CHAPTER II
RULES AND ACTION
In the first chapter, it was suggested that the concept of 'action' cannot be assimilated within the concept of 'event' for to perform an action is not merely to execute a movement or a sequence of movements which could be described without taking into account the social context (constituted by institutions and practices prevalent in the society) of action, beliefs and intentions of the agent. Actions can be distinguished from events in that the consequences that are brought about by human agents can be recognised by them as either fulfilling or not fulfilling the description that they would have applied to what, they thought, they were doing. When we are describing actions, what we are referring to is shaped

1THE RELATION BETWEEN A HUMAN ACTION AND A DESCRIPTION OF IT CAN BE RADICALLY DIFFERENT FROM THE RELATION BETWEEN A NATURAL ACTION AND A DESCRIPTION OF IT, WITH WHEN A PERSON AND A NATURAL AGENT DOES SOMETHING, WHAT IS DONE, FULFILLS MANY DESCRIPTIONS, BUT SOME OF THE DESCRIPTIONS OF A HUMAN ACTION CAN BE RELATED TO THAT ACTION IN A PRIVILEGED WAY, FOR A HUMAN ACTION, UNLIKE A NATURAL ACTION, IS SOMETHING THAT CAN BE DONE AS FULFILLING A CERTAIN DESCRIPTION, THE DESCRIPTION OF THE ACTION GIVEN IN WHAT THE AGENT DECIDES OR INTENDS, OR COULD DECIDE OR INTEND, OR COULD HAVE DECIDED OR INTENDED TO DO. QUESTIONS OF WHAT TO DO CAN ARISE FOR A HUMAN BUT NOT FOR A NATURAL AGENT.

Rawley, Roy, Reason in Theory and Practice, p. 111.
by natural and social circumstances, linguistic rules, intentions and beliefs, gestures and physical movements. Concept of action is primarily applicable to human beings because its primary use is among human beings who (could) speak to each other about what they are doing. The context in which we talk about actions are usually those in which some one is either being asked to do something or refrain from doing something, being praised or blamed for what he has done, being asked to clarify or explain or justify his actions, or someone is describing, clarifying, explaining or justifying what he has done. This presupposes that one knows what one is doing. Knowing what I am doing involves being able to elaborate the action in somewhat a similar way as knowing what I meant by something I said involves being able to elaborate or clarify that. Indeed, one important way of elaborating one's action is by way of making clear that the intention underlying the action was other than what the consequences indicate, that one did not really mean to do what one appears to have done. In understanding actions, we are essentially faced with the same problem as in interpreting language, for action and meaning are related to each other. To be able to understand the meaning of a term involves an ability to follow a rule in using that term, and not merely to be able to perceive an entity (for once)
denoted by the term. Similarly, in case of actions, it should be possible for the agent to distinguish between a case of doing an action and not doing that action before it could be possible for him to affirm or deny that he was doing that action. It is only with reference to some kind of rules that one could know whether one is giving, donating, lending, depositing or presenting an object to another. It is quite possible that one's knowledge of these rules by which one specifies (or identifies) what one is doing may be at the level of tacit understanding but it should be in principle possible for the agent to articulate these rules.

To ask a *what*-question in the context of actions closely resembles asking a *what*-question in the context of linguistic expressions in the sense that we ask such questions only when we fail to understand the significance or the meaning of the linguistic expression or action in question. Normally, we do not have to ask such questions since being members of the same community we share the institutional context, language and the stock of concepts that are employed in describing and appraising actions.  

2 It is only in alien communities that the enterprise of understanding becomes comparatively more difficult for we do not fully share the form of life with the members of that community. In this regard, Wittgenstein pointed out:
Whenever we fail to understand the meaning of some action our sense of puzzlement is very similar to the one which we face when we fail to grasp the meaning of a linguistic expression in the sense that we have to refer to the rules that define the practice in which the action is embedded in one case and the rules of linguistic practice in another.  

