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## Governmentality, State Culture and Indigenous Rights

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Tania Murray Li's commentary covers themes associated with the concept of governmentality and the state central to the work we do as anthropologists, and identifies the ethnographic study of how governmentality plays out in specific sites as the particular way we can contribute to the study of government. I see my comment as supplementing this larger contribution by showing how focus on the concept of governmentality, and on Foucault's theorization of the state provides insight into the problems and possibilities of resolving, justly, the political relationship between First Nations and Canada, a theme that has been the focus of my work over the past 30 years.

I came to enquire into the concept of "governmentality" because I was looking for a theory of the liberal state, a term defined by Trouillot as both "the apparatus of national governments," and "a set of practices and processes, and their effects" that need to be interrogated "whether or not they coalesce around the central sites of national governments" (2001:131), to help me understand the relationship that now exists between First Nations and Canada. And it is in Foucault's exploration of the liberal state as a "way of life" (*a culture* if you will) and how it came to be dominant in world affairs that I found it. Of particular value are his insights that the liberal state (to carry on with the anthropological analogy) justifies its jurisdiction on a type of origin myth that is categorically different from origin myths associated with nations, the conditions that gave rise to the hegemony of the state ver-

sion by the time Canada was established, and the consequences of that hegemony for the manner in which we live our lives today in Canada and elsewhere in the world. As it is directly relevant to what follows, let me recount this briefly.

In my reading, this aspect of Foucault's project is stated most fully in his 1975-76 lectures (1997). In them he revisits the well-worn field in political theory devoted to the role played by Hobbes' *Leviathan* in constructing the philosophical foundation for the liberal state as an institution of Modernity. Hobbes' argument rests on the distinction he makes between the State of Nature; a "thought experiment" (exemplified nonetheless in the world of the Indigenous), in which he posits that humans live in solitude, unable to form political communities; and the State of Society, exemplified by civilization, in which people live together in a community under a Sovereign. It is an origin myth, in which the "origin" is a dehistoricized moment of transformation from Nature to Society (the Social Contract), and the "myth" is constructed from juridical and philosophical principles deduced through "Reason."

Hobbes wrote *Leviathan* during the English Civil War and Foucault, following most commentators, sees it as devoted to resolving the issue of Sovereignty (or, speaking broadly, the community as defined through political allegiance) that lay at the centre of this conflict. As Foucault explains, the conflict was directly connected to two competing versions of an origin myth concerning Sovereignty based on a shared historical-political discourse that originates in the encounter between Normans and Saxons in 1066. Foucault argues that "what Hobbes wants to elim-

inate is the Conquest" (1997:98) as the basis for determining which version is authentic. To this end, *Leviathan* introduces an origin myth based on juridical-philosophical discourse as another, more compelling way to authenticate sovereignty (Foucault 1997:98-103).

Ultimately, Foucault argues (1997:104) that, on winning the war, the Parliamentarians recast the origin myth of British sovereignty so that the juridical-philosophical took precedence over historical-political as the ultimate authority upon which governance is legitimated. With that move the liberal state becomes a primary site of culture, and a powerful actor in world affairs. And, as an aside, to the extent that Foucault is right, as students of trends in culture history, it behooves us to familiarize ourselves with those aspects of political and legal theory that connect the "origin myth" of the state with its practices in the world today.

In the state form of culture, the community is defined as a collection of individuals who live within a political jurisdiction. Called "citizens," this collectivity is defined principally through inclusion within the borders of a territory circumscribed by lines on a map as agreed to by other states. Thus, membership in the first instance arises not through such historical-political principles as descent through shared ancestry, but from juridical-philosophical ones such as being born within a political jurisdiction.

As Li shows, to Foucault the state is a total social fact that presents a unique "way of life" he calls "government," a culture associated with concepts like "individual rights," "democracy," "progress" and "majority rule." But, as Li underscores, it is also associated with such characteristics as processes that transform persons into measurable units that it seeks to "improve." To Foucault (2005), this individualizing aspect of government derives from such Enlightenment values as the Cartesian principle that renders each of us to be a culture-less entity who exists in separation from the world, and "knows" the world to be an externalized object we can tame. It is a way of life Foucault finds very troubling, to be interrogated, not celebrated.

Following Li, I would argue that "governmentality" is the process by which government as a way of life is transmitted to individuals and collectivities, and becomes the process through which "government" imposes itself and ultimately acts to subordinate forms of culture based on historical-political principles. Ultimately, as I see it, defined as that field of "power relations (that) are rooted in the whole network of the social" (2000:345), governmentality can be likened to that aspect of cultural transmission we call "enculturation."

