

Kvantifikator för en Dag

Essays dedicated to Dag Westerståhl on his sixtieth birthday



Normative Discharge

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1. Introduction

In her book *Intentions*, Elisabeth Anscombe offers the following example of what she calls an *insane* norm (or, more precisely, major premise in a practical syllogism):

Every human being needs to eat all the dry food he ever sees.¹

The expression "needs to" in this formulation can be read as "is obliged to", i.e., as contributing a prescriptive force to the sentence. Anscombe gives a few other examples of (what she calls) insane premises, or norms, but she doesn't go much into the nature of the imputed insanity.

In this essay I will try to provide an analysis and explanation of the nature of the alleged insanity, and thereby make a modest contribution to the pathology of norms. In the process I will make various suggestions and proposals concerning some philosophical matters. I dare not hope that all of these will survive severe scrutiny and criticism, at least not without serious injury, but I certainly do hope that they will inspire some reflections and provoke some thoughts.

2. Attitudes and the inheritance principle

It has sometimes been noted that there is a (partial) analogy, or similarity, between norms and motivational attitudes. More precisely, there is an analogy between prescriptions and desires, and also one between prohibitions and aversions. Here I will avail myself of this similarity to introduce some ideas before turning to norms.

In the essay *Intending*, Donald Davidson claims that only particular actions, but not action types, can be the proper objects of (judgments of) 'all out' desires.² Here desires are understood as the kind of attitudes that give raise to intentional actions. "It is only when I

come to an actual action that it makes sense to judge it as a whole as desirable or not." (Davidson 1980, p 97) If an action type were desirable, this would, according to Davidson, mean that every instance of this type would be so too. As an example he discusses an attitude expressed by the sentence "My eating something sweet is desirable.". And he summarizes:

All we can judge at the stage of pure intending is the desirability of actions of a sort, and actions of a sort are generally judged on the basis of the aspect that defines the sort. Such judgments, however, do not always lead to reasonable action, or we would be eating everything sweet we could lay our hands on (as Anscombe pointed out). (Davidson 1980, p 97)

But, as Davidson remarks, a particular action may realize more than one type. It may therefore be desirable in so far as it is a case of eating something sweet, and at the same time be undesirable in so far as it is also a case of eating something poisonous. A tacit assumption behind Davidson's reasoning is what we may call *the inheritance principle*: All instances of a type inherit the properties and characteristics associated with that type³. In particular, if an action type is desirable, then, according to the inheritance principle, all instances of it are desirable, and if the action type is undesirable, then, according to the principle, all instances are undesirable too.

It seems, however, –at least to me– that the inheritance principle, though reasonable enough when applied to aversions, is simply false for desires. Rather than saying, as Davidson does, that the eating of something sweet and poisonous is desirable in so far as it is the eating of something sweet, I propose that one should say that it is not desirable at all. And I also think that one should regard the eating of something poisonous as undesirable (period), however sweet its taste.⁴

Let us, before turning to norms, also note that it seems to be in the nature of desires that normally they can be (at least temporarily) satisfied. A desire to eat something sweet can be satisfied by actually eating something sweet. An aversion (for an action type) cannot in a similar way be satisfied by avoiding a single instance of it.

3. Force and content of norm expressions

Let's turn to norms, in their capacity of determinants or guides of conduct.⁵ It is customary (and advisable) to distinguish a norm from the linguistic formulation –usually a sentence– that expresses it. Following a Fregean idea one furthermore often distinguishes between the force of a sentence and its content⁶.

A well known argument for the necessity of recognizing (at least) two components of certain sentences stems from the observation that there are two different ways of contradicting them, ways resulting in non-equivalent negations. A classical example is the sentence "I promise to come tomorrow", which has two negations. One results from negating the content: "I promise not to come tomorrow", and the other from negating the force: "I do not promise to come tomorrow". Thus the original sentence can be negated twice without the negations canceling each other: "I do not promise not to come tomorrow". In *The Language of Morals*, R.M. Hare introduced the terms "*phrastic*" (corresponding to what was called content above) and "*neustic*" (answering to the component we called force) for "referring to these different parts of sentences". (Hare 1964, p 18) Hare is concentrating on what he regards as two main types of neustic; those associated with what he calls statements and commands respectively. Sentences with the first of these kinds of neustic are typically used to tell someone that something is the case (and will therefore be true or false), whereas a sentence with the second kind of neustic is used to tell someone to make something the case (and will therefore rather be observed or defied).

