(68 Elfes Case, 6 BVerfGE 32 [1957]; translation available at https://germanlawarchive .iuscomp.org/?p=9). This assertion provides an alternative perspective to the traditional US perspective which regards the authority of all law (including constitutional law) as stemming from the will or consent of the people. More generally, the German Court (rightly in my view) does not regard the law, as Shiffrin does, as a system that "must be our product" (39). The US Constitution is a representational constitution. In contrast, the German Constitutional Court asserts here that the authority of some laws stems simply from their moral or political desirability. Recall in this context that the German Constitution was at least partly imposed on the German people by the Allies. It cannot easily be conceptualized as the product of the creation of the German people.

I think that there is a lot to learn from this observation. Even if the majority protects rights vigorously (and is likely to do so in the future), it is still the case that Shiffrin's *Democratic Law* errs in stressing (like many other democratic theories) the claim that all law is the product of our creation. In contrast, I believe that much of the appeal of constitutions and of international law provisions comes precisely from the fact that they are not perceived to be our creation. This may also explain the appeal of natural law theories, which perceive law to exist independently of our will. I would therefore wish to point out an ironic aspect of law, namely that to be free, we need to be willing to endorse certain fundamental rules as binding us willy-nilly rather than as being the product of our creation. Law that is regarded as produced by us may therefore be oppressive precisely because it deemphasizes the fact that some fundamental aspects of law are not our creation and ought not to be.

The effort to understand the grounds for the authority of law or its normative significance will continue to occupy political philosophers and political theorists. Shiffrin's *Democratic Law* will be among the texts that will be used and reused in an effort to resolve or, at least, contribute to a better understanding of this fundamental question of political philosophy.

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Whiting, Daniel. *The Range of Reasons: In Ethics and Epistemology.* Oxford: Oxford University Press, 2022. Pp. 240. $70.00 (cloth).

Daniel Whiting has written a book, and that book is about reasons. It is a book written for professional philosophers and their graduate students working in the co-titular areas, but it will be interesting for anyone whose tastes run to the well-argued, carefully rejoindered biconditional analysis of commonplace, everyday notions.

Whiting's main idea, first pursued through the practical domain and then cornered in the epistemic, is a modal account of reasons according to which a fact (or in the case of subjective reasons, an apparent fact) is a reason when it covaries with a respect in which it is right (or wrong) to do or believe (or fail to do or believe) something (more details on this analysis below). Given his interests in explicating the notion of reasons, Whiting remains admirably neutral regarding the first-order content

of rightness, with one very big exception. For all he says, actions might be right or wrong in respect of violating agents' autonomy, or in respect of causing harm, or by failing to promote agents' (suitably idealized) desires, or by not according with the commands of a divine lawgiver (52, 56, 58). But when it comes to (all-out) belief, Whiting's view is that truth is the sole criterion of rightness (chap. 7, esp. sec. 7.3). And it's not just that truth in some respect or other sets the standard of rightness for belief; instead, Whiting's view is the (quite specific, demanding) view that says

> **Truth.** Necessarily, it is right for a person to believe a proposition if and only if that proposition is true. (148)

Hence, for Whiting, the only reasons for belief in some proposition *P* are facts that covary with the truth of *P*. In other words, "reasons that justify believing a proposition are facts which provide safe evidence of its truth," where evidence is "safe" when, roughly, it couldn't easily mislead.

(As an aside: Whiting's discussion of the distinction between justifying and demanding reasons is worthy of attention, especially as it applies in the epistemic domain. In brief, his view is that justifying reasons covary with respects in which it is right to act or to believe, whereas demanding reasons covary with respects in which it is wrong not to act or to believe [67]. For simplicity, I'll focus my discussion here on justifying reasons.)

Given his studied neutrality on the practical side of things, Whiting's substantive commitment to truth as the sole right-making feature of belief might seem surprising. But, Whiting argues, the payoff is in the work this substantive commitment, together with the general modal theory of reasons, can do in explaining and characterizing other epistemic notions, such as knowledge (chap. 8) and rational belief (chap. 9). Whiting's discussion here is careful and clear, and he makes a strong case that the joint commitment to Truth and his preferred theory of reasons can account for a range of long-standing puzzles in contemporary epistemology (Gettier cases included [sec. 8.5], in case you're a fake barn enthusiast).

This is a garden-variety argumentative strategy, but I wanted to hear more about why Whiting thinks that alternative substantive accounts of the right-making features of belief were not similarly fertile. There are a range of varietals now on offer, though they are admittedly not as widely cultivated as Truth. For instance, pragmatists say things such as

> **Utility.** Necessarily, it is right for a person to believe a proposition if and only if that proposition is useful to believe. (See, among others, Susanna Rinard, "Against the New Evidentialists," *Philosophical Issues* 25 [2015]: 208–23.)

