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Rules and Social Behavior in Peter Winch: Problems and Reassessment

Abstract

This article aims to study the problems arising from the notion of rule proposed by Peter Winch in *The Idea of a Social Science and Its Relation to Philosophy* (1958) to account for all meaningful behavior. Firstly, it will analyze the problems in the argument posed in order to state that all human and meaningful behavior is governed by rules. Secondly, it will focus on the problems concerning his conception of rules and rule-following. Finally, it will reassess Winch's proposal and reformulate his notion of rule in an intentional account of meaningful behavior, thus solving the problems presented.

Key Words

Peter Winch, social behavior, meaningful behavior, rules, rule-following, intention, philosophy of the social sciences.

I. Introduction

Peter Winch, in *The Idea of a Social Science and Its Relation to Philosophy* (*ISS*) ([1958] 2003), proposes the notion of *rul*e in order to account for all meaningful behavior[1]. He considers it to be impossible to find meaningful behavior and, by extension, human behavior that does not involve the existence of some sort of rule. The aim of this article is to analyze the problems underlying Winch's premise and thus demonstrate the deficiency of his proposal. In addition, it also sets out to reformulate his notion of rule in an intentional account of meaningful behavior. To enable us to carry out these tasks, we shall divide our work into three sections. The first will revolve around analyzing the

[1] It should be noted that Winch considers that all social behavior must be meaningful behavior and that all meaningful behavior is social –since it involves following rules (Winch 2003, 116).

problems that lie in the argument posed in order to affirm that all human meaningful behavior is governed by rules; thus, showing that the notion of rule is insufficient to account for the totality of meaningful behavior. The second section will explore the problems concerning the notion of rule itself and the inadequacy of the criterion used in *ISS* to determine when a rule is being followed. Finally, the last section is dedicated to reassessing Winch's proposal concerning rules, solving the various problems raised in the previous two sections. We will resort to an intentional account of meaningful behavior to reformulate the notion of rule and, additionally, propose a criterion to determine when a rule is being followed.

II. The notion of *rule* and meaningful behavior in Winch's proposal

In the second chapter of *ISS* Winch analyzes meaningful behavior, that is to say, those forms of human activity that have meaning or symbolic significance. The outlined aim is to provide a concept that can account for said conduct. With this purpose in mind he resorts to the notion of *rule*[2], using as a basis the analysis posed by Wittgenstein in *Philosophical Investigations* and applying it analogously to the analysis of behavior[3]. Accordingly, Winch affirms:

> I have claimed that the analysis of meaningful behaviour must allot a central role to the notion of a rule; that all behaviour which is meaningful (therefore all specifically human behaviour) is *ipso facto* rule-governed. It may now be objected that this way of speaking blurs a necessary distinction: that *some* kinds of activity involve the participant in the observance of rules, whilst others do not. (Winch 2003, 51-52)

From this fragment we are able to draw two basic theses. [T1]: all meaningful behavior is necessarily governed by rules. [T2]: all specifically human behavior is meaningful and is therefore governed by rules. At the same time, these two theses imply that the existing distinction between that behavior which is governed by rules and that which is not, is completely eliminated.

To argue in favor of the two theses, Winch considers that he has to face the following objection: it is not possible to remove the necessary distinction between those activities where a participant observes rules and those where he does not observe them. To refute

[2] The notions of rule and norm will be used indistinctly –just as Winch does (Winch 2003, 52).
[3] The terms conduct and behavior will only refer to meaningful behavior –unless the contrary is specified.

this objection he concentrates on analyzing one particular example: that of the freethinking anarchist[4]. He believes that if he were able to show that the anarchist follows rules, then the distinction is not necessary and can be removed –thus reinforcing the two theses presented. Therefore, he goes on to make the following two assertions:

> (1) The way of life of an anarchist is a *way of life*[5] and, therefore, implies the existence of rules.
>
> (2) For the anarchist, in spite of not following the explicit and rigid rules followed by a monk, "they are still significant choices that he makes: they are guided by considerations, and he may have good reasons for choosing one course of action rather than another. And theses notions, which are essential in describing the anarchist's mode of behaviour, presuppose the notion of a rule" (Winch 2003, 53).

However, Winch's argument raises four central problems that affect the two basic theses of his proposal. Firstly, the use of the anarchist figure to defend his premise that the whole of human behavior is governed by rules is not valid. If we consider –hypothetically– that all the anarchist's behavior is really governed by rules, it is not possible to deduce from it that all human behavior is governed by rules, we can only affirm with certainty that the anarchist follows rules. The source of this problem can be found in Winch's argument. The initial question of whether there is any activity in which the participant is not bound by rules is suddenly deflected to whether one case in particular includes rules (Williamson 1989, 493). As a result we are presented with an unsatisfactory and incomplete answer to the original question. At the same time, said problem is further accentuated by a counter-example that can be found in *ISS*. Winch claims that a raving lunatic exhibits senseless behavior and, thereby consequence, has no rules (Winch 2003, 53). Thus, we have encountered a human behavior that is not a meaningful behavior nor is governed by rules[6].

