Metaethical Issues in Contemporary Legal Philosophy

A Constitutivist Approach

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Ascriptivism, life forms, and recognition. On the social constitution of normativity

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2.1 Ascriptivism and constitutivism

Michael Smith presents the philosophical thesis of constitutivism as that according to which "normative facts of certain kinds are explained by facts about the constitutive features of something – that is, the features in virtue of which that thing is the kind of thing it is – where the constitutive features might be those of some person, or some action, or some state of affairs, or something else entirely".[1] This general thesis has evolved into a discussion about how practical normativity can be derived from the constitutive features of agency. For our purposes, this means that "we have to see practical normativity as inherently connected with agency".[2]

Constitutivism invites us to reflect on how some features of our agency and personhood are on the foundations of our normative concepts and judgements. This means, on the one hand, that we might avoid looking outside ourselves for these concepts and, on the other hand, that we should meditate about how we can make sense of the connection between agency and normativity. The invitation, in turn, could be understood in a weak sense, as a fundamental search for an explanation of how some features of agency ground and shape practical normativity without providing an answer to how certain practical problems can be solved. It could also be understood in a stronger sense, according to which the search consists in defining the content of categorical practical norms and the reasons why they should be followed. In this chapter, I will explore a defence of a weak constitutivist view. More specifically, I will explore how some constitutivist ideas might provide a basis for supporting a view developed by H.L.A. Hart, J.L. Austin, and Joel Feinberg called ascriptivism.[3]

Ascriptivism is a thesis within the philosophy of action that defends an internal connection between action and responsibility. In his seminal "Ascription

1 Smith 2018, 371

2 Bertea 2013, 81. For the definition of the thesis and the various views on it, v. Smith 2018; Southwood 2018; Enoch, 2020.

3 v. Austin 1979, ch. 8, 12; Feinberg 1970, ch. 6; Hart 1949.

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of Responsibility and Rights",[4] Hart expresses one fundamental thesis of ascriptivism in the following way:

> My main purpose in this article is to suggest that the philosophical analysis of the concept of a human action has been inadequate and confusing, at least in part because sentences of the form "He did it" have been traditionally regarded as primarily descriptive whereas their principal function is what I venture to call ascriptive, being quite literally to ascribe responsibility for actions much as the principal function of sentences of the form "This is his" is to ascribe rights in property.[5]

Ascriptivism advocates a general thesis according to which when we speak about an action, we not only describe an event but also attribute responsibility for what happens. The language of action itself is an attributive language that expresses that we consider a part of the world to be configured by agents. According to Hart, we therefore see our behaviour not just as a mere empirical event to be described, but as an expression of agency.[6] In this sense, ascriptivism contrasts with an influential view on philosophy of action that understands action sentences as descriptions of events (i.e., bodily movements) to which a specific cause (i.e., reasons, understood as mental states, usually a mixture of desires and beliefs) is added.[7] This relationship between action and responsibility links agency with normativity, since it represents an interdependence between the paradigmatic exercise of agency (i.e., actions) and the normative concepts and judgements related to norm violations, guilt, and faultiness (i.e., those related to responsibility). Therefore, we can understand ascriptivism as a theory of action with a constitutivist flavour.

Ascriptivist ideas have been criticized for various reasons. The criticism that concerns us here is that it is not correct to claim that every attribution of action entails an attribution of responsibility. In particular, George Pitcher questions whether it is true that whenever sentences of the type 'he did it' are uttered, someone is said to be a candidate for a typical responsibility response (i.e., punishments, reproaches, praise, etc.). When we attribute actions, we do not always think about or assume the possibility of sanctions, nor do we accuse someone for them or offer excuses or apologies; we often simply say

4 The article has opened discussions on metaethics, legal reasoning, defeasible reasoning, theory of concepts, philosophy of action, and theory of norms (v. Blöser et al. 2013; Duarte d'Almeida 2015; Figueroa Rubio 2024; Sneddon 2006).

5 Hart 1949, 171.

6 According to Ralf Stoecker, ascriptivism in its anylisis of these expressions shows that: 'What makes them action sentences is not what they talk about but what they say about it: they describe the agent as being responsible' (Stoecker 2007, 40).

7 The classical presentation of this model is in Davidson 1980.

that someone did something to point out his or her behaviour without further ado.[8]

For Pitcher, this means not only that we sometimes do not assign responsibility when we attribute an action to someone, but that we never actually attribute responsibility for actions directly. According to the author, it would be more correct to say that we are responsible for the violation of duties by them or for their undesirable effects. In this sense, actions can sometimes be described on the basis of empirical data as events that correspond to what the norms forbid or that have caused what is prohibited.

As can be seen, the critique puts us in the position of abandoning the ascriptivist thesis altogether, but it is worth asking whether it is not possible to rescue, at least partially, the idea that the connection between action and responsibility can be supported. This is the path that Joel Feinberg took and that I would like to defend. To do so, I will first explore the philosophical ground on which it can make sense. The following pages are dedicated to this exploration. More precisely, I will focus my attention on two philosophical insights that emanate from constitutivist views. The first comes from the neo-Aristotelian constitutivist views developed by Philippa Foot and Michael Thompson. Neo-Aristotelians propose to characterize the structure of normativity as (at least partially) anchored in the idea of life and applicable to all living things. In this framework, they propose to discuss the particular case of the character and actions of human agents within their life form. The second insight is the Hegelian idea of recognition, which I will present as an application of the idea that humans are social animals that construct history. It is in interactions with others that the characteristically human form of normativity appears. Although Hegel is not considered a constitutivist, I think that some neo-Hegelian ideas could be useful to argue in favour of a social constitutivist view. The sum of these ideas contextualizes action and agency in sociality. Hence, I will propose what can be called a weak social constitutivist view that relies on the idea that we can find normativity in our social life form.

2.2 Life forms and agency

The constitutivism developed by Foot and Thompson sought the roots of normativity in the context of life. They state that 'Judgements of goodness and badness can have, it seems, a special "grammar" when the subject belongs to a living thing, whether plant, animal, or human being'.[9] Hence, "evaluations of human will and action share a conceptual structure with evaluations of characteristics and operations of other living things".[10] As we can see, these ideas

8 v. Pitcher 1960, 226. Hart himself recognized this criticism as justified (v. Hart 1968, v).

