

Convention: Reply to Jamieson

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Jamieson produces nine examples. Eight are said to be conventions according to our common, established concept of convention but not according to my analysis thereof in *Convention*.¹ The ninth is said to be clearly not a convention according to our common concept, but an unsettled case under my analysis. Since Jamieson proposes no rival analysis, the best way of proceeding will be to respond to his examples one by one. Some I judge to be simply mistaken, either about our common concept or about my analysis. In considering these examples we will do well to bear in mind three things: (1) that we may be guided by preferences and expectations to which we give no conscious thought; (2) that under my analysis conventionality is relative to a population; and (3) that conditional preferences must be distinguished from conditionals about preferences. Others of Jamieson's examples are more instructive, and do exhibit genuine usages that do not fall under my analysis. I think these might best be regarded as derivative usages, related in familiar ways to the central concept given by my analysis; not as evidence for a revised analysis of the central concept,² and not as evidence for different and unrelated senses of the word "convention." Thus I gladly concede that we may properly call something a convention, although it does not meet the defining conditions I gave, because we hope that it will come to meet them, or we wish that it did, or we contemplate the possibility that it might have, or

1 *Convention: A Philosophical Study* (Harvard University Press, 1969). Jamieson's article is in Vol. V, no. 1 (Sept. 1975) of this *Journal*.

2 There is one important revision that is desirable on other grounds, but has no bearing on the cases considered by Jamieson. I have adopted it, at Jonathan Bennett's suggestion, in "Languages and Language," in Keith Gunderson, ed. *Minnesota Studies in the Philosophy of Science*, Volume VII (University of Minnesota Press, 1975).

we believe that it used to, or we pay lip service to the fiction that it does.

The Third Hague Convention of 1907. This “convention” was an explicit agreement to refrain from undeclared warfare; it was futile, for most subsequent wars among the parties were undeclared. There prevails no general regularity to refrain, and a *fortiori* no convention according to my analysis. It may be, for all I know, that this agreement is called a convention because it is one in some technical sense that has grown up among international lawyers; but alternative explanations also are available.

One possibility is that people call it a convention because its proper name suggests that it is one, much as they might mistakenly call the Holy Roman Empire an empire, or the Podunk Municipal Street Railway (which has for many years operated only buses) a railway.

For another possibility, consider the pretender to the throne. His followers still call him a king, although in fact he is no longer a king. It isn't that they call him a king in some special sense in which he still really is one; that would be useless as an expression of fealty. His adherents wish to express the sentiment that he should be, and one day will be again, a king in the ordinary sense. Others, less loyal or more willing to face the facts, may nevertheless find it courteous or prudent or expedient to speak as the loyalists do. Similarly, our Third Hague Convention was first called a convention, presumably, by people who hopefully thought that a general regularity of refraining from undeclared war had begun. Some who call it a convention even now may still think so — a long-term general regularity may have its few exceptions, and it is barely possible that the exceptions so far comprise a short-run fluctuation. Others, perhaps most, may not share such hopes but may think it impolitic to admit that the cause is lost. Others may call it a convention simply to avoid misunderstanding or pointless dispute with those who call it so for other reasons.

Numbering pages in the upper right. A disregarded “convention” in some office to number pages in the upper right would not be so called because it is a convention in some special technical sense, nor because of its misleading proper name. But it might well be called a convention by way of wishful thinking or propaganda. If someone said that it was a convention there to number pages in the upper right, he would be indulging in some sort of hopeful pretense. Very likely he would hope that by pretending that the convention prevailed already he would improve its chances of prevailing in the future.

Eating soup with a spoon. It is a convention among us to eat soup with a spoon, although certainly it seldom occurs to us to eat soup any

other way. We use the spoon by habit. It's not true, however, that we use the spoon *because* other ways don't occur to us, for if alternatives did come to mind we would reject them. We would find that we preferred to carry on using the spoon. But the explanation in terms of habit does not compete with the explanation I require in terms of expectation and preference. Both are right. We use the spoon by habit, and we use the spoon because we expect others to use spoons and we prefer to eat soup as others do. It is only because of the preference and expectation that the habit persists and succeeds in governing our unthinking use of the spoon. If ever I expected others to pour soup into their mouths through funnels, or if ever I preferred to be different, alternatives would at once occur to me and probably I would manage to overcome force of habit. In using the spoon unthinkingly because of habit, I also use it because of the causal factors that permit the habit to operate without interference; and among these factors are the expectations and preferences that constitute my participation in a convention.

Jamieson would find it obscure and unilluminating if I explained conventions partly by appeal to unconscious preferences and expectations. So would I, if I had to rely on the sort of unconscious states that are posited in psychoanalytic theory: preferences and expectations, for instance, that would fail to produce many of their proper manifestations in consciousness and behavior even if put to the test, and that can be discovered only by lengthy and ill-understood special techniques. But in fact I do not need unconscious states of that sort; I need only rely on preferences and expectations that stand ready to manifest themselves as soon as a relevant choice or question arises. Is it so that at this very moment, as I write, Jamieson prefers being given a can of frosty ice-cold Foster's lager to being given a poke in the eye with a burnt stick? In all probability he does, but in all probability he has never in his life given any conscious thought whatever to this preference. The preference is unconscious, not in the obscure psychoanalytic sense, but in a sense in which almost all of our preferences are almost always unconscious. I see no reason to steer clear of attitudes that are unconscious in this commonplace sense. The only reason Jamieson suggests is that perhaps we can only determine whether certain unconscious preferences and expectations obtain by determining whether some regularity is a convention. But he does not say why he thinks that might be so. I find it unlikely.

