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"Tracking Ethical Exceptions: Emerging Forms of Ethical Life through Business Ethics"

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Please note: Due to an emergency, this pre-circulated paper is an incomplete, early draft. I will draw from additional ethnographic materials, particularly on ethical zoning in Singapore, during my presentation on Thursday.

Critiques of the Sovereign Exception

Much of the recent, chronic discomfort with atmospheres and technologies of security, whether at the scale of the nation or transnational institutions, have turned on questions of exceptionalism. Have shifts in national security environments, say after September 11, 2001, permanently redefined the exercise of sovereign power and rights-based expectations in a manner where references to exceptional conditions of the present and recent past serve to discursively justify the remaking of conventions? Indeed, to speak of justification here is to participate in a cynical reading: ever suspicious, we are given leave to dismiss the invocation of exceptionalism as a serious contender for engagement. And while we may be more comfortable doing so in relation to juridical states of exception- the dominant locus of recent critique- what I will suggest today is that contemporary assortments of ethical exceptions should give us more pause.

The tone here is, of course, one that trades generally in politicized repugnance; it is certainly never celebratory. Jean-Claude Paye on the dismantling of the rule of law through the arbitrary exceptionalisms enacted through executive power is representative: "The state of emergency exists for the long term. It emerges as a new type of political system, dedicated to defending democracy and human rights...The citizen must be willing to renounce his/her concrete freedoms for a lengthy period of time in order to maintain a self-proclaimed and abstract democratic order" (Paye, 2007). The dual exceptions here- one of the timeliness of emergency and its attendant modality of response- the exceptional suite of political interventions I no doubt do not have to list- are clearly to be critiqued. What Paye and numerous others have taken issue with is not merely the weakening of "concrete freedoms," that is to say the empirical results of certain contingent practices of sovereign exception, but the temporality of the state of exception itself.

Let me list two modes through which the temporality of political exceptionalism has become densely invested with anxious refusals. First, exceptional executive decisions have become critically understood as grounded in states of perceived emergency or heightened risk that demand responses to out of the ordinary conditions around here-and-now. Potential dangers, possible risks of catastrophe, overzealous precautions become interpreted as native categories of expert actors who participate more (with apologies to Eve Sedgwick) in "paranoid readings" of the contemporary than in appropriate anticipations and adjusted responses (Sedgwick, 2003). The condition of suspicion becomes an exemplar, according to this account, of a judgment which unjustifiably justifies exceptional acts of state on account of mistaken assessments of risk. This paranoid orientation towards a future that must, if we are vigilant enough, never surprise us necessitates exceptional practices to hedge against undesirable outcomes: "There must be no bad surprises...paranoia requires that bad news be always already known" (Sedgwick, 2003).

It is not the mere anticipation of possible futures itself which is rejected here. If rationalized instrumental action designed to secure a goal- say public health or national security- must take into account conditions of relative possibility and impossibility, the dilemma posed by paranoid orientations is that they necessitate exceptional practices of government by seeking to exhaustively forestall all the negative consequences the future may bring. And, in turn, they see the future as abundant with negative consequences that bring the adequacy of the regularity of rule into question. Suspicious perceptions of reality, under the cover of a reality principle, are refused as claims of necessity in this critique. And even as a critic like Agamben stresses the damages sustained by democratic rule under states of exception, something of the psychic corrosion of a paranoid eye ever anticipating states of emergency is to be found, as in Sedgwick: "far from occurring as an objective given, necessity clearly entails a subjective judgment" (Agamben, 2005). Why we may wish to refuse this manner of judgment may not have to do only with its truth value or its consequences for democratic politics.

For critics of political exceptionalism, closely tied with this detrimental mode of forward looking temporality is that of the normalization of exception. As Agamben's *State of Exception* (Agamben, 2005) makes clear, even as the state of exception on matters of sovereignty raise the aporia of appearing "as the legal form of what cannot have legal form," thus bringing the constitution of legality into question, what is more disruptive is the normalization of this condition in recent history (Agamben, 2005). Whether it be the diagnosis that "this transformation of a provisional and exceptional measure into a technique of government," or later, "the state of exception has today

reached its maximum worldwide deployment," Agamben's fear is of the modern preponderance of exceptional interventions as damaging democratic forms (Agamben, 2005). Notice here that what is rejected is not the mere temporality of exceptional events or unpredictability in governance. Likewise, that totalitarianism was a relatively consistent political condition earlier in the twentieth century and that states of exception have become characteristic of contemporary government does nothing to vindicate them.

