How Institutions Think

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Institutions Are Founded on Analogy

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Minimally, an institution is only a convention. David Lewis' definition is helpful: a convention arises when all parties have a common interest in there being a rule to insure coordination, none has a conflicting interest, and none will deviate lest the desired coordination is lost (Lewis 1968). Thus, by definition, a convention is to that extent self-policing. Whether village A holds its market on Friday or Saturday is indifferent so long as it does not hold it on the same day as neighboring village B. No one minds which side of the road is the rule for drivers, but they want there to be a rule. The idea that institutions have a self-policing start is more convincing than the idea that all problems are dispelled when the scale is small enough. But Thomas Schelling, who has done so much to draw attention to coordination (1960), has also assembled many examples to show how easily conventions that rest on a self-policing foundation can be disturbed (1978). We want conventions about pedestrian crossings to exist, but we will violate them ourselves if we can do so with impunity. Enough impatient pedestrians to create a critical mass will march across and hold up the cars in defiance of traffic lights. The conditions for stable conventions to arise are much more stringent than it might seem. Communities do not grow up into little institutions and these do not grow into big ones by any continuous process. For a convention to turn into a legitimate social institution it needs a parallel cognitive convention to sustain it.

Institutional economics say practically nothing about legitimation, although authority is sometimes discussed (Arrow 1974). To make the Durkheim-Fleck ideas about legitimacy available to this important new discussion, a switch in terminology is advisable. Durkheim and Fleck both wrote of the social group. The term applied to any level of group organization. In the rest of this volume, institution will be used in the sense of legitimized social grouping. The institution in question may be a family, a game, or a ceremony. The legitimating authority may be personal, such as a father, doctor, judge, referee, or maître d'hôtel. Or it may be diffused, for example, based by common assent on some general founding principle. What is excluded from the idea of institution in these pages is any purely instrumental or provisional practical arrangement that is recognized as such. Here, it is assumed that most established institutions, if challenged, are able to rest their claims to legitimacy on their fit with the nature of the universe. A convention is institutionalized when, in reply to the question, "Why do you do it like this?" although the first answer may be framed in terms of mutual convenience, in response to further questioning the final answer refers to the way the planets are fixed in the sky or the way that plants or humans or animals naturally behave.

It is at this time fashionable to say that social institutions encode information. They are credited with making routine decisions, solving routine problems, and doing a lot of regular thinking on behalf of individuals. This recent work is very pertinent. However, we find that there are many ways of talking about institutions as organizers of information. Sometimes it is a resource to be bought and sold. This is the approach taken by institutional economics. O. E. Williamson (1975) gave a new start to the subject with his theory of the effects of the supply of information on the organization of the market. On this theory, two factors count. One is how difficult or costly it is to obtain needful information about the market. The other is the numbers of firms. If the firms are many and information is freely available, then it pays off to be an independent contractor. If the converse holds, with only a few firms and information costly, then the costs of transaction become too high and it pays to take employment with a big firm that can reduce transaction costs and control information. In this way the individual's choice between working for profit as a self-employed contractor or working for a wage within a hierarchy is made on rational grounds after scanning the economic environment and particularly the costs of information. The analysis was inspired by H. A. Simon's famous complaint against the theory of rational choice—that it attributes to the rational agent grotesquely unrealistic capacities for handling information (Simon 1955). Human rationality is inherently bounded. Institutional organization is now widely treated as a way of solving problems arising from bounded rationality. Using Oliver Williamson's analysis as a point of departure, Andrew Schotter (1981) has rewritten the description of institutions in information theoretic terms. In this sense, information is not a more or less available commodity; it is whatever is newsworthy. The more that an item of behavior is predictable, the less information it carries. The focus of study has shifted from the flow of information (which is rather like a flow of commodities, in Williamson's sense) to studying the amount of information carried by a particular item seen against the background of standard expectations. This analysis, based on E. E. Shannon's model of
information, treats institutional structures as forms of informational complexity. Past experience is encapsulated in an institution’s rules so that it acts as a guide to what to expect from the future. The more fully the institutions encode expectations, the more they put uncertainty under control, with the further effect that behavior tends to conform to the institutional matrix: if this degree of coordination is achieved, disorder and confusion disappear. Schotter presents institutions as entropy-minimizing devices. They start with rules of thumb and norms; eventually they can end by storing all the useful information. When everything is institutionalized, no history or other storage devices are necessary: “The institution tells all” (Schotter 1981, p. 139).

This is fine and highly congenial to a Durkheimian analysis. The one snag is that it does not say how institutions ever start and get enough stability to do all of that. Schotter thinks that they develop quite easily from conventions and from other strategies described in game theory. He supposes they develop naturally out of an equilibrium of conflicting powers and interests. Schotter is one among many others who subscribe to this contemporary version of functionalism that assumes in social forces a drive towards equilibrium. However, the anthropologists went through this question in the 1950s and must feel dubious about presupposing any drive for equilibrium. If there is such a drive, its realization is very precarious. Equilibrium cannot be assumed; it must be demonstrated and with a different demonstration for each type of society. Schotter reminds us that disorder is more probable than order. Before it can perform its entropy-reducing work, the incipient institution needs some stabilizing principle to stop its premature demise. That stabilizing principle is the naturalization of social classifications. There needs to be an analogy by which the formal structure of a crucial set of social relations is found in the physical world, or in the supernatural world, or in eternity, anywhere, so long as it is not seen as a socially contrived arrangement. When the analogy is applied back and forth from one set social relations to another and from these back to nature, its recurring formal structure becomes easily recognized and endowed with self-validating truth.

