Normative Powers

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Do We Have Normative Powers?

'Normative powers' are capacities to create normative reasons by our willing or say-so. They are significant, because if we have them and exercise them, then sometimes the reasons we have are 'up to us'. But such powers seem mysterious. How can we, by willing, create reasons? In this paper, I examine whether normative powers can be adequately explained normatively, by appeal to norms of a practice, normative principles, human interests, or values. Can normative explanations of normative powers explain how an exercise of the will can afford us special freedom in determining our reasons? I argue that normative approaches to answering this question prove to be inadequate. To vindicate the thought that normative powers can make our reasons 'up to us', we need an altogether different approach to understanding them, one that is located not in the normative but in the metaphysical. I end the paper by sketching a metaphysical explanation of normative powers. This metaphysical defence of normative powers provides a window into a different, more agent-centered way of thinking about rational agency.

Do we have normative powers? Can we create reasons as a matter of will or our say-so? Normative powers are significant, at least in part, because if by willing something we can create reasons, then our reasons are sometimes 'up to us'. But how could this be?

Promising, consenting and forgiving are thought to be paradigmatic examples of such powers; by promising to wash my car, it seems that you create a normative reason that binds you to do so. Whether you have a reason to wash my car, then, seems 'up to you'. But such powers seem mysterious. How can your will bind you to do something that you might otherwise have no reason to do?

In this paper, I examine whether there are adequate *normative* explanations of our normative powers. By appeal to norms of a practice, normative principles, human interests, or values, can we explain how an exercise of the will can generate reasons in a way that affords us distinctive freedom in determining our reasons? Can a normative explanation of normative powers show us how, by exercising such powers, our reasons can be 'up to us'? As I will

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argue, normative approaches to answering these questions prove to be inadequate. To vindicate the thought that normative powers can afford us some distinctive freedom in determining our reasons, we need an altogether different approach to understanding our normative powers, one that is located not in the normative but in the metaphysical. I end the paper by sketching a *metaphysical* explanation of normative powers. This metaphysical defence provides a window into a different, more agent-centred way of thinking about rational agency.

I

But first we need to get clearer on the idea of a normative power. Since 'normative power' is a philosophers' term of art, fixing features will be a largely stipulative matter, although the plausibility of any proposed features will be constrained by the philosophical idea of our 'creating reasons through an act of will'.

Philosophers interested in 'normative powers' have a variety of agendas, and my aim is not to address them all. Instead, I focus on what I take to be the most interesting and difficult issue concerning normative powers, namely, how their exercise gives us a special freedom to determine the reasons we have. I will assume that any successful explanation of normative powers must explain the sense in which the reasons they can generate are 'up to us', although it is not always clear that this is what others who have written on the topic have had in mind. Although explaining this sense of freedom is no easy task, there is a clear constraint. If the exercise of a normative power generates reasons in just the way that, say, a boulder falling onto a pathway generates a reason to swerve, or punching someone in the nose generates a reason to make amends, then it would not be the exercise of a normative power as I am understanding it. Genuine normative powers create reasons in a way that is distinct from the way in which reasons are typically generated by happenings in the world.[1] Our question is whether such powers can be explained *normatively*.

By hypothesis, the exercise of a normative power necessarily involves a willing, sometimes referred to as our 'say-so'.[2] Must this

[1] Thus disagreement over exactly how ordinary doings generate reasons is not relevant here.

[2] Some have suggested that the exercise of a normative power is an *intention* that something happens (Hurd 1996). The problems with thinking that intentions generate reasons are, however, to my mind insurmountable (see Bratman 1999).

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willing be communicated, that is, must there be expression of one's will and uptake by another? Some putative examples of normative powers, such as promising and consenting, seem to require communication of one's will. If *A* says to *B*, 'I promise to wash your car tomorrow', *A* expresses her will to be bound by a reason to wash *B*'s car tomorrow and is thereby bound to do so, provided that *B* understands what *A* is up to. *A* could not succeed in transferring her right to control what she does tomorrow to *B* without communicating her will (Thomson 1990). But other putative cases of normative powers suggest that communication is not necessary. On your deathbed, alone in a hospital room, you might privately forgive an enemy, perhaps now dead, who wronged you years ago, and thereby create for yourself a reason to regard him in a different light. Your forgiveness involves no expression of your will or uptake by another; it is just a private willing that changes your reasons. You can successfully forgive all by yourself.

That some putative normative powers require communication of the will and others do not might suggest that normative powers are held together only by a family resemblance, and that no unified account is possible. Or perhaps it is a mistake to think that forgiving and other putative powers that require no communication are genuine normative powers. As we will see in due course, we can have a unified account of normative powers, and normative powers are capacities that create reasons without any need for communication.

When we exercise a normative power, we *will* something. But what, exactly, do we will? I suggest, as a first cut, that when we exercise a normative power, we will *that things be thus and so, by way of that very willing*.

Two things to note. First, 'that things be thus and so' includes a variety of possibilities: that an event comes to pass (that my car gets washed); that a particular agent *does* something (that you wash my car); that there is a *normative* change (that something is a reason for you to wash my car, that I now have a claim on you to wash my car, that you no longer have a right not to wash my car, etc.); and so on. As we will see later, a plausible understanding of normative powers involves willing something normative.

Second, the willing is reflexive: what you will is that things be thus and so by way of that willing; you will, for example, that you have a reason to wash my car by way of that very willing, not by way of some other state in the world, such as a law that requires all

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cars be clean, or your desire that my car be clean. Note that the reflexivity is part of the content of what is willed, not an explanation of how willing can create reasons.

Now not all reflexive willings that things be thus and so are exercises of normative powers. You might will that your arm move by way of that very willing, but that is no exercise of a normative power. For a willing to count as an exercise of a normative power, certain further conditions must hold. Perhaps the willing must be part of a promise or a granting of consent, for example. Or perhaps the additional conditions are very general, such as that one's other reasons must stand in certain relations. For now, to cover the variety of conditions that might hold, we can add the catch-all condition that the reflexive willing be 'appropriate'.

