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RESCUING THE FACT-INSENSITIVITY THESIS

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Pontifícia Universidade Católica
do Rio Grande do Sul

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Tese apresentada como requisito parcial
para obtenção do grau de Doutor pelo
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Orientador: Nythamar Hilario Fernandes
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ABSTRACT

This thesis explores the debates surrounding G.A. Cohen's fact-insensitivity thesis. I argue that, so long we take for granted either the counterfactual theory of explanation aligned with fictionalism about grounding or unificationism about explanation, we have a favorable outcome for his thesis. In the first part I challenge, without any big assumption, some the critiques the thesis received in the literature and all the attempts to defend it from the critiques. In the second part I explore the logical consequences of some theories of explanation (CTE and unificationism) for Cohen's thesis. I demonstrate that the former is wanting to deal with a regress problem, but not the latter. I conclude that, in the light of unificationism, Cohen's thesis remains unimpaired by any of its critiques.

Keywords: Normativity; Principles; Explanation; Cohen.

RESUMO

Esta tese explora os debates em torno da tese da insensibilidade aos fatos de G.A. Cohen. Argumento que, desde que assumamos, ou a teoria contrafactual da explicação em conjunto com ficcionalismo sobre fundamentação ou o unificacionismo sobre explicação, temos um resultado favorável para sua tese. Na primeira parte, desafio, sem grandes suposições, algumas das críticas que a tese recebeu na literatura e todas as tentativas de defendê-la das críticas. Na segunda parte, exploro as consequências lógicas de algumas teorias da explicação (teoria contrafactual da explicação e unificacionismo) para a tese de Cohen. Demonstro que a primeira é insuficiente para lidar com um problema de regresso, mas não a segunda. Concluo que, à luz do unificacionismo, a tese de Cohen permanece intocada por qualquer uma de suas críticas.

Palavras-chave: Normatividade; Princípios, Explicação; Cohen.

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INTRODUCTION

We should not kill our fellow human beings, we should keep our promises, we should not cause unnecessary pain. These are intuitive examples of *normative* principles: general directives that tell agents what they ought to, or not, to do. In some sense, these principles, and not only them, but also all imaginable sound normative principles, seem to *respond* to, or to depend on, some facts: facts about our physical constitution, our capacity for empathy, our susceptibility to pain, and so on.

Consider a money bill. What makes the case that the piece of paper we call “money bill” is money? It seems to *depend on* some other facts, like the fact that we treat it as money, the fact we can exchange it for service and supplies etc. The same dependence relation seems to hold between facts and normative principles in the fashion illustrated above: some facts *would make the case* that we have some general obligations, stated in the normative principles.

Jerry Cohen famously argues *against* this intuition regarding facts and normative principles. Cohen claims that every fact-sensitive principle reflects an ultimate fact-insensitive principle, which does not respond to facts at all. He therefore agrees normative principles can respond to facts, but it is only because there is an ultimate-fact insensitive principle accounting for that dependence relation.

If we adhere to the old pragmatist adage that the value of a philosophical thesis relies on its consequences, then G.A. Cohen's fact-insensitivity thesis emerges as possessing unparalleled significance. While it stills a metaethical thesis, Cohen's thesis transcends its theoretical confines, finding application in frameworks across various domains. It serves as a wellspring of inspiration, sparking debates and inquiries in diverse fields such as Law (Raible, 2021), Political Philosophy (Thompson, 2020; Lippert-Rasmussen, 2008; Miller, 2013), Climate Change (Scavenius, 2019), Value Theory (Johannsen, 2017), and Global Justice (Go, 2023). It is very unlikely that we encounter a metaethical thesis that exerts such a profound and far-reaching influence beyond the boundaries of its original field.

Despite its undeniable practical fruits, Jerry Cohen's thesis remains unpopular among its critics. It has been criticized by professional philosopher on the grounds that it confuses epistemology, metaphysics, and psychology (Jubb, 2009); that it incurs in an infinite regress (Ypi, 2012); that it has methodological counterexamples (Ronzoni and Valentini, 2009), that it is full of ambiguities (Pogge, 2008)—to mention just a few critiques.

However, my aim in this thesis is to show that Jerry Cohen's fact-insensitivity thesis critics are mistaken—I want to show there is no regress problem, no fatal counterexamples, no unexplained ambiguities. My objective is to demonstrate that the fact-insensitivity thesis remains unimpaired by its detractors, and it will follow that we can happily embrace its practical applications without being afraid of any theoretical problem.

It might be objected that this is not a new enterprise, an objection to which I would agree. Cohen's thesis has been defended two times in the literature, first by Forcehimes and Tallise (2013) and second by Kyle Johannsen (2016). So why defend it one more time? My answer is twofold. First, to have the same objective does not mean it will be achieved through the same means. Second, I have objections to both defenses, which will be detailed later in the second chapter of this dissertation. To anticipate it in general lines, Johannsen takes for granted a deductive interpretation, and on the basis of this specific interpretation he defends Cohen's thesis. I do not assume such an interpretation, and I also intend to show this interpretation is a *faux pas*.

On the other hand, Forcehimes and Talisse's case is more complicated than Johannsen's. They understand that Cohen's thesis has both a metaphysical aspect and one another that concerns the normative beliefs of a clear-headed agent. But they think the metaphysical side cannot be explained, and they answer the critics on the basis of the one-sided belief-structured aspect. First, I don't think they are *fully* successful in their defense, and—contrary to them—I believe we can make sense of this metaphysical side.

In sum, while it remains true that my objective isn't groundbreaking, I start on the fact it was never successfully achieved—that is, Cohen's thesis was never properly defended. I aim to defend his thesis through distinctly novel approaches. These approaches involve, first, the framework of a Kitcher-style unificationism concerning metaphysical explanation and, second, a stance of fictionalism toward metaphysical grounding as developed by Naomi Thompson coupled with a general counterfactual theory of explanation (CTE), in order to show that the thesis of the fact-insensitivity of normative principles stands unimpaired against its various critics. Moreover, in the light of both these assumptions, I seek to illustrate that the fact-insensitivity thesis surpasses its counterexamples in explanatory power.

It's important to notice, however, that nothing I aim at extends to proving the truthness of Cohen's thesis. Instead, I endeavor to reveal that critiques against his thesis have been based on flawed grounds, and its defense has rested on precarious basis. The attainment of this objective remains consistent with the potential falsity of Cohen's thesis. Acknowledging this potential limitation inherent in my objective, it is crucial to recognize that my goal aligns with

a broader scope involving the development of both unificationism and CTE into a complete theory of explanation and the application of fictionalism about grounding within the domain of metaethics.

With the objective of delving into Cohen's thesis, Chapter 1 meticulously examines its motivation, structure, presentation, scope, illustrations, key concepts, and surrounding debates. Every detail is meticulously highlighted, exposed, and discussed, with the primary aim being exposition and exegesis rather than critique.

In Chapter 2, the focus shifts to addressing the critiques that have emerged in the literature following the publication of *Facts and Principles*, along with the defenses mounted against them. The objective is to demonstrate that none of the attempts to rescue Cohen's thesis have been successful, highlighting the need for further work in response to these critiques.

Chapter 3 endeavors to grapple with the critiques outlined in Chapter 2. Two plausible interpretations of Cohen's thesis are scrutinized and found wanting in addressing these critiques. Instead, I propose an approach that integrates Fictionalism about grounding and the counterfactual theory of explanation, offering a solution to the challenges faced by the *metaphysical aspect* of Cohen's thesis.

Lastly, Chapter 4 employs Unificationism about metaphysical explanation to rescue the *non-metaphysical dimension* of the fact-insensitivity thesis. The aim is to demonstrate the robustness of this interpretation and to show that, in the light of Unificationism, Cohen's thesis remains unchallenged.

CHAPTER 1: THE FACT-INSENSITIVITY THESIS

1 BACKGROUND

Cohen's fact-insensitivity thesis can be stated in a remarkably short way: if any fact or facts ground a normative principle, then there is an ultimate normative principle that accounts for that grounding relation. Initially posited in his article "Facts and Principles" (Cohen, 2003), and subsequently reiterated in his book "Rescuing Justice and Equality" (Cohen, 2008), his thesis is not a free-floating one: it is intricately tied to Cohen's broader understanding of normative inquiry in political philosophy, wherein it stands in opposition to both the Rawlsian Difference Principle and constructivist approaches to normative principles.

Cohen is clear about his commitment to the priority of theoretical aims instead of action-guiding ones in normative inquiry. For instance, he claims that the fundamental question for political philosophy "is not what we should do but what we should think, even when what we should think makes no practical difference" (Cohen 2008, p. 268), he says philosophers like him are not, "primarily, as philosophers, interested in what should be done in practice, all things considered". He also praises Plato for seeking ideal moral principles, "including justice, beyond mere situational judgements" (Cohen, 2008, p. 91). This tendency also manifests in his book about socialism, "Why not Socialism?" (Cohen, 2009), where he displays that factual obstacles against the realization of a socialist ideal "are not reasons to disparage the ideal itself" (Cohen, 2009, p. 80). It is in the vicinity of this *theory-first* approach to normative political philosophy that Cohen is interested in explanatory fact-free principles¹.

Not only his view on the aim of normative political philosophy, but also his debate with Rawls regarding the Difference Principle (DP), motivated the development of the fact-insensitivity thesis. The main worry was that DP would open the door for a significant amount of inequality, to which the Rawlsian reply was that excessive inequalities would not be necessary for the improvement of the condition of the worst off, given at least in part some

¹ A related debate arises on the fact Cohen, a founding father of analytical Marxism, seems to distance himself from its marxist roots (Ypi, 2012, p. 187-188). See Vrousalis (Vrousalis, 2015, p. 5-6) for an attempt to conciliate Cohen's primacy of theory with Marxism.

psychological and socioeconomic factors². For Cohen, this meant to confuse demands of justice itself with other justified considerations. It was *on the basis* of the fact-insensitivity thesis that Cohen developed an objection to this Rawlsian view: that principles *of justice* are independent of any facts.

Cohen also expresses that it was the constructivism about justice, which includes the Rawlsian Original Position³ (Rawls, 1972), that led him to think about, and to address, the relation between facts and normative principles (Cohen, 2008, p. 232). He understands constructivism broadly conceived as the thesis that its targeted phenomenon gains validity through being the output of a specified procedure⁴: in that view, the source of the normative authority (say, of principles of justice) are not stance-free moral facts but the non-substantive requirements embodied in the constructivist procedure.

Whether that is a noble motivation or not, no one stated a bigger truth than Jubb (2016, p. 85, fn. 31): "There has been much confusion about the content and significance of Cohen's arguments in that paper". Not only about the *argument* he offers for the truth of his thesis, his thesis *as such* was also the target of confusion and doubts about its significance. Because of that, I will give a closer look on all the details surrounding his thesis as Cohen originally stated it. Therefore, there will be no deep critical assessment of his thesis in this chapter, only interpretative ones.

2 THE FACT-INSENSITIVITY THESIS — NORMATIVE PRINCIPLES

Cohen starts his work on the insensitivity of facts and principles stating what are normative principles. He says a normative principle "is a general directive that tells agents what (they ought, or ought not) to do" (Cohen, 2008, p. 229). "We should keep our promise", "we ought to help people to pursue their projects", "We ought to help the needy": these are all examples of normative principles and they are also examples that Cohen uses. These general moral claims are also called, interchangeably, "moral principles" (hereafter, for short, and following Cohen's practice, "principles"—everytime I talk about principles without qualification, I'm talking about *normative* principles).

² See Kofman (2012) for details in both Cohen's worry as well in Rawls's reply. In the same paper, Kaufman explains in a bit more detail how this debate led to the fact-insensitivity thesis.

³ But also O'Neill (1989); Korsgaard (1996); Scanlon (1998), Habermas (1991), to mention a few.

⁴ This is indeed just a version of constructivism. See Bagnoli (2021) for an overview.

Besides his short statement, Cohen says nothing else about normative principles, although there is much to say about them on the basis of the recent literature. It might be worth it, given that Cohen admits his thesis “depends on what it is for a principle to be a principle” (Cohen, 2008, p. 233). For example, some features of principles are easy to identify. Principles are *general* or *universal*—they make no particular references. We should keep our promises, regardless whether the promise was made to Peter, Paul, or Mary, and independent of the time or location we promised so. Principles also are supposed to have a theoretical role. Robinson gives three examples of such roles (Robinson, 2007, 2011, 2014).

First, principles explain their instances. Why should any husband keep faithful to their wife? Because we ought to keep our promises (and because they promised to do so). Second, principles support counterfactual conditionals, in at least the following way: if I had promised to my wife that I would remain faithful to her, I would have the obligation to do so. More than supporting the counterfactual, it also seems to be the *reason why* the counterfactual holds: if I had promised my wife that I would remain faithful to her, I would have the obligation to do so *because* promises must be kept. Finally, principles seem to be the “bridge” between right and wrong-making circumstances and obligations: the act of promising to ϕ obligates to ϕ , and not because of destiny, but *because* the principle that we ought to keep our promises.

There is also a practical role fulfilled by moral principles: they *guide* action. In a weak sense, the principles of a moral theory provide guidance for an agent if it gives her the means, in most circumstances, including unusual ones, to make non-arbitrary judgements about the right thing to do; they provide guidance in a stronger sense, if these judgements are true (Frederick, 2015, p. 260).

All of this concerns the role of normative principles. A further debate concerns what is the *nature* of normative principles. There are some accounts available in the literature. The most popular are nomological accounts (Robinson, 2014, p. 9).

One example of a nomological account of normative principles is the *rule-based* one: normative principles are rules (social rules, precepts of reason, divine commandments) (Robinson, 2014, p. 10). Rules, like normative principles, are supposed to explain their instance, to support counterfactuals, and to give rise to necessary connections. Consider the soccer rule R that, if a player receives a red card, then *he is out of the game* (or *then he should leave the game*). Suppose player X received a red card and left the game. *Why* did he leave the game? Because of the rule R. In that sense, rule R explains its instances. We also could infer that, if player X had received a red card, he should leave the game, so it supports a counterfactual. And it is rule R that guarantees the relation between the receiving of a red card

and the obligation to leave the game⁵. Of course, a soccer rule isn't a duty-imposing rule like divine commandments, precepts of reason, law rules, and so on—but the same reasoning applies for these duty-imposing rules.

Another alternative of a law-based account is the Kneale-Popper model. In this framework, moral principles are modeled on the basis of laws of nature, which, by their turn, are understood as universal material-conditional preceded by a necessity operator (Frederick, 2014, p. 305). So the moral principle “we ought to keep our promises” is better expressed as follows:

Necessarily, any person, x , is such that, if x promises to ϕ , and there is no interfering obligation-voiding condition, then x has an obligation to ϕ .

The qualification about obligation-voiding conditions is added to deal with exceptional cases. Thomson (1990, p. 30) provides the example of someone who makes a promise under coercion: this is an instance of obligation-voiding condition, that cancels the obligation to keep the promise. The qualification is similar to the *ceteris paribus* qualification for laws of nature. Despite its base, the Kneale-Popper approach is not a naturalistic account: it holds that *ceteris paribus* laws of nature, conjoined with circumstances about a specific body, makes the case that the body *does* behave in a specific way, while moral principles make the case that agents *ought* to behave in a certain way.

Another law-based account takes moral principles as the description of regularities: the regularity is the truth-maker of the statement of the moral principle. However, such an account suffers from some problems. Worth mentioning is the inability to support counterfactuals. From the fact that all the coins in a pocket are pennies, one can not infer that a diet Coke would be a penny if it was in that pocket. Generalizing, from the fact that all F s are G s one can not infer that a non- F non- G would be a G if it was in F (Robinson, 2007, p. 4).

These are some *nomological* accounts of normative principles. There are also *non-nomological* accounts. One example of a non-nomological one is the dispositional account developed by Luke Robinson. According to that account, moral agents and patients have powers or dispositions to generate moral obligations. For example, someone hit by a car may be a circumstance in which S 's disposition to be *pro tanto*-obligated is triggered. These moral

⁵ If you are more of a baseball fan, see Robison (2014, p. 13-14) for the baseball version of this illustration.

dispositions would be the grounds of general moral claims, or, as we are calling, moral principles: “dispositions are ontologically more basic than laws” (Robinson, 2014, p. 27).

Not every philosopher, however, agrees that there exist moral principles or that they can fulfill the role they are supposed to fulfill. So called moral particularists deny precisely that. One form of particularism, Principle Eliminativism, affirm precisely that there are no moral principles (Ridge and McKeever, 2006). Weaker forms of particularism may affirm that we do not have knowledge of moral principles, or that there are no exceptionless moral principles (Leibowitz, 2011). However, I will not go into the details of particularism, because, as we will see below, the fact-insensitivity thesis is neutral regarding the *existence* of moral principles. It is consistent, indeed, with Principle Eliminativism: all it states is that *if* facts ground normative principle...—the conditional makes it consistent with forms of particularism. However, as Cohen remarks, his thesis is less interesting if particularism is true, but, being conditional, is not less correct if particularism is right about principles (Cohen, 2008, p. 248).

Cohen seems to be neutral regarding the right account of principles: irrespective of whether one adheres to the Kneale-Popper framework or subscribes to the dispositional account, his thesis appears to remain intact. We can adapt his thesis to align with our preferred theoretical framework without compromising its essence. However, Cohen assumes some theoretical roles about principles, and because of that I pass to the explanatory relations he invokes.

3 FACTS, FACT-SENSITIVITY, FACT-INSENSITIVITY

Cohen says facts *ground* normative principles. He defines facts as “any truth, other than (if any principles are truths) a principle, of a kind that someone might reasonably think supports a principle” (Cohen, 2008, p. 229). With both definitions (of facts and of normatives principles) in hand, he states both the thesis he denies: “Most philosophers who provide an answer to the question whether principles are grounded in facts say that (sound) normative principles, as such (and, therefore, all of them), are (at least inter alia) grounded in the facts of human nature and of the human situation” (Cohen, 2008, p. 229) and the thesis he affirms:

I argue that a principle can respond to (that is, be grounded in) a fact only because it is also a response to a more ultimate principle that is not

a response to a fact: accordingly, if principles respond to facts, then the principles at the summit of our conviction are grounded in no facts whatsoever (2008, p 229).

Before I comment on that, it is interesting the Pogge's remark (Pogge, 2008, p. 465) that Cohen express the relation between facts and principles through a myriad of expressions (where P is a normative principle):

- Facts give us reason to affirm P (20);
- P reflects facts (231);
- [P] responds to facts (229);
- [P] depends on facts (20);
- [P is] grounded in facts (229);
- [P is] supported by facts (239–40),
- [P is] based on facts (237);
- [P is] justified by facts (238);
- [P is] fact-bound (20);
- [P is] fact-infested (287);
- [P is] fact-reflecting (254);
- [P is] fact-supported (20);

The normative principle P that is (at least partially) fact-supported, based on facts, grounded in facts, and so on, is said to be *fact-sensitive*. A principle is said to be fact-insensitive when it is not fact-supported, fact-bound, fact-infested, and so on. Pogge complains that this “wealth of expressions” leaves an ambiguity. It is not clear if Cohen is supposing a narrower understanding of fact-sensitivity, in which a principle holds iff a fact holds, or a broader understanding, in which the facts are a sufficient condition for a principle's holding” (Pogge, 2008, p. 465). Miller also states Cohen “does not say explicitly what form the grounding relationship must take” (Miller, 2013, p. 21-22).

