Celano on normative facts

Rodrigo Sánchez Brigido
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In “Pre-Conventions. A Fragment of the Background”, Celano argues that there are ways of acting that can be called “conventions” which are, literally, normative facts. There are a number of interesting claims in Celano’s paper about the nature of these conventions, and showing that they amount to normative facts is only part of his strategy for establishing their significance. But given that the question of whether there are normative facts deserves a treatment of its own, the paper inquires whether Celano’s account of normative facts (whether conventional or not) is plausible. It then makes three claims. First, it claims that Celano’s account of normative facts is in need of clarification. Amongst other reasons, there is no proper characterisation of either the concept of fact or of the concept of norm. Second, the paper claims that, under a relatively acceptable way of understanding facts and norms, Celano’s argument in favour of normative facts needs to be completed. But if the argument is completed by appealing to the general philosophical outlook which Celano seems inclined to employ (Searle’s), the argument reaches a point where it becomes unstable. This does not, of course, mean that the project should be abandoned. An argument within the same line of thought may be available. But the prospect seems uninviting. So, thirdly, the paper proposes a sketch of an alternative, Kantian-like conception of normative facts based on an argument put forward by Christine Korsgaard.

Keywords: facts, norms, normative facts, Searle, Korsgaard, normativity

1 INTRODUCTION

I am very glad to participate in a symposium on Celano’s “Pre-Conventions. A Fragment of the Background”. Discussing Celano’s views is always thought-provoking and challenging, and this is especially the case with the above paper. For Celano’s basic idea is that there are ways of acting that can be called “conventions” which are, literally, normative facts.

There are a number of interesting claims in Celano’s paper about the nature of these conventions, and showing that they amount to normative facts is only part of his strategy for establishing their significance. But I shall concentrate only on this part of his strategy. For the problem of normative facts (whether conventional in nature or not) deserves a treatment of its own. It has implica-
tions for metaphysics, ethics, the philosophy of language, the philosophy of law and, most importantly, for the way in which we are to understand ourselves.

Celano argues in favour of the existence of such facts with characteristic depth. Yet, there are several aspects of his argument that I find to be in need of clarification. My comments will mainly be directed at pinning them down. I shall also make two suggestions. The first is that, if the argument is clarified and completed by appealing to the general philosophical outlook which Celano seems inclined to employ (Searle’s), the argument reaches a point where it becomes unstable. This does not, of course, mean that the project should be abandoned. An argument within the same line of thought may be available. But the prospect is, in my view, uninviting. Instead, one could appeal (and this is my second suggestion) to a completely different outlook to argue in favour of the existence of normative facts, and I shall propose a sketch of such an argument.

The discussion falls into five sections. I shall begin by presenting Celano’s argument very briefly (section 2), and then identify those aspects of the argument that I find to be in need of clarification (section 3). I shall then attempt to complete and clarify the argument by using Searle’s general outlook. As has already been said, there is a point where the argument becomes unstable (section 4), and so I shall propose a sketch of an alternative, Kantian-like conception of normative facts based on an argument put forward by Christine Korsgaard (section 5).

2 CELANO’S ARGUMENT

Celano claims that he is interested in one specific phenomenon which deserves to be called conventional: ways of acting regularly which are tacit and not amenable to rational explanation. These conventions are literally, Celano claims, normative facts.

Celano’s first approximation to this phenomenon is by way of general characterisation and examples. Thus, he characterises these normative facts as convergent behaviour (behaviour which is in “agreement” /…) which is not a biological regularity, and is the result of learning, but which is also automatic: it is spontaneous (unreflective), rapid, fluid, effortless. Therefore, it may as well be particularly rigid, mechanical, blind, dumb. Conventions – to use another metaphor – that are part of the body, in the flesh, so to speak, and have become as natural as breathing, a ‘second nature’.¹

Examples of these conventions are sporting skills, such as swimming the front crawl, marching, having style or good taste, to name a few. A more impor-

¹ Celano 2016: 12.
tant aspect of these conventions is not that they are not mere regularities which have been internalised, so to speak, as the characterisation so far suggests. A more important aspect, as Celano later on claims, is that they determine or fix the right way to act. Hence the label “normative facts”. Thus, for instance, the correct stroke in front crawl is determined by the way in which a (skilful) swimmer strokes regularly (and, moreover, what guides his behaviour).²

