



INTRODUCTION

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This book of selected essays is about the study of *mindsets*, rooted in wider cultural practices that intertwine with what I call a *Contrarian Anthropology*. In particular, the selection of essays for this volume focuses on professional mindsets—in anthropology, in energy science, in law, and in gender studies. Although the first essay starts out with academic mindsets in anthropology, chiefly a preference for studying down, rather than up, down, and sideways, the essays that follow cover mindsets well beyond anthropology while employing an anthropological lens that continues to be an inherent comment on anthropology itself. Though anthropology as a discipline is comparatively open to crossing boundaries in ways contrary to expectations, it is critical to consider the historical context in which these essays emerged.

Anthropology has been called the “uncomfortable discipline” and “an institutionalized train wreck caught between science and humanities,” thus inherently contrarian, I argue. It is the anthropological perspective that sees what other disciplines often do not see, that makes connections that are not made elsewhere, that questions assumptions and behavior that is contrary to cultural expectations. In the nineteenth century, archaeologists replaced short chronologies of biblical origin with ones of longer time depth, while cultural and physical anthropologists questioned the idea of physical inequalities as innate (as the continuous study of contemporary racist attitudes informs us). Fieldwork dislodged anthropologists from their armchairs. We came to recognize the ideological nature of beliefs that science and technology provide us with the only source of truth, the ethnocentricity of Western science—even some anthropology—as it pertains to the future of life on this planet. The selected essays on nuclear and alternative energy science examined the idea that the mindset of experts might be part of the problem, something novel and contrary to expectations. As did many others before me, I asked, when is science scientific? The human dimensions of the energy problem, other than simple consumption, have been slow to sink in to this

day, so deep is the ideology that technology will eventually solve all our world's problems.

Although earlier anthropology adhered to the notion of progress, bent on documenting a move from savagery to barbarism to civilization, today such notions are considered pseudoscience—at best—though they may still be believed by development experts. In 1948, Kroeber noted that the concept of progress has a powerful hold that is more religious than not and should not be taken for granted (pp. 297), that it is an assumption “adhered to with considerable fervor of emotion ... something to be analyzed” (pp. 296–97). Progress as a concept driving planning is scrutinized by the public in areas as disparate as climate change activism, the nuclear arms race, or the happiness index. Other civilizations, from Tokyo west to Gibraltar, do not equate technological development as the measure of civilization or progress. Indeed most of the world's civilizations see Euro-American societies as superior in technology but inferior in spirituality—a quality essential to non-Western ideas of what it means to be civilized. After all, the major monotheistic religions were borrowed by the West and originated in the Middle East.

Among economists, a hidden ideological premise necessary for the spread of the “free market” is the concept of nature as a bottomless resource or raw material, an example of materialism eventually causing shrinking biological diversity. Conceptual categories are at the core of political struggles over biological diversity. It is obvious that the loss of native languages means loss of knowledge. The fact that we are losing knowledge needed for survival, even as we are gaining knowledge, is contrary to the prevailing belief that knowledge is always incremental. With such observations, anthropologists make new discoveries often contradicting expectations. We cross boundaries of acceptable truths—an anthropological habit—even if it means criticizing the anthropological discipline itself, as some of the essays illustrate.

Anthropology, we say, is the study of humankind, past and present, here and there, us and them. *Mirror for Man* (1950), by Harvard anthropologist Clyde Kluckhohn, was a prize-winning book written for the general public that makes such an argument, which was not necessarily accepted by many anthropologists who confined the discipline to the study of others. This tension made graduate work at Harvard in the fifties particularly exciting. Also, with the return of many veterans to graduate school, there were among us even richer perspectives formed abroad. At Harvard, we were taught rules were made to be broken. But, in keeping with traditions, graduate students were encouraged to do their first fieldwork in places different from our own. I went to the Rincon Zapotec of the Sierra Madre in Oaxaca, Mexico, and I wrote my dissertation com-

paring law in two contiguous villages. I became a comparatist. It would take about a decade for me to turn my anthropological eye to “here” and “us.”

