

# How norms are formed in a democracy

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**ABSTRACT:** The freedoms offered by individualistic-democratic societies are marked by an intrinsic ambiguity: they are both real and (partly) illusory. They are rooted in the universe of representation, which, by proclaiming them, manages to force reality, but without this reality ever attaining the purity of the proclaimed principles. By subtle perverse mechanisms, new limits to freedom are actually introduced on a massive scale, eventually leading to the apparent paradox of a normative production that is much more abundant than in the ancient societies. There is nothing surprising about that. The individual autonomy proper to democratic societies necessarily induces a social activity of producing various norms and regulations, infinitely more intense than in a society where institutions run their established program and construct individuals in accordance with them. Freedom, in individualist-democratic societies, is an illusion, but one which creates reality. The individual, less free than s/he imagines her/himself to be, is nevertheless in the middle of a range of choices which does not cease, at least theoretically, to extend.

**KEYWORDS:** individualization, democracy, norms, freedom, socialization

## INTRODUCTION

The freedoms offered by individualistic-democratic societies are marked by an intrinsic ambiguity: they are both real and (partly) illusory. They are rooted in the universe of representation, which, by proclaiming them, manages to force reality, but without this reality ever attaining the purity of the proclaimed principles. By subtle perverse mechanisms, new limits to freedom are actually introduced on a massive scale, eventually leading to today's apparent paradox of a normative production that

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### NEW RULES OF THE GAME

Contemporary society is commonly referred to as “individualistic” because the individual is the ruler, the master of his or her own choices and of a future that is no longer a destiny. It is opposed to traditional societies, which Louis Dumont (1983) described as “holistic”. Holistic societies are those where the social totality encompasses the individual. This historical fracture between two models of social functioning has recently been called into question, with some people arguing that the individual is not as free as we imagine in individualistic societies, and that they were probably more free than we think in holistic societies. There is a misunderstanding that needs to be clarified, a confusion between the official rules of the game and the actual situation of the individual. The individual is indeed infinitely less free than he believes in the individualistic society. The historical fracture in question does not concern specific individuals, but the rules of the social game, as Louis Dumont has clearly pointed out. In the holistic society, individuals are caught in collective frameworks, most often religious, which offer them common answers. Their personal conscience “clings to the outside” (Vernant, 1996, p. 226). Nowadays, on the contrary, it is up to the individual themselves to choose and to choose again, in all field. Between thousands of products, thousands of ideas, thousands of ways of doing things, thousands of moral principles or thousands of people. They are not only free to choose, but also obliged to choose. In a perfect contradictory injunction, they are obliged to be free to choose. Freedom so mentally exhausting that they often try to run away from it in everyday life.

The model of social development is henceforth the one of the democratic individual, free of his choices. However, this is merely a model, which is certainly increasingly significant, but which cannot be applied in its entirety. Let us take the example of reflexivity, the self-examination that everyone now makes, fueled by the growing mass of information conveyed by the media. Anthony Giddens (1987) has underlined its crucial role in the most recent period of modernity. Yet a full and permanent reflexivity is strictly impossible; life would become a living hell of endless questioning, ruining the capacity to act. For the body can only move within a framework of evidence. We are thus condemned to permanently reject the infinity of possibilities. The more questions arise, the more we have to cling to our personal evidence. In a survey I have conducted on contemporary food practices (Kaufmann, 2005), I have been struck by the rise of a magical type of thinking at the heart of the most advanced modernity, where everyone idolizes one or another item of food (be it a leek or a grapefruit), in order to protect themselves from fissional questioning. The major part of the cognitive activity inscribed in ordinary life consists today in trying to limit critical thinking. We are forced to set strict limits on our freedom of thought ourselves. This is within

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the universe of our private life, which is so well-known for the immensity of freedoms it allows. So what can we say about the public space, where our personal freedom encounters the freedom of others!

### CUSTOMS AND REGULATIONS

The nature and form of the instruments of social constraint have changed in the last few centuries. In traditional society, institutional hierarchies intersected with mutual control to impose customs as a matter of course. The social dimension was often more important than the written law to achieve this. In urbanism, there was nothing to prevent one from building their house their own way; but in France, for example, the custom was to choose slate in the north and tile in the south. Nowadays, on the contrary, the desire for originality is so great that urban planning regulations are becoming more and more numerous and detailed to restrict it.

Democratic modernity is characterized by a double movement: the affirmation of a new space of individual freedom, and a detailed written regulation, specifying the prohibitions and codifying the penalties. We are free, but within a regulatory perimeter beyond which we are severely punished. We are free to sing in the street (not too loudly, though); not to cross it outside the pedestrian crossing. The 18th century villager would be astonished by this new discipline. S/he would be even more surprised to discover the very long list of regulatory prohibitions. Not so much because of the severity of the punishments (the traditional society was quite heavy-handed in dealing with certain offences) as because of the detailed and systematic nature of the laws and regulations of all kinds.

