Chapter 6   **Normativity as the source of norms.**

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Introduction

Interest in norms has been rising in the last twenty-five years in real life as well as in the sciences (Hydén 2011). One question, which never is raised, is: where do norms come from? One reason for this is that the answer is not straightforward. It is hard to find a common denominator. We generally do not think much about norms because most of the time we take them for granted. One possible answer is that we become aware of the norms that guide our behavior primarily in times of sudden or radical change. In these situations, we become conscious about our norms because they are challenged and may need to be revised to deal with the new circumstances. I argue that norms arise out of normativity, something which can be seen as the core of various systems, social, economic, bureaucratic or legal. As actors we participate in these systems and take our leads from what they demand of us. For example, a civil servant becomes a "bureaucrat" because his behaviour is extensively shaped by being an employee of a hierarchical organization. A similar socialization occurs when we participate in the marketplace: its structures encourage us to become optimisers of our own interest.

This chapter will explore further the relation between norm and normativity. The ambition is to define the concept normativity from a socio-legal point of view and argumentative underpin the claim that normativity constitute the core of norm systems from which norms can be derived. The chapter begins with an overview of the various types of norms that are especially important in shaping our life and who we are. The bulk of the article is devoted to the concept of normativity and how it can be best applied in socio-legal studies.

Types of norms

I have argued to regard norms as an overarching concept, and social norms as one subcategory to norms (Hydén 2022). The same applies to economic and technical norms. Legal norms are another subcategory of the overarching norm. In the same way, I in this chapter put normativity as a general concept covering different forms of normativity connected to various normative systems. This represent a novelty being an extension of the

norm concept, which assigns the notion of norm a much broader role in social as well as legal science. It opens up for new approaches and understanding of both law and society. I therefore devote an introductory part of this chapter to a brief description of these norms. Thereafter I turn into the concept normativity and try to understand what it means. While the meaning of terms as norm and normative is agreed upon, normativity occurs in different contexts without a common understanding or definition.

The ordinary starting point for analyzing norms is that they directly or indirectly contain instructions for action (Hydén-Svensson 2008). Built on expectations, norms are everywhere present yet vary in application depending on context. When values in society change, norms are affected. The evolution from collectivism to individualism that has taken place in the West during the past 30 years has involved extensive normative changes, noticeable, for example, in schools and family life. Norms change whether we are aware of it, or not. When social life is stable, we do not need to think about what to do because like our practices, norms are imprinted in the brain through the various experiences stored in every individual. It is when significant changes occur that we become aware of norms because they are challenged and may need to be re-programmed.

Humans are perpetually involved in creating the world into which they are born. This means that cultural skills are required by the individual to procreate change over time. This applies to both the inner, symbolic world and the outer, material world, in which social norms emerge and change. The culturally created and symbolically constructed world has a longer lifecycle than the physical world, which is renewed at a more rapid rate. The term "cultural lag" refers to a situation where society's material and technological changes are quicker than its cultural superstructure of values and norms (Swedish National Encyclopaedia, volume 11, p. 163. Cf also Friedman and Ladinsky 1967). This is viewed as a threat to social integration and can result in social unrest.

Social norms contribute to maintaining cultural values since sanctions and social control articulate what is considered desirable and undesirable behavior (Ross 2009, Black 1984). Norms, thereby, reinforce the expectation of certain types of behaviour, as Vilhelm Aubert explains in a classic quote: "Social norms are constituted of expectations" ("Sociala normer er satt samman av forventningar"). He adds that for something to be a norm, the ensuing expectations must have a certain degree of sustainability and stability (Aubert 1976:34).

Based on theories of the Ego (the "I") and the Alter (the Other), Aubert, in common with many other theorists, emphasizes how the individual is generally able to estimate how rules work based on previous experiences of sanctions and statements. This means that norms are not just manifest in the presence of other people; they also have their own motivational force. Requirements that the surrounding social environment demand of the Ego become requirements that the Ego demands of itself. They become a part of their internal norm system, their own morals. This process is described as the norm having become internalized (Ibid p 34).

