

Brandom and Wittgenstein: Disagreements on how to be in agreement with a rule

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ABSTRACT

This paper offers an interpretation of Wittgenstein's remarks that discusses the meaning of being in practical agreement with a rule, arguing that Brandom misconstrues the idea undergirding Wittgenstein's remarks in terms of the relation between the pragmatic and normative aspects of language. First, I discuss Brandom's idea of normative pragmatism and Wittgenstein's remarks on rule-following in the *Philosophical Investigations*. I argue that Brandom enforces the picture of implicit rules as a salient solution for the problem of infinite regress regarding explicit rules. Second, I compare both views and show that although Brandom takes his solution for a Wittgensteinian answer to the regress problem it is very likely that Wittgenstein's understanding of rule-following rather suggests a different view. Moreover, I explain why Brandom thinks that he cannot accept this view and why he offers an interpretation-based account instead which he thinks is underlying the agreement between rule and practice. Third, I criticize Brandom's account from a Wittgensteinian point of view arguing that what is underlying the agreement are so-called 'bedrock-practices' rather than mutual interpretations.

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§1. **I**N HIS SEMINAL TEXT, *Making It Explicit*, Robert Brandom presents a pragmatic theory of intentionality, claiming that this theory shares—or is at least compatible with—Wittgenstein’s views about the normative and pragmatic aspects of intentionality. In this paper, I shall discuss this claim, showing in particular that Brandom uses what he takes to be Wittgenstein’s view as an opportunity to form the basis of an elaborate theory of normative pragmatics. This theory underlies the foundational assumption that intelligent agents attribute intentional states to each other (e.g., beliefs, desires, intentions, etc.), which constitute reasons for their behaviour. Furthermore, it is an important theoretical assumption that intentional states have propositional contents that are uttered among speakers, as well as that the correctness of those utterances relies on normative criteria. However, what turns those assumptions into a theory about what Brandom calls the “fanciest sort of intentionality” are the conditions under which the contents of intentional states obtain. He assumes that they cannot be understood in a way that is independent from the linguistic practices that are carried out among social agents.

This pragmatic idea seems to rest on a picture that the Later Wittgenstein attempted to elucidate in his *Philosophical Investigations*, namely the idea that language is to be conceived of as social interaction among speakers. Owing to this impression, Brandom believes that he shares with Wittgenstein “a *normative* thesis about the *pragmatics* of intentionality and a *pragmatic* thesis about the *normativeness* of intentionality” (Brandom 1994, p. 22). Offering an interpretation of Wittgenstein’s remarks that discusses the meaning of being in practical agreement with a rule, I shall argue, however, that Brandom misconstrues the idea undergirding Wittgenstein’s remarks in terms of the relation between the pragmatic and normative aspects of language.

I shall proceed as follows. In section two, I show that Brandom adopts the picture of implicit rules as a salient solution to the problem of infinite regress

regarding explicit rules. I argue that although Brandom takes his solution as a Wittgensteinian answer to the regress problem, it is likely that Wittgenstein's discussion of rule-following suggests a different view. Thus, in the third section, I offer an explanation why Brandom cannot accept Wittgenstein's view of his theory. He instead offers an account based on a theory of interpretation that is supposed to explain the agreement between rules and practice. Finally, in the fourth section, I criticize Brandom's account from a Wittgensteinian point of view, arguing that what underlies the agreement is so-called "bedrock-practices" rather than shared interpretations. I draw the conclusion that the social practices to which Brandom refers stand neither implicitly nor explicitly in agreement with a rule: they are rather bound up with their normative character.

§ 2. I shall first refer to the origins of the idea of normative pragmatics, and, relatedly, Brandom's criticisms regarding explicit rules. One of the primary sources of the motivation behind Brandom's normative-pragmatist project is Kant, who introduced the idea that all conceptually-structured activities have a normative character. Brandom adopts Kant's concept of a rule, which, from his point of view, is a necessary condition for agents to be able to attribute intentional states. According to Brandom, this condition characterises human beings essentially as "rule-governed creatures", who undertake and acquire certain commitments when they attribute intentional states to one another (Cf. Brandom 1994, p. 8 f.). Those commitments depend on rules that are required for the utterance of intentional states. In this context, Brandom emphasises that a rule justifies the attribution of intentional states normatively while evaluating its propositional contents. It should not therefore be confused with a causal law that provides information about the events that cause the intentional state. In order to stress the difference between causal and normative characteristics, Brandom refers to Frege's argument that inferential laws cannot be causal laws, owing to which conclusions cannot be causal effects. For, if this were the case, there never existed a false conclusion *given those laws*.

Furthermore, Brandom finds thoughts regarding the pragmatic and normative aspects of intentional states in the philosophy of the Later Wittgenstein revealing. He transfers the concept of a rule, which he finds in Kant, and applies it to Wittgenstein's conception of meaning, claiming that, according to this conception, agents understanding of intentional states is owed to their mutual commitment. According to Brandom's Wittgenstein, the meaning of a linguistic expression implies correct usage and thus, understanding expressions implies certain knowledge regarding how to use the expression correctly. Since

Brandom is propounding the importance of rules in this context, he seems to interpret Wittgenstein's conception as a theory of meaning, arguing that the meaning of a linguistic expression is constituted by rules determining how to use the expression. Arguably, this interpretation is influenced by the very idea of normative pragmatics, namely that, when agents attribute intentional states to each other, they are thereby guided by rules. The rules inform the agent about the propriety of the contents of attributed intentional states. Brandom's idea is that those contents stand in relation to each other inferentially, which creates a net of rules within the "space of reasons". Owing to those inferential relations, the attribution of contents turns out to be either correct or incorrect.

