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CONCEPTUAL CONFUSIONS AND CAUSAL DYNAMICS

abstract

This paper argues that rules and norms are conceptually distinct: what is norm is not thereby rule, and vice versa. Versions of conflating the two are discussed and an argument for distinction given. Two objections to the argument are responded to. It is accepted that rules and norms are often intimately related. They are so causally, not conceptually: what norms we live by can make a difference to what rules we accept and what rules we accept can make a difference to what norms we live by. This is a social, dynamic and continuous causal process of development of the social practices of community.

keywords

norms, rules, social practice, causal dynamics, know-how

**1. Introduction:
The Rule-Norm
Conflation**

I (Lo Presti 2016a/b) and Ingar Brinck (2014, p. 742; 2015) have argued that rules and norms are conceptually distinct. What I call “the rule-norm conflation” is that the concepts *rule* and *norm* are co-extensive. We argue that they are not. I also argue that knowledge of rules is not thereby knowledge of norms, and vice versa, and acting according either is not thereby acting according to the other (cf. Heras-Escribano & de Pinedo 2015; Heras-Escribano et al. 2015). The structure of the paper is as follows. In this section I give examples of the rule-norm conflation and traditional arguments against it. In the next I develop my argument, that rules are linguistic codifications of norms and norms are standards implicit in practice, such that rules are not, as such, norms, and vice versa. The third section answers two objections. In the fourth section I argue that rules and norms are nevertheless intimately related: norms we live by can influence what rules we formulate and rules we formulate influence what norms we live by. In the fifth concluding section I discuss consequences for methodology in social science, and the epistemology of knowing norms and rules and how to act accordingly. The rule-norm conflation is evident in contemporary philosophically (mis-)informed interdisciplinary research. For instance, I (Lo Presti 2016a, pp. 6-7) and Brinck (2014, pp. 737-745; 2015, sects. 1-4) observe it in the pretense play-paradigm in developmental psychology (Rakoczy 2006; Rakoczy et al. 2008), which is devoted to investigating pre-linguistic children’s understanding of social norms. The experiments codify *norms* in terms of John Searle’s (1969; 1995) concept of *constitutive rules*. Constitutive rules define what is part of a practice – e.g., moving a chess piece in a particular way. In that sense, constitutive rules are *descriptive*, not themselves normative (cf. Glüer & Wikforss 2009; Searle 1969, p. 41). In the context of definitions constitutive rules give, what is correct – e.g., to be polite – is unanswered. Regulative rules, in contrast, regulate behavior – e.g., to be polite in the context of a game. Brinck asks how experimental data should be interpreted (2014; 2015). Understanding *norms* is what is meant to be tried. I argue that what is really tried for is (pre-linguistic) understanding of descriptions of games, not of what one *should (not)* or *ought (not)* do in the context of games described.

Instances of the rule-norm conflation are found also in recent contributions to social philosophy. One is Giacomo Sillari’s. When discussing rules, customs, and conventions, he suggests that if something is norm it is a rule: preferences and beliefs “form a convention, which has some degree of normative force, hence is a *rule*” (2013, p. 882). Maurizio Ferraris also seems to conflate the two. He argues that recordings (material elements playing the functional role of memory) form a necessary “empirical background for constitutive rules,”

and that “recording [...] is the principle underlying social normativity as a whole” (2018, p. 90). I agree that norms are more fundamental than rules. But if Ferraris means that the principle underlying normativity and the principle underlying (constitutive) rules is the same, in the sense that if you have norms you also have rules, the argument in this paper opposes it. In our modern philosophical tradition, Wittgenstein and Ryle argued that knowing how to act correctly is not knowing that rules apply. Theirs are regress-arguments against correctness being determined by rules (Wittgenstein’s “rule-following paradox,” 1953, §201) and against knowing how to act correctly being knowledge that rules apply (Ryle’s “intellectualist legend,” 1949/2009, pp. 21-23).

