Norms of difference and universalistic norms

To understand communal norms, we can best put them into comparison with more broadly directed norms. I wish to discuss norms in two quite general categories: those that redound to the benefit of members of a more or less well-defined subgroup within a larger society, and those that seem to apply universalistically to more or less all members of a society. In general, comparison of these two classes suggest that norms of difference and exclusion are especially tractable to rational choice analysis and that universalistic norms are less tractable. This conclusion is the reverse of what may be the common view in the literature that norms of difference and exclusion—sometimes called communal norms—are especially intractable to a rational choice account, that they are perhaps primordial or, in the view of communitarians, that they are extra-rational commitments to something beyond the self or to community sources of the self.

Norms of great social interest are those that enforce something that might go otherwise. For example, an ethnic group might simply assimilate, as many have done in the USA over the past couple of centuries, or aristocrats might join the larger society. Norms for behavior against such assimilation might have a significant impact on the rate of assimilation. Subgroup norms typically reinforce individual identification with the group and enhance the separation of the group from the larger society or from another specific group in the society. They commonly work by changing the interests of marginal group members to get them to act in conformity with the interests of the core of the group. This is not to say that they are somehow ‘intended’ to do that, but only that they happen to do so. Universalistic norms tend to reinforce behavior that may be collectively beneficial but contrary to individual interest or even contrary to a subgroups’ interests. Norms of difference and exclusion might be said to make good use of self-interest. But self-interest might also be said to make good use of norms of difference and exclusion. In either case, such norms may gain enormous force from their congruence with interests.

Many norms appear to have the strategic structure of coordination. In
David Lewis's terms, they are conventions or, rather, they govern conventional resolutions of coordination problems. For example, driving on the right in North America is merely a convention. But it benefits us all to follow the convention rather than to violate it. Oddly, however, it would be wrong to claim we have that particular convention because it is in our interest. What is in our interest is merely that we have some convention that makes driving safe. For example, driving on the left would be as good as driving on the right, as suggested by the experience of the UK, Japan, and many other nations. What is rational for me is to follow the extant convention when I drive. Hence, it is rational for me to follow whatever convention prevails where I am – on the right in North America and on the left in Australia.

The convention of driving on the right (as in North America) or the left (as in the UK and Japan) might be seen as an ideal type of the category of universalistic norms. Having everyone in the relevant society follow that norm is beneficial to all. However, the driving convention is not a norm of great social interest in the sense above: there is very little or no need to enforce it, there is only rare need to instruct people of what they would immediately acknowledge to be erroneous, self-destructive behavior. We are apt to accuse someone of stupidity rather than ofupidity when they drive on the wrong side of the street. If we call following the convention a norm, it is a norm whose function is almost wholly epistemological rather than to affect motivations by affecting incentives. I will restrict the term ‘norm’ to those cases that are motivational and will therefore not count the driving convention as a norm here. Still, many norms have much of the coordination quality of the driving convention. We would all be better off if we all follow a certain norm just as we would all be better off if we all drive left or all drive right. Hence, we can coordinate on following that norm in preference to not following it.

The norm of truth-telling might similarly be of universal appeal, but the incentive for it is not already built into the situations in which it might be invoked, as the incentive for driving according to the local convention is built into the situation on the road. Hence, the norm of truth-telling is not always redundant, it can potentially add to the incentive for relevant behavior. Such norms are universal in a given society. I will refer to them as universalistic norms.

The ethnic norm that supports identification with a particular community is also not redundant. There is likely to be some mixing and intermarriage. Without the norm, there might be far more. Those who are most comfortable in their group are most likely to find their norms of community redundant for themselves but not for others. But the norm is likely to be of interest to people in the community precisely because it can be invoked against certain behaviors that are attractive to at least some members of the community. If everyone in our community shared identical interests in sticking with the community, we might not need a community norm.

Some of us benefit from having such a norm merely because the community's boundaries are not well defined; there is no clear dividing line or step function between those who identify with the community and those who do not. The functional role of community norms is typically to establish difference. Indeed, they might most instructively be called norms of particularism, difference, or exclusion rather than of community. The often have some variant of the content of the Vietnam-era norm expressed in the slogan 'Love it or leave it,' where 'it' was the USA.

Note that the terminology for these two classes of norms is not parallel. One might refer to universalistic norms as norms of universality or similarity, but that would be misleading. Kantians, utilitarians, egalitarians, and other universalistic moral theorists may follow their own norms of universality or similarity. But their more specific norms, such as norms of altruism, reciprocity, or veracity, are universalistic in the sense that they apply to everyone.

The central difference between the two classes, universalistic norms and norms of difference, is that the latter require a sense of group separation or even an outside, typically adversary, group to give them any value. Difference is a relative value that depends on an external referent. There is obviously no point in difference if there is no alternative to the group that is to be different. A norm of exclusion is, by implication, also a norm of inclusion for the relevant group. The ideal for norms of difference would be individual submission through acceptance of the value of identification with the group. At the fringes of the group, however, there may be people who are tempted by the alternative benefits of weaker identification with the group, even of defection from it. If the group did not react, full defection would not be necessary, but the group might react to even partial defection by excluding the defector. For an individual case, the incentive structure might be essentially prisoner's dilemma, with both the individual and the group better off with partial defection than with full defection or exclusion. But there is a strategic benefit to the group from full exclusion, which raises the costs of partial defection and therefore, plausibly, reduces its incidence. The role of the group norm is to raise these costs and thereby to reduce the size of the prisoner's dilemma fringe.

Interethnic marriage rates might suffice as a rough proxy measure of the sizes of prisoner's dilemma fringes. Some groups appear headed for mixing quickly, others only slowly. In particular, blacks in the USA may now have stronger norms of difference and a narrower prisoner's dilemma fringe than in earlier decades, while Jews may be going through a dramatic widening of their fringe and the rapid breakdown of their separateness. Among American Jews married before 1965, 9 percent had married outside the Jewish community; among those married after 1985, 52 percent married outside. For eliminating the force of norms of difference between two groups, both groups must be open, perhaps because each has a very large prisoner's dilemma fringe. When enough mixing in the fringes
happens, others in the groups have less to gain from difference, and they fall into a still wider fringe.

Norms of difference typically have a prisoner’s dilemma fringe of more weakly identified group members. The size of the fringe is a function of the relative benefits of membership and defection. Universalistic norms typically have prisoner’s dilemma strains throughout the relevant society. The function of these norms is to raise the cost of certain individually rewarding behaviors, such as lying and cheating, to reduce their incidence. But, since there is no group boundary for the universalistic norm, there is no relevant sense in which those who violate the norm are at the margins of the group. The incentive to lie or cheat may affect any member of the society, not merely fringe members. In both classes of norms, the general norm has enforcement value if it can block prisoner’s dilemma incentives to defect from the relevant social order and the content of the norm itself is a matter of coordination. 4

There are many other ways to categorize norms. For example, Edna Ullmann-Margalit lumps them into prisoner’s dilemma, pure coordination, and unequal coordination categories. Ullmann-Margalit speaks of ‘norms of partiality,’ 5 which are norms that permanently ensnare two groups in a coordination that benefits one of them more than the other, as one might suppose it the interest of humans that some group, such as women, should specialize in procreation and rearing of the species, which just happens to redound to the special advantage of men. As it happens, a stable norm may fit one of these categories quite clearly in one period of its history, and then fit another category in a later period, or the same statement of a norm might be pure coordination in one context and unequal coordination in another. For example, the norm of truth-telling might be of generally beneficial quality in a benign community but of divisive quality in a malign society such as that in which some might hide Jewish or other refugees from a genocidal government. Many of the norms in a given society may be residual norms; they may be norms gone awry, left over from prior conditions in which they made sense and still invoked in contexts that lack the relevant strategic structure. They may be survivals past their time. Marx said that the norm of dueling was ‘a relic of a past stage of culture.’ 6 Others may be overgeneralized norms that cover more than they should if they were thought to have a simple strategic structure.

Norms of universality may fall into either prisoner’s dilemma or nearly pure coordination strategic structures or, perhaps more typically, they may fall into a mixed strategic structure, if only because they govern ongoing relationships. Many of us might not need a norm to get us to go along with the community principle because we might see ourselves as benefiting directly from going along. Hence, application of the norm to us is little different from application of the driving ‘norm.’ But we might see the value of having the norm to regulate the behavior of those more nearly marginal to the community, those for whom weaker identification with the community has its more than compensating rewards.

Norms of difference

Ethnic and other groups commonly have norms that differentiate their members from the larger community in which they live, and those of the larger society may have related norms to reinforce the separation. This is most conspicuous, perhaps, in religious contexts. For example, the Jewish biblical injunction that one could lend at interest but not to a brother 7 was interpreted to mean that Jews could not lend at interest to other Jews but only to non-Jews. Although Thomas Aquinas held it sinful for a Christian to lend at interest, he conveniently supposed it not sinful to borrow at interest. 8 The separate merchants’ and lenders’ role for Jews in medieval and later European society was therefore the strategic implication of the combination of Jewish and Christian norms.