Conventions may arise about the division of labor, but they are likely to be challenged all the time unless their justifying principle can be grounded in something other than conventions. For example, everyone may be committed to the idea that there should be a fixed division of labor that does not have to be renegotiated every time there is work to be done. All are likely to have strong preferences for not doing the monotonous, high-frequency, low prestige work (Douglas and Isherwood 1979). The natural distinction of sex specializes women for childbearing and rearing. Pressures of efficiency and the distribution of power may well override individual preferences so as to produce a sexual division of labor, but whenever the coercion relaxes, the principle will be challenged. Analogy with the complementarity of the right and left hand and the complementarity of gender provide a great rhetorical resource (Needham 1973). So the equation “female is to male as left is to right,” reinforces the social principle with a physical analogy. Though the division of labor in itself is not going to take us far into the organizing of society, this one analogy is a basic building block. For example, the following:

<table>
<thead>
<tr>
<th>female</th>
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<td>left</td>
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<td>people</td>
<td>king</td>
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From simple complementarity a political hierarchy has been derived. Further metaphorical elaborations of left and right distinguish the northern and southern divisions of the kingdom; they can organize the seating arrangements of the council to the right and left of the king. Now the chief territorial divisions and political functions have been justified upon extensions of the same analogy (Gluckman 1941). Furthermore, the use of the same principle over and over is mutually reinforcing for each context. Ultimately, the whole system is grounded on nature, on the preeminence of the right hand over the left, of the east over the west, of the north over the south, and so on. The institutions lock into the structure of an analogy from the body. The more primitive the division of labor, the more the same analogy can be deployed from one social context to another. In modern industrial society the analogical relation of head to hand was frequently used to justify the class structure, the inequalities of the educational system, and the division of labor between manual and intellectual worker. The shared analogy is a device for legitimizing a set of fragile institutions (Shapin and Barnes 1976).
John Stuart Mill quotes Coleridge's account of how he analyzed contemporary politics for the *Morning Post*, using the comparison of agreement and differences; he classed France under Napoleon with Rome under the first Caesars, the Spanish Revolution with the war of the United Provinces with Philip II, and so on. Mill did not think the system of agreement and difference to be a sound method of arriving at military prediction because of the unsystematic choice of analogies (Mill 1888). For the infant, such classifying is the only method for gradually differentiating the other and the self. The questions it asks resemble military intelligence. It needs to know whether the source of milk, if external, is one breast or several, and if several, how to distinguish allies from enemies? Is this the good breast or the bad breast? Is it for me or against me? The earliest social interaction lays the basis for polarizing the world into classes. Survival depends on having enough emotional energy to carry this elementary classificatory enterprise through all the hard work needed to build a coherent, workable world. Social interaction supplies the element missing in the natural history account of the beginnings of classification.

Now the other half of the argument is stated. The intellectual requirements that must be met for social institutions to be stable are matched by social requirements for classification. Both are necessary for the foundations of a sociological epistemology; neither one is sufficient. The institution works as such when it acquires a third support from the harnessed moral energy of its members. More of this in the last chapter. All three processes are simultaneously at work. Individuals, as they pick and choose among the analogies from nature those they will give credence to, are also picking and choosing at the same time their allies and opponents and the pattern of their future relations. Constituting their version of nature, they are monitoring the constitution of their society. In short, they are constructing a machine for thinking and decision-making on their own behalf.

At this stage we can start to trace the effects of turning individual thought over to an automatic pilot. First, there is a saving of energy from institutional coding and inertia. The principle parallels a well-known characteristic of language. Frequent use makes some words hardy: not just the word but its declensions resist the syntactic developments that are happening all the time. Languages are in a constant state of change, but their most common words stand immune to the new inflections. For example, the common English word, man, with its archaic plural, men, has stood out against the onward sweep of plural endings in s. In the same way, the commonest social analogies are always there, resisting change. They stand ready to fill in gaps in causal chains when the demand for close reasoning is not strong enough to call forth complex classification. Thanks to the weight of institutional inertia, shifting images are held steady enough for communication to be possible.

Institutions bestow sameness. Socially based analogies assign disparate items to classes and load them with moral and political content. For example, the series that Lévi-Strauss has made familiar most recently in 1984, starts with nature distinguished from culture, and goes on to several levels. Elements on the same side of the taxonomy inevitably get classed together, males with culture, females with animality.
culture : nature
human nature : animal nature
male : female

And the submerged classification justifies a particular lot assigned to women in the division of labor, whether as agricultural workers and load carriers or as pretty little things incapable of thought. It also justifies feminine behavior of spontaneity, easy tears, inconsistent wants, and nurturing care. Feminist theory in anthropology has had a lot to say about these equations as justifying the subjection of women (Strathern 1980). Even when the feminine gender is associated with the more esteemed side, it still can be used to justify the women carrying the heaviest physical burdens. For example, the men of Bamenda in Cameroon used to let their women do all the heavy agricultural labor on the grounds that only women and God could make things grow (Kaberry 1952).

