

The Minimalistic Definition of Conventions: One Step beyond Millikan's Approach

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ABSTRACT: The study proposes a new approach towards a social phenomenon called convention and submits a minimalistic definition of convention, which provides a promising basis for future analysis unburdened by contra-Lewisian objections. The definition itself, based on the insights of Ruth Millikan in the study *Language Conventions Made Simple*, represents a simple and efficient means of delimiting essential components of conventional behaviour (stripped of most of the controversial issues from previous debates on Lewis's notion) solely by means of the role of precedent and its ability to reproduce. Yet, it is argued that a few additional conditions are required for a valid and distinct notion of conventionality: namely, the inclusion of a coordination aspect and an extension of the concept of precedent. The final version of the definition, thereafter, meets intuitive requirements of conventionality (e.g., arbitrariness) and has the generality to embrace different types of conventions.

KEYWORDS: Convention – coordination – minimalistic definition – precedent – reproduction.

The domain of conventions certainly attracts a broad scientific interest – in addition to economists and sociologists, philosophers have also become engaged in this area, the most famous of whom being David Lewis,¹ whose

¹ “A regularity R in the behavior of members of a population P when they are agents in a recurrent situation S is a *convention* if and only if it is true that, and it is common knowledge in P that, in almost any instance of S among members of P,

pioneering work is characterized by a variety of considered components of conventionality and their profound analysis. Since then, however, research in this area has progressed significantly and there are a number of well-known objections refuting the – so called – “Lewisian” project. In this paper, I make a proposal for a definition of conventions in general and prove how the definition can provide a comprehensive explanation of convention without splitting the social phenomenon under consideration into separate subspecies.² Also, I briefly verify the immunity of the definition to contra-Lewisian objections. Unfortunately, there is a vast amount of literature on these objections and a careful examination and evaluation of each of them is beyond the scope of this study. I therefore confine myself only to an explanation of their major conclusions (together with references to the appropriate literature).

The main problems include the question of epistemic requirements for an agent. It is now evident that setting high standards backfires immediately, since the defined notion suffers from being too restrictive. A successful delimitation should abandon the attempt to introduce an overly rational agent into the account.³ Second, there are compelling reasons not to con-

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- (1) almost everyone conforms to R;
 - (2) almost everyone expects almost everyone else to conform to R;
 - (3) almost everyone has approximately the same preferences regarding all possible combinations of actions;
 - (4) almost everyone prefers that any one more conform to R, on condition that almost everyone conform to R;
 - (5) almost everyone would prefer that anyone more conform to R' on condition that almost everyone conform to R';

where R' is some possible regularity in the behavior of members of P in S, such that almost no one in almost any instance of S among members of P could conform both to R' and to R” (Lewis 1969, 78). His later modification of the original account has been published in Lewis (1975/1983).

² I do not intend to hold a pluralistic approach and fully admit an unbridgeable diversity of conventions. Although, it might seem intuitively flawed to seek common basis of all conventionality, in my opinion, the usual scientific practise proposes clearly defined terms on the grounds of ordinary concepts that are difficult to grasp. Therefore, in this paper, I follow the ongoing debate on the categorization of social reality and consequently propose my own contribution to it.

³ In this respect, the influential development of the evolutionary game theory shed light on new ways to solve many problems associated with conventions and newly re-

sider a set of expectations about others' actions (together with a conditional preference for conformity) as the only and exclusive source of motivation for following a particular conventional pattern. Sustainability of such behaviour is equally well explained without referring to the actual or potential mental state of individuals.⁴ An adequate definition should, therefore, grant further impetus to a conforming action, or it should be more open to other unspecified inclinations leading to a proper result. Finally, it is necessary to take into consideration the fact that sequential decision-making⁵ in conventional situations allows for the actual coexistence of several possible solutions (not only their logical possibility arising from a coordination problem with multiple equilibrium states). Accordingly, it seems redundant to require a uniform regular conformity with exactly one pattern of behaviour in a specific community⁶ and it is necessary to define this social phenomenon in a way that permits the existence of conventions which currently co-occur with other alternatives without being in conflict.

