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# IMPLICIT NORMS

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## *abstract*

*Robert Brandom has developed an account of conceptual content as instituted by social practices. Such practices are understood as being implicitly normative. Brandom proposed the idea of implicit norms in order to meet some requirements imposed by Wittgenstein's remarks on rule-following: escaping the regress of rules on the one hand, and avoiding mere regular behavior on the other. Anandi Hattiangadi has criticized this account as failing to meet such requirements. In what follows, I try to show how the correct understanding of sanctions and the expressivist reading of the issue can meet these challenges.*

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## *keywords*

*Brandom, Heath, Hattiangadi, Dispositionalism, Expressivism, Implicit norms, Norms, Normativity*

**1. Introduction:  
normativity and  
practice**

Many philosophical accounts try to understand mind and language in terms of rule-governed practices.<sup>1</sup> It seems both intuitive and promising to think about intentional actions, and so also of linguistic moves, as something that can be done correctly or incorrectly.<sup>2</sup> According to this insight, understanding the meaning of a linguistic expression means knowing how to use it properly, and so distinguishing between correct and incorrect uses of it.

The norms that govern human behavior, thought, and language, however, present a number of relevant puzzles and challenges. In particular, a crucial problem seems to concern the way we should understand such rules. For example, it is a well-known problem that the very conception of such rules seems to resist the assimilation to usual accounts of norms. The paradigmatic idea of a norm, in fact, is that of an instruction having explicit propositional form, like prohibitions, permissions, and prescriptions. A general example could be a prescription expressed by an explicit (i.e. propositionally contentful) rule *EPR*: *to do X properly, in the context C, apply Y*.<sup>3</sup> What's wrong with *EPR*?

Such a conception of a rule seems to be problematic when applied to actions and linguistic utterances. *EPR* (Brandom calls it *regulism*), in fact, seems to be in trouble with a particular regress: how does one know that *Y* is *applied* correctly? It seems that we need another rule for the correct application of *Y*. Wittgenstein, for example, used to talk about the possibility to *interpret* the rule as being correctly applied or not.<sup>4</sup> *EPR* seems to be bound to explain the application of *Y* *via* the application of a rule *Z*, and the application of *Z* *via* the application of another rule *V*, and so on ad infinitum. As many authors have convincingly argued in different

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1 Kant is the primary source for this insight. The main idea is that the intentionality of judgment and action requires using concepts, and that “conceptually structured activity is distinguished by its *normative* character” (Brandom, 1994, p. 8). Concepts provide the contents of judgments and intentions for action, and can be applied correctly or incorrectly. According to Brandom, Kant characterized conceptual activity as bearing a kind of responsibility: we are responsible for our judgments and actions. Kant is also the first to think about concepts as *rules*, specifying how something *ought* to be done (Brandom, 1994, p. 8). For Brandom, Kant thought that “conceptually articulated acts are liable to assessments of correctness” (Brandom, 1994, p. 9).

2 However, this is a debated issue. For example, a number of philosophers deny this intuition about the normativity of meaning and content. See for example, Glüer & Wikforss (2009), Hattiangadi (2007), Wikforss (2001). For an overview, see Glüer & Wikforss (2018).

3 For a discussion of the problems connected with the attempts at propositional construal of such norms, especially in the context of epistemic rules, see Boghossian (2008).

4 Wittgenstein (1953, §201).

contexts,<sup>5</sup> this unpleasant consequence suggests that EPR cannot be the right conception of rules that we need in order to understand the normativity of mind and language. We need a different conception, one that needs not the application, each time, of another rule. Wittgenstein has been the pioneer of this line of thought, when he said that rules are something that we follow *blindly* and without having an explicit formulation in mind.<sup>6</sup> Robert Brandom urges a pragmatist route to avoid the regress. Regulism, which is both explicit and propositional, does not work in understanding how we follow the rules in our practices, because it cannot escape the regress. Rules that can be followed blindly seem to be more promising, as these permit us to bypass such a regress: these need not the application of further rules.<sup>7</sup> To say that certain rules are followed blindly means that rule-following depends on certain practical abilities. As such, these rules appear to be tacit and irreflexive, but, more importantly, they show another crucial feature.