In sum, we can roughly characterize a normative power as *an appropriate, reflexive willing that things be thus and so, which thereby creates reasons that are up to us*. This gloss leaves many unanswered questions. But it does a twofold job. It encompasses most of an unwieldy array of diverse phenomena that philosophers have regarded as normative powers. And it provides a relatively neutral starting point from which we can explore our question: how does an exercise of a normative power create reasons? It is this question that lies at the heart of the apparent mystery surrounding such powers.

II

How do normative powers create reasons, if they do? I consider four possible normative answers to this question that appeal respectively to (i) mere norms, rules, or standards constitutive of a practice; (ii) normative principles or truths; (iii) human interests; and (iv) values, broadly understood to include not only forms of excellence but rights, obligations, duties, and other deontological goods. As we will see, none of these normative explanations accounts for how, when we exercise our normative powers, our reasons can be 'up to us'. Normative approaches to explaining our normative powers, then, fall short in accounting for what seems distinctively interesting about normative powers, namely, that their exercise affords us a special freedom in determining the reasons we have.

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(i) *Norms, Rules, and Standards Constitutive of a Practice*. Many putative normative powers are embedded in social practices. You have the capacity to marry by saying 'I do', which thereby gives you certain rights and privileges, and the capacity to become a citizen by swearing an oath, which thereby gives you the right to vote (Hart 1961; Raz 1972). Some have even suggested that all valid laws are generated by the exercise of normative powers that are explained by a system of norms, rules, and standards constitutive of a legal practice (Kopcke 2019; see also Raz 1990). Perhaps norms of the practice of promising, for example, explain how, by promising to Φ, you can create a reason to Φ.

But norms of a practice cannot themselves explain how an exercise of normative powers generates normative reasons. This is because mere norms, unless they are themselves justified or justified indirectly through the practice they constitute, cannot generate normative reasons. It is a norm among the social practice of murderous thieves that one does not rat out one's co-conspirators, and a norm of torture that one inspire fear through the use of power tools. These norms do not generate normative reasons to keep silent or to reach for a chainsaw.

In so far as norms appear to generate reasons, they do so indirectly, via underlying normative principles or values. It is a norm of the practice of promising, for example, that if, under the right conditions, you say 'I promise to Φ', then you have a reason to Φ. But understood as a mere norm, it cannot generate any reason to Φ unless it is justified by an underlying normative principle, such as 'If, under the right conditions, you say "I promise to Φ", then you have a reason to Φ'. A normative principle expresses a normative truth, while a mere norm expresses a rule of a convention or practice, and may itself not be normatively justified.

The thought that mere norms cannot explain our normative powers is widely accepted. Joseph Raz, for instance, maintains that norms of a practice cannot explain how normative powers generate reasons unless the practice is itself all-things-considered desirable (Raz 1990, MS); Scott Shapiro notes that norms of conventions can explain normative powers only if those conventions are legitimate (Shapiro 2002); and Maris Kopcke argues that legal powers that generate valid laws constitute a 'technique' for achieving what you want, but only within the constraints of justice (Kopcke 2019). It is

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not norms, but underlying normative truths that can explain how exercises of normative powers generate reasons.

(ii) *Normative Principles*. Neil MacCormick (1972) explains how the normative power to promise can generate reasons by appealing to a normative principle according to which the expectations and reliance you induce in your promisee obligate you to do what you promised to do.[3] If you promise to Φ, then you generate a reason to Φ, because there is a normative principle according to which, under the right conditions, promising to Φ entails that you have a reason to Φ. Exercises of normative powers generate reasons because normative principles make it so.

Consider, as a simple form of normative principle:

PRINCIPLE X: If ______, then *S* has a *pro tanto* reason to Φ.

The antecedent specifies the conditions that must hold in order for the consequent to follow. Φ specifies some action or judgement-sensitive attitude. We can leave the meaning of the conditional open—perhaps the *pro tanto* reason follows by 'normative entailment'.

Exercises of normative powers can fulfil the antecedents of such principles. If you will to bind yourself to wash my car by promising to do so, then you have a *pro tanto* reason to do so. By exercising your normative power to promise, you 'trigger' a normative principle already there, as it were, awaiting successful completion of its antecedent conditions so that its consequent follows. A simple such principle (without bells and whistles) might be: 'If, under the right conditions, you promise to Φ, then you have a *pro tanto* reason to Φ'. It is easy to see that normative principles can provide tidy explanations of how exercising our normative powers can generate reasons.

The problem, however, is that such an explanation does not succeed in showing how the exercise of our normative powers affords us any distinctive freedom in determining our reasons. There are many sorts of doings besides reflexive willing that fulfil the antecedent conditions of normative principles. If you punch someone in the nose, you have a *pro tanto* reason to make amends. But you have

[3] But see Raz (1972) for compelling arguments that reliance is neither necessary nor sufficient for one to obligate oneself by a promise.

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that reason in just the way you have a reason to swerve if a boulder falls in your path. You have a reason to swerve because there is a normative principle according to which if a boulder falls into your path, you have a reason to swerve. And you have a reason to make amends because there is a normative principle according to which if you punch someone in the nose, you have a reason to make amends. Normative principles explain how, in the ordinary course of navigating life, things in the world, whether passive like falling boulders or active like punchings in the nose, can generate reasons. As such, they fail to show how exercises of normative powers can make the reasons they generate *distinctively* up to us.

But this conclusion may be too quick. Even if the principles that explain how willing can generate reasons have the same logical form as principles that explain how falling boulders can generate reasons, there may be other differences—other 'freedoms' afforded us by putative normative powers—that justify our thinking that such powers explained by normative principles are *genuine* powers, that is, powers whose exercise make our reasons up to us.

