

Constitutivism as a Method of Justification: A Gewirthian Approach

Master's Thesis submitted for the
Research Master's Philosophy
Utrecht University
July 28, 2018

Suzanne Louise Jacobi
Student Number: 3827305

First Reader: dr. Sem de Maagt
Second Reader: dr. Joel Anderson
Third Reader: prof. dr. Paul Ziche



Universiteit Utrecht

Abstract

In this thesis, I argue that Gewirth's constitutivist approach offers a fruitful alternative to the dominant understanding of constitutivism in the current (meta-)ethical discussion about constitutivism as a method of justification. Gewirth's conception of the relation between the inescapability of agency and the normative authority of its constitutive features has the ability to overcome several fundamental objections to constitutivism. The central features of Gewirthian constitutivism that allow it to overcome these objections are 1) that it need not impose an (escapable) constitutive aim on agency, and 2) that this approach makes a distinction between the constitutive features of action and the evaluative criterion for particular actions. I will argue that this provides the ground for a convincing reply to so-called 'shmgency-objections' to constitutivism, as well as to several seemingly paradoxical implications of constitutivism. Furthermore, Gewirth's approach, if coupled with certain anthropological premises, has the ability to justify a wide range of moral content, making it a viable ground for the justification of substantive moral conclusions. Taken together, these considerations imply that Gewirthian constitutivism deserves more consideration in the current debate, as a fruitful and convincing method of justification for normative- and applied-ethical discourse.

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Introduction

One of the central aims of moral philosophy is to provide justification for the idea that moral norms are unconditionally binding on all agents. Where norms of particular practices are only binding on those who choose to engage in them, moral norms purport to be unconditional oughts for all agents regardless of their conception of the good, their ends, their desires, etc. The question is whether any moral norms or principles can be justified rationally from the perspective of the agent, so that it is possible to argue that deviation from these norms or principles is necessarily irrational for any agent. One approach which aims to show that certain moral norms are rationally justified from the perspective of the agent is constitutivism. Constitutivism is a method of justification in ethics which purports to ground unconditional moral oughts in what is constitutive of agency. According to this approach, some moral norms have authority over us simply because we are agents. Constitutivism has two central aims: first, to show that something normative can follow from the inescapability of agency from the agential perspective. Second, to show that what is constitutive of agency provides a ground for the derivation of substantive moral principles or norms. The first aim is thus to justify the structure of the constitutivist argument: to show that what is constitutive of agency somehow provides a ground for the inference of normative commitments. The second aim is to show that such arguments are fruitful for normative-ethical discourse, or, simpler: that we can find out what it is we ought to do by appeal to this method of justification.

Both of these claims have come under fire in the current debate on ethical constitutivism. Critics object that agency is not inescapable (Silverstein 2012), that it is unclear how something normative could follow from it even if it were (Enoch 2006; Tiffany 2012), and that it is unclear how constitutive features can be both necessary conditions for an activity *and* provide an evaluative criterion for that activity at the same time (Lavin 2004; Clark 2001; Railton 1997). However, many authors overlook the possibility of a dialectically necessary argument from the perspective of the agent like Gewirth's as the source of normativity in a constitutivist argument, instead basing their objections on an understanding of constitutivism that is greatly influenced by the approaches of Korsgaard and Velleman in particular.¹ In this thesis, I will argue that Alan Gewirth offers an attractive alternative to the dominant understanding of constitutivism as shaped by the approaches of Korsgaard and Velleman. I will argue that Gewirth's use of a dialectically necessary argument from the perspective of the agent provides a fruitful and interesting alternative constitutivist theory, which, I will argue, has the ability to side-step or overcome the aforementioned objections.

¹ E.g. Baiasu (2016), Lavin (2004), Tiffany (2012), Enoch (2006), Walden (2018).

There are several further reasons for this particular focus on Gewirth. Gewirth's approach is ambitious in terms of the normative content it aims to ground: a supreme moral principle, a set of human rights, various tools for this principle's direct and indirect application (to cases and institutions respectively) as well as a hierarchical ordering of these rights and derivative norms and principles are claimed to follow from what is constitutive of agency on Gewirth's approach. Hence, Gewirth purports to justify a 'full' normative theory concerning what we ought to do, personally and with regard to our institutional arrangement, based on the constitutive features of agency. If successful, this would mean that we can arrive at a substantive moral theory using only the laws of inductive and deductive reasoning from the perspective of the agent. Importantly, this moral theory would therefore not need to appeal to self-evidence or moral intuition, nor to the existence of ('queer') moral facts, in order to justify substantive conclusions about what we ought to do. This is the reason why Beyleveld, in turn, argues that: "In short, that philosophers are inclined to seek contingent groundings for morality can only be justified on the conviction that the Gewirthian enterprise is unfulfillable." (Beyleveld 1991, 3) That is: it is worth finding out to what extent this 'Gewirthian promise' of providing universal and objective justification for a supreme principle of morality, a range of concrete norms of action and various 'tools' for the application of this principle, can be realized.

The structure of this thesis is as follows. In the first chapter, I will briefly introduce constitutivism as a method of justification in ethics, and provide an account of Gewirth's particular argument in this context. I will argue that constitutivism is characterized by three main claims, and situate the objections to constitutivism in relation to those main claims. Since the limits of this thesis do not allow for an exhaustive account of either constitutivism or the manifold objections to it from various perspectives, the first chapter will focus on three objections to what I take to be the most important question for constitutivism: how normativity is supposed to follow from inescapability. I will show in what way I think a Gewirthian approach can overcome these. Hence, the first chapter primarily deals with the question how something normative is supposed to follow from something inescapable. I will argue that Gewirth's approach has three central characteristic features that provide a ground for a convincing response to the objections mentioned above.

The second chapter, by contrast, focuses on the range of 'content' that can follow from what is constitutive of agency. That is: even if there is a way to justify something normative on the basis of the inescapability of agency, the question is just how much we can justify in this way. If the answer is that we can only justify a few very basic rights, for example, constitutivism would still not be an appealing method of justification in ethics due to its limitations. I will examine which level of freedom and well-being agents must regard as necessary goods regardless of the contents of their purposes, in light of Regan's (1999) objection that agents need not value their freedom understood as a generic disposition,

but must only value the particular freedom required for their existing purposes. I will argue that though both the inclusion of generic freedom and the inclusion of so-called additive rights in the set of rights agents must claim depends on anthropological premises, this need not necessarily be regarded as problematic.

The main aim of this thesis is thus to show that Gewirth offers an interesting alternative to the dominant understanding of constitutivism which has the potential to overcome several fundamental objections against constitutivism, and may be able to justify a wide range of moral 'content'. However, the main aim of this thesis is not only to defend Gewirth's approach against the critics of constitutivism. It is also, and perhaps more so, to develop a set of criteria that constitutivist approaches should be able to meet in order to be successful in light of the most central objections to constitutivism's main claims about the relation between normativity and inescapability in the contemporary debate, and to pinpoint the remaining weaknesses in the approach that require further investigation. I will therefore conclude with an overview of the features of Gewirth's approach that allow it to side-step the aforementioned objections, and the premises in the Gewirthian approach which require further justification.

Chapter 1: Constitutivism as a Method of Justification – A Gewirthian Alternative

A constitutivist argument in ethics aims to show that we are necessarily committed to certain normative judgments simply in virtue of being agents. Though there are several distinct forms of constitutivist arguments, the agency-based constitutivists arguments I will consider here are all committed to the following basic premises:

- 1) Agency is inescapable from the perspective of the agent.
- 2) The constitutive features of agency have normative authority for agents.
- 3) The constitutive features of agency provide a ground for the justification of substantive moral 'content' (particular moral principles, norms or judgments can be inferred from what is constitutive of agency)

First, constitutivists are committed to the claim that agency is inescapable. Though constitutivists agree that the inescapability of agency provides us with a starting point for an argument with a normative conclusion, different constitutivists have different accounts of the precise nature of this inescapability. According to Ferrero (2009), 'agency is the enterprise with the largest jurisdiction' and 'agency is closed under the operation of reflective rational assessment'. This means that any attempt to avoid acting is itself an instance of it. According to Korsgaard (2009), "the necessity of choosing and

acting is not causal, logical, or rational necessity. It is our plight: the simple inexorable fact of the human condition.” Despite these differences, constitutivists agree that the inescapability of agency is what gives it a chance of providing a ground for normative implications. If agency is inescapable for us, then we must be engaged in it. And if agency also has a constitutive aim or principle, this constitutive aim or principle may have normative force for us in much the same way that chess-players must be committed to the constitutive norms of chess.