The answer to these difficulties is a different conception of a rule: a rule implicit in a practice (IPR). This means that we treat our moves as implicitly right or wrong. Furthermore, we do so in what we do before doing it in what we say, and so IPR challenges the idea that norms are as such linguistic and propositional. In this sense, implicit norms are both nonlinguistic and pre-linguistic. According to Brandom (1994, p. 21), for example, IPR is “a notion of primitive correctnesses of performance *implicit in practice* that precede and are presupposed by their *explicit* formulation in *rules and principles*”. IPR entails that the lower layer of rule-following means participating in a social practice, and that it is a kind of irreflexive *know-how*, as opposed to a reflexive and propositionally explicit *know-that*.<sup>8</sup> Therefore, according to this idea, rule-following is cashed out in terms of performances and social practice. Brandom (1994, p. 23) is particularly clear on this: “Thus one knows how to ride a bicycle, apply a concept, draw an inference, [...] just in case one can discriminate *in one’s practice*, in the performances one produces and assesses, between *correct and incorrect ways of doing* these things” (emphasis added). However, this idea faces an immediate obstacle. If we understand such rules as determined just by our behavior, we fall into “regularism”.<sup>9</sup> As many have argued, if we conceive norms as merely determined by behavioral regularities, we lose the distinction between what we do and what we *ought* to do. While facts regarding the ways we act can help determine behavioral regularities, these are insufficient for a tenable account of correctness. Wittgenstein observed that any behavior sequence is open to an infinite number of possible continuations; therefore, any behavior sequence can be read as conforming to a potentially infinite number of norms. This means behavioral regularities are insufficient to identify the normative pattern that they exhibit.<sup>10</sup> Thus, the norms governing our practices cannot be simply determined by behavioral

## 2. Rules implicit in a practice and the threat of regularism

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5 See for example Boghossian (1989; 2008), Brandom (1994: chap. 1), Wittgenstein (1953). Boghossian claims that, to avoid the regress, at least some rule-following must be blind (2008).

6 Wittgenstein (1953, §219).

7 “If such regularities of performance can be treated as practices governed by implicit norms, then there will be no regress or circularity in appealing to them as part of an account of knowing-that, of expressing norms explicitly in rules and principles. For the only one who needs to understand how to apply correctly the rule conforming to which makes performances count as regular is the theorist who describes the regularity in terms of that rule” Brandom (1994, pp. 26-27).

8 See also MacBeth (2017, p. 8). Following explicit rules is a kind of rule-following that is not assimilable to a mere know-how. Many thanks to an anonymous reviewer for pointing this out.

9 Brandom (1994, p. 26).

10 Brandom calls this difficulty the “gerrymandering objection”: “There is simply no such thing as *the* pattern or regularity exhibited by a stretch of past behaviour, which can be appealed to in judging some candidate bit of future behavior as regular or irregular, and hence, on this line, as correct or incorrect” Brandom (1994, p. 28).

regularities. A possible solution would be understanding the behavior regularities in terms of the practitioners' *dispositions*: however, this view also fails to accommodate for error. If rule-following depends merely on dispositions, the distinction between correct and incorrect is lost – one acts according to what she is *disposed to do* and not according to what she *ought to do*. Brandom endorses another view that depends on the *social* understanding of these norms, a view in which rule-following is entirely understood in terms of performance proprieties, and discriminating what is correct or incorrect is something that is implicit in our doings as performance *producers* and *assessors*.<sup>11</sup> Such doings can be characterized as practical attitudes. The rule-governed activities need *two* main contexts that highlight the social nature of these rules: using a terminology borrowed from Brandom, we should distinguish a context of *deliberation*, where one chooses the move to be made, and the context of *assessment*, where a move is assessed by another practitioner – and assessment is something that can be done correctly or incorrectly. Furthermore, the acknowledgment of these perspectives implicitly encourages a form of constitutive externalism regarding rule-following by making the performance assessor's perspective as fundamental as that of the performance producer's.<sup>12</sup> Thus, when it comes to normative accounts of mind and language, we meet a conception of normativity that hardly resembles the stereotypical idea of a rule. We need something that is: 1) practical (rather than theoretical as a principle); 2) implicit in what we do (rather than having an explicit propositional form); 3) and social (because rule-following necessarily requires the possibility of assessment by one's peers).

**3. Phenomenalism about norms**

These ideas introduce the wider philosophical challenge that Brandom wants to meet. His main strategy is what he calls the *phenomenalist* understanding of norms, and it is a view that confers significant importance to the perspectives of those who produce performances (in a context of deliberation) and of those who assess them (in a context of assessment). According to phenomenalism, in fact, “norms are in an important sense in the eye of the beholder, so that one cannot address the question of what implicit norms are, independently of the question of what it is to acknowledge them in practice” (Brandom, 1994, p. 25). This phenomenalist perspective acknowledges the need to participate in a practice to understand its rules, while the alternative is understanding rules from scratch or from outside the practice. Only participants in the practice (P) are entitled to a *genuine* understanding of the rules (R) that are in force in P.<sup>13</sup> Thus, the implicit rules cannot be determined without adopting, or at least acknowledging, the participants' perspective. Phenomenalism, the view that considers such perspectives as constitutive of rule-governed activities, becomes a fundamental interplay of the *attitudes* and *statuses* that the participants can undertake and attribute within the practice.<sup>14</sup> These normative statuses and attitudes are strictly connected with the two main dimensions concerning what we do and how we assess what the other participants do:

The direction of explanation to be pursued here first offers an account of the practical attitude of *taking* something to be correct according-to-a-practice, and then explains the status of *being* correct-according-to-a-practice by appeal to those attitudes. Filling

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<sup>11</sup> Wittgenstein implicitly meant that rule-following involves some kind of social externalism: rule-following is not anything that can be performed *privately*, since this would amount to the collapse of the distinction between following a rule and the belief of following it. See Wittgenstein (1953, §202).

<sup>12</sup> See Heath (2001).

<sup>13</sup> Nonparticipants could be described like those individuals presented by Quine as a radical translator and by Davidson as a radical interpreter. See Quine (1960) and Davidson (1984).

<sup>14</sup> Matthias Kiesselbach defines this interplay as “converging feedback loops”. See Kiesselbach (2012, p. 109).

in a story about normative attitudes as assessments of normative status, and explaining how such attitudes are related both to those statuses and to what is actually done, will count as specifying a sense of “norms implicit in practice” just insofar as the result satisfies the criteria of adequacy imposed on the notion of practice by the regress-of-rules argument (Brandom, 1994, p. 25).

Therefore, according to this perspective, normative attitudes – those undertaken within a practice – are the actual regress stopper and the ultimate ground of normativity. Normative statuses, according to this phenomenalist view of norms, depend on practical normative attitudes: the participants’ performances and assessments establish, in their interplay of moves and mutual expectations, what is correct *according to a practice*. The interplay of the participants’ practical attitudes within the practice socially institutes the normative statuses, like the correctness of a performance.

Brandom believes that in our discursive doings, particularly the acts of asserting and inferring, we apply implicit norms in this way. This does not mean, however, that we cannot have explicit rules/principles in our practices. With the proper additional expressive resources – i.e., normative vocabulary – norms and rules can go to the higher level and become propositionally explicit. Hence, implicit norms are the basic layer<sup>15</sup> of normativity but do not exhaust the types of norms that we obey, violate, and acknowledge. Once the practice is up and running, everything we say and do can be improved and better specified thanks to additional expressive resources – not only normative vocabulary but also modal vocabulary, logical vocabulary, and so forth.<sup>16</sup> These resources permit the shift from a non-propositional and implicit know-how to an explicit and propositional know-that.<sup>17</sup> Thus, according to this picture, discursive practice is a social normative system that is liable to improve itself by means of expressive enrichment. The addition of further expressive resources can: 1) boost the quantity and quality of things that we can say and do, 2) improve and develop the norms that we use and follow, and 3) multiply and differentiate the conceptions of norms that we entertain and understand. The main resource is the normative vocabulary.

With the failure of regularism and of dispositionalism, Brandom counters any reductionist attempt to explain norms. As he states, reductionism either fails because it cannot accommodate error, or it fails by making use of “some already normative raw materials” (Brandom, 1994, p. 41). Thus, norms cannot be explained in naturalistic reductive terms. This does not mean endorsing a non-natural realism about norms, as norms are, in some sense, “creatures of ours” (Brandom, 1994, p. 626). Instead, it means that social practices are *norms all the way down* (see below).<sup>18</sup> As Ronald Loeffler (2017, chap. 1) put it, “[t]he correct account of the origin of discursive norms in particular, according to Brandom, already employs normative vocabulary”.

Therefore, norms are explained by specifying what we do in normative terms.

Thus, another question becomes particularly pressing: how can a norm genuinely emerge from a social practice when individual attitudes may differ both in assessment and in deliberation?

#### **4. Normative vocabulary and the refusal of reductionism**

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<sup>15</sup> How basic? This is a challenging question for Brandom’s account. Wolfgang Detel, with his own account of basic social norms, attempted to pressure Brandom’s stance about implicit norms by questioning his explanatory raw materials. He claims Brandom needs an account of basic social norms to ground his own view. See Detel (2008).

<sup>16</sup> See Brandom (2008) for a systematic account of how such vocabularies can help specify what we do with our moves, both linguistic and nonlinguistic. This is the main account of Brandom’s expressivism.

<sup>17</sup> Brandom (1994, pp. 25-26).

