In the last ten years, anthropologists have turned to human rights practices and institutions as a subject of ethnographic research (e.g. Wilson 1997; Riles 2000; Wilson 2001; Merry forthcoming 2005). This turn from human rights as an instrument to be used (for example on behalf of indigenous peoples) to human rights as a subject to be studied on par with other ethnographic subjects, has now produced a considerable body of sophisticated ethnographic work and some important findings about the character of human rights cultures. At the same time, one hears some concernment among anthropologists that the anthropological viewpoint is misunderstood or underappreciated within human rights administrations. In this essay, I want to address this latter concern by focusing on one particularly provocative outcome of the ethnography of human rights workers and human rights institutions.¹ What I have in mind is an emerging ethnographic appreciation of the special problems that human rights pose, as a subject, for the anthropological imagination and the ethnographic method.

I want to show that these problems are best understood collectively in terms of the particularly legal character of human rights. That is, I want to urge that we treat human rights as a legal knowledge practice. In my wider work, I have shown how legal
knowledge is organized, at a variety of scales and in different modalities, in terms of one central device—the relation of means to ends (e.g. Riles 2004b). My contribution to this symposium will be a diagnosis. I want to demonstrate how this relation of means to ends, when presented in the guise of the human rights administration, trips up anthropology’s own knowledge practices.

In what follows, I demonstrate what I mean with particular reference to my recent fieldwork among skeptics of human rights working from within the legal academic, activist and bureaucratic establishment, and also with reference to my earlier fieldwork among non-governmental organizations working within the UN framework (Riles 2000) as well as the work of other anthropologists now working in various facets of human rights institutions. I will suggest in conclusion that a new modality of anthropological engagement with human rights practices is now emerging; one that mirrors the forms of engagement of human rights actors with their own institutions but also departs from this logic in subtle and ultimately highly consequential ways.

**Skepticism about Human Rights**

As part of a larger ethnographic study of the character of legal knowledge among lawyers working in various capacities in the United States, Europe and Japan, I have worked particularly closely over the past five years with one amorphous and heterogeneous group of scholars, bureaucrats and activists involved in various aspects of international law, human rights, and “law and development” whom I will call the “new approaches” (NAIL) (e.g. Riles 2002). These people include legal academics, bureaucrats working in international organizations such as the World Bank, the International Monetary Fund and the European Commission, members of the foreign
service of various countries, practicing lawyers, investment bankers trained as lawyers, individuals running NGOs in the developing world, and more. The community in question is geographically dispersed—from Cairo to Cambridge, England, to Nairobi, Seoul, Madison Wisconsin and Rio de Janeiro. Nevertheless, they enjoy relatively easy access to the considerable public, private and university funding resources available for “global” projects in human rights, law and development, rule of law reform, and so on, and hence meet frequently both under the formal guise of international conferences and seminars, and in more informal settings such as gatherings at one’s country house in New England, or the south of France. In addition, there is a constant flow of apprentices (graduate students, young bureaucrats in training, visiting technical experts and visiting lecturers, romantic partners) as well as a constant e-mail circulation of texts (academic articles, position papers), gossip, and mutual intellectual, political and personal critique. The result is that from within the NAIL one has more of a sense of continual presence than of geographical dispersion.

The term New Approaches to International Law and the acronym NAIL was coined by Professor David Kennedy of Harvard Law School. Kennedy once explained to me, with relish, that the adjective “new” meant nothing at all and hence revealed nothing substantive, but nevertheless had an inherently positive valence. “Who can be against the New?” he giggled. The manifesto as camouflage, in other words. In 1997, Kennedy organized a conference at Harvard entitled “Fin de NAIL: A Celebration” (see Skouteris 1997). The conference launched the term in the vocabulary of the broader field of international law and human rights. But it did so by pronouncing the “new approaches” as at that moment of launching already officially over. Masters of critique, the NAIL
seemed to anticipate possible future critics of their own movement with the observation that there is really no point in critiquing (or for that matter describing ethnographically) the NAIL since it is already over. This carefully calibrated and yet highly ironic move of self-constitution as a moment of “it’s already over” gives the reader some sense of the third order positional gymnastics of the actors I will describe. It also gives some implicit sense of the importance of image, of producing a proper subject.

For the purposes of this essay, I will refer to my field as “the NAIL” and to the particular people as “NAIL types.” I say “the NAIL” because NAIL types forcefully resist the conventional modernist (their term) workhorses one might choose to explain their sociality such as the “group,” the “community,” the “network,” the “movement,” or the “project.” They often refer to “the NAIL” tout court, as if it were a genre of sociality all its own, as in the phrase, “current conflicts in the NAIL.” I say NAIL “types” because such persons would recoil at the notion of being “members” of a group, or worse yet “adherents” to any particular ideology or cause would strike most of the people I will describe as embarrassingly naïve, and because the notion of a NAIL person would too strongly suggest that involvement in NAIL is constitutive of identity, for my informants’ taste. One important NAIL type, Martti Koskenniemi, has used the notion of a “sensibility” to describe the kind of attachment at issue because, as he puts it,

the fluidity of the latter [sensibility] enables connoting closure and openness at the same time, as does the more familiar but slightly overburdened notion of ‘culture’… not a set of ideas…nor of practices, but a sensibility that connotes both ideas and practices but also involves broader
aspects of the political faith, image of self and society, as well as the structural constraints within which international law professionals live and work (Koskenniemi 2001: 2).

The word “NAIL type,” then, is simply an effort to use the kind of language one might hear deployed (semi-ironically) within the NAIL in order to capture the notion of the bearer of such a sensibility. I say I refer to this field site in this way not only because the NAIL has officially asserted that it has “ended” (although empirically, most of those present at that conference remain in close intellectual and personal contact and continue to attend numerous other conferences and engage in other writing and activist projects together, but also because I know of no one who would openly claim “I am a new approaches person.” In fact I suspect that all my NAIL type friends would quibble with my characterization of them personally as well as of the NAIL as a whole—that is in the nature of NAIL sociality.

Notwithstanding the NAIL’s own image of professional and political marginality, NAIL types now hold key positions at many elite academic institutions around the world and also play key roles within international bureaucracies from the United Nations to the European Commission to the diplomatic service in both the developed and developing world. In this, they resemble the MSF workers Redfield describes, who maintain for themselves an image of the “unshaven, cigarette-smoking French man,” in the words of one MSF volunteer (Redfield forthcoming 2005), even as their operations have grown to a global scale, taken on a highly professionalized valence, and received such mainstream recognition as the Nobel Peace Prize.
There is considerable division of opinion within the NAIL about consequential issues ranging from the relative importance of political economic analysis versus deconstruction, to the value of engaging in debate with so-called human rights “true believers,” to the privileging of Euro-American and male perspectives, to the question of who makes the best dinner company—human rights victims or human rights victimizers. However, my ethnography suggests that NAIL types share one very important belief, one that rises to the level of an ethical position. What NAIL types share is a subtle but profound skepticism about various aspects of the human rights regime—its theoretical claims, its institutional practices, its archetypal subjectivities. To orient the discussion that follows, let me briefly sketch some elements of this skepticism. Keep in mind however that these are sketched out in different theoretical vocabularies, in different modalities (academic articles, internal bureaucratic documents, NGO position papers), and given different degrees of emphasis by different individuals.