The high values might be on the left or the right; the pattern can be weighted for value in either direction. A modern Westerner oriented to technology would weight the right side, and a fundamentalist Christian or Moslem would weight the left as the ideal in the following set of matching pairs:

- passivity : activity
- permanence : change
- antiquity : modernity

There are many instructive examples from the self-definition of various professions. Economists are the strong theoreticians in the social sciences. The institutions around them are based on many relations of ordered pairs. Their own scheme of culture is often portrayed as follows:

- spiritual : physical
- luxuries (music, art) : necessities
- other needs (psychic) : primary needs (food, shelter)

The result is that policy makers and administrators pay attention to recurring deficits in food availability instead of to the balance of exchange entitlements through the whole society. According to A. K. Sen this results in disastrous decisions when a famine starts (Sen 1981).

Two examples have been used: the place of women in the world and the place of economists in the scheme of the professions. Each is chosen to illustrate how the division of labor supplies authority to an analogy that locates a structured social situation firmly in nature. As an analogy, it would have no immunity to the difficulties that beset natural kinds. Analogies can be seen anywhere and everywhere. But when an analogy matches a structure of authority or precedence, then the social pattern reinforces the logical patterns and gives it prominence. Two efforts, one social and one intellectual, mutually sustain each other. Patterns of authority or precedence enjoy a privileged status because, as Thomas Schelling has well said, their smallest indivisible parts are persons (Schelling 1978). A person cannot be divided, cannot be in two places at once, cannot be both superior and inferior within the same context, cannot have a cake and eat it. At some point there is an end to possible rearrangements of patterns involving persons. Patterns of authority or precedence are also privileged because we are social animals, trained from childhood to recognize the elementary materials of metaphor and analogy in our own social experience.
A sociological theory of rejection can be more securely based than a sociological theory of value because of the public nature of penalties and prohibitions which follow on negative attitudes. The same is true for our problem. The thinkability of the social order is beset with infinite regress. Institutional influences become apparent through a focus on unthinkables and unmemorables, events that we can note at the same time as we observe them slipping beyond recall.

Once a social system has been founded in reason and nature, we can see how cognitive energy is saved by tracing the career of a successful theory. First, on the principle of cognitive coherence, a theory that is going to gain a permanent place in the public repertoire of what is known will need to interlock with the procedures that guarantee other kinds of theories. At the foundation of any large cognitive enterprise are some basic formulae, equations in common use, and rules of thumb. In science such shared techniques of validating spread across different subdisciplines. For example, the mathematics of seepage is used in minerology and in ophthalmology. So also the Nuer use the same formula for marriage and blood debts. The anchoring of a set of theories in one field imparts authority to a set elsewhere, if it can be anchored by the same procedures. This is just as true for social forms of validation as for scientific ones.

Forgotten ancestors and forgotten scientific discoveries are in the same case. Scientific precursors disappear from view because they never had an earthly chance of making their way to the surface of public memory. Forgotten discoverers are like a lot of forgotten ancestors. The pattern of their failure is not random. The strategies to validate scientists’ claims use originality as a main criterion for prizes and positions. The belief in a first discoverer is nothing without the prizes and renown. The custom of naming immediately gives a major advantage to claimed originality and a disadvantage to the fact of rediscovery. What seems dysfunctional when enragèd scientists make a public display of their vanity may be counted as the cost of keeping the race open to the swift. But competition is always costly in human terms. In such an environment, the principle of rediscovery has no strong qualifications for being remembered. Most rediscovered theories turn out not to have built originally on the current cognitive infrastructure and so to have missed savings in energy. Often when a new scientific discovery has been rejected and left to lie inert until later, it is precisely an idea which lacked formulaic interlocking with normal procedures of validation. The best chance of success is to confront the major public concerns and to exploit the major analogies on which the socio-cognitive system rests.

The Nuer example does more for the social theory of memory than does the example of the scientists. The institutionalized memory of the Nuer explains not just that some ancestors will be remembered, but which ones are set for posterity and which will disappear, and after how many generations. It illustrates the point about political sensitivity as well as dependence on accepted techniques of validation. The instance of the name-conscious scientists depends for its explanatory value only on the lack of fit between the conventions of the naming system and the real situation of shared knowledge. This suggests that the argument of this chapter relies too much on an exotic example. Another modern case is needed apart from that of the scientists to illustrate the influence of the wider social environment and of the existing validating techniques.

Kenneth Arrow has described his own discovery of a difficulty
in the concept of social welfare (1984). Note that this discovery, his impossibility theorem, itself lay inactive on the shelf, arousing the interest of only a few persons for some twenty years, and then it suddenly became one of the dominating concepts of political science in the West. His personal biography starts with a childhood in the depression, a student interest in economic planning and in logic and coherence; he was attracted by the assumption of general equilibrium theory that every economic activity is connected with every other one. He started with the mathematics of consumer indifference maps and applied it to the theory of the firm. What if the firm had many owners instead of the single owner postulated by the theory? And suppose they had different expectations of the future? Then they would have different preferences over investment plans. Suppose they tried to reach a decision by voting? Then it quickly became clear that majority voting did not necessarily lead to an ordering. From here his mind turned in 1948 to the political context where majority voting was the normal way of settling differences. Within a month he found the same perception of the problem published by Duncan Black in the Journal of Political Economy (1948). Then he was led to recognizing a parallel for problems in international relations. Surveying such a broad spectrum of behavior under one rubric, from economics to national politics to the international scene, he was able to make the confident generalization: neither the majority vote nor any other way of aggregating preferences would work to define an ordering. So he formulated the conditions under which it is impossible to aggregate individual preferences.