Muzafer Sherif is generally acknowledged as having established the modern understanding of norms in his book, *An Outline of Social Psychology*, which is based on his previous book, *The Psychology of Social Norms*. In the 1936 edition, Sherif describes how norms that arise in uncertain situations result in uniformity due to group pressure. The roots of his concept of norms can be traced back to classical antiquity. It was originally meant to serve as an agreed upon yardstick for measuring goals, validity, and other characteristics of an object (Mortensen 1990:106). Nils Mortensen argues that the synthesis of moral rules and this ancient concept for evaluating objective characteristics is probably the turning point for how norms are conceptualized within contemporary sociology (Ibid). It releases sociology from the conceptual apparatus of moral philosophy and allows it to assume an empirical approach to social rules.

Like we divide society into different fields such as economics, politics, administration, technology, etc., norms can be similarly differentiated. In this wider normative realm, the legal norms play a special role because they set out the guidelines and principles for collective decision-making in the political-administrative system. **A legal norm** is a binding rule or principle, or norm, that organisations of sovereign power promulgate and enforce in order to regulate social relations. Legal norms determine the rights and duties of individuals within the governing jurisdiction at a given point in time. Competent state authorities issue and publish basic aspects of legal norms through a collection of laws that individuals under that government must abide by, which is further guaranteed by state coercion. Legal norms become validated from the moment they are published as part of legal order and take effect from the moment it binds the subjects of the law.

When a social system has grown sufficiently complex that the legislative and executive processes need to be separated, this is accomplished through norms that describe what actions are expected of each actor. This is how specific bureaucratic norms arise. A bureaucracy typically refers to an organization that is complex with multilayered systems and processes. These systems and procedures are designed to maintain uniformity and control within an organization. To function efficiently, they generate their own **bureaucratic** norms.

Economic norms are based on strategic assessments of what works well in the marketplace. This also means that the economic system is goal-oriented. The various branches of economics can largely be divided into two main sections. Microeconomics studies individual decision-makers in both production and consumption. Macroeconomics, studies the economy as a whole with a focus on aggregate variables such as production, unemployment and inflation. Economic norms are effective because the sanction contained in the norm is activated directly once the norm is violated. For example, a bad investment, i.e., a deviation from the system's definition of optimal conditions, is visible immediately and therefore signals a need of change in behaviour.

Expectations are also an outcome of technical endeavors. The ecological system's **technical norms** are at present mainly determinant in actions that relate to the exploitation of nature rather than its preservation. Technical norms built on laws of nature constitute the foundation for calculations about the most rational way for building houses, roads, bridges and more. Breaches are punishable immediately and by themselves. For example, a bridge collapses if the proper norms are ignored. What is regarded right or wrong is determined by the rationality of the system. Not to construct a bridge according to the needed principles according to natural science knowledge in the field is regarded as wrongful behavior and vice verca. There is an important difference between technical norms relating to resource exploitation and those applying to resource conservation. They have different purposes each with its own rationality being the core of the systems, determining what is right or wrong.

As result of digital technology, technical norms are gaining stronger inherent normativity. This development is mainly manifest in AI and the use of algorithms. Digital technology is increasingly becoming a part of our daily lives. It is used in our phones and homes to such an

extent that it is hard to imagine a single day passing not in some way or another impacted by AI (Alvarez 2017).

What is normativity?

There is an extensive discourse on the meaning and use of normativity, but it is hard to find a common definition. It is generally treated as belonging to the normative conceptual world together with law and morality. Actually, a lot of references to normativity are to norms or something normative. The only explicit example in the literature of an attempt to define normativity is an article by Stephen Finlay, who notes that the concept is arbitrary and not used in a consistent way. Normativity has many faces and, according to Finlay, it is because it is contextually dependent. With "context" Finlay refers to a philosopher´s metatheoretical claims, such as cognitivism and noncognitivism, naturalism and non-naturalism, or objectivism and subjectivism out of which he constructs his own hybrid view of normative judgment, called perspectivism.

