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## The Genealogy of Normativity

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### Introduction

The area of concern of this paper is certain contemporary approaches to the philosophy of mind. The immediate question that arises is: why bring Nietzsche into this? Firstly, we believe that Nietzsche's discussion of promising in *On the Genealogy of Morality* (henceforth, the *Genealogy*) foreshadows the two contemporary approaches we are interested in, but secondly and more importantly, the *Genealogy* offers two theoretical tools which are lacking from the current debate. The first is that of genealogy itself. With its emphasis on material practices, discontinuity, change and the resistances to such changes, genealogy makes central the problem of the evolution of social systems. Secondly, the way in which Nietzsche's elaboration of the institution of promising is based on a sub-intentional mechanism: mnemotechnics.

The two approaches to the philosophy of mind we will look at are firstly, a variety of representationalism namely *teleosemantics* as theorised by Daniel Dennett and Ruth Millikan and secondly a variety of the *inferentialist* approach as offered by Robert Brandom in *Making It Explicit*. The definitions of these terms will become clear in sections 2 and 3. The appropriation of some of Brandom's ideas by Tim Schroeder, who nonetheless classes himself as a teleosemanticist, will also be looked at. His attempt to employ a certain type of cybernetic explanation offers an immediate and decisive demarcation point from the view that we hold. Both of these approaches see the issue of normativity as central to any philosophy of language. Both see the virtues of giving a *sub-intentional* description of normative mechanisms as being a possible solution to the question of how non-intrinsically intentional systems can give rise to intentional behaviour. The amount of attention given to the

characterisation of these mechanisms is, however, variable. We believe that in many ways this is the most crucial part of the exercise and will argue against their characterisation of these mechanisms.<sup>1</sup>

It seems to us vital that any description of the mechanisms of normative instantiation must be able to account for the alteration of these mechanisms. Teleosemantics comes with such an account built in, as it relies on phylogenetic evolution as the ground for intentionality. However, this reliance upon evolution for the generation of norms (where natural selection works as the normative mechanism) is according to Schroeder, (who, as a self-confessed teleosemanticist is obviously sympathetic) "[teleosemantics'] greatest present difficulty".<sup>2</sup> We will argue that each of the approaches to normativity considered in light of this difficulty (Brandom's account in *Making It Explicit* and Schroeder's attempt to rescue teleosemantics by appropriating and adapting Brandom's social-practice account of norm-generation) are defective in that they fail to provide a basis for the explanation of how it is that such normative systems could change.

It is then claimed that it is the emphasis placed on such changes within normative systems by Nietzsche which provides one of his most forceful and instructive contributions to this line of inquiry. This is because the project of genealogy makes central the claim, to be elaborated on in this paper, that social-normative systems (and, indeed, evolutionary systems more generally) are characterised by a strong degree of *functional disequilibrium*. Consequently, the mechanisms which Nietzsche appeals to in his description of the instantiation of normativity in social practice (the punitive practices of mnemotechnics) are read so as to provide some hints (if not a fully-fledged theory) as to how to model change in socio-cognitive normative systems. A crucial aspect of the mechanisms touched on here is that they can be seen to incorporate in their functioning a nascent capacity to generate what

<sup>1</sup> Whilst both Brandom and Nietzsche would fall into an inferentialist camp, broadly conceived, Brandom is primarily concerned with the formal processes of making explicit the implicit statuses of practices, whilst Nietzsche is concerned primarily with the practices themselves.

<sup>2</sup> "According to contemporary teleo-semanticists, the norms which go into creating minds come from processes of natural selection, which may operate on evolutionary timescales [...] The teleosemantic conclusions have struck more or less everyone not theoretically committed to them as terribly implausible. Furthermore, the problem has been seen as a sort of tragic flaw, because while teleosemantics has its appeal, no one has seen a way of introducing sub-psychological norms into a theory without an appeal to evolution." (Schroeder 1999)

might be termed a surplus value *within* the systems in which they operate. As such they provide the basis for an account of norm generation in which the tendency to mutation is integral to the system.

Before proceeding, it is perhaps advisable to provide a preliminary clarification of some of the terminology just touched upon before going on to examine in more detail Nietzsche's approach to the relationships between the normative and the intentional, and between social practice and evolution, as this appears in the *Genealogy*. This can be done by drawing a somewhat artificial (and crude) distinction between two opposing trajectories in the analysis of material and cultural systems. On the one hand there are those who give central place in their ontology and methodology to the existence of linear, mechanical, or autopoietic systems where equilibrium, equivalence and homeostasis are fundamental explanatory terms.<sup>3</sup> On the other are those who emphasise not just the dynamism of systems, but who believe that the appearance of equilibrium and equivalence is in fact what needs explaining – when it is not a totally misleading concern (as the study of systems which show no tendency towards an equilibrium, or have multiple equilibrium states, yet are still stable, or properly, meta-stable, has shown). This distinction is a caricature but vital nonetheless. For the latter camp the term 'functional *disequilibrium*' must be taken for a tautology: as Deleuze and Guattari put it in *Anti-Oedipus*: "it is *in order to function* that a social machine must *not function well* [...]. The dysfunctions are an essential element of its very capacity to function".<sup>4</sup> This caricature can be best diagrammed in terms of a constellation of three opposing concepts, which although probably familiar to many, we will explicate so that the sense (and therefore the importance) of these oppositions will be explicit:

Column 1	Column 2
linear	non-linear
equivalence	surplus value
equilibrium	functional <i>disequilibrium</i>

The two most important things that need to be born in mind are that: firstly, non-linear systems will not necessarily have a single solution

<sup>3</sup> As supporters of 'constructivist' approaches to ontology, we do not believe that the line between ontology and methodology is anything other than arbitrary.

<sup>4</sup> Deleuze and Guattari 1984: 151 [italics in original]

(multiple-equilibriums) and that in any systems other than those characterisable by single point attractors, the systems will never settle down to a steady state but will not (necessarily) thereby break down (hence: meta-stable); secondly, the control parameters of the system are themselves part of the system – and these parameters can themselves change at a 'bifurcation' point (systems may have many such points) should the system be driven to one. This second point, concerning whether the controlling parameters are part of the system or external to it, creates a link to cybernetic theory, at least as employed by Schroeder. Very loosely: systems where the control parameters are external to the system are characterised as first order cybernetic systems;<sup>5</sup> those where the control parameters are part of the system are second order systems.

The pair equivalence / surplus value does not appear to be such a simple opposition. As a first point, we are not using the term surplus value in its strict Marxian sense (where it is tied to the extraction of surplus labour power in a capitalist economy). It is at this point that Nietzsche's insights come in. In the second essay of the *Genealogy*, Nietzsche's genealogy points to the notion of *debt* as fundamental to any understanding of the concept of guilt. He postulates an 'equation' of 'injury done = pain to be suffered' which rejects any interpretation whereby this equation should be understood as relying on a common unit, for instance utility (which had already been thoroughly rejected as a useful explanatory term in the first essay of the *Genealogy*) or a cash-nexus.<sup>6</sup> This is the first point to be understood in our use of surplus value – it functions via heterogeneous terms without any common 'currency' that would establish a unit of equivalence. As a direct consequence of this heterogeneity, this lack of equivalence, we use the term *surplus value*.<sup>7</sup> The final term in each column functions as consequences of the first two terms. Systems in functional disequilibrium will be both non-linear and involve a heterogeneity of parts or terms with no common unit of equivalence. Why should one choose to characterise social systems

<sup>5</sup> That this is not as neat a pattern as we may have wished is due to the fact that a first order cybernetic system may employ either negative or positive feedback and positive feedback first order systems are explosive – equilibrium is not a term that they call to mind.

<sup>6</sup> Marx's rejection of money as an *a priori* unit of equivalence is as crucial as Nietzsche's rejection of utility.

<sup>7</sup> Bataille's *The Accursed Share* must be taken as a vital precursor to this way of thinking, but there is insufficient space to fully develop this.

using the terms in the left hand column?<sup>8</sup> It is necessary to realise that both money and utility are *themselves* normative and normalising functions and that therefore an appeal to them as explanatory terms in the functioning of normative mechanisms would be completely circular.

We believe that it is only through the realisation that social systems are not and *could not* be in equilibrium that any progress towards understanding either the persistence of social systems or their mutation is possible. We must eliminate the prejudice which claims that persistence equals equilibrium and clarify the counter claim that it is only through *disequilibrium* that social systems function.

### Section 1. Genealogy: from morality to normativity

*On the Genealogy of Morality* could for the purposes of this paper be renamed 'The Genealogy of Normativity' (what, after all, are morals but norms mistaken for transcendent laws?). It is important to be clear about the order of explanation which Nietzsche is pursuing in the *Genealogy*. In particular, the relationship between two pairs of explanatory concepts must be clarified: firstly, there is the co-implication of the normative and intentional idioms; secondly, there is the question of the inter-relationship between social practice and evolution, both of which Nietzsche appeals to in seeking to give an explanation of the emergence of the first set of concepts.

That these are the crucial pairs of concepts in Nietzsche's account can immediately be seen in the way in which Nietzsche poses the question which is to orientate the project of genealogy:

To breed an animal which is able to make promises - is that not precisely the paradoxical task which nature has set herself with regard to humankind? Is it not the real problem of humankind? [...] This necessarily forgetful animal, in whom forgetting is a strength [...] has bred for himself a counter-device, memory. (*Genealogy* II §1)

<sup>8</sup> For the most obvious reason, that the alternative simply fails to accurately characterise social systems, see Ormerod 1994 which takes great pains to show how neo-classical economics (which can be regarded as the paradigm instantiation of a social science employing notions of equivalence and equilibrium as basic explanatory categories) should indeed be regarded as the 'dismal science' if only for its failure to make successful predictions.

Whilst Nietzsche's overall concern is with the genesis of specifically *moral*, and therefore (in some sense) normative, discourses, it is equally clear that, for him, the investigation of this emergence cannot but be, at the same time, an exploration of the intentional more generally.<sup>9</sup> It is precisely because of this co-implication between the normative and the intentional that Nietzsche can treat the evolution of the capacity for moral (i.e. normative) action and judgement as of such demarcational significance. In this respect, Nietzsche is here consonant with a substantive tradition in the philosophy of mind which treats intentionality as the distinguishing demarcational feature of humanity. Shifting the focus of investigation in this way has the effect of positioning Nietzsche's account of the terms in play here within the purview of the philosophy of mind and language, rather than an explicitly ethico-moral one. The form of intentionality therefore focused on is one which stands in a proprietary relation to *rationality*, rather than *freedom*.

The sense in which the institution of promising leads to intentionality in this form can be explicated as follows: the capacity to entertain and produce promises both entails and presupposes the capacity to entertain and produce other 'cognitive' attitudes and abilities which are characterised as intentional owing to their propositional form. Thus the ability to produce a performance which could be claimed to exemplify a grasp of the *content* of the concept of promising (and thus to count as satisfactorily *having promised*) entails and presupposes certain other propositional attitudes; for example, that one 'believes that' one has made a particular kind of promise rather than another one (e.g. that one has promised to meet a friend at two o'clock outside the bus station, rather than at three o'clock outside the record shop); that one 'desires that' one should keep one's promises, and so on. The ability to make a promise, then, is the ability to produce a proposition (in the form of a speech act or an assertion, or in the form of producing a performance which 'counts as' having made such an assertion - e.g., signing a contract) the content of which is determined by the ways in which it stands in certain relationships to other states, statuses and attitudes which are intentional. That is to say, it is in virtue of the fact that a

<sup>9</sup> The sense in which we, following Quine, use 'intention' is *aboutness*. What is crucial is the necessity for sentences or ideas *to fail to be about* what they intended to be about. It is this possibility of either failure or success which introduces the inescapably normative dimension to intentionality as it used here.

promise stands in the 'appropriate kind' of relation to these other states, statuses and attitudes that determines that the promising performance *has a content* at all.