In the 1960s Berkeley was full of ferment, much different from the McCarthyism that was much felt while I was at Harvard. The Free Speech Movement came together with other movements that had been building—the civil rights movement, the Native American movement, the feminist and consumer movements, the anti-Vietnam War movement, and more. Looking back now on this ferment, it is not surprising that Dell Hymes brought together a group of anthropologists to rethink their field in *Reinventing Anthropology* (1972). Thomas Kuhn was at Berkeley and had written his book on paradigm shifts, *The Structures of Scientific Revolutions* (1962), in which he distinguished “normal science” from nonhegemonic or a paradigmatic open-ended science. In *Reinventing Anthropology*, the usual rules were indeed made to be broken. My contribution was “Up the Anthropologist: Perspectives Gained from Studying Up,” the first essay in the volume. With the publication of *Reinventing Anthropology*, we were continuing the anthropological tradition of challenging assumptions, this time our own disciplinary assumptions. Even though the published reviews at the time were mixed, today we do examine power up, down, and sideways both in the United States and elsewhere (Stryker and Gonzalez 2014).

But within anthropology, as in the larger society, there are always trends and trendiness. First, functionalists were fashionable; so were Marxists, interpretive anthropologists, and later European social philosophers like Foucault, Gramsci, or Derrida. In the wider society there is political correctness, Islamophobia, American exceptionalism, love of technology for its own sake—all of which might also be found in the academy. Trends are often initiated as new framing for reconsideration of issues of power, gender, and challenging political landscapes, or the desire for more “theory” to enhance “mere description” before becoming dominant. Trendiness or dominant positions can be intimidating and affect funding possibilities and tenure, but can also be a challenge to thinking new, open-ended science. Kuhn’s ideas about normal science and scientific revolutions were inspiring for many beyond any specific interest in the history of science, and certainly beyond his intended audience. The word *paradigm* began to appear in varied publications. In this context, dogmas and mindsets begged for scrutiny, setting the stage for thinking that challenged the status quo.

My own understanding of mindsets was crystalized in the essay I wrote for *Reinventing Anthropology* after encountering a serious boundary-setting reaction to having two Berkeley graduate students collaborate

with two Harvard law students in a study of a powerful Washington, D.C., law firm. This caused a short-lived furor among our faculty. Studying power was off the table, several of my colleagues felt. I argued that power is central to anthropology, but the matter was tabled and the students defunded, over my protest. Why had anthropologists limited their ethnographies to the colonized rather than the colonizer, the ghettos rather than the banks that redline poverty areas? Why did we focus on powerless people with no access to law rather than the powerful Washington, D.C., law firm of Covington & Burling?

As Eric Wolf wrote in *Reinventing Anthropology*, anthropologists are a reflection of their own culture. Secrecy during the Cold War obscured the full history of anthropology, which we now know was gathered by the intelligence-gathering state. "The Phantom Factor: Impact of the Cold War on Anthropology" was a start towards understanding the underside of the discipline. There in the wings, influencing funding, publications, and the status of colleagues, were the dual uses of anthropological research: independent knowledge production and complicity with the national security state (Price 2016). It is difficult to understand power without understanding how control works as part of the dynamics of power, a point central to my Mintz Lecture on "Controlling Processes: Tracing the Dynamic Components of Power." Anthropologists, having been granted the widest of discipline autonomies to understand the full context of the work, were simply blind to this large outside influence.

A more diffuse control on the field, exceptionalism is an assumed normative standard challenged by nonhegemonic anthropology. A. L. Kroeber thought that the eradication of this pervasive sense of exceptionalism to be a most critical challenge of our field. It is important to employ Kroeber's scrutiny now more than ever. Anthropologists slowly overcame this part of our cultural heritage early on by challenging anthropological theories of social evolution, which held that humans moved from savagery (them) to civilization (us). More recently, anthropologists began by questioning the history of the close alignment of anthropology with colonialism and imperialism. In the arena of human rights, mainly a U.S. invention after World War II, the United States ostensibly takes human rights to the so-called Third World. Focusing on violations of human rights elsewhere gives the impression that "they" have violations of human rights, whereas we do not. Yet true comparison is critical to improving human rights everywhere. We now have easy access to Chinese and Russian documentation of human rights violations in the United States, which certainly puts the shoe on the other foot, especially spotlighting political motives similar to our own. My one and only comparative essay on human rights, "In a Woman's Looking Glass: Normative Blindness

and Unresolved Human Rights Issues," was published in Brazil, where I found a much less restrictive mindset.

