Legal Taboos

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1. Summary
Formalisation of taboo

It is prohibited to speak about X. Although X may be permitted.

Ought

Norms 3
Meta-taboo secures taboo

Norms 2
Primitive taboo

Norms 1

Info 2

Info 1

Fact
FC

Fake
FK

Basic elements

Norms 3

$N^3 (\neg\text{Inf}^2(\cdot))$

(iv) Prohibition $N^3$ to inform, Info 2, that prohibition $N^2$ exists to inform, Info 1, that fake FK exists

Norms 2

$N^2 (\neg\text{Inf}'(FK))$

(iii) Informing that prohibition $N^2$ exists to inform, Info 1, that fake FK exists

Info 1

$\text{Inf}'(FC)$

Informating that fake FK exists

(i) Prohibition to inform, Info1, that fake FK exists

Info 2

$\text{Inf}^2 (N^2 (\neg\text{Inf}'(FK)))$

(ii) Informing that prohibition $N^2$ exists to inform, Info 1, that fake FK exists

Fact

FC

Fake

FK

\ldots
2. Multiple meanings of the word ‘taboo’
‘Taboo’ is a metaphor in sociology

• Two directions: (1) **sacred**, (2) **danger** *(Steiner 1956)*
  – **Ritual** regulation of …
  – “**forbidden** or **sacred** based on religious beliefs or morals.” [http://examples.yourdictionary.com/examples-of-taboo.html](http://examples.yourdictionary.com/examples-of-taboo.html)


• “The prohibition of an action based on the belief that such behaviour is either too **sacred** and consecrated or too **dangerous** and **accursed** for ordinary individuals to undertake.” [https://www.britannica.com/topic/taboo-sociology](https://www.britannica.com/topic/taboo-sociology)

• “redefined to suit the thought systems of the users”
A taboo on the mention that the Emperor is naked.

1. Two weavers promise an emperor a new suit of clothes that they say is invisible to those who are unfit for their positions, stupid, or incompetent.

2. When the Emperor parades..., no one dares to say that they don’t see any suit of clothes on him for fear that they will be seen as “unfit for their positions, stupid, or incompetent”.

3. Finally, a child cries out, “But he isn’t wearing anything at all!”

https://en.wikipedia.org/wiki/The_Emperor's_New_Clothes
Formalising

- $\textit{Norm(“It is prohibited to speak that the Emperor isn’t wearing anything at all”)}$
  - $\textit{Norm( } \neg \textit{Inf( ‘The Emperor is naked’ ) ) or}$
  - $\textit{Norm( } \neg \textit{Inf( ‘The Emperor is wearing new clothes’ is fake ) )}$

- Pluralistic ignorance
  - No one believes, but everyone thinks that everyone else believes
  - Social phenomenon
    - Social psychology (Centola et al. 2005, The Emperor’s dilemma)
    - Modal logic (Hansen 2011).
      Public announcements affect the beliefs of agents
Examples

• Questions in the classroom.
  – Norm( ¬ Inf( ‘Student X has questions’ ) )
  1. After having presented the students with difficult material, the teacher asks them whether they have any questions.
  2. Even though most students do not understand the material they may not ask any questions.
  3. All the students interpret the lack of questions... as a sign that they understood the material, and to avoid being publicly displayed as the stupid one, they dare not ask questions themselves. (Hansen 2011)

• Prestigious scholars. Proclaimed as having brilliant ideas, yet privately, people find the work entirely incomprehensible (Centola et al. 2005)
  – Norm( ¬ Inf( ‘Scholar ABC is incomprehensible’ ) )
The act of informing.
Is it evaluated positively or negatively?

• Three cases:
  1. Negatively: informing a bandit
  2. Negatively: informing an abusive government
  3. Positively: informing a just government
     “No prohibition to inform when government is just” (Broyde 2002), http://www.jlaw.com/Articles/mesiralaw2.html
     • “All that is necessary for the triumph of evil is that good men do nothing.” (Edmund Burke)

• Social reasons for taboos
  – Norms
    • Morality, religion, law, meeting…
  – Out of scope in this presentation
3. Formalising
Taboo on $X$ means a prohibition to speak

- It is **prohibited** to speak about $X$
- Although $X$ may be **permitted**
- Example
  - In a party, it is **prohibited** to speak about money.
  - Although it is **permitted** to have money.
    - $\text{Norm}( \lnot \text{Inf(money)} )$
    - Although $\text{P( Have(money) )}$
Primitive taboo

• Let us denote by $Inf(X)$
  – that information about $X$ exists
    (in the Is world, a model, a database)
  – or the act of informing about $X$

• Taboo as a norm
  (prohibition to inform about $X$):

  $\text{Taboo}(X) \overset{\text{def}}{=} \text{Norm}(\neg \text{Inf}(X))$
Relations between norm and the normative status of the duty

• $N(X)$ means a commandment to do $X$.
  $N(\neg X)$ means a prohibition of doing $X$.

