

Ontological Status and Valuable Determination of Social Norms and Normative Systems

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Abstract: Different methodological strategies of social norms bases study have been offered in the context of social theory. Heuristic potentials of ontological, sociocultural and axiological methodology of social norms bases study strategies are considered by researchers. Different ontological bases of normative systems are examined and debating points regarding normative systems in modern society have been analyzed. The researchers describe different aspects and bases of social norms revealing advantages and critical areas of each aspect. It was designated the normative system structure B norms and social subjects as well as values that make connection between each other. It was also stressed that the elements of this system form three independent starting points in any normative system. A number of normative system social regulating functions in society has been revealed and problems of ontological and logical status of normative system are discussed, their hierarchy is ranked by a criterion of stance of distance from human daily lived-in world. Sociocultural and anthropological determinants of normative consciousness are considered and debating points as to opportunities of social norms changing in the situation of modern society dynamic development are analyzed. It was specially noted that the study within the scope of social theory is able to reproduce the most essentialistic and nominalistic links and regularities as far as it is based on the study of values as the foundation of normative system being.

Key words: Energy, social philosophy, social subject, social norms, social relations, normative systems

INTRODUCTION

From the ontological point of view, social norms are very interesting phenomenon. They are perceived within a framework of social discourse as the elements of public consciousness having not the objective but phenomenal nature. On the one hand, their being looks like a “weak” subjective being of social phenomena not existing anywhere over the top of human consciousness which produces and constitutes them, keeps in reality and gradually shifts to one or another side (Baklanova *et al.*, 2014). On the other hand, their being is “strengthened”, intersubjective, divided by plenty of consciousnesses and held by them, i.e., it is the phenomenon of consciousness not only individual but also collective and public which appears as an external force and determinant in relation to the individual (Dillon, 2011).

A number of unsolved challenges with the disfunction and deformation of legal consciousness in modern society and the arising problem of need of

socio-cultural processes control in a legal framework make actual question formulation of what links are between the legal consciousness and leading standard systems of modern society. The revelation of this link and endowing it with a typological definition opens new prospects of understanding what is an optional order, how the deviation of legal consciousness occurs, what functions it has in itself and what means can be used for controlling normativization process.

The normative system as some complex sequence of social norms is always formed and supported by a certain level of the legitimation from social subjects part (Posner, 2009). It is expressed in that the social subjects, acting as its agents and participants, comprehend and approve this system, giving it one or another positive value (Bicchieri and Chavez, 2010). Both the quantitative and qualitative definition is got from the participation of many subjects in the field of normative system, standard of social norms which comprise and balance the given system.

MATERIALS AND METHODS

Methodological strategies of social norms bases research: So, acting as an object of study, different aspects of normative systems can generate various conceptual perception by what leading forces the social world is regulated. In social theory, at least, it is possible to speak about ontologic fundamentals of normative systems. This is to say that we can talk about the criteria search of social norms real (phenomenal) existence, about studies of a norm as a type of social and cultural existence as well as about investigation of causality and accident, degree and possibility of subject determination by social norms. In other words, we can talk at what extent the process of acquisition of standard consciousness by a man is regular or casual and what is this process depends on. In this case, the ontological fundamentals of investigation can indicate a reflection on the subject of how exactly and “where” does social norm exist, whether it is a “weak” or “strong” being, by means of what mechanisms the being of social norm is increased and decreased, how it appears and disappears in the society, whence the social norm is kept.

All wealth of social norms in ontological section can be produced in the form of constant transition from intersubject being to intersubject and vice versa. If we base on modern perception of a norm as a social phenomenon and if we reject its classical essential version, then social norm will assume conventional nature. In other words, it will appear that the social norm does not exist independently from a man and it needs, in a sense, a constant external detention of both its content and its configuration. A man, in its turn is integrated into normative systems through the relation of value. The positive value causes in a man a standard consciousness, negative value gives rise to deviant consciousness that is non-nominative attitude of the subject towards the social and cultural reality.

