

## CONFIGURATIONS OF RELATIONSHIPS IN HUMAN SOCIETIES

by

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The accompanying paper will not be intelligible to the unfamiliar reader. Putting these reflections into written words was stimulated by a long discussion in Bielefeld with Franz-Xaver Kaufmann and Elinor Ostrom about the multiple levels and foci of analysis that pertain to studies of organization in human societies. That discussion of several hours duration came after some two years of joint efforts to address related problems in a research group at the Center for Interdisciplinary Research concerned with guidance, control, and performance evaluation in the public sector. A long agenda of comparable concerns had been the subject of scholarly interests at Indiana University and elsewhere. Similar interests had only recently been the subject of an intense and stimulating discussion in a conference at Rotterdam University.

The stimulation of these discussions was reinforced by a commitment to undertake a long-term inquiry about the comparative study of public institutions as a further consideration and extension of efforts undertaken in conjunction with the research group at Bielefeld. That inquiry will be initiated in a year-long seminar in which several of us will participate at Indiana

University. In this circumstance, I have felt impelled to discipline my own reflections by putting words on paper which would provide me with a general and somewhat sweeping sketch of "configurations of relationships in human societies." Much is lacking. But I always feel a strong compulsion to fit specificities into a more general context. In some places I have already worked out specificities at least to my own level of satisfaction. In many other places, much work remains to be done. What follows is only a sketch which I would hope might prove to have some usefulness to those who share concerns about the comparative study of institutional arrangements in human societies.

### Introduction

Social reality, as experienced by members of modern, highly developed western societies, has an extraordinary complexity to it. Since these societies are, in some sense, artifacts created by human beings to serve their purposes, it is important that members of those societies have a considered self-awareness of the essential complexity entailed in the structure of those societies. Neglect of critical elements may mean that essential factors may be ignored; and, in the course of time, institutions may erode to a point where essential democratic controls are no

longer maintained. Evolutionary changes under those circumstances may mean that essential prerogatives of government are usurped, and the viability of democratic institutions may be seriously threatened.

In an effort to understand this complexity it is necessary to make analytical distinctions where some elements can be separated from one another. But if we view social reality as the aggregate way that human beings interact with one another in doing all of the things that human beings do, all of these elements are an integral part of that reality. As we distinguish the particular activities of particular sets of people who perform specialized functions in a society, we can anticipate that their reality has a special significance which bears upon what we chose to characterize as a particular level or foci of analysis. A function of legislators, for example, pertains to a specialized role performed by legislatures in modern societies. This is a part of social reality, but one that can be addressed as applying to some particular level or foci of analysis. But this will have to be carefully qualified.

In attempting to clarify different levels and foci of analysis, I shall begin with some basic distinctions that pertain to artisanship on an assumption that social reality is, in some sense, artifactual in character. By this I mean that social realities are the subject of choice in which human beings have reference to thought, sentiment, and reflective appreciation in

creating their social realities. In Pierre Teilhard de Chardin's language, social reality is a part of the noosphere -- that realm of existence that is shaped by reference to human knowledge.

#### Artisanship and Artifact

In establishing the perceptual grounds for treating social reality as an artifact, it is necessary to use our imagination to think through some of the basic distinctions that occur as human beings act so as to do something. The activity might involve such rudimentary experiences as cooking or gardening. Anyone engaged in such an activity is required to think through a variety of considerations that may be referred to as forward mapping and backward mapping. There is some result to be yielded in the way of a product. One has to decide what to do. One then needs to calculate the elements and processes that are involved in transforming ingredients into a product (artifact), such as some loaves of bread. A number of calculations enter into transforming ingredients into a loaf of bread. Factors of timing may become important. The tastes of others need to be taken into account including one's own aesthetic sense (and one's reflections about the aesthetic sense of others) of what constitutes attractive loaves of bread. The efforts of an artisan will be such as to build upon all of those calculations in making bread

What distinctions should we make in thinking about artisanship and artifact? First, we have someone who presumably knows what they are doing. Second, we have a set of events (ingredients) that is being acted upon so as to be transformed (mixing, kneading, raising, baking, etc.) into some preferred event or state where one's own preferences and one's perception of the preferences of others is taken into account in the fashioning of preferred events or states as a product. Complex calculations of cause-effect relationships and of one's own and others' preferences enter into the calculations of what is done.

All artisanship involves some set of events that is being acted upon so as to transform that set into a preferred state (or equivalently, a less disadvantageous state). These transformations take account both of cause and effect relationships and preferences that may pertain to different values (taste, nutrition, attractiveness, etc.). Social reality reflects calculated activities in relation to elements that are being used and produced, in cycles of activity and life that goes on through time within the changing circumstances of what we call human society.

Different forms of artisanship involve many different kinds of calculations. The artisanship of a physician, lawyer, or teacher is quite different than that of a baker. Activities are always being related to the transformation of events that yield preferred states in which human beings live in relation to

multitudinous, artificial states created and maintained by human effort. The world of human activity and habitation is quite different than that which would exist without reference to human effort. The social reality of human habitation reflects the aggregate artisanship of those living and working in human societies. Diverse calculations may in this circumstance give rise to diverse realities in different human societies.

Bread making frequently involves the efforts of a single artisan, but bread making in a large bakery involves the joint efforts of a whole team of bakers. The fashioning of teamwork among many individuals requires reference to quite a different form of artisanship than that which yields a loaf of bread. The ingredients of teams are people. Their relationships with one another is conceptualized in relation to positions and roles where each relates to another by reference to mutual understandings which can be formulated as rules. Implicit in these rules are norms or standards about how individuals act so as to take account of the interests of others. Teamwork depends upon shared understandings about how individuals properly relate to one another as human beings and how they perform their particular tasks as artisans in an organized effort that yields some aggregated product or result.

Complex sets of calculations pertaining to networks of human relationships are organized with reference to complex sequences

goods and services and maintain the networks of relationships that constitute social reality. Each individual lives his or her life in this configuration of relationships where highly specialized actions and knowledgeable skills are being related to other complementary actions and knowledgeable skills.

### Institutional Analysis and Design

In our efforts to clarify those considerations that pertain to the organization of relationships among individuals in human societies that structure social realities, we have two broad types of relationships that are nested in relation to one another in a complexly intertwined way. One pertains to human activity and the other pertains to the events being acted upon to yield some product, result, or effect. In bread making, the actions of the artisan is complexly intertwined with the ingredients and transformations that occur in making a loaf of bread. These reflect factors taken into account by the artisan in shaping actions, ingredients, and processes to yield the desired results.

As we shift to the ordering of relationships among human beings for maintaining coordinated chains of activities with one another, we turn to quite a different technology than bread making. Yet, we must always remember that socially coordinated activities are being nested in relation to the events that are

being acted upon to yield preferred effects. Our concern then is with the technology of organization. We shift our concern to that problem even though we need always to recognize that human organization is nested in a complexly intertwined way with productive activities where events are being acted upon to yield preferred effects.

