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EMERGENT RULES AND SOCIAL REALITY

abstract

The text presents and discusses John Searle's taxonomy of rule, introducing a new type: the emergent rule. It also explains the importance of the emergent rule for the social reality. Searle thinks that the social reality is the outcome of a construction, but he is wrong. The emergent social reality is not constructed, nor can it be. To accept this leads to a drastic change in the theory and the paper tries to bring the reader to this new perspective within the field of social philosophy.

keywords

Constitutive rule, regulative rule, emergent rule, normativity

1. Facing the Problem

The social theory provided by John Searle is powerful: with a few basic notions (status functions, assignment of function, deontic powers, constitutive rules, institutional facts, collective intentionality), Searle is able to explain much of the social reality. Unfortunately, not all that counts in the social reality is explained by Searle's theory. There are several important aspects missing from Searle's account, or not properly represented. For example, his theory is not able to give a good account of social realities such as friendship or charismatic leadership. Searle writes: "All institutional facts, and therefore all status functions, are created by speech acts of a type that in 1975 I baptized as 'Declarations'" (Searle 2010, 11). According to Searle friendship is a social institution. But it is a matter of fact that friendship is not the outcome of any Declaration, except in some special cases, such as political alliances. Besides, there are status functions, such that of being a friend (with related powers and duties) which do not come from any Declaration. Friendship is not instituted, not even informally: yet, it is an important social reality. In general, within the framework of Searle's theory it is not possible to understand friendship and the other social bounds. To solve this problem one should leave the constructivist approach, which is too narrow. One important step towards a theory able to address the complexity of the social reality consists in introducing the notion of emergent rule.

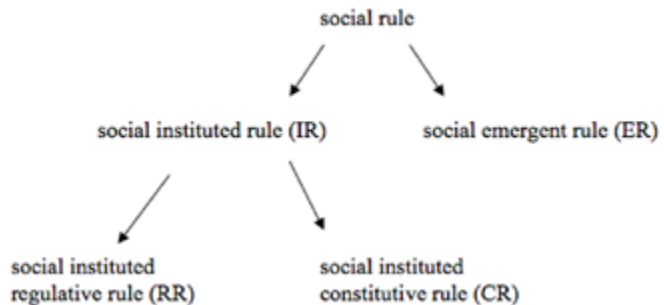
In what follows I will try to show that one important weakness of Searle's social theory depends on the philosopher's partial understanding of the existing types of rule. The next paragraph will present and discuss Searle's taxonomy of rule, introducing a new type, the emergent rule. The third paragraph will discuss some emergent rules within the social reality. Searle thinks that the social reality is the outcome of a construction, but the truth is that this is not the whole story. The emergent social reality is not constructed, nor can it be. To accept this leads to a drastic change in the theory. Such a change would bring Searle's social philosophy down to the real complex social world.

2. Constitutive, Regulative and Emergent Rules

John Searle distinguishes between constitutive and regulative rules (Searle 1995). Constitutive rules define something social in such a way that otherwise it would not exist. The game of soccer, for example, would not be possible without the rules of soccer (e.g. "The team scoring the greater

number of goals during a match is the winner. If both teams score an equal number of goals, or if no goals are scored, the match is a draw”). The same is true with the game of chess so that, without its rules (e.g. “If a player’s king is placed in check and there is no legal move that player can make to escape check, then the king is said to be checkmated, the game ends, and that player loses”), the game would not be possible. If the winning rule of chess is changed, the activity that results is not chess anymore. In general, if there is at least one change to a constitutive rule (CR) of a given social activity, the result is a dramatic, substantial, change of that activity. The regulative rule (RR), on the other hand, regulates something which exists independently from the rule. In fact, driving a car is an activity that does not depend for its existence on rules such as “Drive on the right”. Similarly, using black and white pieces instead of red and green ones does not effect the game called chess. The rules in these cases do not constitute the activity. Searle’s constitutive-regulative distinction (CRD) allows to differentiate between two kinds of activity. On one side, there are the activities which get their meaning from the rule constituting them. On the other side, there are the activities which do not depend on the rule for their existence, but they are somehow ordered by the rule.

