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**Article:**

Bennett, C.D. (2015) *A Review of David Owens, Shaping the Normative Landscape*.  
*Jurisprudence*, 6 (2). pp. 364-370. ISSN 2040-3321

<https://doi.org/10.1080/20403313.2015.1044731>

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## Owens review

Owens concentrates on promising and forgiving as ways of changing the normative landscape. These are highly explicit and transparent ways of taking on commitments, or of changing our own and others' rights and responsibilities.

But various things that we may do short of promising can commit. Brewer gives an example in which someone, within a collective debate about which joint decision to make, indicates that they favour taking a certain line: this person commits themselves to a certain kind of active support of the decision if it is adopted (unless she makes an explicit and public renunciation – in which case she has a duty to make such a renunciation, and a responsibility to explain her reasons for doing so). So such a person takes on commitments, but it may not be entirely clear to her – or she may not be entirely explicit about it – which commitments she is taking on.

There is a view on which the binding nature of promising is more fundamental than the binding nature of these other commitments. But promising cannot bind in a vacuum. It only makes sense to think of promising as being binding in the case that other things hold – one of which is that there is some grounds to be good to one's word, grounds that have to do with the importance of honesty, non-deception, integrity, being truthful, being honourable and decent, etc. If we didn't also think these things, why would we think that the simple act of saying I promise could make any normative change. So promises only bind in a context in which other moral features are taken to hold.

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*Promises and the basic position of the book*

Bare wronging: one can wrong a person by breaking a promise when no interest of their or any other person's is served by keeping the promise.

Can that be explained? One view takes it that it is only our interest in being able to control or have information about people's future actions that makes sense of promising. That would explain why the practice makes sense – why it arises. It gives a functional explanation of the practice. But a further question is, why should one take seriously one's promises.

*Functionalism about Obligation*

Contrast a) it is good for people to act as though they have an obligation to act in certain ways;

b) it is good for people to act in certain regular ways, to have certain (unthinking, uncritical) collective habits to act in certain ways;

c) it is good for people to take themselves as having obligations to act in those ways;

d) people have a duty to act as though they have obligations to act in those ways;

e) people are under an obligation, or have a duty, to take themselves to be under an obligation to act in those ways;

f) people have an obligation to act in those ways.

Owens deals with two related ways in which we 'shape the normative landscape.' One is the way in which individuals create, alter and dissolve obligations by say-so through acts of ordering, requesting, consenting, forgiving, promising, etc (call these obligation-choosing actions). The other is the way in which social practices create a normative landscape, creating, altering and/or further determining moral duties. Owens's answer to the first issue depends on the second. This is because his answer to the first rejects the view that there is a universal human interest served by obligation-choosing actions. He rejects this view because he thinks that the significance (or validity in the sense of success) of obligation-choosing actions cannot be accounted for by reference to non-normative interests served by such actions (or by the practices of everyone doing so). This is because of the problem of bare wrongdoing. However, Owens also rejects the Reidian 'mere commonsense' argument that says that bare wrongdoing is just wrong and there is no more to be said about it. Owens seeks to articulate a critical common-sensism, saving appearances but avoiding dogmatism by giving an account of an irreducibly normative interest served by obligation-choosing actions. However, a condition of our having normative interests is the existence of practices in which people recognise the obligations that help to constitute those interests. Indeed, the notion of a normative interest is the notion of an interest that a normative practice partly creates or enables – the explanation of the interest irreducibly refers to terms that are intelligible only in the context of the practice, or once the practice has reality. Hence Owens is committed to the view that convention can extend and enrich our interests.

So how does Owens's argument for the view that 'imitation becomes obligatory' (p. 161) come in? Once a practice is established that serves (by creating) an interest, that is, once there are enough people in the habit of recognising such obligations (or acting as though there were such obligations), and there is some good to be served by doing so, 'we are all obliged to take promises [etc.] seriously' (p. 161).

What is doing the work here? The importance of the new interest created by the practice? Take the situation where someone has gone through those actions conventionally taken to constitute the making of a promise, including appearing to intend to affect her obligations by choosing so to do (and declaring that she is doing so) but where they now insist that they didn't want to create such an obligation. There is plenty to say in many cases, since the withdrawal of the obligation-choosing action will affect people's interests detrimentally. However, it might be problematic in the case of bare wrongdoing. So is Owens's answer to the question why we should treat the person's act as binding against her will that it should not be so treated, so to speak, is that there is a normative interest served by the practice?

