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CIVIC ENGAGEMENT WITH THE DEAD: NOTES ON THEORY AND PRACTICE IN A FORENSIC KEY

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ABSTRACT

Educators and researchers who study human rights face a climate that is often hostile to “theory,” whether due to market forces impacting higher education or a political climate (at least in the United States) that seems to demand urgent action over contemplation. Based on reflections from classroom teaching and longstanding research into the scientific investigations of mass graves after atrocity, this essay acknowledges the entrenchment of the theory/practice divide within what Charli Carpenter calls “the human rights network,” despite important forms of interdependence between spheres of academia and advocacy. It argues that bridging the theory/practice divide productively requires more than the familiar conference panels and dialogues between scholars and practitioners. Using the example of Philadelphia’s Mount Moriah Cemetery, it points to overlooked sites where new forms of engagement are possible: across the divide that separates theory from practice, and also the living from the dead.

KEYWORDS: Human Rights, Theory and Practice, Forensic Science

The “We” of Theory and the “We” of Practice

It is not an easy time to teach, or talk about, theory. We live in an era that lionizes tech-savvy “makers” and “doers” while being skeptical of academic discourse; every campus where I have taught has been in the midst of planning or building a “maker space,” and every one was under pressure to tie its humanities and social science courses into standardized learning outcomes that emphasized the skills, global mobility, and practical uses of what was being taught.

And then came Donald Trump’s election to the U.S. presidency in November 2016, and a new set of challenges. On the one hand, students in my classes—which all fall under the interdisciplinary umbrella of Haverford College’s program in Peace, Justice, and Human Rights—want more than ever to know what to do. Already socialized to see theoretical explorations as a luxury that may not fit into their career plans or be a good use of their tuition money, many of them now also see it as a distraction from the pressing need to resist. From the other side, the theories of social construction that I often teach have come to seem implicated in the discourse of “alternative facts” that Trump and his administration have mobilized so effectively. As Casey Williams writes in the *New York Times*, “It often feels like Trump has stolen our ideas and weaponized them” (Williams 2017). There is, of course, a difference between *feeling* this way and having it be true—as well as important distinctions between the postmodern critique of truth and scientific certainty, on the one hand, and the rapidly self-contradicting “truth” claims of lying politician, on the other. But at the level of daily classroom practice, students may be right to shift in their seats uncomfortably as we work through Richard Rorty’s argument that human rights have no philosophical foundation beyond the cultural project of promoting them as useful tools, that “the most philosophy can hope to do is summarize our culturally influenced intuitions

about the right thing to do in various situations” (Rorty 1993, 117). Rorty also writes very confidently of a “we” who inhabit university spaces together, of students that believe in tolerance, and are “eager to define their identity in nonexclusionary terms” (Ibid. 127). My students, growing up in an era of widely publicized police killings, when a man caught boasting about grabbing women’s genitals without their consent can soon after be elected president, look around the room and are not so confident about that uniformly tolerant “we.” And so, understandably, they often want the bedrock of some certainties—about climate change, human rights, and many other things—rather than the stacks of questions I push across the seminar table towards them.

One way to respond is to remind the students that the supposed opposition between “theory” and “practice” (or, what is sometimes referred to in much more loaded language as the “real world”) is actually a fuzzy and problematic distinction between two things that are deeply interconnected. As I write in my syllabi, “good theory is based on careful observation of the real world, and even ‘practitioners’ and activists proceed from strong theoretical assumptions, whether spoken or unspoken.”

Yet I say this to students with a certain amount of bad faith, or the sense that I am giving only part of the picture. The theory/practice distinction may be conceptually problematic—the kind of binary academics love to deconstruct—but it is also a description of how professional worlds are constructed, what kinds of production is expected of different laborers, what incentives drive their work and in what language they are expected to speak. People who spend their days conducting human rights work in the field have different priorities, vocabularies, and ways of thinking about human rights than people who spend their days writing and teaching. Yes, there are individuals (such as my friend Robin Reineke, an anthro-



pologist and the founder of the Colibri Center for Human Rights) and even a few institutions that bridge the gap between theory and practice in extraordinary ways. But they largely do this through a deep understanding of the different audiences to which they speak—and the rhetorical skill needed to move between them—rather than simply by wandering, as I imagined I could do during the early years of my transition from NGO work to graduate school, directly from the offices of a nonprofit into the halls of academia, as if it was all one big conversation. It is not.