Finlay lists several different definitions, such as the following:

1. NORMATIVITY (as an) ontological - judge-relation = the relation that obtains between an agent and an action if a first-personal, robustly normative - judge-ostensive - judgment about that agent and that action would be true.

This definition does not say much from a social science point of view. Nor does his footnote example offer additional light: "This interpretation is consistent, for example, with the way Mark Schroeder introduces his subjectivist theory of reasons, in terms of the psychological difference between Ronnie who has a reason to go to a party, and Bradley who doesn't."

A different definition rests on a quasi-realist concept of normativity formulated as follows: NORMATIVITY is from a quasi-ontological point of view to apply the concept to some facts or properties involves having or expressing a favorable attitude towards them.

These definitions belong to the meta-ethic approach to normativity. The philosophical area most distinctively concerned with normativity is ethics, according to the Routledge Encyclopedia of Philosophy (Craig 2000). Normativity seems to be a higher order concept

that refers to the field of ethics, notably to how we define a good life or society and which norms should be implemented to realize it (Normativity in Perception, Conference, 2015).

Ethics can also be combined with epistemology such as in a book on normativity, Epistemic and Practical (McHugh, Way & Whiting, eds. 2018:4). Here normativity "is a matter of what one should or may do or think, what one has reason or justification to do or not." Another proposal for an adequate definition, for a particular use of normativity, "might simply be a description of the facts that fix the reference for that use, such as facts about the causal chain". (Wedgwood 2010:8) Ethical standards are normative, Judith Thomson explains (Thomson, 2008:8). They do not merely describe a way in which we in fact regulate our conduct. They make claims on us; they command, oblige, recommend, or guide. This position resembles Emile Durkheim´s use of the concept "social facts" (Durkheim, 2017:19). Normativity in the eyes of philosophers tends to entail that a differentiation, attitude or mental state is justified, i.e. an action one ought to do or a state one ought to be in (Wedgwood 2010:8)

Another resemblance with Durkheim is the discussion within philosophy about reason (Raz 2011): what motivates the actor to behave in a certain way (Hydén 2022, ch. 1). A dominant view takes the concept of reason to be the key to understanding normativity rather than, say, facts about what we ought to do (or the concept of ought) (Star, 2018). For example, as Raz argues, reason itself may have normative connotations (Raz, 1999:90 -117).

A review of the philosophical, meta-ethical debate confirms that the concept of normativity has no authorized definition. Yet the term is widely used. The reason for the failure to define the concept in a consistent way seems to lie in what it covers – or not cover. While it is relatively easy to locate "norms" and "normative" in the symbolic as well as the material world, it is not the same with the term normativity, the reason being that it lacks denotation, i.e., references in "reality" to what the concept is supposed to cover. To rectify this state of affairs, a functionalist definition will help. It is to what we turn in the coming analysis.

How do norms originate?
Christine Horne has developed a general model that explains the emergence of norms (Horne 2001:3-34). It is based on the premise that social and technological changes lead to

cost/benefit allocations which in combination with group pressure influence behaviour. Accepting a similar staring-point, Robert C. Elickson works with the concept of "change agent" (Elickson, 2001:35-75), thereby highlighting the importance of different actors in the emergence and reproduction of norms. To make his point, Elickson worked on an S-curve that begins with Self-Motivated leaders and Norm Entrepreneurs with Opinion Leaders following behind in an upward curve[1]. Elickson writes that "(w)hen a new norm suddenly becomes manifestly advantageous for a group, many self-motivated individuals with unexceptional leadership abilities may supply it simultaneously" thus making the new norm attributable to particular change agents.

