Cultural Ecology in the Court: Ontology, Harm, and Scientific Practice

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Abstract: This article charts a path between those who champion the culture concept and those who think it dangerous. This path navigates between two positions: *realists* who adopt realist conceptions of both the culture concept and the category of cultural groups, and *fictionalists* who see such efforts as just creative and fictional extrapolation. Developing the fictionalist position, I suggest it overstates the case against realism: there is plenty of room for realist positions that produce well-grounded empirical studies of cultural groups. Nonetheless, I stress the importance of one element of the fictionalist critique: that the choice of ontology can lead to downstream harm. Developing an extended case study around the work of the anthropologist Julian Steward, I show how ontological decision making is an important element of contemporary scientific and policymaking work. I conclude by arguing that greater attention should be paid both to the processes by which ontologies are adopted and the potential consequences that may result.

1.   INTRODUCTION

There is both widespread use and widespread disdain of the "culture" concept. This is a remarkable situation. There are, at the same time, researchers whose

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work ineluctably makes use of "culture" and those who think that concept, and those nearby like "cultures" and "cultural group," are both metaphysically and epistemologically wrongheaded.

This state of affairs is most conspicuous at a distance. Those for and against the concept are spread across multiple academic fields. The arguments too, both for and against, involve long histories of terminological invention, methodological reflection, and disciplinary posturing. Given this complexity, there is no one central critique dividing those who think "culture" and "cultures" are bunk and those that think them useful. There are just too many positions, concepts, and reasons involved.

Just as there are many dividing lines, however, there are also many middle roads. These are routes that recognize both the concerns of skeptics and the empirical aspirations of boosters. My effort here is to chart out one of these middle routes—pointing out the hazards on the road.

To do so, I need to sketch out the borders of the territory I'll be covering. The skeptical position I address here arises out of anthropology's "reflexive turn." This was a period of reflection on the ethnographic method and anthropological politics. An important set of reflections claimed that the theoretical entities of anthropological discourse—"culture," "cultures," "cultural groups"—were constructed in the act of writing. Clifford (1986a) articulates this position well in the introduction to the influential volume, *Writing Culture,* noting that many researchers in that volume:

> […] see culture as composed of seriously contested codes and representations; they assume that the poetic and the political are inseparable, that science is in, not above, historical and linguistic processes. They assume that academic and literary genres interpenetrate and that the writing of cultural descriptions is properly experimental and ethical. Their focus on text making and rhetoric serves to highlight the constructed, artificial nature of cultural accounts. It undermines overly transparent modes of authority, and it draws attention to the historical predicament of ethnography, the fact that it is always caught up in the invention, not the representation, of cultures. Clifford (1986a, 2)

According to this approach, entities in anthropological discourse are "invented"; reflecting the position and politics of the author more so than the populations being described.

I call this position *cultural fictionalism.* It is a variety of *ontological fictionalism* in that it takes the existence of anthropological entities to be

fictional. But it also involves *linguistic fictionalism* in that discourse about these entities involves both pretense and utterances about fictions. Cultural fictionalists hold that empirical research in the sciences, especially cross-cultural research, involves a substantial amount of fictional discourse.

While not all authors involved in the reflexive turn were fictionalists, and even those that were had different fictionalist commitments, there are broad-stroke commonalities that I want to examine. Cultural fictionalists were broadly united in rejecting realist accounts of "culture" and "cultures." They denied these were stable entities in the world whose nature and properties were discernible through standard scientific methods. Alongside this, fictionalists were united against the perceived metaphysical and empirical corollaries of realism. These included, in their view, strong assumptions about the essential character, cohesion, homogeneity, and boundedness of cultural groups.

The other side of the map is terrain populated by the natural and social sciences. Researchers in fields spanning economics, sociology, psychology, and more besides, continue to use "culture" and "cultures" in a realist way. They employ culture and cultural entities as both explanatory tools and explanatory targets in cross-cultural comparison, sociological explanation, and psychological experimentation.

My middle route through these conflicting positions begins with a brief discussion of the critical position of the fictionalists. I then turn to articulate how these critiques have disseminated through the social and natural sciences. My impression is that as this critical machinery has travelled it has become simplified. This simplified critique holds that empirical work on culture involves a commitment to outdated accounts of metaphysical essentialism. Not seeing themselves as so committed, empirical researchers have tended to shrug off the fictionalist critique.

This is a mistake. Not because fictionalists are right about empirical research. Nor even because metaphysical essentialism is incompatible with good empirical work on cultural groups. Instead, it is a mistake because it distracts researchers from the way in which ontological commitments can creep into empirical research, and the troubling implications this can have.

These implications are especially important in work on culture. The language of "culture" is now part of policy, legislation, and judicial decisions. Questions about the *being* of cultural groups, whether they *exist,* and under what conditions they *persist* have substantial importance for cultural groups and their members. Recovering elements of the fictionalist critique to "write against culture," I suggest, can help researchers to understand the potential costs and harms associated with the construction and adoption of ontologies.

I'll be outlining some of these potential costs and harms through an extended case study. Julian Steward's "method of cultural ecology" constructed an ontology based on "cultural cores" and a classificatory scheme of cultural types that ranked cultures according to organizational complexity. Alongside his empirical research, Steward used this ontology as an expert witness to argue against Indigenous claimants in what is now the United States. The same ideas and arguments were later adopted by expert witnesses within what is now Canada. Looking at Steward, his ontology, and his testimony demonstrates how the construction and communication of ontologies can risk harm.

The case study links ontologies and harm in a way that raises the possibility of a distinctive kind of risk: *ontic risk.*[1] Risk is the exposure to harm in the face of uncertainty. Ontic risk arises when there are multiple, valid ontologies that could constitute entities in a domain. In such a situation, researchers face uncertainty about which ontology to use in their work and communications. Yet the choice of an ontology can bring harm. This can occur when particulars are placed (or not placed) into the organized classes of said ontology.