Closer to our times, Robert Brandom devotes much of his philosophical corpora to argue that normativity should not be construed according to what he calls *regulism*, the thesis that norms are propositionally explicit structures (e.g., 1994, ch. 1, sect. III). Brandom wants us to think of normativity as constituted in second-person engagements in social practices, in which people implicitly (i.e., without having to know or say *that* they do so) take each other to commit and entitle to further acts, sayings, believings (2000, pp. 80-82). If they have a language expressively powerful enough to *talk about* what they must *already know how to do* to institute norms can they *say or think that* something is norm (Brandom 2008). Importantly, the latter is not necessary for normativity. Normativity requires an implicit, reciprocal, treating each other as committed and entitled. Norms implicit in practice should not be confused with normative vocabulary with which we (try to) make norms explicit (Lo Presti 2017).

Though I distinguish rules and norms in a way he does not, I thus agree with Guala, that “New rules may be created by an influential group, for example” but “they may also emerge and evolve autonomously, without anyone in particular planning or foreseeing their effects” (2016, pp. 6-7) – nor, for that matter, planning or foreseeing that they evolve.

That was the background. I next present the “neither overlap-nor implication” (NeNo) argument. In a later section I argue that rules and norms often interact in dynamic ways.

We can represent the conceptual categories of norms (N) and rules (R) diagrammatically. The picture I argue for is this:

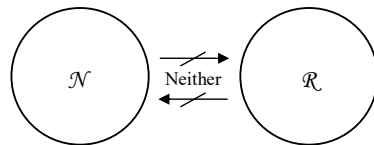


Fig. 1. The non-overlapping argument

Strikethrough arrows indicate that membership in N is not conceptually implied by membership in R, and vice versa. That is not to deny that members in either can become members in the other. But no behavior (linguistic or otherwise) is norm in virtue of being a rule, and vice versa.

I argue against any image of the two categories according to which either (a) they are co-extensive, (b) they partially overlap, or (c) they do not overlap but membership in either implies membership in the other, represented as follows:

**2. The Neither
Overlap-Nor
Implication
Argument**

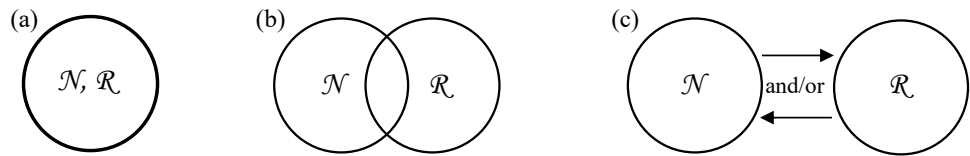


Fig. 2. Versions of the rule-norm conflation

The three are versions of the rule-norm conflation. (a) is co-extensiveness: *all rules are norms*, and vice versa (categorical identity); (b) is partial overlap: *some norms are rules*, and vice versa (categorical overlap); and in (c) *membership in either category implies membership in the other*, and/or vice versa (categorical distinction with conceptual implication).¹

To initiate the argument, consider some behavior that, in the context of social practices of a community, is regulated. Think of a regulation against littering. If you litter, you may incur social and even legal sanctions. 2(a) and 2(b) says that littering occupies (negatively valued) membership in the category of norms; it is a norm not to litter *in virtue of* being regulated against, while (c) says that it being a rule implies that it is also norm. I take this to be mistaken (cf. Lo Presti 2016a, pp. 8-9). To illustrate, consider a process of norms being instituted in the community.

Suppose the littering-regulation is an edict issued by some sanitation-authorities (expressed “Do not litter!”). It is possible that people (perhaps everyone) ignore such regulations. They do not take littering to be incorrect or something not to be done – though they might. If they do not, the rule has no *normative force*: people do not take it to be incorrect to litter. This can be for several reasons. It is not necessary that people explicitly think that the rule should not be followed. It might simply be that they do not in practice follow it and, for that reason, it has no normative force (cf. Guala 2016, p. 17). Implicitly, they accept littering. It does not matter for the argument why normative force does not catch on.

What is important is that it is possible to distinguish what rules say from what people take to be correct in the context of their practices. We can have rules that, without ceasing to be rules, do not have normative force; and we can have norms that, without ceasing to have normative force, are not made explicit as rules.

A conceptual space is then opened between saying and doing. In that space, the claim that rules and norms are conceptually and categorially distinct is clearer. It is a distinction between *force* (instituted in *doings*) and *content* (expressed in *sayings*). In order for the rule (e.g., “Do not litter!”) to have force (people disfavor and perhaps cease littering) it must be taken to be correct in the context of the community. Rules are, in this scheme, content-representing (*what* is to have force). As such, rules can fail to have the force represented.