The general idea of this method of justification is thus that we can infer a commitment to a moral norm, principle or value from what is constitutive of agency. To be constitutive of a certain practice is to be a necessary condition for engaging in it. Korsgaard argues that one constitutive feature of a house is that it provides shelter (Korsgaard 1996, 107). A building that does not provide shelter, is not a house. This constitutive feature of ‘a house’ also serves as an evaluative criterion for judging whether a house is a good house: a house that does not provide shelter, is not. The idea is that something similar is true for agency: agency has constitutive features, to which we must be committed insofar as we are agents. It is then argued that since agency is inescapable, its constitutive features are also normative for us. Thus, according to constitutivism, what constitutes an event as an action also provides a ground for an evaluative standard for particular actions (c.f. Katsafanas 2013).

Since constitutivist arguments all aim to show that something normative follows from the constitutive features of agency, constitutivists must provide an account of what agency is, and of what its constitutive features are. Of course, constitutivists also differ in what they consider agency and its constitutive features to be. For example, Korsgaard (2009) argues that the constitutive feature of agency is self-constitution, while Velleman (2000) argues that the constitutive feature of agency is self-understanding, and Katsafanas (2013) argues that action has two constitutive aims: first, agential activity itself, and second: encountering and overcoming resistance to one’s ends. Despite these differences, what constitutivists have in common is that they believe we can somehow move from the constitutive features of agency to normative commitments on the basis of rational argumentation from the perspective of the agent.

However, none of the main claims of constitutivism as they are sketched above are uncontroversial. The objections I will discuss in this chapter correspond to these central claims – in turn, they aim to establish that (1), (2), and (3) are unjustified. In what follows, I will discuss a central objection to each of the main claims of constitutivism as I have summarized them here. As we saw, the most fundamental constitutivist claim is that the inescapability of agency somehow provides a ground for the inference of certain moral commitments from the perspective of the agent. All three objections I will discuss aim to show that this claim is unjustified. The first objection does so by denying the idea that agency is

inescapable in the first place. The second does so by attempting to show that even if agency is inescapable in some sense, normative commitments only follow from it if we already assume agents are normatively committed to agency itself. The final objection does so by attempting to show that conceptions of agency for which agency is inescapable cannot generate normative content, while conceptions of agency that could generate such content cannot be inescapable. If any of these objections succeed, constitutivism would fail as a method of justification for ethics; in all three cases, no moral content would follow from what is constitutive of agency.

I aim to show that Gewirth's constitutivist theory may be able to overcome these objections. I will first provide a brief account of Gewirth's argument. In the paragraph after that, I will relate this account to the three fundamental objections mentioned, and argue that Gewirth's approach provides a ground for an answer to these objections. At the end of the chapter, I will provide an overview of what it is about Gewirth's particular constitutivist approach that allows him to avoid these objections, with the aim of formulating several criteria a constitutivist approach should meet to be able to show that something normative can be inferred from the inescapability of agency.

1.1 Gewirth's Argument for the PGC

This paragraph has two aims. The first is to provide a comprehensive account of Gewirth's argument for his supreme principle, which can serve as a starting point for exploring to what extent Gewirth can overcome the objections described in the previous paragraph.² The second aim is to show why Gewirth's argument would have great appeal if it were to succeed, and why it ought to get more consideration in the discussion concerning constitutivism as a method of justification. First, I will explain in what way Gewirth purports to infer a commitment to this principle from the perspective of any agent, using only the laws of inductive and deductive logic. I will then show in what way Gewirth, on my interpretation, understands and justifies the three main claims of constitutivism spelled out earlier. In the following paragraph I will return to the objections to constitutivism discussed earlier, and attempt to show how Gewirth can overcome them.

Gewirth aims to derive a supreme moral principle from the nature of human action. According to Gewirth, human action has a normative structure:

² It is important to note that, as far as I know, Gewirth does not call himself a constitutivist nor describes his argument as a 'constitutivist argument'. However, Gewirth's account does meet constitutivism's main claims as I have described them here. The main reason I speak of a constitutivist argument rather than a transcendental argument, is that 'constitutivism' is the prevailing term in the critical literature I will discuss in this thesis. To be able to answer these challenges in the most efficient way, I have chosen to characterize Gewirth as a constitutivist, and my arguments as a defense of constitutivism.

Action has what I call a normative structure, in that evaluative and deontic judgments on the part of agents are logically implicit in all action; and when these judgments are subjected to certain rational requirements, a certain normative moral principle logically follows from them. (Gewirth 1978, 25-26)

From the perspective of the agent, certain evaluative judgments are logically implicit in all action. From these judgments, Gewirth derives a moral principle by means of a 'dialectically necessary' argument. The argument is dialectical in that it proceeds from the internal point of view of the agent, and infers further commitments from something to which the agent is already committed using only the laws of inductive and deductive logic. The argument is necessary in that it starts from a commitment any agent must accept: a starting point that is inescapable for all agents. Though it starts from the subjective point of view of the agent and a particular commitment of the agent, the argument can claim to be objectively valid for all agents, since it shows that to deny its premises or its conclusion must involve a self-contradiction on the part of the agent. A dialectically necessary argument for a moral principle thus purports to establish that this principle is rationally justified from the perspectives of all agents.

So, what is the 'normative structure of action' and how do we derive moral commitments from it? According to Gewirth (1978), action is purposive and voluntary: actions are performed intentionally and freely. This is what separates action from mere behavior. This implies that agents act in order to achieve some purpose they consider good, where 'good' is understood in a morally neutral way. Agents are thus committed to their purposes, in the sense that they must consider the purposes for which they act good. This is to provide the starting point of Gewirth's argument.

From the fact that agents must consider their purposes good, Gewirth infers that agents must also consider the necessary means for their ability to achieve these purposes good. This move rests on what Beyleveld (2016) calls 'the Principle of Hypothetical Imperatives': "If doing X or having X is necessary for Agnes to pursue/achieve her chosen purpose E, then Agnes ought to do X or pursue/defend having X, or give up E." To have E as one's purpose, but to deny wanting to pursue or defend having the necessary conditions for achieving E is contradictory from the perspective of the agent.

Of course, what the necessary conditions of the achievement of any particular purpose are depends on the content of this purpose. However, according to Gewirth, there are some conditions that are conditions of being able to perform any action whatsoever. As a result, there are 'goods', understood in terms of abilities and conditions, that any agent must want insofar as he has any purposes at all, since these goods are necessary for the achievement of any and all of our purposes. These goods are closely connected with our ability to act itself: our agency is our means for achieving our purposes, and whether or not we are able to achieve anything by means of our agency depends on certain conditions and abilities that are the same for all agents, despite our different purposes. Gewirth calls these

conditions and abilities 'generic-dispositional' goods, meaning that they are the preconditions of successful action in general, on the part of all agents:

The generic-dispositional view of goods has an invariability that is lacking at the level of particulars. Where the particular purposes for which different persons act may vary widely, the capabilities of action required for fulfilling their purposes and for maintaining and increasing their abilities are the same for all persons. (Gewirth 1978, 59)

As a result, certain generic-dispositional goods must be considered good from the perspective of the agent, insofar as he needs these goods to be able to achieve any of his purposes. A commitment to our purposes hence logically implies a commitment to the conditions and abilities needed to achieve these purposes, which implies a commitment to the conditions of our successful agency in general.

Gewirth argues that the commitment agents must have to these goods goes beyond considering them good, but logically implies a rights-claim to these goods. Beyleveld (1991) reconstructs the central claim made in this stage of the argument as follows: 'I (even if no one else) have a claim right (but not necessarily a moral one) to my freedom and well-being.' Several critics have argued that the step from regarding freedom and well-being as necessary goods to claiming a right to freedom and well-being is unjustified (for an overview of objections to this step in the argument, see: Beyleveld 1991, Chapter 5). Though the limits of this thesis do not allow me to do this objection justice here, we do need to explain why Gewirthians think it may work.

