Facts, Norms, and Normative Facts: A Reply to Habermas*

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I greatly appreciate Jürgen Habermas' generous interest in and engagement with the approach to discursive practice detailed in *Making It Explicit*. His account of the basic methodological commitments and motivations, and of the central moves that structure the project is a masterful combination of compression and fidelity to the spirit of the enterprise. He ends his summary with an understandable expression of skepticism about the final success of the account of the objectivity of concepts (and so of the norms of speech, thought, and belief they articulate), against the background of the social practical account of language use that supplies its raw materials. The story about objectivity depends on the intricate interaction of three dimensions: the distinction of social perspective between attributing and undertaking a commitment, which is made explicit in *de re* ascriptions of propositional attitudes, the distinction of deontic status between commitment and entitlement, and the role of perception and action in confronting practitioners with material incompatible commitments. I think it can be shown (and is shown, in Chapter Eight of the book) that an intelligible notion of objectivity results. But there is clearly lots of room for dispute as to whether what is constructed there is *enough* objectivity – whether it is the right sort of objectivity, or all the objectivity we need in order to understand, say, the use of concepts in mature natural sciences. This is a topic Habermas rightly opens up, marking it for future discussion, but does not (and could not, within the compass of his essay) pursue.

In the final three sections of the paper, Habermas raises more detailed concerns about three other aspects of the project. The first aspect is the conception of discursive practice as taking place in, and epistemically answerable to, a world of conceptually articulated *facts* that do not in general owe their conceptual structure to that practice. The second issue he discusses is the extent to which the deontic scorekeeping approach to linguistic practice incorporates a genuine *second person* point of view, as the orienting slogan of 'I/thou sociality' claims, as opposed to making do with a third person, observer-interpreter's perspective. His third set of worries revolves around the notion of *normative* facts. In each case, he raises penetrating, worthwhile questions. I'll address the most basic of them here, at least in a preliminary fashion, in the spirit rather of continuing a conversation than of trying to close one off.

I

Making It Explicit has as one of its central tasks developing and explicating a sharp distinction between discursive practice, on the one hand, and both nondiscursive

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practices[1] and the comportments of merely natural things, on the other. Only the former – playing the game of giving and asking for reasons – counts as deploying or applying *concepts*, by conferring on performances or other items suitably caught up in those practices the role of *expressing* those concepts. But the boundary thus delineated between practices of concept *use* and the non-concept-using world in which that practice is conducted is not construed as a boundary between the conceptual and the nonconceptual *tout court*. In an important sense there is no such boundary, and so nothing outside the realm of the conceptual.[2] The world is understood in the first instance as a collection of *facts*, not of *things*. And facts are distinguished precisely by their being in principle *statable*. Facts are true claims – 'claims' not in the sense of acts of claim*ing*, but in the sense of the claim*able* contents that would be expressed by such (possible) claimings. Claimable contents (the genus of which facts are a species) essentially stand in material inferential and incompatibility relations to one another. Thus they are *conceptually* articulated, in the inferentialist sense *Making It Explicit* gives to the term 'conceptual'. There was a time when no-one *expressed* (applied, used) concepts, because there were no discursive practices yet. But there never was a time when there were no facts (for instance, the fact that no-one was then using concepts or engaging in discursive practices). Neither concepts nor facts are generally causally dependent on thinkers (though facts such as that I am having a certain thought obviously are – more on this point later). But it is part of the pragmatism of *Making It Explicit* to insist that in the order of *understanding*, discursive practice has a certain priority: one cannot understand what facts and concepts are without also understanding the practice of making claims and inferences – and certain crucial features of the latter *can* be made explicit before one has explicitly invoked facts or concepts.

Habermas calls this approach a 'conceptual realism', or 'objective idealism'. He expresses two general sorts of concern about this sort of view: that it is committed to an objectionable kind of *epistemological passivity*, and that it is committed to an objectionable kind of *semantic* passivity. On the first score, he is worried that thinking of the task of cognition as the discovery of pre-existent facts limits knowing to a merely receptive process of being informed: just letting the world wash over us, as it were. If so, it is underestimating the important role played by our active interventions in the world in our finding out how things are. For we cannot understand our capacity to understand things unless we take full account of the fact that we are not just spectators, trying to conform to things, but agents, trying to transform them. We don't just observe, we experiment; we formulate theories and hypotheses, *test* them, and then revise them accordingly. Cognition is unintelligible except as an element of a feedback governed cycle of cognition, action, cognition.

I agree with all of these criticisms of epistemological theories that present knowers as passive spectators. But I deny that seeing our cognitive job as getting the facts right – committing ourselves to claims that were in many cases already true independently of our activities – implies any such passive conception. It is entirely compatible with the fact that we need to *act* in order to find out how

things are (and already were). Although there must be a receptive element in our cognition, there is also a crucial role to be played by spontaneity. For we must extract inferential consequences from our candidate doxastic commitments, including practical consequences for what would or should happen if we act in certain ways, and then seek to assess the truth of those consequential claims, and of various claims materially incompatible with them. Doing that (which includes experimental interventions) is an essential element of assessing the credentials of a candidate commitment. Seeing our discursive practice as embedded in a world of facts that are independent of that practice, and seeing our claims as answering to those facts for their correctness, in no way involves commitment to a spectator theory of knowledge.