9 Foot 2001, 26

10 Foot 2001, 5. There are three ideas that were discussed after Foot's work, that I will not deal with in this text. The first is whether or not Foot's thesis is a refutation of non-cognitivist

imply placing the concept of agency within the broader concept of life and seeking normativity in this context.[11] In this section, I will explore how the interaction between life and agency can be understood from this perspective.

The concept of agency is based on the distinction between happenings and doings. An agent is the one who has the capacities and powers to intervene in the world by doing things. In this sense, the behaviour of an agent is not accidental, but has a specific direction and follows a certain logic. When we see an agent's behaviour, we can interpret it in such a way that we attribute a purpose or interest to the agent (e.g., to eat, to reach something, to escape) and this interest or purpose defines what is happening (as a *doing*).

Thinking in agential terms produces unity not only in the identification of what takes place, but also in the identification of the one who does it. Thus, even if the body of agents is composed of organic tissue and atoms, it cannot be reduced to the way in which tissues and atoms interact. The unit of agency is the organism (e.g., the animal, the plant), not the set of atoms and cells that compose it. When we refer to behaviour and purpose, we refer to the being as a unity, not to its components.[12]

Furthermore, agential behaviour is recognized and explained within a framework in which behaviour as such makes sense, for example, bearing in mind what the body allows, what the environment allows, and what life itself allows. Thus, we understand the undulating movement of a fish's body in water as if it were swimming, or the movement of a blackbird's wings as if it were flying. These understandings depend on physiological and environmental issues.

The behaviour of agents differs from purely mechanical or random movements; they shape the world through the exercise of their powers and through their interactions. Animals, plants, and other organisms not only perceive their environment, they create, renew, and maintain it. Agency is thus linked to the idea of living beings in the sense that life manifests itself in the existence of animals, plants, and other organisms that, on the one hand, interact with and shape their environment and, on the other hand, deploy these behaviours

views on metaethics. The second is whether or not the thesis implies a strong constitutivism based on virtue ethics. The third question is whether the thesis is descriptive rather than normative, i.e., empirical rather than grammatical. I see no reason to suppose that the argument I present here needs to take up some of Foot's views on these issues. For further discussion v. Hacker-Wright 2018.

11 v. Halbig 2020.

12 v. Thompson 2008, 27–28; Figueroa Rubio 2021, 75–78. Hegel and Aristotle have in common that the mental and the practical refer to animals or individuals, not to a part of them. Moreover, it can be said that there are even more similarities between the ideas of both authors and the argumentation of this text. According to Karen Ng: 'Hegel's naturalism can be construed as formal in the following sense: life, as the immediate actuality of the logical idea, provides the minimal form, shape and categorial structure that makes meaning-making and intelligibility available to self-consciousness, expressing the basic form of all minded activity' (Ng 2018, 26).

within a framework that is related to a biologically and historically defined vital trajectory.

As far as the unity of what takes place is concerned, the changes that occur in the presence of living beings are not a mere sequence of events in the sense that they are a purely mechanical correlation between states of affairs or mere causal relationships, as in weather phenomena in which, for example, the temperature, pressure, and chemical composition of the clouds cause the rain. When a living being is involved in a situation, the correct description changes. According to Michael Thompson in his book *Life and Action*, living things interact with their environment in 'a general scheme of "taking and converting"'.[13] Through their activity, living things bind events together through *life processes.* These processes in turn create units of events and changes in the world that can be described as *vital operations* (e.g., reproduction, growth, hunting) and form complex pathways along which the life process develops.

The operations carried out by individual organisms are part of a larger context: the life form (or species). Each life form has its own characteristic way of reproducing, growing, and so on. The paths open to living beings are rooted in the characteristic features of the life form to which they belong.[14] An agent is thus a 'bearer of a specific life form'[15] and the behaviours that can be interpreted and described as actions imply a specific way of organizing the individual not only as an organism but as a bearer of a life form. Thus, there are some verbs that can be applied to some animals and not to others, and their life form is part of this (e.g., eagles fly but cats do not and cats purr but eagles do not). According to Foot, at this point, we can identify evaluative concepts such as 'goodness' and 'defective' and derive some norms relating to the way individuals should be configured. For example, if we look at the life form of owls, we can say that members of this life form must have night vision and that a particular individual that does not have night vision could be judged as a defective owl.[16] Thinking in terms of life forms is therefore a normative way of thinking; individuals can be configured and act defectively, poorly, exemplarily, and so on.

13 Thompson 2008, 43.

14 Thompson points out that: 'Vital description of individual organisms is itself the primitive expression of a conception of things in terms of "life-form" or "species", and if we want to understand these categories in philosophy we must bring them back to that form of description. If this is right, then, of course, we are wrong to think of the concepts of the various life-forms as reached through abstraction from features of their particular bearers. That notion takes for granted a picture of the terrestrial biosphere as offering us a magazine of living individuals, which we then carve up in accordance with certain principles' (Thompson 2008, 59).

15 Thompson 2008, 28.

16 This does not imply that individuals who do not have night vision are not owls, nor does it mean that they cannot lead a good or successful life. Life forms contain different ways in which individuals can develop their lives. As we will see, life forms are also dependent on individuals using vital processes to survive.

Life forms are actualized by individuals through their actions and survive and evolve thanks to their operations and processes. We can see the importance of agency for species. By solving certain problems in their interaction with the environment, individuals actualize their own species. As Michael Tomasello writes: 'Species biology is supplemented by individual psychology'.[17] The interaction between the life form and psychology defines a set of motivations and ways of doing that produce a way of being in the world that the various life forms have developed. In turn, it is the agential capacities of the individual that enable this to become a reality, a possible adaptation and development in a changing reality. The understanding of agency refers both to abilities and to their exercise in a way that is specific to the life form of the species.

Consequently, life forms and agency are closely connected, and understanding one is essential to understand the other. Furthermore, if we take a closer look at the connections, we see that some fundamental normative concepts depend on them. As Foot points out: 'Whether an individual plant or animal actually succeeds in living the life that it is good to live depends on chance as well as on its own qualities. But its own goodness or defect is conceptually determined by the interaction of natural habitat and natural (species-general) "strategies" for survival and reproduction'[18].