<sup>18</sup> Brandom (1994, p. 44).

Brandom's account, even though devoted to avoiding and criticizing dispositionalism, concerns certain dispositions. According to this approach, two fundamental layers of dispositions characterize rule-followers. However, practitioners are disposed to respond reliably to differential stimuli, and this means that practical attitudes can be understood in terms of such reliable dispositions. This implies the endorsement of a kind of reliabilism, which is, however, restricted to a particular reference class – hence, such responses are not reliable per se.<sup>19</sup> Among these responsive dispositions, practitioners are disposed to *sanction* the moves of other practitioners as good or bad.<sup>20</sup> Such dispositions to sanction are deemed to explain how performance assessments work – positive sanctions work as reinforcing certain bits of behavior, while negative sanctions punish blameful bits. Sanctions are also special because they play a normative function without presupposing further normative resources;<sup>21</sup> in *this* context, sanctions play a normative function and depend on a layer of responsive dispositions.<sup>22</sup>

Thus, according to Brandom's account, status attributions are explained in terms of practical attitudes, i.e., the actual ways we assess moves in our practice, where the perspectives of the producer and of the assessor of a particular performance are both in play in a loop of reciprocity – as one acts by implicitly acknowledging the expectations of the assessor, and vice versa. Therefore, the sanctioning activity involves a kind of reciprocity, depending on the expectations that are met or violated. Thus, normative status is *socially instituted* through the social practice of treating certain moves as appropriate or inappropriate.

**5. Implicit norms and the social institution of content**

This account of implicit norms provides a general grasp of the way we treat linguistic moves as correct or incorrect. However, Brandom's idea digs deeper and purports to be an account of the resources needed to explain conceptual content. Developing a thought experiment invented by John Haugeland,<sup>23</sup> he imagines a pre-conceptual community where there are no meanings, contents, or propositional attitudes but where members' behavior is nonetheless norm-governed. Therefore, the abilities involved in the institution of norms do not presuppose conceptual resources. According to Brandom, the resources at the disposal of these proto-hominids are physical and behavioral abilities. These abilities can be mostly explained in terms of reliable dispositions to differentially respond to stimuli. Furthermore, these dispositions ground the ability to sanction certain moves as appropriate or inappropriate. Here, Brandom offers the example of a proto-hominid who beats his fellow with sticks to sanction an incorrect move.<sup>24</sup> These sanctions, although depending on dispositions, can be specified in normative/deontic terms. We can specify the moves made by the hominids as undertaking certain commitments and their sanctioning activity as distinguishing implicitly between commitments that deserve an entitlement and those that do not: the social practice constitutes the background of attitudes *where these bits of behavior count as sanctioning* certain moves as correct or not. The moves made by proto-hominids are treated as practical attitudes,

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19 See Brandom (2000, chap. 3) for a criticism of unrestricted reliabilism.

20 This is a tricky passage. For example, Hattiangadi (2003) sees this reliance on sanctions as a failure of Brandom's attempted escape from dispositionalism. See below.

21 See Heath (2001, p. 31).

22 This point requires attention: the importance of dispositions for Brandom lies in the idea that they are a necessary requirement for the practice and not in the idea of explaining normative practice in dispositionalist terms. See Brandom (1994, p. 46).

23 Haugeland (1982).

24 This is a controversial example that Brandom uses mostly to disqualify the idea that sanctions work entirely as physical punishment or reinforcement (against Haugeland). See Brandom (1994, p. 36). He also uses this to introduce sanctions, as the "simplest example" (Brandom, 1994, p. 34).

and such attitudes are the ultimate source of normative status and, hence, conceptual content. The imposition of a sanction, however, because of the background of attitudes, is *not* to be found just in the physical punishing behavior, e.g. in the use of the sticks: it rather lies in the *alteration* of normative statuses and attitudes. This alteration, as already stated, depends on the interplay of the performance producers' and assessors' moves and expectations, together with the possibility to improve the practice with further expressive normative resources. In fact, as Brandom clarifies, identifying the physical punishing behavior with the imposition of a normative status would be a downfall in the gerrymandering problem: the behavior would be underdetermined, facing a wide multitude of arbitrary norms.<sup>25</sup> It is the interplay of the agents' and assessors' mutual practical attitudes that makes physical punishment *work* as a normative function, as an imposition of normative status. Once normative status is acknowledged in the practice and conceptual content is a resource at the participants' disposal, new expressive resources help the participants specify what they do in explicit normative terms. Thus, the idea relies on the use of normative/deontic vocabulary to specify the moves and the attitudes constitutive of the practice. Specifying the interplay between certain moves with the help of normative vocabulary equals identifying a behavior pattern as conforming to a certain norm. This also means that normative vocabulary is the best expressive resource to specify a practice having this structure.