For Nietzsche, the question of promising marks man out as that which is simultaneously the subject of a moral discourse and as that which employs a mode of discourse which is characterised by intentionality. At the same time, however, while these characterisations of man are accurate (in that they designate a determinate reality of man's experiences of others and itself) they are *not* to be taken as descriptive of an ahistorical, metaphysically determined conception of a transcendent subjectivity. The whole point of the genealogical project is to destroy such a conception of transcendent subjectivity by showing how that conception is itself the product of an historically situated processes of evolution, where the latter term must be taken to encompass not only natural but also social and cultural processes (in as far as Nietzsche will insist on attributing this emergence not only to 'natural' processes but also treat them as being, in an important sense, products of man's *own* activity - the vast 'labour of man on himself').

With this in mind, a crucial constraint on this genealogical demystification of transcendence becomes evident. It is not permissible for such a project to treat the conception of subjectivity with which it deals as though it were a merely empirical form of error, or *simply* an illusion. In as far as this conception of subjectivity is the product of historical processes, it is *produced as real*; that is, it has effects which are real (not the least of which is making a major contribution to man's status as 'the sick animal', but also as the one which because of that sickness becomes, for the first time, 'interesting'). We *do* entertain moral judgements, just as we *do* effectively employ intentional vocabulary. What genealogy calls for, then, is that the moral and the intentional (with which we are primarily concerned) are *explained*, not just *explained away*. This amounts to the commitment to not treat these categories as primitive terms in a genealogical account (since they are in fact just what needs to be explained), but to show how their employment arises from the features of a set of more fundamental explanatory concepts.

Nietzsche proceeds to destroy the pretensions of transcendence in moral discourse by showing how it is dependent on a more fundamental normative basis (and hence shows that morals are really norms mistaken for transcendent laws). He does this by showing how the employment of particular semantic and intentional terms (for example, the slave's employment of 'Good and Evil' as contrasted with the noble use of

'Good and Bad') is dependent upon an intrinsically *normative* set of constraints (what Nietzsche calls a system of 'evaluation') which govern how it is appropriate to *use* such terminology, and thereby also govern how it is appropriate to *treat* such employments of that terminology (i.e., as a correct or incorrect application of the concept, or as according or not according with the 'rules' governing the employment of that concept, where the rules need not be explicitly *stated* but may be implicit in the practices which impart the normative constraints).

By contrast, according to Nietzsche, the fundamental norms governing the application of intentional concepts in the previous moral regime (the moralities of custom, or of Good and Bad) are those which govern the proprieties of treating someone as standing in a relation of "debt" to another. As Nietzsche puts it:

Have these genealogists of morality up to now ever remotely dreamt that, for example, the main moral concept, '*Schuld*' (guilt) descends from the very material concept of '*Schulden*' (debts)? or that punishment, as *retribution*, evolved quite independently about freedom or the lack of freedom of the will? [...] That inescapable thought, which is now so cheap and apparently natural [...] is actually an extremely late and refined form of human judgement and inference; [...] And where did this [...] perhaps now ineradicable idea gain its power, this idea of an equivalence between injury and pain? [...] In the contractual relationship between *creditor* and *debtor*, which is as old as the very concept of a 'legal subject' and itself refers back to the basic forms of buying, selling, bartering trade and traffic. (*Genealogy II §4*)

The fact that it is these different constellations of norms which govern practice in the moralities of custom, as opposed to those of *ressentiment* (i.e. that the former derive from the norms and practices implicit in a commercial context, whereas in the latter these derive from a religious context) is, for Nietzsche, what determines the different ways in which the intentional and semantic terms 'Good', 'Bad' and 'Evil' have content in their respective settings.

To summarise, on this normative reading of Nietzsche's text, what makes a particular intentional proposition (such as "I believe that this man is evil") contentful is the way in which its employment is governed by norms which indicate how it is correct to use that proposition; what is

distinctive in intentionality is the way in which it answers to these conditions of normative employment. It is in this sense that intentionality is constituted by normativity.

In the case of promising, the normative constraints are the specification of how one ought to behave in light of that intentional performance (including not just the actions, but also the other intentional attitudes which are appropriate to that concept). Whilst the way in which one is assessed as having, in practice, satisfied those (implicitly acknowledged) commitments constitute the processes of normalisation. These in turn *explain* how it is that those norms come to actually obtain (whether they are always conformed to in practice or not).

This strategy for delineating the specifically normative nature of the intentional capacity for promising can be seen in Nietzsche's account through the roles which he assigns to memory and practice in the explanation of this (intentional) institution. The fact that Nietzsche immediately invokes memory in relation to promising is a clear indication of his normative and practical approach to that concept. The ability to remember what one has promised (or, indeed, *that* one has promised) is not just another intentional competence which one must possess if one is to effectively produce promising-performances; nor is it just part of the causal mechanism to which one must make reference in explaining how a particular promising-performance came to come about. Rather, it is indicative of the fact that the putative intentional state of 'promising' is more fundamentally a *normative* notion. For the memorising of a status or performance is something which *itself* can be done correctly or incorrectly - and as such it is liable to normative assessment in just the same way that one's actual performance with respect to the commitments undertaken in a promise are. Stressing the intimacy between memory and promising is a way for Nietzsche to draw attention to the fact that the employment of an intentional term such as promising is saturated in, and in fact dependent for its content on, normative constraints. It is in a particularly normative sense "that he, as someone making a promise is, is answerable for his own *future*!" (*Genealogy* II, §2) and it is this normative sense which provides the intentional aspects of promising with its content.

Moreover, drawing attention to the role of memory in this way also serves to highlight the ineliminably *practical* dimension of the intentional. Committing something to memory is something which can be *done*, just as the assessment as to whether or not it was done correctly is something which can be *done*. This highlights not only the fact that

the normative constraints which are taken to be fundamental to the intentional are manifested in the proprieties of practice which dictate how it is appropriate to *use* a concept (and that intentionality, via its grounding in normativity, is above all a matter of practice) but that certain normative constraints obtain with regard to conceptual employment only because they function as a result of practices which institute and reinforce them in turn. Not only normative constraints but *processes of normalisation* are required in the elaboration of a genealogical investigation.

Nietzsche can clearly be seen to appreciate this point in his insistence that memory (and thus the intentional capacities which depend on this kind of normative notion) is something which in an important sense has to be *produced* (i.e. instituted in practice).

That particular task of breeding an animal which has the right to make promises includes, as we have already understood, as precondition and preparation, the more immediate task of first *making* man to a certain degree undeviating, uniform, a peer amongst peers, orderly and consequently predictable. (*Genealogy* II §2)

The mechanisms which Nietzsche then appeals to as instituting the required processes of normalisation via a practical application are the punitive practices of mnemotechnics, or the system of cruelty.

'How do you give a memory to the animal man? How do you impress something upon this partly dull, partly idiotic, inattentive mind, this personification of forgetfulness, so that it will stick'...This age-old question was not resolved with gentle solutions and methods, as can be imagined; perhaps there is nothing more terrible and strange in man's pre-history than his *technique of mnemonics*. 'A thing must be burnt in so that it stays in the memory: only something which continues *to hurt* stays in the memory' - that is a proposition from the oldest (and unfortunately the longest-lived) psychology on earth. [...] With the aid of this sort of memory, people finally came to 'reason'! (*Genealogy* II; §3)

Nietzsche's explanatory strategy runs as follows. His point with regard to the priority of promises in investigating the genesis of moral

discourses is not that this institution is itself the fundamental unit of explanation for such a project, but rather that the institution of promising is a paradigmatic case of *that which is in need of explaining*, if one is seeking to provide such a genetic account. That is to say, Nietzsche reads the institution of promising as itself being emblematic of an intentional level of description and then insists that this level stands in need of an enumeration of material conditions of realization – this being the whole point of the project of genealogy.

This more fundamental level of explanation, then, is that of normativity. Nietzsche's claim is that the ability to engage in and with intentional (and, by implication, moral) vocabulary and behaviour is dependent upon the further capacity to engage in rule following (rather than rule governed) behaviour: i.e. to be subject to systems of normativity via processes of normalisation.<sup>10</sup>

By treating intentional content in this way, Nietzsche fulfils one of the first requirements of genealogy as a method: to explain the intentional in terms of some more fundamental category, thereby warding off (for the time being) the possibility that the moral and the intentional would be taken as ahistorical, transcendent determinations of subjectivity. At the same time, however, this appeal to the normative does not entail that the intentional is merely explained away. Rather, it is properly accounted for. This preserves the second constraint on genealogy: not to treat the forms of (normatively circumscribed) subjectivity which genealogy encounters as though they were merely illusions. Rather, they must be accounted for as determinate productions of historical processes of evolution (encompassing both natural and socio-cultural processes). This in turn, though, imposes a third requirement on genealogical analysis: to account for the *particular* ways in which normative systems function to confer the intentional contents that they do. The satisfaction of this requirement necessitates that an account be given of how normative constraints come to be instituted by practices which *actually do* serve to impart the particular intentional contents that they govern. This is in effect a demand that a genealogy should investigate the mechanisms which are in play in the processes of

normalisation which subtend the effective imposition of normative constraints.

Secondly, it follows from the explanatory strategy to which genealogy is committed that the mechanisms appealed to as instituting norms in practice must be characterised in *sub-intentional* terms, on pain of introducing circularity into the explanatory programme. One cannot appeal to intentional terms as part of an explanation of how normative constraints are instituted, since the notion of normative constraint is itself being employed to provide an explanation of intentional content.

Nietzsche's explanatory strategy in the *Genealogy*, then, is to explain the content of intentional level phenomena by reference to their normative character and then to explain how systems of normative constraint are introduced to the employment of intentional terminology (in such a way that they confer *that* content on *those* performances) by reference to the operation of mechanisms of normalisation which institute normativity in practice. These mechanisms in turn must be understood as functioning at a sub-intentional level.

These points need to be borne in mind as we proceed, in the next section, to compare Nietzsche's approach to socio-cognitive explanation with some other contemporary approaches in the philosophy of mind. Here, the initial clarification of Nietzsche's construal of the relationship between intentionality and normativity (as presented in this section) provides the basis for an identification of the way in which Nietzsche's project is consonant with the methodology of two contemporary schools in the philosophy of mind: teleosemantics (which will be discussed primarily by reference to the work of Dennett and Millikan) and Brandom's version of an inferentialist normative pragmatics. The issues of the relationship between social practice and memory will then provide a basis from which to differentiate Nietzsche's approach from these contemporary positions. Delineating what is distinctive of Nietzsche's project in this way then clears the ground for the explication of what we take to be his most significant contributions to these debates.

<sup>10</sup> The need to keep open the possibility of error in acting in a normative relation to a rule (if one is to construe that relation *as normative*) is a fundamental point of Wittgenstein's in the *Philosophical Investigations*. As he puts it there, "One would like to say, whatever is going to seem right to me is right. And that only means that here we cannot talk about 'right'." [PI: 258]. The possible ways in which an account of normative mechanisms can count as maintaining a distinction between correct and incorrect performance is a subject for discussion later in the piece.