2.3 Social agents

In order to survive, agents must be equipped with what is necessary for interaction with their environment. This means that they must not only be capable of recognizing the progression of certain processes, such as temperature changes, but also to recognize and distinguish the behaviour of other agents and react according to what is necessary for success. This leads us to an important concept that has to do with agency: socialization. The existence of many life forms implies that individuals are equipped with social capacities that enable them to interact with other members of the species.[19] Important life processes depend on these abilities. In addition, some behaviours only make sense in the context of socialization, such as communication, protection from predators in some plant species, and breeding in some mammals.

As philosophers and social thinkers have widely argued, socialization is particularly important for understanding the human life form. Foot indicates that: 'We do not need to be able to dive like gannets, nor to see in the dark like owls; but our memory and concertation must be such as to allow us to learn language, and our sight such that we can recognize faces at a glance; while, like lionesses, human parents are defective if they do not teach their young the

17 Tomasello 2022, 2.

18 Foot 2001, 42.

19 This commonly includes interaction with members of other species. This in turn is related to the fact that there are similarities in certain vital processes between life forms.

skills they need to survive. Moreover, in that we are social animals, we depend on each other as do wolves that hunt in packs, with cooperation such as our own depending on special factors such as conventional arrangements'.[20] Our life form is radically social and members of the species are equipped with what is necessary for a good life in this life form. Contemporary studies in cognitive science, social psychology, and evolutionary anthropology have shown how profound this is.[21]

With this in mind, Michael Tomasello developed a series of studies that show that 'what makes human cognition different is not more individual brainpower, but rather the ability of humans to learn through other persons and their artefacts, and to collaborate with others in collective activities'.[22] In his work with Malinda Carpenter, he suggests that these features of the human life form are associated with a set of cognitive skills that we have in common with other primates, but that the type of socialization present in the human life form has its own peculiarities and determines the way in which human agents develop their lives. According to them: 'what [human evolution] did was to take existing skills of, for example, gaze following, manipulative communication, group action, and social learning, and transform them into their collectively based counterparts of joint attention, cooperative communication, collaborative action, and instructed learning – cornerstones of cultural living. Shared intentionality is a small psychological difference that made a huge difference in human evolution in the way that humans conduct their lives'.[23]

The author suggests that this has specific consequences for morality.[24] First of all, human morality goes beyond the sympathetic concern for others that is present in many other life forms. Our sympathetic concern incorporates not just relatives and friends, but also other collaborative fellows. This is related to a second feature: the high rationalization of such collaborative activities. This second feature is expressed in the generation of norms of fairness between participants in these activities and a sense of dependence on collaborators that generates a sense of 'we' that goes beyond the notion of an 'I' and a 'you'. This in turn requires the development of some psychological skills related to the cognitive process of joint attention, the interactive processes of second-personal agency, and self-regulatory processes of joint commitment.[25]

The human life form endows its members with some skills that enable them to develop a specific kind of agency. Human agency is thus shaped by

20 Foot 2001, 15–16.
21 v. Gallagher 2020; Tomasello, 2008; Timpe 2019; Boyd 2018.
22 Tomasello & Carpenter 2007, 121.
23 Tomasello & Carpenter 2007, 124.
24 v. Tomasello 2016, ch. 2–3.
25 These skills are developed in the interaction with others. (v. Gallagher 2020, ch. 5; Honneth 2008, 40–52; Timpe 2019).

the possibility of generating joint attention, defined as a 'truly intersubjective sharing, [that] is critical because it creates a shared space of common psychological ground that enables everything from collaborative activities with shared goals to human-style cooperative communication'.[26] In that sense, for Shaun Gallagher, joint attention 'is itself a kind of *basic joint action*'.[27]

Additionally, according to Tomasello, communication in humans and primates involves different motivations of the individuals. While chimpanzees and other apes gesticulate to manipulate others, humans do so to helpfully inform others or simply to share experiences with them. Sometimes individual motivations are formed for the sake of sharing or cooperation that appear as purely social motives. These motives make it possible to create a common ground where individuals not only experience the same thing at the same time, but also the knowledge that they are doing it together.

Finally, Tomasello distinguishes between individual intentions (or goals) and social intentions. In our interactions, when I have a particular individual goal that is related to the behaviour or knowledge of others, I must communicate to them what I need from them. This implies the necessity of developing a specific intention directed to the other. If we think in our social motives, we usually communicate to others to request things from them, to inform them, or to share (attitudes and feelings) with them. On the other side of the coin, we have the skills not just to form and express our own goals, but to read the behaviour of others in terms of intentions. The reading of another's intentions is mediated by a common ground that is 'necessary for the recipient to determine both what the communicator is directing attention to (his referential intention) and why he is doing it (his social intention)".[28] Consequently, we are able to generate a 'between us' in which actions acquire meaning and are interpreted. In our daily lives, for example, hand movements are perceived as greetings, insults, or commands, depending on how the common ground guides our reading of others' intentions. The very existence of this common ground shows how important a social environment is in shaping our own intentions and how we interpret the intentions of others.

2.4 Recognition and normativity

Probably the philosophical insight that best grasps those human attributes and shows its importance to the understanding of agency and normativity is the concept of recognition, developed in modernity by some influential philosophers such as Rousseau, Smith, Fichte, and Hegel.[29] In this text, I will focus on the Hegelian version because in his proposal, as in Fichte's, recognition

26 Tomasello & Carpenter 2007, 121–122.
27 Gallagher 2020, 109.
28 Tomasello 2008, 75.
29 v. Honneth 2020.

serves to explain two central issues for the topics discussed in this book: the formation of individuals' self-consciousness and the configuration of normativity in the sense of being bound by norms. In these pages, I will focus only on the second of these two issues.[30]

Recognition operates in the configuration of the normative by taking into account the capacities mentioned in the previous section, especially when these are exercised in concrete interactions with others. It is suggested that if we look at the cognitive and attitudinal elements involved in intersubjective exchanges, we can see how objectivity emerges from them.[31] That allows us to see our species as historical, giving rise to what Hegel called *spirit*. It is historical because the human life form is shaped in concrete intersubjective interactions that are settled in time and space and within which meaning is produced and developed. This implies that meaning is transmitted, renewed, and changed over time for those who participate in interactions. In this context, our actions acquire meaning and are in turn a condition for meaning. The concept of spirit appeals to this aspect of the human life form, both as activity and as historicity. In this picture, the concept of recognition plays an important role. Let us see what it consists of.