Modern society is above all fearful of risk, of any kind of risk (Beck, 2001). As soon as the slightest risk emerges, regulations pour in to prevent or combat it. Danger on the road? Alcohol is measured with accuracy, in the exhaled air or by a blood test, and the offender who is caught with a high dose of alcohol may end up in prison. Our villager (who could drink without keeping count before driving his cart) would be even more surprised, especially at the power of institutional mobilization and the sophistication of the technical apparatus of control.

Our fascination for freedom, historically new, diverts our attention from the growing mass of prohibitions imposed by law, or by all sorts of institutions. I have already mentioned the example of food. When injunctions pour down from whatever bureaucratic heights, nearly ridiculous in their enigmatic precision, this diktat does not arouse any hostility in the population, quite the contrary. Indeed, there is nothing worse than uncertainty, and any reference point is welcomed (even if it means following it from afar, in one's own way). Faced with the restriction of our freedoms, we are consenting victims.

It would be possible to make an inventory of the immense regulatory arsenal which, increasingly, in a precise and effective manner, limits the scope of our official freedom. This work would be most salutary, for we are utterly blinded by the rules that enlighten us; we can see nothing but freedom. Unfortunately, I personally do not have the competence to do this, and another issue, of which we are even less aware, is of

particular interest to me.

The immensity of the new prohibitions imposed by the law appears to be the price to pay for the new spaces of radical freedom that are proper to modernity. Life is split in two: on the one hand, the forbidden (with the utmost precision) and subject to penalties; on the other, freedom. To establish sexual relations with a consenting minor of 17 years and a half is a crime subject to severe punishment; once they are six months older, everything or almost everything is allowed.

It is precisely on this “almost” that I would now like to point the analysis. At the heart of the official spaces of the ultimate freedom. To this end, I will rely on a survey (Kaufmann, 1995) whose scope (beach behaviors) may appear limited, but which I have deliberately chosen for its revelatory character of the new mode of norm production. We should not forget, of course, the frequent metaphorical uses of the image of the beach to illustrate the idea of freedom. In May 68, for example, the Parisian protesters had launched this poetic slogan: “Under the cobblestones, the beach!”. They evoked it as a symbol of happiness, but especially of freedom. It seems indeed very emblematic of these open spaces of the advanced modernity where the existence appears less constrained. Yet the survey reveals this paradox: the less binding the norms are, the more people’s main activity is to produce new ones, to the point of obsessiveness about normality. Paradoxically, the slightest deviation is probably more scrutinized than in a more disciplinary institution, because it is subtly and actively used in the continuous process of norm production. A free society is the one where, more than ever, norms are (discreetly) produced. It is certainly forbidden to forbid, and everyone has the right to tread the wrong path. But they pay for it by being discretely pressured to fall in line. “Everyone does as they please, but...”. Contemporary society invents a mode of functioning structurally based on a doublespeak. This is what we shall examine more closely.

### ***EVERYONE DOES AS THEY PLEASE, BUT...***

Not everything is possible on the beach, some behaviors are even codified with an outstanding precision; the body play obeys to secret rules. Holidaymakers are vaguely aware of that. But the difficulty lies in the fact that they try not to admit it to themselves, so as to enjoy fully the idea of seaside freedom. Hence, while they are closely observing their surroundings in order to grasp the normative evolutions (which are constantly changing), they have the impression that they are not really observing. At the time the survey was conducted, the topless practice was widespread, and thus the context was perfect for studying norm production. In this situation, most women who remove their bikini tops do so only after a latent lapse of time during which they conduct a quick, non-conscious investigation into the social acceptability of their gesture. They take a look around, without really realizing it, to capture meaningful scenes that reveal the norms prevailing at that particular place and time.

It is possible to divide the procedure into several phases. Phase 1 is dominated by the gaze, which is itself strictly socially codified. Just as the person looking is only hardly aware that he or she is actually observing, those who see them looking must

not be incited to think that he or she is watching. The gaze must therefore never be insistent or scrutinizing. In particular, the observer must avoid staring, merely gliding their gaze gently and detachedly over the landscape, gathering informative images without showing it.

Phase 2 is structured around the images collected. From the perspective of the people observed, it is not a question of images, but of their actual bodies, and especially of the specific postures they adopt. They stage a *mise-en-scène* with their bodies. The process of understanding norms begins with the gaze, which is carried on other bodies to draw intuitive information. It takes the form of images that will soon actively speak to the observer's own body.

