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BOOK REVIEWS

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Commons and Borderlands: Working Papers on Interdisciplinarity, Accountability, and the Flow of Knowledge
Marilyn Strathern (Oxon: Sean Kingston Publishing, 2004)

Law, Anthropology, and the Constitution of the Social: Making Persons and Things
Alain Pottage and Martha Mundy, eds. (Cambridge: Cambridge University Press, 2004)

This has been a very difficult review to write. In part, the difficulty stems from the books under review themselves. They are both extremely impressive albeit very different collections. One consists of a series of working papers whose provisionality is belied by their acuity. The other consists of a series of tightly focused essays by anthropologists, historians, and legal scholars which work exceptionally well together, forming a volume that puts forward a strong, coherent, and important agenda for studies of law and culture. The challenge in writing this review does not just derive from the quality of the work but also from its substantive focus: the institutional and intellectual histories and trajectories of interdisciplinarity in the university today (which Strathern investigates, ethnography-style, and which Pottage and Mundy's volume exemplifies) and the relationship between interdisciplinarity, society (broadly defined), and science (also broadly defined) in the makeup of persons, things, and their relations.

In other words, these books are about us: academy-based sociolegal scholars, political anthropologists, ethnographers of all stripes, university-employed academics, humans living in liberal diasporas and dealing with new scientific and social technologies that render uncertain the very category of humanity.

Marilyn Strathern's *Commons and Borderlands* describes the shifting landscape of knowledge production in the academy, and, in doing so, brings forward that which is often backgrounded in daily life and work—at least, my daily life and work—in a modern research university setting and in the collaborations university researchers forge outside the academy. While the context may be more specific to Britain's Research Assessment Exercises (RAEs), which base state funding for universities on specific measures of output, there are strong resonances with what is currently taking place at my own institution and, I am sure, many others. The effect is something similar to reading David Schneider's

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classic, *American Kinship*: we are at first confused and then startled by the ethnographic description of "our" world in such simple-seeming terms. "But . . . but . . . that's just the way things are," is our response, for what is being put before us is already so very close that it is hard to see, and at the same time always just outside our field of vision: we attempt to look, and it flits away, always beyond our visual range. And then the profundity of our own claim to common sense sinks in.

Do not be fooled by the slenderness of Strathern's volume. The essays will linger with you for a long, long time, and you may even find yourself carrying it around with you (as I did) as a guidebook of sorts, a travelogue even, to help navigate through the new networks of knowledge production that increasingly muddle the insides and outsides of universities. And please read every bit of the book, which does not consist of chapters in the usual sense but rather is a collection of provisional documents and essays, some of which are included as artifacts of the present. A gray text box contains the mission statement of the University of Cambridge Department of Anthropology's "Research Group on Comparative Studies in Biotechnology and Accountability," whose goal was to "investigate practices 'across technologies'" rather than across cultures and to "encourage thinking across contexts" (p. xi). Right here we have a statement of the animating problematic of the volume itself: the homology between practices "out there" which are exchanging techniques, and practices "in here"—the university—which are exchanging ideas in projects of interdisciplinarity.

The preface names the book's purpose to be an investigation into the prominence of interdisciplinarity in the academy in the early 21st century. It also specifies the working papers' genesis in a seminar held at Cambridge in 2004 on "Social Property" at which the working papers included in the book were discussed, although most were also written for other occasions or events. Universities have increasingly promoted interdisciplinarity as an unquestioned good, although various strands always received more institutional support. For example, the kind of interdisciplinarity fostered by the synthesis of those social sciences that could share a quantitative analytical toolkit had more cachet with university administrators than the kind of interdisciplinarity that grew out of challenges to canonical knowledge formations in the humanities, such as women's studies or ethnic studies. And there are obvious reasons for this. What is less obvious is what the two kinds share, and how the two kinds each rely on the valuing of "collaboration as a special source of creativity" that generates new knowledge (p. vii). This is not new, however. What *is* new, Strathern argues, is "the institutional drive to embed such aspirations" for collaborative interdisciplinary activity "in new social forms" (p. viii). She is talking about research centers, institutes, university–industry collaborations, and all the other new institutional forms that seemingly occlude the traditional constituent units of the university—departments, schools—and in so doing remake the academic enterprise.

