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A tale of three buildings:

Certifying virtue in the new moral economy

ABSTRACT
One expression of the spread of auditing and bureaucratic accountability in global society is the emergence of certifications of virtue, typically after completion of a review process designed to ensure objectivity. In this article, I analyze regulatory interactions in a U.S. construction project, including the procedure for formally certifying buildings as energy efficient and "sustainable," to bring into focus the sometimes-paradoxical effects that highly rationalized regulations have on those obliged to comply with them. The case illustrates how virtue is reduced to a checklist of measurable properties whose integrity is maintained through rituals of verification and rigorous risk management. The issues involved lead me to reflect on anthropologists' inclination to demonize bureaucratic regulation in their ethnographic accounts even as they insist on formal accountability in their own communities and professional networks. [*bureaucracy, risk management, audit cultures, governmentality, LEED, sustainable architecture, modernity*]

> Thus, the ruling power, having taken each citizen one by one into its powerful grasp and having molded him to its own liking, spreads its arms over the whole of society, covering the surface of social life with a network of petty, complicated, detailed, and uniform rules through which even the most original minds and the most energetic of spirits cannot reach the light in order to rise above the crowd. It does not break men's wills but it does soften, bend, and control them.
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> —Alexis de Tocqueville, *Democracy in America*

Regulatory bureaucracies and the processes by which they advance their ends exert a profound influence on most societies, yet they rarely arrest the anthropological imagination. There are exceptions to this generalization, of course—the work of Michael Herzfeld (1992) comes immediately to mind—but it is fair to say that anthropologists are less inclined to treat bureaucracy as an object of study in its own right than as a backdrop for meditations on the injustices of social stratification.

There are several reasons for this inattention to one of the most important social forces of our time. Bureaucracies rarely offer congenial settings for ethnographic research. Bureaucratic knowledge is often rigorously compartmentalized, controlled by social actors who think of themselves as beleaguered, misunderstood guardians of institutional integrity or the public trust. The traditional division of labor in the social sciences has left sociologists to do most of the heavy lifting when it comes to the analysis of formal institutions and their moral logics.[1] It may also be true, as David Graeber asserts in his 2006 Malinowski Memorial Lecture, that anthropologists are bored by bureaucratic proceduralism, whose intentional predictability contrasts with the "complex webs of meaning or signification" (2006:3) that are anthropology's stock-in-trade.

In a study of innovations pursued by technocrats in Japan's central banking system, Annelise Riles (2004) offers a more provocative

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explanation of why anthropologists struggle to understand the contours of bureaucratic and technocratic institutions: We are too "intimate" with them to see them clearly. In her words, "These technocratic practices hide themselves not by their strangeness but by denying the anthropologist the cues or hooks that engage the analytical imagination" (Riles 2004:401).

Bureaucracies may elude the analytical imagination, but they have no such effect on moral sensibilities; hence, anthropologists' tendency to focus on situations in which inflexible bureaucracies brutalize the powerless. Graeber's Malinowski Lecture opens with the heart-rending story of his struggle to help his gravely ill mother navigate the intricacies of the U.S. Medicaid system. This experience leads him to declare that "the more we allow aspects of our everyday existence to fall under the purview of bureaucratic regulations, the more everyone concerned colludes to downplay the fact (perfectly obvious to those actually running the system) that all of it ultimately depends on the threat of violence" (Graeber 2006:5). Graeber's claim is plausible when one considers bureaucracies that preside over taxation, policing, and health care. But what about the equally pervasive regulatory systems that control the quality and safety of the built environment, that enforce zoning rules so that communities grow in accordance with the wishes of local residents? Here one enters an arena in which moral lines are ambiguous and power may sediment into increasingly fine gradations.

Bracketing the issue of power, which is often less explanatory than in need of explanation itself (Brown 1996), a constellation of approaches has been used to gain theoretical purchase on the dynamics of bureaucratic control: the Weberian concept of "rationalization"; a focus on emerging "audit cultures" based on accountability; the vexed issue of trust and its negotiation in complex societies; the rise of the discourse of risk and risk management in a wide range of settings; and the Foucauldian notion of "governmentality"—that is, the claim that nonstate institutions are progressively taking on the highly rationalized qualities of governments and thus helping to regulate populations in ways that states and neoliberal economies find useful.

Rather than aligning myself at the outset with any one of these approaches, each of which has merits and deficiencies, I propose first to take readers into the labyrinth of a specific ethnographic case and then work my way out using whatever tools bring the material's key elements into highest relief. The case involves a major construction project and its official certification as code compliant and "green." I believe that architectural design and the multiple regulations that influence it can shed additional light on what Marie-Andrée Jacob and Annelise Riles (2007) call the "new bureaucracies of virtue," examination of which has thus far been confined largely to the study of institutional review boards and the formal assessment of faculty performance in institutions of higher education.

Ethnographic setting

The three buildings of this article's title are part of a multiyear construction project undertaken by a private liberal-arts college (henceforth, "the College") located in the northeastern United States.[2] The College is surrounded by forested hills and former mill towns struggling to survive the steady decline of local industries, whose production has been shifted to countries with lower wages and less demanding environmental regulations. Despite the region's economic travail, the College has prospered thanks to the generosity of loyal alumni. One of the paradoxes of its wealth is that although its tuition is dauntingly high, it can afford to provide financial assistance to nearly half of its students, up to a complete waiver of tuition and fees. This policy is emblematic of an institution whose prevailing ethos is at once elite and progressive.