Four possible freedoms suggest themselves. First, when we exercise a normative power, we *will* that things be thus and so, and the very act of willing is up to us. Second, we can choose *what* to will, and thus choose *which* reasons to generate by our willing. Third, it could be the fact that our mere say-so generates reasons that accounts for our special freedom. It is surely a special freedom that just by expressing our will, we can generate a reason. And finally, normative powers seem to expand the range of things we could have reasons to do; indeed, by exercising our power, we can generate a reason to do something we might not otherwise have any reason to do. Perhaps in one or all of these ways normative powers give us a special freedom in determining our reasons.

The free play we have in willing and in what to will, however, do not make the reasons generated by the exercise of normative powers up to us. This is because these two freedoms are the same freedoms we have when we engage in ordinary intentional action that satisfies the antecedent of a conditional normative principle. Suppose you promise to wash my car. The freedom you have to make such a promise is the same freedom you have to punch me in the nose—it is the freedom to undertake intentional action. The same goes for the freedom you have over what you will. You can choose to promise to wash my car or choose to promise to take me to lunch—it's 'up

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to you'. But the way it is up to you is the same as the way it is up to you to punch me in the nose, to have a child, to enter the New York City Marathon, and so on. You are free to choose whether to trigger a normative principle according to which you should make amends by punching me in the nose *or* to trigger a principle according to which you should start exercising by entering the New York City Marathon. In just the same way, you have the freedom to choose whether to trigger a normative principle according to which you have a reason to wash my car by choosing to promise to wash my car *or* to trigger a principle according to which you have a reason to take me to lunch by choosing to promise to take me to lunch. You are free to generate one reason than another in the same way—by choosing to do this rather than that. The point here is that *which* reasons you generate by exercising a normative power is not up to you; your reasons are determined by the normative principle that explains how your willing can generate reasons. You get to choose which principle to trigger, and thus, indirectly, which reasons you generate, but this freedom is not distinctive of exercises of normative powers.

It may seem that being able to generate reasons as a matter of our say-so is a special power. But this won't do; many of our sayings-so generate reasons, but not in any special way. I might unleash upon you a deluge of gratuitous insults, thereby generating reasons for you to avoid me and for me to apologize, but these reasons are generated in a perfectly ordinary way. Cursing is not a normative power.

What about the expanded range of possible things we may have reason to do if we have normative powers? As you sit in your armchair reading this paper, you have no reason to wash my car right now. But if you have the normative power to promise, you could, by reflexively willing to bind yourself to wash my car right now, give yourself a reason to do so. Without the normative power, you could continue to read this paper, walk the dog, donate to a COVID-19 relief fund, and so on. Having the normative power to promise expands your range of options—you could now choose to (have reason to) wash my car or any number of things you could promise to do. Perhaps this is how normative powers explained by normative principles generate reasons that are 'up to us'.

But does having normative powers expand our options in a distinctive way? You could get up from your armchair and come over and punch

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me in the nose. That would give you a whole new range of options you didn't have before, such as apologizing, getting me an ice pack, rushing me to the hospital, paying for my rhinoplasty. Or you could procreate with your lover, giving yourself many choices you didn't have before, like all the different ways of preparing for the arrival of a baby. Is promising to wash my car any different? One way it is manifestly different is that promising is *easy*. After all, it is just a matter of willing something and securing uptake. As we have seen, however, willing is not more free than any other intentional action. And although ease of performing an action involves a kind of freedom, it is too trivial to be the kind that could make our reasons 'up to us'. I don't pretend to have exhausted all the possible varieties of freedom that could be attributed to our having normative powers, but I believe that the main ones, considered above, leave any remaining freedoms sufficiently recherché so as to be poor candidates for explaining how exercise of our normative powers give us special freedom over our reasons.

Thus, although normative powers involve some varieties of freedom, none of them does what is needed to explain how their exercise makes our reasons distinctively up to us. Given that explanations of normative powers in terms of normative principles readily explain how exercises of such powers can generate reasons in the ordinary way, we might go one step further and conclude there is no need to regard them as powers at all. Thomas Scanlon (1998) famously argues that promising gives rise to reasons according to a principle of fidelity that no one can reasonably reject in just the way other doings give rise to reasons by way of contractualist principles. There is no need to elevate promising and the like to the special status of being normative powers if how they generate reasons can be explained by normative principles.[4]

[4] Accounts of promising in terms of *values* may also dispense with the need to treat promising as a normative power. See, for instance, Kimmel (2003), which explains how promising gives rise to reasons by appeal to the value of trust that is engendered by the practice. Gary Watson (2009) argues that a Scanlonian deflationary account of how promising gives rise to reasons (which could be extended to other accounts like Kimmel's) does not succeed in doing away with normative powers, because contractualist normative principles presuppose them: '[P]romissory obligations cannot be comprehended independently of a grasp of ourselves as standing in general moral relations' and 'promissory power is inherent in the kind of moral standing we have in mind when we speak of ourselves as autonomous beings ...' (Watson 2009, p. 165). I am not sure, however, whether contractualist principles presuppose that we have normative powers. We might explain our moral standing as agents who can make and receive promises in terms of our intrinsic value, for instance, which would not obviously require an appeal to our having normative powers. Others have raised other objections to Scanlon's principle of fidelity (see Gilbert 2004), but since our concern is with

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(iii) *Human Interests*. David Owens (2012) offers an account of normative powers in terms of 'human interests'. Owens argues that we can explain how normative powers, such as the power to promise, generate reasons by appealing to the 'human interests' served by our having such powers. We can explain our power to promise by appeal to our 'authority interest', our interest in 'having the right to oblige others to do certain things' (Owens 2012, p. 146). By promising to do something, we can generate reasons because, given our authority interest, it 'makes sense' that we have such a power.