Therefore, this first problem shows that the anarchist figure introduced by Winch proves ineffective to argue that there is no distinction between human behavior governed by rules and that which is not, as presented in [T2] –irrespective of the truth behind the assertions (1) and (2) he introduces later on. In addition, it removes the equivalence

[4] Form this point forward, we shall work on the assumption that the anarchist's behavior constitutes a meaningful behavior.
[5] This pleonasm is presented by Winch himself in *ISS* (Winch 2003, 52).
[6] For other examples regarding human conducts that are meaningful behavior and are not rule-governed see Williamson (1989, 501).

established in [T2] between human behavior and meaningful behavior. Nevertheless, the problem has no effect on either of the two assertions presented, or the veracity of [T1].

The second problem to be found in Winch's proposal concerns a mistake in his argument. The initial question to which he attempts to provide an answer is distorted in a second way when he goes from questioning if there is any behavior where the participant does not observe rules to whether it makes sense to speak of rules when describing the behavior of an anarchist (Winch 2003, 52). Consequently, in the event of a satisfactory answer being supplied to the second question, this would prove inadequate for resolving the problem posed in the first question. There is a notable difference between being able to describe the anarchist's behavior through the notion of rule and declaring that he observes and follows rules when carrying out his activities. Winch does not offer any argument that can establish that the description of a conduct in terms of rules necessarily implies the presence of rules in such conduct. The only way to fill the void in this argument is to assume that all human behavior is bound *ipso facto* by rules –thus incurring in a fallacy of *petitio principii*. Therefore, this problem highlights that the affirmation (2)[7] only admits the argument that it is possible to describe the anarchist's behavior by recurring to rules, although this does not enable us to confirm that he really is following rules, despite having meaningful behavior. In consequence, this affirmation does not allow for arguments in favor of [T1] and [T2].

The third problem arising from Winch's anarchist concerns the introduction of the notion of *way of life* –that he takes from Wittgenstein. Winch resorts to this concept in order to declare that the anarchist's behavior is really rule-governed. However, "one of the special features of this conception is precisely the theory that all human behavior is governed by rules" (Williamson 1989, 493). Winch incurs, thus, in a fallacy of *petitio principii* which invalidates the argument he tries to introduce to affirm that the anarchist's entire behavior is governed by rules. Hence, in order to resolve this particular issue, it is necessary to define the concept of way of life in terms that do not presuppose that all human behavior is *ipso facto* governed by rules.

Nonetheless, even with an appropriate definition of *way of life*, there is sill one last problem. Winch presents an analogy between ways of life and literary styles to illustrate

[7] (2): For the anarchist, in spite of not following the explicit and rigid rules followed by a monk, "they are still significant choices that he makes: they are guided by considerations, and he may have good reasons for choosing one course of action rather than another. And theses notions, which are essential in describing the anarchist's mode of behavior, presuppose the notion of a rule" (Winch 2003, 53)

how a way of life implies following rules. Through this analogy, the life of a monk is equated with grammar and the way of life of an anarchist with literary styles. Thereby, and in spite of the fact that literary styles do not themselves possess strict rules –as does grammar– it is still possible to talk of rules that guide writing although they do not impose a specific kind of writing –as would be the case with grammar. This analogy presented by Winch poses two different difficulties.

In first place, there exists a certain inaccuracy in the analogy. On the one hand, the life of a monk is compared to grammar and the life of an anarchist to literary styles. However, is not the behavior of a monk a way of life?[8] Regardless of the rigidity of the rules that govern his conduct, his behavior is still a way of life. The analogy ought to delve into the differences between various literary styles in order to lend the analogy some validity. On the other hand, Winch states that literary styles are still governed by the rules of grammar (Winch 2003, 53). However, he denies in turn that the anarchist's way of life contains rigid rules like those characteristic to the life of a monk. Hence, the analogy offered by Winch contains certain inaccuracies that create a lack of clarity when it comes to trying to explain to what point a way of life implies rule-following.

In second place, literary styles doe not necessarily provide rules to guide us when writing. For example, Williamson gives us a counter-example that revolves around the author Dostoyevsky (Williamson 1989, 500). From his writing we can extract a series of rules that would enable us to write in a similar style. However, did Dostoyevsky possess a series of rules to guide him when he wrote? The capacity to extract rules from the writing in his works does not necessarily entail that he applied these rules reflectively[9] – especially if we take into account that said rules were formulated after Dostoyevsky's works had actually been written. But Winch affirms that the mere possibility of analyzing and learning a literary style implies the existence of rules. So, the notions of *analyzing* and *learning* become logically inseparable from the notion of *rule*. Yet, "the suggestion that the literary style must be governed by rules because it can be learned […] merely begs the question" (Williamson 1989, 500). Winch offers no argument to justify that the possibility of analyzing and learning leads necessarily to the presence of rules. Thus, the capacity for analysis and learning is not sufficient in order to defend the existence of rules in literary styles.

