

Constructivism and the Normativity of Practical Reason

Introduction

Constructivism as a metanormative theory is a relatively recent development in philosophy, although its roots can be traced back to Kant. John Rawls brought constructivism onto the scene in the form of his political philosophy and some of these ideas were then developed by Thomas Scanlon in his normative theory. But it is probably not until Christine Korsgaard that we have an attempt to bring constructivism into the domain of metanormative theory. It has since become a hotly debated issue, with a lot of the discussion focusing on Korsgaard's work. Recently, more constructivists have emerged with interesting takes on how to make constructivism a plausible metanormative theory, such as Aaron James and Sharon Street. Now that constructivism is firmly on the metanormative scene we can begin to unpick the main features of the theory and enquire as to how tenable it is.

Constructivism, in either its normative or metanormative guise, is roughly the view that there are correct answers to normative questions because there is a correct way of answering them; a normative judgement can be established and justified because it is the outcome of a correctly followed procedure for answering the normative question at hand. For metanormative constructivism, normative judgements can be objectively true, not because they are correctly tracking independent normative facts, as a traditional realist would have it, but because it has been 'constructed'; normative judgements are never true prior to them being the outcome of the correctly followed procedure. It is a theory of normative judgements and how they can be said to be true, where the truth of a normative judgement is explained in terms of the norms of practical reason being correctly followed.

If all of this can be fleshed out in a plausible way, then constructivism is a very appealing metanormative theory; we get all of the benefits of realism without any of the metaphysical baggage. The constructivist will not have to invoke any mysterious non-natural properties or risk falling prey to the open question argument. The challenge for constructivism, however, is to adequately explain what the 'procedure' is and how it is meant to guarantee the truth of a normative judgement. That is the focus of this paper.

In Chapter 1 I distinguish between constructivism as a normative and metanormative theory and try to give it the most charitable interpretation possible. I discuss how best to

construe the notion of 'procedure' and conclude that it is best understood as practical reason. I argue that if it is practical reason that is meant to guarantee the truth of a normative judgement, then the constructivist has to tell us something about the normativity of practical reason, how it is that there are certain ways we ought to think in regards to practical problems. In Chapter 2 I briefly discuss a number of ways of answering this question and then focus on the constitutivist theory offered by Korsgaard and James. I explain how such a theory accounts for the norms of practical reason and how this view can be compatible with constructivism. I then outline David Enoch's 'schmagency' objection to constitutivism and how it undermines the account of the norms of the procedure of construction. In Chapter 3 I outline Street's version of constructivism and her account of the normativity of practical reason and suggest how it might deal with Enoch's objection. I argue that ultimately Street falls prey to the schmagency objection due to weaknesses in her account of practical reason. Finally, I conclude by suggesting a number of directions the constructivist might take if they wish to hold on to their account of normative judgements.

1. Constructivism

1.1

To get a clear understanding of constructivism and its distinguishing features as a theory, it will be useful to make a distinction between constructivism as a normative and a metanormative theory. Following Enoch (2009: 323) I will refer to these divisions as local and global respectively. As a metanormative view, constructivism is aiming to give an account of normative thought and discourse, showing how it is possible for a normative claim to be true without it being the case that it is referring to an independent normative fact. Local constructivism is a first-order view, establishing the conclusion of a normative claim through a constructive method. Local constructivism is concerned with moral claims that are argued for with a constructive procedure; global constructivism is concerned with practical normative statements that can be taken as true and objectively so because they are the correct outcome of a specified procedure. Local constructivism aims to give a constructive account of a subset of normative thought; global constructivism aims to show how *all* practical normative claims can be true. There are similarities in the methods between the two kinds of constructivism but also crucial differences in regards to their scope. It will be useful to begin with a discussion of what is possibly the most famous local constructivist view: the political philosophy of John Rawls. In seeing how Rawls constructs his two principles of justice, we will have in mind the kind of the thing a constructivist is doing and then extrapolate that feature of the theory to see how it is meant to work in regards to all practical normative claims.

Rawls employs a constructive procedure to establish a certain set of principles of justice for the organisation of the structure of a liberal democracy. For Rawls, they are not true because they are referring to independent normative facts – facts of the normative realm of justice – but because they are the outcome of a specific kind of procedure, the procedure that is right for establishing the principles of justice. Rawls holds that any agent, in a certain specified situation called the ‘Original Position’, would choose the same two principles of justice and thus ‘construct’ them. The agents that do the constructing are free and rational, and are ignorant of any particular contingencies of themselves. They are placed behind a ‘veil of ignorance’ where they know nothing of their gender, class, talents, nationality, place in history, concept of the good, or anything else that could induce bias and influence their selection of the principles of justice. The agents are fully rational in that they have full

capability of practical reasoning. They have an adequate knowledge of human psychology and political institutions so as to be informed enough in their choice of the principles of justice that will structure societies' institutions. The agents are also taken to hold particular normative judgements implicit in a liberal democracy, namely concerning the freedom and equality of all people. In such a position, all agents would choose Rawls' two principles of justice, and these two principles would be the correct ones because they were 'constructed' from the Original Position (Rawls 1971, Ch. 3).

These principles were not the correct ones prior to the agent going through the procedure of choosing them in the Original Position. They are true because they were constructed from the right procedure; one that embodies certain normative claims about the irrelevance of certain contingencies and the freedom and equality of all humans. These normative ingredients in the procedure are not constructed from the Original Position itself; they are taken to be a part of the procedure and set the standards for which constructed principles are meant to apply; if the principles are in accordance with these standards then they are to be constructed; if not, then they are false. A subset of the normative domain – normative claims about justice – are constructed from a procedure that embodies other practical normative claims. Global constructivism aims not to construct a subset of practical normative claims; rather it aims to show how all practical normative claims can be true because they are constructed from a procedure. Global constructivism takes this basic idea – of constructing normative judgements from a procedure that has standards to follow – to give an account of all practical normative claims.

Statements of the form 'A ought to Φ ' are far more broad in scope than 'The right principles to govern society are A and B'. The former encompasses all practical normative judgements, whether moral or instrumental, whereas the latter is itself a specific kind of normative judgement. Global constructivism aims to show why these former normative judgements can be objectively true, not use a certain argumentative method to demonstrate a particular conclusion about a normative area. What is supposedly distinctive of the theory is that it is arguing that normative judgements *can be true* because they can be the outcome of a correctly followed procedure; whereas for Rawls, his two principles are supposedly true because they followed a procedure. Constructivism is not aiming to conclude in a true normative judgement like Rawls; rather it is a theory of why normative judgments can be true at all. Local constructivism aims only to show why a specific normative judgement is the case.

For the local constructivist, the procedure specified is something entirely hypothetical; we are asked to imagine some hypothetical agent, in some specified situation, and imagine the reasoning that will proceed to a conclusion. For the global constructivist, the procedure is something more familiar: practical reasoning. We all engage in practical reasoning on a daily basis; it is not something hypothetical, but immediate. The procedure is one that humans engage in when faced with practical problems; we engage from the ‘first-person standpoint’ and make a decision as to what to do. It is this standpoint and this decision making procedure that the constructivist wants to focus on. Although of course, different global constructivists construe the procedure of practical reason in different ways.

There is disagreement amongst constructivists and their commentators as to whether the procedure of construction is meant to be considered real and of our world or idealised in some sense. All are in agreement that it is indeed human practical reasoning that is the procedure of construction; it is this feature of our minds that actually engages in normative problems and results in normative judgements. The dispute seems to be over how exactly to construe practical reason; whether the procedure is the practical reason of this world, engaged in by real agents, or whether it is some idealised form of practical reason that an agent with flawless reasoning would engage in. Street’s constructivism, for example, involves the actual normative judgements of real agents in the construction of the truth of other normative judgements (2008; 2010; Forthcoming). Whereas for James, practical reasoning, if done correctly in optimal conditions, will always result in the right normative judgement and so rules out brute error of normative judgement. It is thus an idealised form of practical reason (2007; Forthcoming). For James then, the constructed judgements are the ones that *would* be constructed by an agent that correctly followed the norms of practical reason in optimal conditions. For Street, there are no optimal conditions or the imagining of an agent perfectly reasoning practically; the procedure is one followed by real agents involving real judgements. James’ view, whilst idealised, is not hypothetical in the way Rawls’ procedure is; James’ view still involves something we are very familiar with – practical reasoning – whereas Rawls’ Original Position is something entirely fictional, devised specifically for the construction of principles of justice. Whilst James’ procedure is idealised for the construction of all normative judgements, it is not fictional; it essentially involves practical reason, and that is not too unfamiliar, even if his version is idealised. In this sense then, he is more in line with Street with her insistence on focusing on the real judgements of agents in the construction of practical normative judgements. Both Street and James, whilst differing

on how to construe the procedure, still agree on what that procedure essentially is: practical reason engaged in by human agents.

