

'Infrastructures of Responsibility': the Moral Tasks of Institutions

GARRATH WILLIAMS

ABSTRACT *The members of any functioning modern society live their lives amid complex networks of overlapping institutions. Apart from the major political institutions of law and government, however, much normative political theory seems to regard this institutional fabric as largely a pragmatic convenience. This paper contests this assumption by reflecting on how institutions both constrain and enable spheres of effective action and responsibility. In this way a society's institutional fabric constitutes, in Samuel Scheffler's phrase, an infrastructure of responsibility.*

The paper discusses three key normative aspects of this infrastructure. First, institutions define roles and rules, alongside forms of sanction and encouragement, so as to realise limited forms of practical, normative agreement. Second, institutions allocate and adjudicate distinct responsibilities. This creates separate spheres of initiative, ensuring responsibilities are fulfilled and providing for structured disagreement and change. Third, because we move through a plurality of institutions and associations, we experience varying responsibilities and forms of recognition. Individual identities thus depend on several different forms of recognition, and are well placed to resist totalising or fundamentalist temptations. In sum, the paper argues that a liberal institutional fabric provides essential moral stability, though not an undesirable fixity. By containing the fragility and dangers of individual moral judgment, our institutional fabric allows such judgment to play a valuable role in human affairs.

Introduction

Let me begin by asking to what experiences modern liberal thought responds. The main currents can, I think, be captured in terms of three broad schools of thought. Locke, and then the authors of *The Federalist Papers*, anticipate the growth of rights claims against government, realised via divisions of powers and systematic representation of the governed. Secondly, classical or economic liberals such as Adam Smith respond to the rise of market relations, again understood as a sphere that can effectively limit governmental power. And third, modern egalitarian liberals such as Rawls rely on the greatly increased powers of modern societies to provide for welfare and protect rights. He and his critics engage with the complexities of democratic participation and huge difficulties posed by contested, competing values such as liberty and equality. These topics have been taken up in many further ways, for instance by republicanism, multiculturalism or feminism, which have stressed the space between democratic rights and actual participation, between formal equality and lived experience. Finally, perhaps we might also add a fourth current, with its roots in Hobbes: the 'liberalism of fear' reminds us of what we stand to lose when liberal democracy fails.

All these schools of thought clearly draw on very important experiences. But one essential development seems to be omitted from this list, or any more detailed account. As my title indicates, I believe this development can be captured in terms of the rise and rise of *institutions*. Modern societies are constituted by an astonishingly dense network of organisations — private and public, social and economic, charitable and political, and so on.¹ Naturally, contemporary liberals rely on this development to help realise their normative aspirations. In this paper, however, I contend that this reliance tends to be tacit, which means it can easily be ignored when it suggests complexities in how we should conceive of modern liberalism. My positive concern is to understand how the practices of responsibility essential to modern liberal societies are actually constituted.

Three decades ago, Geoffrey Vickers observed ‘two familiar but staggering changes of the last hundred years. One is the escalation of our expectations; the other is the escalation of our institutions’. The term ‘institution’ describes here any organised collectivity.² We are familiar with an astonishingly wide range of such bodies: from schools to audit commissions to law courts, from the private limited company to the public corporation to the transnational company, from the local charitable hospice to the tennis club to the lavishly endowed charitable trust. To remain with Vickers for a moment longer:

. . . in Britain in the mid-nineteenth century trade unions were still criminal conspiracies; the right to form corporations, especially business corporations, was a jealously guarded privilege; and the central government had only one rudimentary department concerned with any internal regulation beyond justice, law and order. The huge edifice of our institutions, like the huge edifice of our expectations, has been built within the lives of men alive today.³

We might say that modern liberal theory has had no difficulty keeping pace with our escalating expectations — one might even think it has done its share in contributing to these. However, it has not done such a good job as regards our escalating institutions, so definitive of modern societies. Political and legal institutions are obviously important for liberal thought — as they have been for political theorists since Plato. But the moral and political roles of institutions *per se* are much less regarded.⁴

Yet if we think about our modern expectations, it is not just political institutions or the emergence of constitutional democracy that have satisfied and fuelled them. There are at least two further conditions that have realised our enormous expectations, whether those concern tolerance and social pluralism, the balancing of governmental powers, economic growth or growth in individual opportunities. One condition is technological, something that has been central to environmentalist political thought but has not been especially important to liberalism. I too will put it to one side, in the belief that a second condition has been far more decisive.

This second development goes right to the fundamentals of human interaction. A whole set of interrelated innovations that we might call ‘technologies of organisation’ has transformed our social and political lives. Among these innovations, one might mention division of labour, the invention and refinement of bureaucracy, the development of modes of accountability, and massive legal innovations that accommodate and foster various collective entities (not least, the limited company). In fact, these organisational technologies have proved both a precondition of material technological

innovation and its systematic deployment — and much more important than any given material technology in developing and meeting our modern expectations.