[8] The notion of way of life is utilized here in the same sense that Winch proposes in *ISS*.
[9] The possibility of reflectiveness when applying a rule is an aspect that Winch presents in the second chapter of *ISS* and that we shall revisit in the next section.

The two problems described regarding the notion of *way of life* –both the fallacy incurred and the inadequacy of the literary style analogy– suggest that Winch's affirmation (1)[10] is not sufficient to make a case in favor of [T1] and [T2]. Therefore, the four problems and the two difficulties posed in this section imply that the two basic theses that form Winch's proposal lack a solid foundation; the notion of rule is insufficient to account for all human behavior and all meaningful behavior. In the third section, we propose to turn to another notion that will encompass the whole of meaningful behavior and include Winch's proposal concerning rules in this new approach.

III. Problems in Winch's conception of rules and rule-following

The problems in Winch's proposal, however, are not limited to the impossibility of defending the two basic theses presented in the previous section. There are also various problems surrounding the notion of *rule* that he introduces to account for meaningful behavior. Initially, in *ISS*, there is a basic and general characterization of what is a rule, following the conception that Wittgenstein presents and develops in his *Philosophical Investigations*. From that characterization we can extract four basic elements that Winch associates with rules:

(i) Rules have to establish a criterion that determines a correct way of doing things. Therefore, and by extension, it also has to establish what constitutes an error –the contravention of what a rule establishes as correct.

(ii) The criterion stipulated by a rule must imply a compromise and regulation of future conduct.

(iii) All rules can only be established in the framework of a human society; individual rules do not constitute private rules[11]. It is necessary that other individuals are able to identify and recognize the established rule. Hence, all rules must me public.

(iv) The possibility to control an established rule is indispensable. Such control must be external and, therefore, arises from 'the others' –the human society. These must be capable of judging when a rule is being followed correctly and recognizing any possible contravention.

[10] (1): The way of life of an anarchist is a *way of life* and, therefore, implies the existence of rules.

[11] This characteristic is only an extraction of Wittgenstein's argument against private language. For more information on how the analogy between both is presented see Winch (2003, 32-39)

Once this basic characterization of the notion of rule has been posed, it is also important to introduce another essential aspect that Winch suggests in relation to the general concept of following a rule: *reflectiveness*. The possibility of reflection is essential to distinguish meaningful behavior –that which is governed by rules– from a blind habit or a mere response to stimuli. By means of reflection it is possible to undergo the necessary adaptations for the application of a rule in a foreign situation (Winch 2003, 63). Hereby, the problem involving reflectiveness is closely related to the problems of interpretation and consistency when trying to correctly follow a rule in an unknown environment that we have not experienced previously (Winch 2003, 63). Consequently, following a rule entails being able to apply it reflectively, i.e., being able to interpret the rule correctly and consistently in relation to the requirements of the environmental changes. Let us consider the following example: two individuals –'A' and 'B'– are asked to write down a series of natural numbers starting from zero following the rule 'add one to the previous number'. Both individuals then proceed to write the following series of numbers: 0, 1, 2, 3, 4 and so on. However, then both individuals are asked to perform a different task: they must write down a series of natural numbers following the same rule as before but starting from the number 50. While 'A' is capable of adapting the rule to the new situation and the environmental changes that it entails, 'B' is incapable of such a task and rewrites the exact same series he was requested in the previous task. In consequence, 'A' is following a rule, since he can apply it reflexively, and 'B' is simply following a blind habit that lacks any kind of reflectiveness.

Albeit, Winch later on establishes that there is only one criterion necessary to determine when an individual is following a rule:

> In opposition to this I want to say that the test of whether a man's actions are the application of a rule is not whether he can formulate it but whether it makes sense to distinguish between a right and a wrong way of doing things in connection with what he does. Where that makes sense, then it must also make sense to say that he is applying a criterion in what he does even though he does not, and perhaps cannot, formulate that criterion. (Winch 2003, 58).

From this criterion we can draw two consequences. On the one hand, it is not necessary for the actor or the observer to be able to formulate a specific rule to determine that the actor is really following said rule. On the other hand, the possibility of establishing the

distinction between a right and wrong way of doing things is sufficient to determine meaningful behavior. In addition, it is important to note that this criterion is based on an idea that Winch introduced previously: the notion of following a rule is logically inseparable from the notion of committing an error (Winch 2003, 32)[12]. However, the introduction of this criterion entails the appearance of three problems that affect the notions of *rule* and *following a rule* as proposed in *ISS*.