## Section 2. Normativity in the philosophy of mind

The main respect in which Nietzsche's approach to intentionality in the *Genealogy* coheres with those of teleosemantics (Dennett, Dretske, Millikan, for example) and Brandom's inferentialism is in seeing intentionality as *constituted by normativity*. This shared conception entails that a crucial constraint comes to apply on each of the differing ways in which they then come to elaborate a further explanation of the relationship between the normative and the intentional: that any subsequent theorising must not make appeal to intentional terminology as an explanatory primitive since this is just what stands in need of an explanation in the first place. The manner in which this obligation is discharged is, of course, different in each case; indeed, it could be said that it is the differing approaches to discharging this explanatory commitment which are constitutive of the particularity of teleosemanticism *vis-à-vis* a normative inferentialism.

The major divergence between teleosemantics and Brandom's species of inferentialism lies in what they consider to be the ultimate source of the norms which are taken to be constitutive of intentionality in each case. For teleosemantics the ultimate grounding for a normative approach to the intentional is evolution. For Brandom, it is the normative pragmatics implicit in "the game of giving and asking for reasons" which, when conjoined to his specific variety of semantic inferentialism, provide an account of "deontic scorekeeping practices" which suffice,<sup>11</sup> he claims, to confer propositional (i.e. conceptual) content onto the states, attitudes and performances of those who engage in them. To confer propositional content to such states is, for Brandom, to give an account of their intentionality.

This substantive disagreement between the two stances yields a number of other aspects in which their accounts diverge. Two of these are of particular importance for this piece. Firstly, there is the way in which these different conceptions of the ultimate source of normativity lead the two camps to formulate differing approaches to the question of the status of *representation* in theories of intentionality. Secondly, there is the way in which they are led, by the selection of the grounding of normativity, to offer contrasting accounts of the *mechanisms* which are

<sup>11</sup> This is shorthand for describing the commitments and entitlements to commitments which are undertaken oneself and attributed to others in the context of specifically linguistic assertions.

to be appealed to as instantiating and maintaining norms in an intentional population or system.

Consideration of these divergences in turn allows the possibility of delineating the alternative ways in which each camp might be led to treat the questions inherited from the *Genealogy* (as discussed in the previous section): namely, how is the term 'memory' to be understood and in what relation does it stand to (social) practice, particularly in an 'evolutionary' context? This then provides a point at which Nietzsche's initial similarity to these two approaches can be sharpened such that the areas in which his position diverges can be ascertained - this in turn making visible the point at which his most distinctive contribution to the debate can be made.

The upshot of the clearer demarcation of Nietzsche's position is to see him as, perhaps surprisingly, initially closer to a Brandomian line than that of the teleosemanticists as regards the questions of representation, evolution, memory and practice (and their inter-relation). However, a substantial difference between them lies in the way in which they approach the mechanisms which *instantiate normativity in practice* - specifically, the differing ways in which they construe *sanctions*. This issue is in turn clarified when we come, in a later section, to consider Schroeder's criticism of Brandom (which seeks, in part, to rehabilitate the teleosemantic project by restructuring its account of the source of normativity along more Brandomian lines whilst also attempting to preserve its naturalistic sense rather than opt for his full-blown social-inferential account of intentional content). It is at this point that the aspects of Nietzsche's project (flagged in the introduction) which stress functional indeterminacy and phenomena of surplus value as being fundamental to the mechanisms of punitive practice come to bear critical fruit.

Having brought in this point, it is pertinent to note the presence of a further conceptual issue which is to be crucial in delineating the Nietzschean approach from the other theories being considered. Both teleosemantics and Brandom's inferentialism adopt broadly functionalist approaches to the attribution of intentional content (this being a consequence of their shared appreciation of the ineliminably normative dimension of functional analysis). As will be seen, the domains which are taken to be the proper object of such functional analysis differ in each case in accordance with their differing locations of the source of the sort of normativity which is taken to matter for intentionality. For teleosemantics the relevant functional roles to be individuated pertain to the proper functioning of the cognitive and material architectures

subtending intentional performances; they are to be located within the organism in the context of its phylogenetic history. For Brandom the relevant functional roles are the deontic statuses which are kept track of in undertaking and attributing inferentially articulated commitments to oneself and others; these functional roles are to be located amongst an interconnecting web of public assertions or speech acts (and their inferentially relevant neighbours) and, crucially, in the proprieties of essentially social practice which govern when and how it is appropriate to treat someone *as* committed or entitled to those assertions. The conceptual role semantics which Brandom pursues in his work (in which conceptual role is defined primarily by proprieties of inference) takes the proper domain of functional analysis to be the social systems in which they are implicated in the game of giving and asking for reasons.

Besides these specific differences in the selection of appropriate domain for their varieties of functionalism, there is an implicit division as to how functional analysis itself should proceed. This concerns not just *which* systems are taken to be the functionally relevant ones for the attribution of intentional content but also *how* one should decompose the relevant functional parts of, or roles within, that system. This issue is to be brought out more fully in the following, but for the time being it can be noted that there are two different approaches to this kind of functional analysis: decomposition by *function* (or, *structure*) and decomposition by *activity*.<sup>12</sup> This distinction will be seen to be crucial in what follows in that the two different methods for the decomposition of a functional system have considerable implications for the issue of where the boundaries of an intentional system are to be drawn and thus as to how such systems are to be individuated at all. It will be seen that part of what is meant by the terms functional indeterminacy and surplus value depends upon the way in which this decomposition and individuation of intentional systems proceeds.

An examination of the teleosemanticist's approach to intentionality and normativity can be provided through a brief discussion of the salient elements of Dennett's and Millikan's work.<sup>13</sup> Both authors see the

<sup>12</sup> Following Hendriks-Jansen 1996.

<sup>13</sup> Whilst this discussion will undoubtedly fail to register some of the subtleties of Dennett and Millikan's theorising, including some of the points on which their own viewpoints diverge, it remains the case that there is considerable agreement between them - enough for the following broad brush treatment to avoid inflicting excessive distortion to their philosophical positions by running them together in this context. For a discussion of the affinities and divergences between Millikan and Dennett on these topics see Millikan 1993 and Dennett 1993.

intentional as properly accounted for in normative, rather than simply causal, terms. They therefore seek to explain intentionality in terms of this more fundamental level, firstly, in Dennett's case, by offering a primarily normative account of what it is to *be* an intentional system and, secondly, in both cases, by offering an explanation of the functioning of the relevant normative mechanisms by appeal to evolutionary theory. In explicating this latter aspect we shall concentrate on Millikan's account of the "proper functioning" of "intentional icons".

The core of Dennett's classic paper [1971] 'Intentional Systems' is the claim that the status of 'being an intentional system' is, more fundamentally, a question of having a certain normative status. He explicates this claim at two levels. The strong part of the claim is that there is, for Dennett, nothing more to *being* an intentional system than being *appropriately treated* as one. This means that the question of whether or not a candidate system *is* an intentional system cannot be settled by an appeal to a metaphysical fact of the matter. This amounts to the claim that there is no such thing *at all* as 'intrinsic' or 'original' intentionality.

Giving up on the notion of intrinsic intentionality does not, however, mean giving up on the idea of any account of a notion which is so crucial to philosophical approaches to cognition, intelligence and rationality. It simply entails that the notion of intentionality is to recast in normative terms: there is intentionality, and since it cannot be treated in straightforwardly factual terms (either metaphysically or by appeal to the "causal powers of brains to give rise to intentional states"<sup>14</sup>) it is to be treated normatively. To be an intentional system *just is* to be appropriately treated as one, where the force of 'appropriately treated' derives from the normative constraints which hold on such intentional interpretation. This explanatory strategy obviously commits Dennett to offering an account of the normative employment of the intentional terminology (e.g., propositional attitudes and the like) to be used in that interpretation.

Dennett (and teleosemanticism more generally) construes the intentional in normative terms. How, then, does the normative level itself come to be explained? It is clear that it still does stand in need of explanation since even once it is defined in normative terms it remains the case that it is "vacuous as psychology" since it still presupposes that which it is the job of a mature and materialistic psychology to explain:

<sup>14</sup> A move made by John Searle [1980] and repeatedly derided by Dennett as an appeal to "wonder tissue" (see, e.g. Dennett 1980, 1987 chs.8 and 9, 1993)

rationality and intelligence. The intentional stance can provide a normative account of the functional roles and competencies of a cognitive system only in so far as it satisfies the conditions of rationality (or optimal functioning in a particular environmental context which constitutes the 'intentionality of the system) in the first place. It is this which makes sense of using intentional level attributions as reliable indicators of design specs in the first place. Such a substantive assumption of rationality must itself be cashed out at the material level and, for the teleosemanticists, this cashing out is ultimately rendered in terms of design.

The warrant for an assumption of rationality when applied to natural intentional systems is not just that this is a requirement for intentional stance predictions to gain any purchase on the target system. It is, rather, parasitic on an evolutionary argument. It makes evolutionary sense to attribute to a natural intentional system the beliefs, desires etc. that it ought to have given its present circumstances, interest in survival and reproduction etc. precisely because if it persistently failed to attain these appropriate normative states in its day to day interactions with the world it would simply not be a candidate for survival and, therefore, it would not be here. The substantive rationality assumption which underwrites intentional attribution is itself discharged at the level of the design stance. If a creature's visual system were not connected to its motor-responses in such a way that it either systematically failed to register the presence of predators or conspecifics or failed to act appropriately in light of this information (e.g. by either setting in motion responses of the fight or flight variety), then it would not last very long as a viable species. According to this approach to Darwinism, the persistence of a species constitutes evidence that it is, to some degree, optimally designed by the processes of natural selection.

The reliability of attributing intentional content to a natural system such that this can play a normative role, in the development of materialist orientated cognitive science by helping to establish the competencies and functional roles which would have to be realised at the sub-personal and sub-intentional level, is underwritten by the assumption of the (relative) rationality of the system. This is in turn derived from an assumption of *relative* optimisation of design dictated by processes of natural selection. This is a first sense in which evolution is the primary source of normativity in Dennett's teleosemantic project.

It is the processes of normalisation provided by selection pressures operating over the evolutionary time scale which instantiate and maintain a normative reading of both the intentional stance and design

stance levels of Dennett's explanatory framework. In each case it is evolution which is the source of the conviction that the system works as it *ought* to. At the global, intentional level of the system, it is evolution which provides the warrant for attributing to the system the competencies which it ought to have (and which therefore confer intentional content on those competencies). Equally, at the sub-personal mechanistic level of the system, it is evolution which dictates that the mechanisms function as they *ought to* in order to instantiate the competencies observed at the intentional level. It is evolution which therefore underwrites the inferential moves between the normative attribution of intentional content in the intentional stance and the normative attribution of functional content at the design stance level.

That the design stance is itself to be read normatively in terms of an account of the *correct* functioning of sub-personal cognitive mechanisms is the second sense in which evolution is the ultimate source of normativity in the teleosemantic project. For if a particular sub-personal cognitive mechanism is to be endowed with a particular function (in order to discharge an intentional level competence at the sub-intentional level) this too is a normative matter. A sub-personal, sub-intentional cognitive mechanism can be said to perform a certain function (and so instantiate an intentional level functional competence by standing in certain relations to other parts of the cognitive mechanism) only if it is construed teleologically - as having the purpose of serving that function. Such a specification can only be delivered in normative terms since such a construal of a functional mechanism funds a distinction between a cognitive mechanism's performing its function correctly or incorrectly (where that notion of correctness is to be cashed out at the level of the contribution the operation of that mechanism makes to the correct or incorrect performances at the intentional level).