It is important to remember that the argument is not 'assertoric' – it does not at this stage establish that agents have rights to freedom and well-being, but that they must consider that they have such rights, from their own perspective (Beyleveld 1991, 24). The idea is that the claim that agents must consider themselves to have a right follows logically from their claim that their freedom and well-being are necessary goods: they are necessary for one's ability to act irrespective of the purposes one has. Gewirth argues that a denial of the rights-claim contradicts the claim that our freedom and well-being are necessary goods. If there are goods that are necessary for our ability to act, and therefore for our ability to achieve our purposes, then we cannot consistently believe that 'other persons may (i.e. it is permissible that other persons) remove or interfere with my freedom and well-being', without contradicting our commitment to our purposes. So, Gewirth purports to show that a rights-claim follows logically from our commitment to the necessary means of agency, since a denial of this rights-claim involves the agent in a contradiction.

So far, I have shown why Gewirth argues that agents must not only consider their purposes good, but must also consider the necessary conditions of their agency good. In other words, closer to Gewirth's: we have seen in what way certain evaluative (such as 'E is good') and deontic judgments (that we must

claim a right to freedom and well-being) are implicit in all action. Now, we need to show how 'when these judgments are subjected to certain rational requirements, a certain normative moral principle logically follows from them'.

In the final stage of the argument, the conclusion so far ('I have a claim right to my freedom and well-being') is universalized, by means of the argument that our being agents is both a necessary and sufficient condition for our claiming these rights. If I recognize that I must consider myself to have these rights solely in virtue of being an agent, then it would be contradictory for me to say that other agents do not have these rights. This leads to the claim 'Every PPA has a (moral) claim right to its freedom and well-being' (Beyleveld 1991). Therefore, agents must respect the freedom and well-being of their recipients as well as themselves. This conclusion of the argument constitutes what Gewirth calls the Principle of Generic Consistency (PGC).

One important objection to the final stage of the argument is that the universalization in question does not work, since the basis of our commitment to having these rights is prudential rather than moral: we need to claim these rights because it is in our rational self-interest to do so (for an overview, see Beyleveld 1991, 201-226; 235-237). As such, it is perfectly consistent to claim these rights for myself but not respect these rights for others, since respecting others' rights is not (necessarily) in my self-interest. If so, it is contradictory to say that I must consider myself to have these rights in virtue of a being an agent while denying that other agents must also consider *themselves* to have these rights (since they are also agents), but it is not inconsistent for me to deny that I must *respect* the rights of others. If the normative force of the argument consists of rational self-interest, the universalization in the final stage cannot be justified.

Though the limits of this thesis do not allow for the discussion this objection deserves, I will provide one reason to believe that it is not as defeating as it seems. This objection is correct *if* it is true that the normative force of our rights-claim in the second stage is entirely prudential. However, there are good reasons to argue that the normative force in this argument does not come from rational self-interest at all, but from rational inescapability. The argument does not merely show that rights-claims are in the self-interest of agents, but it shows that to deny a commitment to these rights involves us in a self-contradiction. The main point of Kantian constitutivism in particular is that certain moral commitments cannot be consistently denied from the perspective of the agent: that agents cannot understand themselves consistently as agents if they deny these commitments. It is this, rather than rational self-interest, that 'generates' the normativity of the argument. This allows us to argue that the rights-claim in the second stage of the argument is not merely prudential, which in turn allows for the universalization in the third stage.

Relating this to the three main claims of constitutivism as I have described them in the previous paragraph, we can summarize Gewirth's particular constitutivist account as follows:

(1) It is inescapable for us to understand ourselves as agents, that is: as beings who voluntarily pursue their own purposes.

(2) From the evaluative and deontic judgments that are implicit in action from the agential perspective, we can derive, by means of a dialectically necessary argument, a moral principle that has normative authority over any agent, since denying it involves a self-contradiction on the part of all agents. Or, in other words: from the perspective of the agent, a moral principle follows logically from the evaluative judgments that are implicit in action.

(3) This moral principle can be applied ('directly') to cases and ('indirectly') to institutions to yield concrete normative judgments, as well as a hierarchy of goods and corresponding rights.

In sum: according to Gewirth, action has a normative structure, which involves evaluative and deontic judgments on our part: from our perspective, our acting for a purpose logically implies claims about the value of our purposes ('E is good'). This, in turn, implies an evaluative claim about the necessary conditions and abilities required to achieve our purposes (that these are 'necessary goods' for us), which logically implies a deontic claim (that we must claim a right to these necessary goods). Finally, this deontic claim can be universalized to result in a moral principle all agents must, on pain of self-contradiction, accept: that agents must act in accordance with the generic rights of their recipients as well as themselves (the PGC).

Before we turn to the objections to constitutivism I will argue Gewirth can meet, I want to explain why this approach would have great appeal, if it were successful.

If a dialectically necessary argument for a supreme principle of morality were to be successful, the upshot would be that we would not need to appeal to moral facts or moral intuitions to justify this principle, without losing the ability to show that the principle is categorically obligatory for all agents, and hence universally justified: a dialectically necessary argument for a moral principle shows that this principle (and the moral norms and judgments that can be inferred from it) cannot be denied by any agent without self-contradiction. As such, this argument would establish that a certain moral principle is justified without already assuming that any particular moral judgment, norm or principle is justified. It therefore potentially provides an answer to the skeptic who thinks that moral judgments can at best be conditional: that we can only establish which moral belief is justified by appeal to other (also potentially unjustified) moral beliefs.³ Furthermore, this argument, if successful, would also provide an

³ As argued by, for example, Street (2006).

answer to the (Humean) skeptic who thinks that moral reasons always depend on personal preferences, conceptions of the good, desires, etc. It purports to show that certain moral reasons can be rationally justified from the perspective of any agent, regardless of their desires, conception of the good, etc. Finally, as we have seen, Gewirth purports to derive a moral principle from what is constitutive of agency using relatively minimal conceptions of ‘rational’ and ‘agency’: the rationality Gewirth ascribes to agents consists only of deductive and inductive logic, while agency consists of the free pursuit of our purposes. The less controversial a constitutivist strategy’s conceptions of agency and rationality are, the more convincing its conclusions are (c.f. Katsafanas 2013). In sum: it is worth exploring to what extent this approach can overcome the most central objections to constitutivism.

In what follows, I aim to show in what way Gewirth’s argument provides a ground for answering three central objections to constitutivism’s claim that something normative follows from what is constitutive of agency.

1.2 First Objection: The Escapability of Agency

Constitutivists argue that agency is inescapable for us: we have no choice but to be agents. Furthermore, it is argued that this inescapability provides a ground for the universal justification of certain normative claims: “the authority of universal normative claims arises from a certain form of inescapability” (Katsafanas 2013, 47). However, as Silverstein (2012) notes: “agency is not inescapable. In fact, agency is all too easy to escape: I can escape it temporarily by falling asleep or taking a pill, or permanently by getting hit by a bus or committing suicide.” So, it seems that agency, far from being inescapable, is in fact easy to escape.

Silverstein’s argument shows that the kind of inescapability required to provide a ground for normative authority cannot be ontological: agency is not inescapable in the sense that we must always be agents, or always remain agents. Furthermore, if agency were ontologically inescapable, its constitutive features must already be in place if we are agents: otherwise, we would not be agents. Therefore, nothing normatively interesting can follow from ontological inescapability. However, if we change our conception of inescapability to phenomenological inescapability, we can see how inescapability can be maintained without losing the potential for interesting moral implications.

