What Are Social Norms?

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Abstract: Most recent theorists take social norms to arise from certain attitudes, such as expectations on others, perhaps along with conforming practices. Challenging this view, we argue that social norms are instead grounded in a *social norming process*: an (often non-verbal) social communication process that institutes or 'makes' the norm. We present different versions of a process-based account of social norms and social normativity. The process-based view brings social norms closer to legal norms, by taking social norms to arise through 'expressive acts', just as some laws and contracts arise through acts of voting or signing, not through mere attitudes.

Keywords: social norms; normativity; reasons for action; conventions; attitudes

1. Introduction

Social norms are key elements in our inventory of the social world. They are relevant as informal institutions that convey, entrench and sometimes transform social arrangements. There has recently been much interest but little agreement on social norms among philosophers and social scientists. In this paper, we propose a new account of social norms, based on social communication processes.

Understanding social norms is philosophically rewarding, but also of significant practical importance. For instance, social norms help explain why injustice persists – they provide structural explanations that illuminate why the status quo can be sticky, and how it can be overcome. Since social norms underpin much of human behaviour, understanding and ultimately changing them will be key in the pursuit of justice.

A successful account of social norms must address two central questions:

1. What *are* social norms?
2. When, why and how are social norms *normative*?

[1] Acknowledgments to be added.

Regarding the first question, recent philosophical accounts ground social norms in attitudes, such as expectations, preferences, or commitments, and/or in practices of conforming behaviours. We will reject this focus on attitudes and/or practices. Instead, we argue that social norms are requirements grounded in a social norming *process*. People's attitudes and behaviours are not the grounds of social norms, but typical consequences of them. This inverts the direction of explanation between social norms and people's attitudes and behaviours. In some other contexts, people's attitudes and/or behaviours are prior, by causing a social norming process.

Regarding the second question, we will argue that social normativity is a distinct type of normativity, grounded once again in the social norming process, not in attitudes, practices, or sanctions against transgressors. Social-normative reasons can co-exist with other reasons for (or against) the same behaviour, such as pre-existing *moral* reasons, or *prudential* reasons created by sanctions.

This is a programmatic paper aiming to intervene in a debate that, we think, could benefit from re-orientation. After discussing some examples and existing philosophical accounts of social norms (Sections 2 and 3), we develop our process-based approach to social norms (Sections 4–8) and to social normativity (Sections 9–11), before concluding (Section 12).

2. Social Norms in Action

On a first pass, social norms are informal social requirements to behave or be in certain ways. For instance, in many societies it is socially required to participate in elections, and in many workplaces it is socially required to greet colleagues in the morning and avoid offensive language. Many approve of these requirements: citizens expect others to vote, and work colleagues expect others to give greetings and talk inoffensively.

Some social norms are created in explicit ways. Imagine a well-attended local neighbourhood meeting. One of the neighbours pronounces that 'it has become good practice in this neighbourhood to keep the noise down after 10pm'. Everybody nods and sees everybody else nodding. In subsequent discussions, neighbours refer regularly to this moment. This is the birth or re-endorsement of a social norm in the neighbourhood, proscribing noisy activities after 10pm. What created (or re-endorsed) the norm is the process of agreement.

Many social norms are created through more implicit processes. People might express their agreement implicitly by following a social practice, while showing public disapproval when someone falls out of line. For instance, after having met in the 'Black Eagle' pub every Tuesday for three months to play darts, the regulars start criticising those who fail to show up. This process of consistently gathering and calling out digressions creates a social norm requiring attendance (see Hart 1961).

Social norms can emerge in radically implicit ways, as people communicate approval indirectly through sanctioning violations publicly. On London Underground escalators, one is supposed to 'stand on the right, walk on the left'. Transgressions are publicly sanctioned when locals make disapproving 'tutting' sounds, clear their way with a passive-aggressive 'excuse me!,' or stand very close to the person impeding the way. This mixed sanctioning activity expresses the majority's view about how to use escalators, thereby creating or maintaining the norm.

3. Wide Disagreement about Social Norms

The examples above suggest that social norms are created or maintained by processes of various forms, later to be called 'social norming processes', or SNPs. We now sketch some recent philosophical accounts of social norms – highlighting a small subset of a voluminous literature. These recent accounts are not based on processes, but on attitudes and – sometimes – patterns of behaviour.

Large parts of the philosophical and legal-theoretical literature take cues from HLA Hart's famous *practice theory of rules*, according to which a social rule exists in a group if most group members conform with and accept the rule (Hart 1961, ch. 4). Hart's account is open to different interpretations, as the large literature following Hart attests. He certainly uses the term "practice" more widely than we and many others do, by going beyond a conforming conduct. Hart's account seems to be (in our terminology) both practice- and attitude-based, with a complex attitude of 'acceptance'. This is at least what Hart explicitly states in the Postscript to *The Concept of Law* when he clarifies that his account:

> "… treats the social rules of a group as constituted by a form of social practice comprising both patterns of conduct regularly followed by most members of the group and a distinctive normative attitude to such patterns of conduct which I have called 'acceptance'. This consists in the standing disposition of individuals to take such patterns of conduct both as guides to their own future conduct and as standards of criticism …"

This dispositional attitude normally leads to behaviours such as criticizing others and oneself for rule-breaking.[2]

[2] Notably, in the original *The Concept of Law,* Hart gives the impression that such behaviours not only follow, but also form part of the grounds of the rule. On this reading, Hart's account is based not only on conforming practices and acceptance attitudes disposing to certain behaviours, but also on those behaviours themselves.

Taking cues from Hart, Brennan et al. (2013) suggests that '[social] norms are clusters of normative attitudes' (29) and then state existence conditions:[3]

> '[a] normative principle P is a [social] norm within a group G if and only if:
>
> A significant proportion of the members of G have P-corresponding normative attitudes; and
>
> A significant proportion of the members of G know that a significant proportion of the members of G have P-corresponding normative attitudes.' (Brennan et al. 2013, 29)

Interestingly, Brennan et al.'s account is entirely based on the attitude part of Hart's account. For Brennan et al., social norms do not require any conforming behaviour.[4]

Laura Valentini (2021) also focuses on attitudes in suggesting that social norms are 'requirements accepted as binding by a large enough number of people in a given context' (p. 386). In short, enough individuals robustly intend certain standards of behaviour to be binding. While once again explaining social norms by attitudes, these attitudes are interestingly different. Later, her 2023 book (Valentini 2023) avoids claims about what social norms *are* (p. 23), whilst stating 'social existence conditions' that require individual commitments to the norm and corresponding beliefs about the norm (p. 21).

Andrei Marmor (2023) also starts from Hart, but takes a strikingly different direction than Brennan et al. For Marmor (2023), a 'social rule' (a notion that includes social norms as special cases) exists under broadly the following conditions: (i) a practice conforming with the rule, and (ii) common knowledge that the group collectively intends the content, and that this fact provides normative reasons for compliance and enforcement (Marmor 2023, 53). This account grounds social rules (or norms) in a conforming practice and attitudes of two types, beliefs and collective intentions.

Margaret Gilbert's (1999) account also emphasises joint or collective attitudes. For her, a social norm exists if, roughly, there is a joint commitment to accept the relevant obligation as a body (Gilbert 1999, 163). Her account superficially resembles Marmor's, but he ultimately reduces collective intentions to individual intentions, a move Gilbert rejects. On our reading, Gilbert is also less focused on practices.

Raimo Tuomela (2007) presents another hybrid set of existence conditions: a social 'ought-to-do norm' exists if and only if there is collective acceptance of the normative demand, a practice,

[3] We believe that this is best read as a claim about when social norms exist, not what they *are*. Brennan et al. focus on a wider class of 'norms' in that definition, but our focus here is on social norms.

