

Immanent non-algorithmic rules: an ontological study of social rules

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Abstract

What kind of things are social rules? The paper starts from the critique of social rules articulated by ethnomethodologists and proposes an alternative conception of rules as situated, often tacit, imperatives. This ontological theorization borrows insights from critical realism and post-structuralism to explore general features of rules. For instance: they under-determine fields of legitimate actions, are prone to logical stratification, are anchored to desires and are inherently open to interpretation, though in a discursively structured way. Moreover, it is proposed that a rule is social if and only if it is internally related to a social relation. In turn, this helps to clarify and systematize how social rules relate to social positions and identities.

The purpose of this ontological study is three-fold. Firstly, it attempts to articulate a realist conception of rules that avoids their dilution (as in the works of ethnomethodology) as well as their reification into codes or algorithms (as in the works of functionalist sociology). Secondly, it purports to initiate a dialogue with other authors writing on rules such as Giddens, Lawson and Searle. Finally, it aims to facilitate the development of empirical research on rules and related processes of legitimation, identification and subversion.

Keywords

Critical realism, discourse, ethnomethodology, Giddens, identity, ontology, post-structuralism, rules, social relations, social identities.

1. REVISITING RULES. WHY? HOW?

The notion of rule seems to be almost as contested as it is central to the social sciences. Whereas classic works of sociology tend to consider rules as a central concept of sociological analysis (Durkheim 1982/1894; Giddens 1984; 1979; Parsons 1964/1951; Weber 1978/1922), ethnomethodologists criticize their taken-for-grantedness and propose rather to view the continuous reproduction of rules as a problematic topic of enquiry (Douglas 1971; Garfinkel 1984; Heritage 1984; Zimmerman 1971). As Garfinkel puts it:

[functionalist] social science theorists ... have used the fact of standardization to conceive the character and consequences of actions that comply with standardized expectancies. Generally they have acknowledged but otherwise neglected the fact that by these same actions persons discover, create and sustain this standardization. (Garfinkel, 1967: 66-7, cited in Heritage 1984, text modified)

Indeed, an understanding of rules that would equate them with the explicit formalizations used by agents to explain their actions conveys little and provides misleading explanatory power. Moreover, ethnomethodologists suggest that the ability to know when the rule must be suspended is an essential element of competent social action. This indicates that failure to incorporate the interpretative work performed by participants results not only in blindness to incompetent/deviant social action but also misses key features of competent/normal action.

The purpose of the present paper is not to refute this ethnomethodological critique but, rather, to include it into a refined study of rules. Thus, against functionalism, I propose that rules are immanent to (though distinct from) the very practices of participants. Contrary to ethnomethodologists, however, I do not conclude from the limitations of functionalism that rules are a potentially misleading category and that:

At the present time, it is clear that the analysis of actions in context is best forwarded by the detailed analysis of families of cases rather than through the formulation of prescriptive systems of rules which gloss over more than they reveal and foster the illusion of understanding and explanation where none exists (Heritage 1984: 129).

In the remainder of the paper, I try to carve out a conception of rules that could be valuable for researchers in social sciences including ethnomethodologists. The point is not to defend the “formulation of prescriptive rules” against the “detailed analysis of families of cases”. It is rather to show the implicit importance of rules for forms of analysis that attend to “families of cases” and contexts of application.

I base my argument on retroductive and contrastive reasoning, which can be explained by comparison with the more common practice of induction (Bhaskar 1978; 1998/1979; Lawson 1997; 2003). Whereas induction seeks to move from the observation of a property in a few individuals to a statement about all

individuals of the same kind, retrodution seeks to uncover the necessary conditions of possibility for an observed event, these conditions of possibility being things of various kinds: (usually anterior) events but also powers, mechanisms, processes, structures, reasons, beliefs, and so on. For example, an inductive study of swans typically prompts questions of the type: considering the swans I can observe, what can be said about all swans? In turn, these questions bring answers of the type: all swans must be big, white birds, capable of swimming and eating fish. Notably, induction seeks to generalize observations without attempting to explain them. In the present example, we are therefore left with no answer to the question why (some or even all) swans are big, white birds, etc.

Conversely, a retroductive and contrastive study of swans would prompt questions of the type: What must be the case about the swans I can observe, for them to be big (compared with ducks), white in England (but not in Australia), capable of swimming in quiet rivers (but not in torrents) and eating fish in some rivers but not in others? The resulting answers do not take the form of a generalization of observed characteristics to the totality of swans. Rather, they take the form of hypotheses concerning the genetic, physiological, environmental and social mechanisms that make swans bigger than most ducks, white in England, capable of swimming in rivers with little current and eating fish when the water is not too polluted. It is important to stress that (just like for induction) the knowledge produced through retrodution is fallible and depends in large part on social and psychological processes related to the researcher.

How useful and reliable is knowledge produced by retrodution then? An element of the answer is that it is definitely more useful for explaining states of affairs than induction or deduction (that predicts without explaining). Moreover, it is possible to appreciate and have some idea of the reliability of such knowledge since retrodution is revelatory of two inextricable things at the same time. On the one hand, it reveals my own assumptions – although in specific terms of reference – and helps clarifying them. On the other hand, it reveals features of the world that are irreducible to my conception of them, although it does so with a strict *caveat*. In effect, I am entitled to believe that the implicit assumptions I make about the world are adequate only to the extent that I also believe that my chosen point of departure refers adequately to the world. For example, a retroductive study of the positive impact of why swans can speak Spanish is likely to generate more dubious hypotheses than a tentative explanation of why swans are able to float on quiet rivers. Finally, the hypotheses generated through retrodution are inherently open to debate and discussion. For the present research, this means that my retroductive reasoning will attempt to be convincing by departing from a situation that is familiar and plausible to all readers. The situation I have chosen can be summarized in five words and is the following:

John posts a resignation letter

In sections 2 to 5, I propose to study rules as situated, tacit imperatives. I then distinguish between social and personal rules (section 6) by examining the internal relation of social rules and social relations. In sections 7 and 8, I compare the conception of social rules developed in the previous sections with the conception of social rules

proposed by Giddens (1979; 1984) and Lawson (1997; 2003). Finally, the last section of the paper indicates directions for studying social rules and the surrounding processes through which they are de/legitimated, re/produced and trans/formed.

2. DEFINING RULES

I would now like to defend a conception of rules as generalizable, yet context-dependent, imperatives¹. In common usage, the word “imperative”, refers both to “the imperative mood, or a verbal form belonging to it” (*Oxford English Dictionary*) and to “an imperative action, speech, condition, etc.; an action involving or expressing a command; a command.” (*Ibid.*) In this light, the imperative is related to a class of actions that ought to be, but what does “ought” mean? Arguably, ought does not mean “is”, it does not mean “can” and it does not mean “is wanted”. So, the imperative is distinct from the actual, the possible and the desired, which is reflected in the English language by the distinction made between indicative, conditional² and imperative moods. But then, what is the imperative? A short answer could be perhaps that imperativity refers to the mode of being of an action that is more legitimate than its opposite.

