

Book Reviews

De Florio, Ciro & Frigerio, Aldo, *Divine Omniscience and Human Free Will: A Logical and Metaphysical Analysis*. London: Palgrave Frontiers in Philosophy of Religion, 2019, pp. x + 268.

The logical tension between the doctrines of divine omniscience and human freedom has been studied and discussed for centuries. Is there a logical conflict between these two Christian doctrines, or can we somehow maintain both in a logically consistent manner? In other words, is it meaningful to claim that an agent can choose freely between alternative options if we assume that God already now knows what the agent is going to choose? Over the years, an enormous number of books and papers have been published on this topic. Some would probably assume that it is unlikely that anybody could add anything new of value to this story. However, this is exactly what Ciro De Florio and Aldo Frigerio (both staff members in the Department of Philosophy, Università Cattolica del Sacro Cuore, Milan, Italy) have done. In their book on the tension between the two doctrines, they offer not only a very interesting logical and metaphysical analysis of the classical problems but also important new insights on the topics. There can be no doubt that this book will be extremely helpful to anyone who wants to study these topics in a systematic manner.

Although the book deals with problems that are relevant in theology, the authors make it clear that this is not a book of theology and that they make no presuppositions of faith in it. The book should be seen as “a book of philosophy of religion, which is the rational investigation on the content of religious beliefs” (viii). The book is “dedicated to the logic-metaphysical analysis of the problem of theological fatalism” (2). The basic concepts and ideas of this classical discussion are presented in chapter 1 of the book, “The Battle for Free Will”.

In the book, the authors make use of modern tense-logic, which was first introduced by A.N. Prior (1914–69) and further developed by several writers working in the Priorean tradition. This means that the authors formalize the claims in question in terms of Prior’s propositional operators, P (“it has been the case that ...”), F (“it will be the case that ...”), H (“it has always been the case that ...”), and G (“it will always be the case that ...”). Furthermore, they make use of branching time models and basic ideas of formal semantics. In chapter 2, “Metaphysics and Logic of Time”, the authors carefully present the formal concepts used in the current analysis of the topics in question. With their work, the authors offer a very strong case for the use of tense-logic as a powerful formal tool in the analysis of the problem of theological fatalism. In fact, the authors claim that the metaphysics of time characterized through systems of temporal logic “is not merely tangent to the foreknowledge dilemma but, quite the opposite, it is an essential part” (261). The authors are clearly right. Having the tense-logical formalism available makes it possible to formulate important distinctions that would be very hard to present without this formal tool. In this way, the use of temporal logic (and, in particular, tense-logic) defines an approach or perhaps even a paradigm for the study of the topics related to the problem of theological fatalism.

In chapters 3-6, the authors examine the responses to the problem of theological fatalism that are currently the most important. The authors carry out this

task very carefully, making use of conceptual analysis and the methods of temporal logic and formal semantics.

In chapter 3, “Extreme Measures”, the authors consider two types of response to the logical tension or apparent conflict between the doctrines of divine omniscience and human freedom. In each of the two cases, the response depends on a reinterpretation or redefinition of one of the two key concepts involved in the problem, the concept of divine omniscience and the concept of free will.

Open Theism is a response that goes back to Prior, which he termed the Peircean solution. According to this view, future contingents cannot be true now. This means that there is no true statement about what a person is going to do freely tomorrow. In consequence, God cannot know today what a person is going to choose freely tomorrow. If this view is accepted, there is no conflict between the doctrines of divine omniscience and human freedom. Critics of this response point out that this is a very weak and rather unusual understanding of divine omniscience. However, the authors find that Open Theism is formally consistent. In fact, they point out that the difficulties of the view are “more theological than philosophical”. They ask, “Is the concept of God advocated by open theists really in accordance with the God of the Bible?” (92).

Theological Determinism involves a redefinition of free will that denies what the authors call the Principle of Alternate Possibilities (19): “If you cannot do otherwise when you do an act, you do not do it freely”. In this way, the theological determinist proposes a concept of free will compatible with God’s full sovereignty over the universe. The authors argue that this is indeed a rather weak notion of freedom and is far from the idea of libertarian freedom (95) that most people refer to when they speak about free choice.

In chapter 4, “God Knows the True Future: Ockhamism”, the authors deal with the other famous response presented by Prior. This is a solution inspired by scholastic logician and philosopher William of Ockham (1285–1347). Like Prior, the authors use a formalization of Ockham’s position in terms of tense-logic and branching time models. Like in Prior’s first formalization of Ockham’s ideas, they include the notion of the true future corresponding to the detailed divine omniscience.

Ockham held that the combination of the doctrines of divine foreknowledge and human freedom does not lead to any contradiction. His way out of the problem of theological fatalism was to deny, at least in the most general sense, the principle called the necessity of the past: “If an event e occurred in the past, then it is accidentally necessary that e occurred then” (121). This means that pastness does not generally imply necessary pastness. In symbols: $Pq \supset \Box Pq$, where the operator \Box stands for necessity (or as Prior would put it, “now-upreventability”).

