

## ARTICLE

### **Fixing Non-market Subjects: Governing Land and Population in the Global South**

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**ABSTRACT:** Expert knowledge about society and human nature is essential to governing human conduct. It figures in the formulation of the liberal and neoliberal rationalities of government that Foucault analyzed in his later work. It also figures in particular assemblages in which a governmental rationality is brought to bear on the definition of problems and the formulation of solutions. This article explores the use of expert knowledge in governmental assemblages directed towards optimizing relations between people and land in the global south. Since colonial times liberal versions of these assemblages have highlighted cultural difference, and attempted to fix particular populations into non-market niches. Elements from liberal assemblages have been grafted into neoliberal ones, producing the curious figure of *homo economicus* minus the market, the collectivized and arborealized subject of contemporary conservation initiatives.

**Key words:** governmentality, colonialism, liberal, neoliberal, assemblage, ethnography

If government is the attempt to direct conduct and optimize relations between “men and things,” it must be grounded in concepts of society and human nature, and supported by expert knowledge about the particular domains of conduct that need to be adjusted. This kind of expert knowledge can be generated by various techniques (field research, surveys, polls, focus groups) generally aligned with ethnography, understood here not as a method (i.e. long-term fieldwork), but as the graph of ethnos: the scientific study of “peoples,” “cultures,” or populations. Particular understandings of human nature figure in the liberal and neoliberal rationalities of government that Foucault analyzed in his later work. They also figure in governmental assemblages that combine these broad rationalities with more specific diagnoses and prescriptions to improve human conduct in a given socio-spatial milieu.

This article explores deployments of expert knowledge about specific populations in attempts to govern relations between rural populations and land in the global south. Since colonial times, a peculiar and recurrent feature of these assemblages has been the attempt to fix particular types of land, and particular types of people, to a non-market niche. Surprisingly, the fix persists in neoliberal assemblages that engage everyone as *homo economicus*. The articulation of liberal and neoliberal rationalities helps to explain how we have arrived at *homo eco-*

*nomicus* minus the market—the curious, collective subject that figures in contemporary land regimes and conservation initiatives.

I begin with a brief review of Foucault’s analysis of liberal and neoliberal rationalities, and the understanding of human nature embedded within them. Then I outline my concept of governmental assemblage, and proceed to explore how liberal elements in colonial assemblages have been grafted into neoliberal ones that attempt to govern through the particularities of communities and their capacity to make good choices. Note that my source of data for this article is not field based, and I don’t examine the practices through which the assemblages I examine are pulled together, or what happens to them when they hit the ground, the kind of “ethnography of governing” I have pursued in other work.<sup>1</sup> My main focus is on “ethnography in governing:” the work done by expert knowledge about populations in assemblages that attempt to direct human conduct for improving ends.

### **Liberal and Neoliberal Rationalities and the Work of Assemblage**

A liberal rationality of government, Foucault argues, is concerned with the economical management of society, understood as a natural system with its own mechanisms, in which intervention has always to be scrutinized from the perspective of the risk of governing too much.<sup>2</sup> Graham Burchell summarizes this as “governing in accordance with the grain of things ... to the end of securing the conditions for an optimal, but natural and self-regulating function.”<sup>3</sup> The task of government in liberal mode is to enframe social processes in mechanisms of security so they can take their natural course, adjusted only slightly. The assumption, in short, is that society pre-exists, and “it is the natural, self-producing existence of this society that the state has to secure.”<sup>4</sup> Knowledge of “society” therefore becomes important: it is both the object of liberal government, and sets its limits.

As many scholars have shown, knowing “society” in the eighteenth and nineteenth century was in significant part a matter of “making it up,” by devising categories, collecting statistics in relation to those categories, measuring and comparing around a norm.<sup>5</sup> It also required expert knowledge of particular populations, especially those understood to deviate from the norm—paupers, criminals, people suffering from various diseases and so on. The purpose of this knowledge was to support the liberal mode of governing “in accordance with

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<sup>1</sup> Tania Murray Li, “Practices of Assemblage and Community Forest Management,” *Economy and Society* 36, no. 2 (2007); Tania Murray Li, *The Will to Improve: Governmentality, Development, and the Practice of Politics* (Durham NC: Duke, 2007).

<sup>2</sup> Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France 1978-79*, translated by Graham Burchell (Basingstoke: Palgrave MacMillan, 2008), 19.

<sup>3</sup> Graham Burchell, “Peculiar Interests: Civil Society and Governing ‘the System of Natural Liberty,’” in Graham Burchell, Colin Gordon, and Peter Miller (eds.), *The Foucault Effect: Studies in Governmentality*, (Chicago: University of Chicago Press, 1991), 127.

<sup>4</sup> *Ibid.*, 140.

<sup>5</sup> Ian Hacking, “Making up People,” in Thomas C Heller, Morton Sosna, and David E Wellberry (eds.), *Reconstructing Individualism* (Stanford, California: Stanford University Press, 1986); Nikolas Rose, *Powers of Freedom: Reframing Political Thought* (Cambridge: Cambridge UP, 1999).