The broad lesson I communicate is this: despite deep metaphysical disagreements, both fictionalists and contemporary realists acknowledge there multiple, valid ontologies that could be used to grasp, study, and communicate about cultural groups. Yet to the extent that there are substantial risks of harms that come in choosing one ontology over another, then researchers should consider such risks when carrying out their research.

1.1.   Some Initial Landmarks

Let me begin by laying down some landmarks.

Above I spoke loosely above about "culture" and "cultures." As I'll be using these terms, "cultures" is a class that gathers "cultural groups." The structure of "cultures" is what anthropologists traditionally theorized about, using ethnographic material on particular "cultural groups" as evidence. "Culture" by contrast, refers to whatever is possessed by cultural group members, which is often talked about in generic or aggregate terms (e.g. "Québécois culture").

One can now reformulate the fictionalist position by distinguishing three ontological claims: fictionalism about the "cultures" class, about generic or

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1   My thinking on these issues has been greatly influenced by conversations with Joeri Witteveen, and he is the first—so far as I know—to have used the term "ontic risk."

aggregate "culture," and about "cultural groups."[2]

The cultural fictionalists I'm interested in—those associated with the reflexive turn—are committed to fictionalism about "cultures" and about generic or aggregate "culture." That is, they hold that claims made about cultures *in general* are fictional. When anthropologists theorize about cultures as a sort or kind they are theorizing about fictions. To the extent there are general commonalities between cultural groups, these are "invented" commonalities. Along similar lines, fictionalists argue that generic or aggregate claims about the culture of groups are also fictional. Producing such generic claims involves substantial pretense and fictionalizing.

To be clear, fictionalists do not deny that there are differences between people and groups. There is variation in behavior, norms, languages, and ways of organizing relationships. These may be individual or at the level of the group, and can be marked out linguistically, sartorially, or in some other manner. In this deflationary sense, there are "cultural groups." Utterances become fictional, however, when they attempt to make general claims about the pervasiveness of traits, how these interact, and the logic of their organization. According to fictionalists, these claims about "culture" involve creative ingenuity on the part of the ethnographer as they interpret and extrapolate from the partial glimpses that ethnography affords. More general claims about cultural borders, the general characteristics of cultural groups, and their organizing features are similarly fictional, arising from the creative comparisons made on the part of anthropologists.

Complementing the ontological account is a historical and sociological argument. The fictionalists argue that actual ontologies constructed by anthropologists are largely structured by disciplinary norms of writing. In effect, ontologies are largely determined by prevailing styles of analysis, common tropes, and the structure of monographs and academic articles. So, for example, Thornton (1988) argues that the "wholes" typically discussed in Twentieth-century ethnographic texts are the result of disciplinary preferences:

> "social wholes" may be seen as an artifact of rhetoric. The notion of "social wholes" and the doctrine of "holism" has long been taken to be the hallmark of anthropology, and the broadly classificatory or "classified" way in which ethnographic monographs are presented is

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2   As I've argued elsewhere (Buskell, 2023) this construal of terms reveals interesting similarities between research on cultural groups and longstanding problems in the life sciences, notably, around the nature of the species concept and the species taxon. See, for instance, Sterelny and Griffiths (1999); Ereshefsky (2000); Okasha (2002).

central to the idea of "wholes." (Thornton 1988, 290)

In other words, the typical structure and organization of academic books and narratives tended to represent "culture" and "cultural groups" with the expectation that these entities were amenable to organized, classificatory systems. But according to the fictionalist, the classificatory system, the cultural groups, and the culture itself were all fictions—ways of shoehorning various experiences of human populations into aesthetic preferences about the nature, production, and presentation of knowledge (Thornton 1988, 299).

1.2.   Quick Tour of the Sciences of Culture

We now have a rough sense of the fictionalist terrain. What about the other side of the map?

Here we encounter a range of scientific approaches committed to what I call *demographic cultures*—the idea that cultural groups are comparable entities useful for explaining similarities and differences among group members. I call them "demographic cultures" to emphasize that explanatory concerns drive this use of "cultures" and "culture," and that these concepts feature in a way analogous to other social scientific demographic categories like sex, race, or socioeconomic status. Slotted into this explanatory role, generic or aggregative claims about the culture of cultural groups allow for "lateral comparison" among multiple cultures and the application of sophisticated statistical tools (Candea, 2018; Buskell, 2023). Thus, among many disciplines and research targets there are cross-cultural psychologists who study the relative "tightness" or "looseness" of different cultural groups (Gelfand, 2018); cultural evolutionary theorists who identify the historical cultural explanations of variation in "individualism" (Henrich, 2020); and economists who link cultures via "ethnolinguistic fractionalization" to various economic indicators (Alesina et al., 2003).

As I've argued elsewhere, researchers who employ demographic cultures are opportunistic about metaphysical frameworks and operationalizations. So, for instance, "cultures" might be taken to be pools of information, matrices of consensus values, lineages of institutions, or networks of semantic elements. Each of these represents a different ontology of the "cultures" kind or sort—a different way in which cultural groups *in general* can be—that are ontically instantiated in particular cultural groups.

This opportunism shades into indifference. The metaphysical and ontological commitments of many social and natural scientific researchers are

exceedingly minimal. What is central is that cultures can be individuated and given identity criteria. To put it another way, researchers use "cultures" as a sortal to discriminate and count different cultural groups. But beyond this, they are often unconcerned about the underlying nature or character of cultures or culture.