The idea of normative pragmatics presupposes a certain concept of a rule. Although Kant's concept of a rule provides one of the main intellectual sources for Brandom's project of normative pragmatics, he nevertheless argues that Kant's conception of rule-following (recall that Kant speaks about *norms* rather than *rules*) is inadequate to Brandom's project. According to Kant's conception of rule-following, norms come in two different flavours. From a practical point of view, norms are conceived as rules of behaviour, while from a *theoretical* point of view, norms are the rules of logical deduction, i.e., the rules that guide subsumption by the faculty of understanding. Regarding the ability to use rules, Kant needs to distinguish between the *knowledge* of rules, on the one hand, and the *application* of rules on the other. Kant deals with the problem that the application of a rule cannot presuppose the knowledge of a rule since this raises the question of how the knowledge is to be applied. For knowledge's application presupposes knowledge of a rule, which again raises the question of how this knowledge is applied, and so forth.

Kant's solution to this problem takes the form of assuming a further faculty, which he calls the "faculty of judgment" (Cf. Kant 2016, B 172 ff.). According to Kant, this faculty (or at least its application) involves a skill that is acquired habitually, enabling rational beings to apply rules to their own behaviour. As such, it leads to the application of rules independently of knowledge of those rules. Understanding and judgment are two different faculties. Thus, they are two independent instances of normative judgment. According to this view, rules can be conceived of as independent of singular practices. Owing to this, one can ask about the application of rules independently of those practices.

Adherents of normative pragmatics might argue that Kant's solution differs profoundly from their basic assumptions, in the following respect. Whereas Kant assumes that explicit rules are a proper normative source belonging to the faculty of understanding, adherents of normative pragmatics are not convinced that

explicit rules are a normative source *proper*. They suppose instead the existence of further rules that are *implicit* in the practices of applying explicit rules. Owing to this assumption, they claim the possibility of a match between a rule and the act of its application, whereas Kant draws the conclusion that there are two separate faculties operating independently of one another.

However, if one takes a closer look, then one will see that the assumption of implicit rules, and Kant's solution of positing two faculties, rely on the same picture, since they both share the idea of two faculties that are logically connected (Cf. Kern 2010, p. 206). According to this picture, the ability to follow a rule implicitly belongs to one faculty, whereas the ability to make those rules explicit, i.e., to imagine them *rationally*, belongs to another faculty. Yet, for the following reason, this picture is misguided. First, the faculty that we use to make rules explicit can only operate *after* those rules have been followed implicitly. From a chronological point of view, the operation of this faculty appears later than implicit rule-following. However, the assumption of explicit rules presupposes the assumption of *implicit* rule-following. This means that explicit rules can only be assumed if implicit rules are assumed *at the same time*. Otherwise, the concept of an implicit rule would remain empty. It follows from this objection that, on the one hand, implicit rule-following cannot rely on explicit rules since implicit rules can only be made explicit after those rules are followed implicitly. On the other hand, those rules were already assumed to be a normative source at the time they were followed. If the applications neither follow implicit nor explicit rules, then they seem to be merely coincidental.

Adherents of normative pragmatics need to avoid this problem. Although it is in agreement with their basic assumptions, the idea of implicit rules *as such* does not show the way out of the problem, since, like Kant's solution, it rests on the assumption of two different faculties. Instead, adherents need to find an approach to normativity that shares the basic assumptions of normative pragmatics but is also able to avoid the problem of infinite regress. Brandom holds that such an approach is offered in Wittgenstein's *Philosophical Investigations* and can be found in his discussion of the rule-following problem (Cf. Wittgenstein 2009, from now on PI). There, Wittgenstein refers to the regress problem described above. The consequence of this problem is that correct application remains normatively underdetermined, and we can imagine different and contrary applications of a rule. The regress problem thus leads to a paradox regarding the correct application of a rule, which Wittgenstein discusses in §201 of *Philosophical Investigations*:

This was our paradox: no course of action could be determined by a rule, because every course of action can be brought into accord with the rule. The answer was: if every course of action can be brought into accord with the rule, then it can also be brought into conflict with it. And so there would be neither accord nor conflict here.

That there is a misunderstanding here is shown by the mere fact that in this chain of reasoning we place one interpretation behind another, as if each one contented us at least for a moment, until we thought of yet another lying behind it. For what we thereby show is that there is a way of grasping a rule which is *not* an interpretation, but which, from case to case of application, is exhibited in what we call “following the rule” and “going against it”.

That’s why there is an inclination to say: every action according to a rule is an interpretation. But one should speak of interpretation only when one expression of a rule is substituted for another. (PI § 201; here and in the following, emphasis always follows the original text unless otherwise remarked)

In this remark, Wittgenstein discusses the rule–following paradox as it is related to the use of the word “interpretation” (*Deutung* or *Deuten*). The reason is, as he points out, that we are inclined to relate the practice of rule–following with the practice of interpretation. We think that the act of interpretation is needed in order to bring our course of action into accordance with a rule. However, this idea implies the separation of knowledge and the application of a rule (analogous to Kant’s distinction between the two faculties), deriving from the picture we have discussed above. Owing to that misguided picture, the question arises about how it is possible to bring knowledge of a rule into accordance with the *application* of a rule. Like Kant, one is tempted to understand knowledge of a rule as a certain faculty, which stands “behind” the application of that rule. According to this view, the faculty is conceived of as a necessary means for interpreting the application of the rule correctly. Bringing knowledge into accordance with the application is thus conceived of as a process of interpretation. What leads to the regress problem is the picture of two different faculties: the knowledge of a rule already presupposes the application of a rule.