Many efforts have been made to circumvent these objections. I do not intend to begin from point zero but rather to build on the basics already established. For my purposes – to conceptualize general conventionality – there is an eligible definition of the fundamental components of the researched phenomenon presented by Ruth Millikan in the paper *Language*

vealed that an origin and stability of social conventions can be explained without any need to accept a model of an ideally rational agent and solely on the basis of social dynamics and evolutionary rules. See Skyrms (1996), Young (1996) or Sugden (1998).

⁴ For example, Burge (1975) highlighted the importance of entirely irrational factors maintaining conventions, such as tradition and ignorance. See also Gilbert (2008) or Young (1996, 58).

⁵ More precisely, this holds for any dynamic game with perfect information.

⁶ This idea was submitted by Millikan (2005, chap. 1) as she argued that we normally regard some patterns of behaviour as conventional ones even if they occur in the information-transparent environment where individuals can immediately observe each other and thus modify their behaviour appropriately (by changing the pattern). Although situations like these are trivial coordination problems (or as she calls them “open coordinations”), it does not exclude them from classification under the notion of convention. Another relevant argument against the preference for uniform conformity was introduced by Miller (2001). He questioned an importance of non-action-determining preferences, among which he also ranked the above-mentioned preference.

*Convention Made Simple.*⁷ Her project is particularly interesting because it successfully avoids (unintentionally) all the major critiques raised previously and, moreover, provides the austerity and simplicity of conditions beneficial with regard to the objective of finding the common core of conventions. These advantages imply broad fields of application for the delimited concept and further prospective refinements in specific contexts; consequently, the definition does not suffer from excessive restrictiveness. But on the other hand, it must be considered whether this virtue does not lead to the opposite extremes of radical openness and looseness, which would mean that the definition admits other cases of social behaviour quite apart from conventions. Such a result cannot be considered useful due to the lack of a distinctive force. Let us now look more closely at what she states, exactly:

Natural conventionality is composed of two, quite simple, related characteristics. First, natural conventions consist of patterns that are 'reproduced' in a sense to be defined. Second, the fact that these patterns proliferate is due partly to weight of precedent, rather than due, for example, to their intrinsically superior capacity to perform certain functions. (Millikan 2005, 2)

Of course, this paragraph can hardly be regarded as a proper definition, yet it shapes intelligibly the principal features of conventionality and unquestionably differs from Lewis's analysis. As a result of this, it provides an entirely altered standpoint for further research in this field. Above all, it is evident that conventions (understood as patterns of behaviour) are specified by just two related conditions: reproducibility and proliferation based on precedent. In Millikan's view, nothing more is required.

Her instructions, therefore, could be reformulated (with a number of simplifications) in the following form:

Millikan's definition of conventions:

Convention_m =_{df} a pattern of behaviour which is reproduced and expands by weight of precedent.

At first sight, the definition is merely an abridgement of the quoted passage; however, a closer look reveals that convention_m is different in sev-

⁷ The paper was reprinted in Millikan (2005).

eral aspects.⁸ Namely, Millikan offers nothing more than an examination of *natural conventions*, which is only a subclass of conventions (an alternative to this are stipulated conventions).⁹ Furthermore, she mainly highlights a causal effect of precedent in opposition to the intrinsically functional capacity of a particular pattern of behaviour. Regarding natural conventionality, I am convinced there are many problems with the “fission” strategy (a tendency to examine a subset of the general category without defining a parent concept). From a methodological point of view, it starts in the middle of a process without providing an adequate explanation of when it is widely permissible to talk about the convention. And that makes the strategy a double-edged sword: it recommends that we begin with a particular subclass of the phenomenon without identifying its universal class.¹⁰ Of course, many other issues arise almost immediately in connection with whether and how a transition between these two types is made, how they differ from each other and from other forms of social interaction, etc. I think this problem could be avoided by simply supposing that everything she says can be considered in relation to convention_m and I find a number of advantages in this: convention_m establishes conditions that could satisfy recommendations learnt from post-Lewisian debate, and I believe there might even be a stronger and more general version (convention_M) which would provide a plan for setting out the basic components of conventionality. The aim of the study is also to explain how to get from the first draft (convention_m) to the complete definition (convention_M).