At the heart of these historically novel technologies of organisation are *freely adopted, deliberately created roles* — as Vickers says, 'the greatest social invention of our culture',⁵ albeit an invention we usually take for granted. These are roles that can be adopted and renounced by individuals, roles whose occupants can be replaced, and roles which can be deliberately designed or redesigned to meet particular needs or expectations. This innovation belongs to both 'private' and 'public' sectors: it is a feature of governmental bodies, charities, political parties, trades unions, commercial entities, the regulatory bodies that exist between government and market, and social organisations. (Total institutions obviously pose special problems here — the role of prisoner, for instance, is certainly not freely adopted. In fact, total institutions will also be problematic with regard to most of my following contentions. Note, however, in the open institutional fabric of liberal societies, total institutions are both distinctly atypical and particularly closely hedged by legal and other safeguards.)⁶

The systematic deployment of this innovation, the freely adopted, deliberately created role, is the correlate of the modern explosion of institutions. But why should this be news to liberal theory? After all, the rise of contractual roles and relations is fundamental to economic liberalism. Democratic institutions likewise presuppose that individuals might be elected to or ejected from political roles, and that these roles might be constitutionally altered. Not least, equality of opportunity or the 'free choice of careers and occupations' (Rawls) would be meaningless without it. To clarify: My claim is not the absurd one that liberalism has not relied on the emergence of institutions based on such roles, and the other 'technologies of organisation' that these make possible. My argument will rather be that it has failed to look at this development on its own terms, and therefore not appreciated its importance in realising the actual achievements of modern liberal polities.

I shall offer some suggestions in conclusion as to how this might have happened in such a diverse and thoughtful body of political theory. But one way to give this claim some *prima facie* plausibility might be to recall a recurring charge against liberalism. It is often said, and not only by conservatives, that rights are correlate with responsibilities.⁷ It is all very well, this line of thought may suggest, to emphasise liberal rights and individual autonomy. But what assurance do we have that people will take care of their responsibilities to one another? The greater the extent to which one endorses our modern expectations, the harder it is to answer this doubt without hedging the individual's right to independently plan her own life.⁸ However, if one attends to the moral achievements of the institutional fabric in which we live, I believe there is no impasse here. The freedoms we have most reason to value do not include the freedom to 'drop out'; we will want to be able to leave behind particular associations if they prove oppressive, but to be rid of *all* associations would be a deeply frightening prospect. Most of the time, what matters is the freedom to participate in ways that are meaningful by one's own lights⁹ (and, we might add, compatible with the rights of others). *The moral tasks of our institutions*, I will argue, *can be summed up as opening such channels for participation, and inculcating the responsibility that is both morally and practically its necessary correlate*. If this is correct, then our 'freedom' can indeed be squared with the very weighty demands for responsibility that correspond to the very high expectations that we have of our social order.

To make this argument, I describe three moral tasks which institutions should, and very often do, play. My task is thus both descriptive and normative. On the one hand, I want to understand how it is that liberal polities are able to go so far in meeting our considerable expectations of them. On the other, insofar as we admire and value those achievements, to emphasise how they are made possible also has a prescriptive aspect. If some of our institutions fail to perform these tasks, then that should be a matter of moral and political concern. My discussion of these tasks will be relatively brief and schematic: although we rarely, I suggest, take proper theoretical account of them, we do tend to be very familiar with these tasks on a day-to-day level.

One final introductory note: Underpinning my argument is the following thought: that normative liberal theory tends to overplay the significance of individual autonomy and thus — something less often noticed — to underplay the costs and dangers of normative disagreement. It is this, I believe, that makes it plausible to neglect the structuring power of social and economic, as well as political, institutions — a structuring that is essential if individual autonomy is to be meaningfully and responsibly realised. I believe that an emphasis upon the importance of our institutions still supports, in every respectable sense of the word, a liberal vision — but it will be a liberalism better grounded both in contemporary realities and in the enduring realities of our actual moral agency.

Infrastructure (i): Inculcating Practical Moralities

The first task I will sketch concerns how institutions provide practical moralities for all those they involve, and why this is *itself* of immense moral value. This does not involve the claim that we all adopt all the values of the institutions we belong to, still less that every institution or role embodies a defensible morality. It is rather to claim that activity and its evaluation are thoroughly structured by roles and institutions, in ways that are indeed morally important — and important not simply by virtue of the particular practical moralities concerned. This claim is meant to allow for there being cases where this structuring takes place in undesirable ways — the danger of corrupt institutions.¹⁰ But this possibility does not imply that structuring itself is unimportant — rather that reform of roles or institutions, or both, would then be necessary, so that activity and judgment are better structured.

How do institutions provide us with practical moralities? The most important aspects lie in their structuring of judgment and action via rules, roles and relationships.¹¹ In the first place, roles involve the *acceptance* of responsibility. Roles are usually adopted with consent, which is vital not only from the point of view of individual rights, but also because roles of any depth involve responsibilities whose fulfilment cannot be effectively coerced, because they require the actor's on-going thought, commitment and initiative. The content of those responsibilities is, however, largely defined by the role and the rules and expectations associated with it. In the institutional context, moreover, we relate to others who have responsibilities for ensuring that we understand these expectations. This is partly a case of constraining the actor to fulfil them, but it is just as much a case of enabling him to fulfil them, through resources such as authority and information. In an ideal world, and to some significant degree in the real world of functioning liberal societies, roles combine incentives of self-interest,

actors' own moral expectations of themselves, and responsible contributions to others' needs or legitimate aims.

In these ways, many questions of human cooperation are pre-judged. Such practical settlements are not open to contestation in the same way as the purportedly 'shared values' that theorists often suppose to be crucial for human cooperation. Even when we agree on the ends, after all, dispute about the means can wreck everything. Practically speaking, however, nothing succeeds like success: if all are able to see that things are working, roles, rules, moralities do not need to be revisited or disputed. If actors perceive fewer problems (whether at macro or micro levels) then they have much less cause to fall in with the stories of blame and calls for punitive action that help make normative disagreement so dangerous. (Thus the truism that intolerance and scapegoating are much more prevalent in times of economic difficulty.) Mutual trust and shared loyalty are secured, not primarily by shared 'values' or 'identities,' but by the actual experience of successful and relatively fair cooperation.¹²

This may be granted, but there is still the question: why should the (provisional) definition and enforcement of a relatively specific morality be of moral value, even to some extent regardless of the content of that agreement? Is this not already to part company with every liberal who wishes to stress the value of individual autonomy, of exercising our own moral judgment? Two reasons are important.