Nearly anyone who has straddled the theory/practice divide in human rights has witnessed the awkwardness that can ensue when well intentioned but often ill-facilitated conference panels feature theorists and practitioners side by side. At best, the two often seem to be talking past one another, and there is a grinding of gears as the topics shift from conceptual analysis to reports from the field and back again. At worst, theorists may seem to be obtusely critiquing a form of daily practice they clearly do not fully understand, while practitioners, patiently or impatiently, wait for the conversation to come back to some identifiably useful terrain. Most often, these encounters occur in academic conferences or seminars that, even when hosted by an NGO, favor the contemplative, recursive discourse of the academic. They feature question-and-answer sessions that mirror the back-and-forth of the classroom more than the report to donors or the press release an NGO uses to get its work covered in the media. Spatially and temporally, they create a separation from the messy worlds of practice and the time-frames in which decisions there are made: whether those decisions are about the distribution of shoes at a refugee camp or where to store a body that has just been exhumed from a mass grave. These panels are a crossroads or meeting-ground of a sort, but not a neutral one.

There are real dangers to seeing these spaces as the only channels through which to link these different professional worlds, to be satisfied with a performance of “dialogue” across theory and practice where so little is really at stake. When these worlds fail to connect with greater friction—the kind of friction Anna Tsing defines as “awkward, unequal, unstable, and creative qualities of interconnection across difference” (Tsing 2011)—we all wind up with an impoverished understanding of the dynamics of human rights. In her powerful essay, “You Talk Of Terrible Things So Matter-of-Factly in This Language of Science’: Constructing Human Rights in the Academy,” Charli Carpenter argues that advocacy organizations and other human rights practitioners often rely on academics to speak in the voice of the independent expert and to ask questions, sometimes politically charged ones, that are difficult to broach within their daily work. “Political scientists who write about, interpret, and reconceive human rights have a kind of political power, power that we too seldom acknowledge as we play with philosophical and theoretical ideas for personal and professional gain, power which our training gives us few skills with which to wield wisely” (Carpenter 2012, 378). Carpenter’s argument can easily be

extended beyond political science to other disciplines and interdisciplinary locations, such as my own, where training in ethics is voluntary or patchwork (see *Ibid.* fn. 95, 381).

Carpenter and I are two scholars among many who have found compelling questions to ask, meaning also opportunities to publish and career gains, when studying the work of NGOs. In the university context, this provides opportunities to show administrators and others above us in the food chain the “applied” and “engaged” nature of our work—to speak, to some extent, in the language of those learning outcomes that now exert so much influence in higher education. In a climate turning against contemplation for its own sake, human rights scholars can receive, from engagement with NGOs, tools to show we are not “only” theorists. Yet junior and non-tenure track scholars such as myself often spend so much of daily lives feeling our own precariousness that we lose sight of how, within what Carpenter calls “the human rights network,” we also exert some meaningful power—through what we address in our research, and also through our omissions. In the following section, I describe one area where human rights scholarship has failed to orient itself towards a meaningful application to human rights practice—specifically, the practice of forensic investigation at mass grave sites.

Religious Objections to Exhumation and Theoretical Disengagement

In the early 2000s, I spent a year at Physicians for Human Rights (PHR), as the Forensic Program Associate for the organization that coordinated major exhumations at the graves of genocide victims in Rwanda and the former Yugoslavia (PHR has since been active in forensic projects in Iraq, Afghanistan, Libya, El Salvador, Colombia, and elsewhere). While there, I heard a story that haunted me both as a member of the organization’s staff and as the grandson of Holocaust survivors. Since then, it has also challenged me to think differently about the relationship between theory and practice as it relates to real choices made by human rights experts in the field: experts who both wield power and are subject to powerful claims made by stakeholders on the ground.