⁸ I should point out that this version shifts the meaning of the defined term in a way which Millikan would hardly have agreed with, yet the influence of the original text is still very noticeable and I feel obliged to call it “Millikan’s definition”.

⁹ This distinction is far from being unique, similar claims are very common. For example, Young (1996, 106) discerns conventions which are established by central authority and those established by gradual accretion of precedent.

¹⁰ On the one hand, Millikan gave up the attempt to submit a general definition by restricting her analysis on a partial group of conventions, specifically conventions of natural language. She was convinced that this great task (typical of the Lewisian project) remains unattainable, since it is vulnerable to a large number of counterexamples. On the other hand, as Bunzl – Kreuter (2003) pointed out, most of her examples have nothing to do with language, although she limited her account primarily to linguistic conventions.

Primarily, it must be confirmed that the resistance of the so-called Millikan definition to earlier objections is valid. Even a cursory inspection of convention_m reveals that desirable epistemic standards are achieved: there is no demand to involve common knowledge in an explanation of the formation and maintenance of conventional behaviour.¹¹ Moreover, convention_m is not based upon a restriction regarding what mental states individuals should have; it might sound radical, but whether or not an agent has beliefs concerning other agents' actions is not fundamental. Many philosophers have argued against epistemic conditions by claiming that it is not necessary to take these attributes into account and accordingly they have come up with many cases of conventional behaviour without any belief and common knowledge (e.g., dance moves, handshakes, and dress codes).¹² Naturally, others may counter with more complex and sophisticated examples which essentially rely on beliefs, and whose presence is quite vivid and conspicuous. I do not deny this, but I think their role should be reflected in a general theory of conventions. For example, a convention based on an explicit agreement indisputably gives rise to many beliefs between individuals; however, my point here is that a belief-state is neither a necessary nor sufficient condition of convention. Accordingly, I briefly comment on two epistemological objections and further two await an assessment. It is probably not surprising that convention_m – strongly based on Millikan's view – is successful in relation to the doubtful assumption of regular conformity. After all, it was her aim to prove that conventions are not bound by this condition. And the definition does not contain anything that could, even indirectly, imply that people must conform to precisely one pattern of behaviour for a given type of situation. The simultaneous occurrence of a large number of patterns is in accordance with the definition, since it is not problematic to see that co-existence is permitted unless it is true that those

¹¹ To what extent common knowledge is epistemically questionable depends essentially on particular details of the accepted conception. The recent interpretation made by Cubitt – Sugden (2003) suggests that Lewis had a relatively uncontroversial idea about how common knowledge works. Nevertheless, the question of whether this condition is truly necessary for a fully-fledged account of conventions is still a matter of debate, see Binmore (2008).

¹² Arguments and examples in favor of the absence of belief-component are provided, for example, by Gilbert (2008) or Millikan (2005, 1-23).

patterns of behaviour are reproducible and proliferate due to precedent.¹³ And finally, it seems to me that the current form of the definition leaves completely open the question of what the motives are for a decision to follow a conventional action. There could be heterogeneous sources for the formation of reasons, but it does not matter whether the major influence begins at the conscious or unconscious level, through explicit expectations or through ignorance. I assume, thus, *convention_m* is not compromised by the objections that have appeared in post-Lewisian debate and it can serve as a new starting point in the search for the foundations of conventionality.