*Reframing Political Thought* (Cambridge: Cambridge University Press, 1999).

the grain of things” because the grain was not uniform. To govern particular populations appropriately meant knowing their character and evaluating their capacities. Expert knowledge became the basis for governing some groups in a liberal manner, that is through their intrinsic capacity for autonomous, self-regulating conduct.<sup>6</sup> Groups found not to possess the necessary capacity—women, children, the sick, the pauper, other races, colonial subjects—would be governed differently, in idioms of trusteeship, wardship, benevolent protection, paternalism, and often in an authoritarian or despotic manner.<sup>7</sup> If we were to conduct a head count, Barry Hindess suggests, the “liberal government of unfreedom” was far more common, even in the metropolises, than the ideology of liberalism suggests.<sup>8</sup> Designated groups, and the particular assemblages that were pulled together to govern them, formed what Uday Mehta describes as the constitutive exclusions of liberal rule.<sup>9</sup>

The knowledge required to govern distinct populations in accordance with their nature was extensive. In India and other colonial situations, distinct populations were made known through scientific studies which became the basis for formulating appropriate modes of governing, and were embedded in law, producing variations on “apartheid” themes.<sup>10</sup> These studies were also needed to justify liberal strategies of exclusion, and to respond to persistent, liberal critiques that intervention in the lives of colonial subjects could be excessive. Uday Mehta argues that James Mill’s purpose in writing his massive, six volume *History of India* was to demonstrate India’s “exceeding difference” in depth and in detail—expert knowledge that liberal government demanded as grounds to justify India’s permanent subjection.<sup>11</sup>

Neoliberal rationalities maintain the liberal emphasis on governing “in accordance with the grain of things” but the knowledge requirements of this mode of government are different. The axiom or truth at the centre of the neoliberal rationality of government is a view of human

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<sup>6</sup> The ambiguity in liberal thought between treating autonomous persons as naturally present, and setting conditions to produce such persons is discussed in Barry Hindess, “Liberalism, Socialism and Democracy: Variations on a Governmental Theme,” *Economy and Society* 22, no. 3 (1993).

<sup>7</sup> Uday Mehta, “Liberal Strategies of Exclusion,” in Frederick Cooper and Laura Stoler (eds.), *Tensions of Empire: Colonial Cultures in a Bourgeois World* (Berkeley: University of California Press, 1997); Barry Hindess, “The Liberal Government of Unfreedom,” *Alternatives* 26 (2001); Mariana Valverde, “‘Despotism’ and Ethical Liberal Governance,” *Economy and Society* 25, no. 3 (1996); Giovanna Procacci, “Social Economy and the Government of Poverty,” in Graham Burchell, Colin Gordon, and Peter Miller (eds.) *The Foucault Effect: Studies in Governmentality* (Chicago: University of Chicago Press, 1991); Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France 1977–1978*, translated by Graham Burchell (New York: Picador, 2007 [2004]), 8–9.

<sup>8</sup> Hindess, “The Liberal Government of Unfreedom,” 101.

<sup>9</sup> Mehta, “Liberal Strategies of Exclusion”.

<sup>10</sup> Colonial research on particular populations did not necessarily involve field based research methods. Its distinctive feature was attention to cultural specificity, backed by the authority of science. Colonial ethnography is discussed in Nicholas Dirks, *Castes of Mind: Colonialism and the Making of Modern India* (Princeton: Princeton UP, 2001); Donald Moore, *Suffering for Territory: Race, Place, and Power in Zimbabwe* (Durham: Duke University Press, 2005); Peter Pels and Oscar Skalemink (eds.), *Colonial Subjects: Essays on the Practical History of Anthropology* (Ann Arbor: The University of Michigan Press, 1999); Nicholas Thomas, *Colonialism’s Culture: Anthropology, Travel and Government* (Princeton: Princeton University Press, 1994).

<sup>11</sup> Mehta, “Liberal Strategies of Exclusion,” 78, 60.

nature drawn from game theory. It is explicitly universal: humans are *homo economicus*. They decide upon a course of action according to a calculus of costs and benefits. Hence neoliberal governing consists in setting conditions and devising incentives so that prudent, calculating individuals and communities choosing “freely” and pursuing their own interests will contribute to the general interest as well.<sup>12</sup> These interests are not necessarily connected to making a profit through market transactions: actors rationally pursue diverse goals (public service, finding a spouse, tending a garden). Governing is a matter of “getting the incentives right” so that some conduct is encouraged and enabled, while other conduct becomes more difficult. Hence to govern in a neoliberal style it is necessary to discover the contextual factors that rational actors incorporate into their decisions, and where necessary, adjust them.<sup>13</sup> Expert knowledge about contextual factors is furnished through quantitative techniques to measure behaviour (surveys and statistics), and through qualitative techniques (interviews, observations, focus groups) that explore how actors understand the costs and benefits of the choices before them. Neoliberal governing also goes along with intensified procedures for audit and accountability, and constant, detailed, on-the-ground checking to ensure that perverse incentives have not been accidentally introduced.

Foucault’s late lectures explored what it means to govern according to a particular rationality or ethos. He distinguished between liberal and neoliberal rationalities, and made further distinctions within the neoliberal ethos as it took shape differently in Germany, France and the USA.<sup>14</sup> In probing these variants, he began the work of situating governmental rationalities in the specific socio-spatial, historical milieu in which they take on their particular form. A governmental assemblage, as I use the term, emerges in such a milieu. It is the field of knowledge, practices and devices from which particular programs of intervention are derived. It is assembled under a dominant governmental ethos or rationality—a characteristic way of understanding the work of government—although more than one rationality may be present, because rationalities do not operate in a vacuum.<sup>15</sup> Rationalities are inscribed in practices or systems of practice that take shape in relation to problems to be solved, an accumulation of laws formulated in different eras, habits of thinking, inscription devices, material elements (trees, soil, water, labour etc), forms of knowledge, social relations, compromises, and critical responses to previous assemblages and their effects. Understanding how assemblages are pulled together and made to cohere requires attending both to rationalities (what makes it rational to think in this way, to proceed in this manner) and to the work of assemblage, which involves managing fractures, dealing with incoherences, and forging alignments. To explore the specificity of governmental assemblages, the rationalities that animate them, and the

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<sup>12</sup> Jason Read, “A Genealogy of Homo-Economicus: Neoliberalism and the Production of Subjectivity,” *Foucault Studies* 6 (2009): 27-29; Rose, *Powers of Freedom: Reframing Political Thought*.