[4] However, for them the normative attitudes are partly justified by a *presumed* social practice. See Brennan et al. 2013, 66-72.

compliance for the right reasons, certain mutual beliefs, and some social pressure against deviation. This again requires certain attitudes and a practice.

An entirely different approach treats social norms as *conventions,* in the tradition of Hume's (1888 [1739]) famous discussion of the evolution of conventions and Lewis's (1969) influential rendition of conventions as particular game-theoretic equilibria supported by appropriate beliefs of the players about one another.[5] We set such game-theoretic approaches aside, as we prefer to distinguish social norms from conventions. Game-theoretic approaches again tie social norms to practices and certain attitudes, namely preferences about outcomes and beliefs about others, possibly including higher-order beliefs.

Cristina Bicchieri (2006, 2017) introduced one of most influential and well-developed accounts of social norms, which stands out in combining attitude-based and game-theoretic approaches. For her, social norms exist under a particular constellation of empirical or normative expectations, and conditional preferences for conformity (preferences being understood as dispositions towards choice). Her precise 'Conditions for a Social Norm to Exist' (2006, p. 11) single out social norms from the wider class of behavioural rules on the basis of dispositions and beliefs.

Notwithstanding important differences between authors, two common themes emerge: First, there is no agreement on what kind of object social norms are: some say they are requirements, some say they are rules, yet others suggest they are clusters of attitudes. Second, many accounts provide existence conditions (and sometimes grounds) in terms of attitudes and, in many cases, also a practice.

4. The Process-Based Approach to Social Norms

The accounts of social norms sketched in Section 3 might be regarded as versions of a general approach:[6]

> **Attitude- and/or Practice-based Theory:** Social norms are requirements on individuals grounded in attitudes and/or conforming practices in the group.

We will argue that neither attitudes nor practices ground a social norm. Rather attitudes (such as normative expectations) and practices are typical *effects* of social norms.

[5] This literature is extensive, and we cannot review it here. See, among many, Vanderschraaf (1995) on Lewis and Young (2015) for a helpful overview.

[6] Provided we attribute to those accounts (i) the claim that social norms are requirements and (ii) claims about the grounds (rather than only the existence conditions) of social norms.

We instead propose the:

> **Process-based Theory:** Social norms are requirements on individuals grounded in a social communication process. (This process is then called a *social norming process* or SNP.)

Before we develop and defend the process-based approach, several clarifications are due.

Clarifications about both theories

First, note our ontological assumption that social norms are *requirements*, under both theories. This clarifies the type of objects social norms are in a (we believe) very natural way. For us, social, moral, rational, and legal norms all are requirements – but requirements on different grounds. Requirements may or not be normative, as explained later.

Second, a requirement has a *content*: the thing being required. The content of a requirement on individuals typically concerns behaviour, and more rarely thoughts or attitudes. It can usually be expressed in the form 'do (think, intend, …) *X* in circumstances *Y*', for instance, 'keep noise down after 10pm', 'show up at pub meetings', and 'stand on the right on escalators'.[7] Working out what ontological type of object 'requirements' are is a problem in its own right.[8]

Third, a *conforming practice* is simply an individual conduct matching (the content of) the requirement. For instance, working hard is a practice conforming to the requirement to work hard.

Fourth, what does it mean for something to *ground* or (as we also say) *generate* the social norm, i.e., that the norm is *grounded in* or *generated by* it? It means that the requirement exists *in virtue of* it – a relation that is distinct from causation or mere determination, and that captures what *constitutes* and/or *explains* the norm.[9]

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[7] One could formulate both theories more broadly by allowing social norms to be permissions or prohibitions rather than requirements (Lawless 2023). For instance, crying in public could be socially *permitted* or *prohibited*, not required. We set permission-type and prohibition-type social norms aside, but our analysis could be extended to them.

[8] We think of requirements neither as certain *attitudes* (attitudes of demanding something) nor as certain *acts* (acts of demanding something) but as certain deontic objects. This said, requirements can be grounded in acts, as is indeed the case for social norms if one accepts the Process-based Theory and regards SNPs as social acts of demanding something.

[9] On grounding, see Bliss and Trogdon 2024. Grounding can be described interchangeably as a relation between facts or between objects/features. We mostly take the second route, by grounding social norms in features of the group rather than grounding the *fact* that a norm exists in *facts* about the group. Some

Fifth, groups can have a more or less well-developed identity and demarcation. Nations, ethnicities and religions might qualify as tight groups, whereas the users of London Underground escalators form a loose group. Social norms can also arise in loose group, even if membership is fluctuating and fuzzy.

Clarifications about the Process-based Theory specifically

First, a *social communication process* is a communication process between sufficiently many members. The communication could take many forms – verbal or behavioural, structured or chaotic. Many such processes ground or 'generate' no requirement – think of random dinner conversations.

Second, social communication processes can generate requirements in all sorts of ways. They do so through some expressive acts by some of the participants of the process, whether these expressive acts are verbal or behavioural.

Third, many generated requirements are *not* social norms. Only a few social communication processes live up to the standards of a SNP. Which ones do? On a first pass, the following condition captures the presence of a SNP, i.e., the generation of a social norm (with content *C*):

Norm Generation Condition: There has been sufficient communication of support for *C* between group members.

This informal condition will be made precise in Sections 6 and 7, where we will clarify the notion of 'support'. Many processes violate the condition. For instance, a process during which one member is elected as a dictator and orders everyone to dress in blue succeeds in generating a (dressing) requirement, but not a social norm. Similarly, a tumultuous communication process in a crowded staircase in which some shout out 'Walk left!', others 'Walk right!', yet others 'Stand still!', generates *three* (conflicting) requirements, but no social norm, since these three expressions of will were made and perceived insufficiently often.

Fourth, as is now clear, the Process-based Theory gives a *necessary* condition for being a social norm, not a *sufficient* condition. The same is true of the Attitude- and/or Practice-based Theory. Providing a necessary and sufficient characterization is the ambition of a full-fledged account of social norms, to which we turn in Sections 6 and 7.

Finally, do attitudes and practices play any role at all? They can only play an indirect role, by either driving the SNP or resulting from the SNP or from the social norm. They do not ground the norm.

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readers might prefer investigating the (metaphysical) *supervenience basis* rather than the grounds of social norms. Our view could be adjusted accordingly.

5. Defence of the Process-based Approach

Before working out the process-based approach concretely, we should defend it. To make our case, we now introduce two conditions on a concept of social norm, and show that the process-based concept satisfies them. To counter potential objections, we also demarcate social norms from social pressures, social practices, and conventions, and we distinguish synchronic grounding from diachronic grounding.

Action-based vs. state-based grounding

Our first argument for the process-based approach rests on the idea that social norms exist in virtue of being *made* (or re-affirmed), and hence in virtue of actions. We thus impose the:

Action-based Grounding Condition (AGC): Social norms are grounded in actions by individuals (for short: are *action-grounded*).

Our process-based account of social norms satisfies AGC, since communication processes consist of (communication) acts. Practice-based accounts also satisfy AGC, since conforming practices are actions.[10] But attitude-based accounts, such as Brennen et al.'s and Valentini's, violate AGC, since attitudes are states rather than actions. If the grounds are states, we will talk of *state-grounding* rather than action-grounding.

Our argument for AGC can be cut into smaller steps. First, social norms are by nature 'constructed' or 'made'. Second, as such, they are grounded in a construction. Finally, this construction consists of actions.

To see the point, compare with promises. In virtue of what is a promise a promise? Surely not in virtue of the present attitudes of promiser and promisee, but of the act of promise-making (Norris 2021). The promise would exist even in the absence of attitudes such as intentions or normative expectations. Similarly, what grounds laws and contracts is at least partly the act of law-making or contract-making. These are all examples of arrangements that are 'made' and thus action-grounded. It would be surprising and question-begging if social norms – another similar arrangement – fell out the common pattern by being state-grounded rather than action-grounded. The actions in question can be acts of expressing an attitude – just as contracts arise by expressions of will. But expressions of attitudes are not attitudes.

