

From Observable Regularities to Rule-Governed Practices: Exploring the Normative Facet of Social Reality

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Abstract

The idea of the rule-governedness of social reality has been articulated for the first time by Peter Winch in his 1958 work, *The Idea of a Social Science and Its Relation to Philosophy*. Drawing on Wittgenstein's rule-following remarks and Rhees's critique of Wittgenstein's vision of language, he argued that the semantic and normative significance of human behavior is rule-dependent. The concept that social life is constituted by rules remains prevalent today, particularly among practice theorists. However, these theorists focus on the normativity of practices. They claim that regular sequences of actions are on their own bereft of any normative significance. What needs to be added – on their view – to render a regular sequence of actions normative are rules. Either a regular sequence of actions must be hinged on a rule to have normative significance, or it is only an observable regularity — that is, an empirical, nonintentional description of behavior that essentially lacks any normative dimension. In my talk, I shall challenge this conception by demonstrating that it relies on an implausible idea of internal or immanent rules. Insofar as any regular sequence of actions can be agreed with some rule, proponents of this view lack a criterion to distinguish between regular sequences of actions and rule-governed practices beyond explicit rules. But (1) not all regular sequences of actions that we would be willing to recognize as practices are bound up with explicit rules, and (2) not all human and non-human behavior that we would be willing to recognize as normative is guided by explicit rules. Thus, the rule-governed model of action may be helpful in describing only a restricted area of the normative facet of social reality, and rule-dependence is not the key to the normative significance of social life.

1.

In “Wittgenstein on Rules and Platonism” David Finkelstein discusses “a kind of Platonism about meaning and understanding” in Wittgenstein and some interpretations of Wittgenstein's rule-following remarks (Finkelstein 2000: 53). He gives an example of the kind of Platonism he has in mind by referring to §454 of PI: “How does it come about that this arrow --> *points*? Doesn't it seem to carry within it something extraneous to itself? – ‘No, not the dead line on paper; only a mental thing, the meaning can do that.’ – That is both true and false. The arrow points only in the application that a living creature makes of it. This pointing is *not* a hocus-pocus that can be performed only by the mind.” (PI 2009: §454). In this remark, the platonic stance is taken by Wittgenstein's interlocutor. He approaches the arrow as detached from the applications we make of it and sees it as an ink mark on paper. Abstracted from the character of life the arrow is only a dead sign bereft of any

significance. The interlocutor assumes that such a dead sign requires some kind of supplementation to have a meaning; something must be added to the inert sign of the arrow to make it *point*. Finkelstein comments that “[i]n order to explain how such a thing [‘dead line on paper’] could have a kind of significance that random squiggles lack, he [Wittgenstein’s interlocutor] imagines something *behind* the line on paper – something hidden – which, as it were, infuses it with significance” (Finkelstein 2000: 53). In §454, Wittgenstein’s interlocutor thinks that what needs to be added – or, in Finkelstein’s terminology, what is hidden behind the line on paper – is ‘a mental thing, the meaning’. That ‘mental thing, the meaning’ postulated by the interlocutor plays a twofold role in how he sees and wants to answer the philosophical difficulty. First, only by grasping the meaning behind the ink mark on paper we can *understand* that it is an arrow pointing in some direction. Otherwise, any attempt at giving an interpretation of the ink mark would result in nothing more but another bunch of dead signs or noises in need of yet another interpretation, *ad infinitum*. Second, only because of the mental entity behind the ink mark on paper the course of action – our looking or going into the direction pointed at by the arrow – is *determined*. Otherwise, nothing fixes the course of action, there is nothing to provide the standard of correctness. From the interlocutor’s perspective, without postulating the ‘mental thing, the meaning’ we are neither able to understand the rule, nor are the steps, that should be taken to follow the rule correctly, determined.