This kind of observation has become a standard ingredient in Speech Act Theories. For instance, Searle introduces the notion of illocutionary point (of a speech act), and the two kinds of neustic referred to above correspond to Searle's notions of assertive and directive illocutionary points, respectively. (See, for example, Searle 1999, p 148) In the 'speech act community' it is a rather common opinion that there is but one kind of normative force (or directive illocutionary point). This view might suggest that there is therefore only one kind of norm, an idea that will be implicitly questioned in this paper.

4. The structure of norms

A classical criterion on norms, or rules of conduct, is that they can be observed or violated. This criterion captures roughly the same kind of observations and intuitions that lie behind

the notion of prescriptive force. What about the counterpart to content? According to Sven Danielsson, it is essential to a prescription (insofar as it is supposed to guide conduct) that it should always be understood in relation to a situation where certain things, the circumstances, are given, while others, the alternatives, are open and lie in the future. (Danielsson 1988, p 13). Let's add to this that a norm must also be understood as pertaining to a certain range of agents, whose conduct it attempts to regulate⁷. Thus a norm has (at least) three distinguishable components:

(i) Norms contain a specification of the type of agent concerned. This since not all norms apply to everyone. For instance, a policeman or a physician or a parent (to mention a few cases) is often thought to have special duties.⁸

(ii) Norms also contain a specification of the type of situation in which the norm applies. Traffic rules, a kind of legal norms, do not apply to cases of preparing dinner, to give a simple example.⁹ Together the specifications in (i) and (ii) make up the *condition* of the norm.

(iii) A third component of a norm specifies the very *instruction* of the norm. This is the part that explains why (and also how) norms can be obeyed or disobeyed. It will spell out what type of action or activity the norm requires or disallows, but its nature is that of a directive, rather than a description. It therefore seems natural to think of this part as being, or corresponding to, something that can be *executed*. One idea, inspired by theories of intentional action such as Michael Bratman's, Martha Pollack's and David Israel's¹⁰, is to view this component of a norm as a (partial) plan, or a recipe.¹¹

Norms assign what will be called *normative characteristics* to actions¹². Thus an action can be assigned the characteristic *obligatory* (for an agent in a situation) by a prescription, or *forbidden* (for an agent in a situation) by a prohibition. Since permissions can be neither violated nor obeyed, they will not count as a possible kind of norm, and we will thus not consider *permitted* (for an agent in a situation) as a normative characteristic.

5. The notion of discharge

Let's start by reviewing some common intuitions. If an action type is prescribed, or characterized as obligatory, (like helping the needy, paying your taxes) it typically suffices to actualize **one** instance of the type in order to meet the obligation, which is thereby (at

least temporarily) *discharged*. And often enough which instance, out of several possible, to perform is up to you. If, on the other hand, an action type is prohibited, or characterized as forbidden, you must refrain from performing **all** possible instances of it in order to comply. A prohibition cannot be discharged by any one performance (or lack of performance) of yours.

We can thus note that the inheritance principle holds good for prohibited action types, i.e., all their possible instances inherit the characteristic of the type.¹³ For prescriptions, on the other hand, the principle is simply false.¹⁴

Returning to the (partial) analogy between norms and motivational attitudes, we note that to the normative discharge of a prescription answers the satisfaction of a desire. And it seems natural to regard a desire that cannot be satisfied as somehow pathological, doesn't it? The norms that Anscombe calls insane suffer from the corresponding problem: they cannot be discharged! This leads to the following proposal: A criterion on *sane prescriptions* is that they can be (temporarily) discharged.

6. Action types and action instances

In the above discussion it was taken for granted that normative concepts could be applied to action types and instances without further ado. But this is not quite unproblematic. Aspects like universalizability (of moral norms) suggest that types rather than instances are the appropriate objects for normative characterization. But only action instances can be performances!