Why would members of a group wish to be different, to exclude non-members? Often because there might be benefits of membership. Benefits can take at least two quite different forms. First, there might be conflict of interest over limited resources that make it the interest of one group to gain control of those resources on behalf of its members. For example, land and other resources in fixed supply might not be expandable to make them more widely available. Also, jobs under the control of a group or of the state might be in relatively fixed supply in the short run. In a conflict in what is roughly a constant-sum game, at least for the short run, some subgroup or coalition can benefit its members most quickly by excluding others from access to the limited resources. Second, there may be straightforward benefits of comfort, familiarity, and easy communication in one’s group. We might call these epistemological benefits, because they take the form of reducing the need for knowledge beyond what one may have just from growing up in a community or being part of it. The two kinds of benefit might often work together. For example, members of a group might have easy access to jobs through community networks of information and assistance. Dealing with an outsider who comes to a group might require more effort from group members than dealing with an insider would. For example, if I marry outside my community, my fellow community members might find my spouse to be more trouble to deal with, less predictable, and generally much less enjoyable than they find the neighbor whom I might have married. As a result, my spouse may feel relatively ill at ease in my community and we might together have far poorer opportunities for social intercourse than other couples of our age and status would have.

Not every apparent group member need share in either of the two forms of benefit to membership. Some may see better opportunities outside than inside the group. And some might bridle at the limits of the familiar. Such people are, in the discussions here, members at the fringes of their groups.
Much of what we must understand about norms of difference and exclusion will depend on the mix of people at the fringes and people in what might be called the core of relevant groups.

**Universalistic norms**

Universalistic norms apply indifferently to everyone. Such a norm may be held in a specific community without necessary reference to or ongoing effect on any other community. In general, such norms take one of at least two distinct forms. First, they may be theoretically deduced, as for example by Immanuel Kant, by a religious leader, or more or less by everyone through some principle of universality. Second, they may be socially constructed with, perhaps, unknown origin. Generically, norms in the second category are likely to be community specific. One might argue that all norms, even those ostensibly in the first category, are in the second category in that they are community based, although it is at least conceivable that some norm or set of norms would someday be literally universal for humans in whatever community. Because all or nearly all norms are community based, it would be misleading to refer to norms of difference and exclusion as community norms as though this were a distinguishing mark for them.

There is a class of important universalistic norms which are virtually self-enforcing in many contexts. These are norms such as those for telling the truth, keeping promises, and maintaining fidelity to spouses and friends. They are self-enforcing when they govern ongoing relationships between pairs or very small numbers of people. In brief, I will refer to these as dyadic norms. The enforcement of these norms comes naturally from the fact that the relationships that they govern are of value to the participants beyond the instant interaction on which someone must keep the relevant norm or violate it. These characteristics of the relationship suggest that it is an iterated prisoner’s dilemma in its incentive structure. Each participant in the dyad sometimes has a short-term interest in violating the norm but a long-term interest in maintaining the relationship. If the latter is great enough, it can trump the short-term interest and make it worthwhile to forgo short-term gains in the interest of longer-term gains.

One might tell the truth out of strict moral scruples, but one also has an interest in telling the truth to one’s ongoing relations. Even if you are bound by moral scruples, you may nevertheless depend on the incentives of self-interest that keep others honest enough to make dealing with them worthwhile. The usual resolution of an iterated prisoner’s dilemma in which one party fails to cooperate often enough is not to join that party in cheating but simply to withdraw from the relationship. If others have an interest in cooperation with you, you have better prospects from cooperating than from withdrawing or cheating. In general, you have better life prospects if those around you recognize their interest in maintaining cooperative relations with you. Being cooperative loses much of its value if too few others are cooperative and it may finally even become disvalued. Similarly, truth-telling may often serve pernicious purposes for many relationships in a Nazi or other totalitarian society.

Typically, then, these dyadic norms are straightforwardly self-enforcing. Such a norm may govern a very large population, all of whom are involved with various others in dyadic relationships. But there is no large-number equivalent of the dyadic norms. A norm that governs relationships that are inherently large number rather than dyadic cannot be reinforced merely by the withdrawal of cooperative parties from interactions with uncooperative parties. The norms of difference and exclusion discussed below govern large-number relationships of identification of a whole community and exclusion of others from it. They are self-enforcing through the mechanism implicit in their functional structure, not directly through the iterated incentive offered by the fellow group members in a large-number prisoner’s dilemma. The explanation of large-number norms in general cannot turn on a rational regulation of the problem of collective action in enforcing the norm, although there may be some cases that can be regulated through somewhat unstable conventions.

Incidentally, modern nationalism has often turned into the analog of a subgroup norm of difference, but, of course, at the whole-nation level. It has the function of differentiating the nation and its people from other nations and their peoples. There can be a universalistic, non-adversarial nationalism, and no doubt many nationalisms have been. For example, a particular nationalism could be directed at stimulating economic activity and productivity and artistic and other efforts, at lifting the condition of the nation’s citizens without onus to anyone else. Lovers of blood sports might think such a nationalism uninteresting and might prefer the nationalism that tends to war. Nationalism that is a norm of difference often has bellicose tendencies. The general category of seemingly universalistic norms will not be extensively considered here.

**Explaining norms of exclusion**

Norms of exclusion and difference take many forms. For example, there can be quite local norms that elevate my town over other towns, my club over other clubs, or my company over other companies. In most societies, there are norms of dress that differentiate men and women. Some Canadians think there are norms that differentiate Canada from the USA, while other Canadians fear that no such norms survive. Two general types of norm of exclusion will be of special interest here: norms that define ethnic or racial groups and those that define social classes. In this section, I will call on many norms of the first type to explain how norms of exclusion work. Then, in the following section I will discuss an odd but uniquely
important norm – the duel – that helped to maintain the definition and status of a social class that was of declining significance.

Consider an important category of non-religious norms that function to establish difference: norms for linguistic usage, especially for slang and specialized terms. Some community-specific slang may not be anything more than useful shorthand to relevant parties, as psychologists, plumbers, musicians, and others might develop terms to deal with matters of special interest to their groups. But some community-specific slang may have no such simple function; linguistically it may do no more than substitute for standard terminology. Its effective function is, rather, to distinguish its users as users, to signal their difference from those who do not use the special terminology.

For some group norms, such as that of the rapper, it is not necessary that those who most express and define the norm be of the community that adopts it. Some of the rappers, whom we might call the ‘bearers of the norm’ of rap, are from bourgeois backgrounds, not from inner cities. Yet it may still be true that the norm in which they participate is primarily the norm of the inner-city poor. The norm has been commercialized – that is, after all, how it was communicated with such rapidity. Anyone with the relevant commercial vision can see the benefits of bearing the norm of rap independently of whether they actually share in its values, even independently of whether they personally wish to flaunt the bourgeois for any reason other than profit. Even a convicted white racist can commercially exploit the norm as a bearer of it while posing in some of the whitest and most bourgeois of all underwear.

Among the possible terms for establishing difference and therefore special community are those that are, in the broader community, negative in their connotations, terms that are perhaps even epithets. For example, some blacks now call each other ‘nigger,’ a term which was once despised by blacks and commonly used as an insult by white racists. While the term is still an epithet when used by whites, it has become a term of affection and community for many blacks – mostly younger blacks. Blacks now can get away with such usage while whites cannot, so that the term entails exclusion of whites from at least the language community of blacks. On his account, a white professor in Chicago once attempted to help students understand the power of racist language to do harm by saying to the only black student in his class: “We have a nigger student here.” The student said afterwards that she couldn’t move: “I wanted to run out but was afraid I didn’t have the strength to make it to the door.” Yet that woman could well also have heard blacks calling their friends nigger, and she might have smiled at their communal jocularity.

That the term can so demean someone and yet also elevate may seem astonishing. Nevertheless, it may make sense to the relevant community. American blacks use many other terms that sound negative in strong positive senses. For example, a ‘bad mutha’ is, in some sense, especially good, a bad outfit is a great outfit, and a bad meal is one you would go out of your way to eat. When the standard terms, such as great, terrific, and so forth, have been diminished by overuse, bad sounds very good.

Even more generally, for more than a century, American blacks have been ‘redefining race as an abiding source of pride rather than stigma.’ This move, which was discouraged and deplored by Frederick Douglass, reached its height with the slogan ‘Black is beautiful.’ What much of American society has treated as a stigma for many centuries has ceased to be a stigma in the vision of many blacks. It has even become a claim to special quality and a norm of exclusion.

What is in it for you? Why should you adopt the slang and manner of a group? Doing so allows you entrée to the group and what rewards it has. These may be more attractive than what you lose from adopting the odd slang and manner. Refusing to adopt the slang or abandoning it later costs doubt on your commitments and your trustworthiness, making you less attractive to other members of the community. Indeed, it may even seem to other members of the group to be a rejection of them as persons, rather than merely of their style. And if you reject them, what are they to make of your hanging around them, what motives must they implicate to you?

In the early 1970s in New York, I was walking between a group of four or five young black men and a group of as many young black women. One of the men was imploving one of the women to do something with him but she repeatedly spurned him. He went up to her and put his arm around her waist, but she pushed his arm away. In disgust, he said, ‘You a mother-fucker.’ She slowed and turned back to look at him with a beatific smile, saying, ‘No, I can’t be no mother-fucker – you must be thinking of yourself.’ The entire crowd laughed in appreciation of her sly put-down. Her target laughed hardest. Much of the rest of their conversation had been witty and extraordinarily overt. I would have liked to have such openness in my own community, but anyone who tried it there would have fallen out of favor and would have been spurned. The style of openness of much of the black community and the style of privacy and prissiness of much of the white community constitute norms of difference that reinforce the separativeness of the two communities. There may be nothing invidious in these norms, but their effects are de facto invidious and they virtually become norms of exclusion.

