NORMS: BETWEEN A SOCIAL AND AN AGENTIAL NATURE, BETWEEN GENERALIZATION AND ACCOUNTABILITY

NORMAS: ENTRE UNA NATURALEZA SOCIAL Y UNA AGENCIAL, ENTRE GENERALIZACIÓN Y RESPONSABILIDAD

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Brennan, G., Eriksson, L., Goodin, R. E., & Southwood, N. (2013): *Explaining Norms*, Oxford: Oxford University Press.

Empirical approaches to norms and normativity have been emerging for the last two decades both in the Social Sciences and Philosophy. However, the definition of norms and their classification are complex and controversial topics. For example, conventionalistic views generally defended by rationality theorists usually suppose that agent's behaviours create and spread norms; philosophers of law opt instead for some kind of prescriptivism assuming that the establishment of a norm involves some kind of external authority. This is the sort of dilemma explored in Explaining Norms, by Geoffrey Brennan, Lina Eriksson, Robert Goodin and Nicholas Southwood, professors at the Australian National University.

The underlying problem discussed by the authors is the social or agential nature of norms. Roughly speaking, while the former assumes that agents just incorporate existing previous norms into their lives, the latter defends that norms are ultimately created by agents. Advocates of the social approach generally take a holistic and non-reductive stance: norms are adopted by whole groups due in their own normative terms. Those who opt for the agential view are usually individualistic and reductionists about norms: they are adopted if the members of the group individually adhere to their non-normative truth. The solution proposed in Explaining Norms is a third way: an individualistic but non-reductive view of norms (pp. 4-5).

In the introduction (chapter 1), the authors give some general but basic ideas and concepts about norms. Norms are constituted by normative and socio-empirical elements. Normative elements partly consist of normative

principles or rules that depend on general requirements, that establish what agents must or must not do. Socio-empirical elements point to the determinants of acceptance in the group or community. This chapter presents the topics addressed in the rest of the book: types of norms (formal and non-formal norms, and within the latter, social and moral norms), the explanatory options (individual agency, empirical structure or social ideas), and a rational choice analysis of norms. Finally, the authors state their goals as follows: «Our aim is to bridge the gap between rational-choice theories and rival theories by taking a broad view of what matters to people (…) Our aim in this book is to salvage quite a bit of rational-choice approach by combining it with constructivist approaches, as is we think eminently appropriate» (p. 9).

In Part I (chapters 2, 3, 4) norms are defined in terms of accountability: «Our hypotheses is that norms serve the function of making us accountable; and that the different kinds of norms can be understood in terms of the different kinds of accountability that they create» (pp. 10-14). Chapter 2 shows some counterexamples to the characterizations of norms as practices and as desires, against Bicchieri's analysis based on beliefs and desires (2006). Then the authors present Hart's (1961) account of norms based on a significant proportion of members of a group having a normative attitude and knowing that other significant proportion of members of the same group have the same normative attitude. Chapter 3, based on Hart's (1961) concepts of primary and secondary rules, explains the demarcation between formal and non-formal norms in terms of the existence of external mechanisms, de re or de dicto normative attitudes and accountability mediation. It faces the debate between conventional and prescriptive analysis of norms. Chapter 4 lays out the demarcation between social and moral norms (both non-formal norms) stating that social norms are practice-dependent (what is called the Grounds View) while moral norms are not. The authors criticize the Forms and the Contents criteria and it ends analyzing the functions of these kinds of norms.

Part II (chapters 5, 6, 7, 8) explores how norms emerge, persist and change. Particularly, chapter 5 discusses patterns of norm emergence: the two-step process (from less formal to more formal rules), free-flowing cascades, follow-the-leader processes and norm adoption from convention. It also analyses the sources of normative persistence depending on costs, interests and expectations; the way norms change, and how they may unravel. Chapter 6 deepens in the rational reconstruction view of norms, in which they depend on purposive and interested agents. The authors contend that this is a good way

of explaining why norms emerge and how we classify them, but it makes difficult to explain how these norms emerge, so that we cannot rationally reconstruct the origins of particular norms (unless we turn to historical explanations). The authors question about purposive analysis and scoping their boundaries and the state that for explaining norms we need to take care both of purposes that show why norms emerge and mechanisms that explain how they emerge. Chapter 7 is about the social meaning of norms and their use as signals and symbols to conform social roles and identities. The authors use March and Olsen's (1989) concept of 'logic of appropriateness' and they explore how far these social-role or identities accounts of norms explain norm emergence and diffusion. Unlike rational reconstructions, they conclude that these approaches are useful for explaining how norms emerge but not why. Chapter 8 focuses on bad norms: how they emerge, persist, how selection pressure acts with them and finally why they exhibit path dependency phenomena.

