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An Analysis of Fink’s Argument in Favour of Normative Process-Requirements

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This paper analyses and (tentatively) rejects Julian Fink’s argument for the existence of normative process-requirements. According to Fink, only process-requirements allow us to give appropriate normative credit to a subject *S* who violates certain state-requirements but is undergoing a process that will eventually lead to their satisfaction. I will show that Fink’s argument applies, at best, only to a restricted set of cases—namely, when *S*’s undergoing a process has not resulted in the formation of new mental states. In these remaining cases, however, it is implausible to give *S* normative credit for undergoing the relevant process. Thus, we can assign the correct degree of the corresponding normative property solely in terms of state-requirements. To the extent that this holds, Fink’s argument does not entail that there are normative process-requirements.

Normative requirements play an important role in our understanding of normativity (see e.g. Broome 2007). That there are different types of normative requirements (e.g. rational, moral, prudential) is commonly accepted. It remains an open question, however, whether there are such things as normative process-requirements.

This paper takes a closer look at and (tentatively) rejects Julian Fink’s (2012) argument for the existence of normative process-requirements. In short, Fink (2012, 132) claims that process-requirements are necessary if we are to “assign fine-grained degrees of a normative property to a subject.” To show this, Fink uses the case of two subjects, Jack and Jim, who both violate a certain state-requirement that requires them to have a certain intention. Jack is deliberately undergoing the process of forming this intention, whereas Jim is not undergoing any such process. Fink (2012, 134) argues that the only way

to give Jack normative credit for “moving in the right direction” is to refer to process-requirements.

The central claim of my essay is that if there is a “normative difference”¹ between Jack and Jim, this difference can be explained in terms of state-requirements. Hence, there is no need to assume the existence of process-requirements. Before I come to my claim, I will explain Fink’s argument in more detail (sections 1, 2). Afterwards (section 3), I will show that Fink’s argument applies, at best, only to a restricted set of cases—namely, when Jack’s undergoing a process has not resulted in the formation of new mental states. In these remaining cases, however, it is implausible to give Jack any additional normative credit and, hence, there is no need to invoke normative process-requirements (section 4).

Whether normative process-requirements exist has important implications. Kolodny (2005), for example, argues that not all rational requirements are reason-giving. That is, he argues, the following is not necessarily the case: You have a normative reason to do *X* if rationality requires you to *X*. Kolodny’s argument presupposes that there are (at least some) rational process-requirements.² If there are no normative process-requirements, his argumentation is therefore unsound.

1 Definitions

Fink’s argument is supposed to prove the existence of normative process-requirements. But what are process-requirements?

First, Fink (2012, 118) defines the “general-requirement schema”:

GRS. The GRS obtains if and only if, “at *t*, a normative source *N* requires of a subject *S* that *S* ‘*Xs*.’”

On this basis, Fink (2012, 118) defines process-requirements in terms of their content:

The GRS represents a process-requirement if and only if the proposition “*S Xs*” signifies a positive relation between *S* and a process.

1 I will use the term “normative difference” as a synonym for “a difference between Jack and Jim regarding their ‘deserved’ normative credit.”

2 Fink (2012) analyses Kolodny’s (2005) two arguments in favour of (rational) process-requirements and rejects them before he develops his own argument.

Fink (2012, 118) takes “change [to be] [...] a necessary and sufficient aspect of processes.” Additionally, the proposition “ $S Xs$ ” signifies a positive relation. This means that “ $S Xs$ ” is true only if S really undergoes a process at t . Therefore, process-requirements require subjects to change in certain ways. Conversely, a requirement *not* to undergo a certain process signifies a negative relation. Being required not to undergo a certain process entails, *ceteris paribus*, that a subject should remain as she is. Such a requirement is a state-requirement.

We can define state-requirements along the following lines:

The GRS represents a state-requirement if and only if the proposition “ $S Xs$ ” signifies a relation between a subject S and a state.

