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A New Type of Convention?

Some Remarks on Bruno Celano's Pre-conventions

In “Pre-conventions: A fragment of the Background”, Bruno Celano argues for the existence and philosophical significance of what he calls “pre-conventions” – a type of convention distinct from those hitherto discussed in the literature, and which transcends a number of orthodox philosophical distinctions. In these comments, I suggest that Celano may have shown that there is a distinct type of convention governing judgments of style or taste. If so, we may learn some important lessons (e.g. concerning the relationship between conventions and rules) by examining this new type of convention. However, I express doubts about whether the broader ambitions of Celano's paper are fulfilled. I contend that pre-conventions are not as common as he suggests, and are not present in some of the other examples he gives. I also express doubts about whether he is right to suggest that there is a distinct type of convention that renders possible the development of conventions of the sort which David Lewis was interested in.

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In a fascinating and wide-ranging paper, Bruno Celano argues for the existence and philosophical significance of what he calls “pre-conventions” – a type of convention distinct from those hitherto discussed in the literature, and which transcends a number of orthodox distinctions. Pre-conventions, says Celano, differ from both rules and *de facto* regularities, while possessing features of each.¹ Similarly, they transcend the fact/norm and nature/convention distinctions – they are “normative facts” which have features of both the natural and the conventional.²

The term “pre-convention” might be thought to describe something that is not itself a convention, but (in some sense) comes before genuine conventions. However, Celano is clear that this is not what he is claiming. Pre-conventions are, he says, genuine conventions.³ Indeed, he suggests that they are, in a sense, *primary*. As we shall see, he claims that they make possible the existence of cer-

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1 Celano 2016: 9.

2 Celano 2016: 9 and 30 (respectively).

3 If so, how can they transcend the nature/convention distinction, as Celano claims? I take it that the thought is that pre-conventions are genuine conventions, but possess features of the natural, and so help show that “nature” and “convention” are not mutually exclusive categories. See Celano 2016: 30.

tain other conventions. More generally, while they typically remain unnoticed in the background, pre-conventions delimit the space in which other conventions operate, by shaping our very activities and thoughts.⁴

Celano distinguishes pre-conventions from other types of convention on the basis that pre-conventions are not amenable to “rational explanation”, in the sense that there is no “train of reasoning’ explaining the behaviour of the relevant parties.”⁵ In other words, pre-conventions do not involve “... the reasoned pursuit, by each of the parties involved, of their own goals”.⁶ This characterisation of pre-conventions is not entirely perspicuous, but it appears that Celano has in mind a contrast with views such as David Lewis’ claim that a convention is a way of satisfying people’s higher-order preferences in the face of a recurring coordination problem.⁷ Pre-conventions involve a shared way of doing things, but not one that can be traced back to an attempt by individuals to develop strategies to satisfy their higher-order preferences.

However, at times, Celano characterises pre-conventions somewhat differently. For example, he describes them as involving convergent behaviour “... which is not a biological regularity, and is the result of learning, but which is also automatic: it is spontaneous (unreflective), rapid, fluid, *effortless*.”⁸ He also refers to them as conventions that “... become as natural as breathing, a ‘second nature’.”⁹ If this is intended to distinguish pre-conventions from Lewis-type conventions, then it strikes me as a mis-step. As Celano acknowledges, the following of a Lewis-type convention can also become “second nature”, and his attempt to show how this differs from the way in which pre-conventions are second nature returns us to the idea that the former, but not the latter, is supported by a “train of reasoning”.¹⁰

Before proceeding, I should say something about the ambitions of Celano’s article. At times, his aim appears to be relatively modest (e.g. to show that there is “space” for the existence of pre-conventions, and “that this space is not empty”¹¹). However, at other times, he makes much bolder claims about the

4 Celano 2016: 19.

5 Celano 2016: 11.

6 Celano 2016: 10. See also Celano 2016: 12 (referring to conventions that are amenable to rational explanation as “... the result of decisions by rational individuals pursuing their own interests, in the absence of an explicit agreement ...”).

7 Lewis 1969. Celano refers to both Lewis and Hume (Celano 2016: 12) but, for simplicity, I will refer to these as “Lewis-type conventions”.

