. As Van Oorschot and Schinkel (2015) noted, this decision makes Latour´s court ethnography omit how courts discern and assess evidence or competing representations of reality. This omission is particularly noticeable in lower

courts which, unlike the high court researched by Latour, dedicate significant efforts in this regard. “While judges may not be primarily ´truth finders´, criminal law does require of actors to assume the burden of proving that something did, indeed, factually happen. Latour´s sociology provides little clues as to how the required epistemic access to reality is produced… Latour´s focus on the purely ´legal passage´ risks glossing over the active and constitutive work of the legal case file in producing, for the law´s benefit, a ´judgement-compatible´ world” (Van Oorschot and Schinkel, 2015, p. 506). The file´s ability to enrol other institutions within the FCs representation of IFV proved to be a crucial part in my fieldwork. The file´s failure to enrol claimants and psychologists in charge of producing the parties’ psychological reports produced controversies that undermined the authority of the FCs´ representation of IFV. I discuss these controversies in the third section.

8.2 Legalist Interessement

The previous section was a theoretical discussion of the notion of legalistic interessement. First, that section problematized Chilean works explaining legalism through judges´ subjectivities. I demonstrated that IFV trials´ rigidity was not reducible to individuals´ ideas about legal work. FC professionals were critical and uneasy about their own adjudicatory work. Secondly, I conceptualized legalism as an interessement strategy: a socio-technical process stabilizing legal meaning by fitting diverse cases within a rigid set of legal categories. Pirie´s work served to conceptualize the political tension inherent in the legalistic approach. Legalism helped produce objectivity and impartiality of judgement through standardization. However, this objectification effectively denied the particularities of individual cases. Thus, legalism involved two poles whose extremes undermined judicial authority: fluid idealist justice and overly rigid legalism. Finally, Latour´s work on the agency of judicial files helped me conceptualize the role of materiality within legalistic interessement. Latour demonstrated the judicial file´s formatting or standardizing role. The file gradually transformed diverse empirical situations into texts resembling law. This process enabled adjudication by bringing the cases´ facts and legal texts closer. I criticized Latour´s ethnography´s downplaying of the relationship the file established between judicial and other forms of knowledge. The next section will demonstrate that this relation produced ontological clashes central to the working of IFV trials.

Here, I demonstrate the FCs´ representation of IFV culpability through legalistic interessement. The discussion contains two parts. The first part discusses the FCs´ interpretation of IFV trials´ legal provisions.

The law provided notions that were unclear and confusing in practice. FCs gradually created categorizations to render these legal provisions operative. This operationalization enrolled legal texts in the FCs´ adjudication scheme, producing a particular notion of culpability. The IFV file crystalised the FCs´ interpretative process, ordering judicial cases according to the court´s standards. This first part demonstrates that IFV trials´ rigidity were the consequence of an idealist design - not an interpretation error. The second part demonstrates the FCs´ journey towards a narrow-minded and rigid adjudication scheme. The FCs´ interpretative work was ossified into a bureaucratic pattern based on documentation. The FCs adjudicatory work was reduced to obtaining these reports and filling predetermined legal categories. FC professionals felt trapped within a documentation pattern underpinning the court´s coordination and thus beyond their individual will. The legalistic approach - turned into a bureaucratic arrangement - subjected the professionals that created it.

8.2.1 Judicial interpretation

IFV procedures´ legal design was idealistic. It imagined a jurisdictional exercise that was fully responsive and adaptable to the particular conditions of each case. Thus, the law was designed to contain loose concepts explicitly countering the traditional legalistic approach of the Chilean judiciary. This design posed serious challenges in practice because it provided FC professionals with imprecise conceptual tools and confusing guidelines to co-ordinate their work. Thus, the FCs developed interpretations to fill this gap and render operative legal provisions. This operationalization created more specific categorizations and procedural steps.

The FCs´ interpretation of article no 5 of the IFV law - about IFV´s definition - focused on containing the meaning of IFV culpability. Article no 5 stated that “any abuse affecting the life or physical or psychological integrity” of a family member could be considered IFV. First, the FCs relied on the concept of psychological IFV. As Chapter six demonstrated, this concept was the by-product of the IFV law´s competency problems. The IFV law was unclear about the distinction between the criminal and the family system - which I called the upper threshold problem in chapter six The judiciary responded by ascribing all forms of physical violence to the criminal courts. The FCs´ competence thus included all non-physical forms of IFV.

The concept of psychological IFV was a consequence of that interpretation. It was based on a large institutional scheme for the distribution of cases (involving the police, the prosecution and the criminal and

family courts). Psychological IFV was a key resource during adjudication because it signalled the content of IFV trials. However, this concept of psychological IFV had no clear inner structure. This idea merely reversed a negative competence definition (excluding physical violence, which were the signs of violence most easy to evidence). Thus, FC judges highlighted that IFV trials involved an elusive object in which culpability was hard to pin down. The lack of clear methods and categories to adjudicate IFV cases made judges feel uncertain about their own sense of authority when adjudicating. One of the most experienced counsellors explained this:

> "IFV is difficult, very difficult. And many judges do not like IFV. They say 'Damn, it's my turn in the IFV courtroom.' Because it's difficult and you have all these strange elements. Because, from a judge's point of view, where is it?!" (Interview counsellor PII)

To organize adjudication, FC judges interpreted psychological IFV through a simple schema drawn from other areas of law. Some judges I interviewed referred to the model of responsibility for civil crimes, but this was not clear for all of them and there was no reference in the literature to this kind of approach. That analogy allowed them to construct a clearer adjudication scheme. The scheme divided psychological IFV into three components: the harmful actions of the defendant, the psychological harm to the claimant, and the causal relationship between the two. Judge PII explained her application of a standardized model of culpability:

> "The most important thing for us is to look for the causal relationship. That is not in the law, but it has been incorporated through practice [as a way of] clarifying the facts to evidence on IFV. I discussed this during a course also. It is like culpability in civil crimes. That was the conclusion… Like in civil crimes, you require certain acts, which make up the illicit, right? … article no 5 establishes such acts, it typifies violence … Then, there is psychological harm. This is also established by law. And then there has to be a causal link between the behaviour, that is, the action or omission, and the harm caused. Although the law doesn't say it you have to understand it this way … Understanding it in this way makes it a lot easier. (Interview Judge PII)

That model focused on establishing culpability by ascertaining causality. This required isolating clear causes and effects to determine their link. It created the specific identities participating in the trial: the claimant´s

mind or psyche and the defendant's actions capable of disturbing the former. IFV culpability was not equivalent to the claimant´s position as a victim of IFV. Culpability represented a narrower phenomenon. It established the relation between acts of the defendant and harms in the claimant´s psyche. Contrary to the pre-trial´s focus on IFV victims, the trial stage dispensed of that identity. Judge PII went on to explain this distinction between the claimant´s psychological harm - which adjudication represented - and the claimant's identity as a victim of IFV - which was not part of the model:

> For example, take a typical case, a woman and a man. And you get a report that says that she has experienced psychological harm. As you read along, you notice that her father mistreated her as a child and that she got pregnant when she was sixteen. From someone who cheated on her, maybe. Then, another partner mistreated her, hit her even. After ten years she met this man, who was a colleague at work. In the end, you can see that all that psychological harm is not necessarily attributable to his behaviour. So, that's why causality is so important." (Interview Judge PII)

In addition to creating the identities and relations of the IFV trials, the culpability model indicated the place and method where these had to be looked for empirically. Evidencing IFV required visualizing people´s psyche – particularly the claimant´s. Therefore, psychological reports were key to the FCs´ capacity to visualize and adjudicate IFV. One legal aid lawyer explained this:

> "I must evidence that such person's behaviours have caused a psychological harm. Not physical, because that would be for the prosecution. So, how could a witness tell me this if it is not a psychologist? That's why evidence is requested from the Medico-legal Service, which take several months, if not a year, unfortunately." (Lawyer CAJ IIC).

IFV trials´ evidence rules were based on the same idealist logic and posed another set of practical problems. The interpretation of these rules was rooted in the FCs´ institutional history, whose founding myth was the original collapse of the family system. As Chapter six discussed, the first decade after the FCs´ creation was chaotic. FCs professionals retained a vivid memory of the FCs´ collapse, which denoted a long and burdensome period in which they had faced an overwhelming demand with poorly organized work schemes.

As a result, FC professionals placed great efforts in keeping standardized ways of processing each matter. Standardization and predictability were considered valuable assets beneficial to the system as a whole. FC professionals valued having clear guidelines from which to organize their work and orient people resorting to them. One judge referred to the issue by noting how she would "hate working as a family lawyer" (field notes). The problem, the judge told me, was that FCs were places where it was still challenging to know how different courts or even judges within the same court made decisions. Thus, lawyering was very much about knowing the ways of each court. In the other court, a judge that had just moved from a smaller court made this point in the following way:

> 'I think the other [previous] court is very good because it is rigid. Its functioning is very ordered, and lawyers like it. This one is different because it is bigger and there are multiple ways of managing cases" (Fieldnotes).

The concern for rigidity and predictability translated into a particular way of managing judicial files. Trials on every matter were programmed to reproduce a work pattern by having a preordained and reduced number of documents. Judge III below explained this ordering:

> "Everything is standardized. Some [judges] might be more willing to receive a recording or a WhatsApp message, depending on its relevance and how much time you have for the trial… But the system is not designed for that, to be honest. It was designed after the original collapse of the family justice system, so everything must be fast. And having fewer antecedents means fast." (Interview, city judge III)

The interpretation of rules regarding the content and procedure of the IVF trials´ was crystallized in the judicial file. In line with bureaucratic logics researched elsewhere (Harper 1998; Hull 2012; Prior 2008), the IFV file had the double role of registering the particular circumstances of each case and reproducing a known arrangement of things enabling coordination and expertise.

IFV files entailed the accumulation of the same handful of documents which, in turn, were made largely of standardised paragraphs and phrases. Almost every case included the same handful of evidence: the parties' accounts, one or two witnesses, and the psychological reports of the parties. Exceptionally, some

cases could include mobile messages or recordings and, in cases represented by the SWC, a report of Harm and Risk. The parties´ psychological reports were the central piece of evidence for the trial and the basis for the entire work scheme of the FCs.

One of the main standardizing tools in the IFV file was the minute of the pre-trial hearing. This document marked cases´ transition from the diplomatic approach of the pre-trial to the legalistic scheme within trials. Article no 62 of the FC law (2004) stipulated that the minute of the preparatory hearing should contain a summary of the parties' allegations and determine the object of the trial accordingly, the specific points of evidence, and the means of evidence to be produced. In theory, judges would tailor this document to the circumstances of each case. In practice, the minute of the preparatory hearing was made mostly of textual formulae, applied with little variation from case to case. Notwithstanding the specificities of each case, both courts in my research used a very similar script to describe the trial. This short piece of text homogenized and fitted IFV cases within the culpability model of the courts as they entered the trial. The text below shows an example of the script used in the document:

> "The object of the trial will consist in accrediting that [defendant's name] has committed acts of intra-family violence against [claimant's name]. The points to prove are the following: i) acts of intra-family violence that the defendant could have carried against the claimant in terms of article 5 of the law number 20.066 and, ii) Psychological harm derived therefrom." (own translation from one of the court's minutes).

The main outcome of that organizing process was making psychological reports the pillar of The FCs adjudication. One judge summarized this as follows:

> "Absolutely standard. And it is the same for almost every matter. On IFV, the evidence is the psychological report" (Interview, City Judge IV).

The discussion above reveals the journey from the idealist design of IFV trials to the FCs´ empirical adjudication scheme. This involved an interpretive process aiming to operationalize ambiguous legal provisions. This process of interpretation involved defining social and technical relations and allowed the FCs to enrol legal texts within their view of IFV culpability. Thévenot (2009) referred to formatting or

standardizing processes like these as "investments in form". This expression stressed that creating common parameters or standards to evaluate reality had significant returns in terms of coordination. However, this was also an expensive process for the participants, demanding resources and time. Moreover, standardizations like the IFV file crystallized complex sets of relations that were not easily changeable: "This is why participating in the process of form-giving can be a means to prevent a standard from becoming external to one's own concerns, and therefore, potentially exclusionary" (Thévenot 2009, p. 794). The following section looks at the effects of the FCs´ standardization, demonstrating extreme rigidity acquired by the FCs legalistic interessement. I suggest that the file was a key element for keeping actors in their assigned positions despite their unease.

8.2.2 A shell as hard as steel

IFV trials were a problematic part of the FCs work when I was in the field because psychological reports had become very difficult to obtain. These documents normally required each party to hold two or three interview sessions, ideally with the same psychologist and over a month. Parties able to afford private psychological evaluations could obtain them within two to three months, but nearly all family court users lacked such economic capacity. Therefore, IFV's trials depended on the provision of forensic psychologists from the public system. At the time of my fieldwork, the only available publicly funded option in the region was the Medico-Legal Service's Mental Health Department (SML). This institution had a long waiting list for evaluations that went from nine to twelve months, which meant that IFV trials were delayed continuously.

In court 1, the problems with psychological reports entailed adjourning trial hearings one after the other during my fieldwork. I was made aware of how critical the situation was in my first week in this court. After adjourning a trial hearing for the third time, one counsellor approached me and said angrily: 'if you want to know what is wrong with IFV procedures, look at this case, and you will understand!' (field notes). In court two, the same situation took place. Judges and counsellors consistently argued that the whole trial stage had become meaningless to the parties and themselves due to this problem. Out of the very few cases that went to trial, most were adjourned for not receiving the reports or dismissed due to the claimant's unwillingness to continue. Judge CV explained the situation:

> "Unconsciously, judges say, 'What are we doing here? I am not going to make further efforts nor waste resources from the State or my own in this. But the law forces me to do so. We are

> going to arrive at the trial hearing, and I will have nothing or very little on which to base my decision… the psychological reports will be delayed or not arrived at all. When they do arrive, they are deficient. I don't know if you have been able to read any of them, but they are not very refined." (Interview Judge CV)

Like Judge CV, most FC professionals were aware of the problematic nature of IFV trials. However, they felt constrained to represent IFV culpability according to the FCs predetermined criteria. This constraint was a result of the FCs investment in standardization and coordination. This process was the basis of a wide bureaucratic work arrangement. This meant that stepping outside of the procedural routine entailed a great cost for individual professionals. Developing an alternative mode of representation meant unsettling a complex scheme. Follows Judge II put it:

> "If some judge considers that more evidence is needed, they will normally have to see the case until the end. In that way, the problem is not passed onto someone else." (Interview, City Judge II)

Legalist interessement was a socio-technical scheme or network beyond judges´ personal views. Weber's famous iron cage metaphor described FC professionals' feelings of constraint. Weber´s idea stressed modern bureaucracy´s potential to create dehumanized administrative systems, organizations governed by technical rationality fixated on means but unable to ponder the purpose of their own operation. Recently, Baehr (2001) suggested translating Weber´s metaphor as "the shell as hard as steel." For Baehr, this translation was closer to Weber's literal wording in German and best captured the subtleties of his thought. Unlike a cage, which is a merely constraining and external device, the shell is an integral part of the individual it contains. It is a structure that grows with the individual, protecting it and constraining its movements simultaneously. Whereas individuals can potentially destroy and escape from a cage, the shell is part of their identity, so one cannot be destroyed without the other.

IFV trials had become a shell as hard as steel for FC professionals. Their structure was the result of an interpretive process aimed at operationalizing idealistic legal provisions. FCs had developed a complex coordination scheme on this basis. This scheme relied on a technique of documentation and file management. The absence of the IFV trials´ key document brought the entire arrangement to a halt. FC

professionals perceived the problem but saw themselves trapped in a rigid scheme beyond individual choices. The FCs legalistic interessement had ossified into a documentation regime that now enrolled professionals within it.

The rest of this part analyses a scene from fieldwork. This scene helps me demonstrate the enrolment of FC professionals and lawyers in the FCs legalism. The scene highlights the file´s role as an interessement device, securing the identities of the different actors and preventing alternative ways of signification. The scene also demonstrates the clash between the claimant´s and the FCs representation of culpability. This clash involved an ontological dispute that I discuss in the following section.

Scene 8.1 described one of the few IFV trials that took place during my entire fieldwork. After a long period of adjournments, the court had received reports from both parties. However, following a litigation strategy on the defendant's part, the reports were excluded from the case. This turn changes the trial's development dramatically. The claimant loses the case even though the reports support her claim. In the first part, the judge and the counsellor discussed the documents ahead of the hearing. A quick reading leads them to conclude the culpability of the defendant. This part demonstrated legalistic interessement´s enrolment of legal texts and FC professionals within the FC´s representation of IFV culpability.

Scene 8.1 part one

[The judge, the counsellor, the court secretary and I, sit in the courtroom in between hearings] The judge and the counsellor start revising the file for the trial hearing ahead. Both professionals note that it has taken over a year to get the psychological reports, which has led to several adjournments along the way. The judge reads the document quickly and out loud. 'It looks favourable for the victim's profile', she concludes. Both professionals agree that the reporting psychologist has been very assertive in her opinions, allowing a clear conclusion to be drawn on the 'victim and offender profile of the parties.' The judge looks at me and jokes, 'we are passing the decision before he even comes in.' Finally, they look at SWC's Harm and Risk report. They conclude that this document would show the psychological harm experienced by the woman.

The interaction above demonstrated the enrolment of legal texts and FC professionals by legalist interessement. The judge and counsellor read the documents in the file and are able to see clearly the link between the case´s facts and the law. Psychological reports served to fill the categories in the model of culpability devised by the FCs. These documents presented facts in a format that looked like the law, as Latour put it. At the same time, the judge´s expression "we are passing decision he even comes in", revealed FC professionals' own enrolment by the legalist approach. The judge noted that her reasoning was reductive and was excluding the possibility of debating legal meaning. She was aware of the problematic nature of deciding the case by applying legal categories to standardized documents mechanically.

The scene´s second part demonstrated the lawyers´ enrolment. This part described these professionals' discussion of their litigation strategies moments before the hearing.

Scene 8.1 part two

I leave the courtroom some time before the hearing. In the waiting area, the defendant's lawyer (a man close to 30 who I met in a previous case) is chatting with one of the security guards and greets me with a smile. He tells us that he is about to deploy a nasty strategy but that he will do it anyhow. 'It has already been decided,' he says, reassuring himself. The strategy entails pulling all of the evidence relating to his side of the case. He notes that the other party made a mistake not requesting psychological reports. Thus, these reports will have to be excluded from the case. 'It is my client's right and, anyhow, both are completely crazy,' he says, referring to the parties in a tone of secrecy.

Minutes later, the SWC's lawyer and intern arrive accompanied by the female claimant and her witness. They look at their files and are able to foresee the defendant's strategy. The SWC lawyer says that the pre-trial hearing of the case was managed exclusively by a newly arrived intern due to a clash with a hearing in the criminal court on that day. 'She [the intern] messed up because she did not know how we work and forgot to ask for the reports.' The SWC lawyer informs the claimant of the situation. 'But this has been adjourned so many times, it would be ridiculous for them not to hear this now!,' says the claimant. The SWC's lawyer replies that,

sadly, this is a right of the other party, but that she will ask the court to include the document on its own initiative.

The interaction above demonstrated lawyers´ participation in the FCs´ representation of culpability. Both lawyers could foresee each other´s moves clearly and the significant effects of the defendant's strategy. The SWC lawyer made explicit her enrolment by noting the intern´s mistake during the pre-trial. This was the result of the intern´s lack of knowledge of the FCs' approach to IFV. The possibility of excluding the Claimant's reports after a year of waiting seems ridiculous to the Claimant, thus demonstrating her position as an outsider to the logic of the FCs´ knowledge process.