One possible concern with the argument so far is that the examples proposed by Celano do not seem to be normative facts in any strong sense. It is just that certain patterns of behaviour are believed to be the correct patterns of behaviour, and that these beliefs have been internalised. The way in which somebody swims (or marches, etc.) – the objection would go – is just simply taken as that which defines the correct way to swim (or to march, etc.) which is then internalised. But, at bottom, it is simply a propositional attitude with a normative content. This is not, however, what Celano has in mind. For he then introduces certain philosophical arguments that, if sound, would show that the facts that he has in mind are really normative facts: these facts are the condition of the possibility of the most basic attitudes, including the very possibility of the belief in and application of a rule of the type “the way in which she swims is the correct way to swim”. And these facts are, if there are such facts, really perplexing. They are the most basic facts one can think of inasmuch as we conceive of ourselves as humans. And they seem to be normative facts.

Two philosophical arguments play a major role in Celano’s attempt to characterise these basic normative facts and, more importantly, in his attempt to show that we must admit that there are such facts.

One of them are Wittgenstein’s rule-following considerations, which are directed at answering the question of why a set of cases of alleged application of the same concept can be said to be the correct application of the concept. And Wittgenstein’s answer is: a finite set of cases, which we were shown during our training in the use of that concept and the practice which, living together, we have developed. This practice or form of life is a normative fact in Celano’s terms. For it is a set of facts that fixes the identity of a rule: “A set of facts, that is, which is a regularity – or a set of cases that corresponds to a rule (in the relevant sense here, stated above: a concept) – by virtue of itself: literally, a normative fact.”³

The second philosophical argument used by Celano is Searle’s “thesis on the Background”, which aims at exploring further the basic practice which Wittgenstein had in mind. In Searle’s view, all intentional phenomena (inclu-

² Celano 2016: 14–15. Celano does not include the word “skilful”, but I take it that the idea or something similar is necessary. The correct way of swimming is not just any way of swimming. This already puts some pressure on Celano’s argument, but I shall leave this issue aside.

³ Celano 2016: 25.
ding the following of rules and the application of concepts) are possible due to a set of background capacities. This Background (with a capital “B” to indicate that it is a technical term) is constituted by a set of tendencies, dispositions and skills. They are not, however, intentional in character:

Intentional phenomena such as meanings, understandings, interpretations, beliefs, desires, and experiences only function within a set of Background capacities that are not themselves intentional /.../ all representations, whether in language, thought, or experience, only succeed in representing given a set of nonrepresentational capacities.\(^4\)

And accordingly, Celano claims, they are a clear instance of normative facts. Moreover, Searle’s explanation of how the Background works in relation to the problem of the nature of social rules (specifically, institutional facts) is that the Background explains the very possibility of such rules: “Tendencies, dispositions, skills that are in the Background are not intentional in character: they are bodily elements. At the same time, however, they are ‘sensitive to /.../ structures of intentionality’, such as the constitutive rules of an institutional activity; they are ‘functionally equivalent’ to them – which can only mean that they guide conduct, fixing the distinction between correct and incorrect behavior (i.e., they perform the role of norms).”\(^5\)

3 SOME DIFFICULTIES WITH CELANO’S ARGUMENT

There are several aspects in Celano’s argument that I find to be in need of clarification. Some are not pertinent here, as is the case with the idea that all the regularities that Celano mentions by way of examples are conventional in character. It seems clear to me that certain ways of behaving (e.g., completely personal, regular and idiosyncratic habits) are not conventions in any relevant sense. Other unclear aspects of the argument are more pertinent, although not so important. For instance, even if there are such things as basic normative facts, not all the examples that Celano proposes are examples of such facts. One should distinguish between believing that a certain way of proceeding is correct, even if such a belief is so internalised that my acting in accordance with it is unreflective, from those facts (if there are such facts) that work as the condition of possibility of applying rules or concepts in the first place. Not every belief concerning what is correct, even if unreflective, need be a basic normative fact. I shall, nevertheless, put these doubts aside and focus on what I think are more important difficulties.

