

## PRACTICES AND PRACTICING

Mark Okrent

### 1. A Brief Lexicographical Introduction

This paper concerns the question of what it is that philosophers have been talking about, or ought to have been talking about, when they talk about ‘a practice’. This issue is complicated by the fact that, in English at least, there are several rather distinct senses in which the word ‘practice’, (which of course is ultimately derived in English and other European languages from Aristotle’s technical notion of ‘*praxis*’), is commonly used. When used as a noun, in English there are at least two distinct but related common uses of ‘practice’, and another two common uses of ‘practice’ as a verb, which are both related to and distinct from one another and related to and distinct from the two uses of the noun ‘practice’. And all of these uses, both nominal and verbal, are actually quite distinct from, but clearly related to, the way in which philosophers, at least since the late Wittgenstein, have been interested in practices.

Let’s start with the first dictionary definition of the noun ‘practice’. According to the *New Oxford American Dictionary* the primary meaning of ‘practice’, when it is used as a noun, is «the carrying out or exercise of a profession, especially that of a doctor or lawyer»<sup>1</sup>. So, according to this definition, it is Jane’s actually engaging in the activities involved in Jane being a lawyer, over a period of time, that constitutes *her* legal practice. However, when philosophers talk about a ‘practice’ they tend to be speaking of something that does not directly concern an individual’s instantiation of the activity involved in some social role or position, such as being a lawyer, but rather they are talking about something more abstract; the kind of activity that is associated with the role or position *as such*, the *way* in which someone acts when she is engaging in the lawyerly activity that constitutes her legal practice. That is, philosophers seem more interested in practices insofar as they are thought of as the *kind* of thing any lawyer is or must be doing insofar as they have a legal practice, and the *way* that individuals carry out, or ideally carry out, that activity.

This philosophical interest is thus more closely related to, but still distinct from, the *second* dictionary definition of the noun ‘practice’: «the customary, habitual, or expected procedure or way of doing of something» (*New Oxford American Dictionary*). This definition is thus closer to the philosophical use of the term insofar as both this use and the philosophical use refer to a *way* of doing something, rather than the actual doing of that thing in that way. But there is an additional similarity between this use and the philosophical. Both this definition and the philosophical sense of ‘practice’ recognize the custom-

---

<sup>1</sup> In this chapter, all definitions are taken from the *New Oxford American Dictionary*, rather than from the standard OED. The reason for this seemingly eccentric choice has to do with the fact that in British English the verbal form of the word is not a homograph of the noun, as it is written ‘practise’, rather than ‘practice’. And, as in this paper I am interested in the relationship between the verbal form of the word and the noun ‘practice’, it is convenient for me to follow the American practice of spelling them in the same way (puns intended).

ary, and hence culturally variable, character of practices. Doctors engage in their medical practice by attempting to heal others in the particular *way* that is prevalent, or customary, around here, and for that reason what is done in a medical practice, the actual kind of activity that is carried out in the practice, can be quite different in the United States than it is in Italy, and even more different from medical practice in Vietnam or Burundi, for example. On the other hand, this definition seemingly lacks, or at least under-emphasizes, a normative component that is salient in the philosophical use; for most philosophers the practice of medicine, as the way that the activity of healing is structured around here, is not merely the way doctors in fact habitually or commonly act around here as doctors; rather, it is the way in which doctors around here act in the course of healing when they are doing that activity *well*. The practice of medicine around here involves standards that must be met by individual practitioners, and if the actual practitioners' practice deviates too far from those standards they are no longer allowed to engage in their own medical practice.

Even this more abstract normative sense of a 'practice' has not been the real focus of philosophers' interest, however. We can get a preliminary sense for this philosophical target by noting that the practice of law, as thought of in the second sense we have just outlined, typically occurs within a broader context that involves the relation between the practice of law and other practices in an ongoing pattern of activity. Consider an attorney whose practice (in the first sense) specializes in the defense of accused criminals. Clearly, when she engages in the activity involved in her practice, she typically engages with other agents who are actively engaged in their own, different practices. Indeed, in some cases one can't even say what it is that an individual's practice consists in without also specifying the practices of others. In the American version of the English common law with which I am most familiar, for example, what it is that defense lawyers ought to be doing, *qua* their practice as defense attorneys, can only be characterized in and through specifying how it is that prosecutors, juries, and judges should engage in the activities that are involved in their roles, and also specifying the practices that govern how practitioners of these various practices, including lawyers, ought to relate to each other. And in order to characterize *those* relations, one must also specify how the activity contexts in which those relations among the various practices ought to be carried out. While engaging in their own particular practices, defense attorneys, judges, prosecutors and jurors will all be obligated to interact with one another in the course of trial proceedings, for example, and the practices that determine *how* the occupants of each of these offices ought to interact with each of the others are just the practices that determine how those trial proceedings ought to be carried out around here. Thus, the practice that a lawyer ought to engage in forms a node in a system of interlocking practices, a *trial system*, that itself can be seen as a practice, the way in which occupants of various interlocking roles ought to interact with one another in performing the group activity that is the way that a trial ought to be carried out around here. And, as we will presently see, trials are one of the examples that John Rawls gave of the kinds of things that he wanted to talk about when he talked about practices in his groundbreaking 1955 article, *Two Concepts of Rules*.

Before considering that article, however, it will be useful to briefly lay out the two dictionary definitions of the English word ‘practice’ insofar as that word is used as a verb, both of which will be important later in my discussion. As any native speaker of English would expect, the first verbal definition concerns the activity that an apprentice practitioner performs in attempting to learn how to engage in a practice well, as when a student flautist practices playing the flute: «perform (an activity) or exercise (a skill) repeatedly or regularly in order to improve or maintain one’s proficiency» (*New Oxford English Dictionary*). In this sense, the apprentice practices in order to *get better* at actually practicing her craft, (or in order to maintain her skills), rather than practicing her craft in the actual performance of the function of the practice associated with the craft. When the agent actually performs the activity, more or less as she ought to, in order to achieve the end of the activity, as when our lawyer actually practices law, she is practicing law in the second sense of ‘practice’ when it is used as a verb: «actively pursue or be engaged in (a particular profession or occupation)».

