RESPONSE TO LÖHR: WHY WE STILL NEED A NEW NORMATIVISM[*]

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Guido Löhr's recent article makes several insightful and productive suggestions about how to proceed with the empirical study of collective action. However, their critique of the conclusions drawn in Gomez-Lavin & Rachar (2022) is undermined by some issues with the interpretation of the debate and paper. This discussion article clears up those issues, presents new findings from experiments developed in response to Löhr's critiques, reflects on the role of experimental research in the development and refinement of philosophical theories, and adds to Löhr's suggestions about the path forward.

I. BACKGROUND

Acting together with others is a distinctive form of sociality characterized by the presence of shared commitment to a goal. Philosophical theories of this phenomenon differ on the source and structure of this commitment. For some, it is a matter of the causal force and rational pressure associated with one's own psychological attitudes.[1] For others, it is a matter of interpersonal obligations, rights, and entitlements.[2] The latter have been labelled 'normativists' since they hold that interpersonal normative relations are inherent in collective action. The former have been labelled 'non-normativists' since they deny this claim.[3]

Recent empirical research suggests that our everyday conception of acting together is normativist in some form.[4] Judgements that characters

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[1] Bratman (2014).
[2] Gilbert (2013).
[3] These labels appear in roughly the same form in Alonso (2009).
[4] Gomez-Lavin & Rachar (2019).

in experimental vignettes are acting together are strongly associated with judgements that normative relations exist between them across a range of actions, relations between characters, and moral valence. In particular, there is evidence that an 'obligation to notify' before leaving is present in our collective actions and that violators of this obligation are answerable to their co-actors.

On the assumption that explaining a prevalent form of human sociality is one of the central aims of theories of collective action, these results have been posed as a challenge to non-normativists.[5] Expanding on this application of the empirical research to the philosophical debate, in 'Why We Need a New Normativism about Collective Action', we attempt to evaluate the most prominent version of normativism, often taken to be the standard normativist position, developed by Margaret Gilbert. Gilbert's version generates several unique empirical predictions. One is that co-actors are obligated to receive the permission of the others before leaving a collective action.[6] We develop several experiments meant to test this prediction. We interpret the results as also posing a challenge for Gilbert's account, since they do not detect evidence of said obligation. As the research also replicated our earlier results finding that participants intuit an obligation to notify in cases of collective action, reinforcing normativism in general, we conclude that a new (standard) normativism is needed to capture our everyday conception of acting together.

While supporting the use of an empirical approach to better understand this phenomenon, Löhr (2022) argues that these specific conclusions are not warranted. Specifically, Löhr claims that the research conducted does not in fact provide a reason to reject a normativism like Gilbert's, and that, even if it did, an obligation to notify is insufficiently weighty to justify calling a theory normativist.

This response considers Löhr's charges in reverse order and concludes that neither constitutes a strong enough reason to doubt the original conclusions. At issue are the definition of normativism itself and the role of empirical research in this debate. We think that empirical research helps to develop a fuller picture of our everyday understanding of what we owe each other when we act together if we owe anything. As a philosophical theory, normativism needs to do more. It needs to offer some combination of articulation, revision, or explanation of that picture. Working out the philosophical theory of normativism and assessing its plausibility are not tasks we undertake here. Instead, we attempt to clear the way for that task by specifying what it is for a philosophical theory to be normativist and what a theory of collective action should be poised to explain. We conclude that once these issues are settled, we are left with a reason to think our everyday conception is normativist but not Gilbertian. We should therefore still seek a new (standard) normativism.

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[5] Rachar (2021).

[6] According to Gilbert's account, these obligations are inherent in many collective phenomena, not just collective action (2013).

II. WHAT IS NORMATIVISM?

At the heart of Löhr's second objection is an understanding of normativism that we should not accept. As stated above, normativism is the claim that inter-personal normative relations are inherent in collective action.[7] Löhr appears to add to this that these relations must be *non-moral* and *special* to collective action.[8] While these two features are part of Gilbert's version of normativism,[9] they are not requirements of normativism in general. Nor should we accept this modification of the definition. We can see this by thinking about some possible accounts of collective action that despite being implausible are logically coherent and serve as counterexamples to Löhr's definition.[10]

For the first, consider a view of collective action on which it necessarily involves a combination of mutual promises between co-actors where those promises always result in moral obligations. There is no question whether such a theory of collective action is normativist, as it states that mutual obligations are inherent to collective action. Yet, on Löhr's definition, it would not qualify, since the obligations involved are moral and are not special to collective action.