Wittgenstein suggests that the solution to this problem lies in changing the perspective of how we use the word “interpretation”. We are inclined to think about interpretation as a process bringing knowledge of a rule into accordance with its application, e.g., when we consider our course of action. Owing to a misguided picture, we think that the knowledge of a rule determines the action by means of an interpretation that tells us how to apply the rule in the form of an action. Yet, in being guided by this picture, we forget two important things. First, what gives us (“at least for a moment”, as Wittgenstein remarks) the impression that one interpretation is correct relies on the fact that, in certain circumstances, we are used to certain practices that we understand respectively as “following the

rule” and “going against it”. The reason why we accept a certain interpretation under certain circumstances as the correct one is that we have learned how to act in certain circumstances. Second, the fact that a given situation prompts us to invoke a certain interpretation, together with the fact that possible interpretations are different, leaves us with the idea that further interpretations are needed in order to find the correct one. The idea that one interpretation stands behind the other leads to a regress problem. However, Wittgenstein reminds us that the word “interpretation” can have different meanings. He aims to modify the misguided picture underlying the regress problem, suggesting that we consider the use of the word in which it means to substitute one expression of a rule with another. Instead of following the view that expressions of a rule are arranged successively in different normative stances (call this the “vertical picture”), which leads to the regress problem, Wittgenstein suggests that different expressions of a rule refer to the same normative stance (call this the “horizontal picture”), which can therefore be substituted for one another.

However, Brandom does not seem to be convinced by the therapeutic approach regarding the use of the word “interpretation”, as Wittgenstein suggests in his remark. Instead, he draws a far narrower conclusion from the remark, namely that Wittgenstein must be committed to one of the following two options: with respect to the claim that rules are the form of the normative, normativity can either be conceived of as “rules all the way down”, or as “rulish proprieties [that] depend on some more primitive sort of *practical* propriety” (Brandom 1994, p. 20). Brandom thinks that Wittgenstein argues for the second option. Thus, he not only understands Wittgenstein as the defender of the claim that on the basis the normative and pragmatic aspects of meaning ought to be conceived of as social practices: he also attributes to him the claim that those practices imply normative criteria, which serve as a means in order to distinguish between correct and incorrect rule applications. This is certainly a quite sophisticated way to understand Wittgenstein’s emphasis on social practices, which Brandom offers as a promising alternative to the inadequate picture of explicit rules that we discussed above. Instead of presupposing explicit knowledge regarding those rules as proper means for a correct interpretation, Brandom assumes social practices as the normative source for a correct interpretation, since they imply a certain notion of correctness. Yet, as I shall argue, this approach to normative pragmatics is a radical adaptation of Wittgenstein’s approach to rule-following.¹

According to Brandom, “rulish proprieties” derive from a primitive kind of

¹ I share this impression with McDowell (2001) who argues that „the passage [PI § 201] does not say what Brandom would like it to say.“

correctness. He assumes that this is also Wittgenstein's view, referring to his criticism of a too-narrow understanding of rules in the context of interpretation. Indeed, Wittgenstein emphasises that "there is a way of grasping a rule which is *not* an interpretation, but which, from case to case of application, is exhibited in what we call 'following the rule' and 'going against it'" (PI § 201). Thus, he does not understand social practices on the basis of rules. Rather, he suggests that the concept of a rule derives from social practices. Nevertheless, Brandom considers this view as a "pragmatist conception of norms". Accordingly, he understands Wittgenstein's suggestion as the hypothesis that a certain notion of correctness is implicit in those practices, claiming: "a notion of primitive correctness of performance [is] *implicit* in *practice* that precedes and are presupposed by their *explicit* formulation in *rules* and *principles*" (Brandom 1994, p. 21).

However, the concept of a rule that is implied in the pragmatist conception of norms, which Brandom attributes to Wittgenstein, differs in important respects from the understanding that the Austrian philosopher himself suggests. Pointing out that social practices are the basis of what we call "following the rule" and "going against it", Wittgenstein does not hold that a certain notion of primitive correctness is implicit in those practices. He rather indicates that it is owing to those practices that we are indeed able to grasp what is meant by the notion "primitive correctness". Thus, there is a fundamental misunderstanding in the assumption that practices can be compared to standards of correctness. For this idea suggests that the standards of correctness can be elucidated *independently* of those practices. Yet, according to his remark, Wittgenstein clearly seems to reject this view, pointing out that the standards of correctness are constituted in practice, and that they also change with changing practices.

From Wittgenstein's point of view, then, it seems that Brandom's assumption, viz. that there is a notion of correctness implicit in social practices, is misleading in the following respect: it still relies on the picture of two separate things —rule and action— which presumably need to be brought into accord with one another. It is therefore sufficient to distinguish Brandom's approach from Wittgenstein's view insofar as the former accepts the challenge to find explicit standards of correctness that lead to an agreement between rule and action. Thus, in pursuit of a project of normative pragmatics, then, Brandom aims to offer a solution to the problem of the agreement between rule and action, assuming that the problem exists and that the agreement is implicit in social practices. By contrast with Wittgenstein, Brandom is convinced that both the rule-following paradox and the regress problem show that a solution to this problem is indeed necessary.

It seems, however, that Brandom is mistaken in making this assumption. Wittgenstein does not show any intention to find a solution to the problem. Arguably, this is because he is not convinced that a real problem arises in this context. He rather thinks that the problem of agreement appears as a philosophical pseudo problem, which derives from misguided ideas regarding the normative aspects of social practices. As a consequence, he rejects the idea that the philosophical aim is to produce an agreement between two different components —rule and action. By contrast with Brandom, Wittgenstein does not think that rules are implicit in social practices, but rather that our understanding of the concept of a rule is constituted by the existence of social practices. According to this view, there is in fact only one component rather than two: the social practices that belong to the natural history of human beings. Therefore, the problem of agreement that is raised by Brandom does not exist for Wittgenstein.