Social vs. individual grounding

[10] Except if the norm has a non-behavioural content, e.g., requires a peaceful *attitude*.

Our second argument for the process-based approach is, in a nutshell: if social norms are to be truly "social", their grounds should be social. We thus require the:

Social Grounding Condition (SGC): Social norms are grounded in irreducibly social features (for short: are *socially grounded*).

Social features can be any features pertaining to the group, such as social processes or joint commitments. Some social features are 'social' only in a thin sense of being ultimately features of group *members*. Examples are the feature that every member expects everyone to speak French, or that most members dislike people chewing gum in public. These social features are the aggregation of *individual* features, specifically individual attitudes. We here speak of *aggregative* social features, as opposed to *irreducibly* social features, which go beyond any summary of individual features. Aggregatively social features are effectively a conjunction or "sum" of individual features: they are reducible to individual features. An example is the feature that, in a group of five individuals, a majority composed of Ann, Bob, and Claire normatively expects everyone to wear blue shirts. It is effectively the conjunction "Ann expects the behaviour *and* Bob expects it *and* Claire expects it". If a social norm to wear blue shirts were grounded in this feature, then SGC would be violated, since the grounds are not *irreducibly* social.

The Process-based Theory satisfies SGC. So do accounts that ground norms in irreducibly collective attitudes, such as those by Gilbert and the later Tuomela (see also Blomberg 2023). Grounding norms in collective attitudes, however, faces other problems. Social norms seem to exist in many groups that are too loose for having collective attitudes. For instance, the highly disconnected and fluctuating users of the London Underground have come up with their social norm about how to use escalators without being a well-structured group with collective attitudes. Our process-based account achieves social grounding without requiring any collective attitudes.

By contrast, SGC is violated by accounts that ground norms in individual attitudes and/or practices, such as Brennan et al.'s, Valentini's, and Hart's account. Hart's account admits *partially* social grounds if and insofar as his 'social practice' includes genuinely interactive patterns that constitute irreducibly social features.[11]

We have required social grounding because otherwise social norms are not genuinely *social* constructs. But is this actually true? One objection might claim that social norms are social because of being norms *for the group*, not norms *by the group*, so that we need not worry about what generates the norm. This claim is, however, problematic. For one, being a norm *for a group* is not a unique feature of social norms. Moral norms can also be for a group – for instance, if wealthy individuals have a moral obligation to alleviate poverty, then we have a *moral* norm *for* wealthy

[11] As mentioned, on one reading, Hart grounds 'social rules' partly in interactions of criticizing or sanctioning norm violations. Such interactions could constitute social features of the sort allowed by SGC.

individuals. For another, some groups develop social norms that aim to apply even to outsiders, perhaps to all humans whatsoever. Such 'imperial social norms' are not *for* the group, but only *by* the group – we discuss them later.

Another objection claims that social norms grounded in individual attitudes and/or behaviours are still 'indirectly social' because the individuals have reached them through social interactions. In short, the norm would be 'social' insofar as being grounded in individual features that were socially generated. Yet this idea runs into troubling counter-examples, in which the individuals have developed their norm-grounding features in utter isolation. For instance, assume that a social norm to do *X* is grounded in people doing *X*, (normatively) expecting everyone to do *X*, and believing that others also expect this. Now assume these shared attitudes and practices came about as follows:

> *The Dream*. All group members dream independently that all others expect *X*. As they wake up, they all believe these expectations exist in others, form these expectations themselves, and start acting accordingly.

The social norm is not made by the group, but by many isolated individuals. The norm is grounded in individual features (attitudes and practices) that were moreover generated purely individually. The point is related to Andrei Marmor's observation that a "happy coincidence" of attitudes is not enough for social rules (Marmor 2023, p. 13). *The Dream* might create the illusion of a social norm, but not a social norm.

SGC will be further vindicated later when we turn to the normativity of social norms. As will then emerge, a convincing form of *social* normativity requires *social* grounding.

Table 1 summarizes where we stand, by classifying different accounts in terms of their type of grounding. Thus, only process-based accounts satisfy both desiderata, AGC and SGC.

Social norms are…	**state-grounded**	**action-grounded**
individually grounded	individual-attitude-based accounts	practice-based accounts
socially grounded	collective-attitude-based accounts	process-based accounts

Table 1: Classification of accounts of social norms

Synchronic vs. diachronic grounding

On most accounts, social norms are grounded *synchronically*, i.e., in something that exists presently. Most attitude- and/or practice-based accounts, such as Marmor's (2023) and, on our reading, Valentini's (2021; 2023), take the norm to depend on *present* attitudes and/or practices, and to disappear if those attitudes and/or practices vanish.

By contrast, on our process-based account, the norm is grounded *diachronically*, i.e., in something than can have stopped by the present moment (see, e.g., Wilson 2020). For sure, the SNP *can* extend into the present and future. But it can equally well have stopped earlier, just as promises, laws and contracts are grounded in past actions of promise-making, law-making or contract-making. The SNP cannot be interrupted for too long, though: it cannot issue and later maintain a norm once and forever. To survive, the norm needs occasional re-confirmation by a reopened SNP, as discussed in Section 8. Here social norms depart from promises, laws and contracts, which typically need no re-confirmation.

Diachronic grounding is a distinguishing feature of our account. Some instead advocate synchronic grounding by construing social norms as higher-level features that are grounded in present lower-level features, namely present attitudes and/or behaviours (see Marmor 2023, p. 2).

Social norms vs. social pressures

Why is it so popular to ground social norms in attitudes? Perhaps partly because of the *social pressure* exercised by attitudes in society, such as expectations to behave in certain ways. Yet a social pressure to follow some behaviour is not a social norm: it is not a *requirement*, but some other *causal force* acting on people's psychology. Social norms can exist without social pressure (if no pressurizing attitudes exist), and social pressures can exist without a social norm (if no SNP took place).

Nonetheless, a social norm requiring *C* often co-exists with a social pressure to follow *C*, be it because the norm causes pressurizing attitudes or, conversely, because these attitudes initially caused the SNP. Sometimes the pressurizing attitudes are revealed through the SNP. For instance, consider a social norm not to litter in a public park, grounded in a communication process in which people publicly utter snide remarks at litterers. These snide remarks reveal all sorts of attitudes that pressurize people to refrain from littering.

Social norming processes vs. social practices

Sometimes, a behaviour can communicate support for this very behavior. Thus, a conforming practice can become a communication process, a non-verbal SNP. Here, practice-based and process-based accounts of social norms overlap superficially. But the overlap is slim. For one, a practice becomes an act of communication only if additional features hold. For instance, the practice must be suitably public to be perceived. And it must be 'understandable' as an act of communication, which in turn depends on the context – for instance, on the pre-existence of a convention, as in an example below. While practice-based accounts ground social norms in conforming practices *per se*, process-based accounts ground social norms in a SNP, and if this SNP happens to include practices, then the norm is grounded not in the practices *per se*, but in the practices *as acts of communication*.

Sometimes, practicing *C* is even a necessary part of communicating support for *C*. If people "preach" *C* without acting accordingly, they might *overall* fail to communicate support for *C*, so that the Norm Generation Condition fails. In other cases, however, someone can perfectly communicate support for *C* without practicing *C*. This is, for instance, the case if one's lack of practice is unobservable – think of a norm not to vote for extremist parties in secret ballots. It is also the case if *C* is so difficult to follow that a lack of personal practice expresses a personal weakness rather than a lack of support – think of a norm requiring to love one's enemies. Someone might also manage to communicate support for *C* without practicing *C* if her personal circumstances give her publicly known reasons *against C* – moral or rational, say – where those reasons outweigh any (pro tanto) obligation to *C*.

