

RECOGNITION JUSTICE IN GENERATIVE RELATIONAL BEING

A Preliminary Discussion of Inclusion

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Abstract

Organizations now hold a large and well developed apparatus of inclusion. International instruments prescribe consultation, representation, accessibility, disaggregated data and grievance channels, and organizational research has established that admission to an existing structure falls short of what inclusion requires. This paper asks what an organization must retain in order to recognize a person at all, and under what conditions that capacity may be lost. Working within Generative Relational Being, it treats recognition as a condition under which relations continue to be generated, and distinguishes six levels of an organization at which recognition may fail, ordered by whether a failure at that level can be entered into any record. Two working theses are offered for examination. The first is that recognition failure tends to appear at the levels that instruments do not reach, so that measured performance and the position of a person may move apart. The second is that a standing interpretation of a person may absorb every refutation available to him, at which point a procedure of revision remains open and carries no information. A test in two clauses and a criterion are proposed on that basis, together with a constraint stating that an obstacle may be a condition and may not be a person, from which the paper derives its positions on admission, on separation, and on measures taken against an anticipated harm. Later sections examine the mechanisms through which the capacity is retained, which arise from the relational structure of an organization and admit of no installation. The paper is preliminary, much of it concedes ground to prior work, and a closing section records that it supplies no procedure by which the condition it describes could be established in a given case.

Keywords: recognition justice; organizational inclusion; epistemic injustice; institutional classification; generative relational being.

This paper is offered as a preliminary treatment. Several of its central claims are stated as working theses or as conjectures, and the sections that state them also state the grounds on which a reader may decline them. Section 27 sets out the principal weaknesses of the account, and Section 28 lists the questions it leaves open.

Draft. This is a preprint draft. It is circulated for comment, and its arguments, formulations, and open questions are subject to revision. Correction and criticism are welcome at huangwanhong@serendip.ngo.

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Use of generative artificial intelligence. An AI assistant (Anthropic's Claude) was used extensively in preparing this manuscript: for literature survey, for drafting prose from the author's specifications, for verification of references against sources, for consistency auditing, and for typesetting. Formulations and objections arose in the course of that exchange as well as from the author. Every claim, argument, and citation was reviewed and decided by the author, who is responsible for the content and for any errors.

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1. INTRODUCTION

This section states the question the paper addresses, the difficulties that motivate it, the bodies of prior work on which it draws, the framework within which it is written, the standing of its claims, and its contributions. The method of the paper is a survey of theory and of institutional practice, followed by a conceptual proposal offered for examination and a statement of the limits of that proposal.

Inclusion has become standard institutional equipment. The United Nations Disability Inclusion Strategy of 2019 established a system wide accountability framework, under which entities report annually against indicators covering leadership, consultation, accessibility, reasonable accommodation, procurement, employment and evaluation [41]. The Convention on the Rights of Persons with Disabilities requires close consultation with, and the active involvement of, persons with disabilities through their representative organizations, and the treaty body has since read that requirement as an immediate obligation held as a right [7, 8]. The leave no one behind commitment of the 2030 Agenda has produced operational guidance on the disaggregation of data by income, sex, age, ethnicity, migratory status, disability and geography [44]. The Guiding Principles on Business and Human Rights set out effectiveness criteria for grievance mechanisms, and require of operational level mechanisms that they rest on engagement and dialogue with the stakeholder groups they serve [43]. A management systems standard now covers diversity and inclusion directly [27]. Humanitarian practice has developed its own instruments, including guidelines on the inclusion of persons with disabilities in humanitarian action and a body of commitments on accountability to affected populations [26, 5].

Three difficulties motivate the present enquiry. The first concerns the level at which the received instruments operate. Organizational research established some time ago that admission to an existing structure achieves less than inclusion is taken to promise, and that the benefits ascribed to difference appear where members' experience is permitted to alter the organization's core work [15, 16, 39]. The instruments surveyed above remain, for the most part, arrangements for admission and for consultation. The gap between what the research established and what the instruments prescribe is wide, and it has been noticed. The question of why the gap persists has received less attention.

The second difficulty concerns what recognition costs an organization to sustain. The literature on recognition treats it as a status that obtains or fails to obtain, as an attitude held toward a person, or as a pattern institutionalized in cultural value [25, 40, 19]. Each of these treats recognition as a state. An organization that recognizes a person today may fail to recognize a comparable person a decade hence, with its policies unchanged and its personnel largely the same. An account of recognition as a state gives little purchase on that trajectory.

The third difficulty concerns measurement. Every instrument named above is an instru-

ment of assessment as well as of prescription. Each requires that something be recorded: an indicator, a consultation held, a channel opened, a complaint received, a proportion reported. The relation between what such instruments record and the position of a particular person inside the organization has not been examined closely. The possibility that the two may move apart, and the conditions under which they would, is the question this paper is chiefly concerned with.

Five bodies of work bear on the enquiry. The philosophical tradition of recognition, from Fichte and Hegel through Honneth, Taylor, Fraser, Ricoeur, Butler and Markell, established that recognition is constitutive of subjects and that its withholding is a harm of a distinctive kind, and it contains a strand, running from Fanon through Coulthard and Povinelli, holding that recognition granted on the recognizer's terms may reproduce the order that grants it [24, 25, 40, 19, 36, 4, 30, 18, 6, 35]. Work on epistemic injustice established that a person may be wronged in the capacity of a knower, through deflated credibility and through the absence from a collective resource of the concepts required to render an experience intelligible, and it has been extended to institutions and to organizational evaluation [20, 11, 12, 34, 31, 1, 38]. Organizational research on inclusion produced the distinction between the presence of difference and its incorporation, together with evidence on which interventions succeed and a substantial literature on the divergence between an organization's formal structures and its practices [29, 32, 39, 33, 10, 14, 3]. Research on covert discrimination and on unattributable exclusion bears directly on the two levels that Sections 11 and 12 treat, and Section 7 surveys it. Work on classification established that institutional categories participate in constituting the persons they are taken to record [2, 23, 13, 17].

The framework within which the paper is written may be stated in one sentence.

Definition 1.1. (Generative Relational Being). *Generative Relational Being (GRB): A theory of how subject, meaning, value, creation, and normativity co-emerge through generative relational processes.*

The methodological keynote of that framework is a historical dialectics. Claims are advanced so that revision remains permitted; the finitude of knowledge and of practice within a historical frame is acknowledged in the statement of a claim; and dialectical reasoning conducted through philosophical argument, review of literature and historical enquiry is joined to method drawn from the empirical sciences, so that models remain operable, testable and revisable. The consequence for the present paper is that its central proposals are stated at the confidence they can carry, and each is accompanied by the ground on which a reader may set it aside.

The paper is a preliminary discussion. Its register is conceding: Sections 4 through 9 establish what prior work has already settled, and several of the positions the paper might have claimed are shown there to be occupied. Three matters are set aside. The paper does not adjudicate which categories an organization ought to hold. It does not treat legal compliance, and

it takes no position on the interpretation of any instrument it describes. It offers no procedure of measurement, and Section 27 records the cost of that omission.

Six contributions are offered, at differing confidence. The first is a survey finding, held with reasonable confidence: the instruments described above assess the arrangements of a system, and assessment of whether a particular person became interpretable within it is absent from all of them. The second is an organizing device, offered for its usefulness: recognition may fail at six levels of an organization, which differ in whether a failure at that level can be entered into a record. The third is a working thesis: as the recordable levels are instrumented, recognition failure tends to appear at the levels no instrument reaches. The fourth is a proposed test in two clauses, drawn from the structure of a standing interpretation that absorbs its own refutations. The fifth is a proposed criterion, named *recognitive generativity*. The sixth is a statement in constraint form of what the account declines to supply, together with the reasons for the refusal.

2. SCOPE, TERMINOLOGY, AND THE SENSE OF RECOGNITION JUSTICE ADOPTED HERE

This section fixes the sense in which the paper uses its central term, distinguishes that sense from three established usages with which it would otherwise be confused, and states the matters the paper sets aside. The method is stipulative: the section defines its terms and defends the distinctions, and it makes no claim that the usages it sets apart are mistaken in their own settings.

2.1. *The usage adopted here*

Throughout this paper, recognition names the condition under which a person is available to an organization as a party to its relations: available to be addressed, to be answered, to be understood in terms he would accept, and to have his conduct interpreted in a way that his own conduct could revise. Recognition justice names the question of what an organization owes in respect of that condition. The usage is level independent. Recognition may fail in the arrangement of a procedure, in the uptake of an account, in the categories available, in a member's private judgment, or in a shared and unspoken rule of address. Section 10 sets out these levels.

2.2. *Distinction from the tripartite usage in environmental and energy justice*

The term recognition justice is established in environmental and energy scholarship, where it names one of three or four interdependent dimensions of justice alongside distribution, procedure and capabilities [37, 28]. In that usage the question is which affected groups a policy or an infrastructure has passed over, and the dimension is one member of a set. The present usage differs in two respects. It takes recognition to be unlocalized, so that it may fail within a

distributive arrangement and within a procedure alike. Its subject is also distinct, being an organization considered from the inside, in respect of its own members and of those it addresses, in place of a population affected by an installation or a policy. The two usages are compatible, and a reader who holds the tripartite framework will find the present account concerned with the interior of one of its dimensions.

2.3. Distinction from the status model

Fraser's status model treats misrecognition as an institutionalized pattern of cultural value that constitutes some actors as inferior and impedes their participation as peers [19]. The model is institutional and is deliberately detached from the psychology of the parties, and in both respects the present paper follows it. The point of departure lies in the temporal character of the concept. A status obtains or fails to obtain at a time. The present paper is concerned with whether an organization's capacity to recognize may itself be produced, consumed and lost across time, and Section 16 states that question as a working thesis. Nothing in the argument requires that Fraser's account be mistaken; the two are asked to do different work.

2.4. Distinction from recognition in personnel practice

A third established usage names the acknowledgement of an employee's effort or achievement, in schemes of appraisal, award and thanks. Work in this area is substantial and includes the distinction between the appreciation of commitment and the admiration of outstanding performance [45, 9]. That literature bears on the present paper at Section 25, and the terminological point holds throughout: recognition in the present sense concerns availability as a party, and a person may be extensively acknowledged in the personnel sense while remaining unavailable in the present one.

2.5. Matters set aside

Four matters lie outside the paper. It does not say which categories an organization ought to hold, and Section 13 argues that the question of how an organization comes to hold the categories it has is prior to any answer. It does not treat the law of discrimination, and its use of international instruments is descriptive throughout. It offers no measurement procedure. It takes no position on the comparative merits of organizations that satisfy the constraint stated in Section 22, for reasons that section gives. The unit throughout is a single organization, and the transmission of recognition failure from relations at a larger scale is treated once, at Section 17, within that limitation.

Table 1: Principal instruments, the mechanism each prescribes, and the unit each assesses.

<i>Instrument</i>	<i>Mechanism prescribed</i>	<i>Unit assessed</i>
UN Disability Inclusion Strategy (2019)	Annual entity reporting against indicators; country team scorecard	The entity's arrangements
CRPD Art. 4(3); General Comment 7 (2018)	Consultation through representative organizations, held as a right	The existence and conduct of consultation
Leave no one behind guidance	Disaggregation of data by named characteristics	Population aggregates
Guiding Principles on Business and Human Rights, Principle 31	Grievance mechanism meeting eight effectiveness criteria	The mechanism's design and operation
IASC guidelines (2019)	Participation, accessibility and capacity across the programme cycle	Programme arrangements
ISO 30415:2021	Governance framework for diversity and inclusion	The management system
Accountability to affected populations commitments	Feedback and complaint channels; participation in decisions	Channels and their use

3. THE RECEIVED PRACTICE OF ORGANIZATIONAL INCLUSION AND ITS PRESCRIBED MECHANISMS

This section describes the mechanisms that the principal international instruments prescribe, records what each mechanism assesses, and states the finding that the remainder of the paper builds on. The method is documentary: the section reads the instruments for the mechanism they establish and for the unit against which performance is judged, and it reports the available evaluations of implementation. Table 1 summarizes the reading.

3.1. *The mechanisms and their reach*

The seven instruments in Table 1 prescribe five mechanisms between them: consultation with those affected, representation of them in decision structures, accessibility of premises and of process, disaggregated reporting, and a channel through which a complaint may be brought. The five have different origins and different scopes, and they share a structural feature. Each requires that an organization put something in place and then demonstrate that it is in place. Consultation is demonstrated by its occurrence, accessibility by an audit, disaggregation by a published series, a channel by its existence and its case load.

The strongest of the five, for present purposes, is the consultation requirement of the disability convention. The treaty body reads it as requiring legal and regulatory frameworks that secure full and equal involvement in decision-making and in the drafting of legislation, transparency in consultation processes together with early and continuous involvement, the allocation of funding to organizations of persons with disabilities, and sanctions for non-compliance monitored by independent bodies [8]. The requirement reaches further than an obligation to hear, since it locates the counterpart of consultation in bodies with an independent existence.

The effectiveness criteria of Principle 31 reach comparably far in the commercial setting, in that they require of an operational level mechanism that it rest on engagement with the stakeholder group concerned [43].

3.2. The content of reporting under the instruments

Reporting under the disability strategy has documented movement, and the character of the reporting deserves record alongside its content. Entities and country teams assess their own performance against each indicator on a five-point scale running from missing requirements to exceeding them, and the assessments are reviewed centrally [42]. Participation in the exercise has widened, from fifty-seven entities in the first round to a larger number reporting annually since, and the proportion of entities meeting or exceeding requirements rose across the first five years [113].

Evaluations of humanitarian participation commitments have been less favourable. The five-year independent review of the Grand Bargain reports that the participation workstream was hampered by a lack of collective political interest and failed to deliver on its original ambition, and it characterizes much of the activity undertaken as engagement with affected populations for the purpose of informing them and of soliciting their feedback, falling short of a shift toward responses driven by their demands [21]. The two findings differ in what they record. The first records that entities report having put more of the required arrangements in place; the second records a body of activity whose direction of influence remained unchanged.

3.3. Findings and residue

Two findings may be stated. The first is that the mechanisms assess the arrangements of a system. The unit of assessment in every row of Table 1 is a policy, a body, a channel, a series or a management system. The second is that a further assessment is absent from all seven instruments: whether a particular person, addressed by the organization, became available to it as a party to its relations. The absence is systematic, and Section 23 argues that it follows from what an installed mechanism is.

The residue may be put as a question the remainder of the paper takes up. An arrangement may be in place and a person may remain unavailable. The instruments record the first and are silent on the second. Whether the two may move apart, and whether measurement of the first bears on the second, is the subject of Sections 10 through 17.

4. THE RECOGNITION TRADITION AND ITS LOCATION OF THE CONCEPT

This section surveys the philosophical treatment of recognition, with the object of establishing which of the positions this paper requires have already been secured and by whom. The survey proceeds in the order in which the positions were developed: the classical account of

reciprocal constitution, its reconstruction into spheres, the political statement of misrecognition, the status model, the turn to the conditions of recognizability, and the line of argument that treats recognition as an instrument of the order that grants it. The method is exegetical, and the section closes by recording what the tradition settles and what it leaves open.

4.1. The classical account of reciprocal constitution

Fichte's *Foundations of Natural Right* of 1796 introduced the summons, the call through which one rational being occasions the free activity of another, and made the encounter a condition of self-consciousness and of right [47]. Hegel developed the point in the Jena writings and in the *Phenomenology of Spirit*, where self-consciousness attains its satisfaction only in another self-consciousness, and where the asymmetrical relation of mastery is shown to defeat itself, since the master receives his confirmation from one whose confirmation he has already discounted [24]. Two results of this material are load bearing for later work. Recognition is reciprocal in its structure, so that a unilateral grant fails on its own terms. Recognition is also constitutive, in that the subject acquires its standing within the relation that confirms it.