Ethical Capitalism

Yet, may we not view this problematic of a historically pressing moment in the contemporary and the non-conventional projects it demands as characteristic of a type of rationality that we are not immediately critical of in the first instance. Might we take other states of exception and exceptional interventions seriously?

Here, I wish to make sudden and quite dramatic move into another problem space where a different set of concerns around exception obtain: ethical exceptions and exceptionalisms in the corporate lifeworlds of Singapore. While I have opened with a reading of critiques of states of sovereign exception, my intent is not to stage a correspondence between the substantive features of these separate domains. Yes, the government of Singapore, a capitalist-developmental economic miracle in Southeast Asia, has often suspend the regularity of law during conditions of assessed emergency, but what I hope to do today is to briefly track instances of exception that exceed the toolkit utilized to consider the juridical state of exception. Attention to discourses and practices of ethical exceptions and exceptionalisms of corporate social responsibility, ethical economies, business ethics, and moral enterprise provide an array of occasions to consider the notion of exception anew. Here, ethnographic ventures may constitute a site for concept work around exception and exceptionalism that may be portable to other cultural sites.

Corporate social responsibility, environmental sustainability, community stakeholders, labor standards, social impact audits, and ethical branding have become curious keywords in contemporary transnational capitalism (Donaldson and Lee, 1995; Freeman, 1984). Milton Friedman's now outdated dictate that "the business of business is business," requiring that enterprises only seek profit-maximization, no longer tracks contemporary economic practices in the economic hub of Singapore: any significant corporate organization with global affiliations, and its managerial staff, are expected to meet, through self-governance, certain normative criteria deemed

“ethical” (Friedman, 1970). Contemporary Singaporean managers and corporations, in an East and Southeast Asia where internationally circulating debates of ethical business conduct often touch down, find themselves articulating moral and economic practice often presumed to be exceptionally distinct.

I wish to draw attention to how ethical exceptions and exceptionalisms have become robust native categories, as well as instruments of critique, in relation to globalized formats of "ethical capitalism" (Barry, 2004). In the rest of the paper, I will briefly consider two sets of ethnographic scenes- the claims of Singaporean corporate actors to robust ethical subjectivity in their enterprise conduct and Singapore's private-public ventures of carving out globally exceptional ethical spaces for the biotechnology sector- in order to think through the diversity of contested exceptionalisms relevant to ethical life in the context of contemporary capitalism. But first we should engage with some of the adamant refusals of the very possibility of ethical cultures in economic conduct- a position that, as we will see, exceptionally excuses one domain of social practice from usually abiding moral standards.

Some Moments of Vehement Suspicion

In my attempt here to track emergent narratives of ethical capitalism, perhaps I should do the same with those scholarly and popular rhetorics of vehement skepticism. The majority of the work around corporate social responsibility from anthropological and sociological circles has been cast in what we could call, adopting a phrase of Paul Ricoeur's, a hermeneutics of suspicion. In *Freud and Philosophy*, Ricoeur defined this interpretative mode in Freud, Marx, and Nietzsche thusly: “This hermeneutics is not an explication of the object, but a tearing off of masks, an interpretation that reduces disguises...not only by means of a 'destructive' critique, but by the invention of an art of interpreting” (Ricoeur, 1970). I would only add to this that the mode of vehement suspicion regarding ethical capitalism does in fact strive to explicate why the disguise of ethics came into being and what motivates this illusory moral world. Three primary tasks are set before those who would approach what announces itself as ethics in corporate cultures through the analytic of suspicion: demystification, rectification, and explanation of the original error of delusion. Emilé Durkeheim, writing in the late nineteenth century, had this to say about the impossibility of locating robust ethical initiatives in business and markets: “There is nowhere any organ with the duty of seeing that they [ethical principles] are enforced,” and thus, “the fundamental duty of the state is laid down in this every fact: it is to persevere in calling the individual to a moral way of life”

