

*Wolfgang Detel*

## On the Concept of Basic Social Norms

*Abstract:* In sociology, social philosophy, social ontology, and classical choice theory the notion of a social norm is usually introduced by using a rich normative, semantic, and social vocabulary, while the notions that evolutionary game theory proceeds from seem too poor to elucidate the idea of social norms. In this paper, I suggest to define a notion of social norms that is as basic as possible, in the sense that it relies only on notions like affects, feelings as well as regularities, standards, and corrections of behaviour. These notions suffice to explain non-linguistic traditions, practices, sanctions, and, finally, basic social norms. Two of the aims of the paper are, first, to clarify the idea of genuine normativity and second, to explore whether the sort of normativity involved in basic social norms is part of a bridge between nature and the social realm.

### 1. Social Norms in Sociology and Social Ontology

The concept of social norms is one of the most fundamental notions of social ontology—if not the most fundamental of these notions. The social realm is often identified with the realm of social norms. And yet, if one looks at the leading positions of social ontology, one discovers immediately that there is considerable disagreement about how best to introduce the notion of social norms. What, for instance, should we think about the relation between regularities of behaviour and standards, conventions, rules, norms in general as well as social norms in particular?

The great sociologist *Max Weber* takes the discovery of social rules to be the crucial task of sociology. However, the notion of a social rule is introduced by Weber, not as a fundamental sociological notion, but rather late in his system of basic sociological notions. Weber conceived, first of all, of the social realm as constituted by social actions. According to Weber, actions are a behaviour connected with subjective sense, as he says, that is, with contentful intentions. An action of an agent is social, if the agent makes his actions in part dependent of his interpretation of the actions of other agents. Therefore, social actions can and must be interpreted ('*verstanden*'), i.e. the contents of the intention which transforms behaviour into actions can be grasped such that the sensible relation between the actions is universal. But Weber thinks social actions can also be embedded in regularities that reveal, not the reasons, but the causes of the actions. A series of actions is called sense-adequate, if this series can properly

be interpreted; the series is causally adequate, if it represents a certain type of regularity such that all actions of the series except for the first one can be causally explained by subsuming them under the regularity. Finally, according to Weber a social rule is a series of actions which is sense-adequate as well as causally adequate. It is plain, therefore, that Weber's notion of a social rule is a very complex concept, relying, among other things, on the notions of action in general, social action in particular, and regularities on the level of causal as well as rational relations.<sup>1</sup>

Sociological dictionaries and introductory books define social norms often as rules that are enforced in a community, leaving the social concepts of a rule and rule-following unexplained. In the *Routledge Encyclopedia of Philosophy*, for example, social norms are defined by reference to rules.<sup>2</sup> And in the article on social institutions in the *Stanford Encyclopedia of Philosophy*, social norms are defined (a little strangely) by reference to regularities as well as norms in general and, in addition, to propositionally contentful mental states and even to morality.<sup>3</sup> The surprising result is that in sociology and traditional social philosophy the notion of social norms is not felt to be a particular fundamental one. Rather, the suggestion is to define social norms in terms of a rather rich normative vocabulary without offering an explanation of this vocabulary. Obviously, definitions of this sort are of little help.

According to *Margaret Gilbert* a social norm may be defined as the rule of a particular group. It is then to be explained what it is for a group to have a rule. Gilbert's answer is, roughly, that for a group to have a rule consists basically in the group's members jointly accepting the rule by agreeing to conform to it, i.e. to enter a joint commitment to accept that rule together somehow as a body. However, this account presupposes a lot of things—not only rules (so that the account seems to be circular), but also language, joint (and explicit?) agreements and commitments (which are themselves, in turn, not really analyzed), so that the notion of social rules is by no means fundamental any more (Gilbert 1989).

*Hart* has proposed a practice theory of social norms. The key idea is the following: *s* is a social norm in group *g* consisting of members *m* if (i) *s* is a pattern of behaviour to which *m* regularly conform within *g*; (ii) *m* regard *s* as a standard by which the behaviour of *m* may be judged as correct or incorrect;

<sup>1</sup> See for instance Weber 1995/1920.