This prompts comment on the notion of opposite and on legitimacy. First, the idea of an action’s “opposite” may raise some eyebrows, especially amongst authors sympathetic to post-structuralism. Is it possible to speak meaningfully of the opposite of an action considering the plurality of actions qualifying plausibly as opposite for any given action? For instance, it is possible to imagine a multitude of opposites for the action of “posting a letter”: refraining from posting anything at all, posting a postcard, sending an email, burning a letter or, why not, putting a slice of bread in the mailbox. Interestingly enough, most people are capable of using the context of the statement in order to figure out the opposite of “sending a letter”. Instead of sending a letter, they would abstain from posting anything at all if they finally decided not to send that letter of resignation, they would send a postcard to friends if they are on a holiday, an email if they wish a quick reply and a slice of bread if they lost a silly bet. Moreover, the theories of discourse³ developed by authors such as Foucault or Laclau and Mouffe⁴ may bring an interesting explanation to this inherent ambiguity of the opposite of an action (for a discussion between critical realism and post-structuralist discourse theory, see Laclau 2002). The very oppositions of the kind “sending a letter/not sending anything at all”, “sending a letter/sending a post-card”, etc. is in itself constitutive of a discourse to the extent that these oppositions presuppose differential positions (Laclau and Mouffe 1985: 108). Thus, an (often unacknowledged) discourse exists and structures the field of conceivable actions (including statements) at the disposal of agents. This discourse endows actions with meaning through chains of equivalence and opposition between signifiers.

However, these chains of equivalence are only partly fixed and signifiers are prone to some sliding. So, within a given discourse, the ambiguity of “sending a letter” is not dis/solved unless some additional elements of context are taken into account to delineate more clearly the field of acceptable meanings at the exclusion of other candidates (what Laclau and Mouffe call “hegemony”). It follows that a reference to the “opposite” of an

action does not contradict theories of discursive antagonism but is rather illuminated by them and ultimately presupposes the kind of discursive structures theorized by them.

The second remark concerns the fact that legitimacy – broadly understood as the acceptability of a social feature – is itself relative to (legitimizing) sets of rules (Al-Amoudi 2007a: pp.73-96). It follows that an imperative action presupposes the existence of rules that are respected and with which the action under consideration is more congruent than its opposite. This indicates that while, on the one hand, rules define fields of other (subordinate) rules that they legitimate, on the other hand they are themselves legitimated by (super ordinate) rules with which they are congruent. A key political implication follows: the absence of respect for a rule threatens to disrupt all those rules legitimated by the latter. For example, the imperative according to which “John ought to send a letter to the tax administration today” may be legitimated by the super ordinate rule according to which “John must not send the letter after the deadline, which is tomorrow” while it legitimates the subordinate rule according to which “he ought to wait in the desperately long queue in the Post Office”. By negating the imperativity of the deadline, John would also threaten the imperativity of sending the letter promptly as well as the imperativity of waiting in that long queue. But then, does this indicate that rules are caught in a never-ending regression in which there would be rules legitimating rules in turn legitimating other rules and so on? Or can we think of a bottom to this regression?

3. THE RULE OF DESIRE: FROM DESIDERATA TO RULES

I propose that rules are anchored in desires and that there is **an immanence of imperatives to desiderata** or, in other words, that the objects of desire analytically create imperatives. For the sake of clarity, I first illustrate my argument by using *ceteris paribus*⁵ (*c.p.*) clauses. I will then generalize it and replace the *c.p.* clauses by *to some extent* clauses. I accomplish this shift from *c.p.* to *to some extent* clauses by introducing the notion of discourse. The crucial point of my argumentation from desiderata to rules is that the proposition “I want X” implies “I ought to let X happen *ceteris paribus*”. So, as long as I have a desire for X, if Ax is an action that causes X, then the proposition “I want X” implies “I ought to do Ax, *c.p.*”. Let us illustrate this with an example. John desires to quit his current job. So, the desideratum is the action of quitting his current job. Everything being otherwise equal, this intention implies an imperative (it thus creates a rule) according to which he ought to quit his current post. Now (still under the *c.p.* clause) any action that has the effect of making him quit his job becomes imperative to the extent that it contributes to the fulfilment of this desire: sending a resignation letter, going to see his boss to directly present his resignation or even telling his boss openly what he always thought about her make-up.

The fact that we have supposed so far that John expressed imperatives under *c.p.* clauses can appear flawed since, in their everyday action most (non-autistic) people do not behave this way. It is therefore worth noting that *c.p.* clauses are necessary *not* for the existence of imperatives, but for their formulation. Indeed, a moment’s reflection indicates that “everything being otherwise equal” is only meaningful as an antiphrasis, it functions to

express exactly the contrary of what it means literally! The role of the *c.p.* clause in the formulation of an imperative is to say: “This would be the formulation of the imperative if everything were otherwise equal. But of course, everything is never otherwise equal! Therefore, one needs to adapt this imperative to their understanding of actual situations and might even sometimes need to favour other opposing imperatives over the present one.” There is, moreover, another danger brought by an analysis of rules that assumes that imperatives are *in practice* subject to *c.p.* clauses. The risk is to consider that each and every desire creates an imperative that becomes *the* rule to be followed. The whole notion of rule can then be stretched to vacuity and it becomes exceedingly difficult to distinguish between rules, imperatives and desires. Conversely, a theory of rules that assumes that, in practice, imperatives are not subject to *c.p.* clauses offers an account in which pursuing a desire generates an imperative that may be inflected by other imperatives. Indeed, John’s desire to quit the job generates an imperative to present his resignation (either directly or by post), but if he knows that he can only get unemployment benefit as a condition of being fired instead of resigning from his job, then he may consider the option of upsetting his boss. However, by recognizing that imperatives are context dependent, we are left with the question: “How do agents take account of context?”