8 Celano 2016: 12 (footnote omitted, emphasis in original).

9 Celano 2016: 12.

10 Celano 2016: 14. At least, I take this to be Celano’s point. Read another way, he fails to distinguish pre-conventions from Lewis-type conventions, because he acknowledges that the latter, too, can be “tacit” in the sense in which he is interested.

11 Celano 2016: 19.

philosophical significance of pre-conventions. Some of those claims concern the role that pre-conventions play in our lives. For example, he suggests that pre-conventions make the existence of Lewis-type conventions possible.¹² In Section 5 of his article, he argues that induction requires judgments of salience that may be based on pre-conventions. And, in Section 6, he flags the possibility that pre-conventions underlie what he regards as the best account of concept acquisition and use.

Celano also suggests that the existence of pre-conventions calls into question several philosophical orthodoxies. I mentioned earlier that he thinks that their existence challenges some basic distinctions, such as the fact/norm and nature/convention distinctions. And, if he is right about the existence and nature of pre-conventions, we must reject some widely held views about conventions – e.g. that they are necessarily a type of rule.¹³ As already noted, Celano claims that pre-conventions are distinct from both rules and mere *de facto* regularities.

I will not be able to explore all these issues here.¹⁴ Instead, I will focus on two of Celano's central claims. The first is that pre-conventions are neither rules nor mere regularities of behaviour; the second is that pre-conventions are needed for the existence of Lewis-type conventions. In the course of examining these two claims, I will also consider whether pre-conventions do in fact exist.

To a significant extent, Celano elucidates the concept of a pre-convention via examples. However, many of these examples (e.g. soldiers marching or people playing chess) appear to involve Lewis-type conventions, since they involve the following of rules and are amenable to rational explanation. In the case of playing chess, for example, Marmor suggests that there is a *reason* for the relevant conventions – namely, to satisfy our desire to play a competitive, intellectual board game.¹⁵ Those conventions also take the form of rules (the rules of chess).

¹² Celano 2016: 22.

¹³ See, e.g., Marmor 2009: 1–2. Marmor interprets Lewis as denying that all conventions are rules (at 15–16), but perhaps the better reading is that Lewis claims that some conventions are penumbral, rather than central, instances of rules: see Lewis 1969: 104–105. I think that Celano would go further, and deny that some conventions are even penumbral instances of rules.

¹⁴ In particular, I cannot discuss properly Celano's suggestion that pre-conventions underlie the best account of concept acquisition and use (which he takes to be an internalist, Wittgensteinian account). However, let me very briefly note that, if we instead endorse an externalist account (and I have expressed sympathy for such an account elsewhere: Smith 2012: 90–95), then the role, if any, that pre-conventions play in this context will be much more limited.

¹⁵ Marmor 2009: 41. Marmor claims that the relevant conventions are “constitutive” conventions, not coordination conventions of the sort Lewis was interested in. (See Marmor 2009: 31 regarding this distinction.) I take it, though, that pre-conventions are to be contrasted with both coordination and constitutive conventions.

Celano seeks to challenge this thought by pointing out that the activities in question can be internalised, in the sense of being performed automatically or unreflectively or as a matter of second nature. Indeed, they may be a matter of know-how – someone may know how to march, or play chess well, without being able to express that knowledge in propositional form – and, Celano contends, know-how is not reducible to a set of rules.¹⁶

However, care needs to be taken in analysing these examples. It is plausible that playing chess well involves both abiding by certain conventions and a certain know-how that cannot be reduced to a set of rules. However, it does not follow that the conventions can be equated with that know-how, so as to entitle us to say that *the conventions* are not reducible to a set of rules. Indeed, it is tempting to say that the conventions of chess are (by and large) confined to the rules of chess, and that the know-how involved in being able to play chess well is non-conventional. For one thing, that know-how need not involve any form of agreement, even in Celano's extended sense of "agreement".¹⁷ We can imagine a community in which only one person possesses that know-how; everyone else plays chess poorly.