Of course, he was seeing from the shoulders of giants. Of course, he was benefiting from the existing mathematical procedures. The mystery is not how he arrived at his theorem, or how he and Black converged on it in the same year. The mystery is that he chose to comment on is why J. C. de Borda's discovery in 1781 and why Condorcet's formulation of the same discovery in 1785 had been so completely forgotten (Condorcet 1785). Arrow says that when he first realized that majority voting would not necessarily lead to an ordering:

"I was convinced that what we presently call the Condorcet paradox was not new. I am at a loss to identify the source of my belief, now that I know the previous literature, since I could not possibly have seen any of this obscure material prior to 1946... unlike some other examples of multiple discovery, this one still surprises me. The mathematics after all could have been carried out by Condorcet, and there had been no active body of literature raising comparable questions. (Arrow 1984, p. 129)"

Condorcet's discovery was buried for 160 years. Then in 1948 and 1949 two papers by Black and in 1951 Kenneth Arrow's monograph appeared.

"Neither Black nor I were aware at the time we first wrote of the preceding literature. (Arrow 1984, p. 129)"

The explanation for Condorcet's discovery having been forgotten is not that the mathematical apparatus available in the eighteenth century was inadequate. It is the different climate of ideas, political and philosophical, in which he worked out his proof. For Condorcet the object of the theory of voting was to find the true opinion, the right social choice independent of the wishes of the voters. The effect of making a decision by voting was to find an authoritative solution. The role of the voters was to express their degree of understanding of the truth being sought. He considered the kind of tradeoffs that would be made by having a large number of voters, some of whom were ignorant but at least able to bring to bear a wide range of experience, as against a few specialists with more knowledge per head. His discovery was that with more than two alternatives and more than two votes it was possible to get a circular ordering, such that no alternative could satisfy a majority of the electorate.

When it is recognized that a majority could prefer A to B, and B to C, but C to A, confidence in the will of something called "the majority" is eroded.

But why would this discovery be important at all in the eighteenth century? The recondite mathematics of circular voting hardly mattered in a country about to go up in revolution, and later the actual message of the theory would hardly be welcome to nineteenth century politicians whose concern was to extend the franchise and to limit elitist political control. It must still be heard as bad news by those with a simple faith in majority decisions. The liberal consensus is based on the Benthamite principle that the
greatest happiness of the greatest number is a unique and meaningful result. The theory only becomes relevant to political science at the end of the twentieth century when the franchise is universal and can no more be extended, when pluralism makes a political consensus harder to achieve, and when questioning is rife about the foundations of democratic society. A new discovery has to be compatible with political and philosophical assumptions if it is to get off the ground in the first place, to say nothing of being remembered afterwards. It is not enough to keep repeating that memory is socially structured. To have come so far invites a further step. The next thing is to discover what qualities of institutional life have distinctive effects on remembering.

Just as each different kind of social system rests on a specific type of analogy from nature, so the memories ought to be different too. As Merton's example shows, competitive social systems are weaker on memory than ascriptive ones. This must be so because the competition drives out some players and brings upstarts to the top, and with each change of dynasty, public memory necessarily gets rearranged. By contrast, complex hierarchical society will need to recall many reference points in the past. But the list of founding fathers will only be as long as the list of social units they have founded. Peace treaties will be benchmarks assigning relative status to incorporated enemies. In so far as there is pressure toward coherent principles of organization, so will the justificatory stories of the past be amalgamated and rationalized as part of the social process. Coherence and complexity in public memory will tend to correspond to coherence and complexity at the social level. This is what Halbwachs taught. The converse follows: the more the social units are simple and isolated, the simpler and more fragmentary the public memory will be, with fewer benchmarks and fewer levels of ascent to the beginning of time (Rayner 1982). The more the social organization is a latent group, conscious of the organizational problems detailed in chapter three, the more its members will invoke a history of persecution and resistance. The competitive society celebrates its heroes, the hierarchy celebrates its patriarchs, and the sect its martyrs.
Institutions Do the Classifying

When the institutions make classifications for us, we seem to lose some independence that we might conceivably have otherwise had. This thought is one that we have every reason, as individuals, to resist. Living together, we take individual responsibility and we lay it upon one another. We take responsibility for our deeds, but even more voluntarily for our thoughts. Our social interaction consists very much in telling one another what right thinking is and passing blame on wrong thinking. This is indeed how we build the institutions, squeezing each other’s ideas into a common shape so that we can prove rightness by sheer numbers of independent assent. So much is this claim to intellectual independence recognized as a basis of our social life that moral philosophy takes its stand at that very point. This is why Durkheim’s idea that the social group acts like one mind is so repugnant.

The judgment of history covers a paradox here. The more an influential thinker can be shown to have been repeating the favorite slogans of his times, the more scathingly he will be denounced for that very cause in the next generation. His resounding greatness was a mere echo of what everyone else was saying. He was not original but a copyist. He should have stood against the times. He was a mere reed, a passive instrument on which the spirit of the age blew its tune. The scorn is particularly laden with moral judgments; it was not to his credit to supinely join the latest shift of opinion on slavery, insanity, eugenics, or colonial empire. This is the easiest posture of moral superiority to adopt because the critic of past institutions is helping the nascent institutional structures of his day to mount their own defense against the past. This is the Marxist critique of reason, which often results in historical relativism. Each period is marked by its own thought style tailored to the concerns of the dominant class. At each period, a particular story of mankind drowns out other multiple, contradictory versions. In this same critical spirit, in his archaeology of Western thought, Michel Foucault attacked all significant institutions, showing how they straitjacket minds and bodies (1970). He showed how thought is translated directly into institutions, or vice versa, how institutions overcome individual thought and trim the body’s shape to their conventions.