IFV was a conflict that facilitated lawyers´ enrolment within the court´s signification logic. Legal aid lawyers conducted most cases. These professionals attended court daily and knew judges, counsellors, and court staff personally. Lawyers knew the FCs´ arrangements in detail and tried not to disturb the work pattern unless strictly necessary. This smoothed relations with judges and counsellors and gave them an advantage in the face of non-habitual court actors. One SWC lawyer explained her enrolment in the FCs view of IFV by noting its effects on her work with claimants.

> "You know what, if she (the claimant) tells me that she wants to give up, I will not make any attempt to change her decision. Because she is not prepared to take on a process that is long and revictimizing. Because in this court it is not possible to obtain a guilty decision without the report of the SML … There are women who are simply not prepared to assume that process. Or, there are some that do not show those kinds of signs of psychological harm. Hence, it will be impossible to achieve a conviction. I would be giving her hopes about a process that will last over a year and a goal that will not be achieved." (Interview SWC Lawyer C)

The scene´s final part contains the trial and sentencing hearings. The trial hearing demonstrates the key role of the file in keeping the different actors in place and excluding alternative ways of signifying the case. The sentencing hearing demonstrates the ontological controversy the FCs´ legalism produced. The claimant lost the case due to the exclusion of the reports, which lead her to question the authority of the court to represent her case.

Scene 8.1 part three

We go into the courtroom. The judge begins the hearing by reading the minutes of the preparatory hearing. She enumerates the pieces of evidence offered by each and asks which of the mentioned items will be produced for the court within the trial. The defendant's lawyer says that he would like to withdraw all his side's evidence. The SWC's lawyer asks for the court to include the psychological report. She argues that it has taken an enormous amount of time to obtain them, that they are crucial for deciding the case, and that the defendant's procedural attitude shows bad faith in the litigation. The defendant's lawyer responds that his side requested the reports and that it would be inappropriate for the court to act on the claimant's behalf. The judge, after looking at the file of the case, says that the court will not include the reports. Once the claimant's request has been decided, the claimant's witness and the defendant are called to the stand.

After the evidence, which lasts just over 1 hour, the judge says that the closing arguments and court's decision will take place at a different hearing in a couple of days.

After the parties have left the courtroom, the judge and the counsellor comment on the case with me. They say that SWC's strategy has been very poor. 'We saw this coming,' says the counsellor, referring to the issue with the psychological reports. She adds that the witness 'has not been questioned in a precise manner,' and that what was declared 'will not serve to configure IFV.' The counsellor tells me, 'there is just nothing to hold on to in this case. The lawyer didn't know how to direct the questions in a way that would show any form of causality or at least something that would show power inequality between them.' She stops to think for a moment and concludes by saying that 'Psychologic IFV is different from a bad relationship.' The judge reaffirms this last opinion and adds that 'Psychological violence is inherently difficult to demonstrate.' Both conclude that, in this case, 'there is simply nothing to hold on to.' 'This is the problem of contaminating oneself before the case,' says the judge, referring to the fact that both have read the reports fully just over an hour ago. She says that the man's lawyer has deployed a clever strategy and, even though he has wasted public money and time, it is his right to exclude

evidence. 'Well, now there is no other way but to decontaminate oneself,' the judge says while leaving the courtroom.

A few days later I attend the continuation hearing. In her decision, the judge says that all the elements of the case have been taken into consideration according to the rules of sound criticism and that the court sees no basis for the IFV claim. She adds that 'in order to obtain an impartial view, the court must look at the evidence produced for the case, from which it is not possible to arrive at a different conclusion.' She says that the technical counsellor's opinion has also been weighted in this. At the end of the hearing and before leaving the room, the claimant insults the defendant, who insists on holding the door for her. Once outside, the claimant approaches me and says with frustration: 'they urge you to file a claim, for what?! Justice is flawed, Chilean justice is crap! This is why there are so many dead women. There is something illogical in all of this!

The scene´s final part demonstrated the framing performed by the minutes of the pre-trial hearing. This document assured that IFV culpability had to be recognized through psychological reports. The claimant´s lawyer stressed this in front of the court. Once these documents were excluded from the file, the judge and the counsellor declare themselves unable to recognize the claimant´s allegations. FC professionals´ reflections after the hearing demonstrated the aim of the FCs knowledge scheme. Legalism was aimed at producing objectivity. Thus, FC professionals argued that "there was simply nothing to hold on to". This expression stressed that the case´s legal meaning differed from the knowledge professionals had as individuals.

Legalist interessement produced a pattern of outcome biased against claimants. IFV procedures were characterised by a very low number of trials and an almost non-existent number of guilty verdicts. To provide a rough illustration, in one of the courts I observed (which kept printed copies of all of its decisions, so I was able to count them manually), having received more than 800 claims per year, there were six guilty verdicts for the same period (equivalent to 0.7% of guilty verdicts). Although reliable quantitative data was not available (Universidad de Chile, 2018), the low proportion of convictions arising from IFV claims was a well-known issue for all the professionals involved.

The final part of scene 8.1 demonstrated the controversy generated by the FCs legalism. This controversy confronted the FCs version of reality with that of claimants. The judge and the counsellor made explicit the distinction between the FCs´ representations and other understandings of IFV culpability in their discussion after the trial. "Psychological IFV is different from a bad relationship", argued the counsellor. The legalist view clashed with the claimant`s during the sentencing hearing. The extreme rigidity of the court led the claimant to disavow the entire legal procedure. The FCs´ bias concerning claimants involved gender inequalities because of the majority women claimants in court. The following section will look at the ontological controversies' legalist interessement produced.

8.3 Legalism: Ontological politics

The previous section discussed the FCs´ legalist interessement. This was a strategy for representing IFV culpability. Legalist interessement stabilized legal meaning by ordering judicial cases according to a rigid legal categorization. I demonstrated the creation of the FCs´ legal categorization. The FCs interpreted ambiguous legal provisions to create a functional judicial procedure. The IFV file served to crystalize this process and increase coordination. Then, I demonstrated how legalistic interessement turned into a mechanic adjudication pattern enrolling FC professionals. I referred to this through Weber´s metaphor of a shell as hard as steel.

This section discusses two controversies produced by the FCs´ legalism: the controversy with claimants and with the SML psychologists. These controversies were ontological in nature. Claimants and SML psychologists criticized the FCs´ representation, countering with their own version of this phenomenon. Thus, these controversies questioned the authority of judicial representation produced by the FCs.

8.3.1 The claimants´ controversy

Scene one above demonstrated the clash between the FCs legalistic view and the claimant's understanding of IFV culpability. In that scene, the claimant faced a rigid knowledge scheme that seemed ridiculous and flawed from her perspective. The court´s legalism led her to dismiss the court´s authority over her experience. The FCs approach had reproduced gender inequality by making the court biased against claimants, which were largely women in IFV cases.

The scene below provided a more detailed example of this ontological clash. Scene two describes the adjournment of a trial hearing involving two litigants in persons. Litigants in person learned about the court's rigid procedure as they went through it - which was disconcerting and upsetting for most. This scene´s postponement hinges on the absence of the psychological reports and leads to a confrontation between the judge and the female claimant.

In the scene´s first part, the judge and the counsellor inform the parties about the need to adjourn. The court's decision is produced in a shift and mechanical manner, revealing the routinized nature of this arrangement.

Scene 8.2 part one

The judge begins the hearing by pointing out that this is an 'old case' that started last year. She notes that the case was initiated with a claim from the woman, on which a preparatory hearing was conducted. In that hearing, she adds, both parties were heard as well as the recommendations from the technical council. The court concluded that there was 'cross-violence' and recommended continuing with the IFV process. The judge notes that the psychological reports from the SML have not been done and tells the parties that new appointments will be requested from the SML. The judge indicates that she will adjourn and that they will be notified of a new date for the hearing. She adds that it is very likely that this new hearing will not be held at that time because of the time it takes to get an appointment from the SML. She then argues 'I have to resolve this case with the evidence specified in the preparatory hearing.'

This scene demonstrates the process of legalistic interessement. The FC professionals acted in a mechanistic manner, stressing the indispensable nature of psychological reports and their own inability to see things from a different angle. The judge invokes the file as a contrasting device preventing her from acting differently.

The second part of the scene described the claimant´s reaction to the court´s legalism. The woman urges the court to consider alternative ways of representing IFV culpability. Her requests face the hard shell that the FCs had created. The court´s response led the claimant to disregard the representativeness of the judicial procedure altogether.

Scene 8.2 part two

The woman, noticeably frustrated, says that she needs to go on with hearing or to obtain a new precautionary measure because he is very violent and mistreats her whenever he visits their children. She says that she has filed a new claim over a kick in the back that he gave her a few days ago. The judge replies 'this is not the courtroom for discussing precautionary measures and I am not going to give you one. I have to decide with the things in front of me.' The woman gets angry and says that the man – who has remained silent during the whole time- has multiple complaints again him, that he attacked her less than two days ago and that he is harming their children. She says that she has been waiting for the court to do something for over a year now and begins describing the complaints that the man has in other courts. The judge, with an imposing tone responds 'Madam, you are mixing everything.' 'I am not mixing anything! There is widespread inefficiency, and he continues to attack me,' says the woman. The judge defends herself by saying that 'the court is not responsible for the delays of the SML'. The woman argues that she has brought her entire family to the court to act as witnesses, as well as new documents that prove the attacks. Then she asks in a strong voice 'What was I supposed to solve here today?!' The judge responds, 'I cannot change the facts that were established in the preparatory hearing.'

The court secretary tells the judge that the date for the new hearing is already available. The judge informs the new date and reiterates that this is also likely to be adjourned because of the time it takes for the SML to produce the reports. The woman says sobbing, 'do not call me back into this court'".

The interaction of scene two demonstrates an ontological controversy. The rigidity of the FCs legalism meant that adjudication became unintelligible and senseless to people not participating in this approach.

The clash is made explicit by the judge´s response to the claimant´s requests: "Madam, you are mixing everything." Thus, the judge demonstrated the court´s reliance on a particular ordering strategy to which the claimant refuses to adhere. Claimants posed an ontological controversy because they refused to be enrolled and they questioned the courts´ capacity to speak about their case validly. One of the SWC psychologists explained the controversy with claimants:

> "(the use of psychological reports) has become sacred, we are screwed…. I think it is terrible... Why don't we just do nothing then?! Let´s just ask for the psychological reports from the start and wait. Why should we try and work on other forms of evidence when, in the end, this one decides everything? I find it sad because it devalues all the work of other institutions and the many things that the person has experienced… More than having a problem with them [the FCs] devaluing our work, is that they don't validate what she (the claimant) is saying." (Interview SWC professional PI)

As the psychologist explained, the FCs´ legalism devalued the claimants´ experiences by reducing this to a single document.

8.3.2 The SML psychologists´ controversy

FC professionals and lawyers conceptualized the problem of psychological reports as one of overdemand. In their view, the SML could not respond to the needs of the IFV procedure on time due to a lack of resources. This was also the opinion of a report from the Chilean deputy's chamber in 2015 (Cámara de Diputados 2015). However, my fieldwork demonstrated that more complex issues are involved. SML psychologists questioned the FCs´ notion of IFV culpability and the role assigned to them. As one SML psychologist explained:

> "We can't cope with this… there is an over-demand for experts. There is an idea that behaviour, a family dysfunction, or whatever, is associated with a mental problem. Thus, all have to go through a psychologist or psychiatrist, and that is a terrible reading of a problem." (Interview Psychologist N-SML II).

One of the effects of the FCs' adjudication scheme was to create a specialized department of psychologists within the SML. This was the SML´s unplanned response to the FCs´ new and increasing demand on psychological reports on people without psychiatric illnesses. As one SML psychologist recounted:

> "From the year 2008 onwards, the psychologists took charge of everything that had to do with family courts... Formerly, expert reports were made firstly by psychiatrists. Then, we realized that most of the people who arrived at the SML from family courts, did not have any mental pathology... and there was a demand that was very, very large from the family courts... The unit was rearranged, so criminal cases went exclusively to psychiatrists, and family cases became the responsibility of psychologists... that maintained a balance. Now, this was basically because there was an unmet demand, which was growing." (Interview, psychologist N-SML I)

Since their formation as a group, SML psychologists had tried to develop some common ground rules to conduct their work. These professionals held yearly national meetings to generate points of consensus concerning the evaluation of psychological IFV. However, this had proven to be a slow and challenging process, and, at the time of my fieldwork, there were no substantial agreements. The most important outcome so far was the approval of technical guidelines for the institution in 2014. The guidelines were limited to establishing a standard form for the report and stating that each expert was to determine the best assessment tools according to the specificities of the case. As the following psychologist explained, the FCs´ version of IFV posed a series of problems for psychological assessment.

> "Everything is called family violence. And because it is so unspecific, it renders evaluations blunt. If I am not clear about what partner-violence is, what will I evaluate? …When they [other experts] say, 'psychological harm', they have no idea what they are talking about. I am sure that I can give you a definition, my colleagues will provide you with another definition, and elsewhere they will provide you with another meaning." (Interview Psychologist N-SML II).

In addition to methodological problems, the FCs approach posed political problems for SML psychologists. The FCs' legalistic approach to IFV adjudication of IFV removed psychological speech of all its nuance and complexity. Once in the courtroom, expert reports no longer expressed opinions on the subjective

processes of the parties but rather rigid certifications of people's profiles. For SML psychologists, FCs placed the task of determining IFV culpability on their shoulders:

> "The judge bases her judicial decision on an expert opinion, in a document… the helping institutions are overloaded, and the judge protects her decision in a formal document." (Interview Psychologist N-SML I).

SML psychologists I interviewed agreed on one thing: psychological reports were different from court decisions. There was a difference between the psychological phenomenon observed by them and the legal one found within IFV trials. SML psychologists stressed that a person's narrative and psychological state was not a mirror of specific events. Consequently, they argued, causal relations were not obtainable through their evaluations. Reports could not attribute someone's psychological state to a single person or a discrete set of actions. Psychologists understood their work as providing inputs within a larger process determining IFV culpability. Thus, they saw in the FCs' practice a surreptitious and illegitimate delegation of responsibilities. The FCs mode of enrolment placed on their shoulder the task of naming IFV legally. In other words, Psychological reports turned reporting psychologists into de facto judges of IFV cases.

> "Establishing that this was done by this other person is the role of the judge, it is not the role of the expert. The judges pass the ball onto the expert, so the expert can tell them what to do. For many years we spoke of 'psychological harm', until we realized that the judge adjudicated if we wrote 'psychological harm'. So, we cannot say 'psychological harm' because the judge immediately decides. We have to eliminate words because they are misused in the courtroom." (Interview N-SML I).

The SML's psychological department had sought to confront the FCs. They demanded that FCs specified what they called the 'psycho-legal question'. The latter was the name that SML experts gave to the written request that courts sent with each case indicating the aspects to be answered by the evaluation. For the SML psychologists, the psycho-legal question was a piece of text supposed to frame and delimit their role within the legal procedure. Yet, FCs provided only vague references and ill-used psychological terminology. One psychologist explained their strategy:

> "I have been asked many times to confirm the existence of acts of violence. That is within the judge's power, not within the expert's ... we always answered, in the conclusions, that this is beyond the expert's knowledge… is a completely unrealistic expectation about what an expert opinion can say." (N-SML I)

SML asked for the FCs to specify their questions by identifying the particular elements of IFV that they wanted to be evaluated. SML experts sought by this means to force the FCs to address the complexity of IFV as a legal object. Changing the psycho-legal question meant developing a sophisticated understanding of IFV. Which, in turn, required a whole new adjudication strategy.

This was an ongoing effort during my fieldwork and had shown meagre results for the psychologists. Both of the FCs I observed relied on the same formulae that psychologists had been trying to problematize for years. Judges, counsellors, and lawyers did not pay much attention to the psycho-legal question. Very few of them even knew of the concept. More than anything, the psycho-legal question was a standardized set of phrases that were stipulated in the minute of the preparatory hearing. Court professionals held a generalized expectation that psychological reports were the only tool to obtain an objective view of IFV culpability. The psychologist in charge of coordinating the relationships with the FCs at a national level described the state of their controversy:

> "I feel that one is asking complexity from an institution that is not going to respond. Because I don´t know, it is not intelligent. In the sense of thinking, 'what are we doing?' Which is what one would expect. We are not talking about a bakery! We are talking about the administration of justice … Sometimes I feel it is all just waste of time ... Well, maybe not a waste of time, but when a judge listens to you, and then looks back and says, 'Ok, but does he have a profile or not? Gosh!'" (N-SML II).

This quote demonstrates how the FCs legalism eroded its authority in the eyes of psychological experts. Like claimants, SML psychologists questioned the very capacity of judicial work to represent reality validly.

8.4 Conclusions

This chapter discussed the FCs´ determination of IFV culpability through adjudication. The FCs IFV trials represented IFV culpability through what I called legalistic interessement. Legalist interessement was a strategy for stabilizing legal meaning based on applying a rigid legal category pattern to diverse cases. This approach imposed a preconceived order upon cases to generate a fit between facts and legal texts. The FCs strategy depended on a single document that was very difficult to obtain, the parties psychological reports. The difficulties with these reports resulted in claimants´ having limited chance of evidencing their claims in court, alongside having to go through a judicial procedure that FC professionals themselves saw as futile.

This chapter's discussion had three sections analysing the creation and effects of the interessement above. The first section was a theoretical discussion of my idea of legalistic interessement. This section discussed my contribution to two Chilean socio-legal analyses about judicial legalism: works on Chilean legal culture and empirical research on the FCs´ implementation. This discussion served to problematize subjectivity in legalism. Chilean socio-legal works attributed judicial rigidity to judges´ mindsets. Thus, they were unable to account for the frustration that FC professionals experienced with the work they conducted. I suggested analysing judicial legalism as a form of interessement — a socio-technical process stabilizing meaning by linking subjects and objects. This discussion demonstrated this chapter´s contribution to socio-legal literature on legalism and the agency of judicial files. Pirie´s work helped conceptualize legalism´s logic of enrolment and controversy. Legalism involved a tension between two poles problematic for judicial authority. A flexible idealistic justice that was inseparable from individual´s perspectives versus an approach reducing reality to rigid legal categories. Latour´s work on the judicial file helped analyse this tension from a material-semiotic stance.

The second and third section discussed the FCs´ legalistic interessement and its controversies. My analysis expanded the limited Chilean literature on IFV procedures. I demonstrated empirically IFV trials´ bias against claimants and the logic underpinning it. Section two of the chapter discussed the FCs´ representation of IFV culpability through adjudication. This section contained two parts. The first part demonstrated the FCs´ interpretation of legal texts regulating IFV trials and the crystallization of this process in the IFV file. The FCs´ legalistic approach responded to the law´s idealist design - rather than

judges´ interpretation error. Extreme flexible legal provisions provided poor technical means and confusing guidelines. Accordingly, FCs created more precise legal categories and procedural steps to render these provisions operative. This interpretative work resulted in a file management system improving the FCs´ coordination at the expense of epistemic flexibility. The second part demonstrated how IFV trials turned into "a shell as hard as steel" due to the absence of the key document in the file. As a result, professionals working in IFV procedures felt enrolled in a meaningless bureaucratic scheme beyond their individual will. Difficulties with psychological reports produced a systemic halt in the FCs adjudication scheme, eroding the authority of their representation.

The third section addressed these authority problems by looking at the two main controversies produced by legalistic interessement. The controversy with claimants and with SML psychologists. These actors were also frustrated with the FCs´ view of IFV culpability. However, they refused to be enrolled by this, rejecting the FCs´ authority to define the meaning of IFV. Claimants chose to distance themselves from the narrow view FCs had of their cases. SML psychologists opted to confront the FCs legalism by highlighting its unintelligence. These controversies were ontological in nature because they involved clashes between different versions of IFV culpability.

