



HAL
open science

Documents Against Knowledge. Immanence and Transcendence and Approaching Materials.

James Leach

► **To cite this version:**

James Leach. Documents Against Knowledge. Immanence and Transcendence and Approaching Materials.. Law Text Culture, 2019, Legal Materiality, 23 (1), pp.16-39. halshs-02424685

HAL Id: halshs-02424685

<https://shs.hal.science/halshs-02424685v1>

Submitted on 7 Feb 2020

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.

2019

Documents against 'Knowledge'; immanence and transcendence and approaching legal materials

James Leach
University of Western Australia

Follow this and additional works at: <https://ro.uow.edu.au/ltc>

Recommended Citation

Leach, James, Documents against 'Knowledge'; immanence and transcendence and approaching legal materials, *Law Text Culture*, 23, 2019, 16-39.

Available at: <https://ro.uow.edu.au/ltc/vol23/iss1/3>

Documents against 'Knowledge'; immanence and transcendence and approaching legal materials

Abstract

In the wake of Ingold's critique of 'materiality', one that highlights the cosmological assumptions about spirit and matter that the concept inscribes, I examine 'material' documents that record custom and indigenous knowledge on the Rai Coast of Papua New Guinea. Documents and books have a history there bound up with colonial governance and with missionisation, thus a strong connection with imposed 'law' in local understanding, yet the production and circulation of documents have also been a site of resistance to the imposition of outside forms of politics, law, and 'knowledge'. Examining the documents they choose to make themselves makes us consider whether knowledge and law is something that exists 'to be' documented, or whether in fact, documentation (like initiation or gardening) may be where knowledge is 'immanent' (following Strathern's recent formulation). Their documentation is 'against' knowledge in the image of a transcendental and universal commons, or a private possession. Focusing on their modes of making knowledge appear leads to a consideration of the performance of knowledge, the time and manner of its revelation and concealment, and of how different (cosmological) conceptions of 'materials' and process can be of interest in shaping a 'legal materialist' approach without a transcendent image of law.

Documents against ‘Knowledge’; immanence and transcendence and approaching legal materials*

James Leach

1 Introduction

In Hyo Yoon Kang and Sara Kendall’s exploration of legal materialities we are invited to see legal materials and the law in a mutually constituting process. To this effect, Kang writes, ‘law’s materials are not objects over which law wields its power but its own constitutive ingredients of revealing itself’ (463). Yet they also retain a specific power for ‘law’ as producing a distinct materiality. Law is not simply there ‘in’ its materials but is somehow constituted out of and transcends material manifestation as a recognisable force. As Kang continues, ‘[t]he recognition of legal materiality as a relation between the abstract and the concrete produces a level of complexity, which cannot be adequately accounted for by an ethical call to ‘let the material things speak’ (2018: 465). This emergence is apparent to them in the ‘language game’ that is central to law, and helps constitute the hierarchical system of knowledge law relies upon, one that assumes a top down-authority (backed by the power of the state, monopoly on violence etc.). Thus, ‘[t]he sensibility for law’s internal logic and practice is perhaps the reason why many of the legal ‘new’ materialists have studied legal media of inscription, their circulation and interpretation. Texts, in various

Documents against ‘Knowledge’; immanence and transcendence and approaching legal materials

forms and genres, are taken as vital matters through which legality is materialised through inscription and speech and institute law as a system of knowledge’ (Hyo Yoon Kang 2018: 459). In this formulation, there is something that is there to be materialized (‘legality’).

This leads to open questions about what is distinctively *legal* about legal materialities. In fact, Kang and Kendall suggest that legal materiality could even be ‘opposed’ to other forms of materiality. The proposition contains, then, a fascinating point of animation: the conjunction between ‘abstract’ and ‘concrete’ which is identified as key to law as a specific realm of practice. They refer to the non-dualism of Deleuzeian ‘immanence’ to show how law ‘comes into being’ through its material practice, but retain a social or language/material binary that denotes a dualist logic which they believe is vital to the subject matter.

I am going to suggest that their image of how law is distinctive is perfectly accurate (it claims or constitutes itself as a transcendent force, whether of rationality, or justice, or arbitration), but that it is problematic to identify the transcendental imposition of form as an analytic *starting point* for understanding how particular materials come to have the effects they do in making ‘the law’ appear. The point for me is not to trace the adaptation of generic material by a specific social discourse into legal materialities, but rather to glimpse how this very image of law’s transcendence is constituted in practice.

In other words, the emphasis on ‘discourse’ runs somewhat counter to an analysis of legal materials as participating in the construction that is ‘law’, as it must be somehow prior to, or outside those materials, in order to be materialised. The location of legal materials within a legal discourse replicates the idea of a transcendent realm of knowledge that gets inscribed in materials that then make law ‘appear’. I aim to pinpoint the particularity of this process as a self-constituting transcendence, and thus open up a view on other possibilities of dealing with issues that have the attributes of the legal in the absence of such self-constituting ideology. I show, by examining a ‘non-transcendent’ image of knowledge that there are ways of ‘doing’ knowledge without recourse to an image of knowledge as outside or different to the process

of its appearance. The case is suggestive, by analogy.