A second hypothetical view of collective action is helpful with respect to another of Löhr's claims. Löhr argues that the obligation to notify is insufficiently demanding for a theory that posits only it to qualify as normativist. They state, 'Obligations that we can dissolve simply by expressing the wish to do so are not really obligations in the standard sense'[11] and then a little later, 'the normative bond would be too weak if we could come and go as we please.'[12] Consider a view of collective action on which it essentially involves an obligation to avoid significant loss to one's co-actors by non-performance of one's part. This obligation may not require the obligated person to perform the act or be released by the person to whom they are obligated but, in some cases, may be satisfied by giving a timely warning instead.[13] Since we reject Löhr's claim that only obligations of strict performance are 'genuine' obligations, this theory is also clearly normativist, as it posits an essential connection between interpersonal obligation and collective action.

A theory of collective action need not meet these additional constraints to be normativist. Moreover, a theory that posits an inherent obligation to notify

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[7] This definition is used in Gomez-Lavin & Rachar (2022: 478) and Gomez-Lavin & Rachar (2019: 98). It is based on the definition given in Alonso (2009).

[8] Löhr (2022: 2).

[9] Gilbert (2013).

[10] The reason the following theories are implausible is that it is likely that moral obligations are defeasible. Consult, for example, Wallace (2019). A moral normativism would deny this.

[11] Löhr (2022: 6).

[12] Löhr (2022: 7).

[13] Alonso (2009) develops a theory close to this, although, because of the specific grounds of the obligation Alonso posits, it is not straightforwardly normativist. See Rachar (2021: 485–7) for discussion.

one's co-actor of non-performance that is both special to collective action and non-moral would be normativist and meet Löhr's additional requirements. Therefore, Löhr's second objection does not provide a reason to think that a theory of collective action responsive to the empirical research suggesting there is only an 'obligation to notify' in collective action would not be normativist or sufficiently demanding. Now that we have a clear picture of what normativism is, we can turn to what it should be poised to explain.

III. THE RELATION BETWEEN EMPIRICAL RESEARCH AND PHILOSOPHICAL THEORY

Löhr's other objection is that the empirical research does not give us reason to think Gilbert's theory as it stands is deficient. This objection involves a series of concerns about the studies.

First, Löhr states that 'it is not clear whether the empirical measures are sensitive enough to decide between Bratman and Gilbert.'[14] It is true that empirical research alone may not distinguish between normativist and non-normativist accounts, but that is not what it has been deployed it to do. The distinction between normativists and non-normativists is conceptual and, in a sense, pre-empirical. Instead of something revealed by empirical research, that distinction is used to frame the research. The value of framing the research using that pre-given philosophical distinction is the way it homes in on those places where the normativist accounts make different predictions than the non-normativist accounts. Once we have isolated these points of divergence, empirical research creates a fuller picture. By conducting the experiments with a sample larger than one, we gain insight into the question of whether particular conclusions are the result of idiosyncratic personal factors stemming from different experiences and backgrounds. In addition, by systematically working through examples from several sources and developing the vignettes so that specific cues and behaviours are highlighted and tested, we reveal a finer-grained picture of just which elements of the thought experiments are driving participants' intuitions. This value does not depend on being able to draw the distinction in the first place.

Turning to the interpretation of the studies in question, Löhr suggests that results inconsistent with a theory are not a problem for that theory as long as there are possible, presumably plausible, explanations of those results.[15] We think, however, that the purpose of this kind of experimental philosophy is exactly that it helps both to generate and evaluate such explanations. Our central methodological claim is that philosophical theories of collective action

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[14] Löhr (2022: 5).
[15] Löhr (2022: 5).

that aim to explain actual human sociality should engage in the project of providing explanations sensitive to our everyday understanding. Insofar as the experimental research reveals something about that everyday understanding and is at odds with a philosophical theory, responding to that research on behalf of a theory may involve further normative theorizing, theory revision, the development of auxiliary hypotheses, new interpretations of the cases, or even arguments that our everyday understanding is misguided. And this is a dynamic and ongoing process, so those revisions, interpretations, explanations, and hypotheses will then in turn be evaluated, in part using experimental methods.