The only remark Cohen does regarding grounding appears in his discussion with Miller. Cohen claims that grounding means providing a reason for affirming. The shortness of such exposition is stunning, given Cohen admits his thesis depends on “what it is for a fact to ground a principle” (2008, p. 233). But, once again, this is not of much help. Enzo Rossi highlights that “reason for affirming” may have at least two senses. We affirm a principle for a *practical* reason when we want to make the case for acting on it, we affirm a principle for an epistemic

reason when we make the case for its truth. Cohen's remark isn't helpful because it "does not specify what sort of reasons he has in mind, nor does he put forward an account of the unity of reason that would back-up his position" (Rossi, 2016, p. 5). In sum, Cohen is not clear about the relation between facts and fact-sensitive principle, and his only attempt at explaining it doesn't provide any enlightenment.

It is interesting that, although the relation between facts and fact-sensitive principles has raised a concern in the literature, much less has been talked about the relation between fact-*insensitive* principles and facts or fact-sensitive principles⁶. Cohen says that a fact-*insensitive* principle (where P is a fact-sensitive principle):

- confers on a fact its principle-grounding and reason-providing power (234);
- makes [a fact] matter, which makes it support P (234);
- explains why F supports P (236);
- makes F a justification for P (238);
- account for that relationship of support [between facts and fact-sensitive principles] (247)
- explain, with the facts, why a given set of principles is the right one to adopt (269).

However, these remarks didn't attract the same attention the remarks between facts and fact-sensitive principles attracted. At least there is a conflict between a high-order role and a first-order role: in the first five claims, the fact-insensitive principle seems to fulfill a high-order role of accounting, while, in the last claim, it seems to have a first-order role together with the facts.

But Cohen imposes a restriction on his thesis—the so-called "clarity of mind requirement"—that may help to understand what is under consideration. That requirement constrains the scope of the thesis to "anyone's principles, be they correct or not, so long as she has a clear grasp both of what her principles are and of why she holds them" (Cohen, 2008, p. 233). He further explains that:

The [clarity of mind] requirement constrains what is said here about an individual's principles, but it also serves as a heuristic device for highlighting truths about how normative principles justify and are justified, within a structure of normative principles, and independently of anybody's belief. In speaking of the structure of the principles held

⁶ An happy exception is Kofman, discussed in chapter 2.

by someone who is fully clear about her principled commitment, I am speaking not only, precisely, of that, but also of the structure of a coherent set of principles as such, and, therefore, more particularly, of the structure of the principles that constitute the objective normative truth, if there is such a thing (Cohen, 2008, p. 233, fn. 9).

Hence, his thesis applies both to the structure of normative principled beliefs of someone who is “fully clear about her principled commitment” and also about the structure of true normative principles (if there is such a thing as a true normative principle).

4 THE FACT-INSENSITIVITY THESIS

Cohen provides a good number of intuitive illustrations for his thesis, all of them that arise “dialectically” (Richardson, 2018, p. 226). He first proceeds in an abstract level:

Suppose that proposition F states a factual claim and that, in the light of, on the basis of, her belief that F, a person, affirms principle P. We may then ask her why she treats F as a reason for affirming P. And if she is able to answer that question, then her answer, so I believe, will feature or imply an affirmation of a more ultimate principle (call it P1), a principle that would survive denial of P itself, a principle, moreover, that holds whether or not F is true and that explains why F is a reason for affirming P: it is always a further principle that confers on a fact its principle-grounding and reason-providing power (Cohen, 2008, p. 233-234).

Here, the person believes the fact-insensitive principle on the basis of the fact, and when asked why the fact is a reason for affirming that principle, her answer, Cohen says, will feature the fact-insensitive principle. On the basis of this case, Cohen adds a distinction between *ultimate* fact-insensitive principles and fact-insensitive principles that are insensitive to a specific fact:

The said principle P1 is insensitive to whether or not F holds, although P1 may be, as we shall see, sensitive to other facts: I have not yet argued that the original principle P presupposes a principle that is insensitive to all facts, a principle, that is, which is insensitive not only to F but which is altogether fact-insensitive (Cohen, 2008, p. 234).

In that case, P1 is insensitive to F, but it might be sensitive to other facts, and if that is the case, then P1 is not *ultimate* fact-insensitive. Estlund helpfully calls such a principle “relatively fact-insensitivity” (2016, p. 142): the principle is insensitive to the fact F, but this does not mean the principle is insensitive to all the possible facts.

The more concrete illustration runs as follows:

Suppose someone affirms the principle that we should keep our promises (call that P) because only when promises are kept can promisees successfully pursue their projects (call that F). (I am not saying that that is the only basis on which P might be affirmed: that it is one plausible basis suffices for my purposes.) Then she will surely agree that she believes that F supports P because she affirms P1, which says, to put it roughly, that we should help people to pursue their projects. It is P1, here, that makes F matter, which makes it support P, but the subject’s affirmation of P1, as opposed to whether or not that affirmation induces her to affirm P itself, has nothing to do, essentially, with whether or not she believes that F.

That’s an instance of the abstract case: S believes that P on the basis of F, and then she agrees she affirms that because she also affirms the principle P1, that is insensitive to F. Clarifying these dialectically raised structures, Cohen says that they are neither about “justification” nor about “explanation”, but they alternate between these illocutions (2008, p. 238, fn. 9), justification and explanation. However, as we saw, Cohen does not explain clearly what he means by “justification” (or grounding). He also does not say a word about what “explanation” is meant. He also does not say what would be the difference about these illocutions. He seems to rely on an intuitive grip of both.

Having illustrated his thesis, Cohen offers an argument for it, that is based on three premises. The first premise says that whenever a fact F confers support on a principle P, there is an explanation of why it does so. Cohen says this premise “rests upon the more general claim that there is always an explanation why any ground grounds what it grounds” (2008, p. 236)—he offers no argument for this general claim, since he thinks this is self-evidently true under an unrestricted account of what would qualify for such an explanation.

Cohen anticipates one objection to his first premise: that it does not suffer from a Lewis Carroll-style regress. In his famous story “What the Tortoise Said to Achilles” (1895), the tortoise claims that an inference is valid only if the rule of inference is stated as a further premise in the inference. So $\langle q \rangle$ does not follow from the conjunction of $\langle \text{if } p, \text{ then } q \rangle$ and

<p> alone, it also must be conjoined with <If <if p then q> and <p>, then <q>> as a further premise. But Cohen denies the same holds in his proceedings:

When someone claims that a fact grounds a principle, she affirms a *grounding* relation, not one of deductive inference. And I do not say: no, that fact doesn't ground that principle, unless we add . . . I simply ask nonrhetorically why the fact supports the principle, and I claim that a satisfactory answer will always feature a further principle P1: that is, precisely, a (correct!) claim, not a move demanded by logic (2008, p. 239).

So, contrary to the tortoise' claim, Cohen's claim isn't a demand by logic, but a (as he argued) correct claim.

Cohen articulates the second premise of his argument for the fact-insensitivity thesis both as linked with the first premise and also independent of it, in a conditional form. In the first case, he states that the second premise affirms that the explanation in the first premise invokes or implies a further principle, insensitive to F, that explains why F supports P, and, in the conditional form, it affirms that *if* there is an explanation for why F supports P, then this explanation invokes or implies a further normative principle P1 (2008, p. 236). Cohen offers no defense for this premise: he challenges anyone who disagrees to provide a counterexample (Cohen, 2008, p. 236).

However, he does not only rely on a challenge, he also deals with a counterexample. The counterexample is that a methodological principle, instead of a normative principle, can explain why a given fact explains a normative principle. A methodological principle, he says, "does not tell you (directly) what to do, that is, what action(s) to perform; it rather tells you how to choose principles that tell you what to do" (Cohen, 2008, p. 240). Methodological principles are employed in the design of different constructivist machines, like Habermas's Discourse Ethics, Rawls's Original Position, Scanlon's reasonable test, and so on. Cohen objects only to the Original Position, but he thinks his answer is generalizable (2008, p; 240). He says that when the original position selects a normative principle P in the light of F only because it also selects a normative principle P1 when the factual truths are suspended.

Lea Ypi notices this second premise relies on two assumptions (Ypi, 2012, p. 200). First, there is what she calls the "one-over-many" assumption: it is the idea that, so long a fact supports a normative principle, there is a further and more ultimate principle that explains that supporting relation. I believe Ypi means any principle, since, if she was assuming the principle must be normative, then it would be the second premise itself, and not an assumption of the

premise. In more details: the premise states that it is only a further normative principle that can account for the grounding between the supporting relation between the fact and the principle. If Ypi says that the one-over-many assumption is the idea that the further and more principle that explains that relation is a normative one, then it is the premise stated again, not an assumption of it. So we need to understand that by “principles” she means any kind of principle, not only normative ones⁷.

This first assumption is linked to the second, which Ypi see as an argument for the first assumption: the second assumption is the claim that no facts by themselves can support a principle. She calls that second assumption “the non-self explanation assumption” (Ypi, 2012 remembers us, indeed, that Cohen claims that the first premise of the argument allows “to be an explanation (albeit a singularly unsatisfying one) of why p (if it indeed does) supports p that they are the same proposition” (Cohen, 2008, p. 236).

The third premise of the argument deals with the possibility of regress. When someone affirms a fact-insensitive principle P1 because of the supporting relation between F and P, this further, more ultimate, principle P1 may be based on a fact F1, and if it is the case, whether the principle P2, that explains the supporting relation between F1 and P1, is, in turn, based on a further fact F2 or not, is a possibility, and therefore an infinite regress starts. The main point in the third premise is to stop such regress. Cohen offers three reasons that would avoid this problem:

The case for that premise is threefold. First, it is just implausible that a credible interrogation of that form might go on indefinitely: if you disagree, try to construct one, one that goes beyond citation of, say, five principles. Second, such an indefinitely continuing sequence would require something like an infinite nesting of principles, and few will think that there exist a relevantly infinite number of principles. Finally, an unending sequence of justifications would run against the requirement (laid down in section 4) that she who affirms P has a clear grasp of what her principles are and of why she holds them: for we can surely say that a person who cannot complete the indicated sequence, because she has to go on forever, does not know why she holds the principles she does. To sum up the case for the third premise: the sequence cannot proceed without end because our resources of conviction are finite, and even if they were not, proceeding without end would violate the self-understanding stipulation (Cohen, 2008, p. 237).

⁷ We could say this is an anti-particularistic assumption. See chapter 1.

The first reason is *dialectical*: Cohen is denying what has been called the “persistent interlocutor”—someone who keeps asking, iteratively, the same question. The second reason is (under a proper interpretation) metaphysical: it affirms the implausibility of the existence of an infinite number of normative principles. The third reason concerns the clarity of mind requirement: in that case, the regress stops because it would violate the requirement that constrains the scope of this thesis (that it holds for the structure of principled normative beliefs of someone who is clear about her principled commitments). Armed with these premises, Cohen concludes:

It follows from the stated premises that, as I claimed, every fact-sensitive principle reflects a fact-insensitive principle: that is true both within the structure of the principled beliefs of a given person, as long as she is clear about what she believes and why she believes it, and, by a certain parity of reasoning that I shall not lay out here, within the structure of the objective truth about principles, if there is an objective truth about principles (Cohen, 2008, p. 237).

Once again Cohen affirms the aspects of his thesis: the metaphysical one, about the structure of true normative principles, and the one regarding the structure of beliefs of a given person, and that there is a parity of reasoning *he is not laying out*.

After defending his thesis, Cohen tries to further clarify his thesis saying what it is and what it is not about. He claims that it is a thesis about (i) logical priority (and therefore is neither epistemic, causal, nor psychological; (ii) his thesis is conditional; (iii) his thesis is not related to the is-ought debate; (iv) it is neutral regarding the main meta-ethical debates⁸.

Cohen affirms fact-insensitivity principles enjoy a logical priority over fact-insensitivity ones: “The priority of fact-insensitive principles is a matter of what utterances of principle commit one to” (Cohen, 2008, p. 247). So how one *comes to know* what they know when uttering or believing these questions about facts and principles are irrelevant for the truth of his thesis. How people come to believe what they believe is also irrelevant: his thesis is not about the genesis of the normative beliefs people held. And although it is a thesis about the structure of beliefs, the thesis is not psychological: the clarity of mind requirement renders it as a non psychological one. That’s the case because *if* the person knows what are their principles and why she holds them that a fact-free normative principle will be exposed if she is pressed to do so. So, a counterexample in which someone is unable, for whatever causal reason,

⁸ He also deals with an ought-implies-can type of objection. I won't cover it here due to the length of his discussion.

to conceive her own structure of principled normative beliefs isn't a plausible counterexample to Cohen's thesis: psychological factors do not touch his thesis, therefore such a counterexample would miss the point of his thesis.

As anticipated above, Cohen's thesis is conditional: "it is that if any facts support any principles, then there are fact-insensitive principles that account for that relationship of support" (Cohen, 2008, p. 247). The conditional character of his thesis makes it consistent with a variety of forms of particularism. You can endorse his thesis while affirming that reasons for actions do not require principles (Dancy, 1993). The conditional character of his thesis also separates him from standard positions in the debate about non-naturalism and naturalism. One popular thesis endorsed by non-naturalism is that *there are normative facts, and at least some of them are not grounded in any fact (or plurality of facts)* (Berker, 2018, p. 28). However, Cohen is not committed to the existence of normative facts *as such*: he affirms the normative facts (if there are such a thing) only because he believes in grounding relations between, *mutatis mutandis*, naturalist facts and non-naturalist facts or truths.

Cohen denies his thesis is just a restatement of the famous Humean is-ought *dictum*:

I do not say that, since (as Hume says) one cannot go from an "is" to an "ought," a person who affirms P on the basis of F must also affirm the truth of some fact-independent normative statement. No such Humean premise was part of my argument. Nor does my conclusion support Hume's view (Cohen, 2008, p. 248).

I believe we can peacefully concede this point to Cohen: that's because the burdens of the judgment are on the one who claims that the person is committed to the normative principle when she affirms P on the basis of F because one can not go from an is to an ought. However, no such statement is obviously implicit in Cohen's thesis. Therefore, anyone who says his thesis commits him to a Humean position must demonstrate how this stance is at least implicit in Cohen's reasoning: it is not obvious how it is.

Finally, Cohen says his thesis is neutral regarding the main meta-ethical debates. His thesis is metaethical, so long it is silent about which specific substantive principles we should adopt or reject. But it does not entail any stance regarding other metaethical debates, like, as Cohen says ironically, "the realism/anti-realism/ quasi-realism/a-little-bit-of-realism-here-not-so-much-realism controversy" (Cohen, 2008, p. 230). Therefore, even if principles are claims about a timeless normative reality, or emotional commitments, or universal imperatives, it still

be true that “anyone who is entirely clear about what her principles are and why she holds them has principles that are independent of her beliefs about facts” (Cohen, 2008, p. 257).

I didn’t comment much on his dispute about John Rawls⁹, besides his quarrel on the Difference Principle, which inspired the fact-insensitivity thesis. That’s because the relation between the work of John Rawls and the fact-insensitivity thesis, besides this specific inspiration, is very loose. First, Cohen says Rawls was the first one to state clearly the thesis he denies (Cohen, 2008, p. 229) and he uses a Rawlsian-inspired counterexample to the second premise of his argument (as exposed above).

But it is widely agreed, and I don’t have any objection against this consensus, that the dispute between Rawls and Cohen does not rely on the fact-insensitivity thesis. Kurtulmuls (Kurtulmuls, 2009), for example, disagrees that Rawls denies what Cohen claims he denies: he says Cohen is worried with the metaphysical fact-sensitivity (the truth of a normative principle being dependent on a fact or not), while Rawls, if anything, focuses on epistemic fact-sensitivity (our belief in the principle depending on the knowledge of the facts) (Kurtulmuls2009, p. 490)¹⁰. David Estlund does concede Cohen is right about Rawls, but this makes no difference at all for the Rawlsian project (Estlund, 2016, p. 145), lacking polemical force.

A more direct conflict between Rawls and Cohen is *entailed* by the fact-insensitivity thesis: on the basis of it, Cohen draws a distinction between fundamental principles and rules of regulation, and says Rawls’s theory of justice confuses fundamental principles of justice with rules of regulation. Since it is an entailment of the fact-insensitivity thesis, I will not address it here¹¹. Indeed, when discussing the merits of the fact-insensitivity thesis, Cohen mentions that it *generates* the conceptual distinction between fundamental principles and rules of regulation (2008, p. 269). Hence, he does think it is worth merit, but it also confirms that distinction is not his thesis as such, but something derived from it.

Speaking of its merits, Cohen gives two reasons why his thesis is of interest. First, it highlights a neglected truth in metaethics and that is distinct from the is/ought dispute. Second, he says his thesis may lead to a gain in self-understanding:

But my thesis is also of interest, so I believe, because the fact-free principles that lie behind our fact-bound principles are not always identified in contexts where they should be identified, partly because

⁹ I thank Denis Coitinho for pressing this objection in my masters committee.

¹⁰ It might be objected that Cohen worries about, *mutatis mutandis*, both. But I will not press this point.

¹¹ See Freeman (2009) for a discussion.

neglect of the meta-ethical truth that I believe I have established has meant that there has been insufficient effort to identify them. And identifying our (one's, their) fact-free principles has value both for self-clarification and for clarification of what is at stake in controversy. Sometimes, to be sure, when we expose the unstated fact-insensitive principle that undergirds a fact-sensitive one, it will provoke no surprise. Sometimes, however, it will be unexpected. And it will always be worthwhile to expose it to view (Cohen, 2008, p. 269).

Cohen seems to assume there is some kind of value in the self-understanding that might go along by unearthing the fact-insensitivity principle on display¹².

This finishes my exposition. Now I turn to an exposition of metaphysical grounding, that, as I want to show, helps to understand what is under consideration in Cohen's articulation of his thesis.

5 A GROUNDING ACCOUNT FOR THE GROUNDING-TALK

The literature on grounding has been on a rampage in the last years, to the point Kovacs (Kovacs, 2017) and Siscoe (Siscoe, 2022) describes as a "revolution". In its technical meaning in academic philosophy, 'grounding' is taken to refer to a worldly relation that obtains between facts or propositions (Thompson, 2022, p. 343), although some think the relata of grounding are cross-categorical (e.g. Schaffer, 2009).

A common practice is to introduce grounding through means of examples. Here is an instructive list¹³:

[Chem] The H₂O molecule exists in virtue of the fact that there are hydrogen and oxygen atoms arranged in a certain way.

[Sets] {Socrates} exists in virtue of the fact that Socrates exists.

[Shape] x is roughly spherical in virtue of its having determinate shape R.

[Fragile] x is fragile in virtue of its molecular arrangement and the physical laws.

[Harm] x's action is wrong in virtue of its being done with the sole motive to cause harm.

[Pain] x is in pain in virtue of the fact that x is in brain state P.

¹² See Grimm (2012) for a discussion about the value of this kind of subjective understanding.

¹³ List taken from Smithson (2020)

All these cases are meant to provide an intuitive grip that “we have a large class of paradigmatic truths and paradigmatic falsehoods concerning what grounds what” (deRosset 2020, 181). In the [Sets] case, Socrates grounds {Socrates}. In [Harm], The action x being done with the sole motive to cause harm grounds the fact x is wrong.