Mattias Iser proposes to distinguish between four ways of talking about recognition in contemporary debates.[32] The first of these he calls elementary recognition and consists in the mutual identification of individuals as agents who are able to understand what the other says and does, and to say and do something that the other understands; the second he calls recognition as respect, in which the equal dignity of the other is recognized in moral terms; the third, he calls recognition as esteem or regard, in which the value of certain elements of the identity of individuals or groups that are normally denied by the existence of a dominant group is recognized; and the fourth, he calls recognition as love and friendship, which involves the mutual identification of the need for access to certain affective relationships of care. Elementary recognition is presented as the precondition on which the other three forms are based (to make certain moral, political, or affective demands on others), so I will focus on it.

30 Regarding the first v. Brownleee 2022; Pippin 2011; Tughendhat 1986. The importance of this idea can hardly be overestimated, especially when we consider that concepts such as autonomy and life plan depend on self-consciousness. As can be seen, a Hegelian perspective can easily be combined with a relational concept of autonomy (v. MacKenzie 2021; Quante 2013).

31 The different models of recognition also consider the emotions that human beings experience, the habits they develop, as well as phenomena such as the contagion of emotions and attachment, issues that are often of great importance in the formation of personality through socialization and that are maintained throughout life. Although I will focus on the cognitive side, this does not imply to deny the relevance of these elements of the human life form, or defend the idea that there is a qualitative leap between the different types of abilities, and even less that this leads to a superiority of our species. I do not believe that a correct understanding of the human life form can do without these elements.

32 Iser 2019.

Contemporary interpreters of Hegel's view agree that it is worth bearing in mind that Hegel presents his ideas as superseding some of the ideas presented by Immanuel Kant.[33] This is important not only for the history of ideas, but also because the ideas developed by Kant on concepts such as autonomy and self-consciousness underlie much of today's notions of agency. In his interpretation of Hegel, Robert Brandom begins by pointing out that the concept of autonomy is a central concept in Kant's work, as he seeks to change the understanding of the normative, which prior to the Enlightenment was usually understood on the basis of the concept of *obedience*.[34] The Kantian notion results in a concept of positive freedom that consists in 'our *authority* to *make* ourselves *rationally responsible* by *taking* ourselves to be responsible'.[35] In this picture, the normative attitudes of individuals immediately constitute normative statuses. Therefore, it is understood that 'the capacity to be *bound* by norms and the capacity to *bind ourselves* by norms are one and the same'.[36] This idea, a reflection of individual autonomy, serves not only to explain the force of a norm, but also to determine the content of the commitments that one assumes in identifying and applying the norm. But it is precisely this last point that poses a problem, because if it is precisely the attitude of considering oneself as a being with attitudes that makes it possible to determine the content of these commitments, these specific commitments will be correct to the extent that they seem correct to each individual. This makes it impossible to determine common criteria of correctness, or rather criteria of correctness in the strict sense of the word. The point is that the content of a norm that binds an individual cannot be defined by the individual himself.

It is precisely this problem of Kant's proposal that Hegel has in mind. In this respect, he would suggest that statuses like that of authority and responsibility are primarily social statuses in the sense that they are equally dependent on other-regarding attitudes. Accordingly, the focus should be shifted from the rational integration that an individual realizes to the performance of interpersonal exchanges of mutual recognition.

If we consider the logic of obedience that Kant wishes to overcome, the relevant attitudes are external to the one who obeys, since the central role is played by the person who is obeyed. According to this, there are qualitative differences between people, and some have a status that others do not have, a status that empowers them to say what is and what is not in the world and to create the rules that should apply to all. The emancipation proposed by Kant

33 Among the representative authors of this neo-Hegelian thread are Robert Brandom (Brandom 2019), Axel Honneth (Honneth 1995), and Robert Pippin (Pippin 2008). They generally focus on the interpretation of what Hegel said in his 1807 book *The Phenomenology of Spirit*.

34 This notion is common to Kant and Rousseau (v. Brandom 2009, 60–63; 2019, ch.9; Honneth 2014, part A; Schneewind 1998, ch. 22–23).

35 Brandom 2009, 63.

36 Brandom 2009, 63.

places each individual at the centre and gives them equal status as autonomous beings, a status that is independent of what others say or do. For Hegel, both ways of understanding the question are unsatisfactory. For him, one must consider both one's own attitudes and that of others in order to account for both the force and the possibility of determining the content of a norm. This requires two (or more) persons who take the stance towards each other of those who make commitments and are able to create norms, and the stance of those who demand commitments from others and accept them as norm-makers. In this way, they become, in an elementary sense, co-creators of norms and thus of the determination of the commitments they make when acting.

This last form of relationship is exactly what recognition is about. In a basic sense, agents are only responsible if others hold them responsible and only exercise authority if others accept this authority. Recognizing someone means considering her as a subject with normative status and assuming that she can take responsibility and exercise authority. The philosophical point is that the only way to ensure this is through mutual relations (of recognition).

In this context, an individual can attribute many kinds of attitudes to others. In a very minimal sense, which Brandom calls simple recognition, recognition involves attributing to the other the authority to determine how things are. However, there is also a robust notion of recognition in which one attributes to the other the authority to be a recognizer.[37] This step is fundamental because recognizing others as recognizers means accepting the authority of their recognition for oneself by recognizing the one who recognizes.

In relations of recognition, the other is thus seen as someone who can make commitments and demand them from us. This means that we attribute statuses such as 'authority', 'committed', or 'responsible' to them and understand that they can also attribute those statuses to us. This implies that the one who is recognized as having these statuses by saying or doing something is considered capable of saying or doing something correctly (i.e., an authority), which in turn implies that if she says or does something she can be held responsible for it (e.g., she can be called to give answers or she can be reproved for the consequences of what she does). So, when we act, we make commitments to others for which we can be called to respond, which is supported by the fact that we are seen as authorities. In turn, we do the same to others. Thus, in these interactions, we shape the standards that define what actions are right or wrong, what commitments we make, what we are accountable for, and so on.

A central point is that such status do not come with the world. They are not natural in the sense that they do not exist independently of our concrete behaviour in the course of history. We must treat each other as those who can make and claim commitments in order to constitute them. The status are communal.[38]

37 v. Brandom 2019, 253–258.