I am interested here in the interlocutor’s platonic stance pointed out by Finkelstein. Finkelstein argues that the interlocutor’s Platonism is “a desperate and unsatisfactory attempt to avoid the regress of interpretations which gives rise to the paradox of *Investigations*, §201” (Finkelstein 2000: 56). He also claims that the character of Wittgenstein’s criticism of Platonism is often misunderstood by the commentators as they “read Wittgenstein as endorsing one or another position that participates in the very thing to which he objects in platonism” (Finkelstein 2000: 54). I have already briefly discussed the former. The latter is exemplified by Saul Kripke’s reading of Wittgenstein and Crispin Wright’s answer to that reading. They both share with the Platonist his philosophical anxiety that there is a gap between a rule and its understanding (or meaning, or application) that must be bridged. However, instead of postulating some entity behind the statement of the rule, they give two

different, non-platonic answers to that anxiety. Finkelstein finds both of those answers unsatisfactory, but his main point is that from Kripke's and Wright's perspective it appears as if Wittgenstein were accepting his interlocutor's platonic anxiety as a real threat that should be addressed. Finkelstein argues that what Wittgenstein questions in the rule-following sections – especially in the second paragraph of §201 – is the very idea that “every rule comes with such a gap”. On his reading, Wittgenstein is trying to make us recognize that “when rules are seen as situated within our lives, such gulfs are exceptional. In general, nothing bridges a gulf between a rule and its application because no gulf opens up” (Finkelstein 2000: 64, 69).

Based on Finkelstein's discussion, two steps can be distinguished that are characteristic of the platonic stance. First, the Platonist approaches the rule as abstracted from the meaningful use it has in the context of life. Second, he assumes that such a rule – that now appears to him as mere marks or noises – requires some kind of supplementation. A fool-blooded Platonist takes the third step and postulates some kind of metaphysical entity that he thinks must be hidden behind the rule to fix its significance. At this point, a quasi-Platonist parts his ways with the full-blooded Platonist and – sharing with him the philosophical anxiety – looks for some more available grounding of the rule. In the next section, I will demonstrate that in her discussion of the normativity of practices, Jaeggi follows in the footsteps of Platonists.

2.

In her *Critique of Forms of Life*, Jaeggi championed an idea of immanent criticism of forms of life. She characterized forms of life as “ensembles of social practices” (Jaeggi 2018: 55). Immanent criticism is directed not at forms of life in general but at internal norms or rules embedded in social practices. Therefore, its possibility depends on Jaeggi's preferred social ontology according to which rule-governed social practices constitute the internal texture of forms of life. Jaeggi elucidated her understanding of the concept of practice by discerning its seven aspects. Even a brief presentation of all of them would require a more extended discussion. Therefore, I shall move directly to the fourth aspect according to which practices are rule-governed.

Jaeggi claims that the “formation and performance of practices involve more than just observable regularities. They always involve sequences of actions governed by rules and regulations, hence by a division of the possibilities of action into what is and what is not appropriate to do”. At this point, she refers to John Rawls’s definition of a social practice. I will come back to this. She continues by quoting Titus Stahl – who proposed his own idea of internal critique – saying that “[t]he central idea is that a practice invariably involves an internal distinction between right and wrong action.” Jaeggi comments that “[t]he decisive point is that the operative criteria are *internal to practice*. If one can act wrongly in different ways with respect to practices, then this is a matter of rule violations that miss the point of the practice itself” (Jaeggi 2018: 57).

This passage quite clearly shows that Jaeggi’s goal in postulating the rule-governedness of practices is to establish their normativity. For this purpose, she contrasted rules with observable regularities and claimed that observable regularities are not enough to constitute the normativity of practices. She didn’t give at this point any reason for that claim, nor did she explain her understanding of the term observable regularities. Given that, it will be helpful to turn in this respect to Stahl. Stahl agrees with Jaeggi that regularities of behavior are not sufficient in characterizing social practices and their normativity. What distinguishes practices from such regularities are – according to him – “rules that determine the *correctness* and *incorrectness* of certain forms of behaviour” (Stahl 2022: 162). Fortunately, Stahl is more generous than Jaeggi and provides the reader with some background for that claim. He refers to Saul Kripke’s reading of Wittgenstein and says that “any descriptively graspable *regularity*” (Stahl 2022: 177) would not constitute a fact acceptable for the skeptic as determining the meaning of the rule. Insofar as this is true in reference to Kripke’s skeptic, who is interested in establishing the meaning of a *rule*, it is not clear what consequences it should have for Stahl or Jaeggi, who are interested in establishing the normativity of a *practice*. Anyhow, Stahl seems to agree with Kripke’s skeptic since – in some other parts of his book – he refers to observable regularities as empirical, nonintentional descriptions of behavior that essentially lack any normative dimension (cf. Stahl 2022: 162, 177ff, 185). They are empirical facts bereft on their own of any normative significance. It seems that Stahl assumes that regularities, as

