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Eating Peas with One's Fingers: A Semiotic Approach to Law and Social Norms

Bryan H. Druzin

Abstract This paper proposes a semiotic theory of norms—what I term *normative semiotics*. The paper's central contention is that social norms are a language. Moreover, it is a language that we instinctively learn to speak. Normative behaviour is a mode of communication, the intelligibility of which allows us to establish cooperative relationships with others. Normative behaviour communicates an actor's potential as a cooperative partner. Compliance with a norm is an act of communication: compliance signals cooperativeness; noncompliance signals uncooperativeness. An evolutionary model is proposed to explain how this comes about: evolution has generated an instinctual proficiency in working with these signals much like a language—a proficiency that manifests in an emotional context. We see these social rules as possessing a certain 'rightness' in normative terms. This adaptive trait is what we call internalization. Internalization enhances the individual's ability to speak this code. Because these signals communicate who is and who is not a reliable co-operator, sending and receiving cooperation signals is crucial to individual survival. Individuals who internalized the entire process and thus became more adept at speaking the language were at an advantage. Law seeks to shape the language of norms by maintaining the collective standards of society; as such, understanding how and why this normative language emerges is critical to understanding a core function of law.

Keywords Social norms · Semiotics · Law · Signalling · Internalization · Natural selection

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1 Introduction

Consider how you would react to the following. Your attorney in a criminal trial dresses only in a Nike jogging suit. A fellow passenger enters a crowded elevator and refuses to turn and face forward. A stranger politely requests to cut in front of you in the queue explaining she just does not care to wait. Sitting alone in a vast empty theatre, a patron enters and takes the seat immediately beside you. The truly fascinating question regarding these scenarios is not why anyone would choose to perform such odd behaviours, but rather why we consider these behaviours so odd. More precisely, why are they 'wrong'? Why must one wear black to a funeral, tip 20 % at restaurants in New York City, and not wear a hat to dinner? Who is hurt, after all, if I choose to eat peas with my fingers?[1]

This paper proposes an answer to why these acts are 'wrong': it is submitted here that social norms are a language.[2] Moreover, it is a language that we instinctively learn to speak, and speak fluently. Social norms are signals that communicate one's potential as a cooperative partner. That one subscribes to a norm at all signals one's cooperativeness.[3] The significance of a normative act lies in its very observance; compliance (or non-compliance) is itself an act of communication. The man who wears white to his tennis match and the man who tattoos a swastika onto his forehead both communicate their cooperativeness by expressing a willingness to cooperate with a group of people, they are just different groups—they are different languages. In complying with these norms each man is communicating something deeper about his character. Indeed, normative behaviour, to borrow a semiotics phrase from Roland Barthes, constitutes a "system of signification."[4] Normative acts are infused with meaning; from wearing a tie, to refusing to shake someone's hand, to eating from someone's plate, or smoking in a hospital waiting room.

It is submitted here that the content of a norm is not in fact of primary importance, conformity is. The specific content of a norm is not of importance, indeed they typically vary wildly from one group to another and over time; a norm's significance, its true importance and function, lies not in its content but rather the very act of compliance with the norm. It does not matter what the rule is; it can be virtually anything, what matters is that it is recognized as a rule and that one follows it, for it is in compliance that a message is sent.

Contemporary semiotics is the study of how meaning is made through sign-systems [6, p. 2]. Social norms are precisely such systems: they are highly complex system of signs connoting an equally complex system of meaning. Normative behaviour is a mode of communication, the intelligibility of which allows us to establish cooperative relationships with others. What is proposed here is a semiotic theory of norms that takes this communicative aspect into account. I present my

[1] I borrow the question from Peyton Young. See Young [42, p. 6].

[2] This idea formed the core underpinning to my doctoral work at King's College London and is the subject of a book I am currently writing.

[3] For norms that involve negative injunctions, this takes the form of restraining one's behaviour; for example, refraining from littering and instead carrying the garbage to the nearest trashcan.

[4] See Barthes [4, p. 9]. See also Eco [11, p. 8].

argument not as established fact, but as a hypothesis to be proved. The task before us is to explain the existence of social norms, these social rituals that infuse our social lives with so much meaning. This paper puts forward one plausible explanation based on the semiotics of signalling cooperation. The crux of the theory is that social norms are a semiotic system. Understanding social norms as a language of signs we can understand a great deal. Indeed, it is the contention here that normativity arises from these signs. I term this idea *normative semiotics*.[5] The approach is very much structuralist: the root cause of normativity is laid directly at the feet of these signalling structures underlying interaction.

The core idea of normative semiotics is that the tendency to observe and internalize social norms is the product of natural selection—the activity of signalling cooperation gives rise to normative patterns. Evolution has generated an instinctual proficiency in working with these cooperation signals in whatever form they take much like our ability to learn language—a proficiency that manifests in an emotional context. This trait is what we call internalization. That is, a genuine belief in the objective 'rightness' of the norm. Internalization enhances the individual's ability to instinctively speak this code. Sending and receiving cooperation signals is crucial to individual survival. This back and forth helps individuals secure cooperative partners: it signals who is and who is not a reliable co-operator. Individuals who internalized the entire process, and as a result became more adept at speaking this language, were therefore at an advantage. Those who learned to speak this language survived; those who did not learn the language did not survive. The idea that internalization is evolutionarily conditioned is not new. It has been said before.[6] However, linking this to a semiotic model of cooperation signalling is, and doing so offers a great deal of explanatory potential.