[Note also the role of habit in determining the obligations of friendship.]

*Normative interests*

For Hume, there are artificial virtues. Social institutions like property ownership or promising allow us to control how people will behave towards us. So these institutions are justified in terms of their effect on our non-normative interests. Humean 'interested obligations' – obligations whose existence is to be explained (at least in part) by reference to our interest in the existence of those obligations (p. 3). But for Owens, as well as non-normative interests, we also have normative interests, interests the specification of which requires reference to normative features: 'normative phenomena can be good (or bad) for us quite apart from their impact on our non-normative concerns.' (p. 2)

Cf interested and non-interested wrongings p. 65. Interested wrongings are those that exist in part because of our interest in their being wrongdoing.

p. 85 defines interested obligations as those that exist because they are chosen, and with respect to which we can ask whether they are choiceworthy. However, this reads 'interested obligation' as being to do with individual choice – whereas another way of understanding the category of interested obligation is those obligations that require convention, and which therefore raise the question of our interest in those conventions existing.

Deontic interests are interests 'in being able to determine what does and does not constitute a wrongdoing.' (p. 6) Permissive interest in consent; authority interest in promise.

Normative interest is, not an explanandum of the theory, or simply a presupposition, but a postulate of the theory that might be vindicated by the success of the theory.

Example of normative interest: I have an interest in whether it is appropriate for me to blame my friend if he were disloyal to me.

Is it the case, on Owens's view, that we have the normative power to create and alter obligations because it would be good if we had it (it is in our interest to have it)? This seems to be part of the story – but we also need the idea of social convention (p. 9). The interests that make it the case that having certain obligations would be good for us are pre-conventional in the sense that they can be identified without reference to particular practices or conventions. But normative interests are interests in our having or creating or sustaining certain conventions or practices.

Normative interests 'can be formulated only in normative language.' They are basic in the sense that they are not grounded in more basic non-normative interests. Taxonomy of possible relationships between normative and non-normative interests on pp. 65-6: reducible; direct dependence; indirect dependence; embeddedness.

We have interests in being able to control whether certain actions will be blameworthy, or whether they will count as wrongings. Forgiveness is of a wrongdoing, but it makes it the case that the wrongdoing is no longer blameworthy.

(Though this assumes that the object of blame is the wrongdoing, not the wrong. What is our reaction to wrongs?)

Our deontic interests seem to be various. But in the case of friendship, it is that having the capacity to create obligations through friendship (creating them both by incurring these obligations by beginning a friendship and determining the content of these obligations by habit) is good for us because it allows the creation of something of non-instrumental value within our lives, something that enriches our lives, but of which the presence of obligations is a constitutive part. Hence the friendship is non-instrumentally valuable only because of the presence of its characteristic bonds. (This seems plausible, but does Owens give a good explanation of why this is?) A different explanation of the value of e.g. our promissory interest would be necessary. NB: Owens argues that most of our deontic interests in friendship are directly dependent on non-normative interests (p. 118).

### *Controlling and creating obligations*

One degree of artificiality of obligations concerns their reliance on social convention – e.g. requirements of respect or politeness, where one might dishonour a person by failing to give them the conventionally-accepted treatment of respect. One way of justifying these obligations is to explain that they have not been simply created by human fiat but that they inescapably arise in order to meet pre-existing ends – ends that were already obligatory for us to pursue. But another degree of artificiality involves the apparent creation and alteration of obligations at will by the acts of promising, forgiving, consent, command, etc.

Obligations come with degrees of choice-dependence:

0) Many obligations do not depend on choice

1) Some obligations are choice-dependent in that they are only fairly imposed when someone has chosen to put themselves in that situation – e.g. reciprocity, bearing burdens of past actions, etc

2) Incurring obligation only if one knows that in acting thus one incurs that obligation (can only be justified by our interest in their obtaining – and can only serve such interests in control if we are aware we are incurring them)

3) Exercise of normative power – change what someone is obliged to do by intentionally communicating the intention of hereby so doing (performatives)

### *Overall Structure of Argument*

The challenge of the book is to make sense of our reasons to comply e.g. with promises even when the action of compliance with the promise may serve no human interest. In other words, the view Owens calls Rationalism is the view that action only makes sense where it serves some Value or Good or Interest. But the notion of bare compliance with obligation involves action serving no such End. So the question is how we make sense of it.