This allows researchers to deploy any number of ontologies, operationalizations, and metrics of culture as suits their current empirical needs. Such pragmatic needs might be driven by the evidence available, the structures of models or inferential machinery, or classifications already used in structured databases. It should be no surprise, then, that cultural groups are varyingly identified with ethnic groupings, genetic markers, national boundaries, linguistic groups, and occasionally with broad historico-geographic entities (for instance, Nisbett's [2003] "Westerners" and "Asians").

While opportunistic, these researchers are nonetheless realists about cultures and culture: cross-validated metrics, large datasets and databases, and robust theories and models seem to show the stability of both cultural groups and culture. Measurements of these groups support reliable inferences about cross-cultural differences. (For some reviews see Kashima and Gelfand 2011; Medin and Bang 2014.) For realists, this suggests there are real, distinct, and persisting cultural groups, and that one can derive causal hypotheses about how the generic culture of particular groups is likely to change over time.

A nice example of the realist position is Joseph Henrich and colleagues' work on WEIRD ("Western, Education, Industrialized, Rich, and Democratic") psychology (Henrich et al., 2010). WEIRD is *white* psychology, resulting from decades of studies of college undergraduates in Western universities (Clancy and Davis, 2019). Such psychology displays a characteristic profile of individualism, commitment to meritocracy, norms of fairness, and trustworthy attitudes towards strangers.

A proxy of WEIRD psychology is Henrich's Kinship Intensity Index ("KII"); an aggregate measure of traditional kin-based norms and their prevalence in populations (Henrich, 2020). Related to this—and intentionally "conflated" in the popular presentation of this work—is a measure of the prevalence of cousin marriage, based on the percentage of marriages between second cousins or closer (Henrich 2020, 194–7). As Henrich shows, these metrics are related insofar as the prevalence of cousin marriage goes hand-in-hand with suites of values and behaviors associated with traditional kin-based norms.

Comparing the KII with other cross-cultural metrics used in psychological experiments, global survey data, and behavioral data reveals a striking degree of overlapping results. Among many other traits, lower KII is correlated with an emphasis on "independence, achievement, and self-reliance" while higher KII is associated with "obedience, conformity, and deference to authority." (Henrich 2020, 224) This provides some evidence that pervasive kinship institutions structure cognition, behavior, and values. As Heinrich puts it, "the evidence presented […] indicates that global psychological variation covaries with intensive kinship in precisely the ways we'd expect if our minds have been adapting and calibrating to the social worlds created by these institutions." (Henrich 2020, 224) The converging evidence suggests both the reliability and the validity of the cultural entities being described, allowing Henrich and his colleagues to hypothesize about the causal pathways that both shaped, and continue to shape, cultural groups today.

The bottom line is this: realist commitments are ubiquitous in cross-cultural and cultural evolutionary research. But aside from broadly realist commitments, researchers are open-minded about the ontology of cultures and culture and are seemingly unconcerned about underlying metaphysical issues. Is there a problem in using the "culture" concept in such a realist way?

2.   THE FOLK ANTHROPOLOGICAL MODEL AND METAPHYSICAL ESSENTIALISM

As we've seen, the fictionalists' position is that cultures and culture are fictional: claims about cultures are anchored in the experiences of ethnographers, yet the models of culture and cultures that these researchers produce involve both pretense and invention.[3] There is thus substantial latitude for researchers to characterize populations and ground theoretical machinery in different ways.

This fictionalist position is part of a broader rejection of anthropological realism that emerged in late twentieth century anthropology. This targeted a model of culture I've elsewhere called the "folk anthropological model" and the critiques were effective enough that there is reticence to use the "culture" concept in anthropological or ethnographic work today. Yet as we've seen, these critiques were not effective outside of the humanities—both social and natural scientific researchers continue to use the "culture" concept in their research efforts (Langlitz, 2020).

But what is the "folk anthropological model," and why is it the target of critique? Though there are variations in how critics have articulated this model,

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3   For similar claims about the role of pretense in philosophy of science, see Toon (2012).

there are broad similarities across critical accounts.[4] These can be distilled down to four assumptions (Buskell, 2023):

Cultural group essentialism: cultural groups have a set of essential properties that underpins their categorization and explains the similarities and differences of group members.

Holistic organization: the culture of group members is composed of tightly integrated, organized structures of interlocking elements including norms, practices, and values.

Homogenous communalism: cultural group members share values, knowledge, and beliefs in common.

Strong boundaries: cultural groups have geographic, linguistic, commercial, and ethnic boundaries that prevent hybridization and diffusion of cultural elements.

Cultural group essentialism is a claim about the metaphysics of culture, namely, that they have a "hidden structure" that explains social organization and the behavior of group members. The other three assumptions (holistic organization, homogeneous communalism, and strong boundaries) are claims about the organization of culture and pervasiveness of features among cultural group members. They are claims about the tight causal interaction among cultural elements, typically ideational elements, as expressed in behavior ("holistic organization"); the coherency and pervasiveness of those ideas (beliefs, values, norms) within the population ("homogenous communalism"); and the ways in which integration and coherency erects boundaries and barriers to diffusion and interaction of culture between cultural groups ("strong boundaries").

Critics of the folk anthropological picture model worked to disprove all of these claims. Writings of the 1980s and 90s, for instance, argued that the historical development of cultural groups occurred through the contact with, resistance to, negotiation around, and even selective incorporation of the culture of other groups (Brightman, 1995). These writings thus undercut the idea of essentialized cultural groups and that generic culture produced tightly knit barriers. Populations could not be essentialized "wholes" and were neither holistic, homogenous, nor strongly bounded.[5]

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4   Compare, for instance, Brightman (1995); Kuklick (1996); Parekh (2000).
5   It is worth noting that even within anthropology, there has been skepticism about the novelty and importance of these analyses. Both Sahlins (1999) and Rodseth (2018) have noted the long history of work within anthropology that studied the diffusion, hybridization, and contestation of culture.