The socio-cultural aspect represents dimension of social and cultural nature of the normative system, understanding that this phenomenon is a cultural and communitarian at the same time. The given aspect assumes a search and revelation of discordance of the formal and the informal in normative systems and identification of rigidly determined fixed norm's framework as well as to understand due to what and how mobile it is mated with a microcontext (institutes and social structures) and macrocontext (cultural archetypes, cultural and civilization identity, internal logic of society development). The socio-cultural aspect of research appears as the most relevant when it is necessary to understand why the existing social norm is not effective

but it keeps in the society. The socio-cultural aspect gives answers to questions on socio-cultural traps in the development of society and in what dynamics the formal and informal norms are developed in society where they meet and how they conflict against each other.

The axiological basis of social norms study represents the identification of valuable hierarchies which are in the basis of normative system and are its regulators. The values perceived as the ordered, objectivated and fixed relations are internal drivers of any normative system. They control the normative system emergence in society, starting from the formation of a social request for one or another norm where lot of people feel a deficiency, till the stage of outmoded social norm dismantling when more and more people start showing non-normative deviant behavior to a norm and leave it. To dismount informal social norm, it is enough that the critical mass of social subjects stopped supporting it as it happens to the obsolete customs and traditions. Such norm does not disappear completely; it is archaized passing a stage of reduction and preservation in public consciousness where it is left in a latent state for a long time. The formal norm needs one more step of dismantling which is a formal transition to a new norm. Moreover, the change of formal and informal norm should be approximately in harmony. In this case the occurring events will be called as a reform and have positive consequences. If it does not occur, formal shifts are taken place in the absence of informal ones or in contrast the formal component does not change and the informal is changed a revolutionary change of public life is taken place. That is the axiological aspect shows also a dynamic characteristic of the public consciousness alteration that is varying depending on the change of standard systems.

Heuristic potential of methodological strategies of social norms bases research: Each of methodological strategies of social norms bases research is extremely difficult, composed of multi-paradigm presentations and projections has lot of hypothetical and metaphorical causal relations (Van der Hoek *et al.*, 2007). A vulnerable spot of any normative systems concept is that an individual has free will (Shebzukhova and Bondarenko, 2013) and by his wish, he is able not to divide totally any social conventions, even in spite of negative stimulation in the form of punishment. Besides, he can behave himself opportunistically and far from always, he behaves reasonably and rationally, even harmful to himself. The normative system is in need of continuous legitimization and non-normative behavior cutting off.

Norms and social subjects and the values which link them among themselves, form three independent starting

points in any normative system. Each of the points is mobile, admits its own degree of reflection and formalization. Each one admits to a variable degree the control on itself and eventually is changed with a various rate. For example, dynamics of values and informal norms require much more time, than the formal norms expressed in the form of laws. Subjects are changed in its own plane moving by a scale “irrationalism-rationalism” and leading thereby the normative system to a crisis due to decrease or increase of social norms reflexivity, e.g., giving rise to social myths, numerous behavioural stereotypes, washing out and frustrating direct and back links, forecasts and so on. However, the change of subjects is taken place also owing to normative system: normative system responds with the subject status change on non-compliance with norm. If it does not occur and the non-normative behavior repeatedly ceases affecting on subject social status, then it is possible to diagnose that the normative system is in crisis.

Consequently, having complex structure and being as a determinant of the public and individual consciousness, normative systems accomplish a number of socially regulating functions in the society (Lesser *et al.*, 2009). In particular, they provide compensatory function of safety, promote normalization of social being, monitoring of social and cultural processes and form conformism at social subjects, etc. It is possible to study this phenomenon in various aspects and in the field of any social discipline; however the investigation within the limits of social theory and philosophy is capable to reproduce the greatest number of essential and nominal links because it is based on the investigations of values as the being base of normative systems.

RESULTS AND DISCUSSION

Features of normative systems existence: Ontological status and logical modality. Right and law as a form of legal principles personalization under legal system of society is the most “strongly existing”, objectified from normative systems. The problem is that even strengthening of normative system till the law status by means of and formal transfer to the “written” and obligatory for everyone deontic status aren’t capable to give ontological objectivity to this normative system as far as the existence of law always remains dependent on interpretation (Agotnes *et al.*, 2009). Herewith, it turns out that the individual, abiding by the law or not, always controls it. It can be noticed that even if we put aside opportunism or abnormal behavior, anthropological life or man’s everyday routine is not comprised by regulations of law (Bicchieri and Xiao, 2009). From the

entire list of the deontic modalities, it strictly fixes only the right-prohibitory or right-binding status, trying to formulate a frame of actions in it as possible more exactly. Less strictly, it comes closer to the right-providing sphere. There are wide frameworks for interpretation of not forbidden boundaries in the law, i.e. of permissible where the deontic modality has “weak” positions “perhaps” and “normatively indifferent” (Lima *et al.*, 2010).

