

THE ARGUMENT OF *EXPLAINING THE NORMATIVE*

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The term “normativity” is ubiquitous in contemporary philosophy. It is a term that purports to explain. What it explains are facts of an apparently ubiquitous kind, namely correctness, social institutions, rationality, and much more — semantics, scientific truth, and ethics. But there is a problem with these “explanations.” These facts, sometimes under different descriptions, have already been explained by social scientists, especially some of the classical sociologists and anthropologists, in terms that do not appeal to “normativity.” In other cases, there are rivalries: one can give a normative account of scientific truth, and a sociological and historical one which does not appeal to normativity. These are issues with first-order explanations. But there is also a question about second-order matters: can we even provide explanations without appealing to normative notions such as correctness, as they apply to the explanations themselves? And if not, normativity is indispensable, at least to our metaphysics.

So what is normativity? The concept appears in so many contexts that it is difficult to explain except by analogy to paradigm cases. It is the property that makes something correct, that makes an inference valid, or makes a reason rational. The classical case is the law: what makes a law binding? The normative property of bindingness, without which law would not be law, that is to say it would not possess a property we normally associate with law and even define law in terms of. The problem with this claim is simple: *nothing that actually happens in the world of social action or behavior seems to require that this property actually exists.* What is required to explain what people such as judges and policemen do is that they *believe* the law is binding. Normativism, however, rejects this, and makes the claim that belief is not enough: the law is really binding and to explain real bindingness requires that we appeal to a special set of facts or entities which can explain this special normative feature of the law.

There is an apparent circularity in normativist explanations and descriptions: you have to describe the fact in a certain way to necessitate the normativist explanation. But normativists typically claim that their descriptions are the only correct ones, or that they are part of the normal world of belief and thus provide the material that needs explaining. And they can also argue that the social scientist who tries to explain the same material non-normatively necessarily uses normative language and therefore implicitly accepts normativism. The anti-normativist replies that his language is used in a non-normative way, and thus does not have the normative implications the normativist says it does.

Claims about normativity turn out to have a more or less standard form, and a more or less standard conflict with alternative explanations. Something is described in a par-

ticular way, and it is claimed that this thing —law, for example— can only be explained by reference to the intrinsic normativity of the legal. A parallel account is given which describes the same empirical facts, usually without the problematic normative language of the first description, and explains them without reference to intrinsic normativity. The first description requires a mysterious thing —mysterious because it is outside the realm of ordinary explanation. The second does not.

When we live in a society we use a common set of ideas that enables coordination, assessing blame, and all sorts of other activities. These ideas are not good explanatory accounts: they typically involve fictions, ideas that don't fit with science, dubious entities, and so on. Moreover, they vary from society to society. Call these Good Bad Theories: they are good for the myriad purposes of coordination they serve, bad as science or explanation. Much normativism trades on taking the Good Bad Theories of our own society as expressing some sort of normative reality.

But there is a problem of reflexivity for normativism. Take the example of Mauss's discussion of gift exchange among the Maori. The Maori have a standard Good Bad Theory: they believe that a force, *hau*, attaches to a gift, and must be expiated by the giving of another gift in return. Even the most committed normativist would agree that there is no such thing as *hau*, and that the practice is sustained by the belief in *hau*, not by the force of *hau*. But what about the appeal to *hau*-like forces that is characteristic of normativism? Why aren't these better (and sufficiently) explained by the belief in them, such as the belief in legality, rather than the normative fact or property of legality?

These are the simple questions. No one is compelled to believe in *hau*. The tough ones come with things that we supposedly cannot reject: rationality, concepts, and so forth. Here the *tu quoque* arguments seem compelling. But here we are also dealing with *abstracta*, not concrete pieces of social action or problems of understanding others. So we have the same problem as before: there are parallel accounts, some with "normative" concepts, or concepts that can be construed as such, and some alternatives which dispense with at least some aspects of normativity, or construe the concepts differently.

And there is another issue with this parallelism: these *abstracta* need to be brought into contact with the world of actual human beings. So there has to be a component of explanations involving these *abstracta* that has to do with such things as learning, mental habituation, the formation of dispositions to reason in certain ways, and so forth. Similarly for 'understanding', one can claim that something, such as possessing the same concepts, is a condition of understanding, but there is still the activity of understanding itself. The question this raises is whether the naturalistic part of these explanations is sufficient to account for the phenomenon in question, without the "normative" part.

Here philosophy and social theory intersect at the same explanatory problem. Normativism attempts to ground normativity in some "natural" collective facts, such as social reactions or collective intentions. These are not only questionable notions, they are bad in ways familiar to social theorists from the long history of failed collective concepts. An interactionist approach avoids these problems. And it seems that a suitable

account of such things as understanding can also be constructed “naturalistically” with the help of recent neuroscience and the discovery of mirror neurons. Mirror neurons allow a kind of understanding of actions and intentions that is preconceptual. These modes of understanding can be extended to encompass everything that was explained by normative *abstracta*.