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David Lewis On Convention*

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A convention is a regularity in behavior, sustained by a system of preferences and expectations, that has a possible alternative: so claims David Lewis. That it is not, is what I hope to show.

In *Convention; A Philosophical Study*[1], Lewis gives an analysis of what he hopes is "our common, established concept of convention."[2] In developing his analysis, Lewis extensively employs the technical vocabulary of game theory.[3] According to Lewis conventions are established by "populations" in order to solve recurring "coordination problems." Lewis gives eleven examples of "coordination problems" which he claims are solved by convention. One example is the following:

> Suppose several of us are driving on the same winding two-lane roads. It matters little to anyone whether he drives in the left or the right lane, provided the others do likewise. But if some drive in the left lane and some in the right, everyone is in danger of collision. So each must choose whether to drive in the left lane or in the right, according to his expectations about the others: to drive in the left lane if most or all of the others do, to drive in the right lane if

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*I am greatly indebted to Paul Ziff for his criticism and encouragement.

1 (Cambridge, 1969).

2 *Ibid.*, p. 3.

3 The following expressions figure prominently in *Convention*, and are drawn either from von Neumann and Morgenstern's *Theory of Games and Economic Behavior* (Princeton, 1953, second edition), or T. C. Schelling's *The Strategy of Conflict* (New York, 1960); 'coordination', 'expectation', 'equilibrium point', 'interdependent decision', 'alternative, 'equilibrium', 'preference', and 'strategy'.

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most or all of others do (and to drive where he pleases if the others are more or less equally divided).[4]

There are serious difficulties with the view that conventions are "solutions" to "coordination problems." These difficulties will become apparent as we consider Lewis' definition of convention.

Our final definition is therefore:

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,

(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 any one 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.[5]

In clause (1) Lewis claims that it is a necessary condition for R to be a convention that "almost everyone conforms to R." There are conventions to which almost no one conforms, however.

The parties to the Third Hague Convention of 1907 agreed that hostilities would only be instituted between them by a "reasoned declaration of war or . . . an ultimatum with conditional declaration of war."[6] Since 1907 most wars between the parties to the convention have been initiated without benefit of a declaration of war or an ultimatum with a conditional declaration of war.[7] That is to say, the parties to the convention have violated the convention more often than not. Although conformity to the Third Hague Convention has been irregular the Third Hague Convention is nevertheless a convention. To

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4   *Ibid.*, p. 6.

5   *Ibid.*, p. 78.

6   36 Stat. 2259.

7   For evidence for this claim see H. Levie, "Some Major Inadequacies in the Existing Law Relating to the Protection of Individuals During Armed Conflict," and "Statement of Professor Levie," in J. Carey (ed.), *When Battle Rages, How Can Law Protect?* (Dobbs Ferry, N. Y., 1971).

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suppose that it is not makes nonsense of much of international law and is to collapse an important distinction — the distinction between the case in which there is a convention but minimal compliance, and the case in which there is no convention at all.
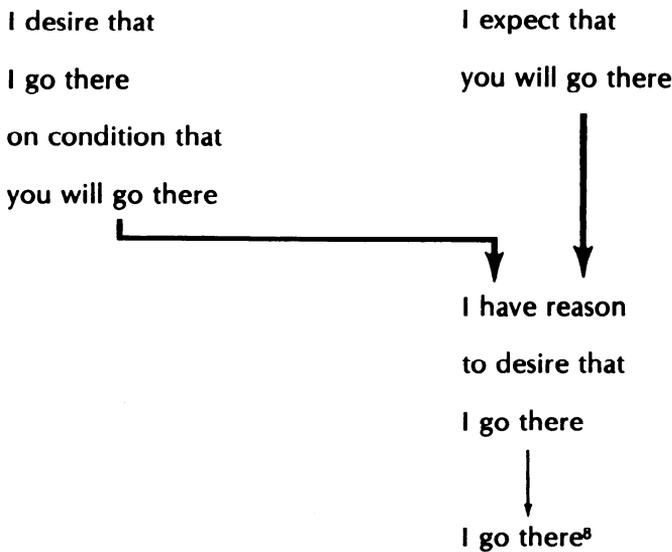
It might be argued on Lewis' behalf that the Third Hague Convention is not a convention in the sense that Lewis is concerned to explicate. But why should we suppose that this claim is true? It might be claimed that strictly speaking the Third Hague Convention is a law rather than a convention. By parity of reasoning it would follow that the "rule of the road" is also a law rather than a convention. But the "rule of the road" is one of Lewis' paradigms of convention. It might be supposed that the Third Hague Convention is a convention in a different sense than the "rule of the road" since the parties to the Third Hague Convention are nation-states rather than individual persons. But why should this fact be sufficient for postulating a difference of sense? A brother is a brother in the same sense whether 'brother' is used to refer to a male sibling of a dog or the male sibling of a person. To suppose otherwise is to multiply senses beyond reason.

