

# The Social Institution of Discursive Norms

Historical, Naturalistic, and  
Pragmatic Perspectives

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# 1 Introduction

## Themes in the Study of Human Cognition as a Social Phenomenon

*Preston Stovall and Leo Townsend*

### 1 Introduction

Anglophone philosophy in the last three decades has seen a growing interest in the way participation in human society—as characterized by our doing things that count as taking up and conferring norm-governed roles within institutions like language, the law, social custom, and education—is part of what explains our existence as rational (to whatever extent we are) animals. If we use the label *discursive norms* to refer to the standards of evaluation that attend the exercise of rational thought and agency, this development in philosophy can be understood as a growing interest in the social institution of discursive norms. The essays in this volume present a sample—by no means representative—of the sorts of issues that arise when we ask and look to answer questions about the ways our social lives constrain and support our lives as rational animals.

The qualification *animals* is important. Human beings are by nature curious, and we take joy in learning things about the world around us. The good life for the human being involves having a sense of both reflective and immediate familiarity with one's corner of the world—from the neighborhoods we call “home,” to the trades and day-to-day occupations that keep us alive, to our place among the stars. The intentionality of cognition, the structure it has as the kind of thing that it is, induces two sorts of understanding of our place in the world: one has a mind-world direction of fit, and the other has a world-mind direction of fit. The former kind of cognition is aimed at (or has as its success conditions) accurate representations of the way things are; the latter is aimed at (or is successful when) changing the world so as to bring it into accord with the mind (this is not to deny that an episode of cognition may involve both sorts of intentionality). Crucially, both mind-world and world-mind intentionality occur in singular and plural forms: we can individually and collectively wonder, debate, know, etc., both what to think and what to do. And by the end of the first year of life, human infants rapidly develop the ability to share affective, cognitive, and practical mental states that by the end of the *third* year of life have equipped us with capacities for shared intentional activity that are

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unlike anything so far seen in the rest of the animal kingdom (more on this in a moment).

As the consummate tool-using animal, human beings have had practical facility with manipulating things to achieve our ends well back into our evolutionary ancestry. But it is only with a systematic tradition of knowledge accumulation and transmission that we have been able to build up the reservoir of understanding necessary for advancing the picture of our place in the cosmos that goes beyond the affective-practical stance we inherit as the hominids we are. Institutions of study and knowledge dissemination can be likened to the arches of an aqueduct built to transfer the contents of that reservoir across generations. These institutions do the loadbearing work needed to ensure the rivers of scientific understanding deliver their waters from one time and place to the next. Institutions do not arise *ex nihilo*, however, and the successful exercise of institutional agency requires knowledge of the principles that delimit what counts as successful—just as knowledge of the principles of architecture and masonry is required for successfully constructing an aqueduct.

It follows that an understanding of ourselves as rational animals must be an understanding that develops at least in part through a study of the institutional structures that make us into the rational animals we are. And with an understanding of the institutional background to human life, we might hope to be better equipped to exercise individual and shared agency within these structures so as to achieve the ends we set for ourselves. Toward this common goal of developing both our mind-world and world-mind familiarity with and understanding of ourselves and our place in the world, the essays collected here present historical, naturalist, and social-pragmatic perspectives on the way our existence as rational animals is conditioned by our existence as social animals. In the rest of this introduction, we provide an overview of some of the themes that figure centrally in these three perspectives, or points of orientation around which they revolve—principally in the history of philosophy, in recent developments in the evolutionary and biological sciences, and in the significance this research has on questions of social concern—before closing with outlines of the essays themselves.

## 2 Central Themes

### 2.1 *Themes from the History of Philosophy*

That we are norm-enforcing and norm-creating animals, and that human cognition can only be understood inside the nexus of evaluation we collectively recognize and sanction as binding on ourselves, is a discovery that can be understood as having resulted from an extended conversation in the history of philosophy. Four philosophers whose voices recur



across the last two centuries of that conversation are Immanuel Kant, G.W.F. Hegel, C.S. Peirce, and Wilfrid Sellars. That Kant held a normative conception of human cognition is evident in both his theoretical philosophy, e.g., in this statement from the section “On the transcendental power of judgment in general” from the *Critique of Pure Reason* (Kant 1998, A132/B171; emphasis in the original):

If the understanding in general is explained as the faculty of rules, then the power of judgment is the faculty of **subsuming** under rules, i.e., of determining whether something stands under a given rule (*casus datae legis*) or not.

and in his practical philosophy, e.g., from this passage in the *Groundwork of the Metaphysics of Morals* (Kant 1996, 66, AK 4:412, emphasis in the original):

Every thing in nature works in accordance with laws. Only a rational being has the faculty to act *in accordance with the representation* of laws, i.e., in accordance with principles, or a *will*.

While concepts are things that *can* be applied in all sorts of ways, they *should* be applied only in some, and the very possibility of being in error about the world necessitates thinking of cognition in normative terms. It follows that the rational application of a concept is one that involves some understanding of how that concept should be used—the successful exercise of mind-world intentionality in judgment involves a successful exercise of world-mind intentionality in self-government, or obedience to the commands of reason. For an act of judgment or volition counts as rational only insofar as it proceeds from or presupposes some recognition of the rule enjoining it.