<sup>13</sup> Governmental assemblages focused on setting incentives are discussed in Li, *The Will to Improve*, chapters 6 and 7.

<sup>14</sup> Foucault, *The Birth of Biopolitics: Lectures at the Collège de France 1978-79*.

<sup>15</sup> Barry Hindess, “Politics and Governmentality,” *Economy and Society* 26, no. 2 (1997), 266; Thomas Lemke, “Foucault, Governmentality, and Critique,” *Rethinking Marxism* 14, no. 3 (2002), 55, 57.

struggle to make heterogenous elements cohere, I turn now to an investigation of attempts to govern relations between land and people in the global south.

### **Liberal Government and the Differentiated Subjects of Colonial Rule**

Colonial rulers in the nineteenth century were concerned to define the proper role of markets in governing relations between land and people. Hence land relations became a key arena in which ideas about how to govern distinct subsets of the population were worked out. Should colonial subjects be understood as competent and potentially prosperous market subjects, capable of taking care of their own improvement and paying taxes? Or should they be protected from market pressures they were culturally unsuited to manage well? How could the protection or improvement of colonial subjects be made compatible with other colonial imperatives, namely the allocation of land for plantations and settlement, essential sources of revenue and profit? Colonial authorities devised varied solutions to this problem. A common approach was to divide the population into types, each of which could be governed according to its nature.<sup>16</sup> In schematic form, colonial dividing practices and the resulting assemblages went something like this:<sup>17</sup>

- 1) One part of the population—usually urban and educated—was deemed fit to be governed in a liberal manner. They could hold land individually, sometimes with formal, legal titles.
- 2) Another part of the population—call them farmers—could be exposed to market discipline, which was understood as an educative device, a vehicle for instilling habits of frugality, industry, and prudent calculation. Their individual land rights were recognized, and they often paid taxes based on land.
- 3) Another part—call them peasants—were incompetent or feckless, hence they needed to be protected from the full force of market discipline by interventions to make land inalienable, control interest rates, and forbid usury. These measures were necessary to prevent them from dispossessing themselves, and creating problems of destitution and disorder. With proper guidance, some members of this group might “graduate” to join group 2 above.
- 4) A forth part of the population—call them tribes—were understood to be so different that they could not be educated or improved, and should definitely not be exposed to market risk. Instead, they should be governed in terms of their difference: fixed in their alterity, fixed in place on ancestral/customary land, and fixed in the sense of repaired, with inappropriate changes reversed or abated to restore them to their authentic selves.

Colonial scholars and administrators focused much of their attention on the forth category, which provided grist for understanding alterity in binary terms. If the colonizers recognized

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<sup>16</sup> These dividing practices and their liberal rationale are strikingly described in Hindess, “The Liberal Government of Unfreedom.”

<sup>17</sup> I describe this dilemma and dividing practices in diverse colonial situations and provide references to support this schematic summary in Tania Murray Li, “Indigeneity, Capitalism, and the Management of Dispossession,” *Current Anthropology* 51, no. 3 (2010).

individual property, tribal others must hold communal/collective rights not equivalent to “property.” If the colonizers were driven by profit motives and sought private gain, tribal others must be inclined to share, etc. The differences aligned on this binary axis could be read as disabilities or as virtues, as “they” have what “we” have lost. Difference provided the grounds for fixing tribal others in place, preserving their authentic otherness, or sometimes for clearing them out of the way, so they could be replaced by more efficient land users.

Specifics varied.<sup>18</sup> To take just one example, in colonial USA after the Dawes Act (1887) Indians could obtain individual title to their land. They were no longer to be treated as a distinct type *en masse*. Their degree of difference, and the decision about who could or could not obtain title to their land, was made on an individual, case by case basis. People who the Indian agents determined capable of managing their own market destiny were set free to pursue it, while people who agents deemed to be incompetent continued to have their land managed by trustees. This was clearly a case of graduation: a racialized disability could be overcome with enough paternalistic tutelage, exposure to white ways through the introduction of white settlers onto reserve land, and the encouragement of intermarriage. A consequence of individual title—under conditions of structural/racial violence—was that a great number of Indians lost their land.<sup>19</sup>

In some parts of Asia, namely India, Vietnam and the Philippines, colonial authorities divided the population on a spatialized basis in terms of elevation. People living in highland areas became defined as tribes, and were subject to distinct legal regimes that ran under the umbrella of custom. Their land was declared communal and inalienable. These are the people who later came to be classified as “indigenous people” in international conventions. People living in lowland areas were treated as peasants, and were entitled to hold (and perhaps lose) their land as individuals. But the use of law as a tactic to fix identity and govern conduct did not always work. People forbidden from selling land did so anyway, to cover debt, but did so “illegally” hence at a disadvantageous price. Land markets didn’t disappear, they were driven underground. Some people designated for the tribal slot actually desired or had long held individual rights, and resented paternalistic restrictions which did not repair their authentic state, but imposed a new and unwelcome one. These people-land governing assemblages, in short, were fractious and fragile. Both the people governing, and the people whose conduct was to be governed debated, disrupted or unraveled them, and sometimes acclaimed, supported or demanded them, when they were consonant with their own practices and desires.

In the Netherland East Indies (later Indonesia), the Dutch colonial regime did not resolve the land dilemma by dividing the population into peasants and tribes. Instead, Dutch

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<sup>18</sup> See, among others, David Nally, “‘That Coming Storm’”: The Irish Poor Law, Colonial Biopolitics, and the Great Famine,” *Annals of the Association of American Geographers* 98, no. 3 (2008); Sara Berry, *No Condition Is Permanent: The Social Dynamics of Agrarian Change in Sub-Saharan Africa* (Madison: University of Wisconsin Press, 1993); Stuart Corbridge, “The Ideology of Tribal Economy and Society: Politics in Jharkhand, 1950-1980,” *Modern Asian Studies* 22 (1988); Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton: Princeton UP, 1996).