The first problem concerns the argumentative development that is implicit in the criterion proposed by Winch. The initial sentence of the passage stated above introduces the following question: ¿What is the test that allows us to determine if an individual is really applying a rule? While the answer that is provided in the second sentence explains that it makes sense to say that an individual is following a rule if it makes sense to establish a distinction between a right and a wrong way of doing things (Williamson 1989, 502). The original search for a strict criterion that allows us to determine when an individual is following a rule is transformed in to the proposal of a weak criterion that relies on the possibility of supposing that it makes sense to establish a difference between a right and a wrong way of doing things. Consequently, the answer that is introduced in the second sentence is insufficient to resolve the question that is posed in the initial sentence. Independently of the truthfulness or falseness of the weak criterion defended by Winch, the problem lies in that "discussing whether it makes sense to suppose there is a rule is quite beside the point: all that matters is whether there is a rule" (Williamson 1989, 503).

The second problem revolves around the truthfulness of the criterion posed by Winch to determine when a rule is being followed. The error lies in that Winch confuses "the true statement 'where there are rules, there are right and wrong ways' with the false statement 'where there are right and wrong ways there are rules', an example of the fallacy of affirming the consequent" (Williamson 1989, 503-504). The distinction between a right and a wrong way of doing things is broader than the notion of rule. The origin of this problem lies in the supposition that supports Winch's criterion; that is, the affirmation that the notions of committing a mistake and following a rule are logically inseparable. This supposition is problematic since committing an error does not necessarily entail the contravention of a specific rule; "the notion of 'ought to be' is wider

[12] The presence of an error involves the distinction between a correct and an incorrect way of doing things (Winch 2003, 32)

than that of 'rule'" (Saran 1965, 197)[13]. Therefore, it is possible to commit mistakes without following a rule.

Finally, the third problem associated with the criterion previously posed regards the problem of underdetermination. Let us consider the following situation:

> An individual 'A' completes an action that constitutes a meaningful behavior. From this action, an observer 'B' supposes that it is possible to speak of a right and wrong way of doing things and, consequently, determines that it is possible to suppose that 'A' is following the rule 'x'. Simultaneously, a second observer 'C' analyzes the same action. However, his distinction between a right and wrong way of doing things entails that it is possible to suppose that 'A' is following the rule 'y' that is incompatible with 'x'.

In consequence, the same action can result in the affirmation of the presence of two rules that are equally valid, although, at the same time, incompatible with each other. *Ergo*, by means of Winch's criterion it is possible to state than an individual is following two or more rules that are simultaneously incompatible amongst each other. Such a problem is accentuated if we consider that it is legitimate, in Winch's proposal, to state that an individual is following a rule without the necessity of formulating or making explicit the rule in question. Therefore, it is necessary to propose a criterion that allows us to determine which rule an individual is really following and, consequently, solve the problem of underdetermination. Nevertheless, Winch does not present any kind of argument or criterion that allows us to face the problem posed.

The three problems described show how the criterion proposed by Winch is insufficient to determine when a rule is actually being followed. Stating that the possibility of supposing a distinction between a right and wrong way of doing things must entail that a rule is really being followed allows us to state that an individual is following a rule regardless of if he really knows it, understands it or is actually following it. Such a problem is accentuated if we consider that it is not necessary to formulate the rule in question.

An example that allows us to demonstrate the insufficiency and inadequacy of such criterion is supplied by Winch (Winch 2003, 50-51) in the second chapter of *ISS* where

[13] Saran exposes a series of cases that allow us to observe how an error does not necessarily entail a contravention of a rule. For example, Wittgenstein, in his *Philosophical Investigations*, points out a series of errors that he committed in his previous work. Nonetheless, these errors are not considered by others as a contravention of a rule (Saran 1965, 197).

he postulates the following situation: an individual goes to a polling station and proceeds to make a series of marks on a paper and afterwards he puts that paper in a ballot box, albeit without comprehending the significance or the implications of the action he has carried out. Nonetheless, it is legitimate to suppose, as an observer, that we can establish a distinction between a right and wrong way of doing things in relation to the action of such an individual. Accordingly, we can also suppose that he is following a rule, specifically those rules entailed by the process of voting. In addition, it is not required for the individual in question to be capable of formulating the rules that he is supposedly following. However, the problem arises when Winch states the following:

> They cannot be said to be 'voting' unless they have some conception of the significance of what they are doing. This remains true even if the government which comes into power does so in fact as a result of the 'votes' cast. (Winch 2003, 51)

The criterion proposed in *ISS* does not allow us to analyze correctly a conduct that was presented by Winch himself in previous pages. Furthermore, it allows us to observe how it is possible to state that an individual is following a rule independently of if he really knows it, understands it or is actually following it. In consequence, the criterion that Winch introduces to determine when a rule is being followed is too weak and, therefore, it allows the illegitimate and unjustified attribution of non-existent rules to certain conducts and activities. *Ergo*, it does not allow us to determine which conducts really entail rule-following.

