

## Taking Norm-Regulation Seriously

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**Abstract** Engel has recently introduced a distinction between *norm* and *norm-regulation*. The regulation of a norm concerns the ways in which agents can follow that norm. In this paper I develop in some detail a particular account of regulation. The notion of regulation that I outline here is non-normative; it consists of a set of descriptive conditions about the agent's epistemic position, intentions, motivations and environment. I also provide an account of rationality as a notion dependent on that of regulation. I characterize rationality as the obtaining of a subset of regulation conditions of some norm. The most striking consequence of my account is that rationality is not a normative notion. I conclude the paper by discussing differences and relations between assessments relative to norms and those relative to norm-regulation.

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It's a great pleasure and honor for me to contribute to the present collection of papers celebrating the sixty years of Pascal Engel. Engel has been for me a teacher and a friend. I learned a lot from his writings and the discussions I had with him, and I am extremely grateful for his invaluable friendship. In this essay I shall focus on a distinction recently discussed by Engel that deeply inspired some of my ideas and works. The distinction is that between a *norm* and its *regulation*.<sup>1</sup> On the one hand, a norm requires, permits or forbids something to someone, it is addressed to a specific set of agents and involves specific conditions of satisfaction.<sup>2</sup> On the other hand, the regulation of a norm concerns the ways in which agents follow, or can follow that norm; it consists in a set of conditions whose satisfaction is necessary for following a norm, such as the obtaining of certain psychological and environmental circumstances. Engel introduces such a distinction in order to cope with some problems affecting the view that belief is constitutively governed by a truth-norm. According to some objectors, since whether a proposition is true or false is an objective matter not always transparent from a subjective perspective, it is unclear how a norm to believe only the truth can guide and motivate its addressees.<sup>3</sup> The distinction between norm and norm-regulation promises to solve this problem by delegating to the latter the function of enabling the norm's guidance and motivation. However, here my concern will not be restricted to the context in which the distinction has been originally formulated. My main aim in this paper is to develop in some detail a version of this distinction extensible to all normative domains.

The account of norm-regulation that I will present in this paper partially diverges from that suggested by Engel. The main difference is that the notion of regulation that I outline here is non-normative, consisting of a set of

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<sup>1</sup> Engel discusses this distinction in several places. See in particular Engel 2007a pp. 160-164, 2008 pp. 56-57, and 2013.

<sup>2</sup> The terms 'normative', 'norm' and 'normativity' are used in two senses. In a broad sense, the normative is contrasted with the descriptive, where the latter includes physical entities and properties and some abstract entities and properties like sets and numbers. This distinction is often drawn on the basis of a distinction between what *is* and what *should/ought to be*, or in terms of natural vs. non-natural facts (where natural facts are the proper objects of natural sciences or mathematics, accountable for in mere descriptive terms). In a narrow sense, the domain of norms is contrasted with that of values. Here I use these terms in the narrow sense.

<sup>3</sup>For a discussion of this type of problem see, for example, Steglich-Petersen 2006, Bykvist & Hattiangadi 2007, Gluer&Wikforss 2009. Engel uses the distinction to address similar problems concerning the knowledge norm of assertion in Engel 2008.

descriptive conditions about the agent's epistemic position, intentions, motivations and environment. This has important consequences for a set of notions definable in terms of norm-regulation. As I will argue, one of these notions is that of *rationality*. This implies that, according to this picture, rationality is not normative. Though in this paper I will limit my discussion to rationality, similar considerations can be extended to other notions that I consider regulation-dependent, such as those of epistemic justification, warrant, responsibility and excusability. Here a significant departure from Engel's views is apparent, since he holds that rationality and justification are normative notions (e.g., Engel 2007b, 2011).

This is the plan of the paper. In §1 I introduce the distinction and develop in detail a specific account of norm-regulation. In §2 I provide an account of rationality based on the account of regulation considered in §1. I characterize rationality as the obtaining of a subset of regulation conditions of some norm. I also clarify some differences between my account of rationality and other well-known contemporary accounts. In §3 I discuss the differences and relations between two types of assessments, one relative to norms, and the other relative to norm-regulation.