• Then:
  
  $N(X) \Rightarrow O(X)$
  From a commandment, an obligatory duty arises

  $N(\neg X) \Rightarrow O(\neg X)$
  From a prohibition, a prohibitive duty arises

(Lachmayer 1977)
Deontic logic

• In deontic logic, $F(X)$ means “it is forbidden that $X$”.
• $O(X)$ means obligatoriness of $X$
• $P(X)$ means permissibility of $X$
• The prohibition $F(X)$ can be defined as
  
  $F(X) = O(\neg X)$ (obligatory to omit $X$, i.e. it is obligatory not doing $X$)
  or $F(X) = \neg (P(X))$ (no permission to do $X$)
Meta-taboo on $X$

• A **prohibition** to inform that there is a norm that **prohibits** speaking about $X$:

$$\text{Norm} \left( \neg \text{Inf} \left( \text{N}\left(\neg \text{Inf}(X)\right) \right) \right)$$

(Additional prohibition strengthens primitive taboo)

• “A taboo on the mention of taboo”
  (Attridge 2014)
4. Terminological framework
Basic elements

- **Facts** – statements with true content
  ‘The emperor is naked’

- **Fakes** – statements with false content
  ‘The emperor is wearing new clothes’

- The reference area of sentences (formulae) comprises more entities
  - **Meaning**
  - Relations:  
    - **Causality, Telos, Equality, Transformation**
1. $N^1(FC)$. Commandment to set a fact $FC$.
   E.g., $N(\text{door\_closed})$, i.e. commandment to set the door closed.

2. $N^1(\neg FC)$. Prohibition of a fact $FC$.
   E.g., $N(\neg \text{door\_closed})$, i.e. prohibition to set the door closed.

   E.g., a community of liars

   Normal case, i.e. fake facts are prohibited.

5. $\neg N^1(FC)$. Absence of any norm about fact.
   Weakly implies a norm about fake.
• **Info 1.** Informing that FC exists as a fact or FK exists as a fake

• **Norms 2.** Primary taboos, $N^2(\neg\text{Inf}^1(FK))$, i.e. prohibitions to inform that FK is a fake
  – They secure fakes
**Norms level 3**

- **Info 2.** Informs about primitive taboos
  - $\text{Inf}^2(N^2(\neg\text{Inf}^1(FK)))$ means an act of informing that a prohibition $N^2$ exists against informing $\text{Inf}^1$ that a fake $FK$ exists

- **Norms 3.** Meta-taboos, $N^3(\neg\text{Inf}^2(\bullet))$
  - prohibition $N^3$ of informing $\text{Inf}^2$ about anything
5. Taboo on a causality

$A \rightarrow^c E$
Taboo on a combination of 3 elements of a causal relation

• Different meanings

• Original: \textit{Taboo}(A \rightarrow^{c} E),
a prohibition to inform that \textbf{A causes E}

1. \textit{Taboo}(A), prohibition to inform about the \textbf{fact} \textit{A}
2. \textit{Taboo}(E), prohibition to inform about the \textbf{effect} \textit{E}
3. \textit{Taboo}(\rightarrow^{c}), prohibition to inform about the \textbf{causality} \rightarrow^{c} (its intensional description)

• Camouflage: a fake official version that \textit{A} \rightarrow^{c} \textit{E} is accidental or a correlation
  – The causality \rightarrow^{c} is a mystery of faith (\textit{mysterium fidei})
1. $A^-$ and $E^-$ are evaluated negatively
2. Therefore the official version is announced that $B^+$ (which is evaluated positively) causes $E^-$
3. Camouflage: $B^+ \rightarrow^{te} G^+$
   - $B^+$ serves a good goal $G^+$ which outweighs $E^-$
   - “The end justifies the means”
6. Reasons for taboos
Why people comply with unpopular norms?

- Fear for social sanctions
- Norms: privately violated, but publicly enforced
  - “Private Truths and Public Lies” (Kuran 1995)
  - Which hunts
  - Whites’ support for segregation
  - Feign support for a public lie
  - Thought police
    - May be actually imposters themselves
- When one’s moral, political, or professional “fitness for office” is challenged, people rarely turn the tables on their inquisitors (Centola et al. 2005)
Different knowledge bases

• Unpopular norms: an agent-based model (Centola et al. 2005)

1. true enforcement by true believers (who truly support the norm);

2. true enforcement by true disbelievers (who truly oppose the norm);

3. false enforcement by false disbelievers (who privately oppose but publicly support the norm)
7. Conclusions

• The authors formalise a taboo as a prohibition on speaking
• Terms are made explicit
  – Ontology of law
Thank you

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http://jusletter-it.weblaw.ch/visualisierung/