But an institution cannot have purposes. This we saw in the criticisms of Fleck’s essay on the genesis of a fact. Only individuals can intend, plan consciously, and contrive oblique strategies. To retain its force Foucault’s insight has to be taken a stage further. At the point of relevancy, when the spurious sovereignty of a past thought style is demonstrated, critical opinion has lost its ground unless it can find a way of distinguishing the influence of the current thought style on its own thought and still justify its own judgment. Institutions systematically direct individual memory and channel our perceptions into forms compatible with the relations they authorize. They fix processes that are essentially dynamic, they hide their influence, and they rouse our emotions to a standardized pitch on standardized issues. Add to all this that they endow themselves with rightness and send their mutual corroboration cascading through all the levels of our information system. No wonder they easily recruit us into joining their narcissistic self-contemplation. Any problems we try to think about are automatically transformed into their own organizational problems. The solutions they proffer only come from the limited range of their experience. If the institution is one that depends on participation, it will reply to our frantic question: “More participation!” If it is one that depends on authority, it will only reply: “More authority!” Institutions have the pathetic megalomania of the computer whose whole vision of the world is its own program. For us, the hope of intellectual independence is to resist, and the necessary first step in resistance is to discover how the institutional grip is laid upon our mind.
At the same time as institutions produce labels, there is a feedback of Robert Merton's self-fulfilling kind. The labels stabilize the flux of social life and even create to some extent the realities to which they apply. Ian Hacking has taken up the relation between the label and the reality from cues laid by Michel Foucault's study of the "constitution of subjects." This process Hacking calls "making up people" by labeling them and in various ways insuring that they will conform to the labels (1985). Working on nineteenth-century statistics focused on deviation and control of deviants, he suggests that making up people is of recent origin. The anthropologist is immediately inclined to demur. People have always been labeling each other, with the same consequences—labels stick. But Hacking must be right when he adds that "the sheer proliferation of labels during the nineteenth century, may have engendered vastly more kinds of people than ever the world knew before." A veritable avalanche of numbers started to pour out of government statistical offices in Europe from about 1820. The exercise of counting, once started, generated its own thousands of subdivisions. As fast as new medical categories (hitherto unimagined) were invented, or new criminal or sexual or moral categories, new kinds of people spontaneously came forward in hordes to accept the labels and to live accordingly. The responsiveness to new labels suggests extraordinary readiness to fall into new slots and to let selfhood be redefined. This is not like the naming that, according to nominalist philosophers, creates a particular version of the world by picking out certain sorts of things, for instance, naming stars, foregrounding some and letting others disappear from sight. It is a much more dynamic process by which new names are uttered and forthwith new creatures corresponding to them emerge.

Hacking's point is that people are not merely re-labeled and newly made prominent, still behaving as they would behave whether so labeled or not. The new people behave differently than they ever did before.

Elaborating on this difference between people and things: what camels, mountains, and microbes are doing does not depend on our words. What happens to tuberculosis bacilli does depend on whether we poison them with BCG vaccine, but it does not depend upon how we describe them . . . it is the vaccine, not our words, that kills. Human action is more closely linked to human discipline than is bacterial action. (Hacking 1985, p. 13)

Hacking is drawing a distinction between the effect of description on inanimate objects and the effect of names on humans. A course of injections can kill microbes: "possibilities for microbes are delimited by nature, not by words." However, the contrast is not so clear, for it is not the words that do things to the people. The label does not cause them to change their posture and rearrange their bodies. A course of toxic injections could kill people too. Nor are the microbes less responsive to words than humans. For the fair comparison, the labeling process in both cases is part of a larger constraining action, and in both cases the plants and animals and microbes respond even more vehemently than humans. The individual bacillus may die, true enough, but in a very short space of time new breeds have emerged, not to conform to the labels but to defy them, millions of new bacilli appear, never imagined before, but immune to the attacks mounted against them under the old labels. In the same way as sexual perverts, hysterics, or depressive maniacs, living creatures interacting with humans transform themselves to adapt to the new system represented by the labels. The real difference may be that life outside of human society transforms itself away from the labels in self-defense, while that within human society transforms itself towards them in hope of relief or expecting advantage.

The special merit of drawing attention to responsiveness to names is the invitation to philosophers to change their focus. Instead of concentrating on naming as a way of indicating particular items, complete systems of knowledge are unfolded by Foucault's approach. The relation between people and the things they name is never static. As Nelson Goodman says, the relation is within an evolving system (1978). Naming is only one set of inputs; it is on the surface of the classification process. The interaction that Hacking describes goes round, from people making institu-
tions to institutions making classifications, to classifications entailing actions, to actions calling for names, and to people and other living creatures responding to the naming, positively and negatively.