38 This does not mean that it is not part of a life form, as we have seen.

At the same time, it is the exercise of our agency that produces this form of normativity. Thus, the kind of interaction involved in this agential dynamic becomes a constitutive element of ideas such as responsibility and authority and helps to form the 'between us' in which the behaviour of others becomes intentional actions.[39]

As I have already mentioned, a key element of the Hegelian proposal is historicity. This is related to two things that are important for understanding some of the institutions and normative structures in which we live. The first point is that the determination that something is correct, as well as the making of a commitment is not something that is plucked out of the air, but is formed in our exchanges. This can be understood as a general thesis about normativity, but it can be clearly seen in four phenomena of our normative lives: social norms, promises, forgiveness, and apologies.[40] The first is grounded in attitudes that we repeatedly adopt in relation to patterns of behaviour, the second is based on the existence of future actions to which we commit ourselves, and the last two are grounded in the existence of past events that are seen as a violation of a norm and an attempt to prospectively restore the relationship between the parties involved. These structures and phenomena are in turn behind legal institutions such as precedents, legal customs, contracts, and pardons.[41] These concepts make sense when there is more than one agent and require a series of actions that take place within historically intersubjective relations.

The second insight that emerges from the inclusion of historicity is that the meaning of the actions we perform and the judgements we make are embedded in a socio-historical background of interactions in which meaning and personal identity take place. Honneth refers to institutions of recognition (e.g.,

39 As Robert Brandom points out: 'To recognize someone is to take or treat that individual in practice as a self: a knowing and acting subject, hence as subject to normative assessment as potentially committed, responsible, authoritative, and so on' (Brandom 2019, 246). If I treat the other as an authority and see that the other does this to me, it makes sense to define together what there is and what there is not, as well as what we are. This gives rise to the idea of self-consciousness when applying such categories to oneself, a self whose actions are limited by the norms that define what there is and who we are. Thus, the self is partly presented as something confirmed (or to be confirmed) by others. Hegel argues that this can be understood on the basis of a struggle for recognition that arises from the need for two consciousnesses to interact in a characteristic way: one (can) question the claims of the other as consciousness presenting itself to the world, creating a conflict that opens up the need for mutual corroboration of the claims being made. In this interrelation, both constitute themselves through mutual exhortation and understand themselves as individuals with normative claims (v. Honneth 1995, ch. 1–3). A further consequence of this is that individuals develop self-authorization as soon as they are recognized by a recognizer, which has consequences for the configuration of autonomy (v. Mackenzie 2021).

40 v. Anscombe 1991; Gilbert 1996, ch. 13; Radzik 2009; Brennan et al. 2013. For a more comprehensive project on various aspects of morality, see Wallace 2019.

41 v. Brandom 2013; Kimel 2005; Gilbert 1996; Bratman 2022; Brennan et al. 2013; Radzik 2009; Nedelsky 2012.

language) to explain the social context that generates the conditions for the production of meaningful interactions. These institutions form the context in which individuals are educated and develop their lives.[42] The members of the human life form are born into a social world that is already in progress and develop their personality by using their social skills in interaction with others, by integrating themselves and shaping history. The social background offers limits on what can be the subject of disagreement and makes it possible to distinguish between different types of judgements and actions and attribute them to others and to oneself.

Simultaneously, the background is reproduced through the actions of the participants. As José Medina emphasizes: 'This background agreement is incessantly renewed by the repetitive agency of speakers. There is a constant performative regeneration of the underlying consensus shared by the members of a linguistic practice. According to pragmatic contextualism, meanings are as stable as the background consensus that sustain them'.[43] Such interactions are sustained by the skills, attitudes, and actions that form the elementary recognition. The norms that form the background depend on their actualization by agents who recognize the authority of these norms, submit to them, and apply them. This application does not have to be always conscious or intentional, yet it is configured by the behaviour and attitudes of the agents. In this sense, this background is not immutable and some normative categories such as 'oppression' and 'resistance' are meaningful precisely for this reason.[44]

The adoption of the so called 'we-mode' in social ontology[45] can easily be accommodated in a social model of agency such as the one presented here. The ability both to form and recognize social motives and to interpret behaviour in terms of social intentions enables the realization of a multiplicity of joint activities, including the possibility to act in agreement with others, to be seen as an authority, and to be held responsible. Looking at language as a model of practical normativity, Brandom argues that language can be seen as a model of freedom, in the sense that we can potentially create infinite combinations of words and new expressions within language, but this is only possible if we are bound by norms in a structure of mutual recognition with others.[46] This has the political consequence that the loss of negative freedom that results from being bound to social norms is constituted as an increase in positive expressive freedom. This in turn makes it possible to add elements to the language and make changes that form a linguistic history. Much more work is needed to explain in detail how this works. For now, it suffices to point out the fruitfulness of this approach.

42 v. Honneth 2014, 45.
43 Medina 2006, 30.
44 v. Khalidi 2014; Cudd 2006.
45 Gilbert 1996; Bratman 2022.
46 v. Brandom 2019, 514–523

2.5 Action and responsibility

On the basis of the neo-Aristotelian and neo-Hegelian ideas presented so far, I would now like to revisit the problem of the relationship between action and responsibility presented in Section 2.1. Let me first briefly return to the relationship between agency and socialization.

Interaction with others is of great importance in shaping the various facets of agency. Kevin Timpe has developed an ecological theory of agency that takes this into account. He points out that many of the individual abilities associated with agency depend on social factors. The author illustrates this idea with studies that show how akinesia manifests in different ways in people diagnosed with Parkinson's disease, depending on the context in which the movements are performed. If the person has to initiate the movements herself, they have much greater difficulty than if they are performed on command or in other contexts involving socially mediated interactions. Shaun Gallagher points to a similar issue in relation to certain ideomotor apraxias, where motor control improves in contexts in which actions have a social significance.[47]