Particular exercises of normative powers, however, need not serve any human interest. Suppose you promise to wash my car. You thereby have a reason to wash my car. But having the power to promise to wash my car, having a reason to wash my car, and indeed washing my car may serve no human interest whatsoever. Although a normative power generates reasons because having the power serves a human interest, a particular token exercise of that power generates reasons only because it is a token of a type of power that serves human interests. Your promise to wash my car generates a reason to wash my car only because it is a token exercise of such a normative power.

Owens implicitly assumes that human interests are *evaluatively laden*; only interests that are good or valuable can explain our normative powers. Arguably, it is a human interest to get ahead of one's neighbours, to be 'top dog' among one's community of peers. A power to bind ourselves by reasons that frustrate our neighbours' pursuits would 'make sense' and serve this interest. But clearly we have no such power. Owens seems to recognize the problem, and restricts the 'human interests' that can explain normative powers to those that derive from the value of individual well-being.[5] It is only human interests that are intrinsically valuable as part of a flourishing life that can explain and make sense of our normative powers. Top-dog interests are not included. If 'human interests' include only interests that constitute a good life, then the value of well-being constrains particular exercises of such powers.

Once we make explicit that only human interests derived from the value of well-being are relevant to the story of our normative

the *role* normative principles might play in explaining how normative powers generate reasons, they need not detain us here.

[5] Owens confirmed this interpretation of his view at the Normative Powers conference in Oxford.

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powers, we shift the explanation of how normative powers can generate reasons from human interests, as such, to *values*, and in Owens's case, to the value of well-being. In this way, we might plausibly regard the 'human interests' explanation of our normative powers, not as an independent approach to explaining our powers, but as an instance of a 'values' approach. I will so treat it.

(iv) *Values*. There are two kinds of explanation of our normative powers in terms of values. The 'specific value' view maintains that the correct conception of a certain value, such as autonomy, moral standing, or individual well-being, is one according to which that value requires that we have normative powers by which we can generate reasons. Since we are autonomous, or have moral standing, or have decent lives, we have such powers. The 'general value' view, by contrast, maintains that it is all-things-considered good that we have normative powers by which we can generate reasons. The normative powers we have are those the having of which is all-things considered valuable. Since being rational is a matter of responding to value, so long as we are rational, we have normative powers. In both kinds of explanation, values supposedly explain how the exercise of a normative power gives rise to reasons. Our question is whether they do, and if they do, whether they explain how the reasons they generate are up to us.

(a) *Specific Values Entail Our Having Normative Powers*. Some have thought that if we understand values like autonomy or moral standing correctly, we will see that having those values entails having normative powers. Heidi Hurd writes, 'To have the ability to create and dispel rights and duties is what it means to be an autonomous moral agent. To respect persons as autonomous is to recognize them as the givers and takers of rights and duties. It is to conceive of them as very powerful moral magicians' (1996, p. 124). Seana Shiffrin says that 'if autonomous moral agency is possible, this power [to make promises and to consent] must be possible' (2008, p. 517) and that it would be 'implausible to posit that the right of autonomy must be understood [in a] way that ... would not include the powers necessary to become full agents and to help others become full agents who can recognize and be recognized by others in morally respectful and empowered ways' (2008, p. 520). Gary Watson urges that 'the values at stake in the possession of normative powers ... are integral

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to how we think of our moral standing' and that 'the power of self-determination is crucial to how we understand our status as moral agents' (2009, p. 165). Andrea Westlund writes that 'The promissory relation is of special value to us, and it is of special value to us because autonomous agents have an important interest in being empowered to take on the normative requirements that define it' (2013, p. 465), that 'autonomous agents have an interest … in having the [normative powers]' (p. 465), and that '…the peculiarity of normative powers … is to be met through the development of an autonomy-based justification for taking certain communicative acts as reason-giving' (pp. 467–8). In this volume, Victor Tadros suggests that deontic values can explain our normative powers (Tadros 2020). And we might interpret David Owens's (2006, 2012) 'human interests' view as the view that the value of individual well-being requires or is partly constituted by various human interests according to which our having normative powers to generate reasons makes sense. Part of what it is to have a good life, then, is to have the power to obligate others and in turn to be obligated ourselves, and normative powers derive from this value.

It is, I think, not ungenerous to say that establishing that the correct conception of amorphous values like autonomy, moral standing and well-being entail having normative powers is a tall order. The arguments for this approach to normative powers, then, should be understood as merely suggestive. The most interesting and rigorous such argument, to my mind, is Seana Shiffrin's (2008, 2012) 'transcendental' argument for normative powers. Shiffrin argues that (i) human relations are morally valuable, (ii) they could not have 'adequate moral value', and in particular, be autonomous, unless we had the normative power to promise, and therefore (iii) we have the normative power to promise.

This is an intriguing argument, but I find myself unsure whether morally valuable relationships require the capacity to make and to receive promises. I am reminded of a remark the late James Griffin made years ago when he was visiting at Rutgers: 'I haven't made a promise since I was twelve years old; I make *arrangements* with people.' I think Griffin's point was that morally valuable relationships do not require the *pro tanto* moral bindingness of making promises or the moral censure attached to breaking them; instead, we have valuable personal relationships through sharing values and practices that allow for the free flow of communicated arrangements. Do we

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really need to have the normative power to promise (or indeed to consent) in the course of friendships and loving relationships? Can we instead simply make shared arrangements with one another on the basis of mutual trust and other shared values, with no moral censure involved, as follows when we break a promise? Perhaps normative powers require taking too 'detached' a stance with respect to friends and lovers, so they are not only not required for, but are anathema to, morally valuable friendships and love relationships. We cannot go into the merits of the arguments here. Shiffrin herself demurs: 'I will not try to establish definitively that the power to conduct meaningful, equitable relationships is inherent in the capacities of an autonomous moral agent' (2008, p. 520).