Further, I take it that the distinction between conceiving of a world of *facts* rather than a world of *objects* is strictly irrelevant to the issue of epistemological passivity or activity. One can think of reality in either way; whichever notion the theorist takes as primary (or indeed, if they are taken to be conceptually coeval), she will be obliged to explain the relation between them. But there is an asymmetry between the two conceptions. I think the notion of fact can be unpacked in a language that does not yet explicitly invoke objects. This is what I try to do in *Making It Explicit*, by pursuing the pragmatist strategy of beginning with practices of assertion-and-inference – that is, by trying to make explicit various features of the game of giving and asking for reasons, without saying anything explicitly about what we are talking *about*. In doing that, one sees that facts must be *about* objects. (This story has two parts: the 'expressive deduction' of the necessity of object-specifying singular terms, in Chapter Six, and the account of aboutness or the representational dimension of propositional contents in terms of the social dimension of their inferential articulation, in Chapter Eight.) The conceptual articulation of facts is such that the most basic ones must have the structure of attributing properties and relations to objects. That is part of what it means to say that facts are *about* objects – not, of course, in the same sense in which linguistic *expressions* are about objects, but in the way the claims (claimables) they *express* are about objects. By contrast, I do not think that one can start with a conception of a world of objects and build up an intelligible account of what facts involving them (including, crucially, modal and normative facts) consist in.

This claim about order of explication[3] in ontology reflects a more fundamental asymmetry between the conceptions of *sentence* and of *singular term*. Object-based ontologies suffer by comparison to fact-based ones in the same ways and for the same reasons that nominalistic semantics suffers by contrast to sentential semantics. But in any case, I take it that the idea of a world of objects cannot coherently be construed as an *alternative* to a conception of the world as conceptually structured. A world of objects that *can* have facts true of them is, as such, conceptually structured. (As explained in *Making It Explicit*, following Frege, 'object' is – like 'thing' or 'unit' – a pseudo- or prosortal, intelligible only against the background of some genuinely individuating sortals, which express concepts.) But even if one thought of the target of our knowledge as a reality consisting of objects (and only secondarily of the facts *that* they exhibit particular properties and stand in particular relations to

each other), and thought of those objects as being what they are independently of our activities, it would not follow that one must think of coming to know them as a passive process.

The charge I am calling 'semantic passivity' stems from the view that we *make* our concepts. They are our products. Failure to appreciate our role in producing them – treating concepts as something we just *find*, out there – would omit a crucial element of our spontaneity and freedom. It would threaten to make unintelligible the crucial notion of conceptual *development*, the cultivation and improvement of our concepts. That would surely be a bad thing. But I do not think these consequences follow from the endorsement of objective facts and concepts. To see why, we need to keep firmly in mind the two sorts of books that, according to *Making It Explicit*, we keep on people's attitudes (or, more carefully, the two perspectives from which we can specify their contents): *de dicto* and *de re*, subjective and objective. The first is (always according to a scorekeeper) a matter of the contents someone *takes* himself to be expressing, the commitments he *takes* himself to be undertaking by performing various speech acts. The contents specified from this point of view are articulated by what the individual *takes* to follow from what, and what he *takes* to be incompatible with what. The second, by contrast, is a matter of what contents he *actually* expresses, the commitments he *actually* undertakes (according to the scorekeeper). The contents specified from this point of view are articulated by what *actually* follows from what, and what is *actually* incompatible with what. The facts are, according to each scorekeeper, always specified from the second point of view, and the concepts that articulate them are objective and independent of anyone's attitudes (at least, for the subset of objective facts – more on this later). Those are the concepts that in fact bind us all, in the sense of determining the objective correctness of what we say and think, and the objective success of our actions. But we differ substantially in the contents and concepts we *take* to bind us in this way. Except in very sophisticated cases, we don't in any case *construct* our concepts (or our conceptions of them). We always already have them – that is, we always already find ourselves bound by concepts. We are obliged continually and permanently to attempt to *improve* our grasp of the concepts that really bind us (by which we bind ourselves, without knowing all the details of what we have bound ourselves to). Just as we try to find out what the facts are, we try to find out what the right concepts are. Indeed, according to the Quinean line of thought I pursue in *Making It Explicit* (with its rejection of the idea that an analytic/synthetic distinction can be made to do central semantic theoretical work), these two enterprises are two sides of one coin. For finding out how things really are and finding out what really follows from what and what is really incompatible with what are two aspects of one process – a process for which we are responsible. We are active participants in grooming our *conceptions* (what we *take* to follow from what), precisely because we are trying to improve our understanding of the *concepts* that we are all along anyway binding ourselves by, without fully understanding them.

I have accepted that the charge of semantic passivity is a serious one, but argued that it does not apply to the view of *Making It Explicit*. But I also think we

need to be careful about how we understand the charge itself. It is tempting to see it against the background of a picture according to which we freely *make* our concepts, and then a nonconceptual reality, which we *find*, somehow settles which of the claims we stake using those concepts are true or correct. (Saying just how this could work is one of the great challenges for those who understand the world as nonconceptual – or even just as consisting only of objects.) The meanings of our statements are entirely up to us, but the truth of the beliefs we express thereby is not up to us. I think this positivistic picture should be rejected. This is partly for Quinean reasons: that making and finding are not intelligible except as abstractions from a single unified process of adjusting both what we say and what we mean (our theories and our language, our concepts and our claims) in the light of recalcitrant experience, including practical experience, through which we keep finding ourselves with commitments that are incompatible by our own lights. But it is equally for Kantian reasons: that on such an account it is unintelligible what it could be for our concepts to be *about* something nonconceptual, in the sense of answering to it for the correctness of their application. I see Hegel as having combined these concerns (of course, among many others), and in this sense *Making It Explicit* is an Hegelian work. Talk of what follows from what (what the right concepts are) and talk of what claims are true (what the facts are) are indissolubly bound up with one another. We *make* our commitments in the sense that we undertake them; we commit ourselves; apart from our activity, there are no claimings or inferrings. But in doing that we *find* ourselves bound beyond our ken, by how things actually are and what actually follows from what. These are not independently intelligible components that can somehow be bolted together to yield an understanding of how by saying something one can make oneself responsible to how things are (and so might be found to be).