The most uncontroversial claim regarding grounding is that it has some connection with explanation (Glazier, 2020, p. 121). Here are a few examples of leading theorists endorsing this view:

a is prior to {a} insofar as the existence of a explains, or helps explain, the existence of {a}—while the converse is false . . . Metaphysical grounding is an explanatory link of the kind under consideration. (Correia 2005, 53)

We take ground to be an explanatory relation: if the truth that P is grounded in other truths, then they account for its truth; P’s being the case holds in virtue of the other truths’ being the case. (Fine 2001, 151)

[Ground] is the ultimate form of explanation. (Fine 2001, 16)

[Grounding offers] a distinctive kind of metaphysical explanation, in which explanans and explanandum are connected (...) through some constitutive form of determination. (Fine 2012, 37)

(...) [G]rounding is not a form of explanation, even though it is intimately connected with explanation (...) (Audi 2012, 119)

One feature—that grounding is explanatory—(...) is a feature that (probably) all grounding theorists think characterizes grounding and one that most believe plays an important role in distinguishing grounding from other types of metaphysical dependence. (Maurin 2019, 1574)

If there exists a close relation between grounding and (metaphysical) explanation, the nature of this relation or connection is controversial. According to a stance (endorsed indeed by Kit Fine in his excerpt above), grounding is a form of non-causal explanation. To say that

A grounds B amounts to saying that A (metaphysically) explains B. There is in this view an identity relation between grounding and metaphysical explanation. In a different and opposite view, grounding is a determinative worldly relation that backs metaphysical, non-causal explanations: as worldly causal relations would back causal explanations, so metaphysical grounding would back or underlie metaphysical explanations. Raven (2015) calls the former view Unionism; and the latter, Separatism. Thompson (2016) and Maurin (2019) have both a similar objection against Unionism. In general lines, it is agreed by both sides in the debate (Unionists and Separatists) that the grounding relation is a worldly, objectively, mind-independent affair. But Separatists, and also most theories of explanation, see a close link between explanation and some epistemic or agente-relative features (e.g., understanding). But this entails grounding can not be a form of explanation: either it gives up on the agent-relative features of understanding, or in the claim that grounding is a form of explanation. Koslick summarize their critics as follows:

Thompson (...), for example, presses grounding enthusiasts to spell out in more detail exactly how they see their grounding idiom as being connected to metaphysical explanation and finds that these theorists are then pushed toward a pragmatic and agent-centered conception of explanation, thus threatening the purported mind-independence of grounding connections. Maurin (...) similarly arrives at the skeptical conclusion that more work is required on the part of the grounding enthusiast in order to substantiate the purported connection between grounding and metaphysical explanation (Koslicki, 2020, p. 175)¹⁴.

¹⁴ Daly (2023) has objected to the above exposed Thompson's thesis. He says: "The fact that context supplies the relevance relation and contrast class in any given explanation, and that this calls upon the intentions, interests, and beliefs of the explainer or their audience, does not entail that reference to the psychological states are included in a specification of the truth conditions of an answer to a why-question. For instance, if, in answering the question 'Why P?', the selection of a particular member, Q, of a certain contrast class turns on the interests and knowledge base of an explainer or their audience, it does not follow that the truth conditions of an answer of the form, 'P rather than Q because R,' involve those interests and knowledge base". It seems Daly didn't read Thompson's further development on her question-based approach to metaphysical explanation. In her 2019 paper, Thompson says the following: "Suppose further that Divine Command Theory is true: when an act is wrong, it is that act's being contrary to the divinely prescribed moral law that makes it the case that the act is wrong. We might then say that the correct explanation of Aria's wrongdoing is that she acted contrary to the divinely prescribed moral law. A necessary condition on an explanation's being correct is that it is true, and so while false propositions might sometimes be explanatory, it cannot be the case that a false proposition does explanatory work as part of a correct explanation". So even considering epistemic and pragmatic constraints in metaphysical explanations as answers to what-makes-it-the-case questions, there still is space for truth as a necessary condition of correct explanations.

Related to the debate regarding separatism and Unionism, although independent of it, is the debate between partial and full grounding. Suppose that [P] and [Q] ground [R]. In an Unionistic vein, [P] partially grounds [R] because it contributes to explain [R], and [P] and [Q] fully grounds [R] because nothing else needed to be added in order to explain [R]. In the separatist language, partial and full ground will be framed in terms of full and partial determination.

In the orthodox view of grounding, grounding imposes a strict partial order on the entities in its domain: it is transitive, irreflexive, and asymmetric (Thompson, 2020, p. 259). Grounding is transitive if, when A grounds B, and B grounds C, then A grounds C. It is irreflexive when there is no entity that grounds itself. And it is asymmetric when, if A grounds B, then B does not ground A. Usually, the reason to take these features for granted is the fact that causal explanations exhibit them, and causal relation is our paradigm of explanation (Thompson, 2020, p. 260).

‘ Grounding also seems to have a connection to fundamentality. More precisely, grounding has been used to characterize fundamentality and priority (Werner, 2020). So if A grounds B, then A is more fundamental than (and prior to) B. Consider the fact that Beijing has over 14 million inhabitants: this is not a rock-bottom fact. This fact seems to be dependent on other facts, like facts about where people live, where they were born, and so on. City facts rests upon facts about humans, and these facts may rest on psychological, biological, sociological facts. The facts in which a fact rests is considered to be more fundamental than the fact itself, and that’s what grounding is used to characterize this structure of dependence.

Most philosophers think grounding is factive (Wallner, 2021). If A grounds B, then both A and B are true. However, some philosophers believe there is room for a non-factive notion of grounding (Fine, 2012, p. 49).

These features, I believe, are enough to account for Cohen’s *grounding*-talk. Remember Cohen says his thesis also applies to “the structure of the principles that constitute the objective normative truth, if there is such a thing” (Cohen, 2008, p. 233, fn. 9) and he also *separates* this from anyone’s structure of beliefs: he is silent about how these structures relate to each other, if they *even* relate to each other.

What kind of relation can hold among the normative truths, given it is not directly related to a structure of beliefs? Grounding, in a separatist view, can be the solution.

First, in the separatist account, grounding is a determinative relation that *backs* explanations (in a non-wordly account of explanation), and therefore it is not *directly* related to explanation.

Second, there is a clear dependence, priority relation between fact-sensitive principles and fact-insensitive ones (as well there is what Cohen calls “logical priority” between *affirmations* of fact-insensitive and *affirmations* of fact-sensitive principles in the non metaphysical side of his thesis). Being a relation of determination and dependence, grounding can account for this: the fact-insensitive principle is more ultimate and prior to the fact-sensitive one because it grounds (at least partially) the fact-sensitive principle.

Third, the metaphysical side of the fact-insensitive thesis is about *truth* (normative truths). Given its factive feature, grounding can also account for that.

Fourth, grounding can be partial and full. Cohen says more than one time he is opposing the thesis that facts are at least part of the grounds for principles (Cohen, 2008, p. 229). So we can understand his thesis as saying that facts are partial grounds for some normative principle P, while facts and normative principles are full grounds for the principle P. This entails some modifications in the presentation of his thesis, mainly in his argument, or at least in our understanding of his argument. For example, instead of understanding his first premise as stating there is always an explanation for why a fact F supports a principle P, we can say that fact [F grounds P] is always (fully) grounded by some further principle. F is a full but not an ultimate ground for P. The same holds for the second premise: we would understand it as saying that if there is something else that fully grounds P when F partially grounds P, that something else is always a further normative principle P1.

This grounding account of Cohen’s grounding-talking is not new, however. It has been suggested by Richardson (2018). But it was not spelled out in detail, so the above exposition adds something to that suggestion and it also helps to fill the gaps about the relations under consideration between facts and principle.

CHAPTER 2: THE LITERATURE

We can identify three general lines of critiques to Cohen's fact-insensitivity thesis: first, that his thesis is not clear about the relations involved (we saw a few in chapter 1). Second, there are counterexamples to his thesis. Third, his defense of a regress-stopping in the third premise of the argument he offers for his thesis fails.

Some of these critics have received a reply on the literature. Forcehimes and Talisse (2013) answer the challenges about incoherence raised by Jubb (2009). Kyle Johannsen (2016) answers to the charges about infinite regress posed by Lyp (2012) and also to the incoherence claim posed by Jubb. I believe both defenses are flawed, and that's why my enterprise of offering a new defense of Cohen's thesis is not a re-invention of the wheel. Given the fact that both defenses concentrate on Jubb critics, and also the fact that it is the only one among Cohen's critics that was replied by both defenders, I will start by exposing the specifics of his argument. I will provide as much quotation as possible in order to avoid any misrepresentations—this will make the reading unfriendly, but it also will help to identify any misrepresentation I can incur into.

1 JUBB'S CRITIC

Robert Jubb calls Cohen's fact-insensitivity thesis a "foundationalism about grounding". He claims Cohen fails to distinguish between logical, epistemic, and ontological grounding (2009, p. 338). He says Cohen does make this distinction, but fails to appreciate it (2009, p. 338). What are, first, epistemic and logical grounding? Jubb offers the following example:

It is important to see that they are two different things, and how significant epistemic grounding is, which Cohen seems to miss. Consider the valid argument, all people under six feet tall are evil, everyone who is evil should be killed, everyone under six feet tall should be killed. It meets the demands of foundationalism about grounding, since the fact-sensitivity of one principle is explained by another, apparently fact-insensitive, principle. Of course, since both validity and foundationalism about grounding depend on the inter-relationships of an argument's premises and not their truth, neither require us to accept it.

To accept it, we would have to have reason to think that the premises are true, and we do not here. Whether we have reason to believe a principle depends on its plausibility—on whether it is epistemically grounded—and that depends on what, as a matter of fact, it demands that we do, making judgments about it fact-sensitive (Jubb, 2009, p. 344)

Epistemic grounding depends on the plausibility of the principles, which is, in turn, determined by what the principle demands from us. Logical grounding is linked to, in some way, the premise-conclusion relation, but not with the truth of either the premises or the conclusion, but Jubb does not spell it out in detail (it is not clear neither in which way it is explanatory nor how this notion of “logical grounding” differs from logical validity as such).

Jubb claims Cohen equivocates between these two senses of grounding (Jubb, 2008, p. 344) in the following cases:

He says that the affirmation of the principle, ‘do things which enable people to pursue their projects’, ‘is not, in [someone who believed its belief system, sensitive to whether or not [promising enables people to pursue their projects] is true’ and that they ‘would affirm [it] whether or not [they] believed the [fact]’ (Cohen 2003, p. 216). Both of those statements equivocate between logical and epistemic priority, because rather than talking about logical entailments, they talk about what would and would not be believed. What would and would not be believed is an epistemic, not a logical question, since logic cannot assess the truth of a proposition, only whether it is consistent with other propositions, and plenty of sets of consistent propositions are false (Jubb, 2009, p. 345).

Remember the general structure of Cohen’s cases: if a fact F grounds a normative principle P, then a further normative principle P1 accounts for that grounding relation. Cohen also says the affirmation of the principle P1 would remain even if the fact F does not hold. Jubb complains that, as a matter of logic, does not allow Cohen to talk about what would be believed or affirmed: what would be believed (or affirmed) depends on the plausibility of the principles, says Jubb, and not only on the consistency among a set of propositions. Hence, by using this counterfactual talking about beliefs and affirmations, Cohen would be confusing epistemic and logical grounding.

Jubb also accuses Cohen of over-simplifying relations of epistemic grounding (Jubb, 2009, p. 345). Suppose someone who believes the normative principle P1 above, *do things which enable people to pursue their projects, because* it offers an explanation of the principle P1, we should keep our promise, that is believed on the basis of a fact. Given that the belief was raised on the basis of the explanatory relation it has with the fact-sensitive principle, then

the belief in P1 may be called fact-sensitive as well (Jubb, 2009, p. 345): if she gave up on her belief on P, she gives up her belief on P1 as well. This kind of possibility is ignored by Cohen, and that's why Jubb says he over-simplifies epistemic grounding.

Jubb also accuses Cohen of confusing logical and what he, Jubb, calls “ontological grounding”:

It is also worth noting another further equivocation apart from that between epistemic and logical priority. Cohen apparently thinks that there is a fact of the matter about relations of logical priority amongst facts and principles independently of any particular argument. For example, it appears he thinks that an equality principle is logically prior to the difference principle in general, and it is hard to square the importance he ascribes to his claim that ultimate principles are fact-independent if which principles are ultimate varies across arguments. Both of these thoughts involve a mistake about what logical priority is, at least if the use of logic is meant seriously. Logic tells us about the relations of consistency between sets of statements in particular arrangements. The logical priority of any one statement to another is then relative to a particular set of statements in a particular arrangement (Jubb, 2008, p. 346)

The idea is that, when Cohen says (among other claims about the ultimacy of principles) that the equality principle is logically prior to the Difference Principle, he seems to ignore that logical priority holds among a particular set of propositions, and not *as such*. Jubb offers an example to show that logical priority is dependent on specific arguments. Imagine two pieces of reasoning for the conclusion that taxation is not slavery. The first starts on the premises that slavery relies on the arbitrary use of power, while taxation does not, and therefore taxation is not slavery. The second rejects an unrestricted view of the libertarian principle of self-ownership. on the grounds it violates a universalizability moral requirement, and therefore the equivalence of taxation and slavery is groundless. Jubb says that “thinking that arbitrary power is the relevant difference between income taxation and slavery does not commit one to Kantianism”, and it shows that logical priority is always dependent on specific arguments.

Jubb claims that, in order to avoid the confusion between ontological and logical grounding, an account of stance-independent moral values would be required (Jubb, 2009, p. 347), but he remembers Cohen wants to stay neutral regarding this debate¹⁵. Given the absence of an argument for that effect (in the light of Cohen's neutrality), what is logically prior in an argument does not need to be the same in other arguments. Logical priority, Jubbs concludes,

¹⁵ See chapter 1 on this dissertation.

is never *tout court*—it is always relative to a specific argument: every dog may have its day” (Jubb, 2009, p. 347). He also concludes this makes Cohen’s claim about the ultimate of fact-insensitive principles empty.

Thomas Pogge also raises an objection to the idea of “logical priority”. But instead of attaching it to particular arguments, Pogge thinks the notion is incoherent: although he acknowledges it might have a relation to asymmetry, he can not account for some instances of it (how to account that “One may remain childless in circumstances C” is logically prior to ‘one may remain childless’?) (Pogge, 2008, p. 462, 2008).

How do Forcehimes and Tallise and Johannsen rescue the fact-insensitivity thesis from this critique?

2 FORCEHIMES AND TALISSE’ REPLY TO JUBB’S CRITIQUE

Forcehimes and Tallise starts they reply as follows:

First, Cohen makes this remark [that the logical priority is not about how one comes to know her principles] in the course of an argument to the effect that the conditional thesis is not a causal claim about how one comes to acquire beliefs. This is what Cohen is referring to in the quote when he says ‘not how one comes to believe or know.’ Second, Jubb’s ellipses omit something crucial. Cohen says in the elided section, ‘and not temporal or epistemic, or, at any rate, not epistemic in at least one sense of that term.’ Jubb proceeds as if this quote (with his elision) shows that Cohen could not be talking about epistemic grounding in any sense. Jubb is mistaken. As our explanatory reading shows, Cohen does mean grounding in (at least one) epistemic sense. Hence Cohen states that a person who affirms P will not have ‘a clear grasp of what her principles are and of why she holds them’ if she ‘cannot complete the indicated sequence’ [i.e., the recursive interrogation] (Cohen 2008, p. 237) (Forcehimes and Talisse, 2013, p. 376).

They are right that Jubb does omit a piece of Cohen’s explanation about the epistemic status of his thesis. But is that omission important? They say yes, but their explanation of why it matters is not self-explanatory. It is based on their understanding of “grounding”. What is this understanding? They explain it as follows:

Accordingly, the sense of grounding Cohen embraces is most plausibly understood as aiming to provide an explanation of why we believe that

some fact (or principle) ‘provide[s] a reason for affirming’ some other principle (Cohen 2008, p. 336). An example will help. Suppose that Ann holds that (P) one should not steal, because (F) stealing harms those stolen from. We might say, then, that Ann offers F as the ground for P. It is crucial to note that, grounding here is ultimately explanatory. By grounding P, F explains Ann’s belief that P (Forcehimes and Talisse, 2013, p. 273).

On their “explanatory reading”, the grounding of P on F is explanatory. There is not much besides that. However, it is still unclear why that matters for accessing Jubb’s critique. I will sidestep this point and come back to that problem below.

They move on to address the critique that Cohen confuses logical and epistemic grounding. They say that:

On our reconstruction of Cohen’s argument, it is not at all surprising that Cohen should move between epistemic (in one sense) and logical grounding, since his is a ‘thesis about the structure of normative commitment’ (Cohen 2008, p. 256). To repeat, Cohen thinks that absent an explanation of one’s logical commitments one would not know what one believed, because without the logical commitment to some ultimate fact-insensitive principle one would neither be able to fully make sense of the principle one holds nor know why one holds it. Hence there is no equivocation; explanatory grounding has both epistemic and logical elements. Jubb’s charge falls flat. There is nothing illicit going on when Cohen calls on his interlocutors’ (normative) beliefs, because that is precisely what we would expect when the grounding in question is explanatory (Forcehimes and Talisse, 2013, p. 376).

Their idea is to appeal to the clarity of mind requirement: one logical commitments are necessary and are what one would believe or not because they are necessary to satisfy the clarity of mind requirement: without the (counterfactual) believing in the fact-insensitive principle, the clarity of mind condition wouldn’t be satisfied, and that case would run out of the scope of Cohen’s thesis. This rejoinder seems to be correct. Therefore, Jubb is mistaken when he claims Cohen conflates the epistemic and the logical, because both are required due to the clarity of mind requirement—the “epistemic” because the person must appeal to, believe in, or affirm the fact-insensitive principle in order to, as they say, “make sense” of their beliefs, and the logical because it is a logical commitment (the negation of the fact-insensitive principle would generate an inconsistency in the system of normative beliefs¹⁶).

¹⁶ There seems to be a misunderstanding here.

However, one may press a further objection to their rejoinder. Forcehimes and Talisse affirm the logical commitment to a fact-insensitive principle helps to “fully make sense” of the fact-sensitive principle. But why? How does that “fully make sense” thing arise? The solution relies on their “explanatory reading” of Cohen’s thesis. They would say that, because grounding is explanatory, then the belief P1 helps “to make sense” (e.g., explain) of the fact-sensitive principle. But there is a flaw in this reasoning. They are speaking about the non-metaphysical side of Cohen’s thesis, since they answer on the basis of the clarity of mind requirement. However, how grounding, or any other relation, could be explanatory within, or in relation with, the structure of beliefs of someone? Before I show how they deal with this problem, let me show how the same problem arises again in the next point of their defense.

Forcehimes and Talisse’s next point is stated as follows:

Jubb continues his critique by trying to show that logical grounding ‘is not sufficient for justification’ because ‘to be justificatory the premises in a valid argument must at least appear plausible’ (Jubb 2009, p. 347). And to show that the premises in a valid argument are plausible ‘involves a process of testing for and altering to achieve mutual support amongst all morally relevant premises’ (Jub2009, p. 347). But again, Jubb misses the mark. Cohen does not think that his conditional thesis requires that when a person asserts a fact-sensitive principle the grounding for why they endorse the principle needs to be true or even plausible; instead it needs merely to be explanatory (not justificatory) (Forcehimes and Talisse, 2013, p. 377)..

First, they misrepresented Jubb. Jubb does not say that plausibility ‘involves a process of testing for and altering to achieve mutual support amongst all morally relevant premises’ (Jub, 2009, p. 347)—he says that about the process of *reflective equilibrium*, not about *plausibility*. What Jubb says about plausibility, as we exposed above, is that it depends on what a principle demands from us. Aside from that small misinterpretation, their answer seems once again to be correct: given the clarity of mind, the fact-insensitive principles don’t need to be justified or plausible. But they need to be explanatory, and again we can press the same objection above: why are the *believed*, or affirmed, fact-insensitive principles explanatory, in order that they help to satisfy the clarity of mind requirement? Their answer seems to be, once again, that “grounding is explanatory”. Each one of their answers, indeed, depends on grounding being explanatory.

