

Culture and Mind: Their Fruitful Incommensurability

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Abstract I reflect here on the historical junctures where anthropology and psychology cross paths, creating foundations for a general cultural psychology in the present.¹ I am particularly attuned to those points of intersection that inform understanding of mind in culture and culture in mind. I focus on institutions as means for canonizing the ordinary, on narrative as a mode of positioning the extraordinary vis-à-vis mundane expectations, and on agency, each of which entails intersections of mind and culture. Recent encounters with U.S. legal culture provide a ground for illustrating these intertwining relations of subjects and their cultural milieux. [culture, mind, law, institutions, selectivity]

I

Cultural psychology has a long and rather wobbly history. Yet despite its frequent proclamations of “new starts,” it has remained remarkably steady in its dedication to a single cardinal issue: how *mind* comes under the sway of *culture*—mind as somehow “inside” and subjective, culture as “outside” and superorganic (to borrow Alfred Kroeber’s classic term). How, if you will, does the “outside” get “inside”? That has been the guiding query.

More latterly, however, sharp “inner–outer” distinctions of this kind have come increasingly under attack as relics of 19th-century dualism. Constructivist theorists, I among them, complain that such distinctions resuscitate futile philosophical speculations better left behind. Nonetheless, I propose to return to this ancient distinction once again, but with a rather particular aim in mind. My hope is to achieve a better understanding of what might be meant by the dichotomy between mind and culture.

Let’s begin by comparing the views on this matter of two towering figures in cultural anthropology—views that seem at first deeply incompatible. On the one hand, there is Alfred Kroeber, who insisted that culture is “superorganic,” that it is beyond individual experience (Kroeber 1917:163–213). Yet, on the other hand, there is Clifford Geertz, who insisted with equal conviction that culture must be viewed as a people’s “ways of imagining the real,” that culture had best be viewed as inherently “local” (Geertz 1973b). Surely these two views seem incommensurable, if not incompatible. Yet perhaps they reveal something inherently challenging about our way of approaching the mind–culture distinction, and it is

that that I want to address. Nowadays, in a constructivist spirit, we would say that Kroeber's transindividual, superorganic culture and Geertz's subjectivized local one are, as it were, both made not found "out there" in the world.² Kroeber's "culture" is arrived at by an anthropologist observing some particular "people's" way of life, their artifacts, their mythology, and their ways of coping. In that sense, such a culture "exists" principally in some anthropologist's monograph rather than in the minds of the Kwakiutls or Hopis or Navajo with whom the anthropologist has lived and whose lifeways he or she has carefully studied. Even Alfred Kroeber "in the field" must rely on local "informants" who tell him what they believe to be "realities." And as anthropologists are fond of saying, nobody knows the whole culture. So it is he, the anthropologist, Alfred Kroeber himself, who must then put together an account of *the* culture.

Is all that so very different from Geertz's approach to culture as "individual ways of imagining the real," how indigenous locals imagine reality in their local settings? How, precisely, does one put these vivid Geertzian fragments together to arrive at a view of that culture "in general"? Balinese culture, for example, may be well illustrated by the famous local cockfight (Geertz 1973a), but even at that, those cockfights provide not much of a panoramic insight into Balinese culture as a whole, not even as Geertz himself has so brilliantly described it in his later works (Geertz 1960).³

All of which inevitably leads to further speculation about the relation between Kroeberian ontological culture-in-the-large and Geertzian epistemic culture-as-local. Bring it home for a moment with the meaning of a commonplace "wink" in our culture, the quick flick of an eyelid. Let's localize its occurrence, say, in an Anglo-American court of law. When you wink at your co-counsel who has just delivered a first-class closing argument, it signifies something like "Well done!"—a way of affirming your partnership with and approval of your colleague. But you had better not wink at the judge or at a pretty young juror or, for that matter, at your adversarial counsel. To explain each of these local variations, it seems to me, inevitably require an excursion beyond the local: an account of the presumed impersonality of our culture's legal system, the "neutral" judge and jury as integral to that system. The system, we say, rests on a conception of closely regulated legal "adversariality." In that light, flirtatious or personalized winking is hardly a local matter. Nor, for that matter, is it fully explicable by reference to the superorganic nature of our culture, even of our legal culture.

In a word, it is virtually impossible to describe a culture superorganically, that is, without reference to what some "informant" has told you he takes to be "real." And, at the same time, one cannot fully understand one's informant's conception of the locally real without *some* reference to the institutionally perduring nature of the "overall culture" of which the local is a manifestation.