Armed with this preliminary understanding of the five senses of the word ‘practice’ which are relevant to the issue of what it is that philosophers are interested in when they discuss ‘practices’, let us turn to the actual consideration of that issue. I will begin to do this in the next section by first considering the central features of practices that Rawls articulated in *Two Concepts of Rules*, an articulation which has proven to be influential in later philosophical discussions of what it is to be a practice. The following section articulates a set of considerations deriving from a discussion of the primary *verbal* meaning of ‘practice’, considerations which suggest possibilities for positively modifying standard philosophical ways of thinking about what it is to be a practice that are derived from Rawls. In this section I suggest that if in this manner we approach the question of what it is to be a practice from the bottom up, from the direction of a prior consideration of what is involved in *practicing*, we can come to have an improved understanding of what it is *a practice*.

## 2. Rawls’ Definition of ‘Practice’ in *Two Concepts of Rules*

We can get a better sense for the kind of thing that philosophers have thought they have been talking about when they speak and write about practices, and the types of ambiguity that infect that talk, by looking at an historically important example of a definition of a ‘practice’, an example that comes from John Rawls’ justly celebrated 1955 paper, *Two Concepts of Rules*. In a footnote to the first page of that paper Rawls gives us an admittedly technical stipulation of the sense in which he will use the noun ‘practice’: «I use the word ‘practice’ throughout as a sort of technical term meaning any form of activity specified by a system of rules which defines offices, roles, moves, penalties, defenses, and so on, and which gives the activity its structure. As examples one may think of games and rituals, trials and parliaments»<sup>2</sup>.

---

<sup>2</sup> John Rawls, *Two Concepts of Rules*, «The Philosophical Review», Vol. 64, No. 1 (January 1955), p. 3n. Significantly, the point of *Two Concepts of Rules* is not to define what it is to be a practice, but rather to distinguish two concepts of rules. On Rawls’ view, as is suggested

We can use Rawls' definition to help specify several general features that are common to most recent examples of the ways in which philosophers have found it interesting to think about what it is to be a practice, as well as to point us towards the ways in which ambiguity and contention infect such thought. First, and most significantly, Rawls' definition, and most subsequent philosophical characterizations of practices, focus on the *systems* of practices, in the dictionary senses of that term, the systems in which those practices which are the targets of the dictionary definitions have their place and definition. When Rawls discusses 'practices' he is primarily concerned with trials, rituals, and parliaments, rather than the practices of the lawyers, back-benchers, and priests who take part in those trials, parliaments, and rituals. Second, and centrally, practices, as philosophers have understood them, are ways of acting, rather than the activities themselves insofar as they are actually performed by individuals at a time or over time. In the pregnant sense, it is *the game* of chess that is the practice, rather than any particular game of chess that two people happen to play; it is the way that trials take place according to the English Common Law or the Code Napoleon, rather than any particular judicial proceeding, that is the practice. As such, practices have been thought of as having an essential *normative* component. It is the manner in which one *ought* to move the chess pieces, or are allowed to move those pieces, insofar as one is playing the game of chess, that is relevant to the practice which is the game of chess, not what I actually did with those pieces this morning in my paltry attempt to play chess, even if I moved the pieces in accordance with the rules of chess. It is the way that judicial trials ought to be conducted that is the trial practice, not the botched exercises of that practice that often occur in fact. That is, in what has become the standard philosophical sense, 'practices' are *normative types* of activity rather than correctly described particular token acts. Third, for Rawls and other philosophers, practices are normative types of *activities*, rather than normative types of objects, or agents, or non-activity processes or events, or properties, or anything else. Practices are types of things that human agents, or groups of coordinating agents, can *do*<sup>3</sup>, or ought to do. When combined with Rawls' focus on systems, this way of thinking about practices as activities further implies that, as practices, parliaments are best thought of as ways in which individuals ought to interact with one another in a certain context, rather than as standing, somewhat thing-like, institutions. Fourth, according to Rawls,

---

by his definition, one of these is the concept of a rule that defines and instantiates the various aspects of practices, the various «offices, roles, moves, penalties, defenses, and so on», that give structure to a practice.

<sup>3</sup> One of the examples that Rawls gives of what it is to be a practice, parliaments, is illustrative of this feature of practices. The English parliament, for example, might be thought of as an enduring object of some weird kind, insofar as it seems to persist over time, even when the members aren't assembled in their house in Westminster. But historically, of course, that parliament arose as a kind *activity* in which variously qualified subjects advised the sovereign, and instances of which recurred at varying intervals. And this is the way in which Rawls and those who follow him tend to think about institutionalized practices, such as the English Parliament, the American Senate or State Department, or the English Football Association. They are sorts of activities which have a structure for performing those activities, that is, practices, which over time have undergone a process of ossification.