So all their rejoinder, in each point, depends on their interpretation of grounding, that they treat as an explanatory relation. How does that work? One possibility is a suggestion made

by

Henry

Richardson:

Cohen's thesis is not about moral epistemology, but about the nature of normative grounding, which constrains any apt moral epistemology. He nonetheless presents his argument in a way that seeks to avoid presuming cognitivism about moral claims. Accordingly, he indicates that his argument can be given either a logical or a psychological interpretation. As he writes, "My thesis . . . is not restricted in scope to principles that are in some or other sense correct. The thesis applies to anyone's principles, be they correct or not, so long as she has a clear grasp both of what her principles are and of . . . what she thinks are the grounds of the principles" (233, emphasis omitted). His assumption seems to be that those with a clear grasp of how their principles are grounded will be constrained by the fundamental feature of normative grounding that he claims to uncover, whether or not what is being grounded has cognitive content (Richardson, 2018, p. 227).

The idea is that the beliefs of all those with a clear grasp of how their principles are grounded are constrained by the true structure of beliefs in virtue of the fact that those people grasp the grounding relation between these truths.. So, instead of treating grounding as an explanatory relation (as Forcehimes and Talisse do), we can understand grounding as a determinative relation that constrains the explanations available for the people that comply with the clarity of mind requirement¹⁷.

To recast Forcehimes and Talisse answers in the light of this separatist-based view of grounding, the person can "fully make sense" of the principle she holds because there is a grounding relation that backs such explanatory relation. When a person asserts a fact-sensitive principle the basis for why they endorse the principle is explanatory because she grasps a worldly grounding relation that constrains the relevant explanation¹⁸. This solves the explanatory gap Forcehimes and Talisse left open. However, although this solves their problem, they reject *avant la lettre* this solution:

We can only gesture towards the kind of criticism we have in mind. Cohen hopes to draw a conclusion about 'the structure of a coherent set of principles as such' from premises about 'the structure of the principles

¹⁷ And, therefore, we would assume a separatist view of grounding, or, at least, something similar to the separatist view. See chapter 1 of this dissertation.

¹⁸ This suggests one might grasp something without realizing it (and thus theaters not to solve the problem). To avoid this problem, an intellectualistic assumption is needed: we must assume the person also realizes she grasps what she grasps. This may be philosophically cost, but I will not press this objection because Forcehimes and Talisse rejects this alternative.

held by someone who is fully clear about her principled commitment' (Cohen 2008, p. 233, fn. 6). But, he does not defend the inference, and, to be frank, the nature of the purported implication is left mysterious. Even if Cohen is correct about the structure of our normative beliefs—even if he is correct to say that we feel the need to respond to the recursive interrogator as a prerequisite for knowing what our principles are and why we hold them—it is not clear that this demonstrates anything about the nature of normative principles themselves.

Is true that Cohen left mysterious how the inference from the structure of beliefs (of a clear-headed person) to the structure of true principles is meant to work. But this also entails they are left hopeless *vis-à-vis* the explanatory gap they generate: if we don't know the relation between the true structure of principles (in which the grounding relation holds) and the structure of beliefs of those with clear grasp on their principles, we are also left without any explanation of how there are explanatory relations within the structure of beliefs.

In other words, and to restate my objection in a clear way, Forcehimes and Talisse believe (i) grounding is explanatory and that (ii) there are “sense-makers” and explanatory relations within the structure of beliefs of the specified clear-headed people. How are (i) and (ii) connected? Richardson offers a solution: the clear-headed agent might *grasp* (even if she grasps it incorrectly¹⁹) the grounding relation and, therefore, her structure of belief is *constrained* by the grounding relation. But Richardson's solution is rejected by Forcehimes and Talisse: they believe it is just unclear how the structure of beliefs may be related to the structure of true normative principle. Because their rejoinder to Jubb was so dependent on how such relation between (i) and (ii) must work, we can conclude they failed to rescue the fact-insensitivity thesis from Jubb's critique.

This finishes the Forcehimes and Talisse-Jubb debate. I now pass to expose Johannsen's reply to the same objections.

3 JOHANNSEN'S REJOINDER

¹⁹ See the discussion in his 2018, p. 227.

Johannsen's rejoinder relies largely on his interpretation of Cohen's thesis. He follows Miller (2013) in understanding that "on a charitable understanding of the thesis, a fact-insensitive principle explains a justificatory fact by completing an otherwise logically incomplete inference" (2016, p. 175). This indeed solves the problem I pressed against Forcehimes and Talisse: there is an explanation of why the fact-insensitive principle, be it ultimate or not, has explanatory power—in that case, because it "completes an otherwise logically incomplete inference". In the light of this interpretation, he address Jubb's critique:

Jubb points out that the principle "everyone who is evil should be killed", in combination with the factual premise "all people under six feet tall are evil", would explain the agent's endorsement of a fact-sensitive principle which states "everyone under six feet tall should be killed (Jubb 2009, 344)." However, it's clear that the principle "everyone who is evil should be killed", though explanatory, does not justify the (independently implausible) fact-sensitive principle "everyone under six feet tall should be killed", as neither the explanatory principle nor the factual co-premise it serves alongside are acceptable. The upshot, Jubb notes, is that a chain of reasoning that eventually terminates in a fact-insensitive principle explains the agent's endorsement of, but does not necessarily justify, the fact-sensitive principle with which one began (...) (Johannsen, 2009, p. 181).

Johannsen considers Jubb's point well taken, but he thinks the distinction between logical and epistemic grounding "threatens the justificatory significance of fact-insensitive principles" only if fact-insensitive principles aren't necessary for inferential relations:

If explanatory principles are merely needed for deductive validity, then Jubb's point demonstrates not only the insufficiency of fact-insensitive principles for justification, but their lack of necessity as well. Since arguments can be sound without being deductively valid, fact-insensitive principles would not be needed for soundness, i.e., one might have factual premises that inductively support fact-sensitive principles, and no further explanatory principle(s) would be needed to account for this. However, if explanatory principles are needed to generate an inferential relationship of any sort, then fact-insensitive principles are at least necessary for justification (Johannsen, 2016, p. 181).

In sum, Johannsen thinks Jubb is right: fact-insensitive principles aren't *sufficient* for justification. But he thinks they might be *necessary* for justification. To show that, fact-insensitive principles can't be necessary only for deduction, but for whatever is the kind of inference at stake. The assumption here, of course, is that justification is *inferential*. Jubb

provides the following example of a non-deductive case in which a fact-insensitive principle does that job:

Normative Principle: Selfish people should take measures to overcome their selfishness.

Fact: a selfish character is one of the factors that can potentially impede utility promotion.

Johannsen calls this piece of reasoning a ‘complete non sequitur’ (2016, p. 182). But by adding:

Further normative principle: People should promote utility.

Johannsen says we do have an inference. However, given the fact that selfishness, in some contexts, will not impede utility, or that there are more important barriers to be removed, entails that the further normative principle, together with the fact, supports, but fail to guarantee, the normative principle (Johannsen, 2016, p. 182).

I have objections to his approach. First, Johannsen ignores that Cohen left implicit the qualification “all things considered” and “absent other considerations” in his statements of principles (Cohen, 2008, p. 235, fn. 7). This may lead to an impugnation of his examples, given these qualifications may render his non-deductives examples deductive. Second, Cohen clearly rejects this inferential interpretation of his thesis: “in my proceedings no inference is ever said to be invalid and therefore needful of a further premise” (2008, p. 239), and that’s precisely how Johannsen interprets his thesis: as cases of invalid inferences needful of a further premises. That’s a terrible *faux pas*.

However, it must be said, in defense of Johannsen, this non-starter interpretation is not his fault. The idea of understanding Cohen’s thesis as dealing with entailment relations came from David Miller. Miller says Cohen’s isn’t clear about what is grounding²⁰, and says his implicit idea on his illustrations of the fact-insensitivity thesis is that facts ground principles in virtue of being premises in a relationship of logical entailment (Miller, 2011, p. 31)²¹. Lippert-Rasmussen emphasizes Cohen never suggested something like what Miller claims: “Cohen’s nowhere states – even though my Miller-friendly reconstruction of his argument suggests –

²⁰ See chapter 1.

²¹ Miller, then, goes on offering further alternatives of “grounding”. It seems, however, that if we change the “grounding” we are talking about, we also start to talk about something other than what Cohen says. Therefore, I will not address Miller’s further conceptions of “grounding”.

that the only admissible form of explanation of how fact-sensitive principles reflect facts is the one where the *explanans* entails the *explanandum*” and, furthermore, that Cohen might have used deductive valid arguments only as an heuristic device, and not because he presupposes that grounding is equal to deductive validity (Lippert-Rasmussen, 2019, fn 8).

Third, even if Johannsen had a right interpretation on his hands, he would have shown that fact-insensitivity principles are necessary for *justification*.

Let me compare, in order to show the problem here, this third point with Forcehimes and Talisse’s approach: they completely avoid any justification-talking. On the one hand, Johannsen seems to be better motivated: after all, Cohen does talk about justification of beliefs (about normative principles on the basis of factual beliefs). Cohen’s non-metaphysical side of his thesis, in a justificatory reading, would end up in a similar problem in which Bonjour incurred in the context of epistemology.

BonJour in his "Can Empirical Knowledge Have a Foundation" (1978) goes on to argue that that cognitive possession must be propositional. Even internalists who accepted some form of access to or awareness of justifiers rejected his claim that the access/awareness must take the form of a propositional grasp. This includes some of the proponents of the Given that BonJour cited in his work (e.g., C.I.Lewis) and more recently Moser (Knowledge and Evidence, 1989). Some evidentialists who want something stronger than just mentalism but weaker than the BonJourian requirement will say similar things. BonJour himself, in the Sosa/BonJour book (2003), argues that his own earlier view was guilty of a kind of over-intellectualization.

If Bonjour, by positing the necessity of propositional cognitive possession of the justification, incurred of over intellectualization, Cohen, by proposing not only the proposition cognitive possession of the justification, but also the articulation of the grounds for such cognitive possession, would incur in an over-over-intellectualization. That’s why it is a better option to avoid any (epistemic) justification-talk regarding Cohen’s examples, and that’s precisely what Forcehimes and Talisse do. Hence, even if Johannsen had a right interpretation of Cohen’s thesis (which he doesn’t) and even if he had shown fact-insensitive principles are necessary for inferential justification (which is doubtful he does), it would be a pointless enterprise, given he would defend a very over-intellectualized thesis.

Even failing to address Jubb's critique properly, Johannsen provides an answer to another objection, raised by Ypi (2012). He states the problem as follows:

The first claim is that there is always an explanation for why a fact grounds what it grounds. Cohen straightforwardly states this as his first premise, so Ypi is certainly right to attribute it to him. The second claim, this time implicit in Cohen's second premise, is that the explanation for a ground must be something other than the ground itself (Ypi 2012, 200-1). A set of claims along these lines is evidently needed for Cohen's argument to take off. It is in light of the first that the justificatory force of a factual reason requires explanation, and it is in light of the second that something more than an appeal to self-evidence is needed. The problem arises when these assumptions are applied to principles and not just facts. If an explanatory principle also requires an explanation, one which is more than just an appeal to self-evidence, then it seems Cohen is stuck with an infinite regress. Any principle that explains a justificatory fact will itself require a further principle to explain it, and that further principle in turn requires yet another principle, etc. There will be no non-arbitrary point at which one can stop the chain of explanatory reasoning (Ypi 2012, 209-13) (Johannsen, 2016, p. 178).

Johannsen once again uses his improper inferential interpretation to deal with the problem at stake, or, in his words, "A more convincing response is available via an appreciation for the logical character of his thesis" (2016, p. 178). In light of this interpretation, no fact can entail (whatever is the kind of entailment—e.g., relevant) only conjoined with a further premise (a further normative principle). Johannsen says this may be the end of line: "The claim that there is always an explanation for why a fact grounds what it grounds is not analogous to, and thus does not require Cohen to commit to, the claim that there's always a doxastic explanation for why an agent believes a principle" (2016, p. 179). He is right: given the inferential interpretation he endorses, so long we have a complete entailment, we have no longer reasons to pursue an inquiry. However, as we saw, we lack reasons to endorse this inferential interpretation.

4 YPI'S CRITIQUE

Given the fact Johannsen only replies to Ypi's critique in a non well-motivated interpretation, it is worthwhile to check out her critique. Ypi draws on an analogy to the third man problem that Aristotle advances against Plato theory of forms to claim Cohen incurs in a similar problem that leads his thesis to an infinite regress. However, the specifics of the analogy with Plato can be left aside. She addresses with no analogy two of the three reasons Cohen offers to block the regress that his thesis can generate. Regarding Cohen's claim that "It is

implausible to think that a sequence of interrogation can go indefinitely: it would require something like an infinite nesting of principles, and few will think that there exist a relevantly infinite number of principles” (2008, p. 239) (Ypi calls it G.3.b), she says:

The difficulty here is that the claims seem incompatible with the requirements of the overall argument. Indeed, G.3.b contributes to establishing the third premise at the price of violating one of the thesis central stipulations. Knowing the number (or nesting) of principles implies taking a stand on a central meta-ethical dispute and saying something positive about the objective existence of normative principles (as opposed to their subjective or merely conditional endorsement). So accepting that claim is incompatible with the idea a thesis that professes itself neutral with regard to central meta-ethical disputes (257). The difficulty with the latter claim (G.3.b) is that it makes the validity of the premise it is supposed to ground depend on taking a stand with regard to an issue that consistency requires better be ignored. If the thesis is not interested in the nature and status of specific principles (central meta-ethical dispute) but only in what people are committed to when they make certain utterances (as a matter of logic), how can establishing the thesis depend on what people think about how many principles there are or, for that matter, how many principles there are, regardless of people think? (Ypi, 2012, p. 212).

There are, in sum, two main claims in her argumentation. The first is that, by positing the nesting of principles, Cohen is taking a meta-ethical stance and, therefore, violating his own metaethical neutrality. The second claim is that by positing the nesting of principles, Cohen ignores the scope of his own thesis, according to which he is interested in some commitments of clear-headed people. The second claim is false, the first one is misleading.

When Ypi claims Cohen misses the scope of his thesis, she ignores the fact that Cohen makes clear his interest on the structure of beliefs of a clear-headed person is also an heuristic device to highlight truths about the structure of normative truths, so it is not a striking fact he offers an assumption that entail a conclusion for the structure of normative truths independent of anyone’s structure of belief. This suffices to dismiss Ypi’s second claim.

However, Ypi’s first claim is not obviously false. But it is *misleading*. Cohen does not profess neutrality towards every metaethical debate. He says he is neutral on the debates about realism and antirealism, objectivity of principles, facts and values, and the is-ought debate (2008, p. 230). The number of principles is not included in this list, and it shouldn’t, given it isn’t a main metaethical debate. It seems, therefore, Ypi offers no reason for us to reject G.3.b.

Ypi then proceeds to offer a critique to the clarity of mind requirement:

If the clarity of mind requirement is necessary (as shown in the formulation of G.3.c. above) to render acceptable the third premise of the argument, it is not clear how one could reject that requirement and continue to endorse “the three premises”. Indeed, denying the validity of the clarity of mind will commit us to denying the validity of at least one premise of the argument: the third one (G.3). Having done that, we are authorized to proceed as if the argument were composed only by the two premises that we have already assessed. It is also important to notice that the clarity of mind requirement stands in some tension with the non-self-explanation assumption introduced in section 2 above. If the search for fact-supporting principles is bound to stop at the identification of one fact-insensitive normative principle (or several such), what is the source of validity of that ultimate principle? Intuitionists would probably answer that the more ultimate principle we have encountered is, well, “intuitively” plausible. To say that ultimate principles are intuitively plausible is to say that they are valid in and of themselves. This in turn is similar to endorsing claims of the form: “justice is just”. But doesn’t this violate the central explanatory stipulation with which we started, that the explanation of why a claim is true cannot be the claim itself? If it does, the non-self-explanation premise is endangered. If it does not, the clarity of mind assumption would end up undermined (Ypi, 2012, p. 213).

It is true Cohen claims his thesis might be accepted regardless of the acceptance of the clarity of mind requirement (Cohen, 2008, p. 247). However, Ypi says that, so long as we reject this requirement, we have no longer reasons to avoid the regress. This is clearly based on the assumption that she successfully refuted Cohen’s infinite-nest-of-principles claim, which I’ve shown is not the case. Ypi also thinks, like Jubb, that ultimate principles must be validated, justified, grounded. Forcehimes and Talisse refuted this point when they called attention to the fact that the non-metaphysical side of the fact-insensitivity thesis does not demand the validity of ultimate principles, but only that, without such principles, the person wouldn’t know why she holds the principles she holds. Cohen is also very clear the validity of ultimate principles, so long it doesn’t depend on facts, does not matter to access the truth of his thesis:

Nor is it a valid objection to, or a truth about, my thesis that it implies that (beliefs about) ultimate principles cannot themselves be justified: my view lacks the stated implication. What rather follows from it is that ultimate principles cannot be justified by facts. My view is neutral on whether they can be justified in some other way. For my argumentative purposes, fact-free principles might be self-evidently true, or they might for some other reason require no grounds or they might need grounds and have grounds of some nonfactual sort (they might, for example, be justified by some methodological principle that is not itself a normative principle but a principle that says how to generate normative principles),

or they might need grounds but lack them, or, as we shall see in section 17, they might be judged to be outside the space of grounds because, as some noncognitivists think, they might not be objects of belief at all (Cohen, 2008, p. 238).

So, even without assuming any interpretation about the nature of Cohen's thesis, we have enough reasons to reject all Ypi's critiques that aimed to refute Cohen's thesis. I now address Daniel Kofman's critiques.

5 KOFMAN'S CRITIQUE

The above sections on the defenders of Cohen's thesis suffices to explain why the proposed defenses of the fact-insensitivity thesis fail: in the case of Forcehimes and Talisse, they lack an account of why and how, even if grounding is explanatory, there are explanatory relation within the structure of principled normative beliefs of someone who is clear about her principled beliefs. Johannsen works on the basis of a too restricted, and rejected by Cohen himself, interpretation about the relation between facts and principles.

Daniel Kofman (2012) offers different issues not covered by Cohen's paladins. It goes round four features of fact-insensitive principles:

- (1) The fact-insensitive principle is something one is logically committed to by affirmation of the corresponding fact-sensitive principle, whether or not it is thought.
- (2) The fact-insensitive principle can be rationally affirmed independently, or consistent with the denial, of the relevant facts.
- (3) The fact-insensitive principle *explains* the grounding of the fact-sensitive principle by the facts²².
- (4) Ultimate fact-insensitive principles do not require grounding (at least beyond showing that they promote recognised value) – they are rock bottom, or ultimate top, depending on one's metaphorical preference, in the justificatory process.

Regarding 1, Kofman correctly states it is a trivial feature (2012, p. 256). Affirming P commits someone to infinite propositions, trivially implied: P or P, P and P, and so on. The

²² This is stated as a meta-grounding claim, although Kofman does not develop this idea.

same triviality is prominent in the second feature: if the fact-insensitive principle is nothing else than the conditionalization of P in the light of F, like <if F, then P>, then it is trivial that anyone can affirm such a principle while rejecting F.