(Durkeheim, 1957). Note that this is a claim about institutions that is open to historical transformation. Durkeheim makes no assertion that the motivational composition of capitalism and its agents is irreconcilable with orientations towards standards of the collective good. It is, and I am tempted to say merely, because “there is nowhere any organ” of ethical duty in private enterprises thus far observed that the state must assume the sociological role of producing moral subjectivity in Durkeheim. We should revisit this influential picture through a historical dimension. As I hope to through an ethnographic detour, diverse institutional organs and commitments to ethical life are emerging in the contemporary space of international corporate conduct. Andrew Barry, the English geographer has argued, “Global corporations are now expected to be ethical and expect themselves to be ethical” (Barry, 2004).

This is particularly relevant to the Singaporean case which is a nodal point for global businesses and has become, in many ways, representative of the futures of transnational capitalism. An officer at the The Economic Development Board in Singapore, a government agency with the mission of “planning and executing strategies to enhance Singapore’s position as a global business centre,” pronounces ethically “good governance” as a specific local incentive for global firms seeking to expand to East and Southeast Asia, not as a regulatory hurdle. Singapore is held as an example of the ethical “race to the top” for globalized firms as opposed to the “race to the bottom” often represented by the figure of an ethically ambivalent China. From the centrality of business ethics in Singaporean MBA training to careful technologies of ethical audit, “organs” of collective ethical practice are coming into formation. Singapore presents an exceptional zone where they can be detected in the contemporary moment.

The hermeneutics of suspicion admits that this *seems* to be the case, but qualifies this description by utilizing a rhetoric of illusion and stressing the seeming. Let me read through one prominent anthropologist of business ethics in the field of labor regulations in East and Southeast Asia, Pun Ngai, to diagnose a template of suspicion that extends widely today.

Pun Ngai’s “Reorganized Moralism: The Politics of Transnational Labor Codes” is a representative case where the demystification, rectification, and accounting for the original deceptive error through a hermeneutics of suspicion is brought to bear on “transnational corporate codes of conduct, labor standards, and labor rights” (Ngai, 2008). If we pay attention to policy development regarding labor codes and relevant players, including anti-sweat shop campaigns and supply-chain certifications, it is certainly a different case than the corporate ethics of philanthropy and the provision of *pro bono*

expertise. For my purposes here, I am admittedly more concerned with the form of ethical argument and representation than with the empirical details.

Pun Ngai's fieldwork takes place in a factory in Shenzhen, China where American enterprises have outsourced their production, but have, independently of state demands, tied their subcontracts to labor codes regulating everything from pay rates to the condition of employee canteens. What takes place, according to Pun Ngai, is not just minimal protection for workers, but the reorganization of moralism itself as ethics becomes marketized to generate value through meeting consumer protests and improving brand name image. Ethics is not so much elided through privatization, but becomes integral to the economic project of neo-liberalism itself. The charge Ngai brings is one of ethical hypocrisy- what seems to partake in ethics is actually subordinate to the logic of capital- to be laid bare through the documentation of fieldwork.

The mystification is clear to our skeptic, for whom the façade of ethical corporate conduct merely veils the truth of the matter: "The 'economic' aspect of global capital...will still tend to produce systems characteristic of 'disorganized despotism,' and yet the 'political' aspect of transnational capital, under pressure, is forced to keep a check on the dark side of these production regimes in order to constrain the tyranny of management at the expense of labor rights" (Ngai, 2008). The rest of the text supplies careful empirical data that shows how wage and employment standards are frequently on paper only, how contractual agreements on labor conditions are understood as flexible, and how the demands of just-in-time production sacrifice ethical principles to the bottom line. In terms of argumentative structure, notice how the despotism capital exercises over labor, as the truth of the matter even in code of conduct regulated factories, and the superficial presentation of transnational corporations as ethically compliant are not merely set in absolute opposition. The motives of global capital that underlay both are represented as so many sides of the same coin: a uniform interest in maximizing profit.

