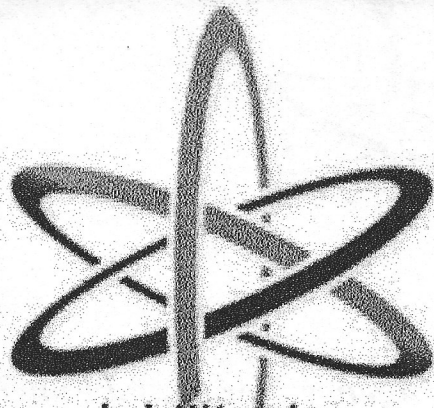


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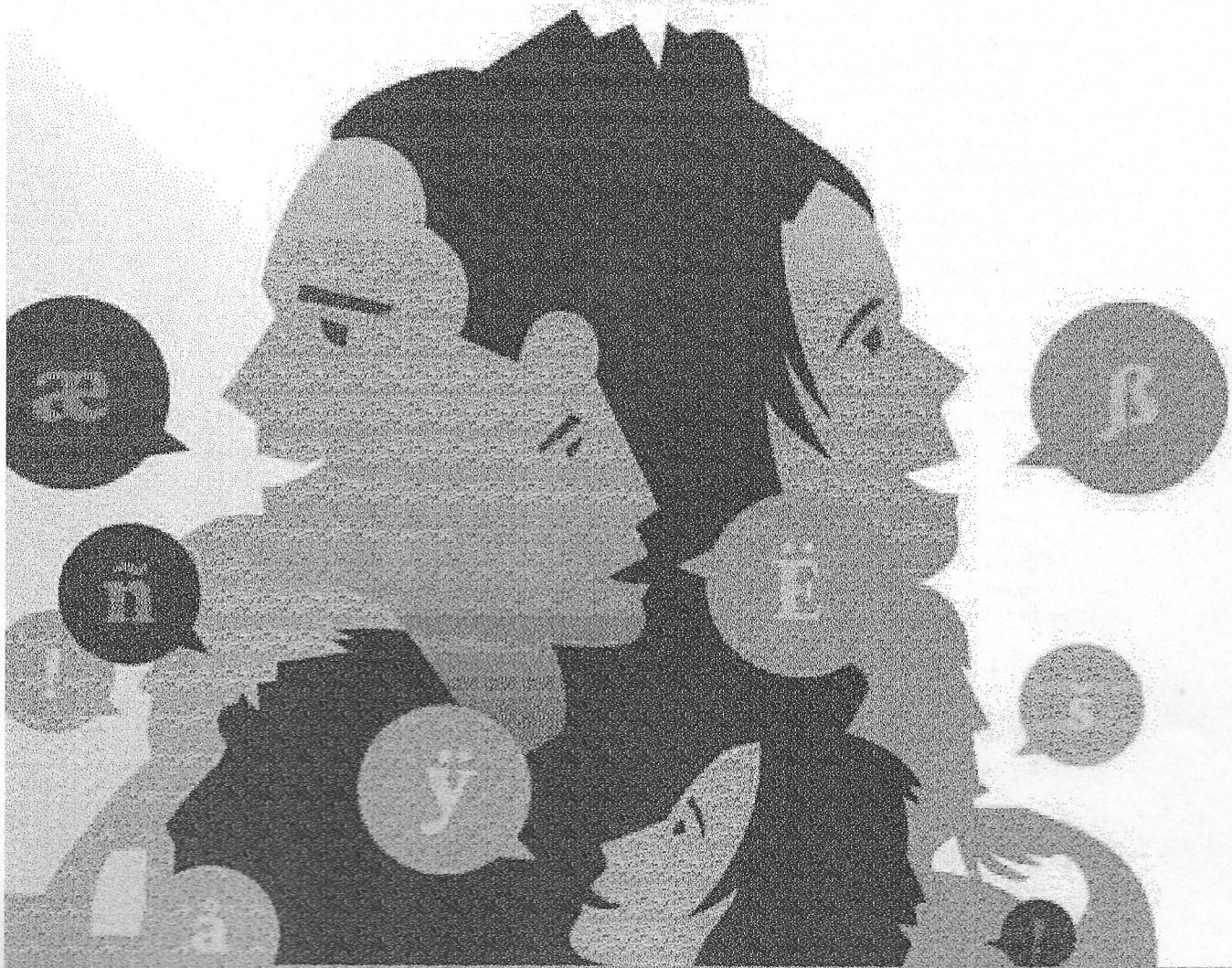


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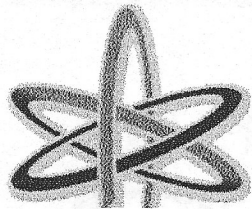
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## *Agency, Norms and Function Assignment*

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### **Introduction**

The concept of “agency” has long been at the centre of the debate in the field of cognitive sciences. The debate on agency mainly focused on physical agency and on physical actions (like moving a hand). Indeed, this approach is reductive, since personal agency operates within a broader network of socio-structural influences (Bandura, 1997). Moreover, both mental agency (Ruben, 2003) and “institutional” agency (Searle, 1995, 2010) “have suffered from neglect”.