The slang and other linguistic devices of the rapper may be enhanced by the full panoply of the ‘cool pose’ of young black men, especially in the inner city. Janet Mancini Billson and Richard Majors interpret that pose as a response to the exclusions of white or at least prosperous American society. But consider the range of plausible audiences for the pose. In addition to whites (who do not live in the ghetto), it could be directed at members of the group itself, older blacks who do not share the norm of the pose, or at young black women. It seems likely that the various behaviors are directed at different ones of these plausible audiences. The words of rap
songs may have the widest audience, from the young inner-city black males themselves to whites. The pose, which is overwhelmingly visual and of therefore little effect unless it is seen, seems more likely to be directed only at an immediate, frequent audience, including the poseurs themselves, young women, and older blacks. As Billson and Majors read the pose, it is macho. Hence, its main audience could well be young black women, whose relative independence from men may provoke its swagger. Rap may be fundamentally political; the pose may not be very political at all.

**Functional explanation**

What makes particular slang acceptable is not that it is deliberately chosen by someone but that, however it arises, it survives as a convention. Once the convention is in place, I can most readily show my identity by following it. The norm of using it becomes functional to identification with the group. Indeed, we may give a functional explanation of the survival of the norm once it is established, as follows:

An institution or a behavioral pattern $X$ is explained by its function $F$ for group $G$ if and only if:

1. $F$ is an effect of $X$;
2. $F$ is beneficial for $G$;
3. $F$ maintains $X$ by a causal feedback loop passing through $G$.\(^{17}\)

In the present case, $X$ is the norm of group slang or style; $F$ is group identification; and $G$ is the members of the relevant subgroup, such as certain blacks. The full explanation is as follows:

1. We might suppose that those who adopt the slang and style of the group are likely to identify more closely with the group thereafter because they will find the rewards of life in the group better than if they did not adopt the slang and style.
2. To show that group identification is beneficial for members of a group may seem difficult. But there are many reasons for this conclusion to follow (not necessarily, but contingently in many instances). Tight group affiliation can reduce the costs of requisite daily knowledge and thereby facilitate one’s daily activities. It can give one access to benefits, such as jobs, controlled by the group.\(^{18}\) For example, for both of these concerns, it can provide readily available networks for discovering information and making connections. It can also be directly pleasurable for the relationships it underlies and the activities it organizes.
3. Now we may see that group identification ($F$) maintains the norm of group slang or style ($X$) by a causal feedback loop passing through the members of the relevant group ($G$). Members who strongly identify with the group are likely to spend more of their time in it than members who identify more loosely. They will find it more natural to indulge, and hence to develop, the slang and style of the group. Hence, that slang and style may become more extreme as time passes, not because the group intends for it to do so but because that is the individual incentive of the most identified members of the group.

A cost of becoming closely associated with some subgroup in a society may be relative exclusion from other groups, including those that have better economic and social opportunities than the subgroup has. For some people this cost could outweigh the benefits under 2 above, in which case the relevant norms of difference are not beneficial. But these costs might be imposed by an alternative group that practices its own exclusions, so that one’s own group may have norms of separation without fear of aggravating the losses from exclusion by others. In North American history, the exclusion of blacks by whites has been overwhelmingly important for black lack of opportunity. Today it is conceivable that the benefits of black norms of difference are finally rivaled for some by their costs in exacerbated exclusion by whites.

The black teenager who dresses, walks, and gestures like a rapper or who adopts a cool pose may bear no costs for that style. But the later adult who has developed the language of the rapper and has adopted gestures that have since become second nature may bear substantial costs. The later adult may have to choose between cultivating a different image and language and continuing membership in the subcommunity. The costs of the transition and the uncertainties of succeeding in the larger community weigh against making the change. The costs of the transition may typically include at least some loss of camaraderie in the rejected community. Shawn Hunt, a Brooklyn 17 year old striving to get through high school and into university, says he talks to whites in ‘Regular, straight up and down English.’ But that would not go over well with his black friends, ‘They’d be like – that’s not what they’re used to. They wouldn’t take too good to that. They’d think I was funny.’\(^{19}\) But this split may not work indefinitely. The novelist Kristin Hunter Lattany notes that ‘An individual in conflict with himself is only marginally functional, and if half his loyalty lies elsewhere, his community cannot trust him.’\(^{20}\)

Once, at a barbecue party, I was one of the few whites among the black friends of my neighbors. The husband was a brilliant gardener who produced miracles from a six-foot square carved out of the pavement of our back alley and who filled his house with thriving plants. Someone complimented the wife for all her plants, and she declined the praise. ‘I have nothing to do with those. Jim does them all – and he tells me to stay away. I have a white thumb.’ I laughed because the phrase was completely new to me but was wonderfully evocative. In part, I was enchanted by the phrase the way one might be on reading or hearing a figure of speech in a second language. It then comes across vividly, even though one’s own
language might use the equivalent figure of speech. ‘Catch fire’ in English is mundane to me; the first time I read it in German, it evoked an instant image of a hand reaching up to catch a ball of fire and it turned into the usual mundane meaning only after interpretation. But in the case of my neighbor’s white thumb, of course, the phrase was especially powerful because it said something in a new and novel way. It was slave traders with white thumbs who killed most of the blacks shipped across the Atlantic, it was plantation owners with white thumbs who ruled over the survivors and their progeny, and white thumbs may still press heavily on black lives in America. My neighbor’s ‘white thumb’ evoked all of that. But at my laughter one of the women in the group gave my neighbor a look of disdain. She was up to the occasion; she grinned and said to me, ‘That’s okay, that’s just what we say.’ Clearly, their phrase was apt. But the phrase was not one that could readily be shared; it was their phrase. There was therefore a mild jolt to both communities when my neighbor spoke her language in my presence. We might generalize the look of disdain one of her black friends gave my neighbor. Like Shaun Hunt she was expected to talk regular, straight up and down English in the presence of whites. Clearly it would be strenuous to do that if one’s ordinary catch phrases are going to turn into balls of fire, so that one must constantly monitor every statement. There must be evenings, days, weeks, and even longer times, when one would rather not bother.

At the extreme of trying to fit in two communities at once is a San Francisco taxi driver who recently told me of his life as a heavy drug user. He had stopped all of the harder stuff and now consumed only marijuana. But it had taken him a couple of years to realize he would never successfully leave the more insidious drugs behind if he did not sever contacts with his drug-using friends, who could not stand to have him around while they shot up and snorted various things if he was not going to join in. At another extreme is the case of a Serbian refugee from Sarajevo who was impressed into military service in one of the units besieging the Muslim-majority city.

‘You stayed with the balija for eighteen months,’ the commander said, using a term for Muslims that is common among Serbian soldiers. ‘Okay, let’s see how you feel about the balija now. You can go to the front lines and kill a balija, then maybe we’ll let you go.’

Eighteen months of consorting with Muslims evidently put that refugee off into the dubious fringe of the Serbian community, where the hard core of that community could not trust him.

As an aside, note that the convention of driving on the right cannot be defended with a functional explanation. Suppose $F$ is prosperous driving, $X$ is the convention of driving right, and $G$ is the class of drivers. Condition 3 is simply not applicable. Prosperous driving does not maintain the norm of driving right; people drive right in order to benefit from the prevailing convention much as they drive at all in order to get where they are going.

In his definition of functional explanations, Jon Elster includes two other conditions:

(i) $F$ is unintended by the actors producing $X$; and
(ii) $F$ (or at least the causal relationship between $X$ and $F$) is unrecognized by the actors in $G$.

In this era of the instant sociology of everything,²² it would be surprising if the second of these conditions would hold universally for a norm that has been established for even a short while and eventually, therefore, even the first of these conditions might fail to hold. But, even though some of the supporters of the norm might fully understand its functional role and might deliberately work to maintain it, many of the followers of the norm would typically still fit Elster’s conditions.²³ In fact, these two conditions are merely the extra conditions that distinguish ‘manifest’ functions. This distinction may be important, because some feedbacks that work very well when they are latent might fail once they become manifest. Other feedbacks work very well even when they are fully manifest. Indeed, organizations commonly have feedback designed in to enhance organizational effectiveness. The workings of such devices often clearly fit the model of functional explanation. For the present discussion, the important concern is that feedback is functional, not whether it is latent or manifest.²⁴

It can be dysfunctional to accede to a functional relationship. We may be members of a group that has been identified by others and that has faced constrained opportunities. We might finally get better opportunities primarily by improving the status of the group, and this claim is one we could make to help motivate actions by fellow group members. But members might also benefit from having members reject aspects of the identification foisted on them by others or by having them transform those aspects into good rather than bad things. Here it could be counter-productive to argue overtly that this is why we should think these things good. We are more likely to motivate each other successfully if we can convincingly argue that somehow these things are good. Blacks might say black is beautiful and that might energize many blacks and lead them to be more stalwart in seeking opportunities and overcoming racial barriers. We could then fit the slogan to a functional explanation of improved black status. But blacks could not very well assert that this is all they mean when they say black is beautiful. Hence, making this particular functional relationship work may depend on keeping it unstated and latent.

