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Maurer, WM

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Foreword

Rusing risk¹

Bill Maurer

A ruse, says the *Oxford English Dictionary*, is a “detour; a doubling or turning of a hunted animal to elude the dogs.” The term derives from the French “ruser,” from which English also acquired the word “rush,” as in a frontal impact that drives an opposing force away, leading it in turn to ruse, to flee and scatter in all directions. This quality of turning about and scattering in all directions, like game in the hunt, also lends the word its more common and more modern English meaning of trickery. Hunted animals, it would seem, deceive in order to escape their pursuers. In doing so, they take unexpected tacks and twists in direction, thwarting the hunters’ forward rush.

The chapters assembled in this fascinating collection lend new significance to the techniques of misdirection and meandering of the ruse. For, in documenting efforts to govern through risk in the recent history of the “war on terror,” the authors demonstrate that new forms of governance are attempting to meet the doubling and turning of an apparently elusive prey with increasingly complicated probabilistic models, the complexity of which may itself be a ruse masking older forms of power. What is being evaded, too, by those who would “protect” by governing through risk, is the relationship between truth and justice, the latter held in abeyance by the drive to secure the former through more and more complex probabilistic models.

I am reminded of the ruse in reading these chapters by the iconic image of the man, woman and child running across the border on signs lining the freeway between Irvine and San Diego, California, reproduced in Rita Raley’s chapter here and targeted for mockery by a performance art group she discusses. In the artists’ resignification, the figures (let us for the sake of argument call them a family) are both rusing from pursuers and rushing toward jobs in the name of the free market. The art group thus draws attention to shifting modalities of governance tracked in the volume as a whole, from the territory-based governance of sovereignty to the market-based governance of risk and uncertainty.

The difficulty in trying to account for these emerging modalities of governance, however, is that, in attempting to track the present and recent past,

we frequently lose sight of the past in the present and the contorted temporalities that infuse past, present and future with one another, sometimes out of phase and sometimes in sync. Our grammar does not help us here. In the construction "from ... to ..." in written and spoken English, the position of the prepositions in the sentence mimics their meaning: an unfolding over time. Like the fleeing family, the sign that resembles what it signifies, this grammatical construction demonstrates the linguistic property of iconicity (Haiman 1980). Like the family in the sign, however, the prepositional construction, as it is colloquially used, may also suggest an array of unrelated objects and objectives, a meandering or scattering through space or time. "She conducts research on everything from statistics to kinship terminology." Grammar books frown upon this usage. But I think that this "ungrammatical" sense of the phrase can be useful in coming to terms with governance through risk. For what we discover in the chapters that follow is a diversity of aims and targets and, in fact, a series of competing and often contradictory notions of risk, calculation, governance and sovereignty, sometimes coming into phase in the same instant, other times oscillating from one to the next and back again, and still other times overlaying one another like the patina on an African fetish object on which offerings have been poured since unrecorded time.

Take risk itself. Paired with uncertainty, as in Frank Knight's classic early twentieth-century discourse on economic profit, risk signifies a calculable probability, as opposed to the unmeasurable uncertainty of the incalculable future. It was in the latter that Knight saw the potential for profit:

Profit arises out of the inherent, absolute unpredictability of things, out of the sheer, brute fact that the results of human activity cannot be anticipated and then only in so far as even a probability calculation in regard to them is impossible and meaningless.

Knight (1921: 311)

Risk and uncertainty have a much older lineage, as well, harking back to Aristotle's distinction in the *Nichomachean Ethics* between science and practical wisdom: the former rooted in certainties, however difficult to arrive at, and the latter in a sense of what is to be done without any clear guide. Prudence, here, involves a *judgment* of what is to be done (Book VI, section 5). Arriving at that judgment is a practice of virtue in the face of the unknown and incalculable. This notion of virtuous judgment in Aristotle recalls the medieval and Renaissance European understanding of the probable not as a quality of calculability but as a quality of the weight of an argument.

One could easily chart an historical shift in conceptions of the probable in the West, then. This historical shift would move from (A) ideas about the virtuous attempt to weigh evidence in favor of taking one course of action over another without more stable a warrant for one's choice than one's own

history of judgment and one's location in a community of interpretants and their collective norms; to (B) ideas about calculating the probability of one outcome over another based on one's choices today, a risk–benefit analysis undergirded by statistical norms. The problem with such a chart, however, is that both modes of assaying the probable are available in the present. The latter may seem dominant, but it makes no sense without the former, which is also continuously being reasserted. Judgment is always contingent, but not necessarily always calculative. Prudence is a kind of “older” probability, but it too resides in the present and there is no reason to think it will not accompany calculative rationalities in the future.

For Renaissance thinkers in Europe, the prudential course summoned a further problem. As Richard Regosin puts it in an essay on Montaigne, “how to respond to the moral imperative to ‘be just’ without knowing what it means to be just” (Regosin 2006: 56)? This is a familiar conundrum to early twenty-first-century inheritors of the European tradition, as well, who have by now absorbed some of the lessons of relativism and post-foundationalism in philosophy, politics and law. It is often decried in discussions around the “war on terror,” too, for the position that there must be moral certitudes and universal values in this “war” and in its everyday battles provides the ideological cover for those many, everyday instances when those certitudes and values are abrogated in their own name, as the chapters here attest. Rather than continuing to move back and forth between universalism and relativism, however, Regosin suggests that Montaigne had an answer to this conundrum, one that post-structuralist thinkers echo: “one must ruse with the law” (Regosin 2006: 56). One must adopt an “oblique and crippled knowledge,” say Detienne and Vernant in their commentary on the *Nicomachean Ethics* (quoted by Regosin 2006: 57; my translation). Regosin continues that, in the few places where Montaigne mentions the ruse:

In each case rusing takes place in situations whose conditions are not authored by its players – be it war, the social position of women, or his own old age – situations marked by instability, uncertainty, and the absence of clear or obvious directives, where suppleness of mind and the ability to foresee consequences serve to bring about a desired end.

Regosin (2006: 57)

The conditions described in this volume are also not authored by their players, and let us not fool ourselves here: those who would attempt to calculate and thereby govern by risk are not in control of that which they author, and neither are they the authors of a seamless or hegemonic totality. The very logic they are carried along with allows, indeed compels, acts such as those of the performance artists described by Raley or the immigrants discussed by Coutin. For risk, in seeking to quantify and control uncertainty, also reveals the “nonlinear temporalities” – Coutin’s term – and the “looking sideways” and “looking forward” of the UK Treasury’s effort

against “terrorist financing” discussed by de Goede, that inevitably evade that control.

How, though, to respond – politically, analytically, morally – to the politics of preemption, precaution or preparedness and vigilance that seemingly pervade the present and recent past? Simply asserting opposition, calling forth “truths” or by raising consciousness? Counterposing qualitative judgment and justice against quantitative calculation and management? Valorizing the subject against the sovereign or the person against the market?

No. One must also ruse with risk.

Notes

- 1 I would like to thank the editors of this volume for inviting me to contribute this Foreword, and Tom Boellstorff and Susan Coutin for their helpful comments and suggestions.

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In memory of Richard V. Ericson (1948–2007)