"One human being can be a complete enigma to another. We learn this when we come into a strange country with entirely strange traditions; and, what is more, even given a mastery of the country's language, we do not understand the people. (And not because of not knowing what they are saying to themselves.) We cannot find our feet with them."  

*Wittgenstein,* *On* *This,* pp. 223.

3 There is a considerable disagreement, among theorists of meaning, regarding the way in which words have meanings. According to one position, held by Grice, Hales and others, words have meaning in terms of the intended effect which the speaker/writer wishes to produce in a hearer/reader by getting him to recognise the intention to produce the effect. But such an analysis of meaning fails to appreciate, according to Cavell, that there is no such activity as my finding-out-what-I-mean-by-a-word. But there obviously is finding-out-what a word means." He also points out that "an individual's intentions or wishes can no more produce the general meaning for a word than they can produce horses for beggars, or horse runs from pop flies, or successful poems out of unsuccessful poems."

Cavell, S., "Must We "Mean what We Say?" in *Philosophy and Linguistics* edited by Colin Lyons, p. 162.

The point that Cavell is making is that meaning of a word (and for that matter, of an action as well) cannot be grasped simply by referring to the speaker/ writer/agent. We have to refer to the conventions and rules for the same.
It is a truism that conformity to a rule on the part of the members of a community usually lends a certain regularity to their behaviour which creates the possibility of making generalisations regarding their behaviour. But it may be pointed out that regularity of behaviour is not enough to posit the presence of a rule. The planets in the solar system do exhibit a regularity in their movements. But we do not regard this regularity in the planetary behaviour as a consequence of following of rules on the part of planets as we do in case of the regularity that we see in the case of traffic on the road. Therefore, it is important to understand the nature of rules in a greater detail to adequately understand the distinction between two kinds of regularities — a distinction which was, perhaps, made first by Aristotle in terms of "laws of men" and "laws of nature". Kant also brought out the significance of rules in human conduct. In the present century, several philosophers, sociologists, anthropologists and linguists have devoted their attention to the study of nature of rules and their relation to action.

Peter Collett has provided a good summary of the origin and development of the ideas on the role of rules in action, in his essay "The Rules of Conduct" in Collett (Ed.), Social Rules and Social Behaviour. Besides
Indeed 'rule', like games, is an umbrella term covering many different but related things. There seem to be a number of different kinds of things brought under the term 'rule' which taken together hide some significant differences. Many of the following terms are used as synonyms for 'rule' which complicate the issue. Thus we employ the term 'rule' for regulations, prescriptions, laws, principles, maxims, codes, canons, etc. etc., despite the fact that all these terms have their distinctive meanings. 'Rule', in the literal sense resembles regulations. The most notable feature of rules is that they provide reasons for or against acting in a certain way in certain circumstances.\(^5\) It may be pointed out here

Wittgenstein, the other scholars who have devoted their attention to the study of the nature of rules and their relation to actions include Profs. J.L. Austin, Max Black, Chomsky, Goffman, Garfinkel, Rom Harre, Rves, Raz, Searle, Schwyzer, Meinmann, and Von Wright. Needless to mention that I have considerably gained and borrowed from their writings on the subject. However, as Collett has rightly pointed out, despite the enthusiasm with which the notion of rule has been received, the rule-concept is by no means a novel candidate in explanation of behaviour.

\(^5\) The main problem of understanding rules is to see what sort of reasons (for action) rules are, and how they differ from other reasons. In this context, Joseph Jr. points out that "the content of a rule can be stated by the use of an elementary 'ought' sentence to the effect that some person ought to perform a certain action .... The fact that there is a rule that p is a reason and not the rule that p itself."