For Kant, the most general rules delimiting the successful operation of human cognition are to be read off of the logical structure of judgment. This presents an argument about the way the world is or must appear to us to be, but it is an argument arrived at by reflection on cognition: the ability to think, e.g., about objects and their causal properties is conditioned by the ability to make subject-predicate judgments under the strong alethic modality “necessarily.” In order to understand what it means for the world to *be* a place of objects and properties in causal relationships, then, we must understand first what it means to *think* in terms of subjects, predicates, and modalities. We owe both this normative understanding of human cognition, and this reflective method for divining the rules that govern rational thought and action, largely to Kant.

Hegel recognized that whereas Kant conceived of concepts as rules for judging, they could also be conceived as rules for inferring. This is illustrated perhaps most vividly in Hegel’s understanding of concepts

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for individuals, particulars, and universals not in terms of the way they compose into different judgments (as was commonly supposed), but instead in terms of their roles as middle terms mediating inferences for, respectively, inductive, deductive, and analogical syllogisms (see Stovall 2020). And whereas Kant thought of the logical structure of cognition as a static transcendental delimitation for human knowledge fixed once and for all, Hegel thought of human cognition as having a dynamic historical dimension along which it and our understanding of its categorial structure developed. Because Hegel conceives social institutions as the media through which human understanding develops, and because the development of human understanding is at the same time a development of who we are as historical persons, Hegel recognizes that our understanding of human understanding has to come by way of an understanding of human society.

The influence of Kant and Hegel on American philosophy in the second half of the 19th century was widespread, and it left an impression on American philosophy well into the 20th (cf. Schneider 1963 and Kuklick 2001). During this time, the normative conception of human cognition was reframed in terms of developments in biology. This trend is exemplified in the work of Charles Peirce and Wilfrid Sellars. Peirce coined the view “pragmatism” on the basis of Kant’s use of *pragmatisch* (Peirce 1931–58, 5.412), and he shared with Kant the view that human cognition is to be understood in normative terms, while he shared with Hegel an interest in situating human cognition in a social and developmental context (see Kiryushchenko, this volume). But, in step with his time, Peirce adopted the framework of Darwinian biology as a basis for reconceiving that normativity and its social background (see Stovall 2016 for more on the historical development from Kant and Hegel, through Darwin, to Peirce and Sellars). From (Peirce 1931–58, 6.20):

When we think, we are conscious that a connection between feelings is determined by a general rule, [that is] we are aware of being governed by a habit.

And like Kant, Peirce thought that the ability of the mind to cotton on to the world depends upon its ability to track the modal contour of objects and their properties in space and time, but he understood this ability as one that is localized in the central nervous system.<sup>1</sup>

For his part, Sellars took himself to be carrying out a Kantian project as well—the subtitle of his *Science and Metaphysics* is “Variations on Kantian Themes,” and Richard Rorty recalls that Sellars characterized his (Sellars’) work as an effort to “usher analytic philosophy out of its Humean and into its Kantian stage” (Sellars 1956, 3). Rather than supposing our modal knowledge of the world was a problem that we had to provide some explanation for (as it was for Hume), Sellars argued

that we should instead see the ability to reason in modal contexts as a condition on the possibility of knowledge of objects in space and time (as Kant argued). Our philosophical focus then shifts from questioning how we come to know that the world has the modal shape it does, to an examination of the way our modally robust reasoning constrains the way we understand anything about the world at all. From “Inference and Meaning” (Sellars 1953, 15–16, emphasis in the original):

...even though material subjunctive conditionals may be dispensable, permitting the object language to be extensional, it may nevertheless be the case that the *function* performed in natural languages by material subjunctive conditionals is indispensable, so that if it is not performed in the object language by subjunctive conditionals, it must be performed by giving direct expression to material rules of inference in the meta-language. *In other words, where the object language does not permit us to say “If  $a$  were  $\phi$ , it would be  $\psi$ ” we can achieve the same purpose by saying “‘ $\psi a$ ’ may be inferred from ‘ $\phi a$ .’”*

And from “Counterfactuals, Dispositions, and the Causal Modalities” (Sellars 1958, §79, emphasis in the original):

Once the tautology “The world is described by descriptive concepts” is freed from the idea that the business of all non-logical concepts is to describe, the way is clear to an *ungrudging* recognition that many expressions which empiricists have relegated to second-class citizenship in discourse, are not *inferior*, just *different*.

This is a view that Sellars arrived at fairly early in his philosophical development. Of his time as a Rhodes Scholar at Oxford in the mid-1930s, he writes (1975, 285):

I had already broken with traditional empiricism by my realistic approach to the logical, causal, and deontological modalities. What was needed was a functional theory of concepts which would make their role in reasoning, rather than a supposed origin in experience, their primary feature. The influence of Kant was to play a decisive role.