A normative state-requirement therefore requires you to be or remain in a certain state.³

In his defence of process-requirements, Fink (2012, 130ff) focuses on a particular type of process-requirement: those that require you to undergo a process that “aims at ending in a particular attitudinal state.” He refers to these as “teleological process-requirements.” Further, he refines his account of teleological process-requirements by stating the satisfaction conditions for such requirements. According to his account, if S is under a certain teleological process-requirement R at a given time t , S satisfies R if and only if S is (successfully) undergoing the process of getting to the required attitudinal state.

Put generally, then, Fink wants to prove the existence of “in-the-process satisfaction process-requirements.” I will now show how his argument for the existence of these process-requirements is meant to work.

2 Fink's argument for the existence of process-requirements

Fink (2012, 132) states that “in-the-process satisfaction process-requirements are necessary to assign fine-grained degrees of a normative property to a subject.” To argue for his claim, Fink uses the example of Jack and Jim:

³ The requirement to maintain a state is also a state-requirement, even if the subject “has to do something” to stay in that state. This is because change is a necessary condition of something's being a process, and remaining in a certain state is not a species of changing (Fink 2012, 118).

Suppose, at t , a normative source N requires Jack and Jim to intend to help their neighbours. However, both violate this requirement, as, at t , Jack and Jim have no intention of helping their neighbours. Suppose further that, at t , Jack and Jim are identical in every aspect save one: at t , Jack is deliberately undergoing a process of (successfully) forming an intention to help their neighbours, whereas Jim is not. (2012, 132f)

Jack and Jim are almost identical. They both fail to be as they are normatively required to be. Indeed, they violate the same state-requirement: Both are morally required to have an intention to help their neighbours. Let us call this intention I_{final} . There is only one descriptive difference between them: Jack is deliberately undergoing a process that will (eventually) lead him to be as he is required (by the state-requirement) to be—let us call this process “ F .” What does this descriptive difference imply? According to Fink, there is a normative source N that assigns a higher degree of its corresponding property to Jack. The normative source is morality. Hence, Jack seems to be “more moral” than Jim (2012, 133).

Fink assumes that Jack and Jim are subject to the same normative requirements. He therefore argues that we can give Jack more “normative credit” only if he satisfies at least one normative requirement more than Jim. This is because Fink (2012, 133) assumes that there is “a [strictly monotonically increasing] function from requirement satisfaction/violation to the degree of a normative property.” The only descriptive difference between Jack and Jim is that Jack is deliberately undergoing a *process* which Jim does not undergo. Hence, Fink concludes that the resulting normative difference must be explained in terms of the satisfaction/violation of *process*-requirements. The *only* possible way to account for the difference regarding their normative credit is to refer to process-requirements.⁴

Therefore, according to Fink, we must assume that at least one process-requirement applies to Jack and Jim if we want to assign different degrees of the relevant moral property to them. Fink (2012, 134) proposes the following

⁴ It is crucial to understand that Fink regards the use of process-requirements as the *only* way to express the normative difference between Jack and Jim. Referring to a process-requirement is necessary only if the fact that Jack is deliberately undergoing process F does not lead to the satisfaction of any state-requirement. Thus, Fink must assume that Jack does not satisfy any state-requirements that Jim fails to satisfy. Otherwise, there would be no need to assume process-requirements to capture the normative difference in the first place. (See section 3 for further explications.)

process-requirement: “[A]t t , morality requires of both Jack and Jim that each deliberately forms an intention to help his neighbours.” Jack satisfies the proposed process-requirement because he is deliberately undergoing the required process of forming the intention while Jim does not (and, hence, violates the process-requirement). Hence, Jack is “more moral.”

Fink concludes that it is necessary to assume the existence of process-requirements as they have a unique, essential function—that is, “to assign the correct degree of a normative property to those subjects who violate a set of normative state-requirements, yet who are undergoing a process to redeem this failure” (2012, 135).

3 Restricting the scope of Fink's argument

In this section, I show how narrow the scope of Fink's argument, if it succeeded, would be. This is because most of the cases we naturally think about when saying “Jack is undergoing process F ” can be captured by state-requirements. Roughly, this is the case if Jack is undergoing a complex process in which “on his way towards I_{final} ” he completes several “sub-tasks.” That is, by getting towards I_{final} , Jack forms several mental states on the way.