I argue that the CRD is not enough to give a good account of the relevant types of social rule. The taxonomy must be expanded. It is possible to improve the explicative power of Searle’s social theory based on the study of the social rules by distinguishing between instituted rule (IR) and emergent rule (ER). Hence, the taxonomic tree is:



The IR depends on an explicit social act, or on an explicit social procedure, instituting the rule. The positive law is perhaps the most classic kind of rule

instantiating the IR. Social institutions, such as governments and parliaments (instituted by positive laws), in exercising their functions enforce this kind of rule as well. The law is valid when the acts instituting the law follow the required procedure. It is worthwhile to notice that a valid law could not be effective if it were not accepted. The acceptance could come from a common explicit agreement, but this last is not a necessary condition of acceptance. In fact, an IR could be a hated law instituted by a ruler (e.g. a king) who made the decision on his own. One sufficient condition to have an effective IR (say r) is that a sufficient number of subjects (where the number is determined by contingent circumstances) would comply with r , eventually reluctantly. Effectiveness then should not be confused with validity and it should not be confused with legitimacy either. This last statement means that the valid rule must not be wrong or, according to a weaker perspective, it must not be considered wrong by the majority. Some significant formal relations between effectiveness, validity and legitimacy are the following: (a) It may be the case that an effective rule is not valid, nor legitimate; (b) if a rule is legitimate, then it is valid; (c) a valid rule remains such, even if it is not effective.

Following Searle's distinction the type IR can be divided into two subtypes: regulative rule (RR) and constitutive rule (CR). The first ones are conventions such as "Do not talk with your mouth full", "Nod to say yes and shake to say no", "Thumbs-up to mean ok". They may be dependent on some objective circumstances such as talking with the mouth full could result in one spitting out some food (which is disgusting). Usually, they are purely conventional. The CR brings into human life a variety of social entities such as money, football championships, laws, presidents, armies, trade unionists, banks, taxes, hospitals, and companies. Of course, in a complex society there is not one single authority that enforces all the rules. For example, some rules are enforced by people with a superior knowledge; some rules are enforced because some people were in charge; some are enforced just because some people were involved in a situation which needed coordination. The effectiveness of these rules depends on the mechanism of acceptance. Sometimes the social context, for religious, political or cultural reasons, does not accept the decisions made and so the rules are dropped or at least modified. This shows that acceptance is not granted and that it has its own mechanisms which are worthy of further discussion in a separate work. Searle does not recognize any other kind of social rule, except RR and CR. Indeed they cover a very wide range of cases. No surprise that Searle did not notice any other kind of rule. This happened also because of his desire to provide the simplest explanation of the social reality, reducing it to its constructed dimension.

The second type of social rule (ER) is such that the rules emerge from a given set of preexisting rules (ERs and/or IRs) and/or some contingent circumstances. Given a set of rules (s) and eventually some external conditions (c_1-c_n), a rule (r) is emergent on s if: it is never the case that $s + (c_1-c_n)$, but not r . That the rule is emerging means that it is effective, without being instituted (for this reason validity and legitimacy cannot be applied to ER). It may be the case that r is also instituted to give it strength or, simply, to give it social (political, juridical) recognition. This just means a possible redundancy of the practice of instituting, since r was ruling also before being instituted. There may be practical reasons to recommend such redundancy.

The square rule (SR) in chess is a good example of the emergence of a rule (of course, not of a social one). The rule helps to know if in endgame of king and pawn against king, the pawn will be able to queen unassisted. And this is the rule: “Starting from the pawn, draw an imaginary diagonal line to the side of the board where the pawn can queen: This forms the diagonal line of the square we are looking for. If the king can get inside the square, the pawn will be captured, otherwise it will promote”. In the diagram below the black king will not to stop the pawn.

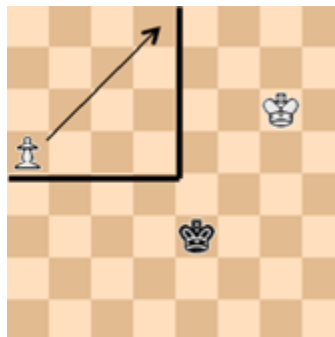


Figure 1.