Notwithstanding its internal inconsistencies, the anthropological perspective was much sought after as critique in the 1970s. I was invited to join the National Academy of Sciences Committee on Nuclear and Alternative Systems (CONAES). In a talk at the Mitre Corporation to report on my CONAES publication, "Energy Choices in a Democratic Society" (1980), I asked whether the energy experts themselves were part of the problem. In my essay, "Barriers to Thinking New About Energy" (1979), I focused on the mindset of scientists and engineers that ignore human frailty. Nuclear power accidents most often result from human error and expressed emotion. After all, scientists calibrate their instruments, and the scientists themselves are part of the instruments. I argued, and still argue, that energy is a social problem primarily and that mindsets stand in the way of good science. My observations were validated by dozens of letters that I received from heads of laboratories, physics professors, and Nobel Laureates, who wrote about professional blindness, overspecialization, workplace bureaucracy, self-censorship, and the "mind cage." These distinguished scientists felt unable to alter conditions, although time and changing public attitudes have partly changed the work of energy scientists and engineers working today. Meanwhile, back in my department, the chair advised me to "get off this energy kick, Laura; you won't get promoted for that in this department." Boundary maintenance.

For an anthropologist, a fundamental examination of science mindsets would start with the comparative assessment of science quality in Western and other cultures. Having been drilled in grammar school through college that science was objective and autonomous from culture and society, in graduate school I took notice of Malinowski's work *Magic, Science and Religion* (1926). There are parallels between the Pacific islanders, as they practiced magic, science, and religion, and modern-day Western science practices, both in the national laboratories and in academia. Scientists such as Ludwig Fleck ([1935] 1979) wrote about "thought collectives" and "thought styles" in relation to his work on syphilis. It was Fleck who influenced Thomas Kuhn's (1962) analysis of paradigmatic changes in science (see Gonzalez, Nader, and Ou 1995). In this context, there is contemporary relevance of Malinowski's 1926 work (see Leach 1957) for both Trobriand practices of science and magic in the lagoons and open seas, and predictions about the long-range consequences of nuclear power.

Outside academia, there were groundbreaking happenings in energy initiatives. Through bricolage, people in business and science and just plain citizens made shifting gears possible (Nader 2004). By 2010, en-

ergy work had gone past bricolage to include a wide range of people from the sciences, humanities, journalism, politics, and citizen action (Nader 2010). A movement had taken off. Power had shifted in energy choices. Notions of power were being reinvented by scientists who considered themselves citizens first. The *longue durée* was front and center.

In contrast to the flexible mindsets engaged in the study of energy science, policy, and culture, those concerned with the status of women showed (and continue to show) a great deal of intransigence. Cultural beliefs about the status of women go back centuries (Khan 1801). In primary school I was taught that Arab men do not treat their women well, to which my mother responded, "When you grow up you will find out that American women are treated worse than anywhere in the world," a perception contrary to American popular beliefs most certainly. Even sophisticated anthropologists preferred not to use comparative framing (us and them) in research on genders. Such research might suggest that American women may not be number one on questions of status and choice.

My essay "Orientalism, Occidentalism, and the Control of Women," about the means used by Eastern and Western patriarchies for control of women, was rejected for publication by several American anthropology journals. Reasons included questioning the use of comparison to rationalize Islamic women's status. The paper was published in Belgium. The hesitation to publish was also true for "The Subordination of Women in Comparative Perspective," which questioned American ideas of exceptionalism. Again, on the question of the status of women, a global comparison is indispensable. My hypothesis is that comparison and contrast are strategies of control, strategies in male-dominant societies to control women in their own societies by pointing to the lower status of women in other societies. Islamic women are repressed, but which Islamic women and as compared to what? The Islamic clerics point to repression of Western women and argue that Islamic women are more respected, citing the very literature of Western feminists. Western imperialism enters in—"We need to invade Iraq or Afghanistan so that we can save their women"—while in the United States today, an average of three women a day are murdered by their partners. We need more research on this topic worldwide.