4.2. The reconstruction into spheres

Honneth reconstructed the Hegelian material as three spheres of recognition, each supporting a form of practical self relation: love supporting self confidence, legal respect supporting self respect, and social esteem supporting self esteem, with a corresponding form of disrespect attaching to each [25]. Two later developments of that position bear on the present paper. In the study of reification, an elementary or antecedent form of recognition is placed genetically and categorially prior to any more concrete relationship, and reification is characterized as a forgetfulness of that antecedent recognition [51]. The claim is contested, and the volume in which it appears carries critical responses to it; the objection most often pressed is that a primary recognition detached from particular social relations accounts poorly for the negative attitudes a theory of recognition also has to explain. In the essay on ideology, Honneth concedes that recognition may carry the features of domination, securing voluntary subordination while raising the subordinate party's sense of worth [50]. The concession matters here, since it establishes within the tradition that the presence of recognition settles little on its own.

4.3. Misrecognition in the politics of identity

Taylor's essay on the politics of recognition holds that identity is formed dialogically and that misrecognition inflicts a harm, in that a person or a group may suffer real damage where the surrounding society reflects back a confining or demeaning picture [40]. The essay locates recognition in the relation between a society and the identities it houses, and its remedy is the public acknowledgement of an identity's worth. The present paper takes from Taylor the point that a withheld or distorted reflection is a harm in its own right, with the qualification that the

identities so acknowledged are treated here as products of the organization's categories, which Section 8 takes up.

4.4. The status model and participatory parity

Fraser's status model, developed in the exchange with Honneth, treats misrecognition as status subordination, in which persons are denied the standing of full partners in social interaction as a consequence of institutionalized patterns of cultural value in whose construction they have not equally participated, with parity of participation supplying the normative principle [19]. The final clause of that formulation is taken up again at Section 13.5. The model is institutional in its locus and is detached from the psychology of the parties. Fraser later added the dimension of representation, raising the question of the frame within which claims of justice are posed, and canvassing the all affected and all subjected principles as candidate answers [48]. The exchange between the two positions turns on whether recognition is best treated as institutionalized status impeding participation or as an overarching category of self realization. For the purposes of this paper the important feature is one the two positions share, and Section 4.7 states it.

4.5. Recognizability and the prior frame

Butler locates the operative level ahead of any particular encounter, in the norms and frames that determine which lives appear as lives and which subjects appear as subjects at all, so that the subject is formed in and through its subjection [4]. Ricoeur's survey of the vocabulary traces recognition through identification and self recognition to mutual recognition, closing on the gift and on states of peace that lie beyond the struggle model [36]. Markell argues that the politics of recognition rests on an aspiration to sovereignty over identity that cannot be satisfied, and offers acknowledgement of finitude in its place [30]. Ikäheimo and Laitinen separate recognition considered as an attitude from recognition considered as an institutional status, and examine the part each plays in constituting personhood [52]. The last of these distinctions is used throughout the present paper, and Section 10 sets it in a wider frame.

4.6. The line of refusal

Fanon exposed the dependency contained in a demand for recognition addressed to a colonial order [18]. Coulthard develops the point for contemporary state practice, holding that colonial relations of power are now reproduced through the asymmetrical exchange of mediated forms of state recognition, so that recognition conferred by a dominant order serves to reproduce that order [6]. Povinelli traces the manner in which liberal multicultural recognition domesticates difference by requiring it to become legible within the terms of the recognizing order [35]. Oliver argues that the recognition model leaves subordinated subjects dependent on the dominant gaze, and proposes witnessing in its place [53]. This line sup-

plies the strongest available caution against any account that treats an increase in recognition as an unqualified good, and the caution is adopted here.

4.7. *Findings and residue*

Three findings may be drawn. Recognition is constitutive of subjects, and the position is secured independently by Fichte, Hegel, Honneth, Butler, and the analytic literature on personhood. Recognition may serve domination, and this is established both within the tradition, by Honneth's essay on ideology, and against it, by Fanon, Coulthard, Povinelli and Oliver. Recognition has an institutional locus, and Fraser's status model states it in the form this paper adopts.

One feature is common to the positions surveyed, and it marks the residue. Throughout the tradition, recognition is a state: an attitude held, a status conferred, a pattern institutionalized, a frame in force. A state obtains at a time and may obtain or fail to obtain at another. The tradition contains no developed account of recognition considered as a capacity that an organization produces, expends and may lose, and Section 16 treats that omission as the paper's principal opening.

5. EPISTEMIC INJUSTICE AND THE INTERPRETIVE CONDITIONS OF UPTAKE

This section surveys work on epistemic injustice, with the object of establishing what has been secured concerning the conditions under which a person's account of his own situation is taken up. The survey proceeds from the original two forms, through the developments that locate a wrong in the use of a dominant interpretive resource, to the institutional turn and to applications in organizational evaluation. The method is exegetical, and the section closes by recording the findings and the residue.

5.1. *Testimonial injustice*

Fricker's study defines epistemic injustice as a wrong done to a person in the capacity of a knower, and identifies testimonial injustice as the deflation of a speaker's credibility through identity prejudice [20]. The account is calibrated to a hearer's judgment in a particular exchange, and it includes the converse case of credibility excess. Its relevance here lies in the observation that the wrong occurs in the reception of an utterance, at a point that leaves no trace in the utterance itself.

5.2. *Hermeneutical injustice*

Fricker's second form concerns a gap in the collective interpretive resources, which places a person at an unfair disadvantage in making sense of a social experience, and which arises from hermeneutical marginalization, the exclusion of a group from the practices through which

those resources are generated [20]. The form is structural, its subject is a shared resource, and the wrong precedes any particular exchange. Section 13 argues that the analogous structure obtains for the categories an organization holds.

5.3. Silencing and the use of a dominant resource

Dotson identifies practices of silencing that the two original forms do not cover, including testimonial quieting and testimonial smothering, the latter naming a speaker's truncation of his own testimony under conditions in which its reception is unsafe [11]. In later work she distinguishes contributory injustice from hermeneutical injustice: the perceiver's continued use of a dominant hermeneutical resource blocks uptake, while the marginalized party may possess the resources required to render the experience intelligible [12]. Pohlhaus develops the same territory as willful hermeneutical ignorance [34], and Medina examines the epistemic vices and the forms of friction through which a dominant position is maintained and may be disturbed [31]. Dotson's distinction is used at Section 25, where listening is characterized as the perception of another party's manner of generating meaning.

5.4. The institutional turn

Anderson argues that epistemic justice should be pursued as a virtue of social institutions, so that the design of institutions and their distribution of epistemic labour become the objects of assessment [1]. The move locates the subject of epistemic justice where the present paper requires it, and it also marks the point at which the literature approaches, and passes over, the question of an institution's capacity across time.

5.5. Epistemic exclusion in organizational evaluation

Settles and colleagues define epistemic exclusion as a scholarly devaluation in which formal institutional systems of evaluation combine with individual bias to devalue a person's work and to treat him as illegitimate in the role of a scholar [38]. Their evidence comes from interviews with one hundred and eighteen faculty of colour at a single research university, and they report that the exclusion operates both through formal hierarchies determining how scholarship is valued and through informal processes conveying the same judgment. The study is qualitative and single-sited, and its findings should be read accordingly. The account is valuable here for its structure: a formal evaluative system and a private judgment operate together, and the outcome is recorded as a defensible assessment. Related applications have been developed for clinical settings and for algorithmic decision [46].

5.6. Findings and residue

Two findings may be drawn. A wrong may be done at the point of reception, leaving no trace in what was said, and this is established by the testimonial form. A wrong may be done in

advance of any exchange, at the level of the resources available for interpretation, and this is established by the hermeneutical and contributory forms. The literature has also made the institutional turn, so that the design of an institution stands as the object of assessment.

The residue concerns the bearer of the capacity. In this literature the deficient item is a collective hermeneutical resource, held by a society or by a professional community, and the remedy is the enlargement or the pluralization of that resource. The question of whether a particular organization's capacity to interpret its own members may be produced and lost across time, and of what would follow if it were, remains open, and Sections 16 and 17 take it up.

6. ORGANIZATIONAL INCLUSION RESEARCH AND THE REQUIREMENT OF TRANSFORMATION

This section surveys empirical and conceptual work on inclusion in organizations, with the object of recording the principal concession this paper makes to prior work. The survey proceeds from the study of numerical presence, through the conceptual separation of inclusion from diversity, to the paradigms of managing difference, the evidence on intervention, and the literature on the divergence between an organization's formal structures and its practices. The method is a review of the empirical record, and the section closes by stating what remains open.

6.1. *Numerical presence and its limits*

Kanter's study of skewed groups established that a person present in small numbers experiences heightened visibility, contrast, and confinement to a role, so that presence carries its own distinctive burdens [29]. The finding is the earliest statement of the position on which the present section rests: an account of inclusion framed in terms of numbers records something real and leaves the substantive question untouched.

6.2. *The conceptual separation of inclusion from diversity*

Mor Barak developed inclusion and exclusion as a continuum, defined by the degree to which a person perceives himself as party to organizational processes [32]. Roberson separated the two concepts directly, showing that organizations use them to describe different objects, the one a composition and the other a set of practices [54]. Shore and colleagues supplied the framework in widest use, defining inclusion as the degree to which a person perceives himself an esteemed member of a work group through treatment satisfying his needs for belongingness and for uniqueness, and grounding the pair in optimal distinctiveness theory [39]. The uniqueness dimension carries the requirement that a person be valued in the character that distinguishes him. Nishii established that a climate for inclusion has identifiable dimensions, including fair employment practice, the integration of differences, and inclusion in decision

making, and that its presence conditions the effects of demographic composition [33].

6.3. The paradigms of managing difference

Ely and Thomas distinguished three paradigms through which organizations approach difference: a discrimination and fairness paradigm concerned with representation and equal treatment, an access and legitimacy paradigm that assigns members to markets resembling them, and an integration and learning paradigm in which members' experience is permitted to reshape the organization's core work [15]. Their later assessment withdraws the business case, stating that research support is absent for the proposition that diversifying a workforce improves performance of itself, and holds that leaders must use members' identity related knowledge and experience to learn how the organization's core work is best accomplished, which requires alteration of the culture and of the power structure [16]. Related work argues that the instrumental case carries costs of its own for the people it is deployed to include [49].

This paper concedes the position outright. The proposition that admission to an existing structure achieves less than inclusion requires, and that the organization must permit members' experience to alter its own operation, is established in this literature and is not claimed here. Sections 16 through 18 address a further question, concerning the conditions under which an organization retains the capacity that such alteration presupposes.

6.4. The evidence on intervention

Dobbin and Kalev report, from an analysis of data on eight hundred and twenty-nine firms across three decades, that instruments designed to police managerial decisions, including mandatory diversity training, hiring tests, performance ratings and grievance systems, are associated with reductions in the representation of women and minorities in management, while instruments that engage managers, including voluntary training, targeted recruitment, mentoring and diversity task forces, are associated with increases [10]. The finding is important here for a reason beyond its policy content: an instrument may operate exactly as designed and produce an effect opposite to the one intended, so that the presence of an instrument settles nothing about the position of the people it addresses.

6.5. Formal structure and organizational practice

Edelman's account of legal endogeneity describes the process by which organizations construct symbolic structures that come to be treated by courts as evidence of compliance, with the consequence that legal ideals acquire a managerial content in the course of their implementation [14]. Bromley and Powell distinguish the decoupling of policy from practice, in which a stated policy goes unimplemented, from the decoupling of means from ends, in which extensive activity is undertaken with an unexamined relation to any outcome [3]. Both accounts establish that an organization's formal apparatus and its operation may diverge, and both

treat the unmeasured term as observable in principle. Section 16 states the respect in which the present account departs from them.

6.6. *Findings and residue*

Three findings may be drawn. Numerical presence and inclusion are distinct, and the distinction is settled. The requirement that an organization alter itself is established, together with the withdrawal of the instrumental argument that was long used to support it. The divergence between an organization's formal apparatus and its practice is likewise documented, together with the mechanisms that sustain it.

The residue is twofold. The literature surveyed here operates throughout on objects that admit of record: a policy, a climate measured by survey, a proportion in management, a training programme, a structure recognized by a court. Whether recognition may fail at levels that admit of no record, and what would follow for measurement if it did, is open. A second question concerns the divergence documented by Edelman and by Bromley and Powell, which holds between two observable things. Whether a further term exists that no instrument can reach in principle is the question Sections 10 through 12 raise.

7. COVERT DISCRIMINATION AND THE STUDY OF UNATTRIBUTABLE EXCLUSION

This section surveys empirical research on forms of exclusion that carry no explicit reference to any characteristic and that resist attribution to any identifiable act. The object is to establish what has been documented about conduct of this kind, since Sections 11 and 12 rest upon it. The survey covers the displacement of explicit forms, incivility and its distribution, ostracism and exclusion as measured constructs, the dispute concerning microaggression, the muting of an identity, and organizational silence. The method is a review of the empirical record, with contested findings recorded as contested, and the section closes by stating a limitation that the whole of this literature shares.

7.1. *The displacement of explicit forms*

Research in social psychology has documented a shift in the expression of prejudice. Pettigrew and Meertens distinguished blatant prejudice, which they characterize as direct, from subtle prejudice, which they characterize as indirect and distant, and constructed scales for each across seven national samples in western Europe [108]. The measures have been contested on methodological grounds, with a reanalysis proposing a different factor structure and the authors replying in defence of the distinction [115, 116]. Gaertner and Dovidio developed the account of aversive racism from the mid-1980s onward, in which a person holds egalitarian commitments sincerely and displays discriminatory behaviour where a situation affords a defensible account on other grounds, so that the behaviour appears in ambiguous

cases and is absent where the comparison is clear [68, 63].

A meta-analytic review of ninety effect sizes compared the correlates of subtle and overt forms and reported relationships of comparable magnitude across the two, with the authors concluding that the belief in the lesser consequence of subtle discrimination is called into question [105]. The finding bears on any account that treats covert forms as a lesser matter.

7.2. Incivility and its distribution

Andersson and Pearson introduced workplace incivility as low-intensity conduct of ambiguous intent that violates norms of mutual respect, and described the spiral through which such conduct escalates [103]. Cortina developed the argument that incivility functions in contemporary organizations as a vehicle for discrimination: conduct that carries no reference to any protected characteristic is distributed unevenly across members, so that the exclusions which explicit prohibition addressed are reproduced in a form that prohibition does not reach [62]. Later work reports evidence from three organizational samples that the gender and the race of a target affected vulnerability to uncivil treatment, which in turn predicted intent to leave, with an extension of the theory to age unsupported in those data [104].

The argument is the closest anticipation in the literature of the working thesis advanced at Section 16, and Section 16 records the relation between the two.

7.3. The measurement of ostracism and exclusion

Williams reviews the social psychological literature on ostracism, exclusion and rejection, and reports that brief episodes produce sadness and anger and threaten the fundamental needs of belonging, self-esteem, control and meaningful existence, with the reflexive reaction appearing for even minimal forms of exclusion [109]. Ferris and colleagues developed a ten-item workplace ostracism scale across six samples, whose items concern being ignored, being excluded from conversation, and receiving no response [64]. Robinson, O'Reilly and Wang develop an integrated model of workplace ostracism and emphasize its character as an omission, which distinguishes it from conduct that can be pointed to [66].