Use of quotation marks. If asked to explain the prevailing convention for use of quotation marks in philosophical writing, it would be perfectly correct for me to reply that there is *no* convention: different writers use different systems. But I grant that Jamieson's answer seems just as correct: two (or more) competing conventions are followed,

neither one universally. To explain how these seemingly contrary answers — none or two — both can seem right, we must find ambiguity somewhere. In fact I think that there are two ambiguities working together.

First ambiguity: it may happen that we apply a word mostly to the occupants of a status, but sometimes instead to the candidates for that status. Such occupant-candidate ambiguity, though by no means universal, is widespread. We can say, for instance, that several solutions to a problem were proposed, and that it turned out that three were solutions and the rest were not. There were several candidates for the status of solution, but only three occupants. In the case at hand, there are two or more leading candidates for the status of convention, none of which yet occupies that status. Indeed, even if there were a well established convention by now, we might still say truly that a rival convention had been advocated, discussed, and rejected. In calling that rival a convention we would mean only that it had been a candidate for the status of convention.

Second ambiguity: disregarding mere candidacy, it may be that although there is no convention in the entire population of philosophers nevertheless there are various conventions in various subpopulations. If you say that a regularity *R* is a convention in population *P*, you might mean that all members of *P* (or almost all) participate in the convention; or you might mean only that some of them do. The former was my official usage in *Convention*, but the latter usage is no doubt equally correct. As a convenient but artificial stipulation, I would suggest saying in the latter case that the regularity *R* is a convention *within* the population *P*: then a convention *within* *P* is a convention *in* some population included in *P*. In the case at hand no quotation convention prevails in the entire population of philosophers, but two or more prevail within that population.³

Single-spacing of addresses. I agree that there is a convention that outside addresses on envelopes are to be single-spaced; that is to say, I agree that such a convention prevails in some substantial population. But it would be wrong to take for granted that the members of this population must be all and only those among us who address envelopes. Some of us have no conditional preference for spacing as

3 This is not to say that *all* users of any one system comprise a population in which there is a convention to use that system. I share Jamieson's suspicion that most philosophers lack the conditional preferences for conformity that my analysis ascribes to participants in a convention. I would guess that the sub-populations of philosophers in which there are established quotation conventions might be quite small.

others do; some do not single-space, and others cultivate the habit of single-spacing only because some addresses on some envelopes don't fit unless single spaced. Such a one belongs to a population *within* which the convention prevails, but not to any population *in* which it prevails. On the other hand, there might be someone who does want the addresses on his envelopes to be spaced in whatever way is usual, but who never addresses envelopes for himself; he employs programmed machines, trained chimps, coerced slaves, or intimidated secretaries to address his envelopes for him, carefully seeing to it that the programming, training, coercion, or intimidation are such as to result in single-spacing. It is the boss in such a case, not his machine or chimp or slave or secretary, who belongs to the population in which the convention prevails. I may add that if there are such bosses, then the convention should not be described as a convention to single-space, but rather as a convention to see to it somehow that addresses on one's envelopes are single-spaced.

Currency and barter. Jamieson complains that "surely it is not a necessary condition for something to be a convention in a population that members of the population have knowledge about what would be the case in some hypothetical situation"; he thinks such a condition would be too stringent because the required hypothetical knowledge would often be lacking. For instance, he notes without dissent my claim that we have a convention to exchange goods and services for U.S. currency and that one alternative to this convention would be barter of goods and services. But he says that this alternative does not meet my standards for knowledge of relevant conditional preferences, since we do not know what people would prefer if a system of barter became established. I think we have more hypothetical knowledge in this case than Jamieson thinks. (I further note that if even one alternative, perhaps not this one, meets my requirements, that is enough to satisfy clause (5) of my analysis.) Nevertheless I agree with Jamieson that it would be unwise to require much knowledge about hypothetical situations as a condition for something to be a convention.

Fortunately, I imposed no such requirement. What I did require was knowledge of conditional preferences. Jamieson wonders whether conditional preferences are (A) preferences among conditionals or (B) conditionals about preferences. His objection is based on supposing that they are the latter. But they are not, and neither are they the former. Rather, conditional preferences are (C) actual preferences among certain (ordinarily) non-conditional states of affairs. You prefer X to Y, conditionally on Z, iff you prefer the combination of Z and X to the combination of Z and Y. For instance, you prefer to conform to some possible regularity rather than not, on condition

that others do, iff you prefer the state of affairs in which they conform and so do you to the state of affairs in which they conform but you do not.