For example, one might seek to give an explanation of a particular intentional system's failing to discriminate certain environmentally significant (and therefore potentially intentionally contentful) state of affairs by appealing to a malfunction in the cognitive mechanisms subtending that performance (e.g., that it failed to discriminate the presence of potential mates due to a malfunction in its symmetry detection mechanisms). In this case the functional relation between the sub-personal cognitive mechanism and the intentional level competence is construed in normative terms. One explains the incorrect performance at the intentional level (that it did not have the intentional content that it *ought* to have had in that failed to discriminate a potential mate) by appealing to an incorrect performance at the sub-personal level (that the

mechanism is functioning incorrectly relative to the performance which it *ought* to produce, i.e. the one which it is its *function* to perform, the one which it was *designed* to perform). Talk of function presupposes both the notion of purpose and the notion of *malfunction*, of incorrect performance of its function, of behaving contrary to how it ought to perform. For teleosemantics to engage in inferential transitions between the functional performances of the intentional and sub-intentional levels (which is an essential requirement for the theory if it is to be able to discharge attributed intentional contents at the level of mechanisms, and so count as offering an *explanation* of those contents at all) it has to be able to provide a principled normative reading of the function of cognitive mechanisms. This is a theoretical challenge tackled head on in the work of Ruth Millikan.

Millikan seeks to provide an account of the (explicitly normative) "proper function" of a cognitive mechanism by appeal to its evolutionary "history of use" (Millikan 1984 and 1993). She provides a definition of an "intentional icon" (from which she goes on to construct a naturalised notion of representation) in terms of the proper functioning of a cognitive mechanism in relation to an environmental feature. The content of this proper function is determined by the contribution it makes to the organism's fitness when it operates in its normal conditions of use. This is in turn defined by the way in which two specific mechanisms (one which produces the intentional icon and one which it consumes it) co-operate in latching on to a relevant environmental feature in accordance with what Millikan calls a "mapping-rule". The first mechanism brings about the effect of the icon produced mapping the relevant environmental feature, as it has been adapted to do: "[For example] images on the retina of the eye are formed due to the structure of the eye lens. And the eye lens was designed by evolution for the purpose of bringing about such systematic mappings between certain environmental structures and these images. The patterns are thus intentional icons; the lens is their 'producer'." (Millikan in Dahlbom 1993 p.99) The second mechanism is one internal to the consumer of the icon. This mechanism is one which is guided to perform its normal function when the icon and the environment are mapped by the relevant rule when produced by the first mechanism. An example of these would be the mechanisms which activate nectar-gathering in bees when lone bees return to the nest and in their dancing produce the intentional icon which maps onto the current environmental location of some nectar. The

content of such intentional icons is determined strictly by their proper function in terms of *contribution to fitness*:

Consider the content to be that mapped feature to which the icon specifically adapts the *user(s)* of the icon. It is that feature which, if removed from the environment or incorrectly mapped, will guarantee failure for its users. It will guarantee failure, that is, granted there occur no coincidental interventions, no helpful contingencies not historically normal for performances of the user's functions. Suppose then that in the normal case the bee dance maps not only the location of the nectar but also the direction from which the dancing bee last approached the hive. Its content concerns the location of the nectar, not the direction of the dancer's approach. This is because it is only if the location of the nectar is mapped wrongly that the watching bee's normal reactions to it will fail, barring miraculous intervention, to fulfil their proper functions. If the location of the nectar is correctly mapped, but in fact the dancing bee's last approach to the hive was from an unusual direction, this won't affect the success of the watching bees. (1993:101)

Millikan, then, provides a definition of normal function which is tied strictly to its history of use in the evolutionary adaptation of a species. The content of intentional icons is derived solely from the phylogenetic history of a species. Millikan extends this conception to both the notion of internal representation and to 'language devices' such as sentences and words such that these have their meaning conferred on them by their own history of use rather than from the intentions of those who utter them. These language devices are in turn regulated by the employment of internal representations such as consistency tester mechanisms which are modelled on analogy with focusing which develops in infant's acquisition of vision.

This concludes an examination of some of the relevant aspects of teleosemantics normative approach to the relationship between intentionality and normativity. We have seen that this research programme pursues the explanatory strategy so far marked out as central, of taking intentionality to be explicable at a more fundamentally normative level. Then of approaching an explanation of the operation of these normative constraints by reference to a sub-intentional mechanism. The ultimate source of this normativity, on the teleosemantic account, are the processes of evolution in that it is norms derived from this source

which underwrite the possibility of conceptualising the relationship between the intentional level and the sub-intentional level of cognitive mechanisms in functional terms. What sort of conception of the role of representation is provided by the teleosemantic picture? What sort of account of the mechanisms which instantiate and maintain the crucial normative constraints does it envisage? Finally how do these issues reflect on the question of what sort of conception of memory does this contribute to investigation of Nietzsche's position in the *Genealogy*? What are the possible relations between forms of social practice and the generation of memory? And how does this reflect on how Nietzsche should be seen as approaching the question of evolution more generally, but in particular on the question of the 'evolutionary' treatment of social practices?

This overall account of representation and of the sub-intentional mechanisms which explain the normative dimension of intentional content yield the following sort of (fairly familiar) picture of memory. On this account memory is essentially a cognitive structure centred inside the organism. It has various functional components which correspond to the different roles which it has to play in relation to other cognitive performances. These functional components function as they do because they have the necessary structure to enable the kinds of performances which constitute adaptations to the environment; as such their structure is taken to be derived from natural selection. In all probability the function of one (or more) of its mechanisms will be to store, retrieve and produce representations of what is held in memory - these may take the form of sentences. In short, the teleosemantic account suggests a facultative conception of memory. The relationship between the social practices of punitive mnemotechnics and memory which is Nietzsche's problematic in the *Genealogy* (on the teleosemantic reading of the normative status of intentional content) can only figure in terms of the way in which these practices function as a culturally based selection pressure. This gives rise to adaptations at the sub-personal level of cognitive mechanisms resulting in the emergence of memory as a specifically cognitive faculty.

The main points at which to find possible sites of divergence between Nietzsche's approach and that of teleosemantics (and so provide grounds from which Nietzsche's own approach can be clarified) are to be located in the varying ways in which the relationship between memory and social practice are to be construed. As was seen above, the details of the teleosemantic approach lead to a particular construal of the nature of such memory in terms of a functionally defined cognitive faculty in

which the ultimate source of normativity is to be found in evolution's design of the structure of sub-personal cognitive mechanisms such that they can support the competencies required at the intentional level in accordance with their proper function (and therefore confer content on that intentional level by the imposition of the norms of evolutionary functioning which are instantiated at a sub-intentional level). The corollary to this conception of memory in teleosemantics is to see the social practice of mnemotechnics as acting as a selection pressure leading to the emergence of the faculty of memory at the sub-personal level of cognitive architecture.

Finally, it was also seen that the teleosemantic approach to normativity and intentionality resulted in a certain conception of representation as well as a certain conception of the mechanisms involved in the instantiation and maintenance of normativity (i.e. that they are fundamentally taken to be structures selected by an evolutionary process of design which derive their normative force from their history of use in contributing to the adaptation of an organism). A crucial aspect of this formulation is the way in which its approach to the decomposition of function required in its account depends upon a strong commitment to treating the evolutionary process from which its normative force derives in terms of *design*. This involves treating the structure of the relevant cognitive mechanisms teleologically - the mechanism's have a particular (adaptive) purpose and it is this purpose which accounts for their structure. Functional decomposition is defined in terms of a purposive functional analysis eliciting an account of function in terms of an invariant structure. This is what was called above an account of decomposition by function or structure (which is to be contrasted in what follows with a decomposition by activity) and its intelligibility depends significantly on treating the process of evolution by analogy with a foresightful designer of artefacts. This is a conception of evolution explicitly embraced by both Dennett and Millikan.<sup>15</sup>

It follows that if Nietzsche's conceptualisation of the relationship between memory and social practice is taken to be divergent from the picture presented here by the teleosemantic approach then he must also be taken to be committed to taking a different approach to the relationship between normativity and intentionality from that offered by teleosemantics. This then also requires that he provide alternative ways of conceptualising the roles to be played by representation and the mechanisms taken to be relevant to the instantiation of normativity at the

<sup>15</sup> See Dennett 1995 for a detailed exposition of this treatment of evolution.

sub-intentional level. As a corollary to this, he would also need to be seen as offering an alternative account of the way in which evolution is to figure in his explanatory project.

By turning now to a discussion of the way in which Brandom's approach to the question of the relationship between intentionality and normativity is developed we can provide some points at which an alternative approach to that taken by teleosemantics can be drawn out. Brandom's conception of these issues lead to a very different picture of the relationship between memory and social practice and, consequent upon this, an alternative construal of the other concepts involved in this discussion. This alternative conception then provides a platform from which Nietzsche's own approach can be delineated.

### Section 3. Brandom: Norms as Implicit in Practice

The major point of contrast between Brandom's project and that of teleosemantics lies in that fact that, for Brandom, the ultimate source of normativity is not derived from evolution but from the normative constraints imparted by the implicit proprieties of practice involved in the game of giving and asking for reasons. On this account specifically linguistic forms of discursive practice (which, for Brandom are the only kinds of practices which can impart propositionally contentful states on those engaged in them and thereby impart properly *intentional* content to those states) implicitly institute *practical attitudes* towards the *normative statuses* of those engaged in such discursive practices. These attitudes and statuses relate to the commitments and entitlements to commitments which are implicitly acknowledged in the assertional practices of linguistic discourse.

Brandom takes it that the fundamental unit of language is the assertion and these stand in necessarily inferential relations to other assertions (i.e. those that are the inferential consequences of it). It is this inferential articulation of assertions which implicitly institute the normative statuses of commitments and entitlements to commitments which in turn serve to confer (intentional) propositional content on the speech acts and performances of linguistic practitioners. A particular performance is propositionally contentful just in so far as it satisfies the normative constraints which obtain on the commitments and entitlements to commitments to perform further performances which are the inferential consequences of the assertion made. Thus, as in the example given earlier, one's promissory locution has propositional

content just in so far as one implicitly acknowledges the further commitments which follow inferentially from the content of that promise. It is by standing in the right sort of inferential relation to its consequences and antecedents that a performance has the conceptual content that it does and it is this conceptual content which makes a performance propositionally contentful. The proprieties of inference provide the normative constraints which suffice to confer content on intentional level performances. It is these proprieties of inference which instantiate the normative constraints which come to structure intentional content by implicitly instituting the normative statuses of commitment and entitlement to commitments which provide the key to fundamentally normative employment of intentional contents.

Such implicitly acknowledged commitments impart normative constraints on how it is appropriate to *use* certain concepts such that one may count as having engaged in a correct application of that concept in a proposition and so come to impart propositional contentfulness on that performance. Intentional content is therefore more fundamentally viewed as being instantiated by normative considerations. These normative constraints in effect provide rules for the correct employment of (potentially intentionally contentful) concepts and propositions sufficient to impart content to those performances. However, Brandom is also concerned not to commit what he terms the 'intellectualist-regulist' mistake of taking it that such a conception of normativity must be formulated by reference to *explicitly* stated rules or principles. Instead he wants to provide a pragmatist account of norms being implicit in practice.<sup>16</sup> Consideration of this strand of his project leads to his account of the way in which mechanisms of normalisation work to instantiate and maintain systems of normative constraint by being *implicit* in the practices of a community. This latter point is the key to his conception of the way in which these mechanisms can be appealed to as part of an explanation couched in terms of a sub-intentional level.