The argument refers to things that on the surface appear to be other than about law. Yet I maintain the focus on ‘knowledge’ (present in Kang’s formulation of law as a particular institution) is appropriate, as ‘its’ existence in this discourse (outside its manifest appearance) is precisely that of ‘law’ itself. By offering an alternative form of ‘doing’ knowledge, drawn from ethnographic material, I offer a clue as to how we might think about law that does not replicate an ethnocentric assumption of law/knowledge’s transcendence over materials.

2 Cosmological assumptions: immanence and transcendence

Tim Ingold (2007) develops a critique of influential anthropological and archaeological approaches to ‘materiality’. The core of his complaint is that studies of materiality tend to explicate the centrality of objects and artefacts through abstract theory rather than attention to the qualities of their materials and to following the processes of their making. Ingold instead advances an understanding of materials as offering properties and possibilities in conjunction with the development of organisms, and perception itself, in specific processes of what he calls ‘life’. Relations with others shape and are being shaped in conjunction with materials as parts of the same process. At heart, Ingold complains that studies of ‘materiality’ re-inscribe a dualist philosophy of lifeless material and animating spirit. For my purpose here, I characterise this as a critique of the *cosmological* assumptions that a focus on ‘materiality’ imports into recent anthropological analysis.

As Marc Higgin puts it, there is a ‘problematic *animist* separation of lively worlds of human sociality – even enlarged to include all our “stuff” (Miller 2010) – from a non social, pre-given world of “brute” materials (Tilley 2007)’ (Higgin 2016: 70). He locates a ‘dialectic’ legacy in material culture studies, ‘a logic of *form* that moves seamlessly from idea-form to object-form to forms of social relation’ (85). An animating principle of spirit, or agency, or knowledge, is bestowed on, gives form to, and is somehow subsequently read from material objects. Knowledge

Documents against ‘Knowledge’; immanence and transcendence and approaching legal materials

is always understood as additional to, and detachable from, the object form it takes or results in. This metaphysic is the familiar spirit/matter divide of a ‘transcendentalist’ (Strathern 2018), hierarchical cosmology.

In the context of an earlier (and different) debate²², Carol Delaney (1986) has pointed out that transcendentalist conceptions of creativity (and creation) are aspects of a Judeo-Christian monotheistic heritage, linking this to the gender implications of the modernist version of creation. She points out that Adam was the genitor of the line of human beings who, partaking in God’s divine creativity, were able to recreate themselves. They knew themselves as God’s people because of this ability to project themselves into the world through their progeny. Culture, agriculture, objectification, all those elements in our history and society that impose form upon the world are versions of the primordial creativity that Adam embodied, of man planting his seed in the receptive earth, and knowing himself through his own reflection in the response. Delaney argues that it is this idea of ‘paternity’ that is a core symbol around which analysis is organised. It also has a strong influence on ownership, since it was God’s earth (he created it) that was given to Adam, who then passed it down the male line to his descendants. Paternity in this construction is an act of adding life or spirit to inert but receptive matter. She locates this as a Judeo-Christian political legacy, a hierarchical, ‘transcendentalist’ cosmology where life is outside and inscribed in matter. We have the notion of the ‘soul’ as a result: that which lives beyond and outside the material body. As Starthern points out, the anthropological notion of animism was a retrospective projection of this notion of ‘soul’ into primitive cultures.³³ Instead, Strathern also invites us to conceptualise life in and through materials, and this brings me to some recent writing about Melanesia in which assumptions about life (and death) are turned around in an illuminating manner.

In her Foerster Lecture (2018), Strathern considers ‘life in materials’ in a specific formulation: the capacity of some (staple food) crops in Melanesia to self-replicate asexually. That is, both taro and yam are replanted each year from parts of the self-same corm/tuber that is also

James Leach

eaten. Reproduction is a form of 'cloning' (11), where the same plant is grown or regrown year after year. Referring now to ethnographic material I will draw upon later in this paper (on harvesting yams in Reite village on the Rai Coast of Madang, in Papua New Guinea), a short portion of the top of the tuber is retained while the rest is cooked and eaten. This 'head' is replanted in the subsequent year's garden and regrows. The plant is the same, and life is thus continuous over many generations; 'it is the bit of the corm or tuber that is cut off or otherwise separated from what is to be eaten that provides the nourishment for the new corm or tuber that grows in its stead. What is eventually harvested is in effect a 'replacement' for the piece that was planted, frequently imagined as a parent, whether father or mother, who dries up, shrivels and dies away' (Strathern 2018: 12). In pointing this out, Strathern helps us make sense of many of the things that gardeners in Melanesia say and do with their crops in a manner that *does not* replicate a hierarchical cosmology of the animation of matter by spirit or idea.