It is well-known that the Ockhamist has to specify the cases in which $Pq \supset \Box Pq$ does not hold. In the book, the authors use a number of illustrative examples referring to Emma and Thomas (the children of *Ciro De Florio*). For instance, let’s assume that Emma has been invited to a party that is going to take place tomorrow (and only once). Emma is considering going to the party but decides not to. If p stands for “Emma is at the party”, then $\sim p$ will be the case tomorrow and in fact at any other time as well. This means that in the past (e.g. yesterday), it was the case that she would never go to this specific party, so $PG\sim p$ also has to be true now. If $Pq \supset \Box Pq$ is accepted in general, no matter what

q stands for, then it follows from standard tense- and modal logic by a little deduction that $\Box \sim Fp$. If so, it would not only be the case that Emma is not going to the party, but it would be necessary for her to stay away from the party (and impossible for her to go to it). This is clearly a conclusion that we want to avoid (given that we want to insist on indeterminism). The only way out is to make sure that $PG \sim p$ does not become necessary just because it is true. In fact, $PG \sim p$ is what the authors call “a semantic soft fact”, since the truth of the proposition fully “depends on what the agents will choose at a later time” (126). The proposition $PG \sim p$ is not really about a past event, and this means that on the Ockhamistic view the necessity of the past does not apply here. Consequently, there is no reason to hold that this proposition is now necessary.

Whereas semantic soft facts may be seen as “innocuous”, the authors hold that “things become more complex when one passes from semantic soft facts to epistemic soft facts” (127), i.e. when we consider a modification of the above proposition, namely $PKG \sim p$, where K is an operator that stands for “God knows that”. The key question here is, of course, whether there is a proper difference between (a) “yesterday, it was true that Emma would never go to the party” and (b) “yesterday, God knew that Emma would never go to the party”. If the answer is no, (b) will be just as “innocuous” as (a), which means that on the Ockhamistic view necessity of the past does not apply here. If the answer is yes, we have to account for the logical properties of the operator K in order to deal with the problem in a satisfactory manner. In this case, it is an open question whether the necessity of the past should apply. No matter what, it is obvious that the Ockhamistic denial of the principle of the necessity of the past (121) leads to a number of conceptual challenges and, in this sense, to some considerable costs. Clearly, in the example used here, $KG \sim p$ would be true yesterday, but if Emma had in fact attended the party, $K \sim G \sim p$ (equivalent with KFp) would have been true yesterday. For this reason, it appears that Emma can influence the past, at least in sense that her going to the party would have made God know yesterday that she was going to be at the party. It could perhaps be maintained that this should be seen as a kind of backwards causation. The authors have nicely illustrated this problem using their so-called “butterfly schema” (129).

In chapter 5, “Molinism”, the authors consider another response to the main problem of the doctrines of divine omniscience and human freedom. This solution was formulated under the inspiration of the works of Luis de Molina (1535–1600). According to Molina’s view, God knows not only what any agent is going to do freely at any future time but also what any agent in any counterfactual situation would freely choose. Unlike the Peircean solution (and Open Theism) discussed in chapter 3 and unlike the Ockhamism discussed in chapter 4, this is not a solution that Prior studied. The first attempts at formalizing Molina’s approach in terms of temporal logic were carried out in the late 1990s, mainly in response to an analysis published in the important paper, “Indeterminism and the Thin Red Line” by Nuel Belnap and Michael Green.¹ In their paper, Belnap and Green introduced the term “the thin red line” (abbreviated TRL) as a name of the chronicle in a branching time diagram corresponding to the Ockhamistic true future. In fact, Belnap and Green tried to show that the acceptance of “the thin red line” in a system would make the system deterministic and make the representation of time linear instead of branching. In order to es-

¹ *Philosophical Perspectives*, 8, 1994, 365-88.

establish their conclusion, Belnap and Green argued rather convincingly that any defender of “the thin red line” would also have to accept “a thin red line” through any counterfactual moment in the branching time diagram. Belnap and Green argued that this additional property would make the whole branching time system collapse into a linear structure. This was later shown to be wrong, and Belnap and Green have admitted their mistake. It is in fact possible to construct a consistent model, TRL+, in which the property in question holds and which can be seen as a nice formalization of Molinism. In their book, De Florio and Frigerio discuss the properties and problems of the TRL+ model (162 ff.). They point out that the system should be seen as an enriched form of the Ockhamistic framework. Molinism, however, has to pay some rather high theoretical costs. One problem seems to be that given the obvious semantics of the TRL+ model, $p \supset H\bar{F}p$ (so-called retrogradation) will not be a valid thesis. The Molinist can, of course, choose to accept this invalidity and argue that for some reason, retrogradation will not be reasonable in all cases. However, it will probably be even more interesting to Molinists to find that De Florio and Frigerio have offered a modified semantical model for TRL+ that should be satisfactory for Molinists and that validates the principle of retrogradation (see 64 ff. & 244 ff.).