Let's introduce some terminology and notation to facilitate the discussion. Let **a** be an action type. Running the routine associated to **a** results in an execution α that realizes **a**, and thereby also actualizes the possible instance α ¹⁵. Instead of writing simply α , we may write $\alpha:\mathbf{a}$ to make explicit that α is of type **a**. We also use a kind of deontic operators, and write "O(**a**)" for "the action type **a** is obligatory", and "F(**a**)" for "**a** is forbidden". Notice that these operators are applied to terms (denoting actions) rather than to sentences, as is more common. In the (rather speculative) discussion that follows, agents and circumstances will not be explicitly mentioned.

We might then preliminarily summarize the some of the earlier comments in the following way (where **a** is an 'arbitrary' action type) :

$$O(\mathbf{a}) \rightarrow \exists \alpha: \mathbf{a} O(\alpha)$$

$$F(\mathbf{a}) \rightarrow \forall \alpha: \mathbf{a} F(\alpha)$$

This formulation presupposes that the deontic operators O and F can be applied to both types and instances. (But they may, of course, have different import in the two cases.) I think we intuitively know, at least roughly, what $O(\mathbf{a})$ and $F(\mathbf{a})$ mean for an action type \mathbf{a} . But how are we to explain the meaning of $O(\alpha)$ and $F(\alpha)$ for an instance α ? A first suggestion might be:

(i) $O(\alpha)$ means that α is to be done, and $F(\alpha)$ means that α is not to be done (or that α is to be omitted, or something like that)

In the case of prohibitions (the F operator) this seems reasonable, but not in the case of obligation (the O operator). As remarked above, even if an action type \mathbf{a} is obligatory, there is in general no particular instance that has to be performed, but the agent may choose to actualize any one out of several instances. So the explanation given in (i) seems to get the scopes of the O operator and the existential quantifier wrong. Switching order between the quantifier and the O operator appears, however, to result in nonsense! So let's turn to a different attempt:

(ii) $O(\alpha)$, or rather $\exists \alpha: \mathbf{a} O(\alpha)$ means that there is an execution α of \mathbf{a} such that performing α would – at least temporarily – discharge (or satisfy) the obligation to do \mathbf{a} .

But this formulation does not seem to carry the 'directive force' that intuitively goes with a normative claim.¹⁶ The (or at least a) point of an obligation is to urge you to do something. So to capture this idea it would perhaps look better to try something like this:

(iii) $O(\mathbf{a}) \rightarrow \exists \alpha: \mathbf{a} (O(\alpha) \wedge \text{execute } \alpha!)$

which should read something like: If the action type **a** is obligatory, then there is an instance α of **a** such that performing α would satisfy the obligation, *and perform this α !*

But then this formulation brings with it a strange 'mix' of (indicative and imperative) moods in the consequent.¹⁷ Let us recall that the basic form of a conditional instruction is $A \rightarrow B$, where A (the condition) is a truth value carrier (thus having indicative mood / declarative force) and B (the command) can be executed (thus carrying imperative mood / directive force).¹⁸ This suggests a reformulation of (iii) obtained by replacing the existential quantifier by a choice command, somewhat along the following line:

(iv) $O(\mathbf{a}) \rightarrow \text{choose } \alpha:\mathbf{a}! ; \text{ execute } \alpha!$

which might be read: if the action type **a** is obligatory, choose an instance α of **a** and then¹⁹ perform this α ! And here the O-operator is no longer applied to (terms denoting) action instances.

Maybe this version should be supplemented by introducing some kind of admissibility check on α , since $\alpha \square$ being of type **a** and $O(\mathbf{a})$ do not exclude, e.g., that α also realizes **b** and $F(\mathbf{b})!$ ²⁰ Still, I'm not sure that such an admissibility check is involved in the intuitive meaning of the O-operator. Anyway, we may now interpret the 'ought implies can' thesis as expressing the demand that the relevant choice command should be executable. And, furthermore, the quality of instruction, that a prescription intuitively has, is made explicit.