The realm of institutional analysis and design pertains to special forms of artisanship that have to do with creation and maintenance of ordered social relationships. Human beings are the primary ingredient involved, but they also simultaneously function as artisans who are engaged in joint efforts which involve teams of teams interacting with one another in a series of simultaneous and sequential games that order social reality in any particular society. Each person participates in a variety of circumstances where every action occurs in the context of interdependent activities with others where calculations take account of one's own interests in relation to the interests of others in what might be viewed as a series of simultaneous and sequential games.

Any particular human society is an artifact generated by human beings functioning as artisans in richly intertwined configurations of activities which maintain flows of communications, transactions, information, goods and services, as manifest in the material and aesthetic conditions of the human



an artisan engaged in purposeful activities judged for their merit by each individual and as an agent that acts on behalf of the interests of others.

Since the accumulation of knowledge and its place in human cognition has such a profound place in human societies, we then have to take account of the way that human beings conceptualize themselves and their relationships with others. We can, at some level, assume that, as Thomas Hobbes put it, there is a basic similitude of thoughts and passions characteristic of all mankind. This would reflect a genetic endowment which would indicate that human beings have a potential for development that is independent of culture. However, human beings exist in any particular social reality under circumstances where they have come to hold specifiable conceptions and beliefs about themselves, their place in the world, and their relationship with others. This shared understanding needs to be taken into account as a part of the empirical conditions of life that are experiences in social reality as attributes of community. Life in any particular society is bound in the context of a particular cultural configuration.

For purposes of institutional analysis and design, it is essential to distinguish and to focus critical attention upon the way that language is used to order human relationships with reference to rules. This is the critical factor that serves as a foundation for organizing the basic structure of human

relationships. The more advanced and complex a society becomes, the more critical rules become in the ordering of human relationships.

The place of rules in ordering human relationships can be illustrated with reference to driving a vehicle upon a public highway. People use vehicles to accomplish multitudinous tasks. Vehicles and thoroughfares serve as essential instruments to the accomplishment of those diverse tasks. By having reference to commonly understood rules of the road, large numbers of individuals can steer a vehicle through traffic in highly predictable ways because each driver can anticipate how each other driver will act in particular types of circumstances. By relying upon the constraints inherent in the rules of the road, each driver can anticipate how other drivers will act. The order created by a set of rules is sufficiently open to permit each driver to exercise discretion in proceeding toward his or her particular destination, but sufficiently limited so as to anticipate how other- drivers will act in specifiable circumstances. Rules make it possible for each driver to proceed toward different destinations in an orderly way where split second decisions are being made and surprisingly few "accidents" occur.

The technology of rules has some peculiar characteristics. Rules as such exist only in human cognition. They can be formulated as words on paper; but words cannot act. Rules are

not self-formulating, self-applying, or self-enforcing. As a consequence, rules depend upon human agents for their formulation, application, and enforcement in human relationships. Rules become operative as they function through the cognitive process of the voluntary nervous system of individuals.

But the acts of agents in formulating, applying, and enforcing rules is not a purely arbitrary matter. Individuals cannot have confidence in ordering their relationships with one another unless the meaning that is ascribed to rules can come to have a publicness and uniformity that is knowable to anyone potentially involved. What it means to possess a right and to transfer property by contract cannot be purely arbitrary when disputes arise about ownership and contractual obligations. Extending the chains of transactions that involve property and contractual relationships depends upon the confidence people can have in the meaning of terms that have reference to enforceable rules of law.

The dependency upon human agency in creating and maintaining rules as a basis for a non-arbitrary ordering of relationships among human beings creates extraordinary difficulties in the architecture of human organization. On the one hand, social organization cannot be maintained if each individual is to be his or her own judge of what rules apply in particular circumstances. A system of rules depend upon their being enforceable in relation to their generalized meaning without

reference to the idiosyncratic consideration of each individual. The maxim that each individual is not a proper judge of his or her own cause in relation to the interests of others also creates great difficulties when applied to those who exercise the prerogatives of government. Can this maxim be violated with justice on the part of those who rule any more than it can be violated on the part of those who are ruled?

The rule-ruler-ruled relationship implies fundamental inequalities in human relationships reinforced by the lawful use of coercive sanctions to impose limits upon those who either do not conform to or violate rules in ordering their relationships with other human beings. The maintenance of a lawful order necessarily involves a complex intertwining of different types of rules pertaining to the exercise of lawful discretion. The discretion to act in a way that is authorized by law is always accompanied by provision for recourse to special authority to apply, enforce, and modify provisions of law. John R. Commons, following Wesley N. Hohfeld, distinguishes authorized relationships (authority to act) as pertaining to right-duty relationships and authoritative relations (authority to apply, enforce, or alter authorized relationships) as pertaining to power-liability relationships. The latter prerogatives pertain to governance as involving the prerogative of agents who function as law makers and law enforcers in a society. Authority relationships involve a complexly intertwined nesting of

authorized and authoritative relationships.

A basic maxim in law is that a right is without meaning unless it can be enforced. This presumes some symmetry of relationship between right-duty (authorized) and power-liability (authoritative) relationships. This relationship, in turn, can become extraordinarily complex leading to a distinction between substantive powers and remedial powers. If a remedy is to be available in relation to limits that bear upon the exercise of any authoritative decision, then any system of law implies a distribution of authority where all substantive powers are limited by the availability of remedies with reference to those who exercise substantive powers. If all substantive powers are limited by remedies, the opportunities for the exercise of arbitrary authority is significantly constrained. Under these circumstances, rules of law might acquire a public reliability that has a consistent meaning for all members of a society.

Whether such possibilities are attainable depends critically upon how the essential structure of authority relationships is conceived in human societies. This is a matter of disputable contention. Perhaps the predominant view in that authority relationship depends upon a monopoly of the legitimate exercise of coercive capabilities in a society. In such a view, there must be a single source of ultimate authority that exercises control in relation to the prerogatives of government. That ultimate authority is conceived to be sovereign and to rule over society.

Sovereign authority, as the source of law, cannot be held accountable to law; and no legal remedy is available to limit the prerogatives of the sovereign. Any sovereign then becomes the judge of its own authority in relation to the interests of others. A symmetry between substantive powers and remedies gives way before some ultimate exercise of authority.

A theory of monopoly power applied to the governance of human societies poses great difficulties. Opportunities exist for substantial arbitrariness in the formulation, application, and enforcement of law and for those who exercise monopoly prerogatives to exploit and oppress others. The universality of contention about exploitation and oppression in human experience is indicative of the pervasive tensions that exist in all human societies about the basic structure of authority relationships.

In the course of the last three centuries this problem has been addressed as one pertaining to the application of a rule of law to those who exercise the prerogatives of government. This has been variously addressed as one pertaining to constitutional law or the development of a Rechtsstaat. The basic logic is one that pertains to a republican form of government and has increasingly applied to democratic republics. Origins lie in primitive human experiences, but modern conceptualization can perhaps be attributed to Montesquieu and to those who worked with and revised Montesquieu's conceptualizations in formulating the foundations for federal systems of government.