4. DISCOURSE AND THE INTERPRETATION OF RULES: AGAINST A WIDESPREAD OBJECTION

The question of the application of rules to given contexts raises the classic problem addressed by Wittgenstein (1968 see also Kripke 1982): When confronted with a given series, there is an infinity of rules that may be extrapolated and that would match the series. The conclusion reached by Wittgenstein and his followers, amongst which ethnomethodologists, is that the notion of rule is potentially misleading and, though it may yield some explanatory power, it should rather be replaced by other concepts more adequate for conveying the sense-making activities of agents. It sounds indeed very reasonable that, if confronted with a given series it is always possible to extrapolate more than one possible rule. But does this mean that ANY rule could govern the series? We must first note that – from within the very perspective of Kripke/Wittgenstein – all rules that suppose a beginning different from the series would be considered to be unsuitable candidates. So if the series under scrutiny is “1, 2, 3, 4”, any rule generating as its first components numbers such as “1, 3, 4, 5” would be dismissed. But then, are all other series suitable candidates? I would suggest that Wittgenstein would only be right on the condition of ignoring totally the presence of discourse and its effects. Matters get interesting however as soon as we start considering the role of discourse for ranking rules and judging their suitability. But how are we to apprehend discourse, that structure which is itself neither the text nor the actions it governs, although it is immanent to them and has no actual existence independently of them? A possible answer is to use retroductive arguments by:

1. Taking for granted an effect of discourse

2. Asking: considering what we can say about this effect, what can we also say about the properties of discourse itself?

Let us pick a starting point that Kripke and Wittgenstein also accept: the apparently spontaneous belief of people that some rules are more congruent (than others) with a given series although there is no purely logical reason for believing that. What is it that pushes people to consider that some rules are more congruent than others with the series? A plausible answer could be, following post-structuralists, that it is precisely because our conceptions are discursively mediated that we tend to promote “spontaneously” some rules whereas we consider some other rules as being inappropriate to the given series.

In order to explain how discourse allows us both to differentiate between rules and to estimate their relative adequacies it can be useful to resort to the notion of “hegemony” as it is used by Laclau and Mouffe (1985). Strictly speaking, and without consideration of background discursive structures, there is no reason for interpreting the situation as fitting one candidate rule better than another. The positions of the candidate rules are, as it were, “floating”; each of them could occupy the position of the best-suited rule for the given series. There thus needs to be an extra set of imperatives to be added in order to determine the candidate imperatives in competition and to determine their relative importance.

These imperatives that both allow us to distinguish the imperative possibilities present and to rank them, are contingent to the extent that they were not explicitly mentioned in the imperatives they discerned and ranked. John may have never thought that he would be some day confronted with such choices. Nonetheless, neither was he confronted with completely arbitrary (that is, un-determined) choices. He already had some vague preconception of the relative importance that he would attribute to each of these imperatives. More fundamentally, he also already had a preconception about his social environment, his identities and his activities. All of these encompass some more fundamental imperatives from which he could derive the subordinate imperatives that emerged in order to fix and determine the possible rules and their relative weights. As a worker John is under-determined to quit his firm, as a consumer he is under-determined to get as many unemployment benefits as possible and as a gentleman he is committed to avoid being rude to his boss. Alternatively, he could offer to create a workers’ committee, which is at the same time a “reasonable” compromise between the various rules John is committed to and a powerful way of getting a full dismissal from more than one firm.

5. BEYOND AN ALGORITHMIC CONCEPTION OF RULES

An argument frequently used against the notion of “rule” is that it presupposes more or less implicitly that people act *following* codified rules and that such an account offers at best a rough *ex post* rationalization and fails to do justice to the tacit nature of most actions. This assumption is striking, for instance, in Pleasant’s otherwise justified suggestion that:

The idea of tacitly following a rule, or following a tacit rule, is even more incoherent. How does one tacitly follow a rule? What does it mean *to* be neither consciously nor unconsciously following a rule? What is this mysterious intermediate mode? So far as I can see, tacit rule-following is an oxymoron. (Pleasants 1996: 250)

Let us discuss this argument by turning to Sudnow's remarkable account of how he learned jazz improvisation (Sudnow 2001). The notion of "ways of the hand" occupies a central place in Sudnow's eponymous book as these constitute at the same time the goal and the means of his practice. Throughout the text, an implicit opposition is sustained between "ways" and "rules", the former being related to tacit, embodied, mature and relatively free actions whereas the latter relate to actions that are explicit, reflexive, immature and constrained. As he puts it:

Although my teacher provided readily accessible instruction on chord production, voicing, and song play, offering *constructional rules that were easily followed* and quickly produced quite wonderful-sounding results for just playing and arranging those standards I loved so much, when it came to improvisation, the lessons became increasingly unsatisfying. (Sudnow 2001: 27)

This conception of rules is algorithmic to the extent that the rule is here presupposed to be a set of instructions that guide action by being followed explicitly. Conceived this way, rules allow at most the reflexive production of a determinate sequence of actions through explicit reflexive monitoring but do not allow improvisation without thinking about them. No surprise then that Sudnow felt unsatisfied when he started to try improvising variations on the music he could reproduce so well. Understandably enough too, Dreyfus suggests in the preface to Sudnow's book that:

[such an account] shifts the burden of proof to those who think of skill acquisition as the acquisition of more and more refined rules (Dreyfus in Sudnow 2001: xi)

However, things appear under a different light if we abandon the idea of "following rules explicitly" and if we adhere rather to the idea that rules are imperatives that can guide behaviour by de/legitimizing certain types of actions. A first consequence is that rules do not delimit a single acceptable action but a whole field of acceptable (legitimate) actions. There are indeed plenty of ways to act in conformity with most rules. Thus, John complies equally well with the rule according to which he ought to send a resignation letter whether he posts the letter in the morning, in the afternoon or in the evening. A second consequence is that, contrary to what seems to be presupposed by Dreyfus and Sudnow, rules are distinct from their very formulation. Therefore, the same rule may be formulated in a variety of ways that are more or less useful for a given kind of practice. Specifically, the irreducibility of rules to their formulation implies that actions congruent with rules can involve tacit and embodied knowledge. For John, not only can the act of posting a letter be done in a routine way but also the

linkage of his resignation to his sending a letter can be more or less tacitly (and unquestionably) accepted. It follows that the “acquisition of more and more refined rules” is not necessarily a process of being able to replicate more and more complex algorithms. Rather, it is about being able to find more and more ways of complying with imperatives that are immanent to the practice without having been explicitly formulated. Notably enough, such rule-based account of learning is not far from Sudnow’s once we move beyond the strict meaning he assigns to the word “rule”. Consider the following passage:

I learned [the] language [of jazz] through five years of overhearing it... I came to see that this jazz music *is* first and foremost particular ways of moving from place to place... Little bits and pieces of jazz handlings showed themselves to me, revealed as that jazz music in my hands’ ways, and I would nudge myself: Springboard – get the beat right – ... let the hands say where and how to go ... Remember Jimmy – ... keep that hand from tripping... But the instruction is now embodied in the ways of my hands, just as ... “wait for the dial to return” advice a youngster must explicitly follow, is in the adult’s wayful, sequentially unfolding hoverings with a rotary phone. (Sudnow 2001: 127-8)

What is significant here is not the absence of rules but their double embodiment both in exemplary objects and in the body executing “wayful” practices. Sudnow is able to let his hands produce “good” jazz music because he is also capable of recognizing moments of jazz music “like in the records”. However, because he is improvising, his practice is not about replicating exemplary songs note by note but about producing new sounds that nonetheless qualify as “good” jazz music. Sudnow attempts to produce a novel musical performance in which he would nonetheless reproduce the exemplarity of his sources of inspiration. But then, what makes an action exemplary? A possible answer is that an action is exemplary if it has characteristics that are more legitimate than their opposite (For a discussion of conventions and exemplars, see Latsis 2005). This presupposes in turn the existence of rules and discourse. For an action to be exemplary, there must be a discourse that makes it possible to distinguish and individuate its characteristics. In other words, the positivity of these characteristics necessitates and presupposes a discourse. Moreover, the discourse also allows us to think the opposites of these characteristics and, thus, defines their negativity. For instance, the discourse of jazz distinguishes the melody from the chord. Moreover, it allows to distinguish and oppose “wayful” melodies and “clumsy” or “immature” melodies.