The point is that force in doing and content in saying are separate. It is possible that what is said to be norm is not norm, and what is norm not be said to be.

Other examples are begging, biking in a park, listening to loud music, spitting, queuing, etc. These may all be regulated yet people (implicitly in action or explicitly in saying so) take the regulation not to have force. For instance, 20\$ bills may count, legally, to give owners right to purchase goods, yet in the practices of a community not be taken to give that right (have that force). Moreover, it might be norm to violate rules. For instance, in a community with rules against smuggling, people buy smuggled goods and take it to be correct to do so. Hence,

¹ (c) seems to be present in Christina Bicchieri’s definition of social norms (2006, p. 11) and in Sillari (2013), as argued above. This also seems to true of the developmental psychology-literature, which follows Searle, though it is not clear whether it is Searle, or his interpreters, who is responsible for the conflation.

not only are sayings what to do and normative force implicitly instituted in doing separate; they can also conflict. People break rules with an aim to establish counter-normative force, to deteriorate what is *said* is correct by *making* something else correct. Activism works this way. To put it concisely, the neither overlap-nor implication (NeNo) argument is this:

- (1) Some behaviors are regulated by rules, and some behaviors are norm.
- (2) Rules represent contents saying what is (in-)correct, and normative force is instituted in practice by treating something as (in-)correct.
- (3) From (1) and (2): Rules must gain force to be norms; they can, and they can fail.
- (4) From (1) and (2): Norms must be expressed to be rules; they might, and might not be.
- (5) From (3) and (4): Something can be a rule without being norm, and vice versa.

Hence: Rules and norms neither overlap nor imply each other.

Next I consider two objections to the argument: first, that my understanding of rules is question-begging; second, that rules as sayings are also doings, why the force of norms in doings is not distinct from the force of rules.

The first objection to the NeNo-argument is that rules may be implicit in practice the way I say norms are. If so, they cannot be distinguished as above.

I respond that if rules are construed as implicit in practice the way I argue that norms are, then the category of linguistic or otherwise content-representing expressions of what is (to be) correct is empty. What then, according to the objection, takes the place of rules in the NeNo-scheme? An answer could be: *expressions* of rules, while *rules* are implicit in practice. In response, I ask what rules stripped of content-expressing form are supposed to be. It is one thing to say that people implicitly *take some behavior to be norm*. It is quite another to say that people implicitly *take it be to norm according to a rule*. In the latter, but not the former, normative force is taken to be derived *from something else*. I argue, to keep our conceptual books straight, that rules play the role of that “something else,” though rules *can be* implicit. Searle’s notion of rule-following (1983) suggests the latter. He says that we learn rules which, once learned, can become implicit in practice (as ‘Background’ knowledge; a pre-intentional capacity to know what to do). I need not disagree. I argue only that not all rules become implicit in practice, that they need not do so to be rules, and that norms implicit in practice do not presuppose rules.

To my mind, Searle misses the sense in which something can have normative force without *ever* being represented. For illustration, a theoretically-minded coach in some sport, or a cookbook author, can know rules according to which something is correct yet be unable to *practice* the sport or to *cook* (as opposed to being able to *speak about* it). The expert practitioner, in contrast, can be unable to represent the rules, without thereby being merely lucky or less professional (cf. Brinck 1999; Tanney 2011).

Thus, although it is possible to develop expertise by learning rules and then practicing, that procedure is not necessary for expertise. One can learn to act normatively correct (or successfully, e.g., in sports) by practice and never consider rules.

The second objection to the NeNo-argument is that rules are also doings (*sayings* that something is correct). Hence the distinction between norms, instituted in doings, from rules, expressed in sayings, collapses, because rules are also doings. I give two answers. First, I distinguish the force of speech-acts from their content; second, I distinguish speech-acts made according to norms from their being, or being made according to, rules.

First, the objection confuses sayings with what sayings do. Saying that something is correct is a doing. But the saying and its force are distinct. Sayings express some content, while their

3. Objections: Rules Implicit in Practice, and Rules as Doings

force is the expressing's practical consequences. Saying "Do not litter!" *can* have the force of making people litter less, but it can also fail. In contrast, the *force* of the saying, e.g., that people litter less, cannot fail to have that force (if people litter less because of it, it has force already). In this context, the NeNo-argument is that normative force does not presuppose sayings, even if sayings are doings. Something can be norm without being the result of, or deriving force from, linguistic doings.