Having accepted that persons classify, we can also recognize that their personal classifying has some degree of autonomy. Communities classify in a different mode. As we have already seen, institutions survive by harnessing all information processes to the task of establishing themselves. The instituted community blocks personal curiosity, organizes public memory, and heroically imposes certainty on uncertainty. In marking its own boundaries it affects all lower level thinking, so that persons realize their own identities and classify each other through community affiliation. Since it uses the division of labor as a source of metaphors to affirm itself, the community's self-knowledge and knowledge of the world must undergo change when the organization of work changes. When it reaches a new level of economic activity new forms of classification must be designed. But individual persons do not control the classifying. It is a cognitive process that involves them in the same way as they are involved in the strategies and payoffs of the economic scene or in the constitution of language. Individual persons make choices within the classifications. Something else governs their choices, some need of easier communication, a call for a new focus for precision. The change will be a response to the vision of a new kind of community.
At this point the question about moral relativism becomes pressing. Has the argument cut the ground from under itself? Put crudely, the case is that moral opinions are prepared by the social institutions. It is very rare and difficult for an individual to choose a moral stand on individual rational grounds. In that case, our own judgments are likewise prepared in our own social institutions. So the charge is that we have no way of comparing their value: all we can do is describe; we can never say that justice requires equality or defend private property or rebuke enslavement; we have reduced all moral judgments to expressions of different societies.

Several issues seem to be mixed up. The worst of all is the charge of falling into contradiction and absurdity. The next worst is the idea that total tolerance of any kind of behavior would follow logically. The least damaging is the idea that because we have said that moral ideas are an essential part of the social institutions they can neither be compared nor judged, but this is also untrue.

On Hume's principles we can say that one system is more just than another. We can say it on two counts, one logical and one practical. According to his teaching, a system of justice is devised expressly for providing coherent principles on which social behavior can be organized. So we can compare systems of justice in respect of their coherence. This is the regular task of historical jurisprudence. Judicial reform is often justified on grounds of incoherence among the principles being used. According to Hume, arbitrariness defeats the essential purpose of justice. We can compare the amount of arbitrary rules. So there is no problem on this issue. On the practical count, we can start by asking how well a system of justice actually performs the task of providing abstract principles for regulating behavior. It could be too arcane, too complex, and too ramifying to be understood. By simple tests we can decide whether the system of justice of one country, say of a colonial power, relates precisely enough to the context of another place, say Africa. For example, did the old Tudor law relating to the practice of witchcraft in England help district officers to deal with witchcraft accusations in the Sudan? Do Western laws against bigamy work well to regulate affairs between Moslem polygamists in London? Or, on another kind of practical test, is the system of justice efficient? Are the courts too remote from the centers of population? Jurists make these and other comparisons of systems of justice all the time. In doing so they are not obliged to apply the validating principles of their own institutions, not at all. The tests of coherence and non-arbitrariness, complexity and practicality, are not subjective preferences. It is as straightforward to study human systems of justice objectively as it is to measure the length of human feet from heel to toe. Systems can be compared as systems. The one thing that it is not possible to do is to pick a particular virtue, say kindness to animals or to the aged, or equality, and find a way of proving that it is always and ineluctably right and best.

Finally, recognizing the social origin of ideas of justice does not commit us to refraining from judging between systems. They can be judged better or worse according to the good sense we can make of their assumptions. Suppose a system of justice assumed that only a third of the population submitted to its rulings were fully human. We could be objective in our reasons for thinking that the other two thirds were human beings. At this point the question of moral relativism has merged into questions about what is real and what illusionary in the world. I hope there is no need to get into the argument about realism. What has been said above does not throw into doubt that there are objective tests of right and wrong versions of the world and how it works. For example, imagine a system of justice that punished people for what they are alleged to have done in other people's dreams. It would not be difficult to show that such a system draws the lines of responsibility according to a wrong version of reality and a wrong version of human accountability—so much so that it could not be organized coherently on any practical issue. The way that humans are, the facts that they walk upright and cannot be in two places at once, are incorporated as part of any system of justice. Some experience and study of the conditions of life have gone into the background of the thinking. All that is being argued here and
throughout this book is that this cumulative experience of the
world should explicitly incorporate the social nature of cognition
and judgment.

The preferred assumption, which implies that humans are
not essentially social beings, is strong enough to prevent us seeing
how they actually behave. What happens when law is abrogated?
Does nature take over? We have been saying that nature is
culturally defined, that individual minds are furnished with
culturally given attitudes. So what happens? Hume himself sup-
posed that in a famine each would seize what he needed to survive,
throwing concepts of private property to the winds. Part of his
demonstration of their artificiality was to show that criteria of
justice would be suspended when it is a matter of starvation. Other
philosophers agree. But starving people do not rise up and seize
the food that is there. Sheer force is not all that stops them from
looting the stores. Within the family or village in such a crisis who
starves and dies or who eats and lives is neither quite random nor
dependent on force. Strongest and most numerous do not always
take all when the tragic crisis arrives. History shows that famine
does not automatically revoke conventions. It does not usher in
something like a natural law of equal rights. By adopting such an
assumption we naturalize our own ideas of equity; it is as if we
assume that when nature takes over, she does what we knew we
ought to have done all along, that is, to distribute equally. Crisis
behavior depends on what patterns of justice have been internal-
ized, what institutions have been legitimated.