So how shall we proceed? People in all cultures, we would agree, not only have conceptions of what is "real" in their local lives, but also have more general norms or "rules" as to how we should behave with respect to those realities: culture is deontic as well as epistemic. But

what is striking about many of culture's normative prescriptions or "rules," is that they seem so often to be circumstantially contingent, even improvisatory. Or, to put it another way, many cultural norms are implicit rather than explicit: "this is how you should proceed, *ceteris paribus*." But there are rarely enough specifications about what constitutes "all other things being equal." So you may not wink at a pretty young juror, but you are well advised to smile (or at least look pleasantly) at the jury in toto, "but not too conspicuously."

So how in the world do cultures get across their rules and norms, complicated as they are, to those who must live by them? Well, for one thing, cultures are far more specific about what is forbidden than about what is permitted: what is "over the line" in some conventional sense. The permissible has many more degrees of freedom, a matter we shall come to presently. Let me only comment before then, however, that it is a matter of deep perplexity to a cognitive scientist like myself how any culture manages to get its rules and norms passed on to those who enter it!

II

But before going further with that query, it might be helpful to turn back to how our intellectual forebears dealt with the relationship between "outer" culture and the "inner" subjectivity of mind, to past efforts to construct a cultural psychology or, indeed, a psychological anthropology.

It would not be unfair to say that mainstream psychology has, in the main, steered clear of cultural concerns, preferring to remain intraindividual, even to conceal culture by couching its manifestations in individualism-oriented terms like stimuli and responses, reinforcements, laws of mental association, and the like. How people internalize "the culture in which they live" has been only vaguely explored, kept separate from mainline psychological research and theory. Let me offer some illustrations.

Pavlov, for example, responded to socialist critiques of his theory of conditioning as being too individualistic, by introducing a separate, so-called second signal system. This system placed the social world on a symbolic level, thereby separating it from "naturalistic" psychology which was governed by Pavlovian laws of "primary conditioning." The second system never took hold—in Russia or elsewhere—typical of psychology's efforts to keep the "structured outside" out of its domain.

Pavlov's shortfall was typical. There is a particularly informative recent survey of failed attempts in the past to create a "cultural psychology" by Rainer Diriwaechter, tellingly entitled *Voelkerpsychologie: The Synthesis that Never Was* (2004:85–109). He comments in his introduction, "It is almost hard to believe that the name *Voelkerpsychologie* [cultural psychology] was once widely used, becoming a part of the vocabulary of the educated German public" (2004:85). The founding date of the new movement is usually set at 1860 when

Lazarus and Steinthal brought out the first issue of the *Zeitschrift fuer Voelkerpsychologie und Sprachwissenschaft*, a journal that continued in publication for 30 years. But, interestingly, not a single article in its pages during its first 20 years made any reference at all to the efforts of the then newly emerging discipline of experimental psychology, work by the towering Helmholtz on higher-order perception, by Wundt on “creative synthesis” (*vide infra*), by Ebbinghaus on memory, and so forth. The emphasis of the new journal, reflecting the spirit of those times, was principally philological. But as Diriwaechter wryly comments, the emphasis on historical philology “did not do much to shed light on the *Volksgeist*” (2004:89), the shape of mind among people of different cultures.

After its first 20 years, the *Zeitschrift* shifted focus to folklore, for philology was rapidly going out of fashion, emphasis having shifted to the new structural linguistics introduced by Saussure’s Geneva school. Yet we must note that when the “new” Saussurian linguistics finally tried its hand at understanding the mind–culture interaction (as with Whorf, Sapir, and others in the 20th century who were pursuing the lead of the great von Humboldt), little new came of it despite the enthusiasm engendered in the mid–20th century by the Whorfian Hypothesis: that minds were shaped by the language into which thought had to be translated, particularly a language’s syntax and semantics.

Much earlier, in the 1880s, it had been principally Wilhelm Wundt, psychology’s very own “father,” who had tried to create a *general* cultural psychology, his effort mostly in vain. Wundt readily recognized that while the rigorous experimental methods of the then new psychology could examine the inner “perceptions” of the individual, they were inappropriate for the study of the “higher” products of mind that emerge when humans operate in a social world under the control of language, myth, customs, morals. His proposal for a *Voelkerpsychologie* was a social–genetic one, with principal attention to how modern humans emerged. And as was customary in those Darwin-obsessed times, he offered a rough evolutionary sketch of this progression, starting with a universal primitive *Urmensch*, progressing to a totemic period, then to an age of heroes and gods, and ending with humankind as we know it in our times.

This progress, he argued, was to be analyzed psychologically, not just historically. And the key psychological process at work in the emergence of humanity was what he called “creative synthesis,” the forming of new associative connections as individuals cope with the evolving social world. His was not to be just an historical analysis of the emerging human condition but, rather, a psychologizing of history aimed at understanding how mind shapes and is shaped by emerging historical settings. But of those “settings” he had little to say, aside from invoking highly individualized “creative synthesis.”