_A Critique of Power Relations._ This critique includes the following points:

Numerous forms of coercion take the form of intervention in the name of, or compliance with, human rights (Mutua 2002: 19). Human rights are a predominantly American project and hence raises questions about American global domination in particular (Mutua 2002: 36). One also cannot discuss human rights without analyzing the influence of large donors based primarily in the United States and Europe who purposely or not, promote certain local intellectuals and projects that fit more closely with their own agendas while ignoring others (cf. Mutua 2002: 38). Moreover, human rights discourse has now achieved a kind of hegemonic status: it is “the sole approved discourse of resistance” (Rajagopal 2003: 165). Hence it is important to pay attention to what cannot
be said in the language of human rights and also to the way human rights discourses
deprivilege other discourses of resistance.

*Skepticism about Invocations of Culture and Victimhood.* One refrain is
skepticism about the political consequences of labeling some persons as human rights
“victims.” For example, treating women as victims under international law encourages
Indian feminists to slot themselves into the role of native subject in their engagements
with international legal institutions (Kapur 2002).

One common point is that rather than ‘solve’ the cultural relativism problem in
human rights one should ask what it hides, what it reveals, and who has an interest in
framing the principal conversation between the First and Third Worlds in the vocabulary
of culture as opposed, for example, to the vocabulary of economics and the critiques of
neoliberal economic models (e.g. Rajagopal 2003: 166). For example, in her analysis of
anthropological debates about human rights and cultural relativism, the legal scholar
Karen Engle argues that anthropological debates about cultural relativism in the context
of the revision of the American Anthropological Association’s 1947 statement on human
rights (American Anthropological Association 1947), and assertions by anthropologists
that much has changed in anthropologists’ concept of cultural relativism between 1947
and the revisions to the statement of 1999 (American Anthropological Association 1999),
hides a more fundamental shift. What has changed is not anthropologist’s view of
cultural relativism but of law: where in 1947 Herskovitz and his colleagues were
ambivalent about law and about the human rights regime, now anthropologists “have
embraced human rights rhetoric” (Engle 2001: 537). The point is that culture is often a
code word, a short-hand in the world of human rights, for the problems with the human
rights regime, and for moments or points of rejection of that regime. “Culture” is simply a marker or place for voicing dissent. Hence when anthropologists, who have been part of the world of human rights since the 1947 statement, assert that culture is not a problem for human rights, this is a way of saying that anthropologists see few problems with the human rights regime or with their own participation in it.

A Para-Academic Modality of Analysis. One way NAIL types sometimes differentiate themselves from other human rights participants (in their own conception) is by producing “theoretical” styles of knowledge (see Skouteris 1997). In this proto-academic guise, the methodology of the NAIL includes discursive and historical analysis aimed at excavating abandoned strands in the history of human rights law and at understanding the discursive roots of its limitations (e.g. Koskenniemi 2001). For example, historical and discursive studies trace the influence of ideas of civilizing and evangelizing missions, and accompanying tropes of civilized/savage, on the mediation of modern day relations between the First and Third Worlds through the discourse of human rights (e.g. Anghie 1996). NAIL academics are also particularly fond of what they term “mapping exercises”—analyses of various strands in doctrine that reveal hidden tensions and contradictions in fundamental doctrines of human rights such as the culture concept (Rajagopal 2003: 210) or lists of the range of possible positions or arguments on any given issue in human rights that, while accurate, have the (purposeful) effect of objectifying one’s colleagues in a given debate, of turning them into argumentative specimens. I am engaging in an example of such a mapping exercise in this section of this article. This obsession with doing theory might at first seem like a very peculiar and marginal practice in the world of international institutions and human rights. Yet Doug
Holmes and George Marcus have shown that what they term “para-ethnographic” activities are in fact quite ubiquitous aspects of these institutional cultures (Holmes and Marcus 2005). Holmes and Marcus’ work suggests that anthropologists might suspend judgment about what “real human rights practices” look like—and in particular be open to accepting that some such knowledge practices might look very much like anthropologists’ own.

At this stage, I hope that readers will have a sense why I have come to describe this research as fieldwork in our own categories (Riles 2004a). Each of the themes I have outlined plays a central role in the anthropological literature as well (e.g. Nelson 1999; Mamdani 2001; Abu-Lughod 2002). Indeed, NAIL types self-consciously import their critiques directly from bodies of theory that have heavily influence the anthropology of human rights (for example, Foucault, Fanon, Freud, Butler, Sedgwick, Marx, Derrida and Lacan), if not from the anthropology of human rights itself. Keep in mind, however, that like the MSF workers Redfield describes, who pointedly critique their own humanitarian missions, often in both highly theoretical and extremely witty terms, NAIL types elaborate these points of critique in the midst of the skeptics’ own engagement, in various ways, with “doing” human rights work. That is, these critics of human rights are also teaching human rights law, training military commanders from the United States to Sri Lanka in human rights technologies, producing human rights documents, going on human rights fact-finding missions, ordering military strikes, planning and implementing structural adjustment programs. Hence one question for an ethnographer is how do the projects and the critiques fit together from the indigenous point of view—are NAIL types, like Penelope in the Ulysses story, undoing by night what they do by day, or do
they experience projects and critique as somehow more intimately integral to one another?

On this point, a fourth aspect of NAIL skepticism is perhaps the most important, that is, the most widely shared and deeply held, of all. It is also goes directly to what is most challenging to anthropology about the NAIL:

A Distrust of Claims to Ethical Purity. Perhaps what unites NAIL types more than anything else is an instinct that simple ethical positions—the good human rights activist versus the bad human rights violator—are doing far more work than first meets the eye. First-hand accounts of experiences in the human rights world, told often in a highly entertaining tone, serve as recurring parables, whose point is that human rights work is often less in the service of “victims” and more in the service of the legitimation of the human rights regime, its institutions, and the activists and bureaucrats who work within those institutions (and along with these, the funding streams, professional, and symbolic capital that allow this work to continue). This is fine, from the NAIL point of view, but what is annoying is that these activists and bureaucrats refuse to admit this commonly understood truth and persist in pretending that they are doing “God’s work.”

The human rights lawyer Makau Mutua sums up the point:

I know that many in the human rights movement mistakenly claim to have seen a glimpse of eternity, and think of the human rights corpus as a summit of human civilization, a sort of an end to human history. This view is so self-righteous and lacking in humility that it of necessity
must invite probing critiques from scholars of all stripes
(Mutua 2002: x).