At Cambridge, the Cambridge Genetics Knowledge Park (CGKP) and the Center for Research in the Arts, Social Sciences and the Humanities (CRASSH) represent two such institutionalized social forms. The centers are efforts to create new societies with interdisciplinary exchange built into their design. The bringing together of scholars from different disciplines is also "an internal version of the wider (external) series of collaborations envisaged" (p. x) in the aims of such centers, which seek to foster collaborations between the university and the wider world. The aim is not privatization in any simple sense, for the questions of ownership and accountability immediately present themselves in such partnerships. Strathern's working papers variously treat the manner in which these new social forms and their disciplinary antecedents set out the repertoire of modes of diversity presumed in early-20th-century knowledge: disciplinary, cultural, individual or personal diversity, and so on, each replicating the others through transformations in perspective and scale. In the acknowledgments, Strathern writes that "there is no pretense to scholarship here" and that the analogy on which much of the writing is based, between disciplines and cultures, is not so much an analysis of a model as a "ready-made that could have been picked off an intellectual market stall, or obtained online for that matter" (p. xii).

One effect of this state of affairs is the way knowledge formations institutionally and intellectually wrap around to eat their own tails, so to speak. Strathern's working papers tack back and forth between two books on the social production of knowledge, Gibbons et al.'s (1994) *The New Production of Knowledge* and Nowotny et al.'s (2001) *Rethinking Science: Knowledge and the Public in an Age of Uncertainty*. The key insight here is the relationship between knowledge creation, uncertainty, and accountability. Nowotny et al. distinguish between two modes of knowledge production. It is worth including here the passage Strathern quotes, as it is central to the entire set of working papers; the ellipses and the comments in brackets are Strathern's:

> In traditional [modern] society science was 'external' . . . and scientists saw their task as the benign reconstitution of society according to 'modern' principles [Mode 1]. . . . In contemporary [modern] society, in contrast, science is 'internal'; as a result science and research are no longer terminal or authoritative projects . . . but instead, by creating new knowledge, they add fresh elements of uncertainty and instability [Mode 2] [Nowotny et al. 2001:2].

Because of the potential for Mode 2 science to increase rather than relieve uncertainty, it has generated internal mechanisms of control through peer review, audit, evaluation, and the like. Mode 2 science does not solve crises but assumes crisis as its motivation—it will respond to crises—and as its modus operandi—it may in turn produce new crises. Thus, the "necessity of paper trails for everything, and accountability becomes at once increasingly difficult to discharge (more elaborate systems of audit) and increasingly easily (more routinized)"

(p. 8). Knowledge in this mode is to preempt potential problems in advance of the research activity and to anticipate crises ahead of time. For example, the UC Irvine Interdisciplinary Center for the Scientific Study of Ethics and Morality is interested in both “recent scientific research that yields insight on the origins and causes of morality” and “the moral implications of this new frontier” (http://www.socsci.uci.edu/ethicscenter/). So, we are to investigate “causes of morality” at the same time that we reflect critically on the “moral implications” of the discovery of “causes.”

This also means that science must not only demonstrate its usefulness to society but in addition secure society’s endorsement: the internal procedures of the scientific method must be supplemented by “public engagement” with its products in advance of their creation (p. 9). “In effect, science incorporates society into its aims and objectives in order to pre-empt society’s verdict” (p. 10). We see this kind of operation in bioethics committees, a topic of concern to Strathern in this volume, as well as patient advocacy networks’ incorporation into scientific practice, and programs like UC Irvine’s Program in Medical Education for the Latino Community (PRIME-LC). An experiment that has had a rocky and politicized relationship to the university of which it is a part, PRIME-LC has *not* aimed to provide medical education for the Latino community, as its name suggests. Instead, it has sought to provide doctors with training about the Latino community that would preempt that community’s possible complaints against the medical establishment while also addressing both communities’ specific needs: Latinos’ need for access to care, and the medical school’s need for public legitimacy, located as it is in the heart of Santa Ana, California, one of the largest Latino cities in the United States. PRIME-LC’s ambitions are greater, however: it has assembled an amazing collection of activist scholars seeking nothing less than the transformation of the entire medical establishment, and it has garnered significant funding from the state. PRIME-LC’s troubles have, in part, hinged on its inability to institutionalize the interdisciplinary collaborations it sought to harness by placing its full-time equivalent faculty positions within existing departmental structures. In part, this was a failure of audit of another kind.

