

Intersubjective Meaning and Collective Action in Developing Societies: Theory, Evidence and Policy Implications*

Varun Gauri, World Bank

Michael Woolcock, World Bank

Deval Desai, SOAS and University of Manchester

February 2012

Abstract

The capacity to act collectively is not just a matter of groups sharing interests, incentives and values (or being sufficiently small), as standard economic theory predicts, but a prior and shared understanding of the constituent elements of problem(s) and possible solutions. From this standpoint, the failure to act collectively can stem at least in part from relevant groups failing to ascribe a common intersubjective meaning to situations, processes and events. We develop a conceptual account of intersubjective meanings, explain its relevance to development practice and research, and examine its implications for development work related to building the rule of law and managing common pool resources.

Introduction

This paper explores the significance of the concept of ‘intersubjective meaning’ (or ‘intersubjectivity’) for developing countries and development policy. It seeks to provide an overview of an important but often overlooked strand of social theory, provide concrete examples of its salience for key development issues, and explore some of the implications for policy.

Intersubjective meaning refers to the extent to which relevant actors share a common understanding of the problems they face and possible solutions to those problems. For example, facing persistent questions about the legitimate use of public resources, it matters whether key actors regard giving such resources to associates as corruption or a social norm (Rosen 2010); all parties can share, as an ethical value and policy aspiration, a desire for public servants to be prudent stewards of resources, even as their actual responses to this desire, and its perceived legitimacy by internal and external actors, can vary considerably. Or consider land administration. For most contemporary development professionals, ‘land’ is a commodity to be bought, sold and ‘improved’, an economic resource with exchange value determined by the security of the title to it (‘property rights’) and its prevailing market price. That is certainly one meaning of ‘land’, but both in the past (e.g., Cronon 1983) and still today land can mean something else entirely, which in turn can be a basis for serious conflict when these different meanings interact. As the World Bank has recently learned the hard way in Cambodia, the disbursement of property titles, even (or especially) to ostensibly public land, is not merely a complex logistical exercise, but a task that requires detailed ongoing attention to managing the evolving local politics and contentious claim-making that necessarily accompanies any effort to alter the status of ‘land’.ⁱ

Intersubjectivity also has direct relevance for current development practice. For some time, it has been apparent that the quality of governance is of crucial importance for development outcomes, that, as Rodrik et al (2004) put it, “institutions rule”. As a consequence, the avowed goal of current development practice and analysis is typically less to “get the prices right” than to get the institutions right. But it is by now well-recognised that if institutions are to be understood as “the rules of the game” (North 1990), the rules consist not only, and perhaps not primarily, of the formal, written rules that govern the functioning of organisations, but the informal practices and “political cultures” that shape the behaviour and expectations of people who interact with those organisations (Fukuyama 2004, 2011). This means that the external analyst, or policymaker, cannot and should not make recommendations for institutional change based simply on the way that new formal incentives are

expected to affect behaviour, but also needs to analyse repeated practices and the shared meanings that underlie them, however unclear their basis in observable incentives.

The paper proceeds as follows. In Section One we further develop the notion of intersubjective meaning and its significance for development. Section Two applies the concept to two prominent sites of development thinking and practice: collective action to develop the rule of law, and to manage common pool resources. Section Three concludes by summarising the implications of our argument for development policy.

I. *Intersubjectivity's Analytical Foundations*

Although sidelined in rational choice accounts of history and social and political phenomena, intersubjectivity is hardly unrecognised in social theory more broadly. Wedeen (2002), for example, summarises the work of numerous social, political, philosophical, and anthropological theorists who have developed accounts of socially rooted meaning-making practices (see also Swidler 1986; Swidler and Watkins 2010; Lamont 2010). Even so, intersubjectivity remains marginal in development, which remains heavily influenced by standard welfare economics. In this section, we focus on the theoretical underpinnings of intersubjectivity, and for this we primarily follow accounts from Charles Taylor (1985, 1992, 1995a, 1995b) and Pierre Bourdieu (1980).

Intersubjective meanings are concepts, arguments, beliefs and judgments that cannot be attributed to individuals; rather, they are the shared property of groups of human beings. The reason that they cannot be the property of a single individual is that they are not abstractions inside individual minds (such as mathematical concepts or expectations of pain or pleasure). They arise from the rules that constitute social practices and could not exist were it not for the fact of social coordination.

It is useful to start with certain misunderstandings. From one point of view, it is flatly commonsensical that meanings must be located within the minds of individuals rather than in societies. After all, no social phenomena would exist if individuals did not. So in some sense it looks as though individuals are the causal agents in the construction of social meaning. Taylor (1995a), however, takes aim at forms of “atomism” such as this. He locates their principal theoretical source in welfare economics, which holds that value judgments ought to be based on outcomes, and particularly on the raw, uninterpreted happiness or utility that they provide to individuals in their subjective experience.

Importantly, the utilities to be weighed in such states of affairs are those of individuals. So welfare economics supports the “commonsensical” argument for locating meanings in individual minds when it holds that, in the last analysis, all goods are the goods (and products) of individuals. Even a public good, such as a lighthouse, a dam, a road, or national defence, is “decomposable” and derives from the value (utility) it has for individuals” (Taylor 1995a: 129).

Taylor argues that this approach – in which *all* goods are located in individual minds – is fundamentally mistaken because it fails to take account of the peculiar nature of thoughts. Thoughts exist against a background dimension of meaning and “require a background of available meanings in order to be the thoughts that they are” (Taylor 1995a: 131). In other words, there is an analogy between thinking and making a move in some rule-governed human activity in which questions of validity and invalidity arise, such as a game. Taylor notes that it makes no sense to speak of a queen-side castle in checkers. Similarly, when a bad historical movie portrays a neolithic villager who is happy to have a “sophisticated” lover, it is jarring. Nothing the villager could say could *count* as describing someone as “fulfilling” or “sophisticated” because the whole way of classifying things as “fulfilling” or “sophisticated” did not exist for him (if we are right about his world). His language lacked the resources to make those judgments. And the lack wasn’t contingent – there is no way to imagine a way around it. The impossibility of conceiving such an event suggests that validity is at play.