Mutua compares the self-presentation of the human rights activist to the arrogant zeal of the evangelical missionary (2002: 13). Others point to the hidden personal costs to the human rights worker who must continually suppress her own “bad faith” in the entire human rights project in order to keep up heroic appearances. David Kennedy makes the point in a different way: Human rights types like to believe that they are powerless fighters for the powerless, speaking truth to power from outside the centers of authority, he points out. One comfortable consequence of this myth of their own powerlessness is that they rarely feel they must take responsibility for the consequences when human rights campaigns go dreadfully wrong as other, more powerful actors ultimately made the decision to invade Afghanistan, to bomb Sarajevo, and so on. For such people, “it can be unsettling to think of humanitarians, whether activists or policy makers, as participants in the world of power and influence” (Kennedy 2004: xvii). Janet Halley takes up the point in particularly consequential terms. She points to the growing hegemony of “Unitedstatesean feminism” in global international organizations and the participation of feminism in new projects of domination around the regulation of sex in particular.

If you look around the US, you see plenty of places where feminism—far from slinking about underground—is running things. Sex harassment, child sexual abuse, pornography, sexual violence…In some important senses,
feminism rules. Governance feminism. Not only that, it wants to rule. It has a will to power.” (2004: 65)

Halley focuses in particular on the reception of Unitedstatesian feminism in international human rights projects in which the core idea is that “sexuality is a distinct domain of women’s subordination” (2004: 79). Halley asks “whether ‘our’ engagement with erotic, sexual, and gender politics would be better off—whether feminism would be better off—if we left ourselves some room to imagine erotic, sexual, and gendered life under terms that some would think, or even that everyone would think, to ‘Take a Break from Feminism.’” (Halley 2004: 59).

NAIL types would readily extend the critique beyond professional human rights activists and bureaucrats to their own oppositional and “outsider” identity, but also to that of anthropologists who seek alternatively to participate in human rights causes or to critique them from the margins. Hence one unsettling aspect of this final point is that it breaks the frame—these subjects are speaking directly, also, to us.

At this point, some readers may be wondering why an essay in a special issue on the anthropology of human rights should present ethnographic research concerning human rights skeptics rather than human rights proponents. Are we not dealing with a small sub-culture here, a group whose strange and marginal views, and frivolous social practices, tell us little about the wider practices of real, serious, committed human rights workers on the ground? I have to confess that I entertained this view for a long time, and that it kept me from seeing much anthropological value in the ethnographic material I nevertheless continued to collect. But recent ethnographic work among other classes of human rights workers suggests that the skepticism that the NAIL group claims as its
badge of distinction from the “mainstream” human rights community may be far more
generally shared—that I should have entertained the NAIL’s own claims to marginality
with a greater dose of *ethnographic* skepticism.

Consider for example AnnJanette Rosga’s recent ethnographic work on the
training of Bosnian police officers in human rights methodologies on the one hand, and
the production of social scientific research by international organizations seeking to
document such human rights violations in Bosnia-Herzegovina on the other (Rosga
2005a, Rosga 2005b, Rosga forthcoming 2005). Rosga describes very pointed,
sophisticated and also highly humorous internal discourses about the limits of human
rights machinery (Rosga 2005b). Peter Redfield’s recent ethnographic work among
participants in the international humanitarian organization Medecins Sans Frontières
(MSF) in Europe and in Africa (Redfield forthcoming 2005; Redfield 2005; Redfield
n.d.) reports similar findings. Redfield’s informants continually spoof themselves in their
publications and speeches as a bunch of overgrown 1960s radicals out of touch with
reality. In fact, the international aid workers in Bosnia-Herzegovina and humanitarian
organization directors are perhaps even greater, and certainly more entertaining
enthusiasts of irony and self-parody than NAIL members. From this point of view, one
could think of the NAIL as elaborating, in perhaps more explicit and more earnest form, a
set of questions and concerns about human rights practice that define the professional
lives of human rights activists of many stripes. If this is the case, it may be of wider
methodological use to consider more closely the particular challenges that the NAIL
poses to an ethnographer.
Human Rights as Intimate Ethnographic Subject

From this overview of NAIL skepticism we can make a number of initial observations. First, if anthropologists see their task as critiquing the human rights regime and its discourse, they have competition. Actors from within the human rights world already producing a subtle and sophisticated critique. Moreover, these actors are deploying many of the same theoretical tools anthropologists deploy to launch this critique. Anthropologists certainly can engage in critique along side these actors, and perhaps even learn some critical moves from them, but we should not imagine that somehow we have privileged access to a different or more devastating line of theoretical critique. In this respect, to the extent we claim critique as a plane of disciplinary privilege, our critique may indeed have “run out of steam” (Latour 2004; cf. Riles 2000; Redfield forthcoming 2005).

But it is not just the space of critique that our subjects now claim for themselves. They also claim the space of cultural description and analysis. For example, in his recent book, David Kennedy includes several chapters of first person narrative that aim to capture the culture of human rights practice in its full subtlety and complexity, in ways that uncannily resemble an ethnographic account (Kennedy 2004). Redfield likewise finds numerous analogies between MSF’s techniques of witnessing and reporting and the epistemological and political commitments of anthropological fieldwork (Redfield n.d.). And more than that, even, human rights institutions seem to anticipate the ethnographer’s arrival. Rosga recounts how her NGO subjects enlist her services as a researcher in producing a sociological study (Rosga forthcoming 2005; cf. Dahl 2004). Rosga’s description of how she was immediately slotted into the role of staff researcher is prescient: human rights slots ethnography in—there are gaps in the form (Riles 2000) of
the asylum petition for the expert ethnographic account, and even places in funding proposal for ethnographers to produce accounts of culture—the organizational culture of human rights administrations and the cultures of those administrations’ clients. The ethnographer arrives on the scene, in other words, to discover that the natives claim that the anthropologist’s work—the work of producing cultural description—is already indigenously done. And to add insult to irony, some natives, such as the human rights workers who engaged Rosga, are clever enough to get the work already indigenously done by the anthropologist herself!

One feature of human rights as a fieldwork locale, in other words, is that the anthropologist must contend with, and perhaps even participate in, the subjects’ own para-ethnographic work (cf. Riles 2001). The result is a sense of both fascination with and unease about the eclipsing of the distinction or divide between anthropologist and object of study at certain moments in the ethnographic experience, and with the question of what the ethnographer might learn from the sophisticated ethical stance and subject position of the people he or she enters into collaboration with (Holmes 2000) “in the field.” Doug Holmes and George Marcus have discussed this condition in terms of the anthropologist’s “complicity” with the subject (Holmes and Marcus 2005; cf. Maurer 2003), a phrasing that usefully foregrounds the necessity of refusing claims to ethical purity and neutrality in such ethnography. I have thought about this condition as a question of collaboration and collegiality, in which the relationship with the ethnographic subject becomes a model for the relationship with the academic colleague and vice versa (Riles forthcoming 2006). But I like Rosga’s formulation: “we’re just driving along, side by side, in the next lane.”

