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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

are to be governed" (Dean 1999:32). While governmental practices may seek to attach individuals to particular identities and to encourage particular kinds of experience, they do not necessarily succeed in so doing. As Jonathan Inda reminds us, "for governmentality scholars, then, it is important to look not just at the forms of collective and individual identity promoted by practices of government, but also at how particular agents negotiate these forms—at how they embrace, adapt, or refuse them" (2005:11). An ethnographic exploration of this dimension of governmentality's limits thus requires an understanding of the cultural resources and political tactics available to social agents in practices of articulation.

The concept of articulation relies upon processes of discursive mobilization and contingent identification. Anthropologists have found it useful for understanding global formations and assemblages of institutions, practices, appartatuses and discourses (Choy 2005). Indeed, Tania Li has provided us with extremely nuanced ethnographic portraits of some instances in which "indigenous" identities were and were not successfully articulated in Indonesia (Li 2000), exploring the various practical and political factors at work in making such claims persuasive. The exploration of such conjunctures, however, also needs to attend to the diversity of scales at which such identity claims are made and the forms of political scrutiny and persuasion they enable. This is not, emphatically, to seek a field of "resistance" to a field of "power" but to consider how different forms of struggle take up resources afforded by different regimes and discourses of power and the characteristic subject positions they offer, the cognitive orientations and psychic inclinations they engender, and the new capacities and forms of empowerment they enable.

Governmentality studies risk becoming rather static pictures of particular regimes of power unless they attend to issues of historical sedimentation and historical emergence. This involves a diachronic understanding of the emergence of new forms of knowledge, technics and subjects as well as their *encounter* with habitual forms of practice and historical identification which may restrict their realms of encompassment. As Li puts it, "no space, person, or social configuration is a *tabula rasa*, a clean slate awaiting inscription" (this volume). Despite the general wariness around questions of culture in governmentality studies, I would suggest that the deployment of available discursive resources such as local understandings of tradition, moral economies of customary practice and specific beliefs about the nature of human dignity are crucial to articulate situated senses of injustice, convictions about governmentality's appropriate limits (Edelman 2005; Sivaramakrishnan 2005), and to express alternative forms of political aspiration (Appadurai 2004).

Li asks us to consider "the tense frontier between governmental rationality and the practice of critique" (this volume). Foucault "defined critique in terms of a concern with not being governed, or at least with not being governed so much or in particular ways" and as finding points of difference or exit from the present—"contemporary limits to present ways of thinking and acting in order to go beyond them" (Patton 2005:268). He recognized the historical importance of appeals to natural law as setting limits on government but he never universalized or naturalized the principles appealed to; rather he appears to have recognized these as historically specific rhetorical strategies using available discursive resources in particular struggles. The vocabulary of right and practices of rights claims continue to afford new resources and opportunities for articulations at and of governmentality's limit(s) and thus spaces of politics, critical insight and possible transformation.

A Foucaultian theory of critique is compatible with appeals to rights once rights are understood not as inherent in universal features of human nature or the human condition but as historical and contingent features of particular forms of social life in which bodies possess rights based upon legitimating social conditions. Anthropologists studying human rights have moved beyond issues of universalism and relativism to understand rights as ever-emergent articulations in which locally significant as well as transnationally validated cultural resources are used to interpret putatively universal entitlements so as to expand the scope of what justice entails and injustice demands (Merry 2001, 2006; Cowan et al. 2001; Wilson 2004). Rights claims are normatively forceful rhetorical assertions that knit historically available discourses of right with locally meaningful content in order to have the capacities of particular agents recognized and legitimated at diverse scales.

The anthropological study of human rights is still in its infancy (Wilson 2004; Goodale 2006a). It has had little engagement with the concerns of political anthropology generally, and less still with questions of governmentality. Human rights have international, state, regional, and local provenance. Enunciated in performative iterations at multiple scales, their normative content is continually reinterpreted to express new forms of grievance, aspiration, and entitlement. They may be called upon in movements of self-determination that demand greater autonomy from the modern state and they may be deployed to subject the state itself to new forms of scrutiny, judgment and discipline. Rights vocabularies are spread transnation-

ally by so-called non-governmental organizations (NGOs), development institutions, social movements and activists representing diverse minorities and global causes—interpreted across rhizomatic transnational networks. They afford forms of identity and means of identification, invite new forms of coalition building, and may provide vehicles to express alternative forms of development and visions of human improvement at odds with international institutions and developmental states.