Taylor argues that *meaning events* are to be distinguished from *plain events*. Meaning events exist in two-dimensional space – a communication takes the meaning it does only against the background of shared meanings. One way to understand this is to draw on Saussure’s linguistic distinction between *langue* (the abstract systematic principles of a language) and *parole* (an individual speech act). To understand individual speech acts, you have to understand the rules of the language in which they are expressed. This is analogous to the game of chess. To understand the meaning of a particular move, you have to understand the rules of the game and the set of meaningful moves to which those rules give rise. But there is an important distinction between games like chess and human language. The acts of *parole* all presuppose the existence of *langue* and make no sense without it, but the latter is constantly recreated in acts of *parole*. In other words, speech acts have the ability to change the language itself, whereas a chess move will not change the rules of chess. And most relevant for the purposes of the present paper, the abstract systematic principles of a language affect the ways in which individuals speak and think – they have a causal relationship to every individual speech act – *even if*

those rules cannot be located in the mind of any single individual. No individual could internalise all of the explicit and implicit rules of a system of language, with all its variation and dynamism. Rather, the abstract principles of language arise from the coordinated practice of communication.

Taylor argues that although Saussure's distinction is about language, the same could be said of other phenomena in social life, such as roles, laws, offices and statuses. Expressions regarding them, and judgments and social debates about them, share the same two-dimensional structure of speech acts; in other words, they only make sense against a specific set of shared background understandings and practices. As in the case of language, these shared background meanings and practices are not decomposable, accidentally or contingently related to those judgments and experiences; rather, those judgments and experiences could not exist without them. By contrast, it is quite possible to imagine the benefits that public goods bestow on individuals without the public good itself – elevated homes and new crops might conceivably solve the same problems, and provide as much value, as a dam. But if one values a fulfilling life, there is no substitute for the shared meanings and practices in which 'fulfilment' is conceivable.

But then the question arises: where does this shared set of social and political background meanings reside, if not in individuals? Taylor contends that intersubjective meanings in social and political life arise from within coordinated social practices. "The meanings and norms implicit in these practices are not just in the minds of the actors but are out there in the practices themselves, practices which cannot be conceived as a set of individual actions, but which are essentially modes of social relation, of mutual action" (Taylor 1985: 36). In other words, one cannot separate out actions and their causes (such as incentives) from the cultural background that gives meaning to those actions. As Tilly (1999: 20) puts it, culture and structure are two parts of the "same stream of transactions".

When struggling to make sense of shared background meanings that are not the property of individuals, analysts are often tempted by two degenerate conceptualisations of culture. First is the notion that groups or societies think in a kind of mystical, quasi-Hegelian fashion. Here one imagines a thick culture that, like an ether, pervades and determines history. Examples of this line of thinking include culturally deterministic accounts of development, in which societies where Puritanism or Confucianism predominate are predisposed to succeed economically. Second, some analysts, particularly methodological individualists using surveys to get at meanings and identities, take the view that culture inheres within the minds of individuals as an essence. Methodological individualists typically

look for correlations between self-reported beliefs and behaviour at the individual level (e.g., are members of a particular religion more likely to exhibit altruism?). Examples of this view include household-level accounts of behaviour that attribute the choices of individuals to a personal worldview or identity. In contrast to these views, we want to emphasise an account in which intersubjective meanings are a necessary consequence of the structure of meaning *events*, which require a shared background – or what Taylor (2003) calls ‘social imaginaries’ – to take the form that they do. When individuals make political, social, and economic choices, their expression takes the meaning it does because the individuals themselves – *as members of a community or communities* – know the social background, and those who interpret their choices are confident of the meanings they ascribe to the choices because they know that the individuals who have acted are acting against the shared social background. As Taylor (1985: 40) famously puts it, “What the ontology of mainstream social science lacks is the notion of meaning as not simply for an individual subject; of a subject who can be a ‘we’ as well as an ‘I.’”

Analysts tend to emphasise the role of (degenerate) understandings of “culture” in the construction of ethnicities, group boundaries and identities. But it is crucial to note that intersubjective meanings are constitutive of all of the spheres in which coordinated social action occurs, including personal relations, politics and governance, and economics and exchange. Bargaining and negotiation as practiced in the North Atlantic world, for instance, are not natural phenomena; rather, they are social practices of relatively recent invention. Negotiating in the sense that we use the term today requires a set of understandings about good faith, autonomy, what it means to break off negotiations, how to enter into negotiations. People cannot bring into negotiations the set of ideas and norms constitutive of negotiations themselves. “These must be the common property of society before there can be any question of anyone entering into negotiation or not” (Taylor 1971: 27). And these practices were developed over the course of history.

For development theory and practice, this account of intersubjectivity has three general implications. First, the methods used to grasp the sources of meaning need to go beyond surveys and questionnaires. Surveys and questionnaires usefully identify the beliefs, opinions, and evaluations in the minds of individuals, but the shared background understandings necessary for establishing meaning events rarely receive full articulation in the minds of individuals; rather, meaning events come to full articulation in particular social contexts. Surveys that aim to elicit them often fail because they typically

do not operate in such a way that the respondent can access them at will.ⁱⁱ An understanding of intersubjectively constructed concepts requires further ethnographic, historical, and interpretive work. In particular, social cohesion and “consensus” are not based in simultaneously held concepts in people’s minds, as evidenced by identical answers to standard questions; in reality, evidence of cohesion, consensus, and shared intersubjectivity is to be found in regularities of physical behaviour, communicative style, and social organisation. For instance, hierarchical understandings of a society may be more readily discerned by looking at how people hold their bodies when in the presence of an authority figure, than by asking people to answer a survey.