Chapter 9: Conclusion

This thesis comprised an ethnography of Chilean FCs` IFV procedures. It provided a detailed and situated account of the actors, discourses, and practices in this jurisdictional exercise, its tensions and controversies. The ethnography was inspired by ANT scholarship. It conceptualized jurisdiction as a translation process: a socio-technical performance producing and stabilizing a legal version or representation of reality. This approach enabled me to demonstrate the ontological choreography involved in the FCs` processing of IFV cases. Thus, the thesis contributed to three literature strands: first, Chilean scholarship on the FCs´ IFV procedures. This thesis provided an in-depth analysis of a highly understudied part of the Chilean justice system. Secondly, the thesis contributed to the incipient socio-legal Chilean scholarship. It provides a novel approach to the critical judicial reform process unfolding in Chile over the last 30 years, based on original and rich data about the FCs everyday practices. Lastly, this thesis contributed to ANT socio-legal scholarship, developing new conceptualizations for the material-semiotic analysis of court work.

This chapter reviews the research process, its findings and limitations. First, I consider how the thesis' main arguments addressed the research questions. Then, I discuss its contributions to Chilean and ANT socio-legal scholarship. Next, I discuss its limitations, and potential research projected from this work.

9.1 Research questions and responses

The general question guiding this thesis was: *How is intra-family violence translated into the everyday work of the family court?* This question stressed the exploratory nature of this research. The methodology anticipated IFV procedures as an innovative but messy and understudied research object. As Chapter three discussed, the FCs' IFV procedures followed the 2005 reforms. These reforms introduced paradigmatic shifts in procedural and substantive family law, creating the FCs and a new approach to IFV. However, Chilean scholarship stressed the problems of these reforms. Doctrinal works criticized the legislation's conceptual vagueness, while socio-legal scholars stressed implementation gaps.

This thesis addressed its general question through a detailed account of the empirical performance of IFV procedures. The analysis focused on how these procedures stabilized a version of reality by linking facts and law in IFV cases. The overall argument had two main parts: context and jurisdiction.

Part two´s chapters (four and five) provided a situated contextualization of IFV procedures. These chapters discussed versions of reality external to the FCs jurisdictional activity but empirically relevant to it. Chapter four discussed the relation between the legislation enacted during the processing of IFV cases and within academic accounts. For its part, chapter five discussed how the FCs´ gender-neutral view of IFV cases related to the gendered versions of IFV performed by the national women´s service and academic scholars. This part of the thesis advanced ANT´s problematization of context based on Mol´s ontological politics. It demonstrated an innovative way of researching the context of the jurisdictional activity, analyzing empirically the logic of exclusion involved in legal authority´s performance and the controversies this generated.

Part three of the thesis - jurisdiction - focused on the internal organization of the FCs´ IFV procedures. This part comprised three chapters demonstrating the human-nonhuman network linking facts and law in IFV cases. This analysis was inspired by Callon´s notions of framing and interessement, showing the interplay between politics and techniques in jurisdictional exercise. Chapter six discussed IFV competence issues as a framing process. This chapter demonstrated how FCs` everyday work created boundaries defining the scope and focus of FCs authority on IFV. FCs' work concentrated on addressing IFV risks and downplayed the relevance of ascertaining culpability. Risk and culpability were the two notions by which FCs stabilized the meaning of IFV cases. Chapters seven and eight looked at these, respectively, based on Callon´s idea of interessement. The representation of IFV risks followed a diplomatic interessement strategy - which enrolled actors through political negotiations enabled by loose technicality. Yet, the representation of IFV culpability was based on a legalist interessement strategy - which enrolled actors through a rigid technicality constraining political agency.

The thesis´ sub-questions helped me detail the broad scheme described above. The first sub-question was: *How are academic understandings of the IFV legislation reflected in the everyday processing of IFV cases?*

Chapter 4 addressed this question through an empirical approach inspired by Mol´s ontological politics. It focused on the performance of IFV procedures legislation in academic works and during FCs´ cases processing.

Chilean scholarship contained two ways of performing the laws concerning IFV procedures: socio-legal and doctrinal. These works produced two versions of practice, separated by a marked disciplinary divide. On the one hand, Chilean socio-legal works portrayed the FCs and IFV laws as products of recent Chilean political history. This political version stressed that this legislation was underrated by the authorities in charge of its design and implementation. This rating was based on gender considerations and produced a precarious jurisdictional scheme lacking the clarity and resources necessary. On the other hand, doctrinal works criticized these laws from a technical standpoint. Chilean doctrine followed a strong formalist tradition, emphasizing the role of statutory law and formal textual analyses. These works recognized the innovative character of the legislation but criticized its excessive conceptual vagueness, which supported discretionary judicial work and hindered refined legal thought.

The academic versions were external to the FCs processing of IFV. IFV procedures presented a clear and decisive version of the legislation. Although FC professionals recognized scholarly views during interviews, these professionals produced an authoritative law while processing IFV cases. This chapter analysed three videos to describe how FCs managed to exclude the messiness of the legislation in their everyday work and produce a version supporting them as experts. FCs stabilized the legislation through practical-material means rather than conceptual consistency: stressing hierarchical relations over the parties to IFV cases, standardizing IFV procedures bureaucratically, and addressing gender tacitly. These practicalities served to reduce the ambiguity in the legal categories and achieve workable legislation.

This chapter´s innovative use of ANT resources for the analysis of legislation contributed to two critical issues absent from the literature. On the one hand, it demonstrated how the (Chilean) strong disciplinary separation between socio-legal and doctrinal works obscured the frail condition of IFV procedures. Academics consistently critiqued the legislation, stressing its political, institutional and technical limitations. However, they compartmentalized problems and separated the legislation´s political and technical facets, thus obscuring the overlapping of these problems in the procedures. On the other hand, this chapter

demonstrated the distance of academic reflections from the FCs' everyday processing of IFV cases. Thus, the stabilization process focused on practicalities that were largely absent from academic discussions, particularly doctrinal works that were supposed to orient the court's work.

The second sub question concerned gender. This was: *Which tensions did the gender-neutral approach of the IFV law produce in the FCs' IFV processing?*

This thesis approached gender from an ANT stance, focusing on how this appeared in the field. Chapter four suggested gender was a tacit or latent actor in the FCs IFV procedures. IFV procedures were neutral to the gender of the parties formally. However, FC professionals were largely female who recognised the relevance of gender in IFV cases. This recognition occurred at a personal level, outside the limits of IFV procedures.

Chapter five focused on the relation between the FCs´ gender-neutral approach and the gendered versions of other institutions interacting with the FCs. This discussion demonstrated the points at which different ways of performing gender in IFV clashed and the logic underpinning these clashes. FCs' IFV procedures clashed with the gendered view of IFV produced by statistical reports and the cultural project of SWC. These representations stressed the defining role of gender in IFV, cataloguing FCs' jurisdictional work as obtuse and narrow-minded. FC professionals argued that external versions of IFV threatened a fundamental piece of jurisdictional activity. I conceptualized this as judicial hesitation, following Latour. FCs did not deny the gendered nature of IFV. Instead, they resisted how gendered versions of IFV threatened the courts´ capacity to doubt or unbind the legal meaning of each case before deciding. Thus, FCs catalogued the external performances of IFV as obtuse and narrow minded from this perspective.

Chapter five developed a novel empirical approach to the controversy about gender in IFV based on ANT notions. This approach expanded the current literature composed of doctrinal theories that excluded the practicalities of jurisdictional exercise. Thus, rather than trying to solve the controversy theoretically, I traced its intricacies pragmatically. This approach allowed me to demonstrate an argument missed by the literature: FCs´ resistance to gender involved a technical rather than political discourse. FC professionals' political views had little effect on their everyday work.

In line with the FCs' approach, gender appeared tacitly in part three of the thesis. It was not an explicit topic in chapters six to eight but emerged recurrently in these. First, gender appeared through the voices of FC professionals, who commonly conceptualized issues in terms of gender. For example, in chapter six, FC professionals alluded to gender as a critical factor in the FCs' competence overflow. In their view, the growing public opinion's sensibility towards gender violence led many women to file claims. In chapter seven, gender was vital in the processes of enrolment through diplomatic interessement. SWC participated in this scheme because it facilitated the aims of the many women they represented. FC judges recognized their fears concerning possible repercussions for not granting precautionary measures due to the growing political sensibility towards gender violence. Secondly, gender appeared in the scenes in this part of the thesis, all of which described situations involving women claimants. Thus, gender appeared in the voices of the women experiencing IFV procedures. Chapter eights' discussion of legalist interessement also demonstrated female claimant's frustration with the court's adjudication strategy. These claimants stressed the gendered effects of the FCs approach. The claimant in scene (Scene 8.1 part three) expressed this after losing her case due to a technicality concerning psychological reports:

> "they urge you to file a claim, for what?! Justice is flawed; Chilean justice is crap! This is why there are so many dead women. There is something illogical in all of this!"

The following sub-research questions focused on the FCs´ processing of IVF cases, which I conceptualized as jurisdiction. This conceptualization expanded post structuralist readings of jurisdiction through ANT notions of authority building. I developed a pragmatic and empirical reading of the FCs' power to speak legally about IFV cases. This approach stressed the challenges involved in producing this version of reality. Jurisdiction entailed a socio-technical performance rather than a fixed position through legal texts or political power. It was contingent and fragile rather than firm and uniform. FC professionals in chapter five demonstrated this fragility when acknowledging the problems that FCs faced in rebinding IFV cases. Thus, judicial hesitation was introduced as a problematic practice producing feelings in these professionals of being adrift.

The third sub question was: *How is jurisdictional competence on IFV framed in the everyday work of the FCs?*

Chapter six addressed IFV competence issues based on Callon´s notion of framing. Doctrinal works noted the poor conceptualization of IFV competence limits in the IFV law. However, these analyses omitted the evolving nature of competence issues and how legal provisions changed as part of the ongoing performance of the jurisdictional exercise. The notion of framing thus shifted the focus of the analysis from a technical critique of the legislation to an empirical description of FCs´ limit-building practices and their effects. IFV cases overflowed the FCs. This meant that FCs were unable to develop a stable work pattern concerning IFV cases, weakening their authority. Chapter six demonstrated the responses devised to address overflowing and the effects these had in the practical organization IFV procedures. Competence framing stressed a recursive relationship between FCs as legal fora and IFV as a legal matter. Framing devices selected the cases that would go through the procedure. This selection created a new type of case called psychological IFV. FCs specialized in psychological IFV cases, which entailed prioritizing claimant´s risks and downplaying the role of culpability.

This chapter expanded current Chilean readings on IFV competence issues by addressing these as an authority building process. Doctrinal and socio-legal scholars noted the problems in the IFV law. However, these works did not address these as part of the ongoing performance of jurisdictional exercise. Consequently, they missed how competence issues re-defined the FCs jurisdictional arrangement and the meaning IFV had in practice.

Sub questions four and five referred to the means through which FCs associated facts and law empirically. I analysed this process based on Callon´s notion of interessement. This approach helped me demonstrate the interplay between politics and technique in stabilizing legal meaning. IFV procedures contained two representation strategies, which I called diplomatic and legalistic interessement. These strategies served to represent risks and culpability in IFV cases and involved opposite uses of legal technicalities.

The fourth sub question was: *How are ideas about "risk" stabilized in the everyday processes of the FCs?*

Chapter seven described this stabilization process as diplomatic interessement. Diplomatic interessement enrolled actors based on political negotiations enabled by loose technicality. The FCs´ risk assessment involved an inaccurate prediction of IFV events based on qualitative analyses of claimants´ performance in court. This prediction technique enabled political negotiations underpinning a balance of interests between actors concerned with IFV procedures. Thus, professionals from the FCs and other institutions highlighted the pre-trial stage as the most valuable and fruitful part of the procedure. However, diplomatic interessement made the FCs the object of critiques concerning the lack of objectivity in jurisdictional exercise.

Chilean IFV literature neglected the FCs' risk assessment work. Chapter six demonstrated this was the most significant part of their everyday work on IFV. Additionally, this chapter developed an innovative approach to risk as a jurisdictional tool through the notion of interessement. Interessement served to move beyond debates about the objectivity/subjectivity of risk assessment by focusing on the process of stabilizing the representation of the future empirically.

The fifth sub question focused on the FCs representation of IFV culpability: *How is culpability constructed within intra-family violence procedures in the FCs?*

Chapter eight coined the term legalistic interessement to describe this. Legalist interessement enrolled actors by imposing a rigid legal categorization upon the different cases adjudicated as IFV. As opposed to the epistemic flexibility of diplomatic interessement, IFV trials followed a rigid standardized pattern reducing the defendant's culpability to the mediation of a document in the file. Legalist interessement helped objectify the FCs adjudicatory work, countering the extreme flexibility of the FCs procedural design. However, legalistic interessement made IFV trials dysfunctional, undermining claimants' chances, and trapping FC professionals within a bureaucratic mechanism. Thus, this interessement strategy helped produce objectivity and impartiality of judgement through standardization. However, this objectification restricted subjective political agency and denied the particularities of individual cases.

This chapter contributed to Chilean and socio-legal literature in two significant ways. On the one hand, it demonstrated the serious problems IFV trials faced in practice and the systematic disadvantage this

entailed for claimants. This situation entailed gendered consequences because the vast majority of IFV claimants were women. Thus, contrary to the social demands driving their creation, IFV trials frustrated the aims of sanctioning offenders. On the other hand, this chapter contributed to a new approach to Chilean judicial legalism. I drew on ANT materiality analysis to move beyond the subjective understanding of this phenomenon. Rather than assuming legalism as a judicial mindset, I analysed this as a socio-technical performance linking subject and objects. From this stance, IFV procedures' legalistic approach was the response to legislation weakening legal authority due to extreme flexibility. This analysis expanded ANT readings of court work by relating them to Pirie´s anthropological notion of legalism.

9.2 Contributions to scholarship

This ethnography made significant contributions to three research areas. The first of these was Chilean literature on FCs IFV procedures. FCs IFV procedures involved a novel jurisdictional scheme in Chile expected to provide specialized treatment to IFV cases through a flexible procedural approach. However, the scholarship was scarce and fragmentary. There was little doctrinal scholarship on FCs in general and less so on IFV procedures. Moreover, doctrinal works discussing IFV focused almost exclusively on criminal aspects. The socio-legal scholarship was scarce also. These works documented various problems these procedures showed in practice and their effects on female claimants. However, there was no in-depth empirical analysis of the everyday work of the courts and the logic driving this performance. This thesis is the first scholarly work discussing these multiple lines of debate based on original, in-depth empirical data. Thus, it provides the foundation for a renewed and robust critique on the conditions of IFV procedures in Chile and the role of jurisdictional exercise in IFV.

Secondly, this thesis contributed to the forming of Chilean and Latin-American socio-legal reflection. As chapters one, four and eight noted, Chilean legal thought followed a positivist tradition common to Latin America. Chilean scholars stressed the country´s strongly legalistic juridical thinking centred on formal textual analyses of legality. The socio-legal scholarship was recent and scarce in this context, with a disciplinary division separating empirical from technical reflections on legality. This thesis was the first court ethnography in the country, demonstrating a new transdisciplinary methodology for analysing Chilean jurisdictional work. This approach provides a unique perspective on the emerging patterns of legal authority in Chile.

Thirdly, this thesis contributed to developing ANT socio-legal readings of court work. Thus, the thesis discussed, contrasted, and reformulated ANT concepts concerning this distinctive translation. Previous to this ethnography, Barrera was the only ANT inspired court ethnography in Latin America, focussing on the Argentinian Supreme court. Consequently, the Chilean lower courts were a new site for ANT scholarship. This case study served to expand ANT socio-legal reading of courts. ANT's performative approach helped to demonstrate legal authority or jurisdiction's fragile face. Contrary to common views about the strength of jurisdictional exercise in producing a legal view of the world, FCs' authority on IFV matters was weak and controversial. This fragility was acknowledged by FC professionals, who were critical and sceptical of their own methods and results. ANT thus allowed me to demonstrate the unexpected and fragile modes of association determining and supporting this particular representation of reality, stressing the contingency of socio-technical arrangement designated under the notion of jurisdiction.

9.3 Research limitations and prospects

This thesis involved three critical limitations which were outlined in chapter three. Two of these referred to the thesis' restricted engagement with the IFV parties and their viewpoints about IFV judicial procedures. This thesis excluded these participants from the interview sample due to ethical and methodological considerations. In hindsight, although adequate under the circumstances, this choice produced a blind spot in my account. It rendered my research distant from the primary addressees of the court's work in IFV matters. This limitation was particularly relevant concerning cases involving elderly and women claimants, which involved complex gender and intergenerational power dynamics demanding specific methodologies absent in this thesis. I consider the limitation above as pointing to further research urgent in Chile. In this regard, this thesis demonstrated the limited interest of the Chilean academy in FCs IFV procedures and the repercussions this had in their everyday operation. IFV against elders was particularly neglected, involving dynamics of social exclusion widely ignored by Chilean researchers to date.

The third limitation referred to police work's relation to jurisdictional work. This thesis concentrated on actors participating in the judicial procedure, abstaining from police work preceding and following this. Nevertheless, as chapter four indicated, police work was critical to courts' IFV work practically and conceptually. On the one hand, this determined the protection claimants would effectively receive in risk

situations and, therefore, the effects of FCs procedures on their everyday lives. On the other hand, the terms of the relationship between FCs and police could provide critical insights into the nature of Chilean jurisdictional work – more specifically, the court's capacity to enrol the police and the terms of this enrolment. Like the previous limitation, I consider this be an important point for future research in Chile. To date, there is no empirical research focused on police enforcement of judicial orders and decisions in IFV matters.

Bibliography

Amunátegui Perelló, C. F. (2016). La Doctrina Jurídica en Chile: Un breve estudio acerca del surgimiento de la figura del jurista en Chile y la educación universitaria. *Revista de derecho (Valdivia),* (29), 9-28.

Anleu, S. R., & Mack, K. (2016). *Performing Judicial Authority in the Lower Courts*. Palgrave Macmillan UK.

Arancibia, M. J., & Cornejo, P. (2014). El Derecho de familia en Chile: Evolución y nuevos desafíos. *Ius et Praxis,* (20), 279-318.

Araujo, K., Guzmán, V., & Mauro, A. (2000). El surgimiento de la violencia doméstica como problema público y objeto de políticas. *Revista de la CEPAL,* (70), 133-145.

Araya Novoa, M. (2020). Género y verdad. Valoración racional de la prueba en los delitos de violencia patriarcal. *Revista de Estudios de la Justicia*, (32), 35-69. doi:10.5354/0718-4735.2020.56915

Arensburg, S., & Lewin, E. (2014). Comprensión de los nudos institucionales en el abordaje de la violencia contra las mujeres en la pareja: aportes de una lectura feminista a la experiencia chilena. *Universitas Humanística,* (78), 187-210. https://doi.org/10.11144/Javeriana.UH78.cniv

Asdal, K. (2012). Contexts in Action—And the Future of the Past in STS. *Science, Technology, & Human Values*, *37*(4), 379-403. https://doi.org/10.1177/0162243912438271

Asdal, K., & Moser, I. (2012). Experiments in Context and Contexting. *Science, Technology, & Human Values*, *37*(4), 291-306. https://doi.org/10.1177/0162243912449749

Atkinson, J. M. (1979). *Order in court : the organisation of verbal interaction in judicial settings / J. Maxwell Atkinson, Paul Drew*. London : Macmillan.

