

GLOBAL ASSEMBLAGES

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Technology, Politics,
and Ethics as
Anthropological
Problems

EDITED BY

AIHWA ONG

AND

STEPHEN J. COLLIER

 **Blackwell**
Publishing

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BLACKWELL PUBLISHING
350 Main Street, Malden, MA 02148-5020, USA
9600 Garsington Road, Oxford OX4 2DQ, UK
550 Swanston Street, Carlton, Victoria 3053, Australia

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First published 2005 by Blackwell Publishing Ltd

4 2007

Library of Congress Cataloging-in-Publication Data

Global assemblages : technology, politics, and ethics as anthropological problems / edited by Aihwa Ong and Stephen J. Collier.

p. cm.

Includes bibliographical references and index.

ISBN 0-631-23175-7 (cloth : alk. paper)–ISBN 1-4051-2358-3 (pbk. : alk. paper)

1. Social change. 2. Globalization–Social aspects. 3. Technological innovations–Social aspects.

4. Discoveries in science–Social aspects. I. Ong, Aihwa. II. Collier, Stephen J.

HM831.G49 2005

303.4–dc22

2003026675

ISBN-13: 978-0-631-23175-2 (cloth : alk. paper)–ISBN-13: 978-1-4051-2358-7 (pbk. : alk. paper)

A catalogue record for this title is available from the British Library.

Set in 10.5 on 13 pt Dante
by Kolam Information Services Pvt. Ltd, Pondicherry, India
Printed and bound in Singapore
by COS Printers Pte Ltd

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www.blackwellpublishing.com

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ON REGIMES OF LIVING

STEPHEN J. COLLIER
AND ANDREW LAKOFF

The chapters in this volume examine practices in technical domains ranging from the life sciences, to urban planning, to social administration, to finance.¹ But it is clear that their goal is not to understand technical operations *per se*. What, then, draws them together? In what follows, we suggest that despite the diversity of objects and sites that these chapters consider, they are linked by a common interest in examining processes of reflection and action in situations in which “living” has been rendered problematic. These situations provoke reflection on questions such as: What is human life becoming? What conventions define virtuous conduct in different contexts? We propose the concept of ‘regimes of living’ as a tool for investigating how such situations are structured today.

In the first part of this chapter, we suggest that these situations can be fruitfully analyzed by engaging a set of discussions on ethics in philosophy and critical theory. Here the term “ethics” refers not to the adjudication of values but, as Bernard Williams puts it, to the question “How should one live?”² Ethical problems, in this sense, involve a certain idea of practice (“how”), a notion of the subject of ethical reflection (“one”), and questions of norms or values (“should”) related to a certain form of life in a given domain of living. This engagement with philosophical discussions helps to frame ethical questions in terms of techniques, practices, and rationality. Moreover, it identifies two elements of contemporary social life – biopolitics and technology – that feature centrally in the problematic situations we examine here.

However, our goal is different from that of the moral philosophers we discuss. The philosophical discourse on ethics is often oriented to explaining the inadequacies of contemporary ethics through reference to the loss of a past in which ethics was

coherent, based on a common tradition and a shared vision of human nature. This diagnosis of the pathologies of the present is part of a quest to define a more coherent ethics. In contrast, as interpretive social scientists, our purpose is to analyze how ethical problems are configured today. We hope to contribute to an *analytics* of contemporary ethics, rather than a diagnosis of their incoherence. Following Michel Foucault's method in his genealogy of ethics, this approach seeks to identify the elements – techniques, subjects, norms – through which the question of 'how to live' is posed.³

In the second part of this chapter we introduce the concept of the regime of living as a tool for mapping specific sites of ethical problematization. By 'regime of living' we refer to a tentative and situated configuration of normative, technical, and political elements that are brought into alignment in situations that present ethical problems – that is, situations in which the question of how to live is at stake. Here the word *regime* suggests a "manner, method, or system of rule or government,"⁴ including principles of reasoning, valuation, and practice that have a provisional consistency or coherence. To say that such regimes relate to questions of *living* means: first, that they concern reasoning about and acting with respect to an understanding of the good; and second, that they are involved in processes of ethical formation – that is, in the constitution of subjects, both individual and collective.

We explore the operation of regimes of living through a number of exemplars drawn from the volume – these include cases described by Marilyn Strathern on ethical regulation in Canada, Teresa Caldeira and James Holston on development and urbanism in Brazil, Janet Roitman on the "garrison-entrepôt" in the Chad Basin, and Lawrence Cohen on the organ trade in India. These exemplars illustrate the dynamic process through which a situated form of moral reasoning – a regime of living – is invoked and reworked in a problematic situation to provide a possible guide to action. They also illustrate the centrality of biopolitics and technology to contemporary ethical problems. In diverse sites, one finds forms of moral reasoning that are not linked by a common culture but whose shared characteristics can be analyzed in terms of intersections of technology, politics, and values.

The analytic mode of this chapter is methodological rather than theoretical or strictly empirical. Its purpose is neither to put forward an over-arching description of ethical problems in the present nor to multiply instances of local specificity. Rather, we seek to clarify a form of inquiry common to the chapters that follow and to make explicit some strategies for defining shared objects and problems.⁵

Technological Reason and Biopolitics as 'Ethical' Problems

As an initial illustration of how the chapters in this volume critically engage 'ethical' problems, we turn to Marilyn Strathern's chapter, "Robust Knowledge and Fragile Futures." This chapter describes the work of the Canadian Royal Commission on New Reproductive Technologies, formed to make policy recommendations to the Canadian Government. Strathern's account begins from a problematic situation: the

invention of new technologies poses questions concerning the regulation of human reproduction. Notably, it is the state, and specifically this Royal Commission, that is identified as the appropriate agent to respond. The Commission employs a distinctive form of reasoning that rests on the 'liberal' principle that it should act on behalf of the values of "Canadian society as a whole."⁶ This principle, in turn, presents a technical challenge: how to make 'society' register its opinion – how, as Strathern puts it, to "set in motion social processes that would yield information attributable to [this] society."⁷ The Commission's answer is the appropriation and deployment of an 'ethical' technology – a survey – that aims to capture the diversity of opinion of Canadian society. This procedure constitutes a *social audit*, whose purpose is to analyze not financial values and flows but the values of society. These values are supposed to form the basis of policy, allowing the Canadian Government to claim that its action reflects and is accountable to the "will" of the Canadian people.