Part III (chapters 9, 10, 11, 12) addresses the explanation of individual and group behaviours according to norms. Chapter 9 explains norm following in terms of norm internalization, so that once agents follow a norm, they act accordinlyg to that norm because of that norm. Norm internalization assumes that the agent follows the norm and that he believes that it is generally accepted by the group. Conative states (desires, preferences) make sense of norm following better that cognitive attitudes (believes, perceptions) and internalization supposes that it is not necessary to have an instrumental reason for action. Social norms seem to be the paradigmatic type of norm followed. Chapter 10 explains norm compliance in terms of norm externalization, such that the agent acts in accordance with the norm not due to the norm, but because of other reasons like benefits and sanctions. In this case, formal norms are usually conformed. Chapter 11 analyses different sorts of such behaviour (ignoring a norm, calculated breach, pretending to comply-disguising non-compliance, avoiding a norm). The authors study the possible causes and consequences of breaching a norm (from common non-compliers to conscientious objectors, from being punished to having a great benefit). Chapter 12, unlike the previous ones, do not focus on the relation between norms and actions, but on the relation between norms and attitudes-deliberations: «norms also play an important role in explaining what goes on inside our heads» (p. 245). The authors also introduce processes of automatic choice of attitudes.

So far, Brennan, Eriksson, Goodin and Soutwood have developed an extensive characterization and classification of norms using some criteria based on a very suggestive individualistic but non-reductive account of norms.

It seems to be a tension when thinking about moral norms. Norms have a normative element and a socio-empirical element: «What makes a normative principle a norm of a particular group of community is that it is somehow accepted in that group or community» (p. 3). On the other hand, «moral norms are clusters of essentially practice-independent normative judgements» (p. 72) with a derivative justificatory role in agent's mind.

Norms suppose both a normative and a socio-empirical element. The normative element involves normative principles and these are general requirements that describe what the agent must or must not do. The socio-empirical element states that «a normative principle is always a norm in or of a particular group or community» (p. 3). The authors reinforce this definition suggesting a Hartian account of norms in which a normative principle is a norm when «a significant proportion of the members» of a group have corresponding normative attitudes and «a significant proportion of the members [of a group] know that a significant proportion of the members [of this group]» have corresponding normative attitudes (p. 29).

Moral norms are initially said to be related to accepted rules (p. 57), but they are defined in terms of their practice-independent nature «in the sense that presumed social practices may constitute no part of their grounds» (p. 59). In other words, moral norms are wholly individualistic accounted but socially accepted. Thus,

> [W]here an individual judges that soldiers must not rape women in war, if this is a genuine moral judgement, it may not be the case that in that individual's mind, a social practice of not raping women in war constitutes any non-derivative aspect of the justification for the requirement that soldiers not rape women in war. In this sense moral judgement are essentially practice-independent. Moral norms are clusters of essentially practice-independent judgements. Social norms are clusters of social judgements, which are necessarily practice-dependent in the sense that they are necessarily grounded, at least in part, in presumed social practices (p. 72)

We have a problem when we face facts that are socially disapproved but individualistic accounted (e.g. think of a society in which smoking cannabis is disapproved and an agent's feeling is to accept it). The authors may say that in these cases we have normative attitudes followed by few agents but not moral

norms. The problem becomes larger when we analyse the patterns of emergence, diffusion and change of norms, as well as norm breaching: Norms usually start and spread from few people (maybe just one person) or external agents (formal norms), many times without the general acceptance implied by the socio-empirical element required in the definition of Norm. We may say that we initially have a normative attitude and latter a Norm, but in that case, our definition of Norm cannot be fully non-reductive as far as it ultimately depends on individual attitudes (e.g. initial general disapproval of cannabis consumption [Norm 1], existence of some consumers [Individual Attitude2] and subsequent social acceptance and legalization [Norm 2 based on Individual Attitude2]). A socio-empirical element seems to be necessary for a non-reductive account of norms, but it is too demanding for moral norms.

It must be said that this account of norms may be very useful to face and analyse many prevalent issues. To name a few, these are the cases of political and social relations (relations between states, groups-communities and agents), cultural challenges (multiculturalism), economic management systems (kinds of ownership) or new technologies and social networks.

A final note on the structure of the volume: as the reader may have guessed, the content is presented in a modular manner that takes it particularly accessible for uninitiated readers. The writing is clear and this makes it a very suitable text for graduate teaching.

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