Here is a diagnosis: Habermas seems to take it that my attempt at securing objectivity intersubjectively (as the product of the orthogonal distinctions on the one hand between the two sorts of deontic status, commitment and entitlement, and on the other between the two sorts of deontic attitude, acknowledging and attributing) either fails to underwrite anything recognizable as, or cannot be the whole story about objectivity. Given that, it then seems natural to assume that I look elsewhere to get what I cannot procure socially – namely to an objective, already conceptually structured reality. If that is the function of the latter notion, then its authority must not be a social product (not instituted by social practices), but is rather something that, like the reality itself, is antecedent to social practices in general. But if that were right, we would have a picture of a kind of authority set up over us that was not negotiable, not dependent on our acknowledgment of it, and perhaps not even in principle equally accessible to all participants. But my intent is just the other way around. The recognition of an independent, conceptually structured objective reality is a *product* of the social (intersubjective) account of objectivity, not something that is either prior to or a substitute for that account. I want to say what it is for our practices to *institute* a kind of authority (the authority of objective facts) – what it is for us to *grant* to things a certain sort of limited authority over the correctness of some of our speech acts (and over

what counts as the success of our practical undertakings). I think that the deontic, social structure of our discursive practices is entirely sufficient, all on its own, to explain what that sort of authority is, and what we are doing in constitutively taking facts to exercise it. Against *that* background (that is, when we understand what we are saying in those terms), the acknowledgment of the existence of conceptually structured facts to which our practices (according to us) answer comes cheaply. It is not meant to have *any* explanatory value except what can be cashed out in terms of the deontic and social-perspectival articulation of our discursive practices. In particular, it is not intended to explain so much as the possibility of that articulation – rather, the other way around. If this diagnosis is correct – that Habermas takes my talk of facts as something that is supposed to do explanatory work, rather than (as intended) just as something that is to be explained in social practical terms – then the point that will turn out to bear the most weight must be the social-perspectival account of objectivity, that is, of the nature of the *authority* (according to *Making It Explicit*, always a social category) of how things can be discovered to be (the facts). (I think this is a quite separate issue from that of the difference between normative facts, which are not in general prior to our practices, and nonnormative facts, which at least often are – see below.)

The normative inferentialism of *Making It Explicit* builds a connection between *justification* and *meaning* into its understanding of the most basic theoretical concepts. Grasping a meaning is playing the game of giving and asking for *reasons*. Insisting on a connection of at least this general sort is one of the central characteristics also of the approach to discourse that Habermas has been developing over the years. The independent motivation and development of an inferentialist semantics may be able to shed light on deep connections between *making* a claim and the responsibility to be able to *justify* it, which Habermas has asserted and exploited, but which have not been universally appreciated or accepted. According to my story, what is distinctive of *discursive* commitment, as a species of a wider genus, is precisely first, that the issue of *entitlement* to that commitment is always in principle at issue (because it matters for the social practical *consequences* of undertaking such a commitment – for instance, whether and how it is available to others to use as a premise in *their* reasoning), and second, that such entitlement is a *social* phenomenon that is *inferentially* articulated and inherited. I think there is a real prospect of using the idiom I develop to further unpack what is implicit in Habermas' central notion of a *validity claim.* (That is one reason it is worth our trying to get clearer on what one should say about different kinds of inferentially articulated commitments and entitlements, doxastic, practical, and so on.) Looking on ahead, I think that this approach offers a way of privileging the 'game of giving and asking for reasons' over other things one can do with words – both the use of them as weapons or instruments of power, that Foucault often wants to treat as generic – and the merely playful uses that Derrida and the post-moderns want to see as generic (emphasizing the 'game' character of what, for that reason, is probably better called the '*practice*' of giving and asking for reasons). Doing that is giving the Enlightenment its due. But, more proximally, I think the social and inferential articulation of the practice is *all* that need be

appealed to in order to fund talk of objective, conceptually structured (nonnormative) facts, to which our claim-making practice (=fact-stating practice, in the sense that making an assertion is always implicitly *purporting* to state a fact) answers for its correctness – in a sense of 'correctness' that can also be understood entirely in social, inferential terms. Doing this is precisely a way of acknowledging the social character of *all* normativity, and our ultimate responsibility for instituting and acknowledging this sort of authority (and for treating some questions but not others as of this kind).

II

Habermas sees the conception of communication developed in *Making It Explicit* as not really doing justice to the specific role of the second person. He says that this view:

> … identifies the interpreter with a public that assesses the utterance of a speaker – and not with an addressee who is expected to *give the speaker an answer*. Every round of new discourse opens with an ascription that the interpreter undertakes from the observer's perspective of a *third* person. (p. 345)

I think this is on the whole a fair characterization. There are, to be sure, some elements that are not merely observational in the pragmatics – we might think of the fundamental notion of a *challenge*, which supports the characterization of discursive practice as a 'game of giving and asking for reasons'. And on the semantic side, the *symmetry* of the relation between the one acknowledging a commitment (paradigmatically by producing an assertional speech act) and the one attributing it is a deep-seated feature of the account of scorekeeping, communication, and the perspectival character of propositional and other sorts of conceptual content.[4] The essence of communication is taken to consist in coming to be able to navigate smoothly across the doxastic and inferential gulf excavated between interlocutors by their differing commitments, so that each can gather information from the other (as required to specify the content of the other's commitments in the way made explicit by *de re* ascriptions), and see the world from the other's perspective (as required to specify the content of the other's commitments in the way made explicit by *de dicto* ascriptions). But nothing is made of the notion of *face to face*, *reciprocal* communicative interaction aimed at the sort of understanding that consists in *convergence* of the contents of commitments as specified *de re*, from one participant's perspective, and *de dicto*, from that of the other. This is what is required for a shared understanding that is mutually known to be shared. I believe that the conceptual raw materials provided are entirely sufficient to characterize such interactions (and so the fact that 'listeners have a different role than hearers' (p. 345). I do not know whether Habermas would agree with this claim; he does not address the issue. But it seems clear that

even were he to be satisfied on this point, he would take the main thrust of his objection to remain untouched. From his point of view, the achievement of this sort of mutual understanding is *the* central communicative phenomenon. A theory of linguistic practice that starts elsewhere and treats accounting for this sort of I-you interaction as peripheral, as something of an afterthought, has missed something crucial.