One comparative finding deserves separate record. O'Reilly and colleagues compared ostracism with harassment across three field studies. Employees regarded ostracism as the more socially acceptable of the two, as less harmful, and as less likely to be prohibited by their organization, while ostracism was the more strongly and negatively related of the two to a sense of belonging and to measures of well-being and work attitudes, and ostracism alone predicted turnover three years afterward [107]. The finding is consistent with the account given at Section 12, in which a person receives no description and supplies one himself.

7.4. The dispute concerning microaggression

Sue and colleagues characterize racial microaggressions as brief and commonplace verbal, behavioural or environmental indignities, whether intended or otherwise, and set out a taxonomy of three forms, the microassault, the microinsult and the microinvalidation [67]. The taxonomy was assembled from a review of the literature on aversive racism together with published personal narratives, and its stated application is to clinical practice. The construct has been contested. Lilienfeld argued that the research programme rests on an inadequately specified construct, that assessment by subjective report alone is insufficient, and that the inference from a reported experience to an implicitly aggressive motive is unwarranted, while stating that the absence of evidence on prevalence and harm should carry no inference to their absence [106]. Sue replied in the same issue [112].

The present paper takes no position in the dispute, and it records the structural feature the dispute turns upon, which is the feature that concerns it. Both parties agree that the conduct at issue admits of a description under which nothing objectionable occurred. The disagreement concerns what follows from that agreement.

7.5. The muting of an identity

Yoshino describes covering as the muting of a disfavoured identity by a person who has not concealed it, and argues that the demand to cover survives the legal prohibition of the demands that preceded it [110]. Survey work developed with that account, conducted among some three thousand employees of United States firms, reports that around three quarters of respondents described having covered at work and that around three fifths described a felt pressure to do so, with the proportions varying across groups and with covering reported by half of respondents who were heterosexual white men [111]. A study conducted a decade later, on a broader sample and across a wider range of identities, reports proportions close to those of the first [114]. The samples are drawn from corporate employment in one country, and the figures should be read with that scope in view.

The construct bears on this paper for its object. A demand to cover is addressed to a person's presentation and leaves his admission untouched, so that it operates entirely within an arrangement that satisfies every requirement of access.

7.6. Organizational silence

Morrison and Milliken describe organizational silence as a collective-level condition in which members withhold information about problems, and identify contextual variables conducive to it together with a collective sensemaking process through which the shared perception arises that speaking is unwise [97]. The account is systemic and treats silence as a property of a setting, and its sensemaking component bears on Section 18, where the terms on which disagreement is available are shown to condition the agreement an organization observes.

7.7. *Findings and residue*

Three findings may be drawn. Exclusion operates substantially through conduct that carries no reference to any characteristic and that admits of an innocent description in each instance. Conduct of this kind is associated with outcomes comparable to those of explicit forms, and in the comparison of ostracism with harassment the omission was associated with the more adverse outcomes. The uneven distribution of such conduct across members has been documented, which establishes at the level of a population what no instance establishes on its own.

The residue is a limitation shared by the whole of this literature, and it bears directly on Sections 11 and 12. Every construct surveyed here is measured by asking the person affected. An ostracism scale asks whether he was ignored; a covering measure asks what he muted; a silence measure asks what he withheld. Measurement of this form requires that the person be in a position to describe what occurred, and Section 12 argues that the condition it describes is one in which that description is precisely what is unavailable to him. The literature therefore reaches the conduct through the reports of those able to report it, and the cases in which the description has been supplied by the person against himself lie outside its instruments.

8. INSTITUTIONAL CLASSIFICATION AND THE CONSTITUTION OF THE RECOGNIZED SUBJECT

This section surveys work on classification, with the object of establishing the part that an organization's categories play in constituting the persons those categories are taken to record. The survey covers the study of classification systems and their silences, the reactive character of human kinds, the treatment of institutions as classifying agents, and the transformation of qualities into common measures. The method is exegetical, and the section closes by stating what follows for the account of recognition developed later.

8.1. *Classification systems and their silences*

Bowker and Star examine classification systems as working infrastructures, and hold that each standard and each category advances one point of view and silences another, so that the choices embedded in a scheme cease to be visible once the scheme is in routine use [2]. Their own qualification deserves record, since it constrains what may be inferred from the point: they hold the silencing to be inescapable and decline to treat it as bad in itself, characterizing it as an ethical choice and therefore as dangerous. Their study supplies two further resources. Infrastructural inversion names the analytic move of bringing a background system into the foreground for examination. Torque, developed in their treatment of race classification under apartheid, names the strain a person undergoes where the trajectory of a life is required to conform to the trajectory a classification anticipates. Both are used at Section 13, where the manner in which an organization comes to hold its categories is examined.

8.2. The reactive character of human kinds

Hacking's essay on the making up of people, and his later treatment of looping effects, establish that classifications of persons interact with the persons classified, so that a category opens new ways of acting and of understanding oneself, and may in turn require revision [22, 23]. The looping effect distinguishes such kinds from natural kinds, which do not respond to the names given them.

One restriction in Hacking's treatment deserves record, since the present paper reaches beyond it. His human kinds are classifications of the human sciences, belonging to a particular time and setting, and his examples are drawn from that domain. The categories at issue in this paper are those an organization holds in the course of its own work, which the human sciences have not formulated. The extension is proposed here and is not carried by the sources cited, and a reader may accept the looping account within its own domain and decline the extension.

8.3. The classifying function of an institution

Douglas argues that institutions perform classification on behalf of their members, conferring identity, sameness and difference, and that the conferral is naturalized so that it presents itself as a recognition of what was already there [13]. Douglas places the classifying act at the level this paper requires, in the institution and in the practices of its members jointly, without locating it in any decision that anyone made.

8.4. Commensuration and the treatment of difference

Espeland and Stevens define commensuration as the comparison of distinct entities according to a common metric, analyse it as a mode of power, and examine what is at stake in declaring something incommensurable [17]. The transformation reconstructs relations of similarity and difference, and whatever the metric is unable to carry ceases to be available to the comparison it enables. The account bears on the instruments surveyed in Section 3, since disaggregated reporting and index scoring are commensurative devices, and it bears on Section 14, where translation between distinct normative orders is examined.

8.5. Findings and residue

Three findings may be drawn. A category advances a point of view, and the advancement becomes invisible in routine use. A category applied to persons participates in producing what it describes. An institution performs classification on behalf of its members, in a manner that presents a conferral as a discovery.

The residue concerns the origin of the categories. This literature establishes what categories do once an organization holds them, and it examines particular schemes and their histories. The question of how a given organization comes to hold the categories it has, and of what is settled at the point where they are formed, receives less attention, and Section 13 takes

it up.

9. CATEGORIAL LIMITATION IN DISABILITY AND REFUGEE INCLUSION

This section examines two fields in which inclusion has been developed at length, with the object of exhibiting a form of failure that the instruments surveyed in Section 3 do not address. The two fields are chosen because each has a mature body of practice, a treaty or a mandate behind it, and a documented record of implementation, so that the failure at issue appears where the apparatus is strongest. The section treats the competing models of disability, the structure of accommodation, the bureaucratic identity in refugee assistance, and the standing available to a displaced person. The method is documentary and secondary, and the section closes by stating the form of failure the two fields share.

9.1. *Competing models of one population*

Disability scholarship has developed several accounts of the same population. The medical account locates limitation in an impairment held by a person. The distinction between impairment and disability was drawn by a disabled people's organization in the United Kingdom in the mid-1970s [117], and Oliver named and developed the social model on that basis, locating limitation in the arrangement of an environment built to a narrow specification [57]. Shakespeare mounts a direct challenge to the strong form of that model, holding that it denies the relevance of impaired bodies, and that an impairment would remain limiting in the absence of any social barrier or discrimination [58]. Degener argues that the Convention codifies a human rights model that improves upon the social model, offers six propositions distinguishing the two, and associates the medical, social and human rights models with formal, substantive and transformative conceptions of equality respectively [55].

The point of interest here concerns the relation between the accounts. Each supplies a complete and internally consistent description of the same people. Each specifies a different party as the one who must alter. An organization holds one of them, ordinarily without stating which, and its holding determines in advance what any person covered by the category may claim.

9.2. *Accommodation and the fixity of a category*

Reasonable accommodation, as defined in the Convention, requires necessary and appropriate modification where it is needed in a particular case, subject to a limit of disproportionate burden [7]. The device is powerful, and its structure repays attention. Accommodation alters the environment surrounding a person and leaves the category under which he is described in place. A person who receives an accommodation receives it in the character of a person requiring accommodation, and each grant confirms the description under which the grant was

made.

Two consequences follow. Accommodation reaches the condition that obstructs a person and leaves untouched the question of whether the organization holds a category under which he appears as a full party. The device also operates case by case, so that its cumulative record documents an organization's responsiveness while remaining silent on whether its categories altered.

9.3. The bureaucratic identity in refugee assistance

Zetter's studies of labelling in refugee assistance establish that a label is formed and then transformed by bureaucratic processes which institutionalize and differentiate categories of eligibility and entitlement, so that the label acquires a rationale and a legitimacy of its own and passes into use as an accepted shorthand [60, 61]. His later study traces the proliferation of finer labels alongside a narrowing of the protection available under any of them [61]. Harrell-Bond's earlier account of emergency assistance documented the relations of dependence that assistance regimes produce, and the distance between the accounts held by agencies and those held by the people they serve [56].

The literature therefore establishes for this field what Section 8 established generally, with an additional feature: the classifying party is also the assisting party, so that the category through which a person receives help is issued by the body from which he must seek it.

9.4. The standing available to a displaced person

Refugee assistance has developed participation policy at length. The agency's policy on age, gender and diversity states the aim that the people it serves participate meaningfully in decisions affecting their lives, and sets out ten minimum core actions that are obligatory for all operations in all contexts, together with a set of core actions on accountability to affected people [59]. The humanitarian sector holds a wider body of commitments to the same effect [5]. Refugee-led organizations have pressed for participation in the international fora at which policy is settled, and evaluations of the participation commitments have found implementation weak [21].

The structural feature these developments reveal is the one this section is concerned with. The category through which a person enters the system specifies him as a recipient of assistance. Participation policy invites him to contribute to decisions. The two descriptions are held simultaneously, and the first governs the terms on which the second is exercised, so that a contribution is received as the view of a beneficiary. Movement on this point has come from bodies constituted outside the assistance relation, which is consistent with the reading given here.

9.5. *Findings and residue*

The two fields exhibit a common form of failure, which may be stated as follows. A person may be admitted, assisted, consulted and accommodated, with every instrument operating as designed, while the category under which the organization holds him remains one that specifies him as a recipient of the organization's action. Failure of this form is invisible to an assessment of arrangements, since every arrangement is present and functioning.

The residue is the question the second half of this paper takes up. If a person's position may be determined by a category that no arrangement examines, then an account is required of where such categories come from, of whether they may be revised, and of what an organization must retain in order to form a new one. Sections 10 through 13 develop that account.

10. THE LEVELS OF ORGANIZATIONAL RECOGNITION AND THEIR ORDERING BY RECORDABILITY

This section proposes an organizing device for the remainder of the paper. Its object is to separate the sites at which recognition may fail within an organization, and to order those sites by a property that bears on what any instrument can reach. The section states the unit of the account and its limitation, distinguishes six levels, defines the ordering property, presents the resulting arrangement, locates the surveyed literature within it, and states what the device declines to claim. The method is stipulative and the defence is one of usefulness: the arrangement is offered because it makes visible a question that Sections 16 through 18 take up, and a reader who declines it may still hold those sections by supplying an arrangement of his own.

10.1. *The unit of the account and its limitation*

The unit throughout is a single organization considered together with its members. Recognition failure also arises from relations at a larger scale, where a tension between states, markets or professions is transmitted inward and alters the terms on which an organization holds a person. Section 17 treats that transmission once and in outline. The limitation should be stated plainly: an organization's capacity to recognize is conditioned from outside it, and an account whose unit is the organization treats the outside as a boundary condition.

10.2. *The levels distinguished*

Six sites may be distinguished, each characterized by what a failure at that site operates upon.

At the *institutional* level, failure operates on arrangements: a procedure, a channel, a body, a right of audience. A person is excluded from a process, or the process affords him a place with no bearing on its outcome.

At the *interpretive* level, failure operates on uptake: the account a person gives of his own situation is received and is rendered within a scheme of interpretation he would reject. Sec-

tion 5 surveys the literature on this level.

At the *categorial* level, failure operates on the available descriptions: the organization holds no category under which the person appears as a full party, so that any treatment he receives is issued under a description that qualifies it. Section 9 exhibits two cases.

At the *cognitive* level, failure operates on the perceptions, attributions and expectations that individual members hold. Section 11 treats this level.

At the *symbolic* level, failure operates on a shared and unpronounced rule of address, which members observe in coordination. Section 12 treats this level.

At the *ontological* level, failure operates on standing itself: whether the person figures at all as a party whose position could be a matter for the organization. Failure at this level is ordinarily visible in its effects at each of the others.

10.3. *The ordering property*

The six differ in a respect that the instruments surveyed in Section 3 depend upon.

Definition 10.1. (Recordability). *A failure at a level is recordable when its occurrence can be entered into a record that a third party could inspect and could use to establish that the failure occurred.*

Recordability is a property of a failure at a level, and it is independent of whether any record was in fact made. Three grades may be distinguished. A failure is recordable where an artefact is produced in the ordinary course: a decision, a minute, an exclusion from a list, a policy. A failure is partly recordable where an artefact exists whose bearing on the failure requires an interpretation that is itself contestable. A failure is unrecordable where the conduct constituting it produces no artefact, and where each of its constituent acts is unremarkable when taken alone.

10.4. *The surveyed literature located within the arrangement*

Table 2 permits the survey to be summarized. The instruments of Section 3 operate at the institutional level throughout, with the consultation requirement of the disability convention reaching furthest. The epistemic injustice literature occupies the interpretive level and, through the hermeneutical form, reaches toward the categorial. The classification literature of Section 8 occupies the categorial level. The organizational inclusion research of Section 6 works chiefly at the institutional level, with climate measures reaching the cognitive level through self report. The two lower levels have their own literatures, which Section 7 surveys, and which have developed largely apart from the vocabulary of recognition.

Table 2: The six levels, the object on which failure at each operates, its characteristic form, and its recordability.

<i>Level</i>	<i>Object of failure</i>	<i>Characteristic form</i>	<i>Recordability</i>
Institutional	Arrangements and procedures	Exclusion from a process; a place with no bearing on outcome	Recordable
Interpretive	Uptake of an account	The account rendered within a rejected scheme	Partly recordable
Categorical	Available descriptions	Treatment issued under a qualifying description	Recordable in its absence
Cognitive	Perception and attribution	Private judgment carried into ordinary decisions	Unrecordable
Symbolic	A shared rule of address	Coordinated non-response; membership left uncounted	Unrecordable
Ontological	Standing as a party	The question of the person's position fails to arise	Visible in effects

10.5. The standing of the device

Three disclaimers attach. The six are not claimed to be exhaustive, and a reader who identifies a seventh site is doing what the arrangement invites. The levels are not independent, and Section 15 examines the transitions between them. The ordering carries no causal claim: a failure at a less recordable level is not held to arise from failure at a more recordable one, and the sequence in Table 2 orders the levels by a property of assessment alone.