A democratic republic cannot settle the problem of rule-ordered relationships by confining itself to the creation of an ultimate authority to discharge the prerogatives of government. If many citizens are to participate directly in the exercise of sovereign prerogatives, there must be prior agreement and understanding about the terms and conditions for doing so. In the case of a direct democracy -- government by an assembly of all citizens -- there must exist a shared understanding of who is qualified to participate, what constitutes a quorum for taking decisions, how the time and place of meetings are set, how the proceedings of an assembly is to be conducted, what offices are to be established to discharge special prerogatives and perform special tasks, and how decisions are to be taken by reference to some forms of voting procedures. These rules pertain to the conduct of government and can be viewed as being constitutional in importance in contrast to the rules adopted by an assembly to apply to ordinary social relationships in a democratic society. A constitution is a set of rules that apply to the conduct of government. Ordinary law is the set of rules that apply to the other exigencies of life.

Montesquieu clearly understood that democratic societies (democratic in the sense that people exercise basic prerogatives of governance) were not viable in the modern world unless two conditions could be met. One was to enable small self-governing communities of people to join together in forming larger

self-governing communities where both small and larger communities could co-exist in the exercise of autonomous self-governing capabilities. He viewed confederation as the appropriate method for realizing this condition.

Montesquieu also emphasized that the constitution of liberty in any one self-governing community depended upon a separation of powers where diversely organized instrumentalities of government might be separately constituted to perform differentiated aspects of governance reflected in formulating law (legislation), applying law (adjudication), and enforcing legal relationships (execution). By a separation of powers, each authority could limit the exercise of prerogatives by each other authority. Lawful and effective exercise of governmental authority can, thus, be shared among separable and differentiated structures. In such a manner, the rules of law embodied in a constitution might be enforced as each set of authorities maintains limits through the exercise of veto capabilities in relation to the other authorities in a constitutional republic. Since courts act on behalf of the claims of others, the availability of judicial remedies in relation to constitutional provisions implied that anyone who is entitled to such a remedy can invoke veto capabilities in relation to any other exercise of governmental prerogatives.

These conceptualizations advanced by Montesquieu have had radical implications in the constitution of human societies. The



exercise of a monopoly of ultimate authority in the governance of a society, as conceptualized in a theory of sovereignty, involved presumptions of an inalienable, unlimited, and indivisible exercise of authority. Where prerogatives of constitutional decision making are exercised by citizens relying upon Montesquieu's conceptualizations, inalienable prerogatives are assumed to accrue to citizens both in their exercise of individual prerogatives pertaining to the constitutional rights of persons and to collective prerogatives pertaining to the participation of citizens in processes of constitutional decision making and in the exercise of governmental prerogatives.

A separation of powers divides the exercise of governmental authority among separate decision structures. Constitutional law establishes and defines lawful limits to the exercise of governmental authority. Remedies for the exercise of any one set of prerogatives are made available by limits which can be exercised by other authorities. When such structures exist among multiple, concurrent, and overlapping communities, substantial doubt exists that the concept of monopoly is a proper one to characterize the essential structure of authority relationships in such a society. There are multiple centers of authority; not one single center of ultimate authority. The organization of government is polycentric in nature rather than monocentric or unitary in nature. The structure of constitutional, legislative, executive, and judicial remedies can be extended to a point where

all exercises of substantive prerogatives can be held to account through some form of remedy. Law can come to have a universality where all exercises of authority are subject to limits and no one can exercise unlimited authority. All opportunities for a purely arbitrary exercise of authority are subject to limits.

This extension of constitutional law to apply to the terms and conditions of government among multiple units of government in a highly federalized system of government adds great complexity to the structure of rule-ordered relationships in human societies. Everyone has an opportunity to participate through differentiated positions and structures in the governance of multiple communities of interests. The sorting out of authorized and authoritative relationships involves complexly intertwined relationships in relation to decisions taken, in diverse decision structures among multiple communities of interest.

In these circumstances it may be useful to distinguish a constitutional level of analysis where a general hierarchy of law exists as contrasted to a general hierarchy of officials. Constitutions specify the authoritative terms and conditions that apply to the conduct of government including the general limits upon the exercise of governmental authority as such.

The law of a more general jurisdiction can be conceived to be supreme when applied to general relationships in the larger

community, but this need not mean that officials acting on behalf of the larger community have authority to appoint and remove officials in smaller communities. The law of the larger community can be supreme and be enforceable by the independent officials of the smaller community. A hierarchy of law implies a nesting of law so that in conflicts of law, the general rules of the larger community of interest prevails. This does not foreclose independence of actions with regard to the internal affairs of smaller communities of interest.

Herbert Simon has emphasized that hierarchies are nested sets of relationships where the key characteristic is decomposability. A weak hierarchy of law need not be accompanied by a strong hierarchy of superior-subordinate relationships characteristic of a bureaucracy. A highly federalized system of governance allows for variability in patterns of rule-ordered relationships among diverse communities of interest. Such circumstances allow for patterns of uniformity within any one community but for social experimentation to occur among the different communities. Maintaining a general hierarchy of law permits regularized procedures to exist for resolving conflicts of law.

Societies of continental proportions can use variations on Montesquieu's method of confederation to allow for constructive variations in law among communities of people living under different environmental conditions. Desert conditions in the

western United States, for example, pose quite different problems in the development of a law of water rights than those existing in the more humid regions of that country. Problems associated with water resource development in Alpine regions are quite different than those confronting people in low lands (Netherlands) who live in river deltas near (both above and below) sea level. The skills, technologies, and ways of relating to one another in human communities are quite different among alpine and delta communities. The former have an abundance of stone; the latter none. The former build on solid foundations; the latter, on foundations of sand. Variability in the fashioning of institutions for coping with such variations in the conditions of nature can be fashioned where diverse communities can exercise self-governing capabilities concurrently with one another.

If we assume that constitutional terms and conditions can be authoritatively specified and enforced, we then have reference to another level of decision making when decisions are made about what should be done through instrumentalities of government to cope with problems confronting any particular community of people. We can refer to decisions of this magnitude as involving a policy level of consideration. Enactment of legislation can be construed as authoritatively specifying the purposes to be served and the rules to be applied in an effort to realize some policy objective. Legislation involves a partial exercise of

governmental prerogatives, and can be viewed as a set of authoritative instructions adopted by a legislature (with the legislative concurrence of an executive where such may be required). These instructions can be construed as containing authoritative instructions to administrative and judicial officials and as establishing entitlements and liabilities on the part of the larger community of people who may be affected. Legislation then is a set of instruction to be construed by administrators, courts, and to the people who are affected by that legislation about what should be done through collective instrumentalities of a government. A separation of powers in any one unit of government implies that legislative enactments are authoritative instructions to administrative officials, judges, and other members of the relevant political community. Those instructions are authoritatively valid when acted upon in conformity to constitutional limits, but to be independently assessed for their constitutional validity by officials in co-equal executive and judicial agencies and by the people who are affected. Legislatures, as such, exercise only limited and partial authority.

Still another level can be conceived to exist where it becomes necessary to gain a more specific fit between the way that rules are used to coordinate the actions of individuals with the transformation of events that are being acted upon to yield some preferred state of affairs. This fit, especially with

reference to public goods and services can be thought of as extending to the way that the potential beneficiaries make use of goods or services to yield the preferred state. Whenever the preferred state involves the creation of types of relationships among a community of people, such as the maintenance of a lawful order, the members of such a community become essential coproducers of that good or service. The preferred state of affairs to be yielded is not created by officials acting alone, but by officials acting in conjunction with members of a community.