If we define actions as changes in the world that are caused by mental events (Davidson, 1980; Enç, 2003), next to the subjective aspect of the agency there is an objective aspect relating to the impact of the act on the world (Krause, 2015: 22). Agents can change the world’s states of affairs, but not all the states of affairs change because of agency. Therefore, one can distinguish between agentive state of affairs (or an agentive characteristic of a state of affairs) and non-agentive state of affairs.

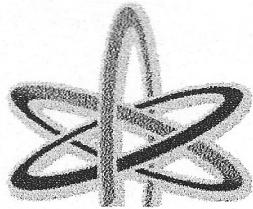
It is important to point out that the “impact of the agent on the world” is not necessarily physical. In this case, the distinction between agentive and non-agentive state of affairs is more difficult. The paper will focus on a phenomenon, that does not seem physical and that can be agentive or non-agentive: the function assignment.

Searle (1995) draws a distinction between the *agentive function assignment* and the *non-agentive function assignment*: the agentive function assignments “mark uses to which we put objects” (e.g. “this stone is a paperweight”); the non-agentive functions are assigned to processes occurring in nature (e.g. “the function of the heart is to pump blood”). Searle thinks that both agentive and non-agentive function assignments have something to do with normative evaluations. However, the relationship between function assignment and normative evaluations is not clear.

### **1. The axiological commitment of non-agentive function assignments**

Non-agentive function assignments concern objects or processes that apparently have their own intrinsic natural function.

According to Searle (1995: 20) non-agentive functions are “part of a theoretical account of a phenomenon”. However, the theoretical account



based on non-agentive function assignments is not *wertfrei*. An ethical evaluation on the (direct or indirect) effects of a process (e.g. survival, reproduction) is a necessary condition for the discovery of a non-agentive function. According to Searle, the occurrence of a normative vocabulary is the manifestation of an implicit axiological evaluation. "Once we have described something in terms of function we can introduce a *normative vocabulary*. We can say things like, "this is a better heart than that heart", "this heart is malfunctioning", "this heart is suffering from disease"" (Searle, 2010: 59). The fact that a theoretical account of a phenomenon based on a non-agentive function assignment grounds on axiological presuppositions, does not exclude (in itself) the possibility of describing that phenomenon in non-normative causal terms. Nevertheless, that description cannot employ the concept of "function" nor the concept of "normality". In this sense, a process is "normal" when it fulfils its (axiologically oriented) function.

Stroll (1987) defends a contrary view, according to which the presence of a normative vocabulary is not an evidence of any axiological commitment. Stroll (1987: 17) thinks that it is possible to describe a process as "normal" only on the basis of statistical data that concern the consequences of that process. According to Stroll, even if norms about blood pressure admit an axiological vocabulary, axiological evaluations about blood pressure are not relevant for the formulation of norms.

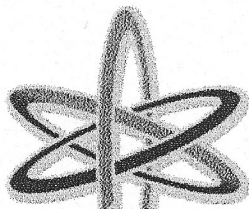
The concept of "function" seems to be an indispensable instrument both for natural sciences and for social sciences. In philosophy of science, there are different theories that aim to give a naturalistic definition of the term "function". For instance, Millikan (1984, 1989) formulated her definition of "proper function" in order to define biological phenomena according to what they are "designed to" or "supposed to" in "naturalistic, non-normative sense". Other scholars "conceptualize functions as effects of systemic components that contribute to more-general capacities of a larger system" (e.g. Cummins, 1975; Davies, 2001).

Searle's belief (that the use of the term "function" presuppose an axiological commitment) pushes to consider natural sciences that use the concept of function (like biology or medicine) "value-oriented sciences". Moreover, an apparently value-free statement like "the concept of "heart" is a biological concept" would readily be considered "axiologically oriented". It is tricky, but let us admit it.