Perhaps so. But I am not convinced. To begin with, mutual understanding in the strong sense Habermas is insisting upon is *not* required for the undertaking of joint projects. The perspectival theory of conceptual contents explains how the content of a genuinely shared aim, like that of a genuinely shared belief or concept, and even the content of a *joint* (and not merely shared) intention – what Sellars calls 'we'-intentions – can appropriately be subject to different specifications by the various individuals who nonetheless share it. The participants do not need all to be doing the same thing (sharing) in a narrow sense in order to be engaged in a joint enterprise, and in that broader sense to be doing the same thing (sharing). This is the point of the image Habermas cites elsewhere in his paper. Conversational partners should not be pictured as marching in step, like soldiers on parade, but more as ballroom dancers, each making different movements (at any moment, one leads and the other follows, one moves forward and the other back, one sways left, the other right, and so on) and *thereby* sharing a dance that is constituted precisely by the coordination of their individually different movements. Understanding – whether one-sided understanding of another or mutual understanding of each other – is a product of discursive co-ordination in which the distinctness of perspectives is maintained and managed. What is 'shared' in such a process is in principle not specifiable except by reference to the various perspectives from which it can appear.

Be that as it may, Habermas will insist, there is still all the difference in the world between what I just called 'one-sided understanding of another' and 'mutual understanding of each other'. And his claim is that the whole '*point* of linguistic communication [*Verständigung*]' (p. 346) is to achieve the latter. But I deny this – not because I think that linguistic practice has some *other* point, but because I think it is a mistake to think of it as having a point at all. Linguistic practice is not *for* something. It does not, as a whole, have an aim or a goal. It may and does, of course, fulfill many functions. But none of them is its *raison d'être*. Language is certainly not a tool for the expression of thoughts intelligible as such apart from their relation to such a means of expression, as Locke, in the company of most of the Cartesian tradition thought. For that conception of contentful thoughts is mythological.[5] Neither is it a means to secure some other end specifiable in advance of engaging in linguistic practice – not adaptation to the environment, survival, reproduction, nor co-operation – though it may serve to promote those ends. Even if in a causal, evolutionary sense, those functions explain why we came to have language, once we did have it, our transformation into discursive creatures swept all such considerations aside. For discursive practice is a mighty engine for the envisaging and engendering of *new* ends – thereby transforming the very concept of an end or goal, giving it for the first time its

proper, practical-rational, sense. If one had to say it was *for* anything, it would have to be for this: so that we can be rational, and so much as *have* rational ends or goals. But once again, that is not an end intelligible in advance of linguistic practice, so that the latter could be made sense of as a means to the former end. Mutual understanding, the pursuit of co-operative undertakings, are made possible by linguistic practice. But I do not see that they can intelligibly be taken to be its point, aim, or end. It makes us the kind of being we are in such a fundamental sense that it makes no sense to ask after the *point* of our being like that.

At some points in his discussion, Habermas puts his point differently:

> The *intention* that a speaker connects with an utterance amounts to more than just the interpreter's attribution to him of a corresponding belief without his being interested in the interpreter's position on this belief. Rather, as a participant in communication, the speaker with his assertion makes a demand on an addressee to say 'yes' or 'no' publicly; at any rate he *expects* some kind of reaction from her that can count as an answer and that can produce obligations relevant for the sequel of interaction *for both parties*. [p. 346; underlining added.]

No doubt this is often, perhaps usually, so. But it is an essential methodological commitment of *Making It Explicit* not to appeal to propositional attitudes such as intention and expectation in explaining speech acts. Of course, this commitment may itself be wrong-headed or perverse. But it is not without motivation. The thought is that in explaining what, say, assertion is, we ought not to help ourselves to concepts (such as belief, intention, and expectation) which are themselves intelligible in principle only in a context that includes assertional practice. At least we ought not to help ourselves to them as though they were antecedently intelligible, as, say, Gricean analyses do.[6] So the aim in *Making It Explicit* is to describe a more fundamental assertional practice – one in which what matters is what performances, responses, and scorekeeping attitudes are *appropriate* or *correct* (always according to someone keeping score). In those terms it is possible, the claim is, to make sense of speech act kinds such as assertion, and of propositional attitudes corresponding to belief and intention. At that point the notion becomes intelligible of a *species* of assertion that is asserting with the intent or expectation of receiving an answer or reaching agreement. The strong claim to which this approach is committed, however, is that practices can be intelligible as making claims and inferences, and so as *discursive* practices, even if they lack that species – however much they might for that reason in other ways fail to resemble our own sophisticated practices.

III

Perhaps the most serious worry Habermas expresses is the one with which he ends his essay. It is that the concept of normative facts presented in *Making It*

Explicit blurs a crucial distinction between facts and norms. This is the distinction between how we *find* things to be in the nondiscursive world, and how we *make* things to be by our own decisions. The first realm is the target of our cognitive activity, which seeks merely to acknowledge how things already anyway are. Consensus here is important as evidence of having successfully conformed our beliefs to the facts. The second realm is the target of our practical activity, which seeks to agree upon norms for the regulation of our joint activities. Consensus here is what co-operation and formation of a common will consists in.