Defence of complying with bare obligation:

‘It might, for example, make sense for us to fulfil a promise because it is in our interest that such a thing should make sense. And, given the autonomy of such

normative interests, it might be in our interests for fulfilment to make sense even if the actual fulfilment of the promise would further no interest (either normative or non-normative, either of ours or anyone else's), even if it would involve neither compliance with nor conformity to any reason. The value that makes sense of our discharging this obligation lies in the power to create the obligation rather than in the act that discharges it. And where it is a good thing that we would be wronging X by breaking our promise to X, it makes sense for us to keep our promise to X whether or not there is any good in keeping it. Since it is possible to make sense of a human action other than by reference to the fact that it furthers a human interest, both Objective and Subjective Rationalism must be rejected as accounts of intentional agency. Nevertheless, what it makes sense for us to do is always determined by human interests, where these include normative interests.' (p. 16)

But also there is an argument that it is good for us that we are able to create and alter our obligations – and that it being good for us is part of what makes these obligations binding – or at any rate intelligible to comply with.

### *Blame*

Instances of blame may be regrettable, but we may nevertheless value our habit of blaming and feeling guilty because we see it as a necessary part of certain valuable relationships.

Contrast a value-tracking notion of blame, where blame helps us register the value of our relationships, and a value-constituting notion.

Friendships are valuable in part because they make blame appropriate – they are valuable in part, that is, because they involve loyalties, loyalties involve obligation, and blame is an appropriate response to breach of obligation.

Rivalry (p. 29) is a valuable relationship that may involve responsibilities to one another – to play the game in the right spirit, really trying, etc – and one may react to the failure of these responsibilities by feeling contempt or annoyance (just as one may react with admiration to someone who performs well, etc.). But anger is not necessary to bring value to this relationship.

We can distinguish accuracy, aptness and desirability of emotions. Accuracy is simply representing world correctly (taking for granted intentional object of emotion). Desirability is independent of accuracy and may be all-things-considered judgement: accuracy is insufficient and may be unnecessary (politician's anger in ranting speech may be desirable even though inaccurate, p. 32). Aptness can be undermined even when emotion is accurate, e.g. when blame would be accurate for breach, but it is something I have done to that person myself a number of times in the past.

Object of blame, for Owens, is breach of obligation, not manifestation of ill will or lack of consideration. This is clear in his discussion of excuse making blame inapt but not inaccurate.

### *Wrongs and wrongdoing*

There seems to be a difference between doing wrong and wronging someone. It is not clear that all wrongs need wrong someone. Two questions: what does the difference consist in? And why is there a difference between being wronged by someone and being involved in a wrong? Possible answers to the first question are that wronging involves incurring a demand for compensation, that wronging involves violating someone's right and hence pre-empts some obligation they could have released you from by consenting (Hart), that it gives you the right to demand an apology – or that the person wronging incurs obligation to apologise. Owens is more interested in the second question – his answer is that, if there is an important difference here, it lies in our interest in there being a difference; specifically our interest in being able to control and alter the normative situation of those who wrong us.

### *Obligation*

Is an obligation something to be weighed with other reasons? Or is it something that reduces one's freedom to deliberate practically about the balance of relevant reasons. The former is Simple Rationalism: it cannot account for the latter. But Owens thinks the latter is in conflict with any form of Rationalism about Obligation.

Obligation is not a factor in our deliberation. It is not a reason for action. (p. 69)

Scanlon (echoing McDowell): moral perspective silences certain reasons, it does not simply outweigh them. Owens: can this help us explain how promise works? [One problem with this is that promises can be outweighed – therefore they cannot simply exclude practical force of other reasons in way moral perspective does.] Competing reasons may make it reasonable or apt to regret making one's promise, even if one remains bound by it.