It is denied neither that rules can have normative force (and often do so) nor that norms can become expressed as rules (and often are). But that something is norm does not imply that it is or has been, or ever will be, a rule. Conversely, that something is a rule does not imply that it is or has been, or ever will be, norm.

A response to this may be that speech-acts are doings *made according to norms* and therefore *can be* rules.² To anticipate, in the next section I argue that norms can become rules, and vice versa, under the right circumstances. In the present context, the NeNo-argument is simply that expressing or being either neither is nor implies expressing or being the other. To grant that speech-acts are *made according to norms* is not to grant that they *are* or are *made according to rules*. Even if it is granted that rule-expressing speech-acts are, or are made according to, norms it is not thereby granted that they are, or are made according to, rules. Indeed, even if it *in fact always* is the case that A (e.g., A = speech-act) stands in relation *r* (e.g., *r* = accords with) to N, where some N can be R, that *ArN* settles neither that A is N or R, nor that *ArR*.

The responses to the objections push for conceptual clarity. Granting that rule-expressions are doings and that rules therefore, like norms, depend on (linguistic) doings, leaves the category of rules, in my scheme, empty. The cost is lost conceptual clarity. Suppose we ask what kind of standard makes something correct, in a scheme collapsing norms and rules into one category. The answer could only be "a rule and a norm." My scheme allows subtler distinctions; it might be because of a rule, and it might be because of a norm, and it might be because of one but not the other.

The NeNo-argument does not close all thinkable venues to re-assimilation. But a fast lane to rule-norm conflation is closed. In the next section I argue that norms and rules nevertheless are intimately related in the dynamic evolution of social practice.

4. Dynamic Causal Co-Involvement: Together Again

The rule-norm conflation is conceptual: being a rule is not sufficient for being a norm, and/or vice versa. The NeNo-argument is directed against that *conceptual* collapse. But the argument does not show that rules and norms cannot interact in other perhaps intricate ways. That norms and rules are conceptually distinct does not preclude that they *causally* influence each other (Lo Presti 2016a, pp. 6-9). Smoking and cancer are conceptually distinct but one seems to causally influence the other. I now argue that rules and norms are involved in a relation of dynamic causal co-influence.

The pragmatic significance of rule-expressing speech-acts is, typically, either to impose normative structure (Searle 1995; 2010) on naturally occurring practices – i.e., ones not previously regulated – which may or may not already have norms associated, or to make norms already implicit in practice explicit (Brandom 1994; 2000; cf. Lo Presti 2016b). Together, this dual significance implicate rules and norms in an intimate dynamic relation in our ways of life. To illustrate, re-consider Searle's distinction. Some behaviors are regulated by rules while other rules create opportunities for action in the context of some social practice (Searle 2015; for overview, see Hindriks & Guala 2015a). Thus littering can be codified as inappropriate or incorrect in regulative rules (expressed by, e.g., signposts ministered by sanitation

² This response was suggested by a reviewer at *Phenomenology and Mind*.

authorities). In contrast, the constitutive rules of chess says what one must to do play the game. They make novel actions possible (e.g., checkmate and tournaments). Violations of regulative rules can be responded to with “you act incorrectly,” while violations of constitutive rules can be responded to with “you are doing something different.”

The distinction highlights different ways rules can change behavior and make a difference to norms in practices they are associated with. Thus, if some fashion authority says, “Bank employees should wear neckties at work” (regulative rule), this may – or may not – make bank employees wear neckties at work. Given the authority of the speaker, bank employees worry that if they do not act accordingly people will think unfavorably of them. This is not a constitutive rule because failing to wear a necktie at work does not mean that one is not acting as a bank employee. Not having a work-contract, in contrast, may be to *not be* a bank employee (cf. Brinck 2015, p. 708). On the other hand, a child playing with chess pieces, trying to do what adults do – play a game – can be told what rules constitute the game. This may – or may not – make the child behave differently and start to play chess. This is not a regulative rule because failing to play by the rules is not bad or inappropriate in the sense that spitting on the board is. Rather, it is doing something different (ibid.).

