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**Constitutivism about Norms**

Nate Sharadin  
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Outline

1 Introduction

2 An Objection to Constitutivism

3 Breaking the Stalemate

4 Normative or Descriptive

5 Conclusion
# Outline

1. **Introduction**

2. **An Objection to Constitutivism**

3. **Breaking the Stalemate**

4. **Normative or Descriptive**

5. **Conclusion**
Why Care about Constitutivism?

The Ambitions of Constitutivism

Chris Korsgaard:
The Ambitions of Constitutivism

Chris Korsgaard:

*Every object and activity is defined by certain standards that are both constitutive of it and normative for it. [...] Moreover,] the only way to establish the authority of any purported normative principle is to establish that it is constitutive of something to which the person whom it governs is committed – something that she either is doing or has to do.*
### Why Care about Constitutivism?

**Constitutive Standards?**

What it means to say that a normative principle or standard is constitutive of a concept is that if something falls under the concept it *thereby* falls under the norm.
Constitutive Standards?

What it means to say that a normative principle or standard is constitutive of a concept is that if something falls under the concept it *thereby* falls under the norm. Moreover, the thing’s falling under that norm constitutes it as the kind of thing it is.
Why Care about Constitutivism?

Constitutive Standards?

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What it *is* to be an X is to be subject to standard/rule/principle Y.
Constitutive Standards?

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What it *is* to be an X is to be subject to standard/rule/principle Y.

What it is to be a Bishop (in chess) is to be subject to the rule moves diagonally on one color.
The thought is that if we establish that some norms are constitutive of *agency* then we will have thereby shown that all *agents* are subject to those norms.
Constitutive Standards and Morality 1

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The *hope* is that if we establish that some *moral* norms are constitutive of agency, then we will have thereby shown that all agents are subject to *moral* norms.
Korsgaard, for example:
Constitutive Standards and Morality 2

Korsgaard, for example:

Her view is that the *categorical imperative* is a constitutive principle of agency,
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Her view is that the *categorical imperative* is a constitutive principle of agency, which is to say that simply in virtue of being the kind of thing that is an agent one is thereby subject to the categorical imperative.
Why Care about Constitutivism?

Constitutive Standards and Morality 3

Note that if this works, this is a huge coup for moral theorists that think morality is categorical in the sense of applying with maximally wide scope to all agents, regardless of their interests.
Note that if this works, this is a huge coup for moral theorists that think morality is categorical in the sense of applying with maximally wide scope to all agents, regardless of their interests.

This is because morality “gets its grip” from the fact that they are (and must be) agents. More on this last claim in a bit.
Aristotelian Roots

Teleological Descriptions and Normative Evaluations

The concept of a phone is the concept of a thing that is supposed to hold (rather than *drop*) calls.
Teleological Descriptions and Normative Evaluations

The concept of a phone is the concept of a thing that is supposed to hold (rather than drop) calls. That is what a phone is for. (Teleological Description)
Teleological Descriptions and Normative Evaluations

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Coming to understand this fact about phones involves coming to understand that particular phones are subject to certain normative standards, certain sorts of evaluation.
Teleological Descriptions and Normative Evaluations

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For example:
Teleological Descriptions and Normative Evaluations

The concept of a phone is the concept of a thing that is supposed to hold (rather than drop) calls. That is what a phone is for. (Teleological Description)

Coming to understand this fact about phones involves coming to understand that particular phones are subject to certain normative standards, certain sorts of evaluation.

For example: My phone is a bad phone because it drops calls. (Normative Evaluation)
Aristotelian Roots

Descriptions & Evaluations - Persons

The concept of an agent is the concept (say) of a thing that is supposed to act as it has most reason to act.
The concept of an agent is the concept (say) of a thing that is supposed to act as it has most reason to act. That is what an agent is *for*. 
Aristotelian Roots

Descriptions & Evaluations - Persons

The concept of an agent is the concept (say) of a thing that is supposed to act as it has most reason to act. That is what an agent is for.

Coming to understand this fact about agents involves coming to understand that particular agents are subject to certain normative standards, certain sorts of evaluation.
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For example:
The concept of an agent is the concept (say) of a thing that is supposed to act as it has most reason to act. That is what an agent is *for*.

Coming to understand this fact about agents involves coming to understand that particular agents are subject to certain normative standards, certain sorts of evaluation.