If the policy prescribed by a legislature is at variance with the perceived advantage of members of the community, difficulties can be anticipated in gaining the degree of coordination to assure collaborative joint activities by everyone involved. Negotiation of operational rules, or costly enforcement procedures to gain reluctant conformity, may be necessary in the formulation of appropriate operational procedures. Negotiation of workable rules or enforcement of reluctant conformity both imply that decisions at the policy level do not represent final settlements about what is to be done. Rules are but words. They can only be given force and effect as they affect the coordinated actions of a multitude of people who may be involved in any collective endeavour.

Social reality, then, involves the way that people act and affect the yield of artifactual states in the world of events.

All action is mediated by cognitive processes occurring in the voluntary nervous system. Processes of cognition have reference to complex sets of calculations bearing in part upon a proper ordering of human relationships in relation to a complex realm of rules, the meaning to be attributed to those rules, and how they work in relation to one another. In addition, each actor is cognizant of the way that his or her actions are instrumental in yielding transformations in creating whatever artifactual states that are being yielded by purposive actions. Every action depends upon two levels of cognition: how individuals relate themselves to one another in orderly ways and how actions are instrumental in transforming events in the world into those preferred states that constitute goods, services, and conditions of habitation that human beings yield by their individual and joint efforts.

Cognition of the realm of rule-ordered relationships takes account, in some sense, of complexly nested configurations which have been differentiated as authorized and authoritative relationships and as pertaining to constitutional, policy, and operational considerations. A person acts with cognizance of the constitutional level when he or she has well-established expectations about the proper limits that apply to the conduct of persons and of officials as they act in relation to one another. Citizens enforce norms at the constitutional level by the expectations which inform the way that they relate themselves to

officials and maintain appropriate limits in those relationships. If those standards of propriety reflected in constitutional considerations are seriously violated, then problems of remedies come into consideration about how effective limits can be enforced in official relationships.

Cognition of considerations which bear upon the policy and operational levels are taken into account as people contemplate possibilities of collective action and how their individual efforts bear upon any particular joint undertaking. Every act is informed by complex sets of calculations that take into account the way that rules are used to coordinate chains of actions and the way that actions are used to yield transformations in the world of events. No one can know everything about how those realms are complexly intertwined in relation to one another, but everyone is required to know those calculations that are to be taken into account in ordering his or her relationships with others. A democratic society operates upon a presumption that ordinary citizens can be cognizant of processes of governance to a sufficient extent to take account of the way that constitutional considerations, policy considerations, and operational considerations enter into how people relate to one another in the conduct of a variety of endeavours that fashion the conditions of life in human communities.

While these various levels of considerations enter into the cognitive considerations of individuals, we also need to realize



that human societies are so organized that decision-making processes specialized to different levels of consideration are simultaneously occurring. Processes exist for making constitutional decisions. People may be simultaneously engaged in that process while legislative, executive, and judicial agencies are giving consideration to a variety of questions pertaining to particular types of collective action in a context while communities of people pursue their individual and joint interests in relationship to the another.

The simultaneous discharge of differently organized decision-making processes in creating, maintaining, and enforcing rule-ordered relationships occurs in circumstances where only limited changes and challenges are being considered at any one point in time. If everything were being reconsidered at every level of choice, human beings would be paralyzed by not knowing what to do. Order can be maintained by simultaneous processes of decision making only so long as marginal adjustments are being made in the general order of relationships which maintains its basic continuity with reference to both social-space and social-time horizons.

These relationships are further complicated by the circumstance that at every level of social interaction the sets of calculations which pertain to a rule-ordered relationship among the individuals involved also presuppose calculations about the way that states or events are being transformed into some

artifact as a preferred state or set of events. Rules that pertain to the making of constitutional choices presumably should take account of the processing of proposals, arguments, and information and the articulation of preferences that contribute to the creation of an appropriately designed artifact: a specification of the terms and conditions of government in a set of rules that comprise a constitution. Processes of constitutional decision making necessarily require reference to what is equivalent to constitutional, policy, and operational consideration that become a part of the social reality of those who engage in constitutional choice. Let me illustrate this by reference to some hypothetical efforts at constitutional decision making.

An effort to call a constitutional convention to formulate a new constitution would, in the American case, for example, normally require a policy level decision by some existing units of government. Such legislation would normally authorize the calling of such a convention, specify modes of election, etc., and set the machinery of government in motion to elect the members of a constitutional convention, undertake preparatory activities, appropriate necessary funds, and specify the time and place for an initial meeting of such a convention.

The artifact to be yielded by these efforts would be a draft constitution that specifies the terms and conditions of government for some specifiable community of people in relation

to some unit of government such as the state of Alaska. Before such a task can be undertaken a constitutional convention would be required to formulate and establish its own constitution, create its own government, and develop its own working relationships that take account of: (1) the way that human beings order their relationships with one another, and (2) the way that procedures and processes can be used to order actions that are instrumental in yielding a draft constitution as a product.

Deliberations about the terms and conditions of government to be specified in a draft constitution require reference to what it means to govern, and how procedures and processes of governance are organized in human societies to accomplish the tasks of governance. Deliberation would explore how alternative terms and conditions can be expected to affect relationships in human societies and how the ordering of conditions and consequences is to be evaluated in relation to human preferences. The meaning to be ascribed to norms, the allocation of authority among diverse decision structures, the limiting of power by reference to remedies would all need to be worked out in the way that human beings conceptualize rule-orderings to function in human societies.

In the case of a constitutional convention these calculations bear separately in the way that it organizes its own governance and the way it specifies the terms and conditions that are appropriate to the governance of a larger community of

people. The way that it organizes its own governance presumably has instrumental significance for what is eventually produced in a draft constitution. Governance in a constitutional convention orders proceedings in a way that permits deliberations about terms and conditions of governance in human societies that yields a product which stipulates a proposed draft of those terms and conditions for a particular community of people. Theories about a causal ordering of relationships are being taken into account in these sets of calculations. Meaningful discourse can occur only so long as people share elements of common understanding about the nature of the tasks involved. The work of a constitutional convention is meaningful to the extent that the deliberations in a convention are reflective of similar modes of reasoning and understanding in the larger community of people who deliberate and decide upon a draft constitution before it can be ratified by decision-making processes in that larger community of people who are concerned with specifying the terms and conditions of governance that apply in ordering their relationships with one another.

The organization of all collective endeavours is based upon some set of presumptions about how institutions of governance are created in human societies. All institutional arrangements are nested within systems of governance. In this sense all institutions as they order human relationships have a public significance even when they are denominated as being private in

character. The presumptions used in ordering human relationships may be based upon quite different conceptions. Different conceptions about the proper ordering of relationships in human societies may be articulated in quite different types of structure.

A key question pertains to the latitude for an arbitrary exercise of authority. In that case decisions occur as conditions to be borne and to be accommodated to as best one can. An alternative is to specify terms and conditions that establish patterns of pre-commitment about how rule-ordered relationships are to be maintained in human societies. Where enforceable constraints cannot be maintained, people can have little confidence about their capacity to maintain pre-commitments in relating to one another.