These are no mysteries. Acting differently can be a consequence of being told what to do. Words make a difference to the world and to what we do (Guala 2016, p. 54; Millikan 2014). The reverse is also true. A consequence of implicitly taking something to be correct can be saying that it is, or is to be recognized to be, so. This is to approach the rule-norm dynamics from a different, roughly Brandomian direction (e.g., 2000, pp. 89, 91-92; 2009, pp. 13, 17). Something is implicitly taken in practice to be the way one ought to act and then – maybe – it is codified and made explicit as a rule. For instance, we take it to be inappropriate to litter. Perhaps we never explicitly reflect on it but littering-behavior tends to provoke social sanctions. If the force of the non-littering norm is strong or important enough (we not only treat deviation as inappropriate but as infuriating) it can reach the Searlean level “from below” as it were. It becomes expressed and codified as regulative of a practice (cf. Brandom 2000, p. 4).

This is no mystery either. We take behaving correctly (according to implicit standards) in some context to be important enough to deserve elevation to the status of rule, perhaps even law, so that we can tell others about it and be entitled to punish deviation. Our doings thus make us say things about what we do, or what to do, which in turn can make a difference to our doings. This is often the pragmatic point of rule-expressions (cf. Brandom 2008, pp. 114-116).

I am describing a *dynamic causal co-involvement* of conceptually distinct rules and norms. Expressions of rules can have normative force; change our practices. Conversely, norms implicit in practice can gain the status of rules; change what we say about what we do, and what to do (Brinck 2015). If so, rules and norms have a potential to continuously causally interact: changing in response to each other. To put it more exactly, doings and what sayings do causally interact. They continuously, implicitly and explicitly, shape and re-shape social practices and their evolution (Brinck 2014). This is a *contingent causal*, not *conceptual*, relation. The causal co-involvement again obviates a conceptual difference between norms and rules. One of the things we do in expressing rules is (attempt) to impose normative structure – to “make static” what is or is to be taken to be correct (Lo Presti 2016a). What we implicitly do in practice, on the other hand, is institute normative force – in a sense, to influence norms and rules (though we need not know, say, or intend *that*). Thus we can talk of rule-expressions as attempts to structure social practices and of normative force as causally influencing such structures “from the inside.” (Constitutive rules can build boxes, defining social practices, and regulative rules can regulate boxed-in behavior, but all doings has the capacity to break or

solidify boxes, as it were. And, to repeat a previous point, doings may institute norms where no rule applies; there need not be boxes for there to be norms.)

The argument in this section has been that, despite their conceptual distinctiveness, norms and rules are intimate in the causal dynamics whereby they, respectively, are instituted, or expressed and imposed. To expand the diagram, I represent it

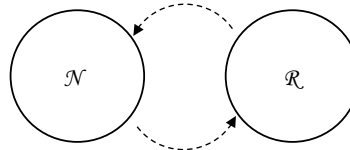


Fig. 3. Dynamic causal co-involvement

where dashed arrows symbolize causal relations.

To emphasize the dynamicity of the rule–norm relation: strictly speaking, it is always incorrect to say that what is norm in the context of some social practice is fixed between instants of its development (cf. Lo Presti 2015, pp. 17–19, 45; Thompson 2007, pp. 38–43). Behavior at any instant in the context of any social practice, possibly but not necessarily in conjunction with rules, has a potential to change what will be norm at later instants. Thus I agree with Wittgenstein that no interpretation of a rule for some practice determines what is or will be correct (1953, §§198–201). Rules are not ‘rails ... laid to infinity’ (ibid., §218).

Somewhat differently, I have argued that *no rule is needed* for normativity and that rules can be *irrelevant* for what is or becomes norm. Our acting according to norms can, indeed, be ‘blind’ (ibid., §219) in the sense that we need never say or know that something is “obeying the rule’ or ‘going against it’” (ibid., §201) in order for it nevertheless to be norm (cf. Sillari 2013, pp. 878, 885). Indeed, even if we *can* express rules, rule-expressions are themselves mere instants in the dynamics of norm-development.