In common with many U.S. institutions of higher education, the College aggressively renewed and expanded its building stock in the 1990s and early 2000s. Prior to this period, campus buildings were mostly dignified and austere brick or stone structures. The dramatic growth of the College's financial resources in the 1990s and early 2000s inspired projects that were more adventurous in design. Depending on one's perspective, these can be seen either as edgy declarations of a commitment to innovation or as examples of excess verging on ostentation.

Part of this campus building boom is a construction project whose main elements are a pair of academic buildings, including offices for about half the faculty, adjacent to the site of a new main library and information-technology center. The project's construction will total nearly 250,000 square feet at a cost of more than $100 million.

Planning for the project began in 1998 but proceeded slowly until 2003, when a prominent architectural firm was selected to design the buildings. Once work moved past the programming stage (i.e., when client and architect settle on the number and size of needed spaces), the project was drawn into the vortex of modernity, an intensely rationalized sphere characterized by what Anthony Giddens calls "concentrated reflexive monitoring" (1993:289). The design team felt obliged to engage the services of a dizzying array of consultants whose expertise was seen as essential for the project's successful unfolding. These included geologists, a landscape architect, several library consultants, mechanical engineers, electrical engineers, a security consultant, an expert in historical masonry, structural engineers, experts in information technology and audiovisual resources, furniture consultants, a construction-management firm, and, inevitably, attorneys with expertise in such matters as zoning codes and contract law. Some of these experts had

little firsthand exposure to the College and its everyday operations. Instead, their involvement was mediated by maps, plans, and computer files. Challenges of coordination occasionally arose as the design team and, later, the construction managers found themselves engaged in strenuous reflexive acrobatics to reconcile conflicting information generated by so many experts. These conflicts could be as minute and technical as two groups of engineers inadvertently locating conduits in the same spot on their respective plans or as broad as the tendency of audiovisual consultants to specify equipment that was more elaborate than the client deemed necessary.

Two elements of the design process were particularly striking: first, persistent tension between creativity and relevant legal codes, the latter overseen by various official bureaucracies; and second, the pervasiveness of the discourse of risk in the planning team's discussions. I consider each of these elements in turn and then analyze the tortuous manner in which they wove themselves through project planners' debates about whether the College should commit itself to certifying the buildings as "green"—that is, as having met formal standards of environmentally sustainable design.

The riddles of code

As Eran Ben-Joseph (2005) observes in his study of building codes, the attempt to impose standards on construction, especially in urban areas, dates back thousands of years. Then, as they are today, standards were intended to bring an orderly shape to human settlements: a logical pattern of streets, efficient disposition of administrative and residential structures, and the like. As understanding of principles of public health improved in 18th- and 19th-century Europe, planning codes expanded to include rules that would facilitate disposal of refuse and human wastes, provide access to potable water, and separate pedestrians from wheeled traffic in the interest of public safety. Ever more refined codes have emerged in the developed world as technocrats attempt to design communities that balance the desiderata of modern life—among them, attractiveness, safety, accessibility, convenient access to markets and other sites of commercial activity, conservation of natural features and valued sight lines, and protection of buildings that embody a community's cultural heritage. Local codes may advance less benevolent agendas as well. By specifying a large minimum lot size, for instance, a wealthy community's planning rules can effectively bar access to low-income families. Still, there is a consensus among professional planners and the general public that, at least in principle, codes for planning and construction offer necessary protection against the desire of developers and property owners to maximize profits at the expense of the public good.

Code is afflicted by a problem shared by many forms of regulatory bureaucracy: To impose order and generate predictable outcomes, rules must reduce the infinite variability of the world to a limited set of approaches or, in the language of the moment, "best practices." These tend to be backward looking and based on average situations, which means that they stubbornly resist originality and adaptation to changed circumstance. Worse still, once given the force of law, codes tend to invite what economists call "regulatory capture," meaning that they are gradually twisted to benefit groups with a financial interest in the products or services that the rules mandate. As in many spheres of state regulation, the prevailing rules quickly become so byzantine that they can only be fully understood by mandarins whose livelihood is based on interpreting them for others. In the case of the project under consideration, for example, the architects, whose firm was based in a different state, felt obliged to retain the services of a local code consultant whose job it was to identify potential problems of compliance early in the design process. Finally, one profession's codes and practices may interfere with those of another in ways that stifle creativity. Ben-Joseph (2005:169) notes that long-established engineering standards for the construction of streets and drainage systems often stand in the way of architects' desire to build residential areas that are ecologically sustainable and that favor the needs of bicyclists and pedestrians over those of motorists.

Perhaps the most salient feature of building codes is that they pressure architects to follow the path of least resistance by following a cookie-cutter approach to design. Every modern building contains elements, ranging from the location of emergency exits to the treatment of stair rails, that have conventional, code-compliant versions that architects know are unlikely to raise the eyebrows of enforcement officials. If the designers wish to bring originality to a project, however, they are faced with the burden of proving that their novel approach meets the safety standards specified by code. This may require expensive supporting studies by consulting engineers. In the face of these pressures, architects must rein in their creative urges and limit those features of a building that receive novel treatment.[3]

No matter how carefully designers try to adhere to building codes, however, they eventually find themselves wrestling with what is sometimes called the "irrationality of rationality"—that is, conflict between a code's formal rationality, which Rogers Brubaker defines as the "calculability of means and procedures" (1984:36), and its substantive rationality, the code's intended ends or effects. This collision can be illustrated by three examples.