When Hart grounds social norms in a *social practice*, he uses the term 'practice' in a much broader sense that includes not only conforming practices, but also certain attitudes, and possibly many other behaviours, such as criticizing or sanctioning deviations. Insofar as such behaviours can represent communication acts, Hart's account looks like a hybrid practice-, attitude-, *and process*-based account. Our earlier reservations apply analogously.

Social norms vs. conventions

Social norms should also be distinguished from Lewisian *conventions*. Lewis (1969) describes conventions in terms of game-theoretic equilibria, in which every player acts in rational pursuit of her preferences, based on correct beliefs about the other players. Unlike social norms, Lewisian conventions can evolve in the complete absence of communication. They require widespread conforming behaviour, again unlike social norms. While (our) social norms are based on a communication process rather than attitudes and practices, Lewisian conventions are based on attitudes and practices.[12]

While a convention *as such* does not yield a social norm, let alone social normativity, it implies a *rational* requirement, and *rational* normativity. Indeed, a convention of *C* implies that people have a rational reason for *C*, since *C*-behaviour maximises their preferences given their beliefs. This said, if a convention of *C* is in place for a while, a social norm requiring that same *C* often emerges on top of the convention, because the convention sparks a communication process that grounds a social norm. The typical sequence of events is this. First, people behave chaotically. Then their behaviours (and beliefs) coordinate such that a convention emerges. Then people start

[12] In the sense that conventions *are* widespread practices supported by appropriate preferences and beliefs about one another, rather than being requirements grounded in these practices and attitudes. This makes conventions empirical phenomena rather than deontic objects. Other non-Lewisian notions of convention bring conventions much closer to social norms, by construing them as particular requirements on which people have (implicitly) convened through behaviour. Rescorla (2025) discusses possible notions of conventions.

communicating support for this behaviour, giving rise to a social norm. As usual, the communication can be highly implicit – people might communicate their support merely through practicing the convention. If this is how they communicate their support, why did the social norm not emerge earlier, simultaneously with the convention? After all, the same practice was alive already earlier, giving rise to the convention. No doubt, the social norm *could* arise simultaneously with the convention. But it need not, because, as seen above, this practice might only later acquire the meaning of an act of communication. For example, consider the use of public staircases. Initially, everyone walks chaotically, leading to collisions. After a while, more people start walking on the left, pushing away people who block the flow. They start believing that others will do so, too. A convention is born. Suddenly, this same behaviour of walking on the left and pushing away obstructers, which used to express an aggressive attitude, becomes an act of communication: it now communicates support for this behaviour. This communication process, if wide enough, grounds a social norm.

6. A baseline account

We now present a concrete process-based account of social norms: a concrete version of the Process-based Theory. Variants of the account are discussed in Section 7. Like many attitude-based accounts, our account and its variants are given by a condition for when a social norm is generated – yet a condition requiring a certain social process, not certain attitudes. The condition will effectively characterize SNPs, that is, the grounds of social norms. Its precise statement is bound to be controversial – which is why Section 7 will offer alternative statements.

Consider a group (such as a work community, family, nation, or even civilisation) and a suitably general proposition *C* about individual behaviour or other characteristics such as thoughts or attitudes (such as 'one wears a tie at work' or 'one feels respect for one's parents'). On our baseline rendition of the process-based approach, a social norm requiring *C* is generated *if and only if and because* the following holds:

> **Communication (COM):** Enough members have communicated to enough members that they want that *C* is obligatory.

This is *one* way to precisify the informal Norm Generation Condition in Section 4. Other ways will follow in Section 7.

By 'obligatory' we mean '*normatively* required'. Analogously, 'obligation' stands for '*normative* requirement'. Members express that they want an obligation, not just a (possibly non-binding) requirement.[13]

We want COM to be read as: For some sets E and E' of enough[14] members, each person in E has communicated to each person in E' that she wants that C is obligatory. By 'A communicates X to B' we mean 'A expresses X to (at least) B and B perceives this' (where X could be the will that C is obligatory). Therefore, communication has a sending and a receiving aspect. According to COM, a will is widely expressed, which is then widely perceived.[15] But what do we mean by 'expressing' and 'perceiving', more precisely?

Expressing: We interpret 'expressing' broadly, covering explicit and implicit expressions. One can express a will through speech, behaviours (single or repeated), facial expressions, and sometimes even silence. Typically, support for C gets expressed when the opportunity arises, often through acts of compliance with C, approval, or sanctioning of transgression.

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[13] Wanting this obligation differs from wanting the social norm, in two ways. In one sense, it is stronger, since obligations must be normative. In another sense, it is weaker, since a social norm, if normative, is a very special obligation, namely one grounded in a SNP. Members need not (and usually will not) express anything about the grounds of the obligation: they express that they want the obligation, period.

[14] We presuppose a notion of "enough". Containing enough members could mean containing a majority of the members. (In principle, the notion of "enough" could even be a different one for expressing members and for perceiving members; we set this possibility aside.)

[15] Here is another way to disambiguate COM: For some sets E and E' of enough members, each person in E has communicated to the subgroup E' that she wants that C is obligatory. This draws on the idea of communication to a subgroup. By 'person A communicates X to subgroup S' we mean 'A expresses X to (at least) S and each member B in S perceives this'. This reading of COM is stronger (assuming that expressing X to S implies expressing X to B, for each member B of S). In practice, the difference is small, since a person who communicates a will to each member of E' will usually do this in one go, by expressing it to the subgroup E', rather than engaging into repeated one-to-one communication. For instance, in our examples, the pub regulars and the users of London Underground escalators communicate their wills in public. The attractiveness of the stronger reading of COM is that, by enforcing one-to-many communication as opposed to allowing repeated one-to-one communication, social norms become *socially* grounded in a stronger sense. Here is a third reading of COM: For some sets E of enough members, each person A in E has communicated to every person in some set E_A of enough members that she wants that C is obligatory. This reading is weaker than ours, as E_A could depend on A, so that the members of E could communicate the will to partly different people. One could combine the last two readings of COM into a fourth reading: For some set E of enough members, each person A in E has communicated to some subgroup E_A of enough members that she wants that C is obligatory.

Perceiving: For our purposes, we interpret 'perceiving *X*' as 'coming to believe *X* as a result of *X*', essentially adopting a causal theory of perception (Grice 1961). For instance, one perceives that it rains if the rain makes one realise that it rains.[16] Perceiving *X* in this sense implies believing *X*. Why should norms require a widespread *perception* rather than merely *belief* that the will is expressed? After all, attitude-based accounts of social norms often require a widespread *belief* that the relevant attitude (e.g., an expectation) is widely held.[17] We would diverge less from some of the literature if we weakened COM by merely requiring widespread expressions of will and *beliefs* (rather than *perception)* of these expressions. The problem is that this would not be communication. The beliefs could exist by coincidence – just as in *The Dream* no one *perceived* the expectations of others, merely *believing* that they exist, having dreamt this. As argued earlier, processes that lack genuine interactions are flawed: they cannot ground a social norm, violating the Social Grounding Condition.

An interesting parallel arises with particular attitude-based accounts that merely require beliefs about certain attitudes (such as normative expectations), not these attitudes themselves. Such accounts typically make room for *pluralistic ignorance*, where widespread *false* beliefs about attitudes of others are supposed to ground a social norm.[18] In our account, pluralistic ignorance can occur in a different sense. Individuals need not actually have the will they express: they could 'fake' this will, consciously or subconsciously. If people perceive these expressions of will, and falsely infer that the will exists, then a norm has emerged under pluralistic ignorance. COM holds with inexistent but believed-to-exist wills.