For our purposes, we can simply note that arguments that purport to explain how exercises of normative powers generate reasons by appeal to specific values are incomplete; they do not explain how exercises of our normative powers make our reasons up to us. Indeed, in so far as autonomy, moral standing and well-being *do* explain how we have other reasons in an ordinary way, it is unclear how they can explain how exercises of normative powers involve special freedoms with regard to determining our reasons. The value of autonomy, for example, might explain why, as an autonomous being, you have a reason to avoid slavery. But we have yet to see how that reason is 'up to you' in any special way.

(b) *Having Normative Powers Is All-Things-Considered Good.* One advantage of appeal to a specific value, like autonomy, to explain our normative powers is that it is easier to suppose that we have a specific value, and thus that we have the normative powers that that value supposedly entails. If instead we try to explain our normative powers by saying that having them is all-things-considered good, it is more difficult to establish their existence. After all, we would have to show not only that having normative powers *is* all-things-considered good, but that we have them. The goodness of something does not entail its existence.

Joseph Raz embraces this oddity by declaring that the 'justification [of normative powers is] sufficient for their existence' (Raz MS, p. 2). Indeed, Raz thinks that the difference between exercises of normative powers (such as the legal power exercised when you sell your car), on the one hand, and doings that give rise to reasons in perfectly ordinary ways, that do not involve the exercise of normative

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powers (such as moving to a new town and acquiring tax liabilities), on the other, 'depends entirely on the justification for regarding such acts as effecting [the] normative changes' (Raz 1990, p. 102). The justification of normative powers establishes their existence, Raz maintains, because rational agency is a matter of responding to values. The all-things-considered goodness of our having normative powers, then, both justifies and entails the existence of such powers, on the condition that we are rational (Raz MS, p. 12).

Raz offers the following *definition* of a normative power: 'a person's act is an exercise of a normative power if it brings about or prevents a normative change because it is, all things considered, desirable that that person should be able to bring the change about or prevent it by performing that act' (Raz MS, p. 2).[6] Raz's idea is that we explain how the exercise of a normative power generates reasons by appeal to the all-things-considered goodness of our having such powers.

It is worth taking a small detour into Raz's account of normative powers, since it is both interesting and unusual as a defence of such powers. Raz notes that some powers include as part of their content other subsidiary, 'chained' powers. Suppose, for example, that the capacity to make laws is an unchained normative power that includes other powers to create socio-legal institutions, such as marriage, which themselves involve powers to generate reasons. The power to make laws includes many chained powers, such as the power to marry, make contracts, and bequeath property, and those chained powers derive from an 'original' unchained power.

Like unchained powers, the existence of a chained power is determined by its *justification*. However, chained powers are not justified by the fact that having them is all-things-considered valuable; having them may be of great disvalue. All that matters for their justification is that having the unchained power from which they derive is all-things-considered valuable. At the same time, the value of having the

[6] An earlier definition from Raz: 'An act is the exercise of a normative power if, and only if, it is recognized as effecting a normative change because, among other possible justifications, it is an act of a type such that it is reasonable to expect that, if recognized as effecting a normative change, acts of this type will be generally performed only if the persons concerned want to secure this normative change' (Raz 1990, p. 103). Other descriptions of normative powers by Raz tie the idea to exclusionary reasons so that normative powers never affect first-order reasons but only second-order ones: 'A normative power is an ability to affect exclusionary reasons which apply to one's own or to other people's action' (1990, p. 101). I consider only Raz's most recent thoughts about normative powers here.

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unchained power includes the value or disvalue of having its chained powers.

An example will help. Suppose that law-making is an 'original' unchained normative power; it is by hypothesis all-things-considered good that we have the power to make laws by exercises of the legislative will. Does the normative power to create laws include a chained power to marry? Suppose that having the power to marry would involve so much disvalue, whether intrinsically, instrumentally, or because it would be so often badly mistakenly exercised, that it would no longer be true that having the power to make laws, taking into account the exercises of its chained powers, is all-things-considered good. In this case, the power to marry would not be eligible as a chained power of the power to legislate. While exercises of a normative power—chained or unchained—may themselves be bad, there is a limit on how bad they can be if they are to belong to a system of normative powers that exists. A system of unchained and chained normative powers exists just in case having those powers, including their exercise, is all-things-considered good.

There are two questions we might raise about Raz's view. First, given that the existence condition of an unchained normative power is that having it, including its exercises, whether chained or unchained, is all-things-considered good, it is unclear whether anything will count as a normative power. Consider the power to promise. It seems possible that the power to promise could be exercised in so many abusive ways that it would not be true that having the power to promise, so understood, would be all-things-considered good. It is, at least, an open question whether any powers would satisfy Raz's condition.

The second question is epistemic. How could we ever determine whether a normative power exists? A normative power exists just in case it is all-things-considered good that we have the power. Having that power includes having various chained powers, if any, and the exercise of those powers—chained or unchained—might go very wrong, making it all-things-considered bad that we have those powers. The problem is that, as Raz himself appears to allow, we cannot know in advance how people will exercise their normative powers, and thus we cannot know in advance whether the exercise of normative powers will be all-things-considered good. If we cannot know this, we cannot know whether a given normative power exists.

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There is no doubt more to be said on these questions. For our purposes, we need only underscore that the normative powers that Raz defends are not genuine normative powers in our sense. He explicitly says that normative powers are not distinctive in the way they give rise to reasons, but in how they are justified. We have located the distinctiveness of normative powers in how their exercise gives us freedom over our reasons. Interestingly, Raz also thinks that the interest of normative powers has to do with the freedom they afford us. He writes, 'A loss [in not having normative powers] is of the value of having these powers in expanding the range of free choices that people have. Because the value of normative powers is, in part, in the ability to use them, in the ability to choose to use them or to choose not to use them, and not only in the consequences of those choices' (Raz MS, pp. 6–7). As we have argued, however, while normative powers may expand the range of choices available to us, they do so in just the way that capacities to punch people in the nose or to have children do so, and in this way the freedom they provide is not distinctive.