For example, Löhr suggests that Bratman could argue that participants are responding to politeness norms. This is a suggestive claim but requires further development before it in turn can be subject to empirical testing. It is consistent with both Bratman and normativism, and is not anchored in anything in the vignettes or measures that explain the ground or source of these norms, besides the presence of shared agency itself. Suppose one argues that something about forming collective intentions triggers justified politeness norms that create interpersonal obligations in all cases. That is a form of normativism and is therefore not consistent with Bratman's theory. Suppose, by contrast, one argues that certain kinds of collective action come with a package of politeness norms, which are then triggered when people engage in that kind of collective action but not others. That is a version of non-normativism and is consistent with Bratman. Whichever direction one pursues, the aim of putting forward such a philosophical theory should be to explain how those norms work, what triggers them, to whom they apply, and particularly how they relate to shared agency. This new theory would then be useful in developing further experimental research that tests predictions derived from it.[16]

Löhr's next objection leads to some possible explanations from a Gilbertian perspective. Löhr contends that the studies conflate different kinds of normative pressure, for example moral and non-moral.[17] While it is true that the studies do not explicitly distinguish between kinds of normative pressure, this is a positive feature. The question of whether normative pressure is present in some interaction is prior to the question of what kind of normative pressure it is. If the answer to the former is negative, then the latter is moot. It, therefore,

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[16] Moreover, such explanations do not constitute confounds. Possible confounds abound in most research, and even common methodological strategies aimed at mitigating their presence, such as balancing potential confounds (e.g. age, education level) or randomizing the individuals placed within a sample, are unlikely to eliminate all of them (Fuller 2019: 921). However, there is no indication that the groups or conditions differed in systematic ways not adequately controlled by the experimenters. That is, the presence of politeness norms is not a confounding variable as both groups in the relevant conditions would have been affected equally. Instead, it is best seen as a phenomenon that is potentially interacting with the other measures, an interaction effect that would be a fascinating line of further research once it is more fully specified.

[17] Löhr (2022: 5).

makes sense to assess participants' judgements about the *presence* of obligation in collective action before attempting to investigate the question of exactly how participants view that pressure. The measures to which participants are asked to respond leave open what kind of pressure participants have in mind in order to investigate whether they think there is any pressure at all.

The distinction between moral and non-moral normative pressure also plays a role in one of the explanations of the results Löhr offers. Löhr claims that a Gilbertian could consistently argue that participants understood the normative measure in a moral sense and so responded that there is no obligation to seek permission, even though they may still believe that co-actors are under another type of normative pressure to seek permission.[18] However, as discussed, the questions purposefully do not reference any specific type of normative pressure, and, in fact, do not even use the word 'obligation' outside their anchors in order to avoid its potential moral connotations. Löhr presents no reason to think that participants, when asked in the most general terms, have systematically excluded a particular set of considerations because they are focused on some other set. It would indeed be a fascinating finding if someone were able to generate results that manipulate judgements in the way Löhr suggests, but without that experimental confirmation, or even the suggestion of a hypothetical mechanism by which such an effect may be generated, we have no basis to conclude that is happening. Moreover, this is not in fact an explanation that Gilbert can consistently offer. As noted in the original paper, Gilbert's argumentative strategy is to tell a similar story to those presented in the experimental vignettes and then claim that people intuitively recognize the (non-moral) normative pressure she posits. If people are systematically incapable of recognizing Gilbertian normative pressure in cases of collective action, Gilbert's own argument fails.[19]