## 1. Norm and Norm-Regulation

In order to clarify the difference between norm and norm-regulation, let me introduce some features of norms. Consider a specific norm by way of example: the law that requires citizens to pay taxes. The law is addressed to a specific set of agents, citizens, and is satisfied if and only if citizens pay taxes. It is supposed to motivate citizens to do what it requires, providing them with reasons to comply with it. It does that by means of praise of those who respect it, justification of the reasons why they must respect it, and the threat of punishment for infractions.<sup>4</sup> The very same features individuated in this law can be found in every other norm. Norms are in force for some purpose or reason (in the above example, the purpose is to finance part of the public expenses). They require, forbid or permit something to someone. They are addressed to a specific set of agents (the *addressees* of the norm). They have *satisfaction conditions* (what must be the case for the norm to be satisfied), and sometimes

<sup>4</sup> The ways in which norms are able to motivate their addressees to comply with them are different. Agents can be motivated to follow norms by the fear of punishment, the desire to respect a common established convention, a self-commitment to the rules, the aversion to negative feelings such as shame, embarrassment and guilt, the criticism of other participants in a practice, the risk of exclusion from a practice, and so on.

also conditions for application (for example, one has to pay taxes for the ownership of an house only if one does own one).

Commonly what norms require, permit or forbid are objective conditions, such as the performance of an action or the obtaining of a certain state of affairs. Such conditions determine in which circumstances a norm is satisfied – in the above example, the norm requires *paying taxes*, and it is satisfied when taxes are paid. These conditions must be distinguished by the conditions necessary for an agent to follow a norm. In order to follow a norm, an agent must acknowledge it (both its existence and what it demands), recognize its normative force; she must be motivated by the norm and form certain intentions, try to realize certain means necessary for norm compliance, and so on.<sup>5</sup> The difference between these two types of conditions – the satisfaction conditions of a norm on the one hand and the conditions necessary for following the norm on the other – is made apparent by cases in which an agent satisfies the former, but not the latter: one could ignore a norm, or not accept or fail to be motivated by it, and still comply with it by chance.<sup>6</sup> This is, for example, the case of someone who takes a plane, ignoring that it's forbidden to smoke on board, but who does not smoke for some other reason (for example because she dislikes smoking on a plane). In such cases, though the agent doesn't intentionally follow the norm and is not guided by it, she complies with the norm by merely fulfilling its satisfaction conditions (i.e., by not smoking on the plane).<sup>7</sup>

The above considerations show that there is an important difference between, on the one side, norms and their satisfaction conditions, and, on the other side, the ways in which agents follow norms and the conditions enabling such agents to comply with them. This is precisely the difference between norm and norm-regulation introduced by Engel in many of his works. Consider the following passage in which Engel states the distinction:

“[...] there is no reason why we should not distinguish two levels:  
 (a) The statement of the norm [...]; (b) How the norm is regulated  
 (its regulation). It is one thing to say what the norm is, that is what

<sup>5</sup>I will say more on these conditions later in this section.

<sup>6</sup>For obvious reasons this happens more often with norms of permission than with requirements.

<sup>7</sup>In such cases, if there is some blame or negative assessment of the conduct of the agent, it does not concern the violation of the norm (in fact the norm is not violated), but the inappropriateness of the ways in which the agent complied with the norm – ways not in conformity with how norms are supposed to guide and that could have easily brought about an infraction if circumstances had been slightly different. For more on this type of assessment see §3.

kind of truth (analytic, or essential) is expressed by it, and it is another thing to say how the norm is regulated, and realised in the psychology of the believers. ... The distinction between the statement of the norm and the conditions of its regulation is reminiscent of the distinction between the formulation of a general norm on the one hand, and its conditions of application, or between the law and its decrees of application" (2007a, p.163).

Elsewhere, Engel describes norm-regulation as the subjective conditions under which the satisfaction conditions of a norm are accessed by a given individual and are implemented in his psychology (2008, 56-57). In short, we can say that the domain of regulation of a norm includes the set of conditions that allow an agent to follow a norm, from the epistemic access to the norm to the appropriate psychological attitudes and practical conditions that allow the agent to follow it.

