

Following the Rules of Discourse

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Abstract

This review article discusses Rebecca Kukla and Mark Lance's (2009) book on normative speech act theory and Joseph Heath's (2008) book on rule following, putting them into the context of the general problem of normativity of human discursive practices (and human practices in general). The upshot of the discussion is that while Heath's book advances our understanding of the normative dimension of human life, prominently including human language, Kukla and Lance's one presents a deeply interesting attempt at a framework for the study of discourse taking normativity of language at face value.

Keywords

rule, normativity, speech acts, evolution

In 1956, John Austin stated:¹

Certainly there are a great many uses of language. It's rather a pity that people are apt to invoke a new use of language whenever they feel so inclined, to help them out of this, that, or the other well-known philosophical tangle; we need more of a framework in which to discuss these uses of language; and also I think we should not despair too easily and talk, as people are apt to do, about the infinite uses of language. Philosophers will do this when they have listed as many, let us say, as seventeen; but even if there were something like ten thousand uses of language, surely we could list them all in time. This, after all, is no larger than the number of species of beetle that entomologists have taken the pains to list.

This can be read as a manifesto for the “botanizing” approach to language later yielding the celebrated theory of speech acts, with contributions by Austin, Grice, Searle and others. Of course by that time, Austin was not the only one to propose such an approach – Wittgenstein was on a very similar track and

¹ A lecture printed in Austin (1961: 234).

some neopragmatists, like Quine, were already heading for a stance not very different from this.

This approach to language, however, was essentially different from the approach predominant in the first part of the twentieth century, advanced by people like Russell or Carnap. According to the latter, the backbone of language was a collection of links associating words with things and thus constituting their semantics. Pragmatics, the study of how people use the words that already have their semantics, was considered completely peripheral. The approach of Austin or Wittgenstein inverted the strategy: they did not want to find what words stand for and only then perhaps how we use them; they wanted to know what we do with words first, letting anything else that might belong to their semantics fall out of this. This led to various kinds of use-theories of meaning.

One peculiar modification of such a theory has resulted from the conviction of its proponents that what we should be interested in when studying our language games is not how people actually use words, but rather which *rules* govern the usage. This normative twist of the use-theory of meaning is due especially to Robert Brandom (1994). But of course as any use-theory of meaning must rest on some classification of speech acts, it would be possible to go more to the roots and give the normative twist already to the speech acts theory. And this is what Kukla and Lance (2009) try to do.

Their categorization of speech acts is based on the assumption that from the normative viewpoint, a speech act is characterized by, on the one hand, certain normative pre-conditions (conditions that must be fulfilled in order for that act to be correctly realizable), and, on the other hand, certain normative post-conditions (normative statuses and relationships established in force of the realization of the act). The situation can be illustrated by means of the act of ordering: its pre-condition is that the person who gives the order be entitled to give orders to the person who receives it; whereas the post-condition amounts to the commitment of the latter person to do what the former orders.

Kukla and Lance classify the normative conditions appearing in the characterization of speech acts into two groups: agent-relative and agent-neutral – the former being “indexed to specific people inhabiting specific normative positions”, whereas the latter are “structurally blind to distinctions among agents”. In the above example of ordering, both the pre-condition and the post-conditions are agent-relative: the pre-condition applies only to a specific person with a specific normative status (“superior” to the orderee), whereas the post-condition again applies to a specific person.

The combination of the pre-condition/post-condition and the agent-relative/agent-neutral distinctions yield us four basic kinds of speech acts;

and Kukla and Lance's book circles around the discussion of the nature of the slots of the corresponding four-cell table. We have already seen an example of a speech act with both the pre-condition and post-condition agent-relative; speech acts of this kind seem to be abundant and in general not problematic.

Equally common and well-understood are, according to Kukla and Lance, speech acts with agent-neutral pre-condition and agent-neutral post-condition. The paradigmatic case of such an act is the assertion of such a truth as "Dogs are mammals". The pre-condition of this act is the possession of a justification of this claim; such a justification is, however, available for everybody (at least in principle). The post-condition is the entitlement to reassert the sentence deferring its justification to the original asserter, and this entitlement is also available to everybody without a difference.

The most interesting are the remaining two "hybrid" slots of the table (i.e. acts which have one of their pre- or post-condition agent-neutral and the other agent-relative). It is these two slots that are symbolized by the "Yo!" and "Lo!" in the title of the book.