Is obligation like policy, or habit? Policies are essential to the virtue of resoluteness: they save time and energy on deliberation, allow for long-term projects, and prevent our being tempted or distracted. Thus it can be rational to do an action for which there is no particular reason at that time, because it is rational not to re-open deliberation about whether to have that policy. There can of course be reasons to re-examine the policy, but one should only do so when those reasons are salient. Policies are adopted for a reason to do with the overall pattern of behaviour they involve. Habits, however, can arise simply through the repetition of individual actions. Also, policies are only ever of instrumental value, whereas habits can be valuable in their own right – e.g. the habit of going running with a friend which is partly constitutive of the loyalty and bonds and obligations that make friendship good. (Action can be intentional in two ways – 'firstly, in virtue of being sensitive to your views about whether there is something desirable about performing the action.' 'Second, in virtue of being sensitive to your views about whether there is anything desirable about the habit that the action manifests.' (p. 82)) Thus there can be action about which there is nothing valuable but that manifests a habit that is valuable in its own right and hence a virtue – in which case Simple Rationalism is again shown to be problematic.

On Raz's view, obligation is two-level: it provides a first-order reason and then a second-order exclusionary reason (thus a protected reason). Commands obligate; whereas requests do not. Requests communicate the intention of hereby giving the recipient a reason; commands obligate. Owens rejects the idea that obligation gives a first order reason. He also rejects the idea that requests do not give a person reason to exclude certain reasons rather than simply weighing them. We might say that on Owens's view, communicating that one wants a person to do something gives a person a reason to do that thing that they can weigh with other reasons; whereas requesting is more than simply saying you want something. 'A power of request exists where it is a good thing that the petitioner is able to ensure by declaration alone that it makes sense for someone to fulfil their request without regard to various excluded considerations.' (p. 86)

The reality of obligation is a 'practice of exclusion.' (p. 88)

### *Owens's rigorism*

I have promised to have lunch with you. But subsequently I receive an invitation to lunch with a serious romantic prospect I have been pursuing for some time. Both of you are about to leave town for a considerable time, so with respect to the romantic prospect, I must seize the moment if I am not to lose it. Owens says that deliberation about the possibility of going to the lunch is what the promise is meant to exclude (p. 91). But is this over-rigorous? Clearly there is the possibility of re-negotiating your promises. True, the re-negotiation has to happen in order to make it free of guilt. But how should we allow for the possibility of re-negotiation if it is true that promises exclude considerations from deliberation? In planning to ask you whether I can re-negotiate our lunch date I am precisely re-opening the issue. What is true, however (or is it?), is that I leave it in your hands to settle whether we will have lunch on that day or not. If you decide that you are unable to change the date (say, without serious inconvenience to yourself) and want to stick to the original plan, then that is what I must do. However, there is something to be said about this too: is it true (as Owens must think) that I must accede to your decision, however unreasonable it might be? If I request re-negotiation, and explain my situation (say, we are on sufficiently intimate terms for this to be possible), my request makes it the case that you now have reason to comply unless you have considerable reason to prefer the current arrangement. Do I have reason to comply with unreasonably upheld promissory arrangements? One way out might be to suggest that my request puts the person under an obligation to re-consider, and only uphold the arrangement if they have sufficient grounds. In which case, if I am being wronged in the arrangement being upheld, it may be the case that this alters the character of any action by which I fail to fulfil my promissory obligation. On Owens's view of requests, however, you don't wrong me by treating my request lightly or failing to give it consideration. So this would be a route he could not take. Generally, on Owens's view, we are strongly bound by promises, in such a way that we have signed over our authority to make our own decisions about certain matters. Does this really ring true?

In discussing this case, Owens says that a breach of promise might be justified but that it would still wrong you, and as such it would be appropriate to feel guilt (even if it would not be appropriate for others to blame). Guilt *acknowledges* the promise, even if it is not fulfilled. (This is a case in which the considerations that justify breaking the promise are amongst those that are meant to be excluded by it. Promises do not exclude all alternative courses of action – for instance, caring for one’s sick child. One breaking a promise in order to care for a sick child may still respect the promise by giving it the right role in one’s deliberations even though it is not fulfilled: p. 90) (There is also discussion of a case very much like Holton/Langton: where one promises firmly but informally to take a job and then gets a better offer: can be justified to take the better job, and unreasonable for Chair to insist you do not, but should still feel guilty). He acknowledges that it can be unreasonable for the promise to insist on performance. But why insist in that case that promise works through the exclusion of considerations from deliberation? Also, Owens’s explains the aptness of guilt by claiming that breaking the promise is not something the conscientious person would have done (p. 91): but why should we give the conscientious person any authority in our feelings? The conscientious person sounds as though they would be quite unreasonable, lacking in any sense of proportion (i.e. giving disproportionate importance to obligations) and having an impoverished life. So the aptness of guilt seems under-explained.