Sellars’ work develops other themes from Kant, Hegel, and Peirce. For Sellars, a reflective stance on the categories of cognition—categories like *modality*, *inference*, and *non-logical concept*—opens up into a study of the logic of scientific inquiry, as Hegel and Peirce both argued in their theories of syllogistic inference (the syllogistic figure Hegel labelled “analogy” was dubbed by Peirce “hypothesis,” and in his later work

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this form of inference was assimilated to abduction). And like Kant, Sellars thought that moral cognition should be understood through the categories of practical rationality. But like Hegel, he supposed that moral laws are ones a society imposes on itself in the guise of its collective identity, for he understood moral cognition as an exercise in shared intentionality: to think *one ought to do A in C* is to have a thought of the same kind as *we shall do A in C*. Like Peirce, however, he thought that human cognition had to be conceived (at least in part, and at least for some purposes) in terms of neural activity. Sellars held, for instance, that the ability to know the world in the ways we do turns on the ability of our neural states (ultimately processes) to reliably co-vary with—or *picture* in Sellars' terminology—the objects and properties (ultimately processes) that populate the world as we understand it. This is a kind of isomorphic subjunctively stable relationship between two kinds of spatio-temporal-causal structure that underlies and makes possible the mind-world intentionality of human cognition. As we will see below, a similar kind of isomorphic picturing relationship appears to underlie the world-mind intentionality of human cognition as well, though this is something we have only been aware of for the last 30 years.

### 2.2 *Themes from the Empirical Study of Human Cognition*

We've offered a few remarks on a handful of figures that have been historically influential in developing one line of thinking the essays in this book contribute toward. It would be easy to extend this reconstruction, and philosophers as varied in sentiment as Rudolph Carnap, Ruth Millikan, and Richard Rorty could be included at points without much trouble. But this is not to paper over the differences among them—Peirce, for instance, was an inveterate realist about universals and the laws of nature, though as a tychist he thought the laws of nature themselves evolve (or settle into “habits”) over time. Sellars, by contrast, was an avowed nominalist and in some respects a more conservative metaphysician. In other respects, he was more revolutionary; e.g., in his process ontology and his understanding of sensory episodes. Without presuming they speak with a common voice about everything, the work of these figures illustrates some of the explanatory resources to be mined from the history of philosophy and put to use in the ongoing project of understanding human cognition as the socially constituted norm-governed thing it is.

Elements of this philosophical research have played a role in the development of the empirical study of human cognition taking place in fields like evolutionary anthropology and behavioral psychology over the last few decades—Sellarsian ideas of rationality occasionally make a showing in this literature, for instance (e.g., in Lohse et al. 2014, Schmidt and Rakoczy 2018, and Tomasello 2014), and Hegel and Peirce both appear

on the first page of Tomasello (2014). At the same time, philosophers interested in the evolutionary foundations of human sociality—and the discursive cognition that sociality makes possible—are in turn beginning to draw on this empirical research (more on this below). We believe that increased interaction between philosophers and scientists will benefit both modes of approach to the study of human cognition.

One point of contact between philosophy and the sciences occurs in the study of shared intentionality, a burgeoning area of research into the shared mental states that lie at the foundation of our participation in human life (for overviews see Schmidt and Rakoczy 2018 and the opening pages of Tomasello 2020). At around nine months of age, human infants begin to share attention and emotional mental states with their caregivers and those around them, apparently for the intrinsic pleasure of doing so. This so-called “nine-month revolution” rapidly turns the human infant into a being able to participate in the social life characteristic of adults (Tomasello and Rakoczy 2003). We do not become full players right away, of course, as it takes a while to learn the rules of the game. But over the next two years, children develop the ability to participate in joint mental states of the sort we share when we do things like attend to the environment, talk about what’s going on, and plan to do different things together. Central to this development is the emergence of the normative stance between the ages of two and three; from this point on children distinguish norms from statistical regularities (Kalish 1998, Kalish and Cornelius 2007), they distinguish moral norms from norms of convention (and recognize the dependence of the latter on agreements that can vary from group to group—see Chudek and Henrich 2011, the opening pages of Göckeritz et al. 2014, Rakoczy and Schmidt 2013, Schmidt and Rakoczy 2018), and from the age of three they recognize the difference between the strong and weak deontic modal forces, defending one person’s entitlement to do something (e.g., play with a toy) in the face of another person’s violation of that entitlement (Schmidt et al. 2013). In some cases, children of this age will recognize a second-order entitlement that one person has to confer an entitlement on another person. Crucially, this all occurs *before* the development of belief-desire psychology with the ability to attribute false beliefs at around age four (see Tomasello and Rakoczy 2003, Tomasello et al. 2005, and chapter 4 of Tomasello 2014).