Finally, Löhr proposes that the participants will not be sensitive to this normative pressure since the person in a position to grant release may be equally obligated to do so.[20] This does not take account of the fact that the question in the *Permission Measure* is framed in terms of 'seeking' permission. As Löhr points out in a thought experiment they use to illustrate this point, which involves a student asking for permission to use the restroom, there are clear intuitive distinctions between notifying, seeking permission, and receiving permission. And we are capable of recognizing that seeking permission may be required in some instances where granting it, absent special circumstances, is also required. Imagine the following scenario at a school where permission to go the restroom is usually granted. A student gets up to leave the room without saying anything. When an explanation of the student's behaviour is requested

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[18] Löhr (2022: 5).
[19] Consult Gomez-Lavin & Rachar (2022: 494–5) for further elaboration of this point.
[20] Löhr (2022: 6).

by the teacher, the student responds, 'Oh, since I thought it was expected that permission would be granted, I didn't think it was required to seek it.' That response is unlikely to satisfy the teacher, which suggests that judgements about whether it would be odd not to grant permission are highly unlikely to change judgements about whether seeking that permission is required in the first place. Given that the questions were posed in the language of a requirement to seek permission, and absent any evidence to the contrary, we should not conclude that participants systematically made this mistake.

Löhr's interpretations and explanations, therefore, do not constitute reasons to reject the conclusions of the original paper. But they do point to an important qualification. Namely, the purpose of the empirical research is not to provide a definitive refutation of any particular philosophical theory but to aid in the process of theory revision and development.[21]

IV. QUESTIONS REGARDING PRESENT AND FUTURE EMPIRICAL RESEARCH

Löhr also mounts a specific critique of the permission and notification measures used in the two earlier studies; specifically, they are not sufficiently homogeneous in their wording. This section presents new empirical research on this issue.

Löhr points out that one of the normative measures deployed in the studies uses the term 'should', whereas the *Permission Measure* uses 'have to'. Löhr's worry is that participants will impute a *stronger* form of commitment from the 'have to' wording that would depress participants' scores on the *Permission Measure* in those conditions in which a Gilbertian would expect the opposite. As we do not provide a rationale for our word choice in the previous studies, there is a risk that this methodological oversight may jeopardize our conclusion that it is not necessary to seek permission in minimal cases of collective action. To address this worry, we have conducted a follow-up study and have compared our new results with data from the first study in the 2022 paper.

We recruited 101 English-speaking adults using the Prolific.co platform (74.5 per cent self-identified as women) and randomly assigned them to one of two conditions. In the first condition, participants read the original 'Low Collective Action' vignette, and in the second they read the 'Promising' vignette.[22]

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[21] Consult Gomez-Lavin & Rachar (2019: 117–8), who justify experimental philosophy on similar methodological grounds.

[22] We choose the Low Collective Action condition because it is the most important for evaluating Gilbert's theory. She holds that all collective actions involve obligations to seek permission, and the strongest test of this claim would be in minimal collective actions. Further, the Low Collective Action condition contains the fewest additional features and therefore has the smallest chance of introducing an obligation-generating mechanism incidental to collective action.
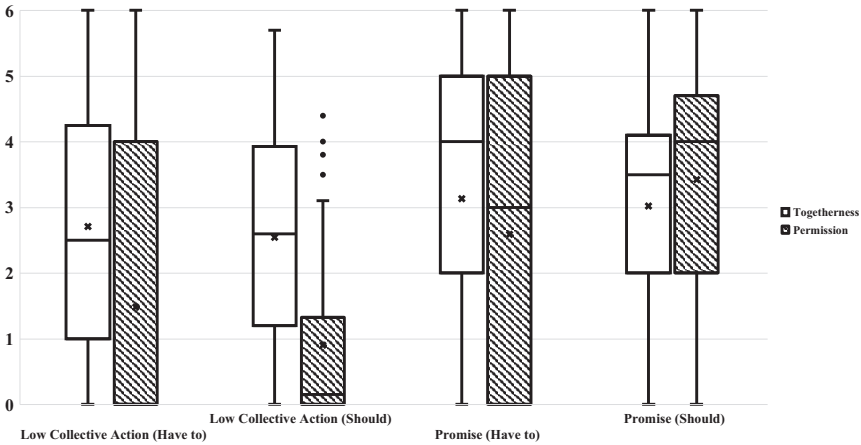
Figure 1. A box-and-whisker plot comparing results from the 2022 study (i.e. the first and third sets labelled with 'Have to', $n = 52$ for Low Collective Action and $n = 54$ for Promise) with our present results (i.e. the second and forth sets labelled with 'Should', $n = 44$ for Low Collective Action and $n = 57$ for Promise). Means are denoted by the bolded 'x' and medians by the thick horizontal lines (where there is none, the median is 0). The two leftmost sets show the quartile distributions of participant results in the two Low Collective Action conditions.[23]