Yet if late-twentieth-century anthropology showed the inadequacy of the folk anthropological model, essentialism was assumed to be the root problem. In one of the most memorable pillories of the "culture" concept, Eric Wolf (1982) argued that the essentialism of the "folk anthropological model" made cultures into so many billiard balls. Construed as tightly interacting, coherent, well-bounded spheres—cultures careened off one another over historical time, occasionally sliding into a pocket of extinction. This assumption, Wolf argued, was both pervasive and wrong.

Both this critique, and the model it criticized, travelled. Especially alongside Wolf's "billiard ball" metaphor, it was transported into philosophical debates in political philosophy (Young, 1990), multiculturalism (Tully, 1995; Parekh, 2000; Benhabib, 2002), feminist philosophy (Narayan, 1998), and social ontology (Matthes, 2016). And alongside other critical metaphors—like Strauss and Quinn's (1997) "clouds over Cincinnati"—the critiques travelled into the social sciences, especially cross-cultural and cultural psychology (Kashima and Gelfand, 2011; Hirschfeld, 2018). Yet as it travelled, the critique became compressed into a simple metaphysical critique: that theorizing about "cultures" and "culture" is problematically essentialist (Patten, 2014; Hirschfeld, 2018).

Essentialism is a metaphysical thesis. And while there are different forms of metaphysical essentialism, critics of the culture concept assume what Putnam (1975) calls "hidden structure" essentialism. This is a position holding that entities can be grouped together, and their properties explained, by appeal to a "hidden structure." On this picture, theorizing about "cultures" is about elucidating these structures: identifying what they *in general* consist in (structures, institutions, ideas), and identifying the structures particular to cultural groups (Risjord, 2012). Such theorizing extends to questions around persistence and identity; describing the hidden structure of a cultural group is describing what underwrites individuation and classification. It describes what cannot be changed without a change in identity or kind. In just the same way that adding a proton to gold would mean destroying gold and creating mercury, modifying the "hidden structure" of any cultural group would mean destroying that cultural group and, perhaps, making a new one come into existence.

While hidden structures aid in identification and classification, critics claim they entail "freezing" cultural groups outside of history, making them "timeless" in the same way that the essence of gold or mercury is timeless (Brightman, 1995; Abu-Lughod, 1991). This because hidden structures identify some properties of cultural groups as determinate of the "authenticity" or identity of that culture. If hidden structures cannot change

without a change in kind or identity, then such structures cannot be changed without rendering said cultural group "inauthentic." Once one takes cultures to have a hidden structural essence, claims about "homogeneity, coherence, and timelessness" (Abu-Lughod 1991, 154) seem to follow.

Yet these critiques of metaphysical essentialism collapse under scrutiny. While *hidden structure essentialism* is not a convincing metaphysics for "cultures" or "culture" there are others nearby—including other forms of metaphysical essentialism—that can meet the minimal metaphysical needs of realists (Buskell, 2023). In particular, versions of relational essentialism distinguish particular cultural groups on the basis of institutional or ideational lineages (Bach, 2012; Patten, 2014; Godman, 2021). Within such lineages, the elements of generic culture can change over time without changing the identity of the group. Importantly, this is all that is needed to vindicate a realist position: cultural groups are persisting particulars that support the dynamic causal processes studied by empirical research.

Let me summarize. The fictionalists targeted the folk anthropological model, producing creative ethnographies that undercut its core claims. Yet what travelled outside of anthropology were unconvincing arguments about the supposed essentialist assumptions of realists. While hidden structure essentialism is indeed a poor metaphysics for culture, essentialism more generally is not so troublesome. The broader concern, however, is that because of how the critique travelled, many natural and social scientific researchers have ignored the broader political and ethical implications embedded in the fictionalist critique. I think this is a mistake—and turn to outline this part of the fictionalist critique in the next section.

3.   WRITING AGAINST CULTURE

As I noted above, the fictionalists argued that "culture" and "cultures" were fictional entities. These entities had an existence that was rooted in real differences among groups and the experiences of ethnographers. Yet when generalizing and extrapolating—to write the "culture" of the group, and the structure of "cultures" more generally—ethnographers had substantial latitude. This provided room for biases, assumptions, and values to influence the act of writing. According to the fictionalists, this meant that Western ethnographers produced ethnographies that reflected their own cultural milieu: Western values, aesthetics, norms, and disciplinary standards were a creative scaffolding that shaped representations and assertions about culture.

More seriously, the ethnographies and anthropological writings produced with this scaffolding could generate harms. These were harms not just to the ethnographer—who might be *epistemically* harmed insofar as their constructions prevented them from gaining further knowledge—but to the populations they studied. These latter harms occurred when Western-inflected representations were used to plan interventions, to legitimate power, or justify violence.[6] As the fictionalist argued, a lack of reflective awareness about the influence and use of anthropological ideas and writings risked entrenching the *status quo:* a continuing tendency to portray cultures and cultural groups in an essentializing way.

The suggested reforms of the fictionalist were largely methodological, aimed at fostering reflective awareness of Western norms, values, and simplifying assumptions. And as a result, some ethnographers shifted their writings to center subaltern, hybrid, or oppressed voices. In so doing, they challenged categories and distinctions that centered Western and white cultural groups as the standard by which other populations should be studied.[7] "Writing against culture," as memorably suggested by Lila Abu-Lughod (1991), meant writing ethnographies in ways that subverted longstanding constructions of cultural difference, classification, and taxonomy.

Abu-Lughod's own strategy was to write "ethnographies of the particular": zoomed-in accounts of everyday lives. Recounting the daily experiences of "one old Bedouin matriarch"—her anxieties about family life, joy in bawdy jokes, and concern about prayer times—Abu-Lughod emphasizes how one can live a life structured by the complexities of tradition while also navigating change and contestation. And this, Abu-Lughod notes, is universal. In writing this ethnography of the particular, Abu-Lughod argued for a "tactical humanism" that emphasizes such shared human experiences in everyday life and concerns. After all, if culture and cultures are nothing but fictional constructs, one can deliberately construct them so as to emphasize human commonality, rather than use them to alienate or "other."