It is not difficult to imagine other conventions that may obtain between individual persons that are not regularities in behavior. Consider the following case. In some office a convention is explicitly adopted that page numbers are to be placed in the upper right-hand corner of all manuscripts. Although everyone in the office explicitly adopted the convention almost no one conforms to it. The difficulty is not that there is no convention, but rather that there is a convention that is only irregularly conformed to. Lewis' account of convention does not allow this ordinary distinction to be made.

In clause (2) Lewis claims that if *R* is a convention then it is common knowledge in *P* that "almost everyone expects almost everyone else to conform to *R*." Furthermore the fact that an "agent" expects others to conform to a convention, combined with an "agent's" desire to conform to the convention on the condition that others do, provides the reason for an "agent's" conformative behavior. (Lewis represents the relation between an "agent's" expectations, desires, and actions in the following diagram.(see Figure 1, top of page 76)

It is not true, however, that in all cases of conformity to convention, people conform for the reason (or part-reason) that they expect others to conform as well. Consider the following example. It is a convention in my "population" that soup is eaten with a spoon. Most people may eat soup with a spoon simply because it does not occur to them to eat soup in any other way rather than because they expect most others to eat soup with a spoon. Even if that is the case, it is surely a convention in my "population" that soup is eaten with a spoon.

In clause (4) Lewis claims that if *R* is a convention then it is common knowledge that "almost everyone prefers that any one more conform

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Figure 1

I desire that

I go there

on condition that

you will go there

I expect that

you will go there

I have reason

to desire that

I go there

I go there[8]

"heavy arrows represent implications; light arrows represent causal connections."[9])

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to R, on condition that almost everyone conform to R. There are several ambiguities in this clause but the most troublesome one concerns the object of 'prefers'. Clause (4) may read as

    (A) almost everyone prefers that if almost everyone conforms to R then anyone more conforms to R,

or,

    (B) if almost everyone conforms to R then almost everyone prefers that any one more conform to R.

Whichever reading is adopted, clause (4) fails to count the following convention as a convention. There are at least two conventions among philosophers regarding the use of quotation marks. Parties to one convention enclose expressions they wish to talk about in single quotation marks. Parties to another convention enclose expressions they wish to talk about in double quotation marks. If (B) is adopted as the reading for clause (4), then it must be the case that if almost everyone conforms to one quotation mark convention, then

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8 Lewis, *op. cit.*, p. 29.

9 *Ibid.*, p. 28.

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almost everyone "prefers that any one more conform" to that conven-
tion. A philosopher may conform to a particular quotation mark con-
vention without having any preferences about the conformity or non-
conformity of others. He may conform because he takes one conven-
tion to be more easily understood than another, or he may conform to
one convention because he takes it to be correct and others to be in-
correct. The conventionality of a quotation mark convention does not
depend on most philosophers conforming out of a desire to coor-
dinate one's actions with those of others. Most philosophers may have
no preference about the conformity or non-conformity of others, yet
quotation mark conventions are conventions. If (A) is adopted as the
reading for clause (4), then it must be the case that almost everyone
prefers that if almost everyone conforms to one quotation mark con-
vention, then "any one more conforms" to that convention. There is
no reason to suppose that most philosophers have such a preference
about this hypothetical state of affairs. Although there is no reason to
suppose that philosophers have the preferences regarding the
behavior of other philosophers that Lewis ascribes to them, it is clear
that quotation mark conventions are conventions. Indeed what is
striking is that any preferences most philosophers may have about
such a hypothetical state of affairs seems irrelevant to the claim that
quotation mark conventions are conventions.