A conflict has sometimes been reported between interna-
tional relief agencies and local officials. The international agents
from the industrial West try to distribute food supplies with an
even hand. Equality of rights to survival is the unquestioned prin-
ciple. With dismay they find that they cannot recruit representa-
tives of local institutions to help in their work. To give out the food
as quickly as possible, existing channels of distribution would be
the most efficient and most acceptable to the famine-stricken
country. But no! As soon as the local people are brought into the
relief scheme, the food gets diverted. The poorest are always the
most vulnerable in a famine. But the food does not reach them.
Hoarding, stealing, exploiting, recrimination, and self-righteous
indignation are part of the grim story of famine relief.

William Torry is an anthropologist who has been studying
responses to famine (Torry 1984). He has observed famine in the
context of the isolated village or province where no foreign relief is
available. This experience has led him to question whether the dire
 crisis is producing a breakdown of norms. Instead, he finds a
community switching from its regular set of moral principles to its
regular emergency set. The emergency system is not an abrogation
of all principles. Torry does not see a collapse of conventions. On
the contrary, the emergency system starts with a gradual tighten-
ing and narrowing of the normal distributive principles. It is fore-
seen that there will not be enough food for everybody. The
emergency system starts to give short rations to the disadvan-
taged, the marginal, the politically ineffectual. Protecting those in
command and those already advantaged results in the skeletal
institutions being preserved and the usual channels of communi-
cation being kept open. The effect is to maintain some minimal
level of operations. As the crisis deepens and as he watches, he
witnesses with horror a systematic destruction of certain catego-
ries of persons. He can recognize who is predestined to starve—and
so can the victims. He traces the lines of victimage through the
selection processes of the regular social system. Whatever are the
normative principles of exclusion from privilege or security—
whether by birth, or office, or sex, or age, or by definition of
deviancy and criminality—these regular exclusions point to who
will get less as resources diminish and who will finally be turned
out or left behind to starve. To his surprise, the preordained vic-
tims weekly accept their fate. When the famine is over, some of
them may have survived, but they will surely have lost children
and kin. Torry watches to see how community life is resumed.
Given the coldblooded inequity of what has happened, he wonders
if the survivors will show resentment against their exploiters. They
do not. They recognize the doom of their families as fitting and as
a normal part of crisis conditions. They understand that the elite
were never in danger. They take up their old relationships of ser-
vice gratefully, without grievance. Their acceptance of their vic-
timage indicates to Torry that he has witnessed not a destruction of
the social order, but its affirmation.

Is this a sinister story? Torry wonders whether the crisis
morality has made the wreckage less or more than it would have
been otherwise. That it seems to make recovery quicker expresses a
favorite dilemma for moral philosophers. Should we look to the
consequences of our choices, or should we do what is ineluctably
right? If all on the lifeboat will eventually die if water is dis-
tributed evenly, and if there is a good chance that some will be saved if distribution is restricted, what should be done? And if selection is right, who should be saved? The hereditary elite? The cleverest? The hardest? The weakest?

This is the problem that confronted the party of explorers imprisoned in the cave without food. It is a sort of problem that is insoluble if it is given to individuals as an intellectual puzzle. First, the case is isolated from all institutional context. Justice has nothing to do with isolated cases. Second, individuals normally off-load such decisions on to institutions. No private rationing can find the answer. The most profound decisions about justice are not made by individuals as such, but by individuals thinking within and on behalf of institutions. The only way that a system of justice exists is by its everyday fulfillment of institutional needs. If this be conceded, it would appear that the rational-choice philosophers fail to focus on the point at which rational choice is exercised. Choosing rationally, on this argument, is not choosing intermittently among crises or private preferences, but choosing continuously among social institutions. It follows that moral philosophy is an impossible enterprise if it does not start with the constraints on institutional thinking. So let no one take comfort in the thought that primitives think through their institutions while moderns take the big decisions individually. That very thought is an example of letting institutions do the thinking.

In rich Western industrial society, a new medical advance can create the same dilemma as the famine or the lifeboat. There is now a significant literature on the response of different countries to the policy choice raised in the early history of kidney dialysis. The Seattle Artificial Kidney Center used the following principles:

A person "worthy" of having his life preserved by a scarce expensive treatment like chronic dialysis was one judged to have qualities such as decency and responsibility. Any history of social deviance, such as a prison record, any suggestion that a person's married life was not intact and scandal-free, were strong counter indications to selection.

The preferred candidate was a person who had demonstrated achievement through hard work and success at his job, who went to church, joined groups, and was actively involved in community affairs. (Fox and Swarez 1974; p. 247)

Supposing there were too many persons about to die for lack of the treatment, so that need could not be a discriminating criterion. What will be a better policy? There are two big differences between this situation in modern industrial Seattle and the small, famine-stricken communities struggling with what is formally the same problem. First, the Seattle Committee was secret. Perhaps for that reason it earned the comment of a psychiatrist and a lawyer that

Justice requires a fairer method than the unbridled consciences, the built-in biases, and the fantasies of a secret committee. (Barry, 1978, pp. 212–13)

Second, kidney dialysis was a brand new invention. So there were no existing institutions to set the priorities. Presumably, in the case of the famine community falling back on its emergency justice, everybody has internalized the rules. Something very like the decision of the Seattle Committee would probably be applied unquestionably if the President of the United States had fallen victim to kidney disease. He would be rushed ahead of the line, and no one would protest. The Seattle conscience seems fantastic and unbridled because no one accepts its judgments of success and scandal as legitimate. What would have been really fantastic? Perhaps to reserve the treatment only to save the lives of convicts serving life sentences, so that justice would not be defeated by their unnecessary deaths. But what else would count as a fantasy about justice in a community that had agreed on the legitimacy of its institutions?