Nevertheless, this achievement has only minor effects, as it provides only initial confirmation that Millikan's definition is not threatened by earlier objections directed at a completely different conception. For the second stage, I have to assess the plausibility of the very definition, how precisely it determines the boundary line and how much responsive filter it provides to counterexamples. Without this, one could easily argue that *convention_m* is an intentionally flexible notion allowing only a rejection of earlier difficulties and therefore lacking sufficient predictive power on its own. Such a problem would cause considerable difficulty, meaning the definition is too vague and general. This criticism has been raised already by philosophers Bunzl and Kreuter in Bunzl – Kreuter (2003). They oppose Millikan's proposal, referring to the fact that the definition is both too tolerant yet at the same time too restrictive. One of the major problems, in their opinion, lies in the second condition in which a causal capacity of precedent stands in opposition to intrinsic features of a pattern. As precedent has the most important role in the expansion of a pattern and since only its gradual accretion leads to a more stable convention, the definition obliges us to dismiss all social activities originating from the intrinsically superior capacity of patterns to perform certain functions (cf. Bunzl – Kreuter 2003, 420). In order to understand the aforementioned problem let me clarify what Millikan intended by this condition. Emphasising the role of precedent primarily preserves the intuition that conventions are especially *arbitrary* pat-

¹³ In a fact, there might be cases in which the social dynamics gives rise to only one regularity in behaviour for the given situation of simultaneous decision-making whereas in a sequential structure of the same type of interaction, the existence of several regularities is very likely.

terns, i.e., patterns with an equivalent alternative, and their “pushing through” is determined by the predominance of precedent. Thus, the pattern that survives in competition with others is the one that spreads more widely among members of the community (as part of their repertoire of behavioural patterns). Many were worried that to give priority to a functional aspect of a pattern would result in the denial of arbitrariness, because then we would have no rationale to believe that there must be more than one pattern and that the convention may be otherwise. Another reason we should reject the objection raised by Bunzl and Kreuter lies in the fact that a convention understood as a pattern proliferating due to intrinsic features inevitably involves skills.¹⁴ There is no doubt Millikan uses the second condition (proliferation due to precedent) as a protection against the possible objection that skills acquired by reproduction can be identified with conventions. She says:

I learned from my mother, and she from hers, to open a stuck jar lid by first immersing it in hot water. Opening jars this way is not thereby ‘conventional’. To be thought of as conventional, a reproduced pattern must be perceived as proliferated due, in important part, to weight of precedent, not to its intrinsically superior capacity to produce a desired result... (Millikan 2005, 7)

I believe the problem arises from the following false dilemma: either a convention is arbitrary and proliferates mainly due to precedent, or there is only a conventional pattern that somehow stands out and proliferates through its intrinsic properties, despite the fact that it cancels out arbitrariness. Yet obviously some patterns may be better with regard to a particular purpose and this is entirely consistent with their being conventional insofar as the plurality of patterns is maintained. These patterns perform a function equally well, since they have intrinsic properties of an equivalent quality. The idea ensures both the intuition of arbitrariness (i.e., the conjecture that conventions are a means for solving an equilibrium-selection problem) and the possibility of proliferation (among others) by intrinsically superior properties of conventional patterns.

¹⁴ Millikan, as I will show below, does not refer to coordination problems as a basic structure of conventions, and therefore, her position is threatened by the inclusion of skills.