Alas, Wundt today is virtually opaque, removed from cultural concerns by his in-the-single-head atomistic, associationist views about mental activity as the linking of sensations. Not only was his psychology pitilessly atomistic (see my recent article on this point (Bruner 2004:3–20), but its presumption about a universal *Urmensch* going through universal stages

is quaintly antique. As for his methods for psychologizing history, they seem ad hoc and arbitrary and, alas again, out of a past age. Another failure, indeed, another forgotten failure.

So what of the much later culture-and-personality movement, another effort to develop an integrated cultural psychology. If Wundt could be criticized for imposing an inappropriate associationist atomism on mind, the culture-and-personality movement did little better by imposing a watered-down version of psychoanalytic personality theory cross-culturally. No doubt, our understanding of personality development is enriched by studying the psychodynamics of development as they manifest themselves in different cultures. But, alas, the psychoanalytic emphasis presupposed such a universality of the Freudian family drama that it masked many of the more mundane questions about cultural shaping, about the shaping of “everyday ordinariness” as it emerges in daily life.

But there are exceptions to psychology’s resistance to the culture issue, perhaps the most notable being the Russian Lev Vygotsky and the “school” that grew up around him, always at official risk in the Soviet Union, especially in the years after his early death in 1928.⁴ Vygotsky concentrated on the processes whereby mind, in his word, “internalizes” the culture in which it is nurtured. It should be said right off, however, that his ideas about both culture and its internalization in the mind were influenced as much by the emergence of post-revolutionary Russian literary theory as by psychology. Russian literary theorists of the times, like Bakhtin,⁵ were centrally concerned with how literary representations of reality created “possible worlds” (*ostronenyi*) in the minds of readers. But Vygotsky was also deeply impressed by how new and changing worldviews produced by the Revolution among Russia’s peasants also affected their sense of autonomous selfhood and their level of abstraction.

Perhaps Vygotsky’s main contribution was to awaken a new awareness about mind–culture issues and to provide it with a popular and provocative metaphor: how mind internalized culture. Let it be noted, though, that his influence is still alive, strongly promoted by an international “school” of followers, led principally by two American cultural psychologists, Michael Cole and James Wertsch.⁶ And, worldwide, there is much less resistance today to the “idea” of culture’s role in “shaping” mind. But the mechanisms by which this is brought about are still rather vaguely formulated.

Yet there have also been efforts to overcome this shortcoming, “cognitive anthropology” being perhaps the most striking example, a movement principally inspired by the cognitive revolution in mid-1950s and the decade following. Its aim was to explore folk taxonomic systems as expressions of culturally induced cognitive tendencies. To quote from the Introduction of one of its principal anthologies, “cognitive anthropology . . . focuses on *discovering* how different people organize and use their cultures” (Tyler 1969:3).⁷ Interestingly, a German counterpart of this movement, calling their discipline “cultural psychology” brought out a volume some 20 years later, tellingly entitled *Pursuit of Meaning*, still principally inspired by the mentalism of its German forebears (Straub 2006).

Oddly, while the importance of culture in the shaping of mind is more widely recognized among psychologists today, culture's foundational, "obligatory" role in the forming of human nature is rarely made explicit. I can recall no statement by a psychologist that matches the directness of the following one by Geertz:

Man's nervous system does not merely enable him to acquire culture, it positively demands that he do so if it is going to function at all. Rather than acting only to supplement, develop, and extend organically based capacities logically and genetically prior to it, it would seem to be ingredient to those capacities themselves. A cultureless human would probably turn out to be not an intrinsically talented, though unfulfilled ape, but a wholly mindless and consequently unworkable monstrosity.

[Geertz 1973b:68]

In the articles commenting on the mind–culture "interface" in this issue of *Ethos*, there are many new stirrings in response to this classic problem. Change is obviously in progress. But I shall not comment on these stirrings, for I want to explore where I think things are going now from the particular perspective in which my own ideas are framed.

III

One crucial matter before we proceed, perhaps a philosophical rather than psychological one. It too relates again to how we distinguish between what's "outside" and what's "inside." Let me call it the problem of "institutionalization." A culture, however we decide to characterize it, imposes itself by creating stabilizing, enduring institutions: systems for the exchange of information, of respect and affection, of goods and services, and of kinship obligations.⁸ Such institutions obviously shape identities: storekeepers, professors, mothers, even indeed consumers of "literature" and its forms of genre.