The Commission understands the 'problem' in this situation as involving competing values about the morality of the use of reproductive technologies.⁸ Accordingly, it sees its task as the resolution of conflicts among these values through an appeal to a *universal* value – liberality. This approach places the Commission's activities within the domain of 'ethics' in the term's narrow contemporary usage, indicating the application of values or moral rules to specific situations. But we might also see the work of the Commission in terms of a regime of living – that is, as part of a more contingent assemblage of values and of political and technical elements.⁹ In the case that Strathern describes, the social audit crystallizes a form of reflection and practice on the question of how a peculiar kind of ethical subject – society – should live.

An important claim of Strathern's chapter is that the activity of the Commission on Reproductive Choice is inadequate to the challenge of reflecting upon the 'ethical' problems raised by new reproductive technologies. Ultimately, she suggests, the point of the exercise was simply to *have gone through* the process of the audit, to *have recorded* society's opinion. This opinion was not meaningfully reflected in policy and, indeed, the recommendations that resulted from the social audit seem to have been determined in advance by the very value upon which the Committee's work was premised: liberality. Would the recommendations have been different, Strathern asks provocatively, if 'society' was deemed to be illiberal?

Strathern's analysis recalls the concern of some contemporary moral philosophers and critical analysts that, as ethical discourses have proliferated, they are increasingly inadequate to the problems with which they grapple.¹⁰ As Alasdair MacIntyre argues in his important book on Western moral philosophy, *After Virtue*, "moral countenance can now be given to far too many causes... the form of moral utterance provides a possible mask for almost any face."¹¹ MacIntyre's diagnosis of this situation proceeds from the suggestion that contemporary ethical discourse "can only be understood as a series of fragmented survivals from an older past" when ethics was "at home in larger totalities of theory and practice in which they enjoyed a role and function supplied by contexts of which they have now been deprived."¹² The "older past" MacIntyre has in mind is that of classical Greece, which serves as a model of coherence in comparison to what he sees as the disorder of contemporary

ethical discourse. In his reading of the classical tradition, practical reason, the institution of citizenship, and conceptions of the virtues were rationally organized on the basis of a common understanding of human ends and a stable cosmos or tradition. In this context, individuals could conduct their lives with respect to a stable understanding of the good. For MacIntyre, contemporary ethical discourse lacks such a stable cosmos or a teleological understanding of human nature to guide ethical reasoning. Consequently, he argues, contemporary ethics has devolved into empty debates about incommensurable values that are not amenable to rational resolution.

In contrast to MacIntyre, however, our goal is not to diagnose the malaise of contemporary ethics; nor is it to propose a means of rectifying our ethics. Nonetheless, the contrastive comparison between contemporary and classical ethics that MacIntyre and others have undertaken proves useful for the present analysis. Whatever one makes of his account of the classical tradition, MacIntyre's discussion brings into view distinguishing features of the way the question of "how one should live" is posed today.

Thus, in the case of the Canadian Commission, the "how" includes technical means – reproductive technology, the survey, focus groups – that stand in uncertain relationship to values or ethical principles. The "should" does not refer to virtues derived from an understanding of human nature or to a common tradition – indeed, the ethical norm is in formation: the very phenomenon that the Commission seeks to reflect is the 'diversity' of Canadian society. And the ethical subject – the "one" – is not an individual reflecting on the conduct of life but a collection of experts adjudicating among values. Their charge, moreover, is to act in the name of an entity that would have been foreign to the classical ethical formation – society. The life in question is collective, and it is not only the life of citizens but of biological and social beings, insofar as they are engaged in reproductive behavior.

These distinctive features of contemporary ethics can be understood through two broad contrasts highlighted by MacIntyre and others. The first is between the "practical reason" of the classical tradition and modern "technological reason." The second is between the classical account of the *polis* as a domain in which reasoning citizens meet as equals and a key dimension of the modern polity – biopolitics. For a range of critical observers the rise of biopolitics and technology are key moments in a narrative about the loss of coherence of ethical reason in modernity. However, we read the centrality of biopolitics and technology to modern social life in a different light. From an anthropological vantage, they can be understood as sources of dynamism that are critical to understanding how the constitution of ethical subjects, forms of ethical reasoning, and practices of living with respect to the good are at stake today.

Moral philosophy's "classical tradition"

In MacIntyre's account, the key feature of classical ethics was that it rested upon a shared view of human nature – what Charles Taylor calls a "specific anthropology."¹³ As MacIntyre describes this ethical configuration, "human beings, like the members

of all other species, have a specific nature; and that nature is such that they have certain aims and goals, such that they move by nature toward a specific *telos*.”¹⁴ Living life with respect to one’s *telos* was the central task of ethical self-formation.¹⁵ From this starting point, MacIntyre paints a picture of a coherent ethical configuration that rests on two key elements: practical wisdom as a basis for rational action and the *polis* as a context of ethical reasoning. As we will see, both are central to his understanding of the disarray of contemporary ethics.