Brandom's misunderstanding seems to rest on a mistaken picture, which provokes the assumption that there is a problem of agreement requiring a solution. Accordingly, for Brandom, the rule-following paradox does not derive from a mistaken idea of rule-following. It rather derives from a misguided picture of what it means to interpret a rule. This misguided picture also leads to a misunderstanding of Wittgenstein's view, since he thinks that Wittgenstein aims to solve the regress problem with a proper theory of rule interpretation. As a consequence, he takes Wittgenstein to be a defender of a theory of interpretation. He thinks that the subject of this theory is the substitution of the expression of a rule for another, referring to Wittgenstein's remark that the word "interpretation" is supposed to be understood as a substitution for the expression of a rule.

Yet a careful reading of Wittgenstein's remark does not seem to allow for the conclusion that the interpretation of expressions of a rule constitutes a necessary requirement for social practices and thus needs to go "all the way down", as Brandom claims. Instead of supporting the picture of vertical substitution, as mentioned above, Wittgenstein argues for a picture of horizontal substitution that aims to exemplify expressions (i.e., giving different examples for similar practices) rather than justifying them by substituting them with other expressions "all the way down". Wittgenstein's discussion of the rule-following paradox explicitly rejects the idea that an interpretation can be used in order to elucidate the right course of action. On his account, we can reject this idea because, in fact, there is no regress problem. Agents who participate in social practices are trained to react in certain ways (cf. PI § 198). This training leads to the establishment of certain customs. As he points out, "[t]o follow a rule, to make a report, to give an

order, to play a game of chess, are *customs* (usages, institutions)” (PI § 199). The basis for what we take to be the correct course of action is not an interpretation of the expression of a rule: it is a fact which, owing to customs, usages, and institutions, we “follow the rule *blindly*” (cf. PI § 219).

§ 3. Wittgenstein suggests that the paradox of rule-following and the regress problem do not materialise. This is because, owing to customs, usages, and institutions, we know how to proceed in particular circumstances. Brandom is aware of Wittgenstein’s suggestion. Nevertheless, what puzzles him is the question of how a blind reaction can be conceived of as rule-following behaviour. Although he accepts that it might be a proper solution, in order to avoid the assumption of explicit rules and the regress problem *deriving* from the assumption, he thinks that the idea of following a rule blindly is related to a threat. Brandom’s concern is that Wittgenstein’s view might lead to a simple regularity theory.²

According to this theory, rules that are implicit in social practices can be conceived of as mere descriptions of regularities of performances. Agents who have learnt to react under certain circumstances perform their actions only out of certain habits, and it is owing to those habits that their performances are in accordance with a rule —*not* because they know they follow a rule. Yet, if the agents’ performances are in accordance with a rule *only in virtue of being habitual*, then a normative evaluation of their performances seems pointless. For the performance that is the result of a normative evaluation cannot be distinguished from a performance that is determined by physical laws. As a consequence, simple regularity theories reduce the normative source of performances to causal laws of nature, thereby suspending the difference between factual descriptions (“facts”) and normative demands (“oughts”). Accordingly, the possibility of evaluating courses of action as correct or incorrect is suspended as well.

As a consequence, simple regularity theories need to answer the question of how the sources of normativity need to be understood in order to avoid Regulism by means of explicit rules, on the one hand, and Regularism by means of trained habits, on the other. Both Regulism and Regularism lead to the problem of agreement and the rule-following paradox (albeit in different ways), while

² Brandom calls this view “Regularism”. He adopts its characterization by Wilfrid Sellars: “[T]he essential claim of the thesis consists of substituting the phrase ‘learning to conform to the rules...’ for ‘learning to obey the rules...’ where ‘conforming to a rule enjoining the doing A in circumstances C’ is to be equated simply with ‘doing A when the circumstances are C’ – regardless of how one comes to it.” See Brandom (1994, pp. 26–30).

leaving open the question of how the performance can be understood in accordance with a rule. As we have seen, Regulism leads to an inflation of determining rules, whereas Regularism leads to the normative underdetermination of performances. As a consequence of underdetermination, a performance can be understood, in certain respects, as being in accordance with regularity and in other respects as not being in accordance with regularity. The question of whether the performance is or is not in accordance with this regularity cannot be answered given its normative underdetermination.

Brandom calls the consequence of the simple regularity theory the “Gerrymandering” problem. From a Wittgensteinian point of view, two remarks regarding this problem seem to be in order. First, the problem rests on a basic assumption that there is indeed a problem of agreement between rule and action. As we have argued, the problem of agreement derives from a situation whereby performances are normatively underdetermined. Thus, the “Gerrymandering” problem obtains if one assumes that Regularism is a consequence of the problem of agreement. We have also seen, however, that, for Wittgenstein, there is no problem in this regard. Furthermore, he is not defending a simple regularity theory that leaves the normativity of social practices underdetermined. According to Wittgenstein, the establishment of customs, usages, and institutions constitutes the normative aspects of social practices.³ Social practices respectively determine what counts as “following the rule” or “going against it”, rather than by their interpretations. For Wittgenstein, the “Gerrymandering” problem simply does not obtain.

Second, on closer inspection, it seems that assuming the “Gerrymandering” problem entails a contradiction and is thus incoherent. The problem appears under circumstances in which a certain course of action is evaluated at the same time as being in accordance, and not being in accordance, with a rule, while this rule derives from certain regularity of social practices. Yet the evaluation of the course of action *as such* requires the possibility of an external standpoint outside of social practices, from which the observer makes judgements. In order to raise the “Gerrymandering” problem, the claim of Regularism requires the possibility of this external standpoint; otherwise the question of whether the course of action is in accordance with regularity or not does not arise. Yet, this requirement contradicts the claim that the normativity of social practices is underdetermined.