There are two differences between the interpretation of norm-regulation suggested by Engel and the one that I consider here. The first is that, though Engel in his works describes this notion in non-normative terms, as concerning mere psychological features of agents, he seems to follow other philosophers in identifying norm-regulation with a number of second-order subjective norms. According to this view, an agent can follow an objective norm by following a set of subjective norms related in some way to the objective one. For example, in some papers Engel considers as responsible for the regulation of the truth-norm of belief other derived norms of evidence and rationality.<sup>8</sup> This strategy has been adopted by many other philosophers (e.g., Boghossian 2003, p. 39, Gibbard 2005, p. 343, Shah 2003, p. 471, Wedgwood 2002, p. 282). I consider this view problematic for several reasons, some of which will be mentioned in the next section. In contrast, here I will take 'seriously' the descriptive characterization of norm-regulation suggested by Engel. As I conceive it, the regulation of a norm is a non-normative matter, a matter of psychological (cognitive, volitional and motivational) conditions and external environmental conditions. This account of norm-regulation is not normative in the sense that it does not involve any further commitment binding the agent to whom the norm is directed; there is not a further 'ought' on addressees of a norm beyond that norm itself.

<sup>8</sup>An exception is Engel (2013), where he considers the regulation of the specific truth-norm constitutively governing beliefs and argues that such a norm is regulated through the phenomenon of doxastic transparency in intentional processes of deliberation.

The second difference between the notion of norm-regulation suggested by Engel and the one considered here is that I include in the conditions of norm-regulation not only psychological features of the agent, but a series of conditions external to agents necessary for enabling them to follow a norm, such as environmental conditions necessary to become aware that one is under a normative commitment. I've to admit that it is unclear to me whether Engel would disagree on extending norm-regulation to these factors external to the psychology of agents, or whether he just does not mention them because he is concerned with issues for which external conditions of regulation are irrelevant, such as how an agent from her own subjective perspective can follow a norm involving objective satisfaction conditions.

Let me now consider in more detail the various conditions of norm-regulation according to my account of such a notion. I have already mentioned some of them above. These conditions can be distinguished as *internal* and *external* to the psychology of an agent,<sup>9</sup> and in *preliminary* and *core* conditions. Internal conditions can be further distinguished as *voluntary* and *involuntary*. I will present the various conditions in the order in which they must be satisfied for an agent to be able to follow a norm.

1. *Preliminary conditions (internal and external)*. To follow a norm, an agent must satisfy a number of preconditions: she must acknowledge the existence of the norm, that the norm is supposed to guide and motivate some addressee to act in some way (i.e., that it is reason providing), that she is one of these addressees, that the norm has such and such satisfaction conditions, that she has at least a rough idea of how to comply with it, and so on.<sup>10</sup> These conditions are necessary for the agent to be able to realize that she is committed to a norm, even before her decision to accept the norm and her attempt to comply with it. They are preliminary conditions for the agent to be at least minimally responsive to normative demands. Some of these conditions are *external* to the agent's psychology, mainly concerning the accessibility of various features of a

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<sup>9</sup>I am aware of the difficulties in drawing a neat distinction between what is internal or external to one's psychology. Here I don't want to enter into such deep issues. After all, the present distinction can be conceived as partially stipulative.

<sup>10</sup>Some philosophers called such preliminary conditions 'enabling conditions' (e.g., Dancy 2000, p.127, Menzies 2004, Steglich-Petersen 2010). Notice however that enabling conditions, as discussed by these philosophers, include also some of the conditions that I included in the set of external core conditions, such as access to whether the satisfaction conditions of the norm actually obtain.

norm to its addressees. For instance, a condition for following a norm is that there are no physical obstacles to a possible acknowledgment of it: the law requires drivers to stop when traffic lights are red, and an external condition for the regulation of this law is that no obstacle precludes a driver from seeing a traffic light. Other preliminary conditions are *internal*. For example, an agent could be unable to acknowledge a norm in a specific circumstance because of some cognitive defect.