The second implication involves what it means to follow a rule, and our understanding of institutions. Taylor notes that for any given rule, even one as narrow as a mathematical one, the number of potential misunderstandings is endless. He cites Wittgenstein’s example: “We could imagine someone to whom we teach a series by giving him a sample range, say 0, 2, 4, 6, 8, . . . He might carry on quite well till 1000, and then write 1004, 1008, 1012. He is indignant when we tell him he’s got it wrong. He misunderstood our sample range to be illustrating the rule: ‘Add 2 up to 1000, 4 up to 2000, 6 up to 3000, and so on.’” The same is true of all kinds of rules. If you want to explain how to get into town, you might tell someone to just follow the arrows, but how are they to know they are to follow the point of the arrow rather than the feathers? And of course, it is even more problematic for laws and norms, which admit of enormous variation in interpretation. And yet people do seem to understand how to follow rules, and social coordination does take place.

How? Taylor’s answer is that following rules is a social practice rather than a cognitive activity or a rational choice theorist’s “common knowledge.” To illustrate, he repeats Wittgenstein’s rhetorical question: “Is what is called ‘obeying a rule’ something it would be possible for only *one* man to do only *once* in his life?” People do frame understandings and representations of what the world is like, what they are doing, what they aim to do, and what is expected of them. “But much of our intelligent action in the world, sensitive as it usually is to our situation and goals, is carried on unformulated. It flows from an understanding that is largely inarticulate” (Taylor 1995b: 170). Taylor contends that shared understanding is embodied, rooted in the ways that social practices inscribe knowledge into people’s non-cognitive awareness and habitual activities. It is possible to know how to get around a place without being able to draw a map of it. Moreover, practical knowledge about how to get around a place includes knowledge that a map does not, including an awareness of how events and movement are supposed to

unfold in time. A person might exhibit deference through the distance he keeps from others, without being able to articulate the rule regarding the ways in which deference to elders ought to be expressed.

The implications for our understanding of institutions emerge when Taylor draws on Bourdieu's concept of the *habitus* to express this level of understanding. For Bourdieu (1980: 56), the *habitus* is "embodied history, internalised as a second nature and so forgotten as history." In his account, *habitus* is one way in which history is preserved, but the other way in which it is preserved is encoded in the rules and logic of institutions. Without the *habitus*, however, institutional rules remain inert, without much consequence for the unfolding of events. It is the *habitus* that allows agents to "inhabit institutions, to appropriate them practically, and so to keep them in activity, continuously pulling from the state of dead letters, reviving the sense deposited in them, but at the same time imposing the revisions and transformations that reactivation entails" (1980: 57). Clearly, the upshot for development is that analyses of institutional rules, without an accompanying assessment of their relation to embodied knowledge and shared practices, is likely to be of only limited use for "getting institutions right".

The third implication follows from the second. Institutions and intersubjective meanings (or embodied knowledge) can be reinforcing or divergent. Meanings and institutions are not necessarily "in tune" with each other. Revolutionary ideas, for example, precede the institutions they intend to create. Additionally, meanings and institutions can interweave in various ways (Bayly 2004). There can be a more or less stable pattern of mutual reinforcement where the meanings strengthen the institutions and keep them alive, and the institutions continually regenerate the meanings in each succeeding generation. But it may come to appear that the institutions grow corrupt, and some may call for rectification, which in turn may lead to the generation of a rival set of meanings (religious reform), or may lead some to withdraw from the institutions altogether and turn to another practice with a distinct set of meanings (e.g., mass religious conversion). Meanings and institutions can fall "out of tune" with one another: for instance, technological change can make certain organisations too costly or facilitate the appearance of a rival institutional form, or a change in the social standing of a group closely associated with a practice can undermine or strengthen it.ⁱⁱⁱ These will affect the meanings through which the institutions are collectively described. Similarly, the meanings of an institutional form can be lost over time, or undermined by new insights (Taylor 1992).

II. *Applications to development theory and practice*

We turn now to two particular arenas of donor engagement – the rule of law, and common pool resource management – and explore some of the salient differences between how they are understood by mainstream development actors and a perspective emphasising intersubjective meaning.

‘The Rule of Law’

(Re-)establishing the rule of law in developing societies is a pervasive concern for donors of all stripes, including major multilateral institutions (UNDP 2000; European Commission 2007; African Development Fund 2008; World Bank 2011a) and bilateral actors (Dutch Ministry of Foreign Affairs 2007; France Coopération 2007; German Federal Ministry for Economic Cooperation and Development 2007; DFID 2010). These actors ascribe a range of definitional characteristics to the rule of law, have a range of concerns – from developmental impacts and security risks to political or military interests – and a concomitant range of policy approaches: some emphasise the importance of establishing basic security, others viable mechanisms for dispute resolution, still others building the presence of the state.

As matter of general principle, donors seek to provide inputs to justice institutions that lead to desired outputs. At the rhetorical and analytical levels, for example, AusAID (2010) presumes that *individual institutions* can be the subject of intervention. At the operational level, phase 1 of the \$27.75 million Justice Sector Reform Project in Afghanistan (World Bank 2011b) sought to “improve” state institutions (including the Supreme Court and the Attorney-General’s Office) through specific inputs such as human resource reform and training for officials. As a result, we see a conceptual process of *institutional reification* on the part of donors: the *World Development Report 2011*, for example, narrates a story of change that involves the transformation of institutions through engaging with stresses and risks that *act upon* institutions (World Bank 2011a).