One other problem regarding Molinism and the TRL+ model in particular has to do with grounding. How can a claim regarding what an agent would freely choose in some counterfactual situation ever be true? What could make such a claim true? The authors are quite right that the Molinists have to be ready to pay a remarkable theoretical cost if they insist that certain aspects of reality would make such counterfactuals true. However, William Lane Craig has proposed “a complete liberalization of grounding” according to which “any proposition p is grounded on the fact that p ” (see 185 ff.). This solution can of course be further discussed, but at least formally it solves the problem and may in fact be the best way out for the Molinist.

In chapter 6, “The Timeless Solution”, the authors consider the classical solutions to the dilemma of omniscience based on the Timeless Eternalist view and the B-theory of time. A rather complex discussion for and against this view has been ongoing for years. The authors offer a very informed discussion of this philosophical and theological debate, taking the views of the key debaters like Stump, Kretzmann, Plantinga, Craig, and Rogers into account.

The authors do not claim to have solved the problems related to the logical tension between the two doctrines. However, they do offer an original and very interesting contribution, so-called *Perspectival Fragmentalism*, which is partly inspired by the works of Kit Fine, a former student of Prior. With their perspectival semantics, the authors want to extend the notion of “truth at a moment” to “truth at a moment from a given perspective”. Although some aspects and details of this original contribution ought to be discussed and developed further, there is obviously much inspiration to find in this suggestion. This interesting idea is likely to generate further analysis and deeper investigation of the problem of theological fatalism.

I would highly recommend this book to anyone interested in the logical analysis of the problems of divine omniscience and human freedom.

Giombini, Lisa, *Musical Ontology: A Guide for the Perplexed*. Milano: Mimesis International, 2017, pp. 374.

Music is probably the most common artistic experience in our everyday lives. It impacts our daily reality in so many different ways, that it is rare to find a person who has never dedicated some thoughts to it. As Kania¹ noticed, it is really unlikely that even people without a specific theoretic and philosophical background do not have personal views or intuitions about music. It is natural, then, that music has generated intense philosophical discussions about its features, elements, and its nature. It has also led to the creation of dense but enlightening books such as the one I am going to analyse here.

The philosophy of music is currently an interesting and vast field of philosophical speculation, within which a particularly broad debate has flourished around questions concerning the metaphysical nature of musical pieces.² The identification of essential features of musical works, the existing relations between performances and scores, and the ways in which music occupies space and time, are just some of the core queries that have risen philosophical interest.

Imagine having in front of you a score of Beethoven's 5th symphony. Some questions might come naturally to mind: do you perceive this piece of music visually? What is the relation between that piece of paper and a performance of the same symphony? In virtue of what kind of properties do we consider a certain entity *that* specific symphony?

Broadly speaking, two reactions are possible. On one side, we might take these questions as genuine ontological questions, and proceed to explore them further. Indeed, many philosophers³ are attracted by the idea of explaining what musical pieces are, aiming to individuate the essential properties of musical works, and to understand the type of relations existing between performances, recordings and music transcriptions. On the other side, as the reader can probably imagine, a certain degree of skepticism arises about the meaningfulness of this metaphysical debate. Indeed, what is the impact that answers to those metaphysical questions can have on our understanding and appreciation of listening to music? Does the metaphysical debate really tell us something about music or our experience of it? Is it interesting for artistic reasons? These queries have led some philosophers to think about second-order questions concerning the goals and methods appropriate to the philosophy of music.

In her book, Lisa Giombini shows how, in order to have a better guide to choose among the different first-order ontological positions, it is necessary to have a clear idea about the second-order debate on meta-philosophical questions. The author proposes an original and articulated meta-philosophical view, comparing and contrasting her position with the main objections developed

¹ Kania, A. 2017, "Philosophy of Music", in E. Zalta (ed.), *The Stanford Encyclopedia of Philosophy*, Fall 2017 Edition.

² Here, I follow the author in the intention to not draw a distinction between ontology and metaphysics in this specific context.

³ See Kania 2017 (mentioned in note 1), chapter 2.2., for a general overview or part 1 of Giombini's book for a broader analysis of this debate. See also Davies, S. 2003, "Ontologies of Musical Works", in Davies, S., *Themes in the Philosophy of Music*, Oxford, Oxford University Press; Kivy, P. 1983, "Platonism in Music: A Kind of Defence", *Grazer Philosophische Studien*, 19, 109-29; Levinson, J. 1980, "What a Musical Work is", *Journal of Philosophy*, 77, 1, 5-28.

against musical ontology. Specifically, she tries to dismiss part of the original debate assuming an “*halfway weak* ontological position” (201), to argue for an “*historical ontology*” (237) and to defend the use of a method of “*reflective equilibrium*” (278) to choose the relevant intuitions about music that have to be preserved in the debate.

The substantial second part of her book is exactly intended to show the criticisms that are moved against musical ontology and to reply to them highlighting her personal position. In chapter 4, after pointing out the difficulties generated by the interaction between metaphysics and aesthetics, Giombini introduces an overview of skeptical positions about music ontology, providing a schema (150) to present the four main adversary views that she calls: *Eliminativism*, *Aestheticism*, *Historicism* and *Semanticism*. The common idea shared by all these positions is that the domains of aesthetics and metaphysics have to be considered separately. In the following chapters (from 5 to 8), Giombini critically explores the four approaches.