Saying that an improvised melody presents “wayful” characteristics presupposes, however, more than discourse. It also presupposes rules to the extent that the “wayful melody” is not only distinguishable from the “unwayful melody”, but is also preferable to it. Finally, these rules and this discourse are immanent to the characteristics of the exemplary practice and of the improvised practices. So, we do not have on the one hand Jimmy Rowles’ and David Sudnow’s ways of playing and on the other, rules about how to improvise jazz music. Rather, the rules are embodied in Jimmy Rowles’ and David Sudnow’s way of playing the piano.

Although the rules may be explicated and transcribed through other media, these transcriptions are neither necessary nor even sufficient for the continuous reproduction and transformation of “wayful” jazz music.

6. WHAT MAKES A RULE SOCIAL?

So far, we have been dealing with rules without bothering too much about the distinction between non-social and social rules. My strategy to tackle this issue is to start from a criterion of sociality and to follow the implications this has for social rules. Even within a realist ontology, this is not a straightforward task as there appears to be some divide amongst realist authors about the most adequate criterion for sociality. John Searle, for example uses the expression “social fact” to refer to any fact involving collective intentionality (Searle 1996: 26). If we apply his criterion, then a social rule is a rule that we share together. More precisely, what is meant by Searle is that:

- 1) A plurality (a group) of people is presupposed by the plural noun: “we”.
- 2) Each person in this group ought to conform with the social rule.
- 3) Each person in the group believes the others ought to conform with the social rule.

Moreover, according to Searle, collective intentionality is to be located exclusively in the minds of individual people. As he puts it:

The form that my collective intentionality can take is simply “we intend”, “we are doing so-and-so”, and the like. In such cases, I intend is only as part of our intending. The intentionality that exists in each individual head has the form ‘we intend’. (Searle 1996: 26)

For the present purpose of studying rules, to what extent should we rely on Searle’s definition of the social? Admittedly, the continuous existence of social reality depends on the continuous existence of the minds of individuals. Without people thinking or acting reflexively, there would arguably be no such things as a mailing system or boss/subordinate relationships. So, the existence of the (collective) intentions of individuals is a condition for the continuous existence of many social objects. But is it a necessary and sufficient condition for the existence of any social object? It is at this point that the conception of sociality I wish to defend gets significantly closer to a critical realist position than to Searle’s.

I propose rather that, on its own, (collective) intentionality cannot account satisfactorily for all social objects. More specifically, it overlooks social objects that are not represented by agents. For instance how can one rely on Searle’s criterion of the social to account for the causes of the unexplained breaking down of social objects (such as marriage, firms or work contracts) and of the social relations they entail? Are the conceptions of participants enough to explain these situations? After all, it may be the case that the spouses have unidentified suspicions that poison their relationship, that the partners of the start-up are in an unacknowledged situation of competition for scarce resources and that John is structurally in a situation of exploitation despite the belief shared in his firm that employees get a fair day’s pay for a fair day’s work. Perhaps such problems can be better

understood (and avoided) by moving beyond the conceptions held by individuals and recognizing that some social objects are not perceived by participants. In short: the social is greater than the collectively intentional.

Non-intentional elements such as the incapacity of the spouses to discuss their feelings, the informal organization of the start-up or the exploitative dimension of capitalism (under)determine the resulting form of these social relationships as much as the mental states of the participants (For a discussion of Searle and CR, see Martins 2009). So, if collective intentionality is not a sufficient characteristic of social rules, we are left with the question: what are the necessary and sufficient conditions for a rule to be a social rule?

An alternative route for theorizing what makes a rule a social rule is to follow the critical realist movement of Archer (1995; 2000a; b) and Bhaskar (1998/1979) and chose a criterion for the social that is expressed in terms of social relations. One difficulty, however, is that critical realist authors appear to have written very little on rules and do not seem to be much preoccupied about a distinction between personal and social rules. Tony Lawson (1997; 2003) is amongst the few critical realist authors who mention the topic of rules and still, he invariably refers to “social rules” without questioning much the very sociality of social rules as opposed to “non-social”, or personal, rules.

One possible characterization that differentiates social and personal rules while highlighting the relation between social rules and people’s identities⁶ consists in proposing that: *a rule is a social rule if and only if it is internally related to one or various social relations.*

Saying of a social rule that it is internally related to social relations means several things. First and foremost, it means that the rule is what it is because the social relations are what they are and, conversely, the social relations are what they are because the rule is what it is. For instance, the rule according to which a postman will deliver John’s resignation letter is a social rule to the extent that it is an essential element of the relation between postman and customer. The internal relationality of social rules and relations also implies that a substantial transformation of the rule (the rule becoming something other than what it was) constitutes *ipso facto* a substantial transformation of the social relation. So, if English postmen started to read the mail of customers instead of delivering it, the relation between postman and customer would be essentially affected. Social rules are also internally related to social positions/identities to the extent that the latter are internally related to social relations. So, the rule of distributing the mail rather than reading it is not only constitutive of the relation postman/customer but it is also constitutive of the very social position of postman and of the social identity that may be attached to it. In short, it is an integral part of what it is to be a postman and to see oneself as a “good” postman.

There is more to say about the internal relationality of social rules and social identities, though. Firstly, it is not contradictory to agree with Laclau and Mouffe and other post-structuralist authors that social identities are fundamentally antagonistic. So one is never completely a postman just as one is never completely a customer. The identities of postman and customer only acquire their positivity within a discourse that opposes them without exhausting them. In line with Laclau and Mouffe, we could then say that the imperative of

delivering the mail is constitutive of the social identity of the “postman” *within a specific discourse* that is itself presupposed by the social relation postman/customer. However, even with the strongest post-structuralist precautions I believe it is possible to state that, within any given discourse, social rules are constitutive of both social relations and social positions. Secondly, because of their internal relatedness, a tension exists between social rules and social identities such that failure to comply with a social rule threatens *ipso facto* the social identities with which it is internally related. If the postman opens John’s mail instead of delivering it, his identity as a “good” postman is potentially threatened by the transgression of the rule. A possible way to safeguard his identity as a postman is to bring forward a justification for the transgression of the rule and articulate a conception of the position of postman that would be in line with this justification. For instance, he may have been asked to open and read the letter because the police suspects John of terrorist activities. Within a discourse in which postmen should obey orders and safeguard national security before they should respect the privacy of customers, the postman did his job very well. On the contrary, from the perspective of a discourse in which safeguarding the privacy of customers comes first and foremost, he acted as quite a “bad” postman.