Case 1. The College wanted one of the academic buildings to include a 90-square-foot kitchen outfitted with a two-burner stovetop range and oven. Faculty who

teach foreign languages had requested the kitchen because their departments often sponsor public receptions that feature international cuisine. When the local building inspector reviewed the plans, however, he insisted that the relevant state code for public buildings required a fully equipped kitchen, even one this small, to meet the same safety standards that apply to commercial restaurants. This meant that the architects would have to modify the plans to include an industrial-grade exhaust system and sophisticated fire-suppression equipment. This, in turn, required modifications that would disfigure the building's roof. Rough back-of-the-envelope calculations suggested that the additional equipment and related design fees could raise the cost of the kitchen by as much as $250,000—all to prepare an occasional Japanese or Russian delicacy for undergraduates. Ironically, the College would have been free to substitute a countertop hot plate for a small electric range without invoking the stringent exhaust code, but it preferred the convenience and safety of the range.

The architects and the College discussed these issues at multiple meetings. They eventually decided that the cost of incorporating an industrial exhaust system was too high for the College to authorize. Instead, the planning team made a last-ditch effort to convince the inspector that the scale and purpose of the kitchen were essentially residential rather than commercial. The architects and representatives of the College asked the official to waive the industrial standard with the understanding that the kitchen would be used only occasionally and not for routine preparation of foods that required deep-fat frying. The official reluctantly agreed but reserved the right to suspend the occupancy permit if inspection revealed that the College failed to respect these conditions.

Case 2. Near the building site lies a steep slope that borders a public parking area. An existing sidewalk that negotiates this slope fails to meet current regulations for handicapped accessibility. Although a less direct route to the same location does meet accessibility requirements, initial discussions with the building inspector suggested that he might require the sidewalk on the steep grade to also meet this standard. Adding a ramp in this location would entail construction of a massive concrete ziggurat with multiple switchbacks that would be difficult to keep clear during the region's harsh winters. The population that would benefit from the ramp is microscopic: In the past quarter-century, only one wheelchair-bound student has attended the College, and the number of motor-disabled faculty or staff is nearly as small.[4]

In the face of a potential cost in the hundreds of thousands of dollars, the planning team discussed the option of having no sidewalk at all in this area, instead letting students create their own informal "goat paths" down the hill. The salient principle: no sidewalk, no compliance problem, although the entire community would thereby be inconvenienced. Further discussion, however, suggested that failing to provide a paved sidewalk in an area that is dangerously icy for several months a year would be unwise. Would the College risk liability claims if a pedestrian were injured on an unauthorized path? Subsequent discussions with the relevant local official resulted in his declaration that a single handicapped-accessible path to the buildings would suffice, thus eliminating the need to construct a massive ramp on the steep grade.

Case 3. In response to growing institutional sensitivity to the needs of transgendered students, the College asked the architects to include a "transgendered restroom" somewhere in the new library. This room began to appear in design sketches marked as such. At one meeting of the planning team, a member asked why the architects could not achieve the desired goal the way Europeans do in many of their public buildings—that is, by including some private unisex bathrooms among the building's inventory of restrooms. The reply was that state code requires a public building to provide a specific number of gender-segregated men's and women's restrooms based on the building's expected occupancy. Once the mandated number is achieved, designers are free to add unisex restrooms, although this involves additional expense and, in a sense, a built-in overcapacity that violates the College's goals with respect to environmental sustainability. Eventually, planners decided to include the unisex bathroom anyway.

Although these cases were resolved to the College's satisfaction, the anxiety surrounding their negotiation, indexed by the amount of time the planning team spent discussing them, turned on the uncertain standing of common sense in bureaucratic process—that is, whether one can invoke what Herzfeld memorably calls "the rhetoric of humanity against bureaucracy, of ordinary common sense against small-minded official legalism" (1992:144).[5] Codes are expected to balance costs and benefits, yet they must also maintain a degree of rigidity to constrain the inclination of permit seekers to request special dispensations when they have vital financial interests at stake. In a culturally diverse society, one person's common sense is another's self-interested excuse. For example, if the College were to argue that the cost of the massive wheelchair ramp was prohibitively high, it would be vulnerable to allegations that a well-heeled institution is shortchanging the rights of the disabled—rights that some advocates feel should trump financial considerations.

The frequent difficulty of reconciling code and common sense puts local-level bureaucrats in an awkward position. Their job is to enforce rules that they did not create and in some cases may not endorse or even understand perfectly. If they show themselves lenient in their enforcement role, too willing to compromise with applicants, they risk disciplinary sanction. They rarely suffer when erring on the

side of strict interpretation, especially when the applicant is an institution thought to have deep pockets. Who wields more power in this situation, the modestly paid, typically overworked local official or the wealthy institution seeking interpretive latitude? The answer is by no means clear. Code officials may feel bullied by highly paid experts from out of town; petitioners may perceive themselves vulnerable to the whimsical rulings of a small-town martinet.

Successful building projects thus involve a complex choreography of assertion, deference, negotiation, and compromise. To avoid confrontations, architects internalize code constraints and strive to avoid design decisions that invite unwelcome scrutiny from code enforcers. In the project under consideration, the design team rehearsed rhetorical strategies that might induce officials to modify rulings that preliminary discussions suggested were moving in an unfavorable direction. The architects and construction managers debated different narrative approaches, gathered precedents from other completed projects that supported their design preference, and strategized about which members of the team were best suited to pitch the plan to specific officials or review boards. Such exchanges were often peppered with amusing stories about stiff-necked or negligent code officials in other jurisdictions or review processes that had run off the rails for one reason or another. These Goffmanesque backstage moments contrasted markedly with the sober, professional demeanor maintained in public presentations.