<sup>2</sup> "A social norm may be defined as the rule of a particular social group." Similarly, in a forthcoming article in the *New Palgrave Dictionary of Economics* (second Edition, edited by Steven N. Durlauf/Lawrence E. Blume, London) the following definition is offered: "*Social norms* are customary rules of behavior that coordinate our interactions with others. Once a particular way of doing things becomes established as a rule, it continues in force because we prefer to conform to the rule given the expectation that others are going to conform." This is, of course, pretty much the idea of social norms sketched in Lewis 1969 which relies even on mental states having propositional content.

<sup>3</sup> Social norms are regularities that are also norms; agents believe that they have a duty to conform or that they otherwise *ought* to conform. Such norms include agents respecting and enforcing rights. Here the 'ought' is not that of mere instrumental rationality; it is not simply a matter of believing that one ought to conform because it serves one's purpose. Some conventions and most rules are also norms in this strong sense. For example, the convention and the law to drive on the left is a norm; people feel that they ought to conform. This strong (and wide) sense of 'ought' *includes*—but is not exhausted by—the so called *moral* 'ought'.

(iii)  $m$  believe that, all equal, they ought to conform to  $s$ ; (iv)  $m$  believe that they are justified in forcing one another to conform to  $s$ ; and (v) in typical cases, such pressure will be exerted on deviants or on people who threaten deviance, for instance by way of sanctions. Group behaviour satisfying (i) and (ii) is called a practice.<sup>4</sup> It is obvious that Hart tries hard to analyze the notion of social norms by reference to more basic social notions like ‘practice’, ‘standard’, ‘social pressure’ and ‘correcting’, and this is certainly the right way to proceed; still, Hart refers, in addition, to ideas like believing propositionally that people *ought to conform* to patterns of behaviour—ideas that seem to presuppose more than is acceptable if the notion of social norms is to be truly fundamental.

Raimo Tuomela offers a more comprehensive and complex theory of social norms (see, for instance, Tuomela 1995, 13–28). Tuomela proceeds from the assumption that social norms are community norms, typically of the form “An agent of the kind  $F$  in group  $G$  ought (or may) to perform task  $T$  in situation  $C$ .” Social norms are either rules (r-norms) or proper social norms (s-norms). R-norms are based on explicit or implicit agreement-making and are created by an authority or body of agents representing the group; the acceptance of r-norms is therefore based on agreement. S-norms, and the acceptance of these norms, on the other hand, are based on mere mutual belief. Formal rules like laws and regulations are articulated and written norms with formal (legal-like) sanctions, while informal rules are articulated norms with informal sanctions, generally not in written form, but only presented orally. S-norms are either conventional norms (or conventions) or group-specific norms, typically unarticulated, connected with social sanctions (approval, disapproval), although they can in principle be articulated and verbalized upon request and are often presented in verbal form to children.

Tuomela always looks at social norms as being in force, which is surely the right thing to do, and he takes social norms to be explicit or implicit prescriptions, which is maybe less unproblematic. In any case, from this point of view Tuomela defines (a) rules, more specifically *social ought-to-do-rules*  $N$  in a collective  $G$  consisting of members  $M$  of the form “Every  $M$  ought to perform task  $T$  when in situation  $C$ ”, by the following requirements: (i)  $N$  has been properly issued by an authority  $A$ ; (ii)  $M$  can acquire the belief that they ought to perform  $T$  in  $C$  from linguistic information made available by  $A$  to  $M$ ; (iii) many  $M^*$  (forming a subclass of  $M$ ) perform, or are disposed to perform,  $T$  in  $C$ , some of them because they believe that they ought to do so; (iv) there is some pressure, mutually believed at least by  $M^*$ , due in part to rule-sanctions, against deviating from performing  $T$  in  $C$ . In addition, Tuomela defines (b) *proper social ought-to-do-rules*  $N$  in a collective  $G$  consisting of members  $M$  of the form “Every  $M$  ought to perform task  $T$  when in situation  $C$ ”, by the following requirements: (i) there is a mutual belief in  $G$  to the effect that  $M$  ought to perform  $T$  in  $C$ ; (ii) many  $M^*$  (forming a subclass of  $M$ ) perform, or are disposed to perform,  $T$  in  $C$ , some of them because they believe that they ought to do so; (iii)  $M^*$  are, in accordance with (i), expected by other  $M$ ’s to perform

<sup>4</sup> Hart 1961, ch.10 (where the author connects social rules closely to the obedience to a particular commander).