2. *Internal voluntary core conditions*. Once the above preliminary conditions (both internal and external) are satisfied, an agent must satisfy other conditions in order to be able to follow a norm. The satisfaction of some of these conditions depends on factors under the voluntary conscious control of the agent. The most important of these conditions is the *acceptance* of the norm.<sup>11</sup> Once an agent has acknowledged that there is a norm supposed to provide her with reasons to perform a certain action, she must *accept* it. This means that she must take the norm as something she ought to follow, as providing *all things considered* reasons for her to act as it requires, forbids or permits. When an agent doesn't accept a norm, she either does not take the norm as authoritative and forceful enough to provide her with reasons to act, or takes the reasons provided by the norm as only *pro tanto* and outweighed by other stronger reasons. For example, someone could know that the law requires her to pay taxes, and nevertheless decide not to pay them, consciously violating the law. Though the law provides *pro tanto* reasons for paying taxes, there are other reasons outweighing them, such as the desire to be richer and the thought that it's extremely improbable that her tax evasion will be detected.
3. *Internal involuntary core conditions*. Once one accepts a norm, if all goes well, one will be motivated by the norm to act as it requires. The agent's motivation will be accompanied by an intention that will lead to an action. However all does not always go well. Sometimes an agent can accept a norm, but still fail to be motivated to act as the norm requires. This happens when the connection between taking oneself as having *all things considered* reasons to *F* and being motivated to *F* fails. Or one may be motivated and intend to *F*, and still fail to act as intended because the motivation has a force insufficient for acting as wanted. These are cases

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<sup>11</sup>On the notion of norm-acceptance see for example Boghossian 2008 and Gluer & Wikforss 2009.

of akratic behavior due to internal factors out of the control of agents, such as psychological processes not operating in the normal way. Examples are pathological cases of dependence: an agent could be motivated to stop smoking, but be unable to refrain, irrationally acting against her own will.

4. *External core conditions.* An agent satisfying all the above conditions could still fail to follow a norm because of the lack of favorable environmental conditions enabling her to be adequately responsive to the normative demand. For example, the satisfaction conditions of a norm could not be fully transparent to an agent due to contingent environmental circumstances. We can try to comply with a norm, be aware of what its satisfaction conditions are, and nevertheless be unable to follow that norm because we fail to recognize whether these conditions actually obtain or not. Similarly, an agent could not be in a position to see whether the conditions for the application of a norm obtain. For example one could be motivated by the law to pay taxes, but fail to pay all of them due to the complexity of the procedures of payment, or because she ignores the fact that she is committed to pay certain taxes. Of course, in some such cases (though not in all) one can be excused for violating a norm, but this does not change the fact that one violated it. Furthermore, an agent could try to follow a norm but, for contingent reasons, be unable to act in ways appropriate to the satisfaction of the norm. For instance an agent can fail to follow a norm because that would require a type of ability that she has still not acquired. Consider the biblical precept not to desire the things that belong to others. If this norm can be followed, it requires an indirect control of certain desires. Presumably, this requires certain acquired abilities than not all agents have yet developed.

## 2. Rationality as a regulation-dependent notion

In this section I provide an account of rationality. I suggest that rationality is strictly related to norm-regulation. In my view, whether an agent is rational depends on the obtaining of a subset of regulation conditions relative to some norm. Though here I will limit my discussion to the notion of rationality, I think that analogous considerations can be applied to other notions such as those of justification, warrant, responsibility and excusability. In my view,



all these notions, that I call *regulation-dependent*, can be defined in terms of the presence or absence of a subset of regulation conditions of some specific norm.

An important consequence of my account is that, since regulation is not normative (at least in the sense specified in the previous section that it does not involve commitments saying what agents ought or are permitted to do), and rationality, justification and other regulation-dependent notions are defined in terms of subsets of regulation conditions, these notions also are not normative in this sense. There are no norms of rationality or justification. However, there is a sense in which such notions can be said to be *norm-relative*, for they cannot be defined or characterized without making reference to some norm (as with the notion of norm-regulation itself). For example, as I conceive the notion of epistemic justification, a justified belief is a belief satisfying all the internal descriptive conditions necessary for the regulation of a truth-norm constitutive of belief. These conditions involve the possession of a set of non-normative properties. This set of properties is characterized by reference to the regulation of the constitutive norm. Therefore, that norm plays a role in individuating the set of properties necessary for epistemic justification. However, this does not entail that for being justified one must satisfy some norm, or that one is under a requirement to be justified in addition to being committed to the constitutive norm of belief.