There has been in recent years an explosion of interest in social norms within the legal academy [12, p. 542]. The reason for this interest is simple: it is imminently clear that most social order is maintained not through state-enforced law but through social norms.[7] As Cass Sunstein explains, "when social norms appear not to be present, it is only because they are so taken for granted that they seem invisible." [37, p. 912] Indeed, social norms reinforce and help shape much codified law [26, p. 346–347]. "State laws," Robert Cooter writes, "are visible obligations protruding above a larger, invisible mass of social obligations" [9, p. 27]. If we take law to mean rules that structure social order, then law is not a purely legislative creation. Legislation is but the formal tip of a colossal iceberg; this normative substructure helps shape the outward face of law. To understand formal law then, we must understand the normative underside to this iceberg. Eric Posner in particular has done a great deal of work regarding law and norms. In making my argument, I borrow heavily from Eric Posner's discount-rate signalling theory of norms, which sees social norms as a means to signal one's willingness to forgo short-term gain

[5] The term "normative semiotics" is appears in some of the semiotic literature; however, the meaning here is markedly distinct from past usages of the term.

[6] See, e.g., Leary [22, p. 129] "Since Darwin … all theories of emotion have assumed that the capacity for emotional experience evolved because it had adaptive value in helping organisms deal with recurrent challenges and opportunities in their physical and social environments." (footnotes omitted).

[7] See Mahoney et al. [25, p. 2027]. See also, e.g., Ellickson [13, p. 35].

thereby solving the prisoner's dilemma [31]. Although I do not adopt Posner's signalling theory in its entirety and in fact diverge from him in many crucial respects, the core of his theory, that social norms are signals of cooperation, comprises the basis of this paper.[8]

The thesis posited here is highly theoretical, yet at the same time it has very concrete implications for law. Law and norms share a symbiotic relationship: the language of norms affects law, but law in turn can affect the language of norms. For instance, prevailing discriminatory norms among white society in the US south gave rise to Jim Crow laws. Yet the Civil Rights Act and the Voting Rights Act of the 1960s in turn further diminished the level of racism in these same communities. Law often shapes the language of norms by establishing or maintaining the collective standards of a society [23]. As such, understanding how and why this normative language emerges is critical to understanding legal structures. On a practical note, by understanding the mechanistic underpinning to societal norms, law may be better calibrated to regulate these very norms. Indeed, law's role in the formation, maintenance, and control of social norms is a prime area of focus in the law and norms literature [16, p. 643]. This is not extensively explored here; space does not permit it. What is offered here is a basic analytical framework, a new conceptual orientation. The goal here is to lay out the broad strokes of a semiotic theory of social norms that can advance this exploration. Further empirical research is needed to verify many of the theory's claims; I offer here only a brief sketch of this approach, yet in doing so hopefully lay the crude foundations for future research.

The paper unfolds in three parts. The first part explains the core supposition that social norms are acts of communication; that is, that they are a system of signification—a language. The second part then explains why and how we learn to speak this language. I do this by applying an evolutionary model to the process of norm internalization. The third part then discusses the broader implications of normative semiotics. The question of conceptualizing not only social norms but morality writ large as a semiotic system is raised for the reader's consideration. The final conclusion the paper reaches is that normative behaviour is a language in that it communicates cooperativeness, and crucially, it is a language that individuals learn to speak through internalizing it, seeing such behaviour simply as 'the right thing to do'—that it is implicitly 'wrong' for one to eat peas with one's fingers.

2 Social Norms as Signals

2.1 What I Mean by a Social Norm

Definitions of what is a social norm vary considerably so it is important for me to first define clearly what I mean by the term. As I define it here, a norm is taken to

[8] A primary difference is that Posner pins his theory entirely on a rational choice model, choosing to completely ignore internalization. See Posner [31]. As well, I do not think cost is necessary to explain norms; the mere act of compliance is enough to signal cooperation.

mean the sense that a particular behaviour[9] carries with it a certain "ought to" in the Humean sense—a basic intuition that the behaviour is inherently right, generating a sense that a certain behaviour is proper, correct, "the right thing to do",[10] yet one totally unrelated to any functional or instrumental consideration.[11] That is, the act is right in itself, not because it achieves some purpose. For example, the statement "You should wear a hat outside so you do not catch a cold" is an instrumental calculation; the statement "You should not wear a hat in church" is normative. The sense of normativity gives rise to certain beliefs.

Thus we believe that it is genuinely wrong to eat with one's hands, to read over one's shoulders, to not tip, or to jump the queue. If a person feels it is inherently wrong to have pre-marital sex, this has a normative quality to it; if a person feels it is inherently wrong to wear pinstripes with polka dots, this too has a normative quality to it. A norm is what is felt to be right, what one is supposed to do: one ought to keep one's mouth closed when eating; one ought not to litter; one ought not to smoke in elevators, one ought to shake hands upon meeting (or bow, wai, or salute), queue, and respect other people's privacy.[12] In this sense, a social norm is internalized. Indeed, to speak of social norms without speaking of internalization is like discussing fine dining without any mention of food: internalization is the defining essence of a social norm. A man can give charity because others are watching, or a man can give charity because he thinks it is right. According to the definition proffered here, however, the act is only truly normative in the second case.