Reite people insist, for example, that taro was and is a deity, and the taro deity gave Reite people the knowledge and processes of taro cultivation alongside the original strain of taro. The deity 'disappeared' after instructing Reite ancestors in how to grow (himself) but said he would always be with them when they followed his process and planted the original taro strain as the centerpiece of their gardens. Taro also self-regenerates, producing seed corms from the sides of the taro corm which is eaten, and these are replanted in the name and breath/voice/tune of the taro deity each year. *The deity* regrows. He does not enter into the plant. He is the plant.⁴⁴

It is not just plants that are regrown. People take the names of their grandfather's generation in Reite. They follow their ancestors' words and their actions in relating to taro. As Strathern writes, 'the identification of the present planter with his or her predecessor, the one whom he or she has 'replaced', is repeated over and again (Strathern 2018: 12). By linking cloning and immortality, Strathern redirects our attention as to where life may be continued without recourse to a transcendental soul or spirit, and how life (and death) are 'immanent' in the very

Documents against 'Knowledge'; immanence and transcendence and approaching legal materials

processes of material transformations. This provocatively suggests that if anything is immortal, it is *the body* that replicates over generations. Far from 'the soul' transcending the body after death, if the soul is located anywhere, it *is in the plants* that, as themselves, appear and reappear in each generation. She outlines the possibility of conceptualising a 'Melanesian immanentism' (2018: 17). Strathern herself contrasts this 'immanentist' cosmology with a 'transcendentalist' (2018: 12-13) of which Delaney's description could stand.⁵⁵ As Strathern writes 'We simply do not need to concern ourselves with the relation between body and soul in terms of materiality and spirituality... ' (17).

With this framework, and taking two core ideas – that of the possibility of understanding materials as themselves having and participating in life, and of the kind of temporality implied by agricultural and kinship systems in which regeneration through cloning are cyclical processes of immanence, I wish to turn to the 'matter' of my investigation: *knowledge and documents* in this particular area of Papua New Guinea: the Rai Coast, and specifically in Reite village. I will explore what we might learn about knowledge and its appearance through examining documents as a form of *knowing that is itself* knowledge and does not inscribe knowledge that is somehow located elsewhere, outside the process. The question is that of how we can describe knowledge as immanent in the doing, rather than a transcendent something waiting to be inscribed in material form.

To signpost the connection to law, in what follows, I refer to documents relating to 'kastom' on the Rai Coast. They take us far from the way in which law presents itself as common sense in a 'transcendentalist' formulation. If the legal materialist notion of law holds an implicit idea of knowledge in distinction to materiality, the manner in which Reite people are doing documents suggest a different way of defining (or 'doing') law, and one which offers an approach to understanding how 'law' is constituted that includes materials not as prop or manifestation, but as the thing itself.

3 Colonial documents

Reite people live in a tropical rainforest environment. They subsist by yam and taro cultivation, and hunting and collecting of game and other forest resources. They are part of a language group of around 1200 speakers called Nekgini. Colonised by the Germans around the turn of the 20th century, and subsequently administered by Australia, but a long way outside the practical, everyday orbit of any administrator, a Lutheran mission station was opened on the nearby coast in the early 1900s, and labour migration for plantation work and mining was sporadically imposed or encouraged during the first half of the last century (Lawrence 1964: 42-3). First missionised by native mission workers in 1936, Nekgini speakers initially adopted the new religion of the colonising power before subsequently rejecting it and self-consciously re-adopting what became called '*kastom*', that is, ritual and religious activities that they identified as linked to taro and yam, and practicing a musical male cult that requires initiation and long periods of abstinence and restriction. By the 1970's Australian colonial efforts to 'develop' such rural areas through agricultural outreach schemes resulted in sporadic cash cropping (coffee and cocoa) and after Independence (1975), the arrival of a primary school (1990s), a medical aid post, and other crops. More recently, logging and the construction of a large nickel processing plant along the coast has had a significant impact on their environment and made them peripherally (and wholly unsatisfactorily) engaged in sporadically servicing a market economy (Leach 2014). Reite were not unique in rejecting missionisation. The Rai Coast and parts of Madang province were the site of some of the most famous re-interpretations and creative engagements with colonial rule that go under the name of 'Cargo Cult' in the Pacific. The foremost mid-century anthropological account of these 'phenomena' is that of Peter Lawrence.⁶⁶ As Lawrence shows, dissatisfaction with their inferior position under colonial rule and under expanding capitalism spurred a number of attempts to rebalance the situation through ritual and religious means, at times drawing directly on Christianity, at times creating hybrid practices that utilised old beliefs and merged them with

Documents against ‘Knowledge’; immanence and transcendence and approaching legal materials

interpretations of the new religion (and what the whites were hiding of that religion) or sometimes, as in Reite, re-invigorating ancestral practice itself. In the case of Reite, some did this in the hope of bringing cargo. Writing and documents have played a significant role in this history of responding to colonialism and ‘law’.