Phase 3 is marked by a much more intimate alchemy, the verification of the information collected, while avoiding rising to the consciousness, which is translated into various sensations triggering whole stores of sensitivity and carnality in the body. The woman "feels" that she can take off her bikini top, notably because the desire for nudity is no longer hindered by any embarrassment or anxiety. The body must indeed be reassured for the act to occur.

Phase 4 finally generates a normative shift. For, by taking off her bikini top, the one who was at first an observer becomes in her turn a major actor in the events that take place on a collective level. Her gestures and decisions regarding her own body convey powerful information to the rest of the women on the beach, who register the adjustments to be made. In spite of the ambient drowsiness, the responses are generally swift. A cloud covering the sun is sometimes enough for the limits of the possible to be suddenly restricted through a mimetic sequence of glances, postures and sensations.

### **A COLLECTIVE AND NON-CONSCIOUS PRODUCTION OF NORMS**

The injunction to dress is particularly interesting to analyze. It results from two main factors: gaze or sensations. Either the woman has observed and collected cues, as in phase 1 (but with a restriction of possibilities). Or she has "felt", as in phase 3, an inner alchemy (but in the sense of confusion). This feebly conscious sensation is very poorly identified. Thus, speaking of the effects of the cloud, some women who put their bikini top back on claim that it was because they were cold (whereas it is unlikely that the few square centimeters of fabric were enough to warm them up). In reality, a new factor has intervened in the redefinition of the situation, a different type of gaze, no longer passive and observant, but discreetly active and socially prescriptive.

Individuals internalize with a remarkable ease the code of the beach gaze: their eyes flick and slide over all things with detachment without giving the impression of observing. However, they can't help having their gaze locked by a detail in certain circumstances, unable then to repress a brief eye-fixation that is sufficient to be noticed by the person being looked at. The typical example is that of the handicapped person, who attracts involuntary eye movements, especially if he or she goes to the beach (and for this exact reason, he or she rarely goes there). However, the official theory asserts "Everyone does as they please". In the secrecy of the images and sensations exchanged, however, a completely different game is being played, one in which norms



of behavior are set: everyone does as they please, but the slightest deviation from the norms is immediately sanctioned. The reflex gaze is the unconscious guardian of this normality. It proves that norms have indeed been registered by the individual who believes he is referring to the only official theory of freedom and tolerance. The ocular reflex alerts them to the fact that a behavior that stands out from the collectively defined normality has been detected. Of course, they will very quickly avert their gaze, and often make an effort to convince themselves that everyone can really do as they please, or even that atypical behavior is a necessary variation in our overly uniform societies. The fact remains that their gaze will have been fixed and that by this fact alone it will have sent a very strong message despite the short duration of the fixation.

The ocular reflex is noticed more or less clearly by the targeted person. Sometimes it can trigger a conscious reflection. The woman perceives it as an additional piece of data in the process of providing information by means of the gaze. But usually it is only seen out of the corner of the eye, without much consideration. It thus conveys its message without passing through the consciousness, creating disorder in the sensations, and manifesting itself by a loss of ease. The compliance with a norm of behavior is measured by the body's feeling of being at ease. Of course, sometimes the feeling of uneasiness and discomfort is due to other factors, such as personal and family history. But in case of one and the same person, the variations are essentially the result of distancing oneself from norms; a kind of sensory barometer that calls for compliance with social order. Without ever imposing anything. One can choose not to comply with the norms (all the more so because they are not explicit) since "everyone does as they please". Yet it comes at a price: the loss of bodily ease and "naturalness", the constant effort to deal with the control and the suspicion of society. A society which says nothing but keeps watching in silence. But which actually speaks very loudly by means of its gaze.

### **THE DOUBLESPEAK OF DEMOCRATIC SOCIETIES**

Bodily ease and the fluidity of gestures indicate normality even beyond the only spaces regulating the body play, as on the beach. Our individualistic-democratic societies have become powerful machines for the continuous production of normality. The more individuals multiply their capacities of choice in all fields, the more the normative anxiety becomes obsessive. The processes studied on the beach, involving looks, postures, sensations, and centrally regulated by ease, are at the basis of a very large number of collective productions of norms, even when they apparently deal with less strictly bodily matters.