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\(^4\) This is Celano (Celano 2016: 27) quoting Searle.

\(^5\) Celano 2016: 29.
The first interpretive difficulty is that Celano seems to take Searle’s thesis on the Background to be a plausible elaboration of Wittgenstein’s idea of a “form of life”. Searle does present his thesis as such an elaboration. But is it plausible? The point is controversial, and I am uncertain about what Celano’s view is. Our training in the use of concepts is, at bottom, the way we act together, and there is no reason, at least as far as I can see, why this acting together should be conceived, within Wittgenstein’s general outlook, as not having any intentionality at all in the relevant sense, any “directedness toward”, or relation to conditions of satisfaction if one is to employ Searle’s interpretation of intentionality. Moreover, Searle’s thesis on the Background faces a similar problem. For the Background is allegedly composed, inter alia, of tendencies and dispositions, which have an apparent aspect of “directedness toward”, or conditions of satisfaction. So it is not clear how Searle’s background is really unintentional in character.

The second interpretative difficulty is that Celano is very imprecise when characterising normative facts. He does not characterise the idea of a fact, or the idea of a norm, or the relation between them. And even if some general considerations would help to flesh out his view, certain important aspects of the argument remain unclear.

Let us consider the idea of fact. In philosophical usage, facts are normally understood in two ways. A fact is either that which is contingently the case, an item which is related to other items in the world by causal relations or the appearance of such relations depending on your way of conceiving causality, or only a place-holder that appears in functorial expressions of the “it is a fact that p” form, where p may be understood in different ways (that which makes a proposition true, an obtaining state of affairs, or an entity in which objects exemplify properties or stand in relations). It seems to me that, in entertaining the possibility of normative facts, the discussion revolves around the first notion. This is, besides, what makes the discussion interesting and challenging. For the problem is how it is possible that there are facts (something that belongs to the aspects of the world governed by relations of causality understood very broadly) which are normative (a domain to which causality, regardless of the way it is understood, does not belong). Celano, I think, presupposes this sense of facts.

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6 E.g., Searle 1995: 132. Searle also claims that “the work of the later Wittgenstein is in large part about the Background” and that On Certainty “is one of the best books on the subject”. See Searle 1992: 177 and 253.

7 This is one of Stroud’s criticisms against the notion of the Background. See Stroud 1991: 250.


9 An anonymous referee suggested that one, perhaps more fundamental, way of thinking about facts is that they are essentially related to the notion of truth: we speak of “facts” when we allow for the possibility of truth or falsity in a particular domain. I find this suggestion deba-
Let us now consider the idea of norm. It seems to me that, in entertaining the possibility of normative facts, norms are understood as items where a whole set of categories (valid, correct, incorrect, guidance, conformity, etc.) is applicable, and these categories, in turn, presuppose the idea that one can fail to live up to them. This notion is very broad, and includes things such as concepts (which, e.g., one can misapply). This idea is, I think, also attributable to Celano.

Normative facts can then be understood in two ways. A normative fact is either a fact that engenders normativity in some way or an item with a *sui generis* nature. Either it has a nature of its own, something which does not belong to the domain of facts or to the domain of norms, or it belongs to one of these domains and is somehow related to the other.

This general understanding of normative facts is useful to show the points where Celano’s view is unclear.

On the one hand, Celano should clarify whether he is claiming that facts determine (or give rise to, ground, fix, etc.) norms, which presupposes that they are different items (facts and norms) related in some way, or whether they have a *sui generis* nature. Celano is ambiguous about this. On occasions he claims that “there are entities that can be plausibly called ‘conventions’ which are neither mere *de facto* regularities, nor rules (norms) but that – in a sense to be specified – have both the character of *de facto regularities* as well as a normative character”, which suggests that, in his view, normative facts have a nature of their own. But on other occasions he claims that, in reality, there is a relation of determination that goes from facts to norms, such that facts determine the right way to act, which presupposes that they are distinct items: “This concept...”