According to this account of ethical action in the classical tradition, to live a good life an individual had to possess a certain kind of discernment in determining what actions were appropriate, ‘good,’ or virtuous.¹⁶ Such discernment did not involve knowledge of a fixed set of moral rules, nor was it a purely abstract form of rationality. It was, rather, a capacity for reasoned choice – a practical wisdom – that allowed an individual to act on the basis of “the requirements of virtue in each fresh context.”¹⁷ The ability to make such practical choices was an excellence of character that was itself the product of work on the self or a process of ethical self-formation. As MacIntyre summarizes it: “The education of the passions into conformity with pursuit of what theoretical reasoning identifies as the *telos* and practical reasoning as the right action to do in each particular time and place is what ethics is all about.”¹⁸ Practical wisdom, thus, was always linked to the character of the person who was engaged in reasoning. In contrast to the modern situation, MacIntyre argues, practical wisdom could only be exercised by a good person; and conversely, goodness required intelligence.

A second important feature of this philosophical engagement with the classical tradition relates to the context in which practical wisdom could be exercised and the good life pursued. Classical ethics was necessarily pursued in the distinctive space of the *polis* and through the conduct of a political life.¹⁹ Correspondingly, the contemporary absence of a structured domain like the *polis* frames many philosophers’ analysis of the inadequacies of ethics today.

For example, Hannah Arendt, in a manner that resonates with MacIntyre, describes the classical *polis* as a space of freedom in which an ethics based on speech and action of citizens was possible. In analyzing this space she draws a critical distinction between the *polis* – the space of politics in which citizens met as equals – and the *oikos* or household – the space of mutual interdependence for the sake of sheer life.²⁰ It was only upon entering the *polis* and leaving behind the cares of the *oikos*, upon freeing oneself from the cares of sheer life, that the citizen could pursue the good life. As Arendt notes, “[t]he ‘good life,’ as Aristotle called the life of the citizen, therefore was not merely better, more carefree or nobler than ordinary life, but of an altogether different quality. It was ‘good’ to the extent that by having mastered the necessities of sheer life, by being freed from labor and work, and by overcoming the innate urge of all living creatures for their own survival, it was no longer bound to the biological life process.”²¹ “Ordinary life,” as Taylor calls “the life of production and reproduction, or economic and family life” – was for Aristotle “simply of infrastructural significance . . . a goal of association, because you need it in order to carry on the good life.”²² As we will see, Arendt contrasts this configuration to the centrality of “the biological life process” in modern politics.

For MacIntyre, the context of the *polis* is significant in another respect that is crucial to his diagnosis of contemporary ethics – namely, that it provided a common tradition in relation to which ethical problems were posed. Answers to such problems were not to be discovered through moral rules that applied everywhere to all human beings. Rather, the good could be understood only in relation to the context-dependent and always embedded problems, mores, and conventions – the *nomos* – of a given human community.²³ The *polis* defined the horizon or common tradition of such a community. The preoccupation of practical wisdom was to grasp the requirements of virtue, not as strict rules or moral laws but as a relatively flexible and critical engagement with a tradition.²⁴ Thus, in MacIntyre’s reconstruction, classical ethics assumed both an embeddedness in a certain tradition and a critical distance from the tradition’s specific dictates.²⁵

How does MacIntyre’s reconstruction of the classical tradition inform his diagnosis of the malaise of contemporary ethics? And what elements of his diagnosis might be usefully redirected toward an analytics of the dynamism of current ethical, technical, and political configurations?

Technological reason

For MacIntyre, a key problem with contemporary moral philosophy is that it assumes a separation between ethics and rationality. In this sense it precludes a structure of practical wisdom akin to that of classical ethics. Modern thinkers, he argues, have emphasized a view of reason that, as Taylor puts it, is not “defined substantively, in terms of a vision of the cosmic order, but formally, in terms of the procedures that thought ought to follow, and especially those involved in fitting means to ends, instrumental reason.”²⁶ This instrumental or *technological* reason has a disembedded character: it is not wedded to a specific social or cultural context, to an understanding of the good, or to a stable understanding of a human nature that grounds action.²⁷ Questions of fact are de-coupled from questions of value. The result, MacIntyre argues, is an incapacity to conceive ‘ethics’ as a form of reasoned action, and a tendency to frame ethical problems in terms of “irrational” values that cannot be rationally debated.

Moreover, MacIntyre argues, in modernity the exercise of reason is dissociated from ethical self-formation and from a specific subject of reason. “For Kant,” he notes, “one can be both good and stupid; but for Aristotle stupidity of a certain kind precludes goodness.”²⁸ Thus, a number of problematic ‘ethical’ figures in modernity – the technocratic expert who is concerned only with facts and not with values, or, we might add, the contemporary ethicist, whose ‘expertise’ or authority lies purely in questions of value rather than in questions of fact – would not have been conceivable for classical ethics.²⁹ Modern reason raises the possibility that one can be both good and stupid; or, for that matter, bad and smart.

For MacIntyre, the disjuncture between ethics and rationality in modernity is the product of an historical process through which the moral subject has been deprived of a social milieu and *telos* that could rationally ground moral judgments. But the

emergence and spread of modern forms of rationality need not be seen solely in terms of the ‘decline’ of an ethical cosmos and the eclipse of a coherent ethics. As Max Weber and others have argued, the techniques of instrumental reason – are of increasingly broad ethical significance across the life worlds³⁰. The extension of such techniques can be understood as constantly provoking new ‘ethical’ questions as concrete forms of technological reason enter into dynamic, productive, and often problematic relations with values.³¹ Moreover, technological reason is continually involved in constituting “human nature” and diverse ethical subjects. Vivid examples can be found in the debates swirling around reproductive technology and associated questions concerning definitions of the beginning of life – and, thus, the definition of life itself – or in political battles over technologies of administration in domains such as welfare reform that redefine human collectivities.