Simultaneously, the criterion posed ends up affecting and conflicting with other elements that Winch presents in relation to rules, generating certain inconsistencies in his proposal. One of the most clear-cut cases arises from the criticism that Winch introduces in the second chapter of *ISS* against Oakshott. The latter defends the existence of blind habits that lack any reflectiveness, although they are changing and adaptable. Against this position Winch states:

> I want to say that the possibility of reflection is essential to that kind of adaptability. Without this possibility we are dealing not with meaningful behaviour but with something which is either mere response to stimuli or the manifestation of a habit which is really blind (Winch 2003, 63)

Thereby, it is necessary for an individual, when he is following a rule, to have the possibility of applying it reflectively so he can perform the changes required to interpret the rule correctly and consistently when he has to face new situations and environments. Now, such a possibility must be available in any situation, even when the individual is incapable of formulating the rule that he is supposedly following. However, it is problematic to state that an individual can reflect about a rule that he does not know or cannot formulate. Winch, unfortunately, does not present any argument that accounts for how an individual can apply a rule reflectively in such situations.

The origin of this problem lies on the fact that the criterion proposed by Winch allows to state that an individual is following a rule without any need to formulate it and irrespective of whether he is actually following that rule. This issue also affects other aspects that concern rules. If we take into account the characteristics (iii) and (iv) of the notion of rule it is evident that it is necessary that rules must be recognizable by others and, in addition, these others must be able to carry out a control and judge if a rule is being followed correctly –i.e., rules must be public. Consequently, it is necessary for Winch to describe in detail how these tasks must be performed on those occasions when a rule cannot be formulated or when it is stated that an individual is following a rule that he does not recognize, knows nor acknowledges.

Finally, there is one last, and more general, problem. Winch does not analyze or present in detail certain aspects that concern rules. "We are not allowed to learn what a rule is; not even to follow it, all that we are permitted to understand is the concept of 'following a rule', which is very odd indeed" (Saran 1965, 197). Therefore, in the ideal case that the criterion posed were correct and legitimate, Winch still does not provide any explicit definition of the notion of rule, what following a rule entails or how rules are generated.

IV. Reassessment of the notion of *rule*: an intentional account of meaningful behavior

The two previous sections exhibit the existing errors and insufficiencies in Winch's proposal. However, we cannot derive from such problems the conclusion that the notion of rule has to be eradicated from all analysis of social and meaningful behavior. It is undeniable that rules play a fundamental role in societies and it is hard to imagine them functioning without any kind of rule. Therefore, we propose here to reformulate part of

Winch's proposal in *ISS* to overcome and resolve the various problems we have introduced. To complete this task we shall resort to the works of Krause (2012) and González de Prado Salas and Zamora-Bonilla (2015).

The first aspect that is susceptible to revision is the definition of the concept of *rule*. Winch does not propose a strict and explicit definition of rule in *ISS*. "The word 'rule' may mean anything from mere informal prescription, moral norm, to a carefully framed legal code of procedure and a military command" (Saran 1965, 198). Thus, it is necessary to establish a definition of rule that simultaneously fits Winch's proposal. In order to provide this definition we will resort to Krause's definition of *social norm*[14]:

> The repeated actualization of a joint commitment as defined in (7) is called a social norm if and only if (a) it has generated sufficient coercive power to be self-sustainable (agents follow the norm because it has produced a joint commitment before), (b) agents are jointly and severally accountable for actualizing the joint commitment, and (c) agents understand that they are following a norm. (Krause 2012, 345)[15]

The suitability of the definition posed is due to the fact that it includes all the non-problematic elements that Winch associates with rules. Social norms (iii) are the product of a mutual commitment in relation to a certain way of behaving (i) that generates enough coercive power to regulate present and future conduct (ii) and agents are responsible for actualizing said commitment (iv). In addition, it allows to maintain the wide variety of strictness that rules can have and it also shows how rules are conformed and established. Nonetheless, the general characterization of rules in *ISS* allows us to complete and introduce certain elements that appear implicitly in Krause's definition. Specifically, it is necessary to specify that social norms have to regulate present and future behavior and it must be possible for agents to identify and control the correct application of a rule –i.e. the rule must be public. Therefore, we propose the following definition:

> [D]: The repeated actualization of a joint commitment as defined in (7) is called a social norm if and only if (a) it has generated sufficient coercive power to be self-sustainable *and*

[14] Rule and social norm will be used as equivalent notions –since Winch considers that all rules are necessarily social.

[15] "(7): In collectively intending to x, agents create a joint commitment that is truly theirs, and to which they are jointly and severally accountable. The process by which the decision to do one's share in x-ing was made will have been subject to the influence of bargaining power and status asymmetries, either imagined or real" (Krause 2012, 341).