From a greater analytical distance, one sees a rupture between the ultimate ends of building and planning codes—to ensure public safety and the compatibility of new construction with community sensibilities—and the strategies that actors deploy to advance their personal or institutional goals. All of the parties accept the morality of regulations that guarantee safety and accessibility, yet countervailing logics—everything from the calculus of cost to the aesthetic vision of designers—inevitably produce a degree of cynicism about the regulatory process and its quirks. The result is a particular form of dual consciousness: an awareness of the necessity of regulation coupled with what can only be described as world-weariness about the tyranny of complex rules as applied by capricious and fallible human beings.

Due diligence and the management of risk

At one unforgettable meeting during the multiyear planning process, the architects unveiled their first interior elevations of the library building. The drawings showed a dramatic four-story atrium that sliced the library into two sections, one largely devoted to book stacks, the other to public seating, work spaces, and staff offices. The architects arrived primed to answer tough questions about cost, acoustics, and the challenge of reconciling the atrium with the state's demanding fire codes. All of these issues were raised, and the architects addressed them convincingly. Yet they seemed flummoxed when an administrator declared, "I'm worried that the atrium will attract suicidal students, who could jump over the railing. Have you considered that?" It was clear they had not. And why should they have? The College boasts any number of buildings tall enough to serve as platforms for suicide, and the nearby mountains offer many more. Although the architects made light of the question in private, they also seemed disconcerted by their failure to anticipate a perceived risk that is much on the minds of college administrators attuned to the emotional turmoil of undergraduates.[6]

This was the most unexpected instance of a general concern with managing risk that threaded its way through the planning group's deliberations. Most perceived risks were financial, necessitating strategies to protect the College from design errors and cost overruns during the project's construction phase. But other expressions of risk were routinely discussed as well. How likely was it that the new library would eventually become an expensive white elephant because of the digitization of print resources? What designs could minimize that risk? Given the likelihood that energy costs will rise sharply in the future, what was the right balance between the incorporation of innovative energy-saving technologies and the limitations of the project budget? What security measures were needed to protect the College's valuable collection of rare books, and how could these best be reconciled with a countervailing desire to have the books accessible to patrons?

The salience of risk management is inseparable from the role of consultants in the project. Perhaps the most obvious way to demonstrate attention to "due diligence," a legalism heard frequently in the planning group's discussions, was to retain the services of certified experts whose guidance was perceived as improving chances that relevant risks were assessed accurately. It was by no means always clear that a given consultant provided information superior to that offered by members of the planning group itself, which included skilled administrators and architects with decades of relevant experience. The point was to establish, via a paper trail of credentialed expertise, that the College had met its responsibility to grapple with risk. In saying this, I do not mean to imply that such a process can be reduced to a simple exercise in preemptive blame shifting. It does, however, exhibit some of the properties of what Michael Power (1997) calls a "ritual of verification." It declares, for the benefit of those who may be called on in the future to audit the project's performance, that decision makers acted prudently. And like performative rituals everywhere, it actually changes the world—in this case, by transforming inchoate risk into managed risk.

These observations are consistent with the emerging literature on concepts of risk and their role in shaping

modern institutions and individual subjectivity.[7] Theorists of risk sort into two general camps. The first holds that risk management, as well as the increasingly rigorous standards of accountability and administrative transparency to which it is allied, reflects the deepening of democracy and the growing role of public opinion in governmental and institutional decision making. For Ulrich Beck, the rise of the "risk society" is an encouraging trend characteristic of "*radicalized* (second phase) modernity, a stage where the dynamics of individualization, globalization and risk undermine the first phase of industrial nation-state modernity and its foundations" (2000:226). As societies become more heterogeneous, citizens no longer presume that those in charge are looking out for the public interest—-or, at any rate, for the interests of those formerly marginalized from collective decision making because of their gender, class position, ethnicity, and the like. Hence, relentless demands for greater transparency as well as attention to risks long borne disproportionately by the powerless.

More often, however, theorists portray auditing and risk management as the internalization of attitudes and procedures once largely restricted to government bureaucracies. Michael Power captures this view succinctly:

> Risk as a mode of governmentality reveals itself, in the managerial form of standards and guidance, as a continuation of control via the indirect technology of self-audit. This mode of control relies on evidence and proof of conformity to due risk management process . . . The organizational domain becomes juridified in *anticipation* of an inspection process which need not happen. The standardized forms of conformity which make audit possible are now more significant than audit itself. [2007:196–197]

Power, as well as other theorists who share his dark view of auditing and risk management, insists that these social forces advance the agenda of the neoliberal state by privatizing forms of consciousness once largely limited to officialdom but now, in a sense, subcontracted out to civil society. This thesis is provocative but also unprovable. Today's newspaper headlines offer little evidence that nation-states welcome greater transparency. Governments that push neoliberal policies may stand to benefit from the drive for greater accountability promoted in some sectors of society—education and health care come first to mind—but there are countless ways in which these same values boomerang back on their advocates, with dire consequences for the careers of elected officials and career bureaucrats. What one can say with confidence is that the move toward risk management is propelled by an array of social forces, including the human-rights revolution, the spread of radical individualism, the intensified reflexivity characteristic of modernity, and a general decline of trust.[8]