In the first place, 'getting it right' is not the only value.¹³ Given the sheer complexity and difficulty of human cooperation there is important value in agreement simply as such. Any individual normative judgment has the potential to disturb practical agreement, in ways that endanger trust, mutual loyalty, and cooperation. This is as true of prudential and expertise-related judgments as it is of moral, religious, ideological and identity-based ones. To acknowledge this is not to indulge in an illiberal yearning for universal agreement. At this institutional, role-based level, what is at stake is a limited, delimited and often provisional sort of agreement that liberals too can (and should) value. Such a morality defines only one part of an individual's life and conduct. By their nature these practical moralities are exposed to a vital check, of not being in significant conflict with the moralities involved in other spheres of a person's life. And such agreement should not be seen as merely constraining: in permitting certain sorts of cooperation, it has a strong enabling aspect. Moreover, as I will stress in the next section, such agreement represents a precondition for exercising individual initiative so as to effect meaningful change.

Second, 'getting it right' is difficult and asks too much of us. *In extremis* we must hope that people will fall back on some basic moral certainties (for example, not to participate in organised murder). But we know people have often failed even in that. We know (we should know) that individual moral reflection is extremely fragile; that we are fundamentally dependent on social context for guidance; that most of us find it impossible to live with norms that don't vindicate our own conduct; that we need values that lend meaning to our own lives. Values, like identities, are things we do; and what we find ourselves doing shapes our values and alters our identities. We often hear liberals (and communitarian critics) talking of values as if they might antecede, or survive untouched by, our engagements with the institutions of modern societies. When our values do change, this then appears as either a matter of manipulative, autonomy-undermining influence or of rarefied, rational dialogue about those values. But this is surely an unrealistic way of characterising individuals' values and identities

— and most unhelpful for understanding the processes by which they do become sufficiently coordinated to provide for peaceful coexistence, mutual tolerance, and active cooperation. I will say some more about this in discussing the multiplicity of our affiliations, below.

Infrastructure (ii): Allocations of Responsibility, Initiative, Power

The first point concerned how institutions define agreed moralities, and the moral importance of this agreement. I now wish to emphasise the differentiation that is necessarily introduced by any institution, by virtue of the fact that it allocates different responsibilities to distinct individuals. As well as creating nets of mutual expectations, institutions create and adjudicate separate spheres of initiative.

One result of these processes is certainly familiar to liberalism, especially as influenced by rational choice theory. One crucial role of institutions is to provide solutions to coordination problems. It is no news that they can generate massive coordination achievements — welfare, stability, mutual guarantees. In rational choice approaches, the characteristic moral problems are taken to be those of ‘free-riding’ by self-interested agents, and variations on the ‘tragedy of the commons’. Institutions then enter the fray as means to promote coordination by providing mutual assurances and altering incentive structures. Rational choice issues are obviously of moral as well as prudential importance, if one agrees that cooperation represents an important value in its own right. By limiting options for choice and thereby effectively shaping agents’ preferences, by creating patterns of reliable activity that mean one agent can count on another, by providing resources to guarantee various sorts of ‘exchanges’: in all these ways institutions are key.

But institutions’ coordinating powers have further moral dimensions, less often appreciated. I would like to bring out two in particular: (i) How institutions provide for a background or ‘working’ consensus against which disagreements can be dealt with; (ii) How they separate powers and responsibilities, creating distinct spheres of responsibility and initiative. These two aspects flow back and forth into each other: one part of what gets accepted is who has responsibility or authority with regard to certain choices; resolving many disagreements involves allocating or reallocating such powers.

In the first place, functional institutions are not simply stable but draw on their members’ capacity to initiate change. Provisional agreement on ways of doing things will incorporate some accepted ways of dealing with disagreement that do not disturb on-going cooperation. Thus part of the shared morality discussed in the first section concerns agreed ways of negotiating decision, change and disagreement. This means that disagreements can be dealt with without the costs and dangers of unmanaged conflict.¹⁴ Consider the example of a committee member. In normal circumstances — where neither individual nor organisation is failing — she is neither simply ‘an individual’ nor ‘one with’ the committee.¹⁵ She accepts that this is a forum for decision-making, that she has a responsibility within it, that she has a right to contribute as well as a duty as regards the collective decision, whether it represented her view or not.

This example might also remind us that roles are not just about rules. At the least they involve interpreting those rules; at mid- and higher levels of responsibility, individuals are expected to respond creatively to their roles — to exercise both autonomy

and responsibility. This initiative, coupled with the deliberate creation of roles, enables institutions to be responsive to change or unmet responsibilities. Actors may renegotiate their own role or that of others, create new roles, even found new institutions. True as it is that institutions often blinker their members to unmet responsibilities, it is equally the case that only organisations can provide for the stability and the organised decision-making that are needed for deliberate change.