In the metaphysical debate, *Eliminativists* suggest that there is no reason to create an ontology of everyday life objects, artifacts and human creations generally speaking. Specifically, some philosophers, such as van Inwagen⁴ and Unger,⁵ support the idea that ordinary objects do not exist. As an example of a similar move, Giombini mentions Cameron, who applies this same eliminativist strategy to the case of musical works.⁶

Then, Giombini argues that the principle of simplicity (Ockham’s Razor) is not enough to justify a complete elimination of ordinary objects and art works in our metaphysics, and to reduce everything to a more fundamental level of reality. Indeed, such a move, she argues, would have led us to a misrepresentation of the world forcing us to embrace a type of physical reductionism or a form of semanticism. In this way, Giombini refuses to completely abandon musical ontology as promising field of investigations.

Aestheticism suggests that ontological investigations cannot cast any lights on the understanding and appreciation of arts. Indeed, according to this view, what has to be explained in artistic contexts is merely the aesthetic value of art works and experiences. Giombini identifies Ridley’s position as the paradigmatic version of this view, and goes on presenting his major argument against musical ontology.⁷ Ridley’s main idea is that musical ontology does not provide any interesting outcome for musical appreciation or action, so it has to be considered useless and has to be abandoned.

It is in reaction to this argument that the author begins to build her own view. Giombini argues that the ontological debate on music seems pointless just when philosophers forget “real musical activities” (190) and do not consider them in the construction of their theoretic frameworks. She suggests that the uninteresting part of the debate on musical ontology concerns what, following

⁴ Van Inwagen, P. 1990, *Material Beings*, London: Cornell University Press.

⁵ Unger, P. 1979, “There Are No Ordinary Things”, *Synthese*, 41, 2, 117-54.

⁶ Cameron, R.P. 2008, “There Are No Things That Are Musical Works”, *British Journal of Aesthetics*, 48, 3, 295-314.

⁷ Ridley, A. 2003, “Against Musical Ontology”, *The Journal of Philosophy*, 100, 4, 203-20; Ridley, A. 2004, *The Philosophy of Music*, Edinburgh: Edinburgh University Press.

Dodd (2008),⁸ she identifies in the first part of her book as the “*categorical question*”, namely the tentative to recognize what kind of entities musical works are. Indeed, Giombini says that considering a piece of music as a tridimensional or quadridimensional entity fails to provide any information on music as an artistic experience or as a practice, even if it can give us some insights on the general metaphysical debate. On the contrary, answers to the question called by the author the “*identity question*” seem to be extremely relevant for aesthetic purposes: being able to identify a certain piece of music as *that* specific piece says something about the notion of authenticity. Following Giombini’s argument, we end up no longer dealing with an evaluation of a performance of a piece of music (good or bad), as Ridely wanted. Instead, we are investigating what can be considered as a proper recording/performance/transcription of a specific piece. With this move, Giombini shows how a “*halfway weak ontological position*” (201) can help in addressing issues related to art works in a sense that is relevant for art criticism and artistic practice. Furthermore, she demonstrates that philosophy can provide more than just a guide for evaluative judgments.

Giombini defines as *Historicists* theorists who want to analyse music considering it as the result of a social, cultural and historical context. These authors are generally unsatisfied by the philosophical approach because, following a scientific methodology, it tends to consider musical works as independent entities not related to the historical and cultural frameworks where they were developed. Goehr’s and Bourdieu’s works stand as the main contributions supporting this view.⁹ Goehr suggests that historical analysis is necessary in the context of studies about musical phenomena. In her analysis, Giombini firstly notes how favourably Goehr considers works by continental philosophers such as Nietzsche and Foucault on the notion of genealogy. Secondly, Giombini explains how Goehr employs this philosophical notion, constructing a genealogical theory of the concept of musical work. Furthermore, Goehr wants to demonstrate that the analytic debate has overgeneralised one specific conception of the art work, namely, the one that appears in the 18th century and through which we can describe the paradigmatic case of Beethoven’s 5th symphony. On the other side, Bourdieu, following a different approach, points out how both music creations and also their appreciation are the result of social processes that are, with their dynamics, the generators of history. Giombini highlights how both these views reject the analytic approach because they claim that it applies a form of “*scientism*” to art (216).

In the middle of chapter 7, Giombini shows three different versions of Essentialism, namely theories that try to individuate the essential properties that works of art possess in virtue of being works of art. The essentialist approach is clearly antithetical to historicism, because it tries to define properties and features regardless of historical, cultural and social factors. However, Giombini rejects this set of positions because the nature of the answers that they can provide

⁸ Dodd, J. 2008, “Musical Works: Ontology and Meta-Ontology”, *Philosophy Compass*, 3, 6, 1113-14.

⁹ Bourdieu, P. 1984, *Distinction: A Social Critique of the Judgment of Taste*, Translated by Richard Nice, Cambridge, MA: Harvard University Press; Bourdieu, P. 1989, “The Historical Genesis of a Pure Aesthetic”, in Shusterman, R. (ed.), *Analytic Aesthetics*, New York: Blackwell, 147-60; Goehr, L. 2007, *The Imaginary Museum of Musical Works*, Oxford: Oxford University Press.

is too general. In her opinion, essentialism fails to give useful information for philosophical investigation, due to its tendency to create “universal generalization[s]” (232).