Consider another case. It is a convention in most offices that out-
side addresses are single-spaced. Although most secretaries conform
to this convention, there is no reason to suppose that they have any
preferences regarding the conformity of others to the convention.
Most secretaries conform to this convention because they are told to
conform, because they wish to be thought competent, because they
do not wish to lose their jobs, or for some other such reason. They do
not conform because they have any particular desire to reach a "coor-
dination equilibrium" with those who send mail to their office.
Although there is no reason to suppose that most secretaries have the
preferences that Lewis would ascribe to them, there is little doubt that
the single spacing of outside addresses is precisely the sort of practice
that is ordinarily called a convention.

It is clause (5) of Lewis' definition that is most objectionable. Accor-
ding to Lewis if R is a convention then it is common knowledge in P
that "almost everyone would prefer that any one 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." Thus according to Lewis, if R is a conven-
tion in P, then it is common knowledge in P that if almost everyone
conformed to "some possible regularity" R' that is an alternative to R,
certain preferences would obtain on the part of "almost everyone" in

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P. But surely it is not a necessary condition for something to be a convention in a "population" that the members of the "population" have knowledge about what would be the case in some hypothetical situation.

According to Lewis it is a convention that in a particular "population" U. S. currency is accepted in return for goods and services.[10] A "possible regularity" that is alternative to this convention is that only goods and services are accepted in exchange for goods and services. Another "possible regularity" that is alternative to this convention is the one recommended by B. F. Skinner in *Walden II* — labor is rewarded by points and points are expended in return for goods and services.[11] Although it is not difficult to think of "possible regularities" that are alternative to the convention of accepting U. S. currency in return for goods and services, it is extremely difficult to say what preferences most people would have if almost everyone conformed to one of the alternative "possible regularities" rather than to the existing convention. Suppose that most people started to conform to the "possible regularity" that only goods and services are accepted in return for goods and services. Suppose they did so for most of the requisite reasons — they prefer to reach a "coordination equilibrium" with others and they expect others to conform to this regularity. Would it be the case that "almost everyone prefers that any one more conform" to the regularity of accepting only goods and services for goods and services? It depends. It may be that although most people prefer to reach a "coordination equilibrium," their distaste for an economic system that admits only goods and services as the media of exchange is greater than their preference for reaching a "coordination equilibrium." It may be that most people conform to the convention but prefer that others stop conforming. It may be the case that most people have no preferences at all regarding this convention. Or it may be the case that most people prefer above all else to reach a "coordination equilibrium," but yet do not prefer that most people "more conform" to the convention. (To prefer the end is not *ipso facto* to prefer the means to the end.)

Furthermore, it follows from clause (5) that conventions do not obtain in "populations" whose members have not considered alternatives to existing regularities. Yet there are conventions in primitive societies. For example it is a convention of the Nayar of Malabar that when a female reaches adolescence she is married, but at no time does she live with her husband, nor is she obliged to have sexual relations

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10   *Ibid.,* p. 7 and pp. 48-49.

11   B. F. Skinner, *Walden II* (Toronto, 1961).

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with him.[12] That most members of Nayar society have never con-
sidered what preferences they would have if most members of their
"population" conformed to some alternative "possible regularity"
does not imply that Nayar marriage customs are not conventions. The
conventionality of a practice does not turn on what knowledge most
members of a "population" have about possible alternative conven-
tions.

According to Lewis clause (5) also "make(s) evident" another im-
portant property of conventions.