³ Yet, Brandom thinks that “treating a performance as correct cannot be identified with producing it. For according to such an identification, the only way in which a norm can be acknowledged in practice is by obeying it, acting regularly according to it. But then it is impossible to treat performances as incorrect” (Brandom 1994, p. 33).

How can there be a normative evaluation regarding the regularity of social practices from *within* those practices if they are normatively underdetermined? In order to avoid this circularity, the “Gerrymandering” problem requires the assumption of the perspective of someone “who needs to understand how to apply correctly the rule conforming to which makes performances count as regular [...] [and] who describes the regularity in terms of that rule.” (Brandom 1994, p. 21). For only under the assumption of the existence of an outside perspective does the difference between correct and incorrect regularity, which leads to the “Gerrymandering” problem, actually appear.

Brandom’s hope for a normative pragmatism aims to present a theory that solves the “Gerrymandering” problem, explaining how norms are implicit in social practices.⁴ He admits that this approach is different from Wittgenstein’s, at least insofar as the latter does not have the aim of presenting a theory of practices. From his point of view, “Wittgenstein [is a] principled theoretical quietist [who] does not attempt to provide a theory of practice, nor would he endorse the project in doing so.”⁵ By contrast, Brandom develops a theoretical approach in order to avoid the threat of underdetermined performances, as entailed by Regularism.

His approach is based on two fundamental insights that he finds, again, in Kant. The first insight consists of a distinction between causal and rational necessity, as mentioned above. This distinction is crucial since it allows for the possibility of errors and mistakes regarding the course of action. The second insight is that a normative commitment regarding any action is connected to the agents’ awareness of a rule rather than to ruled–governed action. Arguably, this idea creates a big gap between Brandom and Wittgenstein’s approach, particularly as Brandom claims: “rules do not immediately compel us, as natural ones do. Their compulsion is rather mediated by our *attitude* toward those rules. What makes us act as we do is not the rule or norm itself but our *acknowledgement* of it.” (Brandom 1994, p. 31). This claim differs from Wittgenstein’s understanding of what it means to follow a rule. From his point of view, the performance of social practices does not necessarily require agents’ awareness of

⁴ However, Hattiangadi (2003) argues that Brandom cannot avoid the gerrymandering problem without presupposing that agents have explicit and contentful thoughts, and thus he cannot avoid the problem of regress.

⁵ Brandom (1994), p. 29. I shall not discuss here whether Wittgenstein is a “theoretical quietist” yet it seems that this characterization misses Wittgenstein’s point. In the *Philosophical Investigations*, Wittgenstein argues that the aim of developing theories in philosophy rests on a profound misunderstanding of what the philosophical tasks are rather than that he shows interest in debunking theories and in proclaiming any kind of “quietism”.

explicit rules, nor their normative attitude towards them, nor even their acknowledgement. According to Wittgenstein, normative commitment is established through our application of certain practices in certain circumstances, which social agents share with each other. Explicit rules do not need to be applied in this context.

According to Brandom, however, the acknowledgement of rules can be taken as a criterion that distinguishes between rational beings, who are capable of being aware of rules and acting in accordance with that awareness, on the one hand, and natural beings, who act in accordance with rules while not being aware of them, on the other. Thus, what characterises rational beings as such is their ability to form normative attitudes and to attribute them to others. In this context, Kant's dictum, viz. that the normative component of an action is connected to the awareness of a rule rather than to ruled-governed action, serves Brandom in making the following point: forming a normative attitude regarding a practice because one acknowledges its correctness is different from following the practice owing to its normative status. On this basis, Brandom seeks to enumerate the conditions under which social agents form normative attitudes, acknowledging the normative status of certain practices, given that normative attitudes are conceived of as being implicit in those practices.

The central idea in Brandom's project of normative pragmatics is that social agents acknowledge and attribute intentional states to each other, owing to his interpretation of intentional contents. As he puts it: "The key account is that an interpretation of this sort must interpret community members as taking or treating each other in practice as adopting intentionally contentful commitments and other normative statuses" (Brandom 1994, p. 61).

According to this idea, intentional states are conceived of as mutual attributions within a social community. Thus, the normative status of intentional contents has a social dimension. Rules are implicit in discursive social practices, which, owing to those rules, have a normative status. Because agents commit to normative attitudes, they create a social structure in which they mutually refer to each other. Furthermore, they acknowledge their attitudes as they give each other reasons within an inferential framework.

Brandom refers to the relation in which agents stand to each other in this context as "I-thou sociality". The structure that is created by those relations stands in contrast to what he calls an "I-we sociality". Brandom rejects the latter since he holds the assumption that those relations underlie the conception of a "community view". According to this view, the normative aspects of intentional attitudes derive from the fact that agents' behaviour shows conformity to the

norms implicit in the practices of the community. Thus, the practices satisfy the standards of correctness because they express the established regularity of those practices within a community. Brandom rejects this view because it holds that the standards of correctness are only determined by the regularity of the practices within the community and not by what the individual members of the community take to be standards. He argues that if only the community determines the standards, then, once again, this excludes the possibility of individual error. The view implies that whatever the practices of the community are, they must be taken as correct given that any critical standpoint for normative evaluation is excluded. Conceptual norms are then only conceived of as socially–institutionalised norms, owing to which the task of determining concepts objectively must be rejected.