This research is being used to flesh out a more thorough understanding of human cognition as a social and normative phenomenon. Michael Tomasello’s work has been at the center of this project. On Tomasello’s hypothesis, the development of the universal point of view necessary to conceive the *true* as what everyone ought to believe, and the *moral* as what everyone ought to do, is a function of a line of hominid evolution in which first *joint* intentions could be shared among dyads and small groups by coordinating their activities across proximate kinetic

activities necessary for survival as they spread out over the savannahs of Africa, followed by a stage of hominid evolution where intentions could be shared *collectively* across a larger community extended in space and time concerning more abstract kinds of activity. Both stages of development, he argues, can be evolutionarily explained in terms of the need for the corresponding lines of hominids to compete as the social and rational animals they were becoming. And so the ability to exercise truth- and morality-tracking cognition, on this hypothesis, is a function of the evolution of more expansive conceptions of who *we* are.

While we still have much to learn about what is involved in shared mental states and the shared actions they sometimes accompany, there is growing evidence that some kinds of shared intentional mental states are realized, in the central nervous system, in neural mirroring of the mental states of others: agents engaged in a cooperative activity involving coordinated bodily movements represent (in patterns of neural activation across their motor-representation complexes) both their own activity and the activity of others. Unlike Sellarsian picturing, this neural mirroring involves the world-mind intentionality of practical agency, as if each individual was prepared to act from the standpoints of others (see Cattaneo and Rizzolatti 2009, Rizzolatti et al. 2002, and Rizzolatti and Craighero 2004). The so-called “mirror system” does not alone constitute a capacity for shared intentional agency, as it was first discovered in macaque monkeys in the 1990s and has since been observed across a number of species that appear to lack the ability to share intentions in the way human beings do. Instead, the transpersonal practical picturing of the motor-representational mirror system appears to interact with a suite of human-specific capacities that undergird our ability for the shared practical intentionality of adult life (cf. Butterfill 2018). To revert to the metaphor of an aqueduct for channeling our historically constructed understanding of ourselves from one generation to the next, there can be no doubt that these mental states, as structural coordination across neural systems at work in joint action, are a keystone to an arch of that project, and one which is situated on the organic side of the gulf that marks our transition from merely natural to rational animals. In order to understand how human society transmits the knowledge necessary for exercising discursive cognition, then, it is imperative that we have some understanding of the way we coordinate the shared neural patterns through which we theoretically (in the mind-world register) and practically (in the world-mind register) picture our environments.

If neural mirroring marks an arch in the aqueduct of human knowledge that lies on the natural organic side of the crossing, then language use must be seen as an arch much closer to the rational side of the divide—or rather, the *capacity* for language use must be such an arch, but the actual use of it in the ontogeny of the individual is more like a cement that weds the whole structure together from infancy to adulthood.

Recent work in the empirical study of human cognition has resulted in a number of views that understand the evolutionary role of public reasoning, as mediated through the use of a language to converse with each other, as an essentially social activity. Mercier and Sperber's *The Enigma of Reason* (2018), for instance, lays out and defends the view that our ability to reason was selected for in the service of argumentation, and they understand argumentation as an activity that takes place in the interest of communicating what we believe and cooperating with one another. In a related body of work, studies of gene-culture coevolution detail processes whereby evolved capacities for perception, reasoning, and agency can both contribute to the development of cultural traditions and, in the context of those traditions, undergo additional selection pressure along particular lines of further evolution (Koreň, this volume and forthcoming, Chapters 1 and 3, and Skyrms 2004; see the opening pages of Peregrin 2020 for an overview). Similar themes appear in the work of Zawidzki (2013) on mindshaping. For decades it was thought that human cognition was distinguished by its ability to mindread, the sort of thing given linguistic expression with propositional attitude ascriptions. But recent work suggests that the ability to recognize (in some sense of recognition) the mental states of others is not a defining human characteristic. Zawidzki argues instead that what makes us unique is our ability to socially shape our mental states so as to better survive in our ecological niche: that of social rational animals.

These views are in turn influencing philosophers working in related areas. Making use of empirical research into, among other things, mirror neuron activity, Butterfill (2015 and 2018) has developed a minimal theory of shared intentional agency meant to avoid attributing the sorts of complicated cognitive capacities that philosophers tend to presuppose in their analyses (Tuomela 2007, 69–74, 268 fn.35, 297 fn.26 also draws on neural mirroring in his account of shared intentionality). Though Robert Brandom tends not to wade into the speculative work of empirically minded philosophical theorizing, as a representative of the historical tradition outlined above, his exposition of inferentialism has been influential in philosophical engagement with this empirical research (“as it should be” we can almost hear Hegel, Peirce, and Sellars mutter). In Chapters 3 and 4 of his (forthcoming), Koreň critically examines Mercier and Sperber's hypothesis about the evolutionary development of human reasoning and argues that an inferentialist analysis of the role of reasoning can avoid some of the problems raised against that hypothesis. Rouse (2018) uses work on the coevolution of physiological and cultural traits to defend a position he calls *naturecultural inferentialism*. Satne (2020) uses inferentialist resources as a basis for critically evaluating evolutionary interpretations of human rationality. And in his (2020), the self-avowed inferentialist, Jaroslav Peregrin, building on the work of

Zawidzki (2013), argues that our mindshaping targets our resonance to and regard for the norms of our communities: the human being is the animal that collectively makes itself into the norm-governed thing it is. As Peregrin argues in his contribution to this volume, a view of this sort offers the prospect of making inferentialism into a theory subject to empirical investigation.