It is essential to distinguish conditional preferences from conditionals about preference, since they may disagree. Consider Odysseus as he prepared to sail past the Sirens. On condition that he could hear their song, he preferred to be tied to the mast. That is, he preferred to hear the song and be tied rather than to hear the song and not be tied. But he knew well that if the condition were met his preferences would change: if he heard the song, he would then prefer not to be tied.

We must also distinguish conditional preferences from preferences among conditionals, since these too may disagree. At least that is so if the conditionals are truth-functional;⁴ the question is more complicated if other conditionals are considered, but I doubt that there is any way to construe conditionals on which conditional preferences and preferences among conditionals always agree.

Marriage in Malabar. I do not know how many of the so-called “conventions” that obtain in primitive societies really are conventions according to our common, established concept; those who have called them so might have the facts wrong. Neither do I know how far Jamieson is right in his provincial opinion that members of primitive societies have not considered alternatives to existing regularities. But even if the Nayar have never considered alternatives to their actual marriage customs, that does not settle whether their customs are conventions under my analysis. In the first place, they need not have knowledge about what their preferences would be in some counterfactual situation; knowledge of conditional preferences is not knowledge of conditionals about preferences. In the second place, they need not consider alternatives in order to have expectations and preferences, and even knowledge of one another’s expectations and preferences, regarding those alternatives. The requisite attitudes might perfectly well remain unconscious (in the commonplace, not the psychoanalytic, sense).

Sleeping in beds. Sleeping in beds (rather than trees) is not a good example of a non-arbitrary convention, since it is not a convention at

4 A die will be thrown; I stand to win \$2 if the 6 is up, \$1 if the 5 is up, and nothing otherwise. I suppose the die to be fair and care only about the money I may win, so my preferences follow the computable expected payoffs. X holds iff a 2 or 6 is up, Y iff a 1 or 5 or 6 is up, and Z iff a 3, 4, 5, or 6 is up. I prefer X to Y conditionally on Z, but I prefer the conditional $Z \supset Y$ to the conditional $Z \supset X$.

all either according to our common concept or according to my analysis. However, there are other examples of conventions that are preferable to their alternatives; indeed, I mentioned some in *Convention*. I don't mind if Jamieson wishes to call such conventions non-arbitrary, since he seems not to disagree with what I meant when I said that any convention is arbitrary.

Procreation by copulation. Jamieson thinks, and so do I, that it is clearly not a convention among us to procreate by means of copulation rather than artificial insemination. (What difference does he see, I wonder, between this non-convention and the alleged convention of sleeping in beds?) He asks what keeps procreation by copulation from wrongly counting as a convention under my analysis. I reply, as Jamieson expects, that it is clause (5) that saves the day: it is not true, nor is it common knowledge among us, that we have a general preference for general conformity to some alternative regularity (such as the use of artificial insemination) conditional on at least almost-general conformity to that alternative.

Jamieson finds this reply wanting. Although he finds it clear that procreation by copulation is not a convention, he apparently finds it quite uncertain whether or not clause (5) is satisfied. He asks how to determine what is common knowledge about what almost everyone would prefer if most people procreated by artificial insemination. Fortunately this difficulty does not arise. Clause (5) concerns conditional preferences, not conditionals about preference. Jamieson is right that we need not know or care what people would prefer in some strange counterfactual situation. We are concerned with people's actual, present preferences, whether or not those preferences would have been the same if circumstances had been different. We do know that there are many people whose actual preferences are contrary to the requirements of clause (5): they prefer the state of affairs in which they copulate although most others use artificial insemination to the state of affairs in which they use artificial insemination along with the others. That is enough (if artificial insemination is the only alternative we need to consider) to settle that procreation by copulation is not a convention under my analysis.

Indeed, it is more than enough. People need not have preferences contrary to those required by clause (5); it is enough if many people lack the required preferences because they have no preferences one way or the other. Further, even if everyone had the required preferences, clause (5) would not be satisfied unless those preferences were a matter of common knowledge. If people's preferences on these matters are hard to ascertain, all the better. Absence of common knowledge one way or the other is enough to settle the case correctly.

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Conventional behavior. This completes a review of Jamieson's nine cases. I turn now to another topic that he briefly mentions: analysis of the notion of conventional behavior. Jamieson wisely avoids saying that the analysis which he criticizes in connection with my work is actually my analysis; indeed, I do not remember ever proposing any analysis of conventional behavior, nor will I propose one now. *Contra* Jamieson, I suspect that there may be some sort of connection between conventional behavior and behavior that conforms to conventions. Whether one behaves conventionally is certainly not simply a matter of *whether* one conforms to conventions; but it may be at least partly a matter of *which* conventions one conforms to.

Jamieson's own analysis of conventional behavior is clearly wrong. According to Jamieson, "if it is said that Smith's behavior is conventional . . . what is being said is that Smith's behavior is ordinary, there is nothing unusual about it." But it might truly be said of some Smith that his behavior is extraordinary, that there is something quite unusual about it: Smith behaves very much more conventionally than anyone else.

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