I also argue that norms are *social* for broadly Wittgensteinian reasons. If it were up to individuals privately to decide what is norm then whatever individuals privately take to be norm would be norm (1953, §202). But one cannot privately institute norms; it takes a practice of *socially taking* something to be norm. One cannot make hitting the first person one sees in the street every morning correct by deciding that it is. Else speaking of norms, correctness and incorrectness, would make no sense. Different social perspectives provide a friction necessary for the issue of correctness to be an issue. Thus, individuals may vanish from a community without its norms vanishing. But if the community vanishes so does its norms – its “way of life” (ibid., §241). Norms are, in this perspective, laid down in the dynamics of social practice (cf. Lo Presti 2016a, p. 9) – not stretched out once instituted. Brinck (2014, p. 745) suggests that norms are “interaction patterns, grounded in interpersonal relations”.

In the closing section conclusions are drawn and consequences discussed. I point to consequences relevant for knowing how to act according to norms and rules, what it is to “have” norms and rules, and for methodology in social science.

5. Conclusions and Consequences

Norms and rules are distinct. They neither belong to the same conceptual category nor imply each other (the NeNo-argument). Yet rules can play a causal role for normative force, and norms can play a causal role for what rules are formulated. Whether particular rules and norms do so depends on whether rules are taken in practice to be appropriate, correct – do they have force? – and on whether people have the expressive resources to say what is or is to have normative force. The diagrammatic representation of this conclusion is

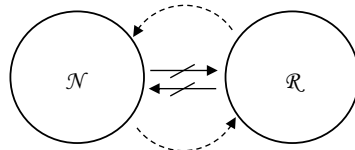


Fig. 4. Dynamic causal co-involvement with conceptual distinctiveness

where arrows symbolize as above.

Let's close by discussing two kinds of consequences. First, epistemological consequences concerning what it is to know rules or norms in the context of some practice, and how to act accordingly. This raises a question about what it means to "have" rules or norms, which has consequences for methodology in social science concerning, first, methodological individualism and, second, explanatory primacy of norms over rules in accounting for the evolution of institutions.

Beginning with epistemological consequences, knowing what rules and norms apply in the context of some practice are different kinds of knowledge, corresponding to the different categories the knowledge is about.

Knowing what norms apply is an implicit non-linguistic capacity, and the capacity to act accordingly is practical *know-how* (Ryle 1949/2009, pp. 18-20; Tanney 2009). It is a practical capacity mastered in *participation* (cf. De Jaegher & Di Paolo 2007; De Jaegher et al. 2010). The first reason for this is that norms are implicit in what we do and normative force implicitly instituted in social interaction. For this reason, learning norms and how to act accordingly requires participation in social interaction. The second reason is that since norms are potentially in continuous change as a consequence of doings in the context of social practice with which they are associated (Lo Presti 2016a), participation in social practice is necessary to learn norms in force at any instant of any developing social practice.

On the other hand, knowing what *rules* apply and how to act accordingly is akin to *knowledge that* (again, in Ryle's sense). A rule states *that* such-and-such is (to be taken to be) correct. So, knowing rules requires corresponding knowledge *that* (what rules state). Considering Searle's reasoning that rules can become implicit, knowing how to act according to rules can become implicit know-how. But, in contrast to knowledge of norms, knowledge of rules requires propositional knowledge (of what rules state). Importantly, knowing norms and how to act accordingly is primary. One can know and act according to norms in principle without knowing rules. As Heras-Escribano and de Pinedo have put it, "one does not master the technique of driving or playing football if one just knows what [rules are] written in a book. One should know how to do it" (2015, p. 6). In principle, then, a community without the expressive capacity to formulate rules could have and act according to norms.

The above reasoning leads us to ask what "having" rules and norms means. The socio-dynamic picture I have given implies that, strictly speaking, *no one* has rules or norms. They belong to no one but a community and its practices. Norms are negotiated in the dynamics of social interaction. They cannot exist in individual minds or behavior (cf. Kripke 1982, p. 13). Rules, for their part, are represented in what the community takes to express what norms are (to be) in force. Hence neither norms nor rules can have individual owners, and no individual is or realizes their vehicles (Brandom 2004; Steiner 2014; Steiner & Stewart 2009).