For example: This sadist is a bad agent because she has decisive reason to refrain from hurting others.
### Aristotelian Roots

**Forget about Morality**

The hardest case to make is that the constitutive standard of agency is a *moral* standard. e.g., Agents ought to act only on those maxims that they can at the same time will as universal law. This looks really implausible, though of course it's the one Korsgaard defends. But the whole strategy actually faces a difficulty, and it's the one I want to address here.

So I won't really be concerned with defending the view that some moral standard is constitutive of agency.
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But the whole strategy actually faces a difficulty, and it’s the one I want to address here. So I won’t really be concerned with defending the view that some moral standard is constitutive of agency.
Instead, I’ll defend a strategy for resolving a difficulty that faces any constitutivist strategy.
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Instead, I’ll defend a strategy for resolving a difficulty that faces any constitutivist strategy.

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Forget about Morality - 2

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It will turn out that I can defend a particular non-moral norm using this strategy, but the strategy should be available to others (such as Korsgaard) to use in defending the moral norms they think are constitutive of agency.

So I turn now to the central difficulty with constitutivism.
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1. Introduction
2. An Objection to Constitutivism
3. Breaking the Stalemate
4. Normative or Descriptive
5. Conclusion

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Constitutivism about Norms
The problem
The problem

The problem is that it is in principle possible to agree with the constitutivist that the concept ‘agency’ is a concept that includes a constitutive norm to the effect that an agent should act in the way she has most reason to act ....
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The problem is that it is in principle possible to agree with the constitutivist that the concept ‘agency’ is a concept that includes a constitutive norm to the effect that an agent should act in the way she has most reason to act .... while simultaneously denying that one is in fact an agent of that sort.
Agency or Agency*?

Agency*
Agency

Suppose I claim that I am an agent*. The confusion here is understandable, as being an agent is a lot like being an agent, but with the only difference being that agents are not subject to the constitutive norm of agency. After all, why should agents be subject to the norm for agents? By hypothesis, they aren't the same sorts of things! It'd be like trying to hold Bungalows to the same standards as Victorians: they're different sorts of houses, subject to different standards.
Agency*

Suppose I claim that I am an agent*. You can be forgiven for confusing me for an agent, since being an agent* is a lot like being an agent ....
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After all, why should agents* be subject to the norm for agents? By hypothesis, they aren’t the same sorts of things! It’d be like trying to hold Bungalows to the same standards as Victorians: they’re different sorts of houses, subject to different standards.
Korsgaard’s Reply

The Unavoidability of Agency

Korsgaard tries out a reply to this worry.
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Korsgaard tries out a reply to this worry. She appeals to the *unavoidability* of agency, saying that:
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*humans are condemned to choice and action [... and that the] necessity of being an agent comes down to the necessity of acting [which is] our plight.*
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*humans are condemned to choice and action [... and that the] necessity of being an agent comes down to the necessity of acting [which is] our plight.*

Well, if this is right, then problem solved: it is necessary that we be *agents*, so we cannot be *agents*.
Begging the Question

But, of course, this reply doesn’t work:
Korsgaard’s Reply

Begging the Question

But, of course, this reply doesn’t work: it begs the question against the objection.
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But, of course, this reply doesn’t work: it begs the question against the objection.

The issue is whether we have any reason to think that humans are condemned to choice and action or, we might say, to choice* and action*.
But, of course, this reply doesn’t work: it begs the question against the objection.

The issue is whether we have any reason to think that humans are condemned to choice and action or, we might say, to *choice* and *action*.

Put differently, what this objection calls for, and precisely what Korsgaard’s reply fails to provide, is a reason to think we are the sorts of creatures correctly described as *agents* rather than as *agents*. 
The upshot of this objection appear to be a stalemate.
Korsgaard’s Reply

Stalemate?

The upshot of this objection appear to be a stalemate.

The stalemate is between those who are prepared to accept without argument the claim that we are agents, and so subject to the constitutive standards of agency (Korsgaard, Velleman, Shah, and others)…
Stalemate?

The upshot of this objection appear to be a stalemate.

The stalemate is between those who are prepared to accept without argument the claim that we are agents, and so subject to the constitutive standards of agency (Korsgaard, Velleman, Shah, and others)...

and those who insist that we have been given no reason except an antecedent commitment to the relevant norms to accept the claim that we are agents rather than agents* (Enoch, myself)
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5 Conclusion
Indispensability

Here is one way to break the stalemate:
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Here is one way to break the stalemate: if there is an independent argument for thinking that the constitutive norm of action (and not of action*) is in some way indispensable,
Indispensability

Here is one way to break the stalemate: if there is an independent argument for thinking that the constitutive norm of action (and not of action*) is in some way indispensable, then this will give us reason to think that the concept of action (and not of action*) is the right concept for describing creatures like us.
Indispensability

Here is one way to break the stalemate: if there is an independent argument for thinking that the constitutive norm of action (and not of action*) is in some way indispensable, then this will give us reason to think that the concept of action (and not of action*) is the right concept for describing creatures like us.