Finally, also note that the form that functional feedback takes can be quite varied. It can work through biological mechanisms, through structural impacts on environment, or through effects on incentives for various
behaviors. When it works through incentive effects, then functional explanation is a part of rational choice explanation. And if the feedback produces important incentive effects, functional explanation is inherently an important part of rational choice explanation. In the discussion here, the functional feedback relations all work through effects on incentives and they yield rational choice explanations of behaviors that superficially might not seem consistent with self-interest. It is only when unpacked functionally that the rational incentives for the relevant behaviors can be comprehended.

**Origin and development**

Note that the issue in the preceding discussion is how the norm works. But the norm here contributes to establishing or asserting identity by seemingly abasing oneself, one's ways, or one's appearance. This may seem odd. Hence, one may wish to ask the prior question of how an individual could think to do such a thing before the establishment of such a norm in the individual's community. If no one did so, the norm could not arise. This seems likely to be a much harder psychological trick than merely following a well-supported norm. But it is also a trick that need not be turned by very many people. After a few have done it, the norm may be on its way. For example, an early rapper might merely have accentuated gestures that are commonly used in stylized, dismissive argument, indeed, in intrafamilial, not interracial, argument. Giving the object of the rap the back of the hand, dramatically pointing at the imagined object, waving it away, dismissing it with egocentric posturing — these were all daily fare long before rap, probably in many communities other than the black inner city.

Competition in distinctiveness has the odd result of producing such extreme gestures that they become stylized and no longer distinctive from one rapper to another — any 8 year old can do them with ease. Flouting the bourgeoisie has a long tradition (épater le bourgeois, in France), with the cultivated belch, the up-yours swagger, the I-am-all-that-matters bearing. In the USA, being bourgeois correlates fairly strongly with being white. Flouting the bourgeoisie and flouting whites are not easily kept separate for many American blacks.

The term 'nigger' is one of the harshest racist epithets in the USA. Those who have used it may largely, as Irving Lewis Allen asserts, have used it to distinguish themselves as not black. Now, however, it is used to distinguish oneself as black. How does someone turn 'nigger' into a term of honor when used by blacks? Again, it is hard to answer the individual-level question before the norm is established. At that level, the move was a seeming strange trick. But at that level there are millions of strange tricks turned daily. The basic question for us, therefore, is how this particular trick came out of the millions to become a norm. To a large extent, the issue must be roughly parallel to questions of how certain products make it in the market. Competition kills many and lets some through. In such competition, oddity or distinctiveness may be an advantage, and helps to make a slogan or product memorable. When the vocabulary and politics of race changed at the height of the Civil Rights Movement in the late 1950s and the 1960s, elderly Toms sometimes admonished the young: 'You're nothing but a nigger and don't you forget it,' just as many whites had regularly done for generations. A stump speaker might naturally appropriate this slogan, not to admonish, but to incense. 'You ain't nothin' but niggers in this country, and don't you forget it.' Earlier, the term had been used, especially by white racists, to distinguish and separate off blacks to keep them 'in their place.' On the political stump it was also used to distinguish blacks and to acknowledge the separation imposed on them, but then to galvanize them as a political group. The old, ugly slogan turned positive, and what was formerly derogatory had become hortatory. The step to making 'nigger' an honorific term was presumably easy after that because the ground was fully prepared for treating it as a positive identification.

To establish how the convention of using nigger honorifically arose, we would have to investigate millions of actions by vast numbers of people over several years. We might have to determine not only who drifted into such usage when, but also why alternative norms did not get more widely adopted. No matter whether we are clear on how the convention specifically arose, however, we can still understand how that convention works as a norm. In general, the latter is the more interesting task for social scientific understanding. Perhaps this realization underlies or at least is taken to support theories of cultural determination. But it would be wrong to conclude from the competitive generation of norms that they are inherently irrational. They may often be no more irrational than driving on the right in North America: they often coordinate for common ends, especially common ends that are group specific. If we had an authoritative leader with many exclusive options for coordinating us, all reasonably acceptable and functional for achieving our common end, it would be merely rational for the leader to pick one and benefit from it. But we can evidently sometimes also pick one without the help of an authoritative leader, as we did in the original adoption of the driving convention.

There may be other instances of the elevation of a derogatory term for a group into a term of approbation and distinction that are more easily traced through. For example, during the hegemony of Spain over the Netherlands, the Dutch revolutionary movement became known as les Gueux, after the French word for beggars (Geuzen in Dutch). The term plausibly arose when one of Philip's counselors used the word gueux to express contempt for the group of Netherlands nobles who presented a list of political demands to the Spanish regent in April 1566. To defy the Spanish or to goad themselves or to do both, the Dutch then called themselves beggars and went on to rally themselves to rise against Spanish
rule. Victory went to les Gueux, who were not begging but demanding. The insult became their rallying cry. In the end there were beggars of many varieties, designated by region, by leadership (such as that of William of Orange, the eventual monarch), and by kind (such as the beggar navy).

Maintenance

An obvious question for the development of a norm of exclusion or difference that is to be enforced against community members is how the enforcement is done. In part it is done merely by misfit, as in the discussion of the rapper turned quasi-bourgeois. After publishing Black Like Me, an account of his passing for black and suffering the discriminations of southern racism, John Howard Griffin was treated to shunning many in his small hometown of Mansfield, Texas. Perhaps some of the shunning was morally or politically motivated rather than merely an expression of his misfit with the community. Many people have had the experience of returning home after going off for education or for job opportunities and of finding themselves not very welcome. Indeed, this is one of a related pair of general theses in the title of Thomas Wolfe's You Can't Go Home Again and throughout his work. The other thesis in this pair is that one may not find the comforts of home as pleasing as they once were because one may have learned or changed too much.

Wolfe clearly appreciated the benefits, the comforts of home. He characterized a town as 'coiling in a thousand fumes of homely smoke, now winking into a thousand points of friendly light its glorious small design, its aching passionate assurances of walls, warmth, comfort, food, and love.' Hence, on his view, the costs of separation were real and potentially large. Nevertheless, Wolfe saw that the comforts of home may be as appealing as they are in part because of ignorance of what alternatives there are. The full story is as follows. The comforts induce staying at home, which secures ignorance by pruning vistas, which maintains tastes for the comforts of home. That is a demoralizing chain of relationships. Those like Wolfe can break that chain only at the price of permanent disquiet. Incidentally, the epistemological comforts of home feed back to reinforce themselves. But this may work for many people only if the feedback is latent, not evident. To make it evident is almost by definition to violate it. The ignorance implicit in settling for the epistemological comforts of home might be actively opposed by some if they come to understand its functional role in reinforcing belief in the goodness of their community. Most of the other norms discussed here would be effective even if they became fully manifest.

It is sometimes supposed that the costs of shunning or otherwise sanctioning those who deviate from a norm cannot be in the interest of the sanctioner, so that a norm that requires sanctioning for its enforcement cannot be rationally sustained. For some norms, this conclusion may follow. But for norms of difference and exclusion, there may be no costs to some sanctioners. They are not sanctioning per se; rather they are merely acting in the interests of their comfort in familiarity or whatever and excluding those who are unfamiliar. For whites in Mansfield to shun Griffin was no harder than for them to shun blacks. Both actions fit into their world of the separation of whites and blacks to the supposed advantage of whites, who controlled most of the economic and other opportunities of the community.

Furthermore, the success of a norm of exclusion must typically depend on how widely supported it is. In the American south before the Civil Rights Movement, the norm of white supremacy was apparently very widely held. Yet, as soon as blacks mobilized and the laws began to change, many whites joined the cause of racial equality. Were people's views so quickly changed? Probably not. Many of them were people who might not have spoken their true feelings before because the costs of bucking the apparent norm were too great. The core of those who strongly held the norm had succeeded in coordinating others behind the norm even when the others did not literally support the norm or even benefit from it. As is generally true of norms of exclusion and difference, southern racism was enforced on the - perhaps large - fringe of those whose identification with the community was weak. The Civil Rights Movement finally enabled these people to join blacks to attempt a new coordination on a norm of racial equality. That norm too is enforced against those who do not share it.

How does this account of norms of difference fit the sudden efflorescence of often violent ethnic conflict in former republics of the Soviet Union? Many commentators attribute this explosion to the end of Soviet suppression of conflicts that, while suppressed, remained latent. This analysis seems to be fundamentally wrong. During the era of Soviet hegemony, the ethnic groups were not in control of opportunities, which were more nearly universalistically open to all independently of their ethnic identification. There was, during that era, almost no call to suppress the conflicts because ethnic identification had little to offer besides the epistemological comforts of home. A sustained burst of economic growth that made opportunities less a matter of taking or withholding from others and more a matter of individual (not group) opportunism would similarly undermine the power of extremist ethnic groups. Alas, the transition from central control of the economy to market control entailed immediate loss of productivity and earnings, not least because it made a large fraction of the workforce (the bureaucrats and others involved in control, both in the government and in firms) irrelevant while only slowly conjuring a new class of entrepreneurs into being. Hence, at the end of the Soviet hegemony over various republics, immediate economic prospects were grim and the quickest way to hold the ground was likely by excluding others.
The duel

The duel and the vendetta seem to have similar points: vengeance and, perhaps, the defense of honor. But the explanation of the norm of dueling depends very clearly on its association with a single class, the aristocracy, in a time when aristocrats were slowly being displaced in economic and political importance by the rising bourgeoisie. The duel arose and became a remarkably powerful institution because it ‘set the gentry class above all others, as possessing a courage and resolution no other could emulate, and a code of conduct none but it could live up to.’ Although seemingly similar to the duel in its focus on vengeance, the vendetta does not have the role of separating one group from others or of excluding other groups. It is potentially universally appealing if it appeals at all. Let us try to make sense of the greater complexity of the duel.