The essays in the second grouping of this volume can be understood as drawing on, and in some cases contributing toward, this empirically informed study of the social conditions through which human beings come to exercise self-governed obedience to the norms of thought and action that we inherit and transmit. But as the language of inheritance and transmission indicates, human agency has a role to play in instituting, sustaining, and modifying the norms that delimit what we treat as correct and incorrect by way of thought and deed. Given that these norms will, in general, affect the lives we live, by determining what is regarded as permitted and forbidden in our communities, it follows that we have a responsibility to one another to thoughtfully participate in that process of institution, sustainment, and modification: for where there is the possibility of affecting the life of another person, there is a duty to thoughtfully reflect on the way that possibility may become actual over time. (Notice the complicated kind-specific and multi-modal space of reasoning one must be capable of navigating in order to draw these consequences.) ~~This brings us to the third theme, around which the third group of essays in this volume revolves.~~

### *2.3 Themes from the Sociality of Human Cognition*

There is good reason to believe that human cognition is a product of the evolution of capacities that are “scaled up” in our individual lives through institutions like natural language, social custom, and education. These institutions regulate (both causally and evaluatively) the behaviors of individuals in the community, and via that regulation we become capable of the kind of rationality we exhibit when ruled by the better angels of our nature. To a greater or lesser extent, that regulation occurs as a kind of *self-regulation*, as community members internalize the norms of different institutions and then bind themselves to those ways of behaving. This is not to deny the need for supplementary institutions like punishment and reward (or to downplay their importance in shaping behavior) as a condition on our being able to self-regulate. But it is to emphasize that, insofar as we think of ourselves as rational (in that Kantian sense involving acting not merely in conformity with a rule but from a recognition of its propriety), to think of human cognition is to think of a kind of activity that is not to be understood solely in terms of external threats and rewards, but which involves a kind of autonomy or self-government.



It follows that we succeed in adopting the universal point of view necessary for truth-tracking and morality-regarding cognition only insofar as we remember that other people, even (especially) those we think are fundamentally *wrong* about something, are to be treated as self-legislating beings capable—in principle—of coming to and self-governing by the correct point of view. “In principle” loads quite a bit into this claim, of course, and its inclusion is meant to signal that in any particular case we may find it necessary to levy external threats and rewards. But insofar as we treat a human being as a fellow rational agent, we are obliged to regard those particular instances of external coercion as the exception to what is by definition a *self-governing* form of life.

Owing to the joint *need* to have institutions that constrain our behavior in order to live the life of a rational animal, and the *duty* we thereby incur to exercise agency within these institutions in a way that respects the autonomy of those around us, we also incur a duty to reflect on the way different institutions shape human life. In this connection, two features of human life seem particularly noteworthy for the central role they play in facilitating the shaping of interpersonal normative space. The first is the institution of speech itself, which has been seen by several theorists to be, most fundamentally, a matter of enacting norms and effecting normative changes. The second is our capacity for shared intentionality, through which people acquire interpersonal rights and obligations on account of their shared ventures, and through which people are able to establish social institutions with distinctive deontic powers.

Beginning with the work of Reinach (1913), and on through the work of Austin (1962), Searle (1969), and others, a central preoccupation of speech act theory has been to understand the social normative significance of uses of language: how different speech acts can license certain acts and attitudes, or change the obligations people have to one another. Indeed, an increasingly influential tradition in speech act theory seeks to distinguish and characterize speech acts in terms of their normative character—the way their proper performance is premised upon certain normative statuses and is productive of normative changes in a wider social context. A particularly well-developed account in this tradition is Brandom’s (1983, 1994) characterization of assertion in terms of commitment (the undertaking of a justificatory responsibility) and endorsement (the issuing to others of a “reassertion license”). Brandom’s basic normativist strategy has recently been developed and extended by Kukla and Lance (2009) and Lance and Kukla (2013) to cover a broad range of speech acts, all of which are analyzed in terms of their normative functional profiles—their combinations of normative “inputs” (entitlement conditions) and “outputs” (their social normative significance). This normativist tradition has also been particularly fruitful in understanding certain political dimensions of language use, especially various kinds

of distinctively linguistic injustices, such as slurs, hate speech, and forms of silencing or “discursive injustice” (Kukla 2014, McGowan 2019, Tirrell 2012).

Whereas speech act theory has devoted attention to normative interactions *between* people—interactions exhibiting an “I-thou” form of sociality—recent philosophical research on shared intentionality has explored the normative structures involved in *shared* human life, i.e., the “I-we” forms of sociality associated with joint attitudes, acts, and projects. In this connection, the work of two philosophers is especially relevant to our theme of the social institution of discursive norms: Margaret Gilbert’s joint commitment approach to the philosophy of sociality, and John Searle’s deontic theory of institutional reality. Gilbert’s influential work starts with the observation that a wide range of social phenomena—including joint action, collective belief, marriage, patriotism, political unity, and much else—are characterized by a distinctive normative structure or “package of rights” (Gilbert 2014). Specifically, it seems that the people involved in some sense *owe it one another* to play their parts in the continuation or completion of the joint venture. According to Gilbert, this normative situation is the result of the participants being parties to a *joint commitment*—a commitment of and by a set of people to some activity, formed when those people express to one another their readiness to be so committed, in conditions of common knowledge. In this way, Gilbert’s theory of joint commitment explains how certain intersubjective norms arise from certain social processes, viz. the processes involved in the establishment of joint commitment.