What kind of indispensability?
Outline of the Strategy

Explanatory Indispensability
Explanatory Indispensability

The norm identified by agency (but not agency*) is indispensable for explaining some phenomenon that is common ground between those that think we are agents and those that think we might well be agents*.
Explanatory Indispensability

The norm identified by agency (but not agency*) is indispensable for explaining some phenomenon that is common ground between those that think we are agents and those that think we might well be agents*.

By a kind of inference to the best explanation, then, we have reason to think that we are agents and not agents*.
Explanatory Indispensability

The norm identified by agency (but not agency*) is indispensable for explaining some phenomenon that is common ground between those that think we are agents and those that think we might well be agents*.

By a kind of inference to the best explanation, then, we have reason to think that we are agents and not agents*.

So what we need is a phenomenon that is common ground between the agency and the agency* theorists.
## Practical Deliberation

### Transparency

Practical deliberation asks the question *whether to perform action* $\phi$.

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Constitutivism about Norms
Practical Deliberation

Transparency

Practical deliberation asks the question *whether to perform action* \( \phi \).

Transparency is the phenomenon whereby the question *whether to perform action* \( \phi \) gives way to the question *whether there is most reason to perform action* \( \phi \).
Defending Transparency, briefly

Transparency underwrites the practice of giving and asking for reasons.
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Transparency underwrites the practice of giving and asking for reasons. When an agent performs an action other agents can legitimately ask for her *reasons* for performing that action, and can criticize her for failing to act as she had most reason to act.
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Transparency underwrites the practice of giving and asking for reasons. When an agent performs an action other agents can legitimately ask for her *reasons* for performing that action, and can criticize her for failing to act as she had most reason to act.

This is because the **idea of deliberating about whether to perform an action** includes within it the **idea of deliberating about the reasons one has for performing that action.**
Defending Transparency, briefly part 2

We have trouble imagining an agent whose practical deliberations do \textit{not} exhibit transparency:
Defending Transparency, briefly part 2

We have trouble imagining an agent whose practical deliberations do not exhibit transparency: What would it be like for an agent to deliberate about whether to perform an action without that question giving way to a question about the considerations that count in favor of performing the action, i.e., the reasons?
Defending Transparency, briefly part 2

We have trouble imagining an agent whose practical deliberations do not exhibit transparency: What would it be like for an agent to deliberate about whether to perform an action without that question giving way to a question about the considerations that count in favor of performing the action, i.e., the reasons?

We have no clear idea of such an activity as *deliberation* at all, as opposed to mere mental flailing about.
Defending Transparency, briefly part 2

We have trouble imagining an agent whose practical deliberations do not exhibit transparency: What would it be like for an agent to deliberate about whether to perform an action without that question giving way to a question about the considerations that count in favor of performing the action, i.e., the reasons?

We have no clear idea of such an activity as deliberation at all, as opposed to mere mental flailing about.

This is because in practical deliberation the first-person deliberative question whether to perform action $\phi$ gives way to the question whether there is most reason to perform action $\phi$. 
More on giving way

What it means to say that the first-person deliberative question *gives way* to the latter question:
More on giving way

What it means to say that the first-personal deliberative question gives way to the latter question:

- An answer to the latter question determines an answer to the former
More on giving way

What it means to say that the first-personal delibeative question *gives way* to the latter question:

- An answer to the latter question determines an answer to the former

- The transition from one to the other is non-inferential (i.e., not mediated by reasons) – to suppose that the transition is inferential is to suppose that there is an inferential gap between the two questions that needs bridging, which is what the claim that practical deliberation exhibits transparency is meant to deny.
More on reasons

There are lots of going accounts of what is a reason for what, and therefore of what it means for an agent to have most reason to \( \phi \).
More on reasons

There are lots of going accounts of what is a reason for what, and therefore of what it means for an agent to have most reason to φ.

**Michael Smith:** It’s a matter of φ-ing being advisable from the point of view of the agent’s fully rational self.
More on reasons

There are lots of going accounts of what is a reason for what, and therefore of what it means for an agent to have most reason to $\phi$.