11. THE COGNITIVE LEVEL AND THE PRIVACY OF ATTRIBUTION

This section characterizes the cognitive level, states the ground on which failure at that level resists record, and relates it to the interpretive level treated in Section 5. The object is to establish that an organization may satisfy every institutional requirement while the perceptions its members hold determine the position of a person within it. The method is analytic, drawing on the empirical literature that Section 7 surveys, and the section closes by stating what follows for measurement.

11.1. The object of failure at this level

Failure at the cognitive level operates on what a member of an organization perceives, expects and attributes. A colleague's silence in a meeting is read as disengagement in the case of one person and as reflection in the case of another. A piece of work is read as competent where the reader anticipated competence. An error is attributed to circumstance for one person and to character for a second. Research on subtle and aversive forms of prejudice establishes that judgments of this kind operate under a self description of fairness, and that they surface where a decision admits of a defensible account on other grounds [63, 67].

11.2. The ground of unrecordability

Failure at this level resists record for a structural reason. A judgment produces no artefact. What reaches a record is a decision, and any decision reached under such a judgment is also reachable without it, since the grounds cited are ordinarily sufficient on their own. A hiring panel that declines a candidate records the reasons it gives, and those reasons are available to a panel holding no such judgment. The evidence for failure at this level is therefore statistical in form, obtained across many decisions, and it establishes a pattern while leaving each decision defensible.

11.3. The relation to the interpretive level

The two lower levels stand close to each other and may be separated. Failure at the interpretive level concerns the scheme within which an account is rendered, and it may be exhibited: a person can show that his account was received under a description he rejects, and the divergence of the two descriptions can be displayed. Failure at the cognitive level concerns a judgment held privately, and its bearer may sincerely deny it. Dotson's contributory form sits at the boundary, since the continued use of a dominant interpretive resource is at once a scheme and a disposition [12].

11.4. The reach of the available instruments

Training is the instrument directed at this level, and the evidence recorded in Section 6 bears on it: mandatory programmes are associated with reductions in the representation the programmes were adopted to raise [10]. The finding is consistent with the structure described here. An instrument that addresses a private judgment must work through the person holding it, and the record it generates concerns the delivery of the instrument.

11.5. Findings

Two findings may be stated. Failure at the cognitive level admits of establishment in the aggregate and resists establishment in the case, so that the person affected holds evidence of a kind that no procedure of complaint is equipped to receive. An organization's record at this level documents the instruments it has applied.

12. THE SYMBOLIC LEVEL AND THE UNPRONOUNCED RULE OF DISTINCTION

This section characterizes the symbolic level, which the vocabulary of the recognition literature does not reach and which the instruments of Section 3 are structurally unable to address. The object is to establish that a form of recognition failure exists in which every constituent act is legitimate, no artefact is produced, and the description under which the person comes to be held is generated by the person himself. The section states the object of failure, argues that a

shared rule is present, characterizes the form that rule takes, and states the consequences for complaint and for remedy. The method is analytic, with the empirical literature surveyed at Section 7, and the account is offered as a description of a structure, with its prevalence left as a conjecture.

12.1. The object of failure at this level

Failure at the symbolic level operates on a rule of address that members observe in common and that is never pronounced. Its appearance is ordinary. A person enters and the room continues. He speaks in a meeting, meets no objection, and the discussion resumes at the point it had reached. He is absent from an invitation that no one issued. The empirical literature has developed the phenomenon under the headings of workplace ostracism, of exclusion, and of incivility that is distributed unevenly across members [64, 66, 62].

12.2. The presence of a shared rule

The conduct at this level is coordinated. The response a person receives is uniform across members, it is specific to him, and its absence is anticipated by everyone present, including by him. Coordination of this kind carries a familiar analysis: a regularity holding across a population, with each party expecting the others to conform and each expecting the others to hold that expectation, is a convention, and its operation requires no agreement and no announcement [65].

Proposition 12.1. (The unpronounced rule). *Coordinated non-response toward a particular member establishes the presence of a shared rule of address governing that member, whose content the organization has at no point stated.*

The proposition is offered as an inference from the coordination, and it may be resisted in a particular case by showing the uniformity to be an artefact of independent circumstances. The general form appears secure, since coordination without a shared expectation would require a coincidence renewed at each occasion.

12.3. The form the rule takes

The rule at this level differs in form from the rules examined at the categorial level. A category ascribes a property, and a property admits of examination: the person to whom it is ascribed may bring evidence, and a third party may assess the ascription. The rule at issue here ascribes no property. Its content is exhausted by the withholding of a position, and the withholding requires no positive characterization: a person may be counted out with nothing whatever said about him. The literature on classification records ascriptive categories and their effects [2, 23]; the present level concerns a categorial operation that leaves the person undescribed.

12.4. The requirements of a symbol

A rule of this kind functions symbolically, in the following sense. It is expressed in a difference that is recognizable, since the response one member receives departs from the response others receive. The difference is directed, since it attaches to one member. It is also predictable, since those present anticipate it, and the person concerned anticipates it as well. A recognizable, directed and predictable difference carries meaning within the group, and the withholding of response therefore operates in the manner of an utterance while remaining an omission in every particular instance.

12.5. The generation of the description

A property ascribed to a person has a content that the person may address. The withholding described here has a content the person must supply. He receives a difference and no account of it, and an account is what the situation requires of him: the possibilities he canvasses concern his own conduct, his own standing, and his own presence. The description he arrives at is therefore his own conclusion, reached by his own reasoning, and it carries the authority that a conclusion of one's own carries.

Two consequences follow, and both bear on remedy. A description generated in this manner absorbs the evidence that would ordinarily correct it: an assurance is read as consolation, a courtesy as pity, an exception as an exception. The person affected also holds no vocabulary in which to state his situation, since an account of what has occurred consists of a series of omissions, each unremarkable, and its delivery resembles complaint. Section 18 states the criterion that these two consequences motivate.

12.6. The unavailability of a complaint

The instruments surveyed in Section 3 require, at a minimum, an occurrence and an account of it. Every constituent element of the conduct described here is unobjectionable when taken alone: attendance is not owed, response is not owed, and an invitation is at the discretion of the person issuing it. A grievance channel meeting the effectiveness criteria of Principle 31 therefore remains open and receives nothing, and the failure of the channel follows from the structure of the conduct, with the design of the channel left intact [43].

12.7. Findings and residue

Three findings may be stated. A shared rule may govern an organization's address to a member while remaining unpronounced, and its presence is inferable from coordination. The rule may operate through the withholding of a position, in which case it ascribes nothing and admits of no examination. The description under which the person comes to be held is generated by him, which places it beyond the reach of correction by the parties observing the rule.

The residue is the question of remedy, and it is severe. The conduct produces no artefact,

supports no complaint, and admits of no instrument of the kind surveyed in Section 3. Sections 23 through 26 consider what an organization would have to retain in order for conduct of this kind to be interrupted, and Section 27 records that the account offers no procedure by which its presence in a given case could be established.

13. THE JURISGENERATIVE LEVEL OF ORGANIZATIONAL CATEGORIES

This section addresses the question left open at Section 8: where an organization's categories come from, and what is settled at the point of their formation. The object is to supply an account of the categorial level that reaches behind the categories in force. The section presents Cover's treatment of normative worlds, transposes it to organizations, states the resulting working thesis, distinguishes it from the closest position in the epistemic injustice literature, and identifies the one instrument surveyed in Section 3 that reaches this level. The method is the application of a jurisprudential account to an organizational setting, and the thesis is offered for examination.

13.1. *Cover's account of a normative world*

Cover holds that a legal order is a normative world, and that such a world is generated by communities through the narratives in which their commitments are held, so that the production of legal meaning proceeds from the normative universe of each group [70]. The generative capacity is prolific. Communities produce more law than any authority can sustain, and the production requires no state and no official.

13.2. *The modes of a normative world and the jurispathic function*

Cover distinguishes two modes present in every normative world. In the world-creating mode, meaning is generated through a shared narrative and a common education, and the order it produces is dense and particular. In the world-maintaining mode, an order is imposed across communities that share no narrative, and its virtue is the capacity to hold between them. Courts operate in the second mode, and Cover characterizes their function as the destruction of the surplus that generation produces, since a court confronted with several tenable readings sustains one and extinguishes the others [70].

Two features of the account bear on the present enquiry. Generation is continuous, so the modes are conditions in which a normative world stands at any time. The extinguishing act is also ordinary, performed in the regular exercise of authority, with no wrongful intent required of anyone.

13.3. *The transposition of the account to an organization*

An organization holds a normative world in Cover's sense. It holds accounts of what its work is, of what counts as a contribution to it, of who is qualified, of what a difficulty is and to whom a difficulty is attributable. These accounts stand behind its categories and supply the terms in which any of them could be defended. They are generated in the manner Cover describes, through the narratives held by the people who constitute the organization, and their generation is continuous.

The transposition carries an immediate consequence. The parties whose narratives feed the generation are the parties present in the practices through which it proceeds. A person outside those practices has no part in the production of the terms under which he will later be described, and his absence produces no artefact, since nothing occurred that anyone would record.

Two departures from Cover should be recorded, since the transposition is the present paper's and is not his. Cover's account of the extinguishing office is tied to violence: judges kill law, on his account, because of the violence they command, and it is that command which makes the extinguishing effective. An organization ordinarily commands nothing of the kind, so the transposition retains the structure of jurisgenesis and surplus while dropping the mechanism Cover supplies for its suppression. His imperial mode, further, is associated in his treatment with the state and its legislation. A reader who holds either feature to be essential to the account will decline the transposition, and Section 13.4 states the thesis so that it may be assessed on its own terms.

13.4. *The settlement effected in the generative mode*

The claim the section proposes may be stated.

Working thesis 13.1. (Formation and describability). *Where an organization's terms of description are generated within practices from which a person is absent, his position is settled in advance of any decision concerning him, and the settlement is complete before any conduct occurs that the vocabulary of discrimination is able to describe.*

Three qualifications attach. The thesis concerns a mode and carries no reference to a founding moment, since generation proceeds continuously and an organization's terms are under revision at all times. The thesis claims no intent, and the ordinary case involves parties producing the terms available to them from the narratives they hold. The thesis is further compatible with the subsequent admission of the person and with his fair treatment under the terms in force, since the settlement concerns the terms and leaves their application open.

The thesis may be resisted in either of two ways. A reader may hold that the terms an organization uses are fixed by its function and by its environment, in which case the generative practices transmit a determination made elsewhere. A reader may hold that late entrants

revise the terms they find, in which case the settlement is provisional. The second objection is the more serious, and Sections 16 and 17 bear on it, since the capacity of a late entrant to revise the terms is precisely what the remainder of the paper treats as variable.

13.5. The relation to hermeneutical marginalization

Fricker's account of hermeneutical injustice locates a gap in a collective interpretive resource and traces the gap to the exclusion of a group from the practices through which such resources are generated [20]. The structure is the same as the one described here, and the present section claims no independence from it. A second anticipation should be recorded alongside it. Fraser's account of status subordination locates part of the wrong in the fact that the patterns of cultural value at issue were constructed without the equal participation of those they subordinate [19]. That formulation states, for patterns of cultural value, what the thesis above states for an organization's terms of description, and the thesis claims no priority over it.

Three differences from the epistemic account may be recorded. The bearer of the resource here is a particular organization, whose terms may diverge from those held in the wider society. The resource at issue consists of the terms under which the organization describes participation in its own work, which are narrower than the concepts through which a person makes sense of a social experience. Cover's account also supplies what the epistemic account leaves implicit, namely a mechanism of generation and a mechanism of extinguishing, so that the terms in force at a time stand as the survivors of a process, with the model of a store set aside.

13.6. The instrument that reaches this level

Of the instruments surveyed in Section 3, the consultation requirement of the disability convention reaches this level, since the treaty body reads it as an involvement in the development of legislation and policy, exercised through organizations led and governed by persons with disabilities themselves and supported by public funding [8]. The requirement locates a counterpart outside the deciding body and attaches to the stage at which terms are set.

Two limits attach. The requirement operates upon the terms an organization states, and the terms examined in this section are ordinarily unstated, standing behind the categories in a manner that leaves them available for defence and unavailable for amendment. The requirement further presupposes a constituted counterpart, which the persons affected by an organization's unstated terms may lack.

13.7. Findings and residue

Two findings may be drawn. An organization's terms of description are generated continuously in practices whose composition determines whose narratives contribute. Absence from those practices produces no artefact and admits of no complaint, since the generation of a term is not an act performed toward anyone.

The residue is the question of revision. If the terms in force are the survivors of a continuing process, then the position of a person late in the process depends on what capacity for revision the organization retains. Sections 16 through 18 treat that capacity as the paper's central object.

14. MULTI-NOMOS ORGANIZATIONS AND THE LIMITS OF TRANSLATION

This section extends the account of Section 13 to organizations that hold several normative orders at once. The object is to establish what operations are available to such an organization when its orders diverge, and what each operation costs. The section describes the plural condition, distinguishes three operations upon difference, states the residue that translation leaves, and examines the conduct of an organization under conflicting orders. The method is conceptual, drawing on legal pluralism and on the study of institutional logics.

14.1. Plural normative orders within one organization

International organizations, multinational firms, universities and professional bodies hold several normative orders simultaneously. Legal pluralism has long treated the condition, and Santos develops the interpenetration of orders under the heading of interlegality, while Berman examines the management of overlapping normative claims across jurisdictions [74, 69]. Merry's studies of the vernacularization of human rights record what happens when a norm framed in one order is taken up in another: the norm is received, and its reception alters it [72]. Organizational theory reaches the same condition through the study of institutional logics, which treats an organization as a site at which several orders of legitimacy and of value operate together [71, 75].

14.2. The operations available upon difference

Three operations may be distinguished, and they have different costs.

Commensuration compares distinct entities according to a common measure [17]. Its cost lies in what the measure is unable to carry, which ceases to be available to any comparison conducted through it. An organization that commensurates has a single order thereafter.

Translation maps between orders while leaving each in place. Its cost is a residue. The indeterminacy of translation is a familiar result in philosophy of language [73], and Merry's field studies supply its institutional form: a norm arriving in a second order is altered in arriving, and the alteration is ordinarily unrecorded on either side [72]. Translation preserves both orders and delivers a version of a claim, with the original claim left in the order it came from.

Coupling holds two orders in mutual perturbation, with each retaining its own terms and each subject to alteration by the other. Section 25 develops the operation in connection with listening, and the present section records only that the operation is distinct from the other two

and is the least well described.

14.3. The residue of translation

The residue matters here for a reason that concerns recognition. A person whose account is framed within one order and received within another has been translated, and the version received is the version to which the organization responds. The alteration effected in translation is available to neither party, since each holds a coherent account and the two accounts differ. Failure at the interpretive level described in Section 10 takes this form in a multi-nomos organization, and it arises without fault in either party.

14.4. The conduct of an organization under conflicting orders

Where the orders an organization holds deliver incompatible requirements, three courses are available. It may commensurate, which resolves the conflict by removing one order. It may assign an order to a domain, which preserves both and produces persons whose position varies with the domain they occupy. It may leave the conflict unresolved, which places the burden of the incompatibility on the parties standing at the point where the orders meet, ordinarily the parties whose position is described in the terms of one order and determined in the terms of another.

The third course is the most common and the least visible, since it produces no decision and generates no record. The parties who bear the burden are ordinarily those with a foot in each order.

14.5. Findings and residue

Two findings may be drawn. An organization holding several orders has operations available upon difference whose costs differ, and the cost of the operation in widest use, translation, falls on the party translated and appears in no record. Where orders conflict and the conflict is left standing, the burden falls on the parties positioned between them.