Biopolitics

Parallel to their analysis of the distinction between practical wisdom and a disembedded technological reason, MacIntyre and Arendt use a contrast between the classical *polis* and the modern polity to criticize contemporary ethical reasoning. As we have seen, in Arendt’s understanding of the classical tradition, citizens could only constitute themselves as ethical subjects in a space of freedom from the mundane concerns of biological and social existence.³² In the modern polity, by contrast, biological and social processes for sustaining and reproducing human life are central problems. Arendt associates this feature of the modern polity with the domain of ‘society.’ Society here is neither the state nor the individual household – the two spaces whose opposition organized classical ethics – but a third term: a “national *oikos*,” or national household, in which “the fact of mutual dependence for the sake of life and nothing else assumes public significance and where the activities connected with sheer survival are permitted to appear in public.”³³ Relatedly, fostering the “ordinary life” of a population is a central basis for the legitimacy of modern states and a primary goal of regulating collective life.³⁴

For Arendt, one implication of the rise of the social is the erosion of the *polis* as a context for a coherent and rational ethics.³⁵ The emergence of life itself as the central problem of the modern polity is linked to the rise of a mass society geared to the satisfaction of the basic wants of the population rather than the political life of citizens. In turn, she argues, the mass character of contemporary politics means that behavior displaces action in the public sphere, which is not a space of reason and freedom but a space of conformity and statistical regularity. In a distinct but parallel fashion, MacIntyre argues that contemporary politics does not constitute the horizon of a common tradition in relation to which rational citizens can fashion an ethical way of living.

But the centrality of social and biological life in the modern polity – leading to a situation we might call, following Foucault, ‘biopolitical’ – need not be seen only in terms of a loss of a common point of reference for ethical reasoning. As Strathern’s case and the exemplars we consider below demonstrate, ‘society’ emerges as a central

ethical subject in modernity. At the same time, ‘politics’ is reconfigured in more partial and provisional forms around problems of collective existence related to life itself.

Counter-politics of sheer life

This point is persuasively demonstrated in Teresa Caldeira and James Holston’s chapter “State and Urban Space in Brazil: From Modernist Planning to Democratic Interventions,” which examines neoliberalism, social welfare, and popular politics in São Paulo squatter settlements. The authors’ point of departure is the emergence of modern urbanism in the post-World War II project of state-led developmentalism in Brazil. This form of urbanism, which defined the totality of social relationships as a possible object of state intervention, constituted society as a field of technical manipulation and as an ethical substance through which certain ideals – equality, modernity – could be realized for the entire Brazilian nation. In so doing, it created a political space in which Brazilians appeared not only as holders of juridical rights but as members of a population with social and biological needs.

However, as Caldeira and Holston note, the actual operation of “total planning” contradicted the core principles of Brazilian social modernity in important ways. Large portions of the urban population that were incorporated into plans as laborers were excluded from the basic institutions of social and political citizenship, and could only inhabit modern cities by means of illegal or irregular settlements. However, this disenfranchisement did not prevent the formation of expectations among the residents of such settlements that the state would deliver core social goods and services. The resulting clash between an inclusive national ideology and the actual facts of exclusion from Brazilian social modernity led these marginal subjects to craft a distinctive strategy for making claims on the state. This strategy did not reject the project of social modernity; rather, it was a “counter-politics” that articulated claims to inclusion or citizenship in the Brazilian ‘nation’ precisely on the basis of demands for service delivery, infrastructure provision, and participation in planning decisions.³⁶ A type of citizenship, a certain set of technologies related to the satisfaction of daily needs, and a set of values concerning expectations of state administration crystallized in a regime of living that we can call a *counter-politics of sheer life*. This form of situated moral reasoning involves a claim to state resources that is articulated by individuals and collectivities in terms of their needs as living beings.³⁷

As we have seen, the philosophical engagement with classical ethics is useful in understanding ethical problems not in terms of moral rules or values but as configurations of reason, technique, and institutions of collective life. This discussion also points us toward technological reason and biopolitics as dynamic sites of ethical problematization. For social scientific observers, these insights suggest that it is unsatisfactory to limit discussion of contemporary “ethical” problems to the self-forming individual or to the quest to find a rational form of acting with respect to the good. In these cases the elements that compose contemporary problems of living stand in flexible, provisional, and tense interrelationship. Just

as fundamentally, these cases indicate that the range of situations in which problems of living arise is much broader than what moral philosophy and critical theory have conceived as the proper domain of ethics. These situations shape partial and provisional reconfigurations of “ethical” reflection and action – what might be called minor traditions.

Banditry

To illustrate this point, we turn to Janet Roitman’s chapter on practices of wealth creation among bandits and traffickers in the Chad Basin. As in Caldeira and Holston’s example, Roitman’s case does not involve “ethics” in any conventional sense; it is perhaps even more remote from the scene of classical ethics as conceived by moral philosophers than Caldeira and Holston’s counter-politics of sheer life. Nonetheless, it examines a site in which the question of “how to live” is posed in relationship to technology and biopolitics.

Roitman’s analysis centers on what she calls a distinctive “military–commercial nexus”³⁸ – the garrison–entrepôt – characterized by a range of “unregulated economic activities and violent methods of extraction,” such as banditry and trafficking. Various political and economic transformations interact dynamically with the formation of the garrison–entrepôt. These include structural adjustment policies, fiscal crisis, privatization, the erosion of the state monopoly on violence, and the increasing marginalization of the Chad Basin from the global economy. In this context, Roitman’s insight is to understand the garrison–entrepôt not in terms of absence – of law, civility, or a coherent grounds for ethical reasoning – but as a distinct domain, with its own norms, technologies, and sites of practice. Despite its problematic legal status, Roitman argues, the garrison–entrepôt constitutes a mode of regulating economic activity that is also “fundamental to the workings of the various national states of the Chad Basin.”³⁹

Moreover, participants in the garrison–entrepôt engage in forms of situated action and reflection on questions of living that enable them to forge ‘ethical’ orientations to their work. Roitman describes how actors operating in the garrison–entrepôt – such as bandits, traffickers, and “fighting customs officials” – reflect on the tension between the “licit” and the “legal.” Terms and values that are typically associated with the functioning of the modern state – such as security, employment, and the redistribution of wealth – are part of a language for making ethical distinctions among various formally illegal activities. For example, illegal and sometimes violent appropriation is understood as a kind of tax collection, since it is linked to what are seen as licit practices of redistribution or forms of ‘work.’ As Roitman writes, the “idea that theft and highway robbery constitute work is more than just a rationalization of illicit practice; it is a reflection that is grounded in particular notions about what constitutes wealth, what constitutes licit or proper manners of appropriation, and how one governs both wealth and economic relations.”⁴⁰ “Banditry,” in this case, emerges as a regime of living that actively reworks existing forms of regulation, governing, and ethical action.