The way in which norms come to subtend intentional employment so as to confer content on these performances requires consideration not only of the implicit acknowledgement of commitments already alluded to but of the implicit attitudes of assessment in regard to those commitments and entitlements to commitments on the part of the members of a community of language users. This is the essentially

<sup>16</sup> The motivation for this move is Brandom's appreciation of Wittgenstein's regress of rules argument in the *Investigations*. Brandom discusses this at some length in Ch.1, pp.18-33 of *Making It Explicit* [1994]

social-inferential aspect of Brandom's account of normativity. Norms are imparted on the deployment of propositional contents by the assessments of correctness or incorrectness in accordance with the norms by other members of a community. Such assessments, however, are conceived as being implicit in the essentially social practices of treating a performance *as* correct or incorrect rather than as explicitly stated rules or principles which are consulted by the community in applying these norms. This form of implicit treatment of performances as correct or incorrect bears on the way in which assessors *do* certain things so as to reinforce the acknowledgement of the commitments and entitlements to commitments which structure the normative employment of conceptual vocabulary (and so work to confer propositional content on such performances). The particular form of social-practical activity which Brandom highlights as playing the role of constituting normative assessment as implicit in practice is the practice of sanctions.

Brandom puts the point as follows:

The approach being considered distinguishes us as norm-governed creatures from merely regular natural creatures by the normative attitudes we evince - attitudes that express our grasp or practical conception of our behaviour as governed by norms. These normative attitudes are understood in turn as assessments, assignments to performances of normative significance or status as correct or incorrect according to some norm. The assessing attitudes are then understood as dispositions to sanction, positively or negatively. Finally, sanctioning is understood in terms of reinforcement, which is a matter of the actual effect of the sanctioning or reinforcing responses on the responsive dispositions of the one whose performances are being reinforced, that is sanctioned, that is assessed. (Brandom 1994: 35)

To sanction (either positively or negatively) correct or incorrect performances according to a norm is a way in which norms can come to subtend conceptual employment by being implicit in the practices of a community. Sanctions (as forms of normative assessment implicit in practical attitudes of treating performances as correct or incorrect in accordance with a norm) are, for Brandom, the mechanisms which instantiate and maintain the normative employment of concepts (which then confer propositional content on those employments). Since they are taken to be implicit in practice, the mechanisms of sanctioning can be seen to operate at a sub-intentional level because they work to impart

specifically normative constraints which are prior in the order of explanation to intentional terminology (given that they in fact structure and impart content to the latter) and, moreover, do so at the implicit level of social practice rather than the explicit level of a stated intention (since, again, they are the condition of possibility, on Brandom's story, of making such a content explicit in the first place). They provide a clear way in which Brandom can answer his essentially pragmatist question of how:

the capacity to entertain principles, and so know that something is the case, arises out of the capacity to engage in practices - to know *how* to do something in the sense of being *able* to do it. What must practitioners be able to *do* in order to be able to thereby *say that* things are thus and so - that is, to express something explicitly? the explanatory force of a response to this question can be judged by the constraints which are acknowledged on the vocabulary in which those practical capacities are specified; normative vocabulary is employed here, but intentional vocabulary (which would permit at the outset the ascription of propositionally contentful states, attitudes and performances) is not. The first level of the account of expression accordingly consists in explaining - making theoretically explicit - the implicit structure of linguistic practices in virtue of which they count as making anything explicit at all. (18)

Brandom offers two different forms in which sanctions can be applied in relation to the commitments and entitlements to commitments which provide the normative inferential structure which is ultimately to be appealed to in attributions of intentional content. In the first case, the sanction is *external* to the system of normativity in that it may be specified in non-normative terms. Brandom's example here is of someone performing an action which they are not inferentially entitled to (e.g., they broke a promise) and consequently being "beaten with sticks", and thereby having their behaviour negatively reinforced. On the other hand, the sanction attendant upon incorrect performance may itself be further specified in normative terms (i.e. by further consequences for other normative statuses). In this case the sanction is defined by Brandom as an *internal* one.

But other cases are possible [from those of external sanctions], for instance ones in which the assessing response is to punish by making other actions inappropriate - one who violates the norm is not permitted to attend the weekly festival. In such a case, the normative significance of transgression is itself specified in normative terms (of what is appropriate, of what the transgressor is entitled to do). The punishment for violating one norm is an alteration in other normative statuses. Acting incorrectly alters what other performances are correct or incorrect. (43)

This picture obviously allows for the possibility of interlocking systems of external and internal sanctions (e.g. a case in which subsequent attendance at a festival when barred from so doing as a consequence of the application of a previous internal sanction elicits the external sanction of being beaten with sticks) thereby "making sense of complex webs of interdependent normative statuses" (44).

It is important to note, however, that even in the cases where an external sanction is describable by reference to non-normative terms (as is the case in the example of being beaten with sticks), Brandom's account does not call for a further reduction of all normative considerations to natural ones; indeed, this is a move which he explicitly rejects. The real point of invoking sanctioning behaviour, for Brandom, is not to describe naturalistically how it is that norms come to be conformed to but to give an account of the way in which deontic statuses can be acknowledged implicitly in practice as part of a wider theory of normative constraint. Ultimately, for Brandom, the point of external sanctions is still to be construed in normative terms.

It is by reference to the attitudes of others toward the deontic status (attributing a commitment) that the attitude of the one whose status is in question (acknowledging or undertaking a commitment is to be understood. So all that is required to make sense of the normative significance of the performance as an undertaking of a commitment to do something. The possibility of sanctioning failure to perform appropriately - that is, as one is (thereby) taken to be committed to do - offers a way of construing this fundamental practical deontic attitude [...] For undertaking a commitment can be understood as authorising, licensing, or entitling those who attribute the commitment to sanction non-performance [...] Thought of this way, the effect of undertaking a commitment is not a matter of in fact eliciting punishment if one

does not fulfil the commitment but rather of making such punishment *appropriate*. It is not a matter of the actual conditional dispositions to sanction of those who attribute the commitment but a matter of the conditional normative status of such sanctions. (162-163)

This is part of Brandom's general resistance to strategies which seek to further reduce the normative to the non-normative and as such constitutes part of the generalised anti-naturalism of his project. Other aspects of this commitment can be seen in his claim that the (normatively constrained) intentional interpretation of non-language using systems (or 'simple' as opposed to 'interpreting' intentional systems), such as non-human animals and artefacts, is parasitic on the form of intentional interpretation of linguistic communities which his theory describes. Equally, Brandom is resistant to the naturalistic claim of Dennett that there is no such thing as original intentionality (a claim which was seen to be motivated by Dennett's theoretical commitment to Darwinism).

Consideration of these points makes it clear just how far Brandom's conception of the relationship between intentionality and normativity is from that offered by the teleosemanticists. Brandom trades his normative social-inferential pragmatics for teleosemantic's conception of representational-functional naturalism. Before going on to see just where Nietzsche's approach might be taken to be with regard to these two alternative conceptions of normativity, it is necessary to elucidate a few further features which differentiates Brandom's approach from that of teleosemantics.

The contrast between Brandom and teleosemantics on the question of the status of representation is clear. Teleosemantics depends upon some form of representation having explanatory priority over inference. This can be seen, for example, in both Millikan's account of "mapping rules" for intentional icons and in the way in which the project more generally is committed to naturalising the representational competencies derived from the intentional level by functional analysis. In other words, by seeking sub-personal cognitive mechanisms which can discharge these competencies only by having a certain structure, so that the representational capacities postulated by the intentional level competence theory are delivered by the system, where that structure is

selected and designed by evolution for just that purpose.<sup>17</sup> Such a reliance on representation can be seen to be nascent in teleosemantic's overall conception of memory in terms of a cognitive faculty. Brandom, on the other hand, is clearly and explicitly committed to the explanatory priority of inference over that of representation in his normative account of intentional content.<sup>18</sup>

An equally vivid contrast is the way in which the two theories approach the question of the mechanisms which instantiate normativity. For teleosemantics the relevant mechanisms reside at the level of the sub-personal cognitive architecture and are again considered naturalistically. They reside within the organism and, crucially, its evolutionary phylogenetic history. This defines the proper function of these mechanisms by reference to their contribution to the fitness of the system being considered. Brandom's approach takes the relevant mechanisms to be the implicit social practices of sanctioning, which he makes no attempt to render in naturalistic terms. As was seen above, sanctions continue to play a specifically normative role in tracking the assessments of normative status within the context of social "deontic scorekeeping practices". What matters for Brandom is not the mechanistic details of sanctioning practice but the overall contribution which sanctioning is assumed to make to providing the implicitly normative structure of linguistic practice such that this can support the inferential articulation of commitments and entitlements to commitments which suffice to confer content on intentional performances.

Finally, the differing formulations of the decomposition of the functional systems which are taken to be relevant by the two camps can be noted. It was seen above that teleosemantic strategy in respect of this issue was to decompose functional roles by their teleologically defined *function* or *purpose*, with natural selection being invoked to naturalise such a notion (as in the case of Millikan's account of proper function

defined in terms of history of use). As a result, a cognitive architecture comes to be defined in terms of an invariant proper *structure* capable of implementing a competence discerned at the level of intentional interpretation.

Brandom's account of the functional roles required in his theory, however, do not make reference to the structure of cognitive mechanisms residing in the behavioural economy of an individual organism (or its phylogenetic history). Consequently they are not defined by appeal to an evolutionary account of proper function or a conception of natural selection working as a designer. Instead, the relevant functional system envisaged in Brandom's project is the social system in which normative constraints are imparted to propositional contents. Intentional content is defined functionally in that it is seen as being conferred as a consequence of the inter-actions of various parts of that system which specify the conditions of use which make an application of a concept a correct or incorrect one (in accordance with the way in which the relevant commitments and entitlements to commitments are discharged); as such, intentional content is conferred as a result of the 'proper functioning' of that system. But here that proper functioning is defined in terms of the satisfaction of normative conditions obtaining on the differing kinds of use of a system rather than on its structure. Moreover, the particularly relevant functional roles within that system are played by the social-practical *activities* of assessments and acknowledgements of deontic statuses and the consequent application of sanctions rather than by the material structure of the system. Taken together these considerations yield an account of functional decomposition in terms of *activity* or *interaction* rather than by *function* or *structure*.

What overall picture of the relationship between memory and social practice (i.e. Nietzsche's problematic in the *Genealogy*) is suggested by the Brandomian account of normativity as implicit in social practice? It is clear that memory as such need not, on this line, be defined as being a cognitive faculty - and it certainly need not be defined as a faculty which lies within the material structure of an individual organism and its phylogenetic history. Rather, the term 'memory' might be taken to apprehend certain proprieties of practice which regulate how it is appropriate to proceed to act (to "go on" in Wittgenstein's sense) in light of commitments which one has undertaken antecedently. For example, what matters in the relationship between memory and promising, on this story, is not so much that one holds in memory (perhaps in the form of

<sup>17</sup> A clear account of this form of explanatory cascade from intentional systems theory as a competence theory to sub-personal cognitive psychology as a theory of the implementation of these representational competencies is provided in Dennett 1987, Ch.3. A forceful critique of the project of attempting to naturalise a representational theory by functional analysis of intentional level competencies, backed by appeals to a process of evolutionary design, can be found in Hendriks-Jansen 1996 (some features of this critique will prove to be important in the development of this piece).

<sup>18</sup> Brandom's attempt to elaborate a theory of the explanatory priority of inference and then to reconstruct a notion of representation as derivative from this more fundamental basis is an absolutely crucial aspect of his overall project. It is not one, however, which can be further discussed in this context.

an internal sentence) the locution made in the act of promising; what matters is that one exhibit a practical mastery of the concept of promising by implicitly acknowledging in one's practice that one is committed to proceed to act in a certain way and that one is liable to assessments of correctness or incorrectness in light of the performances one actually goes on to exhibit.