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6 There are clear instances where anthropological ideas directly contributed to harm (Bank, 2015). Yet in many others, the downstream injustices or harms that might be traced back to anthropological writings appear to contravene the original intentions of their authors (Lewis, 2014; Foks, 2018).

7 Related critiques include Trouillot's (2003) disciplinary history of anthropology. He claimed the disciplinary logic and structure of anthropology shunted non-Western populations in what he called the "savage slot." This critique was later modified by Robbins (2013) who claimed the disciplinary structure now placed non-Western populations into a "suffering slot."

In general, the fictionalists share Abu-Lughod's motivation to work against colonial, patriarchal, and discriminatory assumptions in anthropological research—even if they do not share her methods. Alternate strategies acknowledge the openness of ethnographic interpretation (Thornton, 1988); undercut the authoritative posturing of ethnographic writing (Crapanzano, 1986); and recover the differing voices and registers of other peoples (Clifford, 1986b). The last of these, famously, emphasizes polyvocality as a method that can support a more inclusive and empirically sensitive anthropology. "Writing against culture," then, means adopting methods to identify and move beyond entrenched anthropological assumptions. The general aim of such methods is to better identify similarities and differences between cultural groups that could speak to contemporary ethical and political needs.

It is this political and ethical element of the fictionalist critique that I want to recover and highlight. Values, aesthetics, and norms can shape the ontologies that researchers adopt and communicate in their work. This seems incontrovertible and unavoidable. More than this, these ontologies can lead to downstream harm and costs for cultural groups. Yet if there are alternate ontologies one *could* adopt then consideration of the consequences of adopting ontologies should be part of the scientific process: in choosing research targets, adopting methods, and planning risk management. And this is so irrespective of whether one is a realist—like many contemporary natural and social scientists—or a fictionalist.

4.   JULIAN STEWARD AND THE LEVELS OF SOCIOCULTURAL INTEGRATION

4.1.   Cultural Ecology and Cultural Typology

Fictionalists argued that claims about cultures and cultural groups are freighted with politics, aesthetics, and values. These guide researchers towards adopting certain ontologies for their work. Yet these ontologies can generate downstream harms. Adopting one over another comes with a measure of risk. But what exactly is at risk? What are the stakes of ontological decision-making?

Here I provide an extended case study looking at the work of the archaeologist and anthropologist Julian Steward (1902–1972). This case study examines some of Steward's values and political commitments, how these led him to adopt a particular ontology for his work, and how this risked harm to the populations he studied. Steward's "method of cultural ecology" and his framework of "sociocultural integration" directly and indirectly affected

Indigenous efforts to seek redress, establish rights, and claim title in what are now the United States and Canada.

Steward was an important twentieth-century anthropologist, famous for anthropological work in the Great Basin, his six-volume collection *The Handbook of South American Indians,* and his work on contemporary culture, modernization, and acculturation.[8] Steward is most well-known for his "method" of cultural ecology. Speaking broadly, this approach grounded the classification of culture and explanations of culture change in terms of technological development, labor specialization, and the capture and distribution of resources. Part of a broader mid-century resurgence of evolutionary ideas in cultural anthropology, cultural ecology was distinguished by its broadly functional character—explaining the organization of cultural groups and their parts (e.g. "men's societies, social classes of various kinds, priesthoods, military patterns and the like" [Steward 1955, 19]) as responses to ecological circumstances.

In its flagship presentation, three concepts are central to the method of cultural ecology (Steward, 1955). The first is the idea of "multilinear evolution." This contrasted with the teleological "unilinear" evolution of the Victorian sociocultural evolutionists where all cultural groups progress through a fixed sequence of stages (Stocking, 1987; Baker, 1998). Multilinear evolution instead held that cultural groups and cultural elements were diverse and with varied histories. Yet despite varied histories, human cultural groups faced similar ecological problems. Thus, similar solutions could "develop repeatedly in different parts of the world and thus constitute cross-cultural regularities." (Steward 1955, 4). As a result, the researcher could detect "limited parallels of form, function, and sequence which have empirical validity" (1955, 15).

Steward detected these "limited parallels" in *cultural cores*. Such cores consisted in the economic and organizational elements of the cultural group: its strategies for resource capture, the sophistication of its toolkit, and its social means of distribution. These elements were related in a "functional interdependency of features in structural relationship" (Steward 1955, 94), linking the group to its surrounding environment. Minimizing the role of symbolic, ritualistic, or mythic aspects of cultures, only traits directly associated with the capture and distribution of resources were part of the cultural core.[9]

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8   A complete bibliography can be found in Manners and Steward (1973).
9   Though there is some suggestion that Steward rejected the idea of "cultural cores" in his later work, his continual emphasis on the way that technology, labor specialization, and resource capture drive social organization suggest this a terminological shift rather than a methodological or explanatory one (Kerns 2003, 303–5).

The third concept results from Steward's theorizing about the "limited parallels" that could be discovered. He distinguished distinct "types" of cultural groups organized along a dimension of complexity he called the *organizational levels of sociocultural integration* (Steward 1951; 1955). Each "level" represented a qualitatively distinct kind of complex entity, with the levels together creating a hierarchy of "emergent forms" of functional integration. Transitions between these levels involved transformations of the cultural core, changing the nature of social organization, modes of resource capture, and the kinds of technologies used.