In a related body of work, Searle (1995, 2010) has developed a conception of institutional reality according to which institutions (such as money, marriage, political office, etc.) are defined by their deontic powers, which in turn are assigned through collective acceptance on the part of the members of the relevant community. So, for example, certain bits of paper are *money*—i.e., possess the distinctive deontic powers associated with money, such as entitling the holder to exchange them for goods in certain contexts, and so on—because they are accorded the “status function” of money by way of being collectively accepted as such in the relevant money-using community. The deontic powers associated with institutions are *powers* insofar as they allow us to undertake new kinds of activity—e.g., buying things, getting married, forming a corporation, or holding a political office. And they are *deontic* powers insofar as the specification of what it is they are powers to *do* is given in terms of the rights and duties that attend their use. The fact that, on Searle’s theory of institutions, these powers are instituted by means of shared intentional attitudes (community-members’ acceptance or recognition of their status functions) thus provides a further sense in which norms of a certain sort are socially instituted. This opens up the possibility of seeing human persons as themselves a product of the deontic powers we

exercise when, for instance, we teach them the language and byways of our communities.

Contemporary interest in shared intentionality as a foundation for the self-legislation characteristic of human life revives themes from Hegel's philosophy. In the *Phenomenology of Spirit* Hegel refers to "the experience of what Spirit is" as the experience of an "'I' that is 'we' and 'we' that is 'I'" (Hegel 1977, §177), indicating the centrality of shared mental states in Hegel's philosophy. And at the end of the Spirit chapter (Hegel 1977, §669), Hegel details what he calls the "power of Spirit" (*Macht des Geistes*) as a power to individually and collectively participate in the process of social negotiation through which we determine what kind of significance different acts will have, and what specific acts we choose to exercise—it is by the twofold exercise of this power of Spirit that we come to be the determinate *we's* that we are (cf. Stovall forthcoming, chapter 10). Understood in this context, contemporary interest in speech acts, joint commitments, and deontic powers may help illuminate the historical background to the study of the sociality of human cognition.

These historical, naturalistic, and social themes in the study of the social institution of discursive norms put into place an outline—but only an outline—of a project to develop a kind of reflective familiarity with or understanding of ourselves, in general, as rational animals, and of the institutions that make us into the specific rational animals we are. Success in this endeavor would involve a re-enchantment of nature, to adopt the provocative terminology of John McDowell (e.g., 1994, 85), without losing sight of the gains in self-knowledge and knowledge of the world put into place since the time of Aristotle.

### 3 Overview of the Essays

The essays in this selection are divided into three sections, each of which approaches questions about the social institution of discursive norms from a particular perspective: historical, naturalist, and social-pragmatic.

#### 3.1 Historical Perspectives

We start with an essay from Robert Brandom, titled "The Fine Structure of Autonomy and Recognition." Brandom has done more than perhaps any living philosopher to take up and advance the line of intellectual development that runs from Kant and Hegel through Peirce and Sellars. In this essay, Brandom examines the way Kant's account of rationality as autonomy—understood as the ability to *make* ourselves rationally responsive to norms by *taking* ourselves to be subject to normative assessment—is developed by Hegel into a social conception of the normativity of rationality. For Hegel, Brandom argues, we

can take ourselves to be subject to normative assessment only insofar as we *recognize* the normative assessment of *others* as a constraint on that taking. To make oneself rationally responsive to the norms of reason, then, is to make oneself responsible to the evaluations of the members of one's community. The rational being is autonomous, but the first-person pronoun giving voice to that autonomy is plural; this is the autonomy of a *we*, not an *I*.

Brandom has been developing this reading of Kant and Hegel for decades, and his work forms a recurring point of orientation for many of the rest of the essays in the volume. This is true of the other two essays in the historical section. Vitaly Kiryushchenko's "I, Thou, and We: Peirce and Brandom on the Objectivity of Norms" takes up one of the central problems that Brandom's recognitive and social account of linguistic norms must face: how is it that our speech and thought about the world can be *objective* or otherwise responsive to the way things are independently of how we speak, if the content involved in our talk and thought about the world is mediated by the shared social attitudes we take toward what we say. Surveying Brandom's answer to this question, Kiryushchenko argues that the problem of the objectivity of norms can be more satisfactorily resolved by adopting Peirce's notion of inquiry as an ongoing process, and his realist understanding of modality. It is only insofar as we consider our local experiments and discoveries as part of an extended process aimed at converging on universal agreement over time, where that agreement reflects facts about the necessities and possibilities that inhere in the world, that we can be confident about the objectivity of our speech and thought.