While agency is clearly escapable ontologically, it is not clearly escapable phenomenologically: in a sense, we cannot help but understand ourselves as beings who act on the basis of our own considerations, or who choose and pursue purposes. Though it is difficult to prove that anything is phenomenologically inescapable, we can argue that the world does not appear to be normatively

determined for agents, from their perspective as agents: we have to decide what to do, and how and when to do it. Even if there were no convincing argument for the existence of free will, we cannot help but regard ourselves as beings who can and must make their own choices, and who can act to achieve certain ends. Reflective beings who must endorse a maxim before they can act on it must aim at something which they consider good in some way. If they did not consider something good, they could not decide to act in one particular way over another; if so, they could not act at all. As a result, all reflective beings are beings who can and must have some purpose they consider good in order to be able to act.

Recognizing that the inescapability of agency to which the constitutivist can appeal must be phenomenological, however, does not yet mean that the escapability-objection can be avoided: we still need to argue for the claim that agency as Gewirth understands it is indeed inescapable phenomenologically. On my interpretation of Gewirth's argument, agency is understood in quite a minimal sense, as voluntary, purposive behavior; behavior counts as an action in case the agent controls his behavior by his unforced choice, with the aim of achieving some purpose he considers good. This is all Gewirth needs to assume about agency for his argument for the PGC to get off the ground. As we saw, Ferrero argues that agency is inescapable because 'agency is the enterprise with the largest jurisdiction' and 'agency is closed under the operation of reflective rational assessment' (Ferrero 2009). Some minimal conceptions of agency, such as the conception of agency in which our agency consists of our intentional pursuit of our purposes, can convincingly be said to be inescapable, since any attempt to avoid adhering to the standards of agency understood in this minimal way must itself be an instance of agency. Even a suicidal agent who has to sole aim of ending his life and therefore also his agency must act in order to achieve this purpose. Hence, if our conception of agency is very minimal, such that agency consists of our voluntary pursuit of our purposes, as it does in Gewirth's case, we can assume that such a self-understanding is phenomenologically inescapable.

The interesting question is whether a thicker conception of agency can also be said to be phenomenologically inescapable, and what it takes for us to know when something is phenomenologically inescapable in the first place. In lieu of a neurophysiological argument that establishes that the precise structure of any human brain must lead us to form a certain specific conception of ourselves, we cannot be certain whether all human beings must understand themselves as agents (or as anything else). However, we can conceptually determine that all beings for whom the world is not normatively determined, and who have the capacity to step back and reflect on what they do and do not want to endorse (c.f. Korsgaard 2009) experience this capacity as a capacity to choose and pursue their own purposes. In my view, this provides us with a relatively uncontroversial starting

point for an argument from the perspective of the agent that applies to all agents, which is all the constitutivist argument requires.

So, in sum: it is phenomenologically inescapable for us to understand ourselves as agents, if we take ‘agents’ to be beings who intentionally pursue their ends. Understood in this way, agency is also unavoidable, in the sense that any attempt to avoid it is itself an instance of it. Since we must understand ourselves in this way, we must develop a conception of the good in light of which we can make decisions. This means that Gewirth’s first two premises – ‘I do X for end E’ and ‘E is good’ – cannot be denied consistently by any agent. The question remains, however, how we are supposed to derive normativity from the inescapability of agency understood in this way.

1.3 Second Objection: Enoch’s Shmagency-Argument

So far, I have argued that agency can be said to be phenomenologically inescapable, which means that we cannot help but understand ourselves as agents. I have argued that this, in turn, provides a ground for the claim that purposivity is inescapable from the perspective of the agent: agents must have some purpose they consider good. The question for this paragraph is how any normative commitments follow from the inescapability of agency understood in this way. Just because something is inescapable for me does not mean that I must value it, or claim a right to it. In fact, as Silverstein (2012) has it: “where there are no alternatives, normative thoughts seem out of place.” Even if it were true that we must understand ourselves as agents, no moral reasons follow from this premise alone.

In his influential paper titled “Agency, Shmagency”, Enoch (2006, 186) argues that simply because agency is inescapable, this does not mean that it has normative authority over us, unless we already have a reason to want to ‘play the game of agency’ in the first place:

If a constitutive-aim or constitutive-motives theory is going to work for agency, then, it is not sufficient to show that some aims or motives or capacities are constitutive of agency. Rather, it is also necessary to show that the “game” of agency is one we have reason to play, that we have reasons to be agents rather than shmagents.

A ‘shmagent’ is someone who acknowledges that agency is both inescapable and has certain constitutive features, but denies a normative commitment to those constitutive features. If I have no reason to play chess, the constitutive features of chess have no authority over me, even if I cannot help but play chess. Similarly, if I have no reason to be an agent, the constitutive features of agency have no normative authority over me. Appeal to the inescapability of agency does not help us here, because it is only inescapable that I understand myself as an agent, not that I value my agency or take

myself to have a reason to be an agent. So, according to Enoch, even if playing chess was inescapable for me, its constitutive norms would still only have authority over me to the extent that I take myself to have a *reason* to be playing chess. In other words: whatever the constitutive aim of agency is, agents can always say that they have no reason to consider this aim normatively relevant unless they are already normatively committed to playing the game of agency in the first place.

Hence, the first question a constitutivist must be able to answer is why the constitutive features of something inescapable have normative authority. That is, constitutivists need to show why it is inconsistent or incoherent for agents to be indifferent with regard to the constitutive features of their agency. In what follows, I will consider to what extent Gewirth can answer Enoch's shmagency-objection.

First, it is important to note that there is a presupposition in Enoch's argument which can be said to beg the question against constructivism from the start, as De Maagt (2017, 116) argues:

The problem with Enoch's objection is thus that thinking that we need to give a reason to be an agent presupposes a meta-ethical standpoint that Kantian constructivists deny is available, or whose availability is at least bracketed by Kantian constructivism.

Similarly, Katsafanas (2013, 53), argues that "the very idea of a reason for action as such is incoherent." According to constructivists, our reasons for action are never independent of our agency: they follow from our perspective as agents. Since a reason to be an agent has to be a reason that is outside of our agential perspective, constructivists can argue that the demand for a reason to be an agent is a demand that already presupposes that mind-independent reasons exist, which begs the question against the Kantian constructivist.

However, even if that is correct (which I think it is), it is hard to see how this would refute Enoch's objection. In one sense, it seems to make the objection even stronger: the constitutivists needs something (a reason why all agents must want to be agents) which, according to his own standards, cannot be had. So, to defend constitutivism against Enoch's objection, we would still need to either show that constitutivism can provide a reason to be an agent anyway, or show that the constitutivist strategy can get off the ground without providing such a reason.

At this point, I think it is important to distinguish two different claims: first, that we need a reason to *be* an agent, and second, that we need a reason to *play the game of agency*. While the first does indeed seem to be incoherent from a Kantian constructivist perspective, the second does not. As an agent, I do not need a reason to be agent: such a reason would be entirely moot, even if it could 'exist' as a mind-independent, robust realist truth. However, I may need a reason to engage in the *exercise* of my

agency, that is: to play the game of agency. I believe it is the latter that is relevant for a constitutivist argument: in order for the constitutive norms of chess to have authority over me, I must be committed to *playing* chess. Similarly, in order for the constitutive norms of agency to have authority over me, I must be committed to acting, understood as an activity rather than a mode of being. Though Enoch does explicitly speak of a reason to *be* an agent, I think this can only consistently be interpreted as a reason to engage in the activity of agency.

In order for an activity's constitutive features to be normatively relevant for me, such that I cannot be indifferent with regard to them, I must be committed to engaging in that activity *as described by its constitutive features*. Enoch's shmagency-objection then entails that under all descriptions of 'agency' that figure in constitutivist arguments, it is possible for an agent to say that he is not committed to it under that description, or: as defined by those constitutive features. Hence, I would argue that constitutivists need to justify a reason for agents to be committed to engaging in the activity 'agency', rather than a reason to *be* agents (understood as a passive mode of being), in order to show that agents must be committed to the constitutive features of their agency. And this, I will argue, is a reason Gewirth can provide.