1.2

The procedure of construction can guarantee the truth of a normative judgement, not by tracking normative facts, but rather by ‘constructing’ the truth once the procedure has been correctly followed. As we saw in 1.1, the global constructivist construes the procedure of construction as practical reason; thus, to follow the procedure correctly for construction, one must follow the norms of practical reason. I shall draw on the work of Korsgaard, James, and Street, and weave together the defining aspects of their views that they have in common in order to present the clearest and most plausible interpretation of the kind of procedure that a constructivist has in mind.

The procedure is what is meant to guarantee the truth of the judgement because it is the right kind of procedure for engaging in practical problems and has standards that can be correctly followed. This differentiates it from realism, which would say that the procedure is right because it tracks the normative truths in the right way. Following Korsgaard then, we can say that the constructivist makes a distinction between procedural realism and substantive realism. As Korsgaard puts it:

Procedural moral realism is the view that there are answers to moral questions: that is, there are right and wrong ways to answer them. Substantive moral realism is the view that there are answers to moral questions *because* there are moral facts or truths, which those questions ask *about* (1996: 35).

For the constructivist then, the procedure is not being employed to track some pre-existing independent normative fact; it is what we have to do to be able to decide how to answer our normative questions. However, this does not stop there being right answers to normative questions because there is a correct *way* of answering them. There does not have to be a pre-existing fact for us to decide what to do; all that is needed is for there be a ‘correct or best procedure’ for answering our normative questions and then ‘there is some way of applying the concepts of the right and the good’ (*Ibid*). Our normative questions are presented to us as practical problems; it is us that have to engage with them, think through what to do and what would be right. It is thus us that engages in practical reason and make the resulting judgement. Because of this then, the constructivist thinks it is important to note that we engage with moral and normative questions from the first-personal standpoint.

When one thinks about a normative problem and engages with the reasons for and against an action it is done from the first-personal standpoint; that is, it is done by an agent, someone doing the thinking and deliberating. It is not done externally; that is, it is not done from a standpoint outside of deliberation. It is in the first-person standpoint that the decision of what to do is made. It is decided within this practical standpoint by someone of what they should do and what course of action to take; the procedure is undertaken from the first-person standpoint resulting in decisions of what to do, and these decisions, if the procedure is correctly followed, are right answers to practical problems. There is a difference in emphasis on this standpoint depending on the constructivist: Street, for example, places great emphasis on what she thinks are defining features of this standpoint (which will be discussed in Chapter 3). What is important to note for now is that the constructivist thinks the constructed judgements are made after engaging in practical reason, and this is done by agents first-personally.

How practical reason is characterised differs entirely on the constructivist philosopher in question, but all seem to be united on one thing. When the agent engages in practical reason from the first person standpoint and deliberates, the agent may follow the rules of this procedure correctly or incorrectly; that is to say, they may succeed in following the norms of practical reason or not. If the norms are accorded with and practical reason has been successful, the resulting judgement is true. It is true precisely because the correct procedure has been followed in the correct way; practical reason does not track independent truth, it only engages in practical problems and so long as its norms are followed, the resulting judgement is correct.

Once the true judgement of what to do is constructed, there is then a normative reason for action. If the constructed judgement is true then it is the correct prescription of what the agent in question ought to do. The judgement will be something like 'A ought to Φ ,' and as long as the procedure has been correctly followed, this will be the right judgement and therefore it is the case that A ought to perform Φ . Normative judgements purport to be authoritative, providing an overriding reason to perform a certain course of action. If the constructed judgement is correct, then an overriding reason to perform Φ has been constructed for A to follow. Constructivism therefore constructs norms; once the truth of a judgement is constructed, it is a fact that the relevant course of action really ought to be followed by the relevant agent; they have a normative reason to follow the action; a standard has been constructed that they ought to adhere to.

We can see now then that constructivism can be distinguished by two things: one concerning the truth conditions of normative judgements and the other a metaphysical feature concerning the relation between the truth of the judgement and the thinking the agent does in making that judgement.¹ The judgements that result from the procedure are substantive; they hold that some actual course of action is right and ought to be followed. A realist would hold that the judgement can only be true because it is a judgement about an independent normative fact. But for the constructivist, what makes the judgement true is that it is the outcome of the correct procedure; the judgement's truth condition is not some independent state of affairs that will obtain if the judgement is true; rather the condition is the correct following of the norms of practical reason. The relation of truth for the constructivist is from the procedure to the judgement, rather than from a judgement to a fact. There are no independent conditions to be met to guarantee the truth of a judgement; the only condition is the following of the constructive procedure. The truth of the judgement is 'constructed' by the following of the procedure, and this 'construction' is a metaphor for the metaphysical relation of the truth of the judgement and how the truth is arrived at. The metaphysical priority for the truth of the judgement is the procedure; there is no truth prior to the outcome of the procedure. And there is no procedure except that done by an agent engaging from the first-personal standpoint and making judgements about what they ought to do in regards to practical problems. It is these two features that attempt to make constructivism a distinctive metanormative theory: its account of the truth conditions for normative judgements, and the metaphysical priority of the procedure to the truth of a judgement.

1.3

Constructivism as a metanormative theory aims to explain how a normative judgement may be objectively true without invoking any of the metaphysics of the realist. Normative judgements can be taken as true if and only if they are the outcome of the correct procedure – practical reason – and the standards of that procedure have been adhered to. In other words, the agent must follow the norms of practical reason for them to make a true normative judgement. The norms of the procedure give guidance as to how to think about the practical problems. Only when the norms of the procedure are followed will the resulting judgement have authoritative status. So how does the constructivist account for the norms of practical

¹ This emphasis on constructivism as a metaphysical thesis can primarily be found in Enoch (2009). An emphasis on constructivism as a theory of the truth conditions for normative judgements can be found in Dorsey (Forthcoming). I see no reason why we cannot characterise constructivism as having both these features.

reason? What are they exactly? How are they to be construed? How is the constructivist to explain where they get their authority from? Must they give a constructivist account for these norms as well? The constructivist has to tell us a convincing story about the normativity of practical reason.

2. Korsgaard, James and Constitutivism

2.1

In the last chapter we saw that the constructivist holds that moral judgements can be true if the procedure has been correctly followed and that there is a metaphysical priority of this procedure to the truth of the judgement. The agent cannot make any old judgement however; it is only those that are the result of correctly following the procedure; it is by constructing judgements through practical reasoning that makes them true. However practical reason is construed by the constructivist, for the procedure to be *correctly* followed so the output can be true, it must be the case that there are norms of practical reason. It must be the case that there are ways of going right and wrong when following the procedure; that is, the procedure itself must be normative in some way. How is the constructivist to account for the normativity of practical reason? The constructivist's answer here must be one that is consistent with their view.

