A Critical Review of Clifford Geertz's *Local Knowledge*

Tommaso Pavone (tpavone@princeton.edu)
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Part I: An Analytic Overview

Clifford Geertz's book, *Local Knowledge: Further Essays in Interpretive Anthropology*,[1] picks up where his pathbreaking *The Interpretation of Cultures*[2] left off. "Having called various sorts of spirits from the vasty deep," writes Geertz, "I thought it necessary to show that at least some of them had come" (Geertz 2000: ix). Those spirits comprised, of course, less a set of specific anthropological observations than a particular approach to the study of social phenomena: a semiotic, context-dependent, cultural hermeneutics, or "thick description." In perhaps the most quoted passage in interpretive anthropology, Geertz's *The Interpretation of Cultures* defines culture and thick description as follows: "Believing, with Max Weber, that man is an animal suspended in webs of significance he himself has spun, I take culture to be those webs, and the analysis of it to be therefore not an experimental science in search of law but an interpretive one in search of meaning. It is explication I am after, construing social expressions on their surface enigmatical" (Geertz 1973: 5).

Perhaps the greatest extension of this approach to be found in *Local Knowledge* is the conviction that it is best undertaken through comparative contextualization: "how does one move along (across, over, amid, through, between) cases, instances, and granular observations to broader, more elevated […] perceptions? If anthropologists […] are not to be mere peddlers of singularities […] they must contrive to place such singularities in an informing proximity, connect them in such a way as to cause them to case light on one another. Contextualization is the name of the game. This is how *Local Knowledge* (the book) is to be read […] as a series of demonstrations of the explanatory power of setting sui generis phenomena in echoing connection" (Geertz 2000: xi). In this enterprise, understanding the granular is the purpose of ethnography, which construes cultural artifacts "in terms of the activities that sustain them" (ibid: 152). But interpreting these particulars (not via reduction to generalizable and ahistorical behavioral laws, but via thematization and historical contextualization) requires comparative analysis, whose purpose it is "not to exalt diversity but to take it seriously as itself an object of analytic description and interpretive reflection"

[1] Geertz, Clifford. 2000 [1983]. *Local Knowledge: Further Essays in Interpretive Anthropology*. New York, NY: Basic Books.
[2] Geertz, Clifford. 1973. *The Interpretation of Cultures: Selected Essays*. New York, NY: Basic Books.

(ibid: 154). Thus while the source of a leader's "charisma" was derived from a "Christian moralism" valuing "chastity" for Queen Elizabeth in England, an "Indic aestheticism" valuing "magnificence" for King Hayam Wuruk in Java, or a 'power-via-mobility' symbolic authority endowing King Mulay Ismail with a divine "energy" in Morocco, the universality of idioms of power "reflect[s] the fact that the charisma of the dominant figures of society and that of those who hurl themselves against that dominance stem[s] from a common source: the inherent sacredness of central authority," which supplies "the master fictions by which [an] order lives" (ibid: 134-138). It is this inductive enterprise seeking to link diverse social practices into a tapestry of echoes that sets the stage for Geertz' comparative analysis of law in Chapter 8, from which his book takes its name.

The lawyer and the anthropologist, posits Geertz, both face the challenge of negotiating the relationship between the particular and the general: "Between the skeletonization of fact so as to narrow moral issues to the point where determinate rules can be employed to decide them (to my mind, the defining feature of legal process) and the schematization of social action so that its meaning can be construed in cultural terms (the defining feature, also to my mind, of ethnographic analysis) there is more than a passing family resemblance […] our two sorts of workaday cleverness may find something substantial to converse about" (ibid: 170). Specifically for law, this relationship is conceptualized as the "is/ought, *sein*/*sollen* problem," or how to "imagine the real" in such a way as to transform "what happens" into something justiciable – a moral declaration or rationalized judgment (ibid: 170; 174-175). The linking of "fact" and "law" is thus an enterprise not unlike what Geertz perceived in the cockfights of Bali: "it provides a metasocial commentary upon the whole matter of assorting human beings into fixed hierarchical ranks and then organizing the major part of collective existence around that assortment. Its function, if you want to call it that, is interpretive […] a story they tell themselves about themselves" (Geertz 1972: 26). Law is, in other words, a semiotically-driven construction.

And in the spirit of *Local Knowledge*, these constructions are unlocked via comparative ethnographies. Geertz begins with an anecdote from Bali to quickly discard what he calls "the primitive problem," or the belief "that while we, the civilized, sort matters out analytically, relate them logically, and test them systematically, as can be seen by our mathematics, physics, medicine, or law, they, the savage, wander about in a hodgepodge of concrete images, mystical participations, and immediate passions" (ibid: 148). Regreg, a resident in a small Balinese village, had just had his wife seduced or kidnapped by a man from another village. He appealed to the village council for a remedy, but despite the Balinese *politesse* evident in the council's sympathies for Regreg's