A further aspect of this first task lies in reducing and delimiting the need or demand for moral(ised) discourse.¹⁶ I have already spoken of the importance of practical success in reducing the need for individual judgment, in enabling practical agreement. In relation to organisations' divisions of responsibility, this is important inasmuch as we feel less need to interfere in others' areas of judgment and action.¹⁷ Being able to count on others' courses of action reduces the need for 'contingency planning' to an extent that can hardly be overestimated. Experience and relevant expertise accumulate over time, reducing one's own and others' uncertainty about one's capacity to fulfil the role, in turn reducing legitimate scope for interference and the scope and import of normative disagreement.

This brings us to a second moral dimension of institutions' coordinating powers: how practical agreement and effective cooperation are enabled by distributing responsibilities among agents and between agencies. Institutions allocate spheres of responsibility in a two-fold sense. Individuals are allocated particular responsibilities by their organisations, while institutions themselves have their own tasks and concerns.

Within institutions, individuals are obviously allocated distinct spheres of responsibility. This is morally important because responsibility is correlative with *initiative* and *power*. Individuals are enabled, empowered and recognised, matters of great importance to people's sense of self and responsibility even when it concerns things which outsiders might judge quite trivial. Individuals have some responsibility that is not identical to anyone else's, and ideally one that does not conflict severely with another's. At the same time, it is not a total responsibility. Others have responsibilities for other aspects of the same matter. We have responsibilities to communicate, negotiate and inform. Others check and hold accountable. For example, if we have particular responsibility to provide for an incapacitated person's health care, others have responsibilities as regards their housing; and other have responsibilities for checking on the care we provide. Responsibility that is overseen or borders on other responsibilities does not thereby become nugatory; it does become more manageable, and its fulfilment more sure.

Perhaps even more important, separation of responsibilities means that the level of reflection and responsibility demanded of any one individual is considerably reduced. Some affairs, outcomes, issues aren't one's responsibility, having been assigned to another agent or agency; and responsibility for many more issues is shared with others. And this is crucial, because people who are over-loaded tend to drastically simplify their sense of responsibility, both so that their tasks are made manageable and so that they do not have to see themselves as failing in their duties. We know that the manager who is expected to be responsible for safety as well as profit will too often forget about safety. With a safety officer to check up on him, and a regulatory agency to control safety standards, we can reasonably hope for a happier result.

As this example suggests, we divide responsibilities between, as well as within, institutions. Politically speaking, of course, some institutions will have much more important tasks than others. But this does not mean that we should attend only to

those institutions of obvious political importance. One reason for this was emphasised by classical liberals, when they stressed the importance of spheres of activity not controlled by the state — thus the ‘free market’. Even if modern day liberals tend to be less sanguine about markets and more optimistic about governmental activity, the basic point remains important. We want to divide responsibilities, ensuring that there is slack in the system, that different bodies can check one another, that individuals have different places to turn (or run) to. While I find that many liberal theorists place more weight on individual rights as a check to government and a means to social participation than they should, and less weight on plural organisations (a point that was brought out in debates about civil society)¹⁸ the importance of divided powers rightly remains an important liberal theme. Appropriately, openness, accountability and mutual oversight are attracting renewed attention — especially as we find that some forms of oversight are meddling and intrusive, and may undercut an organisation’s proper initiative with regard to its responsibilities.¹⁹ But for all that such processes are rarely straightforward and can go awry, mechanisms of accountability are crucial to the openness of an institutional fabric, and to seeing that different organisations each embody defensible moralities.

Some time ago Karl Popper described ‘piecemeal engineering’ as the basis of the open society.²⁰ ‘Institutional division of responsibility’ is both the condition and the subject of such engineering. Sometimes, of course, responsibilities fall through the cracks — especially for those who lack meaningful participation in the overall fabric of our institutions, for instance those living outside the borders of liberal states. It was in this context that Samuel Scheffler coined my title phrase, ‘infrastructures of responsibility’ — how communities and institutional frameworks supply ‘individuals with a reasonably clear statement of their responsibilities and encourage the development of the motivations that will lead them to discharge those responsibilities’.²¹ A basic reality of the modern world is that unmet responsibilities will not be addressed by individual initiatives, except insofar as those initiatives combine to found or restructure institutions.²² In turn, one crucial feature of the open society is that individuals and organisations are empowered to pick up and deal with unmet responsibilities.

In sum: our institutional fabric frames responsibility, power and initiative, for individuals and for organisations, providing a background of practical agreement that is the *sine qua non* for fruitfully tackling disagreement. While enabling actors or organisations to fulfil certain duties, this fabric equally prevents them from disregarding their responsibilities or pursuing others’ responsibilities. By offering, recognising, delimiting channels to participate in the commonweal, institutions prevent us from being confronted with a plethora of moral tasks with no idea who might tackle which, with boundless responsibilities and a pernicious licence to interfere wherever we judge fit. Thus Bradley’s dictum, ‘my station and its duties’: a dictum we should not scorn, but only qualify by observing that in modern societies we create and renegotiate both stations and duties as a matter of course.

Infrastructure (iii): Recognition and Identities

This is to argue that institutions embody working moral agreements that are themselves morally important, that they permit significant coordination achievements via

their divisions of responsibility and systems of mutual oversight, that they provide both for stability and deliberate change. I now wish to focus on a fact so far only alluded to: that in a liberal polity, we each have a plurality of allegiances, being members of several institutions and, indeed, other forms of association. Moreover, some of these memberships, though not all, will reflect our own choices and ride on our continued consent. The result is, we might say, practical training in moral pluralism, as we negotiate identities and renegotiate affiliations in order to make sense of our multiple commitments.²³

We already saw one crucial way in which institutions, even the most mundane, are important in *recognising* individuals — something that is surely a crucial condition for the decent exercise of moral agency. Insofar as our institutional roles grant us some sphere of responsibility, they recognise us as contributors to the projects with which they are bound up.²⁴ Likewise, we encounter others in distinct, relatively well-defined capacities or relations, rather than simply as individuals as such. That is to say, we meet others with a definite and restricted responsibility toward them, so that we are oriented by specific sorts of concern for them and extend them a certain sort of consideration or recognition — and do not try to compass their entire identity.