something that can be plainly observed, are – so to say – empirically given. I cannot discuss it here, however, I want to emphasize that for Wittgenstein grasping a regularity is something that requires a technique (cf. e.g., RFM 2001: VI, §2) and already this has significant implications for the issue of normativity.

If my reconstruction of Jaeggi's account of observable regularities in reference to Stahl is correct, then Jaeggi approaches social practices as mere sequences of actions that, even though regular, require some kind of supplementation to gain normative significance. Given that, any description of observable regularities in the people's movements and actions would be a description devoid of any reference to normativity. In the previous section, I have discussed Wittgenstein's interlocutor platonic stance. Finkelstein characterized a Platonist about meaning and understanding as "someone who, in an effort to explain how mere noises and marks can have semantic significance, is driven to posit self-standing sources of significance – items which stand to the significance of our dead marks and noises as the sun stands to the light of the moon" (Finkelstein 2000: 53-54). My argument is that Jaeggi, in an effort to explain how mere regular moves and actions can have normative significance, is also driven to posit self-standing sources of significance – rules. Someone could argue that while in the case of Platonism about meaning and understanding Wittgenstein's interlocutor postulated some mysterious entities behind the mere signs and noises without giving any (convincing) account of what they might be, in the case of practices, the entities postulated behind the sequences of actions are not mysterious at all. They are rules. Indeed, there is a non-mysterious account of rules constituting the normativity of practice in John Rawls's paper "Two Concepts of Rules" to which Jaeggi referred.

Rawls defined a practice technically as "any form of activity specified by a system of rules which define offices, roles, moves, penalties, defenses, and so on, and which gives the activity its structure" (Rawls 1955: 3). According to Rawls, rules constitute both the meaning and normativity of a practice. However, there is a significant difference between Rawls and Jaeggi in understanding what a *rule* is. For Rawls, "[i]t is the mark of a practice that being taught how to engage in it involves being instructed in the rules which define it, and that appeal is made to those rules to correct the behavior of those who engage in it. Those engaged in a practice recognize the rules as

defining it. [...] it is essential to the notion of a practice that the rules are publicly known and understood as definitive” (Rawls 1995: 24). The possibility of being instructed in the rules or corrected in one’s behavior by an appeal to rules requires that the rules of practice are publicly known and, therefore, explicit. In contrast, Jaeggi’s primary interest lies in what she calls ‘internal’ or ‘immanent’ rules. There is nothing philosophically troublesome in saying that the normativity of the chess game is constituted by the rules of the chess. The normativity of the game of chess does not require postulating any internal rules for that practice. There are explicit, publicly available rules of chess. (Wittgenstein in the rule-following remarks went further and asked a question concerning the constitution of the normativity of rules.) But Jaeggi is not interested in such obvious cases. She claims that all practices are rule-governed and it seems that – like Rawls – she models her understanding of rule-governedness of practices on cases like the game of chess. However, there is a significant difference in the role rules play in practices between practices like a chess game and examples provided by Jaeggi.