On this picture memory is not an internal cognitive structure but an externalised system of practices (including those of sanctioning) which encompass a whole social field rather than the behavioural economy of a single individual. It is just this externalisation in a set of practices which give normative force to the notions of memorising and promising. In such a conception the connection between memory and social practice is particularly intimate and direct (rather than being indirect as in the case of the teleosemantic notion of practice only impinging on the generation of memory as a culturally derived selection pressure) since, on this account, to change the system of social practices is to change the system of memory. It remains now to see which of these two conceptions of the relationship between memory and social practice best accords with the course which Nietzsche can be seen to be following in the *Genealogy*.

#### Section 4. Nietzsche: Between Teleosemantics and Inferentialism

The task facing the present section is to begin to delineate the specific approach taken to the relationship between the intentional and the normative in Nietzsche. This in turn has been seen to revolve around the different ways in which it might be possible to conceptualise the relationship between memory (understood as a site in which the normative dimension of the intentional is particularly evident, as Nietzsche approach to the example of promising makes clear) and the practices of punitive mnemotechnics (understood as a site in which a specifically *social* set of normative constraints come to obtain on an intentional performance such that they give content to intentional capacities).

Two different possible approaches to this relationship have been illustrated: a teleosemantic reading and a Brandomian normative pragmatic reading. Each reading was seen to entail a number of theoretical approaches to the concepts which thinking about how to formulate this relationship brought into play. For example, the two

readings encompassed contrasting accounts of the way *representation*, *normative mechanisms* and *function* should be conceptualised. These differing formulations were seen to feed into a resulting picture of the way in which memory and its relation to social practice were to be viewed by these theories. This position provides the possibility of clarifying Nietzsche's approach to these issues (and by doing so opens up the ground for locating his specific potential contribution to the debate) in that an examination of which of the two overall conceptions of the relationship between memory and practice is most attractive from a Nietzschean point of view, then provides grounds to illustrate his approach to the constellation of concepts (such as function and representation) which attach to these pictures.

Taking the teleosemantic conception first, it was seen that this resulted in a picture of memory as a functionally defined cognitive structure in which the internal storage and manipulation of representations played a significant role. The normative constraints operating on this system were derived from evolution by a functional analysis of an intentional competence (where the normative account of that intentional content was in large part itself derived from an appeal to evolutionary considerations) yielding a normative account of how the underlying cognitive mechanisms "ought" to work in order to implement that competence; the cognitive mechanisms thus specified are then given a normative reading by appealing to evolution as providing a justification for viewing these mechanisms as serving the proper function of contributing to the implementation of that competence (i.e. it is claimed that the mechanism has the structure that it has because it was designed by evolution to serve the purpose of implementing the competence). This explanatory strategy of transferring the source of normative constraints subtending an intentional system to evolution is a fundamental part of the process of discharging the 'loans of intelligence' taken out in the construction of the theory. Finally, it was also seen that this 'facultative' account of memory as a functionally defined cognitive structure resulted in the picture of the relationship between the genesis of memory and social practices (i.e. Nietzsche's problematic) in which the latter act as a form of selection pressure leading to the evolutionary emergence of that particular cognitive structure.

How does this conception of the relationship between memory and social practice accord with a Nietzschean approach to these issues? There are a number of good reasons to say that it is a picture which he would reject (and these also provide good reasons to see him as rejecting

the formulations of the constellation of other concepts which teleosemantics draws on in developing this picture).

A first point in this regard is that Nietzsche is immediately suspicious of any kind of 'facultative' account of cognition. In *Beyond Good and Evil* (§ 11) he says of Kant's ahistorical transcendent mechanism of a faculty of judgements

Kant asked himself: how are synthetic judgements *a priori* possible? – and what, really did he answer? *By means of a faculty [Vermöge eines vermögens]*... But is that – an answer? An explanation? Or is it not rather merely a repetition of the question?

Nietzsche, then, cannot (or rather, should not) conceive of either forgetting or memory as an ahistorical essentially psychical faculty (i.e. as if it were transcendent of material conditions of effectuation). Can he therefore be taken as offering a more biologically grounded account of the emergence of memory as the substrate of normativity which is in turn to serve as the basis for the intentional level?

An obvious way to construe such a biologism in Nietzsche would be to take him as arguing that memory emerges in man as a cognitive and organic faculty in response to the selection pressure exerted by the cultural practices of the "torture and sacrifice" of mnemotechnics. This is just the picture of the relationship between memory and social practice suggested by teleosemantics.

The sheer biological implausibility of this should, however, be immediately evident. Firstly, there is a distinctly Lamarckian flavour to such a line of reasoning: if the claim is that memory, for Nietzsche, is to be taken as a biologically grounded cognitive feature, then there exists no mechanism by which its emergence in a subject, as a response to the horrors of the 'festivals of punishment', could be passed on to that subject's descendants. Moreover, it is not at all clear that the kinds of cultural practices which Nietzsche sees in the early stage of mnemotechnics can fulfil the minimal conditions required for something to count a selection pressure at the biological level. For instance, as unpleasant as they are, there is no reason why the tortures of these primitive practices should stand in a necessary relationship to the differential survival of organisms (as the bearers of genes which are the unit of selection). It is not necessary that the subject of the early juridical punishments should die (it is even preferable if in certain situations they

do no die, but only suffer). And there is still less reason to think that these procedures carry sufficiently direct consequences for the differential survival of offspring for there to be an appreciable genetic advantage to be derived from the development of memory in response to punitive practice, even if it were possible to inherit such a trait. The punitive practices which Nietzsche describes do not make it a further condition of a man's death on the rack that he also die childless. The above are entirely necessary conditions of an environmental feature counting as a selection pressure, whether it is 'social' in origin or not.

Finally, even if these cultural practices could count as a selection pressure, and if there were a mechanism of transmission for genotypic level responses to this pressure, there is a further reason to doubt the viability of such an appeal to evolution for Nietzsche in order to derive a hard-ware solution to the problem of memory with which Nietzsche is dealing: the problem of time. As has been regularly noted (see for example Dennett's *Darwin's Dangerous Idea*), the grindingly slow pace of the evolutionary time-scale makes it extremely unlikely that any mutations in the genome (which might be construable as adaptations to culturally derived selection pressures) could have spread sufficiently through the population to make the kind of difference which Nietzsche is concerned with in the *Genealogy*.

There are, therefore, convincing grounds to reject any moves which would seek to ground a hard-wired, organic and cognitive conception of the *faculty* of memory by appeal to the effects of cultural mnemotechnics acting as an environmental selection pressure. Equally, however, there are a number of good reasons to suppose that such a hard-wired account of memory is not what Nietzsche is after in his discussion of mnemotechnics. His focus is behavioural plasticity at the phenotypic, rather than genotypic, level in which the relevant class of behaviours are the normative structures implicit in social practices.

A first point to make in this regard is that Nietzsche would be unlikely to offer such a direct appeal to natural selection in order to ground the biological faculty of memory, given his ambiguous relationship to Darwinian theorising generally.<sup>19</sup> Further support for the view that Nietzsche's conception of memory does not run along such reificatory lines can also be taken from the observation that such a hard-wired and biological reading of memory would remain as much a faculty as a more nebulously characterised psychic one, and we have already

<sup>19</sup> For a discussion of Nietzsche's approach to the theory of natural selection see Ansell-Pearson 1997: 85-112 and references.

given reasons to doubt that he would have sympathy with *any* such conception of faculty psychology.

This point emerges with more clarity when we consider one of the more forceful of Nietzsche's contributions to historical and evolutionary theorising: his insistence on the fundamental role played by functional indeterminacy in such accounts:

[...] there is no more important proposition for all kinds of historical research [...] that the origin of the emergence of a thing and its ultimate usefulness, its practical application and incorporation into a system of ends, are *toto coelo* separate; that anything in existence, having somehow come about, is *continually* [our emphasis] interpreted anew, requisitioned anew, transformed and redirected to a new purpose by a power superior to it [...] for people down the ages have believed that the obvious purpose of a thing, its utility, form and shape are its reason for existence. (*Genealogy* II §12)

Given this stress on functional indeterminacy it would seem superfluous, if not self-defeating, for Nietzsche to insist on a hard-wired or genetic account of memory as a cognitive faculty. The place in which to look for Nietzsche's analysis of the normative structures apprehended under the term 'memory', then, would appear to be in the phenotypic level of the particular behaviours (i.e. specific forms of social *practice*) which are capable of constituting normativity at a sub-intentional level. Without an understanding of functional indeterminacy as lying at the heart of genealogy, the ways in which new forms of social practice (new forms of 'the will to power') could emerge in a process of cannibalisation of components of the previous mechanisms would be utterly unintelligible and the changes in moral systems (i.e. normative systems) from a morality of custom generated by mnemotechnics to moralities of utility, or *ressentiment* would be impossible. What is important therefore about promising, is not some kind of story about the overcoming of man's essential forgetfulness, nor even the fact that this is a story told about promising but rather an examination of the mechanisms necessary to get *this particular kind of social practice off the ground*.

It would seem that Nietzsche cannot be taken as endorsing the teleosemantic conception of the relationship between memory and social practice. Moreover, this rejection of the teleosemantic account would seem to bring Nietzsche's conception closer to that of Brandom in that

dispensing with an account of memory as a specifically cognitive faculty opens up the possibility of Nietzsche viewing the relationship between memory and practice in terms of interlocking webs of normative social practices which provide sufficient constraints to impart content to intentional performances.

Such a conception sees intentionality and normativity as a distributed system externalised into the social field. On this reading Nietzsche should not be taken as saying that memory is created once and for all in response to the early forms of punitive practice; rather it is continually constructed in different forms by the shifting patterns of normative mechanisms as they come to instantiate and maintain different systems of normativity (and so, intentionality) in populations. Memory should not be mistaken for a something localisable inside one's head: it takes a lot of effort to internalise man – and this process is *never* complete and always reliant upon the body. Mnemotechnics, is nothing other than (a specific historical example of) a mechanism whereby a collection of norms is both maintained *and instantiated*. Memory must be understood as a collective term for all the (historically given) mechanisms whereby normalised behaviour is produced.

This point becomes clearer when proper attention is paid to Nietzsche's insistence upon the fact that considerations of functional indeterminacy apply just as much to forms of social practice as they do to organic and cognitive structures. As remarked earlier, a 'morality of custom' is not the only normative system that mnemotechnics can instantiate. It is vital not to conflate beating, or torture with *punishment*. As Nietzsche makes perfectly clear in his discussion of punishment in §13 of the *Genealogy*:

[...] we have to distinguish between two of [punishment's] aspects: one is its relative *permanence*,<sup>20</sup> [...] a fixed form of action, a 'drama', a certain strict sequence of procedures, the other is its *fluidity*, its meaning [*Sinn*], purpose and expectation, which is linked to the carrying out of such procedures.

An article by Pierre Clastres, 'On Primitive Torture' has the double advantage of illustrating not just this point but also offering some relatively contemporary ethnographic illustration of primitive mnemotechnics (should one have ever entertained any doubts about Nietzsche's reliability as a historian). In it he describes not just the

<sup>20</sup> That is to say the beating.

various tortures involved in primitive initiation ceremonies, which involve scarification and/or tattooing but also certain practices in the Soviet gulags during the 60's where prisoners had their foreheads and or cheeks tattooed with slogans such as: "Slaves of Khrushchev", "Slave of the C.P.S.U". The crucial point that Clastres makes is that whereas primitive mnemotechnics are designed so as to prevent the possibility of the tribe breaking apart and the internal formation of a group of masters and slaves, as the tattoos in the gulags eloquently demonstrate, mnemotechnics can also be used in order to instantiate that very division.