Can't we pair Utility with Whiting's account of reasons and drive out plausible results about rational belief and knowledge? Pragmatists seem to think we can. Of course, the accounts of knowledge and rational belief we'll get if we're pragmatists will be somewhat different from orthodox accounts, but I wasn't sure why Whiting was as interested as he is in defending the (relatively) status quo conception of those notions. Maybe this is just temperament. Some people really feel that truth has got to be the thing, when it comes to right belief. But then, there are going alternatives to capital-T Truth that still involve truth, such as

> **Consequentialist-Truth.** Necessarily, it is right for a person to believe a proposition if and only if believing that proposition will yield a set of beliefs with the greatest overall amount of true belief. (See, among others, Daniel Singer, *Right Belief and True Belief* [Oxford: Oxford University Press, forthcoming].)

Perhaps the thing to say is that proponents of Utility and Consequentialist-Truth must themselves explore the consequences of pairing Whiting's general account of reasons with their preferred first-order standards of rightness for belief. In that respect, I think that Whiting's contribution should be welcome even to those who aren't fans of Truth.

Returning to the main thread: I've said that Whiting offers a general account of reasons. Whiting's official statement is as follows (64):

> **Modal$_{JR}$.** Necessarily, a fact, F, is a justifying reason for a person to act if and only if:
>   (i)   R is a respect in which it is right for them to act;
> (ii)   in every nearby metaphysically possible world in which F obtains, R obtains.

This, one might think, is a "rather arcane and complex" (72) analysis of something Whiting is quick to highlight is an everyday notion that figures in our ordinary thought and talk. (Whiting doesn't quite admit that it's arcane, but he seems willing to grant that it might be.) After all, reasons are things with familiar, workaday jobs to do (chap. 2, esp. sec. 2.3 and following): at the very least, they justify and explain, and they guide agents in deliberating over action and belief. These are not arcane and complex job descriptions. Is that a problem for Modal$_{JR}$? Probably not. Maybe the kind of thing that does the job of reasons is itself arcane and complex. The job of rockets is apparently straightforward: taking a payload outside earth's gravity well. But, famously, rockets involve, you know, rocket science.

On the way to Modal$_{JR}$, then, Whiting's idea is that we can compare competitor accounts of reasons in terms of how well they capture the idea of a thing capable of doing what it is reasons are familiarly, uncontroversially for, namely explaining and justifying action and belief and guiding agents in their choice thereof. For an example of this argumentative strategy, consider Whiting's treatment of explanationist accounts of reasons. According to explanationists, a fact is a reason for an agent to act just in case that fact explains why it is right in some respect for the agent to so act. Such accounts are well suited—indeed, as Whiting points out, they are seemingly "designed" (23)—to capture the explanatory role of reasons, but they are ill-equipped to capture some of the other characteristic roles of reasons, namely justification and guidance. Take Whiting's example: suppose Nadia has promised to leave a party at 11:00 p.m., and the clock reads 11:00 p.m. (23). That the clock reads 11:00 p.m. is intuitively a reason for Nadia to leave the party; it appears to justify her in leaving, and it could guide her choice about whether to leave (in combination with her background beliefs, etc.). But the clock's reading 11:00 p.m. doesn't explain why it is right (even in some respect) for Nadia to leave. Instead, it is the fact that she promised to leave that explains why it is right for her to leave. But then something must have gone wrong with the explanationist account of reasons, since it cannot capture the roles reasons play; further, as we've seen, the roles of reasons—justifying, explaining, and guiding—"are not incidental, but reflect the nature of reasons" (24).

Whiting's worries with other competing accounts run along similar lines. To be clear, all these objections are a kind of extensional complaint. They are complaints based on the idea that the account on offer yields incorrect verdicts about which things are in fact reasons by either under- or overcounting the reasons (see, e.g., the objections to reasoning-based accounts in sec. 2.7, 33–34). This means, and Whiting is quick to admit, that there's "a lot of argumentative weight [placed] on the job description for reasons" (34). After all, the proponent of one of these alternative accounts of reasons might reject one or more components of that job description and claim that reasons don't (or needn't) do that. Where, for that matter, did the job description for reasons come from? Whiting anticipates: "For my part, I think that the job description emerges naturally from reflection on the ways philosophers and 'the folk' think and talk about reasons, hence, that it is a neutral starting point for theorizing" (34). Fair enough. But what about the possibility that the job description that so emerges is not the job description of reasons but is instead the job description of something else? (Compare: you might get different job descriptions for Google depending on whether you're hanging around with Larry and Sergey or with CEOs from Big Ad.) Whiting, again: "Perhaps the job description does not pick out all or only reasons. But it does pick out something—something which justifies, guides, and explains. That is what I am interested in. If need be, I can give a different name to the thing that does these things. I am not too hung up on the terminology" (34). Again, fair enough. It does not make much sense to get hung up on terminology. But I am a bit confused by how the overall argumentative strategy suggested by the juxtaposition of these passages fits with Whiting's project in the book. Let me say a bit more about this; then, I'll close by highlighting some of the other really excellent bits of argumentation in Whiting's book.