I agree that this is a crucial distinction (though, as indicated above, I think the temptation to line it up with the distinction between the nonconceptual and the conceptual should be resisted). It would indeed be a bad thing if it goes missing, becomes unintelligible, or even is treated as of merely secondary importance in the account of discursive activity offered in *Making It Explicit*. But I do not think that it does, although that fact can be obscured by the ways in which I use 'fact' and 'norm' – which are quite different in some ways from standard usages, including Habermas' own. The difference in question shows up in the systematically central distinction between nonnormative facts and normative facts. Using 'fact' in such a way as to acknowledge that there are normative facts does not require blurring this distinction. One important way of distinguishing regions of facts is by the vocabulary needed to state them. This is how we pick out physical facts, mathematical facts, intentional facts, the problematic category of semantic facts, and so on. Normative facts are those whose statement requires normative vocabulary. That is, vocabulary that plays a distinctive expressive role: codifying commitment to patterns of practical reasoning. Normative facts, true normative claimables, are a distinct kind of fact. That the universe has a mass large enough to cause eventual gravitational collapse is, if true, a nonnormative fact. For the concepts that articulate it are not concepts, such as *commitment* or *entitlement*, which play the expressive role with respect to practical reasoning that qualifies them as normative.[7]

Now it is a fundamental claim of *Making It Explicit* that normative facts of the sort appealed to in making explicit defining features of discursive practice – those pertaining to *commitments* and *entitlements* – should be understood as *socially instituted*. That is, apart from our scorekeeping attitudes of attributing and acknowledging such deontic statuses, there are no such statuses, and hence no corresponding normative facts about them.[8] Before creatures started taking and treating each other as committed or entitled to do various things, there were no such things as commitments and entitlements (responsibility and authority). Facts about what we are committed to (and so on) depend on our activities. Some of Habermas' concerns seem to stem from the impression that talk of normative facts debars one from acknowledging that we can *produce* such facts, for instance, by undertaking commitments – as though all the normative facts had to be there already, independently of our practical activities, awaiting only our cognitive acknowledgment of them, as many of the nonnormative facts are.[9]

Habermas says that according to the account I offer 'judgments and beliefs are guided by norms just as much as are intentions to act, with the result that they

cannot be differentiated according to descriptive and prescriptive relations to action' (p. 348). The first part of this claim is correct, but it does not have the result he is concerned about, because *practical* commitments (commitments to *do* something) are readily distinguishable from *doxastic* commitments, even though both are conceptually articulated. For they play very different roles in reasoning – more specifically, distinguishable roles even within *practical* reasoning (in which practical commitments can serve both as premises and as conclusions, while doxastic commitments can play the role only of premises). Statements expressing practical commitments have a normative force that is a close analog (in my somewhat different system) to prescriptive force: indicating, for instance, what someone is *committed* to doing, rather than how things simply are. Of course, that someone is committed to act in a certain way is also a fact about how things are. But it is a different *kind* of fact from those formulable using nonnormative vocabulary. For commitments are a special sort of thing, instituted and sustained as they are by our practices of attributing and acknowledging them. Habermas continues: 'it is supposed to be *only facts* in light of which actions as well as linguistic utterances can be criticized and justified' (p. 348). But in the sense in which this characterization is true, the facts involved can – and in the case of practical deliberation, typically do – involve facts about who is committed to what (in various senses of practical commitment). I don't see that any crucial distinction is then going missing – even though the distinction between description and prescription is couched in a perhaps unfamiliar vocabulary (or, worse, in a familiar vocabulary of 'facts' and 'norms', used in unfamiliar ways).

So I do not think it is true that 'Brandom disregards the significant fact that, in everyday practices, the normative vocabulary above all serves purposes of orienting actions, and not cognitive purposes of logical explication' (p. 349). For my claim is that the expressive role distinctive of normative vocabulary is making explicit *commitment* to various patterns of practical reasoning. But committing oneself to such patterns *is* orienting actions. It has direct consequences for what one is committed to go on to *do* (i.e. for what practical commitments one undertakes), and not just cognitive consequences for what one goes on to believe.

Habermas says 'Brandom does not . . . raise the question of whether the "responsibility" that the agent bears for his action is *exhausted* by the epistemic justificatory responsibility, which of course, is all that can be at issue in the case of assertions'. (p. 350). *Making it Explicit* does not, indeed, so much as address the issue of responsibility for actions outside of the context of responsibility to *justify* them. This is not, of course, the same as denying that there is any such further sense in which one is responsible for them (though I would deny that one *need* understand any further sense in order to understand rational *agency*). But not all justification is *cognitive* justification. The justification of *practical* commitments can involve appeal to other *practical* commitments. That is, to say why someone *should* act in a certain way, one may need to appeal to what she has *committed* herself (implicitly or explicitly) to do. Of course, these

practical commitments may be made explicit, in the form of assertions that acknowledge or attribute the commitments involved. But the justification remains essentially *practical*, in that it appeals to what one is *committed* to do, and not just to what one believes, or to what is true (except in the – in this case – trivial sense in which it matters that it is true that one has committed oneself). Thus I agree that 'their practical responsibility for what they ought to do is not exhausted by their epistemic responsibility for what they may assert' (p. 352). But this observation is no way incompatible with the view put forward in *Making It Explicit*.

Habermas also points to the crucial distinction between the participant's perspective in a practice and an observer's perspective on it. I'm not sure why he thinks this distinction is not given its due in *Making It Explicit*, since the perspectival distinction between *attributing* a commitment (the attitude of a scorekeeping observer) and *acknowledging* it (the attitude of a participant) is absolutely central to the normative pragmatic theory developed there. Habermas claims, however that from the participant perspective 'facts play no *essential* role in the justification of norms' (p. 350). This seems an overstatement. To be sure nonnormative facts, and even practice-independent normative facts, might sensibly be taken not to be in general *sufficient* for justifying claims about who is committed to what (i.e. practice-dependent normative claims). But surely they are often *necessary* for justifying such claims. If I am committed to bringing it about that q, and it is a *fact* that p is a necessary condition of q, then I am *wollo nollo*, and whether I realize it or not, thereby committed to bringing it about that p. Justifying my commitment to bringing it about that p (say, saving the rain forests) might (under those conditions) require justifying bringing it about that q (say, that so and so many workers in the affected industries lose their jobs). The (nonnormative) facts matter to justifying my commitments – even from my perspective, as the one (considering) acknowledging the commitment.