The third feature is independent of the other two, but it is also the source of the main problem (Kofman, 2012, p. 256): how does the principle provide explanation? It is similar to the worry expressed above against Forcehimes and Talisse: how is there explanatory relations within the structure of normative beliefs of someone who satisfies the requirement of clarity of mind, even if we take grounding as explanatory? Kofman himself offers an answer for that problem:

This explanatory property indeed makes sense when explaining the grounding of a narrow moral judgement by a more general one. Thus, in moving from “Keep one’s promises” to “Help people pursue their projects”, the subsumption of the promise-keeping duty under a more general principle lends explanatory power (analogous to the covering law theory of scientific explanation); similarly if there were a further generalization to “people’s happiness should be promoted” or “beings capable of framing and realizing life-plans should be accorded respect”. Or, ascending from “Unused lights should be extinguished” to “Waste is wrong” (or whatever the relevant higher fact-insensitive principle) carries explanatory force because the “higher” principles are more general (Kofman, 2009. p. 256).

In that vein, the fact-insensitive principle would carry explanatory force due to subsumption²³: by subsuming P grounded in F under the higher-level, more general, principle P1, we achieve an explanatory relation. Although Kofman is right this would entail an explanatory relation for the relevant structure between facts and principles, I want to show there is one case in the literature that, in the light of such a framework, makes Cohen’s thesis false. The case will also show how the grounding-talk-interpretation offered in chapter 1 makes Cohen’s thesis false as well.

6 RONZONI AND VALENTINI’S CRITIQUE

Ronzoni and Valentini work on the possibility, suggested by Cohen, that constructivists can grant his claim that there is always an explanation of why a fact grounds a principle, but

²³ On the subsumption model in scientific context, see chapter 3 in this thesis.

they may disagree the only available explanation is a further normative principle. Constructivists might say the available explanation is a methodological principle, that Cohen defines, remember, as a principle that ‘does not tell you (directly) what to do, that is, what action(s) to perform; rather, it tells you how to choose principles that tell you what to do’.

Ronzoni and Valentini offer two readings for this kind of principle. In the first reading, methodological principles are conceived in the form of imperatives, e.g. “You ought to follow procedure X”: Rawls’s methodological principles, in this interpretation, would be something like “You shall adopt the normative principles that would be chosen by the parties in the original position” (Ronzoni and Valentini, 2009, p. 408). Methodological principles, interpreted in this fashion, are obviously not fundamental: they demand an explanation of why they should be followed.

An alternative interpretation, that they find more plausible, treats methodological principles as explanations of how to *generate* principles. They illustrate this reading through what they call ‘the general constructivist sequence’:

P1 = One ought to act on those principles which the constructive procedure X delivers.

F1 = The constructive procedure X is the most appropriate way to justify normative principles without appealing to the existence of independent moral facts.

P2 = One ought not to put forward principles whose validity is grounded on the alleged existence of independent moral facts.

F2 = No compelling proof in favor of, or against, the existence of independent moral facts is available.

P3 = When theorizing, one ought not to start from assumptions whose validity or truth is beyond the limits of what we can plausibly claim to know.

This, as Ronzoni and Valentini calls it, “justificatory sequence” ends up in a methodological principle, P3, that prescribes how to single out substantive normative principles. They further clarify P3 “says that when we engage in theory construction (no matter what specific area of knowledge we are focusing on), we should not base our arguments on unsound premises”. Such a principle seems to hold in a range of fields of human knowledge. P2 is also a methodological principle, but it is restricted to the moral domain. F2 affirms an “ontological agnosticism” (Ronzoni and Valentini, 2009, p. 416). in metaethics.

Ronzoni and Valentini affirm that underlying such “admittedly technical reconstruction” lies the “soul of constructivism” (Ronzoni and Valentini, 2009, p. 416): given

our epistemic situation in which we can't achieve an answer as to which substantive values are true, constructivists affirm we can't never be sure about "that normative answers based on our own convictions are superior to those endorsed by others" (Ronzoni and Valentini, 2009, p. 416).

Notice that Cohen suggested this possibility as an alternative for his second premise of his argument. However, this case Ronzoni and Valentini offers is a counterexample for his thesis as such: the methodological principle P3 is a candidate for an *ultimate* principle. That's an astonishing result. Cohen thought the constructivists could refute only his second premise. But, if Ronzoni and Valentini's case is successful, it entails a refutation of Cohen's thesis as such, and not only of one premise of the argument for the thesis! Ronzoni and Valentini deny my claim. They say:

This is not to say that we have demonstrated that constructivists can meet Cohen's challenge. In fact, we have not provided a full explanation of how P1 could be generated by a methodological principle – we have simply sketched out what form such an explanation could take (Ronzoni and Valentini, 2009, p. 418).

I believe the idea here is that, since they don't specify any particular constructivist approach, they can't say a constructivist can meet Cohen's challenge. However, this is just a matter of inserting an input to achieve the desirable output: whatever is the plausible constructivist approach will entail the refutation of Cohen's thesis. To demonstrate this is the aim of chapter 3.

CHAPTER 3: A FICTIONALISTIC-COUNTERFACTUAL DEFENSE OF THE FACT-INSENSITIVITY THESIS

In this chapter, I employ the Fictionalist account of metaphysical grounding as developed by Naomi Thompson in order to defend Cohen's thesis from the model of counterexample suggested by Ronzoni and Valentini. It will be supplemented by a counterfactual approach to metaphysical explanation.

As we saw in chapter 1, Cohen repeatedly refers to the relation between facts and principles as *grounding*. A plausible interpretation, also endorsed by some recent commentators, is to take seriously the idea that grounding means *metaphysical grounding*. As we saw in chapter 1, Cohen distinguishes a metaphysical and a non-metaphysical aspect in his thesis.

In this chapter, I take for granted the suggestion that Cohen is mainly talking about *metaphysical grounding*. I defend the claim that, once we assume Fictionalism about grounding and elements of counterfactual theory about metaphysical explanation, then we have a new defense for Cohen's thesis.

Before I develop this framework, I will show the strength of Ronzoni and Valentini's constructivist-friendly counterexample. It jeopardizes the standard grounding-based reading of Cohen's thesis, as well the deductive-nomological interpretation. These failures motivate a new defense that will be spelled out in this chapter.

I will start exposing the Fictionalist account about grounding. After I will expose the counterfactual theory of metaphysical explanation. To conclude, I employ both approaches to the fact-insensitivity thesis, in the light of which I will analyze again its main objections, already highlighted in chapter 2.

1 GENERAL REMARK ON EXPLANATION

Thompson (2023) offers a useful distinction to understand the concept of explanation, and therefore to delimitate the scope of the present chapter. An explanation might rely on:

- (i) The communicative level: a communicative act between agents (for example, a teacher explaining metaphysical grounding to their students).

(ii) The representational level: the sentence (or the proposition expressed by the sentence) that may be the answer to some question (for example, if a teacher inquires, "Why is the homework incomplete?" and a student confesses, "because I forgot to bring my assignment folder," the explanation lies in what follows the "because"—this is a condensed form, and a full explanation would be <the homework is incomplete because the assignment folder was forgotten by the student>).

(iii) The level of what is represented: a state of affairs, fact, or event responsible for whatever we want to explain (like, as Thompson illustrates, the Big Bang itself being the reason why for the presence of cosmic microwave background radiation J).

In what follows, explanation will be understood as a phenomenon of the the representational level²⁴. I will also assume explanation (in general) has some standard features: asymmetry (if P explains Q, Q does not explain P), irreflexivity (P doesn't explain P), and non-monotonicity (if P explains Q, then it is not the case that P and R explains Q).

2 EXPLANATORY REALISM (BACKING MODELS) AND EXPLANATORY IRREALISM (NON-BACKING MODELS)

Kim (Kim, 1988) has famously introduced a distinction between explanatory realism and explanatory irrealism that helps to frame our debate. Explanatory realism, he says (C is the explanans, E is the explanandum):

C is an explanans for E in virtue of the fact that c bears to e some determinate objective relation R. Let us call R, whatever it is, an "explanatory relation." (...) The explanatory relation is an objective relation among events that, as we might say, "ground" the explanans relation, and constitutes its "objective correlate." On the realist view, our explanations are "correct" or "true" if they depict these relations correctly, just as our propositions or beliefs are true if they correctly depict objective facts; and explanations could be more or less "accurate" according to how accurately they depict these relations (Kim, 1988, p. 226).

²⁴ As we will see, the models that are approached in this chapter dispense the necessity of the level of what is represented.

In that view, explanations work by tracking objective explanatory relations. Kovacs calls such a stance the “Backing Model” of explanation (Kovacs, 2020, p. 1), because they spell out explanations as working in virtue of being *backed* by the explanatory relations. On the other hand, explanatory “irrealism” dispenses with the necessity of worldly backing relations²⁵: explanation is a matter of some “internal” relationship between items of knowledge—epistemic, logical, conceptual relations between propositions, in virtue of which one proposition then constitutes an explanans for one another. Kovacs calls this view “non-backing model”, given the fact it excludes any backing from the explanatory relation. I will start with the application of a famous non-backing model, the DN model,

3 THE DN MODEL

The DN model, also known as the *covering law model*, has not a small place in the history of philosophy. It was indeed the starting point of the philosophical approach to scientific explanation. The DN model aimed at the explanation of *particular* events. One important feature of this model is that explanations are *arguments*—sets of propositions attached by inferential relations, a feature that entails that explanations aren't, for example, worldly stuff related by whatever relation that can hold among worldly stuff.

Hempel states four conditions to which an argument must satisfy in order to be considered a scientific explanation, and that are jointly sufficient to be an explanatory argument (in the scientific context): (i) it must take the form of a deductive argument; (ii) the explanans must contain general laws (defined as “a statement of universal conditions from which is capable of being confirmed or disconfirmed by suitable empirical findings” [Hempel, 1942, p. 35]); (iii) the explanans must have empirical content and be testable; (iv) the sentences in the explanans must be true (Hempel, 1965, 247-248).

The explanans refers to whatever provides an explanation, and given that explanations take the form of arguments, they will be presented in the premises of said argument. Conversely, the explanandum pertains to whatever is to be explained, and, considering explanations are arguments, it will appear in the conclusion of the argument.

²⁵ More exactly, this is a strong form of irrealism: One might think just the requirement that an explanation meet some subjective condition suffices for moderate irrealism. I thank Naomi Thompson for this suggestion.

Consider the following example:

(Law, part of the *explanans*): Any infant whose cells have three copies of chromosome 21 has Down's Syndrome.

(Initial conditions, part of the *explanans*): Baby Mary's cells have three copies of chromosome 21.

(Particular event, explanandum): Baby Mary has Down's syndrome.

Suppose both the law and the initial conditions are true. Then this argument has the form of a deductive argument (the conclusion follows deductively from the premises), the explanans contains at least one general law in the sense stated above; the explanans has empirical content and is testable. So this argument satisfies each individually necessary condition, together jointly sufficient, to be a scientific explanation.

Despite its influential starting popularity, the DN model is today largely rejected by the philosophical community, at least in the scientific context. The most famous problem raised against it is the asymmetry problem. And the most famous illustration of this problem is the case of the flagpole and the shadow. It runs as follows. Suppose a flagpole casts a shadow on a sunny day. Someone can ask why the shadow is *X* meters long. Applying the DN model, we can explain the shadow by deducing it from the height of the flagpole, the position of the sun, and some general laws (from optics). But the argument can run the other way round: we can also deduce the height of the pole from the length of the shadow (employing the same laws). The problem is that the shadow is *caused* by the flagpole and the sun, but the flagpole is not caused by the shadow and by the sun, so to allow a *causal* explanation in both directions seems to be mistaken²⁶.

Out of the scientific domain, the DN model has been applied in other fields. In the context of metaphysical explanation. Wilsch (Wilsch, 2015, 2016) has developed an account in which metaphysical explanations are *arguments* with at least one premise that is a metaphysical law, but these are understood as "constructive operations" that gives the model its realist flavor. In the metaethical field, Derek Baker (*forthcoming*) has recently developed a model that combines the DN one with pragmatic features or ordinary discourse. In that model, normative explanations of particular actions (that is, why some action is right, wrong, bad, and so on) are explanatory by appealing to moral generalization, through logical entailment, and

²⁶ Hempel asserts the DN explanation is causal explanation (1965, p. 250).

answering our informational interest (Baker is mainly interested in the communicative level of explanation).

In the light of that, to explore the application of the DN model for the debate surrounding Cohen's thesis isn't implausible. And, as we saw in chapter 2 something along these lines was suggested by Daniel Kofman, as a possible interpretation for Cohen thesis:

This explanatory property indeed makes sense when explaining the grounding of a narrow moral judgement by a more general one. Thus, in moving from "Keep one's promises" to "Help people pursue their projects", the subsumption of the promise-keeping duty under a more general principle lends explanatory power (analogous to the covering law theory of scientific explanation); similarly if there were a further generalization to "people's happiness should be promoted" or "beings capable of framing and realizing life-plans should be accorded respect". Or, ascending from "Unused lights should be extinguished" to "Waste is wrong" (or whatever the relevant higher fact-insensitive principle) carries explanatory force because the "higher" principles are more general (Kofman, 2008, p. 256).

If we understand Cohen's thesis in this model, it differs from Baker's framework on the target phenomenon: it explains *normative principles*, and not *particular actions*. But this is not very promising. If we understand normative explanations of principles along these lines, we also must also account for Ronzoni and Valentini's methodological case²⁷ or to show why, in their case, the purported move from a normative principle to a more general methodological principle fails to align under the demands of this sketch of DN model for normative explanation. It is far from obvious what would be wrong in their case and, in the absence of such explanation, we must endorse their (form of) counterexample. Therefore, the endorsement of a generalized DN model for normative explanation would not go well with Cohen's thesis, given it allows a powerful counterexample.

4 GROUNDING

Instead of using a non-backing model of explanation, we can appeal to a *backing* model. Grounding is an available option. Selim Berker (Berker, 2018) puts forward a compelling argumentation in that sense. Consider the dispute between consequentialists and its opponents

²⁷ See chapter 2 in this thesis.

in normative ethics regarding the priority between the right and the good, that can be formulated in the question: “Is the right prior to the good, or the good prior to the right?” (Berker, 2018, p. 10). What is the nature of this priority? This is not semantical or conceptual priority: we cannot decide for the truth of consequentialism on the basis of the meaning of moral terms. That any of these two stances is a conceptual truth is also a very implausible thesis.

The priority is also not epistemic. Consequentialists, Berker says, “are free to accept an account of the order in which we come to know moral truths on which it is sometimes the case that our knowledge of the good is parasitic on our knowledge of the right” (Berker, 2018, p. 11). Given the fact that evaluative properties (e.g., “good”) and deontic properties (e.g., “obligatory”, “right”) don’t have causal powers, the question is also not about causal priority.

Supervenience seems to be a better tool for the job. But Berker asks us to consider the following biconditional:

Necessarily, an action is right if and only if it is optimific (i.e. it produces at least as much overall good as any alternative).

Some versions of consequentialism will hold that both the biconditional is true and the good is prior to the right. But on a supervenience-based account, the priority of the good will mean “Deontic properties supervene on evaluative properties, but not vice versa”, which is false, due to the biconditional entailing that the optimific supervenes on the right, and the right supervenes on the optimific. Supervenience is also not the right tool to account for the priority at stake.

Counterfactual dependence also fails. Given the standard accounts of the truth of subjunctive/counterfactual conditionals, the biconditional entails both <If an action were optimific, then it would be right> and <If an action were right, then it would be optimific>. The same holds for logical entailment: in accounts in which necessitation suffices for logical entailment, the biconditional entails that, if true, that <A is optimific> both entails and is entailed by <A is right>²⁸.

Berker believes none of these options, for the reasons listed above, are suited to account for the priority under discussion, but grounding is:

On this proposal, consequentialists insist that facts about rightness obtain in virtue of certain facts about goodness, that the latter facts are what make it the case that the former facts obtain, that it is because of the relevant facts about goodness that the corresponding facts about

²⁸ Although Berker believes in most accounts that doesn’t take necessitation as sufficient for entailment we will fail to have an entailment in one direction but not in the other (Berker, 2018, p. 12).

rightness hold. These claims just roll off the tongue, and for good reason. Grounding is what we are after (Berker, 2018, p. 13).

As we saw in chapter 1, grounding can also help to illuminate Cohen's thesis. We can further strengthen this suggestion by looking once again at the objections discussed in chapter 2.

Jubb objects Cohen cannot talk about ultimate principles (that are prior to other principles), because which principle is prior to each other is not a *tout court* feature, but only relative to specific arguments. A grounding-based account of Cohen's thesis can easily deal with this problem. If A grounds B, then A is more ultimate, prior to, B, period. A second objection a grounding-based view helps to deal with is the explanatory gap left by Forcehimes and Talisse in their discussion with Jubb: Jubb objects that the articulation of the logical commitment to a fact-insensitive principle isn't sufficient for justification, to which Forcehimes and Talisse reply that the relation (within the structure of beliefs of someone) is explanatory. A separatist view of grounding can account for that. The relation that holds among the beliefs of those that comply with the clarity of mind requirement is explanatory because it tracks, or is backed by, the grounding relations.

I have two reasons to believe, however, that this enterprise is not fortunate. Yes: a grounding interpretation makes Cohen's thesis coherent. But coherence does not suffice for truth. The first is an argument Berker, the same who proposes grounding as a tool for moral theorizing, but in a different paper, raises against the explanatory power of normative principles.

Berker says normative principles may be explanatory in two senses. In one sense, moral principles capture the explanatory relation between a moral property and other features. When a principle fulfills this role, they are what Berker calls "explanatory-involving". On the other hand, principles may be part of what explains why a given action has a given moral property. If that's the case, normative principles are explanatory-serving (Berker, 2018, p. 2). Berker aims to show principles are explanatory-involving, but not explanatory-serving.

There are some concepts to spell out in order to understand his argument. a particular moral fact be a fact of the form [A has M], where A is a particular action and M is some moral property. Moral principles are formulated hyperintensionally, "so that they track distinctions that can be made between necessarily co-extensive properties" (Berker, 2018, p. 5). So, the principle of utility is formulated like this: Necessarily, an action is required if and only if, and

because, it maximizes happiness (call this *PUh*). In the light of this, Berker aims to show the falsity of the following thesis (given unionism about grounding) (Berker, 2018):

Principles as Partial Grounds: Whenever a particular moral fact of the form [A has M] obtains, it is fully grounded in the combination of (i) a general moral principle specifying a connection between M and some set of non-moral properties or relations and (ii) various particular facts about the instantiation of those non-moral properties or relations.

Notice the similarity of this formulation with the reconstruction we made of the fact-insensitivity thesis in a grounding-based reading in chapter 1. As it was remarked, Cohen says more than one time he is opposing the thesis that facts are at least part of the grounds for principles (Cohen, 2008, p. 229). So we could understand his thesis as saying that facts are partial grounds for some normative principle P, while facts and normative principles are full grounds for the principle P. The only difference between this interpretation of Cohen's thesis and lies in the *explanandum* of each: while in the case of the fact-insensitivity thesis they are general moral truths, in Principles as Partial Grounds they are particular moral facts. But this does not stop Berker from including Cohen among those who endorse Principles as Partial Grounds (Berker, 2018, p. 31, fn. 18), against which Berker offers the following argument:

P1. The 'because' in (*PUh*) means 'fully because'. Rationale: Hyperintensional moral principles don't merely state one partial ground among others; rather, they specify all of what is required to ground instantiations of the moral property at issue.

C1. So, if (*PUh*) is true and A is an action that maximizes happiness, then [A maximizes happiness] on its own fully grounds [A is required]. Rationale: Follows from (P1).

P2. If [*PUh*] and [A maximizes happiness] together fully ground [A is required], then (*PUh*) is true and A is an action that maximizes happiness. Rationale: Given the factivity of grounding, [*PUh*] and [A maximizes happiness] can only make something the case if those two facts obtain.