Demystification of the seeming honesty of the moral veil in private enterprises likewise requires empirical ethnography on-the-ground: "...code of conduct practices are assessed not only from the perspective of TNC representatives in China but also from that of rank-and-file staff, mainly production workers in the factories" (Ngai, 2008). Notice here the bifurcation of informants into validated and impossible ethical subjectivities. The representatives of transnational capital, those elite actors who inhabit the corner offices of the world, cannot qualify as fully ethical persons (at least in their work lives), while production workers, through their experiences if not through their first-person moral claim making, come to stand as figures of de facto ethical validity. Ngai's

argument necessitates an unequal distribution of the very possibility of ethical life dependent, in turn, on the structural location of persons within corporate enterprises.

Observe also how Pun Ngai's language shuttles away from empirical revelations through rigorous fieldwork methods and starts to trade in this figure of the private enterprise subject excluded from a legitimate, ethical worldview. She writes, "The companies' *concern is of course* for their public image, which is a decisive factor in determining whether the public buys their products and hence in determining their survival under conditions of extreme global competition" (Ngai, 2008; my italics). In the absence of documentable motivations, Ngai turns to the trope of duplicity in so far as public image and brand value were "of course" the concern of enterprise all along. The primacy of economic interests renders an ethical capitalism impossible...or so we are lead to believe.

We should attend to who this ethically void subject is and is not in the text: Ngai avoids allocating blame to any individualized manager or representative per se, but instead anthropomorphizes companies as the agents to whom the designation of ethical vacancy is attached. Is it easier to invite belief in an ethically flat subjectivity when it is not a literal person with whom one has to establish rapport in ethnographic exchanges? Would it perhaps be much harder to affirm the statement that "His or her concern is of course for the company's public image" and nothing else besides when you engaged with the person in a face-to-face encounter or when he or she is thickened through ethnographic representation? I will soon turn precisely to the managerial experts who are sustaining corporate social responsibility in Singapore today in order seriously engage with the emerging agents of ethical capitalism.

Let me conclude here by suggesting that we are drawn in as participants not only as observers of the analytical veracity of Ngai's study, but also as ethical subjects who gain surety of place through a logic that excludes some from the possibility of being ethical. Michel Foucault, in the *History of Sexuality: Volume I*, spoke of the "speaker's benefit" that allocated the suggested certainty of accomplished sexual liberation precisely to those who could denounce social repression with the greatest vigor (Foucault, 1998). Might we see a considerable parallel here? By inviting her readers to participate in the fascinating drama of uncovering corporate ethical hypocrisy and subsequently confiscating the label of ethical capitalism from global enterprises that never deserved the title, Ngai affirms conviction in our own ethical positioning. We, as much as the author, are constituted as ever superior ethical subjects in the moment we participate in denouncing the absence of ethics in these corporate others. Much has been made of the constitutive outside to which groups are relegated in order to shore up the "inside" of a social constituency. What happens when we consider

those managerial experts and elite corporate agents whom we usually do not think of as members of a marginalized community?

A First Ethnographic Scene: Ethical Corporate Actors

Dialogue with business actors involved in projects of ethical self-governance that go under the banner of “corporate social responsibility” pushes the boundaries of how we ethnographically construe informants. Not only are such players parallel experts who come well informed and ready to debate, their position as the active subjects sustaining globalization today require them to adopt strategies of flexible contextualization that are often, as George Marcus and Doug Holmes have called it, “para-ethnographic” (Holmes and Marcus, 2005). One hears reference to concepts of “corporate culture,” “local context,” and “human impacts” during fieldwork with adjacent experts in the private-sector as much as at the last academic conference. As Marcus and Holmes note of central bankers at transnational institutions, “...they must reconstruct a meaningful engagement with society in order to pursue their own knowledge work and expert practice” (Holmes and Marcus, 2005). Do we here encounter uncanny para-ethnographies undertaken by our informants in the very midst of our own ethnographic endeavors?