The most evident problem, or symptom, of such an approach is the unmet need to engage with and mediate between different understandings of what law is: that is, what is knowable, say-able, and do-able about the law – something which donors have been notoriously ineffective at doing (Desai and Sage 2011). This is part of what Simmons (2000: 333), in the context of public international law, sees as a “broader critique of social scientific methods that attribute meaning to actions, rather than allowing these meanings to reveal themselves through intersubjective discourse.” In situations of legal or normative pluralism – for example, retributive versus reconciliatory approaches to the punishment of

rape in Liberia (Isser, Lubkemann and N'Tow 2009), local level dispute resolution in Indonesia (Gauri 2010), or competing conceptions of ownership of natural resources and legitimate methods of dispute resolution in the arid lands of Northern Kenya (Chopra 2008a; Chopra 2008b) – the nature of the conflict cannot be understood without recourse to background meaning systems such as non-state justice institutions that determine issues such as the nature of and sanction for rape. As a result, forging spaces for the development of “meta-rules” (Barron, Smith and Woolcock 2004), or spaces in which different background meanings can engage and help generate overarching rules governing the application of different systems, comes to the fore.

Yet in making a move to engage with non-state justice systems, rhetoric and analysis has often focused on the symptom that triggers such shifts (the choice of formal or informal sector on the part of individual claimants), rather than the cause (the need to engage with background meaning) (Desai, Isser and Woolcock 2012). For example, the WDR 2011 reflects on lessons learned from practice and finds that it is important to engage with non-state mechanisms because they may prove more effective than the state at maintaining social cohesion at the community level.^{iv}

The logic of this approach has important implications for development policy and practice: on this view, institutions of the rule of law are reified objects (or reified systems), rather than indivisibly embedded and recreated in social practice. Individuals are not given due recognition as agents in the contestation and definition of institutions. They are instead seen as users who choose to engage with pre-existing legal institutions that are separable from their social context – these institutions are thus not (re-)defined through social practice. As a result, reforms designed to maximise overall systematic efficiency prevail, with institutional competition providing an important policy tool. For instance, Botero *et al* (2003) argue for “incentive-oriented reform... to increase accountability, competition and choice” between legal institutions and between judges. This is reiterated by Cabrillo and Fitzpatrick (2008: 58) and extended to the provision of legal services (232). At the level of practice, Barendrecht and de Vries (2005) highlight Alternative Dispute Resolution (ADR) – including non-state justice systems – as a means to foster “innovation” and generate healthy competition in the market for legal services. Of course, not all donor policy and practice in the field of rule of law reform is underpinned by a belief in competition between institutions; but this is the logical extension of an approach that reifies institutions and removes them from the meaning systems that generate, contest and redefine them continuously. The

result is an approach that is in clear contrast to (and indeed in conflict with) the context- and process-driven ones that give rise to the establishment of meta-rules.

Phase 2 of the Justice Sector Reform Project in Afghanistan, which is currently under development and is the subject of continued modification (World Bank 2011b), reflects this tension.^v An aspect of the design under discussion is a “partnership for justice” to improve the delivery of legal services, which recognises the socially-generated legitimacy of non-state institutions and avoids direct engagement in order not to undermine them, preferring instead to carry out a range of analyses in order to better understand them and their impact on the formal system. But it also presumes that, as the two systems are juxtaposed and compete for “users”, people will begin to choose an improving formal system as it leverages its scale and backing of the state. While we do not necessarily argue here that such an approach in Afghanistan is misguided, we do claim that *analyses* of the rule of law would be enriched by accounting for intersubjective meaning systems, thereby structuring more effective operations.

Another example would be the World Bank’s Institutional and Governance Review of Honduras (World Bank 2009: 23-26), which highlights inefficiencies, corruption and capture in the judiciary, as part of a broader narrative of capture and clientelism across all branches of the state. But in the context of a violent history in which there was aggressive action by banana companies to undermine collective labour movements, moving thousands of workers of different ethnicities from one country to another to saturate labour markets and reduce wages (Bourgeois 1989: 217; Euraque 2003: 240-2), Honduran patron-client relations can be intersubjectively understood as providing security and safety, rather than simply being an issue of corruption. Such an understanding would undermine a simple-minded approach to judicial reform and open the door for policy and programming based on security concerns rather than (or alongside) governance and anti-corruption interventions.

At a macro-analytical level, most donor analyses of the rule of law draw on political economy accounts, which typically argue that new legal institutions, such as democracies and constitutions, arise when the expected returns from new forms of social coordination exceed the expected returns to violence, rent-seeking and other forms of expropriation. Most such accounts give limited attention to the emergence of norms, beliefs and related social phenomena.^{vi} Typically, these accounts characterise the rule of law, or “constitutional consensus,” as simultaneously held beliefs in the minds of individuals or in the minds of groups.

(This ambiguity is instructive, since here “groups” consist of individuals who share the same (reified) “culture.”) (North, Wallis and Weingast 2009; Weingast 2005). This account of consensus is distinct from one that emphasises intersubjectivity and social practice. For instance, Hart (1961) argues that in modern societies a law is known *as law* when most citizens conform to it *and* when legal officials consider it valid. In this account, constitutionalism depends, in part, on the practices of knowledge generation and dissemination by legal officials (which in turn are partly based on their material interests), as well as the day-to-day social practices of ordinary citizens.

Collective Action and the Maintenance of Common Pool Resources

A pervasive challenge facing all communities, but especially poor rural communities in developing countries, is the management of common pool resources, such as streams, fisheries and forests. This problem is a canonical one for rational choice theorists, who struggle to explain how individuals will contribute to the maintenance of the common resource (e.g., by regularly securing the integrity of dam walls, checking salination levels, etc) or avoid ‘the tragedy of the commons’ (in which individual group members over-fish or over-graze existing stocks), since the interests of individuals and the collective seem to be radically divergent: what is optimal and thus rational for the individual – to sit back and let others maintain the resource, while harvesting a disproportionate share of its fruits – generates, in the long-run, a collective outcome – a neglected or barren resource – benefiting no-one.