$T$  in  $C$ ; (iv) there is a mutual belief in  $G$  to the effect that (i) and (ii) in  $G$ ; (v) there is some pressure, mutually believed at least by  $M^*$ , due in part to social sanctions, against deviating from performing  $T$  in  $C$ . In short, according to Tuomela social norms in a collective  $G$  are mostly followed by members of  $G$ ; there is pressure on these members to follow the norms, and there are reasons for them to do so. Pressure comes in two or even three forms: rule-sanctions, by which authorities punish deviants physically or economically; social sanctions which consist of social punishment due to frustrations of social expectations as a consequence of deviance; and sometimes deontological pressure in terms of good reasons for conforming to the norm. Finally, Tuomela seems to think about the prescriptivity of social norms in terms of commitments imposed by those norms on members of collectives.

Now, it is clear that this account is indeed considerably comprehensive, among other things by relating proper social norms, rules and conventions in a precise conceptual way to each other. However, if one looks at the presuppositions Tuomela relies on to introduce these terms, then it turns out that they are still pretty strong. Mutual beliefs (and so, metarepresentations), social sanctions, good reasons, natural languages, beliefs in ought-structures, and the existence of social or even political authorities must be taken already to be theoretically in place for the account to work. In particular, it seems to be taken for granted that the idea of what it is for somebody to conform to a rule or a proper social norm, either explicitly or implicitly, is clear. And most importantly, the general notion of a norm is being presupposed without any comment. Indeed, Tuomela emphasizes explicitly that he takes the basic notion of a norm as intuitively clear, and that his own approach is independent of the different ways in which the emergence, stability, and ontological foundations of norms may be analysed. Given the objectives of his social ontological account, this is perfectly justified. Still, we might want to know and ask just what is constitutive of social norms. Why should we leave one of the most basic notions of social ontology unexplained? In particular, we might want to know whether all social norms are belief dependent, or whether there are some social entities that are belief independent. This is one of the questions I will be concerned with in this paper.

However, there are not only different kinds of social norms, as for instance Tuomela plausibly suggests, but also social norms on differently high or low levels within the social realm. In this paper, I want to look at the most basic notions of social norms, and so, at one of the most fundamental presuppositions of social ontology. One of the questions I will rise is whether these norms represent genuine normativity. Another question will be whether the well known problems of rule-following arise if we think about the way these basic norms are followed and enforced.

## 2. Social Norms in Rational Choice Theory

As is well known, the most prominent theoretical strategy for looking at basic social norms, at their emergence, stability, and conceptual analysis, is to use rational choice theories. My impression is, though, that while this approach may be interesting for a number of different reasons, it is of little help for looking as carefully as possible at the way we should introduce conceptually the most basic notion of a social norm. Rational choice theorists may be able to contribute substantially to our understanding of the emergence and stability of social norms, but they do little to improve our understanding of just what social norms are—in particular of what the specific normativity of social norms consists in.

In my view, the main reason is that classical rational choice theory presupposes too much, and the newer evolutionary game theory presupposes too little. I don't have the space here to justify this thesis in a sufficient way. Let me make just a few remarks in this direction.

The locus classicus of classical rational choice theory is, as is well known, *Lewis'* early work on conventions, in which he takes, as the title indicates, the notion of a convention as a promising notion to start with in analyzing basic social structures (Lewis 1969). Roughly, a convention is, according to Lewis, a solution of a recurring coordination problem resulting in a group's members' regular conformity to a certain pattern of behaviour. As usual in classical choice theory, it is assumed, among other things, that the group members have ordered preferences, master natural languages, can have and articulate mutual beliefs and thus higher order thoughts and that they develop good reasons for conforming to a convention. Thus, for instance, every group member is supposed to have good reasons to believe that if she conforms to a convention, this will satisfy not only her own preferences, but also the preferences of most of the other group members. The normativity of conventions springs therefore, according to Lewis' account, from the normativity of good reasons. I do not doubt that there are some conventions in this sense in the social realm of some, if not of all societies. I do doubt, however, that conventions in Lewis' sense are among the most basic social structures and norms, for obviously, Lewis-conventions require highly developed rational creatures. In addition, there are certainly basic social norms the normativity of which has nothing to do with having good reasons for acting in a certain way. And finally, it is, to say the least, unclear whether rationality is a form of genuine normativity.