For our purposes, however, it is important to point out that the role of socialization goes beyond this, because it is not only about the development of motor and linguistic skills, but also about the organization of an entire symbolic framework that is shaped by society and which individuals internalize through various socialization processes. The interactions within a society generate the content of how one interprets one's own actions and those of others. By sharing and talking about our own behaviour and the behaviour of others, we learn how to perform and interpret actions. In doing so, we apply concepts and name what is done: 'walking', 'eating', 'promising'. When we say that someone has acted intentionally, this attribution is supported by the way we interpret the behaviour of others on the basis of the social norms that are part of both the explicit agreements and the background against which we act. When we say that someone has done something with a certain intention, we tie their behaviour into a narrative which includes their intentions and plans. Thus, we use terms such as 'lying', 'caring', and 'cheating' that give meaning to what we do by framing it within a social context that allows us to attribute intentions based on the significance of the behaviour in that context. This narrative, in turn, generates the space in which it makes sense to ask about the reasons that lead individuals to adopt one course of action over another. This is related to the development of exchanges in which actions can be explained and justified. This leads to the formation of practical commitments that shape our

47 v. Timpe 2019; Gallagher 2020, ch. 2. This is related to something very important: If we understand that our abilities depend heavily on society, it is our social responsibility to create the conditions for their development. So, when we talk about a good life, we do not necessarily mean a life that disabled individuals cannot achieve. On the contrary, by recognizing our weaknesses, vulnerabilities, and dependencies as part of our life form, we can face ableism (v. Taylor 2017; Shoemaker 2022).

personality. The intentions, reasons, and practical commitments that agents develop are therefore formed through socialization.[48]

Now we can recall the ascriptivist idea that to attribute an action is to attribute responsibility. After what we have said about recognition, it is easy to see that there is a very basic idea behind the connection proposed by the asciptivists: since actions are meaningful behaviour in interpersonal contexts, if our behaviour is understood as an action, we are treated as responsible individuals. This is a very important idea, but it is also very general. It does not clearly state the implications of the kind of responsibility that is involved. The answer to this last concern is given by the ascriptivists, as we saw in the first section. For Hart, the relevant sense of responsibility is the moral and legal idea of liability, in which a person is accused of having done something wrong in order to be sanctioned for it. The problem with this thesis is that there seem to be ways of attributing actions that are not related to this kind of context.

To cover a wider range of contexts, Joel Feinberg distinguishes five meanings that the expression 'ascription of responsibility' can have: as ascriptions of causal responsibility, as ascriptions of causal agency, as ascriptions of simple agency, as ascriptions of faulty actions, and as liability. They all represent ways in which agency is associated with responsibility. The last two seem to be included in Hart's proposal. They imply the evaluation of the action as morally or legally wrong and are associated with the imposition of a sanction. An important point is that in these two types of ascription we attribute agency and at the same time assign responsibility. Thus, a faulty action, then, is an action that occurs through a defective exercise of agency. And the norms that are used for this judgement are those that have arisen historically to signify our behaviour. To explain this, Feinberg says that these attributions can be understood as entries in the agent's record.[49] For example, if someone says, 'Sarah cheated', they are adding an entry to Sarah's record as a player that tarnishes her reputation and probably warrants punishment. Sarah can defend herself by saying that what happened was not cheating, but a valid move in the game. If Sarah is successful, the action will not be recorded on her record.

The other three meanings seem to be relevant in order to go beyond Hart's original idea. As for the first, straightforward ascriptions of causality, it does not seem to be specifically linked to actions, but to occur in the context of responsibility when something happens that violates a norm. This type of attribution allows us to assign responsibility for the consequences of wrongdoing in cases where the link to agency is not defined by a direct exercise of agential powers, but can be associated to the practical commitments of people.[50]

In cases where causal agency is ascribed, the attribution of causality takes on a special significance. According to Feinberg, it is very common to attribute

48 v. Haslanger 2020; Vargas 2020; Webster 2021.
49 v. Feinberg 1970, 124.
50 v. Figueroa Rubio 2024.

complex causal relations between events to agents as a unit. To do this, we use verbs that express that these complex relationships are meaningful. So, for example, if a person lights a match and throws it into a pool of petrol, causing a combustion that results in a house burning down, it makes sense to say that the person burnt the house down. We describe what happens as a single occurrence (e.g., 'Sarah burnt the house down'), even though there are many events that are causally connected. We use our concepts and use verbs to express this unity. For Feinberg, the way our concepts are expressed in verbs generates an accordion effect, as they expand and contract the number of events and relevant factors considered in order to talk about an action without it losing its unity. In his words 'because of the accordion effect, we can usually replace any ascription of causal responsibility to a person by an ascription of agency or authorship' (Feinberg 1970, 134). Accordingly, the attribution of responsibility in terms of causation can imply the attribution of authorship, and this means not only describing events, but speaking in agential terms. Finally, in ascriptions of simple agency are attributed actions which do not involve complex causal scenarios, but actions that are directly identified by the individual's behaviour, such as smiling. On this point, Feinberg says that: 'to be responsible for one's simply actions is only to be properly identifiable as their doer' (Feinberg 1970, 139). As we can see, in the last two meanings, we ascribe responsibility for actions without implying that we accuse the agent of a wrong or that she is sanctioned for it. Nevertheless, in both cases we can see how actions, intentions, and responsibility are linked.

We attribute actions in different contexts and thereby express that someone is responsible for them: as a causal agent, as a faulty agent, as a liable agent, etc. These attributions are conveyed through our language. So, when something happens, we have linguistic tools to attribute it to ourselves and others (as *doings*). This generates a space for discussion in which disagreements about what happened are possible.[51]

The key idea is that our language of responsibility works not only in contexts involving accusations and sanctions, but also when we want to make sense of what happens in causal terms and this is also related to agency and action. Feinberg shows that we use the concepts that refer to types of action (expressed in verbs) as glue for reality. When we do this, we simultaneously attribute agency and responsibility, thus rescuing Hart's original idea about the internal connection between action and responsibility. Feinberg concludes that 'for all kinds of action sentences, there is some context in which they can be used adscriptively, that is, to identify "the author"'.[52] This is a response to Pitcher's concerns by applying a pluralist view to the relationship between

51 For example, there could be disagreement about whether what happened can be registered in someone's records and under what name, or there could be a disagreement between the individual intention and the social intention expressed in the behaviour.