This problem, while real, occurs far less frequently than theory would predict; life for the billions of poor people living in rural areas in developing countries, many of whom depend on common pool resources for their very survival, would be impossible if it was as pervasive as theory would have us believe. Observing this gulf between theory and behaviour, a number of researchers – most famously Elinor Ostrom (1990, 2005) – have sought to revisit the theory.^{vii} Without necessarily abandoning rationality assumptions, these scholars have highlighted the complementary importance of social norms, produced and reinforced through repeated social practices not just through small cohesive groups (as emphasised by Olson 1965) but across larger territorial space. For example, the presence of norms giving priority to maximising the welfare of the *group* (as opposed to the individual) are often a feature of such community interactions, defying the very presumption that the rational, utility-maximising, self-

interested individual is always and everywhere the unit of analysis on which action is based, or should be interpreted.

Whether at the level of the individual or group, however, for present purposes it is important to recognise that success in the management of common pool resources turns in the first instance on shared understandings of what effective ‘management’ means and what ultimate ends the resource’s use is believed to serve. When UNESCO declares a particular geographical location to be a World Heritage Site, for example, it imbues this site with a particular historical, ecological and legal status that may or may not accord with those of its traditional users or the prevailing national government, even if all parties nominally share a common ‘interest’ in the site’s maintenance; in such instances, the successful ‘management’ of this common resource ultimately turns on the extent to which these parties’ rather different sources of legitimacy and authority can nonetheless come to a sufficiently shared understanding of the problem and possible solutions, which in turn will be largely a product of social practices (such as ongoing deliberation and equitable diplomatic relations). This is a particularly salient issue in Vanuatu, where the ‘Chief Roy Mata Domain’ has been declared a World Heritage Site since 2008, a status explicitly sought by the government of Vanuatu as part of a package of defence mechanisms mobilised against the predations of international commercial interests, but one that has created additional confusion for resident villagers who regard the area as a primary basis of identity and livelihood provision (Serrano and Stefanova 2011). Reconciling these disparate understandings of ‘resources’, ‘management’ and ‘the law’ remains an ongoing struggle, one ultimately grounded in the different meanings that each group – international agencies, regional bodies, national governments, commercial enterprises and community groups – has of these concepts (Agrawal 2001, Agrawal 2009, Ribot et al 2009, Mansuri and Rao 2012).

Our concern here is less with whether local community institutions are demonstrably “better” (or “worse”) at managing such resources than states or markets, and more with the prior question of how different stakeholder groups – with their correspondingly different understandings of what better or worse management *means* – forge (or fail to forge) sufficiently common understandings of the status of the resource, its boundaries, the purpose and mechanisms of management, jurisdictional responsibilities, and procedures to be followed in the event of subsequent disagreement. Little of this can be axiomatically inferred from deducing each group’s putative “interests”, size or demographic characteristics. Even so, as Mansuri and Rao (2012) correctly conclude, it is often the nature and extent

of inequality between – and even within – stakeholder groups (contra Olson 1965), not heterogeneity per se, and the quality of state-society relations, that is a critical determinant of success.

Successfully bridging these otherwise broad ontological and epistemological gaps can yield mutually beneficial outcomes. Uphoff's (1994) account of rice production practices in a particular community in Gal Oya, Sri Lanka, for example, shows how spectacular gains in productivity occurred when both local farmers and external horticultural specialists found a way, through repeated dialogue and mutually respectful interaction, to harness their different knowledge of irrigation, fertilisers, seed placement and harvesting techniques to achieve production yields neither had been able to attain on their own. The binding constraint here was not "interests" or "incentives" but shared intersubjective meaning: had farmers and scientists held rigidly to their particular and preferred understanding of what drives and constrains rice yields, a sub-optimal (as it turned out) result would have ensued. Their new (superior) knowledge, it should be stressed, was a product of integrating two otherwise distinctive epistemological understandings of rice production – one might crudely call them 'science' and 'tradition' (or, following Geertz, 'local knowledge') – each with correspondingly different intersubjective meanings of what soil, water and seeds "are", how they interact and their interactions can be adjusted to produce "rice". Deliberative mechanisms, in short, provided a means by which seemingly contrasting intersubjective meanings of rice production could be reconciled for mutual benefit.

III. Conclusions and Implications for Analysis, Policy and Programs

In this paper we have argued that current understandings and analyses of collective action are limited, because they reify institutions and focus almost exclusively on the incentives and information that structure action around them. Specifically, we have sought to show that the concept of "intersubjective meaning" – historically-based understandings of concepts and phenomena that give rise to shared meaning systems residing ontologically within groups rather than individuals – is essential for understanding the social dimensions of collective action. Although we have not emphasised the point in this paper, this is particularly true of fragile and conflict-affected contexts, which cannot be fully understood without reference to their social and historical production.

We conclude by drawing out a series of four analytical and policy recommendations that might usefully inform development actors responding to collective action problems in such difficult contexts.

First, a focus on inter-subjective meaning opens up a range of *conceptual spaces*, founded on the need to enquire into how “common understandings” in a given social order are constructed, negotiated, and sustained (or not). Analysts of collective action can engage with these spaces in order to understand what ‘individual’ and ‘collective’ mean for particular people in particular contexts on particular issues, and the organisations (media, religious groups, educational institutions, government communication departments etc.) through which inter-subjective concepts are generated. Engaging with these spaces also requires taking a multidisciplinary approach, incorporating (*inter alia*) anthropology, history, sociology and even law as elucidatory of background understandings (Woolcock *et al* 2011, Bamberger *et al* 2010; Lasser *et al* 1999; Kennedy 1985). Absent such understandings of the range of informal rules, and the practices in which they are embedded, standard accounts of the “rules of the game” are likely to yield excessively optimistic or pessimistic predictions about the expected effects of development interventions. By extension, surveys (of individuals) are usually inappropriate instruments for identifying and understanding the inter-subjective elements of common understandings, implying the need for methodological as well as disciplinary pluralism.