What are we to think of the norms of practical reason? Presumably, they are certain ways of *thinking* about practical problems; more importantly, they are meant to be the *right* way to think about them. As Aaron James puts it 'Practical reasoning is a *process of consideration which issues in judgement*' (2007: 315). These 'considerations' cannot be arbitrary; they must be guided by norms for our practical thinking to issue in a true judgement. Candidates for such norms could be the ones emphasised by Kantians, that of the hypothetical and categorical imperatives. The hypothetical imperative tells us that we ought to take the most relevant means to the end that we will. If I will the end of 'catching the train at 12:00' and the most efficient means to achieving this end is by leaving my house at 11:00, then I ought to take this means according to the hypothetical imperative. It is a normative principle of practical thought; a way we ought to think about practical problems we face in achieving our goals. What of the categorical imperative? In the *Groundwork* Kant states the categorical imperative as so: 'Act only according to that maxim whereby you can at the same time will that it should become a universal law' (1993: 30). The categorical imperative states then that we ought to only act on principles that are universalisable; that is, principles we can expect everyone else to follow. This clearly rules out a principle, say, of allowing theft; for if theft was universalised there would be no property for anyone to steal. Thus it is a contradiction for Kant; for it to be legislated there has to be property, but if it was legislated there would be no property.

The hypothetical and categorical imperatives then are general, formal principles of practical thought, and Korsgaard holds both of them to be norms of practical reasoning (2009: Chs. 4 and 5). James, who holds a similar position to Korsgaard in regards to the normativity of the norms of practical reason, instead endorses a multitude of general, formal principles of practical reason. As we have noted, practical reasoning occurs when an agent is presented with a practical problem about what course of action to pursue. We think things through according to the norms of practical thought which according to James ‘structure one’s awareness of the facts of an agent’s situation and one’s reaction to the facts attended to’ (2007: 315). The norms of practical reason are guides to attending to the facts of the situation in which the practical problem is framed for the agent, whereby some facts will be relevant and others not. For James these norms include the *Norm of Attention Direction*, dictating in the situation which facts and possibilities the agent ought to consider; the *Norm of Disregard* dictates that the agent only consider relevant facts and possibilities; the *Norm of Favouring* states that once the agent has their attention directed to certain facts of the situation, certain responses are favoured; finally, the *Norm of Balancing* dictates that the agent weigh the facts that count in favour of different responses so to count one as stronger (*Ibid*: 316-17). By following these general norms, the agent encountering the practical problem will make a judgement, and it is only by following these norms that make it the correct judgement. Clearly this is different to the Korsgaardian notion of thinking only in accordance with Kantian imperatives; the norms are far more varied concerning taking facts into account. But they are similar to Korsgaard in a sense which will become important in the next section, that they are *constitutive* of practical reason.

2.2

What makes Korsgaard’s and James’ norms of practical reason normative in the first place; that they have the status that they ought to be followed? What account do they give as to why these are the ways for guiding our practical thought that have authority? We saw in 1.2 that by constructing judgements with the procedure, those judgements are made true and establish norms of conduct. If constructivism can account for the construction of these norms, then must the constructivist give a constructivist account of the norms of practical reason? Presumably the norms of the procedure have their status partly from the fact the procedure is the correct one for the task in hand, like Rawls’ Original Position. What makes the procedure and its norms the correct one to follow? The constructivist must have some answer as to why their favoured procedure of construction is the correct one. Korsgaard, in

her 2003, talks of constructivism going ‘all the way down’. This has been interpreted in different ways², but one way of reading what she means here is that constructivism can construct *all* norms of practical thought; both the normative reasons that the constructed judgements give and the principles of practical reason that lead to their construction. Being that we engage in a procedure to construct normative judgements, then maybe we can give a further constructivist account of the norms involved in that procedure. Can constructivism really go ‘all the way down’? A lot more could be said of this matter and it is not exactly clear what it means, but for reasons of space I will only raise two worries about giving a constructivist account of the normativity of practical reason.

One thing Korsgaard’s ‘all the way down’ phrase cannot mean is that we use some procedure to construct the correct procedure we then go on to use to construct true judgements; a kind of procedure for constructing procedures. Such an account would invite an infinite regress; for then we can ask what establishes *that* procedure, and if it is a further procedure, what establishes this further procedure and so on.³

Another way the constructivist cannot go ‘all the way down’ is by the procedure seemingly validating itself via its own procedure and creating its own correctness. In effect this would mean practical reason constructing the norms of practical reason on its own. It is not clear at all exactly how this could be possible; without norms to follow so as to correctly follow the procedure to result in construction, it looks like we are asking for norms to be constructed *ex nihilo*.⁴

The best approach for the constructivist is to insist that the norms of practical reason are different enough from the judgemental norms that the constructivist is originally accounting for, that they do not have to give a constructivist account of them. The constructivist could make the point that the norms constructed are embodied in judgements which can be either true or false, so the norms themselves can be either true or false. This is not the case for the norms of practical reason; it makes sense to talk of such norms as either appropriate or inappropriate but not as true or false. To use an analogy, we can ask whether the use of *modus ponens* in a particular instance is a valid use of such a norm, but what would

² E.g. Budde (2009); Hussain (Forthcoming); LeBar (2008).

³ Hussein and Shah (2006) effectively make this point.

⁴ O’Neill (2002) actually tries to do something like this. Although it would be interesting to explore how she relates her constructivism to the norms of practical reason, I have left it out for space. For an argument as to why her attempt to construct the norms of practical reason from practical reason itself probably fails see Budde (2009).

it mean to ask if *modus ponens* were true? It is just a norm that can be appropriately applied or not; what could even make it true or false? As James puts it, ‘Propositions can be true or false. Imperatives can be *applicable* or *inapplicable* in a given situation, or *valid* or *invalid* for an activity, but do not admit of truth or falsity’ (Forthcoming). It is this truth or falsity of a normative judgement that constructivism aims to validate, not the norms of the constructive procedure.

2.3

How then is the constructivist to account for the norms of the procedure, the normativity of practical reason? The rest of this paper will explore two options. The first, what will occupy the rest of this chapter, is a formal account in the Kantian tradition; where substantive judgements are meant to be constructed out of merely formal specifications of practical reason. The normativity of these formal specifications is given a *constitutivist* account by Korsgaard and James. This faces a powerful objection by David Enoch which will require an adequate response by the constructivist if they wish to salvage their theory.

As we saw in 2.1, Korsgaard and James both endorse formal views of the norms of practical reason: for Korsgaard, the hypothetical and categorical imperatives; for James, a series of general formal norms for directing our attention to features of the situation that embodies our practical problem. Both sets of norms are formal in the sense that they do not make any *specific* recommendations or imperatives; they do not involve any instances when explicating what they are. They are general guides for directing our thought in practical reason; when practically reasoning about a problem, then there will be substantive judgements involved, but the norms themselves as part of their nature do not make or involve specific guides or imperatives about particular instances. The *Norm of Attention Direction* tells us nothing of what particular facts or possibilities to consider. The hypothetical imperative does not tell us what particular ends to will, or what particular means to take, just that if you will an end then you ought to take the most efficient means, *whatever that may be*. Likewise for the categorical imperative; it does not say which laws we should universalise, only that we ought to only universalise those laws without pain of contradiction. It could be interjected here that certain laws are barred because of the categorical imperative, thus meaning that there is a substantive element to it, that certain particulars are not allowed and that the norm does dictate to us certain instances, and is thus not entirely formal. There may be some truth to this but what is crucial to note is that it is *essentially* formal. That is, it is a

formal norm without any particular recommendations prior to any substantive input. The norm stands alone as part of our practical reason without any substantive element; to get any substance from it, there has to be substantive input. It is formal in that it gives structure to how we are to think about practical problems and makes no reference to particular judgements of what to do.

This talk of ‘structure’ is important. We saw in 2.1 the quote by James where he says that the norms of practical reason ‘structure one’s awareness of the facts of an agent’s situation and one’s reaction to the facts attended to’. They can be said to ‘give shape’ to how we encounter and think about practical problems. It is by having these norms that we think about the practical problems in the way that we do. They are relevant to what we are accounting for in practical reason; if we are to account for practical reason then we must in part be accounting in part for what gives shape to it, gives it form, and thus in part making up what it is. We can say then that following those norms is what it is to reason practically. Taking all this into account, it is unsurprising that philosophers who give a formal account of the norms of practical reason offer a constitutivist account of their normativity.