2.2 Understanding Social Norms as a Language

We can learn a lot by simply taking note of what occurs when a person violates a social norm: we usually feel a certain hostility towards violators of these social rules. Individuals who contravene set behavioural rules are marked as anything from laughably old-fashioned, to rude, or disgustingly selfish. And the offender's reaction is equally informative: the person who breached the norm can feel anything from slight social embarrassment, to humiliation, to a crushing sense of shame. In that they communicate something about the actor's character, social norms are a language. Complying with a social norm sends a message. Normative conformity is like conformity to the rules of grammar: it is done (albeit unknowingly) for purposes of communication. In fact, social norms are an intricate system of communication, one that conveys a single yet important message: the actor's potential as a cooperative partner.

[9] Note this definition crucially includes abstract opinions and views, as these have the potential to be communicated to others and so can be understood as a form of behaviour.

[10] I am in good company: Robert Cooter also asserts a norm only exists if it has been internalized. See Cooter [8, pp. 1661–1666].

[11] However, this is not to imply that norms can never also possess a functional character. Often their functional characteristic is their chief feature and only standardize as signals thereafter.

[12] Norms of course take the form of negative as well as positive injunctions, prescribing a course of action or inaction as the case may be.

When a person wears her hair in the correct fashion, eats with the correct fork, drives the correct car, stands in a queue, or keeps her lawn green, she communicates that she is a team player, friend not foe, a co-operator. Indeed, it is a crucial insight that the true importance of a norm lies not in its content, but rather in the very act of compliance: compliance with the norm signals cooperativeness; noncompliance signals uncooperativeness. It is cooperation for the sake of cooperation. An attorney who insists upon wearing only an Nike track suit to court is communicating something very important about her character as a co-operator, as does a person who refuses to face forward on an elevator, wear a sombre colour to a funeral, say thank you, wear a tie, or leave a tip. In flouting normative rules, we signal something essential about our willingness to cooperate. A message is sent. If an individual is not willing to conform to even the most trivial standards of society, their willingness to cooperate regarding more serious matters also begins to come into question. We thus send signals at every opportunity by observing a dizzying array of behavioural standards with a view to securing a base of reliable cooperative partners, and thus survival [31, p. 21].

Normative behaviour has mystified many analysts. Indeed, many social norms are thoroughly strange. There is no central norm committee enacting which social norms we are to follow, so the question then becomes how do they arise? What function do they serve that causes them to emerge? Attempts at explaining away social norms in terms of functionalism fail miserably because many social norms are often arbitrary, nonsensical and possesses absolutely no functional quality [31, p. 8, 172]. Scholars have searched hard for the reason we conform to such senseless behaviour. Yet social norms seem to defy a clear explanation. However, the question comes into clarity if we adopt a semiotic approach to normative behaviour. The answer is not found in the norm's actual content, to look for it there is an error. It lies in the very act of compliance. Conformity is the purpose of a social norm in that it communicates cooperativeness. A social norm's functional aspect is not its chief component. Indeed, most social norms don't even have one. Its function is in its capacity as a signal. The function of normative behaviour resides purely in its communicative character. Regardless if a social norm is functional, economically efficient, or welfare-enhancing or not, following or flouting it conveys an important message regarding one's cooperativeness because it is a rule that one is obliged to follow if one is a good co-operator. This communicative feature to conformity is consistently present in the case of all norms, regardless of their character. Rules are meant to be followed.

The communicative function of social norms may be clearer in a stripped-down example. Consider an exporter of goods writing to a potential overseas buyer for the first time. In her letter, the exporter is careful to use all the formalities of writing, dear so and so, sincerely yours, etc. What is the purpose of the exporter observing these normative rules? Clearly, it is not out of social pressure or fear of embarrassment. Consider how it would appear if the exporter completely failed to observe these rules, if for example, she used "hey you" in place of "Dear Sir." While the exporter is hardly conscious of the reason, while it may appear to her simply as the "proper" thing to do, it is in fact to communicate that she is a reliable actor. This is the case with all social norms. When a social norm is breached a clear

message is sent: "I do not care to follow the community's rules. I do not respect you. I am selfish. I am not a co-operator." It has a powerful messaging component. The language of normative behaviour arises because it facilitates communication. It is submitted here that social norms would not arise if there was only one person on earth simply because social norms are a language and an individual living alone has no need for a language. Normative conduct is by its very nature inextricably linked to interaction between two or more persons. Its subject matter is wholly predicated upon interaction. Normative behaviour arises when there are two or more people because there is a need to communicate one's cooperative character. We can see how important this is if we consider for a moment how strangers interact. Between actors who are unfamiliar with one another a more vigilant attention is paid to normative behaviour: many pleases and thank yous, handshakes, and a strong reluctance to deviate from conventional social views abound. With familiarity this intense signalling is relaxed. In fact, it would be somewhat insulting to stand on formality with one's spouse or close friend. It would be as if to say "we do not know each other."