Atkinson, J. M., & Drew, P. (1979). *Order in Court: The Organisation of Verbal Interaction in Judicial Settings*. Macmillan.

Ayres, L. (2008). Thematic coding and analysis. In L. M. Given (Ed.), *The SAGE Encyclopedia of Qualitative Research Methods.* (pp. 867 - 868). New York: Sage.

Azócar, M. J. (2015). Expertos en derecho: Profesión legal, género y reformas judiciales en Chile. *Revista de Derecho (Valdivia)*, *28*(2), 9-29.

Azócar, M. J. (2018). ¿Cómo se construye la experticia judicial?: Una etnografía judicial en tribunales de familia de Santiago de Chile. *Revista de Derecho (Valdivia)*, 31(2), 9-27. https://doi.org/10.4067/s0718-09502018000200009

Bacchi, C. (2015). The turn to Problematization: Political Implications of Contrasting Interpretive and Poststructural Adaptations. *Open Journal of Political Science*, *5*(1), 1-12.

Baehr, P. (2001). The "Iron Cage" and the "Shell as Hard as Steel": Parsons, Weber, and the Stahlhartes Gehäuse Metaphor in the Protestant Ethic and the Spirit of Capitalism. *History and Theory*, *40*(2), 153-169.

Banakar, R. (2000). Reflections on the Methodological Issues of the Sociology of Law. *Journal of Law and Society*, *27*(2), 273-295. https://doi.org/10.1111/1467-6478.00154

Banakar, R., & Travers, M. (2005). Law, sociology and method. In R. Banakar & M. Travers (Eds.), *Theory and Method in Socio-Legal Reseach*. Oxford: Hart.

Bankowski, Z., & Mungham, G. (1976). *Images of Law.* London: Routledge and Kegan Paul.

Barnett, C. (June 22, 2015). *On problematization: Elaborations on a theme in "Late Foucault"*. Non Site. https://nonsite.org/on-problematization/

Barrera, L. (2009). *Performing the Court: Forms and Practices of Legal Knoledge-Making in Argentina.* New York: Cornell University.

Barrera, L. (2012). *La Corte Suprema en escena: una etnografía del mundo judicial*. Santiago: Siglo Veintiuno, XXI, Editores.

BCN, B. d. C. N. d. C. (2004). *Historia de la Ley N19.968 Que crea los Tribunales de Familia*. Valparaíso: Chile National Congress Library

BCN, B. d. C. N. d. C. (2005). *Historia de la Ley N° 20.066 de Violencia Intra-familiar*. Valparaíso: Chile National Congress Library

Beck, U. (1992). *Risk Society: Towards a New Modernity*. New York: SAGE Publications.

Benfeld, J. (2015). Una concepción no tradicional de la sana crítica. *Revista de derecho (Valparaíso),* 45(2), 153-176.

Benfeld, J., & Larroucau, J. (2018). Nota de los Editores. In J. Benfeld & J. Larroucau (Eds.), *La Sana Crítica Bajo Sospecha.* Valparaíso: Ediciones Universitarias de Valparaíso.

Bennett, J. (2004). The Force of Things: Steps toward an Ecology of Matter. *Political Theory*, *32*(3), 347-372.

Bibler, S., & Fortin, V. (2015). Legal Ethnographies and Ethnographic Law. In A. Sarat & P. Ewick (Eds.), *The Handbook of Law and Society* (pp. 71-84). New Jersey: John Wiley and Sons, Inc.

Blomley, N. (2014). Disentangling Law: The Practice of Bracketing. *Annual Review of Law and Social Science*, *10*, 133 - 148.

Bloor, D. (1999). Anti- Latour. *Studies in History and Philosophy of Science*, *30a*(1), 81-112.

Bordalí, A., & Hunter, I. (2016). Juicios Orales en Chile. In E. F. Mac-Gregor (Ed.), *Juicios orales. La reforma judicial en Iberoamérica* (pp. 157 - 190). México: UNAM, Instituto de Investigaciones Jurídicas.

Bordalí, A. (2013). La igualdad de las partes en los procesos judiciales chilenos. In F. Muñoz León (Ed.), *Igualdad, inclusión y derecho. Lo político, lo social y lo jurídico en clave igualitaria* (pp. 217-239). Santiago: LOM.

Bourdieu, P. (1977). *Outline of a theory of practice*. Cambridge: Cambridge University Press.

Bourdieu, P. (1987). Force of Law: Toward a Sociology of the Juridical Field. *Hastings L.J.*, *38*(5), 805-853.

Bourdieu, P. (1991). Genesis and Structure of the Religious Field. *Comparative Social Research*, *13*, 1-44.

Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, *3*(2), 77-101. https://doi.org/10.1191/1478088706qp063oa

Braun, V., Clarke, V., Hayfield, N., & Terry, G. (2019). Thematic Analysis. In P. Liamputtong (Ed.), *Handbook of Research Methods in Health Social Sciences* (pp. 843-860). Singapore: Springer. https://doi.org/10.1007/978-981-10-5251-4_103

Buzawa, E. S., Buzawa, C. G., & Stark, E. (2011). *Responding to domestic violence : the integration of criminal justice and human services* (4th ed.. ed.). New York: SAGE.

Callon, M. (1981). Struggles and Negotiations to Define What is Problematic and What is Not. In K. D. Knorr, R. Krohn, & R. Whitley (Eds.), *The Social Process of Scientific Investigation* (pp. 197-219). Netherlands: Springer. https://doi.org/10.1007/978-94-009-9109-5_8

Callon, M. (1984). Some elements of a sociology of translation: domestication of the scallops and the fishermen of St Brieuc Bay. *Sociological Review*, *32*, 196-233. https://doi.org/10.1111/j.1467-954X.1984.tb00113.x

Callon, M. (1998a). An essay on framing and overflowing: economic externalities revisited by sociology. *The Sociological Review*, *46*, 244-269.

Callon, M. (1998b). Introduction: the embeddedness of economic markets in economics. *The Sociological Review*, *46*, 1-57.

Callon, M., Rip, A., & Law, J. (1986). *Mapping the Dynamics of Science and Technology: Sociology of Science in the Real World*. United Kingdom: Palgrave Macmillan.

Calvin, M. E., Matamala, M. I., Eguiguren, P., Gálvez, T., Berlagoscky, F., Díaz, X., . . . Güida, C. (2008). *Violencia de Género en Chile. Observatorio de Equidad de Género en Salud* [Informe Monografico 2004 – 2007]. Santiago.

Carretta, F. (2014). La desformalización del proceso judicial de familia e infancia. *Revista de derecho (Valparaíso)*, 481-495.

Carretta, F. (2015). Análisis dogmático sobre la desformalización del proceso judicial de familia chileno: Parte final. *Revista de derecho (Valparaíso),* 45(2), 177-203.

Casas, L. (2006). Ley Nº 20.066 sobre Violencia Intrafamiliar: ¿un cambio de paradigma?. In C. Medina & J. Zalaquett (Eds.), *Anuario de Derechos Humanos* (pp. 197 - 202). Santiago: Universidad de Chile.

Casas, L. (2017). El concepto de violencia en los Tribunales de Familia. *Revista de Derecho de Familia*, 13*,* 51-80.

Casas, L., Armisén, M. J., Dides, C., & Ponce, N. (2007). *La Defenza de Casos de Violencia Intrafamiliar*. D. P. Pública.

Casas, L., Duce, M., Marin, F., Riego, C., & Vargas, M. (2006). *El Funcionamiento de los Nuevos Tribunales de Familia: Resultados de una Investigacion Exploratoria.* Universidad Diego Portales. http://www.reformasprocesales.udp.cl/reformasprocesales/index.php/publicaciones?layout=edit&id=158

Casas, L., Duce, M., Marin, F., Riego, C., & Vargas, M. (2010a). *El Funcionamiento de los Nuevos Tribunales de Familia: Resultados de una Investigacion Exploratoria.* Universidad Diego Portales. http://www.reformasprocesales.udp.cl/reformasprocesales/index.php/publicaciones?layout=edit&id=158

Casas, L., Riveros, F., & Vargas, M. (2010b). *Violencia de Género y la Administración de Justicia.* C. Santiago: Servicio Nacional de la Mujer.

Casas, L., & Vargas, M. (2011). La respuesta estatal a la violencia intrafamiliar. *Revista de derecho (Valdivia)*, *24*, 133-151.

Centro de Derechos Humanos. (2009). *Violencia contra las Mujeres y Derechos Humanos* [Informe Anual sobre Derechos Humanos en Chile 2009]. Santiago: Universidad Diego Portales.

Charmaz, K., & Mitchell, R. (2007). Grounded Theory in Ethnography. In P. Atkinson, S. Delamont, A. Coffey, J. Lofland, & L. Lofland (Eds.), *Handbook of Ethnography*. New York: SAGE Publications.

Clifford, J. (1983). On Ethnographic Authority. *Representations*, *2*, 118-146. https://doi.org/10.2307/2928386

Cloatre, E. (2008). Trips and Pharmaceutical Patents in Djibouti: an ANT Analysis of Socio-Legal Objects. *Social and Legal Studies*, *17*(2), 263-281. https://doi.org/10.1177/0964663908090882

Cloatre, E. (2013). *Pills for the Poorest: An Exploration of TRIPS and Access to Medication in Sub-Saharan Africa*. London: Palgrave Macmillan.

Cloatre, E. (2018). Law and ANT (and its Kin): Possibilities, Challenges, and Ways Forward. *45*(4), 646-663. https://doi.org/10.1111/jols.12133

Cloatre, E., & Cowan, D. (2018). Legalities and materialities. In A. Philippopoulos-Mihalopoulos (Ed.), *Routledge Handbook of Law and Theory*. London: Routledge.

Conley, J. M., & O'Barr, W. M. (1990). *Rules Versus Relationships: The Ethnography of Legal Discourse*. Chicago: University of Chicago Press.

Cormack, B., (2000). *A Power to Do Justice: Jurisdiction and Royal Authority in English Literature and Law, 1509-1625*. Stanford: Stanford University.

Cotterrell, R. (1992). *The sociology of law : an introduction* (2nd ed.. ed.). London : Butterworth.

Cowan, D., Gilroy, R., & Pantazis, C. (1999). Risking Housing Need. *Journal of Law and Society*, *26*(4), 403-426. https://doi.org/doi:10.1111/1467-6478.00134

Cowan, D., & Moorhead, R. (2007). Judgecraft: An introduction. *Social and Legal Studies*, *16*(3), 315-320. https://doi.org/10.1177/0964663907079761

Cowan, D., & Wincott, D. (2015). *Exploring the 'legal' in socio-legal studies*. Basingstoke : Palgrave Macmillan.

Cámara de Diputados, d. C. (2015). *Evaluación de la ley N 20066*. Evaluación de la Ley. http://www.evaluaciondelaley.cl/foro_ciudadano/site/artic/20140909/asocfile/20140909160016/informe_evaluaci__n_ley_n__20_066.pdf

De la Barra, R. (1999). Sistema inquisitivo versus adversarial; cultura legal y perspectivas de la reforma procesal en Chile. *Ius et Praxis*, *5*, 139-191

Dean, M. (1996). Foucault, government and the enfolding of authority. In A. Barry, T. Osborne, & N. S. Rose (Eds.), *Foucault and political reason : liberalism, neo-liberalism and rationalities of government* (pp. 209-229). London : UCL Press.

DECS. (2018). *Análisis de la Ley de Violencia Intrafamiliar a 14 años de su implementación*. Santiago: D. d. E. d. l. C. Suprema. http://decs.pjud.cl/articulo-analisis-de-la-ley-de-violencia-intrafamiliar-a-14-anos-de-su-implementacion/

Dempsey, M. M. (2006). What Counts as Domestic Violence? A Conceptual Analysis. *William and Mary Journal of Women and the Law*, *12*(2), 301 - 333

Denzin, N. (2014). Writind and/as Analysis or Perfoming the World. In U. Flick (Ed.), *The SAGE Handbook of Qualitative Data Analysis*. California: SAGE Publications Ltd.

Dobash, R., & Dobash, E. (2004). Women's Violence to Men in Intimate Relationships: Working on a Puzzle. *The British Journal of Criminology*, *44*(3), 324-349. https://doi.org/10.1093/bjc/azh026 %J The British Journal of Criminology

Dobash, R. E., & Dobash, R. P. (1992). *Women, violence and social change*. London: Routledge.

Dorsett, S., & McVeigh, S. (2007). Questions of jurisdiction. In S. McVeigh (Ed.), *Jurisprudence of Jurisdiction* (pp. 3-18). Routledge-Cavendish.

Dorsett, S., & McVeigh, S. (2012). *Jurisdiction*. United Kingdom. Taylor & Francis Group.

Douglas, M. (1992). *Risk and blame : essays in cultural theory Mary Douglas*. London: Routledge.

Douglas, M., & Wildavsky, A. (1983). Introduction: Can We Know the Risks We Face? In *Risk and Culture: An Essay on the Selection of Technological and Environmental Dangers.* (pp. 1-15). California:University of California Press.

Dupret, B. (2011). *Adjudication in Action: An Ethnomethodology of Law, Morality and Justice*. Ashgate.

Durkheim, E. (2005). The Dualism of Human Nature and its Social Conditions. *Durkheimian Studies*, *11*(1), 35-45.

Ewald, F. (1990). Insurance and risk. In G. Burchell, C. Gordon, & P. Miller. (Eds.), *The Foucault Effect: Studies in Governmentality* (pp. 197 - 2010). Chicago: University of Chicago Press.

Ewick, P., & Silbey, S. S. (1998). *The common place of law: stories from everyday life*. Chicago: University of Chicago Press.

Faulkner, A., Lange, B., & Lawless, C. (2012). Introduction: Material Worlds: Intersections of Law, Science, Technology, and Society. *Journal of Law and Society*, 39(1), 1-19.

Fernandez Ruiz, J. M. (2019). La Ley de Violencia Intrafamiliar, el bien jurídico protegido y el patriarcado: un estudio preliminar. *Política criminal*, *14*, 492-519.

Fortes, P. R. B. (2015). How legal indicators influence a justice system and judicial behavior: the Brazilian National Council of Justice and 'justice in numbers'. *The Journal of Legal Pluralism and Unofficial Law*, *47*(1), 39-55. https://doi.org/10.1080/07329113.2014.994356

Foster, W. (2010). Indexicality. In A. J. Mills, G. Durepos, & E. Wiebe (Eds.), *Encyclopedia of case study research* (pp. 457-457). SAGE Publications, Inc. https://doi.org/10.4135/9781412957397.n170

Foucault, M. (1986). *The Foucault reader / edited by Paul Rabinow*. Harmondsworth : Penguin Books.

Foucault, M. (2001). Fearless Speech. In. Los Angeles, California: Semiotext(e).

Foucault, M. (2004). *Security, Territory, Population. Lectures at the College De France, 1977 - 78*. London: Pallgrave Macmillan.

Freeman, M. (1982). Legal Systems, Patriarchal Ideologies and Domestic Violence: A Case Study of the English Legal System. *Research in Law, Deviance and Social Control*, *4*, 131-161.

Friedman, L. (2015). Courts Over Time: A Survey of Theories and Research. In K. O. Boyum & L. Mather (Eds.), *Empirical Theories About Courts* (pp. 9 - 52). Quid Pro Books.

Fuentes, C. (2015). Los Dilemas del Juez de Familia. *Revista chilena de derecho*, *(42)*, 935-965.

Fuentes, C., Marín, F., & Ríos, E. (2011). *Informe sobre el Funcionamiento de los Tribunales de Familia de Santiago.* CIPER Chile. https://ciperchile.cl/pdfs/2016/08/peritos/informe_funcionamiento_tribunales_familia.pdf

Galanter, M., & Cahill, M. (1994). Most Cases Settle: Judicial Promotion and Regulation of Settlements. *Stanford Law Review*, *46*(6), 1339-1391. https://doi.org/10.2307/1229161

Garcia, A. (1998). The Relevance of Interactional and Institutional Contexts for the Study of Gender Differences: A Demonstrative Case Study. *Symbolic Interaction*, *21*(1), 35-58.

Garfinkel, H. (1967). *Studies in ethnomethodology*. New Jersey: Prentice-Hall.

Garfinkel, H. (2002). *Ethnomethodology's Program. Working Out Durkheim's Aphorism*. Oxford: Rowman & Littlefield publishers, INC.

Giddens, A. (1984). *The constitution of society : outline of the theory of structuration / Anthony Giddens*. Cambridge: Polity Press.

Giddens, A. (1990). *The Consequences of Modernity*. Stanford: Stanford University Press.

Giddens, A. (2014). *Essential concepts in sociology / Anthony Giddens & Philip W. Sutton*. Cambridge: Polity.

Gilchrist, E., & Blissett, J. (2002). Magistrates; Attitudes to Domestic Violence and Sentencing Options. *Howard Journal of Criminal Justice*, *41*(4), 348-363.

Goffman, E. (1971). *The presentation of self in everyday life*. Harmondsworth: Penguin.

Goldscheid, J. (2015). Intersectionalities of Gender Violence: Legal Remedies. *Oñati Socio-Legal Series*, *5*(6), 1509-1511.

Gonzáles, F. (2003). Cultura Judicial y Enseñanza del Derecho en Chile: Una Aproximación. *Colección de Informes de Investigación*, 5(14), 291-319.

González, L. (2014). *La Gestión Judicial en los Tribunales de Familia de Santiago de Chile*. C. d. E. d. J. d. l. Américas. http://www.sistemasjudiciales.org/content/jud/archivos/notaarchivo/973.pdf

Guest, G., MacQueen, K. M., & Namey, E. E. (2012). *Applied Thematic Analysis*. New York: SAGE Publications, Inc. https://doi.org/10.4135/9781483384436

Haas, L. (2010). *Feminist Policymaking in Chile*. Pennsylvania: Pennsylvania State University Press.

Hague, G., & Mullender, A. (2005). Listening to women's voices: the participation of domestic violence survivors in services. In T. Skinner, M. Hester, & E. Malos (Eds.), *Researching Gender Violence: Feminist Methodology in Action* (pp. 146 - 166). London: Willan.

Haldar, P. (2007). Jurisdiction and the colonisation of sublime enjoyment. In S. McVeigh (Ed.), *Questions of jurisdiction* (pp. 238-255). London: Routledge-Cavendish.

Halliday, S., & Schmidt, P. (2009). Keith Hawkins and Enviroment and Enforcement. In S. Halliday & P. Schmidt (Eds.), *Conducting Law and Society Research: Reflections on Methods and Practices* (pp. 94 - 1004). Cambridge: Cambridge University Press.

Hammersley, M., & Atkinson, P. (1995). *Ethnography: Principles in Practice*. Routledge.

Haraway, D. J. (1988). Situated knowledges: the science question in feminism and the privilege of partial perspective. *Feminist Studies*, *14*(3), 575-599.

Haraway, D. J. (2013). *Simians, Cyborgs, and Women: The Reinvention of Nature*. Taylor & Francis.

Hawkins, K. (1992). The Uses of discretion: Perspectives from Law and Social Science. In K. Hawkins (Ed.), *The Uses of Discretion*. Oxford: Clarendon Press.

Henríquez, S. (2018). El Consejo Técnico de los Tribunales de Familia de Chile. Regulación, límites y proyección. *Revista de Derecho. Escuela de Postgrado*, 139, 134-170. https://doi.org/10.5354/0719-5516.2017.48394

Hernes, T. (2014). Alfred North Whitehead (1861–1947). In J. Helin, T. Hernes, D. Hjorth, & R. Holt (Eds.), *The Oxford Handbook of Process Philosophy and Organization Studies.* (pp. 225-271). Oxford: OUP Oxford.