This implies that I managed to include the criticism of Bunzl and Kreuter into the account and secure the arbitrariness requirement, but unfortunately the defensive barrier separating the territories of conventions and skills collapsed. Clearly, there are many equivalent skills reproduced due to function and precedent, though they are not conventions (remember the jar lid opening). Is there any solution or treatment allowing convention_m to avoid this unintended result? Yes, but the nature of this additional change significantly shifts the meaning of the definition far from Millikan's intention and closer to Lewis's original proposal. There is an assumption that shaped a rough idea of conventions at the beginning of the analysis (see Schelling 1960, part II) but was sidelined in convention_m and also in Millikan's original view, despite the fact that it not only has a huge explanatory potential (to relate conventions to a particular type of social interactions) but also solves several issues (e.g., the questionable inclusion of skills). I am referring to the *coordination aspect of conventions*. No reference has been made so far to what type of social interactions conventions correspond to because Millikan thinks conventions (and correspondingly convention_m captured the same idea) are not necessarily the results of coordination problems, since some instances of conventions disprove of this. Millikan (2005, 2) gives examples of swearing and expletives which, in her view, express emotion for private purposes (such as relieving pain, etc.) without involving any coordination at all. However, these instances of language phenomena can be explained as a parasitic form of coordinative language convention, which means that most language patterns are coordinative, and a few – non-coordinative – exceptions were derived from the majority.¹⁵ I still think that this sample of cases proving the non-coordinative character of conventions is not sufficiently clear-cut to lead to any definite conclusion about the nature of conventionality. Moreover, the benefits of a coordination-feature clearly outweigh possible concerns and thus justify the inclusion of this concept into a theoretical framework. And the specification of interactions clarifies the area of social reality that is to be conceptualized under the notion. This results in a better understanding of rele-

¹⁵ This explanation is not sufficiently strong for a conclusive argument; however, it is supposed to show the existence of a few dubious examples that hide a coordinative function, and therefore pose no risk. Yet, I will not discuss this issue in greater detail, because I do not want to pay close attention to the specific case of linguistic conventions.

vant and irrelevant properties of given social phenomena; skills can now hardly be considered to be conventions (despite the fact that they satisfy conditions of convention_m), because they lack a coordination structure and do not occur in social interactions. Unlike conventions, skills are mainly useful for one-person optimization problems not for social purposes, and this distinction is reflected in the inclusion of the coordination condition. The upshot is this: the definition needs to be tightened by the addition of the coordination aspect.¹⁶ Yet, I do not claim that this move has completely removed all doubts. Nevertheless, at the very least, it is apparent that some objections have been addressed and the current position seems to be more robust than before.

Now, I will turn to the last objection to convention_m . If the definition explicitly identifies convention with a precedent-determined reproducible pattern of behaviour, then it also includes a number of observable behaviours in animal species. Is it indeed desirable to allow birds, or apes to “participate” in conventionality? Do we not have the feeling or intuition that humans alone can follow conventions? The minimal epistemic requirements implied by the definition do permit the inclusion of small children, who are unable to consciously reflect and justify their actions – which was not possible in Lewis’s theoretical framework¹⁷ – but bird song is also conventional.¹⁸ In my opinion, there is nothing wrong with attributing conventional behaviour to other animals as long as the above-mentioned conditions are met. Besides, I agree with Binmore, who additionally uses this case as an illustration of the claim that convention is not conditioned by any sort of knowledge or doxastic state.¹⁹ Many others, however, have less

¹⁶ From the perspective of a broader debate, there are a few technical issues concerning coordination. Some authors argue for a more subtle concept. Vanderschraaf (1995) proposes a correlated equilibrium instead of coordination. However, there are also those who are closer to the approach I have mentioned, like Bicchieri (2006, 29–42).

¹⁷ He says this explicitly with regard to language convention (see Lewis 1969, 51), which may sound less controversial, but this is a general corollary of his approach (see Lewis 1969, 75) and it causes major problems in other areas of social interaction.

¹⁸ Compare Millikan (2005, chap. 1) with Bunzl – Kreuter (2003) and Binmore (2008).

¹⁹ “Young birds learn to sing complicated arrangements of notes by listening to the songs of experienced birds. It matters a lot to them what song they sing, because the songs are used as a coordinating device in deciding who mates with whom. But the birds do not ‘know’ any of this” (Binmore 2008, 25).

sympathy for such an extension of conventionality. Even Millikan (2005, 7) rejects it, in the following terms:

The songs of the various bird species are to a large degree arbitrary in relation to function, but they are not conventional, because they are not copied or reproduced in the sense defined above.