Our cultures are replete with various forms of semiotic communication. Indeed, marketers have learned to skilfully exploit these cultural codes. Semiotic theorists identify many types of codes, from verbal language[13] to bodily codes, such as physical contact, proximity, physical orientation, appearance, facial expression, gaze, head nods, gestures and posture [6, p. 149]. Indeed, with every interaction we are communicating verbally and non-verbally. For example, to express disbelief and shock we cover our mouth with our hands. However, when we cover our mouths when yawning, what does this express? When we shake someone else's hand upon meeting, what does that communicate? The answer is that these behaviours signal cooperation, and they do so through their very observation. Not covering one's mouth when yawning is rude. Refusing to shake someone's hand is extraordinarily impolite. We wear the appropriate tie, remove our shoes in someone's home, and observe correct table manners and so forth all to signal that we are co-operators. Behaviour that signals cooperation is special: with actions that signal cooperation, *the perception of normativity arises*. The gut feeling that a social norm is "the right thing to do" is merely a response to the cooperation signal that underlies it.

All of this has a clear economic basis. Cold economic[14] considerations, while mostly unrecognized, underpin human social interaction. Acquaintances exchange gifts on designated dates. Friends treat each other to dinner but take note if their generosity is not returned. The more established the bonds of friendship, the more costly the gifts. When the strength of a friendship is appraised, what the other person has done for you is of foremost consideration. Men attempt to "purchase" a woman's romantic affections through giving flowers, chocolates, and express commitment with a pricey wedding ring. People commonly apologize by giving a gift. We are constantly signalling our economic commitment to each other; we are continually auditioning for the role of cooperative partner. It is no doubt unsettling to conceptualize the bonds of friendship and community as an economic scheme

[13] E.g. phonological, syntactical, lexical, prosodic and paralinguistic subcodes.

[14] The word "economic" here is used in its most sweeping sense: cooperation to ensure survival.

fashioned by evolution. It is a distinctively chilling Hobbesian view of human nature; unfortunately, our discomfort does not invalidate the argument. Indeed, the readers very aversion to this idea speaks to how deeply internalized these signals really are. Indeed the truly intriguing part to this is that the feelings and affections that underlie and are stirred by these acts are completely genuine—we treat our friend to dinner because we genuinely like them. And it is to this fact that we now turn.

3 How and Why We Learn to 'Speak' Social Norms

The signalling game, as I will call it, is a product of natural selection. Evolution has generated an instinctual proficiency in working with social norms as signals in whatever form they take—a proficiency that manifests in an emotional context. And this is what we call internalization—seeing certain acts in normative terms. Internalization is a product of evolution that enhances the individual's ability to instinctively engage in signalling.[15] The ability to send and receive signals, and therefore the ability to identify suitable economic partners and be identified ourselves as such, provides a clear evolutionary advantage. We have thus evolved to speak these cooperation signals fluently. Social norms are not only a language; they are a language that we internalize so as to better speak it.

3.1 Internalization is a Form of Fluency

Indeed, the truly fascinating part to social norms is not that they are followed; it is that they are followed mostly because they are felt to be right. For the most part, people are thoroughly convinced of the inherent legitimacy of their own normative beliefs. Yet these feelings are merely triggered by a behaviour's underlying signal: any act communicating cooperativeness is 'right'; any act communicating un-cooperativeness is 'wrong.' As an evolved instinct, we internalize and sublimate these signals into complex normative views. Because not observing a recognized standard signals uncooperativeness, even the most senseless and arbitrary behaviours—fashions, etiquette, customs, social rituals—can take on a normative quality. Virtually any behaviour can be co-opted as a cooperation signal, from the way we dress to the manner in which we eat.

We fashion largely arbitrary rules then watch to see who conforms and who does not. If closing one eye when addressing another person standardized as a cooperation signal, then refusing to do so would signal uncooperativeness, and would be considered "rude." Any behaviour that signals cooperation will give rise to a sense of normativity: that is how and where it arises. The behaviour will seem "right." And yet these intuitions of what is and is not acceptable are merely a response to the cooperative signal underpinning the act. In order to play the signalling game better we internalize it because doing so makes us better players. The thinner the norm, the more obvious is this process. Fashion norms, for example,

[15] Of course, not all preferences are triggered by signalling; but all normative intuitions are.

standardize as cooperation signals and are quickly internalized and seen as appropriate attire, even beautiful. And when they are then replaced with new signals, they just as quickly appear unattractive and ridiculous. Yet this is the case for all norms. We are conditioned by evolution to internalize social norms because doing so allows us to better work with these signals.

But what is the basis of such a wild claim? Where, the reader will ask, is the support for this bold assertion? There is in fact no shortage of support. Empirical research strongly supports the assumption that "humans have inherited a propensity to learn social norms, similar to our inherited propensity to learn grammatical rules." [30, p. 143]. In fact, the breadth of this research is so sweeping it would be difficult to provide a truly comprehensive account of it here. There is extensive empirical support for the contention that we instinctually internalize the normative language around us, whatever that may be. "Regardless of their biological heritage, almost everyone … acquires the norms that prevail in the local cultural group in a highly reliable way." [36, p. 285]. There is ample empirical evidence that norms are not innate, but are in fact acquired during early childhood.[16] The literature on what socio-psychologist term social influence is also extensive. Group conformity regarding social norms is extremely well-documented, even at an internalized level.[17] Indeed, the effectiveness of propaganda and marketing campaigns at shaping public opinion speaks to the pliability of normative beliefs. In the field of neural science there is now mounting empirical evidence that suggests humans are neurologically predisposed to modify their beliefs in line with their group.[18] Yet all of this should not surprise us in the least. Given that internalization is fitness enhancing, there is no reason to believe that such a trait would not be subject to selective pressures. Like all traits, it too is subject to the inescapable verity of natural selection.