<sup>19</sup> Thomas Biolsi, “Imagined Geographies: Sovereignty, Indigenous Space, and American Indian Struggle,” *American Ethnologist* 32, no. 2 (2005).

officials and legal scholars continued to debate the proper way to govern land relations right up until the end of Dutch rule. The “stumbling block,” as critics describe it, was the racial axis of the apartheid legal regime that divided the colony’s population into just three types—European, Foreign Oriental, and Native.<sup>20</sup> The 1870 land law rendered all native landholding communal and inalienable, a move legislators understood to be in keeping with authentic native practice. The law’s communal presumption was later amplified and confirmed by the prominent legal scholar Cornelis Van Vollenhoven (1874-1933), who presided over the collection of huge volumes of scientific data about native law and custom.

Van Vollenhoven’s research methods were not ethnographic in the modern sense, as he spent little time in Indonesia, and was not exposed to awkward and dissonant encounters that might have challenged his views. He relied on materials collected by his students and associates, sifting through them to identify common threads. Indeed he made a virtue of abstraction, arguing that only trained foreign experts could “discover” native custom, because native informants were merely practitioners, incapable of synthesis.<sup>21</sup> When drawn into the colonial land regime, expert knowledge about native communalism served to informalize or deny individual land tenure, which was widespread.<sup>22</sup> Communal rights were prominent in the law, but in practice they were not well defined nor were they secured through the necessary inscription devices (maps, lists, boundary markers). The failure to fix land or people left a legacy of confusion and acute vulnerability around land rights that continues today.<sup>23</sup>

### **Liberal Elements in Contemporary Assemblages**

In the past few decades, liberal strategies of exclusion and paternalist protection that took shape in the colonial period have been appropriated and made into demands by “indigenous” people for secure tenure over communal, inalienable land. For indigenous activists and their allies this kind of ethnic-spatial fix serves as a bastion against dispossession by large scale state and corporate projects—dams, mines, plantations and the like. Building on their own traditions, the colonial legacy, and globally-circulating narratives, rural people claiming the indigenous slot anchor their racial/cultural difference in the radical alterity mode: love of mother earth, commitment to ancestral terrain, community, conservation, and sustainable livelihood

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<sup>20</sup> C. Fasseur, “Cornerstone and Stumbling Block: Racial Classification and the Late Colonial State in Indonesia,” in Robert Cribb (ed.) *The Late Colonial State in Indonesia: Political and Economic Foundations of the Netherlands Indies 1880-1942* (Leiden: KITLV Press, 1994).

<sup>21</sup> Peter Burns, “The Myth of Adat,” *Journal of Legal Pluralism* 28 (1989), 9, 97; H. W. J. Sonius, “Introduction,” in J. F. Holleman (ed.), *Van Vollenhoven on Indonesian Adat Law* (The Hague: Martinus Nijhoff, 1981).

<sup>22</sup> Noel Castree, “Neoliberalism and the Biophysical Environment 1: What ‘Neoliberalism’ is, and what difference Nature makes to It,” *Geography Compass* 4, no. 12 (2010).

<sup>23</sup> Down to Earth, “The Struggle for Land,” *DTE Special Edition Newsletter* 93-4 (2012); Carol Warren, “Mapping Common Futures: Customary Communities, NGOs and the State in Indonesia’s Reform Era,” *Development and Change* 36, no. 1 (2005); Daniel Fitzpatrick, “Land, Custom and the State in Post-Suharto Indonesia: A Foreign Lawyer’s Perspective,” in Jamie S Davidson and David Henley (eds.) *The Revival of Tradition in Indonesian Politics: The Deployment of Adat from Colonialism to Indigenism* (London: Routledge, 2007); Daniel S. Lev, “Colonial Law and the Genesis of the Indonesian State,” *Indonesia* 40 (1985); Li, *The Will to Improve*.

practices. It is a strategy that carries its own dilemmas. Indigenous people who fail by the standards of radical alterity-as-virtue risk to be treated as illegitimate, discarded by their allies, and placed outside the distinct legal regimes designed to protect and govern them.<sup>24</sup> A focus on the Philippines enables me to explore the indigenous fix, and situate it in relation to two other contemporary assemblages that attempt to govern relations between people and land.

The Philippines Indigenous Peoples Rights Act or IPRA of 1997 provides an example of how popular demands framed in terms of alterity can be grafted into a governmental assemblage, where they set limits on what people can do with their land.<sup>25</sup> The Act was the product of decades of struggle by indigenous groups, activist lawyers, sympathetic politicians, and social movements. The rights granted under the Act are significant achievements, but they are—necessarily—distinct from the rights that other rural Filipinos enjoy. IPRA land titles are communal and inalienable, and they carry the burden of “sustainable” management. The Act treats indigenous Filipinos as non-market subjects. Not only is their land to be kept off the land market, but their livelihoods should be limited to those that inflict little damage on the environment, a limitation not imposed on individual land-holders, or corporations. So governing indigenous people differently, in accordance with their (assumed) culture and “natural” interest—ie in a liberal manner—is bolstered by law, a coercive means to make sure that they do in fact do as they ought.

