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True Norms

Paper for the Italian-Polish Workshop:

"Norm and Truth"

13th-14th November 2008 in Poznań

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“Yearning for that True
Which has no qualities.”
George Eliot, *College Breakfast Party*, 1878*

0. What sense of truth?

It is often maintained that norms are not capable of being *true* or *false*.
But in what sense of ‘*true*’? In what sense of ‘*false*’?

1. *De-dicto-truth vs. de-re-truth.*

In his recent contributions to a philosophical theory of truth, Amedeo G. Conte has drawn a distinction between two different concepts of truth: *de-dicto-truth* on the one side, and *de-re-truth* on the other side.¹

De-dicto-truth [*prawda de dicto, verità de dicto*] is truth that is predicated of *dicta* (of *dicta qua dicta*).

De-re-truth [*prawda de re, verità de re*] is truth that is predicated of *res*.²

I examine *de-dicto-truth* and *de-re-truth*, respectively, *sub* 1.1. and *sub* 1.2..

1.1. *De-dicto-truth.*

1.1.0. Let’s consider the three following examples:

- [1.] As Tarski wrote, the sentence: ‘Snow is white’ [*Śnieg jest biały*] is *true* [*jest (zdanie) prawdziwe, è (un enunciato) vero*] if, and only if, snow is white.
- [2.] A tautological sentence is necessarily *true* [*jest (zdanie) koniecznie prawdziwe, è (un enunciato) necessariamente vero*].
- [3.] A testimony that corresponds to reality is a *true* testimony [*jest świadectwem prawdziwym, è una testimonianza vera*].

* George Eliot (pseudonym of Mary Anne (Marion) Evans) [Arbury, 1819 – London, 1880], *College Breakfast Party*, 1878.

¹ Cfr. Amedeo G. Conte, *Tres vidit*, 2007; Amedeo G. Conte, *Adelaster*, forthcoming; Amedeo G. Conte, *Vero de actu. Semiotica dell’atto*, 2007.

² *De-re-truth* may as well be predicated of a *dictum*, when that *dictum* is understood as a kind of *res*. In this case, (*de re*) truth is predicated (not of a *dictum qua dictum*, but) of a *dictum qua res*. E.g.: An holophrastic sentence (e.g.: ‘Fire!’) is *not* a (*de re*) *true* sentence.

1.1.1. In all of these three examples, truth is predicated of a *dictum*, of a λεκτόν *lektón*:

- (i) in examples [1.] and [2.], truth is predicated of a *sentence*;
- (ii) in example [3.] truth is predicated of a *testimony* (understood as the *dictum* of an act of testimony).

For truth that is predicated of *dicta*, Conte proposes the name: “*de-dicto-truth*”.

1.1.2. The *subject* of a *de-dicto-truth-predicate* is a *dictum* (a *dictum qua dictum*).

The *criterion* of a *de-dicto-truth-predication* are (according to the correspondence theory of truth) the *res*: a *dictum* is *de-dicto-true* if, and only if, it is in a correspondence relationship with the state-of-affairs [*stan rzeczy, stato-di-cose*] it refers to.

1.2. *De-re-truth.*

1.2.0. Let’s now consider three further examples:

- [4.] The horseshoe crab is not a *true* crab [*nie jest prawdziwym krabem, non è un vero granchio*].³
- [5.] A tautological statement is not a *true* statement [*nie jest prawdziwym twierdzeniem, non è una vera asserzione*].
- [6.] According to the ancient Jewish law of *Deuteronomy*, a testimony borne by a single witness is not a *true* testimony [*nie jest prawdziwym świadectwem, non è una vera testimonianza*].

1.2.1. Ad [4.]: The subject of example [4.] (‘The horseshoe crab is not a true crab’) is *the horseshoe crab* (an animal), which is clearly *not* a *dictum*.

Truth that is referred to a crab in example [4.] is *not*, evidently, *de-dicto-truth*.

The statement: “The horseshoe crab is not a true crab” means that entities (*res*) named “horseshoe crabs” are not conformable to the concept of “crab”: they don’t fit the zoological type: “crab”.

In other words, horseshoe crabs lack at least one property which is an *eidetic property* of the concept of “crab”.⁴

So, in this example, it is not a *dictum* that isn’t true, it is a *res* (the horseshoe crab), that is not true: the horseshoe crab is not a *de-re-true* crab.

