

Review of David Owens – *Shaping the Normative Landscape* and Joshua Gert – *Normative Bedrock* by Allan Gibbard

Sometimes, as a child, I won games I played. Once, a playmate proposed a contest to see who could hit the other the most softly. I hit him with amazing delicacy, thinking he couldn't possibly beat that. He slugged my arm and announced triumphantly, "I lose". Somehow, even though my victory was by such a wide margin, I don't remember it with feelings of gratification. Can I perhaps compensate for my dismay long ago by gaining philosophical insight? Obviously, my playmate wasn't playing the game in earnest, but was he lying when he said "I lose"? If you agree to a game, you count as being in the game - winning or losing by its rules - whether you take it seriously or not. I did win, even if it didn't matter and I lost something by winning that way. Or so we might think.

David Owens's *Shaping the Normative Landscape* isn't about games and winning, but it raises some of these same questions. It is about promises, and other ways we control what we must do. On a view that predominates among philosophers, we make promises so that people can depend on us for what we say we will do. I can borrow money from a stranger only on the assurance that I will repay it. Owens, however, argues that this whole direction of thinking is wrong. True enough, we often do promise in order to give assurance, but promises have another, more crucial and defining function: to grant what Owens calls a "normative power". When I promise to pay you back, I give you a right: the right is to be repaid unless you release me. Borrowing accomplishes this, whether or not you expect me to pay you back.

Owens's many examples convince me that this really is how we understand promises. My neighbour, he imagines, proudly washes his fine car each weekend, whereas I leave the Jalopy I park alongside it unwashed. He badgers me to promise I will wash my car, and in exasperation I finally exclaim, "OK, I promise - but don't expect that I'm going to keep that promise". He has, then, no assurance that I will wash my car. Still, a promise is a promise; and I have promised. Having promised, I now wrong him if I don't wash my car - unless he releases me, which he won't.

Why is the empty right - the "normative power" - my neighbour acquires of any use to him if no assurance goes with it, any more than the status of winning was any use to me in my childhood contest? Owens has answers: the car-washer gains the moral high ground, and I show contempt for his obsession. Still, this might seem peculiar. Why would normative powers matter apart from what we do with them - any more than winning a game matters where my opponent's aim is not to keep me from winning? Owens's central answer is that we have an interest in normative powers for their own sake. One example is the power to consent to sex. Raping a woman wrongs her, independently of the fact that she did not desire it, and independently of the psychological harm it causes. (The same applies, of course, if the victim is male.) Owens calls such an action a "bare wronging", defining this as "an action which is a wronging but not in virtue of its being an action against any human interest". Owens works to persuade us that it makes sense to care not only about palpable harms, but about bare wronging and other matters of pure normative status. His hope is that we readers won't find that we can deny this when we think through his examples and the system he erects. Normative status doesn't exist apart from social happenings, he agrees: "Breach of promise, disloyalty in friendship, and even rape (in abstraction from the harm it causes) constitute wrongs only against a background of social convention". Rights and other matters of normative status, moreover, do us no good unless they are recognized. Still, central to

Owens's book is the claim that a normative status can matter even apart from the good its recognition fosters. Not all acts are for goods, and some of our interests are purely normative.

The term "normative" wasn't much used by philosophers when I first encountered the field half a century ago. The term has many different meanings, but often it applies to what is "ought-like" or involves reasons to do things, where these are contrasted with the mere causes that explain our doing what we do. Ethics is a normative subject matter, and so are parts of epistemology: those parts that concern what we ought to believe in light of our evidence. Talk of rights and obligations is normative when it isn't just a sociological description of (say) what will get people upset, but when it expresses standards. The sociological fact that slaveholders believed that we ought to return escaped slaves isn't normative, but their claim that we ought to do so is. David Hume urges us to scrutinize the way "is" turns to "ought" in moral treatises, and suggests that "this small attention would subvert all the vulgar systems of morality". We "shape the normative landscape", in Owens's phrase, when we act to create rights or to waive them. With consent to sex, for instance, in many cases an act that would otherwise wrong a person no longer does so.

Are there really such things as normative states of affairs? Owens takes it for granted that there are, and leaves explaining how this could be to other philosophers or other occasions.

Joshua Gert's *Normative Bedrock*, by contrast, explicitly sets out to "demystify the normative". Whereas Owens examines rights that stem from refined social practices like promising and consent, Gert is asking what concepts most basically underlie such normative terrain.

Most basic, he says, is irrationality. It is irrational to undergo torment for no gain; but how shall we explain what this means? To be irrational, he proposes, is to come across as unintelligible.