> ...there is no such thing as the only possible convention. If R is our
> actual convention, R must have the alternative R', and R' must be
> such that it could have been our convention instead of R, if only
> people had started off conforming to R' and expecting each other
> to. This is why it is redundant to speak of an arbitrary convention.
> Any convention is arbitrary because there is an alternative regulari-
> ty that could have been our convention instead.[13]

Conventions are "arbitrary" according to Lewis, since for any conven-
tion "there is an alternative regularity that could have been our con-
vention instead." But from the fact that it is possible that an alternative
convention could have been adopted it does not follow that an ex-
isting convention is "arbitrary." Although people in my "population"
could have adopted the alternative convention of sleeping in beds, it
does not follow that it is "arbitrary" that people in my "population"
sleep in beds.

Lewis' definition of convention also engenders confusion about
whether certain regularities are conventions. Consider procreation. It
is "common knowledge" that almost all instances of procreation in
our "population" occur via some act of copulation. It is "common
knowledge" that "almost everyone" has "approximately the same
preferences regarding all possible combinations of actions." "Almost
everyone prefers" that "any one more conform" to the regularity of
procreating by copulating. There is an "alternative regularity," name-
ly, that procreation might occur via artificial insemination. Procreating
by copulating is a convention on Lewis' definition, if it is "common
knowledge" that "almost everyone would prefer" that any one
procreate by artificial insemination on the condition that "almost
everyone" procreate by artificial insemination. But how do we deter-
mine what is "common knowledge" about what "almost everyone"
would prefer if most people procreated via artificial insemination?

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12 See K. Gough, "Nayar: Central Kerala," in K. Gough and D. Schneider (eds.),
 Matrilineal Kinship (Berkeley, 1961).

13 Lewis, *op. cit.*, p. 70.

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Furthermore, why should we care? Why should we believe that in order to determine whether procreation via copulation is a convention that we first need to determine what is "common knowledge" about what "almost everyone" would prefer in some hypothetical circumstances? It is clear that procreation by copulation is not a convention, regardless of what is "common knowledge" about what most people would prefer in some hypothetical circumstances. A definition that suggests otherwise, as Lewis' does, obfuscates the obvious rather than clarifying the obscure.

I shall now consider some rejoinders on Lewis' behalf.[14] It might be argued that by appealing to the notions of "unconscious preferences" and "unconscious expectations" the counterexamples that I have given to Lewis' definition could be avoided. For example, it might be said that philosophers do in fact prefer "that any one more conform" to some particular quotation mark convention on condition that almost everyone conform to it, but that their preferences are "unconscious." Such a claim would be obscure. Furthermore it would threaten to make Lewis' definition of convention uninteresting. The notions of preference and expectation are introduced in order to aid in the explication of convention. But 'unconscious preference' and 'unconscious expectation' also stand in need of explication. A regularity is a convention if and only if certain "unconscious preferences" and "unconscious expectations" obtain in a "population." But how can we determine whether such "unconscious preferences" and "unconscious expectations" obtain? Perhaps only by determining whether the regularity in question is a convention. A definition cast in such a mold is unilluminating, therefore uninteresting.

It might be claimed on Lewis' behalf that although my counterexamples show that Lewis' definition of convention is defective, they do not show that Lewis has failed in his main task, which is to analyze the notion of "conventional behavior." I do not believe that Lewis' main task in Convention is to analyze "conventional behavior." (Lewis works out an account of convention in order to rehabilitate analyticity — "conventional behavior" does not figure in the rehabilitation.) But if Lewis' main task is to analyze "conventional behavior," he is certainly unsuccessful. A definition of convention implies nothing about "conventional behavior." If it is said that Smith's behavior is conventional it does not follow that Smith's behavior is "in accordance with," "in conformity to," or otherwise associated with some convention or conventions. There is no "implicit reference" to some convention

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14 The following two paragraphs were prompted by comments on an early draft of this paper by Richard Grandy, Stanley Munsat, and Michael Resnik.

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lurking in the wings. What is being said is that Smith's behavior is or-
dinary, there is nothing unusual about it. There is no reason to suppose
that an analysis of convention shed much light on "conventional
behavior."

I conclude that Lewis has failed to analyze "our common establish-
ed concept of convention." He has instead invented a new concept
that is seriously at odds with our ordinary conception. Such an analysis
tells us little about the nature of convention.

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