Nevertheless, I can see no evidence to suggest these songs are not conventions. Perhaps she believes they are reproduced solely by genes and not by “culture” (by a precedential imitation or learning; see Bunzl – Kreuter 2003, 421), in which case she should, nevertheless, accept bird song and many other animal behavioural patterns, if it turns out that their reproduction process largely involves imitation (or a similar form of precedential learning) rather than gene transfer. I would suppose there truly is an extensive region of such patterns (and its boundaries can be fully established by biologists). Therefore, I am willing to take a more inclusive stance in this matter and to accept cases of non-human conventional behaviour. At least it is evident that coordination problems are quite common in the animal kingdom and if their solutions are based on behavioural patterns reproduced by precedent then there is nothing that would justify their exclusion from conventionality, even though it might go against our intuition.

It has been argued so far, in the light of objections, that convention_m can and should subsequently be updated by specifying the type of corresponding interactions, and it has also been pointed out that no harm follows from the extension of conventionality to other biological species. Those objections regarding excessive narrowness (a neglect of functionally proficient patterns) or, vice versa, looseness (skills) can from this moment be disregarded. Yet I am far from claiming that I have considered a wide range of crucial arguments; my aim is rather limited to proving that even a simple and efficient formulation of conditions may retain the potential for a general analysis of conventions, and ensure the key elements of this social phenomenon. In order to verify this, a final step remains to be taken: to explain how convention_m (derived from Millikan’s *natural conventionality*) may cover cases of *stipulated* convention, a completely different kind of conventionality. If the definition aims at the more ambitious project of seeking the notion of convention in general, it is necessary to prove that stipulated conventions meet the conditions. Compared with Lewis’s study, which comprehensively explains how convention depends on a variety of states of

affairs (agreement, precedent) and how the states further determine our expectations and actions, Millikan's definition cannot compete in descriptiveness. Are we thus to declare the definition invalid as an explanation of the heterogeneous origins of conventional behaviour? I do not maintain this at all. Notwithstanding the fact that convention_m is concerned exclusively with precedent and behaviour determined by it, there seems to be a possibility of a simple adjustment within the definition, allowing the integration of *an agreement* as a model of stipulated conventions. This procedure will secure the expansion of conventionality in the desired way. It is surprising, however, that the way to perform it has already been indirectly and unintentionally indicated by Millikan. When considering ways of reproduction she mentions a case in which a given convention is reproduced by verbal instruction. In her view, there might be a conventional regularity when "one person may tell another how a pattern goes. For example, Johnny's mother tells him that he is to put his letter in the mailbox and put up the flag..." (Millikan 2005, 4). Notice how the example satisfies conditions I have mentioned above (i.e., conditions of convention_m and the condition of coordination); it is a pattern of behaviour reproduced by precedent (by means of verbal instructions) and clearly, it is a situation in which the sender and the mailman have to coordinate their patterns with regard to the implementation of postal services. I see no obstacle to acknowledging the fact that it is a convention. Moreover, if we generally declare – as Millikan did – that verbal instructions are one of many means of reproduction, then it also does not seem problematic to admit that these instructions can shape the precedent on their own. A required generalization of the definition, therefore, stands and falls with the acceptability of the assertion that precedent can be shaped by a set of verbal instructions, because in this manner it is possible to explain how the agreement is "transferable" to precedent.

How are we to understand the concept of precedent? Thus far, I have implicitly held Millikan's understanding of precedent as a model case from past experience whose performance is – in some essential aspects – binding for future applications.²⁰ Yet, if it is conceivable for a precedent to be re-