Rights are always dialogically engaged with residual, dominant, and emergent fields of power. New programs of government provide the opportunities to assert new kinds of right; given its emphasis upon autonomy and responsibility, neoliberalism, for example, functions through new forms of empowerment and freedom. These spaces of autonomy, however, may also enable older forms of attachment and obligation to assume a new legitimacy when linked to universalizing discourses of morality. This would accord with Foucault's insight that appeals to new rights or new forms of right will always rely upon concepts derived from existing discourses of moral or political right and

> will always be incremental and experimental. In terms of Foucault's definition of critique...they will always involve working on the limits of what is possible to say and to do within a given milieu, in order to identify and assist ways in which it might be possible and desirable to go beyond those limits. [Patton 2005:284]

Intersections of neoliberal governmentality and rights-based struggles suggest promising avenues of inquiry for ethnographies 'of the limit' that explore the continuing tactical polyvalence of discourses of right. The concept of governmentality demands that we go beyond asking whether neoliberal rationality adequately represents society, to consider how it operates as a politics of truth that produces new forms of knowledge and expertise to govern new domains of regulation and intervention such as the environmental politics of sustainable development (Harvey 2001; Watts 2002). As "nature" and "life itself" are "drawn into the economic discourse of efficient resource management," (Lemke 2002:56) ecosystem or genetic resources are tapped as forms of information that can yield rents under intellectual property laws that enable new forms of capital accumulation.

New environmental regimes, such as those put into place to meet state obligations under the Convention on Biological Diversity, afford new subject positions for those positioned to embrace the positions of environmental stewardship they offer. They also attract new investments in communities that adopt the disciplines of ecosystem management while cultivating "traditional environmental knowledge" as a new source of development expertise. These activities may originally have been designed to incorporate so-called local communities embodying traditional lifestyles more completely into regimes of market citizenship (Harvey 2001). However, to the extent that these subject-positions have been encoded as "indigenous" and "traditional" they also invite local communities thus subjected to reflect upon their historical practices and to express their appeals in the moral discourses of right that global indigenous movements afford them. If "the effects of governmental interventions, and their reception by target populations" need to be "situated in relation to the multiple forces configuring the sets of relations in which government is engaged" (Li this volume) then it is necessary to recognize that all forms of government are engaged with discourses, practices and institutions of rights. Rights practices engage "one of the few moral injunctions the legitimacy of which is still acknowledged internationally" (Hristov 2005:89), to justify practices of "everyday resistance or outright refusal" (Li this volume). They are used to target state governments, international economic institutions, and transnational corporations (and to a lesser degree NGOs and communities) as subjects bearing obligations that must be continually reinterpreted and reiterated.

Indigenous rights-based movements link identitarian claims to territory and resources in an innovative fashion that often deploys the modern vocabulary of human rights to militate *against* modern tendencies to divide the human world into social, political, economic and cultural realms (Coombe 2003, 2005). If some scholars celebrate this movement as an innovative form of resistance to neoliberal governmentality (Eudaily 2004; Jung 2004), others criticize it as an ethnicisation of politics dictated by the needs of neoliberal state economic policies (Gledhill 1997; Watts 2003). More nuanced readings consider the opportunities afforded by what I will call indigenous "rights places" in the spaces of neoliberal environmental regimes to articulate distinctive forms of belonging and obligation (Escobar 1996, 1998, 2001, 2004; Hale 2005; Perreault 2001, 2003a, 2003b; Laurie et al. 2005; McAfee 1999). If indigenous rights movements encourage peoples in Southern Africa to represent themselves as isolated, pristine, primitives and to express primordial identities and essentialised cultures (for example see Sylvain 2005), contemporary Latin American indigenous movements have been described as a new form of cosmopolitanism: "a way of *reclaiming* modernity, a way of redefining what modernity as a cultural category means and what it means

to be modern" (Goodale 2006b:646; see also Clark 2005). Not every assertion or activity couched in the vocabulary of rights articulates the space of governmentality's limit; we must be continually attentive to the ways in which rights achieved entrench their own regimes of governable spaces and subjects.