If Nietzsche's project is to be seen as closer to the form of normative pragmatics found in Brandom's work than to teleosemantic explanation of the relationship between normativity (particularly norm instituting social practices) and intentionality how does this effect the way in which Nietzsche should be seen as approaching the other crucial concepts employed in the development of such a theory? Of particular interest here are the approaches to representation, normative mechanisms and function.

In as far as Nietzsche can be seen to accord with the Brandomian conception of memory as instituted by the distributed patterns of socially normative practices and as viewing intentional content as being thereby externalised into the social field, it is clear that he need not accord a major role to representation within his theory. This is not, of course, to say that Nietzsche must be taken as being necessarily completely sympathetic to Brandom's fully blown inferential account of intentional content - a point which shall be returned to shortly. Nevertheless it is significant to see that the picture which Nietzsche presents in the *Genealogy* is one which can be taken as having a critical engagement with the concept of representation.

Perhaps the most important sense, in which Nietzsche makes a decisive break from the teleosemantic reading is the opposition to a notion of function as *structure* which is inherent in his stress on functional indeterminacy. This equally requires that evolution be conceptualised otherwise than on analogy with an anticipatory and rational process of the design of natural artefacts. There is already a substantial body of literature (of which Hendriks-Jansen is one of the more notable cases) which argues that such a conception of evolution is in any case an unfortunate one in that it is led to down play the complexities of the interactions among varying systems which contribute to the evolutionary process. Nietzsche, then, is on solid theoretical ground when he objects to a notion of deriving a fixed function for a

feature of a system by an appeal to its evolutionary purpose, as derived from its design by natural selection. The alternative approach to function in a system which Nietzsche explicitly draws on is to decompose function by the *activities* or *inter-actions* of a system. As the section in which he introduces the notion of functional indeterminacy makes clear, such a decomposition by activity explicitly allows for the fact that a system's own activity may produce changes in the way in which it interacts with other parts of the system and in so doing gives rise to the emergence of new capacities for that system whilst the overt structure of the system may stay the same. Thus a conception of function conceptualised in terms of patterns of activity allows for the possibility of the self-organisation of a system, or what Hendriks-Jansen calls "inter-active emergence". This capacity for the self organisation of functional systems will play a crucial role in locating Nietzsche's specific contribution to this discussion in that it flows directly from his stress on the need to take functional indeterminacy seriously in the analysis of normative systems.

Whilst these considerations provide grounds to conclude that Nietzsche must also be taken to reject the teleosemantic conception of specifically cognitive mechanisms it is also at this point that his contribution can be seen to diverge from the approach taken by Brandom. It was noted above that Brandom is not ultimately that concerned with investigating the details of the mechanisms involved in the practices of sanctioning which he nevertheless highlights as playing an absolutely crucial role in the social-pragmatic instantiation of normativity as implicit in the practices of a community. Even in the cases where sanctions function externally, and so are construable in non-normative or naturalistic terms, he is resistant to the possibility of this being the proper level at which to treat such sanctions. Instead he insists that even such non-normative forms of sanction must ultimately answer to the purely normative - as in the case where the application of sanctions is best rendered in terms of it being *appropriate* to apply such sanctions. Nietzsche, however, is concerned with the details of the mechanisms involved in sanctioning practice.

A related feature of Brandom's conception of normativity which does not sit easily with a Nietzschean orientation is its excessively rational structure, as exemplified by the fact that it is the implicit normative structure of the game of giving and asking for reasons which is taken by Brandom to be *the* crucial normative structure for the conferral of

intentional content.<sup>21</sup> Such a conception combines well with Brandom's anti-naturalistic stance (though perhaps not with his pragmatist one) and his insistence on the foundational status of specifically linguistic forms of normativity and intentionality (especially since it provides the warrant for taking the inferential articulation of assertions as being the fundamental form of linguistic practice) but it is not a picture which is easily acceptable from a Nietzschean standpoint. This is particularly the case given the essentially harmonious and co-operative model of social relations which it draws upon. A version of normative pragmatics more suited to Nietzschean tastes does emerge, however, from the potential alterations brought to the theory by the criticisms of Brandom pursued by Tim Schroeder.

### Section 5. Brandom and Schroeder: Norms and Cybernetic Explanation

In an unpublished conference paper, 'Troubling Foundations For Cathedral Semantics', Tim Schroeder makes the claim that what Brandom has in fact described is an instance of a *cybernetic* system: that norms are instantiated as the results of feedback mechanisms. Norms are nothing other than the regularities of conduct produced by *auto-reinforcing systems*.<sup>22</sup> As the norms that Brandom is concerned with are *sub-intentional* (as it is the *production* of intentionality that Brandom is trying to give an account of), Schroeder points out that he can make no principled distinction between his norms and any other resulting stability generated by some other cybernetic system. Any attempt to reintroduce a distinction would have to reinstate what Brandom is trying to explain, namely the mental or intentional.

[A] beating is something which, even when everything is characterised physically, still has a regular tendency to curb certain tendencies to produce particular outcome-types. It is the fact that certain sorts of stimuli reliably increase or decrease an

organism's tendency to produce particular classes of movements (which are perspicuously describable only at the psychological level,<sup>23</sup> true, but which have cumbersome physical or biological descriptions as well) to which Brandom ultimately appeals. Certain social practices are normative because, at base, society actually takes steps which effectively reduce those behaviours which are banned and which increase those behaviours which are required. (Schroeder 1999)

Schroeder sees this criticism as opening up the possibility of a reformed naturalism that cannibalises Brandomian norms in order to reinstall a functional cognitivist account of normativity. Specifically he argues that such a conception of norms as being instantiated by the auto-reinforcing feed-back structures of cybernetic systems allows for cognitive structures (such as neural structures) to be viewed as providing sufficient normativity to impart intentional content. This does not, however, then have to make cumbersome (and theoretically unconvincing) appeals to evolutionary histories of use in order to derive a normative status for such mechanisms. This is because the cybernetic regularities involved already count as norms. He is in effect claiming that such a cybernetic approach to norm-generation can redefine the functional roles of cognitive systems such that they are no longer derived from a decomposition by *function* or *structure* (which then necessitates an appeal to evolution in order to endow that function with normative content) but from a decomposition into patterns of *activity* (where the relevant activities or inter-actions of the candidate system are the auto-reinforcing dispositional properties of the system to produce particular outcome types). The patterns of activity of the system itself are sufficient to give rise to norms without an appeal to evolutionary history or proper function being required to underwrite this claim. Schroeder claims that such a possibility opens up the ground for a rehabilitation of a reformed teleosemantics.

Another possibility opened up by such a cybernetic account of norm generation is alluded to by Schroeder in the closing stages of the above

<sup>21</sup> The idea that we are 'deontic-scorekeepers' sits uneasily with the psychological literature demonstrating that people are reliably terrible about making consistent inferential judgements, or that people will violate the most basic of transitive preferences.

<sup>22</sup> It is this proviso that is absolutely necessary for Schroeder to escape the gerrymandering problems that Brandom identifies with simple regularity theories.

<sup>23</sup> It is vital not to conflate beating with *punishment*. As Nietzsche makes perfectly clear in his discussion of punishment in §13 of *OGM* we have to distinguish between two of its [punishment's] aspects: one is its relative *permanence*, [...] a fixed form of action, a 'drama', a certain strict sequence of procedures, the other is its *fluidity*, its meaning [*Sinn*], purpose and expectation, which is linked to the carrying out of such procedures

quotation. It is this which is to concern us in the remainder of this paper. Such an approach suggests the possibility of coming to treat social systems of normativity as being themselves cybernetic systems rather than having to conceptualise normativity (with Brandom) as being essentially a feature which belongs to linguistic practice alone. A reading of normativity along these lines provides a possible means by which to simultaneously undercut Brandom's anti-naturalism (because it focuses attention on the actual details of the mechanisms of sanctions which instantiate normativity) and his Discursive Rationalism (by showing how systems of normativity can be effectuated in contexts other than the inferential practices of giving and asking for reasons). It will also be seen that such an account of social systems provides a basis from which to adopt a less harmonious vision of social practices: an attractive possibility for a theorist of the will-to-power.

For an initial example of such an approach to systems of social normativity we can turn to a Nietzschean theorist who raised the possibility of treating social systems as comprising cybernetic sanctioning mechanisms operating at a sub-intentional level long before Schroeder came to appreciate the point: Michel Foucault. Foucault's detailed examples of the application of technologies of the body to a docile surface (especially his exemplification of the diverse forms of sanctions found in disciplinary societies) are paradigmatic instances of the instantiation of systems of norms which operate at the sub-intentional level and whose functioning is broadly cybernetic in character.

To take just one example: the minute specification of bodily posture and movement instilled in the military training of the use of the rifle, coupled with the assessing gaze which is typical of disciplinary practice, are a clear case of the sub-intentional instantiation of a system of norms by reference to sanctions and the cybernetic feed-back mechanism holding between the man and the weapon. Moreover, this context is very different from the inferentially articulated moves of discursive practice on which Brandom bases his account. Another notable feature of such a reference to the cybernetic characteristics of disciplinary societies is that it draws attention to the way in which systems of normativity and sanctioning evolve - something which Nietzsche insists must be dealt with in accounts of social normativity. Before some further aspects of such a cybernetic account of normative systems can be returned to, it is necessary to clarify the way in which Nietzsche's approach to the mechanisms of sanctioning practice differ from those of Schroeder and Brandom.

Schroeder's account of norm generation suffers from two major flaws. In our brief discussion in the introduction of the type of explanatory entities we believed necessary to understand social systems we pointed out a link (though not an exact correspondence) between the terms in the first column and first order cybernetic systems. Both Schroeder and Brandom never consider the possibility that 'the ones doing the beating' (or those who apply sanctions more generally) must themselves be considered as part of the system in question, not merely as the external governors of a set of normative constraints. That is to say, on both Brandom's and Schroeder's conception of normative mechanisms the controlling parameters (the governors, the beaters) are *external to the system of norm generation*. This lacuna means that both of their theories must fall into the first column as regards what they consider to be explanatory.

Nietzsche does not make this mistake. Indeed, whilst discussing the creditor/debtor relation, he considers at some length just what are (or have been - these are, after all, transcendental *material* conditions) the necessary conditions for his 'equation' "injury done = pain to be suffered" to actually hold. It is precisely because the creditor derives pleasure from the causing of pain to a defaulting debtor that this system works. This is why festivity and punishment were *inseparable*. For Nietzsche, if the 'governor' of the system were to be unaffected by the process of normalisation then the system itself would be utterly inexplicable. This inexplicability is just the recognition that social systems can only be understood via the terms in the second column (i.e. as operating outside of conditions of equilibrium and in accordance with procedures of functional indeterminacy and surplus value). It is Nietzsche's understanding of social systems of normativity in these terms which marks his most significant contribution to the debate.