Paul Rabinow has remained skeptical about Marcus and Holmes’ call that we attend to the adjacency of research with contemporary experts as somehow bordering uncomfortably on dialogue with scholarly colleagues. To paraphrase Rabinow, the formulations of the scientists with whom he is familiar and officials at the World Bank with whom Marcus has been working are neither about ethnos nor are they particularly graphic (Rabinow, 2008). But when it comes to the question at hand during my fieldwork, the concern is with an adjacency that we cannot as quickly disqualify: the mutual zone of ethical life. Work remains to be done on how a cottage industry of ethical expertise in business is coming to pass with attendant sets of qualified practitioners, discursive rules of what problems ethical enterprises hold themselves accountable to, and the instrumental bind to the corporate production of value. In the meantime, we should begin by not refusing ethical capitalism as abundantly about capital, but utterly devoid of ethical content.

Phil Tutty is a Singapore based executive for ITT, a major international contractor in the privatization of water technologies and distribution. When we exchange business cards each of us, either out of etiquette or genuine interest in framing our respective roles and the possibilities of

dialogue, glances at the other's title. Phil's reads "Vice President and Director/Asia Pacific;" it sounds uninformative, but I guess impressive. He tells me about ITT's "Watermark" program that distributes three million dollars of "consultancy and products" to developing countries with water needs. Our conversation on corporate ethics and philanthropy rings of the fact that we each read too much, but from different sources. His empirical materials are derived from managing active interventions; his concepts echo the rhetoric of MBA training in almost a comic manner- "transparency, responsibility, products for emergency." If he were not so serious, I would think his baroque faith in these terms was irony. As Phil notes, "the responsibility of industry stretches beyond any single nation, but Singapore serves as a model where good conduct and governance have been achieved in Asia." Notice an exceptional space of ethical competence and a topography of application are already being carved out.

What is provocative in our conversation is the surprising diversity of ethical tropes and typologies Phil invokes to account for the corporate philanthropy he understands as integral to his firm's responsibility for broader social impacts to non-contractual stakeholders. If we come to rest for a minute in the ethical worldview provided by our managerial informants we may be surprised where and what ethical norms and forms are to be found. If we do not take this case as an exceptional example of a true, but rare, ethical disposition, if we avoid casting economic practice as a domain where normative commitments are exceptionally lacking, we can begin to understand how ethical orientations are inhabited in the everyday practices of corporate life.

Phil invokes a rich ethical justification that draws from the broader ethical resources we have inherited as parallel contemporaries, even if he does not formulate his claims in universalizable principles of practical reason. Speaking of the sites where corporate enterprises can be of most consequence he argues that the "provision of water filtration products during emergencies...like tsunami in Sri Lanka" evidenced the ethical responsiveness of his firm. Moreover, "it is not just water, but also education, expertise" that the employees of ITT provide, particularly to developing nations in Southeast Asia and South America. Notice here the particularism at stake in a discourse where certain situated conditions- Phil's invocation of emergency with a temporality pressing for immediate response, the demand for expertise where it is needed most- are fixated upon as presenting unique ethical claims to which ITT is distinctly suited to respond.

This is not a condition of generalizable duty, as in Kant where every categorical moral demand applies to all rational human agents or in a consequentialism founded in the logic of maximizing

desirable states of affairs. The unique resources, products, and human capital of ITT as a water firm, differentiated from other potential ethical respondents, can sustain impact in a specific manner; this is the basis of a strategic ethical activity. Today, we hear strong echoes of this single ethnographic case in broader conversations around the leveraging of corporate experience so as to produce scalable models of environmental effect, poverty alleviation, and economic development. What is beginning to emerge through ethical capitalism is the articulation of expertise and particularistic ethics conceptualized together as adaptable to problem sites where normative demands are to be met. The compulsion towards ethical corporate interventions is not articulated as an exceptional project. What is exceptional is the ethical facility and practical equipment that each organization can bring to bear on particular situations in the world.

