

Meaning Still not Normative: On Assessment and Guidance

Jaakko Reinikainen

Doctoral Student, Tampere University

jaakko.reinikainen@tuni.fi

Abstract

Is meaning essentially normative, and what does claiming that amount to? One popular interpretation is that in virtue of their nature meanings are capable of guiding subjects in their applications of concepts, for meaning is constituted by norms. However, the guidance view has been met with criticism to the effect that if semantic norms constitute facts about meaning, then they cannot simultaneously guide subjects in their applications. In response, some normativist authors have proposed that the key sense of ‘normative’ in the claim that meaning is essentially normative is not ‘guidance’ but ‘assessment’. In this paper I shall argue that switching from guidance to assessment offers no respite from the anti-normativist argument that normativity in the sense of prescriptivity emerges not from meaning as such but from the attitudes of subjects insofar as the normativist is unable to offer a plausible account of what makes assessment appropriate.

Keywords: normativity, meaning, guidance, assessment, anti-normativism

1. Introduction

For roughly three decades now a debate has sprawled concerning the thesis, most commonly attributed to Saul Kripke (1982), that ‘meaning is essentially normative’. Recently a novel approach to settle the conflict between the two main sides, usually called ‘normativists’ and

‘anti-normativists’, has been brought to light favouring the normativist side. The novel solution argues that the proper reading of ‘normative’ in the thesis ‘meaning is normative’ is not that meanings *guide* subjects in first-person deliberation. Rather, ‘normative’ means that the subjects’ actions are *appropriately assessable* from a third-person perspective. This understanding of ‘normative’ allows the normativist position to counter a powerful argument by the anti-normativists that employs the distinction between constitutive and regulative rules. The argument of the novel solution is made explicitly and independently by Matthias Kiesselbach (2014) and Ulf Hlobil (2015), but the key idea appears already e.g. in Jaroslav Peregrin (2012) and Robert Brandom (1994).

In this section I offer a background for the arguments motivating the normativist shift to assessment, which move is then discussed in the second section. The third section introduces criticism of the normativist argument, with the conclusions reviewing the whole. The main argument I pursue is twofold. First, the normativist novel solution emphasising assessment over guidance must specify what makes assessment appropriate. Second, the likely answer of consent by the assessed subject has not been adequately explicated, for we have no good account of what consenting to norms in practice consists in.

It is worthwhile to briefly see what precisely chafes between the normativist and anti-normativist views. One important point of controversy is wherefrom semantic prescriptions originate. By ‘semantic prescriptions’ I mean oughts and mayas that apply to subjects’ usage

of expressions in a (here unspecified) semantic vein. For many normativists rules or norms¹ such as

(G) if ‘green’ means *green* then ‘green’ applies correctly only to green things

directly imply some semantic prescriptions regarding how ‘green’ ought/may (not) be used.

Anti-normativist authors Åsa Wikforss and Kathrin Glüer have dubbed reasoning along these lines the ‘Simple Argument’ (2009; 2015).² The main idea is that because ‘meaning’ just is constituted by rules or norms such as (G), the concept is essentially normative and entails prescriptions concerning the use of expressions.³

However, the anti-normativists have a strong argument to refute the Simple Argument, named aptly by Hlobil the ‘Argument from Constitution’.⁴ The motivating idea of the Argument from Constitution is that even if the normativists are right and meanings are constituted by norms such as (G), this very fact entails that meaning-constituting norms

¹ As a terminological note, I use ‘rule’ and ‘norm’ interchangeably for the purposes of this paper, although prefer ‘norm’ since it is more explicit in connoting the distinction between correct and incorrect application, while ‘rule’ is often also used to describe mere regularities.

² It is controversial whether the Simple Argument or this conclusion can be attributed to Kripke’s Wittgenstein; see Martin Kusch (2006) for an alternative interpretation. In this paper I do not take stance as to what is the correct reading of Kripkenstein, for the Simple Argument can be taken seriously regardless. Neither will I address Kripkenstein’s original arguments here.

³ The Simple Argument allows several different versions; see e.g. Paul Boghossian (1989), Anandi Hattiangadi (2006), Daniel Whiting (2007), and Glüer and Wikforss (2009).