practices are types of activities that humans can perform in which *which* kind of activity the activity *is*, is «specified by a system of rules which defines offices, roles, moves, penalties, defenses, and so on, and which gives the activity its structure». That is, for Rawls and others of his ilk, a practice is a form of human activity that is typed as the kind of activity that it is by a holistic system of rules that define what it is to be the practice *by* specifying various *roles* that human beings can play in the practice, where the rules specify the roles *by* determining: (1) the conditions under which an agent can come to occupy a particular role (offices); (2) what it is that occupants of such roles are allowed to do, forbidden from doing, and obligated to do (moves); (3) what does or should happen to an occupant of a role if they do what they are not allowed to do qua occupant of the role, or do not do what they are obliged to do by that occupancy (penalties); and (4) how occupants of such roles can defend themselves from accusations of such malfeasance (defenses). Practices, for Rawls, are types of *systems* of activity of a *group* of human agents interacting with one another according to sets of *rules* which determine what *kind* of agent each is, what *kinds* of actions they actually, could, or should perform, how the activities of those kinds of agents ought to be related together in the practice, and how those actions can and should be evaluated. Thus, practices are holistic systems of *social* forms of rule-governed *group* activity, the rules of which determine *who* individual human agents who act within these systems are, insofar as they act within such a system, and what it is that those agents are doing, when they act within the practice. As such, the practices, in the dictionary sense, that characterize the various *particular* offices within a Rawlsian practice are seen as ways in which occupants of the offices in practices, in the systemic sense, ought to act in the course of doing their jobs within the practice, and are, as such, of secondary ontological and methodological importance.

It importantly follows from these salient features of Rawls' conception of practices that, according to that conception, much of what human beings do, and much of what they *are*, only make sense and have definitions insofar as that activity and that being is understood as occurring within some practice or other. Who am I? Among other things I am an American emeritus professor of philosophy. But neither being an American, nor being a professor, nor being a philosopher, nor being emeritus are *natural* kinds of objects or agents. Nor are they merely made up by me, or you, or any group of us. Rather, they are, one might say, *practical* kinds, kinds that are instituted by the rules that govern political, social, pedagogical, and economic practices. What do I do? Among other things, I write philosophy papers and, at least in the recent past, grade student papers. But someone can write comments on written documents, and slap a letter at the end of the document, without grading a student's paper. Absent contemporary pedagogical practices which include students, professors, courses, assignments, grades, and much else, there are no students, professors, student papers, or grades in the world, and no agent can engage in the activity of grading student papers. And if there were no linguistic and phil-

osophical practices, no marks that anyone could put on white sheets of paper or computer screens could count as a philosophical paper<sup>4</sup>.

So much for the common ground that is staked out by Rawls' stipulative definition. But that common ground also marks the site of a number of contested issues. In the remainder of this paper, I will discuss three such sites of contestation. First, for Rawls the various «offices, roles, moves, penalties, defenses and so on» that give a practice its structure are defined by a set of *rules*. But there are a variety of features of rules that seem to make them inappropriate for instituting this kind of articulated pattern of activity, or at least make it difficult to understand the character of the rules that are relevant to the constitution of practices. Leaving aside the sense of 'rule' in which a rule has no normative force and is merely either a universal generalization or a statistical regularity, normative rules, such as those that establish the roles of the various chess pieces by establishing how they are allowed to be moved, tend to be explicitly articulate, or at least articulable. But, in whatever way we understand the 'rules' that supposedly articulate practices, they don't seem to *generally* have this feature. Being a philosopher, or a baker, seem to be practical kinds of agents, but it doesn't look as if there are any articulable rules that formally determine the contours of those kinds of agents in the way in which the rules stipulate how a bishop is allowed to be moved. Grading papers or hand-writing the letter 'a', or uttering a particular phoneme in a particular language, would seem to be practical sorts of activity, sorts of activity that exist as such kinds only insofar as they are defined within practices, but there are certainly no articulable rules for determining what does and does not belong to those kinds of activities, even if those rules are thought of as *ceteris paribus* rules. So perhaps it is wrong to think that the norms that articulate practices are always or in general articulable rules. But in that case, how should we think of the normativity in and through which practices are instituted<sup>5</sup>?

---

<sup>4</sup> The mention of the possibility of someone writing meaningful remarks on someone else's writing that don't count as a professor's comments on a student's work, and the impossibility of writing philosophy papers outside the practice of philosophy, point to an important possible extension of Rawls' way of understanding what it is to be a practice. Given Rawls' views, it seems plausible to suggest that natural languages, such as English and Italian, (both written and spoken), should count as practices, and that nothing can count as a contentful linguistic utterance or assertion except insofar as it counts as such in terms of the rules that institute that linguistic practice. While this roughly late-Wittgensteinian attitude towards language as a practice is certainly suggested by Rawls' definition, it is not implied by that definition, and I don't intend to discuss this possibility here. I do discuss this suggestion at length, however, in Chapters 6 and 7 of my *Nature and Normativity* (M. Okrent, *Nature and Normativity*, Routledge, New York 2017). In that discussion I argue that human natural languages are indeed best understood as practices. But I argue there, as I also argue below, that Rawls' conception of what it is to be a practice is inadequate for a proper understanding of several aspects of human practices, and several kinds of human practice, including linguistic practices.

<sup>5</sup> The suspicion that the concept of a 'rule' is not quite the right vehicle for expressing the normative element proper to practices has another ground that I leave unexpressed in the main text. The regress argument that Wittgenstein uses in *Philosophical Investigations* to cast doubt on the view that applying a concept *always* involves applying a rule suggests that the regress is stopped by knowing how to apply the concept according to current community practice. But

Second, and relatedly, there is a pervasive issue regarding the identity and individuation conditions on the roles that are instituted by practices. Consider the positions of students and teachers. While individuals of many species learn how to do many things through observing the behavior of conspecifics, explicit instruction and correction is (mostly) restricted to humans, and among humans such teaching is pretty universal. But how the activity of teaching and learning is to be carried out, how teachers and students ought to act qua teachers and students, varies wildly across cultures and times. This suggests that the roles of teacher and student are practical roles, roles defined within some practice or other. But which practice is this in our society? Is there a free-standing pedagogical practice in which the roles are defined? My talk above about ‘pedagogical practices’ would seem to suggest so. On the other hand, it seems fairly obvious that such narrowly defined pedagogical activities typically function within much broader practical contexts; academic, sociological, and economic contexts, among others. So, is it the case that the roles of teacher and student are roles within pedagogical practices, or offices within the broader practices of academic institutions, or roles instituted within practices regarding social status, or economic practices, or all or none of these?