Discussions of normativity are not restricted to ethics only. The concept is also used in different scientific contexts. Reza Banakar claims that "(n)ormativity is used when exploring why, under certain circumstances, we feel obliged to act in specific ways" (Banakar 2015:218). Normativity also has a presence in psychology. For example, in a study of young children's awareness of the normative structure of games, the authors could relate normativity to structural causes, i.e. the construction of the game (Rakoczy, Warneken, and Tomasello, 2008:875-881).

Normativity is especially prominent within legal philosophy. There is a wide-ranging study of the law's normativity focusing on its conceptual, descriptive and empirical dimensions.[2] Reza Banakar discusses the relation between norms and normativity from a socio-legal perspective (Banakar, 2020:15-38). He asks if normativity is caused by norms or norms generated by normativity, concluding that normativity per se can be a source of norms (Ibid. p 20). More specifically, he points to how normativity may emerge out of system imperatives (purpose or instrumental rationality) as well as lifeworld (value rationality), (Ibid p 21).

By extending these ideas, normativity can be compared to the inner core of a system or to the source from which the norms emerge. A functional definition of normativity in this perspective would be that normativity is the source within a system from which norms emerge. Furthermore, normativity seems to be the constitutive factor for the system and

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[1] Cf Hydén (2022), Figure 1.6 Different world views in relation to the development of the industrial society
[2] See for a collection of essays Himma, 2021)

thereby the definition of the system itself. For example, the economic system is built on economic rationality which being the normativity define the system.

The German legal sociologist, Niklas Luhmann (1927-1998), operated with such a systems perspective[3]. He regarded a system as autopoietic, i.e., capable of reproducing itself from within (Luhmann 1995). Because they reproduce their own elements on the basis of their own elements, they are self-referential. Luhmann built his theory on parallels to the analysis of living systems within biology, developed by the two Chilean biologists Humberto Maturana and Francisco Varela, who showed how a plant reproduces its own cells with its own cells. Luhmann further argues that while systems are open, they have their own internal mechanisms for operational closure and interactional openness. These qualities generate norms and a normative language, which makes learning from the environment as well as communication across systems possible.

A central element within the theory of autopoiesis is the concept of structural coupling which refers to the relation between systems and their environments. For instance, environmental events may trigger internal processes in an autopoietic system, but the concrete processes are determined by the structures of the system[4], i.e., by its normativity. A system is said to be structurally linked to its environment (or other systems in its environment) if its structures are in some way or other translated to the normative structures of the environment (or systems in the environment).

Luhmann´s autopoietic theory applies to non-living systems. His trans-disciplinary concept of autopoiesis is opens to re-specifications by the different disciplines, e.g. law, sociology, economy, biology, and psychology.. While living systems reproduce themselves on the basis of life, social systems, according to Luhmann, constitute and reproduce themselves on the basis of communication. In a normative perspective, this includes not only communication but also argumentation. Norms develop out of practical motivations to facilitate cooperation and

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[3] Niklas Luhmann was a German sociologist, philosopher of social science, and a prominent thinker in systems theory, who is considered one of the most important social theorists of the 20th century. Luhmann wrote prolifically, with more than 70 books and nearly 400 scholarly articles published on a variety of subjects, including law, economy, politics, art, religion, ecology, mass media, and love. Among the most prominent books, *Theory of society* Vol. 1 (2012) *and* Vol.2 (2013) can be mentioned. In a socio-legal perspective there is reason to point out Luhmann, Niklas (2013). *A Sociological Theory of Law*.

[4] Luhmann, (2000: 401) speaks in this sense of a "trigger-causality".

intersubjective communication. That seems also to be the foundation for normativity within social systems as the next section will further illustrate.

In search of normativity

The social systems´ normativity

Social action systems are created through interactions between people in line with socio-psychological theories and developed in accordance with the driving forces identified by game theory. This means that the content of a norm, in each single case, is determined by individuals in cooperation with each other, although aspects such as habits, customs and conventions may restrict the set of norms available to the individual (Lloyd, 1964:228).