⁴ The original argument is made by Glüer and Pagin (1999), but a variant addressing mental content appears in Glüer and Wikforss (2009). Since here my main target is the linguistic version of the normativity controversy, I shall focus on the original Argument from Constitution by Glüer and Pagin.

cannot entail prescriptions regarding the use of expressions. The first reason is that constitutive rules, unlike regulative rules, cannot entail prescriptions. For example chess is constituted by the rules of chess, which define how each pawn can be moved during a game. Supposing someone makes an illegal chess move, they have by that token stopped playing chess, for chess is not an activity that can be described independently from its rules like e.g. traffic can be described independently from the regulative traffic rules. Second, constitutive rules cannot be identical with regulative rules, for while it is impossible to violate a constitutive rule (since they prescribe nothing to be violated), it must arguably always be possible to violate a regulative rule (since any action prescribed can in principle fail). So because constitutive rules cannot be identical with regulative rules, and because only regulative rules can entail prescriptions, meaning-constitutive norms cannot be prescriptive.⁵

Now it can be surprising to observe that some constitutive rules *can* be prescriptive. Glüer and Pagin note that ban against spearing is a constitutive rule of ice hockey as we know it, yet clearly enough it is possible to break the rule during a game without stopping to play ice hockey. The answer to the puzzle is that although the norm against spearing is the same in both cases, the agent for whom it functions constitutively is not the same as the one for whom it functions regulatively. In other words there's a difference in 'stage-setting', of a norm being *in force* or not for the agent which defines whether she is an agent in the sense of an ice hockey player or not. To summarize: 'This, we believe, is the key to understanding constitutivity: a practice is constituted by a set of rules if it is possible to engage in that practice only insofar as the rules of that set are in force for the agent' (Glüer and Pagin 1999, 221).

⁵ For more on the distinction between constitutive and regulative rules, see John Searle (1969).

But what does it mean for a norm to be ‘in force’ for an agent? According to Glüer and Pagin, a necessary condition for a norm to be in force for an agent is her acceptance of it, which means having some kind of a pro-attitude towards the norm(s). An ice-hockey player need not have a pro-attitude for the ban on spearing, but she needs to have pro-attitude towards the appropriateness of the sanctions that will ensue upon spearing detected by the referee in order to count as an ice-hockey player. (Glüer and Pagin 1999, 223)

The central lesson Glüer and Pagin draw from these remarks is that meaning-constitutive norms can only enter first-person deliberation (and thus exercise the ‘guiding aspect’) if accompanied by suitable pro-attitudes. If we understand the alleged ‘guiding aspect’ of semantic norms as the possibility to enter practical syllogisms, then meaning-constitutive norms always play the part of doxastic states, which in the classical understanding of practical syllogism does not alone suffice to provide a reason for action. What is also needed is the pro-attitude. So strictly speaking it is not meaning as such (the constitutive norms) from which the normative force originates, but the first-person pro-attitude towards following the constitutive norms, which is a much less problematical thesis for the anti-normativist to accept. (Glüer and Pagin 1999, 217)

Telltale of the Argument from Constitution’s power is that a prominent normativist Jaroslav Peregrin has conceded its main points as ‘essentially correct’ (Peregrin 2012, 82). One move of his normativist strategy for absorbing the impact involves shifting attention from first-person guidance to third-person assessment as the relevant interpretation of normative, which is essentially similar to what Kiesselbach and Hlobil propose. I end this section by looking at Peregrin’s response, which will be criticized along with Kiesselbach’s and Hlobil’s arguments in the third section.

Peregrin's defensive move draws from the distinction, recognized also by Glüer and Pagin, between an internal and external perspective to a constitutive norm. Someone who is not playing ice hockey is not guided, in any sense of the word, by the constitutive rules of ice hockey; but once she becomes a player of ice hockey and the rules come into force, her actions are guided by the constitutive rules, even in cases where she does not have a pro-attitude toward following each and every one of them (like the ban on spearing). Peregrin writes:

I am fond of describing the situation in terms of an 'internal space' that some systems of rules have the ability to constitute. From outside of the space we can only report the fact that the rules are in force for the insiders, but once we join them, they start to be in force *for us* and hence be in force (full stop); and claiming this does not amount to stating a fact, it is a different speech act [...] [The internal speech] acts do not report that something is (not) the case, they point out that something *ought (not) to be the case*, hence they always involve the utterer's taking a rule as being in force, her endorsing it. In this respect, they are similar to oaths of loyalty: they always involve one's decision to assume a certain status, namely to bind oneself by a rule, and in this sense they *institute* something (namely a certain social link) rather than *report* it. (Peregrin 2012, 81)