²⁰ However, Millikan (2005) does not explain it in detail. And perhaps the reason why so little has been said about the notion of precedent is that Lewis (1969, 36-37) consid-

produced by means of verbal instruction, it is, I believe, also reasonable to regard the instructions themselves as a precedent in an abstract form. Obviously, there are some troubling questions concerning this extension: What would the realization of the same conventional pattern look like in view of a different formation and how would it be covered by the definition? Take for instance the ‘*Casual Friday*’ convention: it is permissible for a company employee or an office member to dress informally on Friday. Quite apart from the very specific details of the convention, let us focus exclusively on two different origins of it. First, it is logically and actually possible that this behaviour emerged due to accidental circumstances, simply by the fact that one day somebody dressed casually (e.g., Peter had taken his suit to the cleaners and had nothing to wear except jeans) and this behaviour was then imitated by some of his colleagues the following week (whether unconsciously or as a result of simple impulse: “Why don’t I wear comfortable clothes on Friday as Peter did last week?”). Suppose then, the ‘Casual-Friday’ precedent is even more successful to the point that it has prevailed and replaced the original conventional pattern of formal dress; and this happens completely as a consequence of the gradual reproduction of a precedent. Therefore, an amended definition is perfectly suitable for an inclusion of this type of conventionality (*natural conventionality*). Second, an alternative scenario may be taken into account: one day, staff of a firm agrees on this convention and by the agreement a particular pattern is established. In this case, regardless of what others expected or preferred, a set of verbal instructions was submitted, determining precedent in an abstract form,²¹ which consequently influenced the behaviour of a community. Hereafter, precedent is shared verbally (as noted by Millikan) or blindly imitated (as in the case of natural conventionality). Thus, neither is this type of conventionality excluded by the definition (of convention_M). Both of these examples prove the idea that the looser and wider notion of precedent is good for the generality of the definition.

ered it to be primitive once he identifies it with *salience*. Compare Sugden (1998) with Postema (2008).

²¹ By “abstract” I highlight the fact that no such (concrete) behaviour did occur in the intended environment and those instructions formed the precedent, so to speak, out of nothing. Also, I believe this distinction does not make the notion of precedent artificial, because the abstract precedent expresses only the fact of our minds and their capability to mentally model certain social interactions and their consequences.

Of course, this does not mean that none of the members of that community is able to form expectations of the others' behaviour, or reflect their own preferences and actions. All I say is that minimal sufficient and necessary conditions of convention in general are reproducibility and the role of precedent. Regarding stipulated convention, they fit perfectly into a modified version of precedent (and into the definition as well). Precedent in an abstract form has the same role as the instructions of a mother about how to send a letter, with the sole difference that in the first case, precedent is newly introduced and has been absent until now, whereas in the second, the mother passed on an already existing pattern. I deem this step in my work significant because it is a bridging element to the general definition, and for the sake of clarity, I present a brief structure of the argument as follows:

The Argument in favour of the Generalization of Convention_m:

1. A precedent can be reproduced by means of verbal instructions.
2. If a set of verbal instructions can reproduce a precedent, it may also shape the precedent.
3. Therefore, a set of verbal instructions may shape a precedent.
4. An agreement is a set of verbal instructions.
5. Therefore, an agreement can shape a precedent.

The Premise 1 is closely based on the example mentioned by Millikan, in which she presents one of the options of reproduction. Another premise 2 admits an intuition that verbal instructions can not only reproduce – already established – regularity in behaviour, but that they are also able to stand themselves at its beginning. If that is right, I infer the conclusion 3 that indicates the possibility of a broader concept of precedent (which is specific or abstract). The statements 3 and 4, then, form premises of an ongoing argument whose conclusion 5 confirms the initial assumption about the role of agreement in relation to precedent.

As for criticism, the first series of objections can be anticipated regarding premise 2. Some may doubt the fact that these instructions actually give rise to precedent. It is evident, for instance, that an agreement made at the end of a meeting by saying: “Tomorrow here, again, then” is a useful reminder or an easy way of reproducing a functioning precedent (to meet at a certain place at a given time); however, its ability to create new precedent is weak and questionable. The answer to this objection is, in principle, triv-