3.2 Bounded Rationality, Internalization, and Selfish Twits

Due to the constraints of rationality, human behaviour is commonly optimized when guided by emotion and feelings. We usually operate from a position of imperfect information. Internalization is thus nature's way of making sure that the signalling game does not have to rely only upon rational choice. In its usual fashion, nature prefers to ensure survival-friendly behaviour by manipulating the organism through its emotions and perceptions of value rather than solely through rationality, which at times may be faulty owing to its bounded nature.[19] Emotionalizing behaviour that relates to survival provides a selective advantage. Nature has little confidence in the

[16] See Nucci [28, p. 77], Sripada et al. [36, p. 284].

[17] See. e.g., Asch [1], Sherif [34]. For a broad survey of this literature, see Cialdini et al. [7, pp. 630–634, 642–644].

[18] See Hurley [19], Raafat et al. [32], Berns et al. [5], Klucharev et al. [20], Wild et al. [40], Nummenmaa et al. [29], Guyer et al. [17]. See also Damasio [10, pp. 173–180], Moll [27, p. 806].

[19] Many rational choice theorists in fact employ evolutionary models that presuppose this kind of bounded rationality to explain norm emergence. See, e.g., Axelrod [2], Skyrms [35], Young [41]. See also, e.g., Sunstein [38], Korobkin [21].

rational actor; it instead prefers to directly shape the actor's preferences. It is a truth that every athlete knows: reflex is mostly superior to calculation.

For example, the discomfort of thirst takes care of the body's need for water even though a decision to drink could also be made after consciously assessing that one is slightly dehydrated. But there is no need to; the emotions exist to regulate behaviour.[20] In the same way, feelings of affection and disdain are a highly effective way to engage in signalling. We are, for example, disgusted by acts of selfishness in others, without ever needing to calculate that selfishness is a signal expressing that the person in question is a poor economic partner. Conversely, we admire acts of selflessness in others, towards whom we generate generally positive feelings, hardly conscious that such a character trait renders them ideal cooperative partners. We signal to each other, buy gifts and so forth out of genuine fondness, not because we want to emit the correct signal. But it is precisely this that makes us so good at signalling. Internalization makes us more prone to engage in those behaviours, and react "correctly" when perceiving the behaviour in others. The process is so entrenched we do not conceptualize these behaviours as signals at all; rather, for the most part, we send and receive signals all on the purely internalized level of emotion. We do not, for instance, see non-cooperative individuals as failing to emit a cooperation signal; rather we see them as selfish twits and just plain rude. The end result is the same, however: they are recognized as unpromising cooperative partners and rejected. When we see a person as a "nice" or "kind" person, a "good bloke," what we are actually cognizing is that they are reliable co-operators. Likewise, when we give gifts to others, or do something kind, this is not a calculated method of communicating cooperativeness; we do it because we like the person—because it makes us happy to do so, and to do the right thing.

All of this could of course be achieved through a rational evaluation of the signals, but like the process of eating, there is no need to; internalizing the activity of signalling and placing it within an emotional context is all that is required and is in fact more efficient due to the natural limits of rationality. We thus go about our business emitting signals, for the most part, hardly conscious that we are doing so. Likewise, we interpret the cooperation signals we receive from other people mostly on the level of gut emotional reaction. Internalization is how the manifold complexity of signalling is rendered more manageable.[21] Internalizing signalling allows us to communicate more effectively. In the same way hunger and disgust makes us more proficient eaters; internalization makes us more adept signalling game players. We eat because we feel hungry, not "in response to a rational calculus of caloric need" [33, p. 1606]. Indeed, a rational assessment would be problematically complex. Like eating, signalling is a game that we must play to survive, and internalization enhances our ability to do so. Hunger and disgust make us highly proficient eating game players. Comfort and cold make us proficient body temperature-regulating game players. Perceptions of physical

[20] Indeed, Frank sees the emotions as the progenitor of moral behaviour rather than rational decisions. See Frank [14, pp. 51–56].

[21] Robert Trivers famously presented a similar idea in his 1971 paper *The Evolution of Reciprocal Altruism*, though not in terms of signalling. Trivers argued that due to the difficulty involved in computing the complex cost–benefit ratios that underpin long-term reciprocity, human emotions evolved as a regulating mechanism. See Trivers [39].

beauty and lust make us highly proficient (and enthusiastic) reproduction game players. And, in exactly the same way, norm internalization makes us highly proficient signalling game players, enabling us to send and receive signals with near perfect execution. Nature channels our behaviour through tweaking our perceptions of value and thereby altering our preferences.[22] We copulate because it is exciting; we socialize because we enjoy the company of others, and so on and so forth. And this holds equally true for the more sophisticated value conceptions that surround normative behaviour. Utilizing social norms is instrumental to our survival, thus group behaviour is imbued with an emotional dimension—a normative nature. Internalization enhances our ability to play the signalling game—it does so by putting it into a normative context, ascribing feelings of right and wrong to certain behaviours thus making us better semiotic signallers.