The residue concerns the third operation. Coupling is the operation that preserves both orders and admits alteration in each, and the conditions under which an organization is able to perform it remain to be stated. Sections 23 through 25 take up the question.

15. THE DISTINCTION BETWEEN BLOCKAGE AND CLOSURE AT EACH LEVEL

This section introduces a distinction that applies at every level identified in Section 10, and that the remainder of the paper relies upon. The object is to separate a failure in which the terms required for a repair remain available from a failure in which those terms have gone. The section defines the two modes, states the difficulty of distinguishing them from outside, proposes a test, describes the transitions between them, presents the resulting arrangement, and

states the consequence for remedy. The method is conceptual, and the distinction is offered as an analytic device.

15.1. *The modes distinguished*

At a given level, failure may take either of two forms.

Under *blockage*, generation at that level is prevented while the terms required to describe what is missing remain in force. A person is kept from a process, and the organization retains the concept of his participation in it. A category applies to him imperfectly, and the organization retains the distinction his case turns on. Blockage is a failure of conditions.

Under *closure*, the terms themselves have gone. The organization has ceased to hold the distinction on which a repair would turn, so that the absence is unavailable for description by the parties concerned. Closure is a failure of terms.

Definition 15.1. (Blockage and closure). *A level stands in blockage where generation at that level is prevented and the terms required to state what is prevented remain in force. A level stands in closure where those terms have ceased to be available to the parties concerned.*

15.2. *The diagnostic difficulty*

The two modes are ordinarily indistinguishable from outside. A person is passed over for a role; the organization may hold the concept of his suitability and be prevented from acting on it, or may have ceased to hold a description under which his suitability arises. A colleague is addressed briefly; the brevity may proceed from pressure of time or from a settled position that requires no thought. Conduct is identical across the two cases, and the difference lies in what the parties are able to say.

15.3. *The test of a level's condition*

A test follows from the definition. Under blockage the parties are able to name what is absent, and the naming is ordinarily accompanied by a sense that something is absent. Under closure the naming is unavailable, and the accompanying sense is absent with it, since a sense of loss requires a description of the thing lost.

The test carries a consequence that limits its use. A party at a level standing in closure reports that the situation is in order, and the report is sincere. Establishing the condition of a level therefore cannot proceed by asking the parties, and Section 27 records the difficulty this creates for the account as a whole.

15.4. *The transitions between the modes*

The two modes convert into each other asymmetrically. Sustained blockage tends toward closure: a distinction that is available and never exercised falls out of use, and its disappearance

Table 3: The two modes of failure at each level, with an instance of each.

<i>Level</i>	<i>Blockage</i>	<i>Closure</i>
Institutional	Access to a process is withheld under a rule the organization can state	The process no longer contains a stage at which the question could be raised
Interpretive	An account is received and set aside	The scheme required to render the account has gone out of use
Categorial	An available category is applied to the person imperfectly	No category under which he appears as a full party remains available
Cognitive	A member holds a judgment he could revise on evidence	The judgment has become the description under which the person is perceived
Symbolic	Response is withheld on particular occasions	Coordinated non-response has become the settled form of address
Ontological	The person's position is deferred	The question of his position ceases to arise

requires no decision by anyone, since the terms an organization holds are maintained in practice. Closure produces blockage automatically: once a distinction has gone, the conduct that would have required it ceases to occur, and no further exclusion need be performed.

The first transition is the more consequential, since it converts an ordinary condition into a durable one through an accumulation in which each step is unremarkable.

15.5. The consequence for remedy

The two modes call for different remedies, and the instruments surveyed in Section 3 are addressed to the first. Supplying an access, an accommodation, a channel or a place at a table relieves a blockage, and the relief is real where the terms remain in force. Applied at a level standing in closure, the same instruments deliver the person into a setting whose terms describe him as before, and the record they generate documents a provision made.

A further consequence deserves statement. Where a provision is made at a level standing in closure and produces no alteration, the outcome is available for a reading that hardens the closure, since the provision was made and nothing followed. Remedy applied to the wrong mode therefore carries a cost beyond its ineffectiveness.

15.6. Findings

Two findings may be stated. Failure at a level admits of two forms, which differ in whether the terms required for a repair remain in force, and which are indistinguishable from conduct alone. The forms convert into each other, with sustained blockage tending toward closure through an accumulation that requires no decision.

The distinction is used throughout the remainder of the paper. Section 16 states the conditions under which the levels standing in closure are the ones an organization's instruments

do not reach, and Section 17 applies the distinction to failure transmitted from a larger scale.

16. THE MIGRATION OF RECOGNITION FAILURE UNDER CONDITIONS OF MEASUREMENT

This section states the first of the paper's two central theses. Its object is to establish a relation between the instrumentation of an organization and the level at which recognition failure appears within it. The section poses the question, records what the literature on organizational decoupling has established and states the respect in which the present account departs from it, advances the thesis, offers an illustrative mechanism, presents a figure, and states what the thesis declines to claim. The method is conceptual, the thesis is offered for examination, and the section is severable from the criterion advanced at Section 19.

16.1. *The question*

Section 3 established that the instruments in use assess arrangements. Section 10 established that failure at some levels of an organization produces artefacts in the ordinary course, while failure at others produces none. The two findings raise a question that neither answers on its own. Where an organization is placed under an obligation to record and to report at the levels that admit of record, what becomes of failure at the levels that do not.

16.2. *The relation to the literature on decoupling*

Two established accounts are close to the question. Edelman describes the process by which organizations construct structures that come to be accepted as evidence of compliance, and by which legal ideals acquire a managerial content in the course of their implementation [14]. Bromley and Powell distinguish the decoupling of a policy from its practice, in which a stated policy goes unimplemented, from the decoupling of means from ends, in which extensive activity proceeds with an unexamined relation to any outcome [3].

The present account concedes both and departs in one respect. In each of those accounts the unmeasured term is observable in principle: an unimplemented policy could be observed to be unimplemented, and an activity's relation to an outcome could be examined by an evaluator who undertook to examine it. Section 12 described a level at which failure produces no artefact whatever, and at which each constituent element of the conduct is unobjectionable when taken alone. Failure at that level is unavailable to an evaluator who has every resource and every intention, and its unavailability follows from the structure of the conduct. The departure is therefore narrow and consequential: the present account requires a term that lies beyond observation by construction.

16.3. *The thesis*

Working thesis 16.1. (Migration). *As the levels of an organization that admit of record are placed under instruments of assessment, recognition failure tends to appear at the levels that admit of no record, so that an organization's measured performance and the position of a person within it may move independently of each other.*

The thesis is offered for examination. It asserts a tendency and carries no claim of necessity, and the case in which instrumentation is accompanied by improvement at every level is consistent with it.

16.4. *Illustrative routes from instrumentation to migration*

Four routes may be described. They are offered in ascending order of the support available for them, they are neither exhaustive nor jointly necessary, and a reader may decline all four while holding the thesis, since the thesis concerns the relation between instrumentation and the level at which failure appears, and abstracts over the mechanisms producing it.

The first route is the ordinary priority of attention. Conduct that is recorded is examined, and conduct that is examined is adjusted before conduct that is not.

The second route concerns the availability of alternatives. An organization or a member disposed toward a course that an instrument now forecloses retains courses that no instrument reaches, and those courses lie at the levels described in Sections 11 and 12.

The third route concerns the interpretation of a record. Where an instrument produces a favourable record, that record becomes available as an answer to a claim advanced at a level the instrument does not reach, so that the instrument supplies a ground for declining to examine what it did not measure.

The fourth route has direct empirical support. Cortina argues that discrimination in contemporary organizations appears in forms that carry no explicit reference to any protected characteristic, and that conduct describable as ordinary incivility is distributed unevenly in ways that reproduce the exclusions that formal prohibition addressed [62]. The account describes a movement of the same kind the thesis asserts, at the two levels the thesis concerns, and it is the strongest evidence available for the thesis and the closest anticipation of it.

16.5. *The denials attaching to the thesis*

Four denials attach. The thesis attributes no purpose to anyone, and no party in the account intends the movement it describes. It holds no view on whether instrumentation is on balance beneficial, and an organization in which instrumentation raised performance at every level is consistent with it. It supplies no rate and no threshold. It says nothing, finally, about which organizations stand in the condition it describes, since Section 15 established that the condition of a level cannot be settled by asking the parties.

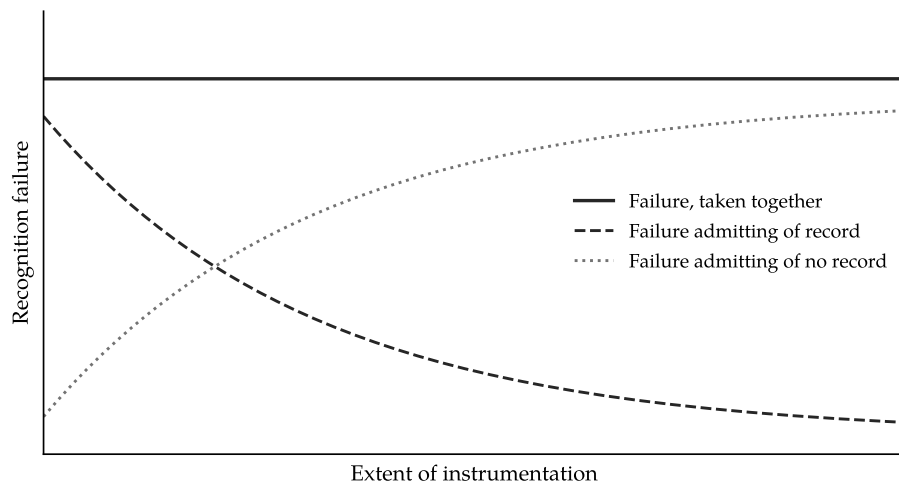


Figure 1: The relation the working thesis asserts, in schematic form. The curves carry no empirical content, the shapes are chosen for legibility, and no quantity in the figure has been measured. The figure represents a structure in which the recorded quantity falls while the quantity taken together is unchanged, and it makes no claim that this is the ordinary case.

16.6. Findings and residue

The section leaves one finding and one difficulty. The finding is that an assessment regime and the position of a person may diverge for a reason that lies in the structure of the levels, with the operation of the regime left intact. The difficulty is that the thesis, if held, removes the evidential value of the record an organization generates, and supplies nothing in its place. Section 19 proposes a criterion that operates without a measurement, and Section 27 records that the criterion inherits the difficulty.

17. THE TRANSMISSION OF RECOGNITION FAILURE ACROSS SCALES

This section treats, once and in outline, the transmission of recognition failure into an organization from relations at a larger scale. The object is to state the structure of such transmission, to separate the components of it for which an organization may answer, and to record the point at which the account reaches a conflict it declines to resolve. The section describes the structure, states the constrained position of the organization, distinguishes a condition from a description, examines responsibility under structural causation, and states the boundary. The method is conceptual, the treatment is deliberately brief, and the jurisprudential questions the section raises are left for separate work.

17.1. The structure of transmission

A relational subject stands within several systems at once. A person may be at the same time a member of an organization, a professional, and a national of a state, and the relations ob-

taining at each of these scales are distinct. Where a relation at a larger scale deteriorates, the deterioration may be transposed onto a relation at a smaller one, so that a person is placed in the position of a party to a relation he does not conduct. He holds no office in the larger relation, took no part in its formation, and has no channel through which to address it.

Transposition of this kind is available at each of the levels distinguished in Section 10. At the institutional level it appears as a requirement imposed from outside the organization. At the cognitive level it appears as an expectation held privately by members. At the symbolic level it appears in the coordinated withdrawal described in Section 12, which requires no instruction from anyone.

17.2. The constrained position of the organization

An organization subject to a requirement issued at a larger scale may be unable to alter it. The requirement may be a condition of its funding, of its licence, or of its participation in an arrangement it does not control. An account that treats the organization as the author of every restriction its members encounter misdescribes the situation, and would place a demand upon the organization that it has no capacity to meet.

17.3. The separation of a condition from a description

A distinction is available at this point, and the paper's contribution here rests upon it. A requirement issued at a larger scale determines what an organization may do. It leaves undetermined how the organization describes the person to whom the requirement applies.

Restricting a person's access to a facility under a rule the organization did not make is the imposition of a condition. Holding the person under a description that specifies him as a bearer of risk is an act of the organization, performed in its own terms, and it stands at the categorical level described in Section 10. The two travel together frequently, and their separation is what the present account requires. An organization may comply fully with a restriction while continuing to address the person, to state the restriction as a restriction, to hold him under a description that survives its removal, and to preserve his standing to contest the description.

Proposition 17.1. (Condition and description). *A constraint issued at a larger scale determines the conduct available to an organization and leaves the terms of description in the organization's own hands, so that responsibility for a restriction and responsibility for a description are separable.*

17.4. Responsibility under structural causation

The question the separation raises is a familiar one in political philosophy, and two established treatments answer it. Young distinguishes a liability model of responsibility, which is backward looking and requires a causal contribution attributable to an agent, from a social connec-

tion model, which is forward looking and shared among all who participate in the structural processes producing an injustice, and which is discharged through collective action [80]. The distinction settles the question of whether a claim addressed to an organization is coherent where the organization did not produce the structure: on the social connection model it is coherent, and the ground of the claim is participation in the process, with authorship of it left aside.

The soft law of business and human rights reaches the same result in an operational form. An enterprise may cause an adverse impact, may contribute to one, or may stand directly linked to one through its operations and relationships, and an enterprise that neither caused nor contributed retains a responsibility to exercise such leverage as it holds [43]. The tri-chotomy was developed for the case of a constrained actor, and it is available for the case described here.

The present account claims no independence from either treatment. Its addition lies in the object: both treatments allocate responsibility for outcomes, and the separation proposed above concerns an act of description, which an organization performs in its own terms whatever the constraints upon its conduct.

17.5. The boundary the account declines to cross

Requirements issued at different scales may be genuinely incompatible. An organization may face a security requirement, a professional obligation and an undertaking to its members that cannot all be honoured. The present account offers no procedure for adjudicating between them, and Section 22 states the general ground of that refusal.

What survives at the boundary is narrow and may be stated. Where a restriction is unavoidable, the person subject to it may still be addressed, the restriction may still be stated as a restriction, and the standing to contest the description under which he is held may still be preserved. These remain available where the restriction does not.

17.6. Findings and residue

Two findings may be drawn. Recognition failure may arise within an organization through the transposition of a relation conducted at a larger scale, without any member of the organization holding a view about the person concerned. Responsibility for the resulting position is also divisible, since the constraint and the description have different authors.

The residue is jurisprudential and is left open. Where the determining relation is conducted at a scale above the state, the question of the forum in which a claim may be advanced has no settled answer, and the literature on global justice divides on whether a claim of justice is available at all in the absence of a coercive order [77, 69]. Section 27 records the limit this places on the account.

18. ABSORPTION OF REFUTATION AND THE STANDING TO CONTEST

This section states the paper's second central thesis and proposes a test in two clauses. Its object is to characterize the condition in which a procedure of revision remains open and carries no information. The section describes the phenomenon, states the two clauses, applies them at the levels distinguished in Section 10, extends them to an organization's own terms, states what they decline to condemn, and records the difficulty of applying them. The method is conceptual, and the test is proposed for examination.

18.1. *The phenomenon*

An interpretation held of a person may reach a condition in which the evidence that would ordinarily bear against it is received as further support. Conduct consistent with the interpretation confirms it. Conduct inconsistent with it is read as concealment, as calculation, or as an exception. An account offered by the person is read as an attempt at defence, and a courtesy from him is read as an attempt at repair. In this condition the interpretation has ceased to be answerable to anything the person may do.