The constitutivist holds that there are norms of practical reason as they are constitutive of it, of being an agent. To count as being an agent and engaging in practical reason is to follow its norms. What provides the standard of performing practical reason successfully comes from a better understanding of practical reason is itself. An analogy may help. Korsgaard asks us to imagine the building of a house (2009: 27-30). What constitutes a ‘house’ is that it has four walls, a roof that will give it shelter and keep out the rain, windows and doors and so on. What it is to build a house successfully is to follow these standards that make a house what it is. Anyone who claimed to be building a house and yet did not attempt to do any of these things would not be in the business of building a house; by not following the constitutive norms of house-building, you are not engaging in the activity of house-building. If a builder said ‘I’m trying to build a house, but why should I build something with four walls with a roof to keep out the rain?’, we would respond that he was confused; either you are following these norms or not genuinely trying to build a house. Likewise with agency and practical reason; what it is to engage in practical reason well is to follow the norms that constitute practical reason. To successfully build a house is to follow its constitutive norms; to engage in practical reason successfully is to follow its constitutive norms. Whether one wants to do so or knows it, when one is engaging in practical reason one is following the norms of practical reason, and one can be doing this successfully or not.

Thus, the norms of practical reason have authority because we are always following them when we engage in practical reason. A sceptical challenge can be met easily, just like we can meet a ‘chess-playing sceptic’ easily; if she said ‘Why ought I to move the bishop diagonally?’, all we have to say is ‘That is just what it is to play chess.’ Likewise with practical reason; if someone asked ‘Why should I reason practically in this way?’, we would say ‘Because that is just what it is to reason practically.’ The normative standards of practical reason come from what makes practical reason what it is: something with norms to follow. These norms can be followed correctly or not and therefore the procedure of construction can be successful if the norms of practical reason were correctly followed.

Both Korsgaard and James take a route like this.⁵ For Korsgaard, the aim of action is to constitute ourselves. Our actions constitute who we are, and in that is constitutive of what an action is. The standard for an action then is to what extent it constitutes you as an agent and the achievement of a kind of ‘psychic unity’; the norms of agency (or practical reason) have a normative status because they constitute something we are all engaged in: agency (*Ibid*: 25-6). James avoids any lofty talk of ‘self-constitution’ and instead couches his constitutivism in terms of ‘understanding’ practical reasoning. For James, successful practical reasoning is what constitutes ‘understanding of the ordinary activity of practical reasoning as the kind of activity it is’ (Forthcoming). So when one has correctly followed the norms of practical reason, one can be said to understand the kind of activity it is and to have engaged in it properly; to engage in it properly then just is to follow its norms, so the norms are constitutive of what it is. More can be said here, but what is important is that both Korsgaard and James, from their purely formal accounts of practical reason, offer a constitutivist account of their normativity; the norms of practical reason have authority because following them just is what is to engage in practical reason.

2.4

We can see then that the constructivist who takes a formal approach to the norms of practical reason is in some sense parasitic upon the constitutivism they employ to account for the normativity of the procedure of construction. We can ask to what extent is the approach taken by Korsgaard and James in the spirit of constructivism, whether it can be consistent with constructivism that it is so parasitic on a different metanormative view. When pushed to

⁵ So does Velleman (2000). I have left out a discussion of his work for reasons of space and because he does not supplement his constitutivism with a constructivism about normative judgements.

answer why norms can be constructed, the constructivist has fallen back on a different account for the norms of the procedure.

This should not be too much trouble for constructivists like Korsgaard and James; they can simply take it on the chin and accept that their constructivism has not gone ‘all the way down’ in the sense of ‘constructing’ the norms of the procedure. As suggested in 2.2, James effectively says that the constructivist is only committed to a theory of normative judgements and how they are capable of being true. As my account of constructivism in Chapter 1 showed, the constructivist thesis is one of the truth conditions of normative judgements and the metaphysical relation therein. This is explained in terms of a procedure involving other norms; and thus, the norms constructed are explained in terms of other norms. The formal constructivist can simply say that the norms of practical reason have a kind of priority such that they cannot be given a constructivist account. The norms of practical reason are better seen as norms for constructing other norms; they are the norms that are constitutive of our agency and practical reason and are the materials for the construction of normative judgements. Their status as normative is prior to that of the normativity of any judgement, and this is best understood as their being constitutive. Because of their priority as being constitutive of practical reason itself, they cannot be given a constructivist account. Constructivism then can rely on these norms with priority without threatening its account of the truth of normative judgements.

2.5

Formal constructivists like Korsgaard and James seem to be in a good position; they have accounted for the normativity of the procedure of construction by giving a constitutivist account of its norms that is compatible with a constructivist account of normative judgements. If we are to attack their formal account of the norms of practical reason, their emphasis on the formality of the norms of practical reason, we best criticise their constitutivist account of their normativity. The strongest objection to such an account comes from David Enoch and his ‘schmagency’ objection (2006; 2011). The objection is relatively simple but powerful. Even if the norms of practical reason are constitutive of agency and are what are to be followed if we are to properly count as agents, why care about being an agent? Enoch imagines an imaginary interlocutor saying to the constitutivist:⁶

⁶ The target of this quote is Korsgaard but the objection applies to constitutivism generally.

Classify my bodily movements and indeed me as you like. Perhaps I cannot be classified as an agent without aiming to constitute myself. But why should I be an agent? Perhaps I can't act without aiming at self-constitution, but why should I act. If your reasoning works, this just shows that that I don't care about agency or action. I am perfectly happy being a schmagent – a nonagent who is very similar to agents but who lacks the aim (constitutive of agency but not of schmagency) of self-constitution (2006: 179).

If normativity is meant to come from what is constitutive of practical reason, then we should have a normative standard to properly engage in the activity which has these constitutive standards. But as Enoch argues, we apparently do not have an answer as to why we ought to engage in the activity *at all*; following the norms of the activity may be constitutive of it, but it is not constitutive of the activity to perform the activity in the first place. The constitutivist account of the normativity of practical reason fails then. The constitutivist account does not show why it is authoritative that we must engage in practical reason at all; if the norms of practical reason are constitutive of it, then such a norm to engage in it must be constitutive as well. However, the schmagency objection shows that it is not.

In the original paper (2006) and in the follow-up (2011), Enoch responds to a number of criticisms of the objection that I will not go into here. It is important to note that if the constructivist is going to give any kind of constitutivist account of the normativity of practical reason then they must have some response to Enoch's objection. Sharon Street believes she has the resources for such a view in her version of constructivism. The next chapter explores how she may go about this.

3. Street's Substantive Move

3.1

Street's account of the procedure of construction differs from that of Korsgaard and James in that she makes what I am calling a 'substantive move' in her account of the norms of the procedure. On her view, construction arises out of the commitments that are constitutive of our actually held normative judgements. She does not say that we have to have any particular normative judgements for this to happen, but it is substantive in that she says the construction of true judgements does not occur without *some* normative judgements being held by the agent; practical reason cannot even get started without our holding some substantive judgements, *whatever they may be*. Such judgements are essential to the procedure of construction as it is they that ultimately supply the standard for the construction of further judgements as true.

In 1.1 I outlined the notion that the construction of judgements is done from the practical standpoint of agents. This was partly drawn from Street who places great emphasis on the 'practical point of view'. I also discussed the notion of whether the construction should be seen as actual, in our world, or as hypothetical or idealised in some sense. Street stresses the importance of seeing the practical point of view as a real one, in possession of real agents in our world and any discussion of constructivism without the practical point of view will be inadequate. This is because she sees the relation between normative judgements and the practical point of view as one of 'what does or doesn't follow from within' the latter (2010: 366). What she means here by 'does or does not follow from' is something formal, as discussed in Chapter 2. She thinks there are commitments that hold simply because they are constitutive of what it is to hold a normative judgement. It is from these commitments that are constitutive of holding a normative judgement that supply the standard for the construction of further normative judgements, for normative truth is constructed when judgements 'withstand scrutiny' from the standpoint of an agent's further normative judgements. She further says that there is 'no normative truth independent of the practical point of view', because there are no legislated standards without the practical point of view, 'that is, from the point of view of someone who already accepts some normative judgements or other' (*Ibid*). So, the procedure cannot get going and normative truth cannot be constructed without an actual agent holding their actual own normative judgements.