The function of a social system is to socialize people, i.e., to encourage individuals to behave socially and to comply with certain socially (collectively) conditioned methods of interaction. For example, individuals socialize into a given society, thereby learning a set of given, normal ways of acting. Normativity stems from the process of socializing individuals into society through interaction and communication with others in both verbal and nonverbal ways. The driving force behind this is the reciprocity principle.[5]

Normativity within the social system boils down to a human need to socialize, stay together and reproduce. From these different social institutions such as the family, schools, and social networks of different kind emerge.

The political/administrative system

The political system is created to represent society's collective interests, i.e., the public interest (Rothstein, 2010). The establishment of a political system is an expression of the need for a collective order, which is tasked with making decisions on value-based and normative issues that are of importance to the people affected by the system.[6] As such, it is more goal-oriented than the social system.

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[5] This so-called golden rule is a fundamental ethical principle and can be found in many religions and philosophical and ethical schools of thought. The oldest known written version comes from Confucius, approximately 500 BC[5].

[6] This does not exclude the political system, as myriad examples have shown, from being perverted to serve an individual's or group's interests and desire for power.

The political system makes decisions on how to proceed in various situations. Its output largely consists of creating legal norms. Seen from this perspective, law can be seen as a form of standardized politics: it governs and summarizes policies in a given sub-section of society (Hydén 2002, ch. 8). When society has grown to the extent that the decision-making and executive processes need to be separated, decisions are passed on to those with executive functions. This is accomplished through a division between politics and administration in which the administrative system can be seen as an action system created for a specific purpose.

The normativity in the political system is linked to a need for organization of decision-making and performance of collective tasks and thereby the exercise of power (Rothstein, Bo (2010). The political/ administrative systems are based on norms that set out guidelines and principles for collective decision-making, by whom and how the decision-making process should be conducted, i.e., the principles with which the process should comply, or what kind of issues should be addressed collectively within the political/administrative systems.

The economic system

The economic norm – how we act – depends on our perception of what is most rational, i.e., the best way to act from an economic perspective. What characterizes then the economic perspective?

This system is extremely action-oriented. Its very existence base in inherent normativity. The economic system is constructed to facilitate "optimal" resource allocation. Not all economic systems are normatively the same. They are constituted differently and operate in variable ways, but they are all highly goal-oriented. The term strategic norm is appropriate when referring to the economic system's norms. Foremost is the notion of self-interest and how it can be secured within a collective framework. **The normativity of the economic system** gives a signal for actors to look for the most rational way to act in a given economic situation. Thus, to trace the normativity of the economic system it is necessary to know how the economic system is constructed and how it operates in different situations. This is the task of economic science, which is a cognitive science with normative implications for actors in real life. There is an underlying rationality taken for granted that determines what is right or wrong. Economics is empirically oriented and their studies analyze how the economic system behaves and works in different cases, all with the aim of giving as reliable, normative advice

as possible on how to act in different situations. The element of cognitive science legitimates economy as a non-normative, neutral and objective, science. Knowledge in these cases works, and has the same function in interpreting economic norms as the preparatory work behind a law has for lawyers when the lawyer seeks to understand the content of a law (Wickenberg, 1999:266 - ,470 -).

Unlike the social system where normativity relies on individuals coming together in sharing their values and ambitions, the economic system norms become apparent through the fundamental principle constituting the system itself.[7] The economic system is inherently instrumental. It produces the premises for the actors' actions.

The ecological system

In the industrial era, technology has normative implications related to the use of technology. In the later stage of industrial development, the benefits of technology are increasingly linked to negative external effects. Norms within the framework of the ecological system have a qualitatively different character compared with the norms that belong to the systems emanating from man. While norms in the cases hitherto concerned - the social, political/administrative, and economic systems - are in one way or the other determined by human interaction, norms in the ecological system originate in the regularities exhibited by nature in those respects that man is capable of discovering and formulating them. These regularities in nature can be formulated in terms of norms belonging to a system. These norms are in the last instance based on the laws of nature such as the law of gravity, photosynthesis, the first and the second main principle clause of thermodynamics, and so on.