Concerning evolutionary game theory, I cannot discuss any details here.<sup>5</sup> But it seems clear that this approach is supposed to apply to human beings as well as to extremely simple creatures like bacteria that require only very simple mechanisms of evaluation and adaptive learning without having a mind in the usual sense. Very roughly, stable strategies are supposed to be the most basic sort of social norms. But given the fundamental assumptions of evolutionary game theory, there is nothing normative in stable strategies, and it does not make any sense to say that there are creatures that conform to, or follow, this sort

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<sup>5</sup> See, for instance, the two classical accounts: Maynard Smith 1982 and Axelrod 1984. An influential version is Skyrms 1996. See also Danielson 1998 (ed.); Young 1998; Calvert 1995.

of social norms. We are talking about nothing more than empirical regularities. Evolutionary game theory is, to use a familiar distinction between regulism and regularism, a version of strict regularism and therefore, in my view, not helpful for conceptually analyzing social norms that are supposed to belong to the foundation of a genuinely social realm.

In a way, I will try to steer a path in between these two approaches—a path that requires less presuppositions than classical rational choice theory, but more than evolutionary game theory.

### 3. A New Analysis of Basic Social Norms

To start with, I would like to emphasize that my analysis will try to respond to two more general problems concerning the status of norms, and I will try to use my analysis of social norms for contributing to a solution of these problems. The most important of these problems is that the gap between the normative and the natural seems to be either too big (for instance, in the case of moral normativity) so that we cannot longer see how the normative can be related to nature; or this gap seems to be too small (in the case of reductive versions of normative realism or regularism that suggest we can bake a normative cake exclusively from non-normative ingredients) so that we are in danger of falling prey to naturalistic fallacies. One of the accounts proposed as a middle position between the two approaches just sketched, namely the talk about implicit normative practices, does not seem to be helpful unless the notion of implicit normative practices and implicit rule-following has been sufficiently clarified.

A second problem is that all these approaches have trouble in locating the source of genuine normativity. I call a state of a creature *genuinely normative* only if this state has an intrinsic value independently of whether other creatures confer a value on this state or not. An intrinsic value must somehow *matter* to the creature which possesses this intrinsic value (see e.g. Papineau 1993). More precisely, if a state or activity is to be genuinely normative for a creature, this creature must have the *authority to evaluate* the state or activity, and at least part of this evaluation must be *mentally accessible* to the creature in question. This requires that this creature must have a *self-relation*, namely, a *reflexive relation* to itself. After these introductory remarks, let us start with our analysis.

First of all, I contend that possible addressees of social norms have to satisfy a number of conditions:

- D1 *Possible addressees of social norms* are creatures that are able (i) to imitate behaviour, (ii) to represent external states, (iii) to have conscious drives and emotions and (iv) to store mental episodes in a memory. Creatures satisfying these conditions possess a representational and conscious mind and can use their mind for imitating the behaviour of some other creatures.<sup>6</sup> They are called *minded creatures*.

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<sup>6</sup> This way of stating some of the assumptions I am proceeding from requires that we are entitled to refer to sublinguistic representations. The most advanced theory of sublinguistic representations is teleosemantics as developed for the first time in Millikan 1984.

Minded creatures do not necessarily master natural languages. However, in accordance with leading theories of feelings<sup>7</sup> I take conscious states, in particular conscious drives and emotions, to be not only important forms of consciousness, but also representations of internal or external states evaluating these states consciously.<sup>8</sup> Finally, these states have usually expressive force, that is, they are causes of external physiological structures by which they can be interpreted, i.e. by which their sublinguistic content can be grasped by other minded creatures. It should be pointed out, though, that most feelings rely on affects (in the sense of modern affect theories like Paul Ekman's theory)<sup>9</sup> that are unconscious evaluation mechanisms working pretty much like conscious feelings. Crocodiles, for example, do not have, as far as we know, any form of consciousness because their brain does not have a limbic system, but they do have basic affects like panic that works like conscious panic in, say, rabbits. Sometimes, the behaviour of minded creatures is directed just by their affects.