According to Enoch, the constitutivist needs to assume that agents have a reason to play the game of agency before their arguments can get off the ground. However, Gewirth can argue that he does not need to assume that agents care about playing the game of agency; only that they care about attaining their purposes. The claim to which agents are inescapably committed according to Gewirth's argument is 'I do X for end E', which necessarily implies the normative claim: 'E (the agent's end, or purpose) is good', from the perspective of the agent. As we saw, according to Gewirth, agents consider their purposes good, and in effect must consider the necessary preconditions of their ability to attain these purposes good, which includes their agency and the conditions and abilities needed for its successful exercise. Rather than assume that we have a reason to play the game of agency, Gewirth can provide us with a reason why we must want to play the game of agency: to achieve the purposes we consider good. Agency and its constitutive features are therefore instrumentally valuable for all agents. Put differently, the argument establishes the following: all beings who have purposes they consider good which can be attained by means of their action must consider the necessary preconditions of their agency good. As a result, we must care about the constitutive features of our agency to the extent that we have any purpose whatsoever. And if, as was argued in the previous paragraph, having such purposes is inescapable for agents, it follows that all agents must consider their agency and its necessary preconditions good. If that is right, then to deny that 'I have a reason to play the game of agency' would involve the agent in a contradiction; 'I do not have a reason to play the game of agency' contradicts 'I do X for end E' where 'E is good'. If all agents are committed to the achievement of their

ends or purposes, and need to be able to act in order to achieve these purposes, then we can say that agents must necessarily take themselves to have a reason to play the game of agency.

It is important to see the role the dialectically necessary method plays in overcoming Enoch's objections that the inescapability of agency does not ensure its normative authority. The normative authority of Gewirth's argument is not assertoric: the argument proceeds from the internal point of view of the agent. From the point of view of the agent, action involves evaluative commitments. An argument that tries to move from 'X is inescapable' to 'X is good' or to: 'Y (the constitutive feature of X) is good', where these are understood as assertoric statements, does indeed fail: we cannot derive an ought-claim from an is-claim assertorically. However, if we start from the perspective of the agent, the claim 'I do X for end E' necessarily implies that, from this perspective, 'E is good', which is an evaluative commitment. Enoch argues that "here as everywhere else, normative input is needed if normative output is to be secured" (Enoch 2011). The normative input in Gewirth's argument consists of the evaluative claims that are necessarily implicit in action from the perspective of the agent, which is, first: a commitment to our purposes. If we also recognize that the achievement of these purposes requires conditions and abilities that enable our successful agency, we can show that from the perspective of the agent, these conditions and abilities must also be considered good. In an assertoric argument, the normative input has to be presupposed or assumed – there is no objective value from the third person perspective to which we can appeal as a premise in our argument without losing objectivity. However, in a dialectically necessary argument, which proceeds from the internal perspective of the agent, the phenomenologically inescapable starting point can logically imply normative commitments. As Gewirth (1978, 57) has it: "Thus from the standpoint of the agent the 'fact-value' gap, even if not the 'is-ought' gap, is already bridged in action." In an assertoric argument, the fact that 'normative input is needed if normative output is to be secured' means that we have to assume something normative to get the argument started. In a dialectically necessary argument, by contrast, we need not *assume* anything normative in order to secure normative output, if evaluative and deontic (i.e.: normative) judgments are already implicit in the structure of human action from the perspective of the agent. Since these judgments are implicit in action from the perspective of the agent, they differ relevantly from assumptions or unjustified premises: instead, these judgments form the underlying structure of the agential perspective, from which certain moral judgments are then said to follow logically. If so, the evaluative and deontic judgments implicit in the nature of human action from the perspective of the agent can provide the normative input Enoch argues the constitutivist needs, so that it need not be assumed or presupposed.

Second, it is important to see what role the distinction between a constitutive *aim* and constitutive *conditions* plays in overcoming Enoch's objection. If we argue, as Korsgaard does, that all action aims

at self-constitution, for example, this opens up the possibility for agents to say that they are not committed to this aim, or that their commitment to this aim is only half-hearted:

Perhaps," Korsgaard's skeptic may say, "I cannot opt out of the game of agency, but I can certainly play it half-heartedly, indeed under protest, without accepting the aims purportedly constitutive of it as mine."

Even if it is true that actions must all have a certain aim in order to count as actions in the first place, Enoch's objection aims to show that this still does not mean that we must also accept this aim as an *evaluative* criterion for our actions: instead, we can despise this aim, or adopt it 'half-heartedly'. In other words: it is not inescapable for any agent to adopt the constitutive aim of agency as their own, even if agency is inescapable and has a constitutive aim.

In order for the constitutive aim of agency to serve as an evaluative criterion for particular actions, it must be escapable: it must be possible for agents to fail to meet the aim, or to partially fail to meet the aim in their actions. This is what Lavin (2004) calls the 'error constraint': "an agent is subject to a principle only if the agent can go wrong in respect of it." If it must be possible for agents to go wrong in respect of the constitutive aim of action in order for that aim to have normative authority, then it must be possible for agents to aim at going wrong in respect of it. If so, the necessary escapability of a constitutive aim also opens up the possibility of a shmagency-objection in regard to that aim: if agents can choose to fail to meet the constitutive aim of action, then it is possible for them to not be committed to this aim as an evaluative criterion for their actions.

While many constitutivists start from the premise that agency or action has a constitutive aim which also serves as an evaluative criterion, Gewirth argues that agency has constitutive *conditions*, to which we must claim a right. In this case, there is no aim agents must adopt as their own (half-heartedly or otherwise) in order for their behaviors to count as actions. In Gewirth's case, the evaluative criterion to which we must be committed is a moral principle (the PGC) which, as we saw, follows logically from the evaluative judgments implicit in action from the perspective of the agent. While it is certainly possible for any agent to deny a commitment to this evaluative criterion (the PGC), Gewirth's argument aims to show that such a denial is necessarily irrational in the strongest sense: to deny a commitment to this principle involves the agent in a self-contradiction. This self-contradiction occurs regardless of which aims or purposes the agent has. As a result, Gewirth can argue that the shmagent is necessarily inconsistent, without having to *assume* that agents must be committed to playing the game of agency. If agents' commitment to their purposes is inescapable, and agency is a necessary means for any agent to achieve any purpose, agents cannot coherently deny a commitment to playing the game of agency.

Playing the game of agency half-heartedly, or without commitment to some aim, does not provide a ground for an agent to deny the PGC consistently.

However, Enoch may object that what is required is not a reason to play the game of agency from the perspective of the agent, but the robust, realist normative truth that agents have a reason to play the game of agency:

Things would have been different, of course, had it been possible to invoke here a normative *truth, robustly realistically understood*, to the effect that we all have a reason to be agents. With this normative claim in hand, the rest of the constitutive-of-agency line can be pursued rather safely. [...] But introducing such a normative truth – itself not accounted for by the constitutivist strategy – defeats the motivations underlying this strategy. (Enoch 2006, 187)

It is certainly true that appeal to some normative truth not accounted for by the constitutivist strategy itself would undermine the constitutivist's argument. However, the question is why this normative input must necessarily be normative *truth, robustly realistically understood*; why constitutivists could not argue that, from the first-person perspective of the agent, certain normative claims follow logically from a phenomenologically inescapable commitment (to our purposes, for example). As far as I know, Enoch does not explicitly consider dialectical necessity as a possible strategy to provide the normative input of the argument. However, if it is dialectically necessary for agents to consider their agency and its preconditions (instrumentally) valuable, it follows that all agents have a reason to play the game of agency. Though we may call this outcome a normative truth, in the sense that it is meant to be objective (understood as: independent of our particular personal desires, motives, ends, etc.) and universal (understood as: categorically obligatory for all agents), I see no reason why it must necessarily be understood robustly realistically in order to work as a starting point of a constitutivist argument: what matters for the argument is that we can show that all agents have a reason to play the game of agency, not that this is a mind-independent truth or moral fact. What we have to show to meet Enoch's objection, is that the shmagency-move is an inconsistent move to make for any agent: that it involves the agent in a contradiction to deny having a reason to play the game of agency. Whether we show this move to be inconsistent because it fails to cohere with the moral facts, or whether it is inconsistent because it involves the agent in a self-contradiction, seems irrelevant in this context (if anything, the latter seems to more directly meet the objective than the former). So, even if Enoch is right that we need to have 'the normative claim' – namely: 'agents have a reason to play the game of agency' – in hand, I see no reason why this normative claim cannot be a claim that follows from the first-person perspective of the agent, and therefore does not undermine the constitutivists strategy on its own terms.