Cataloguing and exploring these "emergent forms" was a central project of Steward, his students, and likeminded anthropologists in the 1950s and 60s, part of a longstanding anthropological and sociological effort to explain the origins and character of the nation state. Unsurprisingly then, Steward's "taxonomy" of sociocultural integration followed a familiar logic, with levels of organization moving from simple to complex. At the lowest end of the scale was the "family-level," around the middle were "folk societies," and at the top were "nation states" (Steward, 1951). Perhaps because of a personal distaste for theory (Kerns, 2003), Steward preferred characterizing these levels extensionally (through examples) rather than with a definitive list of characteristics (Steward 1951; 1955). But in general, movement up the levels of sociocultural integration involved greater social hierarchy and diversification of social roles, coupled with an increased technological capacity to influence and construct the local environment.

For Steward, as with many other scientifically inclined anthropologists, this hierarchical taxonomy appeared "value-free." Being at the "folk society" level was no better or worse than being at the "state" level (Steward, 1951). The taxonomy merely tracked broad similarities in how groups managed and responded to ecological pressures. Yet as the next section shows, this was naïve. Not only are values part of Steward's framework, but being claimed to exist at lower levels of the taxonomy could bring harm to cultural groups.

4.2.   Cultural Ecology in the Court

Despite the jumble of terms—Steward uses "stage," "tier," "level," "taxonomy," "degrees of complexity," "developmental typologies," and "cultural typologies" in quite loose and overlapping ways—the organizational levels of sociocultural integration represent an ontology of "cultures." The typology classifies particular cultural groups according to sociocultural integration: they manifest different "cultural core." These different levels of integration mattered to the

settler colonial state.

This becomes clear when we turn to look Steward's involvement with the Indian Claims Commission (ICC). The ICC was a judicial body formed to address outstanding issues arising between Indigenous nations and the United States Government. These included both the seizure of land without treaty as well as breaches of treaties by the government. Steward acted as both advisor and expert witness for the government on cases dealing with the tribes of the Great Basin—including the Ute, Paiute, and Shoshone nations—which were the subject of his early ethnographic and archaeological work.[10]

Steward's advice and arguments charted a severe course. The ICC mandate was to "hear and determine [...] claims against the United States on behalf of any Indian tribe, band, or Nation of American Indians" (Pinkoski and Asch 2004, 189). Yet Steward argued that several Great Basin groups were insufficiently organized to count as any of these. According to Steward, for instance, the Western Shoshonean groups were at the "family" level. They thus fell beyond the remit of the ICC and should not be heard by the court.

Even if they did qualify for arbitration, however, Steward argued that they should not qualify for recompense. He argued that the "family" level occurred where ecological demands fractured populations into simple nuclear families dominated by subsistence needs. This, he claimed, was the situation in the Great Basin. The Western Shoshoneans, for example, were a "gastric" people, too limited by the sparse ecological resources to generate complex social forms. According to Steward, because of their fractured social structure—because they were driven solely by subsistence demands—these groups were insufficiently complex enough to establish or recognize property or title to land. Because they did not recognize property, they couldn't have lost it to American expansionism.

The logic entailed that such tribes were not entitled to settlement from the ICC.[11] Even though it was limited to awarding cash—something that many Indigenous groups complained about—the ICC settlements could be significant. Stakes at the ICC, therefore, were high. Leveraging his anthropological and archaeological authority, Steward put forward his ontological framework as useful for deciding whether a "tribe" or "band"

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10 This history is memorably recounted in a series of publications by Pinkoski (2008); Pinkoski and Asch (2004); Ronaasen (1993); Ronaasen et al. (1999). See Blackhawk (1999) for a history of Steward's earlier ethnographic work and interactions with the Bureau of Indian Affairs.

11 As Pinkoski and Asch (2004) note, this was a line of reasoning that relied heavily on the doctrine of *terra nullius*.

existed in any given case. When it came to the Western Shoshone, according to Steward, they failed to qualify as either.

Over the last few decades, philosophers of science have increasingly raised and analyzed varieties of epistemic risk (Biddle and Kukla, 2017). These highlight the potential harms that arise from getting things *wrong*. As I see it, Steward's testimony at the ICC points to a distinct kind of risk and a distinct kind of harm. The harm doesn't arise from getting things *wrong,* but from saying that something *exists* (or *doesn't exist*) in a particular way.

As noted above, there any number of ontologies one could use to study cultures and culture. Steward's earlier work, under the supervision of Alfred Kroeber, took place using the *culture area ontology,* where cultures are spatially bounded collections of cultural traits (where those collections arose through diffusion, borrowing, invention, and historical change).

This suggests there are choices that can be made between ontologies. And as the case study suggests, the adoption of some ontologies, the application of classificatory systems, and the placement of particulars into such categories can be harmful. Steward placed the Great Basin cultural groups of the Ute, Paiute, and Shoshone cultural groups in the "family" category and argued that they were not the type of entity that could receive settlements. This testimony relied on the classificatory system of sociocultural integration, the existence of "family" category, the placement of the tribes within that category, and corollary claims that groups within the "family" category could not recognize property. The harms that were risked were practical and prudential—the loss of compensation. But if these harms occurred, the mechanism would have been ontological: brought about by recognizing that the Indigenous nations existed at the time of contact as "family" groups.

4.3.   Cultural Ecology and Assimilation

As it happened, Steward lost all the cases at the ICC where he advised or testified for the government. Yet to merely focus on this failure is to ignore the broader risks of his ontology. Steward was a widely recognized and highly awarded scholar. It is not inconceivable that the ICC's decisions could have gone the other way. And in fact, in the next subsection, I'll show how Steward's framework travelled to Canada, where it continues to shape judicial decisions and generate substantial financial burdens for Indigenous claimants.

Before doing so, I want to situate Steward's ontology and arguments in the context of the prevailing ideas around cultural contact in mid-twentieth century anthropology. This is important and insufficiently attended to in

the works of legal and anthropological historians. Yet it structured Steward's thinking on corollary ontological issues. These ideas, too, travelled and became embedded in the Canadian legal system.