**Michael Smith:** It’s a matter of $\phi$ing being advisable from the point of view of the agent’s fully rational self.

**Korsgaard:** It’s a matter of $\phi$ing passing some kind of universalizability test plus conforming to the agent’s conception of her practical identities.
More on reasons

There are lots of going accounts of what is a reason for what, and therefore of what it means for an agent to have most reason to $\phi$.

**Michael Smith:** It’s a matter of $\phi$ing being advisable from the point of view of the agent’s fully rational self.

**Korsgaard:** It’s a matter of $\phi$ing passing some kind of universalizability test plus conforming to the agent’s conception of her practical identities.

**Gibbard:** $\phi$ing must make sense from the point of view of the system of norms the agent (non-cognitively) endorses.
The point is that it doesn’t matter what substantive account of reasons you might have, you can still get on-board with the claim that practical deliberation exhibits transparency. (And in fact each of these authors *does* accept transparency.)
Suppose then that we have, as I think we might, a phenomenon that is common ground between all parties to the dispute.
Explanatory Questions

Suppose then that we have, as I think we might, a phenomenon that is common ground between all parties to the dispute. So what?
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We can now ask:
Suppose then that we have, as I think we might, a phenomenon that is common ground between all parties to the dispute. **So what?**

We can now ask: **Why is practical deliberation transparent?**
Explanatory Questions

Suppose then that we have, as I think we might, a phenomenon that is common ground between all parties to the dispute. So what?

We can now ask: *Why is practical deliberation transparent?*

In other words:
Explanatory Questions

Suppose then that we have, as I think we might, a phenomenon that is common ground between all parties to the dispute. So what?

We can now ask: Why is practical deliberation transparent?

In other words: Why, in deliberating about whether to perform action $\phi$, must the answer to that question be taken as settled by an answer to the question whether there is most reason to $\phi$?
Explaining Transparency

How to Explain Transparency

I think the best explanation goes through a constitutive norm of action to the effect that an action is correct iff there is most reason to perform it. How does this explanation work? In practical deliberation an agent deploys the concept of action. She asks herself whether to perform action \( \phi \). In asking herself whether to perform action \( \phi \) an agent is asking herself whether to engage in a performance of \( \phi \) conceived of as subject to the standard of being correct if and only if there is most reason to \( \phi \).
Explaining Transparency

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I think the best explanation goes through a constitutive norm of action to the effect that an action is correct iff there is most reason to perform it. How does this explanation work?
I think the best explanation goes through a constitutive norm of action to the effect that *an action is correct iff there is most reason to perform it*. How does this explanation work?

In practical deliberation an agent deploys the concept of action.
How to Explain Transparency

I think the best explanation goes through a constitutive norm of action to the effect that an action is correct iff there is most reason to perform it. How does this explanation work?

In practical deliberation an agent deploys the concept of action. She asks herself whether to perform action $\phi$. 
I think the best explanation goes through a **constitutive norm of action** to the effect that *an action is correct iff there is most reason to perform it*. How does this explanation work?

In practical deliberation an agent deploys the concept of action. She asks herself *whether to perform action* $\phi$.

In asking herself *whether to perform action* $\phi$ an agent is asking herself whether to engage in a performance of $\phi$ conceived of as subject to the standard of being correct if and only if there is most reason to $\phi$. 
This is because the concept of action includes a constitutive norm to that effect.
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This is because the concept of action includes a constitutive norm to that effect. (This is, in part, what distinguishes the way an agent conceives of activities like involuntary twitches from the way she conceives of her actions – the one is subject to a normative requirement that they be responsive to reasons.)
This is because the concept of action includes a constitutive norm to that effect. (This is, in part, what distinguishes the way an agent conceives of activities like involuntary twitches from the way she conceives of her actions – the one is subject to a normative requirement that they be responsive to reasons.)

Thus, transparency:
This is because the concept of action includes a constitutive norm to that effect. (This is, in part, what distinguishes the way an agent conceives of activities like involuntary twitches from the way she conceives of her actions – the one is subject to a normative requirement that they be responsive to reasons.)

Thus, transparency: Since agents deploy the concept of action conceived of as subject to a normative standard of being reasons responsive (correct iff there is most reason), the question whether to $\phi$ gives way to the question whether there is most reason to $\phi$. 
If this is right, then we have an explanation of why the first-personal deliberative question gives way to the question about reasons.
If this is right, then we have an explanation of why the first-personal deliberative question gives way to the question about reasons.