In Roitman's case, as in the others we have described, technological reason and biopolitics are sites of dynamism. They shape uncertain situations in which the very terms of ethical activity – the subject in the name of whom action takes place, the values that guide ethics, and the relevant forms of ethical reason and practice – are in question. The point is not to argue that the necessary elements of a coherent ethics – a common tradition, a telos of ethical self-formation, or a stable anthropology – are lacking in these sites of ethical problematization. Rather, it is to repose the question for a contemporary investigation of problems of living: how, today, is our anthropology at stake in our ethics?

Regimes of Living in Operation

In the remainder of this chapter, we examine the dynamics of regimes of living as they take shape in diverse situations. We also consider how, as a methodological tool, the concept of regimes of living may help draw diverse projects into a field of common problems by establishing interconnections among sites of analysis and by pointing to a shared ethos of inquiry.

Regimes of living, as we have noted, are situated configurations of normative, technical, and political elements that are brought into alignment in problematic or uncertain situations. A given regime provides one possible means, and always only one among various possible means, for organizing, reasoning about, and living 'ethically' – that is, with respect to a specific understanding of the good. Regimes of living have a certain systematicity or regularity – like a diet, a medical regimen, or a set of exercises – that give them a provisional consistency or coherence. But they do not necessarily have the stability or concrete institutionalization of a political regime. Rather, they may be conceived as abstract congeries of ethical reasoning and practice that are incited by or reworked in problematic situations, taking diverse actual forms.

To illustrate the operations of regimes of living, we draw on a familiar and classic example – Max Weber's description of Benjamin Franklin's ethic of self-conduct. Weber showed that this ethic was organized around a strange and unprecedented principle: the duty to accumulate rather than consume capital. It endowed a range of practices crucial to the development of modern capitalism that had no intrinsic value with "ethical sanction." Weber traces the formation of the Protestant ethic by examining Franklin's dicta on how to live a good life: "a penny saved is a penny earned"; "time is money"; "credit is money"; "the good paymaster is lord of another man's purse."⁴¹

The significance of these dicta for Weber is that they describe underlying norms of action in a diversity of circumstances, some of which are remote from the site of their initial formation – from Protestant doctrine, to Franklin's reflections on the virtues of economic living, to transparent capital accounting in a large industrial enterprise. They suggest important elements of how such situations are organized ethically through a process that combines principles of ethical reasoning with concrete practices in specific contexts. The activities identified by these maxims are not only

'ethical' in the sense of morally correct. They also suggest techniques for working on the self, for constituting the self – whether that 'self' is a Protestant, a virtuous early post-Revolutionary American, or a capitalist enterprise – as a certain kind of subject. Thus, when combined with various norms of conduct and forms of practice, the Protestant ethic can be seen to provide a "foundation and justification" for related but distinct regimes of living in diverse sites.⁴²

One important quality of regimes of living is a certain capacity for extension or abstraction. Once they have taken shape, they can be flexibly invoked by actors (whether individual or collective) in problematic or uncertain situations – situations that are characterized by a perceived gap between the real and the ideal, that are in search of norms and forms to guide action. Thus, on the one hand, regimes of living give problematic situations a certain moral or ethical structure for a particular, situated, ethical subject. On the other hand, a regime of living assumes concrete, substantive form only in relation to the exigencies of a given situation, and may even be reshaped, or reworked in a given situation. The relation between a problematic situation and a regime of living can, thus, be understood as one of *co-constitution* or *co-actualization*.

Operability

As an illustration of the co-constitution of regimes of living and problematic situations, we turn to a fourth exemplar, Lawrence Cohen's chapter, "Operability, Bioavailability, and Exception," which examines contemporary regulation of the organ trade in India. The backdrop to Cohen's case is the combination of developments in the life sciences (in organ extraction, grafting, donor screening and matching, and in immunosuppressant drugs), advances in communications and transport technology, and changing conceptions of the "end of life" that together have vastly expanded the "bioavailable" population; that is, the population whose biomatter – here kidneys – is "available for . . . selective disaggregation."⁴³

Following scandals in Bombay and Bangalore in 1994, the Parliament of India passed the Transplantation of Human Organs Act (THOA), whose provisions were imitated in similar acts at the local level in many Indian states. The Act drew a distinction between sold and 'gifted' organs, deeming transplantation from living donors ethical only when spurred by familial love. But the law also allowed 'exceptions' to be granted by medical-bureaucratic structures called "Authorization Committees." The resulting situation reflects a complex ethical logic: "The sovereign state protects persons from practices deemed exploitative and uncivilized. Out of love, family members and friends may desire to give a kidney to one who needs it. To prevent the moral economy of the latter from degenerating into the uncivil economy of the former, only four permitted classes of kin are constituted as *normal* donors. To prevent state protection from shutting down other life-saving circuits of love and flesh, the formal logic of exception is set up." After a period of strict prohibition, Cohen notes, most Authorization Committees tended to allow the 'exception' to become the 'rule,' placing organ sales in a structure of formal legality. The "ethics of the exception," thus, is a regime of

living forged through a specific relationship between state practice, biomedicine, transplant doctors, and the committees that regulate them.