How one approaches this issue regarding the identity conditions on practices, and the offices within practices, has important potential implications for how we ought to understand the normative pressures on the occupants of practical offices. Since on Rawls’ view offices are constituted and specified by the rules that institute the practice in which they occur, the fact that the role of teacher arguably can be appropriately seen as occurring as integral to both, say, academic and economic practices, seems to imply that one and the same individual stands under two quite distinct, and potentially contradictory sets of obligations and permissions *qua teacher*. It is not just that the same individual can have competing obligations *qua* being both a teacher and parent; she can also stand under competing obligations *qua* teacher. So are there two roles here or one? Does the agent occupy one role, that of teacher, in which the norms of her pedagogy are potentially contradictory, or does she occupy two offices, *T<sub>a</sub>* and *T<sub>e</sub>*, where she has one set of obligations insofar as she occupies the role of teacher in an academic practice, *T<sub>a</sub>*, and another set of obligations insofar as she occupies a separate office of teacher, *T<sub>e</sub>*, within the economic practice involved in sustaining the finances of the institution in which she works<sup>6</sup>? And how could one decide this question in a principled way? Since what superficially seems to be one office, that of teacher, can be an office in multiple practices, in Rawls’ sense of ‘a practice’, a single occupant of what we perhaps misleadingly refer to with the single term ‘teacher’ can stand under different obligations and permissions that are constitutive of those two different offices, and

---

to understand the normative component inherent in practices as rules would leave the Wittgensteinian regress concerning rule following unresolved.

<sup>6</sup> Here is an example of the type of situation that I am pointing to in the text. What an individual faculty member does as teacher interacting with students stands under one set of imperatives when thought of as primarily concerned with educating the student in the best possible way for the student, but potentially a different set of imperatives as primarily performing a role in an institution that is fundamentally concerned with attracting and retaining students.

in that way, it looks as if she is occupying two roles. But, on the other hand, it seems natural to think that what a teacher is doing when she is teaching preserves its identity as a single role, indeed, in the primary dictionary sense, a single practice, regardless of the multiple systemic practices in which the office of ‘teacher’ appears. But if it is undecidable whether or not the offices that seem to appear in different systems of practices preserve their identities in those different practices, and practices in Rawls’ sense are partially constituted by the offices that are instituted within those practices, then the identity conditions on practices in Rawls’ sense themselves also look to be opaque. So, if we follow Quine’s dictum, that there is no entity without identity, then practices, and the offices and roles within them, are distinctly fishy entities.

The issues arising out of Rawls’ definition of what it is to be a practice aren’t restricted to problems concerning rules or identity conditions. There are many other such issues. In what follows however, I will focus on only one other concern, which has to do with the scope of the offices that can be defined within a practice, and serve to give that practice its structure. Some of the activities that Rawls gives as examples of practices in his definition, such as parliaments and trials, and some of the examples of practices that are important in the body of his paper, such as promising, are such as to seem to be capable of being carried out as the practice that it is without any mention of the material context in which it occurs. But this is not the case with many other practices, including many examples of the other kinds of practices mentioned by Rawls in his definition, games and rituals. The Catholic Eucharist, for example, *requires* wine and bread, which must play the practical roles of the blood and body of Christ, in order to be the ritual that it is. Without those non-human entities, occupying those roles, there simply is no practice of the Eucharist. Similarly, without a physical object which plays the role of a football, and another that plays the role of a goal, there is no game of football, because there is no possible human activity that counts as an instance of that game without there being objects occupying those roles<sup>7</sup>. So, are the offices of football and goal, body and blood, instantiated by physical objects, practical kinds that are essential to this game, or this ritual, even though they aren’t themselves kinds of activities that humans can engage in? Rawls’ own discussion, and many other discussions, are silent on this question.

I will begin my own discussion of what it is to be a practice with this last, apparently eccentric question, as the answer to this idiosyncratic question will turn out to be important for resolving the other contested issues that I have mentioned surrounding what it is to be a practice. We will see that if we start at the other end of the practical stick from Rawls’ focus on practices as systems of practices in the dictionary senses, with individual agents practicing activities in order to learn how to perform (dictionary) practices well, it be-

---

<sup>7</sup> The roles that are defined for chess pieces within the game of chess seem to be obvious examples of physical objects that have practical roles. But, as the examples of mental and computer chess make clear, chess ‘pieces’ are not required to be *physical* at all for there to be the game of chess; mental chess is the same game as chess played on a physical board. But, while there can be a computer game modeled on football, that game, call it ‘footballe’ is quite distinct from football, which requires a physical ball.



comes more understandable how and why practices, generically, (that is, proximately and for the most part), require not merely practical roles for human agents, but also practical offices for non-human objects. And we will also have a better perch for understanding both the normativity of practices, and their identity conditions.

### 3. Practicing the Flute

There is an old joke, that was current in the New York City of my youth. A tourist asks a native on the street: «How do I get to Carnegie Hall?»; Answer: «Practice, practice, practice»<sup>8</sup>. The joke depends on the obvious fact that while one can get to the physical space occupied by Carnegie Hall by moving one's feet, one can only get to *perform* at Carnegie Hall by becoming proficient at engaging in some artistic practice, (in one sense of that word), and the only way to do that is to practice (in another sense of the word) that artistic practice. For example, the only way to come to acquire the artistic practice involved in playing the flute in a sufficiently proficient manner to perform at Carnegie Hall is by practicing playing the flute.