Professional mindsets, within and outside of anthropology, tend to exclude a look in the mirror. If we consider the Other as mute, we cannot benefit from their possible insights. I was once invited to deliver a college talk on a *New Yorker* cover which showed two women, one covered and the other showing much of her nakedness. The question about each in turn was "Why do her men make her cover herself?" "Why do her men

make her go naked?" A challenge to insular thinking can yield discoveries that are contrary to expectations, by recognizing that the Other is not mute. This question of parity in dress is certainly one that deserves more attention from anthropologists. In the Amazon, if he is uncovered, she is uncovered. In Saudi Arabia, if she is covered, he is also covered. But in Euro-American culture there seems to be no parity. He's covered, but she is nearly uncovered. There is as yet no fundamental explanation for these patterns. In a recent *New York Times* op-ed, Roger Cohen (11 August 2016) calls to our attention two Olympian volleyball players at the Rio de Janeiro games in Brazil. One Egyptian, the other German, one in a hijab, the other in a bikini, reaching for the ball between them—two women, two dress codes, both reflective of two contrasting beliefs about emancipation and subjugation. And Cohen asks, "Who is to say which of the women is more conservative, more of a feminist, or more liberated?"

While my interests in Western science practice came later, early in my work the ethnography of law had been my central specialty (Nader 1965). In thinking about legal decision-making in my own country, questions included examining the very concept of judicial-made decisions, which were viewed as if the judge was practicing an autonomous law separate from culture and society. Here the contrast with Zapotec practices could not have been clearer: Zapotec knowledge of law was ubiquitous: they knew their rights and how to exercise them. I taught and observed at several law schools—Boalt Hall at University of California at Berkeley, Yale Law, Harvard Law, and Stanford. I taught that *categories are artificial*, made by humans and not hard-set, although sometimes unrecognized due to thinking that is professionally rigid. What is a crime and what is civil action? Perhaps we should consider a plaintiff as having the dominant position in decision-making because it is the plaintiff who initiates the case (Nader 2002). In many countries the distinction between civil and criminal is not recognized. In my own society, the powerful party may determine the label. In the case of contaminated water supplies in Woburn, Massachusetts (Harr 1995), the case was considered a civil case, but it might have been a criminal action. If corporate crimes are preferentially treated as civil actions while street crimes are labeled criminal, then an understanding of corporate crime by the average citizen is impeded, to say nothing of justice.

For example, at a Yale conference on *Mirrors of Justice* (Clarke and Goodale 2009), no mention was made of injustice. Justice as a concept has an interesting history no matter where anthropologists might choose to look. However, upon examination of the comparative use of the categories justice or injustice, we find that in my own culture there is a widespread professional preference for the word justice, rather than injustice.

If we prefer to use the concept of justice over injustice, the research becomes abstract, ideal, and above the fray. If the murder of Osama bin Laden is accepted as deliverance of justice, we discard the importance of due process, key to what we think of as civilized law. Similarly, we think of the Islamic concept of jihad as unique to Islam when we in fact are presently in the midst of religious wars of several stripes today. Yet even in academic circles, many people hold the belief that jihadism is only found in Islam, although there is excellent historical literature about jihadi rabbis, for example (Shahak 1994).

The final essay, "Whose Comparative Law?," covers much of my work on law from the start. Anthropological errors in evolutionary and cross-cultural formulations were recognized as soon as anthropologists began ethnographic studies of particular societies, early in the twentieth century. Decontextualized facts or broad observations were considered unusual by most anthropologists conducting research outside the United States. But anthropologists also became isolated in bounded ethnographies as new nation states made their appearance after decolonialism and an ever-expanding globalization process accelerated. Western legal paradigms saw the newly developed peoples as lacking law. Following the end of the European colonization and the development of new states, legal missionaries were sent to Africa and Asia in the 1950s and 1960s, followed by decades of legal development moves in Latin America (Gardner 1980). The legal development movement continues to this day. "Promise or Plunder? A Past and Future Look at Law and Development" was the title of a talk I presented at a World Bank Conference. In a later article, I noted that an example of new states that gain monopoly over "unofficial law" is the region of Waziristan: both in Afghanistan and in Pakistan legal boundaries were drawn by colonial powers running roughshod over local Waziristan cultures (Ahmed 2013). Legal development has its twenty-first-century dark side, too, no better exemplified than by Paul Bremer's one hundred edicts after the United States invaded Iraq in 2003. The Iraqis "lacked law" according to the American invaders, although they have well-developed systems of law—from civil to criminal codes, customary and religious law, and tribal and state law—that had coexisted for many years of Iraqi state development before the American invasion.