So it seems that a *we* is required for normativity (cf. Brandom 1994, ch. 9; 2002, ch. 6 and 7; Brinck et al. 2017, p. 139). It is of course individual (inter-)actions that contributes to the norms of a community. I am not suggesting that a community is an *ontological* subject. To speak of community is rather to speak of a *de-ontology*, in the Hegelian sense that individuals reciprocally take each other to be bound to norms (fundamentally, commitments and

entitlements implicit in practice. Cf. *ibid*; Brinck & Balkenius 2018). The home of norms and rules is the dynamic deontology characterizing a *we*.

I now want to emphasize two consequences this has for methodology in social science. The first is that commitments to methodological individualism (Schumpeter 1908, pp. 88-98; Weber 1921/1988, p. 13) should be reconsidered (cf. Schmid 2008). Methodological, also known as explanatory, individualism states that individuals are basic units of account in explanations of agency, because only individuals have intentional states that play the role of premises in practical reasoning issuing in agency (for overview, see Epstein 2015, ch. 1-3).

From the point of view I have taken here, however, contents of individual intentional states are partly determined by norms. Norms enable individuals to conceive and intend novel actions. As argued by, e.g., Baker (2005; 2015) intentions, beliefs and desires about football, chess, ownership, vacation, citizenship, the economy, institutions, rules – all activity in the context of institutions – is possible *because of* deontological relations. If so, *individual* decisions, intentions, and actions in the context of most of our social practices presuppose norms. The individualist notion that norms reduce to facts about individuals then appears problematic. Norms cannot be privatized, in the sense of being individually “had.” To explain why *any one* does one thing rather than another depends on understanding something about participation in community – a normative *we*.³ This is potentially upsetting for entrenched methodological convictions in social science, especially methodological individualism.

I find Epstein to be essentially right, that “the contemporary consensus” on ontological individualism is mistaken (2015, pp. 36-37), though not for the reasons he gives.⁴ On a deontological conception of sociality the ontological categorization of individual and collective subjects is not an issue. Of course, some *ones* must believe, desire, intend and act if collectives do so. The mistake is to conclude that for collectives to do so individuals (members, non-members or other material things) must *have* or *realize* certain properties – e.g. collective intentionality – while what matters for collectivity is rather socially recognized proprieties; i.e., norms had by no one.

The second methodological consequence for social science is explanatory priority with respect to rules and norms. Hindriks and Guala argue that “Different explanations [of the causes that govern the evolution of institutions] are legitimate at different levels of analysis, and we can zoom in and out depending on our explanatory goals” (2015b, p. 517). I agree, but add that normative dynamics in the context of community – the deontological *we*, not a “third party,” as Guala seems to think (2016, p. 113) – must figure in explanations of the evolution of institutions. Normativity is the bedrock on which rules depend. Therefore, I also disagree with Hindriks and Guala, who say that normativity is “a small flea” (2015b, p. 518) in that it piggybacks on more fundamental elements – “big fleas” – required for institutions. Accepting the invitation to use metaphors, if – as philosophers new and old argue – normativity is fundamental for communication, not to mention agency and the capacity of intentionality in the sense of *being a unit of account*, then normativity is rather “a bumblebee family” resembling

³ As pointed out by Epstein (2015, pp. 13-14), a typical caricature of non-individualism, like Hegel’s (e.g., Searle 1995, p. 25), is as the idea that a collective is an ontological subject – a thing on top of or in addition to individuals. Instead, many serious non-individualists argue, and argue that Hegel argued, that collectives are *de-ontological* individuals; i.e., individuals in the *normative* realm of social *proprieties*, not in the *object* realm of *properties* (e.g., Brandom 2004; de Prado Salas & Zamora-Bonilla 2015; in press; Steiner 2014).

⁴ Epstein objects to ontological individualism that “even if member attitudes do *partially* ground group attitudes, member attitudes may not *fully* ground group attitudes” because there “might be other facts [e.g., historical, environmental, and facts about non-members] that also figure into the grounds of group attitudes” (2015, p. 216). He applies this argument also to group action (pp. 222, 235) and group intention (pp. 240-242).

the spreading of nectar required for institutions to develop. Metaphors aside, I am not arguing that “normativity requires constitutive rules,” as Hindriks and Guala portray Searle to be arguing (*ibid*). I have rather argued that rules – any rules – require normativity, even though rules are not norms, and vice versa.

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