C2. So, if [PUh] and [A maximizes happiness] together fully ground [A is required], then [A maximizes happiness] on its own fully grounds [A is required]. Rationale: Follows from (C1) and (P2).

This argument is a thought nut to crack for Cohen's thesis. If we deny premise 1 by saying that grounding means partial grounding, it seems we lost our normative principle: we expect from it an identification of all the partial grounds. And if we stay with grounding as full grounding, P1 is redundant, as the argument demonstrates. Berker seems to successfully demonstrate a kind of "hypertensional Humeanism" about moral/normative principles: normative principles identify the facts that provide grounds, but they don't participate in the grounding/explanatory role.

If this argument is not convincing or unsound, we still have the problem raised by Ronzoni and Valentini—that's my second reason. We can understand the (form of) the case they state (in which a methodological principle explains the fact-sensitivity) as tracking, or backed by, a grounding relation, even if it does not capture entirely correctly the grounding relation. In the absence of any explanation why this couldn't be the case, their case stills a challenge for Cohen's thesis in this grounding-based view. This is enough to demonstrate the impact of Ronzoni and Valentini's counterexample to the fact-insensitivity thesis: our best interpretations are fundamentally challenged by their case. But I want to offer two more interpretations, that offer reason to jettison Ronzoni and Valentini's case, the jettisoning of which comes at a surprisingly low philosophical cost. With that goal in mind, I start with the fundamentals of my rescue: fictionalism about grounding.

5 FICTIONALISM ABOUT GROUNDING

Fictionalism about grounding is an in-between stance. It stands in the middle between eliminativism about grounding and realism about grounding. Realists endorse the view according to which grounding is a feature of an objective and mind-independent reality, while eliminativists say grinding-talk should be eliminated.

Some eliminativists, commonly referred to as "old-school skeptics" (Koslicki, p. 165), include figures like Daly (2012). Grounding, often regarded as a primitive concept immune to analysis through other concepts, becomes a focal point of skepticism for Daly. He argues that

those treating grounding as primitive struggle to render it intelligible using conventional methods, such as examples, the mention of logical properties, or its relation to other concepts – approaches typically employed to make grounding *prima facie* intelligible.

Another advocate of eliminativism within the "old-school skeptic" camp is Hofweber, who introduces a distinction between "esoteric" and "egalitarian" metaphysics (Hofweber, 2009). In Hofweber's view, the purpose of metaphysics is to address questions formulated in ordinary terms. Esoteric metaphysics, conversely, seeks to tackle queries involving distinctly metaphysical terms, like "grounding." In alignment with Daly, Hofweber dismisses the use of examples for clarifying "grounding." For instance, presenting the relation between disjuncts and the disjunction as a case of grounding is deemed misleading. While it might resonate with a non-metaphysical audience, it merely illustrates a case of logical priority, lacking the distinctly metaphysical nature sought in such discussions. The eliminativists of the old-school skeptic, represented by figures like Daly and Hofweber, adopt a stance asserting that grounding is an unintelligible notion, resisting conventional attempts at elucidation.

Old-school skeptics eliminativists are not alone. They are accompanied by the so-called "second generation skeptics", who are also eliminativists. But instead of arguing for the unintelligibility of grounding, they argue that the role grounding is supposed to do is better performed by other notions. Koslicki (2015) provides an interesting list to make grounding-supporters think. Consider that [p] grounds [q]. Then:

- a. Is [p] identical with [q]?
- b. Are [p] or [q] real or unreal? And if so, in what sense?
- c. Is [q] reducible to [p]? And, if so, in what sense?
- d. Is the connection between p and q normatively, nomologically, metaphysically, or logically necessary?
- e. Can a special kind of causal efficacy be ascribed to [q] or its constituents?
- f. Do [p] or some of its constituents functionally realize [q] or some of its constituents?
- g. Do [p] and [q], or some of their constituents, stand in the determinate/determinable relation?
- h. Do [p] and [q], or some of their constituents, stand in the part/whole relation?
- i. Is there a set-theoretic relationship between the constituents of [p] and [q]?
- j. Do the constituents of [p] figure in a real definition of the constituents of [q]?

A is identity, B is a relation of ontological status, C is reduction, D is a relation of necessity, F is functional realization, G is the determinate-determinable relation, H is the part/whole relation, I is set/members relation, J is a relation of real definition: each of these cases illustrate a dependence relation (also called small-g relations, contrasted to the big-G of grounding) that makes grounding superfluous: to posit grounding does not help us to understand deeper what is already at stake in each operative relation in each case.

Fictionalism aligns to the second generation of skeptics: they reject the thesis that grounding-talking is unintelligible. It also aligns partially with grounding realists in the sense of accepting the intelligibility of grounding-talking, but it rejects the worldly, mind-independent status of grounding. Now I go into Fictionalism's details.

The kind of fictionalism that matters for my proposal is *figuralism* (Yablo, 2001). It relies on a distinction between real and literal content when an utterance is asserted by a speaker. Take a sentence P. The (false) proposition usually associated with P is the *literal content* of P; The real content of P is what the speaker conveys that might be correct or otherwise (Thompson, 2022). Now consider:

P: Normative facts are grounded in natural facts.

As Thompson explains, a straightforward stance we can take regarding grounding is metalinguistic fictionalism. The real content of a speaker's utterance P in that case is:

According to the fiction of grounding, moral facts are grounded in natural facts..

The literal content of P is simply <moral facts are grounded in natural facts>²⁹. Thompson points out a notable challenge to this perspective, which lies in explaining why we continue to discuss grounding if grounding-talk is deemed false. Part of her response hinges on what has been termed "the grounding revolution" – the extensive research conducted on the subject of grounding. Among these alternatives, either completely abandoning it or revising our comprehension of its discourse, the former appears to be less disruptive (Thompson, 2021). Additionally, it seems that discussions about grounding facilitate fruitful discourse, as we saw above in the discussion about the priority between the right and the good—grounding seems to outperform its competitive alternatives.

²⁹ Angle brackets designate propositions.

A further problem is that “account requires a happy accident: that we erroneously come to believe that there is a grounding relation, and that this false belief in fact serves us well”. It is within the context of this challenge that Thompson introduces figuralism, the conceptual framework of fictionalism I will employ in the subsequent discussion. Figuralism solves this issue by interpreting grounding as a form of figurative speech, rather than as a form of fiction. In this interpretation, when a competent speaker articulates a statement like '[A] grounds [B],' what they are conveying is that the state of the world is such that [A] stands in a metaphysical explanatory relation to [B], and that this explanatory relation arises from some form of dependence between the content of [A] and [B]—with any of the aforementioned dependency relations able to fulfill this role.

Once more, a comparable objection presents itself for consideration. What is the rationale behind resorting to discourse centered on grounding when it would suffice to articulate discussions regarding these fine-grained dependence relations, such as functional realization, counterfactual dependence, and the like?

A good answer relies on the fact that grounding-talking, in the figuralist account, allows us to convey truths about dependence structure even when we are unsure about them. Consider again the quarrel regarding the priority between the right and the good. Even if a speaker does not have any belief or knowledge about the specific dependence relation that holds in that case, he is able to make a claim about structure (e.g., ‘the right is grounded on the optimific’). Her grounding claim is *appropriate* even without any account of the real content of his utterance.

The term 'appropriate' carries normative implications and warrants elucidation: under what circumstances can an utterance be deemed appropriate? Within the scope of my inquiry, primacy is placed on a worldly condition: the configuration of the world concerning the relationship between the pertinent entities. A speaker may deliver an utterance that misrepresents the state of affairs—for instance, uttering that the good action is grounded on the love of the gods, notwithstanding the absence of a dependency relation in that direction, or the presence of a dependency in the opposite direction.

This closes all the details needed for my further use of fictionalism. Now I pass to the second theory.

6 THE COUNTERFACTUAL THEORY OF METAPHYSICAL EXPLANATION

Reutlinger was the pioneer to *develop* the idea that non-causal explanations might work on the basis of the framework of a famous theory of causal explanation, namely, Woodward's counterfactual theory of explanation. Its core idea is that (causal) explanations work by making explicit patterns of counterfactual dependence. Woodward says:

An explanation ought to be such that it can be used to answer what I call a what-if-things-had-been-different question: the explanation must enable us to see what sort of difference it would have made for the explanandum if the factors cited in the explanans had been different in various possible ways. (Woodward, 2003: 6)

Given the assumption that any event counterfactually depends on its causes, given an event E and a cause C (of event E), then if C wouldn't happen, it follows E wouldn't happen either. More technically, according to the counterfactual theory of explanation, the relation between an explanans and an explanandum is explanatory iff (where 'G' stands for a generalization, 'S' designates auxiliary statements, and 'E' refers to the the explanandum):

1. Veridicality condition: $G_1, \dots, G_m, S_1, \dots, S_n$, and E are (approximately) true.
2. Implication condition: G_1, \dots, G_m and S_1, \dots, S_n logically entail E or a conditional probability $P(E|S_1, \dots, S_n)$ – where the conditional probability need not be 'high' in contrast to Hempel's covering-law account.
3. Dependency condition: G_1, \dots, G_m support at least one counterfactual of the form: had S_1, \dots, S_n been different than they actually are (in at least one way deemed possible in the light of the generalizations), then E or the conditional probability of E would have been different as well.

Reutlinger applies this framework to the debate regarding laws of nature. According to a stance in this debate, the Humean mosaic of a world accounts for the nomic facts of this world. Putting aside the truth of Humeanism about laws of nature (and, therefore, whether it satisfies or not the Veridicality Condition), can the counterfactual theory capture the explanatory power of such a stance? Reutlinger's goal is to answer that question.

The generalization in that case is (in Reutlinger's words) a 'grounding generalization': the statement that the entire Humean mosaic grounds the normics facts. The auxiliary statements include a description of the facts in the Humean mosaic and BSA (Lewis's Best System Account of laws)³⁰. According to Reutlinger, these elements satisfy the Implication Condition: they entail the n-facts are the nomic facts of w.

The explanation of how it satisfies the dependency condition is a bit more complex. The grounding generalization in question, together with BSA, supports the counterfactual that, "if at least one metaphysically possible way the mosaic could be, M*, such that if the mosaic of world w were M* (and not M, as it actually is), then the n-facts would not be the laws of w" (Reutlinger, 2016, p. 19). Why? Given the assumption that grounding is asymmetric, the generalization determines the direction of the explanation (from the Humean mosaic to the nomic facts), and, also because of the asymmetry, the other way round doesn't hold.

Although we are putting aside the Veridicality Condition, Reutlinger's discussion of it has instructive lessons. How can the Humeanism about laws satisfy the Veridicality Condition if we don't know if it is true? But the counterfactual theory of explanation does allow for explanations which we currently do not know if it is true: the so-called how-possibly explanations (Nozick, 1981, p. 8-11). Reutlinger proposes the following how-possibly account of humeanism, as if it was answering the question "how is it possible that there are laws (and causes and probabilities) without positing 'necessary connections' in nature?" (Reutlinger, 2016, p. 20).

That suffices for a general presentation of the counterfactual theory and how it applies to non-causal explanation. Now I apply it to normative explanations, in the context of Cohen's case, as well as fictionalism.

7 FICTIONALISM AND CTE: POSITING THE PROBLEM FOR A SOLUTION

As we saw in chapter 1, one problem regarding the fact-insensitivity thesis concerns the intelligibility of Cohen's grounding-talk. So long as we make intelligible appealing to the standard features of grounding, the thesis entails problems (this chapter). How can fictionalism and the counterfactual theory of explanation solve that? To achieve such a goal, we need:

³⁰ (see Lewis 1973, 1999).

(i) an interpretation of Cohen’s claim that does not appeal to the orthodox grounding-interpretation of his thesis—how can we plausibly interpret his metaphysical thesis without invoking grounding?;

(ii) a theory that accounts for the content that backs his claim, so long we abandon the backing-by-grounding interpretation—what kind of dependence relation can fulfill such a role?

Even if we find such an account, we would still need to see how such a posited relation can handle all the criticisms raised against the fact-insensitivity thesis—that is,

(iii) how can we defend that new interpretation?

My aim is to show that fictionalism solves (i); the counterfactual theory of non-causal explanation solves (ii), and (iii) is a consequence of the solution of (ii).

8 FICTIONALISM

Cohen repeatedly makes use of grounding-talk (2008):

- (1) “Most philosophers who provide an answer to the question whether principles are *grounded* in facts say that (sound) normative principles, as such (and, therefore, all of them), are (at least *inter alia*) *grounded* in the facts of human nature and of the human situation”.
- (2) .”I argue that a principle can respond to (that is, be *grounded* in) a fact only because it is also a response to a more ultimate principle that is not a response to a fact: accordingly, if principles respond to facts, then the principles at the summit of our conviction are *grounded* in no facts whatsoever”.
- (3) “The thesis to be defended here contradicts what many people (and, I believe, most moral and political philosophers) are disposed to think, to wit, that our beliefs about matters of normative principle, including our beliefs about the deepest and most general matters of principle, should reflect, or respond to, truths about matters of fact: they

should, that is— this is how I am using “reflect” and “respond to”—include matters of fact among the *grounds* for affirming them”.

Plausibly interpreting his thesis while maintaining a discourse within the framework of grounding, albeit without necessitating the presence of the grounding relation itself and without forsaking the central thesis altogether presents a challenge. However, I contend that Fictionalism offers a viable solution to this problem.

It is important to note, however, that *not* all forms of fictionalism are equipped to address this issue. Specifically, metalinguistic fictionalism, as explicated in preceding exposition, proves inadequate in this regard. Embracing metalinguistic fictionalism necessitates the recognition that when Cohen posits the grounding of fact F in principle P, the literal content is <F grounds P>, and the real content is <according to the fictive construct of grounding, F grounds P>. Should this proposition be adopted, it inevitably entails the abandonment of the fact-insensitivity thesis: Cohen’s claims are all false³¹.

Figuralism, as exposed by Thompson, provides a better prospect. Let me quote verbatim the basis of my interpretation:

[T]he real content of a grounding claim is not a claim about some kind of fiction. Grounding-talk is a figure of speech used to convey (or perhaps even assert—I won’t take a stand on this here) some other kind of information. What is conveyed when a competent speaker utters some sentence S about grounding (‘[A] grounds [B]’) is that the world is in a condition such that [A] is metaphysically explanatory with respect to [B]. [A] is rendered metaphysically explanatory with respect to [B] by the presence (or assumed presence) of some kind of dependence relation that obtains between (the contents of) [A] and (the contents of) [B]. This might be a determinate-determinable relation, a set membership relation, a mereological relation, a supervenience relation, or any other non-causal dependence relation. The speaker’s grounding claim thus conveys something about the world (that some such dependence relation holds) and something about explanation (that [A] is metaphysically

³¹ Unless e.g. the purpose of the discourse is to say something about the fiction. But this is not the case in Cohen’s case. I thank Naomi Thompson for this suggestion.

explanatory with respect to [B]). It is fictional that there is any inflated relation of ‘big-G’ Grounding holding between [A] and [B]. The grounding fiction is useful not just because of the theoretical benefits of talking in terms of grounding, but also because doing so allows the speaker to convey this information about dependence and explanation (Thompson, 2023)..

Let me rephrase it, *mutatis mutandis*, now adapting it for an interpretation of Cohen’s thesis. It may follow too straightforward, but the exposition makes clear what are the consequences of a figuralist approach for his thesis and how we should understand his grounding-talk under the lights of Figuralism:

Cohen’s Figuralist Interpretation

Cohen’s grounding-talk is a figure of speech used to convey some other kind of information. What Cohen takes to be conveyed when someone utters some sentence S about grounding between facts F and principles P (‘[F] grounds [P]’) is that the world is in a condition such that [F] is metaphysically explanatory with respect to [P]. [F] is rendered metaphysically explanatory with respect to [P] by the presence (or assumed presence) of some kind of dependence relation that obtains between (the contents of) [F] and (the contents of) [P]. What kind of small-g relation it might be is a further problem. Cohen’s grounding claim thus conveys something about the world (that some such dependence relation holds) and something about explanation (that [F] is metaphysically explanatory with respect to [P]). It is fictional that there is any inflated relation of ‘big-G’ Grounding holding between [A] and [B]³².

This is not a realist conception (where realism = *realism about grounding*), because, for the realist, “grounding relations furnish reality with its structure” (Thompson, 2022). But, according to the fictionalist about grounding, there is no such generic structuring relation. It entails, for Cohen’s case, there is no such generic structuring relation among facts and

³² It might be objected that this is not what the person conveys or wants to convey, in a more complex objection, that it is not what Cohen wants the person to convey or wants to convey: it is what they *should* convey. I believe anything said here can be reconstructed in order to satisfy this revolutionary fictionalism.

principles. But this grounding fiction may allow Cohen (and any Cohenian) to project “a notion of generic metaphysical structure” that may enable us to convey truths about what structure normative reality *does* have, if there is such a thing as a normative reality. But what are the dependence relations that generate this structure?

9 CTE

I defend that, once we accept fictionalism about grounding, CTE provides interesting consequences for the fact-insensitivity thesis: (i) We can have a specific dependence relation to account for the relation between facts and principles; (ii) Second, we have an explanation of why the fact-insensitive is necessary for the explanatory relation; (iii) we have reply against counterexamples and the accusation of infinite regress.

10 CTE APPLIED

I propose that counterfactual dependence is a satisfactory dependence relation for the conveyed content by Cohen’s claim. It is important to remark, however, that I don’t presuppose any particular account of counterfactuals. Woodward, whose general lines of his counterfactual theory of causal explanation were exposed in the starting of this chapter, endorses an interventionist account of counterfactuals; other authors adopt versions of a possible worlds approach. Reutlinger, whose machinery will be applied here, takes the general idea of a counterfactual approach to be independent of its particular approaches, and I follow him in this regard.

According to CTE, for the relation between explanans and explanandum to be explanatory, the explanans may entail the explanandum, be both true, and have a generalization in the form that, if the auxiliary statements in the explanans were false, then the explanandum would be false as well. I follow Miller and Johannsen in taking the relation between a fact-insensitive normative principle together with facts as entailing the fact-sensitive normative principle (Implication Condition satisfied). For the sake of the argument, I also take for granted that the fact and the normative fact-insensitive principle holds (the Veridicality Condition is satisfied).

What about the Dependency Condition? I will use Cohen's people-in-pain-should-be-assisted for this:

Like many other people, she affirms the principle that *injured people should be assisted*, and when asked why, she defends that, as other people do, by reference to the fact that *injured people suffer pain and/or other disability*: for simplicity, I'll stick to pain. But then she must believe the further principle that *people in pain should be assisted* (...) (Cohen, 2008, p. 249).

Here we have a normative principle P1 (people in pain should be assisted), together with the fact F (injured people suffer pain and/or other disability), grounds the normative principle P (injured people should be assisted). How does that case satisfy the Dependency Condition? That is, how does P1 support the counterfactual that, if F was false, then P would be false as well?

I will show it comparing to another case³³. Consider POK:

(POK) *promises ought to be kept*

Consider also the following case:

Cat feeding

Our next-door neighbors are away on vacation, and our neighbors across the street are feeding their cats in their absence. Given these facts, there is nothing wrong with our not feeding their cats: we have no obligation to do so. But suppose that we had promised to feed their cats in their absence. In that (counterfactual) case, we would have been obligated to feed their cats, and our not doing so would have been wrong

POK supports the counterfactual above: that is, given POK, we can infer our obligation of feeding our neighbors's cat on the basis of our promise to do so. Not only is this inference licensed, but it is also POK that explains why we had the feeding-obligation had we promised to do so.