Herring, J., Probert, R., & Gilmore, S. (2015). *Great debates in family law* (Second edition.. ed.). london: Palgrave Macmillan.

Hester, M. (2011). The Three Planet Model: Towards an Understanding of Contradictions in Approaches to Women and Children's Safety in Contexts of Domestic Violence. *British Journal of Social Work*, *41*(5), 837-853. https://doi.org/10.1093/bjsw/bcr095

Hilbink, L. (2007). *Judges beyond Politics in Democracy and Dictatorship: Lessons from Chile*. Cambridge: Cambridge University Press.

Hilbink, L. (2012). The origins of positive judicial independence. *World Politics*, 64(4), 587-621. https://doi.org/10.1353/wp.2012.0021

Hiner, Hillary, Azócar, & María, J. (2015). Irreconcilable Differences. *Latin American Perspectives*, *42*(3), 52-72. https://doi.org/10.1177/0094582X15570884

Hiner, H., & Azócar, M., José. (2015). Irreconcilable Differences. *Latin American Perspectives*, *42*(3), 52-72. https://doi.org/10.1177/0094582X15570884

Hitchings, E. (2006). A Consequence of Blurring the Boundaries Less Choice for the Victims of Domestic Violence? *Social Policy and Society*, *5*(1), 91-101. https://doi.org/10.1017/S1474746405002770

Hoag, C., & Hull, M. (2017). *A Review of the Anthropological Literature on the Civil Service* [Working Paper].

Hunter, I. (2011). Rol y Poderes del Juez Civil: Una Mirada desde la Efficiencia del Proceso *Revista de Derecho*, *18*, 73-101.

Hunter, R. (2006). Narratives of Domestic Violence. *Sydney Law Review*, *28*, 734 - 776.

INE, I. N. d. E. (2014). *Justicia, Informe Anual 2014*. Santiago: Instituto Nacional de Estadísticas. Retrieved from https://www.ine.cl/docs/default-source/sociales/justicia/justicia_2014.pdf?sfvrsn=714e43d2_6

INE, I. N. d. E. (2015). *Justicia, Informe Anual 2015*. Santiago: Instituto Nacional de Estadísticas. Retrieved from https://www.ine.cl/docs/default-source/sociales/justicia/justicia_web.pdf?sfvrsn=f74e43d2_6

Ingold, T. (2008). When ANT meets SPIDER; Social theory for arthropods. In C. Knappett & L. Malafouris (Eds.), *Material agency : towards a non-anthropocentric approach* (pp. 209-2015). New York: Springer.

Jasanoff, S. (1995). Making Order: Law and Science in Action. In S. Jasanoff, G. E. Markle, J. C. Petersen, T. Pinch, & S. Society for Social Studies of (Eds.), *Handbook of science and technology studies.* (Revised edition.. ed., pp. 761-786). New York: Sage Publications.

Jones, M. P. (1996). Posthuman Agency: Between Theoretical Traditions. *Sociological Theory*, *14*(3), 290-309. https://doi.org/10.2307/3045390

Kaganas, F. (2007). Domestic violence, men's groups and the equivalence argument. In A. Diduck & K. O'Donovan (Eds.), *Feminist Perspectives on Family Law* (pp. 139-164). United Kingdom: Taylor & Francis.

Kaushal, A. (2015). The Politics of Jurisdiction. *The Modern Law Review*, *78*(5), 759-792. https://doi.org/10.1111/1468-2230.12143

Kelle, U. (2014). Theorization from data. In U. Flick (Ed.), *The SAGE Handbook of Qualitative Data Analysis* (pp. 554 - 568). New York. SAGE Publications Ltd.

Klenner, A. (2017). La Necesidad y O bligación de Cautela en Violencia Intrafamiliar. *Revista de Derecho de Familia*, *I*(13), 107-120.

Knorr-Cetina, K., & Cicourel, A. V. (1981). *Advances in Social Theory and Methodology: Toward an Integration of Micro- and Macro-sociologies*. London: Routledge & Kegan Paul.

Koopman, C. (2013). *Genealogy as Critique*. Indiana: Indiana University Press.

Kubal, A. (2018). In Search of Justice. In A. Kubal & M. Kurkchiyan (Eds.), *A Sociology of Justice in Russia* (pp. 92-117). Cambirdge: Cambridge University Press. https://doi.org/DOI: 10.1017/9781108182713.005

Kubal, A. (2019). *Immigration and Refugee Law in Russia: Socio-Legal Perspectives*. Cambridge: Cambridge University Press. https://doi.org/DOI: 10.1017/9781108283656

Langan, D., Hannem, S., & Stewart, C. (2016). Deconstructing Accounts of Intimate Partner Violence: Doing Interviews, Identities, and Neoliberalism. *Applied Linguistics*, *37*(2), 219-238. https://doi.org/10.1093/applin/amu019

Langer, M. (2007). Revolution in Latin American criminal procedure: Diffusion of legal ideas from the periphery. *Am. J. Comp. Law,* 55, 617-676.

Larraín, S. (2008). *La Situacion de Violencia contra las Mujeres en Chile. Legislacion y Politicas Publicas.* http://portal.unesco.org/geography/es/files/11343/12436345861Resumen_ejecutivo_del_estudio_la_situacion_de_violencia_contra_las_mujeres_en_Chile._Legislacion_y_politicas_publicas.

pdf/Resumen%2Bejecutivo%2Bdel%2Bestudio%2Bla%2Bsituacion%2Bde%2Bviolencia%2Bcontra%2Blas%2Bmujeres%2Ben%2BChile.%2BLegislacion%2By%2Bpoliticas%2Bpublicas.pdf

Latour, B. (1983). Give me a laboratory and I will move the world. In K. Knorr & M. Mulkay (Eds.), *Science Observed: Perspectives on the Social Study of Science* (pp. 141-170). New York: Sage.

Latour, B. (1986a). *Laboratory life: the construction of scientific facts.* (2nd ed.. ed.). Princeton: Princeton University Press.

Latour, B. (1986b). Visualization and cognition: Drawing things together. *Logos (Russian Federation)*, *27*(2), 95-156. https://doi.org/10.22394/0869-5377-2017-2-95-151

Latour, B. (1988). *The pasteurization of France*. Cambridge: Harvard University Press.

Latour, B. (1993). *We have never been modern*. Cambridge: Harvard University press.

Latour, B. (1997). Where are the Missing Masses? The Sociology of a few Mundane Artifacts. In W. E. Bijker & J. Law (Eds.), *Shaping technology/building society : studies in sociotechnical change / edited by Wiebe E. Bijker and John Law* (pp. 151-180). Cambridge: MIT Press.

Latour, B. (1999a). On recalling ANT. *Sociological Review*, *47*(S1), 15-25. https://doi.org/10.1111/j.1467-954X.1999.tb03480.x

Latour, B. (1999b). *Pandora's hope : essays on the reality of science studies*. Cambridge: Harvard University Press.

Latour, B. (2004). Why Has Critique Run out of Steam? From Matters of Fact to Matters of Concern. *Critical Inquiry*, *30*(2), 225-248. https://doi.org/10.1086/421123

Latour, B. (2005). *Reassembling the Social: An Introduction to Actor-Network-Theory*. Cambridge: Harvard University press.

Latour, B. (2010). *The making of law: an ethnography of the Conseil d'Etat*. Cambridge: Polity Press.

Latour, B. (2013). *An Inquiry into Modes of Existence: An Anthropology of the Moderns* (C. Porter, Trans.). Cambridge: Harvard University Press.

Latour, B. (2014). *How to Better Register the Agency of Things?* Tanner Lecture, Yale University. file://ads.bris.ac.uk/filestore/myfiles/StudentPG4/ir15590/Desktop/Readings/Additional/Teoria/Latour%20-%202014%20-%20How%20to%20better%20register%20the%20agency%20of%20things.pdf

Law 19.968 of 2004. That creates faimily courts. August 25, 2004. http://bcn.cl/1uw0y

Law 20.066 of 2005. That estabishes intrafamily violence. September 22, 2005. http://bcn.cl/2f8ai

Law, J. (1984). On the methods of long‐distance control: vessels, navigation and the Portuguese route to India. *Sociological Review*, *32*, 234-263. https://doi.org/10.1111/j.1467-954X.1984.tb00114.x

Law, J. (1992). Notes on the theory of the actor- network: Ordering, strategy, and heterogeneity. *Systems Practice*, *5*(4), 379-393. https://doi.org/10.1007/BF01059830

Law, J. (1994). *Organizing modernity*. Oxford: Blackwell.

Law, J. (2002). *Aircraft Stories: Decentering the Object in Technoscience*. Durham: Duke University Press.

Law, J. (2003). Making a mess with method. United Kingdom: Lancaster University. http://www.lancaster.ac.uk/fass/resources/sociology-online-papers/papers/law-making-a-mess-with-method.pdf

Law, J. (2004). *After method: mess in social science research*. London: Routledge.

Law, J. (2009). *Actor network theory and material semiotics*. Oxford: Blackwell. https://doi.org/10.1002/9781444304992.ch7

Law, J., & Hassard, J. (1999). *Actor Network Theory and after*. Oxford: Blackwell Publishing.

Law, J., & Moser, I. (2012). Contexts and Culling. *Science, Technology, & Human Values*, *37*(4), 332-354. https://doi.org/10.1177/0162243911425055

Law, J., & Singleton, V. (2005). Object Lessons. *Organization*, *12*(3), 331-355. https://doi.org/10.1177/1350508405051270

Law, J., & Singleton, V. (2013). ANT and politics: working in and on the world. *Qualitative sociology*, *36*(4), 485-502. https://doi.org/10.1007/s11133-013-9263-7

Lazarus-Black, M. (2007). *Everyday harm : domestic violence, court rites, and cultures of reconciliation*. Illinois: University of Illinois Press.

Lazarus-Black, M. (2008). Vanishing Complainants: The Place of Violence in Family, Gender, Work, and Law. *Caribbean Studies*, *36*(1), 25-51.

Le Bonniec, F. (2014). ¿Hay discriminación en los tribunales del sur de Chile? Razones para una etnografía del campo jurídico en la Araucanía. In Hugo Rojas, Juan Carlos Oyadenel, & S. Millaleo (Eds.), *Sociología del derecho en chile Libro homenaje a Edmundo Fuenzalida* (pp. 175-195.). Santiago: Ediciones Universidad Alberto Hurtado.

Levi, R., & Valverde, M. (2008). Studying Law by Association: Bruno Latour Goes to the Conseil d'État. *Law & Social* Inquiry, 33(3), 805-825.

Lipsky, M. (1983). *Street-Level Bureaucracy: The Dilemmas of the Individual in Public Service*. New York: Russell Sage Foundation.

Luhmann, N. (1993). *Risk: a sociological theory* (1st paperback ed.. ed.). Walter de Gruyter.

Mack, K., & Anleu, S. (2007). Getting Through the List: Judgecraft and Legitimacy in the Lower Courts. *Social & Legal Studies*, *16*(3), 341-361. https://doi.org/10.1177/0964663907079763

Madariaga, V. (2015). Avances del Plan Nacional de Accion en Violencias Contra las Mujeres 2014 - 2018 del Gobierno de Chile. In G. Guajardo & C. Rivera (Eds.), *Violencias Contra las Mujeres. Desafios y Aprendisajes en la Cooperacion Sur-Sur en America Latina y el Caribe* (pp. 217 - 226).

Malinowski, B. (1922). *Argonauts of the western Pacific : an account of native enterprise and adventure in the archipelagoes of Melanesian New Guinea*. G. London: Routledge & Kegan.

Mason, J. (2002). *Qualitative researching / Jennifer Mason* (2nd ed.. ed.). London: Sage.

Maton, K. (2012). Habitus. In Grenfell, M. (Ed.), *Pierre Bourdieu: key concepts* (pp. 62-78). New York: Routledge.

Maturana, P. (2009). La Violencia de Género en contra de las Mujeres: Reflexiones sobre su tratamiento legal en Chile. In C. Humanas (Ed.), *Derechos de las mujeres y discurso jurídico.* (pp. 13-33). Santaigo: Corporación Humanas.

McGee, K. (2012). Aleatory Materialism and Speculative Jurisprudence (I): From Anti-Humanism to Non-Humanism. *Law Critique*, *23*(2), 141-162. https://doi.org/10.1007/s10978-012-9100-2

McGee, K. (2014). *Bruno Latour: The Normativity of Networks*. London: Routledge.

McGee, K. (2015). On devices and Logics of Legal Sense: Towards Socio-technical Legal Analysis. In K. McGee (Ed.), *Latour and the Passage of Law* (pp. 61-91). Edinburgh: Edinburgh University Press.

McLennan, G. (2004). Travelling with vehicular ideas: the case of the Third Way. *Economy and Society*, *33*(4), 484-499.

Mellaard, A., & Van Meijl, T. (2017). Doing policy: enacting a policy assemblage about domestic violence. *Critical Policy Studies*, *11*(3), 330-348. https://doi.org/10.1080/19460171.2016.1194766

Merry, S. E. (2006). *Human rights and gender violence: translating international law into local justice*. Chicago: The University of Chicago Press.

Merry, S. E. (1990). *Getting justice and getting even : legal consciousness among working-class Americans / Sally Engle Merry*. Chicago: University of Chicago Press.

Merry, S. E. (2003). Rights Talk and the Experience of Law: Implementing Women's Human Rights to Protection from Violence. *Human Rights Quarterly*, *25*(2), 343-381.

Merry, S. E. (2016). *The Seductions of Quantification: Measuring Human Rights, Gender Violence, and Sex Trafficking*. Chicago: University of Chicago Press.

Millaleo, S., Oyanedel, J. C., Palacios, D., & Rojas, H. (2014). *Sociología del derecho en Chile: Libro homenaje a Edmundo Fuenzalida*. Santiago: Ediciones Universidad Alberto Hurtado.

Millaleo, S. (2014). Introducción. In S. Millaleo, J. C. Oyanedel, D. Palacios, & H. Rojas (Eds.), *Sociología del derecho en Chile: Libro homenaje a Edmundo Fuenzalida*. Ediciones Universidad Alberto Hurtado.

Miranda-Pérez, F. (2016). *Action publique et justice dans le Chili post-dictatorial: le traitement étatique des violences envers les femmes.* Grenoble: Universite Grenoble Alpes.

Miranda-Pérez, F. (2017). Statistics on violence against women in the criminal justice system in Chile. *Faro*, *1*(25), 52-81.

Mirchandani, R. (2005). What's So Special about Specialized Courts? The State and Social Change in Salt Lake City's Domestic Violence Court. *Law & Society Review*, *39*(2), 379-418. https://doi.org/10.1111/j.0023-9216.2005.00086.x

Mol, A. (1999). Ontological politics. A word and some questions. *The Sociological Review, 47*(S1), 74-89. https://doi.org/10.1111/j.1467-954X.1999.tb03483.x

Mol, A. (2002). *The Body Multiple: Ontology in Medical Practice*. Durham: Duke University Press.

Mol, A. (2010). Actor-Network Theory: sensitive terms and enduring tensions. *Kolner Zeitschrift Fur Soziologie Und Sozialpsychologie*, 50, 253-269.

Mol, A. (2013). Mind your plate! The ontonorms of Dutch dieting. *Social Studies of Science. 43*(3), 379-396. https://doi.org/10.1177/0306312712456948

Moore, R. (2012). Capital. In Grenfell, M. (Ed.), *Pierre Bourdieu: key concepts* (pp. 62-78). New York: Routledge.

Mopas, M. (2015). Translating critical scholarship out of the academy: ANT, deconstruction and public criminology. In Robert, D. & Dufresne, M. (Eds.). *Actor-Network Theory and Crime Studies: Explorations in Science and Technology* (pp. 81-98). Ottawa: Ashgate

Murdoch, J. (2006). *Post-structuralist geography: a guide to relational space*. London: SAGE.

Mussawir, E. (2011). *Jurisdiction in Deleuze: The Expression and Representation of Law*. London: Routledge.

Muñoz, P. G. (2012). Herramientas de gestión judicial para los juzgados de familia. *Revista de Derecho. Universidad Católica de la Santísima Concepción*, *25*, 155-181.

Myhill, A., & Kelly, L. (2019). Counting with understanding? What is at stake in debates on researching domestic violence. *Criminology & Criminal Justice, 21*(3), 280-296. https://doi.org/10.1177/1748895819863098

Nader, L. (2016). Moving on - Comprehending Anthropologies of Law. In J. Starr & M. Goodale (Eds.), *Practicing Ethnography in Law: New Dialogues, Enduring Methods*. London: Palgrave Macmillan.

Núñez, R. (2017). La violencia intrafamiliar: cómo el Estado chileno debe superar las infracciones a los tratados internacionales. *Revista de Derecho de Familia,* (13), 81-106.

O'Malley, P. (1996). Risk and Reponsibility. In A. Barry, T. Osborne, & N. S. Rose (Eds.), *Foucault and political reason : liberalism, neo-liberalism and rationalities of government*. London: UCL Press.

O'Malley, P. (2004). The Uncertain Promise of Risk. *Australian and New Zealand Journal of Criminology*, *37*(3), 323-343. https://doi.org/10.1375/0004865042194386

O'Malley, P. (2008). Governmentality and Risk. In J. O. Zinn (Ed.), *Social Theories of Risk and Uncertainty : An Introduction* (pp. 52-75). New Jersey: Blackwell Publishing.

O'Malley, P. (2010). *Crime and risk*. New York: SAGE.

O'Reilly, K. (2008). *Key Concepts in Ethnography*. New York: SAGE Publications.

Ohana, N. (2015). Portraying the Legal in Socio-Legal Studies through Legal-Naming Events. In D. Cowan & D. Wincott (Eds.), *Exploring the legal in socio-legal studies* (pp. 80 - 96). Basingstoke: Palgrave Macmillan.

Osborne, T. (2004). On mediators: intellectuals and the ideas trade in the knowledge society. *Economy and Society*, *33*(4), 430-447.

Paik, L., & Harris, A. (2015). Court ethnographies. In H. Copes & J. M. Miller (Eds.), *The Routledge Handbook of Qualitative Criminology* (pp. 283-295). London: Routledge.

Palacios, D. (2011). La reforma procesal penal en Chile: Nuevos agentes, sus trayectorias y la reestructuración de un campo. *Revista de Ciencia Política*, *49*(1), 43-70.

Peña, C. (1995). Los Desafíos Actuales del Paradigma del Derecho Civil. *Estudios Públicos,* (60), 327-348.

Pirie, F. (2013). *The Anthropology of Law*. Oxford: OUP Oxford.

PJUD [Poder Judicial Chile]. (May 6, 2015). Seminario sobre acceso a la justicia de mujeres víctimas de violencia en Valparaíso [Video]. Youtube. https://www.youtube.com/watch?v=tP3KKp1UYtk&t=616s

PJUD. (2020). *Prensa y comunicaciones.* Poder Judicial, República de Chile. Retrieved 17-04-2020 from https://www.pjud.cl/prensa-y-comunicaciones

Pottage, A. (2012). The Materiality of What? *Journal of Law and Society*, *39*(1), 167-183. https://doi.org/10.1111/j.1467-6478.2012.00576.x

Potter, J. (1996). Ethnomethodology and Conversation Analysis. In *Representing reality : discourse, rhetoric and social construction* (pp. 42-67). New York: Sage.

Powell, A., & Murray, S. (2008). Children and Domestic Violence: Constructing a Policy Problem in Australia and New Zealand. *Social & Legal Studies, 17*(4), 453-473. https://doi.org/10.1177/0964663908097080

Prabhat, D. (2016). *Unleashing the force of law : legal mobilization, national security, and basic freedoms / Devyani Prabhat*. Basingstoke: Palgrave Macmillan.