Of course, there are many roles where these elements fail. Some roles deny respect, or even humiliate — as Avishai Margalit stressed in reformulating the liberal project as that of 'the decent society'.²⁵ One can hardly deny that such misrecognition is common enough in liberal states. It is well known, for instance, to many 'clients' of welfare state institutions, or amongst many employees subject to bad management. (As these examples may indicate, such nugatory recognition is often correlated with the denial of individual scope for legitimate initiative.) Our most worthwhile roles accord responsibilities, particular spheres of answerability, albeit rather limited ones with narrowly defined scope to judge or interfere in others' thought or conduct. And even where the degree of initiative is vanishingly small, our roles may provide us with some sense of solidarity with our peers, that is, their recognition of us — the saving grace of many workplaces, for example.

The crucial point, however, is that — in a liberal institutional fabric — we belong to a plurality of institutions, and can, to a varying extent, choose our affiliations. In this case, it matters less if some affiliations cast us in somewhat humbling roles, so long as we do not experience systematic humiliation (especially not the humiliation of *me and my kind* at the hands of *them*, an obvious crystallising factor for sectarian conflict). To have a sense of ourselves as responsible agents, as persons who can be trusted and whose judgment others can rely on, hardly requires thorough-going recognition in all spheres of life. If we move amid a plurality of affiliations, having some say in those we adopt, and if the institutions we have no choice about are not systematically humiliating, then we can expect the respect and recognition so important for responsible agency. Equally, our interactions are structured in ways that lead us to recognise others as fellow participants in many different spheres of life.

The multiplicity of affiliation and absence of group-based humiliations is especially important when we think of the exclusionary, centrifugal dangers of identity and group-based politics. It is an old point, recently less emphasised, that multiple loyalties are crucial for toleration, for coexistence amid difference. They make it much more difficult to maintain, and much less tempting to reach for, that most dangerous illusion: that one possesses some well-formed idea of 'the good'. They represent, as I have

put it, practical training in moral pluralism: they expose us to competing loyalties, to a diverse set of duties that are — so far as we indeed live among the institutions schematised here — not ‘irreconcilable’ but rather in tension, in need of being kept separate, and partial by their very nature. That is to say, in the idiom of one important set of institutions: these duties may be weighty, but characteristically they are ‘just a job,’ not an overriding existential imperative.

One objection often faced by liberals in debates about multiculturalism is that they would relegate ‘difference’ to the private sphere. It may be thought that my account is vulnerable to this objection too. It would not be unreasonable to interpret an emphasis on roles and institutions as suggesting the following picture: That we appear to each other in various impersonal capacities in our institutions, and that we enjoy more limited associations with those who we share a sense of ‘community’ — families, religious bodies, *et cetera*. In part I would want to concede the charge, with the claim that there can be positive value in privatising difference. If we won’t agree about some things, then let’s keep them to areas where we won’t fall over each other, so far as that proves acceptable and practicable. This is to claim that there is no disvalue in *modus vivendi* solutions; part of my line of thought, indeed, is that it is wrong-headed to draw any strong line between ‘principled’ political settlements and ‘expedient’ social arrangements.²⁶ Both have costs and benefits, and pose their own risks when pursued or obtained; both involve negotiations and areas of silence; both, in any case, act on people’s values and identities because, as I have wanted to stress, these are things we *do*.

Nonetheless, none of the solutions multiculturalists have propounded are closed to an account that emphasises the importance of our institutional affiliations. The key proviso is only that our theorising does not hypostatise identities or communities into some unitary, authentic moral whole. The language of competing ‘conceptions of the good’ seems to me to do precisely this.²⁷ Sectarians and bigots may think they have a ‘conception of the good,’ as may someone in the grip of a particular theoretical worldview (some formulations of both liberalism and communitarianism, for instance). But decent people in decent circumstances *muddle through*, compromising between the different things they feel reason to value. And part of ‘muddling through’ consists in appearing to each other in different aspects in the different contexts we move between. Many modern ways of speaking imply that our different roles, or the presentation of different aspects of ourselves to different audiences, involve some ‘inauthentic persona’ or a falsification of a ‘real self’, that compromises some pre-existing identity or our ‘autonomy’. But this ignores how essential our various roles are to our self-conceptions, to what sense of ‘identity’ we do have. It takes too little account of the political processes of fear and mistrust by which people can be led to stake totalising identity claims, where before there was effective coexistence.²⁸ Not least, it spells doom for successful co-existence should we fail to find sufficient ‘overlap’ in our various ‘conceptions of the good’.

We might interpret, then, an effective plurality of institutions, which channels plural forms of mutual recognition, as the effective realisation of norms of toleration. In the working liberal polity we could reconstrue Rawls’s figure of ‘overlapping consensus’ thus: a huge set of diverse, interacting and mutually reinforcing ‘mini-consensuses’ between individuals who recognise each other — and identify themselves — in terms of a variety of different capacities and roles. The individuals involved may see the overall settlement in many different terms; most of them, in all probability, will give it hardly

a second thought. It is one of the great achievements of liberalism, indeed, that they have no need to reflect on this settlement, having already been enabled to get on with their lives and fulfil their responsibilities to one another.