To apply these considerations once again, when Habermas says that 'A justification of the normative expectation that bank employees ought to wear neckties will . . . rely less on factual arguments than on "strong evaluations", for example, on the connection between certain dress regulations and the value-orientations that the members of a bourgeois culture, from their perspective, link with the trustworthy handling of financial business' (p. 352), I want to say that what is invoked under the heading of 'strong evaluations' is *commitments* of various sorts, on the part of the participants in the practice – whether commitments implicit in the acceptance of employment in the bank, or on the part of the customers. But *that there are such commitments* (if, of course, there are) is a fact: a practice-dependent, normative fact. Using the language of facts, articulated by the distinctions outlined above, in no way bars one from making the crucial discriminations and observations Habermas is properly concerned to safeguard.

Although I think for these reasons that Habermas' worries about the notion of normative facts are ultimately unfounded, there is an intelligible basis for them. I think Habermas worries that because I think the world before discursive practices

was *conceptually* articulated, and that concept *use* is essentially normative, that there must have been *normative* facts before there were discursive practices. And then he is worried that *all sorts* of normative facts – including moral and political ones – are being construed as just there, antecedent to and independent of our practice, with our job being just to get them right, as it largely is for nonnormative facts.

For I do think that one cannot understand the category of facts except as an element in a story that includes an account of discursive, that is claim-making, practices. But I also claim that it does not follow (as Rorty, for instance, has occasionally injudiciously claimed) that before there were such practices, there were no facts.[10] With implicitly normative practices, normative facts come to obtain (indeed, perhaps even before there are specifically *discursive* practices). But nonnormative facts can intelligibly be taken to *obtain* before the normative facts, apart from which we can't *understand* those nonnormative facts. That is, it does *not* follow from the claims that a) all facts are conceptually structured, and b) some facts are independent of our activities, and obtained before there were discursive practices, and c) concept-use is essentially normative that d) normative facts are independent of our activities, and obtained before there were discursive practices. This constellation of claims requires some explanation.

Now it certainly does look as though in claiming that the world before there were discursive practices consisted of *facts* (and the things the facts are *about* – *not* the things they *consist* in, since facts are not in general to be considered as *arrangements* of objects, or as otherwise *made up of* them), and claiming that facts are *conceptually articulated*, and that concept is a normatively significant concept together entail that there were normative facts that obtained before there were discursive practices. But I think the conclusion does not in fact follow. Concept is not strictly a normative concept in the sense given to that term in *Making It Explicit*; for its use does not *codify* commitment to a pattern of practical reasoning. It is a normatively *significant* concept, since its use has immediate normative *consequences*: for instance, if c is a concept, then there is a difference between applying it *correctly* and incorrectly. But nonnormative facts can have normative consequences.

Stating a fact requires applying a concept. Since concepts are individuated by their inferential roles, this means that facts essentially, and not just accidentally, stand in *inferential* relations to one another, and to other possible states of affairs (claimable contents that may not be true). So the pre-practical world did include *conditional* facts: facts about what claimables follow from what others. (And *negative* facts, codifying material *incompatibilities* among claimables.) These conditional and negative facts *underwrite* or *support* genuinely normative claims about what it would be correct to infer (what inferences are commitment or entitlement preserving). But they do so only in the context of auxiliary hypotheses concerning discursive practices – i.e. premises concerning the use of various locutions to *express* those contents, premises with immediate consequences for how it would be *correct* to use them. Schematically: 'If p then q' was true in the pre-practical world (for nonnormative p and q). It follows that 'It is (would be) *correct* to infer

⌜q⌝ from ⌜p⌝' only if it is also true that ⌜p⌝ means that *p*, and ⌜q⌝ means that *q*. But *these* facts are not pre-practical. Given them, the truth of the normative claim about inferring follows from the truth of the conditional claim. But that is not enough to make the conditional claim itself normative. 'If . . . then___' is *logical* vocabulary, but it is not yet *normative* vocabulary. Its role in practical reasoning depends upon specifically normative auxiliary hypotheses (in this example, claims about what various expressions *mean*). The conceptual articulation of pre-practically obtaining facts does not make all those facts, or even any of them, *normative* facts. For all that that doctrine claims, it may be that all pre-practical facts are nonnormative facts.

A further reason one might be suspicious of the credentials of this claim is the pragmatist explanatory commitment, which insists that the category of *facts* can in principle only be made intelligible in the context of an account of the practice of *claiming*. (There is an asymmetry here, but it is intended to be understood as an *explicative* asymmetry, rather than an *explanatory* asymmetry. The concepts of claiming and of facts mutually involve one another, in the sense that one cannot deploy the concept of claiming without already at least implicitly having brought the concept of facts to bear as well. But the involvement may, at least to begin with, be only implicit. That is, I claim that one can make explicit various crucial aspects of claiming without yet having talked about facts – even though one of the things one will discover by doing that is precisely that fact-talk is already implicit in claiming-talk.) The order of understanding and the order of being can be different. It is a mistake to think that because concept A is unintelligible apart from its relation to concept B, therefore As cannot exist unless Bs do. If we agree that the concept hammer is unintelligible apart from its relation to the concept nail, it might remain controversial whether there could have been hammers before there were nails, whether there could still be hammers if all the nails were destroyed, or whether it could be correct for us now, having invented hammers, to discover that there had been nails for centuries, though no one realized it. But it should be clear that not all cases are like this. Someone might labour her entire life constructing an apparatus designed to produce a new kind of subatomic particle, dubbed 'δ particles', which do not occur in nature, in order to show that her theory, according to which they *could* exist is correct. The concept δ particle generator is unintelligible apart from the concept δ particle. But such a device might exist in a number of versions before there were any such particles. And conversely, in another scenario, it might not be possible to understand the concept δ particle until and unless we were able to grasp the concept of a certain kind of δ particle *detector*. Yet once we have such a detector, we might find out that, contrary to our expectations, the particles had been around for a long time already. Our practices of claiming serve, *inter alia*, as fact detectors. To understand the concept fact, we have to understand the concept claim. It applies only where there are normative facts, about what practitioners *mean*, what they have *committed* themselves to do, how it would be *correct* for them to proceed, and so on. But they make it possible to state, and so under the right circumstances to know nonnormative

facts that antedated the practice instituting normative facts such as that someone claims something (takes it to be a fact).