In 2001, PHR’s head forensic anthropologist at the time, Bill Haglund, traveled to the town of Jedwabne, Poland to assist in the exhumation of two mass graves. The graves were the resting place for burned and fragmented remains of hundreds of the town’s Jews, massacred on a single day in July, 1941. Most of these victims, once a part of the everyday fabric of the town, had been locked in a barn and burned to death in one of those terrible crimes too often forgotten in the popular notion of the Holocaust as having been carried out solely in concentration camps and gas chambers (see Smale 2014).

The 2001 exhumation of the mass graves in Jedwabne, undertaken by the Polish Institute of National Remembrance, promised to shed some light on the hotly contested question of what happened in Jedwabne—from the basics, such as how many people had been killed, to the much more vexed question





of whether responsibility for the crime belonged to German soldiers or the town's own Polish people (the Institute's 2002 report assigned direct responsibility to Polish residents of Jedwabne, but noted that German officers witnessed and likely inspired the crime; see Ignatiew 2004). The exhumation came to an abrupt halt, however, when a group of Orthodox Jews—including rabbis from Warsaw, Israel, and London—proclaimed that disturbing these bodies was a violation of Jewish law (other experts, such as Rabbi Joseph Polak of Boston University, have disagreed with this interpretation).

This basic configuration, it turns out, has been repeated throughout the few decades during which forensic investigations have become a standard part of the global response to atrocity. Experts, armed with scientific methods and a shared ethos of human rights, including the “right to truth” (see Naftali 2016), have prepared to exhume a grave and analyze the evidence it contains, only to be confronted with religious objections against the grave's desecration. When two vocabularies as transcendent and non-negotiable as human rights and the sacred meet at the same spot—with contradicting demands—how can the impasse be resolved?

The tension has been present since the origins of the modern human rights framework, when Eleanor Roosevelt's United Nations Human Rights Commission was debating whether or not to include references to God or a “Creator” in the 1948 Universal Declaration of Human Rights (see Glendon 2001; Rosenblatt, *Digging for the Disappeared* 2015, 142-145). Ultimately, the Commission decided to stick with more ostensibly secular values such as human dignity; though one of its members, Charles Malik, would complain that the debate was “concluded silently by sheer sensing that the prevailing climate of opinion will never admit such terms” (Glendon 2001, 61).

In a world of such diverse and complex religious traditions, scholarly literature should have something to say to forensic experts encountering religious objections and wondering how, without too easily abandoning the human rights priorities of gathering evidence of atrocities and identifying the dead, to move forward with respect for different worldviews. Yet academic discussion of religion and human rights remains, for the most part, at a high level of abstraction. Philosophers and legal theorists have hotly debated the relationship between human rights, human dignity, and “the sacredness of human life,” often in works that make no mention of any concrete area of human rights practice. Furthermore, little of what they say could be applied to a context where the question is not sacred human lives but the sacred places of violent death; the relationship between the dead body and the sacred, observed in so many religions and by early social scientists such as Émile Durkheim (Durkheim 1965), escapes this literature entirely.

This is a real loss. In an era where forensic investigations of atrocity sites are an increasingly central feature of the standard post-conflict “toolkit,” scientists and investigators still do not have a clear roadmap for what to do when the communities around mass graves—or particular voices from those communities—express opposition to exhumation. Derek Congram and Ariana

Fernández write, “The subject of mixed support for mass grave exhumations by primary stakeholders (mainly families of the victims) has been largely, shamefully, avoided in forensic anthropology literature” (Congram and Fernández 2010).