Conclusion

Liberalism is notoriously difficult to define and continues to be theorised by many major thinkers in diverse ways. It is certain that the moral tasks and concerns raised here are at least partly addressed by this body of thought. This suggests a *prima facie* implausibility to my overall argument. Perhaps I should have asked sooner: what reason could there be for thinking that such a wide-ranging and important theoretical school suffers from this alleged institutional blind spot? I think a series of factors may explain theorists' relative neglect of the structuring role of institutions, social and economic as well as political.

First, a certain *ideational bias*, for want of a better term: a tendency to focus on people's explicitly held beliefs and values, rather than their actual practices and contexts of action. This may be what is called a 'professional deformation': as theorists our stock in trade is concepts, values, justifications. It is all too easy to write in ways which suggest a greater role for these than they play in everyday life, or which disembodify them, picturing a layer of reflection or self-conceptions above the material, mundane level of 'self-interest'. In real life discussions, however, we know that values and practices are incredibly hard to disentangle, and that explicitly moral discussion is as often a recipe for self-deception and polarisation as it is for constructive debate.

This relates, second, to a tendency among many liberals to be too optimistic about the normative disagreement, and its risks and costs — despite liberalism's important emphasis on the coexistence of different ways of life. As some advocates of '*modus vivendi*' and 'liberalism of fear' approaches have argued, the picture tends to be of people arguing about 'alternative conceptions of the good' or 'the nature of the good life'. But our experience of the 'fact of pluralism' is, especially outside of liberal polities, much more mixed than this — in large part, because the 'good lives' concerned are crucial to the meaningfulness of people's lived experiences.²⁹ If that meaningfulness is felt to be under threat, then 'difference' becomes exceedingly dangerous.

A third factor one might mention is a sort of 'legalism' that ascribes an unrealistic sovereignty to the state and its laws, and neglects the crucial role of actual practices and institutions in constituting a social and political order. One interesting version of this charge owes to Foucault and theorists of 'governmentality,' such as Nikolas Rose. Rose observes: 'Liberal government, dependent as it is upon the orchestrations of the actions of independent entities, is inherently risky — and no more so than in its reliance upon those who are able to mobilise around the power to speak the truth and the capacity to act knowledgeably upon conduct'.³⁰ To be sure, this does sound like an immensely fragile balancing act, much more complex than the simplified 'state guarantees rights' story that we often assume. But a different slant might be put on the matter, if we think of the multiply interlinked web of agents and agencies pictured here. Given the variety and extent of the expertise that is thereby coordinated and enlisted, the multiple sources of power that check and balance, the willingness to take responsibility that are brought together, one may think that we have discovered a

particularly powerful and enabling form of government. And the evidence surely speaks to this side of the story, too.

Finally, and most obviously: no one can forget the danger of corrupt institutions. Not just the greatest benefits but also, with the partial and important exception of civil conflict, the greatest harms have been institutionalised. When we think of mass murder, for example, we inevitably picture Eichmann, archetype of organisation man amid evil organisations. More mundanely, we might think of testimony from those who have ‘blown the whistle’ on corporate or bureaucratic or military wrongdoing. Here we certainly want to stress the importance of individual moral reflection, and disavow the immoral power of institutions.³¹ The question, however, is what this disavowal should mean in practice. The reality is that few do speak out; more, in the case of a corrupt institutional fabric, speaking out is almost certainly useless. What is most important, I would suggest, is a relative *openness* to our institutions. An emphasis on the moral value of institutions only neglects the dangers of corrupt institutions if it ignores the importance of this openness.

Now, the openness of our institutions is clearly a huge topic in its own right; indeed, recalling Popper’s ‘open society’, one might frame the whole liberal project in such terms. But it may be useful to point up how important this has been to my descriptive-cum-normative account. Above all, openness involves checks between institutions, checks that are mutual and overlapping and rarely straightforwardly hierarchical. Responsibilities and the exercise of these responsibilities are made matters of scrutiny, of formal and informal accountability. Thus responsibilities breached or neglected can be challenged, addressed, taken up. As well as rights to found new associations, this relies on real and effective opportunities to speak out with regard to organisations’ activities and their goals. Likewise, we are familiar with the importance of real and effective options for exit, which exist for many of the associations and institutions to which we belong. Of course, this is not always feasible, political membership being the most obvious example. In such a case, it is natural to think that the institution must meet rather higher standards to be legitimate. Corporations can severely restrict their members’ knowledge of and participation in many aspects of their running, and both workers and customers should (at least) be able to leave. States, on the other hand, are rightly constrained by formal democratic rights and institutions dedicated to monitoring and protecting these.

We can sum up openness, then, in the terms so nicely contrasted by Hirschman.³² For each organisational affiliation, our *loyalty* is conditional; there exists scope for *voice*; usually *exit* will also be an option. Abilities to contribute, to speak out, and to leave provide a vital check on the internal moralities of organisations; without them, the hope that we can find a productive tension — and not outright contradictions — between the moralities of our various memberships becomes merely pious. In each case, however, note that *other* organisations enable our rights to contribute, to speak out, to leave.

All these points and more have received great thought and attention, if not always by liberal theorists, then certainly by all those caught up in the unending work of instituting a liberal social fabric. Against the emphasis of liberal theorists, I want only to stress that, to prevent corrupt institutions, *and the corrupt individual moralities that result*, our solutions must be themselves institutional, first and foremost. The worse things are, the more we will want the sort of responsible moral judgment that liberalism typically

values so highly — and the less likely we are to get it. Amid the comforts of our functioning institutions, it is all too easy to forget that responsible agency is very largely an achievement of those same institutions.