In sum, the important work that Habermas thinks must be done by maintaining a distinction between norms and facts can be done instead by a distinction between normative facts that are instituted (along with the deontic statuses they are about) by our practical activity, on the one hand, and nonnormative facts not so dependent, on the other. And I don't think that the commitment to what he calls 'conceptual realism' or 'objective idealism', properly understood, is incompatible with this recentering. In particular, I don't think that the latter view requires that we see all our norms as always already there, in the form of facts that are just waiting for us to acknowledge them. Our commitments – both the doxastic ones that express our beliefs and judgments and the inferential ones that articulate the concepts we apply – depend on us, on our undertaking and attributing them. But they depend also on how things are, on what the nonnormative facts are, and on what in fact follows from what. The challenge for conceptual sculptors in this area is to craft an idiom capable of appropriately articulating this reciprocal dependence. (I take it that this is the master-challenge orienting Hegel's work.)

IV

Habermas closes his essay by remarking on what he sees as a disjunction between what he calls the 'deontological understanding of morality' and the 'conceptual-realist understanding of moral vocabulary', in *Making It Explicit*. I have already indicated why I don't believe there is a problem reconciling an emphasis on understanding deontic statuses as instituted by practices of attributing and acknowledging them, on the one hand, with a picture of us as committed to trying to get our inferential norms (and therefore our understanding of concepts) right, given how things really are. But the mention of specifically moral norms indicates a residual concern that is not disposed of by these considerations. For this is an area in which we are well advised to be alive to the dangers presented by claims that what moral commitments we should undertake can simply be read off from how things in fact are, so that our own responsibilities in the matter are strictly epistemic – a matter of finding out how things already in any case are. As a student of Richard Rorty's, I am particularly sensitive to these considerations, which he is so impressed with that he argues that the very idea of our being responsible for the truth of our empirical claims to *non*normative facts is an epistemological remnant of bad political and cultural authoritarianism. (Though I believe that this particular response of his is an overreaction, which can and ought to be resisted by offering a sufficiently sensitive account of the nature of the objectifying attitude by which we *grant* authority over our *empirical* utterances to how it is with the things we are talking and thinking about.) In the terms of *Making It Explicit*, it is important that *practical* commitments (deontic statuses

doing much of the systematic work otherwise assigned to intentional states of *intention*) should not be assimilated to the *doxastic* commitments (deontic statuses doing much of the systematic work otherwise assigned to intentional states of *belief*). In particular, practical commitment must not be (and in the book are not) taken to be answerable for their correctness to facts that are independent of our practical doings (attributions and acknowledgements of commitments) in the way doxastic commitments typically are.

But this is a point about practical commitments generally, not about specifically *moral* commitments. *Making It Explicit* is officially silent on this topic. The words 'morality' and 'ethics' (like 'experience') do not so much as occur in this long book. Such an omission may seem strange in a work that takes normativity as one of its principal guiding themes. It is, of course, not inadvertent. Its approach is motivated in part by the thought that the understanding of conceptual normativity has been hampered by the fact that theorists of normativity have typically focused on moral norms. So some ground might be gained by addressing discursive norms undistracted by the special features historically treated as distinctive of moral ones. It is not claimed that we get any special enlightenment about moral norms from thinking about the more fundamental class of discursive ones, but it is natural to hope that this might eventually turn out to be possible. Now it might be thought that this sort of agnosticism is disingenuous. Habermas is right to detect sympathy for an assimilation of normativity in general to specifically conceptual normativity (as I think Kant and Hegel do). A question then arises as to whether, once one has understood the sense in which *all* concept-use is normative, there remains anything special to say about the normativity of moral concepts. (Hegel often seems to be saying that there is not.) And it seems legitimate to worry that an account along these lines goes beyond just not committing itself concerning distinctively *moral* normativity, and in fact leaves no room for anything recognizable as such – that the notion of commitment put in place is too thin to support anything like *moral* commitments or obligations. (This is a concern distinct from that which I have already dismissed here as intelligible but ultimately unfounded – the attribution of a kind of objectivism about moral facts as the conclusion of an inference from the claims that moral concepts are also concepts, albeit normative ones, and that true normative claims state facts, and that there is such a thing as getting our empirical concepts objectively right, no less than our empirical fact-stating claims. For moral claims surely ought to be construed as answering to our practical commitments as well as to objective facts that are as they are independently of such commitments.)

I want to end by responding to this worry about the intelligibility of specifically moral normativity against the background of the account of discursive norms presented in *Making It Explicit*. I'll do so by gesturing at two very different ways one might approach morality consistently with that account, with the thought that if two such extreme and diametrically opposed avenues remain open, then no doubt so do many other more moderate ones. The first idea is what might be called *natural kind skepticism* about the moral. It would be natural for a reader of *Making It Explicit* to understand the central challenge for moral theory

as being to say what is distinctive about moral *reasons* – to explain the nature and origins of their bindingness, of the sort of commitments and entitlements they articulate, in relation to other sorts of reasons for action (and belief). One might take it, however, that although what are usually denominated 'moral' reasons for action are, at least often, genuinely *reasons* for action, there is nothing in particular that such reasons have in common that would justify grouping them together as *moral* reasons. Features that have been appealed to in an attempt to demarcate them in a principled way – universality, unconditionality, overridingness, and so on – seem to be both too narrow and too wide, and don't permit the specification of individually necessary and jointly sufficient conditions for membership in what turns out to be a motley, gerrymandered concept. One might even suspect that the concept of distinctively moral reasons is a historical relic, an artifact (as one might think the concept of distinctively *aesthetic* reasons is) of a philosophical outlook and project that belongs to an age we have rightly moved beyond – in the case of the moral, motivated by the (no doubt laudable, but by now merely quaint) attempt to secure by secular means a successor concept to a notion of a kind of bindingness previously associated with divine commands. An adherent of such a view might seek to understand the concept good reason for action without any antecedent commitments regarding the existence of a distinctive subclass of *moral* reasons. One of the lessons of the rehearsal of some different patterns of practical reasoning in Chapter Four of *Making It Explicit* is that taking this line does not in any way commit one to assimilating all good reasons for action to *prudential* or *instrumental* reasons.