Two of the conditions described earlier in the paper have this structure. Section 12 described a description generated by the person himself, which absorbs assurance as consolation and exception as exception. Section 11 described a private judgment operating under a self description of fairness, for which any decision reached supplies a defensible account.

18.2. *The clauses*

Proposed test 18.1. (Defeasibility and address). *An interpretation held of a person within an organization satisfies the present test where two conditions hold. First, some conduct available to the person would count against the interpretation for those who hold it. Second, the person retains the capacity to render himself an object that the organization is required to answer.*

The first clause concerns the content of an interpretation, and it asks what would count against it. An interpretation for which the answer is that nothing would count against it stands beyond correction, whatever procedure of appeal is available, since an appeal supplies an occasion for further evidence and the evidence has no purchase. The clause has the form of a familiar requirement in the philosophy of science [79], transposed to an interpretation held of a person.

The second clause concerns the availability of the first. An interpretation cannot be contested by a person whose utterance carries no requirement of a reply, and Section 12 described a condition in which precisely that obtains. The second clause is therefore prior to the first in its operation, and a person may fail it while every category applied to him remains defeasible in principle.

18.3. The clauses applied at the levels

The test applies at each level and asks a different question at each. At the institutional level it asks whether a determination may be reopened. At the interpretive level it asks whether the scheme within which an account was rendered may be displaced by the account. At the categorial level it asks whether a case may occasion a new category. At the cognitive level it asks whether a member's judgment is answerable to the conduct of the person judged. At the symbolic level it asks whether an utterance of the person carries a requirement of a reply.

The test therefore states, at each level, the condition that Section 15 named closure. A level stands in closure when the test fails at that level.

18.4. Revision in an organization's own terms

The test extends from an interpretation held of a person to the terms an organization holds of itself, and the extension bears on the revisability that inclusion policy ordinarily presupposes.

An organization may hold a procedure through which its own terms may be revised, and may invite the exercise of it. The procedure operates upon whatever is brought to it, and what is brought to it depends on what members are prepared to say. Two established findings concern this dependence. Noelle-Neumann describes a process in which a person who perceives his view to be uncommon withholds it, so that the perceived distribution and the expressed distribution diverge progressively [78]. Kuran examines the falsification of preferences under social pressure and its consequence, that a distribution of expressed positions may be a poor guide to the distribution of held ones and may shift suddenly [76].

Where such a process operates, an organization's procedure of revision remains open and receives what the process permits. The convergence it observes has been produced in part by the position it occupies, and the agreement it records is evidence of the terms on which dissent is available. The consequence for measurement may be stated: a consultation outcome, a satisfaction measure and a consensus each record a quantity that the structure of the organization participates in producing.

18.5. The denials attaching to the test

Four denials attach, and without them the test would condemn any organization holding shared commitments. Agreement is consistent with the test, and an organization whose members agree because they have been persuaded satisfies it. An interpretation held with confidence is consistent with the test, provided that its holders can say what would bear against it. A determination that is final in a case is consistent with the test, since the question is whether the matter it settled remains open. An organization that declines a claim likewise satisfies the test where the claimant retains the standing to bring it again.

The test is failed in one condition only: where the person has no conduct available that would count against the interpretation held of him, or no utterance available that requires a

reply.

18.6. *The difficulty of application*

The test names a condition and supplies no observer. From a position inside a closed interpretation the closure is unavailable, since an attempt to point at it is itself received under the interpretation and confirms it. The parties holding the interpretation report in good faith that they remain open to evidence, and the report is what the test would need to go behind. Section 27 states the difficulty as the principal weakness of the account and declines to resolve it.

18.7. *Findings*

Three findings may be stated. An interpretation held of a person may reach a condition in which no conduct available to him would count against it, and in that condition a procedure of revision carries no information. The condition may obtain of an organization's own terms, in which case the agreement the organization observes is conditioned by the terms on which disagreement is available. The condition supplies, finally, a general form for the closure introduced at Section 15, which Section 19 uses in stating the criterion.

19. THE CRITERION OF RECOGNITIVE GENERATIVITY

This section states the criterion the paper proposes. Its object is to supply a standard of assessment that operates upon an organization's capacity, in place of a standard operating upon the arrangements whose limits Sections 3 and 16 recorded. The section states the criterion, gives its ground, distinguishes the finality of a determination from the closure of a question, enumerates the forms in which the capacity may be extinguished, and states at length the cases the criterion leaves uncondemned. The method is conceptual, the criterion is proposed for examination, and the section is severable from the constructive material that follows it.

19.1. *The criterion stated*

Proposed criterion 19.1. (Recognitive generativity). *An inclusion arrangement is unjust in respect of a person where it extinguishes the capacity of the relations concerned to generate a further term under which that person may appear as a party, whether or not he was admitted to any process and whether or not any determination went against him.*

The criterion assesses what an arrangement does to a capacity. Its object is the capacity to generate a further term of description, in the sense established at Section 13, where the terms an organization holds were shown to be the survivors of a continuing generative process.

19.2. The ground of the criterion

Three results established earlier support the choice of object.

Section 9 exhibited a form of failure in which every arrangement operates as designed while the term under which the person is held specifies him as a recipient of the organization's action. An assessment directed at arrangements passes over that failure, and an assessment directed at the terms reaches it.

Section 13 established that the terms in force were generated in practices whose composition determines whose narratives contribute, and that a person's absence from those practices produces no artefact. An assessment directed at the capacity to generate a further term reaches the level at which that absence operates.

Section 18 established that a procedure of revision may remain open and carry no information, since an interpretation may cease to be answerable to any conduct available to the person. The criterion asks after the capacity that such a procedure presupposes, and it therefore holds where the presence of the procedure settles nothing.

19.3. The finality of a determination and the closure of a question

The criterion turns on a distinction that must be stated precisely. A determination in a particular case may be final, and organizations require that determinations become final. Finality of this kind is consistent with the criterion, since the matter the determination settled may remain open for a further case, for a revision of the standard applied, and for the person concerned on a subsequent occasion.

Closure of a question is a different condition. A question is closed where the terms in which it could be raised have ceased to be available, so that no subsequent case can occasion its reopening. The criterion condemns closure and permits finality, and the two are separable in practice: an organization may hold a procedure that concludes cases quickly and retains the capacity to describe a case its terms do not fit.

19.4. The forms of extinction

Four forms may be distinguished, and the enumeration is offered as illustration.

Extinction may be procedural, where the stage at which a term could be examined is removed from the process, so that the terms enter the proceedings as given.

Extinction may be structural, where the practices in which terms are generated have a composition that excludes the persons the terms describe, and where nothing in the organization's arrangements bears on that composition.

Extinction may proceed by exhaustion, where a procedure of revision is available, is used, and returns nothing, so that the availability of the procedure is cited thereafter as evidence that the terms have been tested. This form presents as openness and functions as closure, and Section 18 supplies its analysis.

Extinction may proceed by attrition, where a distinction is retained in principle, is never exercised, and falls from use, in the manner Section 15 described. This form requires no act by anyone and has no author.

19.5. The cases the criterion leaves uncondemned

The criterion would be worthless if it condemned the ordinary operation of organizations, and the following are consistent with it.

An organization that declines an application satisfies the criterion where the terms on which it declined remain open to examination. An organization that concludes a case against a person satisfies it on the same condition. An organization that holds narrow terms satisfies it, since the criterion concerns the capacity to generate a further term and takes no position on which terms an organization ought to hold. An organization that admits few people satisfies it, since admission is not the object of assessment. An organization that has changed no term for a considerable period satisfies it, provided the capacity is retained.

Two consequences follow, and they are the criterion's principal claim to usefulness. An arrangement may admit every applicant, consult continuously, and fail the criterion, where the terms under which applicants are held cannot be occasioned to change by anything an applicant does. An arrangement may admit few and satisfy it. Assessments directed at access cannot deliver either result.

19.6. Findings

Two findings may be stated. A criterion directed at the capacity to generate a further term reaches the three forms of failure this paper has described, which assessments directed at arrangements pass over. The criterion also separates the finality that organizations require from the closure that the paper condemns, so that its application leaves ordinary organizational practice intact.

20. THE BOUNDS OF ADMISSION AND THE GROUNDS OF SEPARATION

This section states the position the account holds on admission, separation and the refusal of entry. Its object is to establish that the criterion of Section 19 imposes no requirement of admission, and to set out the grounds on which a separation may proceed under the constraint of Section 22. The section records the position already implicit in the criterion, names a ground the account rules out and gives two reasons for the ruling, states the ground that remains available, distinguishes a measure taken on conduct from a measure taken on a forecast, sets out the requirements attaching to prospective measures, treats incompatibility between parties, and records the allocation the account is unable to make. The method is conceptual, with the constraints drawn from the treatment of preventive measures in law.

20.1. *The position already held*

Section 19 recorded that an organization admitting few persons satisfies the criterion, and that admission is not the object of assessment. The point deserves statement in its own right, since an account developed under the heading of inclusion invites the contrary reading.

The criterion assesses what an arrangement does to the capacity of the relations concerned to generate a further term. An organization that declines an application, that maintains a small membership, or that separates from a member may satisfy that criterion completely. An organization that admits every applicant may fail it. The account therefore issues no requirement of admission, and it is compatible with an organization holding narrow terms of entry and applying them consistently.

20.2. *The ground the account rules out*

One ground for refusing or ending a relation must be named and excluded, since it is the ground the paper's own vocabulary most readily supplies.

Excluded ground 20.1. (Anticipated degeneration). *That the presence of a person, or the coupling of two parties, tends toward degeneration of the system supplies no ground for refusing entry or for ending a relation.*

Two reasons support the exclusion, and each is sufficient.

The first is the test of Section 22. The ground trades the position of a determinate person against a property of an aggregate, which is the form the account declines. Substituting generative capacity for welfare as the quantity aggregated leaves the form untouched, and an account that admitted the ground would be a consequentialism with an altered maximand.

The second concerns the structure of the claim. A measure taken on an anticipated degeneration removes the evidence by which it could be assessed. The party is separated, the anticipated condition does not arise, and its absence is available as confirmation that the measure was warranted. Nothing the party could do bears on the claim, since the party is no longer positioned to do anything. Section 18 established that an interpretation of this form fails the first clause of the proposed test, and a measure taken on this ground is therefore closed by construction.

20.3. *The ground that remains available*

The reformulation the account requires is a change of tense and of addressee. Obligations under this account run between persons, and the reason for acting is never a property of an aggregate at a future time.

Where the manner in which one member participates has produced a condition in which a second member is unable to be heard, the second member stands in the condition described at Sections 12 and 18. The obligation is owed to that member, it arises from facts that have

occurred, and it is assessable at the time it is asserted. No forecast is required, and no aggregate appears in the statement.

The constraint of Section 22 continues to bind on the other side throughout. Whatever measure is taken must remain answerable to the conduct of the party subject to it, must hold the difficulty as a description of a relation, and must leave that party's standing to contest the description intact after the measure has been taken.

20.4. A measure taken on conduct and a measure taken on a forecast

An objection is available at this point: every present measure directed at a future harm contains a prediction, so that the distinction collapses. The objection fails, and the reason is instructive.

A measure taken on conduct rests on a fact that has occurred, assessed against a term the organization stated in advance. The prediction is not the ground of the measure; the term is, and its application is contestable on the facts. The requirements this imposes on the term are the familiar ones for a rule that binds: it must be published, it must be prospective, and it must be applied congruently with its statement [82]. A claim about anticipated degeneration has neither an established fact nor an antecedent term, which is where the two cases part.

20.5. The requirements attaching to a prospective measure

Legal systems do act prospectively, in the granting of injunctions, in conditions imposed pending proceedings, in licensing, and in protective measures of several kinds. The scholarship on preventive justice examines the conditions under which such measures are held to be justified, and records how frequently those conditions are honoured in form alone [102]. Three of them may be stated for the present setting.

A prospective measure requires a present-fact predicate: something that has occurred or now obtains, ascertainable and open to dispute by the party affected. It requires an antecedent stated term, in the sense of the preceding subsection. It requires, third, a standing review at which the measure lapses unless it is justified afresh, with the burden resting on the party maintaining it.

The third requirement is the one that bears on the difficulty stated at Section 20.2, and its effect may be stated precisely. Under default lapse, the absence of the anticipated condition supplies no reason for continuing the measure, since continuation requires fresh grounds. The prediction is thereby returned to a condition in which something could count against it, which is the first clause of the test of Section 18 in institutional form.

A caution attaches to the whole of this subsection. The requirements are stated as constraints upon a ground, and they are not a recommendation that organizations construct tribunals, codes and appellate procedures. Section 16 recorded what happens to apparatus of that kind, and the literature on the construction of compliance structures records it in detail [14]. The form is available to an organization without the machinery.

20.6. Incompatibility between parties

A case remains in which no conduct of either party reaches any stated term, and in which the manner of participation of one is nonetheless incompatible with the participation of the other. Cases of this kind occur, and an account that passed over them would be of little use.

Two observations may be made. Culpability and incompatibility are distinct questions, and this account holds no doctrine of desert. A measure may be necessary and may attach to a party who has done nothing that any term reaches, and the inference from the necessity of the measure to the fault of the party is precisely the move the constraint of Section 22 forbids.

The incompatibility is a relation, and it holds between two manners of participation within a particular setting. The analogous case in the growing of plants is familiar: certain species release substances under which certain others fail, and the phenomenon holds between two species and a volume of soil, with neither species defective and each unremarkable elsewhere. The analogy carries the relational structure and stops there, since plants hold no interpretations of one another and nothing in Sections 12 and 18 transposes.

The discipline the constraint imposes may therefore be stated. An organization may hold that two manners of participation cannot both occupy a setting. It may not hold that a person is the source of a difficulty, since a description of that form is answerable to nothing the person does. The first course requires that alterations of the setting be examined before any separation, and the account has a good deal to say about such alterations at Sections 23 through 25.

20.7. The allocation the account is unable to make

Where two parties cannot both occupy a setting and no alteration of the setting is available, the account identifies an incompatibility and supplies no ground whatever for determining which party departs. The determination is made on considerations that lie outside the account: the order in which the parties arrived, the centrality of each to the work, the alternatives available to each.

The account makes one demand at this point, and it is the only one available to it. The considerations on which the determination rests should be stated as what they are. A determination reached on seniority or on centrality and presented as a finding about which party was the source of the difficulty has converted a condition into a property of a person, and the constraint applies to the presentation as much as to the reasoning.

20.8. The severity of a separation

One consequence deserves record. A separation is survivable where the person separated holds recognition relations elsewhere, and it stands differently where the relation ended was his only one. The point follows from Section 17, which described a person as standing within several relational systems at once, and it yields a burden upon an organization that rises as the density of a person's other relations falls. The burden falls heaviest where an organization

occupies the whole of a person's relational world, which is the ordinary condition of children in a school and of persons in institutional care.

20.9. Findings

Three findings may be stated. The criterion issues no requirement of admission, and refusal, small membership and separation are each consistent with it. Anticipated degeneration supplies no ground for a measure, on two independent arguments, and the ground that remains available is one owed to a determinate person on facts that have occurred. Where an incompatibility is genuine, the account further requires that it be held as a description of a relation, and supplies no ground for allocating its burden between the parties.

21. THE RELATION OF RECOGNITION TO PARTICIPATION AND TO INTERPRETATION

This section situates the account among adjacent objects of justice. Its object is to state the relation the paper claims between recognition, participation and interpretation, and to decline a stronger claim that the material might appear to support. The section records the positions taken in the literature, states the relation adopted here, draws the consequences, and records a recurrence of form together with its most likely explanation. The method is comparative.