To conclude: I suggest this view of institutions and the problems they help us to solve is congruent with concerns that lead liberals to emphasise values such as toleration or neutrality, autonomy or individual rights. But it is based on the belief that these values are much less matters of discursive or theoretical agreement than of institutionalised practice. What really counts is not how people talk about the right or the good, but practical mechanisms which structure how they experience and fulfil their responsibilities to one another. Within an open institutional fabric people pursue neither supposedly coherent conceptions of the good, nor unjustly compelled compromises of such conceptions, more likely to build up resentments than to foster coexistence. These people won't agree about many of the things they choose to reflect on, and they won't need to reflect on many other things besides. And all this seems to me just as well, if we keep in mind that the costs of unstructured participation, uninformed debate, and unmediated disagreement can be very grave indeed.

Garrath Williams, Institute for Philosophy and Public Policy, Lancaster University, Lancaster LA1 4YG, UK. g.d.williams@lancaster.ac.uk

Acknowledgements

For comments and discussions on this paper, I would like to thank Bob Brecher, Margaret Canovan, Tim Chappell, Eve Garrard, Morris Kaplan, colleagues at Lancaster University (especially John O'Neill and Alan Holland), Mairi Levitt, and participants at the Northern Political Theory Association's conference at the University of Edinburgh, August 2002. My thanks, too, to the referees of this journal.

NOTES

- 1 Another important suggestion one might make regards nations and nationalism, an idea explored by Margaret Canovan in *Nationhood and Political Theory* (Cheltenham: Edward Elgar, 1996). She suggests that the achievements of liberalism have depended, much more than liberal theorists usually allow, upon the resources of nationhood: 'the discourses of liberalism, social justice and democratic theory rely upon tacit assumptions about the existence of political community' (p. 44), especially the mobilisations of power that nationhood makes possible. My argument intersects with hers for those cases where nations are constituted as states, i.e. as a set of mutually checking and mutually enabling institutions, which do indeed mobilise power to an extraordinary degree.
- 2 For my purposes, no particular distinction is made between 'institutions' and 'organisations.' This usage therefore excludes one sociological use of the term, when a settled practice such as promising or marriage is described as an institution.
- 3 G. Vickers, *Making Institutions Work* (London: Associated Business Programmes, 1973), pp. 11, 13.
- 4 One obvious exception is Michael Walzer, *Spheres of Justice: A Defence of Pluralism and Equality* (New York: Basic Books, 1983). However, Walzer's argument concerns the particular roles played by different sorts of institutions, whereas I am concerned with the common tasks fulfilled by all the institutions that co-exist in a liberal polity. Our arguments do, however, overlap considerably when it comes to the importance of a plurality of institutions, each with their own proper sphere that needs to be continually negotiated against the boundaries of others. Cf. also Charles Taylor, 'Atomism' in his *Philosophy and the Human Sciences: Philosophical Papers 2* (Cambridge: Cambridge University Press, 1985), pp. 205ff.

- 5 Vickers op. cit., p. 29.
- 6 I speak of an 'open institutional fabric' because I do not wish to imply that liberalism demands openness of all institutions, even allowing for the exception of prisons, asylums and so on. Many organisations are closed in the sense that their membership is limited by religion, sexuality, geography and so on, something no liberal need disapprove of. On 'openness' see further my conclusion, below.
- 7 Among contemporary political theorists this basic point has been strongly pursued by Onora O'Neill, for instance *Towards Justice and Virtue* (Cambridge: Cambridge University Press, 1997). O'Neill also argues that we need to accord an important role to institutions in defining duties and realising rights. See also my review article 'Understanding the wrongs we do together', *Res Publica* 8 (2002).
- 8 One plausible way out of this problem might be found in incentive structures that reward those who contribute most to the stock of goods, services, and powers that will enable us to provide decent opportunities to all. My reservation here lies in the presupposition that incentives can be clearly separated from the values of those who pursue them, i.e. the idea that an incentive structure is not problematic from a liberal point of view, because it does not make assumptions about people's moral values, or interfere with their moral autonomy. But people prefer to pursue incentives they think are worthwhile — and if they are made to pursue non-worthy incentives, often come to alter their ideas of what is worthwhile. That is, we seem inevitably to link the idea of reward with desert. From my perspective, this is not problematic in itself (everything would hinge on the detailed workings of the incentive structure). But it is difficult to see how it could fit with a commitment to neutrality or to an autonomy-based perfectionism, to name two prominent strands of contemporary liberal theory.
- 9 I will say some more below, about the fact that our modes of valuing are reflexively related to our affiliations and activities — so that our moral preferences are to some extent 'adaptive'.
- 10 Obviously, there are many cases where agreement enables harms and wrongs to be organised, from the Mafia's code of silence to the Catholic bishops who sought to avoid scandal by shielding paedophile priests. (I thank Margaret Canovan for these examples and pressing this point.) My argument might be put this way: institutionalised agreement is a *sine qua non* of fruitful human coexistence, as it is for constructively tackling disagreements; so too, it can also permit and foster great harms. On the other hand, sheer disagreement can *only* generate harms and costs. My conclusion points to some ways in which the openness of a liberal institutional fabric limits the dangers of corrupt institutions.
- 11 Thus Dorothy Emmet's valuable study, *Rules, Roles and Relations* (London: Macmillan, 1966).
- 12 Claus Offe nicely summarises the dual aspect of functional fitness and normative attachment, drawing on extensive literature in social theory: 'Designing institutions in East European transitions', in R. Goodin (ed.) *The Theory of Institutional Design* (Cambridge: Cambridge University Press, 1996).
- 13 Cheshire Calhoun usefully stresses that 'getting it right' is not the only moral goal, and that we must also aim at 'mutual agreement to a scheme of social cooperation' — which, as she says, goes against the usual assumptions of moral philosophers: 'Moral failure', in C. Card (ed.) *On Feminist Ethics and Politics* (Lawrence, KA: University Press of Kansas, 1999), p. 93.
- 14 Russell Hardin (1996) incorporates a strong sense of the idiosyncrasy and damaging variability in normative judgment into his case for going beyond individual or ad hoc to 'institutional morality' (in an essay of that name, in Goodin (ed.), op. cit.: esp. 141ff. Dennis Thompson also makes such a case: 'The institutional turn in professional ethics', *Ethics and Behaviour* 9 (1999).
- 15 I thank Bob Brecher for the example and this way of putting it.
- 16 Cf. Robert Goodin, one liberal thinker who has taken institutions very seriously. Goodin defends his claim that 'acting upon moral principles *usually* works out to the good' by saying that opponents of this claim have in mind moralising (inflexible, intolerant), not 'moral,' approaches to politics: *Motivating Political Morality* (Cambridge, MA: Blackwell, 1992), pp. 165ff. I should prefer to say that, so far as this nice distinction has any practical purchase, this hangs on institutional frameworks that successfully channel and delimit normative claims.
- 17 Of course, there is an important question here about the accuracy of our perceptions: if inaccurate, we may face needless contention or succumb to misplaced complacency.
- 18 What exactly 'civil society' covers has been much disputed: it is now usually taken to be that sphere of association outside of state and market, and sometimes even the subset of these associations that is not formally instituted. Being concerned with the roles performed by all the coexisting institutions in a liberal polity, I leave this definitional issue aside.
- 19 Onora O'Neill's recent work is especially notable: e.g. *A Question of Trust* (BBC Reith lectures, 2002, www.bbc.co.uk/radio4).