Colonial control was visible in and made apparent by the introduction of religious texts (the Bible) and administrative forms and orders. These two were inevitably bound together in local perception, as, ‘Historically, literacy [...], like virtually everywhere else in the Pacific region, was introduced in Christian contexts’ (Kulick and Stroud 1990: 290). As Lawrence recounts, ‘After 1904, each village or hamlet cluster was placed under a native headman or *luluai* ... who had to maintain order, guard the village census book, report epidemics and settle minor disputes’ (1964: 42-3). The census book, the written order, the bible knowledge and admonition of the catechist, were the material forms in which colonial power (law) appeared. Lawrence tells us that on the Rai Coast, ‘the natives decided to become Christian partly from political motives’ (74), and this was bound to the use of documents. Villagers could not accept that the new way of life represented by the material trappings of colonial power did not go alongside the new religion that ‘would explain and validate it in the same way’ (74). ‘Christianity by explaining and validating the new way of life would automatically explain and grant control over its essential ingredient, the cargo’ (74). Where, ‘the keynotes of the traditional religion were its materialism and its anthropocentrism’ (75), it is unsurprising that reading and writing, and documents themselves, were considered the technology through which power was exercised. ‘As English was one of the subjects taught, the [introduction of schooling] aroused considerable interest and enthusiasm. Many people ... believed that at least they would be able to read the European’s Bible in toto and discover the cargo secrets for themselves’ (Lawrence 1964: 98). Note that Christianity was linked *through literacy and documents* to colonial power, not as a transcendent spirit (God) but as a practical method of achieving power.

The emphasis on written laws and written knowledge is important.

On the Rai Coast an overstretched administration attempted to make alliances with local leaders after world war two in order to bring control. This was the period of the famous ‘cult’ leader Yali, who for long periods had administrative backing. Lawrence reports that Yali was deeply concerned about his standing in the eyes of the administration, and was highly competitive with the missions for authority. Believing himself to have been given permission, even encouragement, to revive and practice ancestral forms of religion (*kastom*) set him on a collision course with the Missions who were the *de facto* educators and bringers of colonial change into Rai Coast people’s lives.

Lawrence describes a growing ‘bureaucracy’ around Yali on the Rai Coast. He was illiterate, but many of his followers, ‘styled themselves as his secretaries, dealing with his correspondence, compiling lists of workers, and writing down his instructions’ (145). Lawrence goes on to note rather disparagingly in a footnote that, ‘the documents show no appreciation of the meaning of letter-writing and the material they contained could have been better handled verbally. They served more than anything else to enhance the writers’ importance’ (145 f2).

On the Rai Coast, ‘Yali was encouraged to draw up a set of “laws”, combining the best features of the two cultures, for native society. [He] .. spent a great deal of time drafting several documents in Pidgin English. One document listed influential supporters.... Another the procedures for ordering goods from the stores... setting out old and new “laws” ... organisation of work in the village, house-building, marriage rules,... water rights, reef rights, land rights, funeral ceremonies...; the use of sorcery and love magic [etc.]’ (Lawrence 1964: 172). Lawrence tells us that ‘The Yali laws were never... tested by the Crown Law Office for their strict legality. This was probably quite unnecessary, for they do not appear to have contravened the Administration’s legal codes in any way. ... But, according to Yali, the Administrator told him personally ... that he fully approved of the “Laws”... After these remarks, *Yali believed that his victory over the missions was complete*: he need brook no further interference from them’ (Lawrence 1964: 75, emphasis added). Victory (power) was gained by the activity of making

Documents against 'Knowledge'; immanence and transcendence and approaching legal materials

and circulating documents.

Roger Keesing reports that Kwaio people from Malatia in the neighbouring Solomon Islands also reacted to colonial rule through producing documents (written laws and codes) of their own. In the 'struggle for cultural autonomy' (Keesing 1992), Kwaio speaking people, as Kulick and Stroud put it, 'actively and creatively apply literate skills to suit their own purposes and needs' (1990: 287). In the Kwaio case this meant the formulation and material manifestation of their own laws and customs to actively prove to their colonial masters that they were capable and deserving of self-governance. This was, unsurprisingly, to be achieved through *documenting* these laws. 'The legitimacy of British claims to sovereignty was symbolically established with flags and parades and distant King and bewigged magistrates as well as warships and Winchester rifles. The semiology of domination – and the place of the written word in its imposition – casts important light on Kwaio resistance. Contestation operates at a symbolic as well as a political level' (Keesing 1992: 232). In other words, the law and resistance to the imposition was made present and had its effects through the act of writing and circulating documents. Part of my argument is that Rai Coast people saw literacy, writing, and documentation as *actions*. Documents and writing were the way of acting and doing 'law' and 'knowledge' appropriate to the new form of power. To reiterate above, 'law' was writing and circulating documents. The actual *content* (as Kulick and Stroud emphasize) was not the issue (1992: 289). Words could be misleading, it was clear the Bible was not complete (as it had no mention of how to achieve equality with and the material wealth of the whites), etc. It was in the doing of documents that power might be gained.

By no means all of those who adhere to or value 'traditional knowledge' or *kastom* on the contemporary Rai Coast do so in the hope it will make 'cargo' appear. Nevertheless, there is to this day a consistent desire for recognition, equality, and access to power expressed by Reite people and Rai Coast dwellers more widely. With a history of competitive and often agonistic internal and external relations, but

James Leach

with no inherited authority or wealth, the structural inequalities and consolidation of power within the colonial and now post-colonial state, as well as the inequalities natural to capitalist economies, have always been considered as perverse or worse.