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But on closer observation, things are not quite this simple: something is “off,” from an anthropological perspective, in this work. David Kennedy’s cultural analysis, based on short trips to conferences, several days on a battleship, a few days on a human rights mission, and so on, more closely resembles the genre of nineteenth century travel diaries than Malinowskian social science. And yet what is irking is that his first person accounts are full of sensitive and destabilizing insights that might make many an anthropologist of human rights envious. The “mapping exercises” which dominate the academic work of NAIL types are likely to strike anthropologists as sloppy, imprecise, and theoretically uninformed. But the place where this bubbles to the surface is where concepts travel from the NAIL domain to the domain of anthropology and back again. The concept of culture, for example.

One place to observe this problem is a conversation in print between law professor Karen Engle and anthropologist Sally Merry. Engle’s article, an analysis of anthropologists’ changing engagement with the human rights regime, nicely exemplifies how the subject of human rights now explicitly breaks the frame of anthropological analysis, steps out of the proscenium arch: Engle, it should be noted, is studying us. Merry responds with a pointed critique (Merry 2003). She argues that Engle, and other critical lawyers, fundamentally misunderstand what anthropologists mean by culture, and hence by cultural relativism. Lawyers fail to see that anthropologists have moved beyond a static and bounded conception of culture as “values” to a much more dynamic, hybridic, fluid culture concept (Merry 2003: 67). From this point of view, culture need not be the enemy of human rights, Merry argues.
Merry here taps into a broader concern often heard within the discipline that anthropological concepts are misunderstood by the human rights regime and hence that anthropology and anthropologists are often unduly ignored. But her critique of Engle seems somewhat misplaced. Engle makes clear that she is not claiming that anthropologists are or have ever been complete relativists—in fact, her point is that anthropologists today unfairly accuse mid-century anthropology of relativism when in fact those anthropologists—and also the 1947 AAA statement on human rights—took a much more politically engaged view (Engle 2001: 554). Moreover, Engle repeatedly points out that anthropologists understand “that cultures are not static and monolithic” (2001: 556) and that she shares a strongly anti-essentialist view of culture. In fact, she takes anthropologists Carol Nagengast and Terry Turner to task for their essentialism: “By lumping together ‘gender, class and ethnicity,’ or ‘women,’ ‘minorities,’ and ‘indigenous peoples,’ Turner and Nagengast fail to recognize the potential conflicts among these groups” (2001: 558). She also critiques the 1999 AAA declaration for failing to be explicit enough about the fluid and anti-essential nature of culture: “While the Declaration specifically states that ‘human rights is not a static concept,’ it does not say the same about culture” (2001: 558).

What is remarkable about this debate, in other words, is how much is agreed upon by the two sides at the level of theory (cf. Riles 2002). Both Merry and Engle agree that culture should not be considered a static, reified thing. Both also agree that for human rights law, culture is ‘the other’ (Merry 2003: 60). Both agree that an emphasis on culture as the source of women’s oppression has the effect of masking other sources and causes of oppression (Merry 2003: 63; see Engle 1992a; Engle 1992b). And most
interestingly for present purposes, both agree that human rights is a distinctly legal culture (Merry 2003: 71). And yet, consider the following statement by Engle: “the [AAA] statement calls for tolerance of difference, or cultural relativism” (Engle 2001: 539). Most anthropologists would immediately point out that tolerance for cultural difference is not the same thing as cultural relativism. And yet from Engle’s point of view that is the precise definition of cultural relativism. In other words, in these points of friction we can see how a difference from one disciplinary point of view is not a difference from another point of view, and also how difficult it is to straighten out the confusion.

In my conversations with anthropologists about NAIL types, or in situations in which I have witnessed NAIL types and anthropologists in contact with one another, I have heard or observed a number of other anthropological critiques. I have heard many anthropologists voice distaste at the ‘pretentious,’ ‘posturing,’ ‘elitist,’ ‘flippant,’ ‘cliquish’ personal style of NAIL types. Sometimes this is phrased in terms of NAIL types’ lack of knowledge of or concern about “on the ground” conditions of human rights violations the anthropologist has experienced first hand. Sometimes this is phrased in terms of the futility of theory games for their own sake—the propensity of NAIL types to play freely and loosely with concepts, to mix and match, to do some structuralism here and some psychoanalysis there without a clear sense of theoretical, epistemological or ethical commitment. At other times this is framed in terms of the law professor’s privilege not to acknowledge the work of others, and accompanying naïve conceit that he or she is the inventor of ideas that are in fact in common circulation in the academic culture.
In essence, from many anthropologists’ point of view, NAIL types do not behave as human rights lawyers should: NAIL types are too theoretical, and not lawyerly enough—they should know lots of technical stuff, and their work should be focused more on designing and implementing human rights projects. They should be doing things in the world. They should be less internally focused, and more ethically committed. The criticism here seems to come down to a certain disappointment that NAIL types turn out to be too similar to anthropologists themselves. These criticisms perhaps tell us more about anthropologists’ fantasies about the law than about NAIL types themselves.

For their part, NAIL types do not think much more highly of anthropologists. Their disappointment takes the form, first, of dismay at what they take to be anthropologists’ lack of theoretical sophistication. For example, the groans and snickers among NAIL types were palpable when, at a recent conference bringing the two groups together, an anthropologist suggested to the lawyers, “you really should take the time some day to read Freud”—NAIL types at the conference took themselves to be intimately familiar and engaged with the likes of Freud and were dismayed to think that perhaps Freud was something new, worth bringing to others’ attention, from an anthropological point of view.

NAIL types also find anthropologists epistemologically naïve. That is, they see in what I would describe as anthropology’s subtle epistemological commitments nothing but contradiction and confusion about how one can simultaneously show reality to be “constructed” and also claim to have gathered “empirical facts” in the “real world.” And they find anthropologists’ spirited defense of their discipline’s unique perspective on the world oddly, well, defensive.
From the NAIL point of view, moreover, anthropologists are too entangled with the liberal regime of power that takes human rights as its paramount expression. They point to the fact that anthropologists support their research through government funding schemes that demand a certain serious, participatory take on international problems, one that can be internally and constructively critical but that cannot devote itself to exposing the absurdities and the ironies. NAIL types are also fond of touching on the subject of anthropology’s colonial past, its role in colonial administration, its essentialized conception of “others.”