The paradigmatic example of an act with an agent-relative pre-condition and an agent-neutral post-condition is what the authors call an *observative*, like "Lo, a rabbit!". This act can be, according to them, correctly realized only by someone who is confronted with a rabbit; however, its post-condition coincides with that of any other assertion. Observatives are, according to Kukla and Lance, what supplies the empirical dimension of language. Moreover, they need not be, according to them, propositional (though they are still "conceptual").

The inhabitants of the last slot of the table are represented by what Kukla and Lance call *vocatives*: speech acts like "Yo, Homer!" that have agent-neutral pre-conditions (there is not special authorization needed to realize them), but have agent-relative post-conditions (they attempt at an establishment of a certain relationship with the addressee). The authors claim that this is a very much neglected kind of speech act, which is nevertheless quite essential for our discursive practices (in fact they claim that *any* kind of speech act has a component that it shares with a vocative).

I find the idea of a normative speech act theory appealing; and in fact once we admit that our discursive practices have a normative basis (that the effects we achieve by talking are not straightforwardly causal, but rather are like the effects of moves in a game), it is almost inevitably forthcoming. From this viewpoint, Kukla and Lance's book is truly pioneering and revealing. It opens up a brand new way of looking at natural language pragmatics, sets the agenda for mapping its structures and brings many interesting results of such mapping.

However, looking at some of the details of Kukla and Lance's development of their normative speech acts theory, I do not find them quite uncontroversial. The critical point of any normative theory of language is an account for the language-world relationship: as the relationships between the objects of the world are causal, if we construe the contents of linguistic items as normative creatures, then the relation between empirical talk and what the talk is about becomes mysterious – it starts to look as an impossible hybrid interconnecting a normative entity with a non-normative one. Kukla and Lance attempt to account for the nature of this relationship in terms of their observatives and this is an interesting idea. Observatives are what convey phenomena by means of individual observations into theories within public languages; and they do so precisely thanks to their hybrid status: they transform an agent-relative input (a concrete phenomenon as faced by a concrete person) into an agent-neutral possession of the community of speakers, thus anchoring their knowledge in the concrete reality.

However, it seems to me that this proposal goes against their original description of the difference between the agent-neutral and the agent-relative conditions. To treat the pre-conditions of an observative as agent-relative means, it seems to me, to shift the basic idea behind the introduction of the concept of agent-relativity vs. agent-neutrality. Recall that agent-relativity amounts to “indexation to specific people inhabiting specific normative positions”. But is a person who encounters a rabbit and hence is in a position to call out “Lo, a rabbit!” in any specific *normative* position? It seems to me that this is not the case. The position, it would seem to me, is *normatively* available to anybody (though it may well be *causally* unavailable to anybody else than the current person). I am not sure whether it is not this problematic assimilation of the normative to the causal indexation that makes their proposal look as if it is solving the problem of crossing the normative/causal divide more elegantly than other ones.

I have a similar problem with the counterpart kind of speech act, vocatives. Of course, the idea of their importance for the fine-structure of discourse is appealing; but again it is not clear to me what their role is from the viewpoint of the *normative* structure. Kukla and Lance write:

But in order for my performances to constitute discursive speech that are entitled by my normative positions and that make normative claims upon others, at least two conditions must be met. On the one hand, I must *have* a determinate normative position within the space of reasons; I must be located, not just *inside* the space of reasons, but at some particular place inside it. On the other hand, my speech acts must constitute *interactions* with particular other people upon whom I make claims. No normative scorecards will actually shift except through the material efforts of determinately located speakers making claims upon other determinately located speakers.

Yet when authors such as McDowell and Sellars speak of our habitation of the space of reasons, there is something oddly missing in their use of the metaphor. While the space of reasons is richly articulate in the sense that it displays normative and rational structure, it doesn't seem, in the work of these authors, to provide much by way of articulate locations for the *people* who inhabit it. We get the sense from their writing that one is in this space only by having access to the reasons that give it its structure; one is either in or out, but in contrast with typical spaces, one does not occupy any *particular* location within this one. (2009: 156)

I think there is a certain ambiguity in the term “space of reasons”. In one sense, it is the space articulated by *inferential rules* and hence principally inhabited by entities that may enter into the relationship, *viz. propositions*. Taken in this sense, we can interpret somebody's *entering* the space or *being* in it as merely a metaphor.² In a different sense, the space is constituted by the web of normative properties and the relationships of people – commitments, entitlements, etc.³ Taken in this second sense, the space is primarily inhabited by people rather than by propositions; and it appears to be this very sense in which Kukla and Lance appear to be using the term. In this sense, the space offers an abundance of “slots” individuated by concrete commitments, entitlements, etc., of the occupant of the slot. Of course that if I am *in* this space, then I am located “at some particular place inside it”. However, the question is whether this “particular place” – the particular “slot” – I occupy must be always distinguishable – *in terms of the normative network* – from all other slots. And I must say I do not see why it should be. True, there is a sense in which persons occupying indistinguishable slots would be indistinguishable *as persons* – but why not? Why should numerical or physiological non-identity imply a normative one?