In sum, the line between the 'inside' and 'outside' of a discursive practice can be drawn with the help of two different kinds of speech acts, or better, two different functions of a speech act. From outside the practice it is possible only to report certain normative facts about the practice, such as that 'green' means green for the participants. Thus meaning-constitutive norms have no prescriptive consequences seen from outside the practice; they appear just as facts. But inside the speech acts gain an additional, institutive or prescriptive function. Inside the practice, where the norms are in force for the subjects, the speech act which states "‘green’ means *green*" both reports a normative fact *and* serves to prescribe other practitioners, e.g. by instructing how the word 'green' ought to be used. Inside the practice it

also becomes possible to sanction subjects for their misconduct in view of the constitutive rules:

What does it mean that the claim that moving a rook diagonally is wrong has normative consequences? Well, whoever does move a rook in this way will be excluded from the present chess game, and upon recidivating will, sooner or later, bring about her exclusion from the community of serious chess players permanently. And in a very similar way, whoever uses English words in a wrong way repeatedly will be excluded from the community of English speakers—even if the noises he emits still sound like English words, they will not be taken seriously as English pronouncements. (Peregrin 2012, 85)

With these two defenses Peregrin is able to conclude that '*[t]he fact that the rules constitute meanings does not rob them of their normativity.*' Next I shall visit two other normativist papers which also apply the strategy of privileging assessment over guidance to avoid the Argument from Constitution.

2. Normativity as Appropriate Assessment

To recap, Pagin, Glüer and Wikforss understand 'normative' in the claim 'meaning is essentially normative' as 'guidance', guidance as 'giving reasons for action', and argue that only regulative rules can give direct reasons for action while constitutive rules, in order to function as reasons, require mediation by suitable first-person pro-attitudes. The Simple Argument fails because it strives to derive prescriptive consequences from a constitutive statement without mediation by pro-attitudes. The mistake which the anti-normativist reasoning, following a Humean understanding of action and reason, identifies is analogous to trying to derive reasons to act from a doxastic state without a suitable pro-attitude, or even more revealingly, an ought from an is. The novel normativist strategy is to take a step backwards in the chain and reinterpret what it means to be 'normative'; not as *guiding* but as *assessing* action. Kiesselbach writes:

If what matters is the applicability of norms, i.e., the appropriateness of *assessing* the speaker on the basis of the relevant constitutive standards, then there is room for judging that irrespective of her actual conduct, a speaker ought to conform to the norms which constitute the meanings of her expressions. (Kiesselbach 2014, 428)

Shifting focus in the debate to assessment instead of guidance targets the reading of the Simple Argument that operates on the vocabulary of constitutive and regulative/prescriptive norms. The proponents of the Argument from Constitution claim that constitutive norms cannot have prescriptive consequences unless they are mediated by suitable pro-attitudes. In contrast, Kiesselbach argues, shifting focus to assessment and what he calls ‘linguistic calibration’ will reveal that ‘semantic norms can be seen as both meaning-constitutive *and* prescriptive’ (Kiesselbach 2014, 429).

How can this be then? Kiesselbach’s answer is to interpret a norm’s being ‘in force’ differently from the anti-normativists. In essence, he proposes that a norm can be genuinely in force for a subject despite lacking the assent (a suitable pro-attitude toward), or even awareness of, the norm to which she is a subject. He mentions legal norms as one paradigmatic example, and a cue more appropriate in case of linguistic or discursive norms is picked up from Robert Brandom, for whom the distinction between being sensitive to a norm and being subject to the norm is important (Kiesselbach 2014, 431). So in essence, for Kiesselbach a meaning-constitutive norm can be in force for a subject and entail semantic prescriptions as long as other subjects hold her subject to the norm, which they do by assessing her actions according to the constitutive norm, understood as a standard of correctness.

An example should be useful here. Suppose there's a subject who is assessed by her audience as meaning green by the word 'green'. Suppose this means that 'green' correctly applies only to green things. She then goes on and applies 'green' to a red apple in the presence of her audience. Assume there is no perceptual error involved on either part, and both parties know this. Now, for anti-normativist, if the audience is to interpret the subject as rational, they should interpret her as having meant something else than green with her word after all. Because the rule "'green" applies correctly only to green things' is constitutive of the word's meaning, the subject cannot violate it; her deviant action amounts to doing something else instead. In Kiesselbach's suggestion the audience does not change their 'theory' of the subject's semantic understanding, but rather hold her responsible to the standard they take to be correct. Supposing the standard really is correct, the audience correctly holds the subject as having violated the constitutive rule for the word 'green'. The details of how all this happens are sketched out by Kiesselbach's version of scorekeeping practice which he calls 'linguistic calibration':