That said, another of Celano's examples – concerning judgments of style or taste – is less easily dismissed. If we leave aside taste in, say, ice cream, and focus instead on, say, clothing or art, then it is plausible to suggest that there is a conventional aspect to judgments of style or taste. It is also plausible to suggest that these judgments are, in part, matters of know-how, rather than knowing-that. As Celano points out, attempts to reduce matters of style or taste to a set of propositions, such as one might find in a handbook or how-to guide, are typically inadequate and may themselves display a lack of style or taste.¹⁸ Here, we seem to have a subject-matter that is governed (in part) by conventions and yet cannot adequately be reduced to a set of rules. Moreover, it is more difficult than in the case of chess to separate the conventional aspect of the practice of making judgments of style or taste from the aspect of the practice that is irreducible to rules. Indeed, it may be part of the relevant conventions that one must possess a certain attitude, of not trying to reduce judgments of style or taste to a set of rules to be followed. (This may itself amount to a rule, but it entails that *other* conventions governing judgments of style or taste are *not* reducible to rules.)

I put the point tentatively, because there are several objections that would need to be addressed before we could confidently conclude that judgments of style or taste are governed by conventions that are irreducible to rules. For example, it would need to be explained how a breach of the conventions govern-

¹⁶ Celano 2016: 16–17.

¹⁷ Celano claims that all conventions involve agreement, but he uses the word "agreement" very broadly: Celano 2016: 5.

¹⁸ Celano 2016: 17.

ing judgments of style or taste warrants, or is taken to warrant, criticism if those conventions are not rules.¹⁹ Nevertheless, if these objections can be met, then Celano has succeeded in identifying a type of convention that is not reducible to rules, and so differs importantly from both coordination and constitutive conventions. This would represent a significant contribution to our understanding of the nature of conventions.

However, it would not suffice to fulfil Celano's broader ambitions. I have suggested that the phenomenon he has identified is less common than he claims. It does not extend to other of his examples, such as playing chess or marching.²⁰ Nor have we yet been given any reason to think that this new type of convention is necessary for the existence of Lewis-type conventions or that, more generally, it shapes the boundaries of our activities and thought.

To obtain a better sense of whether these broader ambitions can be fulfilled, let us consider Celano's discussion of the relationship between pre-conventions and Lewis-type conventions. He points out that, to follow a Lewis-type convention, one must identify both the action that is required and the situations in which that action is required.²¹ Determining whether a convention applies to a particular situation typically requires one to ascertain whether that situation is relevantly similar to past situations in which the convention applied (what Lewis calls "precedents"). However, as Lewis points out, no two situations are exactly the same, and so there are always multiple ways in which we could draw analogies or dis-analogies between the present situation and a precedent. Nevertheless, we tend to draw analogies in more or less the same way, and this enables precedents to guide our behaviour. As Lewis puts it, "[w]ere it not that we happen uniformly to notice some analogies and ignore others /.../ precedents would always be completely ambiguous and worthless."²²

Celano suggests that our tendency to all draw the *same* analogy is often due to the existence of a pre-convention. While sometimes the drawing of the same

19 See Marmor 2009: 16 for a similar objection, albeit in a different context.

20 An anonymous referee suggested that, once it is conceded that there may be a distinctive type of convention governing judgments of style or taste, we must revisit the suggestion that there is no room for pre-conventions when it comes to playing chess. Consider card games such as poker, which appear (for Celano's purposes) to be relevantly similar to chess: we might think that professional poker players share a certain style that is both conventional and irreducible to rules. I do not know whether this is true, but – if such conventions exist – they would appear to be separable from playing the game itself (or even from playing the game well: as noted earlier, the know-how involved in playing the game well could conceivably be possessed by only one person). If so, their presence is, at most, a contingent feature of some instances of playing a card game, or chess. This might, however, suggest that judgments of style or taste, and the distinctive type of convention that may underlie those judgments, are more prevalent than first appears.

21 Celano 2016: 20–21.

22 Lewis 1969: 37–38 (quoted in Celano 2016: 21).

analogy may be hardwired into all human beings, in other cases it depends on “... more or less arbitrary, agreements /.../ which are neither mere rules nor mere regularities, but which partake of both – they guide action, fixing the *correct* way to proceed: pre-conventions.”²³ These pre-conventions facilitate the regularity of behaviour among members of the relevant group that is necessary for a Lewis-type convention to exist, and hence render Lewis-type conventions possible.