But frequently buried in the noisy ‘public’ and ‘political’ discussions around the organ trade, as Cohen shows, a different regime of living is shaped by those who decide to sell an organ. These sellers may act ‘out of love,’ felt not for the recipient of the organ but for the beneficiary of money gained from its sale. For such individuals, the problem of how to act in this uncertain situation is structured in part by the twin technopolitical situations of “bioavailability” and the exception in the national law on organ transplant. Cohen discovered another element of this regime of living almost accidentally, when he found that *all* of the 30 women he interviewed concerning organ sales had undergone previous sterilization surgeries. The surgeries were connected to state-based developmental strategies that sought to control population growth among the “lower classes,” whose ‘unruly’ passions could not, it was presumed, be tamed by other means. Cohen suggests that in this context sterilization surgeries became one “form through which constitutively marginal, pre-modern subjects can secure some form of modern participation in the nation-state.”⁴⁴ The result is the crystallization of a regime of living, *operability*, through which invasive surgery becomes part of a repertoire of ethical possibilities that are weighed in making a decision about selling one’s kidney.

Cohen’s case also underscores a point made earlier concerning the kind of ‘life’ that is at stake in the mutual constitution of regimes of living and problematic situations. In contrast to classical ethics, the operation of regimes of living does not necessarily involve an individual’s capacity for insightful understanding; and the ‘life’ in question is not necessarily that of a reasoning citizen. Rather, the life at stake in a given regime of living may be collective as well as individual; and problems of ‘ordinary life’ – mutual existence for the sake of sheer life and biological life itself – are central to regimes of living. What is more, the life in question is not characterized by an internal logic or higher coherence that could be derived through abstract reflection. And regimes of living do not provide definitive resolutions to problematic situations by recourse to a politics, a space of universal rationality, or a tradition. They do not produce, as Taylor summarizes the Aristotelian position, “a kind of awareness of order, the correct order of ends in my life, which integrates all my goals and desires into a unified whole in which each has its proper weight.”⁴⁵

Indeed, as we see in the exemplars we have considered, the invocation of a regime of living may raise as many ethical “problems” as it resolves; its relation to a ‘good life’ is strained. Consider: Strathern’s note concerning the possible ‘illiberality’ of society’s values that threatens to undermine the very principle in the name of which social audit emerged and was deployed; Weber’s gloomy conclusion that the Protestant ethic may turn out to be an iron cage; the unstable ‘ethical’ space in Roitman’s characterization of the garrison–entrepôt, which emerges as a troubling product of transformations in the exercise of economic regulatory authority; or, in Cohen’s case, the Pyrrhic victory of a form of citizenship based on an ethos that brings the sale of body parts into a desperate calculation concerning basic survival. These are not, certainly, ‘identities’ to be celebrated, and the situated and provisional understanding

of the good established in them does not provide an integrated, consistent, and rationally justifiable ground for the good life. And yet, the regimes of living we have discussed provide, in uncertain situations, contingent means for organizing, reasoning about, and living ‘ethically.’ They define situated understandings of the good, modes of possible action, and techniques for working on or forming subjects.

A field of common problems

Our use of the concept of the ‘regime of living’ exemplifies a mode of analytic work that is neither theoretical nor strictly empirical but “methodological.” This analytic stance contains an implicit critique of attempts in moral philosophy to theorize a generalized ‘ethical’ condition of the present. But the aim of this exercise has not been simply to deny the universality of normative philosophical claims by reaching to detailed knowledge of local specificity and a cogent understanding of actors’ contexts and motives. At one level, the contributions to the volume are exemplary of a classic ‘ethnographic’ imperative: to avoid universal generalization, to attend to practices, local histories, and contexts, and to actors’ own understandings of what they are doing. But the concept of the regime of living points to a set of more substantive characteristics shared by these chapters. As such, it can serve as a tool to map a field of inquiry by grasping both empirical connections among sites and conceptual interconnections among problems.⁴⁶

One type of such connection results from the movement of technological or biopolitical forms that are “global” – in the sense that they are not attached to a social or cultural context – through the efforts of concrete individuals or through institutional or organizational relationships. For example, the technologies of social audit that Strathern describes circulate in global expert communities, shaping distinctive ethical and technical responses in disparate sites.⁴⁷ Regulation of the circulation of human organs presents another instance of this kind of connection. Here, an object that technological change has made increasingly abstractable and mobile – the transplantable human organ – draws donors, buyers, doctors, and brokers into comparable problematic situations.⁴⁸

A second type of connection among sites can be identified in the case of structurally similar sociohistorical or technopolitical situations. For instance, we can compare Roitman’s “trafficking” to other situations in which questions concerning the legitimacy of the state have emerged in the context of the decline of state power and the broad expansion of criminal activity. Thus, the anthropologist Carolyn Humphrey notes in her analysis of Russian bandit gangs that the “category of people who engage in activities defined by the state as illegal do not necessarily define themselves as criminals.”⁴⁹ Rather, echoing Roitman, they have an elaborate understanding of legitimate work defined specifically in contrast to the illegitimacy of the institutions of formal legality. The notion of “counter-politics” provides another example of connections between sites that result from similar structural situations. In Caldeira and Holston’s case, residents of squatter settlements constitute themselves as active citizens through a “strategic reversal” that appropriates precisely the values of the

biopolitical regime from which they were excluded.⁵⁰ Akhil Gupta has examined a similar situation in which rural social movements have mobilized against the “urban bias” of post-World War II developmental strategies by making claims on precisely those ends promised by, but not delivered to, much of rural India. As in Brazil, a counter-politics emerges as a kind of second-wave reaction to the exclusions of state-led projects of social modernity, and a certain regime of living orients collective aspirations that are articulated in political space.

Notably, the connections among these sites do not rest on a common cultural field or a common social logic. Actors in Europe and the Chad Basin do not face the same issues, or have recourse to the same range of responses. The space of inquiry defined by a regime of living is not delimited by boundaries of territory, political structure, language group, or common experience. Rather, it points to more heterogeneous and provisional linkages that structure common problems of living for actors – and common problems of inquiry for critical observers.