Dilemmas of trust loom large in the moral economy of the risk society. Marilyn Strathern (2000b) and Haridimos Tsoukas (1997) point out that the quest for ever-greater transparency does not increase trust; at some threshold level, transparency undermines trust. Too much information, especially of a specialized or technical sort, occludes public understanding. Experts famously struggle to communicate the implicit knowledge underlying their professional judgment. As Tsoukas observes, information is only useful when it is interpreted, and "it is precisely the terms of interpretation that are contested" (1997:834). The surveillance associated with ever-greater transparency leads social actors to adopt secrecy simply to be able to do their jobs. When discovered, such evasions prompt demands for still more surveillance and disclosure. Perhaps the strangest aspect of the drive for transparency is its simultaneous embodiment of a vicious circle as well as a virtuous one—the latter because, outside the realm of personal privacy and special cases such as the secret religious practices of indigenous peoples, transparency tends to be portrayed as inherently desirable from an ethical point of view.

The LEED labyrinth

These disparate forces converged in the College's building project when the planning group made the decision to seek LEED certification of the buildings. LEED, an acronym for Leadership in Energy and Environmental Design, is a program inaugurated in 1998 by a not-for-profit organization, the U.S. Green Building Council (USGBC), to provide, in its own words, "an internationally recognized green building certification system" that offers "third-party verification that a building or community was designed and built using strategies aimed at improving performance across all the metrics that matter most" (USGBC 2009). These features include energy efficiency, the use of sustainable building materials, and close attention to the comfort and safety of human occupants. LEED certifications are ranked from a basic entry level, "Certified," to the highest standard, "LEED Platinum."[9] Typically, projects that seek LEED certification are guided through the process by a consultant or member of the design team who has passed an examination testing the applicant's knowledge of LEED's complex requirements.

When planning for the project began, the College was unsure whether to commit itself to LEED certification. The main obstacle was that the administrative requirements of the LEED process—as distinct from the practices and features that it promotes—would add additional costs to the project budget. Considerable effort was put into estimating the scale of those costs.[10] While awaiting a decision on the issue, the architects began designing in ways that would meet LEED requirements. Ironically, knowledge that the buildings would satisfy many of the substantive goals of the LEED system made the decision to seek formal

certification more difficult. Assured that the buildings would achieve high standards of sustainability and efficiency anyway, planners debated the critical question of whether the College should spend tens of thousands of dollars more for a bureaucratic procedure largely focused on securing what Giddens refers to as a "symbolic token" (1993:292), a certificate that would entitle the institution to display its virtue on a public plaque and in related press releases.

Because the planning team was working with a fixed budget, funds directed to LEED certification would have to be pulled from other parts of the project. So was a plaque worth giving up a classroom in the buildings? This was the kind of question voiced in the group's lively discussions during more than a year of deliberations. As the planning team learned more about the LEED system and its purpose, the questions began to shift from the budget to the bigger picture. One of the goals of the certification program is to publicize global sustainability efforts and create new markets for green building products and construction techniques. By opting into the certification process, an act of making visible (cf. Strathern 2000b:310) the values already hidden in the building plans, the College would display moral leadership in a nation whose response to global climate change has been torpid at best. If it shunned this opportunity on the grounds of cost, how would it be perceived by a public aware of the institution's large endowment? There was a definite risk that failure to embrace sustainability in a highly visible way might threaten its competitive standing with other colleges that had already built LEED-certified buildings. This was no small matter given mounting evidence that prospective students increasingly scrutinize an institution's sustainability policies. The question thus became, Which risk was greater, the uncertain financial demands of the LEED process or the possibility that the College, by sidestepping LEED, might have its reputation tarnished in ways that would incur severe costs in the prevailing moral economy?

Eventually, a decision to pursue LEED certification was handed down by the College's president. This welcome clarification, however, raised a new set of questions. LEED is organized around a complex scoring system that awards credits for project performance in a half-dozen major dimensions, ranging from site selection and water conservation to recycling of construction materials and the quality of the indoor environment. The program has stiff prerequisites, and all projects must meet basic requirements for energy efficiency. But, to some extent, credits are fungible, thus prompting a cost–benefit assessment to determine which points are most attainable given the budget and design. An example:

> The LEED scoring system provides a credit for design features that encourage commuting by bicycle. One of these features is access to shower facilities, on the principle that bicyclists may want to shower and change clothing after a strenuous commute. Unfortunately, the College's gymnasium, which offers abundant showers and lockers, was 200 feet too far from the new buildings to meet LEED's proximity standards. The architects proposed that a small shower/changing room be added to one of the office buildings to qualify for the bike-commuting LEED point—this despite a lack of evidence that bicycle commuting was likely to be common in a mountainous rural community with no bike paths and weather that makes biking distinctly unappealing for more than half the year. During most good biking weather, the College's faculty are on summer vacation, significantly reducing their use of campus offices. The argument, though, was that adding the shower/changing room would cost considerably less than trying to obtain the point another way. No matter that the feature's value in producing environmentally desirable behavior was, at least in this project, doubtful. After considerable discussion, planners rejected the shower/changing room proposal, although mostly on the grounds that it would have reduced the building's office count.

A moment such as this finds a team of professionals convinced by the moral claims of the LEED process yet proposing ways of gaming it to their advantage. This is perfectly legitimate and, in fact, more or less inevitable given the group's desire to reach the target of LEED Gold certification. In the face of such proposals, which meet the formal requirements of LEED but not their substantive goals, some members of the planning group expressed an unease reminiscent of how pious medieval clerics might have felt as their colleagues calculated the number of prayers required to rescue a soul from purgatory. Yet the arbitrary quality of certain LEED requirements helped to make this tactical thinking defensible in ethical terms. After all, would walking an additional 200 feet for a shower actually discourage someone from commuting by bicycle? Given the perceived unfairness of the proximity requirement, winking at the limited real-world benefits of adding the shower/changing room became easier to justify.