Institutions, of course, are virtually in principle superorganic in Kroeber's classic sense. For all that, they inevitably shape the expectations and hopes of those under their sway. Perhaps they do so by setting limits of what is permissible or justifiably possible and, in most legal systems, specifying what is forbidden, backed up by a specification of enforceable punishment. But, while few of us ever experience directly a society's "police powers" prescribed for violations of the law, for example, the very existence of such powers affects what we think is possible for us. And, of course, there is also a more indirect effect exercised by literary or mythological traditions: who wants to be accused of being Hamlet-like or like Madame Bovary? Which is not to say that cultures do not offer "idealized" or positive models as well, but these are principally emulative rather than controlling.

Institutionalized cultural prescriptions (again as in a body of law) rarely operate just from "outside." In some form or other, they do indeed become "internalized" (to use Vygotsky's favorite, term). But how shall we characterize that process? Surely it is more than sheer conformity. Conformity to what? One is reminded of the long-ago work of Floyd Allport

(1924) on the now mostly forgotten concept of the “J-curve” of conformity behavior: that in situations governed by social norms, human responses are not normally distributed but are skewed to conform to a recognized norm in a J-curve rather than the usual Gaussian distribution. But Allport noted that people were unaware that they were behaving in such a conforming fashion. Is sheer conformity a sufficient description of internalized institutionalized cultural norms? Nor is it quite sufficient to say, with Emile Durkheim (1963), that we “project” our culturally shaped convictions into a Kroeber-like superorganic world in order to endow them, in his words, with “exteriority and constraint.” That description fails, somehow, to capture what is involved in the institutionalization of cultural norms.

To sum it up in a few words, we internalize our culture’s demands, make them our own as it were, but we then somehow legitimize them by externalizing them into an institutionalized, superorganic world “beyond” us. And we know precious little about the processes involved in doing so!

IV

Let me turn now to my own halting and partial efforts to come to terms with how culture affects mind, an approach that is almost exclusively dominated by the internalization issue. I begin, of course, with a few rather self-evident propositions about how “culture” (which I shall leave undefined, save to note that it is “outside”) impacts mind.

1. Membership in a culture can be characterized as the sharing with others of conceptions about what can be taken as *ordinary* in the round of living.
2. Such shared ordinariness is engendered and supported by institutionalized forms needed to promote and maintain a society’s *systems of exchange*. A society could not long exist, as Claude Lévi-Strauss has reminded us, without institutionalized, stabilizing systems of exchange.
3. A shared sense of the ordinary is highly rewarding psychologically. It supports and furthers the distinctively human, innate gift of *intersubjectivity*, being able to “know” and share each other’s mental lives. It is a distinctively human capacity.
4. Yet a culture must also provide its members with means for understanding and tolerating *deviations* from shared ordinariness. One of the principal ways in which it does so is by framing its representations of the world in a way that renders deviations from shared ordinariness both conventional and manageable. One of its principal means for doing so is through *narrative*—a matter to which we will turn in a moment.

In a word, the impact of culture on mind is through the conventionalization of experience into shared ordinariness, a conventionalization that makes place as well for rendering deviations from shared ordinariness into a comprehensible and manageable form, even to “disguise” them artfully. I shall only be able to say a few words about each of these, but I hope I can make clear what I mean.

About the first two matters—about the construction of and the interpersonal binding effects of shared ordinariness—I shall come to these presently. Many students of the human condition take these as self-evident, even as the conditions necessary for the emergence of a culture-generating human species.⁹ And I hope I will be forgiven for bypassing the powerful role of language in creating shared ordinariness.

Let me begin with my third point: the rewarding effect inherent in a shared sense of the ordinary. I worked for over a decade on the early acquisition of language in infancy, and particularly with its prelinguistic intersubjectivity-promoting precursors¹⁰ such as infant pointing, the sharing of gaze direction, and the like. What stood out from the start was the enormous satisfaction and pleasure of both mother and infant in mastering virtually any form of sharing and promoting joint attention between them, whether on some event or object or inner state. Lacking this, there develops the autistic child, isolated from the sodality of shared ordinariness. The normal child does not have to be taught the arts of intersubjectivity. And the autistic child, alas, cannot be taught them. Indeed, Self, as it were, depends upon Other as a sharer.

I began this article by asking how culture “shapes” mind, the founding question of cultural psychology. Perhaps the first part of the answer is that it does so by dint of just such dependence of Self on Other: dependence and, interestingly, independence as well. Gradually, as the textbooks like to put it, the infant manages to differentiate him or herself from the world “outside,” from Other(s). But then starts a career of forming a shared world with those from whom the infant has differentiated. It is then that, as it were, the child “enters” culture—or, as well, that culture “enters” the child.

And in time we shall say a bit more about the various modes of child-rearing that shape the child to a culture’s ways. But, first, where does narrative come into this picture, the final item on my list above?