What does Street mean by ‘withstanding scrutiny’ from the standpoint of further judgements? In 1.1 I outlined Rawls as an example of local constructivism. The principles of justice are constructed from the standpoint of the Original Position which itself embodies certain normative judgements about liberal democracy. The principles are chosen from the position because the agents recognise they are entailed from these normative judgements about liberal democracy. They are thus consistent with the norms that embody the procedure and therefore ‘withstand scrutiny’. The principles of justice are the ‘target judgements’ of the procedure and the normative judgements about liberal democracy embodied in the Original Position are the ‘grounding judgements’. The principles of justice withstand scrutiny in that they are entirely consistent with and entailed by the normative judgements endorsed in the Original Position.

Street has something very similar in mind with her version of constructivism. The practical point of view is one that is held by agents when they endorse a normative judgement. We obviously hold a whole host of normative judgements, some about moral duties, some about ourselves and our relations to our loved ones and life projects. It is these judgements that supply the standard, constitutive of holding these judgements themselves, for judging a further normative judgement as true or not. For example it is constitutive of my judging that ‘I ought to attend my friend’s birthday’ that I not judge ‘I ought to go to the cinema at the same time’. If I held the latter judgement then I could not properly count as endorsing the former judgement. So the judgement ‘I ought not to go to the cinema at the same time as my friend’s birthday’ is constitutive of my holding the original judgement. This is a true normative judgement for *me* because of the normative judgements I hold. The commitments of my normative judgements entail that I endorse the latter judgement; it is these commitments that we judge the truth of a judgement against; if the judgement is inconsistent with the commitments, it is false. The constitutive commitments of our judgements supply the normative standard for construction in the procedure.

The target judgement has to withstand scrutiny from all our other normative judgements, so we can imagine the procedure being like this. Take some potential normative judgement J that can be endorsed by an agent A. Then imagine the set of A’s normative judgements J*, which is all of their endorsed normative judgements except for J. J is a true normative judgement if it withstands scrutiny from J*; that is, whether it accords with all the commitments that are constitutive of holding J*. If it does withstand this procedure then J is a true practical judgement for A and can be considered as part of her set of normative

judgements. This can be done for every one of A's judgements, so we just subtract a judgement J from her set of normative judgements and see if it survives, and carry on doing this for all of her judgements. This procedure applies to all of A's normative judgements; they are true practical judgements for her if all her judgements can survive this procedure of scrutiny from the standpoint of all of her other judgements. If an agent does this then they will have a mutually-supporting web of normative judgements, where each one is justified by all the others.

Note that judgements about reasons are only ever judgements about the reasons for the agent in question in accordance with their already held judgements; there is a kind of relativism in play, something acknowledged by Street (2008: 226). As the correctness standard for a judgement is set by the endorsed judgements of an agent, the correctness of the resulting judgement can only be correct *for* that agent; the constructed truth of the judgement is *relative* to that agent's set of judgements. The truth of 'X is a reason to Y for A' is a function of the normative judgements held by A and A only. No other standpoint is providing the truth conditions.

What is constitutive of holding normative judgements provides the standard for other judgements to be true; if they are consistent and coherent with those judgements and their commitments then the resulting judgement is true and supplies a normative reason for the agent in question. Standards, for Street, have to be provided 'from somewhere'; and this 'somewhere' is an actually held view by an agent who can have judgements in accordance with this view or not. It is only by someone's 'own lights', that is in regards to their already held normative judgements, that a judgement can be right or wrong. Street thinks that maybe 'construct' is not the right metaphor for her theory: 'metaethical constructivism explains how all reasons are ultimately "constructed" – or to put it less misleadingly, *entailed* or *given* – from within the standpoint of creatures who take themselves to have reasons' (*Ibid*: 228). So for Street, normative judgements can be true because they are the outcome of a procedure; this procedure involves the actual judgements held by the agents and what is constitutive of holding these judgements supplying the standard for which further judgements are to be assessed; that is, they 'withstand scrutiny' from these judgements if they are consistent or coherent with them. This is clearly a different view of practical reason as the procedure of construction from that of Korsgaard and James.

3.2

As we saw with Korsgaard and James, the norms of practical reason are constitutive of practical reason itself; to engage in practical reason just is to follow those norms. Street thinks there are certain commitments that are constitutive of holding a normative judgement at all. If one does not follow these commitments, then one cannot really be said to hold that judgement at all. With that in mind then, they cannot properly be said to be norms. One cannot actually go wrong in following these commitments, for by not following the commitments one is not really endorsing the relevant judgement. If they were norms one could be said to be endorsing the judgement and simply be making an error in ones following of the relevant commitments. Failing to follow these commitments is better understood as an omission. That is not to say one cannot make errors in one's practical reasoning, it is just that we need to better characterise what Street thinks is involved in practical reasoning and what makes it normative.

Practical reasoning, for Street, is best seen as an arena where one makes inferences from one's already held judgements. In an early paper she puts it like this:

For what rational reflection about evaluative matters involves, inescapably, is assessing some evaluative judgements in terms of others. Rational reflection must always proceed from some evaluative standpoint; it must work from some evaluative premises; it must treat some evaluative judgements as fixed, if only for the time being, as the assessment of other evaluative judgements is undertaken. In rational reflection, one does not stand completely apart from one's starting fund of evaluative judgements: rather, one *uses* them, reasons in terms of them, holds some of them up for examination in the light of others (2006: 124).

The agent thinks through what is consistent or inconsistent, coherent or incoherent, with their already held normative judgements. When engaging with their judgements in this way, seeing what can withstand scrutiny, the agent can clearly make errors. One could make an inference from a judgement that was wrong, judging something right that is inconsistent with one's held normative judgements, and be unaware of the false move. It is odd to say if you do not make the inference you are not holding the judgement; one is simply not conscious of the error. The agent would then be in the position that if they were so convinced of the original judgement then it is imperative for them to withdraw the judgement that arose out of the inference because it violates what is constitutive of it. If one fails to follow through on a commitment that is constitutive of a normative judgement in full awareness, then we can

easily say they have made an omission: they are not really endorsing the judgement. But in the arena of practical reason, whereby one can make right or wrong inferences from one's judgements and still be said to hold that judgement, it is clear there are norms to follow; norms that are supplied by what is constitutive of the judgements held by an agent that have commitments one can rightly or wrongly make inferences from when engaging in practical reason. Normative judgements supply the standards in practical reason, and these standards can be lived up to or not.

These are constitutive norms, but they are constitutive of our already held substantive normative judgements, not practical reason. When one is faced with a practical problem, one is to engage in practical reason, and the standards one is to live up to so as to arrive at the right conclusion are those that are constitutive of the judgements one already holds. One follows the norms that one ought to follow if one can be said to hold these judgements, and by following these norms, one will arrive at a judgement that is coherent with one's other judgements. Practical reason has normative rules to follow because they are constitutive of holding a normative judgement, and the only way to engage in practical reason is from the standpoint of already held normative judgements: there is no other way to do it according to Street. The only standards of correctness are those set by our normative judgements, so the normativity of practical reason comes from the constitutive commitments of our normative judgements; one ought to think in accordance with one's judgements because they are constitutive of them. You are making the constitutive judgement even if you are not aware of it and by not noticing this you are thereby making a mistake; you are failing to live up to the standards that are set by your own judgements. 'For one normative judgement to *withstand scrutiny* from the standpoint of other judgements, then, is for that judgement not to be mistaken as determined by the standards of correctness that are constitutively set by those other normative judgements in combination with the non-normative facts' (Street 2008: 231). The normativity of practical reason is accounted for by the constitutive commitments of our already held judgements; we ought to think a certain way in practical reasoning because we are already committed to doing so by our own judgements.