Second, by implication, the analyst must engage with two *reflexive spaces*: the analyst must be sensitive to the ways in which her understanding of the world is intersubjectively constructed and the possibilities of *intersubjective dissonance* with the subjects of analysis (Gillespie and Cornish 2010); and the analyst must be sensitive to the role of the donor or development agency as active intervener, creating (as much as responding to or being embedded in) the contexts in which it operates. Put more starkly, a minimalist understanding of ‘context’ renders it something ‘out there’ awaiting to be understood and engaged with; we suggest, more ambitiously, that context is also actively *produced* by development actors (see also Mosse 2005).

Third, programs and policies aiming to promote the rule of law and lessen conflict need to *take groups seriously*. This entails an understanding of the “we” that is the subject of action in particular societies. Without reifying group identities, it is important to understand that conflicts emanate not only from the pursuit of profit and power on the part of individuals but also the inter-subjective struggle for recognition among social groups (Fukuyama 2011). Development actors should take care to understand, reflexively, how their own interventions and discourse might exacerbate indignities and further antagonise struggles for recognition in the countries in which (and issues) on which they work. Specifically, our examples of the rule of law and common pool resources problematise competition-

based policies and programs on this basis, with deliberative mechanisms offering a valuable and viable method of engaging with shared understandings.

Fourth, *deliberative programs* that allow common understandings to be brought out and engaged with need to be designed alongside technical interventions. This might include communicative or performative interaction, including theatre, radio and television (Harter *et al* 2007), as well as “peer educators” (Bayly 2004) who are able to vernacularise the global and translate local understandings, thereby becoming essential to programming by foregrounding intersubjective understandings and linking them to development aspirations (Rao and Walton 2004). This also means refusing to engage in participatory tokenism (e.g., yet another cookie-cutter focus group), and instead thinking through the elements of socially meaningful spaces of deliberation. At the larger policy level, these interventions might also require the opening of regimes that censor conversations that might generate shared understandings.

Having said this, we do not mean to suggest that collective action problems are purely an issue of socially constituted understanding. Accounts of institutions, the rule of law and common pool resources that are grounded in political economy – which emphasise individual incentives, commitment problems, principal-agent concerns and asymmetric information – remain powerful for understanding why certain events happen when they do, and why some observed equilibria (whether positive or negative) are difficult to change. However, by pointing to the background set of meanings that help constitute the actions available to individual actors, we seek to open up spaces for more nuanced analyses, policies and programs – responses that in turn may lead to more effective and legitimate pathways to attaining development outcomes.

Notes

* The views expressed in this paper are those of the authors alone, and should not be attributed to the World Bank or its Executive Directors. Our thanks to Alexandre Marc, Ghazia Aslam, Kanishka Balasuriya and participants at workshops hosted by the Social Development Department at the World Bank for helpful comments on earlier drafts. Email addresses for correspondence: vgauri@worldbank.org, mwoolcock@worldbank.org and dd4@soas.ac.uk.

ⁱ The World Bank’s news release on the serious societal tension surrounding this project, its eventual cancellation and subsequent review by the Inspection Panel, is available at

http://siteresources.worldbank.org/EXTINSPECTIONPANEL/Resources/LMAP_press_release.pdf?&resourceurlname=LMAP_press_release.pdf

ⁱⁱ Recent work deploying ‘anchoring vignettes’ (e.g., King et al 2004) aims to enhance the construct validity of survey questions without addressing broader concerns regarding non-verbal knowledge.

ⁱⁱⁱ Appiah (2010) describes the demise of the gentlemanly duel in Victorian England, of foot-binding among women in early twentieth-century China, and of global slavery. He sees similar processes at work today in efforts to delegitimise the practices of *sati* (bride burning), ‘honor killings’ (e.g., the execution of women who have been raped, as punishment for shaming their family name) and female genital mutilation.

^{iv} It is important to note that the WDR 2011 also sees these institutions as potential ‘best fit’ (as opposed to ‘best practice’) responses: that is, apt to the context. We extend this analysis here, arguing for an enriched understanding of ‘context’ to account for intersubjective meaning systems.

^v As this is a current and an ongoing project, we note that it is subject to rapid change; however, we use the discussions around it to date as a means of reflecting the importance of the notion of intersubjective meaning to development policy and practice

^{vi} Examples include Bueno de Mesquita et al (2003) and Acemoglu and Robinson (2005). In this article we focus on North, Wallis and Weingast (2009) – as an exemplar of this line of analysis – but the objections we apply to it also apply, a fortiori, to accounts that are less interested in norms.

^{vii} See also, among many others, Wade (1988) and Ellickson (1993). An extensive review symposium of Ostrom’s seminal work on common pool resource management is provided in *Perspectives on Politics* (2010).