III

Four possible *normative* explanations of normative powers fail as explanations of *genuine* normative powers, that is, they fail to explain how the exercise of normative powers can make our reasons distinctively up to us. I will therefore tentatively conclude that *normative* explanations of normative powers are inadequate, and we should look elsewhere to try to understand them.

I suggest that we can gain insight into normative powers by seeking a *metaphysical* explanation of such powers. In the remainder of the paper, I sketch one such possible explanation and describe its upshot for rational agency.

But it would be remiss of me to leave dangling my discussion of the putative normative powers that are explained by the normative. In particular, it might be wondered, if normative powers explained by the normative are not genuine normative powers, that is, if their exercise does not make our reasons 'up to us', then why are they important? Why should we care about them?

My suspicion is that many of those who explain so-called normative powers in terms of something normative *do* think that the

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interest of these so-called normative powers is in the freedom they offer us in relation to our reasons. Raz appears to be one example, and my hunch is that those who appeal to autonomy have at least a neighbouring view of what is important about such putative powers. If my arguments are correct, however, the thought that so-called normative powers are special because they give us a distinctive freedom over our reasons is misguided. Or, more concessively, the freedom they provide is so recherché that it provides only weak motivation for interest in the phenomena. So-called normative powers are simply doings that happen to be reflexive willings, and which generate reasons in a perfectly ordinary way.

With respect to understanding how we may have special freedom over our reasons, then, so-called normative powers will not be of help. But they may be of independent philosophical interest. I suggest that so-called normative powers are interesting because they provide a novel way of defending 'split' frameworks of justification in normative theorizing. Rawls (1955, p. 3) famously made this framework perspicuous by highlighting 'the importance of the distinction between justifying a practice and justifying a particular action falling under it'. Rule utilitarianism provides the hoariest example: it is a mistake to think that utility directly determines the permissibility of every action; actions are deemed permissible, first, by their conformity to a rule that is, second, itself justified on utilitarian grounds. So-called normative powers may be new tools for resuscitating such frameworks. Actions you perform as a consequence of an exercise of your normative powers—such as washing my car—need not be straightforwardly, directly assessed by the value of your doing so. Instead, they could be assessed, first, in terms of whether they are the result of the exercise of a normative power (rule), which is, second, itself justified if it (or the power from which it is derived) meets certain conditions, such as being in accord with a normative principle or all-things-considered good. Moreover, in any 'split' theory, there is freedom in choosing what to do. You can do any of any number things that count as an exercise of your so-called powers, and, *ceteris paribus*, any of those actions will be supported by reasons. Of course, as we've seen, these freedoms are not special freedoms, but the same freedoms that theories like rule utilitarianism provide us with in the ordinary course of leading our lives. Although so-called normative powers do not help us explain how our reasons

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can be ‘up to us’, they may give rise to new ‘split’ theories of how to live, with a starring role given to normative powers.

IV

We began this paper with a general gloss on normative powers: exercises of normative powers are appropriate reflexive willings that things be thus and so, which generate reasons that are ‘up to us’. A metaphysical account of normative powers can now fill in the gaps that that this gloss left open.

I sketch the main features of ‘robust’ normative powers, which are to be distinguished from the so-called normative powers we have encountered so far. As we will see, robust normative powers are *genuine* normative powers; their exercise makes our reasons distinctively ‘up to us’.

Robust normative powers are capacities to reflexively will that some consideration be a reason, where that willing is that in virtue of which the consideration *is* a reason. The thus and so willed is *normative*; it is that something be a reason. And the reflexive willing is the *metaphysical ground* of the reason that the willing generates. By reflexively willing something to be a reason, you quite literally create a reason by providing its ground. When we reflexively will in this way, I say that we ‘commit’ to some consideration being a reason. Commitments, in this special technical sense, can ground normative reasons.[7] Thus, by committing to something being a reason, we *make* that consideration a reason by providing its ground.

A rough analogy and an example will help. First the analogy. Exercising robust normative powers—committing to some consideration being a reason—is akin to *stipulating* the meaning of an expression in a language. When you stipulate that ‘vallume’ means ‘beautiful light that is hidden’, you confer meaning on that expression as a matter of reflexive willing. You will that ‘vallume’ means ‘beautiful, hidden light’ by way of that very willing, and thereby make it the case that ‘vallume’ has that meaning. The meaning you confer is like ordinary dictionary meanings of non-stipulated words, in that if you use ‘vallume’ to mean something else, you have made a

[7] The commitments of interest are neither the thin commitments of intentions nor the thick commitments of moral undertakings that require uptake by another. See Chang (2009, 2013a, 2013b, 2017) for discussion of how commitments can create reasons.

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mistake—at least until you stipulate it to mean something else. 'Vallume' means 'beautiful, hidden light' in virtue of your stipulation; your stipulation creates its meaning. In a similar way, when, under the right conditions, you commit to something being a reason, you confer normativity on that thing as a matter of reflexive willing. You will that a consideration is a reason by way of that very willing, and thereby make it the case that that it *is* a reason. The normativity you confer by your commitment is like the ordinary normativity of non-willed reasons, in that if you neglect the reason you have created, you are open to rational criticism. The consideration is a reason in virtue of your commitment; your commitment creates the reason. Your commitment that some consideration be a reason *makes* it a reason, just as your stipulation that some expression have a certain meaning *makes* it have that meaning.