Every nation does not have a state, but every state does claim a national identity (or nationality). As Fou-

cault's work suggests, one key role played by "governmentality" is to impose this identity on a jurisdiction, thereby turning the culture of one community into the culture of a jurisdiction to which all citizens must adapt to participate in public discourse. It is a process that results in that fictive entity—the "nation-state," a condition that results most frequently in Western Europe by coupling the juridical-philosophical principle of "majority rule" to the historical-political discourse of the ethnonational majority. It is a process that Foucault suggests leads to, among other consequences, modern forms of racism (1997:89).

Foucault's project was directed explicitly towards Western Europe, a site where the state culture, "democracy," is perceived to be a fundamental, universal value discovered locally at the time of the Enlightenment. But, as comparativists, we know that what is true for Europe may not hold universally. There are, for example, many sites where, outside certain elites, "democracy" is received less as a manifestation of the Enlightenment than as the imposition of a foreign ("colonial") system on local political-historical trajectories. Here, even where a majority ethnonational community exists within a state, governmentality may be less effective in imposing its discipline to harmonize national political-historical discourse with state culture (Geertz 2004).

Nation-states like Canada present a different problematic. Here the settlers, the majority ethnonational community, do not have a historical-political discourse connected to their territory sufficiently compelling to stand as the narrative of the nation in the face of the more lengthy historical-political discourses of the Indigenous peoples within. In Canada, governmentality functions not only to establish the hegemony of juridical-philosophical principles in the establishment of state culture, but also to legitimate the historical-political discourse of the settlers as that of the nation. This process is fostered by the transformation of the State of Nature from an imaginary "thought experiment" about a period before political-juridical time to a fictionalized time before historical-political discourse came into being; an ethnological epoch before origin myths about sovereignty that is exemplified in the way in which Indigenous peoples lived before the arrival of the settlers. It is a period when the land was not occupied by political communities—a *terra nullius* as defined in Canadian jurisprudential law (Asch 1993). Therefore the historical-political origin myth to legitimate Sovereignty can only begin with European settlement.

The doctrine of *terra nullius* justifies sovereignty over Indigenous peoples and their lands in Canadian law by erasing Indigenous historical-political discourse. It

invokes racist evolutionary principles proffered by the British to justify Empire in the age of colonialism, principles that Canada strongly condemns abroad. It evokes an historical-political discourse so transparently fictional that it ought not be given serious consideration. Yet it remains the “factual” foundation upon which sovereignty over Indigenous peoples and their lands is justified in Canadian law, a story so compelling that the Supreme Court of Canada recently declared that it was beyond question when it concluded: “there was from the outset [of European settlement] *never any doubt* that sovereignty and legislative power, and indeed the underlying title, to such lands vested in the Crown” (*R. v. Sparrow*, S.C.R. 1075 [1990], emphasis mine).

The representation as indisputable fact that Canada was a *terra nullius* prior to European settlement despite its transparent falsehood is a manifestation of governmentality in creating a “reality” in which to live. It shows that governmentality is not an externality—something that is done to us. It is what we do to ourselves in making our lives. As Foucault says:

while colonization, with its techniques and its political and juridical weapons, obviously transported European models to other continents, it also had a considerable boomerang effect on the mechanisms of power in the West, and on the apparatuses, institutions, and techniques of power. A whole series of colonial models was brought back to the West, and the result was that the West could practice something resembling colonization, or an internal colonialism, on itself. [1997:103]

To me this means that it will likely prove impossible to create a just relationship with First Nations without also decolonizing ourselves.

Tania Murray Li concludes with salient observations concerning the contribution that empirical inquiry plays into the study of government. This work, she suggests, will confirm through the observation of practices, programs and effects of governmentality that “while the will to govern is expansive there is nothing determinate about the outcome.” In this, Li succinctly describes Foucault’s insistence that, while government is hegemonic, it is not (yet?) in complete control. As Foucault puts it (1983:221), “practices of freedom” remain in play, and as Li observes, they include “informal practices of compromise and accommodation, everyday resistance or outright refusal” that occur in everyday life. For an anthropologist like myself, it is this point that resonates most deeply because it reminds us that there are limits to power and that people do resist the colonial positionings proffered for us, as citizens and academics, by the liberal state. Thus, it con-

firms in the face of *Leviathan* that decolonization remains possible. To the sites that Li suggests for such study, let me add that I have found that working with First Nations on practices of freedom has been particularly enriching. As *R. v. Sparrow* confirms, First Nations are represented in the culture of the Canadian state as primitives, a position they inevitably vacate, willingly or not, when confronted with the power of most “advanced” economic and political systems. Yet, after 300 years of occupation, they continue to practice freedom in both subtle and direct ways. Indeed, it was the documentation, by First Nations and anthropologists, that many First Nations remain reliant for their livelihood on the foraging mode of production not withstanding long exposure to the market economy, that put to rest forever the truth-claim proffered by government and capital that they had been absorbed by the world economy. I have found that working with people so determined to practise freedom in the face of the *Leviathan* sustains the proposition that, by learning from each other and working together, decolonization is possible, but, as the work of Foucault on the power of government to dominate our consciousness makes clear, never inevitable.