For better or worse, a community can make its preordained victims bear the brunt of the crisis and solve its allocation decisions by letting its institutions do the choosing, but only when it has conferred legitimacy upon them. No wonder that Guido Calabresi (Calabresi and Babbitt 1978, p. 36) believes that allocation by responsible, accountable political institutions is unsatisfactory. This is the price of living in a plural society where legitimacy is always in doubt.

When individuals disagree on elementary justice, their most insoluble conflict is between institutions based on incompatible principles. The more severe the conflict, the more useful to understand the institutions that are doing most of the thinking. Exhorta-
tion will not help. Passing laws against discrimination will not help. It did not help African women for the League of Nations to pass resolutions against polygamy or female clitoridectomy. Preaching against wife battering and child abuse is not more likely to be effective than preaching against alcohol and drug abuse, racism, or sexism. Only changing institutions can help. We should address them, not individuals, and address them continuously, not only in crises.

So we should ask what happens to diplomacy when different kinds of institutions come into conflict. Between institutions of the same kind, based on the same analogies from nature, and sealed with the same ideas of justice, diplomacy has a chance. But diplomacy between different kinds of institutions will generally fail. Warnings will be misread. Appeals to nature and reason, compelling to one party, will seem childish or fraudulent to the other.

Once it were conceded that legitimated institutions make the big decisions, much else would be changed. Psychologists would not be able to claim that this extension of cognitive functions is a trivial matter, to be left unstudied in favor of children's unculcultured perceptual and moral growth. Once it were conceded that the big decisions always engage ethical principles, then philosophers would not focus single-mindedly on individual moral dilemmas. Michael Sandel has written effectively against the bias that presents social theory with an unencumbered, unhistorical individual agent. He shows how theory supports self-contradiction for the sake of defending the premises of liberal philosophy (Sandel 1982). A theory of justice has to be balanced between theories of human agency, on the one hand, and theories of community on the other. If, in the theory of justice, the so-called community is of a kind that never penetrates the minds of its members, if their shared experiences within it make no difference to their wants and contribute nothing to their self-definition or to their ideas of merit, then much is wrong with the theory. Its conception of the self falls apart and its conception of the community is contradicted in the course of the argument. Sandel brings this criticism against John Rawls' Theory of Justice (1971), but it applies widely to many current discussions of justice, community, and self. Rawls describes two theories of community, both individualistic and neither sufficient to match the ordinary experience of human agency. And, after all, the premises of the principles of justice need to "bear some re-

semblance to the conditions of creatures discernibly human" (Sandel 1982, p. 43). In Rawls' first instrumental account of community, the subjects who cooperate are governed only by self-interested motivations, and the community good consists in their achieving their individual goals. On this account, community itself is external to their aims and interests. On Rawls' second account, the view that he adopts is called by Sandel the sentimental conception of community. It is partly internal to the subjects of cooperation, since it reaches their feelings. Both conceptions presuppose that the subject is individuated apart from or before the community experience, so the boundaries of the subject's selfhood are fixed independently of situations and are presumably incapable of change. Sandel, for his part, seeks a third conception by which the self would be profoundly penetrated by community, so that identity would even be constituted by it.

On this strong view, to say that the members of a society are bound by a sense of community is not simply to say that a great many of them profess communitarian sentiments and pursue communitarian aims, but rather that they conceive their identity... as defined to some extent by the community of which they are a part. For them, community describes not just what they have as fellow citizens, but also what they are, not a relationship they choose (as in a voluntary association) but an attachment they discover, not merely an attribute but a constituent of their identity. In contrast to the instrumental and sentimental conceptions of community, we might describe this strong view as the constitutive conception. (Sandel 1982, p. 150)

The strong view requires a complete overhaul of vocabulary and a shift of assumptions. Instead of moral philosophy starting from a notion of the human subject as a sovereign agent for whom free choice is the essential condition, Sandel suggests that the human agent is essentially one who needs to discover (not choose) his ends, and that the community affords the means of self-discovery. Instead of being centered on the conditions of choice, a different kind of moral philosophy would be centered on the conditions of self-knowledge. To anyone who has been interested in Durkheim's theory of knowledge, this casts a comforting light.
Durkheim and Fleck taught that each kind of community is a thought world, expressed in its own thought style, penetrating the minds of its members, defining their experience, and setting the poles of their moral understanding. This program has always seemed raw and untried, needing too much work to make it acceptable. For all its insight and rightness, the trend against it seemed too strong. But Sandel gives the program back to past ages: being engaged in self-discovery, seeking in community to find his ends, is a human being “as the ancients conceived him” (Sandel 1982, p. 22). The tradition is old; these scenarios have been drawn before in literature and history. Only by deliberate bias and by an extraordinarily disciplined effort has it been possible to erect a theory of human behavior whose formal account of reasoning only considers the self-regarding motives, and a theory that has no possible way of including community-mindedness or altruism, still less heroism, except as an aberration. The Durkheim-Fleck program points to a way of return. For better or worse, individuals really do share their thoughts and they do to some extent harmonize their preferences, and they have no other way to make the big decisions except within the scope of institutions they build.