As Aristotle pointed out, the ordinary way in which one learns to play the flute is by playing the flute. That is, in one sense, when the apprentice practices playing the flute, she is engaged in the very same kind of activity that the mistress of the art is when she performs on the flute according to the best practices of that art, even if the student practicing in her bedroom isn't engaging in the activity in front of an audience, which from one perspective is the point of the practice of flute playing. Both the apprentice and the mistress blow in to the same kind of physical object, and open and close holes and valves that are isomorphically placed on those similar objects, in the course of producing sounds. But beyond this, both the mistress and the apprentice are *attempting* to produce those sounds by interacting with those physical objects in the same way, by blowing in a similar fashion, fingering the instrument in similar ways, and transitioning from one set of finger placements to the next using similar techniques. It's just that the professional is doing well all of those things that they are both attempting to do, while the apprentice is not.

This truth about artistic practices, that for an individual to become proficient enough to actually perform the role defined by the practice one must first repeatedly attempt, and mostly fail, to perform as an expert would perform, generalizes to other practices. If one wants to actually come to have a surgical practice that includes performing hip replacement surgery, for example, one must both apprentice with an expert and practice appropriate procedure by actually performing many operations in a less than proficient fashion. One must do this because this is the only way one can come to be able to adequately instantiate the way of performing operations that counts as good surgi-

---

<sup>8</sup> For those who are unfamiliar with New York City and its history, Carnegie Hall is a still existing concert venue in New York that was, prior to the construction of Lincoln Center in the 1960's, the most prestigious performance space for classical music in the city.

cal practice around here, (just please don't do your practicing on me or anyone I care about, thank you).

In the cases of playing the flute and performing surgical procedures there is an obvious explanation of the importance of practicing in the acquisition of these abilities. Both of these practices involve the manipulation of physical objects so as to produce certain effects. A surgical practice *essentially* consists in the use of surgical instruments to make certain definite alterations in the body of the patient, and if one is performing a hip replacement, the introduction of a foreign object into the patient's body, *so that* the patient's pain is alleviated and she will be able to function more 'normally'. And manipulating these physical instruments so as to achieve these results is not something that humans are equipped by evolution to do. Rather, acquiring these abilities to manipulate physical objects so as to achieve a given end involves acquiring a set of *habits* for motion, and such habits are acquired only through lengthy practice. Similarly, when one plays the flute, one manipulates the physical object that is the flute in such a way as to produce sounds of particular frequencies in particular arrangements, and one can come to have the habits involved in performing those manipulations only through repeatedly practicing those manipulations, and adjusting one's performance so as to come progressively closer to producing those sounds in the optimal prescribed ways, according to current performance practices.

The sorts of practices that one practices performing in order to engage in those practices in a proficient manner thus have a set of characteristic features. First, they are activities that are normatively evaluated; one practices playing the flute or performing surgery only insofar as playing the flute and performing surgery are activities that can be done well or less well. Second, one practices performing these kinds of normatively evaluable activities *because* the principal way in which one comes to perform these activities well is by developing certain bodily habits, and the best way to develop those habits is by repeatedly attempting to affect the goals of the activity by performing those activities badly, and adjusting what one does in the direction of better performance. Third, in many cases the development of the right sort of habits through practicing is required because it is only through such habitual repetition that human bodies can come to be able to successfully manipulate the physical objects required for those activities in the ways in which, according to the norms of the practice, those objects ought to be manipulated in order to achieve the goals of the activity<sup>9</sup>. Fourth, while these kinds of practices, which require repeated practicing in order to become proficient, such as flute playing and hip replacement surgery, are definitely practices (in the first and second dictionary senses of the noun 'practice'), they are not the kinds of practices on which philosophers have tended to focus. While playing the flute certainly is an office in the system which is orchestral practice, and also within the different

---

<sup>9</sup> Clearly, this is not the only reason that practicing is helpful in the acquisition of skills. The best way to learn how to perform arithmetical operations is by practicing those operations. But performing those operations does not in any obvious fashion *require* the manipulation of physical objects.

system which is chamber music practice, and the apprentice flautist must practice learning how to successfully operate within and integrate with those systems, in all cases what the student is practicing doing is her playing of the flute. The practice she is practicing is her node in the system, rather than the practice that is the system which has been the focus of philosophers' consideration. The activity of practicing, then, always involves an individual learning how to engage well in some practice that only individuals can engage in, even when that involves also learning how to perform that individual activity well with others. One practices playing the flute; one does not practice the activity of being an orchestra, even when what one is practicing is how to integrate one's playing with others in the orchestra. And, finally, as we will presently see, practices of this kind, such as flute playing and performing surgery, *essentially* involve the manipulation of objects, such as flutes, scalpels, and hip prostheses, that are defined as the kinds of things that they are by the roles that they occupy within the practices in which they function. In this respect, flutes and scalpels are *practical* kinds of objects, just as are footballs and the wine that serves as blood in the eucharist.