The position of the observer

As we have noted, the analytic framework we have proposed here is inspired by a critical engagement with two approaches that examine biopolitics and technological reason as central to contemporary ethical problematizations. One, based in moral and political philosophy, has returned to the classical tradition to diagnose the incoherence of contemporary ethics. The other, from interpretive social science, tends to use ethnographic analysis to emphasize particularization and specificity, underlining the diversity of sites and subject positions from which “ethical” problems are posed.

In contrast to the philosophical position, the approach we have outlined does not support an attempt to establish a firmer ground for ethics through reference to a common tradition or a common *telos*. Indeed, one implication that might be drawn from the preceding argument is that such efforts are based on a mistaken conception of the structure of contemporary ethical problematizations. Such efforts take for granted precisely what is under question in a study of regimes of living: the anthropological forms that are at stake – in formation – in our ethics.

Investigation into technical practices, as exemplified by the contributors to this volume, suggests a different critical point of entry. The function of the exemplars we have considered here – and the methodological purpose of the regime of living – is not to explore the conditions for a rational ethics; nor is it to reject, as such, the terms and values of ethical discourse today. Rather, it is to sort out some of the concrete implications of these situations for the politics and practice of living.

Thus, Strathern’s concern is not that we put “liberality” as a value into question any more than it is that we take it as an unquestioned good, but that, rather, we evaluate specific programs organized in the name of liberality by examining concrete technopolitical arrangements. The result is an incisive technical critique of attempts to operationalize ethics in this particular domain. Cohen’s point is not to denounce the “ethics of the exception” in general but to sort out ethical problems around the structure of the exception, and to show how attention to a particular value – familial

love – might be used to destabilize taken-for-granted ethical judgments about organ sales. Roitman neither celebrates nor condemns the life of banditry so much as she uses its analysis to inquire into the structure of ethical positionings around the legality or illegality of failed states. Finally, Caldeira and Holston cautiously treat the substantial gains of squatter movements in the democratization of the 1990s, examining the tensions between the extension of political franchise and the erosion of public space that has resulted from deregulation and neoliberal reform. What these analyses suggest, in any case, is that the analysis of contemporary sites of ethical problematization involves an ‘anthropological’ investigation into how the nature and practice of human life and the *telos* of living are constituted and reconstituted.

Notes

- 1 We acknowledge the helpful comments of Mireille Abelin, Talia Dan-Cohen, Rebecca Herzig, Frederic Keck, Paul Rabinow, Tobias Rees, Aihwa Ong, and Natasha Schull.
- 2 Bernard Williams, *Ethics and the Limits of Philosophy* (Cambridge, MA: Harvard University Press, 1985).
- 3 In his later work on classical and Christian techniques of the self, Foucault showed how empirical investigation into the history of ethical reflection could be a way of engaging ethics without relying on abstract, transhistorical formulations. Central to this genealogy of ethics was the technique of locating ethical “problematizations,” moments when previously taken for granted forms became problems for thought. Foucault’s move to ethics has sometimes been seen as a “retreat” to the question of the subject, away from questions of power. It seems, rather, to have been an attempt to reimagine the possible relationships between ethics, technology, and politics, by genealogically decoupling techniques of the self from normalization processes. He created a typology of ethical action – which included ethical substance, mode of subjectivation, techniques, and *telos* – in order to map some of the shifting configurations of ethical action from the classical period, to the Christian era, to modernity. See Michel Foucault, “On the Genealogy of Ethics: An Overview of Work in Progress,” in *Ethics, Subjectivity and Truth: Essential Works of Foucault*, vol. I, Paul Rabinow, ed. (New York: The New Press, 1997). For a discussion of the term “problematization” see Paul Rabinow, *Anthropos Today* (Princeton, NJ: Princeton University Press, 2003).
- 4 *Oxford English Dictionary Online*; <http://www.oed.com>, 2003.
- 5 The regime of living is, thus, a tool for investigating what Paul Rabinow has called a “problem-space.” Paul Rabinow, “On Anthropological Work: Or an Untimely Adjacency,” Department of Anthropology, University of California, Berkeley, unpublished MS, 2003.
- 6 Marilyn Strathern, “Robust Knowledge and Fragile Futures,” Chapter 24, this volume, p. 470.
- 7 *Idem*.
- 8 Strathern does not specify these conflicts, but we might surmise that an example would be the sacrality of life at conception versus the health of the mother and the right of individuals to regulate their reproductive behavior.
- 9 For a discussion of the formation of assemblages that bring together ethics and technologies, see Paul Rabinow, *French DNA: Trouble in Purgatory* (Chicago: University of Chicago Press, 1999).