Secondly, I use the notion of a *regularity of behaviour* in the following way:

- D2 A *regularity of behaviour* is an empirical regularity of the form *For all minded creatures x in a given domain, if x is in situation C, x behaves always or mostly in the way B.*

And I use the notion of a *standard of behaviour* in the following way:

- D3 If there is a property T of x such that T has a natural or proper function F (in the teleosemantic sense) such that behaviour B of x in C satisfies F in an optimal or good way, then the optimal or good functioning of F in C is a *standard of behaviour B in C.*

The notion of a standard of behaviour can also be applied to regularities of behaviour. The next basic notion concerns the way behaviour is corrected and adjusted. I say:

- D4 If P and Q are minded creatures, then P *corrects* behaviour B\* of Q in situation C, iff (i) there is a regularity R of behaviour B in C concerning P and Q, or there is a standard ST of behaviour B in C concerning P and Q; and (ii) if B\* does not conform to R or ST in C, then P treats Q in such a way that the probability increases that Q behaves in the way B conforming to R or ST in future situations C.

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<sup>7</sup> See for instance De Sousa 1987.

<sup>8</sup> That is to say, I rely on cognitive theories of feelings and emotions. The first such theory was developed by Aristotle mainly in his *Rhetoric* 1380a ff.. Unfortunately, Thomas Aquinas did not take Aristotle's theory of emotions to be a cognitive theory, but rather a theory of drives and desires, see for instance Thomas Aquinas, *Summa Theologia*, vol.19, about emotions. Another classical proponent of the cognitive theory of feelings and emotions is Spinoza. In the 20th century it was Magda Arnold who revitalized this theory (see Arnold 1960). The most important modern authors advocating the cognitive theory of feelings and emotions are Lyons 1980 and Solomon 1976. See also, for instance, Esken/Heckmann 1999 (eds.); Griffith 1997; De Sousa 1987.

<sup>9</sup> See Ekman 1980; Panksepp 1998.

The way P is supposed to treat Q is left entirely open at this point of the analysis. In particular, it is not necessary (although of course possible) to rely on the notion of sanctions here, for correcting behaviour can, for instance, also take place simply by showing a certain behaviour again and again so that it will be easier to imitate it.

We can then say:

- D5 (i) If behaviour B\* of Q is corrected by P to behaviour B in a stable way in situations C, then Q has *learned* to behave in the way B in C, and behaviour B is *handed down* from P to Q; furthermore (ii) a regularity or standard of behaviour B is a *practice* iff B can be learned and handed down, and B is a *practice enforced in community A* iff B is taught and handed down by some members of A to most of the other members of A such that most members of A behave in the way B in situations C.

I would like to mention that practices imply a handing down not only of tokens of behaviour, but also of regularities or standards of behaviour, respectively.

Next we need a basic notion of sanctions. Given the weak conceptual presuppositions we have available so far, a basic notion of sanctions must rely on those conscious mechanisms of evaluation that are part of drives and emotions (where emotions must not be social emotions, of course). In an even more basic sense we can point to affects as being one important and indeed necessary ingredient of being sanctioned. So let us say:

- D6 Let P and Q be minded creatures, then (i) P *sanctions behaviour B* of Q in situation C iff P corrects B of Q in C by provoking, immediately after B has taken place, negative or positive evaluations in Q due (a) either to the affects of Q, or (b) to the drives and emotions Q is able to actualize and to store in its memory, such that in both cases the probability of Q's showing B in future situations C changes; (ii) P *sanctions behaviour B* of Q in C *negatively* iff P sanctions Q in the sense of (i) and provokes negative evaluations in Q, such that the probability of Q's showing B in future situations C decreases; (iii) P *sanctions behaviour B* of Q in C *positively* iff P sanctions Q in the sense of (i) and provokes positive evaluations in Q, such that the probability of Q's showing B in future situations C increases.