## **2. Normativity of non-agentive functions vs. Normativity of agentive functions**

Is a non-agentive function replaceable with an agentive function? According to Searle (1995: 20), "there is no sharp dividing line between the non-agentive function and the agentive function. Sometimes an agentive function can replace a non-agentive function, as when, for example, we make an "artificial heart"". When Searle affirms that it is possible to substitute an agentive function with a non-agentive function, he fails to distinguish at least two different elements involved in function assignment:

- the normativity behind a non-agentive function assignment;
- the normativity behind an agentive function assignment.



The axiologically oriented *normativity behind non-agentive function assignments* allows a teleological representation of a process that exists independently from the observer. In this sense, the normativity behind non-agentive function assignments is mainly an epistemological normativity that could be based on axiological commitments.

On the other hand, the agentive function assignments presuppose a constitutive normativity<sup>4</sup>. This kind of constitutive normativity does not substitute but presupposes the normativity of the non-agentive function. In this sense, according to the bioengineers Galletti and Nerem (2006: vi-7), “each human organ fulfils multiple functions of unequal importance in terms of survival. Consequently, it is critical to distinguish the essential functions, which must be incorporated to a spare part from those that can be neglected. [...] Only when this is done can one think realistically about design alternatives”.

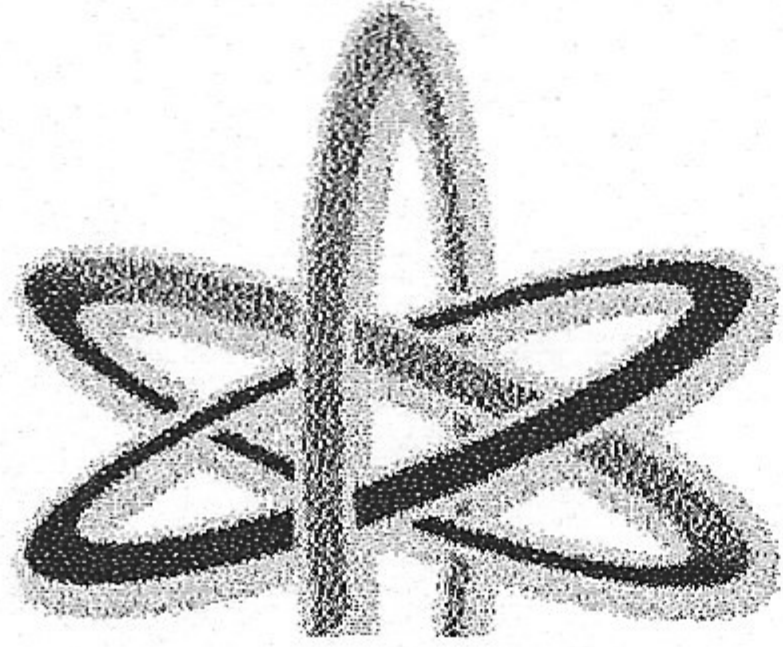
In the legal field, the lawgiver, in order to fulfil a social requirement, can, for instance, set a task to an administrative organ. The constitutive normativity operates in medical field when new patterns of action are created (Debru, 2011: 7), in order to fulfil particular requirements of the patient<sup>5</sup>. Tissue engineering and the creation of artificial organs presuppose a normativity that “creates” new system of working for an organ of the human body.

Moreover, the constitutive normativity is relevant in the improvement of the quality of life for people affected by neurodegenerative diseases. Constitutive normativity is a necessary condition for assigning new functions to the parts of the body still not compromised by the disease. E.g., the assignment of a new function to the chin (to use the wheelchair with a chin control) or to the eyes (communication devices can be accessed using eye-tracking systems). Constitutive normativity establishes new patterns of action to fulfil requirements that natural processes had originally been fulfilling. Indeed, a non-agentive function (as the one of pumping blood) is assignable to an artificial device. Despite this fact, the non-agentive nature of that function (e.g. to circulate the blood) does not change, because the original epistemological normativity and the axiological presuppositions behind the non-agentive function are unaltered.

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<sup>4</sup> Znamierowski (1924), to the best of my knowledge, was the first to suggest explicitly that a constitutive rule [*norma konstrukcyjna*] can assign (to an object or a process) not only a conventional meaning but also a natural meaning [*znaczenie naturalne*], e.g. a knife can become a paper knife (cf. Lorini, 2008: 32).

<sup>5</sup> To set a norm [*normer*] is to impose a requirement on an existence (Canguilhem 1976, 146).



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