This type of problem assumes critical proportions in a country like South Africa at the present time. Presumptions of parliamentary supremacy leave opportunities for an arbitrary exercise of authority by the South African Parliament that do not constitute an agreeable basis for the governance of relationships among diverse ethnic and racial communities. The Afrikaner community is able to prevail for the time being; but the terms and conditions for governance under conditions of parliamentary supremacy are such that the Afrikaner community would be unwilling to extend a like authority to the other members of all other racial and ethnic communities in South Africa. For mutually

agreeable terms and conditions to exist in the governance of multi-ethnic and multi-racial communities of interest, recourse to some governing principle other than parliamentary supremacy would be required. Principles of parliamentary supremacy can be expected to fail in circumstances like those prevailing in South Africa. An appropriate constitutional settlement in that situation would require recourse to other constitutional principles.

In turn, the constitutional principles reflected in federalism and division of powers depends critically upon communities of people having recourse to processes of constitutional decision making and knowing how to use such processes in appropriately constituting and reconstituting authority relationships for their own governance. Commensurate knowledge and experience in constituting, and conducting different ventures in human governance, and in successfully doing so, are necessary to the operation of federal systems of government in democratic societies organized on principles of constitutional rule.

Human societies depend upon the development and use of cognitive processes that are being tested and used under conditions where individuals fashion bases for common understandings in the way that they relate to one another. Such understandings are threatened by changing conditions, by a lack of reliability in the way that terms are construed in ordering

human relationships, and by human propensities to imagine different ways of conceptualizing human relationships. But the necessities of relating to others and of meeting the essential requirements of life provide a basis for disciplining imagination by requirements of reality even though these realities may vary substantially across human societies. Human cognition and human experience test and limit one another in fashioning the basis for the common understanding and agreements that enables people to order their activities in relation to one another in human societies.

The maintenance of a due process of law on the part of people who are concerned with the effective maintenance of lawful limits in relation to one another depends then upon the capacity to make appropriate distinctions about the constitutional, policy, and operational considerations and about those processes that pertain to the taking of legislative, executive and judicial decisions. Each of these sets of considerations are taken in contexts that necessarily involve human beings in concrete patterns of sequences and chains of action in a social reality. Decisions are specialized and those decisions imply people working together in structured procedures and processes to yield properly informed and properly considered decisions. Social reality is the pattern of coordinated actions that are taken in all of the forms of artisanship involved in making decisions, creating, exchanging, and consuming or enjoying the goods,

services, and states that form the human habitat.

Distinguishable structures and processes pertaining to an artisanship that is appropriate to constitutional, policy, and operational considerations and to the taking of legislative, executive, and judicial decisions should be sufficiently distinguishable so that the informed artisan is capable of conceptualizing the principles and processes that are applicable to the shaping of decisions that are appropriate to each context and of taking account of this general level of understanding as applying to the choice of how to relate to others in the discrete actions that are taken in everyday life.

Every individual in a democratic society is involved in these manifold sets of calculations that inform everyday activities. Each person is first his or her own governor. The governance of one's own affairs takes account of the principles, capabilities, and limits that adhere to the rights and responsibilities of being a person and or citizen in a democratic republic. Collective decisions taken at a policy level pertain to a joint exercise of artisanship in relation to whatever effects are to be yielded by the collective action of communities of people. Each person acts with a cognizance of the joint effect to be yielded while pursuing their own individual and joint artisanship in whatever they are doing. A proper ordering of relationships in the governance of one's own affairs involves a knowledge of what is properly to be expected in the exercise of



capabilities and limits that apply to the conduct of others including those who exercise special prerogatives in the governance of different communities of affairs that involve association with others.

Every individual is jointly associated with others in organizations that involve diverse communities of interest. Some of these associations involve prerogatives that include recourse to the sanctions of criminal law and for many purposes the availability of such sanctions are grounds for distinguishing associations that are sometimes referred to as "governments." Each person is presumed to be knowledgeable about the calculations that pertain to the exercise of such prerogatives and what they imply with regard to requirements, procedures, and limits of criminal law. Associations lacking in the capability to enforce their own rules by the imposition of criminal penalties, nonetheless have access to such capabilities as the individuals involved participate in associations that do have the capabilities to exercise criminal sanctions. The implications that are then necessarily entailed in the governance of many societies involve constitutional, legislative, executive, and judicial considerations of a specifiable nature. A due process of law implies that specifiable principles, structures, and procedures will apply to potential invocation of criminal sanctions.

Similarly, as individuals confront entrepreneurial

opportunities that depend upon their being jointly undertaken with other people, the fashioning of appropriate arrangements depend upon a knowledgeable awareness of how to take decisions of a constitutional, policy, and operational nature and involving judgments about the appropriateness of rules, their use, and enforcement in ordering relationships with one another. Given an appropriate level of shared understanding and the general availability of appropriate sets of rules and decision making facilities in the larger society, it may be possible for individuals by a series of relatively informal contractual understandings to fashion mutual expectations that are as effective as some other organization where those involved seek to internalize all aspects of rule-ordered relationships within the realm of that organization. The open accessibility of courts of law which are obliged to consider anyone's petition for a remedy in relation to circumstances that have involved a wrongful act by someone else means that each person has executive capabilities for enforcing mutual understandings including contractual understandings that have the force of law. Other executive facilities, including accessibility to criminal sanctions may also be available to any individual to enforce mutual understandings in relation to others. Under these circumstances each individual can, command governmental prerogatives to enforce lawful claims and maintain and enforce limits that pertain to the claims of others. Social reality is shaped by the actions that people take in light of such expectations. The differentiation of

governmental prerogatives that has reference to distinguishable institutional arrangements pertaining to legislative, executive, and judicial functions necessarily implies that structures of government are multi-organizational in character. Governments in most modern societies are not single organizations but a complex structure of interorganizational arrangements. Critical attributes in any system of government turn upon the linkage among the diverse organizational units that are involved. Parliamentary governments of the Westminster-type are characterized by linkages that create greater emphasis upon dominance-dependency relationships that those that would apply to an American system of checks and balances. The differentiation of governmental decision structures in "modern" societies, however, implies that all systems of government are complex structures of interorganizational arrangements. The key issue is how linkages are arranged and how these linkages affect patterns of dominance, interdependency, and reciprocity in the maintenance of rules of law.

Guidance, Control and Performance Evaluation  
in the Public Sector

We have pursued an initial inquiry about artisanship and artifact on an assumption that human behavior is purposive. This means that actions are informed by cognitive processes associated

with the voluntary nervous system. Calculations which take account of knowable relationships can be made so that human action yields a preferred state. When possible actions are considered in relation to all knowable relationships, the human potential for transforming nature into a configuration of artifacts and artifactual relationships assumes extraordinary proportions. Human societies as aggregated artifactual systems of relationships depend upon complex patterns of guidance, control, and performance evaluation. Those calculations that pertain to guidance, control, and performance evaluation must in some basic sense always be public because they are based upon expectations shared by some community of people. Communication through the shared meaning ascribed to the words of a language implies a publicness (a shared community of understanding) on the part of those who communicate through a common language. People inform their utterances by references to a shared community of understanding and they have recourse to that shared community of understanding to fashion order in their relationships with one another by reference to rules that establish mutual expectations about what is allowable and what is to be foreclosed as not allowable in human relationships.