### **Rationality**

An agent is rational when she satisfies a specific subset of regulation conditions of a norm. Rationality is primarily a property of agents following a norm, and derivatively a property attributed to attitudes relevant for the regulation of the norm. Not all regulation conditions are relevant for rationality. External conditions are irrelevant for whether an agent is rational or irrational. An agent cannot be deemed irrational for not having epistemic access to a norm, or because she cannot satisfy a norm on account of environmental conditions independent of its psychology. For example one trying to comply with a norm but unable to comply with it because one fails to recognize whether the satisfaction conditions of the norm actually obtain is still rational. Internal preliminary conditions of regulation are also irrelevant for rationality, but in a different sense. An agent who doesn't follow a norm because she doesn't acknowledge it or doesn't recognize its normative force is neither rational nor irrational. Rather, she cannot be judged according to a standard of rationality. In this sense, preliminary regulation conditions of a norm work as preconditions for the attributability of rationality or irrationality to an agent or attitude.

Some internal voluntary core conditions are relevant for rationality, though not all of them are. Sometimes an agent does not accept a norm and still is rational, for example when she takes the norm as providing reasons only *pro tanto*, outweighed by other stronger reasons. An agent consciously violating a norm is not always irrational in circumstances in which she has *all things considered* reasons to do that. For instance, suppose I am driving in my car to an important meeting; it is a matter of life or death that I arrive on time and I am late; in this circumstance it's rational for me not to respect the speed limits. However, an agent who i) knows that she is committed to a norm, ii) recognizes its normative force, and iii) takes the norm as providing *all things considered* reasons, but iv) does not accept it as reason providing, is irrational. Acting in this way would denote a form of unresponsiveness or insensitivity to normative reasons.

The satisfaction of internal involuntary core conditions is always necessary for rationality. If one takes a norm as providing *all things considered* reasons to do something, and still is not motivated to do that thing, or doesn't intend to do it, because of weakness of the will or some sort of cognitive failure, then one is irrational. Cases of akratic behavior are typical instances of irrationality.

In sum, the regulation conditions relevant for rationality are the internal involuntary core conditions plus some internal voluntary core conditions. Furthermore, for being rational, it's not sufficient that the above conditions are satisfied. These conditions must also be connected in the right way. For example, an agent may accept a norm, take it as providing all things considered reasons to act in a certain way, and also be motivated and intend to act in that way, but the connection between reasons and motivation could be of the wrong kind. For example, the motivation could be caused by some abnormal psychological process rather than stemming from an appropriate consideration of reasons.<sup>12</sup>

The above characterization of rationality provides a simple explanation of many "requirements of rationality" discussed by philosophers.<sup>13</sup> Consider,

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<sup>12</sup>Characterizing a connection of the right kind is notoriously difficult. The force of a norm is supposed to determine the agent's motivation *for the right kind of reasons*. On the appropriate ways in which norms are supposed to motivate their addressees see Glüer e Pagin (1999), p. 208. On the inappropriateness of deviant causal chains in the explanation of normative guidance see Railton (2006) and Schroeder (2008).

<sup>13</sup>Here I frame the discussion maintaining the terminology commonly used by philosophers. However a consequence of my view is that there are no "requirements" of rationality, except in the very weak sense in which whatever necessary or sufficient condition can be said to be a requirement. In other words, such "requirements" would be instances of what are often called *anankastic conditionals*, that is, conditionals expressing a necessary condition for a certain fact or

for example, the requirement to take the means to satisfy one's ends. If we assume that a practical norm is that one ought to satisfy one's ends,<sup>14</sup> an agent who does not take the means to satisfy her ends also fails to satisfy some of the regulation conditions considered above. For example, an agent intending to pursue an end, but failing to take the means necessary to that end, does not satisfy some regulation conditions relevant for being rational in that circumstance (either because of unresponsiveness to normative reasons or for some weakness of the will). Similar considerations are valid for the requirement to try to do what one believes that she ought to do. Someone believing that she ought (*all things considered*) to  $\phi$  but who does not try to  $\phi$ , does not satisfy some regulation condition necessary for rationality.