Anandi Hattiangadi reads Brandom's conception of implicit norms as ultimately succumbing, in order to escape the regulist regress, to a version of dispositionalism (i.e., it cannot escape regularism). Hattiangadi (2003, p. 423) correctly emphasizes how Brandom's idea depends on the understanding of normative vocabulary as irreducible and highlights that this does not entail a non-naturalist realism on norms, as these must be understood as *creatures of ours*. Then, she summarizes the three layers of Brandom's account of implicit norms:

First, Brandom claims that normative status is a function of attributions of that status; that taking some act to be correct or incorrect is prior to its being correct or incorrect. These attributions are, in turn, explained by our practical attitudes: "the normative significances we take [things] to have, are products of our practical normative attitudes, as expressed in our activity of imposing those significances and acknowledging them in assessment". Finally, our practical attitudes are explained in terms of sanction – the activity of imposing attributions of status (Hattiangadi, 2003, p. 423).

At this point, she goes straight to her diagnosis: an account based on *sanctions* hardly avoids falling into dispositionalism. She starts with a reconstruction of Brandom's thought experiment on the pre-conceptual community. According to her, it is unclear how Brandom's view may differ from a naturalistic one (Hattiangadi, 2003, p. 424). It is true that the explanatory role is played by the idea of assessment of propriety for the moves that are made by proto-humans. But she sees this as controversial: although Brandom "uses normative vocabulary to say that the proto-hominids treat each other's performances as 'correct' or 'incorrect', he suggests that they do so by way of their purely physical behaviour and abilities" (Hattiangadi, 2003, p. 424). As she recognizes, however, these abilities are just "the reliable disposition to respond in different ways to different stimuli" (Hattiangadi, 2003, p. 425). But this, she argues, amounts ultimately to a dispositionalist view. In fact, even if Brandom uses

## **6. The threat of dispositionalism. Hattiangadi's criticism**

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<sup>25</sup> Brandom (1994, p. 36).

deontic normative vocabulary to specify basic practices, these presuppose only dispositions to sanction.<sup>26</sup>

Then, she asks: “[h]ow could Brandom’s proposal possibly avoid the gerrymandering objection?” (Hattiangadi, 2003, p. 426). She argues that Brandom cannot avoid it because even though he describes such practices by using normative vocabulary, such vocabulary does not play the explanatory role that a solution to the problem *should* play: “the normative vocabulary affords no purchase on the problem” (Hattiangadi, 2003, p. 426). Why? She claims that Brandom cannot assume that the abilities of pre-conceptual creatures include the ability to think and entertain concepts. In fact, without the ability to think, the gerrymandering problem is not solved: “[t]he account of how a practice must be in order for it to institute conceptual content cannot presuppose that the participants of the practice can have explicit, contentful thoughts” (Hattiangadi, 2003, p. 426). Thus, according to this reconstruction, Brandom fails in his explanation of implicit norms and falls back into a sanction-based dispositionalism. Then, Hattiangadi (2003) uses an example to clarify what she meant with her criticism:

Consider a face-to-face interaction between two members of the [...] community described by Brandom (call them John and Emma). John says to Emma, pointing, ‘that’s red’. We are supposed to imagine that John makes these sounds and gestures, and Emma, taking all of this in, attributes certain commitments and entitlements to John. This just means that Emma becomes disposed to sanction John – disposed, that is, to punish John under some circumstances [...]. Imagine, further, that at some later time poor John is punished. The question is what has John been punished for? Has Emma attributed the commitment to say ‘that’s not blue’, or [...] to say ‘that’s not grue’? Which of these commitments has John violated? (Hattiangadi, 2003, p. 427).

Therefore, an account based on dispositions to sanction is insufficient to explain normative statuses. Furthermore, mere sanctioning seems inadequate to identify the norm that is violated, once again creating the gerrymandering problem. To the contrary, if we consider the inclusion of normative vocabulary at the level of normative status attribution, then we endorse a kind of “robust realism” about norms and normative statuses.<sup>27</sup> As she says “if preconceptual creatures discern normative statuses, then the statuses themselves must be there to be discerned. But this is not an assumption Brandom is likely to embrace” (Hattiangadi, 2003, pp. 427-428) as for Brandom norms are “creatures of ours”. Thus, it appears that the inclusion of normative vocabulary at the normative status attribution level does not help.