Exploring the intersection of rights practices with regimes of governmentality is a promising way for anthropologists to ethnographically explore a multi-sited, multi-scale and *intercultural* conversation about the conduct of conduct. This conversation is a moral as well as a political and legal one. Our ethnographic explorations need to remain attentive to the productive capacities of regimes of power and the distinct forms of subjectivity they provide as well as the capacities afforded for people thus subjected to engage available resources from multiple traditions to enable new articulations of right at governmentality's limits.

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Commentaire sur la notion de «gouvernementalité» proposée par Tania Murray Li

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Le terme tel qu'il est entendu ici renvoie à ce que Meyet (2005:26) appelle la «governmentality school», qui s'organise au début des années 1990 au Royaume-Uni, notamment autour des travaux de Nicolas Rose. Cette «école» s'interroge sur les mentalités, les stratégies et les techniques par lesquelles nous sommes gouvernés et nous nous gouvernons nous-mêmes, tout en poursuivant l'engagement politique. La question de la conduite des conduites, la «droite disposition» des choses et des hommes dans leur rapport à ces choses, est donc une occasion de s'adresser au présent de manière critique. Li résume ainsi ce programme: «to shape human conduct by calculated means». Cela suppose qu'il faut «éduquer» à la fois les désirs, les habitudes, les aspirations, et cetera, visant la population dans son ensemble, afin d'améliorer son bien-être par des mesures correctives. Le texte est stimulant, mais appelle quelques commentaires que je résume en trois points : 1) la gouvernementalité vise bien la population, mais elle vise aussi les individus; 2) elle permet de montrer comment des sujets sont produits dans des rapports de domination qui impliquent les normes découlant des savoirs scientifiques; et 3) le potentiel critique de cette approche est dans l'étude de conjonctures précises, mais étant donné le rapport savoir-pouvoir, l'analyse des pratiques d'accommodation et de résistance pose problème.

1) La complexité de la notion de gouvernementalité est bien campée dans l'exposé et les citations sélectionnées, mais l'auteure ne semble pas en tirer toutes les conséquences lorsqu'elle discute de ses limites et explique son positionnement. Les effets de la gouvernementalité sont de deux ordres : d'une part, ils entraînent un travail sur la population en tant qu'être vivant dont on doit réguler la croissance, la productivité et le bien-être (le biopouvoir) et, d'autre part, ils supposent une administration des corps, des désirs, des habitudes, et cetera, véhiculés par des individus qui sont, de ce fait, les produits et les relais du pouvoir (Foucault 1994a:180). L'auteure privilégie la population; cela se traduit notamment dans le glissement vers la notion de dispositif. Ce positionnement, tout en étant parfaitement légitime, colore sa présentation de la notion de gouvernementalité et les axes d'analyse qu'elle privilégie.

La population, dans la perspective foucaldienne, c'est d'abord un problème qui naît dans la conjoncture du XVIII^{e} siècle et qui permet le «déblocage» d'un art nouveau du gouvernement qui fera de l'économie une sphère propre, séparée de la famille où elle était jusque-là cantonnée. La statistique est la technique qui permet ce «déblocage» car grâce à elle se constitue l'objet «population», qui devient la fin et l'instrument du gouvernement (Foucault 1994b:652). Ceci étant, «gérer la population veut dire gérer également en profondeur, en finesse et dans le détail» (Foucault 1994b:654), car les mutations historiques qui font advenir cet objet exigent aussi que les effets du pouvoir «circulent» par «des canaux de plus en plus fins, jusqu'aux individus eux-mêmes, jusqu'à leur corps, jusqu'à leurs gestes, jusqu'à chacune de leurs performances quotidiennes» (Foucault 1994c:195). C'est à ce prix que peuvent être «éduqués» les désirs, les habitudes et les aspirations. Présenter la notion de gouvernementalité sans faire référence à la fois à ses effets individualisants et à ses effets totalisants me semble incomplet. L'intérêt de l'approche foucaldienne, à mon avis, est de faire voir comment on est gouverné dans le fait même d'être individualisé et constitué en sujets.