The dizzying complexity of emitting and receiving countless signals is difficult to negotiate through a rational decision making process. Navigating this complexity is simplified enormously; indeed it is made possible, when the entire undertaking plays out within the realm of internalized value, and gut feeling. Normative beliefs are fitness enhancing in that they direct our behaviour with regards to sending and receiving signals. These signals are embedded within emotion so they can be employed with greater proficiently, and without the need for rational calculation, allowing the player to send and receive signals with total fluency. Indeed, "No one thinks that baseball players consciously solve quadratic equations whenever they throw the ball, but we can nevertheless predict the path the baseball takes using quadratic equations." [3, p. 125]. And in fact they play better not using quadratic equations; despite their rational understanding, most mathematicians make lousy Major League pitchers. Indeed, our norm players play these signalling games hardly conscious that they are emitting cooperation signals. The signalling process is mostly instinctual. Yet because they conceptualize norms in terms of emotion and values, they play the game quite effectively.

And internalization makes for a better signal: it communicates that actors are so committed to cooperation that they have learned its language fluently. In fact a special disdain is reserved for insincerity and hypocrites who do not genuinely believe in the content of their signal, as such rationally selected signalling reveals an unreliable opportunism rather than a bona fide commitment towards cooperation.[23] They are false signals. Whether they be punk rock fashion norms or the norm of gift-giving, we insist that the signaller possess a sincere belief in the norm. Indeed, we have a natural antipathy towards posers, fakes, and signallers of convenience.

3.3 An Answer to the Puzzle of Irrational Norm Compliance

That many norms are inefficient can be explained using a semiotic model of norms. Most people will not litter in private, and most people will leave a tip in a restaurant

[22] Herbert Gintis argues that the ability to internalize norms evolves as it enhances individual fitness in situations where social behaviour has become too complex to be evaluated piecemeal through individual rational assessment. See Gintis [15].

[23] I radically diverge from Posner here; he believes that a normative act must be rationally chosen to qualify as a signal.

to which they will never return. They do so because they feel it is right. Yet if we want to use an evolutionary model to explain norms, 'inefficient' norms must be accounted for.[24] The conclusion that such norms are inefficient, however, is short-sighted; these acts are not without purpose. They are profitable investments. If internalization is to have the effect it does, efficiently guiding our actions when in public, individuals must possess a genuine belief in the objective legitimacy of these norms. They must be convinced that they are real and therefore subscribe to them equally in private. This belief is why internalization is so effective, and it cannot simply be switched off without undercutting the very efficacy of the norm. Normative beliefs work more effectively when they are felt to be objective truths. The utility we may sometimes lose by holding fast to our normative convictions when in private does not compare to the enormous overall benefit gleaned from the proficient use of social norms as signals of cooperation. It is a necessary sacrifice. Thus, despite sometimes appearing inefficient, internalization provides a net survival value in that it secures us reliable cooperative partners.

4 The Broader Implications of Normative Semiotics

A semiotic theory of norms gives rise to important implications regarding our understanding of normativity. We would be remiss to not discuss them here, if only briefly. These implications, however, are rather unsettling.

4.1 Like Words, There is no Intrinsic Relationship Between the Act and Its Normative Character

We begin with a simple but important question that arises when we embrace a semiotic theory of norms: is there any inherent connection between an act and the normative perceptions that surround it beyond that of signalling cooperation? For instance, do specific fashion norms exist because they look good, or do they look "good" only because they are fashionable? Put another way, is there a norm to not eat peas with one's fingers at the dinner table because doing so is inherently wrong, or is it 'wrong' to do so only because there is a norm? A semiotic theory of norms posits the second: eating peas with one's hands is not a behavioural rule because it is implicitly "wrong"; it is "wrong" because it is a behavioural rule. There is no innate connection between the act of eating peas and its normativity. It is the signal that non-compliance communicates that generates normative impressions—the importance of a rule resides in its observance *not* in its content.

[24] Two other problems arise when we embrace such a problem but are not dealt with here. First, why would norms that are consistently inefficient, such as samurai ritual suicide, emerge? Second, if internalization is advantageous, why do some actors not do so? The answer to the first is that we are conditioned to internalize a norm's cooperation signals, not the norm's content. At times these signals can go quite haywire in evolutionary terms as in the case of ritual suicide. The answer to the second is that some players adopt the evolutionary strategy of opportunism, and internalization would impede such a strategy at times.

Indeed, Saussurean semioticians stress just this: there is no innate connection between the signifier and the signified [6, p. 22]. The sign is arbitrary and has no inherent relationship with what it signifies [6, p. 22]. The meaning connoted by, for example, the English word "house" is conveyed equally by the Chinese word "fangzi", or the French "maison" (at least to Mandarin and French speakers). Likewise, norms have no inherent significance apart from their role as signals: there is *no intrinsic relationship between the act and its normative character beyond its signalling strength.* A semiotic theory of norms would hold that apart from the underlying signal, the specific content of a normative act is irrelevant—the normative character of an act is determined solely by the cooperation signal it communicates. It is wrong to eat peas with one's fingers simply because it is recognised as wrong; not complying with the rule therefore signals uncooperativeness.