We are now in a position to introduce a basic notion of social norms in a pretty simple way:

- D7 A *basic social norm enforced in a community or a collective S* is a practice enforced in S which is handed down to members of S by correcting behaviour by using positive or negative sanctions, due either (a) to affects of the creatures being sanctioned, or (b) to the conscious drives and feelings of the creatures being sanctioned. In case (a), let's talk about *A-sanctions*, in case (b) about *F-sanctions* (abbreviating affects by A, feelings by F). Social norms relying on A-sanctions may be called *social A-norms*, social norms relying on F-sanctions may be called *social F-norms*.



Finally, a short account of rules:

- D8 Let N be a social F-norm; then N is a *social rule enforced in a community or a collective S* iff (i) the members P of A master a natural language, (ii) P understand the propositional content of N; (iii) P have learned about N by being told about N such that N is cognitively implemented in P; (iv) P are able to develop good reasons for behaving according to N; (v) most of the P in A follow N due to (i)—(iv).

#### 4. Basic Social Norms and Genuine Normativity

Let me now briefly comment on this analysis. Practices as envisaged here are, or at least can be, mere routines, taking place in the realm of nature. Therefore, there are cases in which practices can be described in a purely physicalist vocabulary. And yet, the procedure of correcting implies a sort of normativity that is surely due to natural functions within evolutionary developments. So let us talk here about *Darwinian normativity*. Since practices are connected to traditions, they represent a basic form of culture. By the way, the question whether practices show up only in human communities or can already be discovered in groups of non-human animals like primates is debated controversially. In any case, if practices rely just on imitation and not on sanctions, i.e. if, in the terminology suggested here, practices are not social norms, then there is no evaluation mechanism involved in correcting procedures. Of course, if the behaviour of some creatures can be corrected mainly because behaviour conformity within their community gets positively evaluated, then we must assume that there is at least an affect on which this evaluation is grounded, and in this case the practice would already be some sort of basic social norm.

Social A-norms based on A-sanctions are surely the most basic sort of social norms. They are normative in a stricter way than mere practices, of course, because they involve affects that are evaluation mechanisms as part of the evaluative authority of the creatures themselves. This is more than Darwinian normativity, so let us call it *affective normativity*. But affective normativity is not genuine normativity, because it lacks one of the requirements of genuine normativity introduced above, namely accessibility and self-relation. Having affects clearly does not matter to living creatures.

I claim, therefore, that drives and emotions, in the rich sense explained above, i.e. being conscious, representational and expressive, are one of the most important sources of genuine normativity. It seems to me obvious that drives and emotions of this kind represent the most fundamental level on which all mammals, including human beings, are capable of exercising an evaluative authority that is related to the mental accessibility of the evaluations in question. This accessibility is due to some sort of awareness and self-relation that comes with all degrees of phenomenal consciousness (I take it that in the realm of living

things phenomenal consciousness comes indeed in degrees).<sup>10</sup> So there is a big gap between social A-norms and social F-norms, for it is social F-norms that introduce genuine normativity into the social realm on the most fundamental level.

In addition, I suggest to make a strict distinction between social norms and social rules. It is social rules, not social norms, that rely on linguistic capacities and have propositional content. To put it briefly, concerning rules I defend a version of regulism.

Basic social norms, as I conceive of them, are certainly belief- and language independent, if beliefs are supposed to have propositional content and languages are natural languages. But these norms, and the sanctions that are required to enforce them, are not independent of any kind of representation or language. Addressees of basic social norms must be able to understand pre-linguistically mental states of others. As already mentioned, this goes, for instance, for drives and emotions, but it goes also for the directedness of the mental to the external world in a broader sense. Davidson's thoughts about situations of triangulation are surely pretty vague, but they can nowadays be articulated in a much more precise way (see for instance Perner 1991). Of course, since it might very well be the case that practices are human-specific, social norms might also be human-specific. And therefore one might conclude that social norms are in some way connected to the capacity of mastering natural languages.<sup>11</sup> But this does not follow from what has been said so far. Rather, we should conclude that practices and social norms as defined in D5 and D7, respectively, can be established in human societies without relying on linguistic capacities.

