

Anti-Normativism and the Fraud With “Ought”. On the Normativity of Constitutive Rules

Proposal for the Prague International Colloquium 2011, „The Normativity of Meaning“

(A) The Issue. According to a widely accepted view, having meaning is essentially a matter of having correctness conditions (Boghossian 1989). According to some philosophers, many of whom trace their position back to Wilfrid Sellars, this principle implies *normativism* about meaning, i.e. the thesis that an expression’s meaning has normative implications for how speakers *ought* or *ought not* to, how they *may* or *may not* use it (Whiting 2007, 2009). In Sellars’s own words, meaning is fraught with “ought” (Sellars 1991). However, anti-normativists (Glüer 1999; Wikforss 2001; Glüer/Wikforss 2009; Hattiangadi 2006, 2009) deny that an expression’s meaning entails any *prescriptions* – any “oughts” or “ought nots” – about how it is to be used. They agree that an expression’s meaning establishes a *standard* that can be used to sort uses of the expression into correct ones and incorrect ones, but insist that this is a purely *descriptive* matter – like sorting things into tables and non-tables. Nothing specifically prescriptive or action-guiding follows from such a standard, especially not that any particular thing *ought to* meet it.

(B) The Thesis. First, I suggest that the anti-normativist claim can helpfully be recast in terms of the classic distinction between regulative and constitutive rules (Searle 2007). It then appears as the thesis that constitutive rules as such are not prescriptive. Secondly, I draw on the distinction between *constitutive standards* and *constitutive regulations* introduced by John Haugeland (Haugeland 1998), in order to argue – against anti-normativism – that one and the same constitutive rule can serve as a constitutive standard and as a constitutive regulation, and hence can be seen as being constitutive and prescriptive at once. Thirdly, drawing on Brandom’s work (Brandom 1994, ch. 9), I try to show how the difference between these two ways of understanding a constitutive rule coincides with adopting two different perspectives on it, the perspective of a detached observer and that of an engaged practitioner. Consequently, I claim that the anti-normativist attempt to drive a wedge between correctness and normativity rests on the impossible attempt to fuse these two irreducible perspectives into one, and is therefore incoherent.

(C) Sketch of the argument. (1) Regulative rules regulate a practice that exists independently of them. Constitutive rules, whose standard form is „In context C, doing X counts as doing Y“, establish or create the very practice they govern. Rules of games, including language games, are the paradigm instances of constitutive rules. Couched in these terms, the anti-normativist claim goes: While regulative rules say that something *ought to* be (or be done, or behave) a certain way, constitutive rules merely say what something that is (or is done, or behaves) a certain way *is* (or counts as). But, since you cannot derive an ought from an is, constitutive rules as such involve no “oughts” and therefore are not prescriptive. Another way of making the point is to say that regulative rules (which say how something ought to be) imply that the thing in question *could* – but ought not to – be otherwise. In other words, a regulative rule can be breached. For example, regulative rules distinguish between good and bad chess moves, hence I may breach the rules of good chess-playing by playing badly. But constitutive rules distinguish between things which *are* chess moves and things which *are not*, therefore I cannot breach the constitutive rules of chess, because if I did, I wouldn’t be playing chess at all.

(2) However, this reasoning rests on a confusion. This can be brought out by distinguishing two ways in which a constitutive rule can be taken. We may understand such a rule as laying down which conditions an antecedently identifiable X has to satisfy in order to count as a Y. In this case, the rule functions as a constitutive *standard*, a definition laying down the nature of Y-ness. This is the only reading the anti-normativist considers. But we may also read the rule backwards, so to speak: We may then understand it as laying down how a Y *is to be* (or be done, or

behave), how it *ought to be* (or be done, or behave) according to its very own nature. The rule then functions as a constitutive *regulation*. Taken this way, there clearly is conceptual room for the constitutive rule to be breached, for there is room for the conception of an incorrect (or, more generally, a defective) Y, a Y which is not (is not being done, does not behave) as it ought to, according to its very own nature.

(3) Constitutive rules establish a practice (like playing chess) or, more generally, a domain of constituted phenomena (like chess pieces, chess moves, and the like). I claim that the above distinction between two ways of understanding constitutive rules coincides with two different perspectives *on* such a practice or domain. The first is the perspective of the engaged practitioner “from within” the practice or domain, the second is the perspective of the detached observer who describes the practice or domain from outside, “from sideways on”. It is when adopting the second perspective that we cite constitutive rules in their function as constitutive standards, e.g. when explaining to an uninitiated novice which piece of wood on the board counts as a *rook* within the game. When adopting the first perspective, however, we understand the very same rules as constitutive regulations, telling us not what a rook *is*, but how a rook *ought to* behave or be moved, because of being the kind of thing that it is. For the engaged practitioner, it is simply not true that – as the anti-normativist would have it – a player who moves a rook incorrectly has not breached a prescriptive rule, but rather *stopped playing chess* and done something altogether different with a piece of wood. This is how things might be described “from sideways on”. But as engaged players of chess, we do not deal with pieces of wood, but *directly* engage chess men and their positions in play. From within the game, what has happened is that *the rook* has moved in a way in which it ought not to have moved – a constitutive regulation has been breached. From within the practice, there is no difficulty with the logical possibility of phenomena whose very being is governed by constitutive rules which they can nevertheless fail to meet.

(4) If this is correct, it follows that the anti-normativist attempt to drive a wedge between correctness and normativity is incoherent, for it assumes a position which – impossibly – characterizes a rule-governed practice simultaneously as from within and as “from sideways on”. For, on the one hand, the anti-normativist talks about words and meaning, thus speaking from within that specific constituted realm of phenomena which Sellars calls “the space of reasons”. On the other hand, however, she characterizes the rules establishing this realm exclusively as non-prescriptive constitutive standards, and therefore from the position of a detached observer, “from sideways on”. But once one assumes the right to talk of meaningful words as disclosed (existent) phenomena, it is simply incoherent to try to evade or deny the normative claims these phenomena *as such* make on one, by being what they are. If I am *engaged* in a practice, the prescription to play by the rules is given together with the very nature of the practice itself. Of course I could in principle decide to quit the practice of using words and thereby evade being bound by their semantic “oughts” – but only, as Sellars beautifully put it, at the price of having nothing to say. The fraud with “ought” which the anti-normativist commits is to toy with the possibility of making such a move while keeping on talking.

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