Now for an example. Suppose your doctor tells you that you are, alas, ten pounds overweight. The fact that you are ten pounds overweight is a reason for you to cut sugar from your diet. In virtue of what is that purely inert natural fact—that you are ten pounds overweight—a normative, action-guiding reason for you to cut out sugar? The two traditional competing answers are: (i) being ten pounds overweight is a reason for you to avoid sugar in virtue of the fact that avoiding sugar when ten pounds overweight is good or valuable in some way,[8] and (ii) being ten pounds overweight is a reason for you to avoid sugar in virtue of the fact that avoiding sugar when ten pounds overweight fulfils a desire you have to be healthy. The first understands your reason to avoid sugar as a value-based reason; the second understands your reason as a desire-based reason. Note that the very same fact can be different reasons: reasons are individuated, not simply by the fact that is the reason, but what *makes* them reasons, that is, by their metaphysical ground (Chang 2013a).[9]

There has been much debate about whether all reasons are value-based or desire-based (for contemporary examples, see Parfit 2011

[8] Included in 'value-based' reasons are reasons that just are reasons, full stop, as a matter of ungrounded normative fact.

[9] We are now in a position to notice another analogy between stipulation and willing something to be a reason: just as you cannot sensibly stipulate the meaning of a word that already has lexicographic meaning, you cannot sensibly will something to be a reason if it is already a will-based reason. But this is not to preclude making a consideration that is already, say, a value-based reason *also* a will-based reason. Someone with both a value-based and will-based reason to lose ten pounds has greater reason than someone with just a value-based reason to do so.

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and Scanlon 1998 versus Sobel 2017 and Schroeder 2007). Since both value-based and desire-based reasons are reasons *given* to us by the way the world is, including the desires we have, we can lump them together as 'given' reasons. But as I have argued elsewhere (Chang 2009; 2013a, 2013b), not all of our reasons are given to us. Sometimes we can quite literally *create* reasons. These are our 'will-based' reasons, considerations that are reasons in virtue of our willing something. They are 'will-grounded' as opposed to 'world-grounded'.

Robust normative powers are the means by which we can create will-based reasons. By committing to the fact that being ten pounds too heavy is a reason for you to cut sugar from your diet, you literally *make* that fact of being ten pounds too heavy a will-based reason for you to avoid sugar, a reason you did not have before exercise of your will. In this way, an exercise of robust normative powers can generate reasons that are quite straightforwardly 'up to us'.

A final piece needs to be put in its place. According to our gloss on normative powers, only 'appropriate' willings can be exercises of normative powers. When is committing to something being a reason 'appropriate'?

I suggest that a reflexive willing that something be a reason is appropriate only if it occurs within a well-formed choice situation in which, with respect to what matters in the choice between options, the reasons (or values) at stake are *incommensurable*.[10] By 'incommensurable', I do not mean 'incomparable'; I mean what 'incommensurable' actually means, viz., failure to be measurable by a cardinal scale of units. So one thing can be better than another but nevertheless incommensurable with it (Chang 1997). Normative powers are exercises within the context of choice situations concerning what to do, and they can be exercised in such situations only if the normative significance of the reasons at stake cannot be represented by a cardinal scale of what matters in the choice. Choice situations are well-formed if there is a reasonably well-defined set of options, circumstances, and something that matters—a 'covering consideration'—in the choice between options. Thus we appropriately commit to something being a reason only if it is undertaken in

[10] 'Incommensurability' is sometimes used as a synonym of 'incomparability', but this is a profoundly unjustified use of the term. For one thing, we already have a term 'incomparability' to cover the idea of incomparability. For another, we do not have another term to cover the idea which 'incommensurability' was in fact first used to cover, namely, lack of measurability by a cardinal scale. See Heath (1921) for the etymological roots of the term 'incommensurable'.

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the context of a well-formed choice situation in which the reasons at stake cannot be represented by a cardinal scale of strength or significance with respect to what matters in the choice.[11] In other words, we can appropriately commit pretty much all the time since most of the situations we face do not involve commensurable goods.

Now, it is intuitive to think that we exercise normative powers only when we are faced with the question of what to do (or what attitude to have), and so requiring their exercise to occur within the context of a well-formed choice situation is relatively uncontroversial (indeed, this condition is implicit in many discussions of so-called normative powers). But why require that the reasons at stake in a choice situation be *incommensurable*? There is a simple answer. If the reasons at stake can be represented by cardinal units of more, less, or equal significance, then, as it were, there is *no room* for the exercise of robust powers. If, in a choice situation, the reasons or values at stake can be arrayed on a cardinal scale so that the reasons for choosing one option are, for example, 3.21 times or 6.54 units-of-what-matters more normatively significant than the reasons for choosing another, then the relevant normative reality is like the reality of weights, lengths, and volume—as fully determinate as can be. When the reasons in a choice situation stand in relations that are as fully determinate as they can be, there is no room for insertion of the will in determining one's reasons. Normative powers can be exercised only when there is *room* for their exercise, and that room is determined by the extent to which the relations among reasons is determined. Incommensurability provides such room.

Because there are good arguments for thinking that incommensurability is widespread (see Anderson 1993), there are good reasons to think that our robust normative powers are widespread. Indeed, in so far as powers like promising, consenting and forgiving involve

[11] Incommensurability is, of course, compatible with mere ordinal ranking, and so two reasons may be incommensurable even though one is stronger than the other (Chang 1997). Suppose, for instance, that you can save five lives or one life, and that what matters in the choice is simply the *number* of lives you can save. In such a case, the reasons for saving five are five times, or perhaps four units, greater than the reasons for saving the one. The relative disposition of the reasons is as determinate as it can be, and an exercise of robust powers would be inappropriate. If, by contrast, what matters in the choice is moral goodness, then since it highly implausible that there is some cardinal scale that measures the moral significance of reasons to save five as opposed to one, the reasons are incommensurable. Since they are incommensurable, there is room for an exercise of robust normative power. You can exercise your robust normative powers even if the reasons in favour of one option are stronger than the reasons favouring another.

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robust normative powers, they too may be genuine normative powers.[12] But robust normative powers are much broader powers than normative powers are usually taken to be.

Our account of robust normative powers can now be summarized. You exercise a robust normative power only if, in a well-formed choice situation in which the reasons for choice are incommensurable, you reflexively will that a consideration be a reason, thereby creating a new will-based reason, which is a reason in virtue of your reflexive willing. Put more pithily: you exercise a robust normative power only if, under the right conditions, your commitment to something being a reason is that in virtue of which it *is* a reason.