A possible way out depends on pushing the claim that it is norms *all the way down* and on understanding normative status attributions as constitutive of normative status.<sup>28</sup> Hence, there is the perspective of interpreters in play as they interpret the moves of someone as bound to certain norms: “the normative status of the actions of the protohominids is a function of our attribution of that status”, “[...] we, [...], make it possible for them to institute their norms by attributing to them the ability to attribute correctly or incorrectly” (Hattiangadi, 2003, p. 428).

Thus, the perspectives of the proto-hominids making their moves are to be complemented with the perspectives of the *interpreters* reading such moves by means of normative vocabulary. However, the upshot is disappointing:

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<sup>26</sup> Hattiangadi (2003, p. 425).

<sup>27</sup> Hattiangadi (2003, p. 427).

<sup>28</sup> This is actually Brandom’s view.



If our attribution of status is necessary to discriminate which commitments and entitlements are being undertaken or attributed by the fictional proto-hominids, then it will turn out that explicit attribution of normative status (by us) is necessary for the implicit practice to be one capable of mere normative sanction (Hattiangadi, 2003, p. 429).

This possibility is problematic for Brandom's perspective, as attributing explicit norms as a necessary condition for having implicit ones would count as viciously circular.<sup>29</sup> So, according to her example, and on the basis of the failure of alternative routes, Brandom's account is doomed to fall back into a dispositionalism unacceptable for him: "[...] there is no sense to be made of the idea that a) the proto-hominids are pre-linguistic and pre-conceptual and that b) they can attribute deontic status [...] merely by sanctioning" (Hattiangadi, 2003, p. 429).<sup>30</sup> Hattiangadi concludes as follows: Brandom's account depends substantially on dispositions, and the use of normative vocabulary adds nothing that can avoid the gerrymandering objection. She also adds that if we adopt further resources permitting the attributions of status to determine certain normative statuses, then we fall back into the regulist regress: "[t]hough [...] [Brandom] purports to avoid both gerrymandering and infinite regress, it turns out that he cannot" (Hattiangadi, 2003, p. 431).

Such an account presupposes some controversial assumptions, the most important of which concerns how to understand sanctions, as it is one of the thorny issues connected with this account of implicit norms. As the issues raised by Hattiangadi indicate, Brandomian text can be difficult to read, and many readers find the chapter, or some point, a bit elusive.<sup>31</sup> Let us try to explore the controversial assumptions by means of one of these readings.<sup>32</sup>

One main problem concerning sanctions in Brandom's framework depends on a *naturalistic* misunderstanding. Thinking about sanctions as reinforcements/punishments does not commit to thinking they can explain normative assessment in terms of some behavior that can be understood in non-normative – hence, naturalistic – terms.<sup>33</sup> This reductive attitude is not mandatory. To the contrary, we can understand sanctions as *changes* in the normative statuses of the persons who are sanctioned. This means that sanctions can be, in principle, entirely *internal* to a normative system. This point depends on a distinction Brandom makes, well emphasized by Joseph Heath's discussion, between *external* and *internal* sanctions: external sanctions are merely instrumental behavior-conditioning acts, like beating one with sticks – of course, to think about sanctions this way can invite naturalistic/dispositionalist readings (as Hattiangadi seems to do); internal sanctions, however, do not entirely depend on mere dispositions to sanction, at least if they need a network of moves and evaluations of moves where the interplay of the producers' and assessors' perspectives of performances builds a loop of mutual expectations and responses to those expectations. Internal sanctions can count as affecting normative statuses within this interplay of moves, expectations, and perspectives: this interplay counts as a social context where the sanctioning behavior is bound

## 7. Understanding sanctions

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<sup>29</sup> Hattiangadi (2003, p. 429). Heath (2001) and Kiesselbach (2012) argue that such circularity is not vicious.

<sup>30</sup> She explores also a possible *quietist* reading of Brandom's account, according to which norms are in the bedrock and need not to be explained. She rightly explains that this route is incompatible with the explicit constraints that Brandom affirms he wants to meet.

<sup>31</sup> See, for example, Rosen (1997), Heath (2001), Gibbard (2010), and Kiesselbach (2012).

<sup>32</sup> In this attempt, I generally rely on Heath (2001), as it is, in my opinion, the most complete and better account of chapter 1 of *Making It Explicit* in the literature. Kiesselbach (2012) makes similar points; however, it is a little less focused on the expressivist reading.