There is a kind of recent research that is extremely interesting in this context and needs to be appreciated. This research is designed to compare the cognitive capacities of adult chimpanzees and young non-speaking human babies. Two of the most important results of these studies are that, firstly, young human babies are—while even adult chimps are not—capable of understanding other human beings as intentional beings like themselves, and secondly, that from around nine months of age onwards they begin to show behaviour that involves a triadic co-ordination of their interactions both with other people and objects. Triadic coordination of one's own interactions both with other people and objects includes at least seven different ways of bringing about joint attention, none of which occurs in the interaction of chimps. These are joint engagement, point following, imitation of instrumental acts, imitation of arbitrary acts, reaction to social obstacles, use of imperative gestures, and use of declarative gestures.<sup>12</sup>

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<sup>10</sup> See e.g. Damasio 1999; Roth 2000. Recent critics of the claim of the dependence of consciousness on the capacity to speak natural languages include Flanagan 1992 and Block 1993.

<sup>11</sup> I take it that the capacity of mastering natural languages is human-specific. Mastering natural languages requires an understanding and application of syntactical and grammatical structures. And, as is being urged by many linguists, there is no evidence so far that non-human animals are capable of grasping or producing linguistic entities having syntactical and grammatical structure. See, for instance, Pinker 1996.

<sup>12</sup> Tomasello 1999. See further Carpenter/Nagell/Tomasello 1998; Carpenter/Tomasello/Savage-Rumbaugh 1995.

Remarkably, these measures of joint attention are regularly connected to positive or negative feelings: young non-speaking human babies seem to be regularly pleased if adult people share the attention that the babies want to share with them, and they seem to be clearly disappointed if they fail to get other people to ‘tune in’ to their attention. Understanding other human beings as intentional agents at a non-linguistic level presupposes, of course, that the thoughts and signs produced by these agents be representations; it is obviously at this point that we can bring in teleosemantics to account for the significance of thoughts and signs independently of natural languages. Of course, compared with creatures that master natural languages, we are talking about a weaker form of intentional understanding which consists mainly in grasping that other human beings have goals and that these goals are related to their behaviour. All this is, clearly, a scientific reformulation and corroboration of what Davidson once called *triangulation*. The capacity that enables human babies to get involved in a situation of triangulation is in turn, as Davidson argued, one of the conditions of forming a conception of the objective external world. In this way, the enforcement of basic social rules must be taken to be imbedded into activities of interpreting other creatures on a sub-linguistic level which may also be called something social since it constitutes social relations between the creatures in question.

## 5. The Social and the Mental

Talk about the most basic foundation of the social realm leads naturally to thinking carefully about the much discussed problem of the relation between the mental and the social. This problem seems to me to arise also if one wants to bring together social ontology and theories of recognition, like, for instance, Axel Honneth in his influential version of this theory (see, for instance, Honneth 2003). Many people have felt that in one sense the social depends on the mental, but that in another sense the mental presupposes the social. In which sense exactly, though? This is less clear. A lot depends here on what the mental is supposed to be—in particular, whether all mental states are conceived as having propositional content, so that natural languages are part of the picture. Social ontology as theory of collective actions and thus of collective intentionality presupposes, of course, mastering natural languages and having mental states with propositional contents, not only of first order, but also of higher order, for instance if there are mutual beliefs. So the social structures social ontology talks about are certainly belief- and language dependent.<sup>13</sup> The question is whether there are also social structures that are belief- and language independent. That this is indeed the case, is claimed by some Wittgensteinians and all Brandomians including Brandom himself (whether including Wittgenstein himself is much less clear). Even Davidsonians, including Davidson himself, point to some sort

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<sup>13</sup> The same goes, for instance for the influential book v. Wright 1971, where the author argues that not only social norms, but more generally all norms are language-dependent.

of social background for linguistic capacities which is supposed to show up most prominently in situations of triangulation (see Davidson 2005).

If one thinks, as Wittgenstein and Brandom do, that to speak and understand natural languages involves following semantic rules, then there is the well known threat of circularity if one thinks, as I do, that following rules implies that the propositional content of the rules is accessible. The way out seems to be to talk about following rules implicitly or about practices that are implicitly normative or norm governed. In my view, the idea of following rules implicitly has never been sufficiently explained and is indeed senseless. We should forget about this idea. The notion of norms implicitly given in non-linguistic practices, however, must be taken seriously. It seems to me, though, that this notion means much trouble too.