The contemporary assemblage that emerged to govern migrants who have moved into upland and forested areas of the Philippines is distinct. These migrants are not considered culturally “other,” and they do not qualify as indigenous under IPRA. Their distinction is the physical condition of the territory they occupy—sloping land—and its ecological and political status, since it is claimed by the forest department. Migrants insist on farming this land even though the authorities are convinced it should be forested to prevent erosion, mudslides and other kinds of damage. The problem is that migrants behave as entrepreneurial market subjects, which is fine in the lowlands, but not acceptable to the forest department because they are in the wrong place.<sup>26</sup> The resolution is a legal vehicle called the Community Forest Lease that regularizes the *defacto* presence of these migrants in the state-claimed forest, but attempts to limit and direct it. To qualify for the lease, migrants are obliged to organize their affairs as rule-bound “communities” who must achieve specified standards of sustainability in their land and forest use. The attempt, in effect, is to make them into non- or limited market sub-

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<sup>24</sup> Beth Conklin and Laura Graham, “The Shifting Middle Ground: Amazonian Indians and Eco-Politics,” *American Anthropologist* 97, no. 4 (1995); Tania Murray Li, “Masyarakat Adat, Difference, and the Limits of Recognition in Indonesia’s Forest Zone,” *Modern Asian Studies* 35, no. 3 (2001); Tania Murray Li, “Articulating Indigenous Identity in Indonesia: Resource Politics and the Tribal Slot,” *Comparative Studies in Society and History* 42, no. 1 (2000).

<sup>25</sup> Irina Wenk Bruelmann, *Ancestral Domain: Land Titling, and the Conjunction of Government, Rights and Territory in Central Mindanao* (University of Zurich, 2012); Raymond L Bryant, “Politicized Moral Geographies: Debating Biodiversity Conservation and Ancestral Domain in the Philippines,” *Political Geography* 19 (2000).

<sup>26</sup> Richard Gauld, “Maintaining Centralized Control in Community-Based Forestry: Policy Construction in the Philippines,” *Development and Change* 31 (2000); Derek Hall, Philip Hirsch, and Tania Murray Li, *Powers of Exclusion: Land Dilemmas in Southeast Asia* (Hawaii: University of Hawaii Press, 2011).



jects, rather like the indigenous people who are the imagined subjects of IPRA. But the liberal argument that this approach simply restores them to their natural state cannot be sustained: scientific studies show that migrants on land frontiers tend to be entrepreneurial, and seek to improve their livelihoods and where possible, make a profit.<sup>27</sup> Holding this assemblage together requires managing the fractures and contradictions, authoritarian rules, and duress: the migrants accept the deal because it is better than being evicted.

The third, contemporary Philippines assemblage I will briefly examine is land reform. The land reform law grants individual title to land reform beneficiaries, but restricts it: the recipients are barred from selling their land. The rationale for this fix is incapacity. Decades of Philippines experience with land reform, scientifically confirmed, has shown that beneficiaries of land reform soon fall back into old habits of feckless behaviour (gambling, debt), or fall victim to unscrupulous moneylenders, leading to a downward spiral of land mortgage and eventual sale. Hence they need to be encouraged to participate in markets as entrepreneurial farmers, but protected from market risk. Similar restrictions are applied to land reform beneficiaries in many contexts, where farmers must demonstrate suitably reformed conduct before they can “graduate,” and be trusted to enter into markets for land.<sup>28</sup>

These three contemporary assemblages for governing relations between people and land in the Philippine have distinctive features, as they were pulled together from elements available in this particular milieu: liberal concepts of difference, dividing practices and laws of colonial provenance, activist programs to defend peoples’ access to land, transnational indigenous rights discourse, features of the landscape (hills, forests, boundaries), Cold War experiences with land reform as a means to manage dangerous classes, an active Maoist insurgency, expert discourses, inscription devices (forest maps, satellite images, farm surveys), laws and habits of legal thinking, and many other elements. To study properly how these elements are assembled and alignments forged would require a more thorough analysis than I can provide here, one that relies at least in part on field research and the use of ethnographic methods.<sup>29</sup>

For the purpose of the present argument, what I want to stress is the continuity of a liberal ethos of governing “in accordance with the grain of things,” as it works its way into various configurations. I also want to stress the surprising persistence of non-market fixes, which are not unique to the Philippines nor simply a carry-over from the past. They figure prominently in recent land laws and regulations across the Southeast Asian region and beyond. Alongside land titling programs for selected subjects, especially in cities and in the lowlands, we find that particular populations (sometimes named indigenous), and farmers who occupy specific types of places (highlands, state-claimed forestlands), are being protected from market

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<sup>27</sup> R. A. Nelson *et al.*, “Cost-Benefit Analysis of Alternative Forms of Hedgerow Intercropping in the Philippine Uplands,” *Agroforestry Systems* 39 (1998); Emanuel Yap, “The Environment and Local Initiatives in Southern Negros,” in Philip Hirsch and Carol Warren (eds.), *The Politics of Environment in Southeast Asia: Resources and Resistance*, (New York: Routledge, 1998).

<sup>28</sup> Hall, Hirsch, and Li, *Powers of Exclusion*; Kregg Hetherington, “Privatizing the Private in Rural Paraguay: Precarious Lots and the Materiality of Rights,” *American Ethnologist* 36, no. 2 (2009).

<sup>29</sup> For an exemplary ethnography of practices of assemblage see Bruelmann, *Ancestral Domain: Land Titling, and the Conjunction of Government, Rights and Territory in Central Mindanao*.

processes deemed to be unsuitable for them.<sup>30</sup> This finding runs counter to market-centered definitions of neoliberalism which stress the extension of markets to all people, places and things.<sup>31</sup> It directs our attention to the heterogeneous character of assemblages, in which neoliberal rationalities don't operate alone.