In sum: we can avoid Enoch's shamagency objection if our constitutivist approach does not assume that agents have a reason to play the game of agency, but provides justification for it. And we can have such an approach so long as we do not impose an escapable aim on agency, nor move from the inescapability of agency to a commitment to the value of its constitutive features directly, but instead show that the inescapability of understanding ourselves as beings who aim to achieve purposes we consider good implies that certain normative and evaluative claims follow logically from within the perspective of the agent. In that case, the normative input is not provided by an aim, but by the evaluative claims that are inherent in the agential perspective, which provides the starting point of an argument with the normative necessity Enoch argues the constitutivist needs.

However, even if Gewirth can indeed overcome Enoch's shamagency-objection, there is one alternative shamagency-objection that any constitutivist approach must be able to meet. This is Tiffany's (2012) objection that while there may be some conceptions of agency for which it is true that its constitutive features have normative authority over us, such conceptions of agency cannot have interesting moral implications. Where Enoch argues that no conception of agency has normative authority over us unless we have a reason to play the game of agency, Tiffany argues that the conceptions of agency that have such normative authority necessarily fail to generate moral reasons for action. In the following paragraph, I will explain Tiffany's objection in terms of a dilemma and show in what way Gewirth can side-step Tiffany's dilemma.

1.4 Third Objection: Normative Authority Versus Normative Content

In 'Why Be an Agent', Tiffany (2012, 225) argues that there are two claims to which constitutivists are necessarily committed:

NORM The constitutive aim(s) of agency is (are) normatively inescapable.

CONT Agency is subject to agent-neutral reasons generated by its constitutive aim(s).

According to NORM, the constitutive aims of agency are normatively inescapable. This means that we cannot help but regard the constitutive aims of agency as normative for us. That is: the constitutive norms of agency must have normative force for agents.

According to CONT, we can derive agent-neutral reasons from the constitutive aims of agency. That is: the constitutive aims of agency form a ground for the inference of reasons for action that apply to all agents regardless of their specific desire, purposes, preferences, etc.

Together, NORM and CONT imply:

CI There are categorical imperatives of practical reason. (225)

If there is a conception of agency whose constitutive features are normatively inescapable, and those constitutive features can 'generate' agent-neutral reasons, then there are categorically binding reasons for action which all agents must recognize. The combination of NORM and CONT thus provides a ground for the claim that there are imperatives to which all agents must be committed.

However, Tiffany argues that whether NORM or CONT are true depends entirely on our conception of agency. That is: a conception of agency can render CONT and NORM true, or fail to do so. Tiffany's main objection to constitutivism, which must commit to both NORM and CONT, is that there is no conception of agency that can render both NORM and CONT true at the same time. He formulates this objection as an alternative version of Enoch's shmagency objection:

SHMAGENCY: NORM is false on any understanding of 'agency' that could support CONT. (225)

Note that this claim is very general: it is meant to apply to *any* conception of agency. So, the argument is not just that particular conceptions of agency employed by particular constitutivists only support either NORM or CONT, or that constitutivists tend to change their conceptions of agency in their attempt to support both, but that any conception of agency can at best support one of the two, and no conception of agency could support both. This means that constitutivists need to rely on one conception of agency in order to justify NORM, and another to justify CONT – most often, they rely on a 'minimal' conception of agency to justify NORM, but on a 'more robust' conception to justify CONT. The problem with this is that the normative force that comes from the inescapability of the conception of agency used to justify NORM is lost if we (implicitly) move to a thicker conception of agency to justify CONT; NORM and CONT need to both be true at the same time for one single conception of agency in order for the constitutivist strategy to work, because NORM without CONT is empty, while CONT without NORM has no authority over agents. Therefore, if 'NORM is false on any understanding of 'agency' that could support CONT', the constitutivist strategy fails. This poses a clear challenge to constitutivists: to develop and defend a conception of agency that can render both NORM and CONT true at the same time.

Tiffany (2012, 228) contrasts a conception of agency that means to establish what is minimally necessary to be 'an appropriate subject of reactive attitudes' (to be rightly considered responsible for what we do), from a conception of agency that establishes 'something like a standard of excellence'. While the former is inescapable, we cannot derive any agent-neutral reasons from it. And while we may derive those reasons from the latter, the latter is not inescapable. However, it is still unclear what

count as ‘a highly minimal conception of agency’, and what counts as a ‘robust understanding of agency’. Conceptually, it is not obvious that a robust understanding of agency must be escapable, nor is it clear that a minimal conception of agency could not serve as a ground for deriving agent-neutral reasons. In order to show that “NORM is false on any understanding of ‘agency’ that could support CONT”, we would need to establish that there is something about the combination of NORM and CONT that makes it so that they cannot both be rendered true by one conception of agency. To see why one might think so, we need to take a closer look at what ‘minimal’ and ‘robust’ conceptions of agency are.

Tiffany (2012, 227) proposes the following example of a minimal conception of agency:

MIN Agency consists in the capacity to deliberate among alternatives and act on the basis of considerations that one takes to favour action.

On this understanding of agency, there is no rationality requirement whatsoever: if one acts on the basis of considerations one takes to favor action, one is an agent - regardless of whether these considerations make any sense. This lack of any standard for what counts as acting on the basis of reasons is what makes it seem so implausible that CONT can be true for a minimal conception of agency.

Tiffany seems to consider rationality-requirements as indicative of a ‘robust understanding of agency’ employed by constitutivists when they want to derive content, which is supposed to be in stark contrast to MIN. By means of example, Tiffany (2012, 228) characterizes this more robust understanding of agency in terms of a requirement to act on reasons that are public:

PUB The constitutive aim of agency requires acting on the basis of reasons that are public or sharable (in the appropriate sense). To act on the basis of considerations that do not satisfy this publicity constraint is to fail to (fully) be an agent.

The point is that any conception of agency like PUB, from which we may be able to derive moral content, necessarily imposes a standard of ‘good agency’ (or ‘full agency’ or ‘successful agency’, etc.) which agents can choose not to commit to: a standard that is escapable. So, when we try to render CONT true for a conception of agency, we run into trouble. If our conception of agency is inescapable, it cannot be a (gradual) conception of ‘excellent agency’; it cannot impose standards on us to which we are not already committed. If it did, then ‘agency’ understood in that way cannot be inescapable.

Tiffany (2012, 232) argues:

What it illustrates is that, for any conception of ‘agency’, those features of the conception that give it a chance of producing content (viz. the specification of some robust normative standard, such as the publicity constraint) are precisely the features that can be rejected without surrendering one’s deliberative agency.

The imposition of some standard to which we can choose to adhere or not renders a conception of agency escapable: we can choose to reject the standard it imposes. If we cannot choose to reject this standard, then we must already accept it, and it can tell us nothing interesting. This raises a dilemma: a standard imposed on what is to count as agency (a constitutive feature of agency) is either escapable or inescapable. If it is inescapable, it cannot be normatively interesting: its inescapability means that we must already be committed to it if we are agents (and if we are not agents, we need not be committed to it). However, if the standard imposed is escapable, then we can always make a 'shmagency-move', and the inescapability that gave the argument normative authority is lost. Put differently: though inescapability provides us with a ground for normative authority, it also necessarily prevents us from deriving interesting moral content.

Phenomenological and Rational Inescapability

To begin to solve this problem, we first need to specify our conception of 'inescapability'. It seems to me that there are two distinct forms of inescapability that can operate in a constitutivist argument. First, something can be phenomenologically inescapable: it can be inescapable for us to understand ourselves a certain way. Second, something can be rationally inescapable for us: it can follow from a logical argument that we cannot deny something without contradiction. My hypothesis is that we can begin to answer Tiffany's objection by arguing that the conception of agency that renders NORM true is phenomenologically inescapable, while the agent-neutral reasons for action that follow from that same conception of agency are rationally inescapable, rather than phenomenologically inescapable. If they were phenomenologically inescapable, then we must already be committed to them, and they can therefore never be morally interesting. But if they are rationally inescapable, they can be morally interesting *and* have normative authority. Furthermore, in that case, we can fail to live up to them without failing to be agents, and we can fail to recognize them without failing to be agents. That is: the argument can maintain the normative force that comes from inescapability, without undermining CONT. This provides the logical space for a solution of Tiffany's dilemma.