To avoid misunderstanding, let me stress that the proposal that the slots of the space of reasons should be individuated in the way the authors suggest, which I have doubts about, must not be conflated with two related but different claims. First is the claim that for an agent to occupy a particular place in

² Though as a metaphor, as I have stressed elsewhere (see, e.g. Peregrin, 2001: §10.7), that is very much apt. It reflects the difference between looking at a rule as if “from outside” (noticing that the rule is in force in some community) and looking at it “from inside” (endorsing the rule as the rule that is in force for me as a member of the community).

³ It seems that the *locus classicus* for the term, Sellars's (1956: §36) “in characterizing an episode or a state as that of knowing, we are not giving an empirical description of that episode or state; we are placing it in the logical space of reasons, of justifying and being able to justify what one says” is somewhat ambiguous between the two senses. On the hand, what is explicitly located into the space are not people, but “states or events” (which, in virtue of being characterized as states of knowledge, appear to be capable of being identified with propositions); on the other hand Sellars indicates that what is crucial is an “ability”, hence something that *people* have.

the space is “like something” (in the sense in which Nagel (1974) urges, in his famous paper, that it is “like something” to be a bat), that we might think about occupying the slot not only from the third-person perspective, but also from the first-person one. Second is the claim that the space is embodied, that there is no way of seeing it as a purely normative structure.

Maybe both observatives and vocatives are something that points out a so far unexplored dimension of the embodiment of language (and this seems to me to be what the authors have in mind). However, if so, I am not sure the authors have managed to make their point for this quite clearly. Despite this the book is original, interesting, and thought-provoking; and I can recommend it to anybody interested in “normative pragmatics”.

The book of Kukla and Lance suggests that a “pragmatic turn” (be it its Gricean, Wittgensteinian or whatever variety) should be supplemented by a “normative turn”, shifting our attention from our linguistic behaviour to the *rules* of such behaviour. This is, needless to say, a controversial proposal: many contemporary philosophers of language are busy arguing against assigning any role to normativity in the explanation of discourse and meaning.

But even for those who are open to the idea of a normative turn of pragmatics, this turn may appear to bring about more pressing questions than it dispenses with. The concept of rule, in this context, is notoriously problematic. The most basic problem seems to be the elusiveness of the rules of language: unlike the rules of football or chess, or unlike the rules embodied in the codes of laws, they are largely merely “unwritten”, and it is not easy to account for the way such an “unwritten rule” exists. Does it exist merely as a regularity of linguistic behaviour? Or is it a matter of a “meta-behaviour”? Or is there a way of seeing it as wholly independent of factual behaviour? It is clear that unless such questions are answered, any “normative pragmatics” stands on rather shaky foundations.

Wrestling precisely with this problem has been characteristic of an important strand in recent of (post-)analytic philosophy. Ludwig Wittgenstein struggled with this problem in his *Philosophical Investigations* (1953), though partly under the surface of the main line of the text; his struggle being brought completely to the surface only during a large discussion initiated by Kripke (1984). Independently of this, rules and normativity have become the cornerstone of the philosophy of Wilfrid Sellars, who has influenced Robert Brandom, whose framework was, in turn, adopted by Kukla and Lance (also Mark Lance himself, together with John O’Leary-Hawthorne, 1997, have made an important contribution to the explication of the concept of normativity implicit to the Sellarsian and Brandomian approach).

However, rules can also be the subject of empirical study. Human “ultrasociality”, as Boyd and Richerson (1998) dub the existence of the unprecedentedly

complex social order of human communities, is the product of an intricate network of social rules. Consequently, sociologists and economists are interested in studying the mode of existence of these rules, as well as how they may have come into being. Rules are also closely connected with human rationality, which yields various kinds of studies under the headings “rational choice theory”, “decision theory”, etc. Evolutionary biologists are baffled by the phenomenon of cooperation (for simple models of evolution tend to indicate that nothing like this could have evolved) and hence are deeply immersed into the analyses of rules of cooperation (and of rules in general, for rules and cooperation may be simply two sides of the same coin).