Prior, L. (2008). Repositioning Documents in Social Research. *Sociology*, *42*(5), 821-836. https://doi.org/10.1177/0038038508094564

Rabinow, P. (1986). Introduction. In P. Rabinow (Ed.), *The Foucault reader* (pp. 3-29). Penguin Books.

Restrepo Amariles, D. (2015). Legal indicators, global law and legal pluralism: an introduction. *The Journal of Legal Pluralism and Unofficial Law*, *47*(1), 9-21. https://doi.org/10.1080/07329113.2015.1046739

Riles, A. (2005). A new agenda for the cultural study of law: Taking on the technicalities. *Buffalo Law Review*, *53*(3), 973-1033.

Riles, A. (2006). Introduction. In response. In A. Riles (Ed.), *Documents: artifacts of modern knowledge* (pp. 1-38). Ann Arbor: University of Michigan Press.

Riles, A. (2011). *Collateral Knowledge: Legal Reasoning in the Global Financial Markets*. Chicago: University of Chicago Press.

Riles, A. (2015). Afterword: A Method More Than a Subject. In D. Cowan & D. Wincott (Eds.), *Exploring the 'Legal' in Socio-Legal Studies* (pp. 257 - 264). London: Palgrave macmillan

Rose, N. (2000). Government and Control. *The British Journal of Criminology*, *40*(2), 321-339. https://doi.org/10.1093/bjc/40.2.321

Rose, N., & Valverde, M. (1998). Governed by Law?. *Social & Legal Studies*, *7*(4), 541-551.

Roulston, K. (2014). Analysing Interviews. In U. Flick (Ed.), *The SAGE Handbook of Qualitative Data Analysis* (pp. 297-312). New York: SAGE Publications Ltd.

Sarat, A. (1990). Off to Meet the Wizard: Beyond Validity and Reliability in the Search for a Post‐empiricist Sociology of Law. *Law & Social Inquiry*, *15*(1), 155-170. https://doi.org/10.1111/j.1747-4469.1990.tb00279.x

Schaffer, S. (1991). The eighteenth Brumaire of Bruno Latour. *Studies in History and Philosophy of Science Part A*, *22*(1), 175-192.

Scheffer, T. (2002). *Exploring Court Hearings - Towards a Research Design for Comparative Ethnography on "Witnessing in Court*. Lancaster Univesity.

Scheffer, T. (2004). Materialities of Legal Proceedings. *International Journal for the Semiotics of Law*, 17(4), 356-389. https://doi.org/10.1007/s11196-004-4958-4

Scheffer, T. (2005). Courses of mobilisation: writing systematic micro-histories of legal discourse. In R. Banakar & T. Max (Eds.), *Theory and Method on Socio-Legal Reseach* (pp. 75 - 89). Hart Publishing.

Scheffer, T. (2007). Event and Process: An Exercise in Analytical Ethnography. *Hum Stud*, *30*(3), 167-197. https://doi.org/10.1007/s10746-007-9055-8

Schinkel, W. (2007). Sociological discourse of the relational: the cases of Bourdieu & Latour 1. *Sociological Review*, *55*(4), 707-729. https://doi.org/10.1111/j.1467-954X.2007.00749.x

Scott, J. C. (1998). *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. Yale: Yale University Press.

SERNAMEG. (2018). *Violencia Contra las Mujeres*. Ministerio de la Mujer y Equidad de Género. Retrieved 13/11/2018 from https://www.minmujeryeg.cl/sernameg/programas/violencia-contra-las-mujeres/

Silva, J., Baeza, G., Gonzales, P., & Lecaros, B. (2007). *Estudio Exploratorio de la Oralidad en los Tribunales de Familia de la Región Metropolitana.* Biblioteca Virtual CEJA. https://biblioteca.cejamericas.org/handle/2015/1098?show=full

Simon, J. (1988). The Ideological Effects of Actuarial Practices. *Law and Society Review*, *22*(4), 771-800.

Simon, J. (2005). REVERSAL OF FORTUNE: The Resurgence of Individual Risk Assessment in Criminal Justice. *Annual Review of Law and Social Science*, (1), 397-421.

Singleton, V. (2012). When Contexts Meet. *Science, Technology, & Human Values*, *37*(4), 404-433. https://doi.org/10.1177/0162243911418536

Skinner, T., Hester, M., & Malos, E. (2005). *Researching gender violence: feminist methodology in action.* London: Willan.

Spencer-Brown, G. (1969). *Laws of Form*. United Kingdom: Allen & Unwin.

Srivastava, P., & Hopwood, N. (2009). A Practical Iterative Framework for Qualitative Data Analysis. *8*(1), 76-84. https://doi.org/10.1177/160940690900800107

Star, S. L., & Griesemer, J. R. (1989). Institutional Ecology, 'Translations' and Boundary Objects: Amateurs and Professionals in Berkeley's Museum of Vertebrate Zoology. *Social Studies of Science,* 19(3), 387-420.

Starr, J., & Goodale, M. (2016). Introduction. Legal ethnography: New dialogues, enduring methods. In J. Starr & M. Goodale (Eds.), *Practicing Ethnography in Law: New Dialogues, Enduring Methods*. New York: Palgrave Macmillan US.

Stengers, I. (2008). A Constructivist Reading of Process and Reality. *Theory, Culture & Society*, *25*(4), 91-110. https://doi.org/10.1177/0263276408091985

Strathern, M. (2004). *Partial connections*. California: AltaMira.

Strathern, M. (2015). Outside desk-work: a reflection from Marilyn Strathern. *Journal of the Royal Anthropological Institute*, *21*(1), 244-245. https://doi.org/10.1111/1467-9655.12158

Ten Have, P. (2004). *Understanding qualitative research and ethnomethodology*. New York: SAGE.

Thompson, J. B. (2003). Editor's introduction. In J. B. Thompson, G. Raymond, & M. Adamson (Eds.), *Language and symbolic power* (pp. 1 - 42). Cambridge: Harvard University Press.

Travers, M. (1993). Putting Sociology Back into the Sociology of Law. *Journal of Law and Society*, *20*(4), 438-451. https://doi.org/10.2307/1410211

Travers, M. (1999). *The British immigration courts : a study of law and politics / Max Travers*. Bristol: Policy Press.

Travers, M. (2001). *Qualitative research through case studies*. London: SAGE.

Travers, M. (2007). Sentencing in the Children's Court: An Ethnographic Perspective. *Youth Justice*, *7*(1), 21-35. https://doi.org/10.1177/1473225406074817

Travers, M., & Manzo, J. F. (1997). *Law in Action: Ethnomethodological and Conversation Analytic Approaches to Law*. Ashgate: Dartmouth.

Turner Saelzer, S. (2002). Los Tribunales de Familia. *Ius et Praxis*, (8), 413-443.

Universidad de Chile. (2018). *Informe Temático 2017. Violencia contra la Mujer en Chile y Derechos Humanos*. U. d. C. Centro de Derechos Humanos.

Universidad Diego Portales. (2006). *Informe Anual sobre Derechos Humanos en Chile 2006. Acceso a la justicia y tribunales de familia*. U. D. Portales.

Valenzuela, F., & Ramos, C. (2015). Cómo los maltratos se transforman en violencia intrafamiliar: el recorrido de la performatividad. *Revista de Estudios Sociales*, (51), 213-226. https://doi.org/10.7440/res51.2015.17

Valverde, M. (2003). *Law's dream of a common knowledge*. Princeton: Princeton University Press.

Valverde, M. (2005). Authorizing the Production of Urban Moral Order: Appellate Courts and Their Knowledge Games. *Law & Society Review*, *39*(2), 419-456. https://doi.org/10.1111/j.0023-9216.2005.00087.x

Valverde, M. (2009). Jurisdiction and Scale: Legal `Technicalities' as Resources for Theory. *Social & Legal Studies*, *18*(2), 139-157. https://doi.org/10.1177/0964663909103622

Valverde, M. (2015). *Chronotopes of Law. Jurisdiction, Scale and Governance.* London: Routledge.

Van Dijk, N. (2015). The Life and Deaths of a Dispute. In K. McGee (Ed.), *Latour and the Passage of Law* (pp. 160-196). Edinburgh: Edinburgh University Press.

Van Loon, J. (2002). *Risk and Technological Culture.* London: Routledge.

Van Oorschot, I. (2014). Seeing the Case Clearly: File-Work, Material Mediation, and Visualizing Practices in a Dutch Criminal Court. *Symbolic Interactions, 37*(4), 439-457. https://doi.org/10.1002/symb.126

Van Oorschot, I., & Schinkel, W. (2015). The Legal Case File as Border Object: On Self- reference and Other- reference in Criminal Law. *Journal of Law and Society*, *42*(4), 499-527. https://doi.org/10.1111/j.1467-6478.2015.00723.x

Van Weezel, A. (2008). Lesiones Y Violencia Intrafamiliar. *Revista Chilena de Derecho*, *35*(2), 223-259.

Villegas, M. (2012). El delito de maltrato habitual en la Ley N° 20.066 a la luz del derecho comparado. *Política criminal*, *7*, 276-317.

Vismann, C. (2008). *Files: law and media technology*. Standford: Stanford University Press.

Walby, S., & Allen, J. (2004). *Domestic violence, sexual assault and stalking: findings from the British Crime Survey*. London: Home Office

Walby, S., & Towers, J. (2017). Measuring violence to end violence: mainstreaming gender. *Journal of Gender-Based Violence*, *1*(1), 11-31. https://doi.org/10.1332/239868017X14913081639155

Walby, S., & Towers, J. (2018). Untangling the concept of coercive control: Theorizing domestic violent crime. *18*(1), 7-28. https://doi.org/10.1177/1748895817743541

Walby, S., Towers, J., & Francis, B. (2014). Mainstreaming domestic and gender-based violence into sociology and the criminology of violence. *62*(S2), 187-214. https://doi.org/10.1111/1467-954x.12198

Welsh, L., & Howard, M. (2019). Standardization and the Production of Justice in Summary Criminal Courts: A Post-Human Analysis. *Social & Legal Studies, 28*(6), 774-793. https://doi.org/10.1177/0964663918792725

Whitehead, A. N. (1949). *Process and reality*. *An essay in cosmology.* New York: The Free Press.

Whitehead, A. N. (2015). *The Concept of Nature: Tarner Lectures*. Cambridge: Cambridge University Press.

Woolgar, S., & Lezaun, J. (2013). The wrong bin bag: A turn to ontology in science and technology studies? *Social Studies of Science*, *43*(3), 321-340. https://doi.org/10.1177/0306312713488820

Yngvesson, B. (1993). *Virtuous citizens, disruptive subjects: order and complaint in a New England court*. London: Routledge.

Yngvesson, B., & Mather, L. (1983). Courts, Moots, and the Disputing Process. In Keith O. Boyum & L. M. Mather (Eds.), *Empirical theories about courts* (pp. 53-86). New York: Longman.

Yngvesson, B., & Mather, L. (2015). Courts, Moots, and the Disputing Process. In Keith O. Boyum & L. M. Mather (Eds.), *Empirical theories about courts* (pp. 53-86). United States: Quid Pro Books.

Appendix 1: Ethics application process

Ethics Form

The following form was presented to the Law Research Ethics Commettee on the **6 of January 2017**. The Commitie's comments and aproval are presented after this.

Law School

Application for Ethical Approval by the Research Ethics Committee

You need to complete this form only if your research involves human participants (this is likely to be the case if you are using any of the following methods interviewing, observation, questionnaires, study of case files relating to individuals). Any such research requires University research ethics approval, which may be granted at the School, Faculty or University level.

Your application will be considered in the first instance by the Law School's Research Ethics Committee (LREC). It aims to provide you with a response within 10 working days. In some cases your application may be referred by the LREC to the Faculty of Social Sciences and Law Research Ethics Committee (FREC).

Please consider the guidance in the 'General Considerations' section (Section 4) in relation to the research that you are proposing to do. Once you have considered the ethical implications of your proposed study, please complete the 'Specific Considerations' section (Section 5).

Not all sections of this form will necessarily apply to your research. Where you consider this to be the case please indicate with 'not applicable'. Elsewhere, the length of your answers should be determined primarily by the potential of your research to pose risks or cause harm to participants (including yourself and, if applicable, your research team) over and above those involved in everyday life. You should reflect carefully on the ethical issues raised by your research; one-word answers to the questions in the 'specific considerations' section will rarely be adequate.

Applications should be made at a point where research plans are reasonably settled, but amendments to approved applications can be submitted to the LREC Chair for consideration.

Research students must discuss their applications with their supervisors before submitting them to the LREC. All student applications must be submitted to the LREC via a student's primary supervisor who must electronically 'sign' the form (Section 6).

In the case of research teams, this form should ideally be completed by the principal investigator. If this is not the case, the completed form should be signed off and submitted by the PI (Section 6).

The completed form should be sent electronically to the LREC Chair, Dr Athanasios Psygkas <a.psygkas@bristol.ac.uk>.

Please note that for certain projects (e.g. international research projects) it is essential that you complete the RED registration checklist at:
http://www.bristol.ac.uk/red/research-governance/registration-sponsorship/study-notification.html
Failure to do so will leave you without recourse to the University's insurance coverage for research activities. It is your responsibility to check whether your research requires RED registration.

Please refer to the Guidance document **Completing the Application for Ethical Approval by Research Ethics Committee**, which contains detailed notes about filling in each section of the form, provides advice about legal and ethical issues, and outlines the type of information and degree of detail that the Law School Research Ethics Committee requires to provide guidance and make a decision on your application. You can find this, and other relevant documentation, on Blackboard.

Research Ethics Application Form

Section 1: Applicant and Project Details (All applicants)

Name(s)	Ignacio Riquelme
Email address(s)	i.riquelme@bristol.ac.uk
Degree Course or Post(s) Held	PhD
Title of Research Project	Chilean family courts: a socio-cultural analysis of court practices on DV.

Description of proposed empirical research, indicating: i) why that research requires prior approval by the Law School Research Ethics Committee. ii) why it is necessary to undertake the research in question. iii) Your assessment of any cost/risk to research participants	**i) Why the research requires prior approval by the Law School Research Ethics Committee.** This research analyses the way in which Chilean family courts handle issues of Domestic Violence (DV). Through an ethnographic approach, it seeks to understand the methods, practices and arrangements through which family courts are able to construct and handle D.V., and the controversies and rationales underpinning this processes. The project will be supported by the study of two Chilean Family courts. It will carry out ethnographic research for a period of three months in each court, and will use observation and interview techniques to generate its data. Observation is expected to be conducted within court hearings, premises, and other public institutions associated with court-work on DV. Interviews are expected to be performed with professionals who are involved with court-work on DV. This research requires prior approval by the LREC as it includes human research participants; namely, professionals involved in court-work on DV (e.g. judges, civil servants, lawyers, psychologists and social workers), and DV victims and offenders. Regarding the latter, the research does not require any direct interaction between them and the researcher, but they are included as participants within DV hearings. ii) **Why it is necessary to undertake the research in question**. Over the last 16 years, structural reform has been enacted across the Chilean Judiciary. It has involved both Criminal and Civil jurisdictions, and has been framed as a 'modernizing' shift in justice administration (Azócar 2015; Turner Saelzer 2002). Within this process, new family courts were created in 2005 for all non-criminal family matters (Congress 2004a). Their implementation was defined by an overflowing public demand, and the distinctive predominance of female users (Casas et al. 2010a; González 2014). In their first years, Chilean family courts became examples of poorly designed public policy, and were the object of long and multiple restructurings (Azócar 2015; Fuentes 2015; Universidad Diego Portales 2006). Currently, these courts are the primary institutions articulating the state response to family conflicts and crucial mediators between a range of public and private actors (e.g. family support centres, Child care centres, police departments). One of the most debated and difficult issues faced by Chilean family courts today is DV (Araujo et al. 2000; Arensburg and Lewin 2014; Casas 2006; Casas and Vargas 2011; Larraín 2008). It is a significant issue that comprises close to 20% of the total amount of cases of the family system (MINJUSTICIA 2014); has shown a steady increase since its first legal formulation in 1994 (Arensburg and Lewin 2014; Larraín 2008); and has been recognised as one of the most challenging matters for judges and the family justice system in general (Casas 2006; Casas et al. 2010b; González 2014; Van Weezel 2008).

	Though a small body of qualitative research on Chilean reformed courts is starting to emerge (Azócar 2015; Casas et al. 2010a; Fuentes 2015; González 2014; Silva et al. 2008), there is little scholarship focused specially on their work on DV (Arensburg and Lewin 2014; Casas and Vargas 2011; Valenzuela and Ramos 2015). Further, though Chilean research on DV can be found within broader reflections on gender violence and state response (Araujo et al. 2000; Hiner et al. 2015; Hiner 2013; Larraín 2008), there is little empirical scholarship that explores how courts work around this sensitive issue. This lack of empirical research is a key political issue to address. Observing, documenting, and analysing the concrete practices through which courts are handling DV, provides a step towards a reflexive and accountable administration of justice. Further, a social scientific analysis can bring significant insights into the rationales on which Chilean courts and their associated institutions coordinate vis-a-vis DV. **iii) Your assessment of any cost/risk to research participants** The primary cost to research participants will be their time and the potential inconvenience derived from the researcher's presence in their working environment. Overall, this project is considered a very low risk to participants. Notwithstanding this, there are important issues to address: - Generation of personal data and sensitive personal data. - Inconveniences in court´s work routines due to the researcher´s presence. - Consent and potential distress of vulnerable participants within observed DV hearings. - Access to documents that could contain confidential material (e.g. judicial files) - Anonymity and confidentiality in elite interviewing.

Section 2: Source of Funding (All Applicants)

Is the research funded, in whole or in part, by an organisation external to the University?	YES
Funding Organisation	Comisión Nacional de Investigación Científica y Tecnológica de Chile (CONICYT)
Funding organisation website	www.conicyt.cl
Nature of funding awarded, e.g. studentship, project funding, etc.	Partial Studentship for PhD studies abroad
If the funding is awarded under a particular programme or scheme, please identify.	´Becas-Chile´. Studentship program of the Chilean Government for PhD studies abroad. http://www.conicyt.cl/becas-conicyt/
Does the Funding Organisation require institutional ethical review?	NO

Does the Funding Organisation have particular ethical review requirements, e.g. the use of an independent reviewer?	NO

Section 3: Supervision and Training (Research Students)

Name(s) of proposed/actual supervisor(s)	Dave Cowan and Emma Hitchings
Have you discussed this application with your supervisor?	YES
Have you received research methods training either at Bristol or elsewhere?	YES
Please indicate the person/body that provided the training	Catholic University of Chile
Please briefly indicate the subject matter of that training	Bachelor's degree in Sociology at the Catholic University of Chile 2006-2010. This included several courses on social scientific research methods, and research training. During the academic *year 2015-2016* the following courses were audited at the University of Bristol: - SPOLM0015_2015: Introduction to Quantitative Research Methods in the Social Sciences (SPS) 2015 - SPOLM0014_2015: Introduction to Qualitative Research Methods in the Social Sciences (SPS) 2015 - SPOLM0017_2015: Further Qualitative Methods 2015 - LAWDM0084_2015: Advanced Legal and Socio-Legal Research Methods 2015
Please provide the date of attendance	See above
Have you attended a research ethics workshop or an equivalent session as part of your research training at Bristol or elsewhere?	YES
Please indicate the person/body that provided the training	University of Bristol Law school
Please provide the date of attendance	Research Ethics Training. Andrew Charlesworth, 1-12-2015, Research Ethics Seminar for course LAWDM0084, Morag McDermont 8-18-2015

Date of electronic submission of this form to primary supervisor	22/12/2016

Section 4: General considerations (All Applicants)

Note: Detailed answers are **not** expected in this section. The Research Ethics Committee simply wishes to be assured that you have consulted and considered relevant guidance.