However, Brandom is not interested in abandoning the objectivity of conceptual norms. In order to avoid the community view, he explores the conditions under which propositional contents are true and under which their applications obtain as correct from an objective point of view. To begin with, he introduces the distinction between applications that are objectively correct (“*de re*”) and applications that are taken as being correct (“*de dicto*”). When an agent utters a claim *de dicto*, he or she commits to a “deontic status”. Claims that are uttered *de dicto* can be acknowledged by other agents, but this acknowledgement is independent of the question regarding whether the claim is objectively correct *de re*, i.e., whether the agent who utters the claim must also be committed to it. This question is answered by means of the interpretation of the agent’s deontic attitudes (i.e., his or her acknowledgements and attributions) within the framework that Brandom calls *discursive scorekeeping*: “What appears to the scorekeeper as the distinction between what is objectively correct and what is merely taken to be or treated as correct appears to us as the distinction between what is acknowledged by the scorekeeper attributing a commitment and what is acknowledged by the one to whom it is attributed” (Brandom 1994, p. 597).

By means of the distinction between *de dicto* and *de re* claims, Brandom aims to give an answer to the question of how norms derive from social practices while avoiding committing to the assumption of Regularism, on the one hand, and, on the other, avoiding a commitment that explains social practices (which norms consist in) by means of further norms.

How does the idea of mutual acknowledgement of normative attitudes lead to the acknowledgement of the *correct* normative attitudes without explaining their correctness by means of further norms? Brandom’s conception does not seem to provide an easy answer to this question. On the one hand, agents determine the correctness of attributing and acknowledging normative attitudes

at the same time as determining the correctness of normative status within a practice of discursive scorekeeping. On the other hand, the correctness of normative status is determined thanks to the correctness of scorekeeping. To some commentators, this conception appears to be circular.⁶ The problem seems to be that the content of the claim that an agent is committed to must also be conceived of as a claim *de dicto*, so that the normative status of its content does not derive from actual attribution or acknowledgement, i.e., the actual scorekeeping. While the correct scorekeeping excludes the possibility of a mistake regarding the normative status of the content, commitment to a mere claim does not exclude the possibility of being mistaken about its normative status. Thus, the normative status of practices must first be understood as something that merely *seems* to be correct or incorrect to agents. According to Brandom, discursive scorekeeping relies on *phenomenalism* regarding norms.

It seems that, owing to the fact that non–normative behaviour is justified by the normative specifications of scorekeeping, while scorekeeping presupposes the correctness of the specification of non–normative behaviour, phenomenalism regarding norms faces the threat of circularity.⁷ As we have seen, Brandom is committed to the idea of phenomenalism regarding norms, which seems to be a problem for his pragmatic thesis of normativity, and yet he thinks that he can deflect this threat. Before we discuss his solution in the remainder of this paper, we shall argue that the problem of circularity is indeed unavoidable since it is already implied in the idea of phenomenalism regarding norms.

The phenomenal aspect of the idea, as we have said, consists in the fact that agents *view* their practices as correct or incorrect because they attribute and acknowledge the normative status of their attitudes. In this context, it is presupposed that agents fulfil the conditions that make it possible for them to give each other reasons, while participating in the practice of discursive scorekeeping. The normative aspect of this idea, however, raises the question

⁶ See, for example, Kiesselbach (2012), who argues that even if it is permissible to talk about the acknowledgement as being correct, we nevertheless have to ask the further question regarding “how the manoeuvres of acknowledging something as correct become *correct* manoeuvres of acknowledging something as correct. [...] If the answer would be that this is a consequence of the agents’ acknowledgements then we would need to ask again: and what about the acknowledgement of those agents?” (Kiesselbach 2012, p. 223; my translation).

⁷ Brandom is aware of this threat, pointing out: “it can easily look as though the account of normative statuses as instituted by social practices is marching around in an unproductive circle (at best, unilluminating; at worst viciously circular and incoherent). For clearly the prior question arises once more: What is the relation between normative specifications of practices and non–normative specifications of behavior?” (Brandom 1994, p. 627).

under which conditions it is possible for agents to view each other's practices as correct or incorrect, and to attribute attitudes to each other. Thus, what brings the two aspects of the idea together is the basic assumption that agents take a certain perspective with respect to each other's behaviour. As Brandom points out, the project of normative pragmatics pursues the theoretical aim of explaining, "what it is in practice to treat another as one of us." (Brandom 1994, p. 4). Accordingly, it is presupposed that while agents perform discursive scorekeeping they need to view each other as beings that already have the ability to adopt the attitude of the discursive scorekeeper, as they treat each other as producers and consumers of speech acts that have content. Brandom writes:

Keeping discursive deontic score by attributing inferentially articulated deontic statuses – propositionally contentful commitments and entitlements to those commitments– is treating the one so interpreted as being in the game of giving and asking for reasons. Social practices are *linguistic* practices when interlocutors take up the *discursive scorekeeping stance* toward one another (Brandom 1994, p. 628).

The idea of phenomenalism regarding norms rests on the picture that agents take a certain perspective towards each other's behaviour. This picture is an important theoretical assumption in the project of normative pragmatics since it leads to the idea of phenomenalism, which does not sufficiently explain the standards of correctness regarding the practice of discursive scorekeeping. In attempting to describe discursive scorekeeping by means of phenomenalism, Brandom also commits himself to showing how phenomenalism fulfils its normative aspect. As a consequence, this attempt leads to a split between phenomenalism and its normative aspects, which threatens the project of normative pragmatics. It also seems to motivate the idea of explaining the normative aspect of phenomenalism by means of an inferentialist theory of interpretation, which aims to make the implicit normative attitudes of agents explicit. Accordingly, the idea of making explicit what is implicit in social practices seems to follow from the idea of phenomenalism regarding norms, and the underlying picture of a normative practice of discursive scorekeeping. Discursive commitments are made implicitly within the scorekeeping practice and are acknowledged explicitly in assertoric form.