All human relationships are in some sense subject to guidance wherever reference occurs to some norm that distinguishes between what is considered to be allowable and what is not allowed. Such norms may be as relatively simple as

bearing to the right or bearing to the left in driving vehicles upon public thoroughfares or they may have to do with what is considered to be beneficial or harmful, right or wrong, just or unjust, true or false.

A fundamental aspect of all systems of rule-ordered relationships pertain to norm setting, norm using, and norm judging. Rules to be meaningful must have reference to some standard or norm for distinguishing all possible actions into subsets of that which is allowable and that which is not allowed. For individuals to act in accordance with a rule implies that such norms can be known and knowably used to order actions accordingly. Where norms are subject to violation and limits are not maintained, those who judge that violations have occurred can do so only in relation to a knowledgeable understanding of what it means to have reference to a specifiable norm. A method that is available to human beings to enquire about norms and to understand their meaning is pursued further in the essay on, "A Fallibilists Approach to Norms and Criteria of Choice. Guidance occurs whenever human beings have reference to common methods of norm setting and norm using in establishing standards for ordering their conduct in relation to one another.

Control occurs whenever human beings can hold one another accountable in relation to norms that are subject to independent judgment and enforcement by others. Systems of legal control can be said to operate when procedures are available for independent

judgments about the applicability of legal norms. Political controls can be said to operate when those who exercise a voice in the taking of collective decisions do so in relation to their capacity to make and alter collective decisions and monitor the performance of others in the implementation of such decisions. Executive controls can be said to operate whenever those concerned with the implementation of decisions monitor the performance of one another in their discharge of responsibilities.

Opportunities for control are profoundly influenced by the development of money as a medium of exchange and the use of such a medium to render a system of accounts for everything that is exchangeable through that medium. The medium becomes a measure of value for everything that is exchangeable in relation to that medium. Systems of accounts can then be rendered in relation to all exchanges; and transactions can be aggregated in accounting both for flows of revenues and expenditures and flows of goods and services with reference to organized sets of relationships involving different aggregations of individuals acting jointly in relation to one another. Accounting and auditing controls are all derivative from the use of money as a medium of exchange to account for the flow of revenues and expenditures and the associated flows of goods and services and, in doing so, to account for the activities of those involved in exchange relationships.

In the context of a competitive market economy, the development of well-institutionalized systems of money and credit leads to patterns of exchange where competition among vendors and buyers has a regulatory effect in balancing supply and demand through variable prices. Varying prices yields regulation and control in the market under changing conditions of supply and demand. Rules regulate the exchange relationships, but the primary force of market regulation occurs by the effect of prices on the exchange process. The regulatory force of rules become evident in adjudicating property rights and enforcing agreements when these become contestable issues. High reliance upon measures to enforce rules are usually indicative of problems arising from institutional weaknesses associated with particular patterns of market organization.

When the focus of attention is shifted away from the exchange relationships which occur within markets to the general conditions that apply to the organization of markets, we have circumstances that are closely analogous to the provision of a public good. Markets are subject to joint use by both buyers and sellers. The provision of a market, thus, meets the criterion of jointness of use generally associated with a public good. Markets work well in being competitive when costs of entry to and exit from markets are low (i.e. essentially free). The second criterion generally associated with a public good is the failure of exclusion. An absence of exclusion extends potential market

participation, and has a stabilizing effect both upon the maintenance of competition and prices. Markets work better in the absence of exclusion. In turn, the maintenance of market relationships depends upon enforcement, adjudicatory, and monitoring arrangements characteristic of governmental organization. Thus, the performance of market arrangements is subject to public scrutiny in relation to general criteria like efficiency, welfare, liberty, justice, etc., that would apply to all patterns of human organization.

Performance evaluation can be conceived as being concerned with the operation or function of any artifact in relation to those calculations that pertain to the creation, use, and enjoyment of an artifact. Calculations pertaining to the creation and performance of an artifact need to be taken into account in the evaluation of its performance. Such an artifact may be a complex net of transportation facilities which function as a railroad or a complex set of facilities that perform a variety of functions in managing a river system to yield flood control, transport, water supply, recreational, and waste disposal capabilities. Parameters and values attributable to each of these design capabilities may be established as a basis for measuring and assessing performance capabilities.

Patterns of social organization can also be viewed as artifacts which are created as instruments that are capable of realizing some possibilities while foreclosing other



possibilities. These calculations can be taken into account in performance evaluation. The theoretical calculations taken into account in the design of particular types of social technologies can be used to derive measures that might be used in evaluating performance.

Such measurement efforts are of critical importance in disciplining the forms of human cognition that are used as the basis for institutional analysis and design. Human beings confront the circumstance that social artifacts have reference to human beings both as the primary ingredient and as the designers and operators of such artifacts. Human societies, then, are artifacts that contain their own artisans. This then creates the dilemma that in some sense human societies are self-organizing and self-evaluating, but each part is capable of acting with substantial independence of each other part. The great difficulty is how to take advantage of the creative capabilities of each individual while maintaining a mutually predictable and mutually productive order of relationships in doing so. Opportunities are opened as the frontiers of ordered relationships are extended, but the pursuit of particular opportunities also depend upon meeting the requirements of a skilled and discriminating artisanship in relating to others.

All forms of skilled and joint artisanship require each artisan to relate to each other artisan in respectful ways while acting in relation to that which is being transformed from one

state into another to yield some desired state of affairs. The complexity of the aggregate configuration of relationships defies human comprehension and control as an aggregate state of affairs, but may be comprehensible by considering the way that bits and pieces get put together and then operate in complexly aggregated structures of relationships. This is why diverse strategies must be pursued in understanding problems of guidance, control, and performance in the public sector where publicness pertains to that which is shared in common among communities of people who relate themselves to one another in ways that take account of the aspiration and interests of each other.

#### Multiple Levels and Foci of Analysis in Social Inquiry

Any efforts to study the way that human societies are constituted and organized cannot be undertaken as a single endeavour that gives a general account of social reality. Specificities and contextualities must be brought together which make reference to multiple levels and foci of analysis. Unless specificities and contextualities are appropriately understood in relation to a complex intertwining of nested relationships in human societies, little complementarity will occur in the specialized efforts of different scholars working within and across different disciplines in the social sciences. To gain complementarity in scholarship there must exist some general

awareness of how things fit together in multiple levels and foci of analysis. Otherwise scholarship can become the creation of an infinite number of unique word pictures where each word picture contributes little to a generalized understanding.

The problem of multiple levels and foci of analysis is affected by the perspective taken by the observer. Adherents to the approach of methodological individualism adopt the perspective of representative individuals confronted with a choice of strategy in the context of particular action situations. The structure of the situation with its assignment of decision-making capabilities contains a structure of incentives and deterrents that affects the choice of strategies. Choices of strategy, in turn, evoke consequences in relation to the transformation of events that are occurring in any action arena.

This methodology has reference to specificities that apply to actions in arenas of activities. The question is how to move to a larger contextuality and apply principles of methodological individualism to larger social realities. Too frequently a shift to this level of analysis has involved efforts to see the whole picture from the perspective of an omniscient observer. Radical incongruities then arise between inquiries grounded in radically different methodological perspectives.