> *to regulate present and future behavior* (agents follow the norm because it has produced a joint commitment before), (b) agents are jointly and severally accountable for actualizing the joint commitment, (c) agents understand that they are following a norm, *and (d) it must be possible for other agents to recognize it and judge when it is being followed correctly and incorrectly (it must be publicly accessible).*[16]

Simultaneously, it is important to add a slight modification to the joint commitment Krause defines in (7):

> In collectively intending to x, agents create a joint commitment that is truly theirs, and to which they are jointly and severally accountable. *Such a commitment establishes a correct –and, therefore, an incorrect- way of acting; it establishes a specific conduct.* The process by which the decision to do one's share in x-ing was made will have been subject to the influence of bargaining power and status asymmetries, either imagined or real

Once we have established what we understand by the notion of rule, we can now proceed to determine what is the nature of rule-following[17]. Following a rule entails the assumption of a joint commitment –as defined in [D]– that establishes a certain way to behave. When an agent follows a rule he is responsible for acting correctly in relation to the specific rule he is following. In consequence, norms and rules operate "as higher-order dispositions, as internalized guidelines as to what is the right thing for us to do" (Krause 2012, 345). In addition, the possibility of following a rule relies on the fact that the agent has some kind of knowledge of the rule[18] and that he understands that he is following a rule –independently of if he agrees or not with said rule[19]. Finally, it is necessary for an agent who is following a rule to be able to apply it reflectively so he can perform the changes required to interpret the rule correctly and consistently when he faces new situations and environments –thus the importance of possessing some kind of knowledge of the rule that he is following[20].

[16] In italics we specify the content we add to Krause's original definition.
[17] In the present article we shall only analyze the basic aspects of rule following. For a more in depth study see Krause (2012, 323-355).
[18] It is necessary to know the rule in order to be able to follow it, even if it only is a tacit knowledge (Krause 2012, 346). This aspect is important for maintaining the possibility of reflectiveness that Winch exposes when critiquing Oakshott's work.
[19] Thereby we can understand and describe how an agent follows a rule when he does not agree with it. For more information surrounding this topic see Krause (2012, 325-341).
[20] Reflectiveness is conceived here in the same way as Winch proposed in *ISS* (Winch 2003, 63).

Nevertheless, the notion of rule is still insufficient to account for all meaningful behavior. It is necessary to resort to a different approach that can account for the totality of meaningful behavior and that, simultaneously, will allow us to include part of Winch's proposal concerning rules. This task requires us to inquire into Interpretivism, due to the fact that in the third chapter of *ISS* any possibility of a causal explanation in social sciences is discarded –i.e. we cannot resort to Naturalism[21]. Generally there are four main approaches to account for the meaning of meaningful behavior in the interpretativist tradition. Each one of them calls upon a different notion (Mantzavinos 2012): *reason* (Davidson), *motive* (Weber), *intention* (Searle, Dennett) and *rationality* (Becker)[22]. However, the first two approaches must be discarded due to the fact that Winch considers that "the category of meaningful behavior extends also to actions for which the agent has no 'reason' or 'motive' at all" (Winch 2003, 48) when presenting his criticism of Weber's proposal. Therefore, we propose to resort to the notion of *intention* to account for the totality of meaningful behavior[23]. Intention is conceived as practical commitment to a specific action. Therefore, to determine the meaning of a meaningful behavior it is only necessary to specify the respective intention that generates the practical commitment to the performance of said action. Nonetheless, this approach needs of a criterion that allows us to specify the intention of an agent in relation to the action he performs. To complete this task we will resort to the work of J. González de Prado Salas and J. Zamora-Bonilla in "Collective Actors without Collective Minds: An Inferentialist Approach" (2015)[24]. Specifically, we will extract some ideas concerning the 'game of giving and asking for reasons' that they present (González de Prado Salas; Zamora-Bonilla 2015, 5-14) so that we can establish a criterion that allows us to determine the intention of a meaningful behavior of an agent[25]. Let us proceed then to characterize the basis of said criterion.

[21] Naturalism conceives human behavior as any other natural phenomenon, while the Interpretivism defends that human conduct differs from natural phenomenons since it is a meaningful behavior. Albeit, it should be noted that there are works that defend the thesis that meaningful behavior can be causally explained. Mantzavinos (2012) presents the 'successful transformation argument', a five-step argument that allows to convert a nexus of meaning into a causal nexus. Thus it is possible to present a causal explanation of meaningful behavior. For more information see Mantzavinos (2012, 225-234).

[22] In this paper we do not seek to analyze the various approaches or the existing debate between Interpretivism and Naturalism, since it exceeds the objectives established. Our concern is to analyze an approach that allows us to reformulate Winch's proposal.

[23] Krause also follows this approach; specifically he focuses on collective intentionality (CI), that also allows us to account for the holism in Winch's proposal.

[24] The authors of this article defend an inferentialist approach to intention and rationality following the work Brandom (1994).