At the end of this section, Giombini tries to propose a personal synthesis between ontology and *historicism* that she calls *Historical Ontology*. In her words:

an ontological-historical approach to music would address musical phenomena [...] to explore their appearing and disappearing as object of theoretical and critical inquiry (238-39).

The main proposal expressed here is to study musical objects as objects of intellectual and artistic investigations. This approach, she argues, will allow philosophers to avoid putting in the same category pieces that come from different traditions (e.g. pieces from Western tonal tradition and jazz improvisations) and it will also provide a more nuanced picture of music.

Finally, the last category of adversary views analysed is called *Semanticism*. Approaches that fall in this category consider the questions that music ontology tries to solve as issues originated by language and the meaning of words, rather than genuine enquiries related to what exists in the world. Thus, metaphysical questions have to be addressed trying to clarify the terminology and concepts pertaining to specific artistic terms. Thomasson’s work exemplifies this approach.¹⁰ On one side, she suggests that musical ontology has to follow our commonsensical understanding of works of art. On the other, in her view, the investigation of ontological issues has to be carried out through the *conceptual analysis* of the linguistic practice that involves the vocabulary related to music entities. However, as Giombini notices in the section of the chapter dedicated to criticism to semanticism, linguistic practices are not constant, and neither are the beliefs related to them. There is a risk to fall into cultural relativism, where entities are influenced by historical and spatial contexts. Furthermore, a worse problem arises from the role of intuitions in being the relevant ground for beliefs and practices. Indeed, intuitions are usually conflicting and contradictory, so if we consider them the warranty of a certain practice and consequently of a certain reality, then we end up with a theory constructed over an inconsistent basis.

To tackle this issue, Giombini proposes to rely on a strategy to individuate consistent and relevant intuitions to take into account just the “right” ones. Thus, she suggests to employ Rawls’ *reflective equilibrium* methodology, namely the practice of considering just those intuitions that constitute a rational and coherent framework.¹¹

What emerges from these five chapters is Giombini’s personal meta-ontological view, where she partially absorbs some of the critics against music ontology. Overall, she argues that an adequate ontology should 1) address the identity question, 2) take into account the historical dimension of changes of the relevant concepts, and 3) describe the parallel between the concepts and objects in the domain.

¹⁰ Thomasson, A.L. 2007, “Artifacts and Human Concepts”, in Laurence, S., Margolis, E. (eds.), *Creation of the Mind: Theories of Artifacts and Their Representation*, Oxford: Oxford University Press; Thomasson, A.L. 2005, “The Ontology of Art and Knowledge in Aesthetic”, *Journal of Aesthetics and Art Criticism*, 63, 3, 221-29.

¹¹ Rawls, J. 1971, *A Theory of Justice*, Cambridge, MA: Harvard University Press.

In chapter 9, Giombini rejects the debate between realist and antirealist approaches on meta-ontology of art and music. Here, she basically enlarges her position, showing how her view can dismiss the dichotomy between realist and anti-realist theories, switching the focus of the debate to a “*deontological*” (304) point.

What is worthwhile is how artistic phenomena, events and products are transformed into objects of aesthetic appreciation and philosophical consideration and the way in which they take the form of ontological entities (304).

The book ends with a reflection on the concept of an art work, applying the methodological approach developed in the previous chapters. In the conclusion, Giombini makes a general point about the difference among works of art and art phenomena, highlighting how *historical ontology* provides interesting information about art reality.

This review was mainly intended to present in some detail the second section of this *Guide for the perplexed*. My purpose was to stress the interesting original position drawn by Giombini on the meta-ontological issues discussed. Indeed, her nuanced view, on what she defines as the *second order* of ontological queries generated by music ontology, sounds appealing and able to raise the curiosity of the reader.

The first part of the book should also be recommended. Indeed, the first three chapters, preceded by a detailed introduction with an enlightening musical example that guides the reader throughout the whole book, constitutes a clear and systematic presentation of the main positions in the complex ontological debate on music. The first part of the book is basically a short and clear handbook, useful both for someone who is approaching this debate for the first time and for whoever is familiar with the vast literature and is looking for an overall picture of the controversies discussed.

University of Warwick

GIULIA LORENZI

McGowan, Mary Kate, *Just Words: On Speech and Hidden Harm*.
Oxford: Oxford University Press, 2019, pp. xi + 209.