The majority of essays selected have implications for American or Western professional dogmas as they relate to how American anthropologists are conducting ethnographic research in a rapidly changing world. This was not so in my earlier bounded fieldwork among the Zapotec of Oaxaca, Mexico, or the Shia Muslims of southern Lebanon. I was not able to return to southern Lebanon for continued research because of the Lebanese Civil War and the Israeli invasion in 1982; however, I have contin-

ued to revisit the mountain Zapotec. My last primary contact was to make a documentary film, "Losing Knowledge: 50 Years of Zapotec Change" in 2005. The earlier PBS film, "Little Injustices," was about comparative access to disputing forums in the Sierra de Juarez and the United States. Increasingly, however, it became impossible to disentangle the state from local cultures like that of the Zapotec. The North American Free Trade Agreement (NAFTA) undercut Zapotec farmers. Cheap corn was brought in from the United States, displacing local production. Outmigration increasingly became an imperative, facilitated by ideas of progress, road building, and NAFTA. Much of this was contrary to modern expectations among the Zapotec and even among many anthropologists. The idea that local courts might provide more access and justice as compared to dispute resolution in U.S. disputes between people in face-to-faceless disputes was an open door to understanding the real impact of "little injustices" that weren't so little, especially in our country with "no access to law" Americans.

There were reactions in and out of anthropology to the focus on access to justice, especially during the debates about President Nixon's appointee, Chief Justice Warren Burger. His attack on the American civil justice system was ferocious as he promoted Alternative Dispute Resolution (ADR) as a substitute for litigation. "The ADR Explosion: Implications of Rhetoric in Legal Reform" examines the Chief Justice's techniques. A recent history of the Burger court as one that moved the Supreme Court to the right (Graetz and Greenhouse 2016) left out Burger's destructive tactics beyond what he did in cases heard by the court. Burger's rhetoric was powerful, widely accepted, and spurred the ADR movement to happen earlier than Burger himself predicted.

If my work had been along lines of "normal science," as Kuhn might call it, reactions might be subdued or it might be referred to as building on past work, as much work on the ethnography of law has been. If the research appears contrary to expectations, reactions were often more controversial, eliciting more reaction. The essays on issues pertaining to nuclear power generated an oral talk published by the Mitre Corporation, then republished in *Physics Today*, *Chem Tech*, and some forty years later in the *Industrial Physicist*. Controversy is thought to be key to the basic values of many science organizations.

The law, according to Oliver Wendell Holmes, is one big anthropological document. Most nineteenth-century anthropologists were lawyers. I was invited by Warren Burger, then Chief Justice of the United States, to address the Pound Conference in Minneapolis in 1976 because of my work on Zapotec harmony and conciliation. My observations on the overall conference are being republished forty years later! Our critique of

Western Rule of Law, *Plunder: When the Rule of Law is Illegal* (Mattei and Nader 2010), was turned down by two American university presses, but when published was translated into Italian, Chinese, Portuguese, Spanish, and more.

The study of paradigms and scientific revolutions is a rich academic subject for philosophers and historians of science. But historians and philosophers of science are usually examining Western science. In the contemporary world, the anthropological study of professional mindsets is increasingly urgent, particularly in bridging indigenous and scientific knowledge systems which are increasingly complementary. Such knowledge is *context specific* and adaptive to changing environments. Climate or ecological holistic solutions are thought by some scientists and many lay people to increase resilience. Western worldviews are not enough to expand the range of problem-solving options. The sciences of the other extant civilizations—Japan, China, India, Middle East—require respectful acknowledgment of their distinctive epistemology related to health and sustainability, as in the case of water and the management of drought, particularly in the Middle East.

A developing subfield of anthropology on comparative issues in the study of professional mindsets—which is already robust for numbers of anthropologists who study NGOs, agricultural experts, medicine, gender, and more—would be timely for all divisions of anthropology. The extant research itself needs to be brought together as a field worthy of specific attention. The selected essays that follow outline a field of study. Although they barely scratch the surface, my hope is that this collection is a book for everybody in and out of the discipline, stimulating argument and counterargument; there is much need for such critical thinking as remedy for contemporary increased specialization and narrow demarcation of knowledge production.

The essays that follow are presented in chronological order from 1969 to 2016, indicating that, with time, unraveling mindsets becomes as natural an academic concern as if working within demarcated subjects, only more stimulating.

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