[25] We shall only analyze the basic elements of the game of giving and asking for reasons to account for meaningful behavior and the intention of an agent –we will not present its formulation concerning discursive practices. For any information concerning González de Prado Salas y Zamora-Bonilla's

There is to basic deontic states: *entitlements* and *commitments*. The meaningful behavior of an agent is the product of the practical commitments he has in relation to performance of a specific action. At the same time, it is possible to demand form such agent what entitles him to carry out that action. The combination of these conforms the *deontic score* of an agent. Therefore, the participants of the game –the observers and the agent– keep the deontic score of the agent; this activity is called *scorekeeping*. The role that the deontic states play is determined by the attitudes that the participants of the game adopt when scorekeeping. Basically there are two attitudes: *attributing* and *acknowledging*. On the one hand, the observers attribute a set a of deontic states to the agent –that conforms his deontic score. On the other hand, the agent acknowledges a set of deontic states. Finally, there is also a third attitude: *undertaking*. An agent undertakes a deontic state when he performs an action that allows for an observer to appropriately attribute said deontic state, although the agent does not acknowledge that specific deontic state.

Given this general characterization, let us proceed to the proposal of a criterion that allows us to establish the intention of a specific meaningful behavior. The intention of an agent entails a practical commitment to the performance of a specific action (González de Prado Salas; Zamora-Bonilla 2015, 10). Therefore, the intention of an agent is "accounted for by appealing to the attribution and acquisition of commitments and entitlements" (González de Prado Salas; Zamora-Bonilla 2015, 11)[26]. Taking in to consideration the aspects presented, we propose the following criterion[27]:

> [C1]: The intention of an agent 'A' when performing an activity 'x' –that is a meaningful behavior- can be specified if and only if:

approach and Brandom's original proposal see González de Prado Salas y Zamora-Bonilla (2015) and Brandom (1994).

[26] *Ergo*, the intention of an agent is determined by means of the attribution and acknowledgement of deontic states, and not appealing to psychological or mental states. The importance of this consideration lies on the fact that it allows us to speak about the intention of collective entities (for example, companies) without resorting to collective mind –a thesis that González de Prado Salas y Zamora-Bonilla defend in their article. However, such an approach does not entail the elimination of psychological or mental states, "some individual psychological states must exist *at some or other point* for the collective entity to have a particular practical or doxastic commitment" (González de Prado Salas; Zamora-Bonilla 2015, 16).

[27] It should be noted that [C1] can only be used to determine the intention that is linked to a specific meaningful behavior of an agent. It is not a criterion that allows us to determine the existence of an intention since "an agent forms an intention when she acknowledges a practical commitment to the performance of an action" (González de Prado Salas; Zamora-Bonilla 2015, 10). In other words, the forming of an intention by an agent does not require the attribution by an observer as specified in [C1].

(1) ‘A’ acknowledges the commitments and entitlements that he possesses in relation to performance of ‘x’.

(2) It is possible that at least one observer ‘B’ can attribute to ‘A’ a set of commitments and entitlements that ‘A’ possesses in relation to the performance of ‘x’.

(3) The deontic score that ‘A’ acknowledges and that ‘B’ attributes to ‘A’ is one and the same.

Therefore, by means of the attribution and acknowledgment of the deontic states of an agent it is possible to specify and make explicit the intention of his meaningful behavior and, in consequence, determine de meaning of his action. For example, ‘A’ will have the intention of greeting an individual when he acknowledges the commitments and entitlements he has in relation to the performance of the action ‘greet an individual’ and, simultaneously, when it is possible for at least one observer ‘B’ to attribute to ‘A’ the same commitments and entitlements in relation to the performance of such an action.

However, now it is necessary to resolve in which way it is possible to reformulate Winch’s notion of rule based on this new approach. An Interpretivist approach that resorts to the notion of intention to account for and determine the meaning of meaningful behavior, norms and rules will be conceived as “indirect intentional objects *qua* beliefs and desires” that guide the conduct of an agent (Krause 2012, 344). Therefore, rules entail the commitment to a certain way of behaving and acting[28]. Now, the character of this commitment presents a series of differences in relation to the one that is tied to intention. The commitment that is established by a rule in relation to a specific way of acting or behaving arises from a joint commitment generated from a collective intentionality that presents the conditions exposed in [D]. Understanding rules as intentional objects allows us to analyze those meaningful behaviors that are rule-governed, but within a wider theoretical frame that resorts to the notion of intention to account for the totality of meaningful behavior. Thereby, it is no longer problematic that the notion of rule only partially accounts for meaningful behavior.

Simultaneously, understanding rules as intentional objects allows us to establish a specific criterion –based on [C1]– that can determine when an agent is following a rule[29]:

[C2]: An agent ‘A’ follows a rule when performing an action ‘x’ if and only if:

[28] Rules only operate as intentional objects when an actor is following said rule.

[29] “Rules only are observable en their instantiations, that is, actions as the agent’s meaningful, intentional behavior” (Krause 2012, 344)

(1) ‘A’ recognizes that the set of commitments and entitlements that he possesses in relation to the performance of ‘x’ arises from a joint commitment that satisfies the conditions posed in [D].

