

CULTURAL SOFTWARE

A THEORY OF IDEOLOGY

J. M. B A L K I N



Yale University Press *New Haven & London*

Published with assistance from the Louis Stern Memorial Fund.

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Set in Janson Roman by Rainsford Type, Danbury, Connecticut.

Printed in the United States of America

Library of Congress Cataloging-in-Publication Data

Balkin, J. M.

Cultural software : a theory of ideology / J.M. Balkin.

p. cm.

Includes bibliographical references (p.) and index.

ISBN 0-300-07288-0 (cloth : alk. paper)

ISBN 0-300-08450-1 (pbk. : alk. paper)

1. Ideology. 2. Culture. 3. Social values. 4. Justice.

I. Title.

B823.3.B25 1998

140—dc21

97-37011

A catalogue record for this book is available from the British Library.

The paper in this book meets the guidelines for permanence and durability of the Committee on Production Guidelines for Book Longevity of the Council on Library Resources.

10 9 8 7 6 5 4 3 2

Cultural Software
J. M. Balkin
Yale University Press 1998
Online version

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For Margret

 CONTENTS

Preface, ix

1 TOOLS OF UNDERSTANDING, 1

PART I CULTURE

2 BRICOLAGE AND THE CONSTRUCTION OF CULTURAL SOFTWARE, 23

3 MEMETIC EVOLUTION, 42

4 THE SPREAD OF CULTURAL SOFTWARE, 74

PART II IDEOLOGY

5 CONCEPTIONS OF IDEOLOGY, 101

6 AMBIVALENCE AND SELF-REFERENCE, 122

7 TRANSCENDENCE, 142

PART III METABRICOLAGE

8 CULTURAL HEURISTICS, 173

9 NARRATIVE EXPECTATIONS, 188

10 HOMOLOGIES AND ASSOCIATIONS, 216

11 METAPHOR, METONYMY, AND COGNITIVE MODELS, 242

PART IV UNDERSTANDING

12 THE POWER OF UNDERSTANDING, 261

13 KNOWLEDGE MADE FLESH, 286

Notes, 295

Index, 327

 PREFACE

This is a book about culture and historical existence. It is a book about what cultures are and about what it means to be a person who lives at a certain point in history and whose individuality is shaped by a particular time and a particular culture. These questions have fascinated people for centuries; this book offers a distinctive answer to them. I argue that what unites the ideas of culture, personhood, and historical existence is information. To be part of a culture, to be socialized or acculturated, is to possess a certain kind of information—cultural know-how. Cultures are populations of individuals with relatively similar kinds of cultural information. To be a person is to be constituted by a particular kind of cultural information that exists at a particular point in time. The cultural information within human beings grows, changes, and evolves as we come in contact with others. It is reflected in our technology, in our institutions, and in the articulation of the values we hold most dear.

We are the bearers of this cultural information; indeed we are constituted by it. And its constitution of us is our constitution as historical beings. It is the source of our historical existence.

I call this cultural information *cultural software*. Because cultural software is the basis of all cultural understanding, it is the basis of the shared ways of understanding that people call ideology. The different beliefs and worldviews that human beings possess are the product of the evolution of cultural information that is instantiated in human beings and helps makes them the unique individuals they are.

People come to these kinds of issues in many different ways and from many different directions. I came to them through the study of law. It does not take long for lawyers to recognize that people's views about what the law is and

should be are often shaped by their beliefs about society and justice. Moreover, law is often asked to resolve disputes between people with very different views of the world. Because I was drawn repeatedly to the question of how ideology worked, I decided to write a book about the subject. But as with so many projects, this one took me in unexpected directions. What started out as a relatively straightforward analysis of the nature of ideology ended up as a speculative essay about the philosophy of culture. Of course, the notion that the ideas in our heads take on a life of their own, and that ideas have us as much as we have them, is one of the major themes of this book.

In the last half of this century people have offered many theories that either assert or assume that individuals are socially and culturally constructed. These theories have tended to submerge the individual into the larger forces of society and culture. Perhaps partly in reaction to these trends, another group of theories has reasserted methodological individualism—the view that all social phenomena can be explained in terms of individuals, their actions and their mental states. Not surprisingly, these opposing approaches have symmetrical strengths and weaknesses, each explaining best what the other downplays or disregards.

I believe that a theory of culture must account for the uniqueness of each individual human being, while showing how the social and cultural forces shape us and produces our individuality. And I believe that individuality, like human freedom, is produced through culture, not in spite of it. The theory of cultural software offered in this book tries to explain why this is so.

Like methodological individualists, I would rather do without supraindividual entities. I do not think that these entities can adequately explain the production of shared beliefs or the presence of dissensus and disagreement within cultures and communities. Yet I also believe that a thoroughgoing methodological individualism is incomplete, for the individual is not the only unit of social explanation. Advocates of social construction have been looking in the wrong place; instead of looking above or beyond individuals, they should look deeper inside them. Instead of supraindividual entities, a theory of culture needs to take account of subindividual entities: the units of cultural transmission that help form individuals and create an economy of cultural development and exchange. These subindividual entities are cultural software; and they produce many of the effects that have led social theorists in the past to look outside the individual for explanations of the cultural.