My claim, now, is that the central locus of normative vocabulary, crucially all talk of 'constitutive or 'normative standards,' is within just such a calibration game, and that it is also within such a calibration game—i.e., from the perspective of a participant in it—that we must understand what it means to say that a norm is 'in force.' Our saying that a norm is in force or that some player is appropriately assessed on the basis of some standard ('has some reason,' in the vernacular) reflects our current stance within a calibration game—whether we are theorists, or other (more ordinary) participants in the calibration practice. And this, in principle, is all that needs to be said in an account of how constitutive norms come into force. (Kiesselbach 2014, 437)

In a short reply to Kiesselbach, B. Kaluziński has made acute observations about linguistic calibration. Here I only wish to bring up one of them, for I think that while Kaluziński's objection is on the right track it does not succeed in refuting Kiesselbach:

It appears to me that the grave problem that Kiesselbach's account faces is that the

mere possibility of assessing the use of some linguistic expression based on a semantic norm does not justify the claim that meaning is normative in a way that rules out naturalism. My use of the term green is assessed as correct when, for instance, I am making a sincere assertion ‘The grass is green’, and it is assessed as incorrect when I am making the sincere assertion ‘Double deckers are green’. But, there is no relevant normativity here—we just note that, in the first case, the semantic standards are met, and in the second case, they are not. (Kaluziński 2016, 111)

Kaluziński draws support from an example made famous in the literature by Hattiangadi (2006). In an amusement park there is a standard for some rides which defines the ‘correct’ height of entry at four feet. Children can then be classified as either meeting the standard or not meeting it, either being of correct height or not. The standard thus constitutes some natural properties as ‘correct’ and others as ‘incorrect’. But this classification as such does not imply that the property in question (height) is normative in any sense. According to Kaluziński the same is true of the semantic case; even if the audience classifies the subject’s application of the word ‘green’ as incorrect according to their standard, this does not mean that the application itself is normative intrinsically.

The shortcoming in this objection is that the audience’s assessment in Kisselbach is characterized as ‘appropriate assessment’, meaning that the assessment itself can be carried out correctly or incorrectly. When the subject applies her word ‘green’ to a red object, barring any kind of perceptual errors, she makes a semantic mistake in the eyes of her audience. According to Kaluziński, this alone implies no relevant prescriptions for the subject because even though it is true that the subject’s application (or her height) does not conform to the audience’s standard, barring further premises there is no reason why the subject ought to conform to the audience’s standard. Characterizing the audience’s assessment as ‘appropriate’ changes this. The sense of ‘appropriateness’ at play is not merely that the conditions set by the audience’s standard really hold (the subject’s height is measured

accurately for instance) but that the standard itself is appropriately applied to the subject.

Appropriateness of assessment means that the audience is authorized or entitled to apply their standard to the subject *because it is the standard the subject ought to conform to*.

(Kiesselbach 2014, 430-431)

Another example should bring this conclusion out better. The subject in the semantic example is effectively in the same position as the spearing ice hockey player in the non-semantic one. When the player does something that the referee/audience estimates as violating the ban on spearing, the referee/audience is entitled in her estimation because the player has agreed to follow the constitutive rules of ice hockey, including the norm that bans spearing. Like Glüer and Pagin observe, the player need not have a pro-attitude towards the ban on spearing directly, for it suffices she has a pro-attitude to play ice hockey. In Kiesselbach's version of scorekeeping the subject must have emitted an 'acknowledgement signal' of some kind to show acceptance of the practice or individual norms therein. In this he follows 'the (broadly Kantian) principle that in order to be appropriately assessed on the basis of a norm, one must have done *something*, have committed *some* sort of act of subjection—if not directed at the [individual] norm, then at the practice as such' (Kiesselbach 2014, 438). In an ice hockey rink and scorekeeping practice both, the subject is assessed appropriately according to the relevant standards, which means the assessments, insofar as they are true to the standards of ice hockey and scorekeeping, entail prescriptions for the subject.

Before going on into the criticism of Kiesselbach's proposal I think it is useful to compare it with another like-minded view. With Kiesselbach Hlobil agrees that

anti-normativists overlook the possibility that norms can be constitutive of something without those who are subject to the norm being guided by the norm or being in accordance with the norm [...] A plausible normativism holds, I think, that what partially

constitutes facts regarding what someone means or what content a mental state has is that the subject is correctly assessable by certain norms. If an utterance or a mental state has a certain content, we can legitimately evaluate what the subject does in light of certain norms. And it couldn't have this content if the norms didn't apply. (2015, 378-379, footnote omitted).