52 Feinberg 1970, 139.

action and responsibility that opens the door to different ways of talking about the terms related to responsibility, such as 'taking responsibility', 'assigning responsibility', 'making responsible', 'culpability', 'blame', 'exceptions', and 'excuses'.[53]

Finally, we can identify a series of actions and activities that are expressed in our verbs and represent part of what constitutes the human life form, socially and culturally configurated. Humans eat, dress, walk, promise, burn houses down, discuss, and so on. By identifying these manifestations of our life form, we can assess the performance of individuals and identify different types of deficiencies and excellences. For example, individuals can eat, walk, and dress better or worse, and they can fail in their intention to do these things. When these actions are interpreted in the context of liability responsibility, they can be interpreted as faulty actions, as violations of a norm, or as failures of the person's character. This introduces new evaluative verbs that show how action and responsibility interact and shape the normative landscape in which our actions are understood as actions. Furthermore, the diversity of ways of talking about being responsible for the exercise of agency grounds more complex normative phenomena such as joint commitments.

On these pages I have proposed a plural ascriptivist model supported by a weak constitutivism based on the social aspects of agency. The model is modest in the sense that it can probably only explain some normative concepts (e.g., promises, commitments, oppression, resistance), but at the same time it allows us to understand that these concepts cannot be understood outside of sociality. Moreover, the model is useful to see how our normative concepts operate at different levels within sociality.

Not only can this model account for a weak constitutivist view that supports the ascriptivist thesis, as I have argued, but it can also provide arguments in favour of the idea that 'we cannot but be agents, that agency is not optional' (Ferrero 2009, 304).[54] This is supported by the fact that the exercise of agency is a manifestation of our historical life form. In this sense, if an individual chooses not to identify intentions or manifest them in their behaviour, and furthermore chooses to be outside any kind of elementary relationship of recognition, we can hardly speak of her as someone who performs meaningful actions, and a central part of our life form would be missing, leading to a difficulty in developing her personality and identity. We can hardly say that this kind of life is optional given the kind of animal we are. On the other hand, if we see and treat somebody as incapable of participating in an exchange characterized by recognition, we run the risk of reifying her and treating her as an object, and that can be seen as a socially defective way of treating others (by

53 The discussions surrounding these concepts also characterize the way we understand personality. v. Quante 2013; Figueroa Rubio 2024.

54 This argument is related to the *agency/shmagency* objection presented by David Enoch (Enoch 2006).

denying their agency and personality).[55] In this way, a social constitutivism can not only refer to the conditions under which it makes sense to speak of human agency (and how it is shaped in normativity as it shapes it), but also help us to think about normative institutions and concepts whose content is only possible if we understand ourselves within a social life form.[56]

References

Anscombe, Gertrude Elizabeth Margaret. 1991. "On Promising and its Justice". In *Collected Philosophical Papers, vol III: Ethics, Religion and Politics.* Anscombe, Gertrude Elizabeth Margaret, 61. Minneapolis: Wiley-Blackwell.

Austin, John Langshaw. 1979. *Philosophical Papers*, edited by J. O Urmson and G. J. Warnock. 3rd ed. New York: Oxford University Press.

Bertea, Stefano. 2013. "Constitutivism and Normativity: A Qualified Defence". *Philosophical Explorations: An International Journal for the Philosophy of Mind and Action* 16 (1): 81–95.

Blöser, Claudia, Mikae Janvid, Hannes Ole Matthiessen, and Marcus Willaschek, eds. 2013. *Defeasibility in Philosophy: Knowledge, Agency, Responsibility, and the Law*. New York: Editions Rodopi.

Boyd, Rrobert. 2018. *A Different Kind of Animal.* Princeton: Princeton University Press.

Brandom, Robert. 2009. *Reason in Philosophy.* Cambridge, London: Belknap Press.

Brandom, Robert. 2013. "A Hegelean Model of Legal Concept Determination. The Normative Fine Structure of the Judges´ Chain Novel". In *Pragmatism, Law and Language*, edited by G. Hubbs, and D. Lind, 19–39. Abingdon: Routledge.

Brandom, Robert. 2019. *A Spirit of Trust*. Cambridge, London: Harvard University Press.

Bratman, Michael. 2022. *Shared and Institutional Agency: Toward a Planning Theory of Human Practical Organization*. Oxford: Oxford University Press.

Brennan, Geoffrey, Lina Eriksson, Robert E. Goodin, and Nicholas Southwood. 2013. *Explaining Norms.* Oxford: Oxford University Press.

Brownlee, Timothy. 2022. *Recognition and the Self in Hegel's Phenomenology of Spirit.* New York: Cambridge University Press.

Cudd, Anne. 2006. *Analyzing Oppression*. New York: Oxford University Press.

55 v. Honneth 2008; Brandom 2019; Gallagher 2020, 198. This point was made by P.F. Strawson in his famous essay 'Freedom and Resentment' (v. Hieronymi 2020, who identifies this perspective as social naturalism).