V

To begin with, what is narrative? To put it formally, stories are accounts of the intrusion of the unexpected on the expected; they are about violations of the shared ordinary, and about how such violations are resolved. A story characteristically begins with some presupposed version of shared ordinariness, then moves on to its violation (what Aristotle refers to as its *peripeteia*), then recounts actions taken in the interest of restoring initial ordinariness or creating a new version, and finally offers a resolution—often followed by a coda in the form of a “moral.” Here is one such narrative, an account of something that befell me while I was at work on this article:

I was walking through Washington Square Park the other day when this young guy comes up to me and asks, “Hey, do you want to buy a theory? I’ve got some good ones here.”

So I said, "What kind of theories have you got?" as I continued walking toward Bobst Library, where I knew there'd be a cop out front.

And he replied: "Well, nothing but the best Kuhnian paradigms!"

So I said "You're pulling my leg!" And he laughed and said, "You don't recognize me, but I was in your big lecture course last year."

So I laughed and replied, "Not bad when you can use Kuhn's *The Structure of Scientific Revolutions* to cut capers here in Washington Square a year later."

There is no culture on the face of the earth that lacks narrative genres for recounting in story form how the ordinary got elbowed by the unexpected, what steps were taken to cope with it, and what finally happened and to what end.

What makes stories so universal? Recall Claude Lévi-Strauss's concept of a culture as a system of exchanges, for the exchange of affection and respect, of knowledge, of goods and services. Each of these systems generates its conceptions of the ordinary and, indeed, offers templates for delineating the possible. And, obviously, these coexisting systems often engender conflicts, inconsistencies, incommensurabilities. Perhaps a culture's narrative forms—its fables, myths, folktales—come into being to standardize these conflicts and inconsistencies, indeed to render them more manageable, more ordinary. And, indeed, we know from the classic studies of Sir Frederic Bartlett and many since, that when stories deviate too much from ordinariness, they are converted back into a more conventional form in memory (Bartlett 1932).

The life of mind seems everywhere to be caught in a never ending dialectic between the ordinary and the unexpected, between the quotidian and the exceptional. Narrative seems to be our natural form for rendering the two into a culturally and cognitively manageable form.

I commented earlier on the artfulness of narrative, suggesting that we may need it in order to cope with deviations from the ordinary, to render them "manageable." I once, long ago, wrote a principally literary little book of "essays for the left hand" (Bruner 1979) in which I argued that the function of art was to rescue the ordinary from its banality, to bring what was taken for granted back under closer scrutiny. I realize now that it has always been commonplace to use that very narrative form to do just the opposite: to protect us from unexpected (and undesired) exceptionalities. We convert the narrative form into a buffer against the unexpected. *Les extremes se touchent!* Perhaps that was one reason why Oscar Wilde's famous remark about life imitating art was greeted with such ambivalence. In the main, I think we'd like to keep open the question of whether art imitates life or, more disturbingly, whether it's the other way round, an uncertainty endemic to human culture?

VI

I confess that I am not really "conscious" of being a "cultural psychologist," even when I read well-observed and well-wrought anthropological monographs. Is my perspective any

different, reading the works of (admittedly an old friend) Clifford Geertz than when, say, I reread some of my own early articles, as when I was, say, trying to understand differences in how Harvard undergraduates perceive value-laden and value-neutral objects, or the interactive play of four- and five-year-olds in the famous preschools of Reggio Emilia, or the defensive political capers of newly liberated Frenchmen in the shelled-out Normandy of 1944. I seem, somehow and mindlessly, to “take it for granted” that, after all, they are all human beings imbedded in particular cultural matrices, to be sure, but still basically human beings. So how shall I think of culture shaping individual minds? Then I ask myself whether it’s ever possible—given our inevitable and deep immersion in culture in the manner described in my earlier citation from Geertz—is it *ever* possible to be a psychologist *without* being a *cultural* psychologist—to look on Nature bare, as it were.

You do not have to travel to Fiji to be a “cultural” psychologist. Can you be anything but? Even, indeed, if you are studying something as traditionally pared down as, say, the perception of *size* in a psychology laboratory. Let me illustrate. I once studied how kids perceived the size of coins. Well, it turned out that the size of coins is overestimated according to their value: the more valuable the coin, the greater the overestimation of its size. And if you compare well-off kids with poor ones, the poor kids overestimate more (Bruner and Goodman 1947:33–44). Can you, then, really understand size perception without taking into account cultural considerations?

So culture gets to mind by influencing even how we see size? I got to know Kroeber when he was a visiting professor at Harvard for a term and I a brash young lecturer. I wish now I’d asked him how that curious finding fit into his notion of the superorganic nature of culture.

Indeed, even the old-style studies of rat learning have a certain cultural overlay. Let me tell another story on myself. When I was still a gung-ho undergraduate, the professor with whom I was doing one of those senior research-and-reading courses let me do a rat-learning study. I’ll describe it first, and then explore it as a cultural metaphor.