References

Acemoglu, D. and Robinson, J. (2005) *Economic Origins of Dictatorship and Democracy* (New York: Cambridge University Press)

African Development Fund (2008) Strategy for Enhanced Engagement in Fragile States, January, at <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/30736191-EN-STRATEGY-FOR-ENHANCED-ENGAGEMENT-IN-FRAGILES-STATES.PDF>

Agrawal, A. (2001) Common Property Institutions and Sustainable Governance of Resources. *World Development*, 29(10), pp. 1649-1672

Anderson, B. (1983) *Imagined Communities* (London: Verso)

Appiah, K. A. (2010) *The Honor Code: How Moral Revolutions Happen* (New York: Norton)

AusAID (2010) Issues Paper: Law and Justice Evaluation, November, at <http://www.ode.usaid.gov.au/publications/pdf/issues-law-justice-nov2010.doc>

Bamberger, M., Rao, V. and Woolcock, M. (2010) Using Mixed Methods in Monitoring and Evaluation: Experiences from International Development, in: A. Tashakkori and C. Teddlie (eds) *Handbook of Mixed Methods in Social and Behavioral Research* (2nd revised edition, Thousand Oaks, CA: Sage Publications), pp. 613-641

Barendrecht, M. and de Vries, B.R. (2005) Fitting the Forum to the Fuss with Sticky Defaults: Failure in the Market for Dispute Resolution Services. *Cardozo Journal of Conflict Resolution*, 7(1), pp. 83-118

Barron, P., Smith, C. and Woolcock, M. (2004) Understanding Local Level Conflict in Developing Countries: Theory, Evidence, and Implications from Indonesia. Working Paper 19, Conflict Prevention and Reconstruction Unit, The World Bank

Bates, R. (2010) Review of 'Violence and Social Orders'. *Journal of Economic Literature*, 48(3), pp. 752-756

Bayly, C. A. (2004) *The Birth of the Modern World, 1780-1914: Global Connections and Comparisons* (London: Blackwell)

Botero, J. C., La Porta, R., Lopez-de-Silanes, F., Shleifer, A. and Volokh, A. (2003) Judicial Reform, *World Bank Research Observer*, 18(1), pp. 61-88

-
- Bourdieu, P. (1980) *The Logic of Practice* (Palo Alto: Stanford University Press)
- Bourgois, P. (1989) *Ethnicity at Work: Divided Labor on a Central American Banana Plantation* (Baltimore and London: Johns Hopkins University Press)
- Bueno de Mesquita, B., Smith, A., Siverson, R. M. and Morrow, J. D. (2003) *The Logic of Political Survival* (Cambridge, MA: MIT Press)
- Cabrillo, F. and Fitzpatrick, S. (2008) *The Economics of Courts and Litigation* (Cheltenham, UK: Edward Elgar)
- Chopra, T. (2008a) Reconciling Society and the Judiciary in Northern Kenya. Justice for the Poor and Legal Resources Foundation Trust Research Report
- _____ (2008b) Building Informal Justice in Northern Kenya. Justice for the Poor and Legal Resources Foundation Trust Research Report
- Cronon, W. (1983) *Changes in the Land: Indians, Colonists and the Ecology of New England* (New York: Hill and Wang)
- Desai, D. and Sage, C. (2011) Justice. Background Paper prepared for the World Development Report 2011, at <http://wdr2011.worldbank.org/justice>
- Desai, D., Isser, D. and Woolcock, M. (2012) Rethinking Justice Reform in Fragile and Conflict-Affected States: The Capacity of Development Agencies and Lessons from Liberia and Afghanistan, in: D. Bradlow, B. Kingsbury and H. Cissé (eds) *World Bank Legal Review Volume 3: International Financial Institutions and Global Legal Governance* (Washington: World Bank)
- DFID (2010) Building Peaceful States and Societies: A DFID Practice Paper, at <http://www.dfid.gov.uk/Documents/publications1/governance/Building-peaceful-states-and-societies.pdf>.
- Di John, J. and Putzel, J. (2009) Political Settlements: Issues Paper. Governance and Social Development Resource Centre, Discussion Paper

-
- Dutch Ministry of Foreign Affairs (2007), Our Common Concern: Investing in Development in a Changing World, at <http://www.minbuza.nl/dsresource?objectid=buzabeheer:32207&type=pdf>
- Ellickson, R. (1993) *Order without Law: How Neighbors Settle Disputes* (Cambridge, MA: Harvard University Press)
- Euraque, D. (2003) The Threat of Blackness to the Mestizo Nation: Race and Ethnicity in the Honduran Banana Economy, 1920s and 1930s, in: S. Striffler and M. Moberg (eds), *Banana Wars: Power, Production, and History in the Americas* (Durham: Duke University Press), pp. 229-248
- European Commission (2007) Towards an EU Response to Situations of Fragility: Engaging in Difficult Environments for Sustainable Development, Stability and Peace. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Region, SEC(2007) 1417, at http://ec.europa.eu/europeaid/what/education/documents/eu_communication_situations_of_fragility_en.pdf
- France Coopération (2007) Fragile States and Situations of Fragility: France's Policy Paper, at <http://www.diplomatie.gouv.fr/en/IMG/pdf/EtatsFragiles-2.pdf>
- Fukuyama, F. (2004) *State-Building: Governance and World Order in the 21st Century* (Ithaca, NY: Cornell University Press)
- _____ (2011) *The Origins of Political Order: From Prehuman Times to the French Revolution* (New York: Farrar, Straus and Giroux)
- Gauri, V. (2010) Customary Law and Economic Outcomes in Indonesia. *The Hague Journal on the Rule of Law*, 2(1), pp. 75-94.
- German Federal Ministry for Economic Cooperation and Development (2007) Development-Oriented Transformation in Conditions of Fragile Statehood and Poor Government Performance, at <http://www.oecd.org/dataoecd/4/38/43480415.pdf>
- Gillespie, A. and Cornish, F. (2010) Intersubjectivity: Towards a Dialogical Analysis. *Journal for the Theory of Social Behaviour*. 40(1), pp. 19-46