At its height, ‘the duel was one of the most fantastical things in human annals.’ Sir Francis Bacon, while he was attorney general of England, asserted simply that the blemishes of honor that led to duels were too inconsequential to exact such a price as the risk of murder or death. These blemishes, after all, were merely lies and slurs of kinds that had not motivated Greeks, Romans, and others to such drastic responses. As Adam Smith argued, where the law of honor was revered, it was wholly from this new notion of honor that the injury of the relevant affronts arose. He, too, acknowledged ‘that formerly those actions and words which we think the greatest affront were little thought of.’

It was sometimes recommended that government could stop dueling by taking over the punishment of the provocations to duel. Bacon supposed these should not be punished at all, unless they reached the level of slander or assault, for which law already existed. Against the complaint that the law provided no remedy for lying, he asserted that this was only right. He denied that there is an effect of lies and insults on honor.

Any law-giver, if he had been asked the question, would have made Solon’s answer, that he had not ordained any punishment for it, because he never imagined the world would have been so fantastical as to take it so highly.

If the gentleman’s honor was so fragile as to be harmed by petty lies and contumely, it was cut from flimsy cloth. To gild the lunacy, the nineteenth-century Polish poet and nationalistic Adam Mickiewicz noted, ‘it is the custom of men of honor, before proceeding to murder, first to exchange greetings.’

Rather than punish lying and contumely, Bacon held, government should punish dueling. To do the latter, he proposed to stop the duel by responding to the thing it supposedly responded to: honor. He wished the King to banish duelers from his court and his service ‘for certain years.’ And he proposed that the law punish all the actions that are part of the organization of the duel: appointing a field, making a challenge, delivery of a challenge, accepting or returning a challenge, agreeing to be a second, leaving the country in order to duel, reviving a quarrel contrary to a proclamation by the King.

In his assessment, Bacon missed the main point of the institution of dueling. What was at stake in the duel was ratification of one’s status in the dueling class and of most others’ exclusion from that class. Dueling over frivulous insults that could not plausibly rank in importance with the risk of killing or dying was at least as effective for this purpose as dueling over grievous assaults. Indeed, the functional account which follows is consistent with a tendency over the years to make the standards for provocations less grievous. The more grievous an affront is, the less dueling depends on assertion of status and the more it begins to seem fitted to the actual affront of the moment. It was frivulous duels that would balk non-aristocrats. Therefore, it was frivulous duels that best served the function of defining aristocrats as a separate class.

Although he failed to grasp the urge to duel, characterizing it as ‘noe better then a sorcery that enchanteth the spirits of young men,’ Bacon seemed to catch its core in another observation. ‘Nay I should thinke,’ he wrote, ‘that men of birth and quality will leave the practice, when it begins to bee vilified and come so lowe as to Barber-surgeons and Butchers, and such base mechnicall persons.’ Had it come so low, with aristocrats called out by any tradesman, the norm would have lost its distinguishing power.

If the dueling norm was one of setting boundaries for a group, there is the obvious question of how individuals in the group could be motivated to act by it, especially if these motivations reinforced and were reinforced by the role of the duel in excluding others from the aristocratic class. If the duel functioned as a norm of exclusion, it fit the form of functional explanation for such norms above (in ‘Explaining norms of exclusion’): \( X \) is the norm of dueling, \( F \) is identification with the class of aristocrats, and \( G \) is the class of aristocrats. These fit our functional model:

1. Identification was an effect of the norm. Aristocrats held their status by acting on the norm and non-aristocrats, who could not readily be admitted to the class, also identified the aristocrats by that ‘ultimate hallmark of gentility’: ‘the right of gentlemen to kill each other.’ Even non-aristocrats have often admired the apparent courage and vigor of the dueling class, although many of them might not have been willing to pay the price of membership in that class.

2. Identification as a separate class was beneficial for members of the class of aristocrats. They were rewarded with jobs by the state, jobs in government and in the officer corps of the standing armies that arose after Napoleon’s havoc.
3 As with conventions, the successful following of the norm of dueling by many aristocrats raised the costs of not following it, therefore likely increasing its support. Indeed, the norm contributed to its own reinforcement in especially frivolous contexts.

Costs of not dueling

One of the first conclusions from the functional account is that, for the individual facing a situation that called for giving or accepting a challenge, the duel was rational, that is to say, it was in the interests of the dueler. Against this claim, V. G. Kiernan says the duel ‘cannot be made to look rational in terms of the individual, but only as an institution from which a class, a social order, benefited.’ Similarly, Warren F. Schwartz, Keith Baxter, and David Ryan argue that conformity to the code of honor of which the duel was a large part in the pre-Civil-War south of the USA required the imposition of ‘a moral cost on cheating.’ At the level of the dueler, it is not clear that Kiernan and Schwartz et al. are right. They assert more than argue the case and, indeed, Kiernan’s rich survey of dueling in Europe commends the contrary view that dueling must commonly have been individually rational.

A century after Bacon, Montesquieu wrote of the dilemma potentially faced by a French gentilhomme: ‘If he obeys the laws of honor, he perishes on the scaffold; if those of justice, he is banished forever from the society of men.’ Bacon had deplored the invocation of ‘laws’ outside the national law, scornfully asking whether the French and Italian manuals on dueling should be incorporated in the laws of England in order to prevent such dilemmas as Montesquieu’s gentilhomme might face. But Bacon’s view did not prevail. Two centuries after him, a duelist in Scotland in 1822 was acquitted of a murder charge. The justification of his acquittal, in the tutored opinion of the celebrated Judge Cockburn, was the necessity, according to the existing law of society, of acting as he did.

The sense of the necessity to abide by a strong social norm might be spelled out in at least two ways. First, it might be something in the range from Sartrean or Nietzschean declaration of self, as it seems to be in the words of many a fictional dueler, to the mere flaunting of personal bravery or the quest for glory. Second, it might be a recognition that one’s life must be shattered by failure to live up to the norm and face the risk of dueling. For the second ground of necessity, the failure to take on a duel, either to deliver a challenge when requisite or to accept a challenge, would dearly cost a member of the small caste of the odd, selective society of which the duelers were part. The cost of shunning or merely shame by that society was serious to those who enjoyed the benefits of living as members of it. As Kiernan remarks, the ‘penalty for rejecting a challenge was far more severe than any condemnation by the elite of its members’ lapses from the morality of parsons. In his apologia before his fatal duel, Alexander Hamilton wrote, ‘The ability to be in future useful, whether in resisting mischief or effecting good, in those crises of our public affairs which seem likely to happen, would probably be inseparable from a conformity to the prejudice in this particular.’

In some contexts the cost of balking at a duel could be quite explicit and even imposed by the state or by other powerful institutions. In the nineteenth-century French Army it was virtually compulsory to accept a challenge. In 1900, a Habsburg officer was demoted to the ranks ‘for failing to resent an insult.’ Between 1871 and 1914, when German officers had little other reason for fighting, one who balked at dueling was compelled to resign on a vote of two-thirds’ majority of his regiment’s fellow officers. This position was ratified as executive policy by Chancellor Prince Bernhard von Bülow in 1906. Bülow’s statement, possibly an oversight in a time when he was too busy to note what was being said for him, declared that the officer corps could not tolerate in its ranks anyone too cowardly to defend his honor in a duel. In eighteenth-century England, King George II held a similar position.

Costs of dueling

By comparison, consider the costs of participating in a duel. A writer in the early nineteenth century did experiments using the relatively primitive guns used for duels and found them quite inaccurate at the typical dueling distance. He tallied results of 200 duels, and estimated that about one in fourteen duelers was killed. Many duels without casualties may not have been registered. In 400 duels at Leipzig in one year during the 1840s while he was a student there, Max Muller reported only two deaths. In Georges Clemenceau’s reputed twenty-two duels, ‘only one of his opponents seems to have been wounded at all seriously.’ Hence, the costs of risking loss of life may not have overwhelmed the costs of risking loss of society. If that was true, participating honorably in the duel was merely part of the price of being in the society. Much of the practice of the duel suggests that public reputation and face-saving were centrally important. For example, the seconds at a duel were ‘delegates of the class to which all concerned belonged, and whose standards of conduct all of them were taking the field to vindicate.’

Finally, consider the possibility that dueling was a good for some; it was perhaps a variant of current thrills such as hang-gliding, skiing down mountains that are deadly dangerous to climb, auto racing on public roads, and other reckless joys. For many people, dueling may have been more nearly a consumption good than a means. Therefore, we cannot say it was irrational merely because it failed to further someone’s interests. Consuming a vacation in a ski resort also may fail to further someone’s interests. But the only reason we are concerned with interests is as means to consumption and to fulfillment of various desires. Those who especially enjoyed dueling
and who were good at it may have had a tendency to offer more challenges than others did. They more readily crossed the threshold of acting in their own interests. But then the stakes of interest were drastically raised for one who faced a challenge. Hence, differences in tastes for dueling may have increased the likelihood that participants were rational, contrary to the view of Kiernan noted above.