Often, if not universally, the practices that one practices engaging in require manipulating physical objects as they ought to be manipulated, given the normative structure of the practice in which they are used. Practices at bottom are ways in which humans ought to act, either individually or in groups, and much of human activity involves acting on the physical world by intervening in that world through the manipulation of physical objects. Scalpels and flutes are physical objects, of course. But they are also artifacts that are typed as the artifacts that they are by the roles that they *ought* to be able to play within the practices in which they serve. Much as what it is to be a surgeon or flautist is defined by the role that the individual who occupies that role *ought* to be able to perform, the scalpels and flutes that are manipulated by individual surgeons and flautists in the course of instantiating their practices are defined by what it is that the surgeons and flautists who manipulate them in their practices ought to be able to do with those implements, *qua* the offices of the *implements*. While it is superficially attractive to define tool types in terms of what individuals of those types *can* in fact be used by humans to do, this is not quite right. Just as practitioners can be better and worse in their practices, the objects that they manipulate in their performances can be more or less capable of being manipulated in the ways in which they ought to be manipulated in the practice so as to realize the goal of the performance. Scalpels that are dull are in general worse than scalpels that are sharp, and broken scalpels might not be usable in surgical practice at all; but for all that, the sharp scalpel, the dull scalpel, and the broken scalpel are all *scalpels*, and they are evaluated as better and worse in terms of their abilities to perform the role that defines them as scalpels when they are used properly, *according to our current best practices*<sup>10</sup>. What one practices when one

---

<sup>10</sup> For a much fuller treatment of the normative account of what it is to be a practical kind that is briefly hinted at here cf. my *Nature and Normativity: Biology, Teleology, and Meaning*, Chapter 4. While the general tendency of this account of tools derives from my interpretation of Division 1 of *Being and Time*, my current articulation of the normativity of tools has been fundamentally

practices playing the flute is how to manipulate a certain kind of object, a flute, in the ways in which it ought to be manipulated around here so as to produce certain kinds of sounds. And, just as there are better and worse flautists, there are also better and worse *flutes*. So, from the bottom-up perspective that is opened up by focusing on individuals practicing in order to become proficient in a practice, it is perfectly intelligible that there be types of physical objects that are typed by the offices that they ought to be able to occupy within some practice or other, such as flutes and scalpels.

We thus have an answer to the third question I raised above. If one focuses on those practices that an individual must practice performing in order to achieve a minimum ability to perform competently, according to the normative structure of that practice, it becomes evident that such practices often essentially involve physical objects that are typed by the offices that they occupy within those practices. In a way that is analogous to the manner in which Rawls noticed that human agents become surgeons, flautists, carpenters, and air traffic controllers by occupying offices within human practices that prescribe ways in which those agents ought to act, according to local norms, in the course of achieving certain prescribed ends, physical objects become scalpels, flutes, and hammers by occupying offices within human practices that prescribe ways in which those objects *ought to be able to be used by human agents in the course of achieving certain prescribed ends, when those ends are to be achieved according to the practices that are instituted around here.*

Another feature of practices that becomes salient when one approaches practices by way of individuals practicing their practical skills at manipulating physical objects that are used in those practices concerns the generic character of the *normativity* involved in practices. Given the practical offices that they occupy, surgeons and flautists are charged with producing products. Sometimes those products are perduring objects or arrangements of objects, as when a surgeon as surgeon has hip replacement as a part of her surgical practice. And sometimes those products are events, as they are in the case of flautists. But, proximately and for the most part, those of us who occupy practical roles are charged with bringing about a result<sup>11</sup>. Whether one practices playing the flute, or dancing, or driving a truck, or being a judge, or being a professor, one's practice is partially defined by the result that is to be produced, and one dimension according to which one's practice is evaluated is how well one's practical product matches that which is to be achieved by the practice<sup>12</sup>. Good flau-

---

altered in and through my development of that account. In particular, the two-dimensional normativity that is central to the current account is barely hinted at in the Heideggerian source material.

<sup>11</sup> Aristotle, of course, distinguishes *praxis* from *poesis* in marking the distinction between flute playing and building or surgery. In light of the modern usage of eliding this distinction by using 'practice' to cover both types, and my current purposes, I will ignore this distinction, which is certainly important in other contexts.

<sup>12</sup>As Aristotle noticed in his distinction between *praxis* and *poesis*, sometimes activities have as the end of the activity that the activity itself continue, and he reserved the term *praxis* for those activities whose ends are their own continuation. Contemporary usage, however, does not preserve that aspect of Aristotle's views.

tists, as well as good surgeons, are performing their practices well only insofar as they achieve good results.

But as *social* formations, practices, practicing, and the instruments used in those practices are evaluable according to a second kind of norm, distinct from the norm of instrumental success. For, insofar as one engages in some practice, one only does so well if one achieves the goals of the practice by using the techniques which supply the best standards for *how* that result is to be achieved *around here*. Let me explain. As Rawls understood, practices, in the sense in which he was interested in them, are normatively evaluable ways in which we humans ought to act when performing activities together. But as we saw above, practices, in this sense, vary as a function of the society in which they occur; trial practices are different in the United States from Italy, and coordinate with this, attorneys' practices are different in the U.S. and Italy. But, as we have just seen, when we start our investigation from below, with individuals practicing their own practices so as to develop proficiency, it becomes obvious that the non-human objects that are used in those micro-practices are also normatively typed by how they ought to be usable in those practices. And, as we also saw in passing above, if those practices and their associated norms vary from one another in relation to the local community in which they occur, then how the objects essential to those practices ought to be constructed and manipulated also varies relative to the society in which the practices are instantiated. As surgical practices are different in the U.S., Italy, and Burundi, how scalpels should be constructed and used, and even whether or not there ought to be scalpels, are also going to be different in those different settings.

The fact that the normative element that attaches to the practical typing of the artifacts that are used in our practices can only be defined relative to the set of ways of using these artifacts that are currently instituted as our best practices around here is of central importance. It is so because this fact implies that what it is for someone to *perform* some practice well is also relativized to how the product of the practice ought to be produced around here. In order to be competent to play her flute at Carnegie Hall our student flautist must not only become capable of producing beautiful sounds with some instrument into which she blows. She must also become able to produce a particular socially prescribed set of beautiful sounds by manipulating an instance of a socially sanctioned and standardized kind of instrument in and through manipulating that instrument in the manner of producing those sounds that is socially normative around here. For a hip surgeon to perform according to the accepted standard of practice she must not only adequately introduce artificial hips into patients; she must also do so by using the surgical instruments and prostheses that are to be used around here, in the prescribed ways so as to achieve that result. That is, the norms that fix the occupancy conditions, obligations, and products of Rawls' practical offices have an essential adverbial component. Practices are socially sanctioned ways in which some activity should be performed and certain results produced; what one practices when one practices a

practice are the *techniques* that are the socially sanctioned ways of producing a given result around here<sup>13</sup>.