In both conditions participants were then directed to answer two questions corresponding to the measures used in the initial paper and detailed below:

Togetherness Measure: 'To what extent were the two people acting together' anchored at 0 ('Not at all') and 6 ('Totally working together').

Permission Measure: '**Should** the person who peels off seek permission to leave from the person who stays?' anchored at 0 ('Not at all') and 6 ('Totally').

Notice that we have made one crucial alteration to the *Permission Measure*. To test whether participants infer a different level of normative pressure from 'should' as opposed to 'have to', we have rephrased the measure to feature 'should'. We then compared this new data with prior data obtained from the initial studies and have graphed the results below in Fig. 1.

As data for most of our condition–measure pairs were not normal, we used Mann–Whitney U tests to test for differences amongst the distribution of scores

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[23] Scores for measures in the Low Collective Action 'Have to' conditions were as follows: togetherness ($M = 2.71$, Mdn = 2.5, and SD = 1.92) and permission ($M = 1.48$, Mdn = 0, and SD = 2.09). Conversely, scores for measures in the Low Collective Action 'Should' conditions were as follows: togetherness ($M = 2.55$, Mdn = 2.6, and SD = 1.52) and permission ($M = .89$, Mdn = .15, and SD = 1.3). Descriptive statistics for measures in the first 'Have to' Promise conditions were as follows: togetherness ($M = 3.13$, Mdn = 4, and SD = 1.83) and permission ($M = 2.59$, Mdn = 3, and SD = 2.16). Finally, in our present Promise 'Should' conditions, scores for the measures were as follows: togetherness ($M = 3.02$, Mdn = 3.5, and SD = 1.5) and permission ($M = 3.42$, Mdn = 4, and SD = 1.89).

across matched conditions (i.e. comparing low collective action conditions from the earlier study to our present one). We found no significant differences across matched conditions for either measure.[24] In fact, opposed to what might be expected by Löhr's reasoning, it seems as though using the 'should' language in our Low Collective Action conditions yielded a more constrained distribution of participant responses collected around the floor of the *Permission Measure* than the original 'have to' language.[25] At the same time, although not a statistically significant result, it appears that participant scores on the *Permission Measure* were trending higher in the Promise condition with the 'should' language, which is in line with Löhr's prediction of the normative pressure exerted by the terms.[26] However, as the different wording in the permission measures did not yield a significant difference in participant judgements, our results do not support Löhr's terminological worry.

Löhr suggests several further variations of the initial paradigm, including modulating the stakes described within the fictional vignettes, devising morally neutral or immoral scenarios that may pre-empt politeness norms, assessing participants' attitudes about their intuitions after a period of reflection, and conducting cross-cultural reviews of these norms. These are all excellent and tenable directions for future research by any team interested in these projects. Clearly, there is much productive work left to be done on both conceptual and empirical fronts that will only help clarify our theories of collective action.

V. CONCLUSION

Löhr's article is a key step forward in our understanding of how to conduct empirical research on collective action and apply the results of that research to the philosophical debate. But they do not provide reasons to doubt that, on a plausible picture of what a theory of collective action should do, a new (or newly revised) normativism is required.

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[24] Low collective action conditions pairwise comparison for togetherness scores: $U = 1091$, $z = 0.39$, $P = 0.695$ and for permission scores: $U = 1135.5$, $z = 0.067$, $P = 0.946$.

[25] Standard deviation of participant ratings in the low collective action 'have to' condition is 1.3, compared to a value of 2.09 for the match condition with the 'should' language.

[26] Promise conditions pairwise comparison for togetherness scores: $U = 1439.5$, $z = 0.59$, $P = 0.555$ and for permission scores: $U = 1229.5$, $z = 1.836$, $P = 0.066$.

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