- 10 A number of medical anthropologists, for example, have critically analyzed the rise of bioethics in clinical and research contexts. See the contributions to *Daedalus* 128: 4, 1999, entitled “Bioethics and Beyond,” coedited by Arthur Kleinman, Renee Fox, and Allan Brandt.
- 11 Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame, IN: University of Notre Dame Press, 1984), p. 110.
- 12 MacIntyre, *After Virtue*, pp. 110–111, p. 10.
- 13 Charles Taylor, “Justice after Virtue,” in *After MacIntyre: A Critical Perspective on the Work of Alasdair MacIntyre*, John Horton and Susan Mendus, eds. (Cambridge: Polity Press, 1994). As Michel Foucault’s work on the human sciences would seem to suggest, this use of “anthropology” is clearly anachronistic: see Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (New York: Vintage, 1973).
- 14 MacIntyre, *After Virtue*, p. 148.
- 15 As John Horton and Susan Mendus summarize MacIntyre’s position: “For Aristotle, the good life is the life lived in accordance with virtue (*arete*), where virtue is to be understood against the background of a teleological conception of man – a conception according to which human beings have a specific nature which determines their proper aims and goals. On his account, the virtues are excellences of character which enable people to move toward their goal (*telos*), and are an essential part of the attainment of that goal.” See John Horton and Susan Mendus, “Alasdair MacIntyre: After Virtue and After,” in *After MacIntyre*, p. 6.
- 16 MacIntyre, *After Virtue*, p. 150.
- 17 Taylor, “Justice after Virtue,” p. 28.
- 18 MacIntyre, *After Virtue*, p. 162.
- 19 MacIntyre, *After Virtue*, p. 150. MacIntyre claims that the centrality of the *polis* as the proper milieu of ethics was common beyond the Aristotelian tradition. Of the four Athenian views of ethics he describes, “all do take it for granted that the milieu in which the virtues are to be exercised and in terms of which they are to be defined is the *polis*.” (*After Virtue*, p. 135.)
- 20 Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958).
- 21 Arendt, *The Human Condition*, pp. 36–37.
- 22 Taylor, “Justice after Virtue,” p. 31.
- 23 See Leo Strauss, *The City and Man* (Chicago: University of Chicago Press, 1964).
- 24 MacIntyre, *After Virtue*, p. 133.
- 25 MacIntyre’s emphasis on the ability of Aristotelian ethics to accommodate itself to a more modern understanding of an ethics embedded in a cultural tradition is a distinctive feature of his reading of Aristotle. This emphasis is not to be found in other important readings of Aristotelian ethics.
- 26 Charles Taylor, “Justice after Virtue,” p. 19. For a similar argument, see Anthony Giddens’ article in Ulrich Beck, Anthony Giddens, and Scott Lash, *Reflexive Modernization: Politics, Tradition and Aesthetics in the Modern Social Order* (Stanford: Stanford University Press, 1994).
- 27 That is, technological reason has a certain “global” character in the sense defined in Chapter 1 of this volume, “Global Assemblages, Anthropological Problems.”
- 28 MacIntyre, *After Virtue*, p. 155.
- 29 MacIntyre, *After Virtue*, p. 155; Foucault, “On the Genealogy of Ethics.”
- 30 Max Weber, *Economy and Society* (Berkeley: University of California Press, 1978), p. 67.

- 31 As a large body of work in the social studies of science has shown, modern technical communities are also moral communities. See, for example, Steven Shapin, *A Social History of Truth: Civility and Science in Seventeenth Century England* (Chicago: University of Chicago Press, 1994).
- 32 See also Taylor, "Justice after Virtue," p. 31.
- 33 Arendt, *The Human Condition*, p. 46. Peter Wagner dates the emergence of a discourse on "society" as a third term of political thought, in addition to *polis* and *oikos*, to the mid-18th century: "The new object society inherited the status of being neither state nor household. The new language thus affirmed that a moral-political entity consisted essentially of (a multitude of) households and a (single) state. It merely added a third category of phenomena; and in the way it did so, it also posited that this third category consisted of a single member rather than a multitude, though the oneness of society was of a different nature than that of the state." See Peter Wagner, "'An Entirely New Object of Consciousness, of Volition, of Thought': The Coming into Being and (Almost) Passing Away of 'Society' as a Scientific Object," in *Biographies of Scientific Objects*, Lorraine Daston, ed. (Chicago: University of Chicago Press, 2000).
- 34 This situation, as Taylor notes, constitutes an effective reversal of the Aristotelian hierarchy in which ordinary life was only the unreflective basis for the ultimate aim of leading the good life. In modern culture, he writes, "the life of production and reproduction is the centre of human concern. The highest life does not reside in some supposedly higher activity, but rather in living ordinary life . . . rationally, that is, under rational control" (Taylor, "Justice after Virtue," p. 32). This is the theme of Michel Foucault's work on biopolitics and governmentality. Thus, Foucault defines biopolitics as "the endeavor, begun in the eighteenth century, to rationalize the problems presented to governmental practice by the phenomena characteristic of a group of living human beings constituted as a population" ["The Birth of Biopolitics," in *Ethics: Subjectivity and Truth* (New York: Free Press, 1997), p. 73]. See also Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, California: Stanford University Press, 1998).
- 35 For more detail on this argument in Arendt, see Hannah Pitkin, *Attack of the Blob: Hannah Arendt's Concept of the Social* (Chicago: University of Chicago Press, 1998).
- 36 Counter-politics is a Foucaultian term that Colin Gordon analyzes in "Governmental Rationality: An Introduction," in *The Foucault Effect: Studies in Governmentality*, Graham Burchell, Colin Gordon, and Peter Miller, eds. (Chicago: University of Chicago Press, 1991), p. 5.
- 37 Nikolas Rose and Carlos Novas, in "Biological Citizenship" (Chapter 13, this volume) offer a more general term for such situations.
- 38 Janet Roitman, "The Garrison-Entrepôt: A Mode of Governing in the Chad Basin," Chapter 22, this volume, p. 418.
- 39 *Ibid.*, p. 432.
- 40 *Ibid.*, p. 423.
- 41 Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (London: Routledge, 1992), pp. 14-15; italics original.
- 42 Weber, *The Protestant Ethic*, p. 75.
- 43 Lawrence Cohen, "Operability, Bioavailability, and Exception," Chapter 5, this volume, p. 83.
- 44 *Ibid.*, p. 87.
- 45 Taylor, "Justice after Virtue."

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- 46 Max Weber, *The Methodology of the Social Sciences* (New York: Free Press, 1949).
- 47 For a description of the extension of audit regimes among different forms of social organization in Britain, see Michael Power, *The Audit Society: Rituals of Verification* (Oxford: Oxford University Press, 1997); and Marilyn Strathern, ed., *Audit Cultures: Anthropological Studies in Accountability, Ethics, and the Academy* (New York: Routledge, 2000).
- 48 Nancy Scheper-Hughes makes a similar point in “The Last Commodity: Post-Human Ethics and the Global Traffic in ‘Fresh’ Organs,” Chapter 9, this volume.
- 49 Caroline Humphrey, “Russian Protection Rackets and the Appropriation of Law and Order,” in *The Unmaking of Soviet Life* (Ithaca, NY: Cornell University Press, 2002).
- 50 Gordon, “Governmental Rationality.”