This additional level of explanation makes it possible to view culture and society in a different light. We can see cultural software as something that both constitutes our interests and works against them. We can understand conventions and institutions as self-reproducing coordinated complexes of cultural software that have their own “interests” in survival and reproduction. And we can recognize how certain kinds of cultural software act like virtual parasites,

breeding unhappiness and injustice as they reproduce in human minds and institutions.

Postulating subindividual entities like cultural software also frees us from other forms of social explanation. We need no longer offer functionalist accounts to show why cultures and societies develop as they do. We need no longer assume that human conventions and institutions exist because they promote economic efficiency or human happiness, or because they solve important problems of social coordination. We need no longer offer “just-so” stories to explain away injustice or human misery as the necessary adjunct of achieving proper social functioning. Instead of functionalist accounts, we can offer evolutionary accounts, where the units of selection are not human beings but their cultural software, a cultural software that thrives and reproduces in the ecology of human minds. Nor need we explain human suffering as the necessary working out of a predetermined teleology of progress. Cultural evolution proceeds, but not toward any particular goal. We are its agents but not its puppets. We are its bearers but not its slaves.

Finally, the approach that I advocate in this book allows us to bring together many different and seemingly contradictory research programs in the human sciences. If human culture is bricolage, the solution of problems by adapting the various intellectual tools that lie to hand, the study of human culture—which is itself a part of culture—can hardly claim greater methodological purity. It should be a bricolage about that bricolage, a metabricolage that makes use of insights from many different sources and approaches. That is the entrepreneurial spirit of human reason. That is the spirit in which I undertook this volume.

When I told friends that I was writing a book entitled *Cultural Software*, some of them were amused. Others nodded knowingly and advised me that I am simply a victim of the age in which I live: an age in which new fortunes and new empires are being constructed daily out of computer programs and computer networks. After all, didn't philosophers impressed by Newtonian science offer mechanical models of human thought?

My response to my friends has been that we are always influenced by the age in which we live, we always absorb the intellectual tools that lie to hand. That is what it means to exist historically. That is one of the central themes of this book. Even if I deliberately eschewed the metaphor of software and hid my ideas beneath other conceptions less obviously inspired by the events of the late twentieth century, there would be influence enough. I use metaphors and ideas because they are useful, and in the hope that they will create a spark of recognition and excitement in others. It is true that no one would have compared cultural understanding to software two hundred years ago, but now that the comparison is possible, why not employ it?

Still others have objected to the metaphor of software on the grounds that computers are soulless, inhuman, and mechanical, and that human culture is too laden with value and emotion to be compared to information. But these concerns, too, strike me as misplaced. Cultural know-how is one of humankind's most distinctive characteristics; we become who we are through the absorption and communication of information. And cultural information is not some inert form of data; it is skill, know-how, ability, empowerment. It does not do without human values but articulates them. It does not displace emotions but helps express them. It does not extinguish personhood but makes it complete. People who think that cultural information is soulless understand neither information nor the soul.

The metaphor of software, I predict, will in time seem no more forbidding than the metaphors of engines, or bicycles, or railroads seem today. Nowadays, some people think that steam-powered railroads are romantic. Yet for many in the nineteenth century, they were the very symbol of heartless mechanism. No doubt *software* will change its cultural connotations over time. Perhaps someday the word itself will seem hopelessly quaint and antiquated. I can only pray that the ideas contained in this book will not meet a similar fate. It is my hope that a few of these notions will grow, develop, flourish, and spread to other minds, helping those who absorb them to understand this world and themselves a little better. More than this an author cannot ask.

I was honored to be able to present the argument of this book as the 1997 Julius Rosenthal Lectures at Northwestern University Law School. I am grateful to the dean and to the faculty for their generous invitation and their warm hospitality.

Many friends and colleagues have commented on chapters of this book in its many previous drafts. I would like to thank in particular Bruce Ackerman, Tom Baldwin, Step Feldman, Owen Fiss, Liane Gabora, Bob Gordon, Susan James, Larry Lessig, Sanford Levinson, Jay Mootz, Tim O'Hagan, Richard Posner, Thomas Seung, Reva Siegel, Lea VanderVelde, and R. George Wright for their comments, as well as participants at a workshop at the University of Chicago Law School where drafts of what became the first four chapters were presented. I am particularly grateful to an anonymous reader for Yale University Press whose trenchant criticisms greatly improved the book. An early version of Chapter 1 was published as "Ideology as Cultural Software," 16 *Cardozo Law Review* 1221 (1995). Portions of Chapter 7 were originally published in "Transcendental Deconstruction, Transcendent Justice," 92 *Michigan Law Review* 1131 (1994).

Finally, I want to thank my wife, Margret Wolfe, for her faith in me, her emotional support, and most of all, her love. This book is dedicated to her.

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