1.2.2. Ad [5.]: Also in example [5.] (‘A tautological statement is not a *true* statement’), contrary to appearance, it is *not* a *dictum* that truth is referred to.

³ The horseshoe crab (scientific name: *Limulus polyphemus*; common name in Polish: *Skrzyptocz*; common names in Italian: *limulo* or *granchio reale*), despite its common name in English, is more closely related to spiders, ticks, and scorpions than to crabs [*kraby; granchi*].

⁴ There is an idiom in English which is composed with the adjective ‘true’ and the substantive ‘type’: ‘true-to-type’. Here is an example drawn from the *Oxford English Dictionary*: “This was indeed a true-to-type Devon: a good, compact animal with nice fleshing and conformation.”

The *dictum* (the proposition), indeed, of a tautological statement is necessarily *de-dicto-true*.

Nonetheless, a tautological statement is *not* a true statement.

Since a tautological statement does not state anything informative (right because its *dictum* is *necessarily de-dicto-true*), a tautological statement is not consistent with the function implied in the concept of “statement”: it is not a *de-re-true* statement.

1.2.3. Ad [6.]: Not even in example [6.] (‘According to the ancient Jewish law of *Deuteronomy*, a testimony borne by a single witness is not a *true* testimony’), contrary to appearance, it is a *dictum* that truth is referred to.

The *dictum* (the proposition) of a testimony borne by a single witness is not, *eo ipso*, *de-dicto-false*; it may as well be *de-dicto-true*.

Nonetheless, the *res* (the *actus*): “act of bearing a testimony by a single witness” is *not*, according to the *Deutoronomy*, a *de-re-true* testimony: it is not conformable to (it doesn’t fit) the *type of act* considered by ancient Jewish law: “bearing a testimony”.

More precisely, in this case the act of bearing a testimony by a single witness does not fulfil a *necessary validity condition* of the (legal) type of act: “bearing a testimony”: it is not a *valid* act of bearing a testimony, according to ancient Jewish law of *Deutoronomy*.⁵

2. *De-dicto-truth* of norms.

In § 1. (De-dicto-truth vs. de-re-truth) I examined the distinction between *de-dicto-truth* and *de-re-truth*.

In what sense of ‘true’ it is often maintained that norms are *not* capable of being *true* or *false*?

Evidently, the (negative) thesis that norms are *not* capable of being *true* or *false*, is a thesis about *de-dicto-truth* of norms: norms are not capable of being *de-dicto-true* or *de-dicto-false*.

De-dicto-truth, as well as *de-dicto-falsehood*, are *not* suitable predicates for norms.

But this (negative) thesis, that norms are not capable of being *de-dicto-true* or *de-dicto-false*, is *not* universally accepted: this negative thesis has been questioned, for instance, by Jerzy (*vel* Georges) Kalinowski, and by Amedeo G. Conte.

2.1. Jerzy Kalinowski’s theory of *de-dicto-truth* of norms.

2.1.1. According to the Polish logician and philosopher Jerzy (*vel* Georges) Kalinowski [Lublin 1916-Buis-les-Baronnies 2000], both *de-dicto-truth* and *de-dicto-falsehood* are possible predicates of norms (of norms understood as prescriptive deontic sentences).

Norms are *de-dicto-true*, or *de-dicto-false*, depending on their relationship to a pre-existing *deontic reality* [*rzeczywistość deontyczna*]:

⁵ While still being consistent with the *intension* of the expression ‘bearing a testimony’, the act of bearing a testimony by a single person is not part of the *extension* of the phrase ‘(validly) bearing a testimony’ as determined by an anankastic-constitutive rule of ancient Jewish law (cfr. Amedeo G. Conte, *Regola eidetico-costitutiva* vs. *regola anankastico-costitutiva*, 2007.)

- (i) a norm (a prescriptive deontic sentence) is *de-dicto-true* if, and only if, it is in a correspondence relationship with deontic reality;
- (ii) a norm is, on the contrary, *de-dicto-false* if, and only if, it is *not* in a correspondence relationship with deontic reality.