To see this, let me now look briefly at Robert Brandom's big book *Making It Explicit* (Brandom 1994; henceforth *MIE*). There are actually two major projects in *MIE*. One is to analyse, and demarcate, genuinely conceptual practices. But to fully understand what is special about these practices we need, as Brandom sees it, to understand also the relationship between genuinely conceptual practices and pre-conceptual practices. The challenge is to tell a story about how linguistic practices arise out of non-linguistic practices. This is what Brandom offers in the first four chapters of *MIE*. The second project is to outline a social and inferential route to representation. More generally, the task is to introduce, and explain, the traditional semantic vocabulary on the basis of the account of inferential norms presented in the first part of *MIE*. While I think that *MIE* is in many respects an impressive book (particularly, chs 5–7, which are usually discussed less intensively, if at all), it seems to me that both big projects in *MIE* are questionable. Here, it is the first of these projects that concerns me most. How is it that, for Brandom, semantic normativity arises, and where must we locate the source of this normativity? The overall picture presented in *MIE* is this. Brandom proceeds from the assumption that neither regulism nor regularism is acceptable. Regulism is false because it implies a regress, since it can always be asked whether the rule is applied *correctly*. Regularism fails due to the gerrymandering argument. This is that, for anything one might go on to do, there is some regularity such that one might count the act as going on the same way; hence, to distinguish between regular and irregular, and thus, between correct and incorrect, patterns of behaviour, there must be a way of picking out some of all the regularities exhibited by the behaviour as somehow *privileged*. However, there is, simply, no such way. Consequently, Brandom wants to start from *norms given implicitly in practices*. Such practices have to be described both as not involving explicit rules and as distinct from regularities. He rejects the approach endorsed by theorists such as Haugeland that norms implicit in practices can be introduced by pointing to *sanctions* conceived in terms of conditioning and reinforcement. Brandom's main point is that sanctions of this kind are *non-normative* states or regularities, and so the gerrymandering argument can be generated again at the level of *physical* sanctions.

Brandom's suggestion is, therefore, that we should think of norms implicit in practices as *instituted* by practical attitudes of assessment and acknowl-

gement. Performances are correct or incorrect by being taken, or assessed, by actors as being correct or incorrect. Practical assessment can be understood as sanctioning, but these sanctions must themselves have *normative* significance, that is, there must be changes in the *normative* status of the people that are being sanctioned, for instance by their being granted privileges or being released from duties. In this way, *norms are operative all the way down*. There can only be *internal* explanations of modal or normative terms. This goes especially also for *conceptual* norms, and thus, for *semantic* normativity.

While it is certainly correct to think, as Brandom does and Kant and others did before him, that (social) norms come into existence, in a sense, by people's assessing and evaluating things or performances, Brandom's line of argument does not, in my view, give us a secure theoretical basis for his conclusions. He does not theoretically introduce or explain the normativity in our practices of assessment in any illuminating way. The main reason is, I think, that it is hard to understand what it means for norms to be given *implicitly* in practices. There are actually two problems here: one is that we are supposed to understand that an agent's behaviour is guided by rules or norms that are not cognitively realized in the agent's mind because they have not been verbally introduced to him. The other problem is that Brandom, like Davidson and Wittgenstein, presupposes a pre-linguistic *social background* ('practices') without in any way explaining what it is for a form of behaviour to be a practice or to be social in a *normative* sense.

It is at this point that my little suggestion can offer, I think, some help. For the notion of a basic social norm sketched above can serve, first of all, as an analysis of the pre-linguistic social background, or at least of an important part of this background, Wittgensteinians, Davidsonians, and Brandomians are talking about as presupposition for semantic norms or rules. And secondly, the notion of a basic social norm can help us to understand in which way an agent's behaviour is guided by rules or norms that are not cognitively realized in his mind. This is not to entertain a sort of naturalism about social norms, though. On the contrary, if my suggestion of defining basic social norms in the sense of D7 points to the right direction, then social norms do not belong to the realm of nature because they rely on consciousness as the source of genuine normativity, and consciousness cannot be naturalized.

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