However, phenomenalism regarding norms, i.e., the institution of norms by means of acknowledging and attributing normative statuses within the practice of deontic scorekeeping, cannot explain the relation between the normative specification of practices and the non-normative specifications of mere behaviour. As we have seen, normative statuses are not the result of *actual*

attributions and acknowledgements. Owing to this, they cannot be conceived of as properties of intentional attitudes. Instead, the pragmatic thesis regarding the normative aspect of intentionality suggests that normative statuses are attributed *implicitly* in discursive practices. The idea of making those implicit attributions explicit then presupposes the assumption that inferentialism can be applied to the practices of deontic scorekeeping without reducing normative practices to existing norms. Thus, the idea requires an inferentialist theory of meaning together with the theory of interpretation, which explains how agents' behaviour can be interpreted as being in accordance with their deontic attitudes. For this reason, Brandom's pragmatic thesis of intentionality requires a concept of interpretation that can be used to explain why norms are irreducible without committing to a simple regularity theory.

As we have discussed, the concept of interpretation that Brandom prefers for his theory is quite different from Wittgenstein's view of rule-following, which does not rely on a concept of interpretation in the vertical sense. From his point of view, the discursive practice of scorekeeping

requires being able to move back and forth across the different perspectives occupied by those who undertake commitments and those who attribute them. Reidentifying conceptual contents through shifts in doxastic and practical point of view requires *interpretation* in Wittgenstein's sense – substituting one expression of a claim (he says “rule”) for another (Brandom 1994, p. 591).

Brandom refers to a concept of interpretation, which he thinks Wittgenstein also suggests. He argues that this concept should not be understood as being incompatible with the idea that agents understand each other's practices as they acknowledge and attribute normative statuses to each other. By contrast with the view that interpretation is to be understood as following rules “all the way down”, he assumes that agents identify the inferences that rule their discursive practices as they interpret those practices “all the way down”. For this reason, he remarks:

Wittgenstein is wrong to take that pragmatist methodological principle to be incompatible with understanding discursive practice as involving interpretation (in his sense) at every level, including the most basic. The capacity to interpret remarks, to substitute different expressions of a claim, rule, or principle – the propositional form in which things are made explicit – is a basic component of the fundamental practical capacity to grasp and communicate essentially perspectival conceptual contents (Ibid.).

In contrast to Wittgenstein, Brandom defends the assumption that even the most

basic practices involve the process of interpretation “all the way down”. On the basis of this assumption, he aims to present a solution to the “Gerrymandering” problem.

On the face of it, Brandom’s idea of making implicit practices explicit presents an interesting new perspective. As we saw above, the problem arises when it is presupposed that the interpreting agent takes an outside perspective on the practices that are performed within the social community. However, Brandom points out that this is not a necessary requirement, at least if we understand the perspective of the interpreting agent differently. To this end, he suggests that the interpreting agent does not stand outside the community: on the contrary, that agent is *among* other agents performing social practices. The agent’s perspective is not from outside of the community but from *within*, whereby he makes explicit what is implicit in social practices involving interacting with other agents within a framework of discursive scorekeeping. According to Brandom, the question of how social practices can be brought into accordance with particular norms can be answered through “[t]he collapse of external into internal interpretation” (Brandom 1994, p. 647). The mutual attributions that are implicit in the practices of discursive scorekeeping are made explicit by means of mutual interpretation: “The members of a linguistic community who adopt the explicit discursive scorekeeping stance to one another achieve thereby a kind of *interpretive equilibrium*. Each one interprets the others as engaging in just the same sort of interpretive activity, as adopting just the same sort of interpretive stance, as one does oneself” (Brandom 1994, p. 642).

Arguably, Brandom’s idea is that, as agents attribute and acknowledge normative attitudes with regard to each other, the standards of correctness result from a process of mutual interpretation. Accordingly, these processes form the basis for the agents’ intentionality and their mutual attribution and acknowledgement of it. On this basis, Brandom’s solution to the problem of circularity, as mentioned above, is that agents mutually interpret their implicit practices of scorekeeping because, owing to their inferences, they render the contents of those practices explicit.

§ 4. As we have argued, Wittgenstein’s discussion of the rule–following paradox leads to the result that the idea of an interpretation “all the way down” does not solve the paradox but rather *creates* an infinite regress. Yet, Brandom argues that this regress can be stopped if the identification of implicit practices is conceived as a mutual practice of interpretation within a social community. He thinks that his theory of interpretation can explain the normative aspect of discursive

practices in an irreducible way. However, as I shall argue in this final section, the idea of mutual interpretation relies on presuppositions that Wittgenstein points out in his remarks, and which Brandom seems to neglect. Arguably, this is because he assumes that Wittgenstein is defending a kind of simple regularity theory involving the relations of “I–we sociality”. Wittgenstein and the “community view” seem to share the assumption that the practice of individual agents in certain respects conforms to the practices that are shared within a social community. Yet, as we shall see, it is inadequate to take Wittgenstein as an adherent of the “community view”.

According to Brandom, the assumption that the practices of individual agents conform to social practices leads to a simple regularity theory. Yet, he does not seem to be aware that his theory of interpretation presupposes this assumption. As Wittgenstein argues, the possibility of interpreting sentences correctly or incorrectly requires that the interpreting agent believes the correctness of certain sentences that are not subject to interpretation, but rather hold fast for the agent. Those sentences are not to be conceived of as hypotheses that are open to scrutiny: they instead function as a basis in order to form other judgments. For example, the sentence, “Here is a hand and here is another”, while showing both hands is, in most cases, not the result of an empirical investigation but an expression to which every agent who speaks the language in which the sentence is uttered would agree without the need for further evidence.⁸ Regarding someone who attempts to interpret this sentence while giving reasons for and against its correctness, we would raise a question regarding whether this agent speaks our language. In most cases, we do not have reasons that explain why we utter sentences like the one mentioned. We utter them because we have learnt how those sentences are used in a community that shares certain practices. Rather than being the subject of interpretations that require reasons, they provide the basis for the practice of giving and taking reasons. For example, someone who utters the sentence mentioned above might give a reason for why he believes that he still has both hands, having been taken to a hospital because of an accident in which he might have lost his hands.⁹

Wittgenstein refers to sentences that underlie the possibility of scrutiny when he gives his answer to the rule–following paradox. He holds that there is no paradox and no regress problem because the practice of giving reasons must come to an end somewhere. And this end, according to Wittgenstein, “is not an ungrounded presupposition: it is an ungrounded way of acting.” (Wittgenstein

⁸ Famously, this example is discussed in Wittgenstein (1969).