\[\text{Wit., Joseph, Practical Reasons and Norm, pp. 50-51.}\]
that within the same society, people's relations to rules can differ. Their beliefs about the nature, the durability, the legitimacy, the perceived necessity, and the origin of the rules can differ. Their understanding and knowledge of the rules is employed by them to guide their conduct may also differ. The cultural heritage into which man is born consists of a complex of practices or rules of conduct — given the background of a community one can begin to see how a rule acquires significance. Unless the rule has some relation to such a background, we would not know what is meant by characterising it as a guide to action; the sense of any rule is linked with practice as a whole. The point is that every human being growing up in any culture is taught rules which provide for certain forms of orderliness in people's behaviour. The learning of these rules starts quite early in childhood in such a way that they define the world as 'taken for granted'. They constitute the normal, expected world, they do not allow for uncertainty. All they allow for is what the ethnomethodologists call trust — trust that the world as constituted in interaction is not going to dissolve into meaninglessness. Children

6 See H.D., The Politics of the Family and Other Essays, pp. 32-104.

7 Not only rules, but also examples are needed for establishing a practice. Our rules leave loop-holes open, and the practice has to speak for itself.
learn other social rules while they are learning language as they are more often taught by examples than by correction of incorrect utterances. Thus social institutions manifest themselves in certain practices and the references that people make to the institutions in their reckoning behaviour. According to Pauls:

"It is the mark of a practice that being taught how to engage in it involves being instructed in the rules which define it, and that appeal is made to these rules to correct the behaviour of those engaged in it. Those engage in a practice recognise the rule as defining it...."

"To engage in a practice, to perform those actions specified by a practice, means to follow the appropriate rules. If one wants to do an action which a certain practice specifies then there is no way to do it except to follow the rules which define it. Therefore, it doesn't make sense for a person to raise the question whether or not a rule of a practice applies to his case where the action he contemplates is a form of action defined by a practice.... If one wants to perform an action specified by a practice, the only

we do not learn the practice of making empirical judgments by making rules; we are taught judgments and their connection with other judgments. A totality of judgments is made plausible to us:"

"The child learns to believe a host of things. I.e., it learns to act according to these beliefs. Bit by bit there forms a system of what is believed, and in that system some things stand unshakeably fast and some are more or less liable to shift, what stands fast does so, not because it is intrinsically obvious or convincing; it is rather held fast by what lies around it."

*Wittgenstein, On Certainty*, p. 20 (§ 139, 140, § 144.)
legitimate question concerns the nature of practice itself." ("How do I go about making a will?")

The point that Rawls is making is that it is only by reference to the practice that one can say what one is doing for a rule becomes binding upon a group of people when the group accepts the rule as a standard for its conduct through its practices. Whenever I perform an action and there is a question regarding what I do; I can always take recourse to the rule to make clear (explain) what I was doing. It is in this sense that rules are reasons for actions.

We have considered how social institutions and practices are manifested in the rules that people apply for guiding their activities. We have not yet considered in detail what a rule is and how it is different from principles. Rules are different from principles in the sense that rules specify what to do when one does the thing at all while principles state how to do the thing well. In fact, this distinction between rules and principles is similar to the distinction between constitutive

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and regulative rules. It is important to distinguish between these two types of rules, i.e. rules which define various social practices, institutions and actions and the rules which regulate (enjoin, permit or prohibit) conduct. A reason why they are easily confused is that they are characteristically different and yet intimately related. Regulative rules tell us that certain things ought to or ought not to be done. Constitutive rules tell us how certain acts are performed. Often a rule of the second kind is presupposed by the first kind e.g. the rule that "pre-marital and extra-marital relations are prohibited" presupposes that there is a constitutive

9 The distinction between constitutive rules and regulative rules is found in the writings of John Searle, Max Black, Schwayer and Max and others. It is generally agreed that a constitutive rule defines or constitutes a practice, while a regulative rule guides or regulates behaviour. As Searle puts it, "The creation of constitutive rules, as it were, creates the possibility of new forms of behaviour," and, "constitutive rules often have the form "X counts as Y in context C."... where the rule is purely regulative, behaviour which is in accordance with the rule could be given the same description or specification (the same answer to the question "what did he do?") whether or not the rule existed, provided the description or specification makes no explicit reference to the rule. But where the rule (or system of rules) is constitutive, behaviour which is in accordance with the rule can receive specifications or descriptions which it could not receive if the rule or rules did not exist."