Suppose you thought, as Whiting thinks, that there's a functional role for reasons (their "job description") that "emerges naturally" from our ordinary system of evaluative thought and talk. Justifying, explaining, and guiding is what reasons are, in teleological language, for. You'd then be in a position to make extensional objections to proposed analyses of reasons on the grounds that some of the things they identify as reasons are not capable of doing what reasons are manifestly for (overcounting) or that some of the things that are capable of doing what reasons are for are not identified by that analysis as reasons (undercounting). That's what Whiting appears to be doing in worrying about explanationist and other accounts of reasons. (Though, of course, Whiting does have other reasons for preferring his view, such as the explanatory work he argues the complete picture can do for us. See esp. chaps. 8–9.) So far, so good.

It doesn't make much sense, as Whiting says, to then respond to such extensional worries by distinguishing between the functional role of reasons and the functional role of pleasons, where the functional role of the former is (say) simply to explain, whereas the functional role of the latter is (perhaps) to explain, to justify, and to guide. The correct reply to that sort of rejoinder is just to (first sigh and then) say that one is therefore interested in talking about pleasons. That is Whiting's strategy, and it seems unduly patient with the objector.

But here is where I begin to get confused. I'm not sure why, having put the functional role of some bit of our thought and talk in argumentative pride of place, one would be interested in going on to make any particularly strong claims—remember, Modal$_{JR}$ is a claim about necessarily which facts are capable of being

(justifying) reasons—about what kinds of things can as a matter of fact play that functional role. After all, that simply opens one up to the kinds of extensional complaints Whiting himself uses to target his competitor accounts. If we can get enough people to read this book (and they should), then we're off to the races: counterexamples to Modal$_{JR}$ will be offered and rejected, blows softened, bullets bitten, the whole nine yards.

But instead of all that, having accepted that reasons are as reasons do, it seems much more natural to be a kind of pluralist about reasons and go on to accept that many different kinds of things can realize the role of reasons in justifying, explaining, and guiding. In other words, if reasons are identified functionally, we should expect multiple realizability in much the same way we expect multiple realizability in other domains where function takes center stage (cf. Hilary Putnam, "Psychological Predicates," in *Art, Mind, and Religion*, ed. W. H. Capitan and D. D. Merrill [Pittsburgh: University of Pittsburgh Press, 1967], 37–48). According to functionalism of this kind about reasons, what it is to be a reason just is to play a variety of functional roles, and there's no reason (hah) to think we need to (or indeed could) settle on any biconditional that picks out all and only the realizers of that role. (This doesn't mean, of course, that anything you like can be a reason.)

Here is another way to put my point. There's a tension between two aspects of Whiting's argumentative strategy. On the one hand, there's an (in my view, admirable) emphasis on the function of reasons in our evaluative thought and talk, as well as a strong reliance on claims about that function in arguing against particular accounts of the nature of reasons. It is therefore Whiting's claims about the role of reasons that allow him to clear the way for his preferred modal account. This commitment to identifying reasons with their role makes Whiting appear a committed functionalist about reasons: reasons are as reasons do. And (I claim) the natural thing to be, if one is a functionalist about some kind of thing, is completely disinterested in metaphysically heavyweight debates over the nonfunctional nature of the kind of thing in question. After all, the nature of the kind of thing one is interested in just is given by its functional description, and having that in hand, we don't need to worry ourselves, all too much, over questions concerning its realizers. Or if we do, we will do so on a case-by-case basis, and it would be odd to end up thinking that there are any strong modal truths about what things can and cannot necessarily realize the functional role in question. In other words, functionalists about some notion won't be too interested in giving a further account of the notion, having said what the notion is fundamentally for. But it appears that Whiting is interested in giving a further account, hence my confusion.

I should say that Whiting's book doesn't suffer for my being a bit nonplussed by his motives. I've only picked a few nits here, and the book is swarming with excellent arguments. In addition to areas I've already mentioned, he applies his view to the question of what it is to possess or have a reason (chap. 5), and he offers a related account of subjective reasons (chap. 6) that is especially clear and compelling and, I think, gets a lot of things right—including the idea that it's possible to possess reasons even under or because of conditions of irrationality (sec. 5.7.2) or falsehood (sec. 5.7.1). This is an excellent book.

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