At the opposite end of the spectrum from such a metalevel nihilism about the moral, however, is another path one might take out of the deontic pragmatics of the book. For one might rather follow Kant and Habermas in pursuing a transcendental moral theory. In the idiom of *Making It Explicit*, one would look to ground one's ethics[11] in commitments that turn out to be *implicit* in engaging in discursive practices at all. If and insofar as playing the game of giving and asking for reasons could be shown implicitly to involve undertaking commitments to recognizing fellow practitioners, and to treating them in some ways rather than others, the existence of those commitments would be independent of the dispositions of the practitioners actually to acknowledge them. And the possibility would exist of an *expressive* ethical theory with practical effects. Such a theory would have as its task making *explicit*, in debatable, but also teachable form, what it discerns as always already implicit in talking and thinking at all. Its aim would be to bring practitioners to *acknowledge* – and so act upon, treat as reasons that are *causally* efficacious in the aetiology of practical performances – those implicitly undertaken commitments.[12] Since in this way making explicit what is implicit in concept-use generally is precisely the expressive role distinctive of *logical* vocabulary, it would follow that the road to ethics is paved by logic. I take it that this thought is one of the central structures animating Hegel's approach to ethical concepts and commitments.

I do not mention these possibilities with the idea of endorsing either natural kind skepticism about moral concepts or a transcendental expressive under-

standing of them. My point is only that *Making It Explicit* provides conceptual resources that might be exploited by moral theorists engaged in a variety of not necessarily mutually compatible projects. Its studied neutrality on these important topics is meant to open up alternatives, not close them off.

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NOTES

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[1] 'Practices' because involving implicit normative assessments of performances as correct or not; 'nondiscursive' because not so structured as to accord any performances the status of assertions or inferences.

[2] Although the details are very different, at this level of abstraction there is on this point deep agreement between the views expressed in *Making It Explicit* and those John McDowell puts forward in his important, powerful, and original *Mind and World* [Harvard University Press, 1994].

[3] A delicate point: This is not the same thing as order of *explanation*, which might support a reduction. For explanatory priority requires that one can grasp the explaining, reducing concepts first, independently of any sort of grasp of the explained, reduced ones. Whereas I am claiming that one can make various aspects of the concept of a fact explicit without explicitly mentioning objects, but that when one does, what one sees is that the concept of fact all along implicitly involved the concept of objects.

[4] Of particular significance is the symmetry of their *authority* over the content. See Section VI of Chapter Eight of *Making It Explicit*.

[5] Indeed, it is what Sellars calls the 'Myth of the Given'. See his *Empiricism and the Philosophy of Mind*, 1956 [reprinted with an Introduction by Richard Rorty and a Study Guide by Robert Brandom, Harvard University Press, 1997].

[6] There is, of course, no necessity to start one's account with *anything* claimed to be intelligible independently of its role in discursive practice.

[7] As will emerge below, this is so even though the notion of a *concept* cannot itself be explicated without appeal to implicitly normative discursive practices.

[8] Are there any normative facts that are not so instituted? I don't discuss any such possibility in *Making It Explicit*. On the other hand, I am there directly concerned only with *conceptual* normativity. I don't believe that anything I say there directly rules out the possibility that some expression that qualifies as normative vocabulary because of its role in codifying commitment to patterns of practical inference should be usable to make claims whose truth does not depend on the scorekeeping attitudes of practitioners: facts that obtained antecedently to and independently of their practices. I am not holding any special

brief for such a category of objective normative facts. In the end it may prove to be an incoherent notion. But I do not see that it is *obviously* incoherent. (It is not even obvious to me that one could not intelligibly talk about such a range of possible facts, while maintaining an error theory, according to which as a matter of fact no such claims were *true* – i.e. that there turn out not to be any such facts, even though the idea of them is coherent.)

[9] And this misimpression may be encouraged or exacerbated by my view that under the right circumstances, some normative facts are in principle as directly *perceptible* as some nonnormative ones are. For I take it that *all* that is required for observation is the capacity reliably to respond differentially to a certain sort of state of affairs by applying the relevant concepts – that is, by making a claim. And it seems to me that in this sense suitably trained individuals can often perceive normative facts, perhaps paradigmatically what someone means or is saying. (I discuss this further in a forthcoming essay 'Noninferential Knowledge, Perceptual Experience, and Secondary Qualities: Placing McDowell's Empiricism'.) But of course this is not the only way we have of knowing about these facts. And knowing is not the only relationship we have to them – for we can also bring them into being, for instance by making a promise, forming an intention, asserting a sentence.

[10] I discuss this issue further in 'Vocabularies of Pragmatism', my contribution to a Festschrift for Richard Rorty, forthcoming from Cambridge University Press.

[11] In keeping with the hand-waving level of generality of this discussion, I am not here distinguishing moral theory from ethical theory.

[12] According to such a view, someone who acted unethically would be undertaking practical commitments materially incompatible with those that are implicit as part of the *form* of those very commitments as conceptually articulated. Along with its evident affinities to Apel's notion of pragmatic self-contradiction, there are important differences between an expressive approach in terms of the relations between what is implicit and what is explicit, and an approach in terms of pragmatics and semantics. Although the point cannot be pursued here, the systematic account in *Making It Explicit* of the notion of explicit expression of what is implicit puts constraints on the attribution of commitments implicit in discursive practice as such that provide valuable resources for avoiding the sort of circularity to which appeals to pragmatic self-contradictions are otherwise at least often liable.