The main strategy here shares with Kiesselbach the idea that the relevant sense of 'normativity' in the context of the normativity of meaning debate is not 'guidance' but 'assessability'. Hlobil claims that by focusing on guidance as the correct reading of 'normativity' in the Simple Argument, anti-normativists like Glüer and Wikforss needlessly narrow their scope to first-person normativity, which alone is deemed to be genuinely prescriptive. Yet normativity from the third-person perspective, in the form of correct assessability, can be equally prescriptive even if it never enters first-person practical deliberation: 'The nature of the normativity involved does not change just because the standpoint of assessment changes.' Like Kiesselbach, Hlobil mentions juridical statutes and also divine commands as examples of third-person prescriptions. Even if no one ever was guided in their action by these prescriptions, even if they were not aware of them, the laws and commands could be in force for them and entail prescriptions for their actions, and by analogy the same applies to meaning-constitutive norms. It does not matter to the prescriptivity of these norms whether anyone's linguistic behavior conforms to them so long as they can be correctly applied to the behavior in question. (Hlobil 2015, 379)

Hlobil's argument is less straightforward to paraphrase than Kiesselbach's, for a couple of reasons. First, Hlobil focuses for the most part on normativism about mental content whereas my interests are with normativism about linguistic content or meaning. Nonetheless Hlobil writes that 'a lot of what I say will also apply to normativism about meaning.' Second, Hlobil does not adopt a stance on the Simple Argument, which is the background selected here.

Furthermore, Hlobil's status as a normativist differs somewhat from authors such as Peregrin and Kiesselbach:

I shall not argue for normativism; I merely defend it against some challenges. I will assume that there is a plausible initial motivation for normativism. What could the motivation be? There are different such motivations for different people. Some think, e.g., that facts about meaning can (non-instrumentally) justify the use of expressions and concepts. Speaking for myself, I am a normativist because I think that the concept of a *good inference* must play a crucial role in our theory of content. [...] The concept of inferential goodness must be explained, I think, in normative terms; we must say something about what inferences we should and should not make. (Hlobil 2015, 377)

For these reasons it's not clear to me whether Hlobil would oppose the central claim advanced in this paper, that semantic prescriptions do not originate from meaning via assessments. Nonetheless Hlobil is worthwhile to bring up here because his argument against Argument from Constitution adopts the same general strategy as Peregrin's and Kiesselbach's, and thus (potentially) succumbs to the same problem I aim to bring forth.

To begin with, we can now see how the novel normativist strategy circumvents the Argument from Constitution. Anti-normativists think that semantic prescriptions concerning usage hinge on the usage *conforming* to the meaning-constitutive norms. Since the only plausible way for the usage to conform is for the speaker to be guided by the norms, the Argument goes, prescriptions essentially originate from the pro-attitude to follow the norms, not from the meaning-constitutive norms as such. But if what matters is not conformance but appropriate assessment and *applicability* of the norms, the requirement for the subject's pro-attitude to conform to the norms drops out as unnecessary. So the change from guidance to assessment implies a change in the meaning of 'constitutive norms'. For anti-normativists like Glüer and Pagin, following Searle, a norm is constitutive of an activity iff it's possible to

engage in that activity only by conforming to the norm. Although both Peregrin and Kiesselbach hold on to the term ‘constitutive norms’, for them a norm is constitutive of an activity iff the norm necessarily applies to the activity, where ‘applies’ means the possibility of appropriately assessing the activity according to the constitutive norms. Therefore, supposing the anti-normativist has no good independent reason to privilege first-person guidance as the proper form normativity takes, the Argument from Constitution loses its punch.

There is one important caveat this line of thought must consider to succeed. I already mentioned Hattiangadi’s argument that mere assessment does not imply that what is assessed, be it height or application of expressions, is itself essentially normative. The only way for the assessment to imply the normativity of what is assessed is if the assessment is specified as ‘appropriate’ (Kiesselbach, see quote on page 7), ‘correct’ (Hlobil, page 11) or ‘justified’ (Peregrin 2012, 93). Why does this matter? Because, even if mere assessment according to a standard entails no prescriptions to the subject assessed, appropriate, correct or justified assessment arguably does. Again it must be noted that the relevant appropriateness does not mean accurately establishing whether the standard has been met or not in a particular case, but that the standard in general has a kind of authority over the subject, who thus is obligated to conform to it.

The anti-normativist challenge can now be adapted: what does it mean for assessment to be appropriate, correct, or justified? (I take these expressions as synonymous here, settling on ‘appropriate’ for simplicity; likewise with ‘assessment’, which Hlobil for instance replaces with ‘evaluation’.) What are the necessary and sufficient conditions for assessment to count as appropriate, and are they ever fulfilled? A subtle distinction must be noted here: the

question is not when someone has the *right* to issue a speech act which purports to correct someone's application of an expression. A teacher characteristically has a right, even a duty, to issue such speech acts to her pupils in class, but not necessarily while randomly meeting them in a mall or when the pupil is resuscitating someone.⁶ It is not the authority of the *act* of assessing but the *assessing standard itself* that is in question here. The relevant correctness conditions of authority of assessment are like its truth-conditions: under which conditions is the assessment '*S* ought to correct their application of the expression *E*' true?