So documents were known on the Rai Coast in processes and flows of both internal and external relations (census, voting papers, colonial bureaucracy, laws, bible), and local versions of control have been asserted at times through paper and ink and their use. There is recognition of a kind of force and legal status, although that 'legal' is linked often to the church and the bible and associated with the promise of damnation or salvation. But the damnation/salvation binary was immediately interpreted in immanentist, not in transcendentalist, terms – that the damnation or salvation that was talked about was the current and practical inequality between whites and Rai Coast people. That salvation would be 'cargo' as the material of recognition and power. The circulation of paper was central to the project of achieving this 'salvation'. Paper was employed in direct mimicry of western bureaucracy, and as the medium in which to convey claims to the colonial and independent state. We cannot possibly read their enthusiasm for an anthropologist writing about their *kastom* and history in any other context than this perception of the power of paper and documents in engaging with new manifestations of the power of life and death that they always claim was and is theirs. That is, in immanentist rather than transcendentalist terms. What then, we might ask, does documenting *kastom*, as traditional or ancestral 'knowledge' or law look like if it is an action in itself, rather than the inscription of a corpus of knowledge and practice that transcends its material manifestation?

4 Documenting 'knowledge'

In 2014 I began a collaborative project (TKRN) with people in Reite village, and with an artist/designer colleague Giles Lane⁷⁷, to develop a documentation system that we, and other rural people, could use to record and transmit what we termed Traditional Knowledge (as a well acknowledged, inadequate shorthand). The impetus was very much from the side of Reite villagers. This is important. From

Documents against ‘Knowledge’; immanence and transcendence and approaching legal materials

my first arrival as an anthropology student 25 years ago, Reite people have supported and encouraged the writing down of their ‘kastom’ for variations on the reasons set out above. They say they were ‘waiting’ for it to happen. The 2014 project grew from the desire of particular people to make records ‘to link them with future generations’ (Nombo and Leach 2010), and to find a way that this could be achieved using simple, locally available materials, and also in a manner that took account (to the extent possible), of a relational, personal and processual form that knowledge and knowledge exchanges take in the area (Leach 2012, Leach forthcoming).

We began by drawing on Giles’s work developing a system for ‘public authoring’. Porer Nombo and Pinbin Sisau met Giles and began exploring his publishing system during a visit to the British Museum in 2009 (Nombo and Sisau, 2015). ‘Public Authoring’ is based on a paper folding technique that allows commonly used paper formats to be hand modified into self-binding booklets. These booklets require simple tools, and yet are designed to become hybrid entities existing both physically and digitally. PDF templates are created that are the basis for the booklets. When printed out, the sheets are cut and folded. The templates can be designed with different rubrics, questions, information etc. They are then available to people to fill in any way they see fit (within the constraints of the format (i.e., number of pages, two dimensions, written or drawn records, etc.)). More or less guidance or direction is possible when designing specific templates. Once complete, the booklets can be unfolded and scanned, offering a potentially more durable digital copy of the original. Digital files can be printed and re-folded to provide a facsimile. The scans can be stored, combined with others to generate a series or set, and shared through digital media formats if so desired. Giles and his booklets offered a way to experiment, and we began what we thought of as an extended ‘co-design’ process of templates and a process/protocols for their use. This involved intense discussions of what templates for specific booklets that would be useful to villagers would look like, and with many public meetings in Reite villages gauging interest, concerns, opposition, and receiving advice.

James Leach

Reite people deliberately leave things out. One line of interpretation is that showing that there is knowledge is an invitation to a further relationship. In fact, many things that are referred to in the booklets *require* a specific relationship to the documenter to be effective. Taboos have to be followed, and obligations to particular persons who revealed the ‘knowledge’ are necessary to ‘knowing’ it – that is, for it to ‘work’. Documenting is an invitation to a relationship, where people are not working with a conception of knowledge that requires a comprehensive record. And this points to the core of my argument – the booklets are doing other things. In fact, the booklets are a ‘doing’. They are a performance of knowing, a process in which knowledge is shown to be a resource for connection and future/past relations to coalesce.

As Crook has argued, the ‘modern’ impulse to document knowledge arises in a form of temporality in which there are objects or units of information that disappear if not transmitted or recorded (2007: 10–11). We fear the loss of knowledge because the past recedes, and we cannot go back and retrieve something that is gone. Perspectival forward movement in time spurs documentation to prevent things receding into the past. But in a cyclical and regenerative cosmology where yams are regrown, and taro the same taro, and you are your grandfather and your grandchildren imply no possibility for loss in this sense. Here ‘knowledge’ is operating in a different manner. Performance and enactment is key. Questions about the form and content of TKRN documents that concerned Reite people have been more about an aesthetic of effectiveness in these terms than about completeness or coverage *per se*. And even more interestingly, incompleteness was completely deliberate in many cases, and explicitly motivated. Documentation is of a capacity for having an effect, not of a series of knowledge-objects that lined up together could be called ‘encyclopedic’ or ‘comprehensive’. Documents are a doing of knowledge that connect children and grandchildren in relations of power. As the willingness to engage in documenting shows, this is not an argument that there is no novelty, but that new and old alike are immanent in relations.