### ***Homo economicus* minus the market**

Liberal rationalities for governing land and population in keeping with their (putatively) distinct capacities persist, and are incorporated into contemporary assemblages where they articulate more or less awkwardly with neoliberal rationalities centered on the figure of *homo economicus*. Governing through this rationale means setting conditions and calibrating incentives so that individuals and communities who weigh the costs and benefits of alternatives will make the right choice. The concept of *homo economicus* is universal. It encompasses all actors, pursuing any and all ends, not only narrowly economic ones. It doesn't divide populations according to their differential capacity to act in a rational, calculative manner, but it does recognize that populations (often described as "communities") have different values, desires, and calculations. The role of expert knowledge about specific populations in assemblages formed through this rationale is to explore the ends such populations pursue, the calculations they adopt, and the most effective way of using incentives to achieve governmental or "improving" ends.

In terms of land relations, neoliberal assemblages put the emphasis on choice. They reduce paternalistic protections to reward efficiency and entrepreneurship. They have largely dismantled the category "peasant," the third in the schema I outlined earlier, arguing that the people so classified should join with other farmers who sink or swim "freely" in the tide of market competition. Indigenous people are also governed through choice but differently. Building on the colonial legacy of governing them as collectivities, which is often enshrined in law, neoliberal governing treats indigenous people as collective subjects or "communities" with a neoliberal twist: they are communities capable of exercising their "free, prior, informed, consent" (henceforth referred to as FPIC). Indeed, indigenous people may only be addressed as collective subjects: group members who insist on exercising rights as individuals effectively become non-indigenous, as they fall outside the scope of laws and practices designed to engage and protect them. Community and *homo economicus* are brought even more closely into alignment in contemporary assemblages that combine an insistence on collective decision making with the incorporation of indigenous communities as legal persons empowered to enter into commercial contracts.<sup>32</sup>

An understanding of indigenous people as competent, decision making, rights-bearing collective subjects has not been unilaterally imposed. It is the product of decades of advocacy

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<sup>30</sup> Hall, Hirsch, and Li, *Powers of Exclusion*.

<sup>31</sup> Castree, "Neoliberalism and the Biophysical Environment 1: What 'Neoliberalism' is, and what difference Nature makes to it," 1728.

<sup>32</sup> Contra Read, "A Genealogy of Homo-Economicus: Neoliberalism and the Production of Subjectivity," 36. On the compatibility of advanced liberal rule and "government through community," in which communities are both autonomized and responsabilized see Rose, *Powers of Freedom: Reframing Political Thought*.

and popular demand, which culminated in the move to make FPIC a central feature of the 2007 UN Declaration on the Rights of Indigenous Peoples.<sup>33</sup> From now on indigenous people—like all other people—are to be treated as autonomous, and made responsible for their own fate. More specifically, like other people, they are empowered to make choices according to a rational calculus in contexts in which the conditions have been set to encourage some outcomes, and discourage others. To make good choices they need good information, clear “rules of the game,” and the opportunity to reflect on the costs and benefits of different courses of action. They may also need some fixing or repair, through programs to train them in democratic procedures so that their choices will reflect an authentic, properly collective decision, not one that has been arbitrarily imposed by rogue members or outsiders seeking to manipulate their “choices” for private gain.<sup>34</sup> The difficulty of distinguishing between setting conditions and manipulating outcomes is an obvious tension in these assemblages.<sup>35</sup> Rose highlights the paradox, observing that community is assumed to pre-exist yet it always needs to be fixed or perfected. Lemke extends this insight to neoliberal rationality in general, which he describes as “a political project that endeavours to create a social reality it suggests already exists.”<sup>36</sup>

The idea that communities/tribes/indigenous people have distinctive characteristics, habits, and cultures is an element inherited from, and formed within liberal assemblages, and embedded in many legal regimes for land management. It remains available to be grafted into neoliberal assemblages that draw on a different assumption: that tribes/indigenous people, despite their difference, or in and through their authentic difference, are in fact capable of autonomous, rational, responsible choice. Concepts of difference are sustained in these assemblages because the nature of the “improvement” sought is distinct. Land management assemblages involving indigenous people hinge on the assumption that indigenous people have desires, habits and beliefs that favour collectivity, equity, environmental sustainability, and conservation. It is their difference (their indigeneity)—and sameness (their capacity for rational choice)—that makes FPIC necessary. Duly trained, fixed to be true to themselves, furnished with the appropriate information, and given the right incentives they can be counted on to make the right choices. This means they will reject practices that damage land, pollute water or destroy forests. They won’t privatize their collective land or plant it with lucrative cash crops, take on debt, or sell land to the highest bidder. In terms of the schematic categories I outlined earlier, they won’t try to become farmers, nor will they become peasants—people

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<sup>33</sup> The incorporation of popular demands into governmental assemblages is discussed in Wendy Larner, “Guest Editorial: Neoliberalism?,” *Environment and Planning D: Society and Space* 21, no. 5 (2003), 511.

<sup>34</sup> Saturnino M Jr Borrás and Jennifer Franco, “Contemporary Discourses and Contestations around Pro-Poor Land Policies and Land Governance,” *Journal of Agrarian Change* 10, no. 1 (2010).

<sup>35</sup> See, among others Li, *The Will to Improve*; Frank Hertz, “It Takes Modern Means to Be Traditional: On Recognizing Indigenous Cultural Communities in the Philippines,” *Development and Change* 34, no. 5 (2003).

<sup>36</sup> Thomas Lemke, “The Birth of Bio-Politics: Michael Foucault’s Lecture at the Collège de France on Neo-Liberal Governmentality,” *Economy and Society* 30, no. 2 (2001), 203; Rose, *Powers of Freedom: Reframing Political Thought*, 177; Li, *The Will to Improve*.

who aspire to be market subjects but fail because they make poor choices which cause trouble for themselves and others.