Note again the analogy to legal processes: social norms and laws both come into existence once the right external 'protocol' has been followed, regardless of the 'true' wills. Indeed, laws arise once the legislators have externally expressed their consent by voting, even if they secretly disagree. The possible inexistence of the attitudes that are expressed shows how much our process-based account departs from standard attitude-based accounts, instead paralleling law-making and contract-making.

Revisiting our examples, we can now see condition COM at work: The neighbours have created a norm *because* enough of them have communicated to enough others – verbally or through nodding – that they want certain noise-limiting behaviour to be obligatory. The dart players have created a

[16] This mental notion of perception goes beyond mere sensory experience. Perception in our sense implies true belief: if someone perceives a proposition *X*, then *X* is true and she believes *X*.

[17] Bicchieri (2006) demands such beliefs in her 'normative expectation' condition.

[18] In our opinion, such attitude-based view – based on attitude-beliefs rather than attitudes – confuse the question of whether social norms exist with the question of whether they are believed to exist. See also Valentini (2023), p. 32-3; and Brennan et al. (2013), p. 35. Of course, apparent and real social norms can have the same powerful consequences.

social norm *because* enough of them have communicated to enough others – through various implicit signals – that they want regular attendance to be obligatory. And the users of the escalators have created a social norm since enough of them have communicated to enough others – through criticizing or sanctioning non-conformists – that they want standing on the right to be obligatory.

7. Variations of the account

Condition COM provides a particularly simple process-based account of social norms. Is the account satisfactory? Let us put up for debate some variations of the account. We will either strengthen or modify COM, by varying what exactly is communicated, expressed or perceived. These variants will illustrate different ways to work out the Process-based Theory by fleshing out the Norm Generation Condition.[19]

1. Truthful or credible communication. Suppose the local mafia boss orders that all front doors be painted in blue, his favourite colour. Fearing repercussions, nearly everyone complies and shows various signs of approval, thereby publicly expressing the relevant will. This is widely perceived in the community. Thus, COM holds. But is there really a social norm to paint doors blue? Two things are peculiar. First, the expressions of will are not truthful: members have *pretended* to want this, out of fear. Second, those who perceive these expressions do presumably not believe what is being expressed: they realise that the others only pretended.

The account of social norms can be refined in two different ways to respond to the two concerns. We say that someone *communicates X* (e.g., a will) *truthfully* to someone else if she communicates *X* to him and *X* indeed holds.[20] She *communicates X credibly* to him if she communicates *X* to him and he then believes *X*. The two refined conditions are:

> **Truthful Communication (t-COM):** Enough members have communicated to enough members truthfully that they want that *C* is obligatory.
>
> **Credible Communication (c-COM):** Enough members have communicated to enough members credibly that they want that *C* is obligatory.

On the t-COM-based account, no 'door colour norm' exists in our mafia example, as the widely communicated will is fake (except for the boss). On the c-COM-based account, the norm again

[19] Reiland (2023) seems to introduce another process-based account of the wider class of 'regulative rules', notwithstanding important differences. He invokes a process of 'enactment by an authority or acceptance by a community' (p. 1). Lawless (2023) might offer yet another process-based account of social norms, if one interprets his 'representational practices' as SNPs.

[20] Equivalently: she expresses *X* truthfully and he perceives the expression. Here, *expressing X truthfully* means expressing *X* where *X* indeed holds.

fails to exist, now because people fail to believe that the widely communicated wills exist (except for the boss). While t-COM and c-COM are possible alternatives to COM, one might insist that truthfulness and credibility are not essential, though often present. Why? In a realistic version of the mafia story, members won't manage to fake the will all the way: they will send mixed signals, including support (say, by complying with the order) and disapproval (say, by their facial expression or lack of enthusiasm for blue doors), overall *not* expressing the will. In consequence, COM fails, and *this* blocks a social norm. But if members have faked support consistently and these expressions of support have been widely perceived, nobody questions their truthfulness, so that COM holds, and then the norm did arguably emerge. For a legal analogy, note that a contract comes to exist once parties have expressed their will or agreement; speculations about 'secret' dispositions are irrelevant. Since, to us, social norms are also grounded in certain acts or processes rather than private attitudes or thoughts, social norms can plausibly emerge whenever the process succeeds – even if the attitudes involved are skilfully feigned.

2. Communicating agreement. Taking the analogy to contracts and laws further, some might argue that social norms arise through communication of agreement, not of will. They would replace COM with:

> **COM*:** Enough members have communicated to enough members that they agree to *C* being obligatory.

Will and agreement are often linked, but agreement is more cognitive while will is more desire-based. One can want something without agreeing to it, and arguably also vice versa.

Expressions of agreement can again be highly implicit – more implicit than for creating contracts or laws. Being silent, complying, or nodding can all express agreement, not just will.

3. Communicating basic attitudes. In the accounts above, members do not communicate that they want (or agree to) *C* simpliciter, but that they want (or agree to) *an obligation* of *C*. They communicate an attitude about an obligation of *C* rather than *C* itself – an 'indirect' rather than 'basic' attitude about *C*, as we shall say. By contrast, many attitude-based accounts of social norms tie social norms to basic attitudes, such as expectations, demands, preferences, or wills. For many such accounts, one might consider a corresponding process-based account in which *this* basic attitude is communicated:

> **COM':** Enough members have communicated to enough members that they expect/demand/prefer/want/etc. *C*.[21]

[21] COM' can be restated more precisely as a condition schema in which one can plug in any type of attitude *A*: *Enough members communicate to enough other members the attitude A towards C*.

We are sceptical about a COM'-based account. Communicating mere approval of some behaviour without any obligation seems insufficient for a social norm. If everyone wants everyone to dress properly, and communicates this, but everyone also rejects an obligation to do so, then arguably no social norm was created, although COM' holds. For comparison, to create a law (or contract), the legislators (or parties) must approve the law (or contract), not just what it requires. While COM* moves social norms closer to laws and contracts, COM' moves social norms further away from the legal sphere, because expectations (demands, etc.) do not ground laws or contracts.

4. Higher-order communication. Proponents of an attitude-based approach to social norms often do not stop with requiring that enough members (say) expect some behaviour: the expectations must be widely believed to exist (first-order beliefs), widely believed to be widely believed to exist (second-order beliefs), etc.[22] COM only guarantees the existence of first-order beliefs: the expressions of will must be widely believed to have occured. In fact, COM guarantees something stronger: the expressions have been widely *perceived* (hence believed to exist). We have explained earlier why we require perceptions rather than mere beliefs. For analogous reasons, when going higher order, requiring higher-order perceptions is more adequate than requiring higher-order beliefs. We will talk of "higher-order communication". We define communication of order 0, order 1, order 2, etc., as follows:

> **$\mathbf{COM_0}$:** Enough members have expressed to enough members that they want that *C* is obligatory.
>
> **$\mathbf{COM_1}$:** Enough members have perceived that enough members have expressed this to her.
>
> **$\mathbf{COM_2}$:** Enough members have perceived that enough members have perceived that enough members have expressed this to her.
>
> …

These conditions were stated informally but can be disambiguated.[23] Two facts follow:

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[22] See Brennan et al. (2013), p. 31 for discussion.

[23] One should read the conditions as follows. COM_0: There are sets E_0 and E_1 of enough members such that each P_0 in E_0 expresses the will to each P_1 in E_1. COM_1: There are sets E_0 and E_1 of enough members such that each P_1 in E_1 perceives for each P_0 in E_0 that P_0 expresses the will to P_1. COM_2: There are sets E_0, E_1 and E_2 of enough members such that each P_2 in E_2 perceives for each P_1 in E_1 and each P_0 in E_0 that P_1 perceives that P_0 expresses the will to P_1. And so on.