Let us now contrast this conception of a social rule as *internally* related to social relations with a conception of social rules as *externally* related to social relations. Both internal and external relationality imply the idea of a mutual dependence. However, internal relationality refers to a dependence of the identities of the related elements whereas external relationality refers to a relation of causation that does not affect the identity of the relata. Thus, saying of a rule and a social relation that they are externally related means that the one has an impact over the other without being essential to its identity⁷.

It becomes difficult to sustain a distinction between social and non-social rules if we define social rules as rules that can only be actualized (complied with) through reliance on social relations. In effect, since human practice presupposes social forms (which themselves presuppose social relations) and if rules are imperatives to perform an action rather than another, then we must admit that the actualization of any rule presupposes social forms and social relations. This may be illustrated by going back to our initial example of John sending a letter of resignation. Let us imagine that John decides to allow himself some time for reflection and decides to delay the posting of his resignation letter for a week or so. It may arguably be affirmed that such a rule is a personal (as opposed to a social) rule. Nonetheless, in order to comply with this personal rule, John may still need to rely significantly on social relations: at the very least, he needs to eat and drink during all that week of reflection. In a modern society this presupposes buying the food from merchants rather than hunting it with weapons created by oneself. Moreover, the very reflection he will undertake will use words and concepts that themselves presuppose social relations with teachers, parents, colleagues, etc. It follows that the relation of causality (social relations → rules) is not an adequate criterion for distinguishing social from personal rules.

But then, what about the obverse criterion (rules → social relations)? Is it the case that any rule affecting (externally) a relation should be viewed as a social rule? Back to John’s personal rule according to which he should wait an extra week or so before resigning from his job, this rule has an (external) incidence on his relation with his colleagues and boss as it (under)determines whether he is still a member of the firm or not

the next morning. Since the relation of causality is external, the rule does not (under)determine or transform what the boss/employee relationship is in John's firm. But because the relation of causality is nonetheless real, it makes a difference as to whether (or not) John's relation to his colleagues will be tomorrow a relation of colleagues or ex-colleagues.

7. THE NOTION OF RULE IN THE WORK OF GIDDENS: A DISCUSSION

This section contrasts the notion of social rule I defend with their usage in the works of Giddens (1979; 1984) who defends quite clearly a non-algorithmic conception of social rules. He insists, for instance, on the close relation between rules and practices, which leads him to propose that "to know a rule, as Wittgenstein says, is to 'know how to go on', to know how to play according to the rule" (Giddens 1979: 67). Moreover, Giddens recognizes the normativity inherent to social roles and positions. As he puts it:

I shall define a social position here as a social identity that carries with it a certain range (however diffusely specified) of prerogatives and obligations that an actor who is accorded that identity (or is an 'incumbent' of that position) may activate or carry out: these prerogatives and obligations constitute the role-prescriptions associated with that position. (Giddens 1979: 117)

There are, however, one major and two minor differences between Giddens's conception of rules and the one defended in this paper. The main difference is that Giddens does not conceptualize rules on the background of a structured and differentiated social ontology (see Archer 1995: 93-134 for a CR critique of structuration theory). Contrary to the critical realist ontology that guides the current paper, Giddens oscillates between a dualist conception of social forms and one that treats them as aspects of the activities of people⁸. This ontological oscillation (Fleetwood 2005) can be followed in his presentation of the theory of structuration in *Central Problems of Social Theory* (Giddens 1979: 69-71). On the one hand, he defends the assumption that social structures (including social forms such as rules, roles and relations) enable and constrain human activities and, therefore, bear causally on them. On the other hand, he assumes that "structure is present only in its instantiation" (1979: 54), a statement that ignores the social import of such artefacts as books, buildings, tools, uniforms, and so on (see Archer 1995 for an argument along similar lines). It follows from the latter view that "institutions may be regarded as practices which are deeply sedimented in time space" (1979: 80) and that "It is fundamental to affirm that social systems are not constituted of roles but of (reproduced) practices; and it is practices, not roles, which (via the duality of structure) have to be regarded as the 'points of articulation' between actors and structures." (Giddens 1979: 117). The problem is that Giddens presents a dilemma where there is none. He obliges his reader to choose between roles and practices when the ones are not explainable without a reference to the others as an ontologically distinct type of being. This confusion of practices and roles is not only problematic for the internal consistency of Giddens's social philosophy. It also raises problems for the way he theorizes social rules. Indeed, without reference to social positions that are distinct from (though

dependent on) social practices, it becomes exceedingly difficult to understand how come, in the Post Office, the customer who has a Jobseeker Card is entitled to pay a lower tariff than the one posting a resignation letter!

Giddens's analysis of rules suggests a relation of ontological identity between the nature of practices and that of rules, roles and identities. Moreover, little if no attention is dedicated to the reality of social relations as distinct from (though dependent on) the reality of the persons to which they relate. The analysis proposed in the present paper suggests instead that rules, practices, relations and roles are different sorts of (social) beings that can be internally related while possessing powers that are irreducible to them. One consequence is that Giddens cannot think of rules *as* resources on which agents rely to maintain or reinforce their positions. Another consequence is that he does not attend to the transformation *through time* of a social role when a rule is broken. Indeed, if rules, roles and practices were reducible to one another, it would make little sense to suggest that the extended industrial action has degraded for some time the relation between customers and postmen.

Another minor difference between the present study and Giddens's is that he does not attempt to offer a general formulation of rules. The closest contribution to such a formulation is his consideration of four

possible instances of what rules are:

- (1) The rule defining checkmate is...
- (2) A formula: $an = n^2 + n - 1$
- (3) As a rule R gets up at 6.00 every day
- (4) It is a rule that all workers must clock in at 8.00 a.m. (Giddens 1984: 19)

While Giddens is right to suggest that practical rules are distinct from their formulation in language, it does not follow that the study of the linguistic formulation of rules is impossible or devoid of interest (*Cf. infra* for an analysis of the general formulation of rules).

Thirdly, while Giddens recognizes the normativity, the context-dependence and the generalizability of rules, he emphasizes generalizability at the expense of normativity in his treatment of rules in structuration theory. Thus, of the four possible instances of what rules are, he privileges the formula $an = n^2 + n - 1$. Although Giddens's treatment of this formula avoids the positivist traps highlighted by Wittgenstein and attends to context dependency as well as practicality, the deontic aspect of rules is maintained though marginalized as structuration theory unfolds (Giddens 1984).