Have you reviewed and addressed the ethical implications of your proposed research in line with the Socio-Legal Studies Association Re-statement of Research Ethics (to which the School of Law subscribes)?	YES
If you are leading a research team, have you taken steps to ensure that each member of that team will have read the SLSA ethical guidance, and be fully aware of the ethical dimensions of this research?	NA
Have you reviewed and addressed the ethical requirements of conducting research at the University of Bristol?	YES
Does your project involve participants who are children or young people?	NO
Have you considered whether you need to apply for a Criminal Record Check?	NA
Does your project involve participants who lack the capacity to consent either permanently or intermittently? If so the LREC is not the appropriate body for which to apply for ethical approval (Guidance Document: Application Process, point 3)	NO
Does your project involve human health-related research? If so the LREC may not be the appropriate body for which to apply for ethical approval (Guidance Document: Application Process, point 3)	NO
Have you reviewed and addressed the University 'advice on research' in the context of data protection legislation?	YES
Does your project involve any research data that you would wish to shield from disclosure under the Freedom of Information Act 2000?	NO
Does any aspect of your research suggest the need for a risk assessment exercise prior to completion of this form (e.g. interviews away from the University)?	YES
Does any aspect of your research suggest that there may be a physical or mental risk to you, or other research team members, carrying out fieldwork with human subjects? See further, the Social Research Association's Code of Practice for the Safety of Social Researchers.	NO
If you have particular questions about any of this guidance that you would like to raise with the Law School Research Ethics Committee, please note them here.	

If you have questions about issues that are not covered in this general section, please note them here.	
If you have found particularly useful materials that you think may be helpful for others in addressing general ethical issues in research projects, please note them here.	

Section 5: Specific considerations (All Applicants)

Note: Detailed answers **are** expected in this section.

Methodology

1. Please indicate your methodology and proposed data collection methods (e.g., survey questionnaire, interview, internet, focus groups, observations, secondary data). Please also indicate whether you have prior relevant research training in, or experience of, those methods.

This research is an ethnography of the Chilean family courts' work on DV. It seeks to appreciate the methods, practices and arrangements through which family courts construct and handle D.V., and the controversies and rationales underpinning these processes.

Field work contemplates ethnographic research through observation and interviews, for a period of six months in two Chilean family courts (three months each). It will include one small town court and one city court from the central regions of Chile (Regions Metropolitana and Valparaiso). Specific courts have not yet been decided (see point 4a). These regions have been selected for practical and economic reasons. They are parts of the country that I know well, and that offer my family a quick and affordable settlement - which will allow me to attend court more easily and continuously.

The field work will use two methods to generate its data: **observation** and **interviews**. The overarching field-work structure by court will proceed on the following basis: *1st month*, observation in court premises and hearings on DV (from now on, hearings). *2nd month*, observation of hearings and other public locations associated with those hearings. *3rd month*, observation of hearings and associated public locations, and interviews with professionals involved in court work on DV. I will discuss each of these methods in turn.

Observation

- *General structure*

This research design is based primarily on observation. This technique is selected as the best way to obtain a ´naturalistic´ description of how DV is constructed within courts, focusing on what actors do and not only on their accounts of their behaviour (Have 2004, p. 108). Though this method can entail certain inconvenience for the research subjects (see point 4a), it is weighed against the limitations that other empirical methods (namely interviews) show with regards to the data sought– i.e. information on the concrete practices and network deployed by courts when working on DV. Informed by an Actor-Network Theory (ANT) methodology, the aim of observation in this project is to follow the network of actors involved in court´s work on DV. Thus, the methodology defines a clear point of beginning for observation, but it requires a relative 'openness' in relation to other sites that will be considered within the field (Latour 2005; Scheffer 2007; Travers 2001).

Observations will be recorded through field notes. Notes will be made daily, and they will describe the experiences and conversations held by the researcher during the day. They will be written by hand and, preferably, taken during observation. The last part of each day will be devoted to typing-up hand-written notes (see point 7a). Notes will contain only pseudonyms to refer to participants, and such pseudonyms will be assigned according to their role or profession (e.g.

Judge 1). They will include no reference regarding specific addresses, institutional names and alike, for which fictional names will be used (see point 5d).

- 1st month observation

The main sites of observation during this period will be **DV hearings and court premises**.

Observation within **court premises** will seek to generate data on the environment of the court, the work dynamic surrounding DV cases, and the professionals involved in this work.

I will show up in court each morning during this first month (see point 4a about access). This will be done with the aim of attending any DV hearing scheduled for the day, and immerse myself within the court environment (e.g. Familiarizing with court's setting and spatiality, its professionals, and the role that DV cases have within courts work). Notes will record my experiences of this place, and the informal conversations sustained with court professionals (see 6a on consent for informal conversations). Conversations will be oriented to know the administrative work that is done around DV, and the way in which it is carried out (These conversations will be preceded by an explanation of my condition as a researcher and the aim of my research. Given that my presence presupposes consent from the court's judges and administrator, it is very likely that my identity and purpose will be known beforehand by most court professionals (see point 6a))

Observation in this first stage will, more importantly, be conducted within **hearings**. Its general objective will be to provide a description of the structural features of this event. Observation will focus on aspects like the material disposition of the room and its participants, the form of argumentation sustained (e.g. opinions, attitudes, type of language), the tools used during their interaction (e.g. concepts, documents, electronic devises), and the strategies deployed by them to debate DV matters. I will attend every DV hearing performed during this month, and take hand written notes from each (subject to obtaining the relevant consent from the parties). If two or more hearings where simultaneously conducted I will privilege trial hearings, as they are less frequent than preparatory hearings. These notes will not follow particular cases (e.g. by linking hearings of a same case), nor record their specific facts or decisions. They will aim to provide a general description of the features of DV hearings as a social event (Scheffer, 2002, 2007). I will attend as a member of the public, but written authorization from the judge will be obtained beforehand (see section 6a on the public character of Chilean family hearings). Notes will be headed by date, type of hearing (preparatory or trial) and a number assign by the researcher within the day.

As a researcher, I am aware that research objectives and data generation are secondary goals in relation to a litigant's right to a quality hearing. Thus, I will withdraw from any hearings in which my presence is objected or appears inconvenient to a participant. This will not only consider explicitly stated objections, but also perceivable signs of discomfort by any of them. Though it is not possible to specify in advance the reactions that observation might produce, special care will be placed towards signs of unrest in participants or disruption within court-work attributable to this research. Special care will also be given to participants at hearings who are, or appear to be, vulnerable and unable to provide their consent. These matters will be judged on a case by case basis.

Observation in this research excludes any direct or one-to-one interaction between the researcher and DV victims or offenders.

- 2nd and 3rd month observation

In this second stage, observation will extend **beyond court premises** (Though hearings will continue to be observed throughout fieldwork). The goal will be to identify the locations, professionals, and institutions associated with courts' work on DV, and describe how their actions relate to this. I anticipate this can include police stations, local psychologists, family centres, or administrative judiciary offices. Nonetheless the particular places or professionals cannot be determined

beforehand, for they will depend on the observation conducted during the first month. This part of field-work embodies research's ANT inspiration, as it seeks to 'follow the actors' (Latour, 2005) in order to understand the network through which family courts assemble DV. Hence, it requires a methodological openness in the sense that locations or people involved should not be defined in advanced, but after empirical observation.

In this context, research will abide by the following ethical considerations: Only public locations and institutions will be observed - understood as those whose work is oriented to the public in general, not only state administration. To approach these settings, I will introduce myself as a researcher and explain the aims of my project. After this I will seek to establish informal conversations with professionals whose work is associated with DV – for which a 'Research Information Sheet' will be handled, as well a professional card with the researcher's contact details (see point 6a) I will seek to identify the way in which their work is carried out and how this relates to DV hearings. Also, I will record observations from publicly accessible locations that prove relevant to how DV is handled in these institutions. No observation will be conducted of private conversations at any point (e.g. interviews between the DV victims and social workers or police). This process will be closely discussed with my supervisors during its realization.

- *Documents and Judicial files.*

An important ethical issue for this research refers to the use of documents that might contain sensitive or confidential information (e.g. judicial files or social worker reports). As mentioned earlier, observation will generate data through field notes. Yet, it does contemplate the possibility of taking notes on general features of particular documents, and collecting blank templates and forms used in court work. At this point there is no certainty on the level of access that this research will have. In this context, I will take the following approach. Notes will be oriented exclusively to provide a general description of these artefacts, and not to record particularities of their content. They will describe their general features (e.g. their structure, style of argumentations and language, recurrent concepts, context of production and use) and not any type of information that could link them to particular people or case. No identifying information (like personal names, addresses, numbers or dates) will be recorded. Also, templates or forms will only be collected in blank, and as long as they are publicly-used documents.

Interviews

Interviews will be a second technique of data generation. They will be conducted during the third month of field work in each court. Interviews will be semi-structured, and have a duration of between 30 minutes and 1 hour. They will, in broad terms, seek to explore further the way in which professionals describe their actions and methods of work, and their views on the work of other actors involved in DV. Interview topics will retain a flexible character in order to focus on those aspects of work that interviewees highlight as relevant to them. The list of topics will be informed by the type of work of the interviewee and the inputs provided by observation. This will be discussed previously with my supervisors. Some general ideas considered at this stage are: elements of a 'typical' case of DV in their work; resources for working with DV cases; problems and limitations faced when working in DV; relation of the interviewee with specific court actors; meaning attributed to their work on DV; meaning attributed to family courts' work on DV.

Though the sample will vary according to observation, a preliminary baseline suggestion is that the following participants will be recruited in each court: two judges, three lawyers, one technical advisor, and three or four other professionals of the network. This is based on the average number of professionals working in Chilean Family courts. The sample will be purposively selected. See form of access and consent below.

DV victims or offenders are excluded from interviews. This is due to their vulnerable condition in the context of this research. The research recognizes them as vulnerable participants exposed to high levels of stress and emotional labour.

Thus, though this might obscure important voices regarding courts-work, the cost of further disturbance is seen as higher that the benefit of the interviewing practice.
All data will be analysed using NVivo software on a University computer.

Training

I have training in interviewing and observation. I have experience in conducting interviews, not in observation. For training, see section 3. Experience in interviews has been acquired as an undergraduate student of sociology, as well as during my work as research assistant and researcher in Chile, prior to PhD studies.

Additional materials provided for review	YES

Covert & Deceptive Research

2a. Are you using any covert or deceptive methods?	NO

2b. If so, please state what you propose to do and why these methods are justified.

N/A

Nature of Research Participants

3a. Please describe the expected characteristics of your research participants.

The main group of research participants are professionals working within, or associated with, DV cases in Chilean family courts. They are elite participants and the School of Law Guidelines for Elite Interviewing (v-0.1) have been carefully considered for making this ethics application.

In addition to professionals, observation within hearings will consider DV litigants. This research recognizes them as particularly vulnerable subjects so that special measures will be taken (i.e. no informal conversation, nor interviews will be sustained between them and the researcher).

It must be stressed that Children do not take part in Chilean Family hearings. Their participation in judicial proceedings takes place through private meetings with judges or other professionals, which will not be observed during this research.

3b. Will your proposed research will involve contact with any of the following groups:

Children/young people (younger than 18) / Vulnerable adults	NO

Adults or young people who lack the capacity to consent/NHS patients or service users/prisoners (in health related research)	NO. (Adults lacking capacity to consent could potentially be part of hearings. I will withdraw this hearings.)

3c. If you answered YES to either of the first two categories in 3b, you will need to consider whether you should apply for a Disclosure and Barring Service check. Please consult the Guidance Document for details.
Please outline any particular risks which you think your research might raise for those groups, or for you or your research team, and whether you believe specific measures may be needed to address them. If you believe your research may impact other groups for whom special measures may be needed, please describe the group(s) and any precautionary measures to be taken.
If you answered YES to either of the last two categories in 3b, the LREC alone is unlikely to be able to provide ethical clearance for your research. Please consult the Guidance Document for details.

N/A

Undue Influence

4a. How will you gain access to the proposed research setting(s)? Are there particular factors, such as power dynamics/relationships of dependency that may place undue influence upon research participants to participate, e.g. influence of gatekeepers or other intermediaries? To what extent does your methodology address such issues?

For Observation:
Chile has no regulated procedure to obtain access to court hearings. Family hearings are public events, but judges have the discretion to determine whether access to particular hearings needs to be restricted (article 15 law n°19.968, National Congress of Chile). Available empirical research in Santiago shows that judges have, in practice, tended to use restriction as the general rule. Thus, access to hearings hinges on the decision of judges.

In this scenario, I have approached the Chilean Supreme Court's Studies Department (DECS, by its initials in Spanish). They have shown an interest in the project, and offered assistance in order to approach judges and court administrators (which they acknowledge as a challenging process). Also, they have discussed the possibility of an unpaid internship as a means of conducting fieldwork. Though this approach might provide me with institutional support, it entails methodological consequences that have to be accounted - namely, the sample will probably be taken from courts that have close bonds with this particular department; presenting myself as an intern from DECS might influence court professionals' dispositions towards me (being interpreted as some form of monitor); and, particular care will have to be placed in assuring the research's independence from institutional interests that DECS might have.

After contacting particular judges and court administrators, they will be invited to participate in the research. I will provide an oral explanation of my project. If interest is expressed, I will send them via email a written description of my research, as well as the consent to be signed before field-work. A potential power asymmetry that could arise in this regard is the

influence that judges or court administrators might have over other professionals of the court. This will be a particular issue to which I will remain attentive, and which will have to be handled throughout fieldwork (see point 1 in observation in hearings and 6a regarding informed consent).

With regards to access to locations beyond court premises, this will be carried out only in public locations or institutions. They will be approached directly by the researcher, and observation will be conducted only with the oral consent of participants. Informal conversations will be preceded by an oral explanation of my condition as researcher and the aim of the project. Also, this will only be performed with professionals and in public spaces.

For Interviews:

The interview sample will be comprised of professionals working within court or associated with DV proceedings. They will be identified during the period of observation. I will approach them in person or via institutional email. I will present myself as a researcher, explain the general aims of the project, and invite them to participate as interviewees. Following this, for those who express an interest, a written explanation of the project will be sent via email. Interviews will be carried out at the convenience of the research participant and after the written consent form has been handed to the researcher.

4b Will payments or other inducements be offered to research participants	NO

4c. If you answered YES to 4b, please provide details, in particular the rationale for the use of a payment/inducement.

N/A

Data Protection

5a. Please describe the nature of the empirical data you expect to collect.

I will be collecting ethnographic data within court hearings and other associated public sites. This will include data relating to forms of argumentation around DV, documents used in legal proceedings, professionals involved in DV cases, and opinions and views of professionals regarding their work and that of other involved in DV cases.

5b. Will you be collecting 'personal data' (as per the Data Protection Act 1998)	YES

5c. If you answered YES to 5b, please indicate your assessment of whether the data collected could be used to support measures or decisions targeted at particular individuals, or might cause substantial distress or damage to a data subject.

I do not consider that data could be used to support measures or decisions targeted at particular individuals, or cause substantial distress or damage to data subject.

5d. If you answered YES to 5b, please outline whether personal data will be pseudonymised or anonymized, and if so, at what stages in the research.

Personal **data generated through observation** will be pseudonymised in field notes. At the end of each day this will be typed and uploaded to the secure university server (see section 7a).
Personal **data from interviews** will be pseudonymised and anonymized during the process of transcription. This will be done in the following way: Transcriptions will replace all names by pseudonyms. Any answer pertaining to personal data or demographic characteristics will be made sufficiently general such that individuals may not be identified. References to individuals, places, cases, or other information which might lead to identification will be either deleted or replaced with a general term of pseudonym. I will make this decision on a case by case basis.
All names and contacts (e.g. email addresses, institutional affiliations) will be kept separate from interview transcripts and field notes, and only retained in a locked filing cabinet.
Research participants will be made aware that these steps are being taken to keep their data anonymous and ensure they will not be identified in the research. This will be made clear in the initial letter of invitation to participate.

5e. Will you be collecting 'sensitive personal data' (as per the Data Protection Act 1998)	Yes

5f. If you answered YES to 5e, in addition to your responses in 5c, please explain briefly why you would describe your research as being 'in the substantial public interest' (Data Protection (Processing of Sensitive Personal Data) Order 2000).

This research is very unlikely to cause any substantial distress to participants. Measures for keeping the anonymity of the data are discussed through this document, and I will try to ensure that the cost to participants is kept to an absolute minimum.

It is in the substantial public interest to provide an adequate state response to DV conflicts. As was mentioned earlier, this is one of the most important and complex issues currently faced by the Chilean judiciary, yet little empirical data is available. This situation hinders an informed and critical revision of the administration of state power, and a reflexive organization of the same. This research seeks to contribute to this issue and seeks to develop a socio-cultural understanding of Chilean judicial work around DV by helping to inform a debate around the way this work is carried out, and the rationales underpinning justice administration.

5g. Does your research require you to share personal data of research participants with third parties outside the EEA e.g. researchers in overseas universities?	NO

5h. If you answered YES to 5g, please outline how you have ensured that any personal data transfer is in accordance with the requirements of Principle 8 of the Data Protection Act 1998

N/A

Informed Consent

6a. What advance information will you be providing to research participants (or their proxies)? Please provide copies of material to be provided to or, as appropriate, read to, research participants. **If you are not planning to provide advance information, in written or verbal form, please provide a full explanation – see also 2a.**

For interviews

I will provide a written explanation about my project. This will also indicate the unpaid and voluntary character of their participation, and what will happen to the data once it is collected. A consent form will be provided and I will ask for it to be signed prior to the interview.

Particular attention will be given to the consent of judges and court administrators. Given their positions, and the fact that they will be contacted through the DECS (see 4a), anonymizing the data might not be sufficient to assure their complete confidentiality. For this reason, I will verbally reiterate the voluntariness and terms of participation before conducting interviews with them.

For observations

I will provide an oral and written explanation of my project (including what will happen to the data once it is collected) to the judges and administrators at each court. I will also provide a consent form to be signed by them prior to beginning fieldwork, which will consider consent for my observation of court premises and DV hearings.

Notwithstanding the public character of DV hearings (article 15 law n°19.968, National Congress of Chile), this research understands them as particularly sensitive social events. Thus consent will be asked of the participants orally through the judge. I will ask the judge to inform lawyers and litigants of my presence, the fact that I will be observing court dynamics, and their consent to this. I will not take notes before this has been done. I will withdraw from any hearing in which an objection has been raised or where participants show any hint of unease with my presence. Special care will be taken in terms of minimizing as much as possible the discomfort that research might entail within court setting. This will be judged on a case-by-case basis.

For the observation of courts premises and other public sites I will not seek written consent. This would entail an important disruption in participant´s work-routine, which this research wishes to avoid. Also, asking all participants to read and/or sign documents before sustaining informal conversation might make interaction tense, or even impracticable. In this scenario, I will introduce myself as a research student and give a brief description of my research, next I will handle a 'research information sheet' with details about the research, what sort of data is to be collected, and reassurances about what data will not be collected (attached) Finally, for conversations held beyond court premises, an additional safeguard will be taken by providing research participants with my professional card, this will permit for them to contact me directly for any doubt or worry arising after our interaction. I will also make sure to be forthcoming with any information that the people I interact with might have regarding this project and its aims. For the case of observation in any place that is not open to the public, written consent will be sought.