Earlier, in the 1930s, Steward had advocated against giving the Western Shoshone groups reserve lands. There too he had argued that their social organization was insufficiently complex. As he saw it, moving these groups to reservations would introduce them to "inapplicable and overly complicated political systems that contradicted existing patterns in their culture and social organization" (Blackhawk 1999, 217). This would invariably cause them to "fall deeper into economic and social deprivation and come to rely further on the government for assistance" (1999, 217).

Why had Steward argued against the reservation system? The answer can be found in his adoption of the concept of "assimilation"—the core concept of "acculturation studies" which flourished after the Second World War (Clemmer, 1999). Acculturation described the processes through which cultural groups changed after coming into contact with one another. The changes could follow any number of courses. To give just a few examples here, groups could resist the diffusion of outside elements, boost the importance of ethnic identity, or create syncretic practices. Perhaps the most theorized outcome of "acculturation studies," however, was assimilation. This occurred when one cultural group came to depend upon, and ultimately adopt, the technological, economic, and ecological practices of another. (Bee, 1974)

There is good evidence that Steward's general anthropological approach was influenced by his ideas around acculturation and assimilation—structuring his work both in the United States and in South America (Clemmer, 1999; Kerns, 2003; Castro, 2010). In this Steward was not unique. His attitudes towards acculturation and assimilation reflected a common centrist, patriarchal political position in mid-century United States politics—a position that was deeply opposed to ethnic nationalism and racism (Kerns, 2003).

Steward believed the reservation system would encourage such racism. This system, he believed, would entrench distinctions between cultural groups now living side by side, and "cultural distinctions would always facilitate coercive exclusion" (Dinwoodie 2010, 41). More than this, Steward thought assimilation was inevitable and as such should be encouraged. As he argued:

> All tribes have been brought into a relationship of dependency upon American national culture through economic, governmental, and often religious institutions. […] It has been the most serious weakness […] to suppose that an uncontaminated native core of attitudes and values

could be preserved while the tribe became increasingly dependent upon national institutions. (Steward 1951, 385)

In the context of the colonialism, the state controls resource capture, economic exchange, the movement of people, and the allocation of statuses. To use the language of Steward's cultural ecology, nation states had totally transformed the means of ecological exchange in what is now North America. Through intentional and unintentional strategies, they had destroyed previous modes of ecological exchange at the cultural core of Indigenous populations.[12] This is why Steward thought assimilation implacable and that reservations would do more harm than good. Indigenous groups were already integrated into the nation state. Placing them on reservations would only delay processes of assimilation. Worse, it would racially distinguish them, leading to stigmatization and discrimination. Delaying assimilation would only increase the deprivation of already deprived populations (Clemmer, 1999; Dinwoodie, 2010).

4.4.   The Continuing Influence of Cultural Ecology

As I said, Steward lost all his cases at the ICC. And his earlier efforts had also failed to convince the Bureau of Indian Affairs that Great Basin nations should be denied reservations. Despite these failings, however, his ontological framework and theory of cultural ecology travelled. And when it appeared in the Canadian judicial system, it generated real and persistent harms to Indigenous nations.

Just to be clear, I am not blaming Steward for the long history of dispossession, domination, and oppression of Indigenous peoples in what is now North America. Purported justifications of, and ideas about, settler colonial superiority long preceded Steward's writings (Asch, 2000; Coulthard, 2014). Nor can Steward be held solely responsible for the emergence and diffusion of work on acculturation. As suggested above, this was a lively subfield by midcentury. Nonetheless, Steward's ideas, especially as packaged in his *Theory of Culture Change* (1955), were immensely influential, and continue to inform work on paleoanthropology and forager societies today (Kelly, 2013). So when I say that Steward's framework travelled, I mean that he supplied

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12 At the time of his work on the *Handbook of South American Indians,* Steward thought these processes were on-going in South America, and thus that the Handbook—along with ethnographic work supported by the Institute for Social Anthropology he had chaired—would provide important data for characterizing and understanding acculturation processes (Castro, 2010).

a framework—a packaged set of ideas, including his ontology of cultural ecology—that could be used to organize evidence and argument across multiple disciplines, fields, and situations. And this is what happened in the Canadian legal system.[13]

Three noteworthy cases, *Baker Lake, Van der Peet,* and *Delgamuuk'w* exemplify how Steward's levels of sociocultural integration became ingrained in the judicial logic of Canadian common law. These cases outlined legal criteria to establish whether Indigenous communities had title (*Baker Lake*) or rights (*Van der Peet*) and clarified the relationship between the two and the processes needed to establish such entitlements (*Delgamuuk'w*).

I won't delve deeply into these cases or the history here, which have received a substantial amount of attention over the last decades (excellently summarized in Christie [2019]). I merely want to highlight two parts of this history. The first is that Steward's ontology has come to structure the criteria that Indigenous litigants must satisfy to be awarded rights or title. The second is that these tests identify *contact* with European powers as the salient point at which to "fix" the relevant traits of Indigenous cultures and make demands about the continuity of those traits over time. This directly reflects the logic of acculturation and assimilation in Steward's writings.

To see this first part—that Steward's ontology shaped Canadian common law—we can look at rulings in lower courts and the subsequent criteria enacted for Indigenous claimants. Consider, for instance, the trial judge's decision on *Baker Lake.* Justice Mahoney argued that the Inuit claimants in that case "had an organized society. It was not a society with very elaborate institutions, but it was a society organized to exploit the resources available" (*Baker Lake* 557-8, quoted in Asch 2000, 122). And as Pinkoski and Asch (2004) show, this Stewardian language was echoed in other cases arguments for the Crown, for instance, in *Delgamuuk'w:*

> A cultural geographer [...] argued that the Gitksan and Westsuwe'ten were living at a societal level below a threshold to establish that they could own land. While the anthropologists acting on behalf of the claimants strongly disagreed, the trial judge adopted the perspective of the cultural geographer and concluded that these peoples lived at what can only be termed a "family level of sociocultural integration" and thus had no right to hold title to lands. (Pinkoski and Asch 2004, 197)

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13 For a parallel exploration of the role of archaeological theory and evidence in the Canadian Court system, see Martindale and Armstrong (2019).