Normative systems of religion and morals fill such niches, much thinner which are not regulated by prohibitory frameworks of law but are needed in regulatory actions. In modern society they have quite different function, than in traditional, function of “thinner” valuable ethical social regulation. It is impossible to expel the anthropological from these niches as they are lacunas for free choice. In other words, it is never possible to expel a person with his fantasies and ambitions to behave extraordinary, avoiding standard and stereotypic schemes of behavior. Just from here new precedents as well as substantial but not formal violations appear in the legislation (Goble, 2014).

All three systems (legal, moral and religious) simultaneously have affect in the society, they are often crossed “blocking” each other as “dense” or more deontically “rarefied” symbolic fields, spheres in the limits of which intersubjectivity action of social subjects is performed. All three spheres passed anyhow several stages of institutionalization in modern society and historically we can trace the periods for every society during of which some one of normative systems was growing strong at expense of others and gained practically an universal character. For example, we can remember the European middle ages period when the religion usurps practically all functions of the right and morals. As an opposite example, we can point some modern Western states where the law acquires such force and authority that it starts to pretend on the status of universal “religion”.

By its genesis and ontological bases these three spheres are not reduced to each other. Besides, they fulfil different functions in society. As we have mentioned above, the right and law as starting set of principles have the highest degree of an objectivization and by this reason it can not be interlocked with individual’s consciousness “directly” as it needs in interpretation. In this case the interpretation can be understood as a certain deontic level of consciousness in which the anthropological is transferred (is generalized, “ciphered”) in the social and vice versa, the social is specialized and decoded becoming as anthropological (Wooldridge and van der Hoek, 2005).

Outright these two spheres of consciousness (anthropological and social ones) can not “meet” as they have two absolutely different final intentions: aspiration of man to be “anthropo-logical man” and to become a “social person”. The anthropological being gives the individual the ideal that can be expressed by a hierarchy metaphor of never achievable inequality that is the aspiration to become better, higher, more significant than others to be superior in relation to others in something significant at least in the context of culture. Social being sets absolutely opposite vector of development. It gives the aspiration to never achievable equality of all people (the equation before the law, before religious norms, “posthumous existence”).

These two spheres of consciousness (anthropological and social) in which each subject finds himself constantly and alternately impose opposite requirements to the subject. And to remove conflicts and traumas he has to search the sphere of “transition”, reconciliation of these two highly dynamic spheres from which both these points are visible and where there is a chance of adaptation and sense “statics”. Each individual in his life passes several times through the crises of balancing on the edge of the social and anthropological. If the individual succeeds in doing this, he will remain in the limits of “norm”. Otherwise, the society is enriched with sociopaths or extremely strenuous fighter for any form of equality to the detriment of natural anthropological inequality of people as living beings.

We can suppose that the transition of the anthropological into the social in a man is carried out in some stages. The law is the last and highest final form of expression of the social in a person. The morality produces the interpretation, i.e., finer tuning, preparation to accept the single valued law principles. The religion is “closer” to the individual private sphere if it does not usurp right and morals functions in society. The religion performs a peculiar therapeutic function in relation to his consciousness, removing traumas and conflicts coming from the perception of social being rules by an individual and the necessity to obey to them.