It was my hunch that if you teach rats that there is nothing they can do to escape punishment, punishment will lose its power to steer learning. Punishment under those circumstances is just something you suffer through rather than learn from. So I divided my rats into two carefully matched groups, individual members of both of which were put daily into a shallow glass-topped box, the floor of which was a metal grid and the glass top so close down that the poor animal could not escape the grid. The rats in one group got an uncomfortable, inescapable jolt of electric shock from the floor-grid every 15 seconds. Those in the other group heard a buzzing sound instead of getting shocked.

That part done, we then gave the rats a simple learning task. Each of them, individually, was put into a tank of water from which they could escape by going up either of two ramps leading to a dry platform—one ramp lighted, the other not, the position of the lighted one randomly shifted back and forth between the right and left sides of the tank. The rats had to

learn that the lighted ramp led safely out of the water, no matter what side it was on. If they chose the unlighted ramp, they got shocked while going up it on their way to a dry platform. That was it (McCulloch and Bruner 1943:333–336).

Well, the rats who had only received the buzzer treatment in that glass-topped box were full of enterprise in the water tank. Once they had been shocked for trying to escape the water by the wrong ramp, they would swim back and forth casing the joint, comparing the alternate escape ramps. From there on, learning went fast.

Not so the rats who'd learned shock was inescapable in that glass-topped box. It was not just that they were slow to learn, but *how* they went about it. When they experienced shock on the wrong ramp, they'd go "resigned"—charge right up it and damn the shock, never mind whether it was lighted or not, shock was just something to be lived with not to be learned from.

I think I already knew about poverty's power to create helpless resignation in the face of trouble, although I recall my left-wing sociology girlfriend kidding me with "You needed *rats* to show *that*?" Never mind, I thought my little rat study had shed light on a "basic psychological mechanism." I was not much thinking about culture, although I'm sure I'd taken or sat in on just about every anthropology course on offer at my university.

Years later, when I served during the Johnson era on a Presidential commission examining the ill effects of poverty on children's development, that study came back into mind. I even thought about my sociology girlfriend's remark. Maybe poverty produces the kind of hopelessness that we'd produced in those shocked rats. So I suggested to Sargent Shriver (then directing the Federal Office of Economic Opportunity in Washington) that it might be a good idea to give poor, discouraged, hopeless kids a "head start," a year or two of successful preschool activity before they got to regular school. An empowering head start rather than the disabling one imposed by poverty. Needless to say, I never said a word to Shriver about rat experiments.

Had a subrosa cultural psychology been in the back of my mind way back then, senior year in college working with rats? Who knows? It certainly was in the back of my girlfriend's mind! Indeed, you do not have to go to Bali to study the dynamics of culture. "Acquired helplessness" has become part of the standard psychological literature—even attributed, as noted, to fraught relations among authoritative and less privileged subcultures.

VII

So what, then, is cultural psychology? Or what *should* it be? I doubt the time has come (if ever the time will come) to "systematize" it as our psychologist forebears tried to do. God spare us another Wilhelm Wundt! Culture and its institutions self-evidently affect how

mind works, few doubt that any longer, even in the psychologist's "sacred" domain of perception, as with that bizarre little coin-size experiment of mine. Culture even leads Javanese cock-fighters to ignore the most fundamental rational rules of risk taking. But are there such rules, independently of culture? That has surely been put in doubt by the Nobel Prize in economics awarded to Daniel Kahneman for his work on "prospect theory" with Amos Tversky. But is it "human" or "cultural" that their subjects *disliked* losing a certain sum of money more than they *liked* winning an identical sum?¹¹ Is it that way in Bali?

Can we ever study culturally naked human beings, although the question still remains how "culture" gets into "mind"? I suspect, indeed, that there is some impenetrable incommensurability between the concept of culture and the concept of the individual mind. Yet I am convinced that a psychology that excludes the individual's embeddedness in culture is bound to be shallow, if not absurd, just as absurd as an anthropologist ignoring universals of "human nature" just because she's in Bali. For all that, it has never been easy for psychologists to come to terms with culture, or for anthropologists to be at ease with generalized conceptions of "human nature."

For there are fruitful dilemmas to be explored at the interface between what we call individual mental functioning and what goes by the name of institutionalized culture, like how different cultures deal with individual differences in, say, temperament, even though culture itself helps shape temperament. While these dilemmas may remain unresolved, I am no longer dismayed by this prospect. For our efforts to come to terms with both "individuality" and "culture" probably yield those fruitful dilemmas to which I refer. To be more specific, let me illustrate three such.