Given this, it might seem that what we may hope for now, is a large-scale synthesis: could we develop an account of rules and rule-following that would be, on the one hand, continuous with philosophical understanding or the nature of rules and of their role within human life, and, on the other hand, continuous both with the findings of empirical sciences and with the models social scientists build to elucidate social processes? An attempt at precisely this kind of synthesis is made by Joseph Heath (2008); and the result of this attempt is truly impressive: Heath has, it seems to me, managed to show that once we find the right key for interconnecting the different theories of rules, they interlock with each other with a stereoscopic effect that throws new and fascinating light on each of its constituent theories. The philosophical edifices help to organize and consolidate the somewhat fragmentary results of science into an intelligible whole, while the scientific results manage to put philosophical speculations on a firm footing. And what the reader gets from this is an extraordinarily synoptic picture of the role of rules within human life.

The early part of the book is devoted to the theories of rational choice, decision theories and game theories – especially to formal models of how rational agents decide what to do. Heath has two basic critical objections to the mainstream of research in these areas. The first is that whereas the decision theories are quite straightforward as long as what is in question is an agent within the environment of the natural world, they become less amenable when it comes to considering the agent among other agents. This is usually accounted for by moving from simple decision theory to game theory, but Heath finds that the models we are left with after this move are much less acceptable, and that game theory fails to give us satisfactory explanations for the decision situations we are interested in.

Heath connects this with the other problem he draws our attention to. Decision-theoretic frameworks are usually built out of three kinds of entities, namely actions, states and outcomes, where the outcomes are ordered according to the preferences of the subjects and the subject chooses actions so as to move

through the various states in order to reach the most preferred output. This, according to Heath, ignores the fact that subjects, aside of having preferences for *outcomes*, also prefer some *actions* over others. Some of the models project the preferences for actions into preferences for outputs, and this spoils the models, making them unrealistic and non-explicative.

Heath argues that this situation indicates that the strictly instrumental model of rationality and human agency underlying decision theory (which, as Heath shows, is essentially Hobbesian) is not really tenable (according to this model, the only driving forces of human actions are desires, which get projected into preferences for outcomes of the actions, and the actions serve exclusively as tools for reaching preferred outcomes). There is a factor that does not fit into this model, and this is the factor of human compliance with social norms, for which there is no straightforward instrumental explanation.

This prompts for a reassessment of the underlying structures of human agency, and hence Heath turns to more philosophical topics. What philosophers have to say to this is especially that we humans act, at least sometimes, because we have *reasons*. Are reasons merely desires in different guises – “propositional” desires in contrast to original, “raw” ones? Heath takes pains to show that the relation is much more complex, that reasons not only put raw desires into propositional forms, but sometimes forge new desires or cancel old ones.

Heath compares the situation to the relationship between observation reports and empirical phenomena. Whereas logical empiricists claimed that the most fundamental observational reports are nothing else than phenomena themselves in linguistic guises, Sellars famously denounced this as the “Myth of the Given”⁴: though there is no doubt that our observation reports respond to phenomena, we cannot say that they do so in a direct one-to-one manner. In fact, as reports are creatures so different from phenomena (the former are conceptually articulated inhabitants of what Sellars called *the space of reasons*, the latter reside within the causal world), there is even no unique way of matching the former to the latter. And Heath claims that the relations between the raw desires and their conceptual descendants is of the same kind: though the latter beyond doubt somehow respond to the former, to see the responding as direct matching makes little sense. When entering the space of reasons we simply do not take the baggage of our raw desires with us – we have them re-packed, with some discarded and others added.

⁴ See Sellars (1956); and see R. Brandom’s commentary to Sellars’ paper in the book edition (1997).

Heath considers the problem of how we, moral and rational agents, could have come into being, with the following result:

Humans start out, much like other primates, relying on a massively parallel system of cognition, made up of a set of domain-specific heuristics that have evolved as a way of addressing particular problems that presented themselves with some frequency in the environment of evolutionary adaptation. All primates engage in social learning (...). Humans, however, hit on a particular heuristic—imitation with a conformist bias—that has significant adaptive value. In particular, the fidelity of the copying strategy is sufficiently great that it enables cumulative cultural change, and thus creates a cultural inheritance system. It also creates the preconditions for genuine rule-following to emerge, and hence for the development of norms-implicit-in-practice. This creates the possibility of semantic intentionality, and propositionally differentiated language (whereby the meaning of propositions becomes independent of their immediate context of use). Thus language develops, initially, as an external social practice. However, the enhancement of our cognitive abilities associated with this “language upgrade” leads individuals to increased dependence on language as a tool for planning and controlling their own behavior. Thus the intentional planning system develops as the seat of conscious, rational action. (...) The intentional planning system enjoys a certain measure of autonomy from other cognitive systems, in the sense that it has the capacity to override behavioral impulses arising from the adaptive unconscious. (The mechanism here is not fully understood, and is subject to considerable dispute.) We form linguistically explicit representations of our own bodily needs, affective responses, along with goals that we are disposed to seek. In so doing, we can choose to ignore, defer, sublimate, reschedule, and otherwise fiddle with our more primitive behavioral dispositions. Of course, one of these behavioral dispositions is our propensity to engage in imitative conformity. (...) At the level of the intentional planning system, this imitative “reflex” receives explicit representation in the weight that we assign to social norms, relative to our concerns about the consequences of our actions. It becomes our “norm-confirmative disposition”, comparable to the discount rate we use to trade off present against future satisfaction. (2008: 217)

Two points are worth stressing here. First, norms, according to this exposition, are not merely a matter of cooperation or of culture – they lay the foundation already for our language and thereby for our distinctively human kind of (“conceptual”) thinking. Second, the “norm-confirmative disposition” does not result from some generalization of our disposition to cooperate (acquired by natural selection) or of our ability to engage in some social practices. It is rather the other way around: the “norm-confirmative disposition” is what makes cooperation or altruism or morality possible in the first place. It is *sui generis*. And its evolutionary point is *not* that it makes us altruistic or moral, but rather that it provides us with the possibility of supplementing the train of our genetic evolution by a cultural express:

[Norm-confirmative disposition] promotes altruism only indirectly, by serving as a platform for the beginnings of cultural evolution, which in turn provides both

an evolutionary environment and a selection mechanism that is more propitious for the emergence of altruism. (2008: 192)

Hence the depth to which rules penetrate our human forms of life is tremendous. We must realize that rules are not only where they meet the eye (like rules of chess, marriage or the “eye for an eye” rule) – they work invisibly, but essentially, in the underlay of our language and our thought.

This is also the reason why we cannot quit being the norm-conforming creatures we are. Here Heath puts forward a “transcendental argument”. Its essence is that we cannot decide to stop following rules, for deciding is already exercising an activity that is constituted by rules, so such an act would undermine itself:

[B]ecause rationality involves the use of language, and because learning language requires mastery of a normatively regulated social practice, normative control is a precondition of rational agency. ... [B]ecause of the internal connection between normative control and rationality, it is impossible to argue oneself out of having a norm-confirmative choice disposition. By the time one has the capacity to engage himself in this sort of deliberation, it is too late. (2008: 219)

For me, Heath’s “transcendental argument” is the most controversial part of the book. What is clear is that we cannot find reasons for quitting being rule-followers (and especially moral agents) – working with reasons amounts to operating within a framework of rules, hence any such finding would be self-undermining. But what if we quit without deciding to do so? Heath discusses, at length, the Humean “sceptical solution” of the problem of morality, according to which people, fortunately, do tend to be moral despite the fact it is difficult to find reasons for it. And from this viewpoint, to someone his “transcendental argument” might resemble another kind of a “sceptical solution”: though we cannot find reasons for not quitting being rule followers (for this is the other side of the coin of not being able to find reasons for quitting), we, fortunately, tend not to quit.

But to overstress this point would be unfair to Heath’s general achievement. On the whole, he gives a clear account of what rules are, how they can come into being and what the mechanisms are of their social maintenance, and how they structure human life. He interconnects very many of the views of the philosophical tradition of the modern era concerning rules and normativity with the empirical findings and the models of human conduct recently built within social sciences; and he does all this in such an illuminating way that the book establishes a wholly new standard for books of this kind.

Thus, while Heath’s book truly advances our understanding of the normative dimension of human life, prominently including human language, Kukla and Lance’s book indicates how a framework for the study of discourse, taking

normativity of language at face value, could look like. If we accept, together with Heath, that normativity is a sound response to the challenges of evolution humanity was facing at a certain stage of its development, then we may come to think about the possibility that it penetrates all human affairs much more than what meets the eye. We may come to think even about discourse, which *prima facie* seems to merely “happen”, seems to unfold in front of our eyes like a natural process, as animated by the underlying normative network of inter-human relationships. If this is the case, we may be fit for Brandom’s “normative pragmatics” and Kukla and Lance’s normative twist of the speech act theory.

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