Reite people have already adapted the form of attribution that we

Documents against 'Knowledge'; immanence and transcendence and approaching legal materials

carefully thought out. In a perhaps brilliant move, they have innovated spectacularly on the mode for keeping things attached to persons. Many of the booklets now name the children or grandchildren of the actual writer as the author. They substitute pictures of these children for the picture of the writer, and use that child's name on the cover in the consent and circulation rubric. Just as it does not seem necessary to these documenters to agree a canonical form for *kastom* in the process of documenting it (but there *are* heated and constant debates in other arenas about correct ancestral procedure), nor to ensure complete coverage or preservation, a concern with 'authorship' as such is not the point. Having multiple versions of the same story demonstrates a desire not to divide labour and document everything, but to claim a connection with certain important things. And the subversion of generations is also part of this. Placing the child on the cover is like putting that knowledge into the future. 'Loss' is directly obviated as the transfer is already made. 'Loss' effectively disappears. As an anthropologist from a tradition of transcendental images of knowledge, I was concerned about if the booklet survives or not, how village people can access it, and so forth. These were not their concerns. Instead, some writers in Reite have taken the document as a possibility for the future to be made to happen now. Knowledge is already the relation between the parent and child, and that relation is made present in the material that is the booklet. To further understand this, I wish to return here to the division between spirit and matter that Ingold identifies in his critique, and to Strathern on mortality and immortality in Melanesian systems of thought.

I suggest we think about secrecy and revelation as material practices. Not the material manifestation (inscription) of an abstract 'knowledge' that somehow lies elsewhere, but the very thing itself. Talk is a material practice, with breath and flesh shaping sound and travelling though the medium of the air, effected by the acoustic properties of the spaces and structures in which it happens. The *process* of transmission then is the *material*; it is not something that happens to the ideational that lies somehow elsewhere or outside the transmission. And much of the transmission of 'knowledge' in Reite is in hiding, staging, diverting

James Leach

attention, and in distributing responsibility and separating people (Leach 2003: 79-87). Knowledge is not 'there to be revealed', but is the revelation or the dissemination, is the meeting of initiate and initiator. In other words, I think we need to try to think of knowledge in 'immanentist' rather than 'transcendentalist' terms, and that means not separating idea and form.

Where the past is present in the future, where you are your grandfather and your child is the father of yourself, a different context for knowledge and loss is implied. The yam you plant can be the same yam that your father or grandfather planted. The name you call when connecting your action in planting that yam is the same name as these people used and the same your descendants will use. Looking at Reite material, it is all too easy to fall back into familiar patterns of understanding matter and spirit. That is, to see the garden magician calling on the spirits to come and animate or grow his crops. But Reite people insist that the yam and the man are the same. That planting and calling are not different processes; they are the way you bring yams into life and how the garden is grown. Knowledge is not separate from the practice, not an addition, just as the life of the yam is not added or additional to its substance and matter. Planting yam is a doing, a doing of knowing that wraps the doer into a history and a future replete with other people who are related through the action of planting.

Much, if not all, practice in Reite is with and about plants, insects, animals, other bodies and people, and is directed to the processes of growth and decay, life and death. Plants and animals and the form of human bodies are known to be grown in particular contexts, that is, the particular practices and stories, the histories of specific places. The responsibility people take for the growth of tubers, or for the appearance of game in the bush, or the transformation of a child into an adult body, makes all these things 'artefacts'; artefacts of effort, care and attention, but not of molding, of the imposition of form that is preconceived. They are processes that can be influenced and shaped but not controlled or determined. This is the background and context to the making of booklets that record or 'are' (part realization of) *kastom* for future generations.

5 The base of taro

I would like to dwell for a moment on a particular booklet, representative in its way. Musir Hungeme produced a short booklet called the ‘Foundation/Base of Taro’. In this booklet, Musir talks of seemingly unrelated things. There is a stream (Holiting) in his lands. He was cautioned strongly by his father that he must not eat the fresh water snails that live in this stream as it is the foundation or base of taro. Eating the snails will result in blocked ears, in inability to hear what other people are saying, in ear infections with milky pus, and eventually in deafness.

That is the extent of the content of the booklet. It amounts to a rendition of a series of linkages between people and place, people and water, particular streams, and the animals that reside there, how they are treated, and the further (hugely significant) ‘taro’, both the subsistence staple, and the deity that is the basis of the male cult. In this one short booklet (only 100 words in all), links and connections, consequences and responsibilities, knowledge and practice are all materials that are connected in Musir and his father, and his children. To an outsider they seem extraordinary – ranging wildly across scales and modes of understanding and effect.

Can we use this document to reflect on legal materials or matters? There is clearly ‘law’ here. Clearly the booklet has effect and consequence, the paper and the process now enrolled in a cosmic play of positioning persons and power over fundamental materials and processes. The ‘doing’ is a drawing together of connection and its particular revelation. It is the snails and the water, where the water flows to, and how that connects landscapes of myth, knowing and practice, and how people’s practice and action is a part of these series of connections such that effects are within particular bodies.

Reite people behave and interpret events as if the dead were very much among them. They have a phrase about the continual presence of the dead and spirits: ‘we had the ashes of the fire thrown in our eyes and we cannot see’. Many myths relate a transformative moment in which a living person arrives in a mirror world where his father and

James Leach

mother and grandparents live normal lives, growing gardens, organising ceremonies and exchanges. Yet the things they grow are the inverse of what people grow, and the things they prepare for ceremonies consist of faeces and rubbish. The 'living' visitor is always cautioned against being seen, and particularly against eating the food of their unwitting hosts. To do so would be to join them and never return.