More generally, I assume that we can divide all such complex processes of arriving at an intention into basic steps. Of course, such basic steps can be decomposed further—but not into “mental subprocesses” that are referred to at the personal, folk-psychological level of explanation. Instead, further decomposition to a sub-personal level of explanation yields sub-personal processes. These sub-personal processes are not constituted by mental states anymore, but only by sub-mental states of a subject's cognitive system. Hence, the “input” and “output” of sub-personal processes are not mental states, such as beliefs or intentions.⁵

Now, if Jack has already undergone at least one of the basic steps that he needs to perform to complete the whole complex process F , he has formed at least one mental state that Jim has not formed. Thus, they have different sets

⁵ This account draws on Wedgwood's (2006) account of reasoning (as a causal step-by-step process) and his notion of “basic step of reasoning.” Further, an analogy can be drawn with complex actions (say, making pizza) achieved by means of performing more basic actions (rolling out the dough, cutting tomatoes, etc.).

of mental states.⁶ In this case, you can assign a higher degree of the relevant normative property to Jack by referring to state-requirements.

It will be helpful to provide an example of a complex process that Jack could be undergoing to (eventually) reach I_{final} . Using “i” for “Jack intends that” and “b” for “Jack believes that,” the basic steps that Jack, in the current example, would have to undergo to reach I_{final} can be described as follows:

First basic step (BS_1):

- (i) (Jack will promote happiness)
- (b) (helping people who are in danger promotes happiness)
- (i) (Jack will help those in danger)

Second basic step:

- (i) (Jack will help those in danger)
- (b) (Jack’s neighbours are in danger)
- (i) (Jack will help his neighbours)

We can imagine that Jack has already completed the first basic step of F (and has therefore formed the intention to help those in danger) but not the second step. Thus, Jack is undergoing the process of forming I_{final} but has not completed this process. To capture the normative difference between Jack and Jim, we can now simply postulate the state-requirement to have the intention to help those in danger. Jim does not satisfy this state-requirement. Due to Jack’s satisfaction of this further normative *state*-requirement we can give him more normative credit than Jim.⁷

This rough sketch is sufficient to indicate the narrow scope where Fink’s argument applies. Jack’s undergoing process F is most likely to be constituted or achieved by undergoing more basic processes. If undergoing these processes already led to the formation of mental states, state-requirements suffice to

6 Fink assumes, and must assume, that Jack and Jim are in the same mental states *before* Jack starts to undergo process F . If this were not so, there would be no need to assume process-requirements in the first place. This is because the normative difference between Jack and Jim could easily be captured in terms of state-requirements (see footnote 4).

7 In the current example, we are interested in Jack’s *moral* credit. Hence, the postulated state-requirement that Jack (but not Jim) satisfies is a *moral* state-requirement. There might be, given certain background assumptions, other requirements that apply to the reasoning process in the first basic step, such as some (wide-scope) rational state-requirement. However, we can still stipulate that there is a moral state-requirement to form the intention to help those in danger. (I would like to thank an anonymous referee for pressing this issue.)

give Jack normative credit. Hence, in assessing Fink's argument we only have to look at the restricted set of cases where Jack and Jim still have—even though Jack is undergoing process F —the same set of mental states. That is, we need to consider cases where Jack is currently undergoing the first or only basic step that (partly) constitutes his undergoing process F . In this case, however, I will argue in the next section, it is implausible that Jack deserves more normative credit than Jim.

4 Against process-requirements

Basic steps of undergoing F cannot be decomposed into further mental subprocesses—they can only be broken down into sub-personal processes (see section 3). I assume that such sub-personal processes are *subconscious*, i.e. (as understood here) we do not and cannot realise that we are currently undergoing them.⁸ The rationale behind this assumption is that sub-personal processes (as defined in section 3) are not constituted by mental states anymore—only by sub-mental states. And, we do not have, I assume, conscious access to these sub-mental states.⁹

Given my assumptions, it would be highly problematic to give normative credit for Jack's being in subconscious processes and states—the only difference between Jack and Jim.¹⁰ First, it would involve an appeal to a problematic kind of (moral) luck. Given Fink's own assumption, Jack and Jim are identical

8 An elaborate machine monitoring your brain could perhaps tell you that (and hence make you realise that) you are undergoing such processes. But you are not able to realise that you are undergoing a subconscious process via introspection or in the absence of any other extraordinary assumptions.