- 20 K. Popper, *The Open Society and its Enemies: Vol. 1: The Spell of Plato* 3rd edn. (London: Routledge & Kegan Paul, 1957), p. 157 and passim.
- 21 S. Scheffler, *Boundaries and Allegiances* (Oxford: Oxford University Press, 2001), p. 125.
- 22 Onora O'Neill has particularly stressed this point. In the international context, see O. O'Neill, *Bounds of Justice* (Cambridge: Cambridge University Press, 2000). See also David Miller, 'Distributing responsibilities', *Journal of Political Philosophy* 9 (2001).
- 23 For an important recent discussion of this topic, see Nancy Rosenblum, *Membership and Morals: The Personal Uses of Pluralism in America* (Princeton, NJ: Princeton University Press, 1998). Rosenblum valuably brings out how complex and variegated the experience and effects of associations can be, arguing that we should attach particular importance to the openness and shifting nature of associational life.
- 24 At the same time institutions also largely define the criteria by which agents compete for more elevated status. Instead of agents who feel bound to assert themselves 'through the external manifestations of success . . . [that] are without limit': Hegel, *Philosophy of Right*, trans. H. B. Nisbet, ed. A. W. Wood (Cambridge: Cambridge University Press, [1821] 1991) §253, remark), 'institutionalised' agents operate with narrower, intersubjective criteria of status achievement.
- 25 A. Margalit, *The Decent Society* (Cambridge, MA: Harvard University Press, 1996).
- 26 Cf. J. T. Levy, *The Multiculturalism of Fear* (Oxford: Oxford University Press, 2000).
- 27 A way of talking that (e.g.) Rawls is quite happy to adopt, despite his most sensible statement toward the end of *A Theory of Justice*: 'Human good is heterogeneous because the aims of the self are heterogeneous. Although to subordinate all our aims to one end does not strictly speaking violate the principles of rational choice . . . it still strikes us as irrational, or more likely as mad. The self is disfigured and put in the service of one of its ends for the sake of system', (Oxford: Clarendon Press, 1972) p. 554. All I would add is that such a move is unlikely to be made merely 'for the sake of system,' but rather to defend oneself against complexities and uncertainties that one's situation has rendered acute or even overwhelming.
- 28 Cf. Michael Ignatieff, *The Warrior's Honor: Ethnic War and the Modern Conscience* (London: Chatto & Windus, 1998).
- 29 The phrases in quotes are taken from Patrick Neal, 'Vulgar liberalism', *Political Theory* 21 (1993): 635, and our arguments overlap considerably.
- 30 N. Rose, *Powers of Freedom: Reframing Political Thought* (Cambridge: Cambridge University Press, 1999), p. 51.
- 31 We can see this power as the dark side of the three tasks I have emphasised: (i) The agreement in practical moralities might be coerced or involve corrupt moralities, and most likely both. (ii) The allocation of responsibilities might be systematically muddled or obscured; members might be thoroughly disempowered, their ability to fulfil their responsibilities systematically undermined. (iii) It might happen that practical pluralism is either eliminated, when one institution becomes hegemonic, or rendered unbearable, as when institutions demand activities that systematically contradict the values involved in other spheres of life.
- 32 A. O. Hirschman, *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States* (Cambridge, MA: Harvard University Press, 1970).