rule which defines particular sorts of sexual acts as pre-marital or extra-marital. The constitutive rule also provides a new description to the sexual behaviour of people once the institution of marriage defined by it comes into existence. Nevertheless, it may be pointed out that simply by constructing new rules it is not possible to establish new social practices. Instead of getting into controversy whether all rules can be reduced to regulative rules or not, or whether regulative rules depend upon the definitional properties of purely constitutive rules, we shall accept that the two types of rules are heuristically distinguishable and that they may serve any or all of the following three different functions:

(i) as a constitutive of the activity
(ii) as an aid to acquire a skill in the performance of that activity
(iii) as justifications for various moves within that activity.

10 "what one cannot do, by setting up defining rules, is invent a wholly new practice with a wholly new "grammar", as if that grammar could be somehow embedded in and created by the rules for engaging in that practice, rules (constitutive rules) do not themselves specify how the behaviour in accordance with these rules is to be regarded; that is something the very setting up of the rules must presuppose."

It is interesting to note that all these functions performed by rules are interrelated e.g. A knowledge of the rules of chess is a prerequisite for the capacity to play the game. In this sense rules can be said to enable a person to perform an activity. (Knowledge of French may enable one to speak, read or write French.) And similarly each move within the game is permitted by the rules. Nevertheless, the justifications for the moves may be provided in terms of the purposes for which one is performing the activity. Justifications would be offered in terms of the reckoning and appreciation of the specific context, configuration and the conduct of the game by the opponent, and the ability to fabricate a reasonable plan in view of the above. 11

At this stage it would be useful to consider the differences between two kind of regularities which

11 According to Raz, besides enabling people to perform certain kind of activities, there are also rules which confer powers on individuals in specific circumstance. He calls these power-conferring norms. "We can and do refer to norms conferring norm-creating powers on parents with regard to their children and on committees, directors, or other legislative bodies functioning in voluntary associations."

Raz, Joseph, op. cit., p. 105.
were mentioned in the beginning of the chapter. The regularities that are described by generalisations are different from the regularities that are generated due to the rule-following behaviour on part of the people. A rule is general in quite a different way from that in which a generalisation is general in that it must hold over a range of phenomena, the limits of which ought to be expressly shown in the generalisation itself. A rule is not general in this sense at all. The formulation of a rule regarding how to 'greet' people makes no attempt to give all the instances of greeting behaviour. The rule enables those who know the rule to greet others if they wish to. Thus rules constitute or regulate behaviour while generalisations describe it. Rules apply while generalisations hold in the sense that one conforms to or acts in violation of a rule, but not a generalisation. Generalisations are true or false, not so with rules. That which runs counter to a rule is seen as wrong or incorrect by those who accept the rule. It is not necessary but there may be sanctions in societies against those who act in violation of accepted rules. On the other hand, that which runs contrary to a generalisation either simply could not be the case or the generalisation is false. Rules are not refuted but rejected, whereas generalisations are refuted and not rejected till they
are refuted. Rules can deliberately be changed, not so with generalisations, for where rules may be invented, enacted, and made effective, generalisations are discovered and established. A rule is essentially the sort of thing that can be followed (obeyed or satisfied) or not and also the sort of thing that can be misapplied. A person trying to follow a rule can make a mistake and, therefore, end up by not following the rule. The possibility of mistake is central to the notion of rule whereas it is irrelevant to the notion of generalisation. 12

It is either true or false that some one is following a rule in a given situation and it may be true even though everyone may think it to be false, and vice versa. "A kept the rule" and "Everyone agreed that A kept

12 Statement of "rules do not explain regularities in the conduct of participants in the sense in which an event has been explained" when its occurrence has been subsumed under a scientific law.... Following a rule requires discriminations among correct and incorrect, defensible and indefensible interpretations and applications of the rules to sets of circumstances. It also requires that the agent accept the rule, or at least acting on it, as a right, good, useful or prudent thing to do in the circumstances. A person's behavior might accord with the requirements of a rule without satisfying these conditions. But then it would not be conduct guided by the rule in question.

the rule" are not synonymous. Therefore, to follow a
rule is not necessarily to act in a way which others
see as obedience to that rule. The very activity of
following a rule is a rational activity in the sense
that we know an activity as that activity only in so far
as we know that it is the same as indicated by the rule.
If I would not know what a rule is, I could not follow
the rule.