The SR (r) is *dependent* on the rules of chess (s) and some empirical circumstances (c_1-c_n). The SR is *autonomous* from the rules of chess in so far as it is a *new* rule. The SR is *normative*, ruling the behaviour of the chess player. The SR emerges from the existing rules of chess and from some circumstances. In fact if, for example, the king would move as a pawn, or if the space were curved (the first vertical file being connected with the eighth), the SR would not emerge. The SR belongs to a new type of rule, not reducible to the IRs. It is not a CR, since it does not define the game

of chess. It is not even mentioned in the official rules and people can play the game without even knowing it. The SR is not a RR either, since it is not conventional, it has rather the character of a necessity. Nevertheless, the SR, as any ER, cannot be reduced to a logical necessity. From a first person perspective, it is normative: it rules the behaviour of the player.

3. Emergent Rules and Social Reality

Some ERs of the social reality are discussed in the context of the game theory by Thomas Schelling (1960), though the author does not name them ERs. Without communicating, agents are able to coordinate their actions. For example, if a man loses his wife in a mall, the two will be probably able to find each other easily at the information office, or in a central point of the mall. Schelling reports, among many examples, that people are usually able to successfully solve the problem, if asked to meet someone in New York, knowing the day, but not the place, nor the hour. The solution usually given is: Central Station, in front of the information desk, at noon. Emerging from the need to find each other, that is from the rule “Find the other person”, and from the structure of the place, the general rule is: “Go to the most obvious place at the most obvious time”. Of course a common background knowledge should be given to solve the coordination problem. But here the interesting thing is that the situation itself gives some focal points that help the coordination, allowing the formation of the ER.

Taking an example from Searle himself, which does not grasp its emergent side, when the political and economical situation in Russia in 1990 and 1991 forced the people not to accept the currency, one new rule emerged. Interestingly enough it was applied also by non-smokers and was “pay with Marlboro cigarettes” (Searle 1995, 43). This is a typical ER, since it depends on some circumstances and rules. The general circumstance is the economical weakness of the country and the rules involved are: “Do not accept rubles”; “What is used as money must be sufficiently diffused, but not too abundant”; “What is used as money must be easy to use and cannot be easily falsified”; and finally, “Pay with something that will be accepted by the others”. These rules, plus the circumstance that the Marlboro cigarettes were a good candidate, gave the new ER.

ERs can be found even among enemies. An interesting example is given by life in the trenches during the First World War, when enemies on the two sides adopted the same rule: “Live and let live”. It meant to avoid shooting at the enemies. Except in case of attack, of course. “Live and let live” is an emergent rule from: “Survive”; “If you shoot, the enemy will react”; “Without any direct order, you are not supposed to do anything”.

Blind meetings in New York, cigarettes as money and life in the trenches,

are sufficient to show the existence of ERs, but they do not regard the more ordinary cases of everyday life. On the contrary, emergence is more frequent than it is usually thought (for more see (Ullman-Margalit 1977)). Friendship or neighborhood, with their social duties of solidarity, emerge from a repetition of social interaction. Searle writes: “Something can be a mountain even if no one believes it is a mountain; something can be a molecule even if no one thinks anything at all about it. But for social facts, the attitude that we take toward the phenomenon is partly constitutive of the phenomenon” (Searle 1995, 33). He does not realize that this idea works for the instituted reality, but not for the emergent one. People are friends, but sometimes they do not realize it. They may act for a long time according to the ER proper of the social bond of friendship built on some rules. In a very simplistic gallery such rules are, for instance: “Trust *a*”, “Be benevolent toward *a*”, “Help *a*”, where *a* is a person. Friends may not be aware of an existing social bond between them, as the chess player could not be aware of his following the SR.

Some important social phenomena as successions or decisions about which job to choose are coming from emergence. To explain this I will refer to the case of traffic jams discussed by Mitchel Resnick. With the help of a program simulating the behaviour of the cars, he observed that traffic jams are inevitable in the cases in which the cars are disposed randomly and there is the rule “If you see another car close ahead, slow down; if not, speed up”. What happens is well expressed in the book: “The jam itself moves backward. If you keep eye on one car, it leaves the traffic jam, but the jam itself, I mean where you see the cars piling up, moves backwards” (Resnick 1997, 74). Therefore the emergent rule is: “The cars move forward, the jam moves backwards”.