One of Jaeggi’s examples of social practice is shopping. She writes that “*depending on how one understands* the practice of shopping, talking loudly on one’s cell phone while in the store or leaving the store without saying goodbye can constitute an internal violation of the norms associated with shopping” (Jaeggi 2018: 58, emphasis added). This is a striking claim if we remember – that according to Jaeggi – what constitutes the normativity of practices are rules. It is not the case in reference to the chess game that ‘depending on how one understands’ that practice, such-and-such a move *can* constitute a violation of the game. What can depend on someone’s understanding of chess is e.g. a strategy she will choose. A person with a better understanding of such a game usually is a better player. But what counts as a correct or incorrect move in chess does not depend on one’s understanding of that game. It depends on the rules of chess. Similarly, traffic violation does not depend on our understanding of the practice of driving a car but on the traffic rules. If someone runs over a red light, we would not say that he understands the practice of driving a car differently. He either doesn’t know the traffic rules or breaks them intentionally. I agree with Jaeggi that ‘leaving the store without saying goodbye’ can be considered rude depending on how one understands the practice of shopping. However, one can think of many

scenarios why the person didn't say goodbye and, in some of those scenarios, not saying goodbye would not be considered rude. In the practice of shopping, even such a simple thing as saying or not saying goodbye has a complex normative significance depending on the context of a particular case. While in the case of rules – like the rules of chess – their normativity is not in that way context-dependent. Insofar as leaving the store without saying goodbye could be satisfactorily excused or explained, there is no explanation for diagonally moving your rook in chess. Even if you would excuse such a move by saying that you mistakenly took your rook for a bishop, such a move would still be incorrect. And that incorrectness is constituted by the rules of chess.

Let me get back to the contrast between observable regularities and rules. I have suggested that Jaeggi approaches regular sequences of actions as bereft of normative significance. Borrowing from Wittgenstein, it can be said that it appears to her that there is a gap between a regular sequence of action and its normative determination. She thinks that what is needed to bridge that gap is a rule. Later in her book Jaeggi gives an example that illustrates my argument. She imagines herself as someone who always walks without stepping on the lines between the paving stones and says that this exhibits merely regular behavior. If she stepped one day on the line between paving stones, “then I – Jaeggi comments – have done something *different* from usual, but I have not done anything *wrong*.” She continues that only if she would make it a rule not to step on the lines, stepping on the lines would be “a violation of this rule”. In the end she comments that “[o]nly when a certain regular behavior is required, so that one can also violate this requirement, are we dealing with norm-governed behavior” (Jaeggi 2018: 93).

The stake of the contrast between observable regularities and rules was to demonstrate that the former are on their own non-normative. Jaeggi described two cases of someone who usually walks without stepping on the lines between the paving stones, but steps on a line one day. The only difference between those two cases was that in the second one the person formulated a rule – not to step on the lines – which she was following. It is clear that only if there is a rule we can say that someone violated that rule. But it does not demonstrate that the only possible kind of requirement for our behavior has a form of a rule. Meanwhile, it is precisely this train of thought that pressures Jaeggi to postulate rule-governedness of practices. She thinks that only rules

can formulate requirements for our behavior and constitute normativity of practices. Therefore, if a sequence of actions is supposed to be taken as social practice, it has to be supplemented with rules. If there are no explicit rules that can be linguistically stated, then there *must* be hidden some internal rules.

But the trick in Jaeggi's argument lies in its first-person scenario: I can only do something wrong if I am following rules in what I'm doing. However, if we switch to a third person, how can we distinguish between regular behavior of someone who usually walks without stepping on the lines between the paving stones and rule-governed behavior of someone who usually walks without stepping on the lines between the paving stones? The only available criterion is the explicit rule 'do not step on the lines between the paving stones'.

3.

In this paper, I have tried to reconstruct Jaeggi's reasoning that led her to the postulate of the rule-governedness of practices. In her account she approaches practices as bereft of normative significance. It appears to her that there *must* be something behind mere sequences of actions to constitute a normative practice. She thinks that what lies behind observable regularities of actions are rules. Insofar as we think about rules as explicit and publicly available, there is nothing philosophically problematic in referring to rules as constituting the normativity of practices. However, Jaeggi's immanent criticism is directed not at explicit, but at *internal* rules embedded in practices. I tried to show that Jaeggi's postulate of internal rules expresses a misunderstanding of the role that rules play in our social practices. She is led to a confusion regarding what actually is called rules by reasoning very similar to the reasoning we could see expressed in the platonic stance of Wittgenstein's interlocutor.

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