Given that this is so, it is somewhat misleading to think of practices as Rawls does, as a «form of activity specified by a system of rules which defines offices, roles, moves, penalties, defenses, and so on, and which gives the activity its structure». What is missing from this way of characterizing practices as instituted by a set of rules that specify actions which are obligated, prohibited, and allowed by the offices established by the practice is that it leaves out the essential adverbial element that is central to the normativity of practices. The norms that govern practices are, as it were, ‘two-dimensional’<sup>14</sup>. On the one hand, as forms of activity practices are inherently goal-directed; practices are instituted in order to achieve results. And because practices have this character, performances of practices are evaluated in light of whether or not they achieve the *teloi* that are partially definitive of the practice. It is not that one follows the rules that specify what a flautist or a surgeon is obliged to do and permitted to do that is a necessary condition on determining whether some practitioner is a good flautist or a good surgeon; rather, what is necessary is that the practitioner produces beautiful music or healthy patients. But even good results are not sufficient for a positive evaluation of the practitioner. In addition, for a flautist to play well or for a surgeon to perform her role well they must attain expertise in the preferred techniques incorporated in the roles of flautist and surgeon in their home societies. When seen from the perspective opened up by focusing on the kinds of practices that one must learn to successfully engage in by *practicing* it seems apparent that the norms that apprentice practitioners are attempting to satisfy by practicing are not a set of rules prescribing permissions and obligations. Rather, they are norms specifying accepted socially sanctioned techniques for achieving socially defined ends<sup>15</sup>.

The focus on individuals’ practicing in order to learn how to engage in their practices well also suggests a new and different perspective on the identity conditions on practices, and thus on the question of what it is to be a practice. As a reminder, Rawls’ definition of what it is to be a practice stipulates that a

---

<sup>13</sup> The central importance of expertise in proper technique for a proper understanding of social role normativity in general has been articulated in great and insightful detail by Charlotte Witt in *Social Goodness*, forthcoming, Oxford University Press. My own discussion here owes a deep debt to Witt’s work.

<sup>14</sup> I owe the notion that the normativity that attaches to human life is ‘two-dimensional’ to Joseph Rouse. Cf. J. Rouse, *Articulating the World*, The University of Chicago Press, Chicago 2015. I articulate these two dimensions somewhat differently from Rouse, however. For a fuller discussion of the similarities and differences between Rouse’s way of understanding the two-dimensionality of the normativity of human life and my way of understanding that two-dimensionality, see my *Nature and Normativity*.

<sup>15</sup> In *Two Concepts of Rules* Rawls also notes that there are two types of norms relevant to the evaluation of practices, one of which is consequentialist in form, while the other has the form of a social prescription. But in Rawls’ view, the prescriptive social norms are internal to and constitutive of the practice, while the consequentialist norms have an essential role in the justification or critique of a practice, in his sense, as a whole. On the current suggestion, on the other hand, *both* types of norms are seen as essential to the definition and evaluation of the practices ingredient in the offices themselves that are instituted *within* practices, in Rawls’ sense.

practice is «any form of activity specified by a system of rules which defines offices, roles, moves, penalties, defenses, and so on, and which gives the activity its structure. As examples one may think of games and rituals, trials and parliaments». As is suggested by his examples, Rawls is thinking of practices as forms of group activity, activities that are organized as the activities that they are by an interlocking set of rules which define offices or roles within the practice. So, to focus again on one of Rawls' examples, trials are things that a group of human beings do together in order to achieve a common goal, (i.e., coming to a [one hopes] fair decision regarding whether or not some individual performed some action which is of a type that is not permitted in our society, and if so, what is to be done about this), where how this goal is to be achieved is specified by the rules that articulate the practice. On Rawls' account, the manner in which the system of rules that institute the practice specify how the goal is to be achieved is also specified by the rules that institute the practice. The rules of the practice specify the manner in which the activity is to occur and the goal that is to be achieved by specifying a series of 'offices', (activity roles which individuals can occupy), together with 'moves' that occupants of those roles can make, (i.e., acts that are appropriate and inappropriate for occupants to perform in the course of performing their functions within the practice). Thus, in this way, according to Rawls, the system of rules that institute a practice specify: (1) an end to be achieved by a form of group activity (e.g., a just judgment concerning the guilt or innocence of a defendant); (2) that this end is to be achieved through the coordination of the activity of a variety of different individuals who occupy different 'roles', (prosecutor, judge, jury member, defense attorney, etc.); (3) what particular ends the occupants of these roles ought to achieve that contribute to the achievement of the overall goal; (4) what the occupants of roles are obliged to do, permitted to do, and forbidden from doing in the course of accomplishing the particular ends involved in their role, and (4) how the achievements of the occupants of these different roles are to be coordinated together so as to achieve the overall goal. So, on this model, practices are institutionalized ways of coordinating groups so as to facilitate cooperative group activity where this coordination is facilitated by standardizing and articulating a group of interlocking task-roles to be performed in the course of that activity, conditions of occupancy of those different roles, and how those task-roles are to be performed.