Finally, anthropologists believe too much in a simplistic, idealized view of law in general and of human rights in particular, NAIL types complain. This demonstrates that anthropologists are not experts on human rights—if they were, they would be more agnostic about human rights law, because the marker of a true expert is a subtle agnosticism. One example of this criticism appears in the published debate between John Borneman and legal scholar Kunal Parker over American intervention in Iraq. Borneman, the anthropologist advocates the rule of law after “regime change” in Iraq, while Parker, the legal scholar, expresses skepticism about Borneman’s underlying conception of law. Parker argues that Borneman can sustain his faith in the potential of the rule of law in post-invasion Iraq only by subscribing to a naïve layperson’s understanding of the separation of law and politics:

Borneman's faith in the distinction between "democracy' v, substance, with its historical contingency, and "law' v. procedure, with its alleged ahistorical universality and stable meaning. American legal historians have long known
that the boundaries between "politics" and "law," or between "substance" and "procedure," are infinitely malleable and have shifted over time. Calling something "legal" or "procedural" has served as much to designate it as not "political" or not "substantive," and thereby to mask its political nature, as anything else. Furthermore, the meaning of the most "procedural" law is always indeterminate (Parker 2003: 46).

As with anthropologists’ critiques of the NAIL, these criticisms seem to come down to a certain disappointment. As Merry suggests, they begin with certain fantasies about anthropology as the realm of “culture,” as a kind of ready at hand antidote to the technocratic rationalities of “law.” NAIL types hope for anthropology to be a realm of imaginative possibility, of sexy new theory, of scholarship untethered from instrumentalism, of accounts of modernism’s others. And they encounter rather anthropologists advocating for human rights. As with anthropologists’ criticisms of the NAIL, the critiques perhaps tell us more about NAIL types’ fantasies about anthropology than about anthropologists themselves.

I have belabored this account of NAIL types’ and anthropologists’ mutual disregard to make clear one ethnographic fact that is also a condition of this ethnography: the bureaucratic, scholarly and activist outputs of the NAIL are already deeply intertwined with the personal and institutional networks, reading lists, and publication practices of anthropologists working in human rights fields. Indeed, most readers interested enough in the questions raised by this symposium to have read this far
probably already know some of the work, if not the individuals I am describing, even if they have not reflected before on the ethnographic consequences of this fact.

My hunch is that these are the qualities of ripe ethnographic subjects today: not unknown others but familiar fellow-travelers whose practices remain nevertheless ethnographically inaccessible, uninteresting, at times infuriating. Marilyn Strathern has shown how anthropologists make knowledge by relating phenomena and concepts that they take to be, at the outset, disparate — “kinship” and “economy,” for example, or “Melanesian world views” and “Euro-American world views” (Strathern 1995). But such relating can only occur where it is possible to see a separation, a divide, that is, where there is a perceived lack of knowledge, a perceived gap to fill. Here, in contrast, the problem with NAIL as an ethnographic subject is that many anthropologists probably already know as much as they wish to know about it. There is no gap—rather, anthropological knowledge and human rights knowledge work the same terrain, but at cross-purposes.

What do I mean by working at cross-purposes? Consider the consequences of the encounter of anthropology and human rights for that old anthropological workhorse, context. Anthropologists sometimes background the political and ethical confusion surrounding human rights by asserting that different geographical and social contexts produce entities of different orders (for example claims to rights to be free from military violence in Peru do not entail engaging claims that the veil violates women’s human rights in Afghanistan because the context of the deployment of human rights discourse is so radically different). It is a familiar anthropological move. Yet there is a problem with it when the context is not just Peru or Afghanistan, but also human rights institutions and
practices. This impulse to contextualize is directly at cross-purposes with the logic of human rights claims. Human rights rhetoric is a tool of response precisely to such appeals (by so-called human rights “violators”) to the special social, political or economic context of their particular site of violation. Human rights rhetoric is effective as a response only to the extent that it negates contextually derived distinctions—only to the extent that it is possible to claim that a human rights violation anywhere is of the same epistemological order and of the same moral, political or legal significance as a human rights violation elsewhere. By virtue of their very participation in human rights rhetoric, therefore, that is, in order to demonstrate their membership in the community of human rights enforcers (and to counter suspicions that anthropologists side with human rights violators, as in the “culture” debates) anthropologists working for human rights in Peru would seem to be forced to negate their own commitments to contextual differentiation and to answer the question, what about Afghanistan, what about Iraq.

Rosga offers another example. She recounts her attempts to “contextualize” the social scientific study her informants had asked her to produce by revealing in the final report the social process of its making, and the social, political and economic difficulties encountered along the way (Rosga forthcoming 2005). Rosga’s informants respond with annoyance and distress. She concludes by asking, “Do anthropological moves to “reveal” constructed-ness pull the rug out from beneath human rights actors who assume constructed-ness but who feel the need to present more “transparent” findings in order to get funding?”
Human Rights Instruments

I now want to suggest that this problem of different forms of knowledge working at cross purposes is best understood if we treat human rights as one instantiation of practices of legal knowledge. On the distinctly legal nature of human rights knowledge, there seems to be little disagreement. In my own earlier work, I have shown how the knowledge practices of even the least overtly legal of United Nations activities, the United Nations World Conferences, are best understood as spheres of legal knowledge insofar as they explicitly engage diverse constituencies (from so-called “experts” to so-called “grassroots”) in a common practice of document production that emulates legal practices (Riles 2000). Rosga likewise points out that what characterizes Bosnia-Herzegovina as a social space is the way it is infused with endless layers and intersecting bodies of law (Rosga 2005a) such that a human rights violation is just one more form of illegality, alongside the failure of citizens to pay taxes or the failure of the government to pay wages and benefits. NAIL type David Kennedy makes the same point:

The daily newspaper reminds us that it is the sovereign, the President, the Parliament, the government, which decides. Theirs is the vocabulary of politics…But increasingly the decisions which allocate stakes in global society are not taken there and are not contested in these terms. They are taken by experts, managing norms and institutions in the background of this public spectacle—legal norms and private institutions, decisions rendered in technical vocabularies (Kennedy 2004: 349).
What does it mean to suggest that ideas, practices and forms of subjectivity associated with human rights are legal in character? Here it is useful to widen the lens a bit beyond the subject of human rights to legal knowledge more generally. Since 1996, I have been conducting ethnographic research on the character of transnational legal knowledge in diverse arenas of knowledge production, from the law office to the academy, the bureaucracy and the social movement. This research spans a range of legal subject areas from human rights to financial regulation, corruption and transparency, and property rights. It seeks to describe the forms, practices, subjectivities and material artifacts of legal knowledge, and also the limits of legal knowledge (what is not law, what law cannot do), as these are indigenously understood (e.g. Riles 2004a).