Ethnography occupies a place of signal importance in these working papers, for ethnography is also anticipatory and preemptive. Crises press “methods and theories devised for other purposes . . . into service” (p. 2) and thus call forth a kind of interdisciplinarity that seeks not only to address a crisis but also to preempt future crises. Hence the growing field of bioethics, which attempts to imagine and address problems before they might arise. “Being in a state of readiness” for more mundane unforeseen outcomes, dealing with the unpredictable, requires a research strategy something like ethnography: “the deliberate attempt to generate more data than the investigator is aware of at the time of collection. . . . Rather than devising research protocols that will purify the data in advance of analysis, the anthropologist embarks on a participatory exercise which yields materials for which analytical protocols are often devised after the fact” (pp. 5–6). An open-ended mode of

inquiry, ethnography "allow[s] one to recover the antecedents of future crises from material not collected for the purpose" (p. 7); an example Strathern gives is the usefulness of ethnographic studies of kinship for dealing with the ethical and property implications of the new reproductive technologies. The trick is keeping ethnography or anticipatory modes of research from being routinized so that they can retain the suppleness that comes from strategies of indirection.

Now, what I have written so far covers only the preface, acknowledgments, and introduction of this little book. There are four working papers as well, and an end-note. Working Paper One, "Knowledge on its Travels, Dispersal and Divergence in the Make-up of Communities," is to my mind the most directly ethnographic of the working papers. It focuses on the institutional reorganization of knowledge effected by the CGKP, though reading it, one can almost see one's own institution come into view. There are shorter stories about other experiments in collaborative scientific community, like the TSR2 aircraft (Law 2002) and Denmark's forays into end user–designed virtual communities, and artificial life (Helmreich 1998). Strathern asks about the relationship between experiments in knowledge and experiments in social organization and community and reflects upon the kinds of expertise and knowledge "lodged in bodies of diverse kinds" like departments, schools, research groups, and the like. She focuses on the question of how knowledge moves between these bodies, how it is rendered portable, and how its circulation and carriage through and by particular bodies create new communities. Strathern also inquires into the artifacts of putting knowledge in motion and/or halting its flow: publications, patents, authorship, research programs, and the like, not to mention the researcher as a particular kind of person, a knowledge worker "prized . . . for the connections they bring" (p. 23), not just for their expertise. How does one plan such circuits of communication and knowledge transfer (not to mention resource transfer), however? For this is what new institutional forms are attempting to do. At UC Irvine, an initiative has been under way for several years to provide seed funding to interdisciplinary networks of professors, and interdisciplinarity is defined in terms of location within a department or school, not necessarily disciplinary affiliation or theoretical or methodological styles of research. Such networks are formalized into "Centers" and provided small amounts of funding from the university over three years in the hopes of fostering "synergies" that will lead to specific kinds of product and of attracting the regard of the wider society as well as the attention of outside donors:

> A Campus Center (previously called Informal Center) provides a group of researchers with the use of the "Center" title and a structure for its collaborative activities. The rationale for establishing a Campus Center may include attracting greater recognition and extramural support for a research program at UCI and/or providing an infrastructure for research development that promotes synergistic interactions between a group of researchers within a school or across schools. [http://www.rgs.uci.edu/cor/corinfrm.htm]

Attracting greater recognition here also refers to making knowledge generated by such networks "relevant" to the worlds of policy and business. The whole endeavor, of course, depends on the ability of knowledge to travel—between collaborators within and outside the university, as well as on the conversion of knowledge into specific sorts of capital and back again (see p. 29), not to mention "the kinds of communities created in the wake of knowledge as it travels in diverse directions" (p. 30).