It is thus central to Rawls' conception of practical offices that they receive their normative identity and shape only through the rules that specify what occupants of those offices are obliged, permitted, and forbidden to do *qua* occupants of those offices, within the holistic system in which the offices are instituted. From this perspective, the identity conditions on what it is to be a judge, or a defense attorney, are defined completely by the rule-governed structure of the legal *system* in which those offices function. But if one approaches practices from the bottom-up perspective provided by focusing on a learner practicing a skill in the course of learning how to actually perform a practical office well, the identity of practical offices looks quite different. On Rawls' position, in certain contemporary societies symphony orchestras and chamber ensembles both count as practices insofar as they are both a «form of

activity specified by a system of rules which defines offices, roles, moves, penalties, defenses, and so on, and which gives the activity its structure». As such, 'being a flautist' is an office within both of these practices, but since the rules that institute the office of 'flautist' are somewhat different in the two practices, on Rawls' view, the identity conditions on being a flautist must also differ between these two settings. But what it is to be a flautist looks quite different when playing the flute is approached from the perspective of what it takes for an individual to actually become capable of performing the office of flautist in *either* an orchestra or a chamber ensemble. From that perspective, to be a flautist, to be qualified to occupy the practical office of 'flautist' in either orchestral or chamber practices, requires that an individual has come to have the bodily skills involved in actually playing a flute in the way it ought to be played around here. The practical office of being a flautist is thus seen to have a type of identity that is preserved across the occupancy of the flautist in different systems of practices, an identity that is fixed by the habits and skills that are acquired through practicing and which are the prerequisite for an individual to occupy the office of flautist in any Rawlsian practice whatsoever.

The identity conditions on, and thus the normative requirements of, the kinds of practices that require practicing in order to develop appropriate technique, but can also serve as offices in the more complex social practices that are Rawls' focus, are thus quite complicated. On the one side, in a given society playing the flute, or being a teacher, or a surgeon, are practices that are defined in terms of a two-dimensional normative structure that specifies both what is to be accomplished by the practitioners of the practice and the techniques that fix how that end is to be accomplished. It is a necessary condition on being a flautist, or a teacher, or a surgeon that one stands under these norms of technique, and no one can count as a flautist, or a surgeon, or a teacher who is not minimally responsive to those norms of expertise for accomplishing the ends prescribed by those practices. But insofar as a flautist occupies an office in a symphonic practice, or a teacher serves as a professor in an academic institution, she also stands under a second set of norms which are specified by the obligations arising out of her offices within those Rawlsian practices. Not every good flautist is a good member of a woodwind section, and not every good teacher is a good college professor, and this fact is essential to a proper understanding of both the practices of flute playing and teaching and the practices, in Rawls' sense, which are an orchestra and an academic institution. Proximately and for the most part, the offices within Rawlsian practices are not defined solely by the rules that institute those practices. The identity of those offices, and thus of the practices of which they are a part, are fixed by a complex synthesis of the rules that institute those Rawlsian practices and the techniques that are normatively definitive of the expertise in the lower level practices that qualify individuals for occupancy of those offices.

#### 4. Conclusion

Rawls was well aware that there were two fundamentally different kinds of norms that are relevant to practices. Indeed, it is the central thesis of *Two*



*Concepts of Rules* that consequentialist and deontic norms, or rules, were both essentially involved in the institution and evaluation of practices. It is the thesis of this present paper, however, that if one focuses on the process of practicing a practice in order to develop and maintain the ability to successfully occupy an office in a Rawlsian practice, one can see that Rawls both misidentified the character of those norms and mislocated their targets.

For Rawls (and for many of those who have followed him), practices are instituted by a system of deontic rules «which defines offices, roles, moves, penalties, defenses, and so on, and which gives the activity its structure». In doing so, the deontic rules that comprise that system establish both the identity of the offices within the practice and the bases upon which the performance of the occupants of those offices are to be evaluated. On Rawls' telling, however, consequentialist rules enter into the picture only insofar as they are the basis upon which a practice as a whole is evaluable. Thus, for Rawls whether or not a defense attorney performs her office well within a trial practice, for example, is solely a matter of whether or not she has made the moves specified for occupants of the office of defense attorney, as that office is constituted by the deontic rules that institute that office, rules that are a constituent part of the system of deontic rules that institute the trial system in which she operates. Whether or not there should *be* such an office, on the other hand, is an issue that for Rawls depends on the goodness of the consequences of having this particular trial *system* as opposed to the goodness of the consequences of having some other possible trial practice.

When looked at from the perspective of an agent attempting to learn the skills necessary to actually occupy some office within some practice, however, the normative profile of practices, and the identity conditions on the offices within those practices, appear in a very different light. We can now see that there are at least three respects in which Rawls misidentifies the normative structure of practices, and thus the identity conditions on the offices within practices. First, consequentialist considerations enter in to the evaluation of the performances of the occupants of the offices in Rawlsian practices, and the identity conditions on those offices, directly. A defense attorney that *never* successfully defends her clients, or mitigates their punishments when convicted, does not remain a defense attorney for long, as she has not satisfied the minimum requirements on her job. Second, while Rawls correctly identified that the offices within practices, in his sense, are at least partially constituted by deontic rules that specify which 'moves' occupants of those offices are required to make, which they are permitted to make, and which moves are forbidden, he failed to notice the importance of proper technique in the evaluation of occupants of his offices and in the definition of those offices themselves. Proximally and for the most part occupants of offices within Rawlsian practices ought to achieve the ends of those offices by using certain techniques and exhibiting a certain style. It is these techniques and this style that are acquired through practicing a practical role, and in many cases using this set of techniques and this style are factors that enter in to the identity of the offices themselves. Finally, Rawls missed that there are an important set of practices that have a certain integrity and normative profile quite independently of whether

M. Okrent, *Practices and Practicing*

or not they are also offices within more complex practical structures. As Aristotle recognized, playing the flute is an activity that can be an end in itself. And, as one can successfully engage in that activity only by practicing it, there are good reasons to call flute playing a practice, as our dictionary definitions suggest.