A specific type of rationality is *epistemic rationality*. Epistemic rationality concerns the regulation conditions of a norm constitutive of belief that requires believing only the truth.<sup>15</sup> An agent failing to satisfy the regulation conditions of this norm necessary for rationality is epistemically irrational (and by extension also the beliefs responsible for this failure are). Consider a specific requirement of epistemic rationality: if S believes that p and that p implies q, then S should not believe that not-q. My characterization of rationality explains why an agent believing that p, that p implies q and that not-q, is irrational. According to the truth-norm of belief, for any  $\phi$ , one ought to believe that  $\phi$  only if it is true that  $\phi$ . However, if p and p implies q, then q. Therefore, if a subject S believes that p, that p implies q, and that not-q, she believes some falsity. If S recognizes and accepts the truth-norm of belief, then she violates some regulation conditions of the norm: S is unresponsive to normative reasons, or unable to reason as she intends and knows she should do.<sup>16</sup>

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event being the case. Anankastic sentences are commonly used for expressing logical and natural (causal or physical) necessities. Such claims state mere conditions for the happening of some fact or event. An example of an anankastic conditional is "In order to go to Paris, one must take the 12:27 train".

<sup>14</sup>It could be argued that this norm is constitutive of what an end is. An end is in part something that ought to be satisfied, at least *pro tanto* and according to a pragmatic standard.

<sup>15</sup>Notice that not every norm whose condition of satisfaction is the possession of true beliefs is an epistemic norm. As some philosophers have shown (Owens 2003, Kelly 2003), there can be practical reasons for having true beliefs. In my view, epistemic rationality is related to a specific truth-norm constitutive of belief. This norm defines the limits of the epistemic domain, in the sense that an epistemic notion can be defined by means of some specific relation with this norm. Unfortunately I cannot develop this view here. For a similar view, see for example Wedgwood 2002. I think that substantially this is also the view of Engel (though he didn't explicitly argue for it).

<sup>16</sup>I am aware that the approach discussed here is just sketched and needs some important

### Differences from other accounts of rationality

My account of rationality is substantially different from other well-known accounts of this notion. Some philosophers hold that rationality is a matter of norms, or normative reasons. For example, according to Wedgwood (2002, 2003, 2007, 2013), there are subjective norms of rationality. These norms would derive from objective norms of correctness governing mental attitudes and would allow regulating the latter. Also Engel seems to accept a similar view in some articles (e.g., Engel 2007a, 2007b, 2011). Other views do not rely on the distinction between subjective and objective norms, but still maintain that there are genuine norms of rationality separated by and independent of other practical and epistemic norms (e.g., Broome 1999).

Such views are affected by several problems that, for reasons of space, I cannot mention here.<sup>17</sup> I shall focus on some issues that make manifest the advantages of my account of rationality over these other views. These issues boil down to the intuition that rationality and norms are related in a peculiar way: the former seems to depend, to be secondary or parasitic on the latter. Here is an example: on the one hand the law requires one to pay taxes; on the other hand an agent is rational only if she tries to pay taxes when believes that she should pay them. These two claims seem to be related in obvious ways: the latter seems to suggest a means to satisfy the former. However, if we conceive standards of rationality as constituted by a set of norms, there can be genuine conflicts between the norms of rationality and other norms; consider again the example above: if someone wrongly believes that she should not pay a tax, she ought both to pay and not to pay that tax. In this case there should be an overt conflict between a norm of rationality and law. However, it seems clear that such a conflict of obligation is not the case: what someone in the described situation ought to do is to pay the tax, no matter what she believes. Of course, *for being rational*, one should do what one believes; however this *should* is not the expression of a norm. Rather, one should do what one believes *in order to* satisfy a condition necessary for rationality, in the same way in which temperatures should be close to zero degrees *in order to* snow. In general, we are never faced with the choice between acting as we “primarily” or “objectively” ought and acting as we rationally ought. We always ought to act as the unique norm requires, and we are rational if we satisfy certain

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refinements. The present discussion aims to provide only a rough and tentative picture of how to conceive epistemic rationality in the present framework.