10 Celano 2016: 9.
11 The same characterisation appears in Celano 2016: 14 ("the correct stroke of front crawl or the way of walking we call ‘marching’ are tacit bodily schemes, which are intermediate between an image /.../ and rule", and later on “what the body is doing, from now on, is not a mere *de facto* regularity, but something that is in-between a norm and a regularity”).
designates something very peculiar. Not a rule, of course. It designates a set of facts. But it designates a set of facts that fixes the identity of a rule.”

On the other hand, Celano should be clear about the import of his general thesis on the existence of normative facts. Is it a metaphysical claim, a conceptual claim, a logical claim? Would he object to this sort of distinction (metaphysical, conceptual, etc.)? The point is important. Let us suppose that the thesis is metaphysical. It cannot be properly understood or evaluated unless a general indication is given of what items belong to the structure of the world. Let us now suppose that the thesis is a conceptual one. There are several ways of conceiving the relationship between a conceptual (if the thesis has that character) and a metaphysical thesis. One can think that that which is conceptually necessary is metaphysically necessary, but not necessarily vice versa. But this is controversial. Let us only consider the widespread, intricate and related debate about the normativity of meaning. Gibbard argues that, while the concept of meaning is normative, the property of meaning (the metaphysical item) is not normative.

These are moot points. And I am uncertain about how Celano would clarify or complete his argument in these respects. Many options are available. I shall, nevertheless, suppose that he would be inclined to use Searle’s approach, for his whole argument relies heavily on it. I shall then consider very briefly Searle’s outlook to see whether Celano’s argument can be completed. Given that, as has already been said, it is difficult to see how Searle’s thesis on the Background could really imply that it has no intentional components, I shall suppose that it is completely unintentional in character for the sake of simplicity. Completing the argument in this way should help us to clarify whether normative facts are facts that determine (or generate, fix, etc.) norms or whether they are a sui generis kind of items. This should also help us to establish the character of Celano’s thesis (conceptual, metaphysical, etc.). And, more importantly, this should also be useful for us to see whether the thesis about the existence of normative facts is plausible.

12 Celano 2016: 25. A similar characterisation appears in Celano 2016: 18 (where Celano claims that certain dispositions “have been acquired and have now become natural /.../, fixing the right way (an embodied norm) to proceed in new circumstances”), 22 (it “is not, therefore, a mere regularity: it is also what fixes the identity of R, disambiguating past cases, and thus determining what is the correct way to behave. It is, in short, a normative fact”), and 23 (“what fixes the correct way to build ‘our’ vision of what will probably happen /.../ is a set of matters of fact”).

13 Gibbard 2012.
4 COMPLETING CELANO’S ARGUMENT

In *The Construction of Social Reality* (CSR), Searle attempts to unpack the structure of the social world. His main question is: In virtue of what does some physical, brute event count as, say, a marriage, a football game or a nation? The question is particularly pressing if, as the author explicitly claims, we live in a world made entirely of physical particles in fields of force, and if our basic ontology is that of physics, chemistry and biology.

Searle’s famous answer is that social reality (institutions such as money, property, marriage, nations) is structured around a basic fact, namely the fact that individuals collectively accept what he calls “constitutive rules”, which are canonically expressed in the formula “X counts as Y in context C”, where X is a brute fact and Y an institutional fact. What makes it be the case that, for instance, a piece of paper with certain inscriptions (X) works as a medium of exchange, i.e. money (Y), is the fact that a group collectively accepts a constitutive rule. Social reality exists relative to our representation of institutional facts, which amounts to claiming that we impose a function on a brute fact that hitherto had no such function.

Notice that this brief review of Searle’s argument already helps to clarify one of our doubts. For it is clearly the case that, according to Searle’s general outlook, metaphysically the world is composed only of facts understood in quite a stringent way (the ontology of physics, chemistry and biology). It is precisely because the structure of the world is such that the problem of why a brute fact (a piece of paper) has some non-brute intentional component or aspect (it works as a medium of exchange) appears.

Of course, Searle’s famous answer raises the question of the nature of constitutive rules themselves. For one can ask: what makes it be the case that a particular formula has the meaning it has? In fact, one can ask how it is possible that rules in general have a certain meaning. Moreover, the question can be made even more abstract: what is the nature of meaning and, more generally, of intentional phenomena (meaning, beliefs, judgements, perceptions)?