A way of potentially resolving these incongruities is to be

more self-conscious about the different levels and foci of analysis that must necessarily occur in the conduct of social inquiries. If specificities and contextualities can be appropriately fit together, possibilities exist for greater complementarity of research in the social sciences with less incongruous gaps between the work of methodological individualists and methodological holists.

The work of Alexis de Tocqueville offers the most constructive use of multiple levels and foci of analysis with which I am familiar. His work is deserving of careful consideration by scholars concerned with the comparative study of institutions in human societies. I shall provide only a general sketch of the way that Tocqueville uses multiple levels and foci of analysis to give both specificity and contextuality to his inquiry in Democracy in America. Similar methods are used in his other works.

In Democracy in America, Tocqueville is concerned with a general problem of how human beings cope with aspirations for an increasing equality among members of societies when the basic structure of rule-ordered relationships is grounded in a radical inequality between rulers and ruled. This circumstance evoked great instability in the French revolution eventuating in the Napoleonic era and instability in the regimes that followed. His concern was with the way Americans attempted to resolve this problem and what might be learned from their experience about the

maintenance of liberty under conditions of increasing equality.

Tocqueville begins his analysis following the introductory statement of his problem by attempting to specify the general structure of "circumstances" that applies to the American situation. Chapter 1 provides the reader with a general account of geography of the North American continent with general reference to its' potential for development and some of the basic characteristics of the aboriginal population on the North American continent. Chapter 2 focuses upon the origins of the Anglo-Americans and gives critical attention to the Puritans as providing the core conceptions that were used to organize communities of relationships in New England. These provide a model and a method that are reiterated and thus constitute "the germ of all that is to follow and the key to almost the whole work" (Tocqueville, 1968; I: 28). Puritan theology corresponded in many ways "with the most radical democratic and republic theories" (p. 32). A covenantal theology was transformed into a theory of constitutional choice that was used to constitute self-governing communities in the American wilderness.

A third chapter in characterizing the social condition of the Anglo-Americans rounds out Tocqueville's efforts to characterize the basic circumstances of the American situation by reflecting upon the general patterns of social equality. Here he introduces a specific form of institutional analysis by focusing upon the laws of inheritance. Laws of inheritance transform

property relationships in human societies as a function of life and death in succeeding generations. Conditions of equality and inequality are profoundly affected by the way that laws of inheritance redistribute and transform property relationships. This is a key to an understanding of the social conditions of Anglo-Americans.

In Chapters 4 - 12, Tocqueville proceeds with a detailed characterization of the institutions of government among the Anglo-Americans. He begins with an articulation of the basic principle of what he identifies as the sovereignty of the people. This is the articulation of covenanting among communities of people into a political principle. He then turns to an analysis of the institutions of local government with brief reference to principles that apply to the constitution of the state. The role of judicial institutions in American society is given special attention before turning to the Federal constitution and the place of the national government in the federal system of government. These chapters (4 - 8) provide a general characterization of the basic frame of the institutions of government.

In Chapter 8, Tocqueville demonstrates a tie between the geographical circumstances of the North American continent and the way that basic institutions of government operate. He shows how his institutional analysis is affected by the physical "circumstances" of the American situation.

Chapters 9- 12 turn to political parties, newspapers, and voluntary associations as institutions which people use to activate the machinery of government. To understand how "people" govern requires attention to these activating institutions and how they are nested as intermediate institutions in the working of the American system of government.

Chapters 13 - 17 are then concluding and analytical chapters that draw upon the foundations established in the first 12 chapters. Chapter 13 presents some concluding generalizations about the "government of democracy" in America that apply to the general system of government viewed as a general system. Chapter 14 considers the "real advantages" that derive from democratic government. Special attention is given in this context to the place of religion and religious institutions as providing opportunities for critical attention to norm setting in establishing the concept of what is right and the place that this has in respect for law. Tocqueville then turns to an examination of the threat posed by majority tyranny, the insufficient limits upon the power of the majority in state constitutions, and to factors that tend to mitigate tyranny of the majority.

Chapter 17 can then be viewed as the concluding chapter pertaining to Anglo-American society. He returns to the relationship of the "accidental" circumstances of North American geography and its effects upon democracy, the way that

institutions affect the shaping of customs (the way people act) in American society, and how these institutions and customs interact with one another in the maintenance of democracy in Anglo-American society. A way of life comes to have meaning in the customs and habits of people as they try to find ways and means of constructively relating to one another through the institutional arrangements of government in a democratic society. Such institutions however are not self-sufficient in themselves, but depend upon complex structures of shared understanding and experience where religion, education, and ideas play a profound place in human motivation and the way people conceive and order their relationships with one another.

In Chapter 18 of Volume I, the analysis is extended to encompass reference to the three races in America, their present conditions, and their future prospects. Tocqueville's analysis of the culture and conditions of American Indians is an important one; but it is eclipsed by his analysis of the institution of slavery and its perverse effects upon relationships between blacks and whites in American society. It is in the context of this analysis that Tocqueville first introduces the effects that institutions and customs have upon human personality. The effect of slavery upon the personality and way of life of masters is contrasted with its effects upon the personality and culture of slaves. These effects, in turn, have further effects upon human relationships that lead Tocqueville to be skeptical about a



constructive resolution of the "race problem" in American society. Anyone interested in this analysis should read the comparable analysis made by Gustav de Beaumont, Tocqueville's traveling companion who presents his analysis of the institution of slavery as an appendix to his novel, Marie.

Volume I of Democracy offers a complex analysis of the basic institutions of American democracy. Tocqueville begins by an effort to characterize the geographical and historical circumstances as these have specific relevance for understanding the American situation. He then goes on to characterize the basic frame of the American system of government with specific chapters focusing upon particular aspects. He then elaborates the activating institutions used by people in putting the institutions of government to work in the governance of society.. Finally he sustains a generalized analysis and critique of the American institutions of government and their affects upon the American way of life.

The cumulative thrust of the analysis in Volume I is then used as the basis for the analysis in Volume II. Tocqueville's concern in Volume II is the way that the aggregate structure of American society affects: (1) the way people think (First Book), (2) how people feel and express their feelings in their activities and relationships with one another (Second Book), and (3) how they relate to one another in the various exigencies of life (Third Book). This level of analysis in Volume II is of

fundamental importance to reaching a resolution of the problem of how people cope with aspirations for an increasing equality of conditions in human society. The initial resolution attained in American society depended critically upon ideas, concepts, moral precepts, and ways of relating to others that derived from a Puritan heritage and from experiences in participating in their own governance in the towns, through the jury system, and through voluntary associations. Furthermore, religion was of paramount political importance by providing people with opportunities to reflect upon the meaning of life and of a proper ordering of relationships to each other and the universe as they experienced it.

The long-term viability of American democracy then depends critically upon the shaping of personality, ways of thinking, ways of ordering priorities in life in relation to feelings, what people are motivated to consider as important, and how they relate to one another in a variety of different social exigencies. A democratic society must be able to reproduce itself through successive generations where people have sufficient levels of critical self-consciousness to cope with problems of institutional weakness and institutional failure if, reshaping the institutions of governance as conditions of life change. People must be capable of coping with new possibilities generated by the development of new knowledge, new technologies, and new opportunities for artisanship in reshaping the changing

conditions of social reality.