-
- Hall, P. and Lamont, M. (eds) (2010) *Successful Societies: How Institutions and Culture Affect Health* (New York: Cambridge University Press)
- Hart, H.L.A. (1961) *The Concept of Law* (Oxford: Clarendon Press)
- Harter, L., Sharma, D., Pant, S., Singhal, A. and Sharma, Y. (2007) Catalyzing Social Reform Through Participatory Folk Performances in Rural India, in: L. Frey and K. Carragee (eds) *Communication and Social Activism* (Cresskill, NJ: Hampton Press), pp. 285-314
- Isser, D., Lubkemann, S. and N'Tow, S. (2009) *Looking for Justice: Liberian Experiences with and Perceptions of Local Justice Options* (Washington, D.C.: United States Institute of Peace)
- Kennedy, D. (1985) International Legal Education. *Harvard International Law Journal*, 26 (2), pp. 361-384
- Kennedy, D. (1991) A Semiotics of Legal Argument. *Syracuse Law Review*, 42, pp. 75-116
- King, G., Murray, C. J.L., Salomon, J. A. and Tandon, A. (2004) Enhancing the Validity and Cross-Cultural Comparability of Survey Research. *American Political Science Review*, 98(1), pp. 191-207
- Lasser, M., Kennedy, D., Kennedy, D. and Berman, N. (1999) Critical Legal Theory, in: S. Tiefenbrun (ed) *Law and the Arts* (Westport, CT: Greenwood Press), pp. 115-145
- Mansuri, G. and Rao, V. (2012) *Localizing Development: Does Participation Work?* (Washington: World Bank, forthcoming)
- Mosse, D. (2005) *Cultivating Development: An Ethnography of Aid Policy and Practice* (London: Pluto Press)
- North, D. (1990) *Institutions, Institutional Change and Economic Performance* (New York: Cambridge University Press)
- North, D., Wallace, J. and Weingast, B. (2009) *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History* (New York: Cambridge University Press)
- Olson, M. (1965) *The Logic of Collective Action: Public Goods and the Theory of Groups* (Cambridge, MA: Harvard University Press)

-
- Ostrom, E. (1990) *Governing the Commons: The Evolution of Institutions for Collective Action*.
(Cambridge: Cambridge University Press)
- _____ (2005) *Understanding Institutional Diversity* (Princeton: Princeton University Press)
- Perspectives on Politics* (2010) Vol. 8, No. 2. A review symposium of Elinor Ostrom's *Governing the Commons: The Evolution of Institutions for Collective Action*.
- Purdy, J. (2010) *The Meaning of Property: Freedom, Community and the Legal Imagination* (New Haven: Yale University Press)
- Rao, V. and Walton, M. (2004) Culture and Public Action: Relationality, Equality of Agency and Development, in: V. Rao and M. Walton (eds) *Culture and Public Action* (Palo Alto, CA: Stanford University Press), pp. 3-36
- Rodrik, D., Subramanian, A. and Trebbi, F. (2004) Institutions Rule: The Primacy of Institutions Over Geography and Integration in Economic Development. *Journal of Economic Growth*, 9(2), pp. 131-65
- Rosen, L. (2010) Understanding Corruption. *The American Interest*, March/April, pp. 78-82
- Serrano, K. and Stefanova, M. (2011) Between International Law, *Kastom* and Sustainable Development: Cultural Heritage in Vanuatu, in: G. Baldacchino and D. Niles (eds) *Island Futures: Conservation and Development Across the Asia-Pacific Region* (Tokyo and New York: Springer), pp. 19-36
- Simmons, B. (2000) Money and the Law: Why Comply with the Public International Law of Money? *Yale Journal of International Law*, 25, pp. 323-362
- Swidler, A. (1986) Culture in Action: Symbols and Strategies. *American Sociological Review*, 51(2), pp. 273-286
- Swidler, A. and Watkins, S. (2010) Practices of Deliberation in Malawi. Paper presented at the Deliberative Development Conference, World Bank, November 12
- Taylor, C. (1971) Interpretation and the Sciences of Man. *Review of Metaphysics*, 25(1), pp. 3-51

-
- _____ (1985) Interpretation and the Sciences of Man, in *Philosophy and the Human Sciences: Philosophical Papers, Volume 2* (New York: Cambridge University Press), pp. 15-57
- _____ (1992) *Sources of the Self: The Making of Modern Identity* (Cambridge, MA: Harvard University Press)
- _____ (1995a) Irreducibly Social Goods, in *Philosophical Arguments* (Cambridge, MA: Harvard University Press), pp. 127-45
- _____ (1995b) To Follow a Rule, in *Philosophical Arguments* (Cambridge, MA: Harvard University Press), pp. 165-80
- Tilly, C. (1999) *Durable Inequality* (Berkeley, CA: University of California Press)
- UNDP (2000), Executive Board of the United Nations Development Programme and of the United Nations Population Fund: Role of UNDP in Crisis and Post-conflict Situations. UN Doc. DP/2001/4, at <http://www.undp.org/execbrd/pdf/dp01-4.pdf>
- Uphoff, N. (1994) *Learning from Gal Oya: Possibilities for Participatory Development* (Ithaca, NY: Cornell University Press)
- Wade, R. (1988) *Village Republics: Economic Conditions for Collective Action in South India* (New York: Cambridge University Press)
- Wedeen, L. (2002) Conceptualizing Culture: Possibilities for Political Science. *American Political Science Review*, 96(4), pp. 713-728
- Woolcock, M., Szreter, S. and Rao, V. (2011) How and Why does History Matter for Development Policy? *Journal of Development Studies*, 47(1), pp. 1-35
- World Bank (2009) Honduras Institutional and Governance Review: Strengthening Performance Accountability in Honduras. Report Number 53517-HO, Volume 1
- _____ (2011a) *World Development Report 2011: Conflict, Security and Development* (Washington, DC: World Bank)

____ (2011b) Afghanistan Justice Sector Reform Project: DRAFT Concept Note. Copy on file with the authors