Searle’s answer to the very general question of the nature of intentionality relies on what he calls the “Background”. His thesis on the Background was introduced in previous works and developed later. But for brevity, I shall stick to how he presents the notion in CSR. He there claims that the Background is a set of non-intentional capacities that enable intentional states of function. His simplest argument in favour of the thesis is that literal meaning (e.g., the meaning of

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“cut” as in “Sally cut the cake”) blocks possible misinterpretations (e.g., that “cut” means to use a lawn mower as in “cut the lawn”) due to a series of background assumptions which form the Background, and that the Background does not work only in this simple case, but rather makes the whole of intentionality possible. The cogency of the simple argument (or the elaborated arguments which I have not touched upon) does not matter here. For the point is that this brief outline of the main idea helps us to clarify another doubt in Celano’s argument.

To the extent that the Background is completely unintentional in character, and works as the condition of the possibility of all intentional phenomena, the items which belong to the Background (Celano’s putative normative facts) are, strictly speaking, facts that determine (fix, generate) intentionality or, more generally, normativity. So normative facts are not sui generis items. Facts determine norms.

This leaves us with our last doubt: is the thesis that facts determine norms metaphysical, conceptual, logical? What is the nature of the relationship? Searle’s response is unclear to me. But he does make very precise claims to the effect that the relation between the Background and intentionality is causal in character, and that the real meaning of the above idea that the Background “makes intentionality possible” is that it “causes intentionality”. Thus, he claims that the Background is made of a series of non-intentional capacities, where capacities involve abilities, dispositions, tendencies and causal structures generally: It is important to see that when we talk about the Background we are talking about a certain category of neurophysiological causation /…/ When I say, for example, that I am able to speak English, I am talking about a causal capacity of my brain /…/ Enabling is meant, then, to be a causal notion. We are not talking about logical conditions of possibility but about neurophysiological structures that function causally in the production of certain sorts of intentional phenomena.

This excludes, I think, the conceptual reading of the character of the thesis, and leaves the metaphysical reading as the most plausible candidate. Be that as it may, the relation is one of causal determination.

Let us take stock. Celano’s completed argument could be framed thus: there are literally facts, completely unintentional elements, which determine the correct way to act in a causal way.

Understood in this way, the argument seems unstable: Searle’s ontology does not seem compatible with the idea of facts determining norms causally. Causality is, as has already been said, a category that is not applicable to the normative domain. It is true that Searle claims that he is proposing a relatively new

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conception of causality. Thus, he claims that the only paradigm of causation that is compatible with the idea that the Background has no intentional component is the billiard-ball causation model, but he finds the model inadequate. So he proposes an alternative paradigm of causation, one according to which, despite the absence of intentional or representational components, the Background causes intentional or representational conduct: “one can develop, one can evolve, a set of abilities that are sensitive to specific structures of intentionality without actually being constituted by that intentionality. One develops skills and abilities that are, so to speak, functionally equivalent to the system of rules, without actually containing any representations or internationalization of those rules.” But the crucial point is what “sensitive” and “functionally equivalent” mean. Searle is very obscure about this, and I have not found a good explanation elsewhere. There might be one, of course. In fact, Celano suggests his own interpretation when quoting this paragraph: he claims that what is meant is that abilities (non-intentional components) perform the same function as rules, i.e. they guide conduct. But guidance is not the same as causation in any plausible sense. According to the general conception of normative facts suggested above, only norms may guide. The category “guidance” belongs to the normative domain, and “causality” to the factual domain. So the interpretation is questionable, very close to being a category mistake. There could, of course, be an argument to show that this is not so. But, it seems to me, the prospect is uninviting.

You might protest against this line of criticism. You might say that it depends heavily on the distinction between facts and norms proposed above, that there is no reason to assume that Celano draws so sharp a distinction, and that his paper is, in fact, an attempt at re-interpreting this distinction. But I have drawn the distinction in this way because Celano has not made his understanding of facts and norms explicit. My point is simply that, when the distinction is drawn sharply, Celano's argument becomes unstable. Also, consider my point as a promise. For I shall now claim that, even if the distinction is drawn sharply, there is a plausible way of arguing in favour of normative facts.