Rounding out this historical survey of issues in the social institution of discursive norms, Hans Bernhard Schmid's "Social Roles as Practical Reasons? Questioning Brandomian Pragmatism" critically examines Brandom's account of the sociality of rational cognition. Using the lens of existentialist theory—and, in particular, the work of Jean-Paul Sartre—Schmid maintains that Brandom's Kantian interest in autonomy does not do enough to consider questions of *authenticity*, which cannot be answered by appeal to a general "we." Rather, existentialism forces us to face the question of just who we take ourselves to be, where this is a matter of self-determination. Answering that question, Schmid argues, requires that we take into consideration a sort of first-person plural self-knowledge, and he considers some of the ways Brandom's account might be able to accommodate such a capacity.

### 3.2 *Naturalist Perspectives*

The second grouping of essays revolves around considerations over the natural basis of the social norms through which we come to think and act on the basis of reasons recognized as such.

Ladislav Koreň's "Assertion: A Pragmatic Genealogy" examines dialectical accounts of assertion, which understand the practice of assertion in terms of its role in reasoned discourse, and argues for a particular evolutionary explanation for why such a practice would have developed and spread. To do so, Koreň argues, is to pursue an understanding for not just *what* assertion *is*, but *why* we have such a practice at all. Koreň uses Edward Craig's *pragmatic genealogy* for knowledge as a model for this sort of pursuit. According to Craig, we can illuminate our concept of knowledge by thinking about the value that would be had among a group of social hominids or simple human beings if those animals could begin to speak and think in terms of knowledge attributions. Craig's genealogy presumes a community of language-users, however. Koreň proposes to extend this genealogy by considering a community of social hominids that are in a *discursive state of nature*—they are social and cooperative, but without yet being able to make assertions. He then argues that the development of a capacity to make assertions would allow people to pool information and solve coordination problems. Understanding *how* assertion solves these problems thereby helps us understand not only *why* such a practice exists but also what it *is*, and Koreň argues that the resulting conception can accommodate a number of features assertion is thought to have.

Jaroslav Peregrin's "Normative Attitudes" marshals empirical work in the ontogeny and phylogeny of norm psychology in human beings and uses this work to indicate some of the ways that linguistic norms—understood in the context of Robert Brandom's inferentialist framework—might be studied as natural phenomena. According to Brandom's proposal, linguistic meaning is grounded in (or should be understood in terms of) the rules that govern the use of linguistic expressions: for a sentence to mean *p* in a language is for it to be governed by rules specifying when it is appropriate to infer to *p*, and what can be inferred from *p*. These rules are in turn understood in terms of the normative attitudes of the members of a linguistic community: for there to *be a rule* specifying that it is appropriate to infer to or from *p* is for the members of a community (or perhaps a set of experts, and perhaps constrained by the way the world is) to adopt the attitude of *taking it to be appropriate* to infer to or from *p*. Peregrin extends a proposal of this sort into more empirically tractable territory by arguing that, *pace* Brandom, there may be some normative attitudes that are not themselves subject to questions of whether it is *right* or *wrong* to adopt them, but instead are evaluable in terms of whether they are *useful*. In the process, Peregrin surveys work in developmental psychology and evolutionary anthropology suggesting that habits of training in human infants institute such ground-level normative attitudes.

Preston Stovall's "Normative Attitudes, Shared Intentionality, and Discursive Cognition" also links normative theories of language use to

evolutionarily plausible accounts of human cognition. Stovall presents a planning-based semantics for the use of deontic modal operators (ought, may) and shared and individually intentional modal operators (I shall, we shall), and he argues that features of this planning semantics suggest that the deontic frame of mind is a more cognitively sophisticated kind of practical rationality than that which is involved in the intentional frame of mind. Employing Brandom's meaning-use diagrams as a heuristic, Stovall goes on to argue that evolved capacities to share intentions, supplemented by positive and negative reinforcement schedules, could have developed into a capacity to speak a natural language even though no one knew what they were doing—in the sense of knowing involved in responding to what reason prescribes—when this evolutionary process started. The evolution of an ability to plan in the deontic frame of mind—and so recognize the norms that are being enforced by the community's linguistic training—would then be evolutionarily advantageous and so selected for should it arise, insofar as that frame of mind allows one to exercise self-conscious control over the shape of the norms that are implicitly instituted via these shared intentions. This proposal makes certain predictions about what we should expect to see in the ontogeny and phylogeny of norm psychology and shared intentionality in human beings and other primates, and Stovall surveys empirical work suggesting that these hypotheses are supported.

The final essay in this section, Wolfgang Huemer's "Two Pillars of Institutions: Constitutive Rules and Participation," links naturalistic themes in the study of our lives as rational animals with social themes in that study. Examining a number of cases of social interaction, Huemer argues that an intellectualist trend in theorizing about social institutions—which treats institutions through the categories of constitutive rules—does not pay enough attention to our existence as biological organisms participating in a range of coordinating behaviors with one another that are not usefully understood in terms of explicit rules that govern the behaviors in question. And due regard to the embodied and socially situated behaviors that accompany our participation in institutions requires that we consider the way we are continually coordinating our activities with the people around us. This process of social calibration, Huemer argues, is the mechanism by which institutions are created; and the ability to frame constitutive rules to characterize them presupposes this background of practical cooperation.