Wittgenstein has pointed out that "The use of
the word "rule" and the use of the word "same" are
interwoven. (At are the use of "proposition" and the
use of "true".)" Therefore, an activity accords with
a rule only if it exhibits the same regularities that
are expressed by the rule. But it involves a rule only
if the agent actually uses the rule to guide and assess
his actions. "And hence also 'obeying a rule' is a
practice. And to think one is obeying a rule is not to
obey the rule. Hence it is not possible to obey the
rule 'privately': otherwise thinking one was obeying a


"The word "agreement" and the word "rule" are
related to one another, they are cousins. If I teach
any one the use of the one word, he learns the use of
the other with it." (Ibid., p. 66)
rule would be the same thing as obeying it." Thus following a rule is not a private but a public activity, more so because "The rule can only seem to me to produce all its consequences in advance if I draw them as a matter of course." It follows that, in a sense, rules determine the possible state of affairs if they are followed. It is important to recall that there is a distinction between an activity which accords with a rule and an activity which involves the same rule.

Recapitulating the discussion so far, we may say that essential features of rules include:

1. Rules are normative in character.

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15. Ibid., p. 67.
16. "If a person's behaviour accords with a rule then it also accords with any other rule which is, as we might put it, 'extensionally equivalent' to the first. In calling two rules extensionally equivalent, I mean, first, they (or rather their descriptions) are not synonymous, and second, that whatever behaviour deviates from what is enjoined by the one rule also deviates from what is enjoined by the second.... If a person is following a rule, however, it certainly cannot be inferred that he is following another rule equivalent to it." Cooper, D.B. Knowledge of Language, Pp. 53-54.
(ii) Rules are, in principle, applicable to more than one cases.

(iii) It is, in principle, possible to choose to follow a rule or not to follow a rule, though in the case of constitutive rules it would not be possible to perform an activity if one did not follow the rule.

(iv) Rules can be stated by writing or uttering a sentence in the indicative mood, it is possible to state them by writing or uttering a sentence in the imperative mood.

(v) In spite of (i) to (iv) above, rules need not be specified, authorised; rules carry sanctions, constrain behaviour and may not be stated in advance of the performance of an activity which they constitute.

Earlier we said that to be able to follow a rule, an agent must know the rule. Now we shall consider the nature of knowledge of rules. Whenever an individual is said to be knowing a rule, several things may be meant depending upon the criteria employed for the attribution of such a knowledge. According to Collett, there are at least four different senses in which an

individual can be said to know a rule:

(i) knowing a rule involves being able to articulate some recognisable formulation of the rule (the criterion of articulation).

(ii) knowing a rule involves being able to recognise infringements of the rule (the criterion of recognition).

(iii) knowing a rule involves applying a sanction whenever the rule is broken (the criterion of sanction).

(iv) knowing a rule involves drawing an inference about the operation of a rule purely on the basis of some observed behavioral regularity (the criterion of behavioral regularity).

It may be noticed that the criteria of articulation and recognition involves a specification of the rule by the agent whereas the criteria of sanction and behavioral regularity involve an inference about the rule by the trained observer. In the last two cases such trained observers may believe that the testimony of the agent is irrelevant. It is this attitude that encourages some people to talk of possessing an implicit or unconscious knowledge of rules or that there must be in our brains analytical mechanisms operating beneath the level of consciousness which have the relevant rules
built into them. But is there really any need to talk in such mysterious ways? One only has to see that the criteria of sanction and behavioural regularity are not sufficient to infer that rules are being followed. Many rules do not require sanctions at all and all regularities need not presuppose rules. It may be suggested, therefore, that the criteria of sanction and behavioral regularity be dropped in favour of the earlier two, where it can reliably be shown, in terms of criteria of articulation or recognition, that someone knows a rule and where this person's behavior involves the rule, only there we have a paradigm-instance of rule-guided behavior.