In order to illustrate this point it is necessary to further explicate the claim that Brandom's account of normativity in social systems is rendered in terms of equivalence and equilibrium. A first point in this regard is that Brandom's account is not at all concerned with the question of how it is that normative systems come to change along with the forms of implicitly normative social practices which instantiate them. That it is to say, Brandom's conception offers no scope for describing *how the practices of instantiating normative constraints themselves give rise to changes in those practices*. Despite being functionally defined in terms of activity, Brandom's normative pragmatics includes no account of how such a system can come to give rise to the emergence of changes

in that system *as a result of its own activity*. In just the same way, Schroeder's account of auto-reinforcing cybernetic systems provides no purchase on the question of how such systems, or inter-locking assemblages of such systems, can give rise to new capacities or produce changes in the effects which they deliver (except for the possibility of malfunction, that is). The ability to account for how it is that such systems can come to mutate was, however, cited in the introduction as one of the fundamental criteria of adequacy against which a formulation of social normativity should be assessed. In the case of Brandom this kind of theoretical conservatism runs very deep.

The inherently conservative nature of Brandom's formulation of sanctioning (as the locus of implicit normative constraint) can be seen in the fact that its prime focus is on the subject of a sanction (i.e. the one whose performance is being subjected to normative assessment) and in as far as it does concern the effects on those who apply these sanctions (the assessors), it does so only at the level at which that system of governing norms is maintained intact. Thus a subject of assessments is sanctioned positively or negatively just to the extent to which it accords, or does not accord, with the normative standards of those who administer the sanctions. Notice, however, that since the application of sanctions is something which is itself subject to normative assessment, there must be a positive or negative reinforcement of that sanction-applying behaviour of the community of assessing sanctioners. But this is possible just to the extent that the application of the sanction has the effect of bringing the subject of assessment-performances into conformity with the normative standards of the community (by correctly applying either positive or negative reinforcement of the performances engaged in by the subject of assessment).

Brandom is therefore led to postulate an *in principle* equality or equivalence amongst the members of a normative community. That is to say, although there are divergences of *performance* with respect to a normative standard (and it is just this possibility of divergence from the standard which makes the system normative rather than simply causal) and that there is, therefore, a qualitative difference in the treatment of members of that community with respect to the extent to which they do, or do not, accord with those normative standards, it is nevertheless *the same set of norms* which is to be reinforced in each case. Earlier it was stated that the claim that Brandom is working with the framework of a conception of normative systems in terms of equilibrium revolves around the view that the governor of a system (in this case, the

sanctioners) remains unaffected by the way in which it actually governs the system; this can now be seen to reduce to the claim that both the sanctioners and the sanctioned have their behaviour reinforced by the same standards of normativity.

The point here is not that Brandom allows no room for differential statuses within a normative community but that the convergence of sanctioned and sanctioner on the same normative object implies a transparency of the normative process *as such* to the rationality of a community. The standards laid down by a community are inherently rational, not in the sense that they are necessarily the 'correct' norms for that community to hold from the perspective of an observer from outside the system (who might comparatively evaluate these norms against particular optimisation strategies - such as the 'best' norms for that system to hold for the purposes of maximising reproductive success for that community), but in the sense that, once they have been specified, the standards for the evaluation of performances are transparently clear to that community.<sup>24</sup> The claim being made is that Brandom's position entails that, for a community to function so as to instantiate certain normative standards, it must be explicitly aware of *just what norms it is actually inculcating* - even if the mechanisms by which it instantiates those norms are only implicit in actual practices.

This conception of normative mechanisms can now be contrasted with the approach suggested by Nietzsche's discussion of the mechanisms involved in the punitive practices of mnemotechnics. The primary point of contrast is the way in which Nietzsche conceptualises these mechanisms (and the social-practical activities in which they are involved) in terms of *functional indeterminacy* and *surplus value*, as against Brandom's more conservative approach centred on equilibrium and equivalence.

<sup>24</sup> This is not the claim that Brandom is making the sort of mistake which McDowell (1984) accuses Kripke and Wright of making in their approach to Wittgenstein - that they make a community incorrigible as to "what is to count as right" and thereby lose the possibility of any objective considerations settling what is right. Brandom goes to enormous lengths to avoid making this mistake (which he describes as "allowing questions of normative *statuses* to collapse into those of normative *attitude*" [1994: 54] and so collapsing the status of *being* correct onto that of being *taken as* being correct. The issue here is the more subtle one that, although Brandom is not committed to treating a community as though it were authoritative about what *is* correct, he is nevertheless committed to the view that the community *is* authoritative about *what they take to be correct* (i.e. about just which forms of normative constraints they are actually imparting in their assessing practices).

For Nietzsche, the application of negative reinforcement in the practice of sanctioning a performance has itself a positive feedback quite distinct from the Brandomian convergence upon the same, communal standards of normativity. This positive feedback is, of course, that of the pleasure taken in the suffering inflicted upon the body of the one who fails to satisfy their normative obligations (particularly in the economic sphere). Instead of Brandom's generalised equivalence in the structure of normative commitments, implying the in principle exchangeability of positions as to the roles occupied within a normative framework, all of which is underwritten by the normative closure of a community around those structural equivalences coupled with the explicit acknowledgement of just what the relevant norms are, Nietzsche offers the profoundly non-equivalent and non-exchangeable equation of "injury done = pain to be suffered".

On Nietzsche's account, the punishments of norm-breakers are not at all equivalent in the sense of reinforcing a convergence around the same normative standard which is equally applicable to both parties; rather, they embody a *surplus value* appropriable from a creditor-debtor relationship in which the terms and relation of that debt were never equivalent. The feed-back accruing to those who administer sanctions is not equivalent to the positive reinforcement conferred upon those who do behave to the normative standard, as is the case with Brandom; rather, it is the radical asymmetry between the two orders which entails that the feed-back to the governors of the system takes the form of a surplus which is the basis of a profound differentiation between those whose behaviour is made to conform to a normative standard and those who instantiate that standard by their actions of sanctioning. Such a conception shatters the convergence and normative closure of the community, contrary to Brandom's account, and indicates the possibility of thinking the mechanisms underlying normativity not in terms of the equivalence of commitments but in terms of surplus value.

The claim here is that the *activities* of sanctioning behaviour need not be construed, as both Schroeder and Brandom's account of mechanisms of normativity have it, as producing equivalences which simply maintain the system in equilibrium (i.e. that the reinforcement or feed-back accrued by those who administer sanctions is of the equivalent order to the reinforcement visited upon those who are subject to sanctions - that they are reinforced in relation to the same set of norms). It is possible to view the very *activity* of engaging in sanctioning practice as *itself* giving rise to a divergence of normative constraints in that the practice of administering sanctions may yield a surplus to those who administer

sanctions over and above the reinforcement provided by having correctly applied a sanction and thereby maintained the equilibrium of the normative system. In Nietzsche's case this is the surplus value of the pleasure taken in the infliction of pain - other normative systems than the system of cruelty may extract other surpluses.

The point here is that the activity and inter-actions within a system provide for the possibility of its *self-organisation* in that the actual activities involved in certain normative practices may give rise to additional features than the ones which simply maintain the normative system in equilibrium; these features may then inter-act with other aspects of the normative system and bring about mutations in the overall nature of the system. Because the functional roles in a pragmatic normative system are not defined as invariant structures but as patterns of activity and inter-action there is always the potential for different forms of inter-action to give rise to new patterns of activity which can then drive the system in directions other than that seemingly found in its normal functioning. This potential for the inter-active emergence of new patterns of activity entails that there is frequently a nascent surplus value available within a system which can be released when the parameters of a system change - the appropriation of this form of surplus value can then form part of the way in which the system is governed.

This explicit acknowledgement of the necessity that the governor of a system is affected by the way in which it governs the system, or that the practices of instantiating normative constraints itself gives rise to changes in those practices, or that the system may be changed by its own activity, follows directly from Nietzsche's insistence on functional indeterminacy and surplus value. If one accepts this, one must define the functions of a normative system in terms of its capacities for activity rather than its structure.

The fact that such forms of surplus value arise from out of the system's own activities entails that the self-organisation of the system which results from such emergences will not necessarily be kept track of by the practitioners who re-produce the system - this is particularly the case if the self-organisation of the system is driven by the processes of appropriation of these surplus values. That is to say, although the implicit normative practices of a community may give rise to the very conditions under which a surplus value comes to change the operation of the system overall this need not be acknowledged (implicitly or explicitly) by these very same practitioners: so that they may continue to perform the same sort of practices without being aware these contribute to the way in which the system works in a completely new way. In this

way the self-organisation of a system as result of the emergence of surplus values within that system (which arise out the activities of the system itself) produces a different kind of functional indeterminacy - the practitioners whose activities make up the functioning of the system may fail to track the way in which the system as a whole now operates. It follows that the community of normative practitioners may then no longer know just which norms they actually are instituting in their normative practice.

Such a conception of functional indeterminacy and surplus value as lying at the heart of normative systems contrasts markedly with a principle commitment of Brandom's version of normative pragmatics - that the community is authoritative about which norms it actually does instantiate in its practices. Given the operation of functional indeterminacy, it may prove no more possible to read off from the implicit structure of normative practices just what norms are actually being inculcated than it was to tell from the original purpose of a thing and its structure just which function it now serves. This situation produces a paralogism which is deeply threatening to Brandom's project, that, as Deleuze and Guattari have it "one cannot go from the fact that there is a prohibition to what is actually prohibited."<sup>25</sup>

We shall conclude by looking briefly at an example from Foucault which illustrates these points and, in particular, draws attention to the role of functional indeterminacy and disequilibrium in normative systems (which we take to be Nietzsche's fundamental contribution to the debate). Foucault's stress on the ubiquity of Panopticism in seemingly different social and norm-generating institutions (in which each would seem to have their own specific normative practices) suggests a functional indeterminacy inherent to sub-intentional norm-generating mechanisms in that a variety of institutional practices and social cybernetic systems can have the same overall effect on the norms generated from them. In the end, the school, the factory, the hospital and the barracks all come to resemble one another: all clustered around the appropriation of surplus value (of efficiency, of hygiene, of forcible insertion into the apparatus of production) and the associated systems of norms which go to make up the twin system of delinquency and discipline. Under these circumstances, it becomes very difficult to see how a particular institution or community of norm-instillers can ever be explicitly aware of just what norms they are actually inculcating by theory practices. It is not the community which is responsible for our

norms, or our lack of them, but the myriad machines installed in every pore of the social body to which we are answerable and which make us mean.

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<sup>25</sup> Deleuze and Guattari 1984: 114.

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## Love Without Mercy

SLAVOJ ŽIŽEK

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### 1 Against the Digital Heresy

In the Larry King debate between a rabbi, a Catholic priest and a Southern Baptist, broadcast in March 2000, both the rabbi and the priest expressed their hope that the unification of religions is feasible, since, irrespective of his or her official creed, a thoroughly good person can count on divine grace and redemption. Only the Baptist — a young, well-tanned and slightly overweight, repulsively slick Southern yuppie — insisted that, according to the letter of the Gospel, only those who "live in Christ" by explicitly recognizing themselves in his address will be redeemed, which is why, as he consequently concluded, "a lot of good and honest people will burn in hell." In short, goodness (applying common moral norms) which is not directly grounded in the Gospel is ultimately just a perfidious semblance of itself, its own travesty. Cruel as this position may sound, if one is not to succumb to the Gnostic temptation, one should unconditionally endorse it. The gap that separates Gnosticism from Christianity is irreducible — it concerns the basic question of "who is responsible for the origin of death":

If you can accept a God who coexists with death camps, schizophrenia, and AIDS, yet remains all-powerful and somehow benign, then you have faith [...]. If you *know* yourself as having an affinity with the alien, or stranger God, cut off from this world, then you are a Gnostic.<sup>1</sup>

These, then, are the minimal coordinates of Gnosticism: each human being has deep in himself a divine spark which unites him with the

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<sup>1</sup> Harold Bloom, *Omens of Millenium* (London: Fourth Estate, 1996), p. 252.