9 This assumption can be supported by the following consideration. If we had conscious access to sub-mental states (and, thereby, to the corresponding sub-personal processes), I think it is quite reasonable to assume that state-requirements could apply to these sub-mental states. In this case, the argument laid out in section 3 applies. We could (if it seems appropriate) give Jack extra normative credit for undergoing the process F solely in terms of state-requirements. These state-requirements would require Jack (and Jim) to be in some consciously accessible sub-mental state that is reached while undergoing the (first) basic step of F . Hence, if (contrary to my assumption) we have conscious access to sub-mental states and the corresponding sub-personal processes, no process-requirements are needed. In the following, I argue that if (in line with my assumption) sub-personal processes and sub-mental states are subconscious, there is no need for process-requirement as well.

10 One might argue that this set-up conflicts with Fink's description "Jack is deliberately undergoing a process" (see section 2). That is, one might argue that Jack is not undergoing this process *deliberately*. If this holds true, Fink's example would have to be reformulated (without the notion of "deliberately") to include the current case of Jack's undergoing process F .

save that Jack is undergoing process *F*. Hence, they have the same capacities, dispositions, etc. Further, Jack and Jim are in the same mental states. Hence, whether or not they undergo process *F* is “beyond their control.” It is not due to their agency that they are descriptively different. It is therefore difficult to see how we can hold Jack (morally) responsible for being different than Jim and give him additional normative credit. Of course, Jack could be held (morally) responsible for something. For example, he can be responsible for his mental states, capacities, dispositions, etc. that lead to his undergoing *F*. But the point is that Jim has the same set of mental states and the same capacities, dispositions, etc. Thus, Jack is not (morally) responsible *for being different from Jim*. If you still want to hold Jack “more moral,” then the normative difference between Jack and Jim must be the result of a problematic kind of luck.¹¹

Moreover, Jack cannot decide to stop undergoing *F*, because he is not aware of the sub-personal processes that constitute the fact that he is undergoing *F*. He does not know that he is currently really undergoing *F*. Hence, he cannot even deliberately try to reverse the facts (processes) that are supposed to make him “more moral” than Jim.

Because of these considerations, it seems very implausible that there is a normative difference between Jack and Jim in the current case and, hence, a need to assume normative process-requirements. Where this leaves us will be indicated in the conclusion.


5 Conclusion

According to Fink, only process-requirements allow us to explain the normative difference between Jack and Jim, where both violate a state-requirement but Jack is undergoing a process that will (eventually) lead to its satisfaction and Jim is not. Since it is plausible to give Jack normative credit for undergoing this process, process-requirements seem to have a unique, distinctive function.

¹¹ Moral luck occurs if “a significant aspect of what someone does depends on factors beyond his control, yet we continue to treat him in that aspect as an object of moral judgment” (Nagel 1979, 26). Jack and Jim’s case would be a case of resultant moral luck, i.e. “luck in the way things [e.g. (mental) actions] turn out” (Nelkin 2019, 5). According to Nagel (1979, 25), moral luck poses a problem because it conflicts with the idea that agents are morally assessable only for what depends on factors under their control. To what extent there can be (certain types of) moral luck is a matter of much debate and cannot be discussed here. See Nelkin (2019) for a helpful overview.

I have argued against this notion. My argument appealed to considerations related to (moral) responsibility and (moral) luck. Given the scope of this essay, I cannot address these issues here in detail. I believe, however, that the burden is on Fink to provide further details in order to defend his argument. In any case, I have shown that the set of cases where we would need normative process-requirements, *if* Fink's argument succeeded, is much smaller than one might at first think. We would need them only when one's undergoing a process has not resulted in the formation of new (mental) states to which state-requirements could be applied. To the extent that my argument holds, however, the following claim is true: If there is a difference regarding the normative credit due to Jack and Jim, then this normative difference can be explained in terms of state-requirements. It follows, there is no need to assume process-requirements, at least not on the basis of Fink's argument.*

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