We can see how this differs from the formal accounts given by Korsgaard and James. Korsgaard and James in their constitutivism think that there are norms of practical reason because such norms are a part of what practical reason is; to engage in practical reason just is to follow these norms. These norms are there for us to follow, as something constitutive of the kind of reasoning practical reason is. These are norms that we can follow correctly or not

and our resulting judgements of practical reason are true if they follow such norms and false if they do not. For Street, norms are constitutive and are to be followed in practical reasoning, but they are not constitutive of practical reason itself. Rather, they are constitutive of holding a normative judgement. It is when these judgements are used in practical reasoning that their constitutive commitments achieve the status of being norms or standards for us to live up to. So because there are norms that constitute holding normative judgements, we must take into account our actually held substantive normative judgements when we are engaging in practical reasoning. These are the only norms for us to follow in practical reason; those that are constitutive for us because they are constitutive of the judgements we happen to hold. Korsgaard and James make no mention of this; there are norms for us to follow, we can do so correctly or not, and this is regardless of any of our normative judgements. Street then, makes a substantive move from the formal accounts of Korsgaard and James in focusing on the role of substantive judgements in the normativity of practical reason. Whilst she makes no point of mentioning any particular judgements we must have in practical reason, she does make the point of saying that *some* substantive judgements are required for us to be reasoning practically at all, for it is the rules of holding these judgements that will provide the standards for construction. The normativity of practical reason then, comes from the norms that constitute using a normative judgement in such reasoning.

3.3

How can Street use this account to respond to Enoch's schmagency objection? We first need to look at comments she makes in a recent paper in regards to Korsgaard's 'regress argument.' Korsgaard's argument (1996, Ch. 3) aims to derive moral reasons from the standpoint of practical reason as such, in accordance with the kind of formal account outlined in Chapter 2. Her point is that any agent has moral reasons just by the fact she is an agent. Korsgaard is trying to find the 'source' of normativity; what is it that could actually make our judgements authoritative, and believes she has found it in our identity as human beings. My identity as a friend gives me certain normative reasons to behave in a certain way, but I can call this identity into question, asking for further reasons to endorse it. This regress, it seems, can go on indefinitely, where we never find a normative reason to underpin all our identities and the reasons they supply. According to Korsgaard, this line of questioning can only go so far because we eventually reach our identity as humans, as creatures who require certain identities to be able to act. The regress cannot continue because we cannot ask for a reason to

have the identity of ‘human’; we already have such an identity and it supplies us with normative reasons, both for action and for having further identities. So just by being human, a creature that engages in practical reason and requires identities, we are necessarily committed to our identity as humans and the reasons it supplies, and the regress ends.

Street thinks this line of argument fails for reasons I will not go into⁷ and then goes on to argue for how she thinks the regress can end. I outlined in 3.1 how Street views the procedure of construction, where judgements are entailed and justified by other judgements which are in turn justified in the same manner. The result is a mutually-supporting web of normative judgements, all true for the agent in question, or as Street puts it ‘a coherent web of interlocking values, such that each one, when taken in its turn and examined from the standpoint of the others, stands up to scrutiny in terms of the standards those other values set’ (Forthcoming). When scrutinised far enough we will reach the agent’s most held and justified normative judgements, ones that they could not do without so to speak. When we pose the normative question, the one that the fear of regress arises from, we will ask ‘Why endorse *this* set of normative judgements? Why *this* web as opposed to some other?’ Street thinks that questions of this sort posed to the web of constructed, mutually-supported judgements are actually ill-formulated and cannot be given a legitimate answer. As we have seen, Street thinks it is only an agent’s normative judgements that can supply the standard for assessing a normative judgement and as the question is formed, there cannot be any answer because there are no standards to assess it by. Stepping back and asking why one ought to endorse this set of judgments means suspending all of one’s judgements and thus all of the standards used to assess judgements; and without any standards we cannot even expect an answer. The question is being posed ‘from nowhere’ where there are no standards and according to Street we cannot engage in practical reason in this way. ‘One cannot sensibly step back from the entire set of one’s interlocking normative judgements at once, and ask, from nowhere, whether this set is correct or incorrect, for on a constructivist view there *are* no independent standards to fix an answer to this question’ (*Ibid*). The question is illegitimate because there is no way for the set of judgements to withstand scrutiny from the standpoint of other normative judgements.

I think we can see here the clues to how Street thinks there are resources in her account of practical reason to counter Enoch’s schmagency objection, which she mentions in

⁷ See (Forthcoming). For detailed discussions and criticism of the argument see Fitzpatrick (2005) and Ridge (2005).

a footnote in a forthcoming paper (fn. 25). Enoch's objection was aimed at the kind of constitutivism outlined in Chapter 2, charging that the normativity of practical reason has not been accounted for because we can always question why an agent *ought* to engage in practical reason, why they ought to be an agent at all. Even if the norms of practical reason are constitutive of it, such an account does not provide a constitutive norm to engage in practical reason. So how would Street respond to this? It would help to recast the question in terms Street would accept. If Enoch is asking why be an agent we need to ask what it is to be an agent for Street. As discussed, to be an agent is to adopt the practical point of view, where this means to endorse a normative judgement of some sort. So, reformulated, Enoch's question becomes 'Why adopt any normative judgement at all?' For Street then, this sceptical question will be one asked 'from nowhere'; it is a question being posed from outside the practical point of view completely, thus suspending all normative judgements and their constitutive standards to judge any answer by, and thus is an illegitimate question. Practical reasoning requires substantive normative judgements for us to reason about normative matters and Enoch's reformulated question does away with all of an agent's substantive judgements. There is no way of assessing whether one ought to adopt normative judgements instead of no normative judgements whatsoever; the only way of practically reasoning about such matters would be for us to have normative input in our reasoning and be done from the standpoint of some other normative judgements, but the nature of the question bars all normative input. Therefore, we do not have to answer Enoch's 'schmagency' objection because it is ill-formulated; there are no standards for us to judge any answer by. Her account of practical reasoning and its substantive move gives Street the resources to respond because she can insist that practical reasoning can only be done with an agent in possession of normative judgements, and the schmagency objection suspends all judgements.

3.4

Street would be too quick to brush off Enoch's objection as unanswerable; her response falls prey to an objection that runs parallel to her response to the regress argument. The objection argues that such questions are formulated perfectly fine, that there is definitely a way in which they can make sense, even if, as Street believes, there are no standards for them to be answered by. To bring out this objection it will help by using a pair of examples, beginning with the one that applied to her response to the regress problem.

Street's response to the regress problem was that the question was ill-formulated in that one cannot step back from one's entire web of judgements and call them into question, not without being from the standpoint of some other normative judgement. But we can question this. Imagine a young man, Derek, who was once a fervent neo-Nazi.⁸ He spent much of his adult life involved with the movement, attending meetings, organising demonstrations, even engaging in violent criminal acts, such was his conviction in his deeply held racist ideology. On Street's constructivist view, Derek's fascistic political beliefs could be a coherent web of interlocking normative judgements, each one justified by all the others. This mutually-supporting web of normative judgements provided Derek with meaning for much of his life, giving him purpose and motivation in his actions. As the result of one event, an emotionally traumatic experience changed Derek's normative outlook. Derek was subject to a violent humiliation at the hands of people he thought were his Aryan 'brothers', leading him to question his deeply held political convictions. Such a change in one's emotional makeup leading to a change in one's normative outlook is perfectly concurrent with Street's view. We enter the world with a set of 'moral feelings' that will at first determine our normative outlook. Of course, such feelings and other parts of the subjective set of an agent are completely open to being changed, whether it is by conscious reflection or emotional experience. Street herself mentions the possibility of 'causal forces' that 'effect a radical change in one's existing set of values' (Forthcoming); we can include a violent violation and its accompanying emotional trauma as such causes.⁹ What Street does not mention is that such a cause can lead an agent to not just radically change their set of normative judgements, but to completely call them into question. This is exactly what happened to Derek: his violation led him to question every one of his previous normative judgements being that they were united by a fascistic outlook that has now been destroyed. He has no standard to judge them by and nor could he: the only standard he ever felt was real was one of Aryan purity, and that standard has now been knocked from his psyche by the actions of his former 'brothers'. Due to their actions, he now questions everything he has previously believed; he can be said to be standing back from his web of interlocking judgements and asking why he ought to believe in them. And this is exactly what Street says is impossible, because a legitimate question of this type must have a standard to judge it by. But this is a legitimate question for Derek: he has no standards for evaluation precisely

⁸ This example is adapted from the film *American History X* (Dir. Tony Kaye, 1998).