⁹ See Wittgenstein (1969), § 23.

1969, § 110). As he points out in the *Philosophical Investigations*: “Once I have exhausted the justifications, I have reached bedrock, and my spade is turned. Then I am inclined to say: ‘This is simply what I do’” (PI § 217).

Although sentences like “Here is a hand and here is another” appear like sentences that provide or require reasons, while also functioning as empirical sentences, it does not make sense in most circumstances to hold that they have this function. Their normative aspect is not to be conceived of as the result of reasons but rather is the expression of how we have learnt to use language. For example, in most circumstances, the sentence “Here is a hand” does not have the function of giving a reason: it rather provides the possibility of giving reasons while offering an ostensive example of how we use the word “hand”.

The example aims to elucidate that, according to Wittgenstein, the pragmatic aspects (i.e., the use of a word) and the normative aspects (i.e., how we use a word) of language are closely related to one another. Regarding both aspects, conformity to social practices is an important requirement. For words to have meaning requires the existence of social agreement as to how those words are used. If the use of an expression changed constantly, it could not be related to any linguistic purposes, e.g., the purpose of signifying objects. As expressions are used in certain practices, it is then determined *within* those practices how the expression is used and whether its use is in accordance with social practices. Accordingly, we call a certain application correct or incorrect depending on whether it can be related to the social practices that agents share. In this context, Wittgenstein holds that

[w]hat is true or false is what human beings *say*; and it is in their *language* that human beings agree. This is agreement not in opinions, but rather in form of life.

It is not only agreement in definitions, but also (odd as it may sound) agreement in judgements that is required for communication by means of language (PI §§ 241, 242).

It is an important requirement for the use of language, as well as for understanding each other, that we agree with other agents on the purposes related to the use of certain expressions. Whether social agents agree with someone’s understanding the use of a word depends on how far the purpose that he or she relates to the use of the word agrees with the understanding of the social community, i.e., with the way social agents typically relate use to certain purposes under certain circumstances. Our understanding of things, as Wittgenstein points out, is not the result of an agreement of opinion: rather, agreement is a result of how we do things in socially-shared practices, i.e., in a

form of life. Regarding this agreement, sentences like “Here is a hand”, which give examples of how we use words, have a normative function to the extent that *they create standards that guide speakers in the way they use language*.

From this, one might get the impression that Wittgenstein understands the function of those sentences and their normative aspects according to the “I–we sociality”, which is held by the “community view”. It seems that Wittgenstein reduces their normative aspects to mere agreement with social practices in the sense of simple regularities. Yet, we have seen that agreement is not a result of agents conforming to regularities: it is rather an agreement that is a result of practice. Furthermore, Wittgenstein argues that how we understand the word “regularity” already depends on an agreement in practice:

How do I explain the meaning of “regular”, “uniform”, “same” to anyone? – I’ll explain these words to someone who, say, speaks only French by means of the corresponding French words. But if a person has not yet got the *concepts*, I’ll teach him to use the words by means of *examples* and by *exercises*. – And when I do this, I do not communicate less to him than I know myself.

[...] I do it, he does it after me; and I influence him by expressions of agreement, rejection, expectation, encouragement. I let him go his way, or hold him back; and so on. Imagine witnessing such teaching. None of the words would be explained by means of itself; there would be no logical circle. (PI § 208).

Wittgenstein does not reject the assumption that regular agreement in practice is a requirement for agents in order to understand each other. Still, it does not follow from this assumption that normative standards are reduced to explanations by means of using words like “regular”, “uniform”, or “same”. As Wittgenstein argues, such an explanation would not be able to elucidate how the words are used without being circular. Any attempt to explain normative standards by means of regularity already presupposes an understanding of the expressions being used to *give* the explanation. For this reason, Wittgenstein, like Brandom, rejects the assumption that normative standards are to be reduced to mere regularities in agents’ behaviour. He thinks that regularity in agents’ agreement does not rely on a theoretical understanding, which involves words like “regular”, “uniform”, or “same”, but rather that regularity is an aspect that is expressed within practice. Regularity in this sense does not provide a theoretical explanation for normative standards, thereby serving neither a simple regularity theory nor the “community view”.

In conclusion, Wittgenstein rejects the idea of Regulism, as well as the idea of Regularism. Nevertheless, he defends the view that there must be conformity in

the practices of social agents in order to accomplish understanding whatsoever. Agreement in practice provides the necessary background in order to distinguish between correct and incorrect applications. Agreement in practice is also an important requirement for the normative aspects of linguistic practices, since they derive from the use of those very practices. Following Wittgenstein, I suggest that this is the proper way to understand the claim that normative standards are implicit in social practices. In order to accomplish mutual understanding, agents do not need to make those standards explicit, as Brandom assumes. Wittgenstein's view seems more promising. This is because it ultimately prevents the threat of circularity since he argues that normative standards are not to be separated from the practices in which they are expressed. Indeed, practices and their normative aspects are inseparably intertwined.

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