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On Distinctively Normative Norms

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Philippa Foot famously distinguishes between two senses in which a particular norm, request, or demand can be “categorical”. In the first sense, a categorical demand is one that applies to a person regardless of his or her aims or interests.¹ In this sense, demands of morality are categorical. But so are the demands of etiquette, club rules, rules of feudal obedience, and so on.² The second sense is the extent to which the demands in question don’t just apply to someone, but generate normative reasons for action.³ In this second sense one might say that demands of morality, unlike ancillary domains, are categorical: moral demands are *normative*.

But here Foot struggles. What does it mean to say that morality is normative but other domains, such as, e.g., feudal obedience, are not? What is this “fugitive thought”—this *extra thing* that purportedly normative domains (such as morality) have but that etiquette, club rules, and so on lack? What is distinctive about the genuinely normative?

In this essay I consider a popular answer to this question. Many hold that the “fugitive thought”—that which characterizes normativity as opposed to the mere “formal” application of particular rules—is the maintenance of a particular relation to the agent’s mental states or pro-attitudes by the normative fact in question. To be normative *is* to respond in the appropriate way to, or to be represented by, and so on, such attitudes. And while the nature of the relation between reason-and-agent that constitutes normative force on this view is characterized in different ways by different thinkers, I argue here that to distinguish the normative from the non-normative in terms of any such relation presents a distorted picture of the normative enterprise.

1 Philippa Foot, “Morality as a System of Hypothetical Imperatives” in *Philosophical Review* 81 (1972), 307–8.

2 Foot, 308.

3 Specifically, *overriding* reasons for action. I’m going to ignore this complication throughout. Foot, 309.

The plan of the paper is as follows. In §1, I introduce in more detail the question I ask, and the answer—which I dub the *Bindingness Thesis*—I’d like to critique. In §2 I argue that the *Bindingness Thesis* cannot provide an account of the distinctively normative, and respond to potential counterarguments. In §3 I argue that my skepticism of the *Bindingness Thesis* does not yield a general skepticism about distinguishing normative from non-normative considerations. Section 4 concludes.

1 The Bindingness Thesis Introduced

The topic of this paper is a view I call the *Bindingness Thesis*. But before I introduce that proposal, it would be good to say perhaps a little more about the question the *Bindingness Thesis* is supposed to answer.

This question can be put starkly by considering a set of rules that is clearly normatively inert. Perhaps seventeenth-century European feudal norms will suffice. According to this set of norms, when one meets a man who is a member of the aristocracy, or a man who is properly related to other members of the aristocracy, one must refer to this person as “my Lord,” a woman who is similarly placed “my Lady.”⁴ Now imagine that (in 2018) I meet John So-and-so, tenth Earl of Such-and-such, and simply refer to him as “Mr. So-and-so”. In this case, while it’s certainly *true* that I’ve violated a norm of the aristocracy, and hence from that perspective I have failed, there is nothing *normative* about this failure.⁵ So the mere fact that some particular norm *exists*, and is appropriately “applied to me” in a given set of circumstances is not enough to say that this norm is genuinely *normative*.

But what is the difference here? What distinguishes truly normative rules from those, like feudal norms, that don’t seem to have such heft? Parfit, for

4 Whether I’m right about any of this, as must be obvious, makes no difference.

5 Notice that some have argued that referring to such people by their customary names is a way of showing *respect* for the person, and hence is more significant than I suggest here. See, for instance, Sarah Buss “Appearing Respectful: the Moral Significance of Manners” in *Ethics* 109 (1999). While I accept this claim for the purposes of argument, it is irrelevant for present purposes; I’m interested in the lack of normativity of *bare* facts of feudal protocol, rather than in any derivative normativity these facts may have given their *moral* significance. To put this another way, the fact that in ϕ -ing I show respect for a person P is surely a fact that counts in favor of ϕ -ing. But the fact that P is a member of the British Aristocracy is not *of itself* a reason that counts in favor of referring to them as my Lord. This illustrates the difference between say, the moral significance of facts of protocol and the *bare* facts of protocol, the latter of which are my concern here.