### *3.3 Social-Pragmatic Perspectives*

The final section of the volume contains four chapters that explore the sociality of discursive norms from the perspective of pragmatics, broadly construed.

The first chapter in this section is Jeremy Wanderer's "An I without a You? An Exercise in Normative Pragmatics." This chapter explores the forms of sociality involved in even the most basic discursive practice, suggesting that practitioners must be capable of relating to one another in a distinctively (though not explicitly) second-personal way. More specifically, Wanderer argues, against Robert Brandom, for the pragmatic interdependence of "I-talk" and "You-talk," via an extended consideration of the central place of the act of "counter-challenging" in discursive practice. Unless practitioners can counter-challenge in the sense of *contesting* or *opposing* the claims of others in a way that demands some kind of response, rather than merely contradicting others, their engagement will not be recognizable as discursive at all. Yet counter-challenging has the distinctive structure of an *intentional transaction*, in that it requires practical recognition by both parties of their related but opposed roles in the transaction (the roles of challenger and challengee). This recognition is something that could only be made explicit with the interlocking use of "I" and "you" (as in "You are challenging me," or "I am challenging you"), and hence the use of "you" (or perhaps better: the "I"-*you* nexus) plays an explicating role that is at least as basic as the role played by "I" in explicating the undertaking of commitments. As Wanderer puts the point, through counter-challenging "participants in a discursive practice are able to enter a substantive nexus with another person whose opinions are thereby taken to matter to each other," where "[t]his nexus is made explicit through interlocking use of 'I-You.'"

The next chapter in this section, Quill Kukla and Dan Steinberg's "I Really Didn't Say Everything I Said': The Pragmatics of Retraction" is also concerned with a speech act of fundamental importance to discursive practice: the act of retraction. (In fact, one way of responding to the sort of "counter-challenges" discussed by Wanderer is by retraction of the claim challenged.) Kukla and Steinberg use the normativist theoretical framework previously developed by Kukla and Lance (2009) and Lance and Kukla (2013) to articulate a pragmatic analysis of the speech act of retraction, as well as to consider some issues concerning the politics of retraction. According to their analysis, retraction is an act with *agent-relative* normative input (you can only retract a speech act that you yourself have previously made) and *agent-neutral* normative output (retraction nullifies the normative output of a previous act not just for some particular agent but for everyone). One particularly striking aspect of Kukla and Steinberg's analysis is the condition that retraction involves the speaker relinquishing, in a publicly convincing way, their entitlement to the original act (the act the speaker is attempting to retract). As they point out, this means that successful performance of the act of retraction requires broad social uptake—in order to relinquish entitlement to a previous act in a publicly convincing way, one must get others to recognize and accept that this is what one is doing. This ultimately leads Kukla

and Steinberg to venture a proposal about the politics of retraction: insofar as the ability to retract is central to our autonomy as discursive practitioners, and since it can be hard to secure the social recognition from others that is needed for successful retraction, there are good reasons to socially facilitate people's ability to secure that recognition.

The political dimension of language use is also a central theme in the final two chapters in this volume—Leo Townsend's "Discursive Injustice and the Speech of Indigenous Communities," and Mihaela Popa-Wyatt's "Slurring Speech and Social Norms." Like Kukla and Steinberg, Townsend also adopts the normativist speech act theoretic framework developed by Kukla and Lance, and especially the notion of "discursive injustice" (Kukla 2014) that it brings into view. Discursive injustice occurs when facts about a speaker's social identity systematically distort the way their speech is taken up by others, with the result that they find themselves disempowered as speakers—unable to perform the speech acts they mean to, and ought to be able to, perform. With reference to three detailed case studies involving Indigenous communities, Townsend shows how discursive injustice can effectively disempower and derail the speech of these communities, and in this way contribute to their ongoing discursive marginalization.

Popa-Wyatt's chapter, which closes the volume, maintains this political focus by highlighting the role of oppressive speech, and especially the use of slurs, in altering social norms. Building on previous work by Popa-Wyatt and Wyatt (2018), the chapter invokes a model of slurs according to which a slur is a "meta-move" in a conversational game that assigns a low-power role to the target of the slur. This chapter extends that analysis by showing how the low-power role-assignment characteristic of slurs also has harmful social effects within a larger social context beyond the immediate conversational game, and by explaining the complex relations between the roles played by participants in this broader social game and the conversational game in which slurs occur.<sup>2</sup>

## Notes

1 See the discussion of "would-be's" in Peirce (1931–58, 2.661–668). From (Peirce 1931–58, 2.664, bracketed remarks inserted):

The statement [concerning the throw of a die] means that the die has a certain "would-be"; and to say that a die has a "would-be" is to say that it has a property, quite analogous to any *habit* that a man might have. Only the "would-be" of the die is presumably as much simpler and more definite than the man's habit as the die's homogenous composition and cubical shape is simpler than the nature of the man's nervous system and soul...

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