8. LAWSON'S GENERAL FORMULATION OF RULES: A DISCUSSION

Lawson (1997; 2003) offers one of the few CR theorizations of social rules available to date. I would now like to use the conception of rules advanced in the present article to discuss three aspects of his contribution. First, I defend it against possible mechanistic, deterministic and algorithmic (mis)interpretations of his conception of rules as generalized procedures of action. Second, I examine whether Lawson's formulation of social rules as "injunctions of the form: 'if x, do y under conditions z'" (Lawson 2003: 162) can avoid an algorithmic

conception of rule following. In so doing I attempt to propose a formulation of rules that improves Lawson's without contradicting it. Finally, I study the absence of a distinction between personal and social rules in Lawson (1997; 2003). This third point of discussion is slightly more critical than the first two as I end up proposing some amendments to Lawson's conception of what a "social rule" is as opposed to a "personal rule". These three topics of discussion are by no means the only points of contact between the conception of rules I propose and Lawson's. Rather, they are intended to stimulate further discussion amongst authors interested in rules and social rules.

In order to defend Lawson against a mechanistic reading, let us go back to Lawson (1997; 2003) where he defines social rules as:

generalized procedures of action that, under a suitable transformation at least, can be expressed as injunctions of the form: 'if x, do y under conditions z' For example, 'if driving, keep to the left hand side of the road, when in twentieth century Britain'. (Lawson 2003: 36, emphasis added).

I agree that, when they are formulated, rules are best expressed as injunctions. What seems slightly ambiguous, however, is that the intransitive object of these expressions (that is, what these expressions are about) is conceptualized as a generalized procedure of action rather than as an injunction, a norm or an imperative. The consequence is that a potential misunderstanding may arise concerning the nature of rules and the way they are articulated within a theory of society that purports in other respects to avoid positivist forms of determinism. This ambiguity is sustained, I believe, by the legal, computational and otherwise algorithmic connotations of the word "procedure". Lawson seems to suggest that, in the context of his work, rules and procedures should not be understood as the "*fact of proceeding with any action*" (*Oxford English Dictionary*) but rather as:

A (possibly contested) directive, code, convention, or understanding about *how* an act could or should be performed; it is not *per se* a prediction or claim that the performance so indicated in fact always proceeds (Lawson 2003: 37)

Moreover, he casts further away any doubts concerning a possible algorithmic understanding of rule following by making it clear that:

It is likely the case, for example, that actions consistent with many rules (especially those to which there is wide and enduring conformity) can be learnt via trial and error or by way of imitating others, and that, for many individuals at least, many forms of rule-consistent action may never be given an explicit formulation. So a knowledge of rules may not always, or usually, take a codified form. (Lawson 2003: 37-8)

However, if we agree with Lawson that a knowledge of rules may not usually take a codified form, what about his claim that rules can “under a suitable transformation at least, ... be expressed as injunctions of the form: ‘if x, do y under conditions z’” (*Ibid*: 36)? (i) Is such a formulation too algorithmic to convey satisfactorily a knowledge that is usually tacit? (ii) Moreover, what about the question of the identification of y, is it as straightforward as the formulation seems to suggest? (iii) Also, is there a redundancy between the “if x” and the “under conditions z” clause? (iv) Besides, how can we accommodate the explicit expression of “conditions z” with the acknowledgement that social rules are contextual and prone to (sometimes ambiguous) ranking? (v) Finally, is the “do y” to be understood at the indicative mood (as the expression of a state of affairs) or at the imperative mode (as an injunction or imperative)?

Let us tackle the questions prompted above in reverse order. (v) Because Lawson insists on the inherent normativity (imperativity) of rules, there is good ground to understand the “do y” clause at the imperative rather than at the indicative mood. It follows that the clause “do y” can be replaced by “one should do y” so as to reflect the normativity of rules. (iv) Moreover, if we admit, as Lawson seems to do, that social rules are dependent on context and that contexts happen in an open world, then we need to account for the necessary indexicality of rules and we are confronted again with the difficulties raised by the Kripke/Wittgenstein objection. I proposed above a solution to this ambiguity by using the notion of discourse. This solution consists in saying that it is only because people rely on discursive structures to distinguish between what counts as context and what does not that they are able to face the kind of new situations that happen in an open world.

The immediate consequence for the formulation of rules is that the formulation of the context of application of the rule can never be exhaustively described in the formulation of the rule. So, although Lawson is right to signal that rules can only be expressed under certain conditions, it should also be added that, even when these conditions are met, the formulation is always incomplete or, as post-structuralist authors would perhaps love to put it, the formulation is always a partial failure to grasp the rule. It follows that, for instance, Lawson will need to use a “so on”, an “*etc.*” or a “*ceteris paribus*” clause to account for this indexicality of rules. So, the formulation, “whenever x, do y under conditions z” is not wrong in itself but could be advantageously replaced by a formulation of the kind “whenever x, one should do y under conditions z *ceteris paribus*”. (iii) This brings us to the question about the redundancy of the “if x” and the “under conditions z” clauses. In fact, I cannot think of a single “if x” clause that couldn’t be transferred into the “under conditions z” clause. So, for instance, the formulation “if driving, keep to the left-hand side of the road, when in twentieth-century Britain” could be reformulated as “one should keep on the left-hand side of the road when driving in twentieth-century Britain, *c.p.*”⁹. (ii) We also need to address the very ambiguity of the “do Y” clause. The clause “keep on the left-hand side” is only devoid of ambiguity for people having some conception of what it is to drive a car. And still, the condition of intelligibility of what we spontaneously understand is that we contrast “keep to the left-hand side of the road” with “keep to what appears to the driver as the right-hand side of the road” rather than with “keep to what appears as the right-hand side of the road when looking at a map” (or

“when looking backwards” or “to other passengers looking through the window” and so on and so forth). This inherent ambiguity of the “do y” clause brings us back to the idea that a rule is what renders a (desired, possible or actual) action more legitimate than its opposite. (i) As a consequence, Lawson’s expression of rules can be reformulated as: “you should do y1 rather than y2 under conditions z, everything else being equal.”

Besides the formulation of rules, there also appear to be differences between the conception of the sociality of rules I propose and the sociality of rules that seems to be presupposed by Lawson for whom there is no point in distinguishing between social and personal rules. This can perhaps be traced back to his reliance on a criterion of the social, formulated in terms of dependence on intentional action rather than on relations between people and on relations between relations.