The normativity of ecological systems is a consequence of different laws of nature. The identification of the ecological system´s normativity presuppose knowledge about nature in different respects. Science is according to conventional sources, the study of the physical world, the nature. Science uses scientific methods that largely depend on empirical measurements of established hypotheses. Science tries to make theoretical models that can explain as simply as possible what can be observed, measured and tested and thereby made operable for different purposes.

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[7] Cf. the aforementioned games analogy

Science is divided into a few main areas, such as physics and chemistry. Physics is about the study of the fundamental forces that govern nature and the building blocks of nature, as well as the phenomena that these together give rise to. This knowledge is fundamental for understanding the normativity of the **technical systems** dealing with production of material goods and constructions for different purposes as housing, infrastructure, etc. **The normativity** is influenced by what science finds out being possible and most rational in order to fulfil human needs. The same goes for chemistry, the study of the structure and properties of elements and chemical compounds and their reactions with each other. Development of knowledge within this part of nature lay the foundation for certain kinds of normativity.

Legal systems´normativity

A legal rule as a norm has its source in an authoritative legal source of some kind, usually legislation. There is a well-established technique for identifying and implementing legal norms. These norms belong to openly and explicit normative systems. They point out what has to be done or not be done in different situations of life. Compared to the other systems discussed, the imperative is separate from the sanction stipulated when people are not obeying the legal norm.

The legal norm can be understood from a strictly legal point of view and thereby inform us of the correct interpretation and application of the legal rule as an instruction for how to act or how to judge a certain situation. **The normativity** is constructed and decided upon by politicians in law or judges in legal decisions, precedents. It is up to legal dogmatic as an authoritative method to analyse how the normativity looks like within different fields of the legal system. Legal dogmatic can be illustrated in a vertical perspective since, as an ideal type, it is built on the logic of subsumption and deduction (Hydén & Hydén, 2019, ch 1). This process is a matter of technical application of the normative standpoints in law to factual situations, which may require more or less sophisticated reasoning.

The above-mentioned description of law is valid for private and criminal law, where in both cases the law´s normativity is guided by efforts of justice. It is another thing with administrative law and what I call interventional law, i.e. the type of law with the ambition to partly influence private actors to take external effects into account.

These parts of the legal system require a broader social scientific perspective on law. Legal norms are not neutral but also affect societal functions and have their own consequences for society. It is possible, therefore, to refer to **two different orders of normativity** - the first (the vertical) related to the technical instructions and legal dogmatic, and the second (the horizontal) to the consequences and functions springing from the first order. The horizontal problem area represents something else than legal dogmatic knowledge, although it is of great relevance for understanding the law. It is another perspective on law paradoxically not regarded as relevant for legal dogmatic.

Legal sociology has not, so far, invented a proper concept which covers these normativities related to the genesis and consequences of law when applied to, and confronted with, societal realities. The concept of law in action is not adequate, nor is the concept of living law. These concepts are direct or indirect related to the law while the concept I´m looking for is geared towards the social outcome of law and legal regulation. Perhaps the concept of socio-legal norms is the most appropriate one. This normativity is different from the one related to the technical instructions within legal dogmatic. In both cases it is a question of following normative instructions. These are well defined in valid legal sources when it comes to legal dogmatic and represent a kind of inner perspective on law and legal matters. In the case of socio-legal norms, however, normativity presupposes an integration of the internal and the external perspective on the legal norm. The normativity is subordinated to the legally defined purpose and the anticipated factual outcome of the use of the law or legal decision-making. This kind of studies belong to interdisciplinary sub-disciplines as implementation studies and evaluation research.

The prediction strength of normativity
It might not for different reasons always be possible to predict human behavior. Concepts within (empirically oriented) social science cannot be as precise as in philosophy, which is working with abstract concepts and discourse. Another obvious reason that the norms that follow on normativity might not be obeyed is deviant behavior. There are always people who ignore or refuse to follow prescriptions. Furthermore, norms stemming from one system might in practice have negative external effects and collide with other norms and values in society. This might give rise to intervention from the state, often using what I refer to as intervening legal rules.