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Davidson, Donald. 1980. *Essays on Actions and Events*. Oxford: Oxford University Press.
Duarte d'Almeida, Luis. 2015. *Allowing for Exceptions. A Theory of Defences and Defeasibility in Law*. Oxford. Oxford University Press.
Enoch, David. 2006. "Agency, Shmagency: Why Normativity Won't Come from What Is Constitutive of Action". *Philosophical Review* 115 (2): 169–198.
Enoch, David. 2020. "Constitutivism: On Rabbits, Hats, And Holy Grails". In *The Routledge Handbook of Practical Reason*, edited by Ruth Chang and Kurt Sylvan, 336–348. New York: Routledge.
Feinberg, Joel. 1970. *Doing and Deserving*. Princeton: Princeton University Press.
Ferrero, Luca. 2009. "Constitutivism and the Inescapability of Agency". In *Oxford Studies in Metaethics 4*, edited by Russ Shafer-Landau, 303–333. Oxford: Oxford University Press.
Figueroa Rubio, Sebastián. 2021. "Acción, expresión y atribución de estados mentales". In *Razonamiento jurídico y ciencias cognitivas*, edited by Arena, Federico, Pau Luque, and Diego Moreno, 54–99. Bogotá: Universidad Externado de Colombia.
Figueroa Rubio, Sebastián. 2024. "Ascriptivism, Norms, and Negligence". In *Oxford Studies in Agency and Responsibility Volume 8*: *Non-Ideal Agency and Responsibility,* edited by David Shoemaker, Santiago Amaya, and Manuel Vargas, 126–148. Oxford: Oxford University Press.
Foot, Philippa. 2001. *Natural Goodness*. Oxford: Oxford University Press.
Gallagher, Shaun. 2020. *Action and Interaction*. Oxford: Oxford University Press.
Gilbert, Margaret. 1996. *Living Together*. New York: Rowan & Littlefield Publishers.
Hacker-Wright, John, ed. 2018. *Philippa Foot on Goodness and Virtue*. London: Palgrave MacMillan.
Halbig, Christoph. 2020. "Aristotelian Naturalism as Metaethics". In *Martin Aristotelian Naturalism*, edited by Martin Hähnel, 81–90. Cham: Springer Nature.
Hart, Herbert Lionel Adolphus. 1949. "The Ascription of Responsibility and Rights". *Proceedings of the Aristotelian Society* 49: 174–194.
Hart, Herbert Lionel Adolphus. 1968. *Punishment and Responsibility*. Oxford: Oxford University Press.
Haslanger, Sally. 2020. "Practical Reason and Social Practices". In *The Routledge Handbook of Practical Reason*, edited by Ruth Chang and Kurt Sylvan, 68–82. New York: Routledge.
Hieronymi, Pamela. 2020. *Freedom, Resentment & The Metaphysics of Morals*. Princeton: Princeton University Press.
Honneth, Axel. 1995. *The Struggle for Recognition*. Oxford: Polity Press.
Honneth, Axel. 2008. *Reification*. Oxford: Oxford University Press.
Honneth, Axel. 2014. *Freedom's Right: The Social Foundations of Democratic Life*. Columbia, New York: University Press.
Honneth, Axel. 2020. *Recognition. A Chapter in the History of European Ideas*. Cambridge: Cambridge University Press.
Iser, Mattias. 2019. "Recognition". In The Stanford Encyclopedia of Philosophy, edited by Edward N. Zalta, Summer 2019 Edition. Accessed May 14, 2024. https://plato.stanford.edu/archives/sum2019/entries/recognition/.
Khalidi, Muhammad Ali. 2014. "Three Kinds of Social Kinds". *Philosophy and Phenomenological Research* 90 (1): 96–112.
Kimel, Dori. 2005. *From Promise to Contract Towards a Liberal Theory of Contract*. Oregon: Hart Publishing.

Mackenzie, Catriona. 2021. "Relational Autonomy". In *The Oxford Handbook of Feminist Philosophy*, edited by Kim Q. Hall and Ásta, 374–385. Oxford: Oxford University Press.

Medina, José. 2006. *Speaking from Elsewhere*. Albany: State University of New York Press.

Nedelsky, Jennifer. 2012. *Law's Relations: A Relational Theory of Self, Autonomy, and Law*. New York: Oxford University Press.

Ng, Karen. 2018. "Life and Mind in Hegel's Logic and Subjective Spirit". *Hegel Bulletin* 39 (1): 23–44.

Pippin, Robert B. 2008. *Hegel's Practical Philosophy*. Cambridge: Cambridge University Press.

Pippin, Robert B. 2011. "On Hegel's Claim That Self-Consciousness Is "Desire Itself"". In *Recognition and Social Ontology*, edited by H. Ikäheimo and A. Laitinen, 53–84. Leiden: Brill.

Pitcher, George. 1960. "Hart on Action and Responsibility". *The Philosophical Review* 69: 226–235.

Quante, Michael. 2013. "Being Identical by Being (Treated as) Responsible". In *Autonomy and the Self. Philosophical Studies Series*, edited by M. Kühler and N. Jelinek, vol. 118, 253–271. Dordrecht: Springer.

Radzik, Linda. 2009. *Making Amends. Atonement in Morality, Law, and Politics*. New York: Oxford University Press.

Schneewind, Jerome B. 1998. *The Invention of Autonomy: A History of Modern Moral Philosophy*. Cambridge: Cambridge University Press.

Shoemaker, David. 2022. "Disordered, Disabled, Disregarded, Dismissed: The Moral Costs of Exemptions from Accountability". In *Agency in Mental Disorder: Philosophical Dimensions*, edited by Matt King and Joshua May, 33–62. Oxford: Oxford University Press.

Smith, Michael. 2018. "Constitutivism". In *The Routledge Handbook of Metaethics*, edited by Tristram McPherson, and David Plunkett, 371–384. New York: Routledge.

Sneddon, Andrew. 2006. *Action and Responsibility*. Cham: Springer.

Southwood, Nicholas. 2018. "Constructivism about Practical Reasons". In *The Oxford Handbook of Reasons and Normativity*, edited by Daniel Star, 342–346. Oxford: Oxford University Press.

Stoecker, Ralf. 2007. "Action and Responsibility – A Second Look at Ascriptivism". In *Intentionality, Deliberation and Autonomy. The Action-Theoretic Basis of Practical Philosophy,* edited by Sandro Nannini and Christoph Lumer, 35–46. London, Vereinigtes Königreich: Routledge.

Taylor, Sunaura. 2017. *Beasts of Burden: Animal and Disability Liberation*. New York: The New Press.

Thompson, Michael. 2008. *Life and Action*. Cambridge, MA: Harvard University Press.

Timpe, Kevin. 2019. "Moral Ecology, Disabilities, and Human Agency". *Res Philosophica* 93 (4): 767–796.

Tomasello, Michael. 2008. *Origins of Human Communication*. Cambridge, MA: MIT Press.

Tomasello, Michael. 2016. *A Natural History of Human Morality*. Cambridge, MA: Harvard University Press.

Tomasello, Michael. 2022. *The Evolution of Agency*. Cambridge, MA: MIT Press.

Tomasello, Michael, and Carpenter, Malinda. 2007. "Shared intentionality". *Developmental Science* 10 (1): 121–125.

Tugendhat, Ernst. 1986. *Self-Consciousness and Self-Determination*. Cambridge, MA: Mit Press.

Vargas, Manuel. 2020. "Negligence and Social Self-Governance". In *Surrounding Self Control*, edited by Alfred Mele, 400–420. Oxford: Oxford University Press.

Wallace, R. Jay. 2019 *The Moral Nexus*. Princeton: Princeton University Press.

Webster, Aness K. 2021. "Socially Embedded Agency: Lessons from Marginalized Identities". In *Oxford Studies in Agency and Responsibility 7*, edited by David Shoemaker, 104–129. Oxford: Oxford University Press.