In some norm languages it is rude to open a gift immediately upon receiving it; in others it is rude not to. Some cultures shake hands upon meeting, some bow. In some cultures even accidentally brushing against a stranger requires an apology. In others, doing so would be met with puzzlement. The signal is what infuses these acts with normative meaning, and this signal is not innate to the act itself, it is so only because it has standardized as such in that group precisely like the words of a language. The act (e.g. not saying thank you) is the signifier, the normative tone (rude) is the signified. Actors learn (internalize) the prevailing cooperation signs of their group as they would the words of a language. How people bow upon meeting means little to most Norwegians; yet the finer points of bowing are infused with meaning for the average Japanese. In Rio de Janeiro, young couples publically kissing attract little attention, yet in Tokyo such behaviour is considered indecent. In Japanese culture, the act standardized as a behavioural norm thus flouting it signals non-cooperation and so is seen in normative terms—i.e. it is *wrong* to kiss in public. Different groups boast divergent normative rules just as they possess different languages. Communities of people essentially speak different norm languages.

And this applies even temporally within the same culture: norm languages change over time. At one time littering in western countries conveyed nothing. It was a normatively meaningless act. Doing so today signals a selfish lack of concern for others. To do so is rude; it is wrong. Yet the act did not change, only its semiotic meaning. Refraining from littering became a cooperation signal and thus gave rise to a normative perception regarding the act. In the second half of the last century, we witnessed similar transformations regarding norms related to sexual mores, marriage, drug use, and racial as well as gender roles. The way social norms change from one generation to the next and differ between places is precisely like a language transforms over time and differs between regions. This accounts for how norms arise and change. Norms change the same as new words enter and exit a language, and norms emerge like languages in different communities. Their particular content may at first be the result of exogenous shocks (e.g. norms of water conservation during a drought), because they are functional (e.g. wearing a necktie to cinch the collar), welfare enhancing (norms of mutual defence), changes in technology (mobile phone etiquette), or even by being actively promulgated (e.g. the new fall fashion or a cult of personality). Regardless of how they begin, however, they end up as signals because as soon as there is a 'rule' of some kind

then there arises the communication of one's cooperative character. And once the norm arises—and this is an important point—its use will spread rapidly as actors 'recognize' that not observing the rule communicates uncooperativeness. The rule spontaneously standardizes within a group like the words of a language. Our deep-seated tendency towards normative conformity may be explained as the result of this. Indeed, virtually any form of behaviour can be co-opted and conscripted as a cooperation signal, standardizing in this fashion.

Normative acts are like the words of a language: there is no inherent connection between the word and what it signifies any more than red and green lights inherently mean stop and go. If it is recognised as expressing that meaning, then it will express that meaning; if it is not, then it will not. In some places eating peas with one's fingers is recognized as rude; in other places it is not. Eating peas with one's fingers is not inherently rude. It is not inherently anything except messy. It is its semiotic context that imbues it with this normative meaning.

4.2 Constructing Normative Universes: The Case for Normative Reductionism

Yet this gives rise to an even more difficult question: how far does this go? Clearly, this applies to norms of fashion, etiquette, and social customs; yet does it also apply to social, political, and even religious views? Does it apply to our most deeply held moral imperatives? In a semiotic understanding of normativity, it is not clear where a line can be drawn. If there is no inherent link between the act of eating peas with one's fingers and the normative quality associated with it, could this not apply equality to the normative quality of other, more normatively intense acts? Is there any difference between believing in the inherent wrongness of eating peas with one's fingers and deeper moral imperatives? Indeed, once we uncouple the act from its normative character, then the question arises: can this not simply be carried further and applied to all normative notions across the board?

Indeed, the above reasoning might lead us to a very extreme conclusion. This conclusion is as follows: all moral structures are but the by-product of our semiotic signalling games—morality is an emergent phenomenon. By this logic, the vast complexity of internalization and the normative values it engenders can be reduced to the elementary mechanics of sending and reading basic signals of cooperation and non-cooperation. Nature speaks in a simple binary code of cooperation signals, which we then hear in the complex language of emotional-moral conceptions. Cooperation signals are the language of reality; moral creeds are the language of people.[25] Morality is but a semiotic system.[26] To be clear, such a contention is not

[25] For example, animals certainly kill, but it is unclear if an animal can commit murder; we do not have the moral language for this, as we do not impose normative meaning on animal behaviour in the way we do for human behaviour.

[26] This provocative contention brings up some important questions. For one, why does normativity differ in intensity? That is, why is it more wrong to murder someone than to push them out of your way? The answer is that acts will vary in terms of their normative intensity commensurate with how powerfully they signal non-cooperation. An actor who pushes someone may still have some cooperative potential; the murderer does not. Another question is why do cultures exhibit quite a bit of normative consistency? The answer to this is that many acts are natural candidates to standardize as cooperation signals in that they naturally signal non-cooperation, e.g. murder, theft, or cannibalism.

asserted here; rather, it is merely raised for the reader's consideration. A sweeping claim of this nature would be difficult to substantiate. That is not the project here. However, it must be recognized that normative semiotics thrusts us forcefully in this direction. This is a difficult notion to accept, yet that it is so difficult to accept is exactly what one would expect: from our perspective it is extraordinarily difficult to conceptualize norms detached from the moral dimensions they engender because this is the prism through which we stare. We have internalized these norms and internalized belief cannot simply be switched off. The reader's likely discomfort with this idea is testament to this (as is the writer's). Norms of this nature are so deeply internalized that the act and what it signifies cannot be separated in our view—the signifier and the signified are conceptualised as one thing. The signified deceptively appears as implicit in the signifier. Yet semiotics teaches us otherwise.