The next question we must ask is: is it necessary for a constitutivist to argue that the constitutive features of agency alone provide a normative criterion for action, or is it also possible for a constitutivist to argue that the constitutive features of action provide a ground for the logical inference of an evaluative criterion for action? If the former is the case, then all constitutivists are necessarily sensitive to Tiffany's objection: in that case, the normative 'input' must already be contained in a conception of agency in order for the argument to have a normative conclusion. If the latter is the case, however, constitutivists could consistently appeal to a minimal conception of agency (which is

inescapable), but argue that the constitutive features of this minimal conception of agency have interesting moral implications from the perspective of the agent. It is this latter strategy that I believe Gewirth can adopt.

In Gewirth's case, one and the same conception of agency renders both NORM and CONT true, but the way in which it renders CONT true can only be understood from the first-person perspective of the agent. CONT is true because interesting content follows from a dialectically necessary argument based on the inescapable conception of agency that rendered NORM true. Gewirth understands agency as the capacity to freely pursue purposes (i.e.: in terms of voluntariness and purposiveness), and the constitutive features of this conception of agency are freedom and well-being. Our capacity to pursue our own purposes must matter to us insofar as we are agents. Therefore, this conception of agency can justify NORM: the constitutive features of agency understood in this way are normatively inescapable for us, since it is inescapable for us as agents to value the necessary means of our agency. The next question is whether this conception of agency can also justify CONT. Agent-neutral reasons are derived from this conception of agency by means of dialectically necessary argument from the first-person perspective of the agent. Such an argument infers further commitments from an inescapable commitment. Because we are agents, it is inescapable for us to consider the necessary means to our agential capacities necessary goods, which implies, according to Gewirth, that we must claim a right to them. Since it is in virtue of our being agents that we must claim a right to those means, we must also recognize that all other agents must possess the same rights. This results in a moral principle, which satisfies CONT.

Implicit in Tiffany's objection is the idea that the inescapability of a conception of agency provides its constitutive features with normative authority. That is: that the constitutive features of agency simply do have normative force for any conception of 'agency' that is inescapable. It is true that this is what Korsgaard (2009, 32), for example, seems to commit to: "A constitutive principle for an inescapable activity is unconditionally binding." The same seems to be true for Katsafanas (2014), who argues that if action is inescapable and has a constitutive aim, the following principle allows us to generate normative reasons for action from the inescapability of agency: "If X aims at G, then G is a standard of success for X, such that G generates normative reasons for action." However, on my interpretation of Gewirth's approach, Gewirth need not commit to this understanding of the relation between inescapability and normativity. The main reason for this is, as we saw earlier, that Gewirth does not focus on the constitutive *aim* of agency, but on its constitutive conditions. The problem Tiffany pointed out is that a conception of agency for which it is true that agency is inescapable, cannot at the same time contain a normative standard that allows it to serve as a ground for the derivation of moral 'content'. Using Gewirth's approach, a normative standard need not be imposed on our conception of

agency in order to derive interesting moral content from what is constitutive of agency: while it is true that agency needs to be phenomenologically inescapable for Gewirth's argument to work, the normative content is derived from the evaluative judgments implicit in action from the perspective of the agent, not from an (aim imposed on a) conception of agency. Hence, Gewirth's conception of agency justifies NORM, and provides the ground for a dialectically necessary argument that can satisfy CONT so long as certain normative commitments are implicit in the perspective of the agent. The dialectically necessary argument aims to show that such commitments are indeed implicit in the perspective of the agent, and logically imply a moral principle (the PGC). So, very briefly put: if we distinguish phenomenological from rational inescapability, and do not need to impose an escapable constitutive aim on agency in order for what is constitutive of agency to have normative implications, there is still hope for the constitutivist strategy in light of Tiffany's main objection to it.

Hence, Gewirth can overcome Tiffany's general objection understood abstractly, by directly relating his conception of agency to 'the agent's actual concerns', without sacrificing the possibility of deriving agent-neutral reasons for action. These reasons are not inferred from an (aim imposed on) a conception of agency, but a conception of phenomenologically inescapable agency provides the starting point of a dialectically necessary argument from the first-person perspective of the agent, from which these reasons follow. The imposition of a normative aim on agency led to both Enoch's objection and Tiffany's dilemma. If, however, it is possible to move from the inescapability of agency to substantive normative judgments without the imposition of such an aim, we may be able to avoid both of Enoch's and Tiffany's shmagency-objections.

Avoiding the Paradoxical Implications of Constitutivism

One further upshot of this particular conception of the relation between inescapability and normativity is that it allows us to side-step several seemingly paradoxical implications attributed to constitutivism by its critics. Bagnoli (2017) writes: "Constitutive standards are supposed to be partly descriptive of the very activity that they have to assess. Critics object that it is unclear whether and how they can be violated." For example, according to Clark (2001):

If any action must have the aim of autonomy, but autonomy is a precondition of action, all action necessarily achieves its aim. If constitutive accounts are the only explanation of the normative features of action (including reasons for action), any action that achieves its aim should, it seems, have no reasons that speak against it, making it incapable of being rationally criticized.

There thus appears to be something paradoxical about arguing that an inescapable something's constitutive features have normative authority: if action has a constitutive aim, then all actions must

meet this aim in order to count as actions in the first place. If this is correct, the constitutivist approach leaves us with no tools to criticize certain actions, and hence without any ground for normative force.

What goes for 'action' also goes for 'agency' in this case: agents who fail to adopt the constitutive aim of agency cannot be agents, just as actions that fail to meet their constitutive aim cannot be actions, per definition. Railton (1997) argues that: "to discover that the metal in the sample tray on one's laboratory bench has atomic number 82 is not to discover that it is 'defective gold,' but rather that it is not gold at all. A similar problem confronts all constitutive arguments." If a certain aim or norm is constitutive of agency, then failing to adhere to it must mean that you are failing to be an agent. However, if you are not an agent, and only agents must value the constitutive features of their agency, failing to commit to the constitutive features of agency is failing to be the kind of being who must commit to these constitutive features. This would mean that the constitutive features of agency only have normative authority for those who are already committed to them. And this brings us back to a version of Tiffany's objection: what is constitutive of agency cannot both be inescapable, *and* provide a ground for interesting moral 'content'. The question constitutivists must therefore be able to answer is how constitutive standards can be violated in action, by agents, and how the constitutive features of action provide us with a normative criterion that can be used for the moral evaluation of actions and agents.

The fact that the normative force in Gewirth's argument does not come merely from what is constitutive of an inescapable conception of agency, but from what is logically implicit in the perspective of the agent, allows him to make a distinction between what is constitutive of agency, and what is to serve as the criterion for the evaluation of actions. On aim-based accounts of constitutivism, the constitutive aim of action is both what defines an action as an action, and what provides the normative criterion for the evaluation of actions. Hence, according to Korgaard (2009), there is no distinction between building a house and building a good house; what is constitutive of building a house is also the criterion for building a good house. This is what leads to the paradoxical or problematic implications discussed above. Simply put: to argue that a certain norm is constitutive of agency *and* functions as the evaluative criterion for actions is problematically circular, and leads to a paradox: it is circular because it presupposes what it must argue for (that action ought to be guided by this norm), and it leads to the paradox that all action must already meet its constitutive aim. A constitutivist approach in which the evaluative criterion for action differs relevantly from what is constitutive of agency can avoid this problem. So, it seems that a constitutivist approach should appeal to the constitutive features of agency in order to justify a moral principle, but the moral principle it justifies cannot itself be considered constitutive of agency consistently.

Katsafanas (2014) makes a distinction between Humean and Kantian constitutivism, in which Humean constitutivism matches aim-based constitutivism as I have described it:

The Humean constitutivist shows that action has constitutive aims, and appeals to (something like) Success [If X aims at G, then G is a standard of success for X, such that G generates normative reasons for action] in order to derive substantive normative content. The Kantian constitutivist, by contrast, argues that *action requires commitment to constitutive principles*, and derives substantive normative content from the agent's commitment to these principles.