It has been argued that following a rule presupposes an understanding of the rule. But it can be shown that the understanding of a rule cannot be by itself a cause of following the rule for understanding of a rule is not a sufficient condition for the following of the rule. There are rules of several kinds—legal rules, moral rules, linguistic rules, rules for role-performances, etc. — which we understand and know and yet we are not obliged to follow them. It is we who decide to follow them. Therefore, to follow a rule is to act with a certain kind of reason. The reasons for following constitutive rules and regulative rules
are different. The legal rules, for example, are followed and applied for purposes other than playing the legal-game. The activities which are governed by legal rules are not exclusively defined by them. To cite Max Hulsek's example, one does not park a car to follow rules about parking. One would also park a car in a village which has no parking regulations. The rules of a game on the other hand are applied and followed for the sake of playing the game, although one may secretly break the rules. When players cheat, they do not 'really' play the game. In playing a game one cannot disobey or violate rules. One can only cheat or make mistakes. The reasons for rule-following activities are stated with reference to the rules followed by the agent and his intentions which are formed within the constellation of rules which are rooted in the institutions and many of the social practices prevalent in society to which the agent belongs. Every individual member of a society usually performs more than one rule - rules which are defined by a set of rules which stipulate both his

16 In general, the problem of rule-violation raises different problems from that of rule-following. The problem is to explain why the rules conventions or taboos have been broken in a particular instance or set of instances, whereas ordinarily this is not done. Sometimes rule-violations are also to be explained as the following of different rules and the seeking of different ends.
legitimate functions or tasks and the socially supported claims for the services rendered by him in performance of these tasks. One can be simultaneously performing the roles of being the eldest son in a Hindu family, secretary of the students council, member of the local committee for the Citizen's Democratic Rights — roles of varying scope which may make conflicting demands on the person. In such situations, one usually takes account of the rights and obligations involved in each role and consequently his activities conform or fail to conform, are more or less appropriate. When he follows the rule, his behaviour is obviously rule-guided but even when his behaviour fails to conform, it may still be rule-guided for non-conformity to one set of rules is sometimes due to following another set of rules.

The concepts of role and rule have caught fancy of psychologists and sociologists in the last two decades. Consequently, the game-theory which was confined solely to mathematical analysis of decision-making in a two-person, zero-sum situation is now being used, with modifications and revisions, for understanding the social interaction among members of a community. Goffman, Thibaut, Douglas and many others have studied social interaction on the principles of game frameworks. It is not denied that these frameworks do provide the
sociologist with a useful way of ordering action in human encounters yet the sociologist must not forget that all social encounters proceed from a condition of imperfect, i.e. incomplete information and secondly that the definition of framework is itself a social product emanating from the actual conditions that prevail, and usually, "he who has the bigger stick has the better chance of imposing his definitions of reality." To the extent that life-situations are unlike game-situations, game-theory may reveal new insights but they will be restricted and limited by the inadequacies of the analogy. As Phillips and Mounse have pointed out:

"The point, however, is that the analogy between social life and a game is at best an inadequate one. If we think of the features of a man's life, his life with his family, his work, his membership of a church or of a political organisation, etc., etc., as so many games, we shall find that the analogy can only be taken a little way before it breaks down. The procedures of one game do not interfere with the procedures of another. If a man is playing rugby, he does not have to occupy himself with the procedures of cricket. A man's work on the other hand, may interfere with his family life or with his membership of various organisations. The various activities of a man's life have a relation to one another which does not hold between different games. It is because considerations which belong to different activities in a man's life can affect one another in various ways that one may find oneself confronted by the kind of problem which is described as a moral dilemma."

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