Our moral universe, flowering as it does into complexity, may thus be reduced to simple signals expressing cooperation or opportunism. We have it precisely backwards: acts are not uncooperative and therefore wrong, they are seen as wrong because they are signals of uncooperativeness. We confuse the signal with the signified. Here we have the seeds of morality—*morality is language*. It is a process of signification based upon cooperation signals. Signalling whips up normative perceptions. The impression that certain acts are innately wrong and right, the reasoning would run, is a direct response to the signal conveyed by the act. Uncooperativeness is not inherently wrong; we have just been conditioned to see it as such because it helps us more competently send and receive signals. The argument could thus be made that beyond their signalling capacity, such acts are equally meaningless in a normative sense. Bowing is no more "right" than shaking hands—both are merely signals. It merely depends upon what normative language one speaks. This form of moral scepticism is not new[27]; however, to locate its origins as a semiotic system is completely new and its implications are far-reaching. I do not wish to digress into the theoretical intricacy of postmodern analysis, moral relativism, or the various (albeit intriguing) theories of meta-ethics, I leave that for others; however, it should be noted that the present model, carried to its logical conclusion, leads us towards such disconcerting conclusions.

5 Concluding Discussion

A semiotic theory of norms does not account for why there are the particular norms that there are. As was discussed, norms can initially arise for any number of reasons. Rather, it explains the far more important question of why there are social norms at all: we have evolved the propensity to internalize cooperation signals so as to effectively (and mostly unwittingly) send and receive these signals. Instinctively

[27] Early traces are arguably found in David Hume questioning how an 'ought' could be extracted from an "is." See Hume [18, p. 469]. For a more contemporary and comprehensive account of moral scepticism see Mackie [24]. The branch of analytic philosophy known as meta-ethics addresses this idea extensively. The reader is referred to this fascinating (and relatively active) area of philosophy, specifically non-cognitivist approaches such as emotivism (which holds that moral propositions are merely expressions of emotion).

utilizing cooperation signals aids in survival. Those who did not master the signalling game did not survive. Internalization is thus an adaptive quality that arose in supporting relation to the activity of signalling. We first learn this moral language during childhood and adolescence and continue to learn it in a less pronounced fashion throughout our lives. Norms per se are not selected for, it is the ability to send and receive cooperation signals instinctively, and this comes in the form of gut moral appraisals of and reactions to the behaviour of others, as well as our own behaviour. A normative dimension is superimposed upon particular actions making us better signallers. Our normative beliefs rise from an unconscious scramble to secure reliable partnerships with those around us. The present model provides a measure of clarity regarding how and why norms are internalized—an important insight, as these beliefs form the normative underpinning to law. It explains the emergence of conflicting normative structures in different cultures, and even within the same society over time, differences that often find ultimate expression in formal law. These normative structures are simply the product of different signalling standards, much like different communities generate distinct languages.

To be clear, it is not submitted here that cooperation signals account for the whole of law. What is pointed to is merely the extent to which normative semiotics informs and helps shape law. The claim here is not that legal systems are tied to biological sources, at least not in any direct fashion. The claim I am making, rather, is that normative values (in terms of socially accepted practices and customs) are triggered by a semiotic process. It is not a matter of legal systems being tied to biological sources; the emergence of set social standards is. These standards may then impact many aspects of law as they standardize as a normative language (this is particularly true for the more normatively-laden areas of law such as criminal law), for example, regulation regarding smoking, littering, sodomy, blasphemy, etc. Moreover, through its use of sanctions, law can alter patterns of mass behaviour and change this language. Even without having to actually apply sanctions law can affect the norm language of a society. This is because as soon as a law is established, a cooperation signal is set. Violating the law then signals a profoundly uncooperative character. Indeed, you are a non co-operator of the highest order: you are a criminal. Law in this fashion can throw its full weight behind a normative standard as is evident with norms related to drug use, prostitution, homosexuality, even blasphemy. The legislative use of hate crimes is a perfect example of law attempting to set a signal and alter or foster normative standards. The success of anti-smoking, littering, and drinking and driving regulations are further examples of this potential. Indeed, law in this manner can in fact change a society's norm language, and thus, the actual attitudes of its members.

Many of the assertions I have made here are admittedly provocative. The reader is asked to merely consider their plausibility. The charges of reductionism and unfalsifiability are obvious objections to the model. To the first charge I would say that reductionism when well-founded is no vice—it is clarifying. To the second: while it is a difficult supposition to prove definitively, as was noted, a growing body of empirical research from diverse fields makes the present theory a highly plausible account, one at least worthy of serious consideration. Such a model may prove very useful. A semiotic approach to normativity allows the slippery phenomenon of

normative behaviour—a process that has mystified scholars for centuries—to be brought under the analytic power of a more structured model. As such, the approach may prove very useful as a foundation for future research.

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