<sup>33</sup> See Heath (2001, p. 33). See also Brandom (1994, p. 36).

to a number of expectations, and even a merely physical behavior like beating one with sticks is no longer just physical behavior (it is rather a move *in* a game).<sup>34</sup> Furthermore, the very idea of sanctions that are merely internal (and need not the presence of a physical behavior) indicates normative functions heavily depend on the interplay of attitudes and perspectives. This is a context where physical behavior also *counts as* playing a normative function.<sup>35</sup> To see this, we can look at the opposite case: explicit examples of sanctions that play such a normative function even without physical punishment. Brandom's example is forbidding someone to attend a weekly festival,<sup>36</sup> and this sanction is *already* characterized in normative terms: this sanction specifies what a transgressor is implicitly *not entitled to do* because of his transgression. More importantly, relying on sanctions that depend on a system of normative attitudes means that such internal sanctions are not ultimately anchored on external ones.<sup>37</sup> This means that the very idea of a normative system characterized *only* by internal sanctions is not at all incoherent, and this is the ultimate meaning of the idea that it is *norms all the way down*. Moves and expectations that are internal to a social system, by means of the very structure of reciprocity that binds together the participants – as agents and assessors – determine the imposition of normative status by means of assessment via internal sanctions. A mutual ascription of attitudes is essential in these interactions, and sanctions play a role that is internal to this game. Moves that meet the assessor's expectations could count implicitly as the agent's entitled commitments.<sup>38</sup>

Furthermore, this is also the idea behind Brandom's resistance to reductive explanations of normativity: while naturalistic explanations – based on non-normative facts or properties – fail to maintain the distinction between what is done and what ought to be done, normative vocabulary is helpful because it is the only resource that is expressively adequate and, hence, successful in specifying our doings according to some kind of correctness. Considering normative primitives as inadequate just reflects a gratuitous reductionist bias: the idea that explanations, *qua* explanations, must be reductive. The following are important points concerning naturalistic explanations: 1) reductive accounts are based on causal explanations, and according to Brandom, the use of causal vocabulary presupposes some implicit grasp of modal notions – particularly *alethic* modalities like “necessity,” “possibility,” “dispositions,” etc.; 2) since modalities are a big open problem for naturalistic attempts (i.e., we lack noncontroversial naturalistic accounts of modalities), the fact that causal accounts are supposed to make use of modalities is an issue for these naturalistic attempts; 3) like reductive accounts, nonreductive accounts as normativism also presuppose an implicit grasp of modal notions – particularly *deontic* modalities like “forbidden,” “permitted,” “entitled,” etc.; 4) since normativism does not want to naturalize modalities (it does not need a reduction of

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34 Brandom explicitly affirms that “it is one thing to understand practical assessment as sanctioning, and quite another to understand sanctioning in nonnormative terms such as reinforcement” (1994, p. 42).

35 According to Brandom, the use and mastery of functionalist vocabulary presupposes the use and mastery of normative vocabulary. This also means that causal functionalist accounts presuppose the implicit grasp of normative notions. See Brandom (1994, p. 16; 2008, chap. 4). This point is also connected with the fact that reductionism presupposes resources that are hardly reducible. See below.

36 Brandom (1994, p. 43).

37 Heath (2001, p. 33). This is a point that can be used to pressure the very idea of sanctions as internal to the system. Heath makes the example of parents using sanctions to educate children, and he argues that common examples appear to be clearly external: “no, I won't pass it to you until you ask nicely for it” (2001, pp. 34-35).

38 Heath offers a detailed reconstruction of the formal structure of an interplay of moves and assessments between two agents. He also shows that this interplay is game-theoretic and, therefore, purported to reach a number of possible equilibria between participants. See Heath (2001, p. 42). The difficulty that Brandom faces in characterizing this interplay partly explains his interest in the Hegelian notion of “recognition”, comprising also a historical dimension of normative practices.