The general answer by the normativists to the issue of what makes assessment appropriate is what Kiesselbach, already quoted above, calls

the (broadly Kantian) principle that in order to be appropriately assessed on the basis of a norm, one must have done *something*, have committed *some* sort of act of subjection—if not directed at the norm, then at the practice as such. (Kiesselbach 2014, 438)

A comparable idea appears in Peregrin, quoted on page 6, who writes that the internal speech acts 'involve one's decision to assume a certain status, namely to bind oneself by a rule'. Brandom too has signed a version of this broad principle in *Making It Explicit*, called the 'Queen's Shilling' account of normative assessment, a reference to the old British military practice of recruiting soldiers by offering them a coin from the royal mint (Brandom 1994, 162). Of the normativist authors discussed here, only Hlobil appears to be an exception: the terms 'practice', 'consent', 'assent' etc. make no appearance in his paper; a point to which I shall return later.

⁶ See Rebecca Kukla and Mark Lance for an analogous distinction (2009, 126).

In the next section I shall address the topic of consent and its relevance to my argument, with the conclusion that regardless of how we understand consenting to norms, the normativist stance that semantic prescriptions come in force via appropriate assessment faces difficult problems and needs to be supplemented by further argumentation.

3. What Is Consent?

A summary of the route taken thus far should be useful at this point. We began with the anti-normativist Argument from Constitution stating that if meanings are constituted by norms, then those norms cannot guide subjects in their use of expressions. If there are semantic prescriptions, they always originate from attitudes, not from meanings essentially. The branch of normativists named here (Kiesselbach, Hlobil, Peregrin and Brandom) circumvent the Argument by turning to assessment, not guidance, as the key interpretation of ‘normative’. But due to an argument by Hattiangadi (2006) it was shown that assessment alone does not suffice to label meaning itself normative – the assessment itself needs to be specified as appropriate to reach that conclusion. So what makes assessment appropriate? The answer I shall now examine is ‘consent’. Tentatively: assessment of semantic correctness is appropriate iff the subject assessed has consented to the norms that are used to assess her.

Here a problem ensues for the normativist. Suppose that we understand ‘consent’ as a non-normative pro-attitude towards the norms. So no semantic assessment of the subject’s speech acts can be appropriate unless the subject has a pro-attitude towards the standard used to

assess her.⁷ That seems to support the anti-normativist claim that the true prescriptive force originates from the first-person attitude to follow norms, not from the constitutive norms themselves, for without this pro-attitude the norms do not oblige the subject.

Kiesselbach recognizes this danger looming over his linguistic calibration, at which we now need to take a closer look. Especially relevant is what it means for a subject to assess another as committed to a norm:

Agent A takes agent B to be committed to some particular norm N_1 . This typically happens because agent B has issued an explicit acknowledgement signal, say S_a (Kiesselbach 2014, 436).

If we interpret the acknowledgement signal S_a as representing a pro-attitude, what is there to stop A, upon meeting a critical assessment of herself by B, to announce in her defense that she has no pro-attitude (a desire for instance) to follow B's standard, and thus she is under no obligation to alter her usage? And if the subject has the power to decide which constitutive standard should oblige her, the road is open for the anti-normativist to insist that prescriptivity originates from the first-person attitude only.

Kiesselbach has two reasons to counter this danger:

Firstly, offering a defense is acknowledging *other* commitments. In this connection, note also that one cannot offer just *any* defense: one's defense has to be in harmony with one's previous conduct. Secondly, different norms can interact with one another. One can have several commitments at the same time and must see to it that they do not practically conflict. Here lies another sense in which offering defenses is constrained. If a conflict

⁷ I sidestep a possible complication here, which is whether the assent is always to the practice as such, to individual norms within a practice, or to a set of norms within a practice. As far as I can see the issue is not seminal to dissect for the purposes of my argument.

with past behavior or with a different commitment arises, one becomes subject to another round of normative appraisal. (Kiesselbach 2014, 438)

It is difficult to see how precisely these reasons are supposed to alleviate the danger *if acknowledgement signals are interpreted as pro-attitudes*. Since offering a defense is simply another case of applying norms, one can always declare to have assented to some other norms than which one is found violating. The same move is open to the subject also if some of the norms she's following are assessed as being inconsistent; in theory she could always claim to be assenting to other norms than what her audience uses to assess her inconsistency with. The central problem is that if the third-person assessment is truly prescriptive only if appropriate, and appropriate only if backed up by first-person consent (a pro-attitude), then in the ultimate picture there is nothing an anti-normativist cannot agree with since she only has to insist that genuine normative force originates from the pro-attitude.