This account raises many questions that I will have to leave unanswered here. (Further discussion of such powers, including arguments for thinking we have them, can be found elsewhere.[13]) Our aim has been to show that a metaphysical explanation of normative powers can account for the special freedom we have in determining our reasons, a freedom that motivates interest in 'normative powers'

[12] I wonder whether robust normative powers can help explain the view of promising offered by Judith Jarvis Thomson: '[W]hat makes it the case that Y ought to do [what she promised to do] … is what Y did in making the promise and the uptake in the promise X. If Y and X did not between them, and by themselves, make it the case that Y ought to do the thing, then nobody else can have made that the case' (Thomson 1990, p. 303). Thomson, interestingly, eschews appeal to principles or anything outside of what the agents do to explain the bindingness of promises. Perhaps part of what Y did was to commit to something being a reason to do what she promised to do.

[13] A summary of the main arguments might be helpful. In Chang (2017), I argue that a correct understanding of the phenomenon of 'hard choices' supports the conclusion that in the most interesting such cases, the reasons (or alternatives) at stake are 'on a par', and that the correct rational response in the face of parity is the exercise of what I have here called robust normative powers. In Chang (2013a), I argue that meta-normative views that recognize only given reasons have too few reasons to explain why we should do what we have most reason to do in just those cases where further explanation is needed; will-based reasons fill the gap nicely. In Chang (2013b), I examine the special kind of 'internal' commitments we make in personal relationships and projects, and argue that the reasons they generate cannot be understood as upshots of conditional normative principles (where the commitment satisfies the antecedent), but are plausibly understood as will-based reasons that are grounded in the commitment itself. And in Chang (2009), I explore how two puzzles about decision-making can be solved by appeal to reasons that are metaphysically grounded in our will. In the course of making these claims, I consider many objections, including the basic one according to which creating reasons by willing them to be reasons apparently gives us the freedom to give ourselves reasons we clearly do not have. I also propose success conditions for creating reasons through an exercise of the will. Finally, I make a start on understanding a key phenomenon about which I say nothing here, namely, 'willing'. I suggest that 'willing', or more specifically, 'commitment' of the kind of interest implicates the agent herself, and thus may be a way in which exercises of robust powers involve 'autonomy'.

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in the first place. Robust normative powers fit the bill. When we exercise our robust powers, we generate reasons, but not in the way that nose-punchings and falling boulders generate reasons: our reasons to make amends or to swerve are not reasons in virtue of our willing them to be reasons. Rather, we quite literally create reasons by willing them to be reasons. In this way, the exercise of robust normative powers makes our reasons very much ‘up to us’.

V

I end with an implication that robust normative powers have for understanding ourselves as rational agents. If we have such powers, we must think about what it is to be a rational agent in a new way.

It is widely assumed that rational agency is a matter of recognizing and responding to reasons. Our job as rational agents is to be alert to the considerations in the world that are reasons to act, think and feel in certain ways. Once we recognize those reasons, we are to respond to them appropriately as rational agents. So, for example, it is part of our job as rational agents to recognize that being ten pounds overweight is a reason to cut sugar from our diet. If we are rational, we will then respond to this reason we have recognized and cut sugar from our diet. The ‘freedom’ in being a rational agent is the capacity to discharge our job well: to recognize and respond to reasons. So-called normative powers like promising, consenting and forgiving are underwritten by this view of rational agency. The exercise of such putative powers generates reasons according to normative principles and values, and are thus discovered, not created. This orthodoxy is so entrenched in our thinking about practical reason that it has only been very rarely directly or explicitly challenged.

But I believe that this view of rational agency is profoundly misguided—or at least unattractive. It leaves no room for *the agent* in leading her life as a rational agent. Where are *you* in the conduct of your life as a rational agent? Your role with respect to reasons is to recognize them and then to respond to them by doing what you have most reason to do. There is, as it were, a rational script to follow, and your job as a rational agent is to execute that script as best you can. The orthodox view treats us as *passive* automata in relation to our reasons; indeed, with a large enough database of reasons and

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appropriate responses from which to learn, AI might well count as rational agents on the orthodox view.

The orthodox view conceives rationality as a *skill*. The name of the game is to recognize and respond to reasons appropriately, and you can do this in better and worse ways and to better and worse degrees. Being a rational agent is a bit like playing chess; if you are good at chess, you recognize the reasons you have to move your piece like so and then respond appropriately by moving your piece like so. In chess, there is no room for you to insert yourself into the game by creating a reason to move your pawn, say, three spaces. If rationality is a skill, then there is a sense in which we are slaves to our reasons. Reasons are given to us by the world, and what we must do in the face of them is given to us by normative principles or values that we discover but do not create.

If we have robust normative powers, our conception of what it is to be a rational agent must change. Our job is no longer simply to recognize and respond to reasons, but also, under the right conditions, to *create* reasons for ourselves through our commitments. Instead of conceiving rationality as a skill, we understand it as a general human capacity that includes the freedom to add to the mix of reasons given to us by the world, reasons that we create through an act of our will. Robust normative powers are underwritten by an *active* view of our relation to reasons.

Crucially, our willing in the exercise of robust powers is not itself a choice governed by reasons. It is just something we do. This is perhaps the deepest difference between 'passive' and 'active' accounts of rational agency. On the passive view, everything we do as an intentional exercise of rational agency is guided by reasons. On the active view, some intentional exercises of rational agency are things we do as matter of will, and are not themselves guided by reasons. It is this freedom to have an active role in determining the reasons we have that is the hallmark of the rational agency that underwrites robust normative powers.

Robust normative powers put the *agent* back in rational agency. By exercising such powers, we have a fundamental say in determining how we should live. In so far as this is an attractive view of rational agency, we have reason to take robust normative powers seriously.[14]

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