It is important to recognise that the issue here concerns how Lewis-type conventions are established, not how they are maintained once they are established. Consider Lewis’s example of a convention governing who should call back when a phone call is cut off. As he points out, once we have enough precedents (i.e. past situations where this coordination problem has been solved), we can identify a rule governing the situation.²⁴ However, initially, where we have only a limited number of precedents, no unique rule can be identified. For example, perhaps A and B have faced this situation only once before, and that was a case where A placed the initial call. In that case, it was A who rang back after the call was cut off. Now imagine that, this time, it was B who called A. Should B call A back (on the basis that, in the earlier precedent, it was the person who placed the initial call who rang the other person back) or should A call B (on the basis that it was A who called back last time)? Lewis suggests that it just happens to be the case that we tend to answer this question in the same way (in this example, we draw the former analogy, not the latter).²⁵ Celano can be understood as suggesting that this convergence amounts to a pre-convention – not a rule, but something more than a mere regularity of behaviour – which makes the development of the Lewis-type convention possible. However, for the reason Lewis gives, if pre-conventions are needed, it is only at the formative stage of the development of the Lewis-type convention.²⁶

Of course, if pre-conventions are needed at *any* stage in the development of a Lewis-type convention, then identifying this fact is a major contribution of Celano’s paper. However, *are* they needed? It might be suggested that positing the existence of pre-conventions helps make sense of how Lewis-type conventions come about.²⁷ In particular, one might think, it advances our understand-

23 Celano 2016: 22 (emphasis in original).

24 Lewis 1969: 39–40.

25 Lewis 1969: 37–38.

26 Celano might contest this on the basis that, even at a later stage, identifying the relevant rule, and following it, depends on pre-conventions. This would be part of a broader view that rule-following in general requires pre-conventions. I cannot assess that view here, beyond noting that Celano is right to suggest that it stands or falls with his views about concept acquisition and use (concerning which, see above fn. 14).

27 Though cf. Marmor 2009: 21 (suggesting that a philosophical account of conventions should not speculate about how conventions, as a matter of historical fact, emerge).

ing of this process further than the suggestion that it just happens to be the case that we tend to draw the same analogies.

I am not sure, however, that positing the existence of pre-conventions advances our understanding all that far. In this context, a pre-convention amounts to a tacit agreement about how to proceed, in circumstances where it was open to us to proceed differently (by drawing different analogies between situations).²⁸ Given the broad sense of “agreement” used by Celano, positing such an agreement may not take us very far beyond the suggestion that we all just happen to draw the same analogies in the early stages of developing a Lewis-type convention.

Celano might insist that the key point is that the tacit agreement underlying the development of a Lewis-type convention is not amenable to rational explanation. (Recall that this is meant to be the hallmark of a pre-convention). However, it is not clear that this is true. If achieving convergence on which situations are analogous is necessary for a Lewis-type convention to become established, then achieving that convergence is clearly in the interests of the relevant parties.²⁹ Celano might respond that the parties are not consciously pursuing their interests, but rather acting automatically, as a matter of “second nature”. However, as noted above, it is doubtful whether this is sufficient to distinguish pre-conventions from Lewis-type conventions.

Where does this leave us? Celano may have shown that there is a distinct type of convention governing judgments of style or taste. If so, we can learn some important lessons (e.g. concerning the relationship between conventions and rules) by examining this new type of convention. However, there is reason to query whether many of Celano’s broader ambitions are fulfilled. It seems that pre-conventions are not as common as he suggests. I have contended that they are not present in his examples of marching or playing chess. And I have expressed doubts about whether there are distinct, “pre-” conventions that render possible the development of Lewis-type conventions.

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28 This reflects Celano’s suggestion that conventions involve an agreement and a certain type of arbitrariness (Celano 2016: 10), and that pre-conventions are a type of tacit convention (one which is “... not backed by a train of reasoning”: Celano 2016: 12).

29 See Sugden 1998: 404 for the suggestion that this is just another coordination problem to be solved.

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