During the project's construction phase, the planning team again felt the sting of LEED's rigidity when the construction managers reported that they had succeeded in recycling 73.8 percent of the project's waste materials—an impressive achievement but 1.2 percent below a target that would have earned the project another certification credit. That credit might have been (indeed, in the end came perilously close to being) the difference between certification as LEED Silver or LEED Gold. As an engineer complained during an interview,

> On this project we did a really great job of trying to meet that 75 percent goal, but we were just under 74 percent,

> so there's no reward for that effort. There's no ability to say, you know, achieving 73.8 percent recycling is noteworthy. If you look at where [the College] is located, we're 80 miles from just about anywhere. It's not like Boston, where the recycling center is five miles down the road.

It seemed unfair, in other words, that the rigidity of LEED's rules failed to make the achievement visible.[11]

Virtue bureaucratized

My goal in describing the multiple dilemmas of having buildings certified as safe and sustainable is not to mount a critique of building codes or the LEED system. Instead, it is to show how the certification of virtue fosters contradictions that complicate and perhaps even imperil the moralizing process that it is designed to advance. As the rules for certifying virtue become ever more demanding, pressures to game the system increase as well, leading to a form of moral involution that breeds cynicism and, inevitably, a degree of hypocrisy. LEED assumes that under conditions of advanced capitalism, institutions and individual citizens are unwilling to commit themselves to sustainable building methods unless an artificial incentive system, linked to a certificate of virtue, makes it advantageous for them to do so. It further assumes that self-interest invites cheating. Hence, LEED's demanding auditing methods, which include such onerous requirements as chain-of-custody documentation to prove that lumber from forests certified as sustainably managed is not mixed with wood from uncertified sources. The result of this system is that it transforms virtue, civic-mindedness, and trust into commodities. Such commodification is evident in the quantitative methods used to measure compliance, the equivalences that allow one possible component to be substituted for another in LEED's scoring system, and the implicit public-relations value of LEED certification for those who achieve it.

A disconcerting feature of LEED, or, indeed, of any system that codifies virtue, is its power to push aside alternative views and approaches. LEED imposes uniform metrics of sustainability on projects that differ widely with respect to local climatic conditions, degree of urbanization, and the like. In an attempt to offset this rigidity, the latest version of LEED sets forth region-specific requirements—for instance, greater weighting of water conservation in arid regions. Still, no uniform system can do justice to every local particularity. By defining sustainable design in a formal way, even while allowing some flexibility via open-ended "innovation credits," LEED creates best-practice standards that marginalize innovative alternatives, which is why some prominent advocates of environmentally sensitive architecture have shunned the program.[12]

In an analysis of the spread of bureaucratized notions of virtue on the world stage, the sociologist John Boli (2006:117) argues that formal mechanisms for creating trust and certifying virtue reflect a process of "moral mobilization" that accounts for advances in human rights and a growing commitment to protecting the environment. These processes require that social actors (states, corporations, individuals) account for their behavior—with an emphasis on accounting—through the use of transparent, systematic techniques that index virtue along lines understandable to everyone.

Few organizations rival UNESCO when it comes to the certification of virtue. UNESCO has created an ever-expanding list of certified World Heritage sites, Living Human Treasures, World Treasures, and Intangible Cultural Heritage of Humanity "properties." UNESCO's vigorous campaign to identify the world's premier heritage resources evokes favorable evaluations from those who feel that the goal of protecting endangered places and traditions justifies the procedurally convoluted process by which some expressions of heritage are anointed as "treasures" and others are not. Critics question whether cultural heritage is amenable to bureaucratic management and worry that nationalistic heritage-protection campaigns may ride roughshod over the needs of local communities living near heritage sites.[13] There is little doubt, however, that the singling out of heritage sites or practices for special attention has given rise to unseemly bickering between states, especially those that share similar cultural traditions.[14] UNESCO recognition, like LEED certification, helps to define the "brand profile" of institutions and nations in the global marketplace. Certified heritage resources have become commodities worth fighting for in the highly competitive marketplace of tourist destinations (Comaroff and Comaroff 2009).

A different manifestation of the bureaucratization of virtue is evident in the smoldering crisis over the way that university institutional review boards (IRBs) monitor the ethics of researchers whose projects involve human subjects. The composition of IRBs tends to be weighted in favor of psychology and medicine, fields in which it is relatively easy to define a study population and implement a clear standard of prior informed consent. As many have pointed out, ethnographic research is often temporally open-ended and improvisational, with the researcher's focus shifting in response to accumulating knowledge and the guidance of research subjects themselves. To meet rising standards of accountability, IRBs have felt obliged to employ increasingly rigid and specific ethical protocols that are difficult to reconcile with imaginative ethnographic work.[15]

As Daniel Bradburd (2006:496) observes, the IRB review process today looks more like an exercise in institutional risk management than a genuine effort to protect research subjects. Clearly, however, risk management and virtue are two sides of the same rationalized coin. Certifications

of virtue are becoming essential elements of risk arbitrage for institutions that seek to demonstrate their compliance with high standards of ethical behavior. This gives rise to the disturbing prospect of an IRB apparatus that slowly erodes the disciplinary ethics of anthropology by substituting adherence to narrowly defined, formalized rules for more thoughtful, probing ethical deliberations (Murphy and Dingwall 2007). In a broader sense, as Marilyn Strathern points out, the prescriptive nature of formalized ethical protocols "belittles the creative power of social relations" (2000a:295)—presumably, the possibility that ethnographic encounters may evoke novel, negotiated solutions to complex ethical dilemmas.