The normativist position has an objection ready at this point, which is that it is a mistake to understand the (Kantian) assent to norms as a non-normative pro-attitude. The mistake is in assuming the subject would need to have knowledge or even awareness of the norms to which she consents for the consent to be genuine. However, nothing along those lines is assumed in Kiesselbach, Hlobil, Peregrin or Brandom. An explicit story to the contrary about the consent is presented by Brandom's Queen's shilling account of assessment. The fact that the unlucky individual might've had no clue as to the meaning of his act does not imply it was not genuine consent to subject oneself to the norms. Similarly minimal threshold applies to consent to linguistic norms, according to the normativists. Since it suffices that the subject has done 'something' to express consent, virtually anything can count as an acknowledgement signal within the practice. Indeed, what counts as consent cannot be specified non-normatively, e.g. as a mental state of the subject, for ultimately what counts as

consent can only be specified from within the normative practice, admission to which the consent stands as a logical (or transcendental) condition.

We thus have two possible readings of the consent to norms. The anti-normativist as I have portrayed the position takes consent to be describable independently from the practice, for it is a non-normative mental state of the subject. The normativist on the other hand denies this would be the case: consent to norms is itself a normative matter and can only be decided by reference to the norms of the practice. The assessing attitudes do not create the semantic prescriptions obliging subjects: they merely convey (or explicate) them, either appropriately or inappropriately, which is a matter not determined by the attitudes alone. This last part is crucial, for if it is granted that prescriptions originate from the attitudes directly, it is a secondary issue for the anti-normativist whether first-person or third-person attitude has primacy.

So for the normativist, what counts as consent to norms is a normative matter. It is noteworthy to see this leads to a circularity:

- (1) Only someone who is part of the practice (has consented to it) can be appropriately assessed by the norms of the practice.
- (2) Who is part of the practice is determined by assessment appropriate by the norms of the practice.
- (3) So what counts as appropriately assessing someone as part of the practice is decided by assessment appropriate by the practice.

How is it settled then in practice who has consented to the norms of the practice? For example, returning to Kiesselbach's example above, what determines that A's acknowledgement signal S_a is *correctly* treated by B as implying subjection to N_1 ? Supposing B is wrong about this connection, it follows that B's assessment of A's application cannot be appropriate since the standard B uses is not correct. Only if B is right that by S_a A has subjected herself to N_1 is she appropriately assessable by that norm. Now, even if A cannot contest that she in fact did S_a (like she can contest having the suitable pro-attitude), she can contest whether B's interpretation of S_a as underwriting N_1 is correct. After all, on the face of it, why should B have privileged access to such knowledge?

At this juncture the normativist faces a typical regress of justifications. We can imagine that there is a norm, N_2 , which determines whether S_a is correctly paired with N_1 . A can then repeat her question of what determines the correct application of N_2 in this particular case. Kiesselbach has an answer ready however, what he calls, following Brandom, a default and challenge structure (Kiesselbach 2014, 436; Brandom 1994, 177). In short, A has no unbound authority to go on asking justifications for every application of a norm B can make: at some point (if not at every juncture) A's challenges for justification themselves require justification. So the train of challenges is thrown the opposite way, obliging A to begin her own chain, pressed on by B. In principle it is possible that we end up in a situation where both A and B can expect the other's challenge for justification to stand in need of justification; there seems to be no good independent reason to think this might not happen. So although the default and challenge structure can stave off one regress by initiating another, this does not necessarily solve the matter one way or the other but may well leave it indeterminate who is justified in every particular case.

The root reason for this is that the default and challenge structure is not so much a method for justifying than *un*justifying moves within the practice. Just because there are some commitments in the practice everyone is assessed as by default justified to, and the challenge of which without good reason is unjustified, this does not mean the default commitments really are justified. Likewise, even if A's challenge of B's assessment is unjustified, this does not imply B's assessment is justified, for they might both be wrong for different reasons.