Let us look at the forms of private life. They are currently diversifying (homosexual couples, non-cohabiting couples, single-parent families, blended families, etc.). Officially, of course, "everyone does as they please". But a single woman aged between 35 and 40 will sense the social pressure growing around her, urging her to conform to a normality which, albeit not obligatory, makes life easier, by lightening the mental burden and creating the conditions for a calm obviousness of the most ordinary public actions. The more she questions her normality, the more she senses the gaze

lingering upon her, even when this is not the case, as happens in a line in front of a cinema. The normalizing gaze only operates in certain contexts marked by a strong romantic or family socialization (Valentine's Day, public gardens in spring, Sundays, Christmas, weddings, vacations, etc.). In a restaurant, for example, a single person sitting at a small table in retreat attracts a few glances (barely noticeable to those looking, but weighing tons on those being looked at), which are all the more likely to convey a social message since the other tables are taken by groups of people and loud. At this point in the socialization process, and unlike at the beach, a few brief, but more explicit utterances can be added to the glances (a waiter's remark, a joke meant to be friendly by the neighboring table, etc.). The couple of sentences may develop into real discussions in closer social circles (co-workers, friends, and especially family). These verbal utterances result in the same undermining of self-evidence, marked by a loss of bodily ease, and operating as a barometer of deviation from norms. The facilitation of the gestures conditioned by the bodily ease is a social regulator of the respect of the norms, norms which are more and more implicit in the official spaces of the freedom proper to the modernity. The more proclaimed the theoretical freedom is ("Everyone does as they please"), the more the bodily alchemy (associating self-images and sensations) becomes crucial in the norm production. The interaction between self-images and sensations tends to become a primary factor in norm production.

### **LIBERTARIAN ILLUSIONS?**

A society cannot function without norms; only their forms change. Individualistic-democratic societies divide normative processes into two categories. On the one hand, there is the space of prohibitions, criss-crossed by regulatory procedures that are ever more punctilious and sometimes severely repressive. On the other hand, the official spaces of freedom (where everyone is supposed to do as they please), in fact discreetly governed by the implicit norms, socially manufactured by the collective play of the actors involved.

I have deliberately given an example (the beach) where, by the effect of the close physical contact of naked bodies, the doublespeak is particularly contrasted, and very operative in its two contradictory modalities. A more systematic analysis would allow to distinguish variants of the "everyone does as they please, but..." in different contexts. Thus, in the field of expression and opinion, anyone can think and say what they please, but... Besides the words that are forbidden and punished by law, the realm of political correctness is immeasurably more profound and pervasive than is often thought. In the limited field of social sciences alone, woe betide the impudent who does not conform strictly to the prescribed canons, including in the forms of writings. Of course, he or she is free to do otherwise, and some kind souls will even praise their courage and originality, but... their academic career will be at great risk.

In the play of different interlocking spaces, each of which structures in a specific way the doublespeak proper to democratic societies, the Internet undoubtedly brings a particular feature. By virtue of the anonymity and the distancing that it offers, it allows, more than anywhere else, the principle of freedom to seem to gain ground

without normative counterweight. In a recent survey on online dating (Kaufmann, 2010), I have noticed the massive extent to which it was used for this reason, in order to loosen the grip of social controls anchored in real life communities. Thus, the more the family institution limits the margins of maneuver, as in the Muslim world in particular, the more the Internet is exploited to broaden the horizon of personal freedom (Bozon, 2008; Kaya, 2009). It appears as a “world next door” (Miller & Slater, 2000) that opens up all possibilities without any hindrance and allows us to process the real world. Regrettably for freedom, even in this space, which is even more symbolic than the beach of no constraints, the discrete normative mechanisms are in play. Especially in all discussion places (forums, chats, blog comments, etc.), which unknowingly set themselves the prime objective of defining a new morality in our world without reference points. Can we have sex on the first date night? A relatively clear line gets a large majority of answers: yes if it is only for pleasure, no if you are in love. Once this is established, there are considerable disparities between men and women. The latter, admired shortly before on the Web when their tone was uninhibited and proactive, are suddenly stigmatized as soon as their audacious behavior is placed in another context, in relation to a hypothesis of lasting commitment. The terms used (“whore”, “slut”) may even reach an astonishing violence. Of course women can live their lives as they please (“everyone does as they please”). “But...”, on the Web as elsewhere, freedom is only half the truth.

Should the vast quantity of the limits to freedom, including in the spaces that claim to be the most open, such as the Internet, lead us to conclude that it is in fact illusory? In my opinion, this is a claim that goes too far. For the two contradictory sides of the doublespeak are just as effective. Faced with the discreet construction of implicit norms limiting the horizons of the possible, the explicitly proclaimed principles really open up libertarian potentialities. Certainly there are some “but...”. Yet, if one is ready to pay the price and if they have the necessary willpower, everyone, within the frameworks authorized by the law, can effectively find the way to do, more or less, what they please. Freedom, in individualistic-democratic societies, is an illusion, but an illusion that produces reality.

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