(2) It is possible for an observer ‘B’ to attribute to ‘A’ a set of commitments and entitlements that ‘A’ possesses in relation to the performance of ‘x’ and which arises from a joint commitment that satisfies the conditions posed in [D].

(3) The deontic score that ‘A’ acknowledges and ‘B’ attributes to ‘A’ is one and the same.

(4) The mutual commitment that satisfies [D] that is acknowledged by ‘A’ and that ‘B’ attributes to ‘A’ is one and the same.

Consequently, it is possible to provide a criterion that allows us to determine when an agent is really following a rule, overcoming therefore the difficulties that arise from the criterion proposed by Winch. Firstly, it eliminates the possibility of illegitimately attributing rules to agents. One of the basic aspects of the criterion proposed in [C2] is that the observer must attribute the same deontic states and rules that the agent acknowledges. In addition, it allows us to explain what occurs when a rule is incorrectly attributed. Previously we had introduced a third attitude: undertaking. An agent undertakes a deontic state when he performs an action that allows for an observer to appropriately attribute said deontic state, however the agent does not acknowledge that specific deontic state. Thereby, it is possible that the behavior of an agent entails that an observer completes the process specified in (2) of [C2]. However, the agent does not complete the required acknowledgment specified in (1) of [C2]. Consequently, although the observer completes the attribution established in (2) of [C2], (1), (3) and (4) of [C2] are not fulfilled; i.e. the agent is not really following a rule[30].

Secondly, the necessity of the conditions (3) and (4) in [C2] allows us to overcome the problem of underdetermination. If an observer cannot carry out the pertinent attribution, it will be necessary for him to revise the deontic states and rules he has attributed to an agent. But it is not possible to attribute to an agent two or more rules that are incompatible. In addition, in the case that it is not possible for at least one observer to attribute to an agent the same deontic states and rules that such agent acknowledges, then the agent will not be really following a rule. This is due to the fact it does no satisfy the condition (2)

[30] An example would be the case presented in the second section where an individual goes to a polling station and proceeds to make a series of marks on a paper and afterwards he puts that paper in a ballot box, albeit without comprehending the significance or the implications of the action he has carried out. It is possible for an observer to attribute to that specific individual those rules entailed by the process of voting, although he is not really following them.

specified in [C2]. Said agent will not be following a genuine rule since rules must be public, it is necessary that the rule can be recognized as such by others.

Finally, [C2] does not generate any inconsistencies in relation to the definition posed in [D] nor with the four characteristics that Winch associates with rules –problems that did arise from Winch's criterion. In addition, it also allows us to overcome the problems that spring form the possibility of reflection that was demanded in *ISS*. There were two main problems concerning this topic: on the one hand, an agent had to be able to apply reflectively a rule that he was not really following; and, on the other hand, an agent had to be capable of reflectively following a rule that he was unable to formulate. Both problems were a consequence of the criterion posed by Winch for determining when a rule is being followed. Nevertheless, with [C2] it is not possible to carry out illegitimate attributions of rules to agents nor state that an agent is following a rule that he is incapable of formulating. Therefore, both problems are eliminated, guaranteeing the possibility of reflection that Winch demanded.

V. Conclusion

In conclusion, the inadequacy of the notion of *rule* proposed by Winch in *ISS* to account for all meaningful and human behavior has been set forth this paper. On the one hand, he does not present enough arguments to prove that all meaningful behavior –and by extension all human behavior– is necessarily governed by rules. In an attempt to carry out this task he resorts to the freethinking anarchist, but this proves lacking when it comes to demonstrating that all meaningful behavior is governed by rules. On the other hand, the notion of rule presented by Winch is problematic. The issue lies mainly in the criterion he provides for determining when an individual is following a rule. This criterion would enable us to state that an individual is following a rule, regardless of whether the individual truly knows it, understands it or is actually following it. Said criterion, in turn, comes into conflict with other aspects of the rules he expounds throughout *ISS* such as the possibility of reflection.

However, the inadequacy of Winch's proposal does not imply that it would be possible to eliminate the notion of rule when analyzing meaningful behavior. As a result, a reformulation of those non-problematic aspects of Winch's proposal can be put forward. Firstly, an explicit definition of the notion of rule has been presented that is in accordance with the basic characterization set out in *ISS*. Secondly, we have proposed the adoption of an Interpretivist approach that resorts to the notion of intention in order to account for

all meaningful behavior. As a consequence, within this approach rules become an intentional object that guides our behavior. Finally, a criterion has been provided to determine when an agent is following a rule, thus avoiding the problems associated with Winch's proposal. By means of these tasks it is possible to maintain the notion of rule broached by Winch to analyze meaningful behavior, only introducing it within a broader theoretical framework which resorts to the notion of intention in order to account for all meaningful behavior. That is, restrict the scope of Winch's initial perspective but with the possibility of ridding ourselves of the various problems found in said perspective.

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