My research has identified one principal device, practice, theory, idea, agent, and even limit of legal knowledge. This research suggests that most of all, legal knowledge partakes of a logic of *relations of means to ends* (Riles 2004b; Riles n.d.). What does this mean? Consider first the ideology of law, as expressed in legal theory. The law, in the modern American conceptualization increasingly adopted as the global standard, is a tool, a means to an end. The phrase “law is a means to an end” or “law is an instrument” appears hundreds of times in the canonical texts of modern jurisprudence. For example the celebrated early twentieth century modernist legal thinker Roscoe Pound, Dean of the Harvard Law School, argued that

being scientific as a means to an end, [law] must be judged by the results it achieves, not the niceties of internal structure; it must be valued by the extent to which it meets its end, not by the beauty of its logical processes or the
strictness with which its rules proceed from the dogmas it
takes as its foundation (Pound 1908: 605).

More recently, the conservative appellate court judge and legal thinker Richard
Posner has defended economic cost-benefit analysis in legal reasoning as an updated
version of means-ends reasoning (Posner 2001: 123-24). That law is a means to an end is
hardly a controversial claim from the indigenous point of view, therefore; on the
contrary, it borders on the mundane, a bit like pointing out that anthropologists
contextualize things.

There is one more crucial piece to the ideology: as Pound suggests in the passage
above, law is a means. But it is not an end. The ends of law rather are defined in other
spheres, outside the law (politics, society, economy). For example, a law might be a tool
of social justice, or economic efficiency, or public morality, or a “culture of life,” or
economic redistribution. Or a particular legal argument in court could be for the purpose
of exposing racism or sticking it to one’s former spouse in a divorce settlement. Those
are the ends, and they are for politicians, or for clients to decide. Lawyers rather will
stick to the definition of the means. The wielder of the tools is a controlled, limited form
of subjectivity, a subjectivity that acts on behalf of someone, or something beyond
himself, and beyond the tools (the human rights victim, the human rights cause, the ends).
That is what lawyers mean when they say law is technocratic (for them, generally a
positive value), or that law is a profession. That said, there is always the danger that the
tool might become “an end in itself;” that technocracy might become entirely detached
from the ends it was designed to serve (Kennedy 2004), and there is plenty of
jurisprudential debate, as well as courtroom argument, about whether this or that
argument might be just a lawyer’s fetish, that is, whether the lawyer has not lost sight of the ends in favor of the means.

In my wider work, I have been tracing out the range of practices, manipulations and effects lawyers produce with this singular and exceedingly simple archetype of an idea and practice, law as tool. For example, the ideology that law is a tool translates into a method of evaluation and critique: Any particular legal statute, decision, legal body or argument can be analyzed by asking whether the means are appropriate to the ends it is designed to serve. Does the CEDAW convention as a whole effectively serve the ends for which it was created? How about the UN? Or the CEDAW commission’s particular interpretation of a particular clause of the document? I mention this in the context of the present discussion of NAIL’s own critical stance vis-à-vis human rights law in order to draw attention to the fact that the tool-like quality of law presupposes an internal tradition of critique—and hence from this point of view NAIL’s critiques partake of an important and established genre of legal knowledge. But critique, in this practice, has a particular form: it is an evaluation of relations of means to ends, and it itself is a means to an end—the end of recalibration and reform.

What is less open for critique is the way legal knowledge produces certain ends as effects of its own reasoning through the means. In a recent article, Charles Piot (forthcoming 2005) offers an excellent example of this phenomenon. Piot retraces the background and context of a now infamous human rights case, the case of Fauziya Kasinga, the woman who claimed refugee status in the United States by virtue of her refusal to submit to female genital cutting allegedly practiced by the Tchamba of northern Togo. Piot interviews “all the players in the game” (Comaroff and Comaroff 1991: 9),
from the lawyers and journalists involved in the case to Kasinga’s relatives in various parts of Ghana and Togo. His conclusion: there is no “Kasinga, the human rights victim” outside the human rights documents and instruments that produced her as a human rights victim. The question of what happened, how and why is too intimately connected to the legal practices for answering that question and determining what to do about it. The victim here is an effect of the legal tools—the expert opinions, the doctrines, the arguments, the five part tests—as refracted also through other practices of journalistic and even expert anthropological accounts. Piot’s material captures how human rights law invents its ends, its own outside (the social practice, the woman-victim within the social group) in order to act upon it, on its own terms. Although the legal means theoretically address the social and political ends, the practice of working through the means in effect defines, selects, describes—produces—the ends.

Piot’s ethnography helps to explain why something might be askew in the deployment of anthropological concepts as legal tools. The narratives of Kasinga’s life, and even the “expert opinion” of the anthropologist concerning kinship practices that appear in court documents are stories with a purpose. No wonder, then, that the documents are full of what Piot terms “anthropological howlers”: the notion of Kasinga’s social group, for example is designed not to appeal to some anthropological theory but to satisfy particular technical requirements concerning who it will allow to claim refugee status: there should be not too many beneficiaries and not too few. And it is no wonder, therefore, that the real, the outside the tools produce, has a distinct tool-like quality, as when lawyers want Piot to explain what the social group’s “purpose” is. The real of human rights protocols, violations and victims, in other worlds, is a cascading set
of means-ends relations (Riles 2004b). From this legal point of view, it is no surprise that
the realist epistemology of anthropology—the stance of reporting on facts in the world,
strikes NAIL types as somewhat preposterous.

I want to flag one further aspect of this relation of means to ends because it has
particular resonance in the practice of human rights, and that is the relation’s temporal
orientation. The relation of means to end activates a forward-looking temporality of
projects. One works in the present on the means with the hope of producing particular
effects, of satisfying particular ends, in the future. At the same time, unlike theoretical
questions for anthropologists, for example, in which questions periodically return, fresh,
or linger in the background to be picked up again, legal projects occupy particular periods
of time and then come to an end. The question of how to hold occupying powers to
certain human rights standards regarding torture, for example, is the problem of this
moment, and the moment is defined by the problem. At present, lawyers in the NAIL are
furiously debating different strategies and approaches. But at some point it is expected
that they will either succeed or fail at “solving” this problem, and it will disappear as new
ones appear on the scene. This helps to make sense of the “Fin de NAIL” positioning
described at the outset of this article. To an anthropologist, the strategy of calling
something “finished” seems odd—indeed, the fact that I am writing this article suggests
“NAIL” is not finished, as an anthropological problem, whatever the natives might say.
And yet it is possible to understand the strategy as a kind of transposition into another
key of a background temporal form of legal knowledge.

This understanding of human rights as a distinctly legal form of knowledge, and
of legal knowledge as taking the form of relations of means to ends now can help us
make sense of some of the other frustrations anthropologists express with NAIL and by extension, also, to make sense of the special problems human rights poses, as a subject, for ethnographers. I noted that anthropologists dismiss NAIL types as not sufficiently lawyer-like, and indeed, conversation among NAIL types turns far more frequently to Foucault than to treatises on human rights law or classical jurisprudential debates. Yet in focusing on the content of NAIL discourse, I want to suggest, anthropologists miss its overarching frame, as well as its specific form. These backgrounded forms, frames and routines of the NAIL sensibility are lawyerly all the way down.