predicament, it essentially declared its lack of jurisdiction on the matter: "marriage, adultery, divorce, and that sort of thing were not a village concern. They were matters for kin-groups" (ibid: 176). This bitter outcome obviously alienated Regreg, and once his turn came to serve on the village council – a matter of upmost, if not cosmic, importance – Regreg stubbornly refused. The consequences of this choice were severe, "tantamount to resigning not just from the village but from the human race" (ibid: 177). But then, an extraordinary thing happened: the "highest ranking traditional king in Bali," who was "the most sacred figure on the island […] considered shot through with cosmic power at once terrible and benign," sought an audience before the village council to plead Regreg's case (ibid: 178). He argued that the country was modernizing, and that to banish individuals from a village "was not modern, up-to-date, democratic, the Sukarno-way" (ibid: 179). But the village council's "powerful legal sensibility" pushed it to reluctantly tell the king "slowly, obliquely, and even more deferentially, to go fly a kite. Village affairs, as he well knew, were their concern, not his, and his powers, though unimaginably great and superbly exercised, lay elsewhere" (ibid). What we find in Bali, implies Geertz, is a surprisingly autonomous system of law – autonomous in that it appears, however normatively questionable, to be a system not of 'rule by law' meant to rationalize power, but of 'rule of law' meant to achieve that aforementioned "organizing [of] the major part of collective existence around" some " fixed hierarchical ranks," ranks that were as binding on the highest Balinese king as they were on Regreg.

Geertz then proceeds to his comparative analysis by showing how the Islamic, Indic, and Malayo-Polynesian legal traditions seek to address the "is/ought" problem. He does so via an ethnography of "key terms that seem, when their meaning is unpacked, to light up a way of going at the world" (ibid: 157). For the Islamic legal tradition found in Morocco, Geertz focuses on *haqq*, "which means "truth," and a very great deal more" (ibid: 183). The semiotic significance of *haqq* is derived from Muslim adjudication's belief that a "jural principle" (and hence a normative universe) and an "empirical situation" (and hence a positive universe) "come already joined" (ibid: 189). They are joined by the belief that "[f]acts are normative" (ibid: 189). Adjudication, then, is a process of "stating public-square versions of divine will truths" (ibid: 190). It is in this context that *haqq* is discerned via the reliance on "normative witnessing," achieved through the "personal word of an upright Muslim" (ibid: 190-191). But there is more: the obsession with assuring the reputability of normative facts engenders "witnesses as to witnesses," who attest to the moral integrity of the primary witnesses, and hence to their ability to help the *qadi* (or judge) unearth the *haqq*. For the *qadi*, the danger of relying on "the word of a false witness" is serious indeed, for such

a decision would be "judicially irreversible, and morally on his head" – a veritable "sacrilege" subject not to "human sanction," but more seriously "punishable by damnation" (ibid: 191-192).

Geertz then turns to Indic law and its concept of *dharma*, "which means "duty," and a very great deal more" (ibid: 183). "If *haqq* negotiates "is" and "ought" by construing law as a species of fact," argues Geertz, "*dharma* does so by construing fact as a species of law" (ibid: 198). In other words, concrete social life is derived from the "codes which govern the behavior" of men, women, gods, demons, and animals, and in turn "the material," the "secular," and the "spiritual," all of which lie not in binary opposition to one another but as interconnected objects of the same cosmic order (ibid). Hierarchy is naturalized, and hence one's primordial status determines one's role and *dharma* in society: "Snakes bite, demons deceive, gods give, sages control their senses […] it is their *dharma* to do so" (ibid: 196). Here we find a legal sensibility that looks somewhat more like "rule by law," for it is the king "counseled by the appropriate savants, monks, or Brahmins, who connected the coherence-making if/then paradigms of general *dharma* to the consequence-producing if/then paradigms of concrete rule" (ibid: 200). But it is exactly this potential degeneration into autocratic rule that endows the Indic legal tradition with its own obsession: "to keep the ruler mindful so that he will act to fulfill his own *dharma*, protect the *dharmas* of others, and thus maintain the whole within the cosmic balance that is *dharma* as such" (ibid: 201). The "purifiers" within this order are those whose job it is to know the law, and it is their *dharma* to remind the "punisher," or the wielder of power, not to upset the natural order of things, for it is only by selflessly acting in accordance with his own *dharma* that the king could ensure "the possibility of attaining a settled justice of principle rather than an arbitrary one of will" (ibid: 202). In short, where the normative witness is central in the Islamic tradition and its discernment of *haqq*, the jurist is central to the Indic tradition and its fulfillment of *dharma*.