If we consider normative systems being not in ontological but in logical modality, then it is necessary to pay attention to a binary couple lying in the basis of its theoretical understanding. In Russian social studies a pair of concepts “social norm social anomaly” is often become such conceptual basis. Other concepts used as synonyms are often presented as antipodes: social pathology, deviation, etc. It creates a certain categorical confusion and leads to incorrect use of these terms. On the grounds of valuable-normative system, oppositional pair to this concept can be considered the concept “anomy”

introduced by Emile Durkheim (Emile, 1897). This concept designates instability, transitional crisis state, delegitimation and at last, perhaps the dismounting of normative system at which the considerable part of individuals starts ignoring social norms of the given society. In the situation of nominative system dismounting the part of individuals starts to use the informal norms instead of formal. In a case when the formal norm for some reason loses its legitimacy, the general normative-conceptual horizon in society can be shifted towards morals or religion which becomes a natural barrier on the way of chaos and the last symbolic field binding individual sense bearing units in inter-subjective space (Lapinski and Rimal, 2005).

On the grounds of the attitudes of social subject to a norm it is possible to emphasize a dichotomous conceptual pair “conformism-nonconformism (deviation)”. Moreover, fundamentally deviation is not only destructive but also constructive deflections, heroism, genius and so on. History knows many examples when individuals fall quite often under sanctions of ruling group in society with an undeveloped legal system, even not being destroyers of system but creators of ingenious but untimely creations. However, modern society has learned to discuss and mostly to distinguish destructive and constructive deviations and to react negatively only on the destructive. Perhaps, just this skill to distinguish types of deviant behavior and impartation of constructive non-conformism with a positive value became one of powerful factors of scientific-technical progress in modern society acceleration.

It is necessary to mark out that such dual attitude to deviations causes normative asymmetry which is necessary to compensate from both parts to remove trauma of human symmetric consciousness. In the morality like in religion, it was developed a certain set of tools for compensation of such asymmetric social phenomena. In substance, it is the same mechanism which represents law of retaliation. The difference is only that the moral compensates this gap by means of social and ethical categories of “goods”, “morality”, transferring gravity center to society and the religion delegates the right of retaliation of transcendental essence of the God in relation to human life who compensates all evil and misery caused to a man in life. From the same position, it is necessary to consider “authorship” of law establishment. If we don’t speak about traditional society where morals and religion are not divided, then the moral addresses the authorship of law to the society itself (to “grandfathers and great-grandfathers”). The religion addresses the authorship of law to the eternal and absolute God. It allows individuals to doubt in moral

imperatives and even to attempt on changing them as far as the society can not pretend on the status of perfection anyhow (and ancestors were capable to mistake). However, it is absolutely inadmissible to do it with religious norms as far as the agent of their creation is defined for human existence and “is not able” to make a mistake.

From this point of view, the religion has to act as more rigid normative system. This peculiarity of normative system is not the reason but such criterion as “remoteness” of normative system from the individual. In that case, the paradoxical conclusion is suggested. The more normative system will be differed from the individual consciousness and the more intensive it will be formalized, the easier is to change it, despite of its apparent severeness. The law for example as the framework convention, can be reformed rather painless for individual consciousness whereas any compulsory, directive change in religious system is capable to provoke social traumas.

CONCLUSION

Thus, normative systems implement a number of the social regulating functions in society, having complex structure and being the determinant of public and individual consciousness. In particular, normative systems provide compensative function of safety; execute ordering of social being, control of social and cultural processes form conformism at social subjects and so on. It is possible to study this phenomenon in various aspects and in the field of any social discipline; however the study within philosophy frames is capable to reproduce the greatest number the essential and nominalistic links as is based on the study of values in the basis of normative systems being.

Also as a conclusion, it is possible to suggest that all three normative systems are necessary for society, mutually adding and intersecting each other, their boundaries are flexible, they can compensate and refill demerits of each other. Most closer at the boundary with an anthropological field of ordinary life “is” a religious normative system and the religious consciousness reflecting it incorporates the conflict of “the anthropological and social” as well as the mechanisms of its emoval and conservation. The moral system executes the roughest, intuitive and draft demarcation of human legal behavior in society and those ways by means of which a man can overstep the marks of the anthropological and display himself in the quality of “social”. And the right itself as well as

the legal consciousness which reflects it is the frame right-prohibitory, right-obligatory and right-providing regulations which fixes the most important conflict points between the anthropological and human life social order in one form or another. All three systems have the “weak” ontologic status, i.e., they exist as social phenomena, therefore are needed in constant retention of its existence by individuals and social groups. That is in this ontological feature are the mechanisms of their changes.

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