The itineraries of ideas, their traffic, raise important questions about their provenance. In Working Paper Two, "Commons and Borderlands," Strathern begins with Gillian Beer's (1996) *Open Fields* in order to examine the specific kinds of creativity interdisciplinarity entails. Is it cross-fertilization, where methods and objects from one field reshape the terrain of another? Is it analogical, where metaphors pry open imaginations and new kinds of expression? Ultimately, Strathern is concerned with the explicit valuation of interdisciplinarity, and she is wondering what that valuation really means and what interdisciplinarity really indexes. These are questions that get at the origins of ideas, the mixing up of knowledges, and the problems of ownership, authorship, intellectual property, and provenance that such mixing brings to the fore. And these are questions without clear outcomes: "the view of the author as the singular origin of a work" can support any number of positions on the market and scientific production or the "gift economy" of publication, citation, and reputation that supposedly subtends academic work.

Working Paper Three, "Who Owns Academic Knowledge?" is Strathern's side of a conversation with Alain Pottage but is also more directly an engagement with a report commissioned by the Royal Society (2003), titled "Keeping Science Open," and a book by a law professor, titled *Who Owns Academic Work?* (McSherry 2001). Strathern takes each term of the working paper's title question in turn, before considering the whole they make up together. Intellectual property, the Royal Society worries, will halt the flow of knowledge. The concept of property emerges not entirely as one might expect—again, because we are always in the thick of it. Strathern asks, via analogy to body parts, why arguments about ownership continually crop up and are so difficult to push aside. An organ donation does not imply prior ownership, lawyers argue, but rather seeks to obviate trespass. Yet, people continually respond to organ donation by arguing that it should "bypass the question of ownership" (p. 54). What is at stake in this denial of ownership, when ownership is never really even at issue? If the denial of property rights in organs is analogous to that of property rights in ideas, then why do academics also seek a denial of ownership in their social critique of intellectual property rights and their presumed effects on the flow of knowledge? Can we think of "a *duty* of ownership" (p. 57), rather than a "denial of ownership" (p. 56)? What would such a duty do to the "who" in the question "Who Owns Academic Knowledge?"? "Reflection: who is protecting what from whom?" (p. 58).

Working Paper Four, "Accountability Across Disciplines," reflects on the profusion of interdisciplinary, multidisciplinary, and transdisciplinary orientations in research agendas and networks. Strathern "take[s] the distinctions [inter, trans, multi] as indigenous classifications" (p. 70) and investigates the claim that what is happening in disciplines is also happening in society. As with the introduction and Working Paper One, the focus is on the new involvement of society in the sciences, and the models of accountability and forms of confluence this engagements entails (the metaphorical literalized, reflexivity implemented, merographic relations created).

The book's endnote, "Re-Describing Society," returns us to Mode 1 and Mode 2 from Gibbons and Nowotny by way of the Canadian Royal Commission on New Reproductive Technologies, and the Papuan Pressure Group (PPG) petition to a Mining Company (MC) for compensation for environmental destruction. The discussion returns to Mode 1 and Mode 2 science and asks, "Why in science-producing societies is there held to be a divide—and thus partnership—between science and society?" Strathern concludes, "We have seen that, where it is acknowledged, it affords a rhetorical framework for transactions" (p. 95). Here, comparison with the humanities is relevant, for the humanities' separation from society was never presupposed. They "already seemed to be operating in Mode 2" (p. 95). What is interesting, then, is the effort to create a differentiation in order to open up a multidirectional flow between science and society. If we live in a Mode 2 society, where science and society are continually in interchange and made accountable to one another through open-ended and anticipatory forms of self-consciousness and self-regulation, then what would it be to produce a (social) science of Mode 2 society? This is precisely the ethnographic question that animates this book.

Alain Pottage and Martha Mundy's edited collection, *Law, Anthropology, and the Constitution of the Social: Making Persons and Things*, is related to the Strathern volume through a number of intertextual connections. As already noted, Strathern's Working Paper Three, on the ownership of academic knowledge, is one side of a discussion with Pottage on whether the question is even worth asking. Despite the absence of Pottage's side of the debate in *Commons and Borderlands*, it is not difficult to discern the different sides each took, though the positions are not necessarily separated by strong theoretical or methodological disagreements. For Strathern, the question is worth asking if only because it is indigenous to Euro-American worlds, and its continual reassertion says something about those worlds. For Pottage, it may not be, as it indexes a series of other problems with the framing of any social inquiry into the constitution of ownership, knowledge, and the persons and things which stabilize themselves through technologies like intellectual property law.