The more a system is based on rational design, the stronger its normativity. In a technical system associated with the laws of nature such as the laws of gravity, thermodynamics, photosynthesis, etc. the normativity is more decisive for which norms are generated compared to a social system based on interaction between social actors (Hydén 2022, ch.1). While normativity in technical systems give rise to the same norms independent of context, normativity in social systems vary with the special situation. By understanding how technical system operates, it is possible to give instructions on how to achieve various goals. However, these norms are both invisible as well as unknown until they are articulated by science. Technical systems give rise to a kind of conditional or potential normativity that is articulated in professional knowledge systems. The natural sciences lay the foundation for technical applications, where engineers in different fields follow prescriptions for action, which derive from a delimited norm system tied to a knowledge system about a naturally defined phenomenon. The normativity is defined based in the cognitive where knowledge is a prerequisite.

Less structured systems give rise to less absolute binding normativity (ibid.). The political system, which itself seeks to determine normative issues on a collective level, does not create normative expectations in the same way as a scientifically determined physical system. The possible outcomes are simply too many and contingent for normativity to occur. In politics, however, since groups tend to gather around ideologies and commonly shared interests, it is possible to specify normativity in relation to assumed political affiliations. The social system appears to be the least structured and thus least normative[8], but it does not prevent it from being, and acting as, a norm. There are social contexts in which behavioral expectations appear to be clear to those involved. Primary and secondary socialization processes contribute. Peer pressure and social control would be other cases in point (Black 1984). In all social systems, a system of reward and punishment encourage members to follow the norms, whether mediated via their family, friends, work mates, or the entire society. The consequence of breaking a norm depends on how important the violation is. For example, murder is punished harder than a parking offence, because the norm not to kill is more compelling than a parking offence.

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[8] That is probably the reason for Jurgen Habermas´ and other social scientists´ interest for what Habermas calls the life-world and discourse on an equal basis.

Technical norms have an advantage over environmental norms. One could say that technical norms have the same characteristics as the duty norms, while environmental norms correspond better to what might be called normative principles; i.e., an action that you are obliged or expected to carry out but which is not necessarily as normatively unambiguous as a duty norm. Economic norms, in turn, determine much of how technical norms are applied. Economic norms are based on strategic assessments of what works well in the market. This also means that the economic system is highly goal-oriented. One could say that the normative elements in these cases are mainly determined by their systemic source, i.e. the normativity. This is not discursively determined by opinions about good or bad, right and wrong, only by the structure of the economic system itself. Economic norms are as effective as technical norms in that the sanction contained in the norm is activated directly if the norm is violated. One might object that the economic system is constantly giving different signals for right and wrong. That is true but my point remains that the rationality/normativity of the economic system decides what will be seen as normatively correct. The normative content of goal-oriented rules is weaker than for duty rules because they[9] require other knowledge in addition to law.[10]

Conclusions

There is a need for an understanding what generates norms within different action systems. The answer given in this chapter refers the origin of norms to the concept of normativity. This is a concept widely used within philosophy and meta-ethical theories, however, without bearing on social sciences. The concept of normativity has no authorized definition. The reason for the failure to define the concept in a consistent way claims in the chapter to lie in what it covers – or not cover. The reason seems to be that it lacks denotation, i.e., references in "reality" to what the concept is supposed to cover. To rectify this state of affairs, a functionalist definition is introduced based on normativity as the source within a system from which norms are deduced. The concept of normativity fills a gap in the vocabulary related to norms by understanding normativity as the constitutive element in a normative system equivalent to the core from which norms are emerging.

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[9] Aleksander Peczenik distinguishes between action norms and goal-oriented norms and uses the term regulatory norms as a common term for these, see Peczenik, (1987:15). Cf. also Graver, (1986)
[10] For an example of goal oriented rules, see Hayek, (1993:138 -)

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