Fact 1: For any order $k \geq 1$, COM_k implies COM_0, …, COM_{k-1}, assuming our notion of perception (and a non-degenerate notion of enoughness such that "enough members" excludes "no members").

Fact 2: COM_1 is equivalent to COM, assuming our notions of perception and communication.

To prove Fact 1, it suffices to show that COM_k implies COM_{k-1} for each $k \geq 1$. This holds because if enough members perceive something, say *X*, then *someone* perceives *X* given a non-degenerate notion of enoughness, and so *X* must hold given our notion of perception. Fact 2 holds by a slightly more elaborate argument.[24]

By Fact 1, an account of social norms based on communication up to a certain order *k* (e.g., up to order 2) can be defined through a single unified condition, namely COM_k, which automatically subsumes COM_0, …, COM_{k-1}.

We leave it open whether social norms require higher-order communication, and if so whether one needs communication up to a certain order *k* or of all orders *k*. If COM_k holds for all orders *k*, one might talk of 'quasi-common perception', in analogy with the notion of 'common knowledge' in logic. The qualification 'quasi-' reflects that the conditions COM_k are stated with 'enough members' rather than 'all members'. Full-blown *common perception* holds if each condition holds in the stronger sense with 'all members'.

8. Social Norming Failures and Norm Decline

Where needed, we will hereafter assume the baseline account given by COM. In this section, we first discuss cases where a norm fails to be generated, and then address the disappearance of a norm over time.

Failures to generate a social norm

Many social processes aim to generate a social norm, but fail, as COM is violated. COM can fail because of expression failures, or perception failures, or both. Examples will help.

[24] COM says this: there exist sets E and E' of enough members such that, for all *A* in E and *B* in E', [*A* communicates the will to *B*]. By our notion of communication, the clause "[…]" is equivalent to "*A* expresses the will to *B* and *B* perceives that *A* expresses the will to *B*". This is in turn equivalent to "*B* perceives that *A* expresses the will to *B*", since whatever is perceived is the case, by our notion of perception. So, COM is equivalent to this: there exist sets E and E' of enough members such that, for all *A* in E and *B* in E', *B* perceives that *A* expresses the will to *B*. This is precisely COM_2.

Expression Failures. Expression failures happen, first, if too few members express approval, i.e., COM_0 fails. For instance, a lone supporter of orderly queuing is insufficient to instill a queuing norm. Similarly, in the mafia example, most members will likely send mixed signals, overall failing to express the will.[25] Second, expression fails if it is not public enough. No norm arises if everyone expresses a will *to herself*. Similarly, if a social network is divided into cliques where users only contact members of their own clique, social norms cannot arise because wills are not expressed publicly across cliques – at most, norms *within* cliques could emerge.

Perception Failures. Modifying the social-network example, imagine a different clique effect: members rarely see messages or posts from people outside their clique, be it because they chose certain settings or because the network provider promotes intra-clique communication. Then COM fails since expressions of will are not widely perceived. The same happens if prejudices prevent members from perceiving wills of a certain type or wills expressed by certain members.

Disappearance of a social norm over time

Many social norms disappear over time. Attitude- and practice-based accounts explain this as follows: the norm disappears once the grounding attitudes or practices have disappeared, assuming that grounding is synchronic, so that norms are grounded in *present* attitudes or practices. Our process-based approach explains norm disappearance by a lack of sufficient communication of support for the obligation. This idea is intuitively clear in examples.[26] But is it coherent? One might at first think that the communication process that had initially put the norm in place grounds the norm *forever*, given that our notion of grounding is diachronic, i.e., that norms can be grounded by *past* communication. This reasoning is too simple. Let us inspect the condition COM carefully. This condition can initially hold and later fail, for essentially two reasons.

Group evolution: Groups gain and lose members over time, for instance through birth and death. The term "members" in COM stands for "members of the *present* group". If the communication process does not continue over time by taking the new members on board, then, eventually, insufficient communication among *present* members has taken place, so that COM now fails. As a drastic example, if the communication process stopped 200 years ago, when only past group members participated, then this past communication does not ground a present norm – COM fails today, relative to today's group members.

[25] Even if the will is initially expressed due to successful threats, so that COM holds, the norm might collapse later as members start sending opposite signals, so that COM fails.

[26] For example, 80 years ago, a social norm demanded short hair for men in Western Europe. Today, the SNPs that used to create and maintain this norm have largely disappeared, as the will is insufficiently expressed (compliance declines) and insufficiently perceived (people increasingly ignore expressions). The norm has vanished.

Communicating retraction of support: If the communication process pauses for too long, then those who used to communicate support for the obligation will – by their silence – effectively communicate that they no longer care about the obligation. For instance, if the pub regulars stop criticizing the absence of non-attenders for a long while, then they signal indifference about attendance. COM is violated by now, since *not enough* people have communicated support – the norm is gone. The same happens if people start criticizing the obligation after a while. This might again seem surprising: can someone who has communicated something later lose the property of *having communicated* this? Yes, she can, because "having communicated *X*" should be read as "having communicated *X overall*, up to the present moment". As time progresses, the interval of time over which communication activity could happen grows. If the person never communicates *X* again or even starts communicating the opposite, then it is eventually no longer true that she has *overall* communicated *X*.

9. The Normativity of Social Norms

A philosophically fascinating aspect of social norms is their role in creating normative reasons. The remarkable human ability to manufacture normativity on the fly is worthy of reflection: 'we can create new normative truths merely by introducing, or getting some people to accept, some rules', Parfit (2011) observes. Yet is there such a thing as *social* normativity, and what is it? Legal philosophers continue to debate under which conditions *legal* normativity obtains – but at least the terms of that debate are now well established.[27] By contrast, social normativity is a recent field of investigation, with foundational questions still unsettled.

We are after a distinct type of normativity: *social* normativity. It differs from rational or prudential normativity and from ordinary moral normativity, though it might be inherited from moral normativity, as explained later. While moral norms are normative by default, the normativity of social (and legal) norms is not evident. To distinguish social normativity from other normativities, we talk of '*social* obligations', '*socially* permissible', '*social* reasons', etc., sometimes replacing 'social(ly)' with 'social-normative(ly)' for clarity.

We consider a social norm requiring *C*. Often there will exist separate *non-social* reasons for or against the same *C* – one should carefully distinguish them from *social* normativity. For instance, many social norms require something for (or against) which there exists an independent moral reason. For instance, there can be both a social-normative obligation and a moral obligation to

[27] See, e.g., Hart (1961); Raz (1979); Enoch (2011); Kaplan (2017); Plunkett, Shapiro, and Toh (2019); Diamond (2024).

rescue drowning people. The two are perfectly independent. The social-normative reason comes on top of the moral reason.[28]

Similarly, there often exist *rational* or *prudential* reasons for *C*, because many social norms are accompanied by a sanction or incentive mechanism (e.g., Ullmann-Margalit 1977; Schotter 1981). For instance, non-compliant agents could be excluded from the group (e.g., Fehr and Fischbacher 2004) or lose esteem (Brennan and Pettit 2000). Though intertwined with social norms and important for their enforcement, such mechanisms give only *rational* reasons for *C*, often driven by self-interest (Elster 1989). They create no *social* normativity.[29]

The distinctness and possible co-existence of social-normative reasons with other reasons cannot be emphasized enough. If there is a social-normative reason to drive on the right, then this reason would co-exist with a standard moral reason for driving there (to protect the life of others) and a rational reason for driving there (to protect one's own life).

Having warned against confusion with other reasons, our question becomes more pressing: what *is* social normativity? The standard approach grounds social normativity in attitudes, possibly in combination with practices, whereas we will ground it in the norming process – the same contrast as encountered when grounding social norms.

Before developing our approach to social normativity, let us review accounts based on individual attitudes, and anticipate some objections.