22 Searle 1995: 139.
25 I am not alone in harbouring these doubts. See, for instance, Joshua Rust's conclusions, after exploring similar criticisms in literature, about the relationship between the Background and Searle's account of institutional facts: “if the Background is nonrepresentational, a category of neurophysiological causation, it is not clear that Searle has answered his own question. Here, an institutional fact would consist of some brute fact (X') and some other brute neurophysiological fact (X''). It is less than clear how the coupling of these two brute facts can produce the normative component indicative of the status-function. That is, if the Y terms are characterized in nonintentional X terms, then lost is the ontology that gives those concepts significance in the first place (and with it, the loss of the recognition that it is in virtue of intersubjective agreement that X was made to count as Y).” Rust 2006: 71.
5 AN ALTERNATIVE CONCEPTION OF BASIC NORMATIVE FACTS

In recent years, there has been a revival of the discussion about the justification of morality, a topic where Christine Korsgaard's work stands out. A central question about moral requirements is whether they, unlike the arbitrary requirements of norms such as etiquette, are inescapable in the sense that they provide genuine reasons for acting regardless of an agent's contingent desires and interests. In other words, the question is about the “rational authority of morality” or the genuine “normativity” of morality. Korsgaard's fundamental Kant-inspired idea is that morality is ultimately justified by the fact that we are reflective agents.

Let me present one of Korsgaard's arguments to show this fundamental idea at work. In fact, the argument forms only part of a wider response to sceptical worries about whether morality is justified, and is deployed merely to convince the sceptic that her own humanity has value, from which a further argument is used by Korsgaard to show that she must also then value the humanity of others and, ultimately, that she must act morally. Since there are several interpretations of the argument, I shall consider only one, the one put forward by Robert Stern, which I find particularly attractive.

The argument runs as follows:

(a) You are to be an agent, and you cannot act unless you can take some impulse or desire to be a reason to act.

(b) You cannot take some desire to be a reason to act unless it conforms to some way in which you identify yourself (a practical identity).

(c) You cannot adopt a particular practical identity unless you also adopt humanity as a practical identity.

(d) You cannot adopt humanity as a practical identity unless you value your humanity.

(e) Therefore, if you are to be an agent, you must value your humanity.

The argument is supposed to begin with an idea (premise “a”) which the sceptic cannot but accept, i.e. that we must act, where agency is understood as the capability to act for a reason and where the necessity implied means that we have no choice in that respect. Even deciding not to act is, from this point of view, a form of acting. The premise presupposes, moreover, that we have no choice but to see ourselves as agents so defined. The second premise (b) holds

27 Korsgaard 1996.
28 This part of the premise (“you are to be an agent”) is not part of Stern's reconstruction, but, I believe, it is necessary for the argument to go through.
29 Stern 2011: 82.
that reasons are not “there in the world”, but rather come from the way in which certain actions are related to what Korsgaard labels our “practical identities”, the way we see ourselves. In this sense, this is an anti-realist premise. Thus, it is only \textit{qua} father that I have a reason to take care of my son, \textit{qua} teacher that I have a reason to take care of my students, and so on. Practical identities are a condition of possibility of our acting. The third premise (c) is based on the idea that we understand that some practical identities can and should be abandoned if no reason supports living up to those identities. I may be a bad teacher, for instance, and understand that I should stop teaching. But, since the reasons for particular identities can only be evaluated from the perspective of another identity (this follows from premise “b”), it is clear that a regress looms. To stop the regress, one should appeal to reasons that are grounded on an identity that is likewise not so grounded. And the only candidate for this identity is the identity of humanity, understood as our sense of being persons who can think of who we are and should be. Put otherwise, our sense of being reflective agents. This identity is our humanity. Premise “d” is then based on the idea that you cannot see humanity only as a mere fact because, unless you see (again, in an anti-realist vein) this identity as valuable, you cannot see any reason for adopting it. Hence “e”.30

So this is an argument that shows Korsgaard’s fundamental idea at work. The fundamental idea is, as has earlier been said, much more ambitious, for it attempts to show not only that certain normative consequences follow from our condition of agents, but that morality as a whole is justified ultimately in the fact that we see ourselves as reflective agents. But for my purposes, the argument suffices. There are many things in it that are controversial, from the concept of action involved (e.g., why should we tie the idea of action to something that already involves the idea of doing something for a reason?)31 to its anti-realist presuppositions, not to mention the classical doubts about transcendental arguments. But let us put those doubts aside and consider what is at issue. In the argument, the conclusion states that, the extent to which we see ourselves as agents, certain normative consequences follow. This seems to be a derivation of normative consequences from a fact. And my suggestion is that this self-conception is in indeed a very good candidate for a basic normative fact.