⁹ I do not have the space to go discuss the role of emotions in normative thinking. I simply take it as plausible that traumatic emotional experiences can have an effect on one's normative outlook.

because they have just been forcibly removed from his mind by violent actions. The ridding of all of his standards and the questioning of his web of judgements came at the same time when he was brutalised by his friends.

If we think that the case of Derek is possible, and it seems to me that it is, then we must question Street's response to the regress problem. Street thinks the regress ends because we cannot legitimately question why we ought to endorse an entire set of normative judgements; but my example shows that the question can indeed be legitimate. Therefore, Street was wrong to conclude that the regress ends in the way she thinks. Indeed, it is this weakness in the notion of standards being essential for a normative question to be legitimate that stops Street from having an adequate response to Enoch's schmagency objection. The example shows that, contra Street, we can legitimately ask normative questions without any of the normative standards she thinks are necessary.

We saw that Street can possibly answer the schmagency objection by insisting that the question cannot be legitimate. We cannot ask whether we ought to adopt the normative standpoint, and effectively ask whether we ought to adopt any normative judgement whatsoever, because to be able to answer a normative question we need normative standards, and the question extracts away all standards because it is asking whether we ought to have any such standards. Again, we can imagine an example where the question posed seems entirely legitimate, betraying no conceptual confusion. Imagine Albert; a young man who has suffered an emotional trauma, let us say the loss of a loved one, and is now going through a kind of existential crisis. He is in the grip of nihilistic thoughts, questioning whether anything has value, whether he ought to care about anything at all, whether any normative judgements are at all justified. He is questioning why he ought to adopt any normative standpoint, whether there really are any standards for assessment at all and whether he ought to care about any such standards. He is then posing what Street thinks is an illegitimate question: whether we ought to adopt any normative standpoint at all. Albert has suspended all of his normative judgements, as he is questioning them altogether, and with them any such standards constitutive of them. But of course he has suspended any standards: he is questioning whether he ought to care about standards; indeed, it was the trauma of losing a loved one that shook his conviction in standards and with it led to the questioning of caring at all. In one motion, an emotional event, this time the loss of a loved one, rid Albert of his standards and made him question them. He is posing the question 'from nowhere'; in his malaise he is asking for a justification for the adoption of any normative judgement. Albert is

currently sceptical of whether he ought to care about anything at all and is in need of some convincing answer as to why he ought to endorse any normative judgement, and whether he ought to care about any normative standards.

If we think this is possible for an agent – I think it is possible and we know that such people sadly do exist in our world – then we can see that Street has failed to answer Enoch's schmagency objection. In fact, it has come back in a more pertinent and familiar form: the normative sceptic. Street thinks Enoch's schmagency objection does not hold because it cannot be legitimately asked as there are no standards for it to be answered. But as we have seen with the example of Albert, this question can legitimately be asked. If the question can be legitimately asked then Street has not answered the schmagency objection of why we ought to adopt any normative standpoint.

3.5

How can Street respond to this objection and revive her chances of answering the schmagency objection? Maybe she would respond by suggesting that the example of Albert is too extreme. Can we really imagine someone who questioned every single normative judgement, who did not care about anything at all? Surely Albert makes even minimal normative judgements such as 'I need to urinate so I ought to go to the bathroom'. The first thing to say is that the example is not too extreme; sadly this experience of a loss of all value in the world is a real one experienced by too many people: they really do question whether anything at all in the world is worth caring about. As for the notion of making minimal judgements, Albert may think that he ought to go to the bathroom and is then motivated by the judgement, but that does not take away from the fact that in his malaise he really does question whether it is worth caring about, along with everything. Plus, it may be the case that in such a depressive daze he could be barely said to be making normative judgement about going to the bathroom, actually acting upon something closer to instinct.

Following from this point, Street may say because of his deep malaise and existential crisis there is some kind of error in Albert's thinking; he is not thinking clearly because of the malaise and is therefore doing the illegitimate thing of questioning all normative judgements. Albert maybe slightly offended by this claim; he might say that he is in fact thinking very clearly on these matters and that is why he is in such a malaise. He is thinking about these matters constantly, exhausting himself mentally on them. Those in the grip of a kind nihilism are almost thinking *too* much about these matters, in the sense that they are exhausting

themselves, not thinking about the simple pleasures in life maybe. But this does not suggest an absence of rational thinking. Street would need some kind of argument to show that those gripped by nihilism cannot think clearly about normative matters.

Perhaps the best route for Street would be to argue from the other way round; that there is something about normative thought that bars them from being called into question in the fashion Albert is doing. Perhaps Street will say that there must be some standard at work there; that Albert really is questioning normative judgements from some standpoint and is just unaware of it; otherwise he does not really count as conducting a normative enquiry. But this begs the question; what is at issue here is whether constitutive standards held by the agent are necessary for normative questions to be sensibly raised. To make the claim that standards must be involved for a normative question to be raised assumes exactly what Street is being taken to task for.

There must be something else that is essential to normative thought if Street is to try and block Albert's question. Part of what seems to be Street's issue is that she does not think that practical reasoning can get started without any 'normative input' so to speak; that is, normative practical reasoning must always be done from the standpoint of some normative judgement or other so that the target judgment can attempt to withstand scrutiny. Why exactly does she think this? The answer has to be something like this: without a normative standpoint we do not have any standards for practical reason and thus it cannot get started and therefore no judgements can be assessed. If we asked Street why she thinks we need such standards, then surely she will say something like this: without such standards, practical reasoning is impossible. But this would be circular: she would be saying that the normative standpoint is essential to practical reason because it supplies the standards for engagement, and such standards are essential to getting practical reasoning going because they are from the normative standpoint. Of course, this is not to say that practical reasoning needs no standards. Of course we need norms to follow in practical reasoning, how else could we attempt to reason to any answers? The point is that we do not need the kind of standards Street thinks are essential, ones that are constitutive of our substantive judgements. Derek and Albert seem to be engaging in practical reason fine without the kind of standards Street thinks are essential. Therefore her account of practical reason cannot be right and does not have the resources to answer Enoch's schmagency objection.

3.6

Street's account of the procedure of construction has it that the agent constructs normative judgments from the practical point of view which necessarily embodies normative judgements. The resulting judgement is constructed if it is entailed by the judgements embodied in the practical point of view. The normative judgments endorsed by the agent then provide the standards for the procedure; there are certain constitutive commitments of holding judgements such that if one does not consciously follow those commitments, they cannot be said to be endorsing the original judgements. So when engaged in practical reason, the norms are those constitutive commitments; the agent can correctly or incorrectly make the inferences from the judgements in the practical point of view. For Street, the normativity of practical reason is accounted for by those commitments; they are normative for the agent in question because they are constitutive of their own judgements. The agent ought to follow the norms of the procedure because those norms are constitutive of their judgements. Street's substantive move, her emphasis on the role of substantive judgements in practical reason, gives her an account of practical reason with a possible response to Enoch's schmagency objection. Enoch's objection raised the challenge of whether constitutivism, of the kind provided by Korsgaard and James, has really given us a full account of the normativity of practical reason; while certain norms may be constitutive of agency and practical reason, we can ask whether there is a constitutive norm to be an agent. Street's possible response was that, because practical reason necessarily involves being in the practical point of view, and the practical point of view just is the endorsement of some normative judgement, we cannot step outside the practical point of view and ask whether we ought to adopt it. To do so would rid us of any standards for which to assess any answer to the question; normative questions can only be asked from a normative standpoint, and Enoch's challenge involves no normative standpoint and is therefore illegitimate. My objection to Street challenges the notion that we must be endorsing some normative standpoint to ask legitimate normative questions. My examples of Derek and Albert involved agents seriously asking normative questions but without endorsing any normative judgement and thus without the kind of standards Street thinks are necessary for practical reason. If practical reason can be done in the way I think is possible, as shown with Derek and Albert, then Street has not answered Enoch's objection and therefore not given a full account of the normativity of practical reason. If practical reasoning is possible without substantive judgements being involved, then accounting for the normativity of practical reason with those substantive judgements is wrong. Street's

substantive move gave a promising proposal for the constructivist project, but the substantive move opened her up to the classical foe of the normative sceptic who brings down how she accounts for the procedure of construction.