Let's continue our focus on Phil Tutty as a microcosm where larger ethical narratives are at stake. At one point in our interview, I ask a question to the effect of "Where does this impulse towards corporate social responsibility come from?" While alluding again to integrated management and particular enterprise executives I know nothing about so as to advertise the culture of expertise ITT brings, Phil then thinks for a minute and states, "It is the reaction of the employees [who want to participate]. It is evident, they put a desire to help. Corporate headquarters facilitates the will of the people." The register of justification here is quite divergent from the earlier one of products and human capital tailor fit to a problematic dilemma. First, the populism of the "will of the people," meaning his employees desire to contribute *pro bono* consulting work, is a bit too quaint and we, as observers, are drawn to refuse it as a sound bite. Corporations are not founded in accountability to the social compact and business decision-making ought not to be made on a popular basis. Indeed, even in stakeholder theories, public corporations that would exclusively adopt the "will of the people," meaning here the employees, would be abandoning their fiduciary responsibilities to shareholders. Phil's philosophical gesture is out of touch. But to offer these asides is not to discount the possibility that what was uttered in our dialogue was an ethical claim.

What Phil advertises is not only the organic basis for his firm's initiatives in supplying expertise and funds to areas in need of water assistance, but the ethical responsiveness within the social relationships of the firm itself. Ethical action is not a managerial decree placed upon employees as an obligation, but is a condition of reciprocal negotiation between headquarters and what Phil calls "the people." Phil's representation has imported the language that has classically typified the bind of sovereignty to popular rule into the privatized ethics of the corporate body. The mutuality of

solicitation, response, and accountability throughout the organization in the firm becomes a site of dense ethical problematization itself.

I am reminded of Paula, the founder of an NGO consulting with large multi-nationals in Singapore who proclaimed that the greatest incentive for business ethics on the part of firms is the demand for social responsibility from top potential hires offered employment at competing enterprises. The audience composed of recent university graduates from across premier East-Asian universities vocalized a collective disbelief. This was even prior to the recent financial crisis when hiring freezes have become the norm. I wonder if the collective shock would be even greater now in a moment of sparse employment: Do I dare allow the hubris of ethical considerations- the voicing not of a salary or benefits demand, but of a seemingly external stipulation- to interrupt the expected roles and narrative of a job negotiation? The mode of vehement skepticism here would relish the opportunity to observe how ethical norms are an exceptional luxury that the business world indulges in during periods of plenty; in a condition of crisis, and an economic crisis is always just around the corner, any moral orientation evaporates. However, if we do avoid deferring to the exceptional nature of contemporary economic activities as necessarily devoid of normative characteristics, then we must revisit this moment of ethical demand and disbelief differently. What Paula attempted was novel, to invite her audience into integrating their abiding moral concerns with their future lives as employees in the private-sector. The audience's shock at this suggestion exemplifies the afterlife of the mode of skepticism regarding ethical enterprises through a "native" belief: that one's potential life at work is an exceptional space where everyday moral commitments are temporarily suspended. In this brief moment, engagement with the question of the ethical exceptionalism of corporate cultures becomes a switching point between belief and disbelief, already existing commitments and a scene of ethical socialization.

Indeed, our NGO consultant challenged these recent graduates to make private sector ethical policies a deciding issue when negotiating job offers and to boldly vocalize this stipulation. In some sense, this was training in the foundational career technique of the interview: "Does the company support employee pro bono work? What are your policies on fair wage labor or environmental impacts?" are some questions that are appropriate to ask. We have then an invitation to the audience to inhabit ethical subjectivities in their future work lives, a potential relationship that should remind us of an exceedingly normal- not exceptional- ethical expectation: that a novel engagement with another will include an ethical component. For the moment at which Paula's demand was made on these budding bankers, engineers, and consultants, whether they meet the challenge or rejected it in

future practice, she drew them into an incipient, private-sector ethical personhood. They were constituted now as subjects who had to respond, to make a decision about their behavior- their ethical futures as Singaporean employees were at stake.

I draw us back briefly to the moment of collective shock, when the students gathered literally gasped at Paula's suggestion. Is this zone of ethical capitalism as difficult for us to believe in as it was for the audience? Do we even reject the validity of any scaled-up empirical outcomes here, wherein firms would adjust their corporate social responsibility programs in order to attract top candidates for employment, as merely an instrumental decision to improve competitive advantage in the human talent market?...

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