6 IS THE ALTERNATIVE CONCEPTION A PLAUSIBLE CONCEPTION OF BASIC NORMATIVE FACTS?

To check whether the suggestion is sound, let us unpack the idea of reflective agency. Korsgaard’s point is that reflective agency is a practical identity, a way

30 I am here closely following Stern’s explanation of the argument (Stern 2011: 82-86).
31 Korsgaard argues in favour of this conception of action forcefully in Korsgaard 2009.
of seeing ourselves and the world. So our condition as reflective agents is, in reality, a perspective. It is important to see that the perspective is not just any perspective. As the argument illustrates, we need to see ourselves as reflective agents. The normative principles we must act on are normative because the necessity to conform to those principles “comes down to the necessity of being an agent /.../ (which in turn) comes down to the necessity of acting /.../ (which) is our plight. The principles of practical reason are normative for us, then, simply because we must act.”32 This necessity is very special. It is neither a metaphysical necessity, nor a logical or a conceptual one. As Korsgaard puts it, we may call it “rational necessity”. So reflective agency is something such as a necessary self-conception, a necessary perspective of ourselves. As Stern puts it, “the price of denying this is to see yourself as living in a world in which there are no reasons and thus no way to be an agent at all.”33

Is this necessary perspective a good candidate for a basic normative fact?

This self-conception is certainly not related to other things or states of affairs in a causal or quasi-causal way. The relation between this self-conception and what it follows from is justificatory in character, not explanatory. And the perspective is not contingent, or at least not contingent in the way that facts are. So in this sense, it is not a fact in the above sense. But it is neither a norm. For the said concept of norm involves the idea that we can make a mistake relative to the standard.34 This self-conception, by contrast, is not something that you can avoid adopting. We need to believe this as a condition of acting and, as Korsgaard says, acting is our plight. Even if we decide to stop being agents (by killing ourselves, through radical self-denial, extreme drug abuse, etc.), doing so would nevertheless be an instance of acting.

Accordingly, the self-conception is neither a fact nor a norm. It is then a sui generis kind of item. It is the condition of possibility of all (rational) action, and hence of all action guided by norms. And it is in this sense that it has, I think, strong grounds for being a basic normative fact.

Does this represent an improvement on Celano’s argument (the argument I have completed by using Searle’s views)? The answer to this question can only be partial. In a sense, it is an improvement. The problem with Celano’s argument is that, relative to the general philosophical framework to which it belongs, it is very unstable. According to this framework, facts cannot be related causally to norms, irrespective of the conception of causality employed. The alternative conception I have suggested does not face this problem. For the general Kantian

33 Notice that the argument presupposes that there is a distinct kind of necessity (not metaphysical or conceptual, but rational necessity). This is, of course, very controversial.
34 Cf. Enoch 2006: 189 and note 44 of his text. Enoch also presents very clearly the challenges that this type of argument about the source of normativity faces.
framework to which it belongs both claims that practical reason (in Korsgaard’s version, our nature as reflective agents) is the condition of possibility of all action guided by norms, and is committed to the idea that questions related to how events are causally related are completely out of order from the perspective of practical reason. When we see ourselves from a practical point of view, we simply cannot see ourselves as items governed by causality. Seeing ourselves as items governed by causality belongs to the camp of theoretical reason, and not the domain of practical reason. So the alternative conception seems plausible, even if it assumes a sharp distinction between facts and norms. This does not, of course, mean that the alternative conception is true. And, until this issue is settled, the question of whether the alternative conception really represents an improvement cannot be answered. The alternative conception is in need of clarification and defence in many respects (see, amongst many others, the doubts I have expressed above), including the fundamental question of how theoretical and practical reason are related.

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