ial, for premise 2 does not necessarily represent a claim that an identical set of instructions is sufficient both for reproduction and for the establishment of a precedent. It contains weaker condition, a requirement of a fundamental possibility to establish precedent. When I exemplarily put a postage stamp on the envelope and say “That’s how it’s done”, and conversely when I explicitly give somebody instructions relating to the same conventional pattern, there is, undeniably, a difference in complexity and sophistication. Yet, it seems to me that as the first kind probably permits the second, a reproduction through instructions allows an establishment in the same way.²² Another objection might be raised against premise 4 – what type of agreement do we have in mind? The kind of an implicit agreement which, at first glance, does not show any similarity to an accurate linguistic expression of the instructions? Admittedly, not every agreement in a broad sense²³ may fit into the conditions specified in premise 4. Nevertheless, for my purposes it is quite satisfying that the generality of the definition holds with respect to both kinds of natural and stipulated conventionality and that this expansion might be further refined (by the theory of conventions).²⁴ Thus, premise 4 ought to be taken modestly as a condition that if an agreement is made up of a set of verbal instructions, then it might be a source of precedent in abstract form. Although this conclusion seems lacking in descriptiveness and explanation, it satisfactorily meets the requirements of generality. Moreover, I believe the argument provides reasons to think that the new and modified version of Millikan’s definition is widely applicable and can be expanded to cases of stipulated convention. This would secure beneficial prospects, to be precise, a broader notion of

²² As a matter of fact, the statement “That’s how it’s done” can be called into question, particularly whether it is truly a set of instructions. If it is, at most, a declaration that precedent was held, the premise 1 will consequently eliminate the possibility of this. All the same, it is not difficult to come up with a more sophisticated case of a similarly austere statement satisfying the premise, e.g., “Here it sticks.” Therefore, the argument remains valid.

²³ The agreement understood rather in terms of normative attitudes than based on its particular form.

²⁴ The theory might provide a closer specification of the cases of conventional behaviour with normative attitudes (as an agreement in the broad sense) based on implicit precedents.

precedent adds explanatory potential, as it allows a larger framework for the categorization of social reality, especially conventions in all their variety.

After a series of adjustments to reinforce the definition derived from Millikan's original proposal, I summarize the definition as follows:

The Minimalistic Definition of Convention:

Convention_M = *df* a pattern of behaviour *occurring as a result of coordination situations* which is reproduced and expands by weight of *precedent**.

The parts highlighted in italics indicate the changes that have resulted from the previous considerations and arguments, namely the inclusion of the coordination aspect (omitted in the convention_m) and extension of precedent as set out above. Regarding an overall assessment, there are several criteria whose fulfilment would be desirable. The most intuitive is, without doubt, *arbitrariness*, which is remarkably noticeable from the common oversimplification by which convention is routinely identified with arbitrary patterns.²⁵ The convention_M meets this requirement in two ways: the very nature of coordinations demonstrates the existence of multiple-equilibria, and consequently different alternatives, and, furthermore, the essential role of precedent – with regard to a pattern-expansion – supports the fact that some patterns prevail due to accidental circumstances and would be replaced by a different (qualitatively equal) pattern if the social dynamics developed differently. Second, the definition assigns to convention an exact type of social interaction, specifically emphasizing a coordination structure; and for this reason we have a clear idea of *the nature of social interactions* which conventions correspond to. In addition, it brings in its wake many other advantages, such as the elimination of undesirable cases (skills). The third point is *immunity against contra-Lewisian objections*. As mentioned above, it seems to me that all these objections have already been discarded in the case of convention_m, and no adjustment in convention_M could restore them. Finally, I submitted an argument that secures *generality* (and provides an explanation of different types of conventional behaviour by means of the same conditions).

I conclude that the minimalistic definition of convention can withstand many critical reactions; offers a robust basis for any general theory of con-

²⁵ Although it is undeniably a necessary condition, it is far from being sufficient. What is arbitrary, what could be otherwise, does not define a convention accurately.

ventions; and complies with other requirements. The achievement of these standards has visibly confirmed the presumption that the definition (of convention_M) provides an adequate account of the basic components of conventional behaviour.

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