Finally, Geertz considers the Malaysian tradition and turns to its concept of *adat*, "which means "practice," and a very great deal more" (ibid: 183). Here, adjudication's role is to "translate a definitional conception of justice as spiritual harmony, a sort of universal calm, into a decisionary one of it as consensual procedure, publicly exhibited social agreement" (ibid: 210). And just as assuring the moral integrity of witnesses in Morocco or the selflessness of kings in India proved an elusive enterprise, the maintenance of a "quiet hum of agreement" in Bali proved just as difficult to foster (ibid: 210-211). One means to facilitate this harmony was to privilege consensus irrespective of the substance of the verdict itself: it is process – a harmonizing *adat* – that mattered most (ibid: 211). And the process unfolded according to "what one can only call high etiquette, of patient,

precise, and unexcited going through the elaborate forms of local consensus making" (ibid). Reliance on "admonitory proverbs, moral slogans, stereotyped Polonious speeches [and] didactic literature" was leveraged as a means to remind all of their commonality and to forget their differences – in short, their use was "designed at once to soothe and persuade" (ibid: 212). If fact-gathering is pre-eminent in the Islamic legal tradition and knowing one's place and duty in the cosmic order is central in the Indic legal tradition, then publicized civil procedure is critical to an understanding of the Malaysian legal tradition. In Morocco: normative facts. In India: cosmic duty. In Bali: public consensus.

Part II: A Critical Appraisal

There are two preliminary criticisms, or rather points of clarification, I would like to briefly discuss here. Specifically, they entail (1) skepticism vis-à-vis a fairly exclusively semiotic analysis of legal traditions, and (2) understanding how Geertz's approach accommodates and illuminates social change.

Beginning with the first point, Geertz does not give enough weight to plausible alternative interpretations of the social phenomena he studies. In his analysis of *dharma*, for example, Geertz locates a semiotic drive to understand one's place and duty within the cosmic order. But one could just as easily interpret the jurists' obsession with reminding the king of his *dharma* as an attempt to check executive authority. *Dharma* carries with it the weight of spirituality and tradition, and reference to it is hence a more persuasive means to convince a potentially all-powerful leader to act selflessly and exercise self-restraint than by more transparently instituting a system of checks and balances. If this is so, then the function of *dharma* is not so much interpretive as it is political. As David Laitin has written, "Culture is Janus-faced: people are both guided by the symbols of their culture and instrumental in using culture to gain wealth and power" (Laitin 1988: 81).[3] The point is not to deny that institutions of authority – the law being a pre-eminent example – cannot generate meaning. Rather, the point is that not all social actors are so tangled in webs of significance as to be unable to manipulate them to their own advantage. To focus exclusively on semiotic ties rather than instrumental behavior is to ignore the ability of human agents to convert culturally-embedded symbols into the foundations for individualized power.

Second, Geertz's focus on traditional cultural systems, and his relatively cursory and dismissive discussion of exogenous forces of structural change (as when he notes that "the legal

[3] Laitin, David. 1988. "Political Culture and Political Preferences." *The American Political Science Review* 82 (2): 589-597.

system [of India] was in the hands of native jurists for two millennia and has been in those of European and Western-trained jurists for two centuries. So not everything is changed utterly" (ibid: 207)), comes perilously close to opening his analyses up to the same critique leveraged against the structural functionalism of Emile Durkheim and Talcott Parsons: namely that the focus on social solidarity and homeostasis crowds out the analysis of more turbulent periods of social change. The primordial social hierarchy encapsulated in *dharma*; the meditative "hum" of social consensus found in *adat*; the personification of a fixed moral-religious belief system in the normative witnesses outlining the *haqq*: all are system-stabilizing cultural artifacts. Geertz's selection of illustrative examples is itself illustrative of this concern with homeostasis: when the Balinese king turned to the village council to plead not so much Regreg's case, but that of modernization, he was turned down; when the British colonized India, they were unable to erase the legal sensitivity derived of *dharma*. Even as globalization forces legal systems to interact and confront one another, a worldwide "legal pluralism" has arisen that Geertz predicts "will be not one of a rising curve of legal uniformity, either across traditions or (something I have, so far, had rather to neglect here) within them, but their further particularization" (ibid: 216). My reading of this interpretation is that contemporary legal pluralism is not so much reshaping localized legal systems as it is forcing their inter-systemic dialogue and, at most, a form of legal layering – not unlike stacking tortillas on a plate. And just as layering tortillas may change the aggregate content held by the plate, each tortilla remains much as it was pre-stacking. The point is that where Geertz brilliantly illuminates synchronic change – the differences one encounters by traveling from India to Malaysia – he is less successful at shedding light on diachronic change – the differences that arise when moving from the India of the 1600s to the India of the 1900s. It is not so much that Geertz's cultural hermeneutics cannot shed light on temporal change – it is more that this phenomenon does not appear to be a central concern for Geertz. And this is surprising, given that several semiotically-driven comparative political scientists – including Deborah Yashar, Mark Beissinger, and Elisabeth Jean Wood[4] – have highlighted that semiotic ties and cultural symbols are reappropriated by identity-seeking individuals precisely as a means to make sense of a world in flux.

[4] See: Yashar, Deborah. 2005. *Contesting Citizenship in Latin America: The Rise of Indigenous Movements and the Postliberal Challenge.* New York, NY: Cambridge University Press; Beissinger, Mark. 2002. *Nationalist Mobilization and the Collapse of the Soviet State.* New York, NY: Cambridge University Press; Wood, Elisabeth Jean. 2003. *Insurgent Collective Action and Civil War in El Salvador.* New York, NY: Cambridge University Press.