The first dilemma arises when we ask how best to study the human condition. Is the individual, *eo ipso*, the proper study of humanity, as Alexander Pope urged, or had we better consider humans in the social settings that provide identity, that shape desires, that even forge notions about destiny? The answer, plainly, is that we must do both—although it is anything but plain how to do so. Yet, in spite of that uncertainty, we manage to generate some of our richest ideas about the relation between, say, individual human rights and the requirements of an operable society, ideas ranging from Locke to Hobbes, from efficiency "principles" that guide corporate governance to the "self-evident" axioms that define a democratic state as in the U.S. Bill of Rights.

The second one is related. Shall we take man as the agent of his acts (as we tend to do in U.S. law, mostly) or is he the "victim" of circumstances, the helpless "output" of a social system? The two perspectives (while seemingly irreconcilable) nonetheless enrich each other, even where, as in the law, we debate the kinds of circumstances in a criminal case that may be mitigating or aggravating in deciding upon sentencing. And few will doubt that such debates have been fruitful and "consciousness raising."¹² Indeed, as I write these lines, the Supreme Court has just granted a habeas hearing in a death penalty appeal dealing with the issue of

whether somebody who commits murder in the grip of a delusion can be sentenced to death without violating the Eighth Amendment prohibition against cruel and unusual penalties.

Thirdly, knowing what we know about early childhood opportunities and eventual adult competence, how shall we conceive of our responsibilities to the very young with regard to protecting them against deleterious and irreversible influences? Does a voluntary Head Start suffice? How to conceive of the interplay of “home culture” and individual mental growth?

These are the kinds of “fruitful dilemmas” that I have in mind and I want to conclude by exemplifying them more pointedly in the context of my present concerns. For my present concerns are (at least seemingly or presumably) far removed from those long-ago crypto-cultural rat studies on acquired helplessness! For I now occupy the anomalous position of a university professor, a psychologist in a school of law. Yet in fact the mind–culture issue lurks in the background of what lawyers do.

As a law school professor, I am indeed sympathetic to Professor Kroeber’s superorganic dictum: how could it be otherwise? The *corpus juris* is presumed to stand on its own: an autonomous body of law that is a matter of record. Yet I must also accept Geertz’s insistence that culture is our “way of imagining the real.” Although we may never reconcile the two philosophically, our struggle to do so in our courts of law tells us much about how we manage the fraught distinction between culture and mind, the collective and the individual. I offer an example from the domain of U.S. criminal law.

By way of introduction, in America we divide court trials for capital crimes into two phases: a guilt phase and a sentencing phase. In the first phase, we leave out entirely (or are enjoined to leave out) such psychological issues as whether or not the accused had this or that motive, whether he was operating under this or that circumstance, and so forth. The question is simply *whether* he did or did not commit the crime of which he is accused. (But even that is not quite accurate because the guilt phase in a capital trial may require evidence of “malice aforethought” if the accused is charged with first-degree murder). But generally, the guilt phase is dedicated to determining simply whether the accused did or did not commit a specified crime, period. In this sense, it is principally “outside,” to revert to that earlier terminology.

But in the following sentencing phase, individual psyches and the cultural conditions that created them become much more central. There is a vast body of literature and of legal precedent that can be cited here and, indeed, that must be cited if the sentence of a capitally convicted party is to be appealed. It is in this phase that the law court becomes something of a seminar on the subject of crime, culture, and human nature. More on this in a moment.

The law, as H. L. A. Hart (1963)¹³ put it, rests on commonplace normative conceptions that have become formalized into a legal system backed by powers of enforcement. For all that,

law must somehow accord with the commonplace, whatever its source of authority. As we say, “justice must not only be done, but must be seen to be done.” Kroeber and Geertz must live together.

The very doctrine of *stare decisis* that legitimizes the use of legal precedent presupposes an autonomous or “superorganic” body of law, the *corpus juris*, as I commented earlier. It is supposed to be independent of individual psyches, or so we tell our law students. Yet what are we to make of the great 18th-century Lord Mansfield proclaiming in the famed *Somerset Case* that *by nature* man is free unless local statutes specify otherwise. His citation, interestingly, was to Montesquieu as an authority on the inherent nature of man. The law, then, is based on conceptions of human nature, “self-evident” conceptions about the inherent nature of man. It was *Somerset’s Case*, by the way, that was cited in *Brown v. Board of Education*, not the expert psychological testimony I offered as an *amicus curiae* summarizing research on the deleterious effects of segregation in one of the cases included in the *Brown* litigation (*Gebhart v. Bolton*, State of Delaware, 1951).

Nobody, of course, has ever argued that a human’s inner life works itself out independently of cultural context. Even Freud’s Oedipal drama, private as it was, presupposed a culturally legitimized institution, the family. Families matter precisely because of their mix of the institutional and the psychological. The incest taboo surely prevails precisely because it is an interactive mix of the institutionalized and the personal. And the two interact over time, inevitably.