There has been a joint effort lately among philosophers, political theorists, and legal scholars to show that speech plays a major role in enacting and bolstering unjust social hierarchies, and that we should pay more attention to linguistic considerations in our attempts to disentangle and resist identity-based disadvantage. Mary Kate McGowan’s *Just Words: On Speech and Hidden Harm* is a pivotal contribution to this area.¹ McGowan’s central claim is that offhand racist, sexist, or otherwise bigoted remarks impact on the normative landscape in ways that are detrimental to the social standing of certain groups of people (e.g. black people, women), and thus *constitute*, as opposed to merely *cause*, harm. The

¹ Supporters of (what McGowan calls) the “linguistic approach to group-based injustice” (4) include, e.g., Rae Langton, Catharine MacKinnon, and Lynne Tirrell. See Langton, R. 1993, “Speech Acts and Unspeakable Acts”, *Philosophy and Public Affairs*, 22, 4, 292-330; MacKinnon, C. 1993, *Only Words*, Cambridge, MA: Harvard University Press; Tirrell, L. 2012, “Genocidal Language Games”, in I. Maitra & M.K. McGowan (eds.), *Speech and Harm: Controversies over Free Speech*, Oxford: Oxford University Press, 174-221.

book is divided into two parts. The first part (Chs. 1-4) identifies and argues for a distinctive, covert mechanism by which speech enacts norms that shift the boundaries of what is locally permitted. The second part applies this theoretical apparatus to a series of examples—sexist remarks (Ch. 5), pornography-involving actions (Ch. 6), and public racist speech (Ch. 7)—to demonstrate that everyday verbal bigotry enacts norms that harm people along group lines, and that it does so even when the speaker has no intention of doing so and no special authority. The book closes with a glimmer of hope: the norm-enacting role of speech can be put to use to enact beneficial, rather than harmful, norms and promote egalitarian behaviors and habits (Conclusion).

Just Words forms part of a broader project in contemporary philosophy of language aimed to reinterpret and adjust conceptual tools to incorporate in the discipline the necessary resources to understand speech in a non-ideal, messy world.² While traditional accounts of linguistic interactions tend to abstract away from many aspects of a communicative situation to get simple and formalizable models, McGowan's contribution admirably deals with the complexities of real-life conversations, thus offering a more faithful picture of how language concretely works. Because of this, her proposal is quite detailed and difficult to summarize in a few lines. In this review, we first provide a sketch of McGowan's account of covert norm enactment, and then critically focus on her notion of harm constitution.

Speech, says McGowan, enacts norms in two different ways (Chs. 2 to 4). Suppose that, in the context of enacting a new city policy, the mayor of Milan declares, "Smoking is no longer permitted in any city building". This is a 'Standard Exercitive' (20)—a speech act that changes what is permissible in a given context via an exercise of speaker authority. Standard Exercitives enact norms *overtly*: their locutionary content precisely matches the content of the norm(s) they enact. Now suppose that Juan and Stella are discussing their respective cars when Stella says, "My car is so run-down that it's just not worth fixing. I'm afraid I have no choice but to get rid of the car". By bringing up her car, Stella makes it the most salient car in that context, thus enacting a norm about how the phrase 'the car' is to be used in the ensuing conversation. From then on, and until salience facts change again, it will be appropriate for both parties to use 'the car' to refer to Stella's car only. Such a norm is enacted *covertly*: the content of the locution does *not* match the content of the norm (roughly, "Currently, the only referent for the expression 'the car' is Stella's car"). Stella's utterance is a 'Conversational Exercitive' (27)—a non-authoritative act that changes what is permissible in a given conversation solely in virtue of adjusting the conversational 'score'.³ Since the score tracks all those elements that together determine what counts as correct or otherwise acceptable in a given conversation, adjusting the score therewith changes how conversational participants may or may not act. Since every conversational contribution adjusts the score in multiple ways, adding to a conversation enacts norms for that conversation. Going back to our example, one way in which Stella's move adjusts the score is by intervening on its salience component. Her contribution raises the salience of her

² Beaver, D., Stanley, J. 2019, "Toward a Non-Ideal Philosophy of Language", *Graduate Faculty Philosophy Journal: The New School for Social Research*, 39, 2, 503-47.

³ The notion of score is borrowed from David Lewis. See Lewis, D. 1979, "Scorekeeping in a Language Game", *Journal of Philosophical Logic*, 8, 3, 339-59.

car, and hence makes it the proper referent of the definite description ‘the car’. The salience shift, and the consequent adjustment of what is conversationally permissible, is disclosed by the fact that if Juan went on using ‘the car’ to refer to *his* car without signaling that salience facts have changed again, this would result in confusion. Stella might step in with something like, “Wait a minute. Which car are we talking about?”, flagging Juan’s breach of a conversational norm.

Like any conversational move, everyday bigoted remarks covertly shift the normative context they occur in. McGowan’s central example is a telling case of ordinary sexism (Ch. 5). The case goes like this: Steve and John are co-workers at a workplace in the US. The following exchange takes place in the employee lounge:

JOHN: So, Steve, how did it go last night?

STEVE: I banged the bitch.

JOHN: [smiling] She got a sister? (110).

Steve’s utterance enacts a number of norms, e.g. it makes a certain woman the most salient and thus the proper referent of the pronoun ‘she’. Crucially, it also enacts norms that make it permissible, in that immediate environment, to degrade women—for instance, to verbally derogate or sexually objectify them. By doing so, it “makes women count as second-class citizens (locally and for the time being)” (112). Somewhat surprisingly, however, McGowan goes on to claim that the enactment of such norms is not enough for Steve’s utterance to *constitute* harm. A further requirement is needed—namely, people must exploit the permission they are given. *If* those norms are actually followed, and women are actually discriminated against, *then* (and only then) Steve’s utterance constitutes the harm of gender discrimination.

