

Taking Normativity Seriously

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Abstract: Taking Normativity Seriously

This issue of *L'Ircocervo* is devoted to the new research directions on normativity that have emerged due to new attention paid to normative phenomena also in empirical disciplines such as ethology, anthropology, psychology and neuroscience. In this introduction, we propound some of the problems and some of the new research directions that are emerging, emphasising the fact that in many cases, for the resolving of problems and the advancement of research, the collaboration of philosophy with other scientific disciplines will be desirable or even necessary. Notably, we formulate eight questions that the philosophy of norms and normativity will have to face in the decades to come.

Keywords: Norm, Normativity, Nomic behaviour, Normative experience.

1. On 8 August 1900, the young German mathematician David Hilbert, not yet 40 years old, delivered a revolutionary lecture at the 2nd International Congress of Mathematicians, which took place in Paris at the Sorbonne. His purpose was to identify the main problems that mathematicians around the world would have to face in the coming century. Hilbert indicated ten (which then became twenty-three in the list he later published), thus proposing a research programme for the entire mathematical community¹.

In this lecture, Hilbert revealed his firm belief in the possibility of solving any mathematical problem by resorting to pure reason and urged mathematicians all over the world to tackle the problems he had identified and solve them: “We hear

¹ Cf. D. Hilbert, “Mathematical Problems”, in *Bulletin of the American Mathematical Society*, 1902, 8(10), pp. 437-479.

within us the perpetual call: There is the problem. Seek its solution. You can find it by pure reason, for in mathematics there is no *ignorabimus*².

2. This special issue of the journal *L'Ircocervo*, dedicated to the new frontiers of research on norms and normativity, stems from the spirit of Hilbert's lecture. It provides an opportunity to take a brief survey of the main problems that theorists and philosophers of norms and normativity will have to face in the years to come, around which some original and innovative lines of research are already beginning to develop. Unlike Hilbert's proposal, however, we are not faced with problems that can be solved only by recourse to 'pure reason': in order to investigate some of the problems concerning norms and normativity, it is also necessary to make use of 'empirical reason'. In this special issue, we have thus collected, alongside contributions of a theoretical nature, contributions also that investigate normativity in its more empirical (biological, psychological, neurological, and ethological) contexts.

3. The American philosopher John R. Searle wrote that "philosophical disciplines are not eternal"³. One piece of evidence in favour of this thesis is precisely the philosophy of norms. It was not until the 20th century that the norm became the specific focus of an autonomous theoretical and philosophical investigation. While there have been numerous, in the history of philosophical thought, reflections on what the *content* of the social, moral or legal norms that regulate human life should be, as well as those on the ultimate fundament of normative systems, it is only in more recent times that research investigating the nature of *norms as such*, in all their possible and diverse manifestations, human and non-human, has developed.

In particular, during the 20th century, philosophers, logicians, jurists, sociologists and anthropologists began to question the nature of *norms as such*, investigating their logical, semantic, pragmatic and ontological status, and distinguishing, through articulated typologies, types of norms that cannot be reduced to the mere idea of prescription or command⁴. Some of the major theoretical innovations on the norm have originated from these areas of research.

If, however, the philosophy of *norms* is a recent discipline, even more recent is the philosophical reflection on *normativity*. Important contributions to the philosophy of normativity certainly come from the studies carried out in the 1980s and 1990s by Georg Henrik von Wright and Amedeo Giovanni Conte in the context

² D. Hilbert, *op. cit.*, p. 445.

³ J.R. Searle, *Making the Social World. The Structure of Human Civilization*, Oxford, Oxford University Press, 2010, p. 5.

⁴ Some of this research has been collected in the book edited by Giuseppe Lorini and Lorenzo Passerini Glazel, *Filosofie della norma (Philosophies of Norms)*, Giappichelli, Turin, 2012. This special issue is in ideal continuity with the project undertaken exactly ten years ago with the book *Filosofie della norma*. While the gaze in that book was turned to the past, now with this special issue it is instead turned to the future.

of a general theory of ought, or ‘philosophical deontics’: they distinguish the concept of deontic *Ought* (the concept of Ought *par excellence* that is typical, for example, of many legal norms and moral norms) from other *non-deontic* forms of Ought, such as technical Ought, eidetic Ought and anankastic Ought.

In recent decades, then, the search for the roots of normativity has led various authors to investigate ‘primitive normativity’ (Hannah Ginsborg) and ‘naïve normativity’ (Kristin Andrews). These investigations have fruitfully intersected with the research of ethologists such as Frans de Waal and Carel van Schaik who work on the hypothesis that certain forms of normativity can also be found in relations between non-human animals. Add to this the work accomplished by psychologists such as Michael Tomasello, who endeavours to provide a comprehensive description of human cognitive capacities and neurological structures underlying normative behaviour.

4. But what, then, are the problems that scholars of norms and of normativity will have to face and try to solve in the coming decades?

The relevance of this question is also heightened by the fact that the image we have of norms (in particular, that of moral and legal norms) in the last quarter of a century has been profoundly revolutionised by contributions from disciplines such as psychology, anthropology, ethology, and neuroscience, as well as from philosophy.

A major contribution to the philosophy of norms comes, for example, from social ontology (also a new philosophical discipline that emerged in the 20th century). Social ontology shows how rules can not only limit our freedom, but also offer us new possibilities as they allow us to create new types of acts and objects that are part of what is called ‘institutional reality’. The rules of football, for example, on the one hand limit our behaviour, but at the same time make it possible to play the game of football: without the rules of football, one could not score a goal.