21.1. The positions taken in the literature

The relation among these objects has been contested. Fraser holds recognition and distribution to be co-fundamental and declines to derive either from the other, adding representation as a third dimension concerning the frame within which claims are posed [19, 48]. Honneth holds recognition to be the overarching category, within which distributive claims appear as claims about esteem [25]. Schlosberg holds recognition, distribution, capabilities and participation to be interrelated and interdependent, with no ordering among them [37]. Young separates external exclusion, in which a person is kept from a process, from internal exclusion, in which he is present and the prevailing norms of address deprive his contribution of effect [85].

21.2. The relation adopted

This paper declines the claim that recognition is prior in justification to participation or to interpretation. The claim of priority would require an argument the paper does not supply, and the interdependence recorded by Schlosberg and the co-fundamentality maintained by Fraser are consistent with everything argued here.

The relation the paper does claim is one of localization. Recognition, in the sense fixed at Section 2, is level independent: it may fail at any of the six sites distinguished in Section 10. Participation and interpretation name particular sites. A question of participation arises at the institutional level and concerns arrangements. A question of interpretation arises at the

interpretive level and concerns uptake. Recognition failure occurs at those sites and at four others.

21.3. The consequences of the relation

Two consequences follow. An account of participation and an account of interpretation are each complete within their own level and leave the remaining levels untreated, which explains why an organization may satisfy both and stand in the condition Section 12 described. A claim of recognition failure is likewise answerable at whichever level it is made, so that a response addressed to a level other than the one at issue leaves the claim standing. Young's internal exclusion is the case in which this is already visible in the literature: an answer framed in terms of access addresses a claim framed in terms of address [85].

21.4. A recurrence of form

The criterion proposed at Section 19 has a form that a criterion of participation and a criterion of interpretation would share, were each stated for its own level. In each case the assessment falls upon what an act does to the capacity of the relations concerned to produce a further determination of the matter the act settled.

The recurrence is offered as weak evidence for the criterion, and the alternative explanation is stronger and should be stated: a single framework applied at three levels by one author will produce criteria of one form, and the recurrence is then a property of the framework and supplies no independent support. A reader should treat the recurrence as an invitation to test the criterion at each level separately.

21.5. Findings

The paper claims level independence for recognition and declines priority over participation and interpretation. The claim is weaker than the material might appear to support, and it has the advantage of consistency with the positions the literature has established.

22. THE CONSTRAINT FORM AND THE REFUSAL OF AN OBJECTIVE FUNCTION

This section states the normative form of the account, and it governs the four sections that follow it. Its object is to establish that the account supplies a floor and declines to supply a ranking, and to give the reasons for the refusal. The section names the temptation the paper's vocabulary creates, proposes a test for detecting it, refuses an objective function of any order, states the constraint, locates plurality within the constraint, and records what the refusal costs. The method is analytic, and the section is intended to be read before the constructive material.

22.1. *The temptation the vocabulary creates*

The paper's vocabulary invites a formulation it must decline. Where generativity is the object of assessment, a natural next step holds that a system ought to have more of it, and that arrangements may be ranked by how much they yield. The step is available, it is easy, and taking it would place the account among the positions it was developed to distinguish itself from.

The difficulty is not the word chosen. Any object of maximization admits the same sentence, and the sentence has a familiar form: the removal of a party improves the aggregate, and the improvement is sometimes real. Where the aggregate is what the account values, the account has supplied a reason for the removal, and a reason confers legitimacy.

22.2. *A test for the presence of the difficulty*

The signature of the difficulty is aggregation across persons, and a test follows from it.

Test 22.1. (Aggregation). *A formulation belongs to the family this account declines where it permits the capacity of one person to be traded against the capacity of another, so that a loss to one may be compensated by a gain to a second.*

The test is applicable line by line, and it is independent of vocabulary. A formulation that avoids the word maximize and permits the trade belongs to the family. A formulation that uses evaluative language and forbids the trade does not. The objection to aggregation across persons is long established, and its classical statement holds that a doctrine of this form fails to take seriously the distinction between persons [83, 84].

22.3. *The refusal of an objective function of any order*

A formulation is available that appears to escape the test by moving up one order: a system ought to maximize its capacity to generate and to revise its own values. The formulation is attractive and does not escape. It remains an objective function, the sentence about removal remains available in its second-order form, and instances in which the removal of dissent raised a community's capacity to revise its own commitments are a matter of historical record.

The account therefore holds no objective function, of any order. It ranks nothing, and Section 2 declared the corresponding exclusion at the outset. Generativity in this account is a descriptive term, standing for a capacity whose presence or absence may be examined, and it supplies no reason for any action.

22.4. *The constraint*

In place of a function the account states a floor.

Constraint 22.2. (Conditions and persons). *An obstacle to generation may be a condition and may not be a person. The class of obstacles is closed against persons, and no assessment of a*

system's capacity licenses the treatment of a person as an item within that class.

The constraint is not an additional moral premise, and it follows from material established earlier. To hold that a person is an obstacle is to hold an interpretation of him whose truth requires that he fail to generate. An interpretation of that form is defeated by nothing he does, since conduct that succeeds is read as the obstacle operating and conduct that fails confirms the description. Section 18 established that an interpretation of this form fails the first clause of the proposed test, and the constraint is the application of that clause to a particular description. A system that places persons in the class of obstacles has therefore closed a question about them, whatever its account of its own purposes.

22.5. The location of plurality

An argument is available that plurality in an organization sustains its capacity, and the argument is sound as description. The account declines to use it as a reason, since a defence of plurality by its contribution to capacity permits the trade the test forbids: where a particular difference is shown to lower capacity, the same argument licenses its removal.

Plurality is therefore located within the constraint. A system that resolves a difference by removing the party who holds it has treated a person as an obstacle, and the constraint applies without any assessment of what the removal would yield. The incommensurability of the values held within a plural order is a separate matter, and it is a standing result that such values may conflict with no resolution available [81].

22.6. The cost of the refusal

The refusal is expensive, and the cost belongs in the open. An account in constraint form rules conduct out and offers no guidance where the floor is untouched. It cannot rank two organizations that both respect it. It cannot say which of two reforms is preferable. It cannot advise an organization that is doing nothing wrong and would like to do better. The precedent for accepting these costs is the treatment of law's internal morality as a set of constraints upon the enterprise, with the model of an end pursued set aside [82].

The five conditions that a systems account would offer in place of a ranking, concerning generativity, adaptability, inclusiveness, reflexivity and the richness of a relational network, retain a use within the constraint form, on one condition. They are commitments, and they should be stated as commitments. Presenting them as properties of a healthy system would conceal a normative choice inside a description, which is the practice the account objects to in the assessment regimes examined at Section 16. Their defensible form is a list of questions that a person affected has the standing to raise.

22.7. Findings

Three findings may be stated. The account holds no objective function, of any order, and the test by aggregation is available to check any formulation within it. The floor it states follows from the test proposed at Section 18 and requires no further premise. The refusal costs the account, finally, any capacity to rank, which Section 27 records among its limits.

23. RELATIONAL ADAPTATION MECHANISMS AND THE CONDITIONS OF THEIR EMERGENCE

This section opens the constructive part of the paper, and it operates under the constraint stated at Section 22. Its object is to characterize the mechanisms through which an organization retains the capacity that Section 19 made the object of assessment, and to establish why those mechanisms differ in kind from the instruments surveyed at Section 3. The section advances an argument concerning what an installed instrument can reach, describes the alternative, records the substantial prior work on emergent organizational mechanisms, states the respect in which emergence supplies no assurance, and identifies what distinguishes the mechanisms the account is concerned with. The method is conceptual, and the central argument turns on a premise that is stated so that a reader may contest it.

23.1. *The reach of an installed instrument*

An instrument is installed by being specified. A consultation requirement specifies who is consulted, on what, and at what stage. A grievance channel specifies what may be brought and by whom. An accessibility standard specifies a condition and a means of verifying it. Specification is what makes an instrument an instrument, since an unspecified requirement affords no way of establishing whether it has been met.

Proposition 23.1. (Installation and record). *An installed instrument is specified, and what is specified admits of record. An instrument therefore operates at the levels at which failure admits of record, and its reach coincides with the boundary drawn at Section 10.*

The proposition supplies the explanation the paper has been carrying since Section 3, where the absence of any assessment directed at whether a person became available as a party was recorded as systematic. The absence follows from what an instrument is. A reader may contest the premise by holding that a requirement may be specified in terms whose satisfaction is unrecordable, and the strongest candidate is a requirement stated as an obligation of attention. The reply available to the account is that such a requirement is verified by its outputs, which returns the difficulty.

Section 12 supplies the illustration. Consultation requires an account, and a grievance channel requires a complaint. A person at a level standing in the condition that section described has neither, since the conduct concerned consists of omissions each of which is unremarkable. The channel meets every effectiveness criterion and receives nothing.

23.2. *The alternative and its character*

The mechanisms that reach the remaining levels have a different character. They arise from the relational structure of an organization, they are maintained in the conduct of its members, and they alter as that conduct alters. A member who answers a colleague whose contribution went past unremarked has operated such a mechanism, and there is nothing to install and nothing to record. Mechanisms of this kind may be described, and they may be favoured by conditions an organization holds, and they are produced by no specification.

23.3. *The prior work on emergent organizational mechanisms*

The account claims little novelty here, and the prior work is extensive.

Feldman and Pentland reconceive organizational routines as a source of change together with stability, distinguishing an ostensive aspect, by which participants guide, account for and refer to performances, from a performative aspect, which creates, maintains and modifies the ostensive; the distinction is one they adapt from Latour [87]. The relation between the two aspects affords a continuing opportunity for variation, selection and retention within the routine itself. In later work they characterize routines as generative systems possessing internal structures and dynamics [118].

That vocabulary anticipates the present one, and the difference to record is one of object: their concern is the alteration of the routine, and the concern here is what such alteration does to the terms under which a person is held.

Ostrom's studies of common resources establish that arrangements crafted by the participants themselves may sustain a resource where arrangements imposed from outside fail [98]. Her later framework works with the rules in use, which she also calls working rules and glosses as the instructions learned on the ground that may appear in no written document [99]. The distinction between these and the rules set down in a formal instrument covers ground close to Section 23.1, and it was reached decades earlier by a different route.

One qualification should be entered against any strong use of that distinction. Ostrom does not hold written rules to be inert, and her own exposition of the rule types draws extensively on formal legal provisions [99]. The reading on which rules in use displace written rules is one the term has attracted in later use, and the present account does not rely upon it.

The adaptive governance literature examines the capacity of institutions to reorganize under disturbance, and treats that capacity as the object of assessment for social and ecological systems together [88]. Situated learning and the study of communities of practice establish that competence and membership are negotiated in practice, and that participation is the medium through which both are constituted [90, 100].

One position must be distinguished, since the argument might otherwise be assimilated to it. Hayek argues against what he calls constructivist rationalism, the conception on which social institutions are, and ought to be, the products of deliberate design, and his objection

rests on the dispersal of knowledge: an order made wholly dependent on design would restrict the use of knowledge that no single mind holds [89]. His distinction between grown and made orders carries an evaluative weight, and he does not hold that institutions are beyond deliberate alteration.

The present account differs from that position in two respects. Its argument for emergent mechanisms turns on the recordability of failure at a level and makes no claim about the dispersal of knowledge. Section 23.4 further holds emergence to be symmetric, which withholds from an order any commendation that follows from its having grown.

23.4. The symmetry of emergence

Emergence supplies no assurance of anything, and the account would be worthless if it implied otherwise. The rule of address described at Section 12 is itself an emergent mechanism: it arises from the relational structure, it is maintained in the conduct of members, it alters as that conduct alters, and it was installed by no one. In one respect it is more durable than the mechanisms this section commends, since it requires no maintenance once established, the person concerned having assumed the work of sustaining the description under which he is held.

The question of what distinguishes the mechanisms worth having is therefore unavoidable, and an answer by origin is unavailable. The answer the account gives was stated at Section 18: a mechanism is of the kind the account is concerned with where the person it bears upon retains conduct that would count against the interpretation held of him, and retains an utterance that requires a reply. The criterion of Section 19 is the same requirement stated for the organization's terms.

23.5. Findings

Three findings may be stated. An installed instrument reaches the levels at which failure admits of record, and its inability to reach the others follows from what specification is. Mechanisms reaching the remaining levels arise from the relational structure and admit of no installation, and a substantial literature has described mechanisms of that kind without connecting them to recognition. Emergence supplies no assurance, and the mechanisms the account commends are distinguished by the test of Section 18 and by nothing about their origin.

24. COMMON EXPERIENCE AND THE FORMATION OF UNCOERCED TRUST

This section states the condition under which the mechanisms described at Section 23 arise. Its object is to establish that those mechanisms rest on trust of a particular kind, and that trust of that kind is formed through a history held in common by the parties. The section distinguishes two sources of trust, states what a guarantee accomplishes and what it leaves undone, presents

the resulting circulation, and records the prior work. The method is conceptual, drawing on the sociological literature on trust.

24.1. The sources of trust distinguished

Luhmann distinguishes three conditions, familiarity, confidence and trust [95]. The distinction between the second and the third turns on the consideration of alternatives: a party proceeds in confidence where alternatives do not come into view, and trusts where alternatives are present and a risk is accepted in choosing to proceed. His earlier study treats trust in relation to the reduction of social complexity [94]. Zucker's historical study distinguishes three modes by which trust is produced: a process-based mode resting on past or expected exchange between particular parties, a characteristics-based mode resting on ascribed characteristics and on membership of a cultural or social group, and an institution-based mode resting on formal structures such as certification, regulation and professional credential [101]. Her account traces the growth of the third across a period in which the conditions supporting the first two were disrupted. The second mode deserves note here, since trust extended on the basis of an ascribed characteristic is precisely the arrangement Section 9 examined, in which a person is held under a category that determines his standing in advance of anything he does. Later work has examined the ongoing character of trusting as an activity and the alteration of its basis over the course of a relationship [96, 93].

24.2. The accomplishment of a guarantee

A guarantee makes exposure unnecessary. Where an arrangement is enforced, a party may proceed on the enforcement, and his willingness to proceed carries no information about the other party. The arrangement has substituted for trust and has produced none, and the substitution is ordinarily an improvement, since guarantees are cheaper and are available between strangers.

The substitution has a limit that bears on this paper. The conduct at the levels described at Sections 11 and 12 lies beyond any guarantee, since a guarantee operates upon what may be specified and established. Whether a colleague's contribution is taken up, whether an utterance receives a reply, whether a member's judgment remains answerable to the conduct of the person judged: none is available for enforcement, and each proceeds on the terms the parties hold toward one another.

24.3. The formation of trust through a history held in common

Trust of the first kind is formed through a history that the parties hold together and interpret together. What such a history supplies is a body of occasions on which the parties acted and were answered, and against which a subsequent interpretation may be tested. Its bearing on the account may be stated directly: the test of Section 18 asks whether conduct available to a

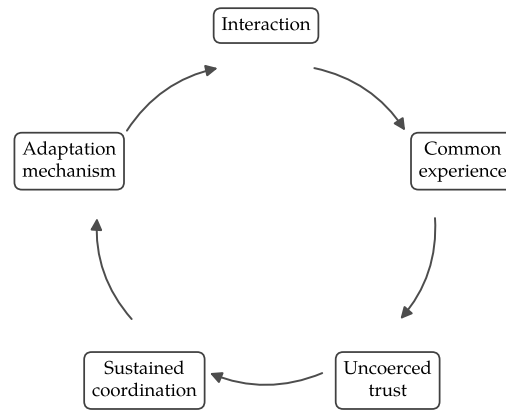


Figure 2: The circulation the section describes. The figure states an order of dependence and carries no claim about rates, about the time any transition requires, or about the stability of the circulation. Each transition may fail, and the section states no condition under which any of them is assured.

person would count against an interpretation held of him, and a history held in common is what makes conduct available for that purpose. Where the parties hold no such history, an interpretation has nothing to answer to.