McGowan’s notion of harm constitution has a built-in causal element. For an utterance to constitute harm, three conditions must be met: (i) the utterance enacts a norm that prescribes some harmful behaviors; (ii) that norm is followed; and (iii) harm results from following it (24). Constituting harm is, in this view, a special, norm-driven way of causing it. Thus, to say that Steve’s utterance constitutes gender discrimination is not to say that his utterance is contemporaneous with the discriminatory harm or that it is sufficient for that harm. Rather, the harm is *causally downstream* from his utterance: for the harm to obtain, others must follow the norms the utterance has enacted.

In the remainder of this review, we question the tenability of McGowan’s causal account of harm constitution and tentatively suggest an alternative. Before getting to that, it is useful to illustrate McGowan’s way of couching the constitution-causation divide. Consider the following examples.

Bigoted CEO

Julia, the CEO of a shoe company in Hawkins, is in a meeting with her HR team when she says, “From now on, we no longer hire Italians”. Julia’s utterance enacts a ‘No Italian’ hiring policy for her company. In adherence with it, her HR team starts to trash incoming job applications from Italian candidates.

Bigoted Employee

Jeff is a low-level employee at Julia’s company and a very good friend of Mark’s, the HR manager. Jeff keeps telling Mark how Italians are slackers and a blight

on the company's business. As a result of coming to believe these things, Mark starts to trash incoming job applications from Italian candidates.

Jeff, the bigoted employee, manages to (verbally) persuade Mark that it is in the company's best interest not to hire Italians, and because of this, Mark and his team stop hiring Italians. The connection between Jeff's words and the ensuing discriminatory hiring practice is *merely causal*. Julia's case is importantly different. Her utterance causes the same discriminatory conduct on the part of the HR team as Jeff's utterance, but Julia's does so via the enacting of a norm (or policy) prescribing that conduct. As such, Julia's utterance *constitutes* harm (precisely, the harm of anti-Italian discrimination). So, in McGowan's view, the difference between constituting and (merely) causing harm lies in the *means* by which the harm is brought about. Speech constitutes harm if it causes harm via the enacting of a norm that prescribes that harm; speech merely causes harm if it brings that harm about in some other way (e.g. via persuasion) (23).

With this in mind, we can now turn to the controversial aspects of McGowan's causal understanding of constitution. Consider a few alternative endings to *Bigoted CEO*.

No Italian Around

The Italian community in Hawkins moves out of town for unrelated reasons right after the enacting of the 'No Italian' policy. No Italian ever applies for a job position at the company.

Company Bankruptcy

Shortly after the enacting of the 'No Italian' policy, the Internal Revenue Service shuts down the company for insolvency. No Italian had happened to apply for a job position there in the meantime.

Disobedient HR

Mark, the company's HR manager, finds the 'No Italian' policy outrageous. He therefore continues to consider Italian candidates' applications, and since he is authorized to sign job contracts on behalf of the company, he continues to hire Italians if they deserve it.

In *No Italian Around* and *Company Bankruptcy*, the 'No Italian' policy has no applications; *a fortiori*, it cannot be followed and no discriminatory hiring practice ensues. In *Disobedient HR*, the 'No Italian' policy is breached and no actual discriminatory hiring practice follows. Although Julia's utterance successfully enacts a 'No Italian' policy, by McGowan's line of thought, it would *not* constitute discrimination in any of the three ending scenarios. That is, it would not be discriminatory—which strongly runs counter to our intuitions. The same line of reasoning applies to another, perhaps more vivid, example. Imagine that a 'Whites Only' sign is hung on a pub's front door. In a scenario in which, for purely idiosyncratic reasons, no black person ever happens to walk past the pub or to try to get a seat there, the 'Whites Only' sign would *not* constitute discrimination—which, again, seems just wrong.

To avoid such problematic results, we suggest that McGowan's causal account of constitution be shifted in a counterfactual direction, so that for an utterance to constitute harm, only two conditions are required:

- (i) the utterance enacts a norm that makes harmful behaviors permitted (or even mandatory);
- (ii) if the norm were followed, then harm would result from following it.⁴

A counterfactual account of constitution like the one we have just sketched has advantages over a causal account. First, it has bigger explanatory powers: those utterances that the causal approach unsatisfactorily leaves out are properly numbered among harmful norm enactments. Second, under a counterfactual view, whether an utterance constitutes harm does not depend upon whether some specific individuals actually happen to suffer concrete disadvantages. This is, we think, the right result: constituting harm doesn't seem to be (and perhaps, shouldn't be) dependent upon mere chance. Third, the counterfactual account is compatible with the idea that changes in people's deontic statuses (i.e. in their packages of rights, duties, entitlements, etc.) may be harmful per se, regardless of their concrete causal upshot. This is highly desirable, at least insofar as we want to stay true to the idea that depriving people of certain rights is to harm them—and this is so even if they had not exercised those rights in the past and would not have done so in the future.