Similar argumentative strategies were adopted in the *Van der Peet* case. There, Crown witnesses argued that the Indigenous claimant, a member of the Stō:lo nation, lacked a right to sell fish. Their argument held that the Stō:lo were insufficiently complex at the time of European contact to have engaged in substantial trade, lacking capacities for the long term storage of fish. As Pinkoski and Asch (2004) note:

> The Crown relied in this instance on an archaeologist who argued that the Sto:lo did not have a factual basis for such an assertion because they were at the "band" rather than the "tribal" level of sociocultural integration. The expert for the Sto:lo, an anthropologist, argued to the contrary that they were at a "tribal" level. Thus, the Stewardian framework was adopted by both parties. (2004, 197-8)

As with the ICC, arguments that classified cultural groups according to their sociocultural integration were failures. Though early decisions of the trial courts (quoted by Pinkoski and Asch above) were successes for the Crown, these were later overturned at the Supreme Court. Though the court adopted the idea of sociocultural integration, it denied that that Indigenous claimants were inherently at the lowest "family" or "tribal" level.

Here we move to the second part of Steward's historical influence on Canadian common law. The broader ontology of cultures—based around the idea of "cultural cores"— fed into broader political ideas about assimilation and acculturation. These had persisting and troubling effects. As mentioned above, in their decisions on *Baker Lake, Van der Peet,* and *Delgamuuk'w*, the courts established criteria that Indigenous claimants must satisfy to secure rights or title. In these cases, Indigenous claimants must establish the continued and exclusive occupation of land, or continued exercise of a practice, *from the point of contact* with European powers. Why should this point of time be the marker at which cases are evaluated? And why couldn't practices developed through interaction with the Canadian state be subject to protection?

The way to make sense of this "contact condition" is by following Steward's logic of acculturation. Once a colonial state comes into contact with a tribe at a lower organizational level, the latter inexorably become integrated into the state's economy and modes of subsistence. Any development of further practices—say, of selling fish—is thus taken to be a signal not of a cultural group developing along its own historical trajectory, but of integration into the market economies of the settler colonial state.

This uniquely Stewardian combination of ideas around economic, ecological, and subsistence production with ideas about accumulation and

assimilation continues to structure legal thought in Canada. Indigenous litigants must show that practices and occupation existed prior to contact with Canada to be awarded entitlements. Providing evidence to satisfy these requirements imposes substantial financial burdens on Indigenous populations. Collecting data, assembling cases, and litigating in court are expensive, time-consuming processes. Such financial burdens place a substantial—and asymmetric—demand on Indigenous peoples to defend their ways of life. And, of course, there is no guarantee that such cases will be decided in favor of Indigenous litigants.

5.   CONCLUSION

Steward's method of cultural ecology is a realist one. It suggests there are real if limited parallels between cultural groups. These are determined by their social organization, resource capture, and technological sophistication. Yet his framework is not metaphysically essentialist and didn't buy into the folk anthropological model. Wherever cultural groups fall on the hierarchy of organizational levels says nothing about a hidden structural essence—or indeed, anything about the particular histories of cultures or cultural groups. Does this mean it is unproblematic?

    I hope to have shown above that it is not. Unlike the critique of essentialism that travelled into philosophy and the sciences, the fictionalist critique goes beyond the empirical and metaphysical quirks of hidden structural essentialism and the folk anthropological model. It focuses on how values, biases, and simplifying assumptions could influence the construction of classifications and assertions about cultures and cultural groups. If there is a weakness of that literature, it is that it has rarely tied its critical machinery to concrete narratives where choices about ontology led to harm. By developing the case study around Steward above, I hope to have done just that.

    The culture concept is now used beyond anthropology in a range of humanistic and scientific disciplines. These support a catalogue of ontological and metaphysical assumptions about the individuation and identity criteria for cultural groups. Because these fields don't always address the same populations—or, necessarily, the same problems—it may seem like this ontological diversity is inconsequential. But what the case study shows is that ontologies can travel from the ivory tower into the courtroom. It is not unreasonable that work in cultural evolution, sociology, cultural psychology, or any of the other domains where "culture talk" is used, could travel too (Martindale, 2014).

The lesson I want to draw from the case is this: there needs to be a re-orientation of attention away from the widely disseminated critique of metaphysical essentialism and the folk anthropological model towards a focus on ontology and ontological decision-making. Essentialism, we've seen, is not the major issue that the fictionalists thought it was. At the same time, choices of ontology, and the claims that researchers make about them, are consequential. Such choices and claims matter because "culture" is a term loaded not just with theoretical baggage, but political and legal baggage too. "Writing against culture," as I have developed the fictionalist critique, means being sensitive to the implications of one's ontologies, classifications, and corollary speech.

This points towards a more general phenomenon—admittedly, only sketched here—of *ontic risk*. As noted above, ontic risk arises when there are alternative, viable ontologies that could constitute a domain of classifiable entities. Choices between such ontologies, in situations of uncertainty, raise the possibility of harm. What this article contributes to such a sketch is an outline of the means by which this can occur: when an ontology is seen as authoritative over a domain, and when entities are placed into particular categories within that ontology. The latter, typically mediated by assertions in journal articles, monographs, or court appearances, can expose entities to substantial practical and prudential harm.

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