

That is the rather provocative question that Richard Posner asked in a 1980 [article](#) that I only recently discovered – and I think should be on the reading list of a decent cognitive anthropology course, as the issues are certainly relevant to understanding the cognitive underpinnings of institutions. The term “primitive” may of course deter some from reading on – but that would be a pity, as nothing in Posner’s analysis hinges on the denizens of that kind of human group being less sophisticated than those of agrarian-state and industrial varieties. “Primitive” here means that some crucial elements of large-scale social organization, like economic, judicial and state institutions, are just not there in many small-scale societies. Understanding social life under such conditions is crucial for an anthropology of institutions.

Social organization and the cost of information

Small-scale human groups share some structural features that anyone who ever took an anthropology course will recognize – as these communities are the mainstay of the classical anthropological literature. Posner lists them as the following:

“Weak government, ascription of rights and duties on the basis of family membership, gift-giving as a fundamental mode of exchange, strict liability for injuries, emphasis on generosity and honor as high ethical norms”

What is the origin of this particular, highly recurrent bundle of features?

Posner points out that the economies of small-scale societies generally produce only a very limited range of goods, many of which are perishable, and that trade with other groups is generally difficult or dangerous, in any case limited. One of the most important features is that transaction costs, particularly information costs, are very high in such conditions, partly because there is no effective government. Relative to groups with state institutions and regulated markets, more time and energy is required to obtain equivalent information about the natural world and social partners and to make sure that promises are kept, contracts enforced, etc. That would explain why trade with other groups is often minimal or nonexistent, while kin groups or extended kinship groups are the main corporate entities. Agriculture being the main form of production, the population is immobile – the cost of moving out is very high. Given these factors, insurance is highly desirable, and the best form of insurance is reciprocity driven by kinship relations. This would explain why people extend the idiom of kin relations to larger groups, as a form of insurance against variability in the productivity of different units (typically, households) over time. High information costs may explain other recurrent features of small-scale societies, such as the centrality of gift-giving as a mode of exchange. Gifts are valuable as an insurance premium, and also as providing information about the givers, their resources and their political affiliations.

Origins of institutions

What is so refreshing in Posner’s model, beyond its empirical interest, is the attempt to address fundamental issues of social and economic organization that have been sadly neglected by anthropology. It also deals with the largely taboo question of social evolution – how complex forms of social and economic organization emerged from simpler ones – a question that, strangely, only archaeologists are prepared to consider these days.

But is the model valid? It concurs with [neo-institutional economics](#) in assuming that transaction costs are one of the fundamental factors in explaining social structure, and that institutions, in the sense of formal and informal “rules of the game”, modulate transaction (including information) costs. The predictions that stem from the model are pretty straightforward. With lower information costs (e.g. In situations where people, for some accidental reason, have less latitude to conceal their purchasing power, needs, commitment, etc.) we should observe more extensive trade, less reliance on kinship as the central idiom of social relations, more innovation, etc. There is a rich research programme in comparing institutions in various kinds of “primitive” societies in terms of how they decrease transactions costs or make information cheaper.

Were primitive communities “primitive”?

Another question is whether the “ancestral” groups in which we humans evolved our modern cognitive equipment were in any sense similar to what Posner describes as “primitive”. Most classical anthropological monographs are about such small-scale societies, with gift-giving, large kin-based groups, reduced trade, etc. Was that the case in our ancestral conditions, in what evolutionary psychologists call our environment of evolutionary adaptedness? Clearly, some features of the classical small-scale group were absent, as production was so different. Foraging cannot sustain large groups. It also makes the cost of leaving a group very low. Transaction costs of the kind described by Posner are largely irrelevant to people who trade by occasional, explicit and direct exchange with other individuals.

We evolutionary folks often extrapolate from present foragers (with of course all sorts of precautions) and describe ancestral communities as largely unconstraining, with a potentially high turnover, great mobility, and therefore porous boundaries. Exit from such groups is not just possible for men in cases of disagreements, but required for women as they typically move to join their partner’s band.

But note that one may draw a different picture of early communities. For instance, [Boyd and Richerson](#) describe ancestral groups as “communities of norms”, that is, relatively hermetic groups of people with common standards. Circulation of goods and people between such communities would be difficult and dangerous, given [a] the difficulty of understanding other people’s signals (e.g. What counts as commitment), the absence of punitive attitudes towards transgression against outsiders, [c] the absence of over-arching institutions that span several such groups. However, occasional migration to other groups would affect cultural evolution, by making some groups more successful than others, as people [“vote with their feet”](#).

These are very different pictures. In some places, modern tribal life, observed for instance in Papua New Guinea, illustrates an extreme form of the “community of norms” model. People live in autarkic, isolated groups, knowing full well that there are others around but not having any significant exchanges with them. When [Jared Diamond](#) asked one of his friends why he (or anyone else in the group) never visited the villages on the other side of the hill, he replied that if he went there he would certainly get killed. The reason why he was so sure was that if some fellow from the other side came over, he would certainly try to kill him right away! But we do not know whether this is typical of early communities or typical of high-density agrarian communities.

So which is the right model for our ancestral communities? This is not just an academic question, as our predictions for evolved social cognition should be rather different, depending on early social conditions. If we had relatively closed communities with distinct norms, then one should expect evolved dispositions such as conformity biases and a high degree of ethnocentrism. If on the other hand we had fluid communities, then these phenomena would be occasional consequences of a more fundamental coalitional psychology, as [some evolutionary psychologists have argued](#). What is sorely missing from these discussions is a firmer grasp of early settlements and [early demography](#) and their consequences on [late human evolution](#).

Post-scriptum

By the way, Richard Posner is famous in the US as a practising Federal judge, a legal scholar specialized in the economic theory of justice, and a public intellectual advocating a broadly conservative approach to judicial matters. He is also the author of [Public Intellectuals - a study of decline](#), a rather fascinating, empirically based, meticulous study of how American public intellectuals’ descent into irresponsibility coincided with their getting secure jobs in academia... bracing stuff!