The culture, again seconded by the law, holds that certain acts are forbidden. Any individual is held legally responsible, individually, for committing one such. Virtually the only way out of such responsibility is by filing a plea of *mens rea*, claiming incapacity to distinguish between what is permitted and what forbidden. *Mens rea* is itself a cultural convention, its criteria resting on culturally canonical conceptions about the nature of mind. And so too such notions as mitigating and aggravating circumstances in the sentencing phase of a court trial, as already noted.

There is a fascinating anthropological literature on how rights, responsibilities, and violations are conceived and managed in various indigenous cultures—Bronislaw Malinowski, Max Gluckman, Sally Falk Moore, E. E. Evans-Pritchard, Donald Brenneis, and many others. Indeed, I and my colleague Oscar Chase (who has recently published an overview of this literature) use it in our seminar at the New York University School of Law in order to combat our students’ “taken-for-granted” views about Anglo-American common-law practices (Chase 2005). I am struck by how many schools of law now take it upon themselves to provide a comparative perspective, to help their students recognize that culture begins, as it were, at home: that, indeed, you do not have to go to Fiji to find “it.”

Indeed, the relation between individual mind and culture is by no means just an academic issue. It has reverberations in virtually every domain of “practical” life. Indeed, it easily (and

often) becomes a political issue. And perhaps just as well. For the mind–culture dilemma bears on issues as pressing as welfare, education, human rights, and gender equality.

It is a happenstance of academic life that anthropology and psychology became separate disciplines. But it would be a great pity if their separation led to a suppression of those fruitful dilemmas to which I have referred. Fortunately, the separation is lessening. And plainly, we need such presumed hybrids as cultural psychology or psychological anthropology to funnel the effort, perhaps because they are such fruitfully fraught dilemmas. I do not think the dilemmas will soon be resolved and I am deeply suspicious of efforts to cover them over.

A truly general psychology cannot ignore culture in its effort to understand mind. Nor does it suffice for a truly general anthropology to rest content with the view that culture is exclusively “superorganic.” I think the dilemmas of both disciplines become fruitful when squarely faced, as they are being faced increasingly (and under the pressure of circumstances) by those who must deal with them in the conflict-ridden setting of the law. I am sometimes asked by colleagues whether I “miss” psychology, teaching and researching as I do in a law school. In fact, and despite law’s efforts to be shed of concerns about “mind in a bottle,” I find myself more often faced with those “fruitful dilemmas” about mind and culture than ever before in my long academic life!

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Notes

1. This article was first presented as a paper in a Guest Address at the 99th Annual Meeting of the American Anthropological Association, San Francisco, November 15–19, 2000.
2. For a lucid account of the philosophical roots of constructivism, see Nelson Goodman 1984.
3. See also Geertz’s *After the Fact: Two Countries, Four Decades, One Anthropologist* (1995).
4. See particularly Vygotsky 1962 and Luria 1961.
5. See, for example, the excellent volume by Katerina Clark and Michael Holquist, *Mikhail Bakhtin* (1984).
6. See, for example, Michael Cole 1988 and Wertsch 1985.
7. The authors who contributed to that book did indeed succeed in turning anthropology “inward,” but they were not in search of how to conceptualize the “mind–culture” relationship—and they included some of the leading anthropological figures of their day—like Charles Frake, Harold Conklin, Brent Berlin, Floyd Lounsbury, and Ward Goodenough.
8. I am obviously relying on Lévi-Strauss, especially *Structural Anthropology* (1963), in so characterizing culture.
9. For a thoughtful discussion of these issues, see Michael Tomasello and Joseph Call 1997.
10. See, for example, Jerome Bruner, *Child’s Talk: Learning to Use Language* (1983).

11. For a particularly thoughtful discussion of the Tversky–Kahneman work and its impact, see Paul Brest 2006. Unfortunately, Amos Tversky died several years before the Nobel Prize was awarded, and the prize is awarded only to living scholars.
12. See, for example, *amici curiae* briefs originally submitted on writ of *certiorari* to the U.S. Court of Appeals for the Fifth Circuit—*Cole v. Quarterman* (U.S. Supreme Court 05–11284) and *Brewer v. Quarterman* (U.S. Supreme Court, 05–11287). Both are learned briefs from public-health related professional societies concerned with the issue of whether early child abuse should be taken as a critical mitigating circumstance in the penalty phase of cases where the defendants have been found guilty of capital crimes.
13. See also Lon L. Fuller, *The Morality of Law* (1964) and, especially, Robert M. Cover *Nomos and Narrative: The Supreme Court 1982 Term* (1983).

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