Another issue concerns the object of blame and guilt. Do we feel blame and guilt only for wrongdoing? Or how does blame or guilt for wrongdoing relate to blame for wrongs, or unjustified wrongs? Some people take guilt to involve a kind of self-alienation that involves the repudiation of the guilty act and the guilty self that endorsed it. Guilt on this view is a kind of self-reproach. For Owens, however, guilt is rather a sense of unsatisfied (pro tanto) claim – a claim that cannot be met, perhaps, but is not thereby cancelled, a Williams-type ‘moral remainder.’ Which raises the question how Owens-style guilt relates to moral remainders that don’t involve obligation, such as a failure to come to someone’s aid, when one was the only person who could have helped, but where this was overridden by some other, perhaps more weighty (or perhaps exclusionary) demand (how does this relate to Owens’s own example of having to decide which of five people to give a single dose of drug to, and which he says is a case of agent-regret?). Or take the case of Billy Budd, where the captain opts for his role-obligation rather than his duty of natural justice to Billy (though perhaps he would have felt guilty whichever he had done)? What is the nature of the feeling in this case? In response to this question, Owens might simply say that he doesn’t mean to reserve the term guilt for this – perhaps ‘a type of guilt’ would be just as adequate. Alternatively, look at what he says about moral shame – guilt is for unmet obligations, but moral shame is for failures to live up to moral standards? On the other hand, captain need feel no moral shame for what he has done – but is it guilt even though there is no Owens-style obligation?

This all relates to the question of what the status of wrongings are vis-a-vis wrongs, and unjustified actions generally, and how these things stand with respect to forgiveness and guilt and blame. How does forgiveness of wrongings relate to forgiveness of wrongs or unjustified actions? I think Owens is right that

we might need forgiveness for acts that are wrongings but not unjustified; but is there a role for forgiveness for acts that are unjustified but not wronging – and if there is, does this mean that, in a case in which there is an unjustified wronging, there are two faces of forgiveness, for instance, that which Owens identifies, and a more redemptive sort?

#### *Convention, custom and obligation*

Habit can determine e.g. what counts as loyalty in friendship, or what the duties of a friendship are (p. 101) – see also my ‘Association and Obligation’.

Also, implicit understandings are necessary to fill out the content of promissory obligations – if you promise to deliver my TV I expect it not disassembled even though I did not specify this in the promise.

Friendships, for Owens – and this is why they are different from the benefactor-plus model – require a history in which people negotiate (perhaps implicitly rather than explicitly) and habitually recognise their obligations to one another – come to a settled, formed, instituted view of that their relationship is and requires.

#### *Consent*

The wrongness of rape is not the wrongness of causing harm, since the ‘bare rape’ would be wrongful even if it caused no harm. The wrongness of rape is the wrongness of doing something without consent. That is why its wrongness can be removed by consent (in a way that many wrongs cannot be consented to, p. 179).

If the wrong of rape is sex without consent, how can there be acts that aggravate its wrongness, e.g. such as biting (p. 180)?

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According to Joseph Raz’s well-known discussion of attempts to ‘shape the normative landscape’ by issuing authoritative directives, such directives aim to create reasons for those subject to the authority, but they cannot do so in their own right. Reasons are created for subjects only by the directives of legitimate authority, and legitimate authority exists only where the purported authority serves the interests of those subject to it. Specifically, it should serve their interests by making it more likely that they will, in following its directives, comply with the reasons applying to them anyway than they would have by acting independently. We can call Raz’s view a *functional* justification of authority relations, since in answer to the question ‘why do we have reason to do as the authority requires?’ it offers an account the interests that are furthered if we do as the authority requires.