Figure 2. Traffic jams (from Resnick 1997, 72)

The system tends to conserve the information of the jam, even if the individuals involved are changing from time to time. Something similar happens in the society. For example, when a person with a role retires, the system tends to conserve itself by attracting new individuals to fill the empty space. The metaphor of invisible hand, coined by Adam Smith, is a simplistic way to refer to cases in which emergent mechanisms are present in society.

To understand some rules of social behaviour that help in discussing the emergent phenomena of authority, a software simulation will help again. Simulating flocks, Craig Reynolds was able to create a realistic program. He used only three rules applied in the simulation by the individual (called boid): *separation* (steer to avoid crowding local flockmate), *alignment* (steer towards the average heading of local flockmates), *cohesion* (steer to move toward the average position of local flockmates).

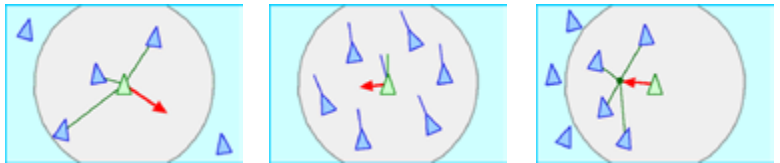


Figure 3. The 3 rules of behaviour of flockmates (from <http://www.red3d.com/cwr/boids/>)

Here we have an emergent social collective behaviour, that is the flock movement. From this model it becomes evident that if a boid will change its direction (with a random function), the other boids nearby will change accordingly. In a sense, it is true that flocks are emerging in the simulation, without any authority imposing anything on anyone. In this sense we have here collective ordered behaviours, without external coordination. But it must be remembered that the rules are constitutive of the behaviour of each boid, so the coordination comes from within. If a boid would slightly change its direction, it will make the others change as well, because of the rule of alignment. If a boid for some reason changes too much, it loses the contact with the group. This last scenario is in some way conservative, because the rules of alignment and of cohesion are given computing the average behaviour.

The case of leadership in the behaviour of social groups can be explained extending Reynolds' rules. A leader needs a group whose members decide to follow the rule of alignment. A leader is able to stay with the group and to exercise his leadership by changing gradually the group's direction. This kind of authority has been qualified by Max Weber as charismatic. A figure such as

Gandhi is particularly interesting to consider here. As a charismatic authority he followed the rule of cohesion with the group, fighting for the common feeling of being victims of injustice. He was able to lead the Indian nation against the authority, which up to that moment had been accepted (the failure of India's First War of Independence proves that there was an acceptance, though reluctant), by showing that it was illegitimate.

Charismatic leader is a role and authority is one of his qualities. The normal way of such a leader to exercise his deontic power is indirect. Charismatic authorities rule through advices mostly given to persons that ask for them, or through example and persuasion. It is always possible for the group to change a leader which loses the qualities that let his leadership emerge. Any good emergent leader knows somehow that his power is fragile, not being granted by a formal institution and depending very much on circumstances. In splendid ancient Rome, where being well dressed was a sign of power and of social distinction, Petronius was an authority (he was known with the informal title of *arbiter elegantiae*), because of his good taste. In the dark times of the Early Middle Ages it is likely that Petronius' qualities would not have been noticed, or developed.

4. Conclusions

Searle develops his social theory starting from a theoretical construction based on a speech act theory. His model is the result of a construction: from a few notions Searle explains much, but unfortunately not all that counts. No surprise. Using few and simple notions, within the field of the social sciences, gives oversimplified social models. I tried to show that the theory could be much better just using a slightly more complex theory of rule. For this reason I introduced the ER and I provided and discussed some examples within the field of social reality. The ER helps to explain, for example, how it is possible to solve some coordination problems, how a new currency can rise, how even enemies can find a way to cease hostilities, but also how friendship and charismatic leadership develop.

There is still much to be done to provide a social theory better than Searle's. For example there is the need to explain social bonds and their ontology and to stress the importance of affectivity. In the meantime, to accept the ER will be a step in the right direction.

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