On our reading of Brennan et al. (2013), social normativity comes for free: the normative attitudes grounding a social norm automatically generate normativity.[30] Laura Valentini grounds normativity in different attitudes: members' *commitments* to the norm. One has a pro tanto obligation to respect such commitments by complying (Valentini 2021, 2023).

We agree that various attitudes of others can give reason to comply. For example, our neighbours' preferences might give a moral reason to repaint one's front door – because respecting preferences may be a duty of beneficence, or an obligation for improving the well-being of others. And commitments of others may (morally) command respect, as Valentini suggests. It is more

[28] See Southwood (2011) for related discussion.

[29] Although insofar as they are acts of communication, they can form part of the SNP grounding the social norm, as explained earlier.

[30] While Brennan et al. (2013) begin with a simple account of how attitudes ground normativity (p. 28-9), they add two aspects later on: First, the normative attitudes generating social norms are, in turn, based on social practices, and second, there are expressive reasons to '*honour* the practice from the inside' (p. 80).

questionable whether normative expectations of others are morally reason-giving.[31] In any case, insofar as individual attitudes are reason-giving, they ground ordinary moral obligations, not social-normative obligations, as will become clear now.

10. Defending Process-based Social Normativity

We claim that the normativity of a social norm (if any) is grounded in the SNP – like the social norm itself. We defend this grounding claim like the one for social norms. In short: social normativity must be (i) grounded *in actions*, as it is "made", and (ii) grounded *socially*, to be a truly social form of normativity. These conditions parallel the conditions AGC and SGC on grounding norms. Condition (i) excludes grounding normativity in individual or collective attitudes. Condition (ii) excludes grounding normativity in individual practices or attitudes. Both conditions are satisfied when grounding normativity in the SNP.

For brevity, we will only spell out the argument based on condition (ii). How condition (i) applies emerges naturally from our discussion in Section 5.

The problem with grounding *social* normativity in *individual* characteristics like attitudes is threefold. First, such grounding yields an essentially individualistic type of normativity.[32] As mentioned, individual characteristics of others can be reason-giving: commitments to the norm (Valentini 2023) and possibly normative attitudes (Brennan et al. 2013) and preferences can give reason to *C*. Yet the social element is missing. Already a single person's attitudes may give a (tiny) reason for *C*, without any social norm in place. If many persons have relevant attitudes, the reason gets stronger overall but stays individualistic. Social normativity grounded in attitudes of many persons is therefore 'social' only in the thin sense of aggregating many one-person-based reasons. Such normativity is not *irreducibly* social, denying the social aspect of social normativity.

Second, since the individual-grounding approach takes social-normative reasons to merely summarize many preexisting reasons (one for each attitude-holder), this approach introduces a redundancy into the 'calculus of reasons', not a genuinely new type of reason. At best, this trivialises social normativity. At worst, it leads to double-counting of reasons when determining all-things-considered obligations.

Third, if grounded individually, social-normative reasons would plausibly come in degrees: they would get stronger if there are more attitude-holders, and would already exist minimally if there are just few attitude-holders – too few for a social norm to exist. This conflicts with the natural

[31] Arguably, a majority's expectation in Italy about when to drink cappuccino has no normative force: non-conformists can sip their cappuccino anytime and have no social reason to do otherwise. See Blomberg 2023 for discussion and Valentini 2023, p. 41 for a similar example.

[32] See Nieswandt (2024) for a related debate.

view that social normativity presupposes a social norm, and that both are binary phenomena rather than phenomena in degrees.

Can the attitude-based approach be rescued? Margaret Gilbert (1999), Raimo Tuomela (2007), Olle Blomberg (2023), and Andrei Marmor (2023) all argue that *collective* attitudes tend to have normative force where individual attitudes fail: they give social-normative reason to comply. Grounding social normativity in *collective* attitudes avoids individual grounding but faces other problems. It still violates condition (i). It also denies social normativity when there are no collective attitudes, even though social normativity seems to exist even in loose groups without collective attitudes, such as the users of the London Underground. And it cannot plausibly explain how those individuals who do not contribute to the collective attitude (say, because they hold opposite individual attitudes) nonetheless have a social-normative reason to comply.

We henceforth take social normativity to be grounded in the SNP, an irreducibly social phenomenon. This responds to the problems of attitude-based grounding. It creates a natural alignment between the grounds of social normativity and of the social norm. And it parallels process-based grounds for legal normativity.

11. Which Social Norming Processes generate Normativity?

While any SNP generates a social norm with some content *C*, it is debatable which SNPs generate a *normative* social norm, i.e., give a (pro tanto) reason or obligation for *C*. On a simple but radical approach, *any* SNP does so. Social norms are then automatically normative. There are two strategies to defend such 'social normativity for free': either lowering the threshold for social normativity to condition COM (or a variant) or raising the threshold for a social norm beyond COM. The second strategy might be more plausible, since an exchange of will à la COM seems insufficient for generating normativity.

On a less radical view (defended, e.g., by Boghossian 2015), only some social norms are socially normative. Note that a social norm that lacks normativity fails to fulfill the expressed will of members, namely that *C* be obligatory, i.e., *normatively* required. Members aim for an obligation, but achieve a non-normative requirement. The social norm might still be practiced: it might be sustained by other reasons, as explained before (see, e.g., van Wietmarschen 2024, p. 339-40).

This programmatic paper will now sketch different ways to develop this view, by presenting three potential sources of social normativity, all located in the SNP. [33] Versions of our arguments will

[33] Here we said "the SNP", but, more precisely, a SNP can be individuated in richer or narrower ways. Grounding social normativity may require a more richly individuated SNP than grounding the social norm: while a 'thin' process of will communication already grounds a social norm, additional process features might have to come on board to ground social normativity.

be familiar from debates about the justification of political and legal obligations. The process-based approach can indeed draw on well-established reasons for rule compliance, rather than having to postulate an entirely *sui generis* theory of social normativity.

The Autonomy Reason

On one view, a social norm becomes normative if an autonomy condition holds (besides COM):

> **Collective Autonomy (AUT):** The group has communicated over whether to require *C* in a process that constitutes an exercise of collective autonomy.

The conditions AUT and COM are independent. While both demand a decision process of whether to require *C*, AUT adds that this process meets the standards of an exercise of collective autonomy, while leaving open whether the requirement finds any support and thus whether the social norm emerges.

Why should AUT (jointly with COM) give reason for *C*? A broadly Kantian thesis says that an exercise of *individual* autonomy commands respect.[34] Similarly, an exercise of *collective* autonomy in a SNP commands respect, by complying with the social norm. This is because there is value in groups setting their rules autonomously rather than being governed by external forces. The value of such autonomous self-governance could be intrinsic or instrumental. Indeed, it may firstly be valuable *in itself* that members jointly author their shared environment. Secondly, this may have valuable effects, including benefits of social cooperation, such as to allow members to pursue their goals and set terms of social interaction.[35]

The parallel with legal normativity strikes again: laws owe their normativity partly to an underlying process of autonomous democratic will formation. In Waldron's words:

> 'A piece of legislation deserves respect because of the achievement it represents in the circumstances of politics: action-in-concert in the face of disagreement' (Waldron 1999, 108).

If Waldron is right about legislation, an analogous argument for social norms looks promising: they deserve respect and become normative because a collective action problem was solved autonomously. This reasoning also explains why social norms can have force on outsiders interacting with the group: they should also respect the group's autonomous self-governance.

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[34] Autonomous individuals are the author of their own life (Raz 1986). Others have a pro tanto duty not to interfere in this authorship.

[35] See Scanlon's (1998) 'Principle of Established Practices' and the discussion in Valentini (2023), p. 62-5.