Although NAIL types do not wear their instrumentalism on their sleeve, it bubbles to the surface at key moments. I remember receiving a particularly strong rebuke at a NAIL conference, as a young anthropologist first presenting my own research. The rebuke came from a prominent NAIL type, a diplomat from a small Northern European nation. This person, a devotee of post-structuralist theory, had already published highly sophisticated semiotic analyses of international legal ideology and hence was knowledgeable in the bodies of theory I was deploying. But for his taste, my work went too far. He responded to my presentation with a resounding, highly agitated account of the necessity to act at the moment (something to the effect of a moment “when two ships are about to collide in the night” the international lawyer must intervene)—an account of the realness of crisis and the need to make a decision. What was particularly instructive about this rebuke was the way it equated kinds of work anthropologists would want to differentiate—post-structuralist theory, “navel gazing,” ethnography, and so on, as all forms of leisurely non-action—as against professional, up to the minute instrumental action.
Most NAIL types are rarely so explicit, but on closer analysis many aspects of their practice are best understood in terms of the relation of means to ends. For example, NAIL types’ suspicions of people who too resolutely profess a commitment to the ends alone reflects the logic described above in which the ends often are, in practice if not in ideology, an effect of the means. Likewise, I believe that it is possible to understand the para-academic quality of knowledge within the NAIL (the rapid deployment of post-structuralist arguments, the appeals to modes of description that mirror ethnography, and so on) as always already a kind of instrument, a weapon to make a specific intervention in the activities of or debates about human rights institutions. David Kennedy, for example, tells his readers that his contribution is not new knowledge but rather the instrumentalization of old knowledge: “The negatives [of international humanitarian work] are discussed privately, often cynically, but rarely strategically” (Kennedy 2004: xviii). Likewise, Engle’s ultimate critique of anthropologists’ attempt to mediate their commitment to human rights and to respect for cultural difference with the concept of a right to culture is framed in terms of the difficulty of instrumentalizing such a concept as a technique of intervention: “Collective rights, along with the other mediating techniques, might provide new justifications for the AAA to act, but they don’t determine how it should act.” (Engle 2001: 559).5

No wonder the work seems askew to an anthropologist—which looks like the misuse of the culture concept, for example, is in fact a solution to an entirely different problem, a means to an entirely different end. Engle’s “culture” has little to do with anthropological definitions of culture (even though she herself insists that she is writing about anthropologists’ use of culture--one cannot take one’s informants’ beliefs at face
value in this field anymore than elsewhere). Rather, Engle’s culture concept takes its form from the legal work the term does in framing and channeling the larger (political) conversation about the human rights regime and its limits. From this point of view, it is perhaps beside the point to correct the lawyer’s inaccuracies. What the lawyer has done is not so much “demonize” culture (Merry 2003) as instrumentalize it.

I now want to return to the problem this practice of instrumentalization poses for the ethnography of human rights. The ultimate problem, in my view, concerns the propensity of the means-ends relation to absorb everything into its own logic, to make a tool out of anything and everything. This is true for lawyers as much as for anthropologists, of course. Consider the experience of the NAIL types: a critique of legal tools is instantly transmogrified into a tool of legal critique, and an insight instantly becomes an intervention in a legal debate.

In *An Anthropology of the Subject*, Roy Wagner makes the following observation about the archetypal form of human instrument, the wheel. It is “the image of the work it does, a technological ‘interpretation’ of gravity whose very simplicity conceals the gravitic reinterpretation within its operation” (Wagner 2001: 191). He demonstrates that all descriptions of the wheel

do not explain the wheel at all but are instead explained by it. An ‘explanation’ that worked as well as the wheel did, underdetermined its own means with a like pragmatic acuity, could probably be used in its place. That would be a reinvention of the wheel (2001: 192).
It is impossible adequately to describe the wheel without reinventing the wheel in other words. The better the description, the more it becomes what it describes. Hence the fuller and more adequate the ethnographic account of the instrument the more it becomes an instrument, and becomes instrumentalized, itself.

Similarly, the admittedly frustrating ethnographic lesson I have taken from my fieldwork in the NAIL, in other words, is this: *There is no way to describe an instrument that is not already to make an instrument, or to extend an instrument, or to use an instrument.* Hence there is no way for an anthropologist to describe oneself in a conversation with lawyers without instrumentalizing oneself and one’s knowledge. Consider once more the dialogue between Engle and Merry alluded to above. In response to Engle’s legal use of the culture concept, Merry responds by extending that concept to law: international human rights law, too, has a culture, Merry argues. Engle surely would agree with Merry on this point. But what interests me is the way Merry has herself instrumentalized the culture concept, as a tool in her debate with Engle. By virtue of engaging law, anthropology instrumentalizes itself.

No wonder anthropologists now routinely position themselves and their knowledge as being of some use to human rights administrations, or alternatively lament the fact that their knowledge is not adequately put to use within the human rights framework (If only human rights lawyers understood the true nature of Muslim women’s experience of the veil or Melanesians’ concept of ownership they would make different rules.) Thick description as legal problem solving. The problem however is that thick description as tool is no longer thick description: it takes on the particular form of a relation of a means to an end. The same words and categories—women, culture, the
social group, and so on—are there, but they now have an entirely different valence; they are instrumentalized.

What I ultimately want to emphasize is the particular problem this fact poses for recent attempts to treat human rights institutions as a “culture,” that is, a subject of ethnographic research. I am suggesting that one cannot know human rights ethnographically, that is, make knowledge out of it. One can only use human rights knowledge, or use oneself and one’s own knowledge in relationship to human rights.

**Circling Back**

There are various possible responses to this conundrum. In my own work I have often addressed it by attempting to locate pockets of non-instrumental practice within the legal field that might still be suitable for a fairly conventional ethnography. For example, I have focused on aesthetic practices within international institutions as one such point of respite (Riles 2000) and documentary practices as another (Riles forthcoming 2006b). Yet I want to close by tentatively outlining the contours of another response that I see emerging among some ethnographers. To do this I need to reveal a few things about what I mean by “fieldwork in the NAIL.”

The conventional anthropological ideology of the fieldwork project goes something as follows: the anthropologist begins at home in the academy, with questions, problems. She goes to the field to answer those questions, to solve those problems. But instead, in the course of the fieldwork encounter, she discovers different questions and problems altogether. It is an ideology to which I, like most readers of this journal, I imagine, am deeply, firmly, committed. Yet it fails fully to capture my intimacy with this
particular ethnographic subject. My own trajectory actually worked the logic of problems and solutions in reverse.