Raz’s is a two-level account – the apparently agent-relative, voluntarily-created directives at the day-to-day level, and the agent-neutral, non-created interests at the level of critical justification. The point of a theory like this is to resolve the mystery of how one person can apparently at will create binding reasons for

another. Appeal to interests is an attractive avenue of inquiry because of their undeniable importance and their immunity to human decision. But can a functional view succeed? Some have suspected a lack of fit between the two levels. One problem is that authority is only justified in piecemeal fashion, depending on the domain and the expertise of individual subjects. Another problem is that it only succeeds in justifying subjects *acting as though* the authority created obligations for them, but does not justify those obligations themselves. At any rate, Raz's account does not leave our commonsense understanding of authority relations unchanged – rather it might be said he reveals authority relations to be no more than rules of thumb that it is advisable to follow for practical reasons, rather than genuine sources of reasons themselves.

Functionalism about obligation, for all its attractions, might therefore undermine rather than justify obligations – it might simply consist in replacing those obligations with interests. What's the problem with that, it might be said? Why do we need to continue to believe in the validity of those obligations rather than just in interests and the means to their furtherance? What has been shown, it might be said, is simply that obligations have no normative force independently of the interests that our following them serves. Thus functionalism about obligation *vindicates* rather than *resolves* our sense of the mystery of voluntarily-created obligations.

In contrast to this approach, David Owens seeks to resolve the mystery of obligation. He doesn't deal with authoritative directives, but instead is concerned with what we might call obligation-choosing actions such as promise, consent, forgiveness and involvement in relations of friendship and loyalty (the obligations over which we have power of choice are not necessarily our own obligations, but can also be the obligations of others, such as when in consenting we make it the case that someone will not wrong us by e.g. taking our property). Reflection on these actions may lead us to the view, to quote Hume, that 'it is as unintelligible why another's articulating certain sounds implying consent, should change the nature of my actions with regard to a particular object, as why the reciting of a liturgy by a priest, in a certain habit and posture, should dedicate a heap of brick and timber, and tender it, thenceforth and for ever, sacred' (Hume, *Enquiries*, p. 199). Hume takes the functionalist route to explain the difference between obligation-choosing and empty ritual. But Owens is dissatisfied with that route, and one of his main worries can be seen as a version of the 'piecemeal' objection to Raz: that functionalism of this stripe will fail to vindicate our sense of obligation in cases where fulfilling the apparent obligation serves no interest. Against this form of functionalism, therefore, Owens's gambit is to resolve the mystery of obligation by explaining the intelligibility of what he calls 'bare wrongs.'

A wrong is a bare wrong when it consists solely in the breach of obligation and does not set back any other (non-normative, in Owens's terminology – see below) interests. So for instance, if Maklay the anthropologist has promised not to take a photograph of a Malay because the latter fears the loss of his soul, and yet he photographs him while asleep (in such a way that neither the Malay nor

anyone else ever finds out), Maklay won't have harmed the Malay but he will have wronged him (p. 125). If a terminally ill rapist in the final days of life drugs his victim, uses a condom, never tells a soul, then it might be the case that the victim is not harmed by the rape (p. 177). Other examples could be drawn from the literature on authority: your deciding, in the final days of terminal illness, to disobey my authoritative directive wrongs me even in a case in which your disobedience remains secret and you are right to think I made the wrong decision; even though the balance of interests is served by disobedience, disobedience wrongs the authority operating in its proper jurisdiction. Functionalism about interests cannot account for these cases, cases which, however, seem to arise inescapably if we take our possession of normative powers to create, waive and alter obligations at face value. As Owens puts it: 'Normative powers are machines for manufacturing bare wrongings' (p. 119).

In each of these supposed cases of bare wronging the functionalist can have a story to tell, at least about why, given that acts such as promise-breaking and rape normally harm interests, we should have such strong reactions against them even in such cases. However, the suspicion will be that this is more of a psychological story than a moral one. The moral mystery, on reflection, remains.