Now if the term social is to designate anything specific here, it must be a dependency on human intentional agency. This is a standard interpretation of the term, and does not seem contentious. (Lawson 2003: 31)

In effect, if the social is anything depending on human agency, then any rule is social. As a consequence, it becomes inconceivable to talk of a non-social or “personal” rule. This restriction of the word rule is reflected in the fact that realist authors such as Faulkner and Runde take liberties with Lawson’s criterion of the social precisely at the point of introducing personal/private¹⁰ rules into their theoretical toolbox:

Now according to our earlier criterion, all rules are social to the extent that their existence depends on human beings. From this point on, however, we shall reserve the term social rules for the subset of the general category of rules that are sustained in virtue of being accepted by, and implicated in the activities of, members of a social group, possibly in ways that require some kind of inter-dependence between their actions... Social rules are distinct from what we shall call private rules, rules that are unique to particular individuals (such as the self-imposed rules an individual athlete may follow pertaining to diet, training regime and the like) (Faulkner and Runde 2005: 14)

If we stick, however, to the conception of rules used in the present paper and to the relational criterion of the social, Faulkner and Runde should be able to introduce personal rules without contradiction. Moreover, they would also be able to account for the fact that, within a given society, a single person may be the only one who complies with a social rule or that various persons may follow the same personal rule. In the example of the athlete, the rule she complies with is social only if it is constitutive of her social relation to others. For instance, if the athlete has no coach and sticks to her training regime for the expected health benefits, then the rule may be said to be personal. If, on the contrary, she complies with the rule because she would not be able otherwise to renew her contract with a manufacturer of sports equipment, then the rule may reasonably be said to be a social rule. It can be noted, however, that in the example above, there can be various athletes complying with the same

personal rule (for the health benefits) or a single athlete being the only person complying with a social rule. This would be the case, for instance, if the athlete were to sign a (permanent) contract in which she becomes the official representative of the brand by tattooing the logo on her body.

In summary: in order to account for the distinction between personal and social rules, a few amendments need to be made to Tony Lawson's conception of rules. Firstly, we need to adopt a relational criterion of the social. Secondly, we should in general conceive of rules as normative (rather than generalized) procedures of action and, finally, we should conceive social rules as rules that are internally related to social relations.

9. IMPORT FOR FUTURE EMPIRICAL STUDIES OF RULES

An immediate consequence of conceiving rules as imperatives (or injunctions) is that researchers willing to account for rules should interrogate the injunctive aspect of participants' practices. Acknowledging that participants may often find it difficult to express an explicit conception of these imperatives, a description of the rules at play is to be prompted through research questions of the kind: "what should a competent participant do (or avoid) in such context?" Moreover, rules cannot be described at the level of the event regularities they sometimes generate. Therefore, although (relative) regularities may often constitute a useful starting point for the inquiry, their study is neither a necessary nor a sufficient condition for studying rules. For example, if we want to study the process of sacking in a twenty-first century UK corporation, we may usefully start from an observation of the frequency of various "types of departure" (relying for example on the categories elaborated by participants). However, this measurement of frequencies does not constitute by itself a study of the rules with which the participants ought to comply. At best, it can constitute a possible (though by no means necessary) starting point for asking questions of the kind: "considering that, despite a very difficult job market, 80% of the employees who leave a certain workplace are not formally forced to leave, what must be the case about the rules at play in this firm?" Moreover, it may often be possible to start from local practices considered by participants as exemplary or, on the contrary, unacceptable. For instance, it may be enlightening to contrast a departure regarded as "successful" (by members of a work organization) with a departure that was commonly regarded as "messy" and "illegitimate". If the exemplarity or the frequency of a practice is only a starting point, then what should make the bulk of the study of rules itself? I now attempt to bring elements of an answer by showing how the basic features listed in the ontological study of rules can generate practical research questions for empirical studies of rules and of their evolution.

Rules as tacit yet generalizable imperatives: the noted tacitness of most rules should encourage researchers to consider codes and participants' algorithmic descriptions as partial and potentially misleading descriptions. At the level of methodology, the implication is not to abandon altogether the project of studying rules but rather to pay particular attention to stories of "wrongdoings" and "right things to do". For instance, if posting an unstamped letter is viewed as a "something one shouldn't have done", it can be inferred that a rule exists

according to which that letter ought to be stamped in a specific context. Moreover, the analysis of imperative actions as actions that are more legitimate than their opposites suggests that substantive studies of rules would benefit from analyzing the basic oppositions constitutive of the discourse of participants and their relative values in specific contexts. For instance, depending on context, posting a first-class letter may be opposed to posting a letter that is not stamped, or posting a postcard, or sending second-class mail, and so on.

Studying the anchorage of rules into other rules and desires: since the ontological study suggests that rules are typically connected to other rules through relations of legitimation, it may be relevant to study the (super-ordinate) rules that grant legitimacy to those rules under scrutiny. For instance, the rule according to which one ought to put a stamp on a letter may be legitimated by a number of quite different rules that emphasize, for example, efficiency (“you ought to make sure your mail arrives at its destination”) or solidarity (“you ought to contribute to the cost of the mailing system”). It was noted furthermore that negating the imperativity of a rule can threaten to de-legitimize, transform and subvert broader constellations of rules. The political effects of rule-breaking can arguably constitute a legitimate topic of research that raises questions such as: “if this specific rule is broken, then what other specific rules are threatened?”

Similarly, the ontological study suggested that rules can be ultimately anchored into desires. For a social researcher this means that a thorough study of rules should also incorporate a study of those desires that participants attempt to fulfil by breaking or respecting rules.

The contextuality of rules: it appears in the ontological study that rules are contextual and that their contextuality is discursively mediated. It follows that the study of specific rules is indissociable from the study of their context of applicability. If a lead is taken from discourse theory, it can be expected that the boundaries and contexts of applicability of rules are more often than not “floating” or under-specified by the discourse on which participants rely. In this light, situations in which the contexts of rules appear to participants as “obvious” or “unquestionable” can be reinterpreted as situations of discursive hegemony (Laclau and Mouffe 1985). Hence the relevance of questions such as: what discursive oppositions define the limits of the context of applicability of rules? And, through what social processes do participants come to identify and recognize these contexts?

Another central argument of the paper is that rules are better conceived as generalized imperatives that can be respected through a variety of actions rather than as algorithms that prompt a unique correct response. Such re-conceptualization of rules gives full weight to the ethnomethodological question of the classes of actions that are un/acceptable in a given context. For instance, while over-stamping a letter does not break the rule in contemporary Britain, using foreign stamps may do so.

Internal relation of social rules and social positions and identities: the discussion of the specificity of social – as opposed to personal – rules suggested that the former are internally related to both social relations and social identities. Research guided by such a conception of social rules attends to the relations and identities whose

essences depend on the rule being respected: which social relations and identities are what they are because the rule is respected by participants? Which features of these relations are bound to be transformed and subverted if the rule is broken? And, conversely, how does a transformation in the social relations and social identities of participants affect their commitment and compliance with those rules that are internally related with – and therefore constitutive of – these relations and identities? For instance, if refraining from reading the mail is internally related to the identity of postmen, then a change in this rule is likely to threaten this identity. It would be expected, for instance, that an abrupt change of rules would raise concerns amongst postmen, unless the reform is accompanied by a plausible reassurance that the essence and meaning of what it is to be a postman is safeguarded.