<sup>17</sup>For some of these objections see Kolodny 2007, Gluer & Wikforss 2009 pp.44-45, Dancy 2009 and Parfit 2011.

conditions necessary for acting as that norm requires.<sup>18</sup>

The account of rationality sketched here has some similarities with those suggested by Scanlon (1998), Dancy (2000, 2009), Kolodny (2005, 2007) and Parfit (2011). According to these philosophers, normative reasons and rationality are related in the following way: on the one hand reasons are not dependent on the subject's perspective, they are facts or true propositions. On the other hand what it is rational to do depends on what appears to be a reason from one's perspective. One is rational if one does what one believes there are reasons to do, or what one would have reason to do if one's beliefs were true. Like my account, these also assume that there are no independent norms of rationality, or normative reasons to be rational. Rather, for them rationality is a matter of conditions related to the perspective of agents engaging (or believing themselves to be engaged) with norms. My account agrees with these other accounts that rationality is a matter of doing what one believes that ought to do, or what one ought to do from her own perspective. But my account goes further, specifying that once an agent believes that she has a reason to *F*, the rationality of her response does not depend uniquely on whether that agent also *F*-es, but also on several other conditions such as her belief appropriately motivating and bringing her to the formation of an intention to fulfil the norm, the cognitive system functioning appropriately, the absence of akratic behaviours and judgments, and so on. In fact, believing that one has a reason to *F* and *F*-ing are not jointly sufficient for being rational; also the other conditions listed above must obtain.<sup>19</sup>

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<sup>18</sup>For a similar objection see Dancy 2009.

<sup>19</sup>My account of rationality can also explain the seeming normative force of rationality in a way similar to that described by Kolodny 2007: when an agent believes to have a reason, as it seems to her, she has a reason to have that attitude. The normative pressure an agent feels to act rationally derives from how things seem to her – the reasons that, as it appears to her, she has. My account, differently from Kolodny's, can also account for the normative force of third person criticisms of irrationality not consisting in advices but in external assessments. If all the seeming normative force of rationality were reduced to an internal phenomenon, to what it appears to one "from the inside", it would be hard to account for the supposed normative force of judgments of irrationality about people that from their perspective do not feel any pressure at all (for example, because akratic). On the contrary, according to my account, one's perspective is only one of many factors relevant to determine rationality; other ones are the appropriate responsiveness to the normative force of norms and reasons and the absence of akrasia. Norms give reasons to act in certain ways, and a condition for agents to be able to comply with these norms is that they feel normative pressure when they take these norms as reason-providing, are motivated by this pressure in the right way, and act accordingly.

### 3. Normative and norm-relative assessments

To the distinction between norms and their regulation corresponds a distinction between two types of assessment. A first type is relative to the satisfaction conditions of a norm. On the one hand an agent violating a norm is, for this very reason, subject to a criticism, even if she was motivated to follow the norm and tried to do that. For example, an agent who recognized and accepted a norm and tried to comply with it, but failed to comply because she ignored whether the satisfaction conditions of the norm obtained, though excusable for her infraction, is still criticizable for violating the norm. Similarly, an agent not paying some tax because she didn't know that she must do it, is maybe excusable and not blamable; nevertheless, she violates a norm and is potentially punishable for this infraction. On the other hand, an agent complying with a norm is free from criticism and punishment for norm-infraction, regardless of how she complied with the norm – whether she acknowledged the norm, accepted it and tried to comply with it, or she complied with it by mere chance. A distracted driver who doesn't see a red traffic light, but stops at the light because she sees a friend on the side of the street and wants to talk with him, doesn't violate the norm and is not subject to criticism or punishable for norm-infraction.