In 2001 I presented the Weaver-Tremblay lecture (Asch 2001) in which I discussed how I orient my engagement, politically and ethically. In it, I rejected Foucault’s view (Elders 1974) that the goal of engagement is to gain “power” in favour of Chomsky’s that it is to achieve “justice.” When reduced to this stark choice, it is a position with which I still concur. But, I was wrong to dismiss Foucault on that remark. As Li’s commentary makes clear, there is much in his work that is compelling. I am thankful to have had the chance to explore aspects of his contribution that I have found particularly valuable to my work.

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## The Work of Rights at the Limits of Governmentality

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The concept of governmentality is ubiquitous in the social sciences. A recent review essay begins with the assertion that “‘modernity’ and ‘governmentality’ may be two of the most overused terms in anthropology today” (Warnov 2006:369). Governmentality is a concept that informs anthropological approaches to the state (Ferguson and Gupta 2002; Hansen and Stepputat 2001; Sharma and Gupta 2006), biological and genetic resources and related subjectivities (Collier 2005; Sunder Rajan 2005; Taussig et al. 2003), citizenship and sovereignty (Ong 2000), colonialism (Redfield 2005; Scott 1999; Stoler 1995), land conflicts (Nuitjen 2004), transnational labour migration (Hairong 2003; Rudnyckyj 2004), and the anthropological study of modernity itself (Inda 2005; Stoler 2004). Ethnographic studies of governmentality are now found in fields as diverse as library science and nursing. Emerging studies of development (Watts 2003; Sivaramakrishnan and Agrawal 2003), international institutions (Bebbington et al. 2005; Goldman 2005; Peet 2003), and environmental politics (Agrawal 2005a, 2005b; Jasanoff and Martello 2004) coming from sociology, political science, and geography particularly, have also provided opportunities for fruitful interdisciplinary conversations in which anthropologists have been critical interlocutors (Moore 2003; Gupta 2003).

Tania Li points out that “understanding governmental intervention as assemblages helps to break down the image of government as the preserve of a monolithic state

operating as a singular source of power and enables us to recognize the range of parties involved in attempts to regulate the conditions under which lives are lived” (this volume). Indeed, the concept of assemblages—abstractable, mobile, and dynamic forms that move across and reconstitute society, culture, and economy—has become crucial to the ways in which anthropologists have studied globalization (Ong and Collier 2005) as a process under construction (Perry and Maurer 2003). It has also figured significantly in the anthropological and historical project of contesting “visions of a stable, universal and placeless modernity seen to unfold in the shadow of Europe’s Enlightenment” (Moore 2003:169). Li bypasses this field of ethnographic scholarship on governmentality to make a more distinctive argument. She suggests that an awareness of governmentality’s *limits* opens up ways to examine governmentality ethnographically, because the relations and processes with which government is concerned involve “histories, solidarities, and attachments that cannot be reconfigured according to plan” (this volume).

Exploring the space of the limit requires a consideration of the “particularities of conjunctures” (Li, this volume)—the appropriate terrain of ethnography. It would be wrong, however, to understand this focus on limits as urging anthropologists to study the margins rather than the centres of power, because the very concept of governmentality renders those spatial metaphors suspect. The idea of the limit, or limits, does suggest a boundary, but it also marks the achievement of a point of exhaustion, the beginning of an ongoing lack of capacity, and a point of refusal. Governmentality has its limits, but so do people and people’s limits are not wholly governmentality’s own. Limits are reached in fields of power *and* meaning.

A focus upon governmentality’s limits also helps to counteract some difficulties that attend many neo-Foucaultian endeavours especially the tendency toward a “top-down” analytic optic in governmentality studies. Despite the animating premise that power circulates rather than being held or imposed, the study of governmentality nonetheless tends to ally itself with the omniscient viewpoint of the administrator rather than with the position of those who are subjected. Consideration of governmentality’s limits may both invite the subaltern to speak and urge us to attend to the conditions under which those voices are heard and the tactics characteristic of the politics of the governed. One way in which this can be accomplished is through a consideration of the subjects of government, “the forms of person, self, and identity... presupposed by different practices of government” and “the statutes, capacities, attributes, and orientations... assumed of those who exercise authority... and those who