These research questions are not meant to constitute an exhaustive guide on how to research rules. Rather, they are proposed as illustrations of possible axes of research on social rules. This prompts in turn the question of the most appropriate research techniques for answering the questions presented above. In this respect I believe that methodological pluralism is viable and desirable, on the condition that the techniques of research are reflexively related to the objects of study and the kinds of questions asked. For instance, network analysis (Latour 1996; 2005; Lazega 2001; Zalio 1999) may be extremely useful for mapping relationships but not for describing the rules associated to them. Semi-structured interviews may help in turn collecting rules that agents would spontaneously explicate under some form. In order to grasp rules that are more tacit, it can be useful to engage in observation and in repeated discussions with close friends who are themselves subject to those rules, relations and identities – for examples of ethnographies in which the author relies on close friends to access and interpret the sociological field, see Boltanski (1982) and Dalton (1959).

CONCLUDING SUMMARY

Let us restate the limitations inherent to the retroductive reasoning that guided this study. Firstly, the scope of validity of the present argument is equal or narrower than the scope of validity of what is commonly understood when we say that “John posts a resignation letter”. Thus, retroduction assumes that all parties in the discussion agree on both the meaningfulness and plausibility of the fact that serves as a point of departure. Secondly, retroduction reveals two things that are inextricably linked. On the one hand, it reveals my own assumptions and helps clarifying them. On the other hand, I am entitled to believe that the implicit assumptions I make about the world are adequate only to the extent that I believe that the situation I chose as a point of departure refers adequately to the world. Thus, it is only with this strict *caveat* that retroduction reveals features of the world that are irreducible to my conception of them. Thirdly, the knowledge generated by retroduction, although fallible and conditioned to some extent by the discourse and premises through which it has been generated, can nonetheless be improved through debate and discussion.

Acknowledging these limitations, I proposed a positive definition of rules as generalizable, implicit and context-dependent imperatives. Imperativity refers in turn to the mode of being of an action that is more legitimate than its opposite. As we have seen, such conception of rules does not oppose but rather presupposes a conception of social reality dependent on discourse (with the meaning that Foucault, or Laclau and Mouffe ascribe to this word). Besides, contrary to the algorithmic conception of rules and rule-following, the conception of rules as local imperatives seems useful for accounting for processes of improvisation (Sudnow 2001) and thus accommodates some major criticisms levelled by ethnomethodologists against the (algorithmic) notion of rule. I also examine the peculiarity of social rules as opposed to rules *tout court*. Contrary to Searle and Lawson, but in line with Archer and Bhaskar, I adopt a relational criterion of the social. This allows me to propose that social rules are rules that are internally related to social relations. A social rule is therefore a rule that is what it is (within a given discourse) because a social relation is what it is (within the same discourse). In contrast with Giddens's (non-algorithmic) conception of rules as aspects of practice, I suggest that rules, and other social beings such as roles and relations, are ontologically distinct though dependent on people's practices. With this conception, it becomes possible to theorize and illuminate the links between rules, relations and social identities. After contrasting some aspects of this conception of social rules with Lawson's, I propose a few research questions that might be of interest for subsequent empirical research on the specific rules at play in specific settings.

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¹ In this paper, I refer invariably to “rules”, “imperatives”, “norms” and “injunctions”. This characterization of rules in terms of normativity treats “rules” as a concept that is distinct, though related to Sewell’s “cultural schemas” (Sewell Jr 1992). The latter are characterized by their generalizability or transposability “to new situations when the opportunity arises” (Sewell 1992: 8). In the present paper, rules are characterized both by generalizability across (similar) contexts and by their normativity.

² NB: In English, the conditional conflates possible and desired actions.

³ The specific meaning ascribed to “discourse” by Foucault, and Laclau and Mouffe is not widely shared amongst authors in social theory and sciences such as Lawson or Fairclough. For post-structuralists, discourse is the system of differential entities within which objects acquire their positivity and their meaning. Contrary to Fairclough who equates discourse with text or groups of texts, Foucault, and Laclau and Mouffe consider discourse as the object which conveys meaning to texts (Foucault) and to practices (Laclau and Mouffe).

⁴ Foucault and Laclau and Mouffe are frequently treated as nominalist authors at odds with the ontological realism that informs the present study of rules – see for instance the discussions between Reed and Contu and Willmott (Contu and Willmott 2005; Reed 2005b; a). I have argued elsewhere that this polarization is not justified, especially in the case of the latter works of Foucault – see Al-Amoudi (2007b) and Al-Amoudi and Willmott (2009).

⁵ In English, the Latin locution *c.p.* means: “Other things being equal, other conditions corresponding” (Oxford English Dictionary). Within an actualist ontology, it can have the meaning of: “all other events being equal”. Since I do not use *c.p.* in an actualist ontology, *c.p.* does not refer to a constancy of events over time but to an absence of inference from competing desires or rules.

⁶ For a discussion of the emergence of personal identity in relation to personal, cultural and social properties, see Archer (2000a: pp.193-221).

⁷ Some post-structuralist readers appear to be doubtful of any use of the notion of “essence”. I believe, however, that we may perfectly share their critique of naïve essentialism without rejecting the usefulness of the notion of essence. Admittedly, we never get to think or identify essences without the mediation of discourse. This is very different, however, from saying that the way we identify essences depends exclusively on us. Thus, although under some discourse hemlock may be identified as fennel (they have similar roots and leaves), a fennel-based potion would have had different effects on Socrates than a hemlock-based one.

⁸ This oscillation reflects a current debate between two forms of realism in the social sciences. One that attributes causal powers exclusively to people (Harré 2009; Varela and Harré 1996) and another that attributes causal powers both to people and to social forms, such as rules, roles and relations (Archer 1995; 2000a; b; Bhaskar 1986; 1998/1979; Lawson 1997; 2003; Elder-Vass 2005; 2007a; b).

⁹ This ambiguity is parasitic on and resurfaces in Lawson’s study of the relation between rules and positions (Lawson 1997: pp.172-3). Lawson acknowledges that “there is an ambiguity in the literature as to whether or not any positions referred to are best conceived of as part of the rule formulation, i.e. as part of the conditional ‘if x’ or part of the ‘under conditions z’ clauses” (Lawson 1997: 172). And Lawson to conclude that “[he is] not sure that anything hangs on this distinction in practice” (Lawson 1997)

¹⁰ Faulkner and Runde use the expressions “private rule” and “personal rule” interchangeably in the context of their paper (personal communication with Runde).