One might worry that the counterfactual view makes harm constitution empirically undetectable. We can give this concern its due. Under a causal account, given a certain norm-enacting utterance and a certain *actual* harm, a causal connection is hypothesized between the utterance and the harm. Under a counterfactual account, given a certain norm-enacting utterance and a certain *actual or potential* harm, a causal connection is hypothesized between the former and the latter. If proving the hypothesized causal connection in McGowan's approach is already hard, proving it within a counterfactual framework might be even harder—for it would require us to “go and see” (as it were) not only how things are but also how they could be.

Let us stress, however, that the notion of constitution has been introduced in the debate on speech and harm precisely with the aim of capturing harms, and subtle forms of injustice, which may not be immediately empirically visible.⁵ In taking into account both actual and potential harms, the counterfactual view aligns with that aim. Notice, moreover, that in employing counterfactual reasoning to determine what constitutes harm, we are following the very same practice adopted in many legal systems to determine whether newly enacted laws are discriminatory or otherwise unconstitutional. Western legal systems currently rely on two basic models of constitutional review of statutes: the ‘con-

⁴ We treat (ii) as being compatible with the truth of the antecedent. Our definition thus broadens the range of cases captured by McGowan's, while keeping track of everything her definition does. It takes into account cases where the norm is followed and harm actually results from following it, as well as cases where the norm is not followed, but had it been followed, harm would have resulted from following it.

⁵ The notion dates back to MacKinnon's writings on the harms of pornography. See, esp., MacKinnon, C. 1987, *Feminism Unmodified: Discourses on Life and Law*, Cambridge, MA: Harvard University Press; and MacKinnon, C. 1993, *Only Words*, cit. at fn. 1. Harm constitution claims against pornography have been taken to have a dialectical advantage over harm causation claims, for they sidestep questions about the lack of conclusive evidence in support of a causal link between pornography consumption and sexual violence. See Mikkola, M. 2019, *Pornography: A Philosophical Introduction*, Oxford: Oxford University Press, esp. ch. 2.

crete' model and the 'abstract' model. In the *concrete* model, mainly adopted in the US, the review is activated by a claim that the enforcement of an (allegedly) unconstitutional law caused a real person—one of the litigants—actual injury. By contrast, in the *abstract* model—adopted in European countries such as Germany, Austria, Spain, and others—the review can be carried out in the absence of litigation, regardless of, and even prior to, the application of the statute in question. Under the abstract model, certain political actors (usually including opposition legislators) can challenge a statute—e.g. on discrimination grounds—right after its enactment in Parliament and prior to its application. When this happens, in order to ascertain whether the challenged statute is indeed discriminatory, the constitutional court cannot look at whether it has caused any actual discrimination against real people (since the statute has never been applied), but will look at whether it *would* do so, if applied. Abstract review

proceeds in the absence of litigation: the judge reads the legislative text against the constitutional law and then decides. There is no storyline or, if there is, the story is an imaginary or hypothetical one told to highlight the constitutional moral that comes at the end.⁶

That is to say that the (constitutional court) judge will engage in counterfactual reasoning to determine whether or not the statute in question constitutes harm—e.g. the harm of discrimination.

As one can see, McGowan's causal account and the counterfactual account of (harm) constitution reflect the competing intuitions at the roots of the concrete model and the abstract model of constitutional review. We do not aim to settle which model is to be preferred (we leave this question to legal scholars). What we want to emphasize is that the abstract model of review faces the same empirical difficulties as a counterfactual account of constitution; such difficulties, however, do not stall the legal process, nor are they generally considered sufficient to abandon the model in favor of concrete review.

Before concluding, note that McGowan grants in a footnote that

One might be tempted to say that certain norms are such that the mere enacting of them is harmful. Consider, for example, the employer's verbal enacting of the discriminatory hiring policy. Even if a discriminatory hiring practice does not result from the enacting of this policy [...], that policy in place might be harmful in a counterfactual way. [...] Although I here concentrate on cases where actual harm ensues, I leave this possibility open (24, fn. 42).

Our point has been to show that we should not just leave that possibility open, but opt for a counterfactual view on constitution, for it gives us better tools to capture what we intuitively consider as harmful—and perhaps want to consider as such for our legitimate political purposes. The direction in which we suggest to shift McGowan's account retains the core tenets of her framework: we entirely agree that the normative environment we navigate is continuously, and often implicitly, adjusted by the things we say. We also agree that offhand bigoted remarks may (and often do) contribute to structural injustice. McGowan's book provides an exceptionally rich and powerful machinery to unpack the mecha-

⁶ Stone Sweet, A. 2003, "Why Europe Rejected American Judicial Review—And Why It May Not Matter", *Michigan Law Review*, 108, 2771.

nisms by which this happens. Unlike McGowan, however, we do not think that actual disadvantages must follow for a norm-enacting utterance to constitute harm.

Vita-Salute San Raffaele University
Vita-Salute San Raffaele University

LAURA CAPONETTO
BIANCA CEPOLLARO