The bridge between theory and practice cannot be built from only one side, however. Forensic experts, like others involved in post-conflict assistance, employ a rich vocabulary of justification. It includes ideas such as reconciliation, closure, “the right to truth,” and the needs of families of the missing. But as these experts have found over decades of the development of their field of scientific humanitarianism, every one of these terms opens up onto a universe of complexity. Urgent questions remain about what reconciliation really means and whom it serves, how shared “truth” can be produced in a divided society, and the wide array of needs amongst different families of the missing. While some seek trials for their loved ones' murderers or a new democratic order, others may worry about their next meal or their legal ability to inherit property from someone whose death the authorities refuse to acknowledge (see Kovras 2017; Robins 2011). None of which even begins to touch upon the subject of the rights of the dead—an ethic that seems, at first glance, to undergird the entire idea of a global project to recover and identify the dead and disappeared, but which is almost never openly discussed by practitioners (see Rosenblatt 2015, *Digging for the Disappeared*, 153-165).

The real groundwork of human rights happens not in drafting committees or around seminar tables, but wherever bodies—living and dead—intermingle in the deprivation, negotiation, and sometimes restoration of a mutual respect that ought to have been inviolable. Scholars such as myself have invaluable time and resources to invest in studying these phenomena, comparing them across contexts, and most importantly in questioning everything—even the questions themselves. The key, it seems to me, is not to settle for forced “dialogue” by asking scholars and practitioners to sit on the same panel. Rather, the spaces of scholarship must become more open and permeable: by inviting others in, certainly, but more importantly by moving outward.

Civic Engagement with the Dead

Being a professor in suburban Philadelphia does not lend itself to spending a lot of time around the mass graves that become sites of forensic investigations. Just miles from my campus, however—traveling across a history of redlining that leads from some of America's most affluent suburbs into a low-income neighborhood of Southwest Philadelphia—is Mount Moriah Cemetery, one of the city's key early “rural cemeteries” (reflecting another great transformation: the growth of Philadelphia to encompass surrounding areas that were once countryside). In 2011 the business association responsible for the burial ground abruptly abandoned it; employees simply locked the doors and walked away. Since then, a group of volunteers (including some family members of people buried there), called the Friends of Mount Moriah, has stepped in to care for the site and advocate for its preservation. From my Haverford College colleague Jennifer O'Donnell, a Board Member of the Friends of





Mount Moriah, one can learn not only of the Civil War veterans and important Philadelphia personalities buried there, but also other purposes the cemetery has served: for example, as historically the only burial ground in Philadelphia that allowed Muslim burials. Mount Moriah is “Philadelphia’s most democratic burial ground” (“Confederates, Catholics, Muslims and Masons” 2007), but also a puzzle and paradox: a place where no new burials can be arranged, and from which no bodies can be moved without a court order, no matter how much families may wish to find a more secure or convenient spot to visit. Mount Moriah may not be a genocide site, but it tells stories of freedom and unfreedom, of the fragility of our social fabric and the places where it is constructed and maintained, that relate directly to my research and teaching.

The dead and disappeared can no longer speak to us directly. Even when they were alive, they would have done so in different languages—just as they died for different causes and believed different things. In order to unearth some of their stories, we have to become more expert listeners. That is an interdisciplinary project—one that demands I use ethnography, film, philosophy, history, and many other kinds of sources in my seminar on “Human Rights and the Dead.” It is also, however, a project of bridging spaces—requiring that we go from campus to cemetery, from a human rights framework and theoretical production that were built around paradigmatic sites of genocide to humbler, yet equally complex spaces that have escaped the mapping project of human rights history. As I make plans to return with students for service projects at Mount Moriah, I realize that the space adds a new wrinkle to the “civic engagement” discourse on campus, because at a site like Mount Moriah, deep and site-specific forms of citizenship include both the living and the dead. As Joseph Bottum writes, “The living give us crowds. The dead give us communities” (Bottum 2007). Do the dead have human rights? It is theoretical question that can only be answered by specific practices. One of the best things I can offer my students, in a time when the relationship between knowing and doing has become so embattled, is the opportunity to answer the question with both their minds and their bodies, with both academic essays and garden shears.

Notes

Some of the content in this article originally appeared on the Stanford University Press Blog as “Groundwork: Interpreting human rights among the dead and disappeared.”

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