It does so because there is a constitutive norm of action.
How to Explain Transparency, part 3

If this is right, then we have an explanation of why the first-person deliberative question gives way to the question about reasons.

It does so *because* there is a constitutive norm of action.

If both *agency* and *agency* * theorists agree on the phenomenon,
How to Explain Transparency, part 3

If this is right, then we have an explanation of why the first-person deliberative question gives way to the question about reasons.

It does so because there is a constitutive norm of action.

If both agency and agency* theorists agree on the phenomenon, then apparently one of them (the agency theorist) has an explanation where the other (agency* theorist) does not.
If this is right, then we have an explanation of why the first-personal deliberative question gives way to the question about reasons. It does so because there is a constitutive norm of action.

If both agency and agency* theorists agree on the phenomenon, then apparently one of them (the agency theorist) has an explanation where the other (agency* theorist) does not. This is good news if it works.
If this is right, then we have an explanation of why the first-person deliberative question gives way to the question about reasons.

It does so *because* there is a constitutive norm of action.

If both *agency* and *agency* theorists agree on the phenomenon, then apparently one of them (the agency theorist) has an explanation where the other (agency* theorist) does not. This is good news if it works.

**But there’s a serious ambiguity.**
Outline

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2. An Objection to Constitutivism

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5. Conclusion

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Constitutivism about Norms
Transparency as a descriptive truth amounts to the claim that all instances of practical deliberations are in fact transparent,
Transparency as Descriptive Truth

Transparency as a descriptive truth amounts to the claim that all instances of practical deliberations are in fact transparent, i.e., that every instance of asking the question *whether to perform action* $\phi$ in fact gives way to the question *whether there is most reason to to perform action* $\phi$. 
Transparency as Descriptive Truth part 2

This understanding of transparency has two problems:
This understanding of transparency has two problems:

- It’s false.
This understanding of transparency has two problems:

- It’s false.
- Even if it were true, it wouldn’t help, because transparency thus understood is not explained by there being a constitutive norm of action.
Transparency as Normative Truth

What it means to say that transparency is a normative truth about practical deliberation is that transparency constitutes a standard for practical deliberations.
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That is, the phenomenon of transparency is a *normative* one:
Transparency as Normative Truth

What it means to say that transparency is a normative truth about practical deliberation is that transparency constitutes a standard for practical deliberations.

That is, the phenomenon of transparency is a *normative* one: The question *whether to perform action* $\phi$ *ought to* give way to the question *whether there is most reason to perform action* $\phi$. 
It can’t be that transparency normatively understood is itself constitutive of practical deliberation.
Agency* Revisited

It can’t be that transparency normatively understood is itself constitutive of practical deliberation. For that way lies the agency* objection all over again.
Agency* Revisited

It can’t be that transparency normatively understood is itself constitutive of practical deliberation. For that way lies the agency* objection all over again.

Instead, transparency as a normative phenomenon should be understood as the phenomenon whereby all instances of practical deliberation that do not in fact exhibit (descriptive) transparenc are liable to criticism on exactly this ground.
Normative Transparency Explained
Now, the thought is that the agency (and not the agency*) theorist has an explanation of normative transparency.
Normative Transparency Explained

Now, the thought is that the agency (and not the agency*) theorist has an explanation of normative transparency.

Why ought practical deliberation about whether to φ exhibit transparency to the question whether there is most reason to φ?
Normative Transparency Explained

Now, the thought is that the agency (and not the agency*) theorist has an explanation of normative transparency.

*Why ought practical deliberation about whether to \( \phi \) exhibit transparency to the question whether there is most reason to \( \phi \)?

Because *whether \( \phi \)ing is correct will depend on whether there is most reason to \( \phi \)*
Now, the thought is that the agency (and not the agency*) theorist has an explanation of normative transparency.

*Why ought practical deliberation about whether to $\phi$ exhibit transparency to the question whether there is most reason to $\phi$?

Because whether $\phi$ing is correct will depend on whether there is most reason to $\phi$. This is because there is a constitutive norm of action to that effect.
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Constitutivism about Norms
Remaining Business (for Q&A)

Some things I haven’t had time to discuss either in detail or at all:
Remaining Business (for Q&A)

Some things I haven’t had time to discuss either in detail or at all:

- Whether those sympathetic to the agency* objection will sign on to the normative phenomenon of transparency as described.
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