Conservation programs linked to the threat of global warming amply illustrate the neoliberal ethos running through assemblages for governing still distinct but now empowered, capable, decision making communities. For example, Forest Trends and Rights and Resources International aim to help indigenous people secure their rights over forest, so they can sell ecosystem services such as biodiversity protection and carbon sequestration. They recognize the need and desire of indigenous people to make a decent living from their land. But because the principal objective of these programs is conservation they are clear about one thing: indigenous people must not become entrepreneurial farmers with individual title to their land. If they acquire such title, they will only lose it.<sup>37</sup> Instead, they are encouraged to engage in “community based agroforestry,” a practice that both arborealizes and collectivizes their identities, livelihoods, and presumed preferences.<sup>38</sup> As far as possible, proponents of these programs want the character of “forest” people, places, and practices to be fixed permanently in law. The conservation imperative, which is understood in global terms, means that “forest people” cannot be permitted to graduate.<sup>39</sup>

Interventions to fix indigenous people on to the land, and limit them to specific land uses, are currently being intensified in the context of billions of dollars in potential funding from the UN system, donors and corporations for a program called REDD+: Reducing Emissions from Deforestation and Degradation, which is part of the effort to combat climate change. REDD+ is thoroughly neoliberal in its governing ethos. As one proponent put it, REDD+ is a matter of correcting for market failures and putting a price on ecosystem services, so that that “forest owners and users can simply sell forest carbon credits and less cattle, coffee, cocoa or charcoal.” From this perspective, all that is needed to make REDD+ work is “the 3 I’s ... Information, Incentives, and Institutions.”<sup>40</sup> But these are not generic “I’s” designed for *homo economicus* in the abstract. The extensive documentation about REDD+ highlights the need for detailed, scientific study to ensure that information, incentives and institutions are tailored to the particular character of the local/forest/indigenous communities where they will be applied.

The demands of REDD+ are peculiar: market incentives (cash compensation) or collective benefits (schools, facilities) are to be given to forest communities and indigenous people

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<sup>37</sup> Lynn Ellsworth and Andy White, *Deeper Roots: Strengthening Community Tenure Security and Community Livelihoods* (New York: Ford Foundation/Forest Trends, 2004).

<sup>38</sup> Li, “Indigeneity, Capitalism, and the Management of Dispossession”; Andrew Walker, “Seeing Farmers for the Trees: Community Forestry and the Arborealisation of Agriculture in Northern Thailand,” *Asia Pacific Viewpoint* 45, no. 3 (2004).

<sup>39</sup> Compare the situation of aboriginal populations in Australia, some of whom have succeeded in consolidating legal rights to their ancestral land and now have real choices: sign up with mining corporations, or fall in with conservation agendas. See Jon Altman, “Land Rights and Development in Australia: Caring for, Benefiting from, Governing the Indigenous Estate,” in L. Ford and T. Rowse (eds.) *Between Indigenous and Settler Governance* (London: Routledge, 2013).

<sup>40</sup> Arild Angelsen, “The 3 Redd ‘I’s,” *Journal of Forest Economics* 16, no. 4 (2010).

so that they will not cultivate or indeed do anything at all with their land except conserve and restore forest. The hope (or article of faith) carried over from liberal thinking is that forest conservation is an activity for which indigenous people and “forest communities” already culturally disposed. This might mean they do not need to be paid so much, or maybe not paid at all, since forest conservation is their own authentic goal, one they already factor into their calculations. But there is enough doubt among both proponents and critics of the REDD+ program that the commitment to FPIC is a guarded one.<sup>41</sup> The Indonesian REDD+ Task Force, for example, states that “Consultation is based on complete, balanced, honest, unbiased, and easily understood information concerning the alternatives and choices existing for the public within the implementation of REDD+ activities, along with the consequences of each alternative choice. This information is meant to create leeway for broad consensus, with all parties having access to existing opportunities.”<sup>42</sup> Note that “the public” (unspecified) will be given a choice, though this is a choice governed by the demand for “broad consensus,” a notion often attributed to Indonesian culture and tradition, though in practice applied coercively to disallow dissent. The choices are among REDD+ alternatives, not outside them. It is not clear that forest villagers, whose participation is essential for the consensus vision of REDD+, actually have the option to make the “wrong” choice—to cut forests, to reject REDD+ programs and REDD+ funds in favour of different goals or different productive arrangements.

Doubts about the quality of “choice” and the risk of coercion is recognized in a report on REDD+ commissioned by the UN’s Food and Agriculture Organization (FAO). “In order for FPIC to have real validity, communities must have a legally binding option not to consent. This binding framework will probably not emerge anywhere, which is why the World Bank uses the term ‘consultation’ rather than ‘consent.’”<sup>43</sup> The Indonesian program seems to address the risk of coercion by promising social safeguards to protect “vulnerable groups, including indigenous peoples and local communities living in and around forests, whose livelihoods depend on forest resources,”<sup>44</sup> but it is a form of protection that fixes them, once again, in their distinct identities and their arboreal niche. The program doesn’t have room for the possibility that “vulnerable” groups might reject REDD+ in favour of more lucrative land uses, such as planting cash crops. REDD+ will not work if they graduate.

We see in this assemblage the attempt to enroll parties said to be “naturally” aligned with the program goals, extending them the choice to which they are entitled, but attempting to channel it. Only “forest people” and indigenous people who have been collectivized, arborealized, fixed in place, and fixed in their difference could be encouraged, empowered and potentially coerced to make a non-market choice—one that commits them to making less money than they could with other “options.” They are subjects of choice, but the assumption (or fragile hope) is that the good they will “naturally” choose to maximize is not profit: they

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<sup>41</sup> See the mix of hope, despair and determination in the contributions to Arild Angelsen (ed.) *Realising Redd+: National Strategies and Policy Options* (Bogor: CIFOR, 2009).