The second type of assessment is relative to the conditions of norm-regulation (or to a proper subset of them). Consider again the example of the distracted driver who stops at the traffic light but ignores that the light is red. Though she is not criticizable for violating a norm, she can be subject to criticism and blame for not stopping for the right reason (i.e., for not having paid attention to the light). Criticism and blame here concern the non-satisfaction of some regulation condition of the law.

Here an obvious question arises: if the agent did what the norm requires, why should she be subject to any criticism and blame at all? After all, norms aim at being satisfied, and as long as one satisfies them, there should not be room for criticism or blame. This question can be answered in different ways. My favorite answer is the following:<sup>20</sup> though in such cases an agent does not violate a norm, it could have easily happened that she violated it. Criticisms for not complying with regulation conditions are evaluative judgments of the ways in which an agent acts in circumstances in which she is binded by a norm. These ways may be evaluated as inappropriate if they are not conducive to the satisfaction of a norm in normal circumstances, or in close

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<sup>20</sup>For similar approaches see Dancy 2009 and Millar 2009.

possible worlds where something is slightly different from how it is in the actual world and the agent could have easily failed to satisfy that norm. In the example of the driver, it could have easily been the case that the driver didn't see her friend on the side of the street and passed through the red light. The driver is therefore criticizable and blamable because her behavior was imprudent. Her distraction could have easily lead to the violation of the norm. In general, it is justified to blame someone for not satisfying certain conditions of norm-regulation (at least those conditions whose satisfaction is under the voluntary control of the agent), regardless of whether the norm is satisfied or not.

Both types of assessments depend in some measure on some norm: the assessment relative to satisfaction conditions is obviously and directly dependent on a norm. But also the assessment relative to regulation conditions is dependent on a norm, even if indirectly, for i) it properly bears on the satisfaction conditions of a norm in close possible worlds and ii) it concerns regulation conditions, and, as said in §2, there is no norm-regulation without some norm. In this respect, we can see norm-regulation, regulation-dependent notions such as rationality and justification, and assessments relative to regulation, as byproducts of some norm, though not normative features in themselves.

A consequence of the above considerations is that, though normative assessments (criticisms, justifications, judgments, excuses, and so on) depend on some norm, the object of these assessments (what is criticized, excused, . . .) does not necessarily bear on the satisfaction conditions of a norm. A criticism for not *F*-ing is not an argument for the claim that there is a norm requiring one to *F*.<sup>21</sup> That criticism only shows that *F*-ing is either a satisfaction condition of a norm, or one of the necessary conditions or main sufficient conditions for the regulation of a norm. A driver passing through a red light can be criticized and blamed for not seeing the light. However, the law doesn't require one to see a red light; it requires one to stop when the light is red. Seeing the red light is a regulation condition, not a satisfaction condition of the law; the driver is criticized for being careless, for not having fulfilled a regulation condition – and only indirectly for having violated the law, to the extent that the claim involves a presupposition that the driver also passed through the red light. Similarly, consider the distracted but lucky driver criticized for not hav-

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<sup>21</sup>This argumentative strategy has been widely used recently by philosophers to argue that assertion and action are subject to epistemic norms of knowledge or justification. See, for example, Williamson 2000 and Hawthorne and Stanley 2005. In my view, the present considerations partially weaken the force of this strategy.

ing seen the red light, even if for some other reason she stopped at the light. In this case, though the driver complied with the norm (and, consequently, cannot be criticized for a norm infraction), she is subject to criticism for not satisfying some regulation condition.

#### 4. Conclusion

In this paper I proposed a specific account of the distinction introduced by Engel between norm and norm-regulation. Then I provided an account of rationality as the obtaining of a subset of regulation conditions of some norm. I argued that, according to these accounts, both norm-regulation and rationality are not normative notions. Finally I discussed the nature of assessments relative to norms and norm-regulation. The accounts introduced here are only sketched. My aim here was just to develop some thoughts inspired to me by the works of Engel. Though only sketched, I consider the approaches to normative guidance and rationality described in this article particularly promising and deserving of further consideration in future works.

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