The most recent research on normativity also reveals a new image of man as a ‘nomic animal’, i.e., as an animal endowed with the (nomic) capacity to act in the light of norms. Searle argued that this capacity of ours to act in the light of norms is fundamental to the existence of human civilisation itself. Without this capacity, not only would the very possibility of human coexistence be in doubt, but surely realities such as states, parliaments, contracts, marriages, and football matches could not exist.

Human beings thus live in a world of norms, and one that is partly constructed through norms: one could say, in other words, that we live in a ‘nomosphere’. Our daily actions are continually conditioned by norms, even when we are not aware of them, because we are immersed in a plurality of normative systems among which we have to disentangle ourselves. We have, for example, to deal on a daily basis with legal norms, ethical norms, social customs, linguistic rules (e.g., the rules of syntax), norms of fashion, as well as technical rules that help us in the workings of everyday life.

The most recent research in ethology seems to show, however, that perhaps human beings are not the only animals to have a nomic capacity and to construct their social relations through (at least elementary) forms of normativity.

This issue of *L'Ircocervo* is devoted specifically to the new research directions on normativity that have emerged due to new attention paid to normative phenomena also in empirical disciplines such as ethology, anthropology, psychology, and neuroscience. This new research cannot but stimulate philosophy to ask new questions and possibly revise its conceptual toolbox.

In this introduction, we limit ourselves to propound some of the problems and some of the new research directions that are emerging, emphasising the fact that in many cases, for the resolving of problems and the advancement of research, the collaboration of philosophy with other scientific disciplines will be desirable or even necessary. Here, then, are some of the questions that the philosophy of norms and normativity will have to face in the decades to come:

- (i) What are the neurological structures that make nomic behaviour possible?
- (ii) What are the psychological processes involved in a normative experience?
- (iii) Are there non-human nomic animals? Are there norms in animal societies?
- (iv) Can there be norms outside language? In other words, can norms exist outside a linguistic framework?
- (v) What are the possible forms of expression of norms beyond language?
- (vi) What is the ontological status of norms? In other words: what kind of entities are norms?
- (vii) What connection is there between nomic behaviour and the technical activity of constructing artefacts?
- (viii) Can computers follow rules? Can future artificial intelligences be designed to have normative experiences and be endowed with a nomic capacity comparable to that of human beings?

5. For the purpose of investigating these and other questions concerning norms and normativity, including those beyond the human sphere, the international research network 'Normativity: Research Network on Human and Non-Human Normativity' (<https://www.normativity.com>) was formed in December 2020, bringing together 150 scholars (from around 90 universities on five continents) from a number of different research fields: (i) anthropology and sociology, (ii) biology, (iii) cognitive sciences, (iv) economics, (v) ethology, (vi) geography, planning and design, (vii) law, (viii) medicine, (ix) philosophy, (x) psychology.

The essays collected in this special issue of *L'Ircocervo* subscribe to the interdisciplinary spirit that characterises the Normativity network and represent some of the research directions that seem to us to be most fruitful for tackling the new challenges facing a philosophy of normativity. We have divided the 20 essays

into five sections, which suggest a reading path according to thematic areas, but which also inevitably present numerous interconnections. The five sections are:

1. Ontology of Normativity
2. Ethology of Normativity
3. Psychology and Neuroscience of Normativity
4. Semantics of Normativity
5. Pragmatics and Phenomenology of Normativity

What unites the works collected here is the investigation, conducted from different, but in our opinion complementary, methodological perspectives of what norms and normative phenomena *are*, in all their different manifestations, rather than what they *should be*. Even when the genesis of norms and normativity is investigated, this investigation is directed *not* at the search for the ultimate fundament of norms, but at the reconstruction of the conditions of possibility of normative phenomena, where these conditions are from time to time understood in biological and neurological, or logical, phenomenological, and pragmatic terms.

The special issue opens with the English translation of a fundamental contribution by Amedeo Giovanni Conte (Pavia, 1934-Cava Manara, 2019), who long taught philosophy of law at the University of Pavia and was a member of the Accademia dei Lincei. In his essay “Norm: Five Referents” (originally published in 2012), reflecting on the question “What is a norm?”, Conte shows that this question is vitiated by a false assumption: the assumption that the term ‘norm’ designates a single kind of entity. Conte, questioning some widespread assumptions of the philosophy of norms, shows, instead, that when we speak of norms, we can refer to at least five types of heterogeneous entities, some of which are not linguistic entities.

It now seems clear to us that, in order to investigate the specific nature of the entities we call norms, as well as the possible relations that exist between them, philosophy cannot fail to take into account the new research being developed in the other disciplines that have turned their attention to norms and normativity.

We believe, in fact, that collaboration between scholars from different disciplinary fields can be a useful antidote to the ‘theory-induced blindness’ (to borrow the words of Nobel laureate Daniel Kahneman)⁵ that has hindered the study of a plurality of significant normative phenomena that are part of our everyday life. All these phenomena, despite their heterogeneity, have something in common: they are all manifestations of some kind of normativity. We have therefore collected the 20 contributions of this special issue, also recalling the words of Socrates in Plato’s *Minos*:

Socrates: The norm [ὁ νόμος], what is it for us?

⁵ Cf. D. Kahneman, *Thinking, Fast and Slow*, Farrar, Straus and Giroux, New York, 2011.

Companion: To what kind of norm does your question refer?⁶.

Socrates: What! Is there any difference between norm and norm, in this particular point of being a norm [κατ' αὐτὸ τοῦτο, κατὰ τὸ νόμος εἶναι]?

⁶ Plato, *Minos*, 313a.