I began “among the NAIL,” that is, I was educated into human rights law in dialogue with some of these persons and their projects. I framed my problems, my questions there—to put it simply, problems about the limits of the NAIL and questions about how to circumvent the hegemony of legal knowledge (see Riles 2000, preface). I then came to anthropology as an anthropologist comes to the field—in search for solutions to those problems. Along the way, of course, I discovered new problems—anthropological problems, and then I turned to fieldwork at the United Nations as a ticket to in what I thought was a third space. Note that I could only hold the (retrospectively preposterous) belief that the United Nations might constitute some place that was neither the NAIL nor anthropology because I was beholden to the internal ideology of the NAIL’s own marginality, an ideology which, it must be admitted, most anthropologists also readily accepted. I wanted to stay forever in the field, to go native—native anthropologist, that is. But my ethnographic discovery was that there was no “outside” in this way. The tropes of difference and distance would not hold.

Fieldwork in the NAIL for me, then, is an attempt to circle back, to engage my intellectual and ethical origins from the point of view of problems that now begin for me elsewhere. That is, fieldwork entails encountering the NAIL as a source of intellectual surprises, points of engagement for my anthropological problems. Yet although I have tried, at various points and in various ways to explain this to my informants, it proves to be as impossible as unwinding the confusions among anthropologists and lawyers about their mutual deployment of the culture concept. From my informants’ point of view, very
little has changed—they are aware that I “went away” for a few years, became older, perhaps a little less engaged, but that happens to lots of people.

At this point the reader may be experiencing this account as too subjective, too bound up in my particular biographical trajectory to be of much wider relevance. And yet what I have learned from the emerging body of ethnographic work in human rights institutions, to my surprise, is that this retrospective kind of intimacy—a sense of déjà vu and of intimate, if somewhat retrospective familiarity with the field site, is, paradoxically, an increasingly ubiquitous condition of fieldwork in human rights “sensibilities.”

Rosga’s own work among human rights trainers and police force trainees in Bosnia-Herzegovina in some way comes out of, and also evokes her own prior work as an anti-hate crimes activist who worked with police. Likewise, Redfield reckons with the fact that certain presentations of this humanitarian work appeal to what he spoofs as an “undergraduate form of hope and desire for ‘doing something’”—that he must admit continue to motivate him and drew him to this field subject. At a recent conference on the ethnography of human rights sponsored by Political and Legal Anthropology Review, participants were surprised to discover, in conversations outside the formal paper presentations, that this subject position was what most in fact shared. The ethnographic subject in this condition becomes something far more intimate than an analog (Strathern 1988) of ourselves—it is a version of ourselves, a version, to make matters even more complicated, that we may imagine at particular moments we had left behind but that remains very much in our present, in part because of ethnographic participation itself.
Why this position, as an ethnographic stance, at this moment? It is not just the law that experiences its ends as receding from view—anthropology also has long sought its ends elsewhere. Think of the authority of claims within the discipline that “I am an activist before I am an anthropologist,” or, “I am a feminist and an anthropologist,” and so on. And yet, in an ethical landscape in which human rights victim, human rights violator and human rights savior all are already instrumentalized subject positions—positions in which one cannot engage outside the hegemonic logic of means and ends—anthropologists, as much as NAIL types, experience the ends as receding from view. Old sources of our ends now seem to fail us as resources for our commitments. Hence perhaps the anthropological fascination with law at this moment, with its well developed technologies of the means that seem, for the moment, to substitute for the ends.

Hence one of the emerging features of this new ethnographic work, I think, is an empathy for human rights actors’ own efforts to guard against claims of ethical purity, and a response with an ethical commitment not to turn one’s ethnography into just yet another demonstration of one’s usefulness and one’s ethical commitment but rather to hold back from such auto-instrumentalizations, and indeed to protect the ethnographic subject from attempts by others (readers, students) to instrumentalize it in this way.

In such circumstances of revisiting cast off ethical positions, ethnography, with its techniques of making the familiar strange, achieves a kind of circling back to old ethical terrain from a point of view that neither debunks, nor describes. The question for “human rights in a new key,” then, becomes what relationship might the ethnographer take toward such once familiar but now no longer adequate intellectual and ethical positions? I do
not have all the answers, but I am intrigued by the temporality of this circling back, as the kind of counterpart to the forward looking, but ultimately periodically finished temporality of projects I have described as characteristic of human rights institutions. These ethnographic projects do not claim to produce new knowledge of a foreign object, or even to revisit old knowledge from a new perspective. In contrast to the forward-looking temporality of projects, the ethnographer here commits to standing in two temporal places at once—her own past and her present—and hence to pull the past into the present. This is what makes it ethnographic, responsive, as opposed to mere critique. Might it be that in turning this temporality inside out we have achieved a kind of position from within the means-ends logic of human rights administrations from which new ends might become visible, ends as ends, in complement as well as alternative to human rights actors’ own means as means?
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Notes

1 The anthropology of human rights seems to have reproduced methodologically the human rights community’s own divide between human rights institutions and actors on the one hand and the clients of human rights institutions on the other—what the critical human rights lawyer Makau Mutua terms the divide between “saviors” and “victims.” (Mutua 2002: 10). My discussion here is limited to the anthropology of human rights actors—the saviors rather than the victims or the savages. I want to acknowledge here, however, the considerable new and challenging ethnographic work on the clients of human rights organizations (e.g. Coxshall, Jean-Klein 2002).

2 Rosga, pers. comm.. April 10, 2005.

3 For his part, Borneman takes Parker to task for his overly “postcolonial” academic sensibility (Borneman 2003b: 50).
Consider for example the following exchange between Parker and Borneman in the debate mentioned above on the nature of anthropology. Parker writes,

> At the beginning of the essay, Borneman states that he speaks as a social anthropologist, as one "concerned with aspects of the social, of rebuilding the social body and its culture after violent conflict" Are we to take it then that anthropology's role in the unfolding narrative of "regime change" is to be no more than one of identifying for political power the realm of the "social" as something that needs the most thorough "caring" transformation? I hope not. (2003: 47, citations omitted).

To which Borneman replies,

> Parker imagines a bemused and benign role for anthropologists, where ethnographic encounters render our "mediated conceptual weaponry . . . mysterious, serendipitous, and surprising." This is a lovely romantic vision, but just does not hold (if, in fact, it ever did) for most contemporary fieldwork-mediated knowledge. Most of our encounters are downright repetitive and predictable, even though they also entail unanticipated forms of engagement and kinds of responsibilities. We are told to look for cracks in the facade, from margins to center, for hope amidst despair, or critique at the heart of the assertion
of habit. But these are positions of initial engagement, not outcomes of a longer period of engagement with alterity and of a writing process, at the end of which surprise, or the distinction between margin and center, is often just a heuristic device if not a ruse employed to claim ethnographic authority (Borneman 2003b: 53).

5 Moreover as sophisticated lawyers, NAIL types have a keen sensitivity for the manipulation of the means-ends form. A particularly ingenious manipulation of the means-ends form appears in Kennedy 2004, pp. 335-end.

6 Personal comment 4/10/05.

7 Personal comment 4/10/05.

8 The proceedings are forthcoming in the Fall 2005 issue of Political and Legal Anthropology Review.
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