In Cohen's case, the same reasoning can be applied. Given P1 (that people in pain should be assisted), we can infer our obligation of assisting the injured people on the basis they

³³ Originally in Robinson (2008)

are suffering pain. And in the same vein, it is P1 that explains why he had the assisting-obligation on the basis that the injured people are in pain.

Before, for the sake of the reasoning, I took for granted both P1 and F were true. This is not a problem for Cohen's thesis, since he is also supposing there are true normative principles. Let's suppose they are false. Even then, given the possibility of Nozickean how-possibly explanations: how is that possible that facts ground principles? That's, indeed, very similar to the question Cohen says that starts the structure he is interested in: *what does make that fact F grounds P?*

The fact the counterfactual theory allows for how-possibly explanations entails an interesting possibility: maybe it is not only the metaphysical side of Cohen's thesis that can be accounted for the fictionalist-counterfactual approach, but also the non-metaphysical side, that concerns the structure of beliefs. We can understand that the clear-headed person that believes the fact-sensitive principle P on the basis of a fact F does so because of fact-insensitive principle supports the counterfactual dependence between F and P—even if he is mistaken about the dependence relation in question (either because the relation is not counterfactual dependence or because the counterfactual dependence goes the other way round).

Is it enough to rescue the fact-insensitivity thesis from its critics? Consider again Ronzoni and Valentini counterexample:

P3: When theorizing, one ought not to start from assumptions whose validity or truth is beyond the limits of what we can plausibly claim to know.

F2: No compelling proof in favor of, or against, the existence of independent moral facts is available.

P2: One ought not to put forward principles whose validity is grounded on the alleged existence of independent moral facts.

F1: The constructive procedure X is the most appropriate way to justify normative principles without appealing to the existence of independent moral facts.

P1: One ought to act on those principles which the constructive procedure X delivers.

Does the fact that I have the obligation to not put forward principles on the basis of moral facts allow me to infer that, given that X is the most appropriate way to justify normative

principles without appealing to moral facts, then I have the obligation to act on the principles that procedure X delivers? This would be a case in which a methodological principle would explain the grounding of a normative principle (P) on the basis of a fact (F1), at least according to CTE. But that's clearly not the case: unless we add that *we need to act on the basis of whatever procedure delivers the best justification that doesn't appeal to stance-independent moral facts*, the generalization does not support the counterfactual. But this (italicized) implicit statement *is* a normative principle. So, if we use CTE to make this case explanatory, then it follows that it does not refute Cohen's thesis, because the normative principle P1 and its grounding-fact F1 have its counterfactual relation assured by an implicit normative principle. In the same vein, Cohen replies to an objection that employs the Rawlsian's original position:

when the original position machine selects P in the light of a set of factual truths, that is because it would, so I claim, select a fact-free normative principle P1 when those factual truths are suspended: and it will not be possible for those who endorse the original position methodology and, therefore, the P that it selects in the light of the facts, to deny P1, or its justificatory role (Cohen, 2008, p. 240).

Cohen is claiming the methodological principles embodied in the original position select a normative principle P1 that is responsible for the relation between facts and a given normative principle P: the methodological principles alone aren't able to do so. My reasoning is analogous: given CTE, Ronzoni and Valentini's methodological principles in their counterexample aren't explanatory, because they select a normative principle that is responsible to ensure the counterfactual dependence between the fact and the normative principle.

There are two further problems. The first is: why are we (Cohen) talking about grounding if we should talk about CTE or counterfactual dependence relations supported by fact-insensitivity principles? Why don't we make our point straight about counterfactual dependence relations instead of invoking this grounding fiction? One plausible and short answer for this problem is *simplicity*. Talking about counterfactual dependence and principles that support such counterfactual dependence is way more complex than talking about grounding relations. Compare: <P1 is the reason why [F grounds P]> to <P1 supports at least one conditional of the form: had F been different, than P1 would be different as well>. Simplicity seems a sufficient reason to appeal to grounding-talk.

A second problem concerns the regress. As we saw, there is a threat of an infinite regress by possibility of (given CTE) any fact-insensitive counterfactual-supporting normative

principle also be supported by a further fact. The only *metaphysical* reason (call this MR) Cohen offers to stop the regress is the plausibility of the thesis that *there is a finite number of principles*. In the last chapter, I gave reasons to reject Ypi's objection to MR. However, I have no reason to offer in support of MR. If you think MR is not enough to stop the regress, you may reject this CTE-based reading of the fact-insensitivity thesis, on the grounds it can not stop the regress. I have no argument against this line of reasoning. But I have a further account that avoids the regress-problem³⁴.

³⁴ There is also a general problem for the approach as such: how to deal with counterpossibles? But, given that the regress problem seems enough to reject the CTE-based approach, I will not press this further objection.

CHAPTER 4: UNIFICATIONISM TO THE RESCUE

1 UNIFICATIONISM

The unificationist approach emerges as a distinct alternative to the DN model, retaining some of its fundamental aspects while introducing novel elements. This approach addresses issues like the asymmetry problem and contributes to a more nuanced comprehension of scientific explanation when compared to the DN model. The inaugural unificationist perspective, presented by Friedman (1974), posits that our advancement in understanding, and therefore scientific understanding, involves offering fewer ultimate laws, progressively minimizing the number of events considered fundamental. To avoid relying on one extensive conjunction as a fundamental law, Friedman asserts the necessity for each basic law to be independently acceptable (1974). However, for the purposes of this discussion, I will refrain from delving into the specifics of Friedman's approach, as I intend to utilize Kitcher's framework.

Kitcher's Unificationism follows the DN model on being part of the tradition of argument views of explanation (Kovacs, 2020), and, more specifically, *deductive* arguments. But for Kitcher, the only derivations that count as explanatory are the ones that use the fewer *argument patterns* to generate the larger set of explanandum. Explanation isn't anymore about isolated events, but about systematizing in a unified body our beliefs about whatever is the targeted explanandum.

Argument patterns is not an everyday term. It is a technical concept, that consist of four other technical terms:

Schematic sentences: it is the substitution of some non-logical expressions in a sentence with dummy letters.

Filling instructions: they are the set of instructions that tell us how to replace each dummy letter.

Schematic argument: sequence of schematic sentences.

Classification: set of sentences describing the inferential elements in the argument: it tells us what schematic sentences are the premises, which ones are the conclusion, by which inference rules the conclusion was drawn, and so on.

Consider the following example proposed by Baron and Norton, originally posited by Kitcher (1989):

Organisms homozygous for the sickling allele develop sickle-cell anaemia.

And

also:

Organisms homozygous for P develop Q.

Following the definitions above, the second sentence above is a schematic sentence (the non-logical expressions, variables, are replaced by dummy letters ['P' and 'Q']). The restrictions on how to replace the variables are the so-called filling instructions: in that case, P will be filled with an allele, and Q with a related phenotype. A schematic argument is a pair of schematic sentences and filling instructions like this one on this biological illustration. *Argument patterns* are the conjunction of schematic arguments and classifications.

The DN model, as we saw, worked with particular derivations. How do we know when a particular derivation instantiates a general pattern? Kitcher provides a straightforward answer. He says that:

The sequence has the same number of terms as the schematic argument of the general argument pattern.

Each sentence in the sequence is obtained from the corresponding schematic sentence in accordance with the appropriate set of filling instructions.

It is possible to construct a chain of reasoning which assigns to each sentence the status accorded to the corresponding schematic sentence by the classification.

That explains how to identify specific derivations among argument patterns. However, when is a specific derivation explanatory? Call *K* the set of sentences that express the truths we

want to systematize, call *systematization* any set of argument patterns that includes K as a premise and a conclusion, and call *E* the systematization that *best* unifies K. An *explanatory* derivation is just part of *E*. However, there will be the possibility of more than one argument pattern for *E* (that is, more than one systematization). To deal with competitive cases like this, Kitcher provides two further criteria that have the role of determining which argument pattern gives us a better systematization than its alternatives. The first of these criteria is the paucity of patterns; the second, the stringency of patterns.

Paucity of patterns requires that unification be achieved through the derivation of as many as possible conclusions from the fewer argument patterns. Suppose two systematizations, one that use four argument patterns (call that S1), while the other use two (call that S2), and suppose they are the only available systematization for the specified K (whatever it is in this case). According to the paucity of patterns, S2 qualifies better to be *E*, since it uses fewer argument patterns than S1. Paucity guarantees the non-monotonicity of explanation³⁵.

Stringency of argument patterns, as noted by Kovacs (2020), has both a logical and a non-logical aspect. On the logical side, it concerns the similarity between the structure of derivations. If an argument pattern X allows the use of material conditional as the only logical connective, while argument pattern Y allows the use of material conditional plus conjunction (as a connective), then argument pattern X is more stringent than argument pattern Y. So the logical dimension of the stringency of argument patterns concerns what was called *classification* above.

On the non-logical side, it concerns what was called *filling instructions*: the harder it is to fill the non-logical terms in the sentences, the more stringent the argument pattern will be. Consider the following example by Kovacs (2020):

Determinates and Determinables

(D1) $\Phi(\tau)$

(D2) If $\Phi(\tau)$ then $\Theta(\tau)$

(D3) So, $\Theta(\tau)$

Unhelpful

(U1) Δ

(U2) If Δ , then $\Theta(\tau)$

³⁵ I think this is self-evident, but see Baron and Norton (2019, p. 7), for a detailed demonstration.

(U3) So, $\Theta(\tau)$

Determinates and Determinables are more stringent than Unhelpful. First, regarding the logical dimension (classification), D1 assigns a one-term predicate to a singular term, while U1 can be any sentence whatsoever, with whatever logical form. It holds similarly in the non-logical aspect (filling instructions): while D1 must be an individual with a determined property, U1 can be anything, so Unhelpful is less stringent.

2 UNIFICATIONISM IN METAPHYSICS

All the above discussion concerns scientific explanation. In recent years, the framework of unificationism was applied to *metaphysical* explanation. Consider the following examples³⁶:

1. Mental facts obtain because of neurophysiological facts.
2. Legal facts hold because of non-legal, e.g. social, facts.
3. Normative facts obtain because of natural facts.
4. Meaning exists because of non-semantic facts.
5. Dispositional properties are possessed because of categorical properties.
6. What accounts for the existence of a whole is the existence and arrangement of its parts.
7. What makes something beautiful are certain facts about the reception of its beholders.
8. <Snow is white> is true because snow is white.
9. {Socrates} exists because Socrates exists.

There is a general agreement that cases like 1-9 exemplify a kind of non-causal explanation—*metaphysical* explanation. Most of the discussion about metaphysical explanation has been framed in terms of the relation of *grounding*³⁷, although the exact relation between grounding and metaphysical explanation remains unclear or disputed³⁸.

³⁶ Based on a list by Correia (2012).

³⁷ See chapter 1 in this dissertation.

³⁸ See Thompson (2016). Maurin (2019). See also chapter 1 in this dissertation.

Unificationism, as well as the DN model, is part of the so-called non-backing models of scientific explanation³⁹—they don't posit, or presuppose, a relation that backs the explanation: what does the explanatory role are either the inference from the laws (in the case of the DN model) or the best systematization (in the case of Unificationism).

The challenge lies in adapting unificationism from its typical application in the scientific domain to the realm of metaphysical explanation. An initial step involves the consideration of K, where K, in the standard scientific unificationist framework, contains the truths acknowledged by the scientific community. In the metaphysical context, K encompasses the beliefs implied in metaphysical explanations and the examples outlined in the aforementioned list 1-9, encompassing, therefore, notions related to sets and their members, the relationship between natural and non-natural facts. Thus, a derivation or argument achieves explanatory status when, and only when, it instantiates an argument pattern that most effectively systematizes our metaphysical beliefs.

There is a case in the literature that is worth mentioning, because they not only show how Unificationism works in the context of metaphysical explanation, but also because they demonstrate how to avoid a famous problem about explanation in general. The case runs as follows.

Singleton set formation patter or Members to sets

- (1) E exists.
 - (2) Necessarily, for any entity E, E exists just in case the singleton set {E} exists.
- Therefore,
- (3) {E} exists

Ur-element formation pattern or Sets to members

- (1) {E} exists.
 - (2) Necessarily, for any entity E, E exists just in case the singleton set {E} exists.
- Therefore,
- (3) E exists

³⁹ See chapter 3 in this dissertation.

If we allow both explanations, we will violate the constraint of asymmetry on explanation, that is usually taken as plausible. How can we deal with this case according to Unificationism?

According to Kovacs, Members to sets gives rise to an infinite regress: “[T]he existence of the Ur-elements and the null set is explained by the existence of the sets that could be formed from them, whose existence is in turn explained by the existence of their sets, and so on *ad infinitum*” (Kovacs, 2020, p. 7). Kovacs is assuming that, when a pattern originates an infinite regress while its competitor does not, then the one that does not generate the regress must be chosen.

Baron and Norton go through a different reasoning. The conclusion in *Sets to members pattern* is more unified than the conclusion in *Members to sets*: the conclusions in the former do have something in common (they are all sets), while the conclusion in Sets to members have no shared property. That matters because the pattern in Members to sets is a pattern *for set formation*, and, because of that, facts about sets *are unified*, while there is no identification about what the pattern in sets to members is forming, and therefore it is not clear why these conclusions can be derived through this pattern or what exactly is the pattern (since we don’t know what it is unifying, if anything).

3 UNIFICATIONISM IN ETHICS

There are also explanations in the normative domain. They are called *normative explanations*. Why is Smith doing something wrong when he lies to Marie? Why is exploitation wrong? What makes the case that murdering is forbidden? Why should we keep our promises? Why do we have the obligation of helping the needy?

Not only to *identify* what is right and wrong, but mainly to *explain why* something is right and wrong (and therefore to answer these questions) is the aim of normative (theories that provide) explanations. Väyrynen (forthcoming) gives some examples in which normative explanations invoke or appeal to unification *broadly* considered: Why is exploitation at least *pro tanto* wrong even if it is consensual and mutually beneficial?

Perhaps an exploitative transaction is wrong when and because the exploiter gains an unfairly greater share of the benefits of social cooperation than the exploited; its wrongness derives from unfairness or

distributive injustice (Roemer 1996; Mayer 2007). Or perhaps exploitation is wrong when and because it violates our moral obligation not to extract excessive benefits from people who cannot, or cannot reasonably, refuse our offers (Valdman 2009). Or perhaps it's wrong when and because one party benefits from taking advantage of the other party's vulnerability in a way that involves violating proper respect for others (Wood 1995: 150-51) or dominating others via subordination (Vrousalis 2013) (Vayrynen, forthcoming).

Each of these answers subsumes the wrongness of exploitation under some general principle or value. However, these answers are neutral regarding any model of explanation: we could reconstruct them as both part of the DN model as well as part of Unificationism, be it either in a Friedman fashion or in a Kitcher-style. This might shed light in these examples, but this falls apart from my aim. I want to show that Unificationism illuminates and improves Cohen's thesis against all the objections it received.

4 COHEN'S THESIS—MOTIVATING UNIFICATIONISM

The main claim I am advancing, which serves as the focal point of this chapter, can be articulated with precision and simplicity: Unificationism in the context of explanation not only offers a coherent interpretation of the heuristic side of Cohen's fact-insensitivity thesis, but it also positions the thesis in a superior light when compared to its counterexamples and jettisons its other critiques. My aim does not entail Cohen himself had any commitment to Unificationism. It just entails Unificationism solves *all* problems for his thesis.

Remember that Cohen's thesis has both a non-metaphysical and a metaphysical one. The structural side is demanded by what Cohen calls the clarity of mind requirement: "[My] thesis applies to anyone's principles, be they correct or not, *so long as she has a clear grasp both of what her principles are and of why she holds them*". Cohen adds that:

The italicized requirement constrains what is said here about an individual's principles, but it also serves as a heuristic device for highlighting truths about how normative principles justify and are justified, within a structure of normative principles, and independently of anybody's belief. In speaking of the structure of the principles held by someone who is fully clear about her principled commitment, I am

speaking not only, precisely, of that, but also of the structure of a coherent set of principles as such, and, therefore, more particularly, of the structure of the principles that constitute the objective normative truth, if there is such a thing (Cohen, 2008, p. 233, fn. 6).

It might be objected, on the basis of the above paragraph, that because Cohen treats this side of his thesis as an heuristic device, it shouldn't deserve a detailed theoretical analysis. I have three answers to this objection. The first is that Cohen does not say it is *only* an heuristic device—he says it is *also* an heuristic device. Second, there is already a published defense of Cohen's thesis entirely detached of the metaphysics side of his thesis and that focus only in this "heuristic device"⁴⁰. Third, even if he treated his thesis as an heuristic device, it doesn't mean we should treat it as something without theoretical value: we can think of the original positional, an heuristic device to think about the justification of principles of distributive justice that inspired whole valuable discussions.

Objection aside, a first reason to apply Unificationism is Cohen's remark about *grasping*: the agent who satisfies the requirement of clarity of mind *grasps* her principles and *why she holds them*. Remember his particular illustration:

Suppose someone affirms the principle that we should keep our promises (call that P) because only when promises are kept can promisees successfully pursue their projects (call that F). (I am not saying that that is the only basis on which P might be affirmed: that it is one plausible basis suffices for my purposes.) Then she will surely agree that she believes that F supports P because she affirms P1, which says, to put it roughly, that we should help people to pursue their projects. It is P1, here, that makes F matter, which makes it support P, but the subject's affirmation of P1, as opposed to whether or not that affirmation induces her to affirm P itself, has nothing to do, essentially, with whether or not she believes that F. She would affirm P1 even if she did not believe the factual statement F: P1 is not, in her belief system, sensitive to whether or not F is true. If she came to think that facing broken promises builds character, and thereby helps to turn people into more effective project pursuers, and that F is therefore false, she would have reason to abandon or modify her affirmation of P but no reason to abandon P1 the agent is able to explain his commitment to the fact-insensitivity normative principle appealing to the fact-insensitivity one, and he would keep his commitment to the fact-insensitivity one even if the fact would be different (Cohen, 2008, p. 234).

⁴⁰ Forcehimes and Talisse (2016), discussed in chapter 2 of this dissertation.

All these elements on the acts of the clear-headed person are compatible with *accounts* of grasping⁴¹. For example, within the ability accounts of grasping, Grimm (2006; 2012; 2014) claims that to have understanding is to dominate a set of abilities needed to answer counterfactual questions like “what if things were different”—this happens in Cohen’s illustration: even if F wouldn’t hold, the person would affirm P. Hills (2016) says that grasping is a know-how that includes abilities to provide some explanation of why p given by someone else, giving an explanation of why p in your own words, drawing the conclusion that p (or that probably p) from the information that q, and so on. One more time, that happens in Cohen’s case, given the agent provides the explanation in her own words and concludes the fact-sensitive principle from the normative fact-insensitive together with the facts. Even more loosely and metaphorical accounts of grasping, according to which it is a matter of “seeing things together”, is consistent with Cohen’s illustration.

Even without delving deep into any account of grasping, it seems clear the clear-headed agent understands his own structure of beliefs by *grasping* them: Elgin says that “he understander must also *grasp* how the various truths are related to each other and to other elements of the account” (Elgin, 2017, p. 46); Hills says that understanding why p requires a grasp of the reason why p (Hills, 2016, p. 663); Grimm says that understanding involves “grasping” a structure. One more time, all of this happens in Cohen’s illustrations.

Why does the fact that it is uncontroversial that the agents in Cohen’s grasp something matter as a reason to apply Unificationism to the fact-insensitivity thesis? The answer relies on the fact that there is something *allowing* this grasping—and this something, I argue, is unification.