There is a more practical solution available for A and B, that of blunt agreement. Like Kiesselbach accurately notes, more often than not we are happy to accept the majority of others' interpretations of our acknowledgement signals, with energy focused on situations where disagreement entails communicative lapses. What is crucial to note however is that blunt agreement between A and B over whether N_1 is the correct interpretation of S_a does not imply that it *is* the correct interpretation. If it did, i.e. if as a matter of fact the agreement of A and B implied without uncertainty that theirs is the correct interpretation, we should doubt the sense of 'correct' at play. If A and B can effectively decide what is the correct application of a norm, how is the norm anything different from the sum of their attitudes?

What we then have is two possible options to interpret 'consent', following the rejection of it as a non-normative pro-attitude. The first option, the default and challenge structure, leads to a possible stalemate of justifications, with neither side able to settle the matter. Indeed it is unclear what would count as 'settling the matter', for like the discussion of the second answer shows, forthfith agreement between A and B is not sufficient to show that B's assessment was *appropriate* in the sense of being *correct according to the norms*. And why would agreement count as evidence of appropriateness anywhere else down the chain of justifications? Communication can be fluent even while being incorrect, after all, if both

parties make a mistake for instance. B asks A to bring him a red apple, to which the distracted A responds by bringing him a green one instead, which is just as well since the colourblind B eats it happily. So what does it mean that A really has consented and that B's assessment is appropriate? The conclusion is that the normativist has no good answer, and thereby cannot explain how semantic prescriptions can come in force for subjects.

4. Conclusions

This paper started with the normativist claim that meanings of our expressions are constituted by norms. The anti-normativist challenge is to show what makes it so that these constitutive norms can entail prescriptions for our usage of expressions. Per Argument from Constitution, it cannot be via guidance. This much was established by section 1.

The normativist solution to the challenge is to look at assessment instead of guidance for prescriptivity. Due to Hattiangadi (2006), this requires explaining what makes semantic assessment appropriate, one popular answer to which is consent. How should we understand consent to norms then? It cannot be as a non-normative pro-attitude towards the norms, for that would make prescriptivity dependent on the pro-attitude again; the concept of consent must itself be understood through the norms of the practice. But then we are left with the question of why this particular act counted as consent to this particular (set of) norm(s)? The answer cannot be 'because the act was appropriately assessed as consent', for that launches a regress of justifications. The default and challenge structure will not solve the regress, for either it leads to agreement between A and B (which is insufficient for semantic correctness) or to a stalemate where both A and B can expect the other's challenge for justification to be justified. These steps constitute sections 2 and 3.

What I have *not* shown is that there can be no such thing as genuine semantic norms (genuine in the sense of being distinct from the sum of semantic attitudes regarding what is correct or how expressions should be used). What I have shown is that the prescriptive force such norms may exercise on us cannot pass via assessment, for we have no good account of what would make assessment appropriate and some good reasons to think none will be forthcoming.

There are two possible counterarguments within the normativist's reach that I shall consider here. First is to give up assent as a necessary element of appropriate assessment. The semantic norms would then entail prescriptions for subjects even in absence of any kind of acknowledgement signals or pro-attitudes. Perhaps it's simply in virtue of the subject's rationality that the norms constituting her meanings apply to her, creating prescriptions? Some remarks made by Hlobil allude in this direction, which distinguishes his normativism from the more practice-oriented strand of Brandom, Peregrin and Kiesselbach. Be that as it may, Hlobil too owes a story about what it means for semantic assessment to be appropriate if that is the route for semantic prescriptions to come in force. Whether something similar applies to mental contents I remain neutral about here.

The second counterargument finds my treatment of the default and challenge structure inadequate. Although we might never come to *know* what is semantically correct in a given situation, which interpretation is really justified for instance, it does not follow that there is no correctness to be had at all. Brandom takes such an epistemic shortcoming into account at the end of *Making It Explicit*, for example. However, my point addressed first and foremost semantic prescriptions and not correctness. The question then becomes how credible is the

thought of semantic prescriptions which would be in force for subjects who never had definite knowledge as to what was prescribed in a given context. Strange as it sounds, the idea is not inconsistent insofar as we hold that the adage ‘ought implies can’ does not apply to semantic oughts (perhaps Hlobil’s analogy is right and they are like divine commands in that regard). In any case, my argument that assessment is not the route via which semantic prescriptions come into force endures this criticism, for I have not argued against the very idea of standing semantic obligations to which our epistemic access is uncertain. But if it is via assessment that these semantic prescriptions come into force, then surely at least the *assessor* is required to have *knowledge* of the norms of consent in order to *appropriately* assess someone subject to the norms – unless the normativists are prepared to argue that pure blind luck in getting the assessment right suffices to make it appropriate. Perhaps there is an account to deliver such knowledge, but whatever it is, neither the default and challenge structure nor blunt agreement cut the mustard.

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