In a core myth of the Ripia kingroup (to whom Musir Hungeme is closely related), such a visit to the underworld of the dead was made possible by the mother of the man, who hid him under bark cloth shields until everyone was busy with ceremony, and then he was able to slip away back to the upper ground. He remembered the tune of the spirits at the ceremony, and Ripia have since this time had the power to curse taro gardens using this tune and name, to turn them to rubbish. The place associated with the entrance to this underworld is a pool in the Holiting stream on Ripia land, and the water from this pool combined with the name of the spirit is so dangerous to taro gardens that no one washes or draws water from there. It is downstream from 'the foundation of taro'.

Reite people understand the dead to be present, not lost or gone into the past. They reappear in generations to come. Writing in an immanentist vein, Ingold says that things, 'are in life rather than life is in things' (2007: 12). This offers us a way of comprehending the way Reite people behave on the death of kinsmen, who are not gone, who are present in their power or potential to bring sickness or to assist with growth of tubers, who can show the hunter where game is to be found in dreams. Life was not 'in' them and gone, yet they are no longer 'in life'. They have departed to the hidden world from which by definition humans are excluded. But each can and will become the other. Life (and death for Strathern) are immanent in cosmologies such as Reite. This gives us a counterpart in thought and understanding; a conception of knowledge here as action, effect, and relationship. Knowledge is not a transcendent realm of ideas and stories, magical formula and material practices; knowledge is immanent in the very processes of relating to particular people and places. The format is not

Documents against ‘Knowledge’; immanence and transcendence and approaching legal materials

where knowledge is contained, but is itself a practice of knowledge as the making of relations. Ingold explicitly acknowledges Bergson (and Whitehead, 2011: 13-14) and follows a positive interpretation of ‘vitalism’ as immanent unfolding (see also Deleuze and Guattari 2004).



Musir’s booklet then is not making material an idea, it is not a material form for an idea or a knowledge that is elsewhere, it is the idea and the knowledge as a material practice that is not the same as the material practice of collecting snails for making calcinated lime, or planting taro. Those practices are here caught up by the booklets in other processes that Reite people desire or adapt to – processes that include anthropologists, missionaries, colonial and post-colonial administrations and new contexts for relations with their past and future, ‘they partake in the very processes of the world’s ongoing generation and regeneration, of which things *such as manuscripts* or house fronts are impermanent by-products’ (Ingold 2007: 9, emphasis added). There is also reason in this for Reite people’s lack of concern with the material manifestation of their knowledge *as property* (they choose to manage its revelation and concealment, not restrict the circulation of the booklets) that is instructive and interesting. Property

(and intellectual property) are part of a cosmology in which objects and material are separate from their ideation, and knowledge exists *outside* its manifestation or inscription. That separation makes the materials secondary. Inscription makes knowledge appear as if it were the material of its manifestation. Things are seen to matter in law precisely because knowledge is seen to lie ‘in’ them. Of course this is also a way of ‘doing’ knowledge, one in which the dualism of the state/subject, or the society/individual, or culture/material is precisely remade as ‘real’.

6 Conclusion

The combination of the Christian deity of transcendental power and of law as a power of control, were there, made present, through Bibles and censuses. Colonial officials considered they represented the state (as a transcendent authority), the missions that they represented God (a transcendent power), but Rai Coast people saw books and documents used and circulating. The process of colonialism for them was the appearance of materials in which ‘the law’ was made present. In fact, they were the law – certainly they were how it had its effects.¹⁰¹⁰ Rai Coast people interpreted the material practice of colonial power as the technology that would bring the ‘development’ or the salvation of the state/church. The outcome of using them should be control over material goods– the material manifestation of the power of the relation to the state/deity. Today they are interested in doing documents as the way in which power and salvation are done by white people. Yet the practices of knowledge – how it comes into being and what it ‘is’ – are rather different.

Ingold’s critique highlighted certain assumptions behind the turn to ‘materiality’ in anthropology, suggesting it assumes objects and materials are animated by social agency or spirit. This speaks of a ‘transcendental’ bias to the approach. The ‘legal materialities’ approach sets out a desire to understand law as a special or particular domain of practice, and thus of its materialities as specific to law, having both an immanentist understanding of law as a doing with materials, *and* a transcendentalist understanding of the way law *shapes* material practice

Documents against ‘Knowledge’; immanence and transcendence and approaching legal materials

to make materials specifically ‘legal’. The frame is one in which a positive analytic emerges from this contradiction. But there are pitfalls. Materials could easily take a secondary role to what is inscribed or brought into being through their use. In this, we would see a familiar pattern of dualism where materials are inert vehicles for meaning generated elsewhere (ie. in society or culture), of objects *given* agency by human actors/society/the law. Viz: ‘Law’s specific materiality can then be understood as a particular and concrete effect of interaction between nonorganic and organic matters and social events in legal language, which is expressed in abstract form and various formats’ (Hyo Yoon Kang 2018: 464). In other words, there is a danger that we keep running up against Law as a ‘reality’ that is inscribed in, makes use of, and appears through materials. The problems for a legal materialist approach that does not face up to this contradiction arise when the state becomes blurred with the transcendental rationality that law rhetorically relies upon, and with the notion of justice (as a rational, transcendent reasoning). This re-inscribes a tendency to the idea that law is outside practice or action, outside documents or materials, and is ‘there to be’ inscribed.