**The force of the dueling norm**

Superficially, dueling appears to be a decentralized device for regulating aberrant behavior, such as insulting women or, perhaps more typically, insulting a fellow aristocrat by, for example, calling him a liar or striking him during an argument. Dueling may function rather as an aberrant behavior that signifies and reinforces who is and who is not in the relevant group. An aristocrat (*gentilhomme* in France) would not offer a challenge to a workman who insulted a woman but could use devices of shunning and economic exclusion to exact punishment (or might even resort to violence without the protections of a code of behavior). Nor would an aristocrat be obliged to accept a challenge from a commoner. Moreover, the norms of dueling were themselves enforced by shunning and exclusion. Perhaps that would have been at least as effective for enforcing the norms that dueling regulated, since the usual incentives to violate those norms might seem to be far less compelling than the incentive to avoid a duel.

There is, however, perhaps one important way in which regulation of dueling was especially easy, and this fact might go far to explain its prevalence. Violations of the norms of dueling were on fairly conspicuous public display with well-defined actions that might not be misinterpreted. Early on, seconds were introduced to attest that any dueling fatality was not the product of ambush and murder and to protect against such ambush. This public witness was in keeping with the notion of the aristocrat, who was 'noble,' that is noteworthy. 'What is implied,' Kiernan writes, 'is a neurotic sense of being always under observation, by a man's peers and by an alien humankind staring from a distance, ready to jeer or mutiny at any hint of weakness. Hence, there was plausibly less wide divergence of opinion on whether someone violated a dueling norm than on whether someone violated another norm. This characteristic of dueling might also help to explain why duellers who were both unsuccessful could commonly shake hands and let their original conflict pass once their duel failed to kill either of them. The greater motive to duel was not to inflict punishment or vengeance but to maintain personal status. And, since one's own status depended on the status of the class of aristocrats, one had good reason to maintain standards of behavior worthy of aristocrats.

In one context, the role of the functional reinforcement of the dueling norm is elegantly clear. Kiernan notes of the officers in the eighteenth-century Prussian Army of Frederick the Great that they were largely aristocratic landowners 'with more ancestors than acres,' and they depended on their military role for their livelihood. They freely duelled and thereby deterred non-nobles from entering or staying in the officer corps, where they faced the fear of having to duel or being disgraced.

The duel at the center of Ivan Turgenev's *Spring Torrents* displays the social costs and benefits to the individual dueler. Sanin is fond of Miss Gemma, who is expected to marry the older, wealthier Herr Klueber, and who is insulted by Baron Doenhof. Klueber fails to offer a challenge to Doenhof, thereby losing status and face in this ridiculous community of the parasitic and idle bourgeoisie and *émigrés*, and Sanin offers a challenge. Sanin and Doenhof go through the usual ritual, procuring a doctor who is essentially a specialist at overseeing duels (he has a standard fee for the service) and arranging knowledgeable seconds to keep the duellers to the letter of the code. They meet in an isolated clearing in the woods. Sanin fires and misses (as must have been typical). Now Doenhof could coldly, carefully, take aim to kill Sanin for his challenge. But Doenhof fires deliberately into the air, opening himself to another attempt by Sanin. Sanin then can honorably renounce his right to fire again and the duel is over, and Doenhof can finally admit he was churlish to Gemma. Sanin and Doenhof are now both honorably elevated and secured in their status in the community of the frivolous. They have handled the minor dishonor in the best of all possible ways. Of course, Gemma is evidently delighted at Sanin's survival, to Sanin's great pleasure. In this tale, it is only Klueber, with his independent source of status in the world of economic achievement, who might be thought to benefit from violating the norms of dueling for a lady's honor. Even one chance in fourteen of dying to protect his status in Turgenev's unstable resort community was too great a price to pay. Klueber is emblematic of the commercial society that eventually destroyed the incentive to duel for even many aristocrats. With the sweeping success of that society, the norm has virtually died.

Once the duel was established as a norm within a group, it could become a major incentive for behavior even for one who thought it a stupid norm, as a doltish American might think it stupid for a society to drive on the left but would nevertheless do so as an individual while in England. Indeed, Bazarov, one of the sons in *Fathers and Sons*, argues theoretically that dueling is absurd but that 'from the practical standpoint — well, that's another matter altogether.' This subtle observation, distorted by Pavel Petrovitch's moralistic retort, is often the sad conclusion one must reach in the face of a convention that is not optimal but that nevertheless governs enough behavior to make it costly to violate it. The church elder Father Zossima in *The Brothers Karamazov* tells of his youthful duel and his realization of its foolishness. But he was unable to break it off, 'it was almost impossible to do that, for it was only after I had faced his shot at a distance of twelve paces that my words could have any meaning for him.' That is to say, he could have broken off the duel, but only at unacceptable
cost in lost status in his group of young military officers. Like Turgenev’s Sanin, he could act sensibly only after securing his status by braving at least one shot. This is probably all there is behind the pompously worded and otherwise silly conclusion of Von Koren, the opinionated zoologist in Anton Chekhov’s ‘The duel,’ that ‘it follows that there is a force, if not higher, at any rate stronger, than us and our philosophy.’ That force is merely the quotidian, often corrosive force of incentives, incentives that in this case are the product of an unfortunate convention – not anything grand or mysterious, not even to a Russian.

Father Zossima notes, ‘Although duels were forbidden and severely punished in those days, they were rather in fashion among the military.’ Perhaps its being forbidden by the dull, bureaucratic, legalistic government enhanced the appeal of the duel to a group that wished to see itself as distinctly separate and superior. The duel was the aristocrats’ niggar or guieux, it marked their separateness and distinctiveness by flouting the rest of society for its duller behavior.

If one were choosing whether to enter the society with the dueling norm, one might rightly suppose one’s chances of ever having to duel were low and that therefore the odds of dying or being badly hurt were also low. Hence, the cost of joining the society would be very low in so far as joining entailed risks from dueling. At the moment of being challenged or of being in a situation in which one had to challenge, the relative costs would be loss of society versus the risks of the particular duel, the latter no longer discounted by the improbability of getting into a duel. Even then, loss of society might have seemed catastrophic to many aristocrats, who might sooner have risked death than have suffered exclusion.

**Collapse of the dueling norm**

We are familiar with the duel after it had lost its attachment to the aristocracy, after the thesis of Kiernan no longer fits it. As discussed below, by the late nineteenth century, there was too much general hostility to the duel for it to be as compelling as it evidently once was. Moreover, the aristocratic class that the duel had once helped to define had lost much of its definition in the face of radical economic and political changes. Aleksander Pushkin wrote of one of the most frivolous duels, which killed one participant and grievously damaged the life of the other, and then Pushkin died in a duel of his own, as did the younger writer Mikhail Lermontov soon afterwards. Both of Pushkin’s duels seem more squalid than honourable. (Indeed, virtually all the duels of major works in Russian literature seem squalid, including duels from Turgenev, Chekhov, and Dostoevsky discussed here and two from Tolstoy.) Alexander Hamilton may have concluded that he could only lose once he was challenged to duel by Aaron Burr: his career would fail whether he refused or won the duel (as Burr’s career did fail despite his winning the duel) and he would die if he lost it. He died perhaps without trying to win and hoping Burr would also not try.

The duel eventually lost its compelling quality when the aristocracy, whose separate status it had served, became weakened, infiltrated, and dissipated. Indeed, as do many norms, the norm of dueling undercut itself by being an implicit source of entrée to aristocratic status for men who were, in Kiernan’s felicitous twist, ‘not to the manner born.’ By challenging an established aristocrat and having the challenge taken up, a parvenu could seem to be included in the class of those set off as distinct and separate by the norm of dueling. The nearly total dissolution of the original functional justification of the aristocratic norm came in the USA, where egalitarian and parvenu visions gave virtually every white man status to challenge any other to duel. The prize of proving one’s membership in the class of all white men was not enough to motivate strong attachment to the norm of dueling. The duel finally died perhaps more by ridicule than by law. It had long survived against the law, but it did not long survive widespread ridicule that ill-fit the honor that dueling was supposed to bring or protect. At last we have realized Bacon’s clever insight that the way to defeat the hold of the duel was to dissociate it from honor. Clemenceau, with his laughable record of almost no harm done in twenty-two encounters, could hardly be taken seriously. The Russian and other novelists and playwrights who portrayed squalid duels unworthy of any class cannot have helped the norm.

And, finally, the frivolity of the grounds for many duels casts doubt on the practice. For example, one challenge ensued in France when a husband accused another man of looking at his wife through opera glasses while at the opera, another followed a point of musical criticism, another was fought over a cat, and one in Italy followed a debate over the rival merits of the poets Tasso and Ariosto. The mortally wounded loser of the last of these confessed he had never read the poet he defended. A late sixteenth-century writer remarked that seconds, to the number of three, four, or more on each side, would join in a duel par gayeté de coeur, from sheer light-heartedness. Prosper Mérimée’s fictional duel in ‘The Etruscan vase’ followed a minor insult when Auguste Saint-Clair, in pain and fury on coming to believe his beloved had had an affair with a troglodyte, carelessly rebuffed the man who’d told him of her supposed affair. For equivalent events of greater severity, half the men of New York would be dead of duels in any given year, even at the poor odds of one in fourteen. Perhaps the apparent aloofness of Frenchmen and the seemingly greater care with which they walk the streets of Paris are the residue of the duel. Bernard de Mandevelle noted that refinement of the sense of honor went so far that ‘barely looking upon a Man was often taken for an Affront.’ If one dared not glance at another, one must also have suppressed overt humor that might be taken amiss by the slow-witted. Dueling may have flourished less from stupidity than stupidity flourished from dueling. Hence, the society of
aristocrats must have been impoverished in many ways by the norm of dueling. The duel was finally gutted when its benefits collapsed and when the function it might once have served, of distinguishing the aristocracy, could no longer be served by it.