Conclusion: The moral ambivalence of bureaucracy

When appraising the spread of highly rationalized systems for certifying virtue, it is tempting to fall into the cadences of studies embracing the concept of "governmentality," coined by Michel Foucault (1991) in support of his claim that modern statecraft promotes forms of proceduralism and expert knowledge that fundamentally reshape attitudes and values. In common with most Foucauldian analyses, discussions of governmentality traffic in minatory allusions to its association with interiorized forms of discipline, including "self-surveillance" (Waring 2007:176). In this sense, Foucauldians are heirs of an earlier French thinker, Alexis de Tocqueville (2003:806), who insisted that bureaucratic regulation advances the state's goal of creating compliant subjects.

Tocqueville's critique of bureaucracy is echoed in recent scholarship focused on properties of social scale. John H. Bodley, for example, bluntly identifies bureaucracy as an "institutionalized form of domination" (2003:74). This summary assessment is defensible, if perhaps insufficiently nuanced, when one considers the entire span of human history, as Bodley does. But once human societies are aggregated in units of great complexity and geographic breadth, there is little evidence that people can live without some degree of bureaucratic control. It can be administered according to a system of patronage marked by nepotism and arbitrary decision making, or it can aspire to a technorational proceduralism justified by a discourse of fairness. The latter, of course, has come to prevail in democratic societies. Its ostensible goal is to replace considerations of person with rulings strictly responsive to formal properties. The impersonal quality of bureaucratic process leads inexorably to demands for higher levels of accountability via disclosure and auditing, a predilection exacerbated by a marked decline in interpersonal trust as communities become more internally diverse. Trust relies on personal knowledge of the other or at least some degree of confidence based on implicitly shared values. As this primordial form of trust declines or is pushed aside in the name of democracy, people are left only with trust in procedures and the auditing processes thought to protect their integrity.[16]

I would venture to say that, at one time or another, most readers of this article have argued for greater transparency in their workplaces, schools, or local governments. It is just as likely that these same readers have resisted policies that would impose on them new forms of monitoring justified by appeals to the principle of democratic accountability. These impositions are resented because they are burdensome, diverting time and scarce institutional resources from the task at hand. More disquieting still, they gravitate to quantitative metrics that denature the goals of whatever one is trying to accomplish. A familiar example is the eternal debate over the value of standardized tests in schools. Are they a valid or flawed way of measuring the quality of instruction? And what about their looping effect (Hacking 1995), their capacity to induce instructors to "teach to the test" and thereby distort or impoverish the curriculum?

The procedural logic of bureaucracy and its associated rituals of verification, then, are afflicted with a dual identity. They stand as bulwarks of civic order and democratic fairness—-unloved, perhaps, but accepted as a necessary part of any mass society committed to protecting citizens and distributing resources and burdens equitably. Few claim to enjoy dealing with the Department of Motor Vehicles, yet one would be hard-pressed to find strong public sentiment for ending the licensing of drivers or the abolition of vehicle safety inspections. Bureaucracy's other face is vexing, even malicious. Bureaucracies, whether government or private, are said to represent a technology of control characterized both by impenetrability and indolence, the brunt of which is borne by society's least powerful members.

This dualism helps to explain why, as Riles alleges in her study of Japanese technocrats, anthropologists find it difficult to engage in a dispassionate, analytical way with bureaucratic regulation, auditing, and the like. In many contexts, regulatory logics strike us as normal, inevitable, and even admirable in ethical terms. They are indistinguishable from principles that we routinely deploy in our occupational world, which means that we are implicated in and by them. Yet when confronted by the pathologies of bureaucracy, especially its tendency to frustrate ordinary people who are simply trying to get on with their lives, anthropologists are inclined to insist that regulation and accountability are deplorable expressions of power, a stance consistent with the discipline's current passion for moralizing rhetoric.[17]

Herzfeld views blanket denunciations of bureaucracy as mistaken on the grounds that they essentialize bureaucracy and blind us to its key features. "Bureaucrats," he says, "are given various taxonomic devices with which to regulate their small sections of a civic universe" (Herzfeld 1992:181).

This regulatory impulse tries to manage people and material resources as rationally as possible. When coupled with sophisticated techniques of risk management such as those I have documented here, it aspires to manage fate itself.

The temptation to characterize bureaucracy in purely negative terms has been exacerbated by the widespread identification of governmentality with neoliberalism. There is little doubt that neoliberal practices help to explain the rise of programs such as LEED, which promotes sustainable architecture by creating new markets for green products and design techniques. Yet as Andrew B. Kipnis (2008:282–286) has usefully pointed out, the processes of auditing encompassed by the term *governmentality* are not unique to neoliberalism; they are highly developed in quasi-socialist China as well. Auditing, Kipnis says, is inseparable from the global rise of "scientism," which, in his usage, apparently subsumes both the Weberian concept of "rationalization" and a misplaced desire to bring quantitative precision to the assessment of all spheres of human activity, including the display of virtue.[18]

What I have tried to document here is one facet of bureaucracy's regulatory impulse and its impact on the subjectivity of those obliged to contend with it. Once regulatory logics apply themselves to the certification of virtue, they require that virtue's characteristics be specified in increasingly formal ways. This creates a fissure, then a yawning gap, between the necessarily abstract nature of goodness and the banality of its elements when these are reduced to an auditable checklist. The dual consciousness promoted by this gap is, I believe, a central feature of the experience of modernity, especially among professionals deeply embedded in bureaucratic systems. For the ethnographer inclined to plumb this fissure, there awaits a wealth of observations and stories that reveal how people work with, around, and against the rationalizing forces of our time and, in doing so, struggle to maintain a sense of purpose and personal integrity.