Which SNPs represent an exercise of collective autonomy is debatable. Arguably, SNPs in which members fake or misrepresent their will, so that t-COM fails, do not succeed in generating social normativity. Members may then at best *believe* to have reason to comply, particularly if people fake their wills credibly, so that c-COM holds – the case of pluralistic ignorance discussed earlier. Other counterexamples are arguably SNPs in which members are brainwashed: the wills they express are genuine, but not "free". Here normativity fails although t-COM holds.

In general, properties of a SNP promoting the exercise of autonomy include: transparency, inclusiveness, open deliberation, and positive responsiveness to individual inputs. Conversely, autonomy is undermined if the SNP is subject to malevolent or arbitrary influences from inside or outside.

In sum, the autonomy of the SNP and thus the social normativity stands and falls with the quality and integrity individual will-formation, will-expression, and will-aggregation.

The Public Reason Reason

Alternatively, a social norm becomes normative if a deliberative-democratic condition holds (besides COM):

> **Public Reason (REA):** The group has communicated over whether to require *C* in a process that meets the standards of public reason.

REA requires an exchange in which members justify their wills publicly, by offering publicly acceptable reasons. A public reason exchange would then ground social normativity – just as public reason processes can justify democratic decisions, following a vast literature on public reason and deliberation that we cannot review here.[36]

On most accounts, public reason processes require high-level cognitive engagement. Few SNPs will clear this hurdle. Examples of SNPs violating REA are non-verbal SNPs, verbal SNPs where members express wills but not reasons, and SNPs where members express publicly unacceptable reasons, such as racist or dishonest reasons.

The Consent Reason

On an entirely different view, a social norm becomes normative if members give their unanimous consent:

> **Consent (CON):** All members have given their consent to all members that *C* is obligatory.

[36] But see Quong (2022) for an overview.

The idea is that a requirement binds someone if she has given her consent – just as contracts bind each party because they have given consent, say by signing. Giving consent is an *act*, in fact often the same sort of act by which members also express their agreement in COM* or their will in COM, such as speech acts or acts of nodding. Arguably, giving consent *always* expresses agreement, truthfully or non-truthfully; and so CON implies COM*.

A CON-based account of social normativity faces two problems. First, CON rarely holds, and so few social norms would be normative. Second, explaining why the norm should bind outsiders interacting with the group becomes hard, unlike for an AUT-based or REA-based account. Two unsatisfactory possibilities present themselves. Either the norm does *not* bind outsiders – but this is 'selective normativity', which leaves outsiders and newcomers beyond the force of social normativity, against common views and intuitions about the normativity of social norms.[37] Or the norm *does* bind outsiders – but this view is question-begging, if not incoherent. The problem is familiar from consent-based views on political obligation (e.g., Simmons 1981).

Additional Background Conditions

Normativity requires not only one of these substantive reasons, but also some background conditions. We propose two such conditions:

> **Feasibility (FEA):** *C* is feasible.
>
> **Intra-collectivity (ICO):** *C* is only about people in, or interacting with, the group.

FEA excludes norms requiring infeasible actions, attitudes or thoughts. Its exact meaning depends on the notion of (in)feasibility, ranging from logical or physical notions to psychological, economic or political notions (e.g., Southwood 2018). One could defend FEA using the principle 'ought implies can', applied in a social rather than moral setting.

By ICO, the norm only speaks to people in, or interacting with, the group. *C* could say 'we eat with knife and fork' or 'we and our guests eat with knife and fork', but not 'all humans eat with knife and fork'. Norms violating ICO will be called 'imperial', as they interfere with other groups. Imagine, say, a social norm created among UK residents prescribing cutlery norms for people living in Vietnam. This norm is *exclusively imperial*: it is *only* about outsiders. Exclusively imperial social norms are rare. *Partially imperial* ones, about insiders and outsiders, emerge in abundance, however. Why? Sometimes real-life SNPs are simply too unsophisticated to set scope-

[37] See Valentini (2023), pp. 81-2 for discussion.

restricted requirements.[38] But often the imperial nature of norms is intended: many groups strive for universal rules, valid for everyone, not just themselves.

Imperial social norms arguably lack normativity, at least for outsiders, because such norms are a form of unjust interference.[39] In fact, ICO might *follow* from AUT, REA, and CON, since interfering with others' self-governance cannot be classified as an exercise of collective autonomy or defended by public reason. Moreover, the interference would not have been unanimously consented to.

Though lacking social normativity, imperial social norms can – unfortunately – still exist and be enforced through sanction mechanisms, creating rational rather than social reasons to comply.

Social normativity summarized

We have proposed three potential sources of social normativity, and some background conditions. A narrow but unified theory of social normativity would accept just one source. For instance, by accepting only the autonomy reason, a normative social norm would arise if and only if this combined condition holds:

$$\underbrace{\text{COM (or a variant)}}_{\rightarrow \text{social norm}} \;\&\; \underbrace{\text{AUT}}_{\rightarrow \text{normativity}} \;\&\; \underbrace{\text{FEA \& ICO}}_{\rightarrow \text{background conditions}}$$

Perhaps more plausibly, one could accept different sources of social normativity. For instance, by accepting all three sources discussed, a normative social norm would arise if and only if this combined condition holds:

$$\underbrace{\text{COM (or a variant)}}_{\rightarrow \text{social norm}} \;\&\; \underbrace{[\text{AUT or REA or CON}]}_{\rightarrow \text{normativity}} \;\&\; \underbrace{\text{FEA \& ICO}}_{\rightarrow \text{background conditions}}$$

On a sufficiently wide understandings of 'moral', social normativity is inherited from moral normativity. Indeed, one might have moral reason to respect requirements created by SNP that meets AUT, REA or CON. Social normativity would then be inherited from moral normativity. We say 'inherited' because morality does not require *C* itself, but requires a conditional: *if* a process of such-and-such type happened *then* one follows *C*. This makes *C* a contingent moral requirement.

[38] It is easier to agree (through a SNP satisfying COM) that anyone shakes hands with guests than that anyone *in or interacting with our group* does so.

[39] For analogy, if a national parliament passes a law that requires something from citizens of foreign states outside its jurisdiction and without a relevant connection to the legislating state, then, even though such a law might exist, it would normally lack legal normativity for those 'outsiders'.

12. Conclusion

To conclude, let us highlight some advantages of our process-based approach.

First, we get the basic ontology right. Social norms *are* neither clusters of attitudes nor social processes. They are *requirements*: requirements grounded in social communication processes. Precisely which social communication processes generate social norms is debatable. We have proposed a baseline account (condition COM), and several variants of this account. These accounts vary in their conditions on 'communication'. Typically, members express certain attitudes to others who perceive these expressions. Whether members truly possess these attitudes is typically irrelevant, as long as they are expressed to others.

Second, the relation between social norms and attitudes is different from what is usually assumed: rather than grounding social norms, attitudes are typical effects of social norms. For instance, social norms often lead to normative expectations, rather than being generated by them.

Third, social *normativity* is a distinct type of normativity, with irreducibly social grounds. On a radical view, all social norms come with social normativity. On more nuanced views, social normativity depends on the 'quality' of the social norming process, which should for instance constitute an exercise of collective autonomy, or meet the standards of public reason, or be based on mutual consent. Attitude-based accounts struggle with explaining why social norms are normative for those individuals who disagree. To us, attitudes such as disagreement (or agreement) are irrelevant in the first place. What matters is the social norming process.

Fourth, parallels to legal norms and normativity have emerged. Social and legal norms are both 'made' through a process, although social norming processes differ from legal norming processes.

Last not least, what is 'social' about a social norm? The process-based approach has a clear answer: social norms are grounded in an interactive process. The attitude-based approach also has an answer: the attitudes in question are attitudes about others. Yet nothing prevents people from forming other-regarding attitudes in total isolation from one another. Genuinely *social* norms arise from interacting with, not merely thinking or feeling about one another.

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