<sup>42</sup> Indonesian REDD+ Task Force, *Redd+ National Strategy* (Jakarta: Indonesian REDD+ Task Force, 2012), 28.

<sup>43</sup> Kirsten Ewers Anderson, “Communal Tenure and the Governance of Common Property Resources in Asia: Lessons of Experiences in Selected Countries”, *Land Tenure Working Paper 20* (FAO, 2011), 39.

<sup>44</sup> Indonesian REDD+ Task Force, *Redd+ National Strategy*, 29.

are *homo economicus* but their values and calculations are distinct. Nevertheless, proponents and critics are not naive, and they have serious doubts about whether the “3 I’s”—information, incentives, and institutions—can be put in place.<sup>45</sup> Their doubts are often based on field research or, more generally, on deep immersion in forest bureaucracies characterized by corruption, collusion, rent-seeking, lawlessness, coercion, and a notable lack of even basic information, like current forest or plantation maps. They also draw on scientific studies of forest communities, which show them to respond rather quickly and fully to changing incentives.<sup>46</sup> Indeed, to take *homo economicus* seriously as a universal is a sobering prospect: it is all too easy to get the incentives wrong, creating outcomes quite different from the ones desired.

### Conclusion

The governmental assemblages I have examined in this paper are guided by rationalities with distinct understandings of society, human nature, and the proper way of intervening in them. These rationalities and the forms of knowledge they generate are consequential: it matters whether rural people are understood as vulnerable children who need to be protected, as potential entrepreneurs waiting to be activated by incentives and the provision of micro-credit, or as nature-loving tribes who would never sacrifice mother earth and future generations for short term gain. As I have stressed, expert knowledge about the character of (putatively) distinct peoples, places, cultures, habits and beliefs was intrinsic to liberal governmental assemblages, which aspired to govern in accordance with “the grain of things.” It plays a different role in neoliberal assemblages, because *homo economicus* is assumed to be universal. Hence the differences between actual populations are variations on rational-choice themes. Nevertheless, to ensure accountability, transparency, freedom, and choice—all the elements that *homo economicus* needs to operate efficiently—scientific research is still needed. Its task is to identify distortions and correct them, to devise suitable incentives, and to monitor carefully to make sure that consent is properly “free,” and the results conform to the plan.<sup>47</sup>

My focus in this article has been on the role of expert knowledge about populations in the formation of governmental assemblages, or “ethnography in government.” I have not provided an ethnography of government, although I have done this work elsewhere through detailed, field based studies of the practices through which governmental assemblages are pulled together, and made to cohere. These practices include formulating and defending au-

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<sup>45</sup> Angelsen, *Realising Redd+: National Strategies and Policy Options*; Andrew McGregor, “Green and Redd? Towards a Political Ecology of Deforestation in Aceh, Indonesia,” *Human Geography* 3, no. 2 (2010). For further discussion of REDD see [www.forestpeoples.org](http://www.forestpeoples.org).

<sup>46</sup> John McCarthy, “The Changing Regime: Forest Property and *Reformasi* in Indonesia,” *Development and Change* 31 (2000); Nancy Lee Peluso, *Rich Forests, Poor People: Resource Control and Resistance in Java* (Berkeley: University of California Press, 1992); Patrice Levang, “From Rags to Riches in Sumatra: How Peasants Shifted from Food Self-Sufficiency to Market-Oriented Tree Crops in Six Years,” *Bulletin of Concerned Asian Scholars* 29, no. 2 (1997); Laurene Feintrenie, Wan Kian Chong, and Patrice Levang, “Why Do Farmers Prefer Oil Palm? Lessons Learnt from Bungo District, Indonesia,” *Small-scale Forestry* 9 (2010).

<sup>47</sup> I examined the extensive use of ethnographic research techniques by officials in the World Bank planning initiatives in “community driven development” in Li, *The Will to Improve*.

thoritative knowledge, managing contradictions, enrolling actors, building alignments, rendering political problems technical and calculable, and others. The scope for ethnographic methods in this field of inquiry is extensive: they can be used to study how knowledge about distinct communities is produced, evaluated, and assimilated or set aside; how concepts of difference are inscribed and made usable; how dissent and insurrectionary demands are managed, appropriated or disallowed; how limits are drawn to what can or cannot be accommodated within an assemblage like FPIC; what is recognized as coercive—not free—and how it is acted upon; how tribes are re-situated as vulnerable subjects requiring protection, and so on. Ethnographic techniques are also well suited for tracking the effects of such assemblages under particular conditions, and the practices and subjectivities they produce and enable, which are often unexpected.

Actually-existing governmental assemblages are shot through with contradictions that may cause the elements to fracture and realign. But they are not radically contingent: it is not the case that anything goes. The idea of governing indigenous people through their free, prior and informed consent would not have been thinkable in colonial contexts in the 19th century, where evolutionary and race thinking disallowed the idea that tribes were capable of making rational choices and taking responsibility for their own lives. Similarly, the degree of paternalism exercised then would not be compatible with contemporary notions of rights, freedom and choice. As Barry Hindess observes, “neoliberalism is a liberal response to the achievements of the liberal mode of government,” as subjects previously deemed deficient were brought into the domain of autonomy.<sup>48</sup> This doesn’t make it grounds for celebration, as the articulation of liberal and neoliberal rationales and recourse to authoritarian practices in the assemblages I have examined amply confirms. Examining particular governmental assemblages, and the rationalities that animate them, offers a crucial vantage on the history of our present.

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<sup>48</sup> Hindess, “Liberalism, Socialism and Democracy: Variations on a Governmental Theme,” 311.