Notes

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1. Among sociological works, Robert Jackall's *Moral Mazes* (1988) has few peers with respect to the depth of its analysis of the moral dilemmas faced by those who labor in large corporations.

2. The ethnographic material presented here is based on intermittent participant-observation during a 12-year period. To protect the privacy of my interlocutors and the confidentiality of their deliberations, I do not identify the institution. It is worth noting that little of what I describe here is unique to this institution or to higher education in general. The ubiquity of the social processes highlighted by this case is what interests me.

3. Novelty for its own sake is not always desirable in architectural design, of course. Public buildings demand a high level of what architects call "legibility," the quality of providing visitors with subtle cues about how space is organized. This is tied to cultural conventions about everything from the geometry of door handles to the location of water fountains and restrooms.

4. The College considers compliance with accessibility codes a moral as well as a legal duty, and it meets these standards without complaint even though the benefited community is small. (The region's climate and challenging topography make the College an unappealing choice for students with physical disabilities, which is one reason why there are few on campus.) This moral commitment does not, however, preclude the application of cost–benefit analysis when there are alternative approaches to complying with relevant codes.

5. Calculating the real cost of these deliberations is difficult because many of the participants were staff members on fixed salaries. But at some meetings, there were as many as three architects and an additional consultant or two, all of whom were billing an hourly rate as well as substantial travel costs. The total cost could thus easily exceed $1,000 an hour.

6. Their concerns were not entirely hypothetical. The large atrium in New York University's Bobst Library has been the scene of three student suicides, one as recently as 2009.

7. The importance of risk to contemporary social theory is assessed in Beck 1992, Luhmann 1993, Adam et al. 2000, and Lupton 1999.

8. Space constraints prevent me from inventorying the many practical objections to an excessive concern with risk. The pathbreaking work of Mary Douglas and Aaron Wildavsky (1983) contends, among other things, that because it is impossible to anticipate all possible risks, society is better off directing resources to what they call "resilience," the ability to recover quickly and learn from errors. Their insights are consistent with Julian Morris's (2000) assertion that an inflexible imposition of the Precautionary Principle threatens to induce administrative paralysis, given the nearly infinite number of possible consequences of most policies. In the arena of medical practice, recent research suggests that when administrators impose rigid best-practice standards in the interest of reducing risk, the results can be disastrous (Groopman and Hartzband 2009).

9. The LEED scoring system has changed with revisions of the certification process. The buildings discussed in this section of the article were registered under LEED v. 2.2; the latest version as of this writing is 3.0. The program defines LEED somewhat differently for new construction, residential construction, renovation of existing structures, and so on.

10. Most sources estimate that participating in the LEED process adds roughly $100,000 in administrative costs to a major building project. These costs tend to be highest for an institution's first certification process. Subsequent projects often register lower administrative costs because the institution has acquired the expertise needed to routinize the implementation of LEED standards.

11. From the perspective of the USGBC, of course, the target of 75 percent recycling of construction waste is an incentive that encourages projects to devote greater attention to this part of the construction process. The failure of some projects to hit the target in no way negates its utility in promoting higher levels of recycling.

12. For critiques of different aspects of LEED, see Brook 2007 and Hough 2010. Ironically, a recent engineering study revealed that the

energy performance of LEED-certified buildings is not significantly better than that of conventional structures (Moschandreas and Nuanual 2008).

13. For a generally favorable view of UNESCO's policies and their impact, see Nas 2002 and Bortolotto 2009. More critical works include Albro 2005, Brown 2005, Churchill 2006, Collins 2008, and de Jong 2007.

14. A case in point is a recent testy exchange between a UNESCO official and French gastronomes lobbying for World Treasure status for French cuisine. The UNESCO spokesperson's initial response was that cuisine is too vague a category to be encompassed by the program, an opinion that French lobbyists challenged—but not before representatives from several other European countries, including Spain and Italy, intervened to insist that their cuisines were at least as deserving of World Treasure status as that of France (Samuel 2008).

15. For extended discussion of the IRB crisis, see Lederman 2006a and 2006b as well as contributions by a dozen scholars in the *AE* Forum "IRBs, Bureaucratic Regulation, and Academic Freedom," published in the *American Ethnologist* (Lederman 2006c).

16. See Putnam 2007. In inherently agonistic arenas, such as the capitalist marketplace, the purpose of bureaucratic regulation is said to be the creation of trust where it would otherwise not be expected. Hence, conventional insistence that regulation "guarantees an even playing field."

17. When reading accounts of governmentality that see power everywhere without clearly identifying who exercises or benefits from it, I am reminded of Marshall Sahlins's puckish allegation that power has become the "new superorganic" or the latest incarnation of our "incurable functionalism" (2002:21, 63).

18. Coming from a somewhat different analytical direction, Arun Agrawal (2005:219–220) likewise questions the idea that governmentality is a phenomenon uniquely linked to Western history and institutions.

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