Conclusion

In this paper I have explored constructivism as a metanormative theory about how normative judgements can be true. The possibility of truth for normative judgements was explained in terms of the correct following of the norms of practical reason. This required the constructivist to give an account of the normativity of practical reason. We saw that those philosophers in the Kantian tradition who give a purely formal account of the norms of practical reason rely on a constitutivist theory of the normativity of practical reason. We then saw that constitutivism runs into Enoch's powerful 'schmagency' objection. Street's version of constructivism and its accompanying account of practical reason was then explored to see if her substantive move provides her with the resources to deal with Enoch's objection. It was argued that Street cannot answer Enoch's objection due to a weakness in her account of practical reason. Being that a kind of constitutivism is the most obvious route for a constructivist and the one taken by the most prominent constructivists, where does this leave constructivism?

The constructivist could say that Street's substantive move is not necessary to try and counter Enoch's objection and that a purely formal account is fine the way it is. All that has to be done, the constructivist could say, is to directly undermine Enoch's objection, and then we will have our constitutivism intact and thus an account of the normativity of the procedure of construction. Perhaps they could argue that there is something so fundamentally different between the activity of agency and any other activity that it does not make sense to pose Enoch's question. Similarly, they could argue that agency is such a thing that need not and cannot have a norm for engagement in it. This is roughly what Luca Ferrero (2009) has argued, and whilst it has been challenged by Enoch (2011), it could still possibly be a fruitful avenue.

Another possibility not explored in this paper and one woefully neglected in the literature can be found in the work of Mark LeBar (2008) and his 'Aristotelian constructivism'. LeBar goes further than Street's substantive move in that he thinks that the norms of practical reason involve an entirely substantive norm for directing our practical thought: eudaimonia. Not only is this substantive norm one we must be directed by in our practical thinking if we are to count as reasoning practically, LeBar holds that it is a norm that is in fact constructed, thus reopening the possibility of constructivism going 'all the way down'. Whilst similar challenges to the ones in this paper will re-emerge, concerning

whether an agent can count as reasoning practically if they are not reasoning in accordance with eudaimonia, the fact that it is a constructed, substantive norm means that new avenues of possibility may be opened up for constructivism.

The last possibility I wish to mention is one unexplored as far as I know. The constructivist could attempt a *unified* theory of normative judgments – both epistemic and practical – so that reasons for both belief and action are constructed once constitutive norms have been followed. The constructivist could argue, in the vein of someone like Wedgwood (2002), that belief has an aim and that therefore gives theoretical reasoning constitutive norms. The constructivist could then suggest that this is structurally similar to practical reason and therefore invites a unified account of normativity, perhaps one regarding constitutive norms of thought in general. Again, some kind of schmagency equivalent will arise for theoretical reasoning – we can imagine an interlocutor asking why she ought to care about being a theoretical enquirer – but if the possibility of a unified account of normativity is fully explored by a constructivist, resources may become available for them to respond to it head on. Plus, if the constructivist is to focus on the importance of epistemic norms in understanding the norms of practical reason, this may supply further resources.

This has all been rather vague and speculative, but I hope it suggests that it is not quite game over for the constructivist. No matter what route the constructivist takes however, if they are to account for the truth of normative judgements in terms of the norms of practical reasoning being correctly followed, the schmagent is going to haunt the constructivist like a spectre.

References

- Budde, K. 2009. "Constructivism all the way down – Can O'Neill succeed where Rawls failed?" *Contemporary Political Theory*, 8(2), pp. 199-223.
- Dorsey, D. "A Puzzle for Constructivism and How to Solve It," forthcoming in *Constructivism in Practical Philosophy*, eds. James Lenman and Yonatan Shemmer, Oxford: Oxford University Press.
- Enoch, D. 2006, "Agency, Schmagency: Why Normativity Won't Come from What Is Constitutive of Action," *Philosophical Review*, 115(2), pp. 169-198.
- Enoch, D. 2009, "Can there be a global, interesting, coherent constructivism about practical reason?" *Philosophical Explorations*, 12(3), pp. 319-339.
- Enoch, D. 2011, "Schmagency Revisited," in M. Brady ed. *New Waves in Metaethics*. Basingstoke: Macmillan.
- Ferrero, L. 2009. "Constitutivism and the Inescapability of Agency," in R. Shafer-Landau, ed. *Oxford Studies in Metaethics: Volume 4*. Oxford: Oxford University Press.
- Fitzpatrick, W.J. 2005, "The Practical Turn in Ethical Theory: Korsgaard's Constructivism, Realism, and the Nature of Normativity," *Ethics*, 115(4), pp. 651-691.
- Hussain, N.J.Z. "A Problem for Ambitious Metanormative Constructivism," forthcoming in *Constructivism in Practical Philosophy*, eds. James Lenman and Yonatan Shemmer, Oxford: Oxford University Press.
- Hussain, N.J.Z. and Shah, N. 2006. "Misunderstanding Metaethics: Korsgaard's Rejection of Realism," in R. Shafer-Landau, ed. *Oxford Studies in Metaethics: Volume 1*. Oxford: Oxford University Press.
- James, A. 2007, "Constructivism about Practical Reasons," *Philosophy and Phenomenological Research*, 74(2), pp. 302-325.
- James, A. "Constructing Protagorean Objectivity," Forthcoming in *Constructivism in Practical Philosophy*, eds. James Lenman and Yonatan Shemmer, Oxford: Oxford University Press.
- Kant, I. 1993. *Grounding for the Metaphysics of Morals*. Translated from German by J.W. Ellington. Cambridge: Hackett Publishing.
- Korsgaard, C.M. 1996. *The Sources of Normativity*. Cambridge: Cambridge University Press.
- Korsgaard, C.M. 2003. "Realism and Constructivism in Twentieth-Century Moral Philosophy," *Journal of Philosophical Research*, APA Centennial Supplement, pp. 99-122.
- Korsgaard, C.M. 2009. *Self-Constitution: Agency, Identity, and Integrity*. New York: Oxford University Press.

- LeBar, M. 2008. "Aristotelian Constructivism," *Social Philosophy and Policy*, 25(1), pp. 182-213.
- O'Neill, O. 2002. *Towards Justice and Virtue: A Constructive Account of Practical Reasoning*. Cambridge: Cambridge University Press.
- Rawls, J. 1971. *A Theory of Justice*. London: Harvard University Press.
- Ridge, M. 2005. "Why Must We Treat Humanity With Respect? Evaluating the Regress Argument," *European Journal of Analytic Philosophy*, 1(1), pp. 57-73.
- Street, S. 2006. "A Darwinian Dilemma for Realist Theories of Value," *Philosophical Studies*, 127(1), pp. 109-166.
- Street, S. 2008. "Constructivism about Reasons," in R. Shafer-Landau, ed. *Oxford Studies in Metaethics: Volume 3*. Oxford: Oxford University Press.
- Street, S. 2010. "What is Constructivism in Ethics and Metaethics," *Philosophy Compass*, 5(5), pp. 363-384.
- Street, S. "Coming to Terms with Contingency: Humean Constructivism about Practical Reason," forthcoming in *Constructivism in Practical Philosophy*, eds. James Lenman and Yonatan Shemmer, Oxford: Oxford University Press.
- Velleman, J.D. 2000. *The Possibility of Practical Reason*. Oxford: Oxford University Press.
- Wedgwood, R. 2002. "The Aim of Belief," *Philosophical Perspective*, 16(16), pp. 267-97.