7. A final remark

One, not uncommon, kind of objection to utilitarian ethics is that it is too demanding to be reasonable. And if we formulate its basic norm as "Every human being needs to maximize utility all the time." it appears very much like an insane norm (in Anscombe's terminology). Perhaps it is only fit to require that a reasonable ethical system shouldn't impose obligations and duties that cannot be discharged. I think we should go for that!

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¹ Anscombe 1957, p 61

² Michael Bratman certainly interprets Davidson in that way in (Bratman 1999). He furthermore agrees that "desirability is a property of particular acts, but not of types of acts" (Bratman 1999 p 214). His reasons for this opinion are roughly the same as Davidson's.

³ Also Bratman relies on the inheritance principle in his discussion of Davidson's views on intentions.

⁴ It would perhaps not be all that strange to say about a case of eating something sweet and poisonous that it was (actually) desired in so far as it was a case of eating something sweet. But, as Moore once pointed out, being desired and being desirable are different things. And, again, it might be all right to say of such a case that it is seemingly desirable in so far as it is a case of eating something sweet. But seeming desirable is not the same as being desirable.

⁵ Moral norms are certainly important, but not the only kind of philosophical interest. There are, e.g., legal norms, linguistic norms, norms of social manner and politeness, and so on.

⁶ One may of course question whether the force and content belong to the sentence as such. A perhaps better view is that the force and content pertain rather to an utterance, or use, of the sentence. For the purposes of this paper this is, I hope, not an essential point.

⁷ Hofstadter & McKinsey (1939) makes a distinction between *fiats* and *directives*. Fiats have no addressee, while directives have. For simplicity, remarks in this paper concern only directives in their sense.

⁸ The type of this component can be regarded as a function from individuals to truth values.

⁹ The type of this part could be seen as, e.g., a function from situations to truth values.

¹⁰ See, for instance, Bratman (1987), Pollack (1990), Bratman, Israel & Pollack (1991). An idea in these theories is that (unlike beliefs and desires, which are attitudes with propositional content) intentions have contents that can be executed (enacted, run). Such contents are often called plans, recipes or routines.

¹¹ It could then be seen as an entity whose type is more or less like a function from situations (pre-conditions) to situations (post-conditions or results).

¹² As Danielson points out, norms can –apart from guiding behavior– be used to classify actions, including actions in the past (and therefore also to assess agents and their conduct).

¹³ As can be seen upon reflection, they even satisfy the extended principle that says that the characteristic of a type is inherited by all its subtypes as well as its instances.

¹⁴ As is, of course, the extended inheritance principle of the previous note.

¹⁵ In what follows a type will be identified with its possible instances, but not with its actual instances. Thus we will try to heed the 'advice on modal logic' by Dana Scott, but applied to actions rather than individuals. (See Scott 1970) As a result action types are treated as a kind of intentional types, which seems necessary to make sense of, e.g., talk about what an agent could have done in a situation. Given the idea that action types are associated with plans or programs, it is tempting to look upon the relation between a type \mathbf{a} and its possible instances $\alpha_1, \alpha_2, \dots$ as given by $\mathbf{a} = \alpha_1 + \alpha_2 + \dots$, where $+$ is the (regular) disjunction operation. But since the number of possible instances will normally be infinite, we will have to leave this as a mere heuristic suggestion.

¹⁶ On the other hand it might serve as a formulation of the 'ought implies can' thesis, since it appears to claim that for any obligatory action type there is a possible instance that would meet the demand

¹⁷ The occurrence of " \square " in "execute \square !" must of course be bound by the quantifier " $\exists\alpha:\mathbf{a}$ " to give the desired reading.

¹⁸ Compare, e.g., the (imperative) programming language constructor `if .. then _ else _`.

¹⁹ The semicolon in the formula is of course the (regular) sequence operator.

²⁰ Remember Davidson's example with a poisonous piece of candy. But I don't find it advisable to copy his method of solution, e.g., by claiming that an action is obligatory as far as it is a case of relieving someone of his pain, and at the same time forbidden in so far as it is a case of killing someone.