Understanding the duel may be especially relevant for understanding ethnic and nationalist identification. The duel is about the demarcation of a particular group and about motivating identification with that group in its conflict with other groups. The dueling norm is a norm of honor, as are norms of ethnic purity and nationalism. T. V. Smith argues that 'Whatever social entity can best foster hostile impulse can most easily appropriate the honor motif. The national state has a peculiar advantage here.' The honor in each of these cases may be determined by interest perhaps sullies it.

The epistemology of norms

One way to understand norms might simply be to suppose that, for idiosyncratic or communal epistemological reasons, people in a relevant community do believe them to be right. In general, however, it is far more interesting to attempt to construct the epistemology that leads to a particular norm. Moreover, much of the time, a critical element will be such strategic considerations as whether certain others are also regulated by a particular norm. It may actually be in my immediate interest to follow a norm even though it would be better for me if the norm had collapsed or had been displaced by a quite different norm. A full account of a particular norm might explain how it arose and why it survives. In the best of circumstances, this could be done comparatively.

Hereward, one of Sir Walter Scott's blustery soldiers, says that to be called a liar is 'the same as a blow, and a blow degrades him into a slave and a beast of burden,' if endured without retaliation. For him, this is evidently a simple fact that he apprehends directly. That it is stupid beyond measure and that it could not be supposed true outside a peculiar cultural context never occur to him. But if challenging someone to a duel provoked ridicule, contempt, and horror from everyone in the relevant society, one could not easily sustain Hereward's view, and one could not well sustain the view that dueling brought honor. If dueling brought exclusion from society rather than inclusion in it, dueling could hardly be supported.

In a widely known desert island joke, a Jewish man is cast ashore where he remains for five years. One day, the captain of a passing ship notices two impressive buildings on what is supposed to be an uninhabited desert island. He anchors and goes ashore. There are two beautiful synagogues on the beach, about half a mile apart, but no one is to be seen. The captain and his crew enter one of the synagogues, where they find the lone man. Told that the man built the two synagogues himself, the captain is in awe. 'But they're so beautiful. How did you do it?' The man shrugs that, after all, he's been there with nothing else to do for five years. 'But why did you build two?' the captain asks. 'In this one, I worship,' the Jew says. 'That one I wouldn't go near.' This forlorn castaway is so committed to the norm of supporting his branch of Judaism that he cannot escape the conventions of the society in which he grew up even when shipwrecked alone on a desert island.

Hereward and the Jewish castaway seem incredible. That is their fascination; they are not like anyone we can genuinely say we know. Others are too subject to common sense to have their commitments in such extreme contexts. Yet members of groups with strong norms of exclusion seem often to generate such extreme commitments. How do they do this? At least three processes play a role, the first two of which have been noted already. First, a norm of separation and exclusion may evolve to be increasingly strenuous. As fringe members leave, the harder core becomes more nearly the average. The process of out-migration may be much of the explanation of the increasing extremism of, for example, the Lubavitchers in Brooklyn's Crown Heights.

Second, the test of membership may become more demanding as the most stalwart members perform at a level that casts doubt on the commitments of the less stalwart (as in gang challenges). For example, the dueling norm was subject to the excess discussed earlier, in which one could take offense at trivia, one could risk death or murder for a whim. If the demonstration of personal courage and status of membership in the group was the point of the exercise, then dueling for trivial grounds may have given the most effective demonstration.

The third and final process is that, if separation really works, it constrains the group's epistemology, perhaps disastrously. A group may become ignorant at a level that would be appalling in an individual. We would judge an individual who set out to be that ignorant as stupid and plausibly self-destructive. But members of a group that achieves such self-enforced ignorance need not typically intend for it to do so. The group merely produces ignorance as a function of the success of its norm of separation, and that ignorance reinforces the norm. Cults, chiliastic movements, and rigidly fundamentalist sects cause their own ignorance, without which their odd beliefs would not be credible. This is an example of why functional explanation is not inherently subject to the perverse claim that the explained function is somehow good. A clearly self-reinforcing norm can be destructive, both for the affected individuals and, eventually, for the group in which it arises, as in the perverse religious communities at Jonestown and Waco. Functional explanation does not entail a commitment to any of the various brands of functionalism.

The enforcement of norms

If norms are to be significant, they must affect behavior, which typically means they must be enforced. How are norms successfully enforced? There
that this was a country where the experience of ground and can work for individuals can break down because of opportunity for great opportunities. This is to be expected.

With and with a great deal of hope and the hope that we will be able to leave a lasting impact. I believe the future is where our perceptions are less distorted and where we can begin to see the potential of our world, our organizations, our solutions, and our society. We can all play a part in reshaping the future we want, and I encourage you to consider the positive impact that you can make.

Your influence can be measured by your ability to understand the current state of the world, the impact of our actions, and the potential for change. Only through a deep and sincere appreciation for the power of our actions can we truly make a difference.

Sustainability and Quality of Norms

A sustainable and fair system of norms

Do not allow goods that weigh equal norms of difference. Good goods weigh a great deal more in common with ordinary goods.

In order to develop a sustainable and fair system of norms, it is important to understand the current state of the world and the potential for change. We can all play a part in reshaping the future we want, and I encourage you to consider the positive impact that you can make.

Your influence can be measured by your ability to understand the current state of the world, the impact of our actions, and the potential for change. Only through a deep and sincere appreciation for the power of our actions can we truly make a difference.
We are left with the question: Why can a norm motivate in one context and be utterly dead in another? Let us approach an answer by first considering a simple convention rather than a strong norm. Abiding by a norm can pass from being in our interest to being not in our interest, even to being strongly contrary to our interest just as a coordination can tip from one of the possible points of coordination to another. If the latter actually happened, say, for the driving convention, it would be odd for very many people years later to say, 'Still, it's wrong to drive on the left, we should go back to driving on the right.' People did react that way in the immediate aftermath of the government-sponsored change in the driving convention in Sweden in 1967. Someone who was too slow-witted to change old habits might complain for much longer. But the vast bulk of the population must soon have grown accustomed to the new convention and, if they believed the arguments in favor of the change, they must have considered it morally acceptable. Jane Austen says of Woodhouse, a widowed father whose daughter, who is half his life, wishes to marry, 'He began to think it was to be, and that he could not prevent it - a very promising step of the mind on its way to resignation.' Many Swedes of 1967 and European aristocrats not very long before may have understood Woodhouse's change of heart, step by step.

Now suppose we have a dueling norm and the state effectively intervenes to stop and to punish duels. The self-interest reinforcement of the norm now fails in general, although one might still expect to confirm one's status if one successfully duel without punishment. Very soon, there will be no duels for the trivial offenses to honor, perhaps there will even be none for very serious offenses. Shunning might soon take the place of dueling for many offenses, although perhaps not for debates over the relative merits of Tasso and Ariosto, which will simply be reduced to the ordinary insignificance they have outside aristocratic circles. There might therefore still be an effective norm of community and exclusion for the aristocratic class, but not one so dramatic or so effective as the duel. Although it might take frequent and severe punishment of duelers to stop the practice initially, it might soon take only infrequent and less severe punishment to keep it stopped. Soon, decades might pass without a single duel or punishment.

Alternatively - and perhaps this is more nearly what happened to the duel in Europe - the duelist might begin to be more the subject of ridicule than of respect or admiration from others. As with forcible suppression, the duelist might therefore see it as no longer in his interest to duel.

Apart from behavior, what will change in either of these developments? Our knowledge and expectations might also dramatically change. Our children might know that the effective response to an offense is disdain, where we once knew the effective response was a challenge to duel. And, reading an 'ought' from an 'is,' they might come to suppose it is right to offer only disdain. While we once thought the right way to confirm our status was by dueling, our children might think the right way is to demonstrate a more perfect air of je ne sais quoi. Those who have never been governed by the dueling norm may be fascinated by what Bacon called a fantastical practice. But that is virtually to say that they share none of the motivation of the norm. They share none of it because it gives them no incentive of self-interest.