Tocqueville's concluding analysis in the Fourth Book of Volume II is not an optimistic assessment. People in a democratic society have a propensity to become preoccupied with the material conditions of life. Aspirations for equality are likely to predominate in the ordering of their preferences, and under those conditions, there are "natural" inclinations for envy to gain expression in increasing efforts to impose uniformities by relying upon the more distant central authorities of government. An increasing equality of social condition under these circumstances yields an increasing magnitude of inequalities between rulers and ruled. This tendency, Tocqueville anticipates, will evoke a form of democratic despotism that is more absolute than human beings had previously experienced in human societies.

While Tocqueville anticipates that a highly centralized democratic despotism will arise if people in democratic societies act on the basis of their "natural" inclinations, he also recognizes that liberty and equality can coexist in a democratic society if people act upon a properly understood science of association. He anticipates that "in the democratic ages which are opening upon us, individual independence and local liberty will ever be the product of an art; that centralized government will be the natural tendencies' (II: 296). People might appreciate the "utility of form" (II: 325) to fashion

institutions of government that are capable of maintaining both liberty and equality, but that will require a self-conscious artisanship which relies upon a knowledge of counterintuitive relationships in the governance of human affairs rather than relying upon natural inclinations. Self interest, rightly understood, can be used as a basis for constituting free and equal societies when members of democratic societies understand the science of association that permits them to appreciate the utility of form in constituting institutions of governance. The pursuit of simple solutions by relying upon central authorities to act on behalf of everyone cannot yield these results.

Tocqueville, as a methodological individualist, put together an extraordinary analysis that relies upon many different foci and levels of analysis. The major part of his analysis in Volume II takes the aggregate structure of society as a whole to analyze its effects upon critical social psychological variables having to do with thinking, feelings, and interpersonal relationships. This is brought back into a political analysis in estimating the potential for a society to reproduce itself under changing conditions that require it to cope with yet unanticipated problems. The analysis is sufficiently complex that few readers are capable of understanding what Tocqueville is doing. I have come to my own level of understanding only after many readings of Tocqueville and a conscious effort to clarify his methodology in the course of a seminar on Democracy in America. Yet he proceeds

as a methodological individualist to aggregate levels of analysis that account for the effects of social structures upon human personality and character structure where this analysis assists him in drawing the conclusions he does about the longer-term viability of American democracy.

Few scholars are capable of the scope of inquiry which Tocqueville undertook in his Democracy in America. Such capabilities need not be necessary if scholars can learn to complement one another's work in proceeding self-consciously to address different foci of analysis and how these might be used in the context of different levels of analysis. The capacity of societies to reproduce themselves while modifying productive efforts and reordering relationships as they develop through time is one of the many issues that might be addressed with appropriate complementaries in social inquiry.

We are at a point where there is a growing convergence of interests on the part of diverse communities of scholarship concerned with the comparative study of institutions in human societies. If work in these different traditions can be brought into juxtaposition to one another in a contextuality involving different levels and foci of analysis, we have the possibility of communities of discourse that can contribute more effectively to a general understanding of the patterns of artisanship that apply to the organization of human societies as artifacts.

There is, for example, a large realm of discourse about human societies as aggregate structures. Much of the discourse in what is characterized as Marxist theory occurs at this level of consideration. If such characterizations were formulated not as sweeping comments about societies as a whole but as diagnostic assessments that would be relevant to a constitutional level of analysis, we might gain a more critical understanding about the essential differences between "socialist" societies and "capitalist" societies. Unfortunately, the present levels of discourse contribute little to a Tocqueville-type analysis that might enable people to understand how "circumstances," "institutions," and "customs" interact to affect the way that human beings characteristically think, feel, and relate to one another in "socialist" and "capitalist" societies.

Work among sociologists and economists in the tradition of Ocdungstheorie is critically concerned with the comparative study of economic systems in comparing different market economies with centrally-administered economies. Much can be learned from this tradition of inquiry. Its potential for being extended to analyses of the types of goods and services which are not subject to market exchange is still awaiting development. The community of scholars working in Public Choice theory are using modes of economic reasoning to explore collective decision making in relation to public goods and services. These inquiries have focused upon different structures of collective choice including

constitutional choice. The convergence of work in Ocdungstheorie and Public Choice theory offers considerable promise for the comparative study of organization in human societies.

Work in Public Choice theory is proceeding in many different foci and levels of analysis and in varying degrees of formalization. Game theorists are simultaneously contributing to a mathematical formalization of essential structures of relationships involving patterns of interactions of basic importance to the study of human institutions. This work has revealed basic similarities in the essential pattern of relationships of what has been referred to as the prisoners' dilemma, the tragedy of the commons, and the free-rider or holdout strategy in a public-good situation. Hobbes's parable of man in a state of nature, Rousseau's parable of the stag hunt, and Hume's parable of draining a meadow all have similar structures. Work among anthropologists indicates that all human societies are required to deal with a comparable pattern of interdependencies in relation to different opportunities available to human beings in their particular circumstances. The Cheyenne Indians, for example, developed an elaborate form of organization for engaging in the enterprise of buffalo hunting.

These comments about the essential complementarity of work using different foci and levels of analysis in human societies could be extended to refer to many other potential

contributions in jurisprudence, moral philosophy, and history, as well as the various disciplines in the social sciences. This work has the prospect of becoming cumulative as scholars come to perceive the essential complementarity of their work where particularities and contextualities assume a fit in relation to one another.

Similarly, individuals who are concerned with the development of entrepreneurial opportunities in human societies face much the same problem of working out specificities in the constitution of enterprises that fit within larger contextualities. The richer the contextuality and the greater availability of complementary institutional facilities for common use by diverse communities of people, the greater the variety of organizational forms that may be available for pursuing both individual and joint opportunities.

Any particular entrepreneur will face the circumstance of discrete time and place constraints in making decisions of a constitutional character in relation to an enterprise that will involve discrete forms of artisanship in yielding discrete artifacts. Organizing an enterprise and participating in its governance must necessarily imply policy and operational decisions which get reflected in the way that people relate to one another in making the complex calculations they' do in fashioning whatever effects (artifacts) are yielded by their coordinated patterns of actions. When people take account of the



artisanship entailed in the governance of human relationships as fashioning the artifacts that we know as human societies, they may acquire the knowledge and skills appropriate to a high level of self-organizing and self-governing capabilities based upon a generally-shared critical understanding of a counterintuitive science of association.

People who engage in scholarship and education are as much engaged in artisanship as anyone else. We do so both as we are a part of configurations of relationships involving others, and as we are cognizant of the methodological significance of what we do in yielding some preferred states, effects, or results. The universe of artisanship draws upon a universe of knowledge in making the calculations that yield a universe of experience in human societies. We can never see the whole picture; but we might hope to appreciate how bits and pieces are put together into complex structures. These bits and pieces might be fit together through a greater awareness of how multiple foci and levels of analysis can be used to understand social reality.