Instead, I have asked, what if material actions (documentation) were the doing of knowledge, and knowledge were immanent within the relations they constitute, rather than outside them? What, in fact, if material actions were the doing of law, and law is immanent in the relations they constitute?

Endnotes

Acknowledgements

With thanks to Kriss Ravetto, Marc Higgin, Annapurna Mamapudi, Marilyn Strathern, and to Giles Lane. The TKRN project was funded by The Christensen Fund, and associated research by the Australian Research Council. I thank Hyo and Sara for their collegiality and intellectual openness, and their generosity.

1. On theories of ‘virgin birth’ in anthropological writings.

James Leach

2. The 'soul' in Tylor may be important here – that he was looking for an evolutionary predecessor to the civilized notion of the soul in true religion in primitive society and found 'animism' – the belief that rocks or plants or trees or whatever are animated by spirit. A projection of what Higgin terms a 'western animism'.
3. There is work to do (elsewhere) on the question of gender made apparent here. In simplest terms the distinction between God-Adam-Paternity and Taro follows the argument above: whereas God *animates* matter, Taro *is* the plant. To take this further Strathern's earlier writing on gender in Melanesia could be linked to the immanentist/transcendent scheme. Her contrast is between gender as a *given* property of particular bodies and Melanesian gender as immanent (emergent) in relations themselves.
4. And see Alan Strathern (2019).
5. He writes that, 'New Guinea Cargo cult', 'is based on the native's belief that European goods (cargo) – ships, aircraft, trade articles, and military equipment – are not man made but have to be obtained from a non human or divine source. It expresses its follower's dissatisfaction with their status in colonial society...' (Lawrence 1964: 1).
6. <http://proboscis.org.uk/about/people/giles-lane/>
7. I am aware that these points, while valid, are not the concerns Reite people expressed but address concerns Giles and I had in thinking of what might be consequences of recording 'traditional knowledge'. There is more that could be said about this contrast.
8. I hope the suggestive analogy to how we might think about law's materials is apparent.
9. Other than brute violence, of which there is nothing transcendent.

References

- Bolton L, Thomas N, Bonshek E, Adams J and Burt B eds 2015 *Melanesia: art and encounter* British Museum Press London
- Delaney C 1986 'The meaning of paternity and the virgin birth debate' *Man* 21/3: 494-513
- Higgin M 2016 'The Other Side of Society. Reflections on Waste and its Place.' *Anthropologia* 3/1: 69-88

**Documents against ‘Knowledge’;
immanence and transcendence and approaching legal materials**

- Kang H Y 2018 ‘Law’s materiality’ in Philippopoulos-Mihalopoulos 2018: 453-74
- Ingold T 2007 Materials against materiality *Archaeological Dialogues* 14/1: 1-16
- Ingold T 2011 *Being Alive. Essays on Movement, Knowledge and Description* Routledge London
- Lawrence P 1964 *Road Belong Cargo* Melbourne University Press Melbourne
- Miller D 2010 *Stuff* Polity Press Cambridge
- Nombo P and P Sisau 2015 ‘Mi Sori Long Ol’ in Bolton et al 2015
- Nombo P and J Leach 2010 *Reite Plants. An Ethnobotanical Study in Tok Pisin and English* ANU EPress Canberra
- Keesing R 1992 *Custom and Confrontation. The Kwaio Struggle for Cultural Autonomy* Chicago University Press Chicago
- Kulick D and C Stroud 1990 ‘Christianity, Cargo and Ideas of Self: Patterns of Literacy in a Papua New Guinean Village’ *Man* 25/2: 286-304
- Leach J forthcoming ‘The Aesthetics of Knowledge and Ownership’ in Mamadipudi et al eds forthcoming
- 2014 ‘The Time of Money: property and sovereignty as alternative narratives of land and value near Ramu-Nico, Madang, PNG’ *Journal de la Société des Océanistes* 138/139: 53-62.
- 2012 ‘Leaving the Magic Out: Knowledge and Effect in Different Places’ *Anthropological Forum: A Journal of Social Anthropology and Comparative Sociology* 22/3: 251-70
- 2003 *Creative Land* Berghahn Books Oxford
- Mamadipudi A and D Schaefer eds forthcoming *The Ownership of Knowledge* MIT Press Cambridge MA
- Philippopoulos-Mihalopoulos A ed 2018 *Routledge Handbook of Law and Theory* Routledge Abingdon
- Strathern Alan 2019 *Unearthly Powers. Religious and Political Change in World History* Cambridge University Press Cambridge
- Strathern M 2018 ‘Souls in other selves, and the immortality of the body’ (Draft) The Foester Lecture on the Immortality of the Soul, UC Berkeley 17th April 2018
- Tilley C 2007 ‘Materiality in Materials’ *Archaeological Dialogues* 14/1: 16-20