2.1.2. Kalinowski's theory of *de-dicto-truth* (and *de-dicto-falsehood*) of norms has a strong ontological presupposition: the existence of a "deontic reality" [*rzeczywistość deontyczna*], which pre-exists to norms, and which subsists in itself.

The criterion of *de-dicto-truth* of norms is, in Kalinowski's theory, this pre-existing deontic reality.

It is by comparison to this pre-existing deontic reality that a norm can be told either *de-dicto-true* or *de-dicto-false*.⁶

2.2. Amedeo G. Conte's theory of *de-dicto-truth* of norms.

2.2.1. Yet, *not every* theory of *de-dicto-truth* of norms presupposes the existence of a deontic reality which pre-exists to norms, and which subsists in itself.

A theory of *de-dicto-truth* of norms which does *not* presuppose the existence of a deontic reality which *pre-exists* to norms, and which subsists in itself, is envisaged, for instance, by Amedeo G. Conte.

2.2.2. According to Conte's theory, it is *not* in virtue of a correspondence relationship to a *pre-existing* deontic reality that a norm (a prescriptive deontic sentence) is *de-dicto-true*; norms (understood as prescriptive deontic sentences) are, in fact, *auto-verifying* sentences.

The performative utterance of a prescriptive deontic sentence, indeed, thetically produces the deontic state-of-affairs which the sentence itself refers to.

According to Conte's theory, then, a norm (a prescriptive deontic sentence) is *necessarily de-dicto-true*: it is *necessarily de-dicto-true*, because it is *necessarily* in a correspondence relationship exactly with the *deontic status* (the deontic *state of affairs*) that is thetically constituted through the (thetical) performative utterance of the prescriptive deontic sentence itself.⁷

3. A *de re* presupposition of theories of *de-dicto-truth* of norms.

3.1. In § 2. (De-dicto-truth of norms), I examined two different theories of *de-dicto-truth* of norms.

⁶ A different example of a theory of *de-dicto-truth* of norms (of deontic truth), which does *not* presuppose the existence of a deontic reality, is envisaged by Amedeo G. Conte (cfr. Amedeo G. Conte, *Minima deontica*, 1988).

⁷ In other words: since the thetical performative utterance of a prescriptive deontic sentence (thetically) produces the deontic *status* (the deontic state-of-affairs) which the deontic sentence refers to, it also determines the *de-dicto-truth* of the prescriptive deontic sentence itself.

Conte's theory has a paradoxical outcome: since prescriptive deontic sentences are auto-verifying sentences, they *necessarily* are *de-dicto-true*; they *cannot* be *de-dicto-false*.

Even if Kalinowski's theory and Conte's theory of *de-dicto-truth* of norms differ from each other, still both these theories (as well as any other theory of *de-dicto-truth* of norms) have a common *de re* presupposition: the presupposition that norms are (in one of the possible meanings of the word 'norm' at least) *dicta*.

Only a *dictum* indeed is, by definition, capable of being *de-dicto-true* (or *de-dicto-false*).

3.2. Yet, the thesis that norms are *dicta* has been frequently denied.

The thesis that norms are *dicta* has been denied, for instance, by the German sociologist Theodor Geiger [München 1891-Atlantic Ocean 1952], in his theory of subsistent norm [*subsistente Norm*], as opposed to deontic sentence [*Normsatz*].⁸

According to Geiger, a deontic sentence [a *Normsatz*] is *not* a (*de-re-*)*true* norm.

On the one side, indeed, a *Norm* (which is not a *Normsatz*) may exist (may subsist) independently of any *Normsatz*.

In Geiger's words:

Die Norm selbst auch ohne sprachliche Hülle des Satzes bestehen kann.

The norm [*Norm*] may subsist even without the linguistic coating of a deontic sentence [*Normsatz*].

On the other side, a *Normsatz* (a deontic sentence) may exist without giving rise to any *subsistente Norm* (to any subsistent norm).

3.3. In other words: a *Normsatz* (a deontic sentence) is neither a *necessary*, nor a *sufficient* condition for the existence (for the subsistence) of a *Norm*.

According to Geiger, then, deontic sentences [*Normsätze*] are *not de-re-true* norms; only *subsistente Normen* are (*de-re-*)*true* norms [*normy prawdziwe (de re)*].

⁸ Cfr. Theodor Geiger, *Vorstudien zu einer Soziologie des Rechts*, 1947.

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