Such constitution is precisely the focus of Pottage and Mundy's volume, and they set forward a compelling theoretical architecture for reorienting the conversation

over the constitutive relationship between law and society. The difference with Strathern is over the possibility of such architecture in the first place. Where Strathern gives us a reflexive account of the modes of reflexive knowledge production mushrooming in the very institutions that make up the "academy," its outsides and its alters, Pottage and Mundy offer a programmatic method to interrogate the new constitution of the social. In particular, they offer a statement of how to conduct social inquiry in the wake of such developments as Latour and Callon's actor network theory and Niklas Luhmann's (e.g., Luhmann 1997) systems theories. It is also a statement that directly takes up the challenge of Strathern's Melanesian ethnography as a foil against which to examine what Latour (1993) has called "the modern settlement" that purportedly separated persons from things despite their myriad and networked interconnections and the hybrids that continually proliferate "between" them.

Whether or not social inquiry as such can be sustained "after" Latour et al. is a question that lurks in the background of the essays collected here, but without the paralyzing effect that can sometimes overtake the researcher (as has happened to me many a time!) as he or she begins to unravel the conditions of possibility of the empirical gestures animating our claims to science or reason. Contemporary debates in law itself over the status of difficult boundary objects like human tissue, DNA, ideas, bodies, persons, and so on also are within the field of vision of the authors here, even if their topics seem at first far removed in time and space from such concerns.

For example, Yan Thomas's chapter takes up the Roman legal conundrums over the disposition of dead human bodies. Martha Mundy's chapter on the history of Islamic law up to the Ottomans discovers that the Western distinction between ownership and sovereignty fails to capture the relationship between ownership and political office at issue in Hanafi jurisprudes' debates over military fiefs. Engin Deniz Akları takes up a period of intense transition in Ottoman legal affairs over the disposition of proprietorship, contract, and artisanal production. As Akları puts it, "contracts altered the subject, the objects, and the law itself" (Pottage and Mundy, p. 169). Strathern's chapter in this volume sets Euro-American understandings of person and thing in dialogue with a court case from Papua New Guinea in order to counterpose Euro-American and Melanesian accounts. The ultimate aim, as with her other work with Melanesia, is to provide "an intellectual resource: modes of thinking which help us to think" (p. 203). Pottage's introduction to the volume makes exceptional use of such intellectual resources, even in attempting to unpack the very notion of intellectual resources itself. And Latour's chapter, titled "Scientific Objects and Legal Objectivity," delves into the mirrored processes of fact and fabrication in the two "laboratories" (p. 73) of science and law.

In addition to the chapters just mentioned, this volume also includes fascinating work by Tim Murphy on the notion of cultural property, and Susan Küchler on

visual analogy in the Pacific and on what she calls "the re-surfacing of things," the "linear versus planar conception of patterned surface," that suggest "two quite distinct ways of thinking about connectivity and resemblance" which call forth rather different "expectations" about what a person can be (p. 243). There is a concluding essay by Pottage on the potentialities of ownership in genetic information.

This is a brilliant book, and it is impossible to do it justice in the space allotted me. It is analytically generative and mind-opening. The chapters are all of consistently high quality, and one will want to return to them again and again. It compellingly sets a new agenda for cultural studies of law. Though the terrain will be familiar to sociolegal scholars and anthropologists, the book forces us to stretch our imaginations beyond familiar dichotomies of person/thing, status/contract, tradition/modernity, and so forth as we consider in a variety of contexts the twinned processes of reification and personification fabricated in and by legal technique and argument. The volume thus stands significantly to reshape the debate on the relationship between "law" and "society" (see Maurer 2004). It is also useful in demonstrating what anthropology and sociolegal studies can do, as it were, with some new theoretical toolkits.

Where Pottage and Mundy lead us down alternative theoretical paths toward new and compelling insights about the predicament of persons and things in law, Strathern pushes us off the cliff we reach at the end of those paths. This is a precipice overlooking a sea in which the institutional, ideational, and material possibilities of knowledge production itself are hopelessly—or hopefully—muddled. The best we can do is to dive in and muddle along with them, intermeshing ourselves and our objects as we defer our quest for analytical closure in a world seemingly cracked open by our having reached the logical ends of constitutive theories and practices of law, society, and everything in between.

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