I'm inclined to agree with Owens on this, at least up to a point. Because philosophers tend to pride themselves on their superiority to the folk, this might lead them to downplay the rationality of commonsense ways of thinking. I'm inclined to take it, as a defeasible default, that what the folk would judge valid after what counts in real situations as serious moral thinking, has a strong claim to be valid. But couple the philosopher's dismissiveness with the easy assumption that, if we want to judge the rationality of our tendencies and practices, measuring them against our interests is the only game in town, and much of what the folk (and philosophers when they are acting and thinking as folk) appear to take seriously won't survive reflection. However, while I think there are many ways to dismiss folk thinking too easily, there clearly are folk norms that are morally bankrupt and have no claim to be taken seriously. Is our talk of wronging as distinct from interests part of what we need to slough off? My sense is that we have not yet exhausted the attempt to resolve the apparent mysteries of talk of wronging, and that this is what we need to do before taking the last resort of functionalism.

The aspiration expressed in the last paragraph may be all very well, but what would an alternative to functionalism look like? One possibility is something Kantian, justifying the normativity of our obligation-choosing activities from a minimal notion of end-setting rationality. However, for those who doubt something so rich can be derived from something so formal without sleight-of-hand, the alternatives to functionalism may look meagre. Owens's account may provide something more satisfying.

First of all, Owens makes it clear that he does not seek to show that our talk of obligation is all-things-considered (or perhaps even *pro tanto*) justified. What he seeks to do is rather to make it *intelligible*. This would therefore only be a first step in any full vindication of folk talk of obligation and wronging. Secondly,

while in some respects Owens argues against functionalism, his account can be read as explaining what functionalism would have to be like in order to be adequate to the phenomenon of bare wronging. Rather than entirely eschew the assumption that we make action intelligible by relating it to interests (what Owens calls 'Rationalism' (pp. 13-14)), Owens rather deploys an expansive notion of interests – *normative* interests.

The idea behind normative interests is that the interest in question cannot be explained without reference to those normative features reference to the interest seeks to justify. Illustrating our interest in consent, for instance, Owens gives the example of a speaker at a conference announcing her name and topic and allowing anyone in the audience there by mistake to leave. In giving consent to people leaving, the speaker makes it possible for people who may want to leave because they have mistaken the room to leave without wronging the speaker by leaving in the middle of the talk. The interest consent serves is irreducibly normative: given that certain things that people could do to us would normally wrong us, we have an interest in making it possible that people can treat us in those ways without wronging us. This is not because we have a non-normative interest in controlling the basic conditions of our lives, or making what happens to us maximally in line with our choices, but rather simply because we have an interest in not having others wrong us by so acting. Indeed, the wrong that would be done by someone leaving in the middle of the talk would not be the wrong of disrupting my concentration or distracting my audience, but rather the wrong of leaving without consent. It is because it is this wrong in particular that is at issue that consent can annul it (so presumably one who disrupts my concentration by leaving may wrong me even if I have given her consent to leave.)

There is a suspicion of circularity, or indeed of redundancy, here, of course; but Owens's position is that talk of normative interests is genuinely enlightening because, although it does not attempt to *reduce* our normative interest to independent non-normative interests, there are various other possibilities, all of which are consistent with the plausible idea that, without some connection to our non-normative interests, normative interests would not make sense. For instance, our normative interests might be *indirectly dependent* on our non-normative interests in such a way that they depend on those interests without it being the case that in each case where a normative interest is served a non-normative interest is also served. Or else normative interests might be *embedded* in non-normative interests in such a way that, while we cannot fully understand our normative interests without reference to our non-normative interests, we also cannot fully understand our non-normative interests without reference to our normative interests (p. 66). This latter possibility in particular raises an interesting question when seen in the light of another aspect of Owens's account. Owens recognises wrongs that consist in their effect on our non-normative interests as well as wrongs that are bare wronging. Unlike the former, the latter are convention-dependent: bare wrongings only exist where there is a social practice of recognising them to exist. This is not to say that the wrong consists in nothing more than convention dictating that the agent has been wronged. But neither, on Owens's irreducibility story, is it to say that, once the practice is in

place, bare wrongings have important effects on one's non-normative interests. Rather, although Owens clearly wants to reject narrow accounts of what it is for someone's life to go well, he needs to acknowledge that 'possession of a normative power must make some difference to a person's life if it is to count as a benefit to them' (p. 8), and it could not do so unless the practice existed. If this is the case, however, then the possibility of embedded interests means that the development of new social practices has the capacity to extend the range of human interests – not simply by serving pre-existing interests more efficiently, but playing a creative role in their development.