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Relations between Norms and Regularities of Behavior

Concerning the relation between norms and regularities of behavior, Robert Brandom claims: “Norms are not just regularities, though to be properly understood as subject to them, and even as instituting them by one’s conduct (along with that of one’s fellows), no more need be required than a capacity to conform to regularities.” (MIE 156) The regularities Brandom has in mind here are presumably those posited by a complex regularity theory of norms (cf. MIE 1.IV.3): members of a group are disposed to perform action *a* in situation *s* and they are disposed to sanction others if they fail to do *a* in *s*. In the above quote, Brandom claims that even though the norm ‘Do *a* in situation *s*’ cannot be identified with these behavioral regularities, they can still in some sense institute the norm. His writings leave it unclear, however, in what sense this is the case.

In order to get clearer about these matters, I first want to make the methodological proposal of distinguishing two questions. On the one hand, there is the question of which relations do and do not obtain between norms and regularities of behavior. On the other, there is the question whether these relations can be said to be relations of institution. In my presentation, I will leave the second question in the background and consider mainly the first question. In other words, I will simply discuss whether certain relations obtain between regularities and norms, leaving aside the question whether the latter can be said to be instituted by the former in virtue of these relations.

Regarding the relations between norms and regularities, my focus will be on a thesis Brandom attributes to Huw Price, namely what he calls pragmatic normative naturalism (BSD 12). According to this thesis, one can describe exclusively in terms of regularities of behavior what one has to do in order to be using normative vocabulary. I think that this thesis is false; I will argue, however, that a similar relation between behavioral regularities and normative vocabulary can be seen to hold.

Before I get to these matters, I will quickly go over two points I take to be rather well known. First, it is clear that no justificatory relation obtains between a norm and the corresponding behavioral regularities. One cannot justify the claim that one should do *a* in *s* by saying that people generally do so and sanction others who fail to do so. I take it that this is the reason why Brandom says that norms are not just regularities.

Secondly, there is a cluster of relations that present themselves to someone adopting the perspective of a field-sociologist who tries to uncover the norms in foreign community: First, the regularities are what the sociologist expects to see if she assumes as a hypothesis the normative claim that one should do *a* in *s*. She would then expect members of the group to generally act in that way and to sanction deviations. A second relation can be more or less derived from the first: If it is assumed that the behavioral regularities are in place, then one can endorse the corresponding normative claim. This is the case in the sense that the normative claim would not be refuted by observations of behavior. The normative claim would be refuted by the observation that members often do not do *a* in *s* or by the observation that though they generally do, deviations are not met with sanctions.

This shows that normative vocabulary can be seen as an alternative conceptual scheme that can be used to describe specific patterns of behavioral regularities. I think, however, that this

relation between norms and regularities fails to explain the institution of norms because it fails to account for their normativity, i.e., the fact that one should act in certain ways.

I will now turn to pragmatic normative naturalism, according to which norms and behavioral regularities are related in the following way: One can describe exclusively in terms of regularities of behavior what one has to do in order to be using normative vocabulary. Concerning this relation, it has to be noted that both relata are different from the ones in the relations just considered. On the one side, it is not norms that are related to behavioral regularities, but claims that norms obtain. (An individual person's claiming or thinking that a norm obtains and its actually obtaining are independent of each other.) On the other side, the behavioral regularities corresponding to the use of normative vocabularies are different from the those sketched above. Unlike those, they would have to concern the use of utterances, and would presumably include: If one says 'One should do *a* in *s*', then one is disposed to do *a* in *s* and to sanction others who fail to do so.

In my view, pragmatic normative naturalism does not hold. An utterance can count as the endorsement of a normative claim even if the utterer is not disposed to act or to sanction others accordingly. Instead, what is necessary for the utterance to count as the normative claim that one should do *a* in *s* is that the utterer commits herself to act in this way and to evaluate others' behavior in that light. A speaker could be criticized as inconsistent if she claims that one should do *a* in *s*, but does not to act and evaluate others accordingly. (This holds even if it is not in fact the case that one should do *a* in *s*.) These considerations show that one needs normative terms to describe what one has to do in order to be using normative vocabulary.

However, I think there is a different relation between behavioral regularities and endorsing a normative claim. The behavioral regularities figuring in this relation are not those concerning the use of normative vocabulary just sketched, but again those assumed by the complex regularity theory, namely that persons are disposed to do *a* in *s* and to sanctions deviations.

Now, if a person is disposed to act in this way, she can be said to have adopted the normative attitude of taking it that one should do *a* in *s*. It might be asked whether normative attitudes can be equated with behavioral dispositions, but I think there is a sense of "normative attitude" in which this can be said, just as there is a sense in which to have a descriptive belief is to be disposed to act in certain ways. It is also in this sense that Brandom argues that unlike norms, normative attitudes are in the causal order (MIE 626).

In any case, a normative attitude to the effect that certain ways of acting are correct or obligatory can be expressed by endorsing a corresponding normative claim. Thus, there is a relation between certain regularities the behavior of a human being is subject to and a normative claim of that person, namely the relation that the claim expresses the attitude constituted by the behavioral regularities.

Though this is beyond the scope of my presentation, I want to note in conclusion that one should now go back to the question kept in the background, whether behavioral regularities can be said to institute norms. In other words, one now should go back to the question whether the relations between regularities and norms that have been established justify the thesis that that former institute the latter. More specifically, given that one can use normative claims to describe a community of persons exhibiting certain behavioral regularities and given that these persons can express their attitudes by using normative claims, can it be said that a norm obtains in this community?