We can't see why a person would deliberately bring about torment without its achieving something worthwhile. The concept of irrationality, Gert proposes, like the concept red, depends on a human response. In philosophers' jargon, it is "response-dependent". In the case of red, the response in question is the familiar experience of seeing a thing as red. To say that redness is response-dependent is to explain redness in terms of this kind of experience. What, then, is our special response to acts we find irrational? A kind of puzzlement, Gert answers. He labels this "goal puzzlement".

Even babies, psychologists find, keep track of apparent purposes. Interpreting actions by their goals is a crucial way human beings engage with the animate world. Normally the cognitive processes involved are quick and automatic. When they are stymied, our response is this special kind of puzzlement. Much as red things are the ones we see as red, irrational actions are the ones that trigger this kind of puzzlement.

Response-dependence has been at the centre of much discussion of normative concepts in recent decades, but understanding the response in terms of goal puzzlement is Gert's distinctive contribution, as far as I know. What is novel isn't the idea of irrationality as unintelligibility, but rather the framing of this idea in terms of the jamming up of our quick interpretative apparatus for understanding action. Gert has a fresh and promising idea, and he develops it in intriguing ways.

Does it succeed? Rationality can't be the same as intelligibility, I have long thought, for some kinds of irrationality are all too intelligible.

Economists reject the "sunk cost fallacy": it is irrational, they insist, to finish a project such as building a bridge just because we have already put so much into it. It is irrational to finish something when the costs of finishing exceed the benefits. Recouping sunk costs, though, is intelligible. Our interpretive apparatus has no great trouble with it. In decrying the sunk cost fallacy, orthodox economists aren't calling such familiar thinking unintelligible; they are, in some way, recommending against it.

Gert, however, specifies that he is after a different concept. He is asking about rationality in the sense in which rationality is what is needed for such things as moral responsibility and competent consent. Rationality in this sense is what we lose with mental illness, but something we still have when our thinking and choices fall short of ideal. It is rationality in this sense, Gert says, whose absence gives rise to a kind of unintelligibility. It is not that we can never understand irrational acts. With the mentally ill, we may still have ways of understanding their behaviour, but these ways have to be conscious and elaborate. Daniel Kahnemann and others argue for a "dual process theory", contrasting "thinking fast and slow". When we respond to an action as irrational, Gert tells us, our fast, smooth, automatic processes of interpreting action run aground, and we must engage slower, effortful processes.

Can explaining irrationality in this sense demystify the normative, and thereby solve Hume's problem of how to get from "is" to "ought"? Gert's hope is to use his concept of irrationality as the crucial ingredient of other normative concepts. Some philosophers start with the concept of a normative reason, a reason to do or think something. Economists say that sunk costs are by themselves no reason to complete a project. Gert proposes explaining this concept of a reason via his basic concept of rationality as intelligibility. A reason, he proposes, is a consideration that could make rational what, apart from it, would not be rational. For instance, it would not be rational to suffer at the dentist's except to prevent pain later; hence, the fact that an act might prevent later agony can be a reason. This leads us back, though, to my earlier worry: sunk costs can make an action intelligible, but not, in the economists' sense, rational. Whether rationality in this sense can be explained with Gert's materials remains to be seen.

Isn't there a sense of intelligibility, though, in which doing what there's no reason to do counts as unintelligible just because there's no good reason to do it? Headhunters take heads for sheer glory, but glory by itself, we say, is no reason to kill a man. Does that make glorykilling unintelligible? It will seem unintelligible to us, to be sure, until we can envision what it's like to experience killing innocents as glorious and not feel a sense of dissonance. Once we do envisage what this would be like, however, we can find the motive intelligible; we can understand what it's like to see such glory as reason to kill. Still, we won't think that such putative glory genuinely constitutes a reason to kill. If this motive is still unintelligible, it's in the sense that it's doing what there's no reason to do - and we won't be able to define a "reason" non-circularly in terms of intelligibility in this sense.

Is there a unified subject "normativity" that these books examine parts of? Does Gert's normative bedrock underlie Owens's normative landscape? Owens deals with rights; Gert with intelligibility. Other writers ground normativity on reasons to do things, "reasons in the standard normative sense". This, we might hope, is the notion that can unify diverse aspects of the normative, the "ought" side of Hume's "is" and "ought". Neither Gert's intelligibility

nor Owens's rights, though, can be rendered easily in terms of reasons in this sense. That's not David Owens's problem, though, and it's not centrally Joshua Gert's. Rationality in the sense Gert aims at is significant, whether or not it does everything he wants it to do.

Both books are models of philosophy as a cumulative enterprise that builds originally on what has been done before. Each changes one's view of an important subject.