Notes and references

- Parts of this essay were published in different form, in Russell Hardin, One For All: The Logic of Group Conflict (Princeton, NJ: Princeton University Press, 1995). I thank Princeton University Press for permission to reprint here.
- As should become clear below, this means the norm cannot be given a functional explanation, as many other norms can be.
- For the relationship of prisoner's dilemma to coordination and convention in ongoing contexts, see Russell Hardin, Collective Action (Baltimore, MD: Johns Hopkins University Press for Resources for the Future, 1982), chs 9–12.
- Deuteronomy 23: 19.
- Thomas Aquinas, Summa Theologiae II-II. Question 78 ('On the Sin of Usury').
- The discussion that follows here is a response to a challenge from Robert K. Merton to make sense of the use of negative terms as markers of self-appropriation. Incidentally, despite its very large vocabulary, the spell-checker on my computer does not know the word nigger. Presumably, it is a very bourgeois, perhaps white, spell-checker. Even at this late date, whites have difficulty reinserting nigger into their vocabulary. Ironically, a chief obstacle to reinserting it may be black opposition.
- John Camper, 'Loyola struggling to handle new racial tensions: Professor's remark sets off firestorm,' Chicago Tribune, (April 15, 1990), section 2: 1f; Jim Bowman, 'Watch more than P's and Q's,' Chicago Tribune, (April 21, 1990), section 1: 12. For further discussion, see Michael Davis, 'Wild professors, sensitive students: a preface to academic ethics,' Social Theory and Practice 18 (Summer 1992): 117–41.
- Recall that both supporters and opponents of Clarence Thomas's appointment to the US Supreme Court were bothered by the fact that some of the accusations against him were that he made overt and sexually suggestive comments, just as
many blacks, both men and women, commonly do in bantering conversations among themselves.


17 This is a modified version of the account of Jon Elster, *Ulysses and the Sirens* (Cambridge: Cambridge University Press, 1979), p. 28. Also see Russell Hardin, "Rationality, Irrationality, and Functionalist Explanation," *Social Science Information* 19 (September 1980): 755–72. In this earlier work I spoke of "functionalist explanation." That terminology is a mistake because it tends to invoke the specter of functionalism. Functional explanation does not entail functionalism. In functionalist theories it is supposed that some behaviors are functional for the survival or good of the society. Racism, which is a norm of exclusion, is not likely functional for the survival or good of a society. But it can be given a functional explanation in that it may be supported through its contribution to the interests of racists.

18 This potential benefit may be offset by the potential cost of reduced access to jobs and resources controlled by other groups and by the larger society, as noted below.


20 Kristin Hunter Lattany, "Off-timing: stepping to the different drummer," in Gerald Early (ed.), *Lure and Louche: Essays on Race, Identity, and the Ambivalence of Assimilation* (New York: Penguin, 1993), pp. 163–74, at p. 168, Edmund Morgan, who replaced Leonard Jeffries as head of the Black Studies Department of the City College of New York, reputedly said to a class, 'I fear that I gave up a good deal of my blackness in the course of moving into a mixed world.' One of his students reacted harshly: 'My feeling is that if you have your identity, that's sacred.' (James Traub, 'The hearts and minds of City College,' *New Yorker* June 7, 1993): 42–53, at p. 52.


22 See further, Robert K. Merton, "Our sociological vernacular," *Columbia* (the magazine of Columbia University), November 1981.

23 For example, many aristocrats might have come to grasp the effect of the dueling norm on the exclusion of others from aristocratic status, while many others might never have appreciated the impact of dueling on aristocratic identification. For the first group, Elster's additional conditions were not met; for the latter group they were met.

24 Robert K. Merton, *Social Theory and Social Structure* (New York: Macmillan, 1968 enlarged edition), pp. 114–18; Hardin, 'Rationality, irrationality, and functionalist explanation,' pp. 757–60. Elster's own primary concern with the difference between intentional and non-intentional explanations of behavior may have led him to focus on latent, non-intentional patterns as functionally to be explained.


26 Allen says that 'to name Us with an ironic epithet given to Us by Them ... implicitly names Them' (Allen, *The City in Slang*, p. 218). It seems unlikely that young blacks who call one another nigger are centrally motivated by the intention to name Them.

27 I came of age during the Civil Rights era in Texas and I have many memories of Toms being quoted, but I have no published source. Similarly, I have memories, possibly exaggerated, of people such as Stokely Carmichael challenging blacks with their racial identity. Carmichael urged abandonment of the term Negro (Stokely Carmichael and Charles V. Hamilton, *Black Power: The Politics of Liberation in America* (New York: Random House, 1967)). For capsule histories of the changes in self-designations of American blacks, see Tom W. Smith, *Changing racial labels: from “Colored” to “Negro” to “Black” to “African American,”* *Public Opinion Quarterly* 56 (1992): 496–514.

28 Arthur Hertzberg says that 'anti-Semitism is used by people who want to show they are the truly loyal and pure representatives of their ethnic group or nation' (Hertzberg, "Is anti-Semitism dying out?", *New York Review of Books* (June 24, 1993): 51–7, at p. 51).

29 The use of the term 'bad nigger,' applied, for example, to a violent criminal, may have separate origins. It may be more nearly a Sartrean or Nietzschean declaration of self. See further, Jack Katz, *Seductions of Crime: Moral and Sensual Attractions in Doing Evil* (New York: Basic Books, 1988), pp. 263–4 and passim.


33 Thomas Wolfe, *You Can't Go Home Again* (1940); *Look Homeward, Angel* (New York: Scribner's, 1929).

34 Herman Melville put this concern more generally: 'in the soul of man there lies one insular Tahitian, full of peace and joy, but encompassed by all the horrors of the half known life. God keep thee! Push not off from that isle, thou canst never return!' (Melville, *Moby Dick* (published in 1851 as *The Whale*), any complete edition, ch. 58).


36 One might nevertheless suppose that, before the Civil Rights Movement, many whites in the south were responsible as individuals for what the larger society did in so far as many of them actually participated in Jim Crow practices. Dwight Macdonald supposed that typical Germans were less culpable of Nazi actions than typical white southerners were of racial exclusion and subjugation. Dwight Macdonald, *The Responsibility of Peoples and Other Essays in Political Criticism* (London: Victor Gollancz, 1957), pp. 19–24.


38 See further, the discussion of tipping from one norm to another below, under 'Stability and fragility of norms.'

39 There were exceptions, such as the notable bias against Jews and, no doubt, a general bias in favor of Russians.

40 Kiernan, *The Duel in European History*, p. 159.

41 Kiernan, *The Duel in European History*, p. 152.


44 Bacon, *The Charge of Sir Francis Bacon*, pp. 28–30 (pp. 28 and 29 are misnumbered as 20 and 21).


46 Bacon, *The Charge of Sir Francis Bacon*, pp. 16–19, 31–2 (the last page is misnumbered as 24).

49 Kiernan, *The Duel in European History*, p. 159; also see pp. 16, 111, 329. Kiernan’s view of the individual irrationality of dueling might be roughly Bacon’s point that the duel was too grievous a response to such trivia as insults.
51 Cited in Kiernan, *The Duel in European History*, p. 171. Also see pp. 16, 52, 77. Smith also shared Montesquieu’s view of the high cost of failing to duel (Smith, *Lectures on Jurisprudence*, p. 123).
53 Kiernan, *The Duel in European History*, p. 208, emphasis added. The victim of the duel was Sir Alexander Boswell, son of James Boswell.
54 Kiernan, *The Duel in European History*, p. 27.
59 As cited in Schwartz et al., *The duel,* p. 324.
60 Kiernan, *The Duel in European History*, pp. 144, 272, 269, 138. Kiernan’s implication of general concern to vindicate the standards of the class may involve great license. Presumably, the chief, perhaps even the only, motivation was personal, not collective. The role of the collective, of the class as such, was merely to set constraints on and incentives for individual action. Elsewhere, Kiernan suggests that most duels were ‘meaningless skirmishes’ (p. 329).
63 Kiernan, *The Duel in European History*, p. 11.
65 As happens at the conclusion of the duel in Turgenev’s Spring Torrents described below. See also Kiernan, *The Duel in European History*, pp. 149–51.
66 Kiernan, *The Duel in European History*, p. 66.
68 Please forgive my sexist use of the first name for the only woman in this story and last names for all the men. That is the convention of Turgenev and his translator. It is also, aptly, the convention for a society governed by a code of (male) honor that includes the duel. Women evidently did duel, but rarely (Kiernan, *The Duel in European History*, pp. 132–3, 203, 327).
73 Dostoeyevsky, *The Brothers Karamazov*, p. 349.
74 Theodore Caplow presents data from many kinds of organizations that suggest a strong tendency for members to distort upward the prestige of their organizations. He calls this tendency the aggrandizement effect. (Theodore Caplow, *Principles of Organization* (New York: Harcourt Brace Jovanovich, 1964), pp. 213–16). We might suppose that this tendency afflicted the aristocracy of Europe.
76 Neither Burr nor Hamilton would qualify as an aristocrat by birth. The dueling norm was probably more weakly grounded in their wider community than was the norm of European aristocrats.
78 Kiernan, *The Duel in European History*, p. 112. In our time, the parvenu can buy a coat of arms from the College of Heralds in the UK for a modest sum — less than a thousand pounds in 1984 (p. 326). The trend in the price matches the trend in the value. Alternatively, for $149 one may buy a square foot of land in Caithness in the Scottish Highlands, and thereby become a Laird of Camster (advertisement, *Scientific American*, December 1992, p. 163).
79 This was the view of Algernon West (Kiernan, *The Duel in European History*, p. 218).
81 Pierre de Bourdieu Brantôme, quoted in Kiernan, *The Duel in European History*, p. 64.
91 Tolstoy in his gloomy later years had a grimmer view: ‘The people perish, they are accustomed to the process of perishing, customs and attitudes concerning life have appeared which accord with the process.’ Leo Tolstoy, *Resurrection* (London: Penguin, 1966, trans. Rosemary Edmonds; originally published 1899), p. 286.