24.4. *The circulation*

The relation among the terms is a circulation, and its direction bears on the design of institutions. Interaction produces a history held in common. A history held in common permits trust of the first kind. Trust of that kind permits coordination that no guarantee underwrites. Coordination of that kind is what an adaptation mechanism consists in, and its operation produces further interaction.

An institution designed from the opposite direction, proceeding from a rule to conduct and expecting trust to follow, obtains conduct and confidence, and Zucker’s account describes the conditions under which that is the available course [101]. The circulation in Figure 2 is offered as a description of an order of dependence, with no claim that any transition within it is assured.

24.5. *The adjacent literatures*

Two bodies of organizational research describe conditions closely related to the one this section states. Work on psychological safety introduces the construct of a shared belief held by members of a team that the team is safe for interpersonal risk taking, and reports from a study

of fifty-one teams in a manufacturing firm that learning behaviour mediates between that belief and team performance [86]. The construct is distinguished from trust in that literature, psychological safety being a property of a group and concerning what a member expects to receive from others, and trust a feature of a relation between particular parties. Work on organizational silence describes the conditions under which members withhold what they hold, and the systemic character of the withholding [97]. Each measures its object by survey, which places both at the levels that admit of record, and Section 18 recorded the difficulty that attaches to a measure obtained by asking.

24.6. *Findings*

Three findings may be stated. Trust formed through a history held in common and confidence resting on a guarantee are distinct, and the second is unavailable at the levels this paper is concerned with. A history held in common supplies what the test of Section 18 requires, namely something for an interpretation to answer to. The order of dependence, finally, runs from interaction toward institutional form, so that an arrangement introduced ahead of the history it presupposes obtains conduct and leaves the capacity untouched.

25. LISTENING AND THE PERCEPTION OF ANOTHER'S RELATIONAL GRAMMAR

This section characterizes the operation through which a history held in common is produced. Its object is to state what listening consists in for the purposes of this account, and to distinguish the operation it performs upon difference from the two operations described at Section 14. The section states the object of perception, records the underdetermination attaching to it, distinguishes coupling from commensuration and translation, gives the argument available for coupling, states the pathology to which coupling is subject, and records what the section declines to claim. The method is conceptual, and the vocabulary is used descriptively, with no formal apparatus claimed.

25.1. *The object of perception*

Listening in the ordinary sense concerns the content of an utterance. The operation this account requires concerns something further: the manner in which the speaker generates meaning, the terms in which his account is framed, and the distinctions his account relies upon. Uptake conducted entirely within the terms of the receiver renders an utterance and leaves this object untouched, which is the condition Dotson describes as the continued use of a dominant interpretive resource in the presence of a speaker who holds the resources his experience requires [12].

25.2. *The underdetermination of the object*

The object so described admits of no direct observation. What is available to a listener is a finite series of utterances, and the terms in which they were framed are inferred from them. Inference of this kind is underdetermined, and the general point is long established in the philosophy of language [73].

The consequence favours the account. An operation whose object is underdetermined by any finite evidence must be continuous and must remain revisable, which is what the account requires of it. It also states precisely the limit of a consultation. A consultation samples utterances on an occasion, and an inference to the terms in which they were framed requires an interaction extended in time. The failure of a consultation to accomplish what listening accomplishes therefore follows from the object, with the design of the consultation left intact.

25.3. *The operations upon difference distinguished*

Section 14 distinguished commensuration, which transforms qualities into a common measure and leaves one order standing, from translation, which maps between orders and delivers a version. Coupling is the third operation: two orders are held in mutual perturbation, each retaining its own terms, and each subject to alteration by the other.

Coupling differs from translation in that the receiving order is altered, and it differs from commensuration in that both orders persist. Its cost is that neither party finishes with the order it began with.

25.4. *The argument available for coupling*

The account gives no argument that coupling improves the functioning of an organization, and Section 22 states why an argument of that form is unavailable to it. The argument available is negative and proceeds from the constraint.

Where one order interprets all parties, a party whose account is framed in another order has no conduct available that would count against the interpretation returned to him, since every such account is rendered before it is assessed. Subsumption of this kind therefore fails the first clause of the test proposed at Section 18. Coupling is what remains available once subsumption is excluded, and the account commends it on that ground alone.

25.5. *The pathology attaching to coupling*

Coupling admits of a failure of its own. Where the coupling between two orders is strong, the orders converge, and convergence delivers a single order by a second route. The condition described at Section 18, in which the terms on which disagreement is available determine the agreement observed, is convergence of exactly this kind.

A formulation is available that would resolve the difficulty by locating an optimum, holding that coupling should be strong enough to transmit and weak enough to preserve distinct-

ness. The formulation is unavailable to this account, since an optimum is a value function and Section 22 declined to hold one. What the account states is the pair of floor conditions: subsumption fails the test, and an absence of any transmission leaves the orders unrelated and reproduces the condition Section 14 described as an unresolved conflict borne by the parties standing between. The region between them is left unlocated.

25.6. The minimal operation

One operation may be stated at the smallest scale at which the account applies. Where a person's utterance carries a requirement of a reply, the second clause of the test is satisfied at the symbolic level, and the description that Section 12 showed to be generated by the person himself is met by an occasion he did not supply. The operation requires no assessment of his contribution and no defence of him. It requires a reply.

Its efficacy, so far as it has any, lies in its character as an occurrence. The description at issue asserts that the person's utterances carry no requirement of a reply, and a reply is inconsistent with the assertion in a manner that an assurance is not.

25.7. The denials attaching to the section

Three denials attach. The section claims no gain in organizational functioning of any kind, and Section 22 forbids the account from resting on one. The vocabulary of orders and of coupling is used descriptively, and no formal apparatus is claimed for it here. The minimal operation is stated, further, as a description of what would satisfy a clause of the test, with no claim that it is sufficient in any case, and with the observation that a person whose position has been settled at other levels may receive a reply and remain where he was.

26. THE REPRODUCTION OF RELATIONAL WEALTH AND ITS COUNTERFEITS

This section closes the constructive part by treating the accumulated product of the operations described at Sections 24 and 25. Its object is to record the prior work on that product, to identify the form in which it is counterfeited, and to propose a distinction between the two. The section records the literature, describes the counterfeit, states the proposed distinction, and restates the constraint that governs the whole of this part. The method is conceptual.

26.1. The prior work

The accumulated capacity of a set of relations has been treated at length in organizational research. Leana and Van Buren develop organizational social capital as a resource reflecting the character of social relations within an organization, realized through associability and trust, and examine the employment practices that build and deplete it [91]. The collection on relational wealth examines the advantages of stable relations under conditions of change, and

the mechanisms through which those advantages are dissipated [92]. The vocabulary of the present section is drawn from that work, and the account claims no independence from it.

One difference of object may be recorded. That literature treats the resource in respect of what an organization accomplishes with it. The present account treats it in respect of what it makes available to a person, namely a history against which an interpretation held of him may be tested.

26.2. *The counterfeit*

The operations described at Sections 24 and 25 have an obvious counterfeit, and an account that passed over it would be of little use. An organization may arrange occasions on which its members are together, may require their participation, and may afterward hold a history that its members share. Occasions of this kind satisfy any behavioural description of common experience, and they are compatible with every condition this paper has described as failure.

26.3. *The proposed distinction*

A distinction is available, and it follows the pattern the paper has used throughout.

Proposed distinction 26.1. (Generative and arranged experience). *A history held in common bears on the capacity this paper is concerned with where it is capable of producing a result the organization did not intend. A history incapable of producing such a result stands to the organization's terms as evidence that confirms them, and it satisfies no clause of the test proposed at Section 18.*

The distinction is a further application of the first clause. An occasion arranged so that its outcome is settled in advance affords the parties nothing that could count against the terms in force, and its accumulation therefore supplies no history against which an interpretation may be tested. An occasion capable of returning a result the organization did not anticipate affords precisely that.

The distinction carries a consequence for the design of such occasions, which may be stated in one direction only: an occasion whose outcome is specified in advance is of the counterfeit form. The account offers no procedure for producing occasions of the other form, and Section 27 records the omission.

26.4. *The constraint restated*

The material in Sections 23 through 26 is exposed to a formulation the account declines, and the point at which it enters is the present section. The formulation holds that an organization ought to listen, and to accumulate a history with its members, because doing so sustains its capacity and therefore its functioning. Section 22 refused a formulation of that form, and the refusal applies here at its strongest, since the material of this part is the most readily convertible

into advice.

The position the account holds is available in a single sentence. A reply is owed to the person who spoke. What an organization gains by the practice is an observation about its dynamics, and the observation supplies no reason for anything.

26.5. *Findings*

Two findings may be stated. The accumulated product of the operations described in this part has been treated at length in organizational research, and the present account adds only a difference of object, treating the product in respect of what it makes available to a person. The product also admits of a counterfeit that satisfies every behavioural description of it, distinguishable by whether the occasions composing it are capable of returning a result the organization did not intend.

27. THE STANDING AND THE LIMITS OF THE ACCOUNT

This section states what the paper has claimed, at the confidence each claim carries, and sets out the weaknesses of the account. Its object is to place a reader in a position to take part of the paper and to decline the rest. The section records the standing of the several claims, sets out six limits, and states the severability of the paper's parts. The method is a statement of position, and no argument is advanced in it.

27.1. *The standing of the claims*

The findings of Sections 3 through 9 are survey findings, and they are held with the confidence the underlying literature supports. The arrangement of levels at Section 10 is an organizing device, offered for its usefulness. The theses of Sections 13 and 16 are working theses, offered for examination. The test of Section 18, the criterion of Section 19 and the distinction of Section 26 are proposals. The constraint of Section 22 is a position, and the arguments for it are given there.

27.2. *The absence of a procedure of assessment*

The account supplies no procedure by which the condition of a level in a given organization could be established. The criterion asks after a capacity, and the paper offers no method of observing one. This is the most serious of the limits, and it is shared by the test of Section 18, which names a condition and provides no means of detecting it.

27.3. *The absence of an observer*

Section 15 established that the condition of a level cannot be settled by asking the parties, since a party at a level standing in closure reports in good faith that the situation is in order.

Section 18 established that an attempt to point at a closed interpretation is received under that interpretation. Together these place the account in the position of describing a condition that neither the parties nor an outside observer is well placed to identify. The paper offers no resolution.

27.4. The absence of a remedy in the motivating case

The condition described at Section 12 supports no complaint, admits of no instrument, and produces no artefact. Section 25 states an operation available at the smallest scale, and states also that a person whose position has been settled at other levels may receive a reply and remain where he was. The account therefore reaches its motivating case and offers little to a person occupying it.

27.5. The limits of the constraint form

Section 22 refused an objective function and accepted the cost. The account cannot rank two organizations that respect its floor, cannot advise on the better of two reforms, and offers nothing to an organization that is doing nothing wrong and would like to do better. Section 20 adds a further instance: where an incompatibility is genuine, the account cannot say which party should bear it.

27.6. The unit and the scale

The unit throughout is a single organization. Section 17 treated the transmission of failure from relations at a larger scale in outline, and left the jurisprudential questions untouched: the forum in which a claim may be advanced where the determining relation is conducted above the state, and the standing of such a claim in the absence of a coercive order, are unresolved here and are contested in the literature.

27.7. The borrowed form and the unavailable apparatus

Section 20 takes the form of its constraints from the treatment of preventive measures in law, while Sections 16 and 23 hold that the apparatus through which legal systems administer such constraints is unavailable to organizations. The account therefore recommends a form and declines the machinery developed to carry it, and it offers no account of what carries the form in the machinery's absence.

27.8. Severability

The parts of the paper may be taken separately. A reader who declines the working thesis of Section 16 may hold the test of Section 18 and the criterion of Section 19, which rest on the analysis of Sections 12 and 13 and require no claim about measurement. A reader who declines the criterion may hold the survey findings of Sections 3 through 9 and the arrangement of

Section 10. A reader who declines the constructive material of Sections 23 through 26 may hold everything preceding it. The reverse dependencies do not hold: the constructive material presupposes the criterion, and the criterion presupposes the analysis of closure.

28. OPEN QUESTIONS, WITH NOTES ON METHOD AND SURVEY

This closing section lists the questions the account leaves open and records how the paper was prepared. The questions are grouped by the part of the account they bear upon, and each is stated in a form that would permit an answer to be attempted independently of the rest.

28.1. *Questions concerning the levels*

The first group concerns the arrangement proposed at Section 10.

Whether the six levels are the right divisions, and whether a seventh is required, remains open; the arrangement was defended by its usefulness alone. Whether recordability admits of a sharper definition than the one given, and whether the three grades distinguished there are stable across settings, is unexamined. Whether failure at one level propagates to another, and in which direction, is left untreated, since Section 10 declined any causal ordering. Whether the condition described at Section 12 is common or rare is a matter for empirical work that the paper does not undertake.

28.2. *Questions concerning the capacity*

The second group concerns the object the criterion assesses.

Whether the capacity to generate a further term admits of any observable indication, given that Section 27 records the absence of a procedure, is the question on which the usefulness of the criterion depends. Whether the absorption of refutation can be detected by any party positioned inside the relation, or by any party outside it, is unresolved. Whether the capacity is preserved across changes in the composition of an organization, so that a capacity held at one time survives the departure of those who held it, is untreated. Whether attrition, the form of extinction described at Section 19 that has no author, admits of interruption at all is open.

28.3. *Questions concerning instruments, scales and separation*

The third group concerns the practical apparatus.

Whether an instrument may be specified in terms whose satisfaction is unrecordable is the premise on which Section 23 turns, and it was stated there so that it could be contested. Whether an organization may hold the constraint form of Section 20 in the absence of the apparatus that carries it in legal systems is unanswered. Whether the transmission described at Section 17 admits of interruption at the organizational level, and what would count as interrupting it, is left open. Where two parties cannot both occupy a setting, on what ground the

burden of the incompatibility is allocated is a question the account declines, and it is left as a question for others. Whether non-human parties hold standing under any part of this account is not addressed.

28.4. *Notes on method and survey*

The paper proceeded by survey and by conceptual proposal. The survey covered the philosophical literature on recognition, the literature on epistemic injustice, organizational research on inclusion and on the divergence between formal structures and practice, the study of classification, the literature on covert and unattributable exclusion, work on legal pluralism and on institutional logics, research on trust and on emergent organizational mechanisms, and the principal international instruments prescribing inclusion mechanisms together with the available evaluations of their implementation.

Two limitations of the survey should be recorded. It was conducted in English and drew on materials available in that language, so that scholarship published in other languages is under-represented. The treatment of the international instruments also rests on the instruments themselves and on published evaluations, with no field material of any kind.

The conceptual proposals were developed within the framework stated at Section 1, and their dependence on it should be borne in mind by a reader who does not share it. The criterion, the test and the constraint each presuppose that the terms under which a person is described are generated in relations and are alterable within them. A reader who holds that such terms are fixed by an organization's function will find the analysis descriptive and the proposals without purchase.

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