Additional materials provided for review	YES
6b. Will you obtain written, or recorded, consent from research participants prior to collecting data from them?	YES for interviews and court access (judges and court administrators) NO for other parts of observation.

6c. If you answered NO to 6b, please explain why obtaining written, or recorded, consent is undesirable in the context of your research, and outline any additional measures you believe may be necessary to ensure that the rights of research participants are adequately protected.

Written consent from participants (other than the judge) within hearings is impracticable and undesirable. It is impracticable because the researcher will have no knowledge regarding who will be the hearing participants prior to this event. This prevents the acquisition of consent in advance. Also it would be undesirable to obtain consent moments before the hearing (e.g. in the court´s waiting area), as this is normally a tense instance where lawyers and litigants discuss issues of the case. My intrusion will probably bring distraction and further stress at this moment, and it would not be possible to avoid interacting with the litigants. Once within the hearing, written consent would entail a major disruption in court work.

6d. If you answered YES to 6b, please explain how you will handle withdrawal of consent by research participants. Additionally, if your project is a multi-stage or longitudinal project, please outline how you intend to ensure that research participants will remain adequately informed and whether further grants of consents will, or may be sought.

If participants wish to withdraw consent before analysis has been conducted, this will be complied with – including if they wish to withdraw data already collected. If a participant's consent is withdrawn after analysis of the data but before the submission of the PhD thesis, then their comments will have already formed part of the analysis but I will ensure that no direct quotes are used from that individual.

6e. Please outline any circumstances relating to your research where legal or ethical issues might require you to disclose information pertaining to a research participant without their consent. How has this influenced the guarantees you are offering your intended research participants?

I cannot think that there would be any circumstances under which I would be required to disclose information relating to a research participant without their consent other than if I were to be made aware of an instance (or instances) of criminal activity in which case I would pass information on to the relevant authorities. This would be made clear in the consent form.

Data Security and Archiving

7a. In what format do you intend to collect and store your data? Where will it be stored and what security arrangements will be in place to ensure its safe-keeping at the various stages of the research process?

Observation Notes.

Notes will be taken by hand and use only pseudonyms with regards to participants (e.g. Lawyer 1). At the end of each day I will type these notes in my personal notebook and then upload them onto a secure university online server. All paper notes will be shredded at the end of field work, although some may be shredded before this. This will be judged in relation to the content of particular notes, and will be discussed with my supervisors. Typed notes will be anonymized at the end of fieldwork.

Interviews

I will conduct interviews in person. They will be recorded on digital recorders. The digital recordings will be uploaded and stored in a University file server. Once the digital audio recording has been uploaded successfully, the digital file on the

recorder will be deleted. The digital recordings stored on a University file server will be retained until they have been completely transcribed. Transcriptions will then be anonymized. All audio files will be deleted after this.

7b. What will happen to the data at the end of the research process? If it is to be archived, how will this be done? If it is to be destroyed, when will this happen and how will this be achieved?

I will not be archiving the data. I will retain anonymised observation data and interview transcripts.

Freedom of Information

8. If a Freedom of Information request was made for the research data to be collected during this project, are there any exemptions that you would seek to claim under the Freedom of Information Act which would require or allow the University to withhold some or all of the data from disclosure, either during the research or if archived?

No

Health & Safety

9. Are there any significant health and safety risks to the researchers, the research participants, or third parties associated with this research? Please comment on your perception of the degree of risk, in context; whether you think special precautions are necessary; and why your approach is proportionate to any risk.

There is little to no risk with this research. Both interviews and observations will take place in public buildings covered by health and safety protocols

Other Information

10. Is there anything further that you think the Research Ethics Committee should know about in relation to your proposed research, such as particular risks not identified by this form, costs imposed on research participants, or particular benefits of the research that should be weighed against the risks and/or costs identified, which the form does not cater for?

No

Feedback

Feedback from participants in the ethical review process is vital to keeping it a participatory and academic (as opposed to an administrative/managerial) process. If you have any further questions about, or criticisms of, the ethics review process which the Research Ethics Committee can take into account when considering future practice, please take the time to let us know.

Section 6: Sign off for Supervisors and Primary Investigators.

Primary Supervisor's Statement (where the application is made by a research student)

I have reviewed this application, and have discussed the research design, and any training needs, with the applicant prior to its submission. I (or the alternative supervisor also named here) will provide continuing ethical oversight for this research which will take a heightened form if the applicant has not undertaken formal ethics training.	Dave Cowan
Date of electronic submission of this form by primary supervisor to Law School Research Ethics Committee	6th January 2017

Primary Investigator's Statement (where application is completed by project researcher)

I have reviewed this application, and have discussed the research design, and any training needs, with the applicant prior to its submission.	
Date of electronic submission of this form by Primary Investigator to Law School Research Ethics Committee	

Section 7: Checklist

All relevant questions completed	YES/NO
Copy of risk assessment document	YES
Copy of information documents to be provided to research participants	YES/NO/NA
Copy of written consent sheet to be completed by research participants	YES/NO/NA
Other documents provided (please specify)	
Registration checklist completed and submitted to Research and Enterprise Development	YES/NO

Law research ethics committee's comments and approval

Below I present the email exchange containing the committee's comments and approval of this thesis´ ethics protocol.

On 20 January 2017 at 00:20, Akis Psygkas <a.psygkas@bristol.ac.uk> wrote:

Dear Ignacio,

Thank you very much for submitting an application for ethics approval for your research. The LREC has now reviewed your application and found it comprehensive and very well thought out. The Committee also praised the research design.

We have also identified some points that I have set out below and to which we would like to invite your response before giving final approval to the project. The first category ('need addressing') are items that would invite you to make some revisions to the documentation you have submitted to the Committee. The second category ('further points for clarification') are observations that would simply invite a brief response by email.

Need addressing

There was some concern expressed with respect to the role of 'informal conversations'. Whilst we accept the points made in answers to 6a and 6c that obtaining written consent would create unnecessary tensions, the difficulty is that these conversations have the potential to create research data and those who take part in these conversations are research participants who have a right to know how the knowledge they are sharing with the researcher is to be used. Perhaps a way round this is for there to be a general information sheet to be circulated to all those who work in the court buildings and those who are users of the court buildings that will be subject to

the research, with details about the research, what sort of data is to be collected, and reassurances about what data will not be collected, and would provide anyone interested or concerned with the opportunity to speak to the researcher. For conversations held beyond court premises, an additional safeguard would be to provide those research participants with your contact information (eg a business card) so that they can contact you if they have any concerns or questions about your conversation.

You state that data will not be retained after the end of the project. This might be problematic -

a) because some journals require you to make statements about where the data can be accessed, and b) there is University guidance that data be retained for a minimum of ten years (See Guidance on the Retention of Research Records and Data). Accordingly, we would invite you to add language in the information sheet that the data will be retained in accordance with University Guidance on the Retention of Research Records and Data (eg following the section where you refer to how data will be stored).

With respect to collecting photographic data, this could be potentially problematic if such data may reveal the identification of sites which could lead to the identification of participants. More clarity would be required about what photographic data is being collected. Furthermore, there is no reference to photographic data in the consent form.

With respect to withdrawal from the study, we'd invite you to provide a more specific timeline in the consent form in accordance with your answer to section 6d of the application form.

In 6e you state "if I were to be made aware of an instance (or instances) of criminal activity in which case I would pass information on to the relevant authorities. This would be made clear in the consent form." This is currently not in the consent form.

Further points for clarification

With respect to locations beyond court premises, on p. 7 you write “I anticipate this can include police stations, local psychologists, family centres, or administrative judiciary offices.” Could you please clarify the nature of ‘public location’ as to psychologists? Another small point: if public locations will be used for informal conversations, this raises the risk that those speaking to you may inadvertently make public issues that are confidential.
As to 5e, you make the point that the research is in the ‘substantial public interest’ which is a high test. Securing explicit consent in a formalized fashion also permits processing of sensitive personal data. You plan to record explicit consent for the interviews but not the ‘informal
conversations.’ This further highlights the point made under item 1 above about the need to think of some additional safeguards.
I hope that these points should be relatively straightforward to address. Please don’t hesitate to contact me if you have any questions or need further information. I look forward to hearing from you.
Best wishes, Akis
Chair, LREC
--
Athanasios (Akis) Psygkas
Lecturer in Law
University of Bristol Law School
Website
.psygkas@bristol.ac.uk Twitter: @AkisPsygkas
Re: Your application for ethical approval
Akis Psygkas a.psygkas@bristol.ac.uk

Mon 20/02/2017 18:36
To: Ignacio Riquelme Espinosa <i.riquelme@bristol.ac.uk>
Cc: David Cowan <D.S.Cowan@bristol.ac.uk>; Emma Hitchings <E.Hitchings@bristol.ac.uk>

Dear Ignacio,
Thank you very much for your message responding to the LREC's comments and for the updated attachments. Having reviewed these documents, we are happy to grant you ethical approval for your research.

Just to follow up on the small point under 7: What we also had in mind when we wrote “if public locations will be used for informal conversations, this raises the risk that those speaking to you may inadvertently make public issues that are confidential” was the risk that for conversations beyond court premises someone who is not supposed to may overhear conversations around issues that are confidential. This can probably be avoided if you are aware of the surroundings and the people who are present.

Please let me know if you have any questions or comments. Good luck with your research!
Best wishes,
Akis
--
Athanasios (Akis) Psygkas

Lecturer in Law
University of Bristol Law School
Website
a.psygkas@bristol.ac.uk
Twitter: @AkisPsygkas

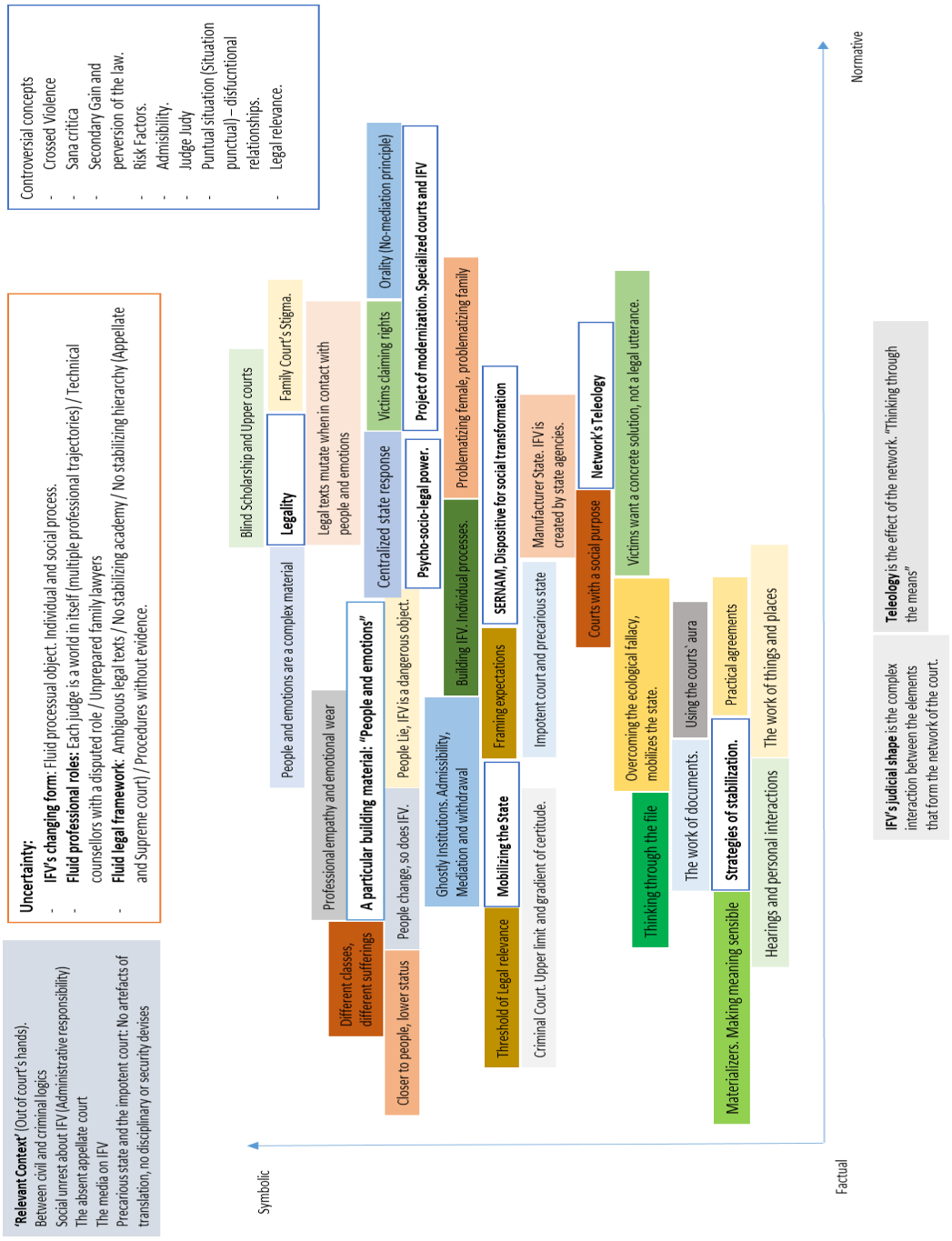
Appendix 2: Interview Schedule.

Below I present the basic interview schedule. This schedule was adapted according to the interviewee´s profession and role. This adaptation entailed introducing prompts about specific issues related to her or his work (like in the case of counsellors, in which the schedule would consider their relationship with judges or, in the case of prosecutors, their views on the FCs use of precautionary measures)

Interview Schedule		
Topic	**Guide questions**	**Note**
About the own professional identity.	Could you tell me about your professional history and What led you to work in this area? What challenges have you faced and what skills are required in your line of work? How and where did you learn skills? (texts, courses, other professionals, etc.)	*Keep in mind distinction between skills learned in court versus elsewhere.*
About the legality.	What has been your experience in working with lawyers and legal language? What does this imply for your work (strategies)? How have you learned to do this? What problems do you face?	*Experience and strategies of the expert.*
	What is the role that **(other professionals)** play and should play in IFV cases? Do you think there are difficulties or problems in this? How does this relate to your work?	*Definition of other professionals* - *Mention gender difference.* - *Mention women´s centre and legal aid.* - *Keep an eye on court comparisons.*
	How does your work relate to your formation as a Lawyer/psychologist/social worker? How would you define your role within the processing of IFV cases?	*Self-definition as actor – expert.*
About the means of work available.	I would like to ask you about the role of certain elements that I have noticed are important in IFV cases. What possibilities and problems do they entail? When did they come into use and why? Have they changed over time? How? Are there other crucial tools? Examples: • Court´s waiting room. • Psychological reports. • Decision register. • Legal concepts (IFV / Risk Factors).	*Try to follow tool within the interviewee´s narrative.* *How was it devised and how is it used?*

	• SERNAM Women´s centre. • Gender notions.	
About the nature of IFV.	What are the key aspects to examine in an IFV case? What do each of them tells you about the case? How would you characterize the types of IFV cases managed by the family courts?	*Relevant aspects of case*
	Which aspects of the parties are relevant to your work and why? (attitudes, arguments, appearances, etc.)	*Relevant aspects of the parties*
	Is there any difference between IFV and other kind of cases? What about IFV hearings?	*IFV´s singular traits*
	What is the aim of your work in IFV cases? What does a good result entail for you?	*Normative valuation*
	What is and/or should be the goal of court´s work on IFV?	

Appendix 3: Conceptual Map.



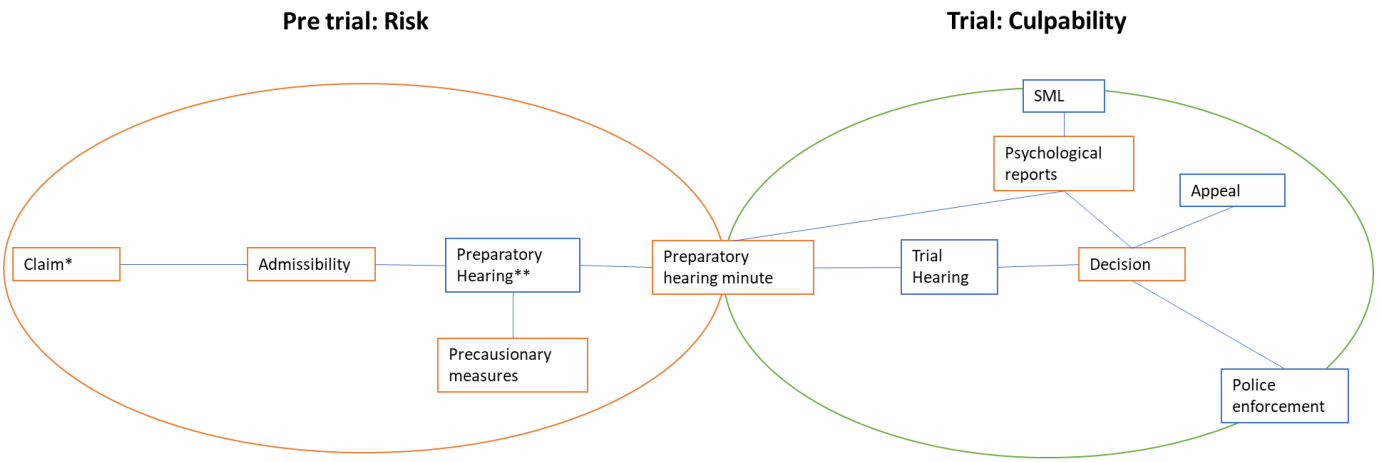
Appendix 4: List of Acronyms

List of Acronyms	
ANT	Actor Network Theory
DECS	Supreme Court´s Studies Department
FC	Family Court
IFV	Intrafamily Violence
INE	Chilean National Statistics Institute
SIFTA	Computer system of family courts in Chile
SERNAM	Chilean National Women´s Service
SML	Chilean Medico-legal Service
VAW	Violence Against Women
SWC	SERNAM´s Women Centre

Appendix 5: List of Court professionals and participants.

Research participants		
Institution	**Title**	**Role description**
Family court	FC Judges	
	Appeal court judge	Judge belonging to appeal court overseeing the FCs participating in this research.
	Counsellors	Professional in charge of advising Family judges on matters of violation of rights, intrafamily violence, adoptions, and others at the judge's request, incorporating psychosocial aspects as guidance for jurisdictional exercise. Assistance concerning IFV cases includes interviewing parties to the cases prior and during to hearings and providing judges with their opinion in each case.
	Court Staff	FC professionals providing administrative assistance in the processing of IFV cases. Including, courtroom secretary, receptionist, guard and claims editor
SERNAM´s Women Centres	SWC Lawyers	Professionals in charge of representing women claimants of IFV in the area of the FCs participating in this research.
	Psychologists and Social workers	SWC professionals in charge of assisting women experiencing IFV and reporting to the court about cases under the legal representation of SWC.
Legal aid corporation	Legal Aid Lawyers	Lawyers providing state-funded legal representation.
Elder´s national service	Elder´s national service Lawyers	Lawyers that provide state-funded legal representation in cases concerning the elderly.
SML	Expert Psychologists	Professionals from the Chilean Medico-legal Service in charge of elaborating forensic reports concerning the psychological status of partied to IFV procedures.
Prosecution office	Prosecutor	Professionals in charge of prosecuting criminal IFV cases in the same jurisdictions as the FCs participating in this research.
	Assistant Lawyer	
Feminist NGO	Lawyer activist	
	Private Lawyers	

Appendix 6: FCs IFV procedures scheme



*It can be filed in the police, the prosecution or the family courts, with or without the representation of a lawyer.
** Ten days after the filing of the IFV claim