Unificationism actually can say something about how explanations increase the growth of understanding, something Cohen says is (in part) consequence of the grasping of the principles: as Kovacs says, unification help us to see how a large number of phenomena are a consequence of some basic facts (Kovacs, 2020, p. 14), from which they are inferred according to some few patterns. It is important to notice that this does not entail that everyone’s understanding will increase—what it entails, again remarked by Kovacs (2020, p. 14), is that a sound explanation can increase the understanding of a rational agent with adequate training.

This is again consistent with Cohen’s thesis: his thesis does not apply to everyone, it applies to those who have a *clear* grasp on *why* they hold their principles. I’m not saying this commits Cohen’s thesis to unificationism—what I’m suggesting is a very loose first

⁴¹ For a survey, see Hannon (2021).

approximation between the fact Unificationism can improve the understanding of clear-headed agents, and the fact that Cohen's thesis involves the understanding (and the related grasping) of a clear-headed agent.

Another point that aligns Cohen's thesis to Unificationism is the fact that both (at least in one aspect) focus on beliefs. Unificationism concerns the best systematization of beliefs in a specified domain (originally in science, after in Metaphysics)⁴², while Cohen's thesis (in one aspect) is all about the *structure* of principled normative beliefs.

The above point gives rise to stronger motivations to consider Unificationism. The reason is that Cohen detaches the structure of belief from the structure of true normative principles (if there is such a thing as a true normative principle)—and he doesn't mention *any backers* for the structure of belief. The relation is all internal to the structure of beliefs. This opens space for a non-backing model of normative explanation that works only within an internal body of knowledge. And there are not many models of explanations of this kind: some of the available are the pragmatic models, the DN model, and Unificationism are some of them.

A further reason to claim his thesis is consistent with unificationism is the fact Cohen thinks his thesis is consistent with holism or coherentism about "justification" and also with reflective equilibrium (Cohen, 2008, p. 243, fn 19). If we understand his thesis as a thesis about explanation and understanding, how can we conciliate it with coherentism or reflective equilibrium about epistemic justification? At least recent work has focused on the difficulties faced by reflective equilibrium when it is applied to epistemic justification; therefore, it has been suggested the application of reflective equilibrium to moral understanding must be a more suitable enterprise (Kauppinen and Hiverlä, 2020). Notice that the clear-headed agent whose understanding comes from whatever explanation is provided by Cohen's thesis may be in reflective equilibrium—the thesis imposes no restriction on *how* he comes to understand what he understands.

Let me sum up the motivation to apply Unificationism to Cohen's thesis. First, he says his thesis (in one aspect) concerns only the structure of beliefs of a clear-headed person, someone who has a grasp on which are her principles and why she holds them. In his illustration, that person exhibits a behavior very similar to the one described in the most popular ability-based accounts available in the literature. What is exactly the person grasping when she grasps why she holds the principles she holds? Backing relations, like grounding, are ruled out, given that Cohen detaches the structure of beliefs from backing determinative

⁴² In Kitcher's words: "explanation consists in the systematization of our *beliefs*" (1989, p. 476).

relations among true principles as such. They are also ruled out because, as we saw, Ronzoni and Valentini's counterexample refute the account that invokes them (excluding the fictional-counterfactual account). So we are left with non-backing models, that include pragmatic models, the DN model, and Unificationism. I claim Unificationism provides a good answer: the person is grasping $E(K)$. Now I will go into the details.

5 COHEN'S THESIS — APPLYING UNIFICATIONISM

It is interesting to notice that Cohen offers twice a general pattern to apply his thesis:

Suppose that proposition F states a factual claim and that, in the light of, on the basis of, her belief that F, a person, affirms principle P. We may then ask her why she treats F as a reason for affirming P. And if she is able to answer that question, then her answer, so I believe, will feature or imply an affirmation of a more ultimate principle (call it P1), a principle that would survive denial of P itself, a principle, moreover, that holds whether or not F is true and that explains why F is a reason for affirming P: it is always a further principle that confers on a fact its principle-grounding and reason-providing power (Cohen, 2008, p. 234).

Let me clarify the structure of this sequence, which is neither one of explanations nor one of justifications but one that alternates those illocutions: that makes my argument more complex than it might at first appear to be. We begin with "F justifies P." We then ask: "Why does F justify P?," and the answer takes the form: "Because P1 makes F a justification for P." We then ask: "But what justifies P1?" And the answer will be: "Fact F1" or "No facts, but . . ." (Cohen, 2008, p. 238, fn. 9).

The pattern goes like this:

P1 and F.

P.

Where P1 is a normative principle, F is any factual general statement, and P is another normative principle, which is grounded in the normative principle P1 together with the factual statement F. Notice that it classifies, although in a sketchy way, to be filling instructions: we have dummy letters and instructions about how to replace these dummy letters with some non-

logical expressions. However, it completely lacks any classification (in Kitcher's sense), and therefore it does not configure an argument pattern (also in Kitcher's sense). Let me start, then, reformulation one of the Cohen's illustration in a way that facilitates the production of an argument pattern:

If act A helps people to pursue their projects, then you ought to do A.
 If act A is the act of keeping promises, then act A helps people to pursue their projects.
 Therefore,
 If act A is the act of keeping promises, you ought to do A.

However, we can reformulate it in order to have an argument pattern, and one more stringent than that we would have if we accepted these sketchy filling instructions as such. Let's assume, for the sake of the argument, normative principles can be formulated or expressed as universal material conditionals⁴³. So instead of "P1", we would have (simplified, without, for the sake of clarity, qualifications like "all things considered") "If $\Phi(A)$, then Q", where $\Phi(A)$ stands for an atomic sentence assigning a one-place predicate to a singular act, and Q the normative commandment regarding the stated act⁴⁴. So we replace "F" by " $\Theta(c), \Phi(\tau)$ ", where $\Theta(c)$ follows the same specification for $\Phi(\tau)$, although with a different action. So, by the transitivity of the conditional, we obtain If $\Theta(c)$, then Q. To illustrate:

If $\Phi(A)$, then Q.
 If $\Theta(c), \Phi(A)$.
 Therefore,
 If $\Theta(c)$, then Q.

The filling instructions say that we can replace $\Phi(A)$ by any predicate on an act, Q by any normative statement regarding the same act, $\Theta(c)$ by another, and different, act. The

⁴³ See Robinson (2007, 2011) for problems for such a view. As we saw in chapter 1, Cohen is neutral regarding the nature of normative principles. I believe, then, at least for the sake of the exposition, any account of normative principles would run through. However, if, like Robinson, you reject a view of normative principles as universal material conditionals, what follows can be reformulated in the light of the alternative account of normative principles—though, probably, in a more complex machinery, given that universal material conditionals seems to be the most simple way to formulate normative principles (what else would be less convoluted?).

⁴⁴ To avoid any unnecessary complications that would arise in deontic logic.

classification says we can infer the normative principle through the transitivity of the conditional. We now have an argument pattern. I'm not saying this is the best way to insert fill instructions to generate an argument pattern. I'm doing a sketch of unificationism that aligns with Cohen's thesis.

Consequences of the model are as follows. First, the counterexample against Cohen's thesis fails. Let's analyze the counterexample Cohen himself claims to accept:

A believer might say, "I affirm the principle that one ought to be charitable, on the ground—because of the fact—that God commands it." The proponent of the second premise now asks her to explain why that fact supports that principle. Unless she is particularly eccentric, her initial reply will be, "Because one should do whatever God commands." The more promising alternative for the purveyor of the counter-example is to eschew an explanation in terms of God's features, the ones that distinguish Him from Harry, and to say that it is not what God is but who He is that explains why we should obey Him. But that God is God is a fact, and I, the proponent of the second premise, can suggest no further principles that confer upon that fact its principle-justifying power. This theism is a bona fide counterexample to my second premise (Cohen, 2008, p. 273).

In the light of unificationism, it is possible to reject such a counterexample. Indeed, Kitcher himself deals with a similar case:

God wants it to be the case that a.

What God wants to be the case is the case.

[Therefore, a.]

Where 'a' can be replaced by any accepted sentence describing the physical world. Kitcher replies, in sum, that "nonlogical vocabulary imposes no constraints on the expressions we can substitute for the dummy symbols" (1981, p. 528). Why is that a problem? Because, as Barom and Norton highlight, "the non-logical vocabulary ought to be contributing to the unification provided by the pattern". However, here, the non-logical vocabulary does not contribute to the unification provided by the pattern: quite the contrary. Like the Sets to members case above, we don't know what is being unified. Notice that the same schematic sentence holds in Cohen's case (we have "God commands a"), and if the objection is successful here, then it also applies to Cohen's case.

A more important counterexample, as we saw, was offered by Ronzoni and Valentini. Remember it:

P3: When theorizing, one ought not to start from assumptions whose validity or truth is beyond the limits of what we can plausibly claim to know.

F2: No compelling proof in favor of, or against, the existence of independent moral facts is available.

P2: One ought not to put forward principles whose validity is grounded on the alleged existence of independent moral facts.

F1: The constructive procedure X is the most appropriate way to justify normative principles without appealing to the existence of independent moral facts.

P1: One ought to act on those principles which the constructive procedure X delivers.

According to the DN model applied to the moral domain, as we saw, this case would not be problematic: the normative principle P1 relies ultimately on P3, and that would be a case against Cohen's thesis, given the fact we have a methodological principle explaining, ultimately, why a fact-sensitive principle holds.

However, within the framework of Unificationism, the matter is not as straightforward. There are two ways to understand the competition between constructivists (expressed in Ronzoni and Valentini's case) and Cohen. In the first, we understand that there are, *possibly*, two argument patterns in question. One argument pattern can be generated on the basis of Ronzoni and Valentini's case. This is not implausible, because their case provide a *form* of counterexample in favor of constructivists⁴⁵, in such a way that a plausible constructivist account can fulfill such a form. We can understand this *form* as a *possible* argument pattern. In this case, we have the possibility of competition between argument patterns: Ronzoni and Valentini's (possible one) and Cohen's .

If we understand Ronzoni and Valentini in that vein, problems about how the argument pattern is structured arises. First, there exists a lack of clarity in the possible classification for their argument pattern – what precisely are the rules of inference from P3 to P2? Secondly, uncertainties arise regarding the filling instructions, particularly concerning P3. How can it be substituted to yield distinct methodological principles? Does Unificationism admit any proposition as long as it aligns with a normative order following the conditional clause "when

⁴⁵ See chapter 2 for an exposition.

theorizing"? Thirdly, even assuming a well-defined classification and precise filling instructions, it becomes evident that the purported argument pattern would be significantly more intricate than the one outlined for Cohen's thesis. This runs counter to the foundational tenet of Unificationism, which advocates deriving a broader set of conclusions from fewer argument patterns. In sum, it becomes challenging to envision the adaptation of Ronzoni and Valentini within a Unificationist framework. Furthermore, even if such adaptation were possible, it seems improbable that it would achieve a more stringent argument pattern than Cohen's thesis in the light of that Unificationist interpretation. Consequently, based on these considerations, one can deduce that Cohen's thesis outperforms its alternative, provided we adhere to the framework of Unificationism.

But we can also understand Ronzoni and Valentini's as an application of Cohen's thesis that does not meet all its requirements. In that case, instead of understanding their case as a possible argument pattern, we treat it as a case that may or not meet Cohen's requirements under the Unificationistic framework. There are two main reasons for believing this may not work. First, it is not clear how the classification works: is the transitivity of the conditional enough to capture the inferential relations on display in Ronzoni and Valentini's case? Even if it is, Ronzoni and Valentini clearly shows, as we saw in chapter 2, a dissatisfaction regarding the interpretation of methodological principles as akin to imperatives. But to interpret them *akin* to imperatives would be a must to make their case fit in this Unificationism-based reading of Cohen's thesis. So, their case would be ruled out by Cohen's argument pattern.

A further objection was raised by Lea Ypi (2012). She claims Cohen's fact-insensitivity thesis generates a regress⁴⁶. Cohen's is aware of this problem, but he says it can be blocked by three reasons:

First, it is just implausible that a credible interrogation of that form might go on indefinitely: if you disagree, try to construct one, one that goes beyond citation of, say, five principles. Second, such an indefinitely continuing sequence would require something like an infinite nesting of principles, and few will think that there exist a relevantly infinite number of principles. Finally, an unending sequence of justifications would run against the requirement (laid down in section 4) that she who affirms P has a clear grasp of what her principles are and of why she holds them: for we can surely say that a person who cannot complete the indicated sequence, because she has to go on forever, does not know why she holds the principles she does (Cohen, 2008, p. 237).

⁴⁶ See chapter 2 for a discussion of her claim.

The first two reasons concern the dialectics that hold in the illustration of his thesis; the second reason is about the metaphysical side of the thesis; and the third reason is the clarity of mind requirement. Being the kind of explanation regarding our beliefs that doesn't invoke dependence backing relations, Unificationism goes fine with the third reason: that's because the success of Unificationism may guarantee, for the competent agent, the understanding of the structure she holds—not because she grasps the theory, but because she grasps how a large (or not so large) number of normative principles are the consequences of a basic normative principle, from which they can be derived using few and similar patterns of derivation. This grasp enhances her understanding.

Unless we reject Unificationism or ask for a justification of the employment of Unificationism itself, which are out of the scope of the supposition developed in this chapter, since we are developing, precisely, what Unificationism entails for Cohen's thesis and for the relation between facts and principles (within someone's structure of belief, that is, once again, someone that meets the clarity of mind requirement), there is no reason why Unificationism would generate an infinite regress.

There is a further Harman-based possible objection I want to address. In Cohen's illustrations, the clear-headed people go along with a non-proof theoretic type of cognitive process that humans go through in everyday reasoning. However, in the Unificationist model, they use the rule of the transitivity of the conditional in their pieces of inferences. It seems then that Unificationism approaching Cohen's thesis over-intellectualize ordinary reasoners, even if they are the kind of people who meet the demands of the clarity of mind requirement. I believe this objection may be rebutted by remembering that, in the Unificationist model, particular derivations are explanatory *so long they instantiate an argument pattern*. We can see the particular derivations, modeled in proof-theoretic spirit, as mere reconstruction of the ordinary piece of reasoning. In that case, it is not demanded that the clear-headed person offers *proofs* (in the proof-theoretic sense) for his inferences, but only that these inferences or pieces of reasoning can be reconstructed according to the classification of the model, and such reconstruction will be judged in the light of the argument pattern that best systematizes our normative principled beliefs.

And that's how we rescue the fact-insensitivity thesis—if Unificationism is true.

CONCLUSION

Despite the expositive nature of chapter 1, I dealt with two similar critiques: that is not clear what is the grounding relation that is supposed to hold between facts and principles. And it is also not clear what is the explanation provided by relative or ultimate fact-insensitive principles. A natural interpretation is accounting for such relations in terms of metaphysical grounding. This notion, extensively discussed in the last ten years in analytic metaphysics, helps to illuminate how both relations flourish in Cohen's cases.

Chapter 2 sets the stage for examining the challenge of interpreting Cohen's thesis through the lens of metaphysical grounding. It does so by highlighting Ronzoni and Valentini's compelling counterexample, which leans towards a pro-constructivist stance while opposing Cohen's views. Additionally, this chapter underscores the need for a fresh defense of Cohen's thesis, as the existing defenses in the literature have fallen short. Johannsen's defense, for instance, is criticized for its heavy reliance on a controversial interpretation influenced by Miller, alongside bold assumptions regarding justification and the aims of Cohen's thesis. Furthermore, the chapter delves into Forcehimes and Talisse's responses to Jubb's critiques—they properly addressed it, but only under a high philosophical cost: they left us with the striking fact that there is an apparently incommensurable gap between the metaphysical and the non-metaphysical side of Cohen's thesis.

To address the gap highlighted by Forcehimes and Talisse, as well as responding effectively to further critiques in the literature, was the primary objective of the third chapter, which I believe was successfully achieved. Ronzoni and Valentini's counterexample posed a formidable challenge, presenting significant difficulties for both a deductive-nomological (DN) inspired interpretation and a grounding-based reading of Cohen's thesis. To maintain the natural flow of both interpretations for the metaphysical side of Cohen's thesis, while acknowledging the Ronzoni-Valentini challenge, a Fictionalist approach was adopted, allowing us to hold grounding-talk, while simultaneously providing space for an account of explanation that could refute the counterexample. The chosen framework was the counterfactual theory of explanation, which neutralized Ronzoni and Valentini's argument without introducing further bold assumptions. However, this account also has a fragile basis to deal with the problem of infinite regress: we need to endorse the assumption regarding the finite nest of principles, that, although defended against Ypi's critiques, may be a flawed support.

The final chapter utilized Unificationism regarding metaphysical explanation to address the criticisms previously outlined in Chapter 2, with a specific emphasis on salvaging the non-metaphysical aspects of Cohen's thesis. The model was not designed to be flawless; rather, it aimed to present a plausible outline demonstrating how alternative approaches failed to meet Unificationism's criteria. A notable aspect of this model is its ability to elucidate the clarity of mind requirement, providing an additional positive outcome: we can understand how the grasping works, and by working within the mentioned requirement it also blocks the charge of infinite regress.

There is a tension on both solutions. On the one hand, the account developed in chapter 4 appeals to a non-backing model of explanation: it dispenses any worldly, generic or not, relation of determination, support or dependence. On the other hand, the framework I put forward on chapter 3 works within a backing model: our grounding-talk conveys truths about the small-g relation of counterfactual dependence. But these are competitive views. How can we conciliate, then, both solutions?

My honest answer is that, *at first*, I don't have a solution for this deadlock. I could, however, motivate my sitting on the fence. First, I do agree, as it was already stated, with Forcehimes and Talisse regarding the fact that Cohen left the relation between both structures (metaphysical and non-metaphysical) completely unexplained. A grounding-based account, suggested by Richard, coupled with some assumptions about the nature of understanding as knowledge of dependence relations, could solve this problem. But a grounding-based account needs to face serious challenges about the explanatoriness of moral principles and the counterexample Ronzoni and Valentini put forward.

In the instructive failure of a grounding-based account, instead of pursuing an answer, I decided to follow the consequences of two popular theories of explanation—Unificationism and CTE—for both sides of the coin, the metaphysical and the non-metaphysical. My enterprise may be interpreted, I believe correctly, as a piece of suppositional reasoning: given Unificationism and CTE, what follows for the fact-insensitivity thesis? I believe I've demonstrated that the outcome is optimistic, mainly for the Unificationism-based account, given the fact it isn't threatened by any regress problem. And it follows that my rescue, if anything, is a conditional rescue, in which the non-metaphysical side has no regress problem whatsoever.

It may be objected that my enterprise is reinventing the wheel: normative explanation is metaphysical explanation, and, since both CTE and Unificationism were already both applied to metaphysical explanation, it makes no sense to pursue a project like this one more time. First, the assumption is controversial: perhaps normative explanation (in general)

is a different kind of explanation. But let me sidestep the controversy and work within the assumption. Even if it is the case, Unificationism was never applied for cases like the relation between facts, principles and further, maybe more general, principles. The same holds for CTE. So, even if we are dealing with metaphysical explanations once again, the logical consequences are new: the application of these models shows how they work in detail within metaethics and the relevant explanations that hold in metaethics, be it metaphysical explanation or not.

Cohen, after accepting a theological counterexample, joked that constructivists should, to deal with his fact-insensitivity thesis, either accept Cohen or embrace God (2008, p. 273). In the same vein, the summary of my conclusion is that Cohenians, to deal with constructivists, might adopt CTE, but, all things considered, they should embrace Unificationism. And, on that assumption, they all can be happy with the rescue of the fact-insensitivity thesis.

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