modal talk), it is particularly willing to make substantive use of deontic notions; 5) while the use of modalities can represent a general problem for reductionism and naturalism, it is perfectly fine for normativism.<sup>39</sup> Since the reduction fails anyway, the resources that are *expressively more adequate* for the task should be used. Normative deontic vocabulary is particularly useful in specifying what we do in terms of correctness, while naturalistic causal vocabularies are expressively less powerful for *this* specific task. Thus, antireductionism is an option whose relevance is dictated *also* by a general need for a minimum level of expressive adequacy. Therefore, after the acknowledgment of the issues surrounding such reductionist presuppositions, normative primitives like internal sanctions are no longer inadequate. Furthermore, Heath also highlights how normativity is not entirely to be found in this strategic use of normative vocabulary, stating there is a “background commitment” in Brandom’s account, according to which practitioners have an implicit grasp of what it is to obey a rule, particularly when it comes to making social moves like assertions.<sup>40</sup> Rule-following is part and parcel with making certain moves in the social space: these moves involve certain primitive (unexplained but constitutive) forms of (practical) adequacy. The interplay between the practitioners’ moves, expectations, and perspectives gives rise to mutual attributions of normative attitudes and statuses, just like intentional systems attribute with each other’s intentional states.<sup>41</sup> This “bedrock primitivism” about implicit norms is the basis of a fully *expressivist* reading of chapter 1 of *Making It Explicit*: the point is to boost the understanding of the discursive practice structure from within by adding more and more expressive resources. Normative vocabulary is the key feature of this expressivist reading, as it is what permits us to state explicitly, in propositional terms, what we do implicitly in the practice; thus, the theorist/interpreter (using such an expressive vocabulary) belongs to the very practice being interpreted.<sup>42</sup> Normative vocabulary permits a specification, in normative terms, of a practice that is in a sense already normative at its bedrock.<sup>43</sup> Therefore, the idea is that not only are practices implicitly normative but that we can, with the help of expressively adequate resources, specify propositionally what we do in the practice, thus making it explicit.<sup>44</sup> The final step to make the account complete concerns how we should understand the active role of what we called the interplay of the practitioners’ perspectives, distinguished by means of the roles they play as agents (performance producers) or assessors. Again, Heath’s reconstruction is useful in clarifying certain details. In particular, other than talking about normative attitudes and statuses, Heath tries to use the very notion of sanctions in specifying such an interplay. First, we can imagine two agents making moves, raising certain expectations by means of these moves, and assessing the interlocutor’s responsive moves on the basis of such expectations. Moves are mutually sanctioned, positively or negatively,

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39 As Heath states, the commitments implicit in naturalistic reductions are just as mysterious as those involved in normativist accounts. See Heath (2001, pp. 35-36).

40 Heath (2001, p. 36).

41 “Intentionally interpreting, adopting an intentional interpretive stance, is a practical attitude, and proprieties governing that practical attitude institute intentional states and hence normative statuses” Brandom (1994, p. 57). See also Brandom (1994, pp. 15, 55-62). Brandom, by the way, also defends the view that original intentionality depends on normative practice. See also Heath (2001, pp. 37-39).

42 Brandom (1994, p. 637).

43 Obviously, this conception may sound a bit frustrating to those who want an explanation at all costs of what such implicit norms are. See, for example, Detel (2008). However, we should remember that Brandom sees such explanatory urgency as ultimately flawed and not at all necessary. Resisting the compulsion of providing a reductive explanation does not mean to say that norms are supernatural: they come first with the moves of complex social organisms like us, and then in the normative specifications that we can achieve by going up the expressive ladder.

44 “[T]o illuminate the structure of language from within” (Heath, 2001, p. 36).

depending on the fact they meet each other's expectations. Thus, the response loop is bound to a kind of reciprocity. This is why we cannot ask, from outside the practice, whether agent A has been punished for being committed to X or to Y: if I belong to the practice, I already know; if I do not belong to the practice, then I am in the position of the *alien* interpreter<sup>45</sup> and am explicitly surrendering the constraints posed by phenomenalism (i.e., I am trying to understand a behavior pattern without acknowledging the participants' perspectives – as only participation grants access to these perspectives).

Heath discusses the “expectations” raised and fulfilled; however, this can be easily translated into the usual Brandomian talk of commitments and entitlements by understanding basic moves as inferentially articulated commitments. These expectations, ultimately, as Heath underlines, are constitutive of the pattern that the interaction exhibits; thus, a norm is at stake in every assessment of commitments undertaken by means of assertions.

**8. Conclusion.  
An expressivist  
alternative to  
reductionism**

From this discussion, Hattiangadi's criticism about Brandom's account seems to depend on a reductionist understanding of sanctions. This understanding considers sanctioning in dispositionalist terms, falling back into the gerrymandering problem. If we clarify that such reductionism is optional and distinguish between internal and external sanctions, as Heath does, we can understand sanctions in normative functionalist terms as altering the normative status of practitioners. Furthermore, these sanctions must be understood in a context of reciprocity between practitioners, i.e., these sanctions belong to a social context: the agents' and assessors' perspectives are both constitutive of the normative role played by sanctions as an encounter of mutual expectations raised by a game of moves and assessments of moves (physical behavior *alone* never determines the normative assessing function). Finally, interpreters attributing normative statuses are also practitioners, as the expressivist reading sees the adoption of normative vocabulary as an enrichment of the very practice.

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<sup>45</sup> I distinguish between interpreters and alien interpreters because the former, according to Brandom, are internal to discursive practice (thus, default interpretation is never alien or radical).

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