If this, when applied to Gewirth, is taken to mean that an agent who does not act in accordance with the PGC is not really acting, since action requires commitment to *constitutive* principles, I think this interpretation of Kantian constitutivism is too limited: instead, it is possible for a Kantian constitutivist to argue that the agential perspective logically implies a moral principle, but that this principle need not be constitutive of action in the sense that adherence to it constitutes an event as an action, or that all action is in fact in accordance with this principle. If the agent who acts contrary to the PGC can still rightly be said to be acting, this implies that the PGC is not a constitutive principle in that sense. Rather, it is a principle that follows logically from the evaluative structure of the agential perspective, which, in terms of its content, protects the constitutive features of successful action. Its content is also *inferred* from what is constitutive of successful agency: the principle grants rights to freedom and well-being for all agents, because voluntariness and purposivity are the constitutive features of action. However, on my interpretation of Gewirth, the principle itself is not constitutive of action. Hence, the standard imposed on agency as an evaluative criterion (the PGC) differs relevantly from what is taken to be constitutive of agency (voluntariness and purposiveness) in a Gewirthian approach, contrary to aim-based and principle-based forms of constitutivism as Katsafanas described them. As a result, a Gewirthian approach can avoid the seemingly counter-intuitive and paradoxical implications of making something's constitutive feature its evaluative criterion at the same time.

Perhaps one can use this as a ground to say that Gewirth is not, in the end, a constitutivist: that the imposition of an aim or principle agents must be guided by in order to be 'full agents', or an aim imposed on action which constitutes 'full action', is a necessary feature of constitutivism. As I see it, this would be a semantic matter to which I have no objection. For those who would insist on this understanding of 'constitutivism', I would suggest that they read my main claim as saying the following: there is a better alternative to constitutivism which shares some of the features that make this approach attractive (e.g. avoids commitment to realism or intuitionism without giving up on objectivity), without sharing some of its problems (e.g. avoids the paradoxical implication of making an activity's constitutive aim its evaluative criterion).

In sum: Gewirth's conception of agency only renders CONT true if, from the perspective of the agent, evaluative judgments are implicit in action. The normative force of the argument thus does not only come from what is constitutive of agency, but from what is implicit in the perspective of the agent. Therefore, Gewirth's conception of agency need not involve an (escapable) normative aim in order to be able to derive normative content from what is constitutive of agency. This distinction also guarantees that the normative criterion in this constitutivist argument differs from what is taken to be constitutive of agency (though the content of the former is of course for the most important part determined by the latter). And that, in turn, allows us to side-step objections concerning the seemingly paradoxical implications of making a constitutive feature of an activity a normative criterion for evaluating that same activity. Hence, the distinction between the phenomenological inescapability of the starting point and the rational inescapability of the conclusion, together with the fact that Gewirth does not need to impose an (escapable) normative aim or feature on his conception of agency in order to infer normative commitments from what is constitutive of agency, which separates what is constitutive of action from what is to serve as the evaluative criterion for action, allows him to side-step both Tiffany's shmagency-dilemma and Enoch's shmagency-objection, as well as the paradoxical implications of making an activity's constitutive aim its evaluative criterion at the same time.

However, there is still one way in which Tiffany's dilemma can be said to apply to Gewirth, which we need to discuss. The problem with a conception of agency like PUB was that it imposes a standard on agency which is escapable. While I've argued Gewirth's constitutivist argument does not (need to) do so, there may be one sense in which it does: Gewirth's argument does seem to presuppose that agents are committed to being rational. The question is whether this presupposition is problematic for Gewirth's argument. Though this objection requires a more detailed discussion than I can provide here, I want to provide some arguments for the claim that the imposition of a rationality-requirement differs relevantly from the imposition of an escapable normative constitutive feature on a conception of agency.

1.5 Counter-Argument: Escapable Rationality Requirements

As we saw, if the starting point of a dialectically necessary argument is phenomenologically inescapable while its outcome is rationally inescapable, we may be able to avoid Tiffany's dilemma. However, Tiffany might argue that this is just another way to impose an escapable standard on agents: if our solution to Tiffany's dilemma is to say that what is implied by a conception of agency from the perspective of agents is rationally inescapable, are we not also imposing an escapable conception of rationality onto agents? Can agents not still make a 'shmagency-move' by saying: 'why be rational'?

One justification for Tiffany's general claim could be that the imposition of a rationality-requirement on a conception of agency renders it escapable. In combination with the claim that only such rationality-requirements can 'generate' agent-neutral reasons (CONT), this would justify the claim that "NORM is false on any understanding of 'agency' that could support CONT". We can thus reconstruct this version of the argument against constitutivism as follows:

- 1) Any conception of agency that involves a rationality-requirement is escapable.
- 2) Rationality-requirements are necessary for the derivation of substantive moral content from what is constitutive of agency.
- 3) Therefore, there is no conception of agency that is both inescapable, and yields substantive moral content. (That is, once again: there are conceptions of agency that render NORM true, and there are conceptions of agency that render CONT true, but one conception of agency cannot render both NORM and CONT true.)

It seems that since a commitment to consistency is an escapable commitment, we can argue that not all agents should be committed to the PGC. At best, we can claim that all *rational* agents should be committed to the PGC. So, even if Gewirth's argument works: is it enough to show that only rational agents must be committed to the PGC to justify it as the supreme principle of morality?

The constitutivist strategy is sometimes characterized as an attempt to show that *rational* agents are necessarily committed to certain normative standards: "The kind of agency that is claimed to be inescapable is intentional or rational agency, the agency that is exercised when our doings are no mere behavior, but something done for reasons" (Velleman 2000). In this sense, it is an argument that is conditional on the acceptance of the most basic standards of rationality. We may argue that without such standards, no argument is possible at all. The best a philosophical argument for a moral principle can show that it is rational for agents to act in accordance with it, and irrational for them not to do so. The argument then shows that we have reasons, as agents, to respect the generic rights of all agents, namely: that it is rational for us to do so, in the sense that not doing so is self-contradictory for us. This implies that we cannot understand ourselves consistently as agents if we do not take this principle (the PGC) to have normative authority over us: its denial contradicts our understanding of ourselves as agents.

Furthermore, is not argued that agent's must adopt the aim of being optimally rational as their own. The kind of rationality ascribed to the agent in Gewirth's argument only consists of non-contradiction; the first rule of logic. As Gewirth (1982, 227-228) argues:

The first principle of reason is the principle of noncontradiction. This principle entails that any proposition that is self-contradictory is necessarily false, since it is self-disjustifying or self-refuting: it denies what it affirms. Hence, the negation of such a self-contradictory proposition is necessarily true, so that it is justified in the most stringent sense.

If we can show that a denial of the PGC would involve any agent in a self-contradiction, we have given 'the most stringent' justification for that principle that philosophical argumentation can provide.

Hence, Kohen's (2005) argument that "Gewirth's theory *assumes* both that all agents have the meta-desire to avoid contradiction and that contradiction is painful enough to prevent agents from violating human rights" (emphasis mine) incorrectly presupposes that the point of Gewirth's argument is to show that agents will necessarily act in accordance with the PGC (once they infer it). It is important to note that Gewirth need not be committed to the claim that agents must all be motivated by the PGC in order for his argument to work: he need not say that all agents are in fact committed to being rational, or have a strong desire to avoid the 'pain' of self-contradiction, to show that a commitment to the free pursuit of our purposes, which is inescapable regardless of whether we are rational, logically implies a commitment to the PGC. To say that something is a logical implication of something else to which I am already committed, is to say that I, given my commitment, should also commit to the latter, or give up on my commitment to the former, as Beyleveld (2015) argues:

'If I pursue E then I ought to pursue the means necessary to achieve E or give up E', which is equivalent to 'If my doing or having X is necessary for pursuit or achievement of my purpose E, then I ought to attach the same proactive value to my doing or having X as I attach to E, or give up my pursuit of E'.

If that is correct, then Gewirth's argument establishes that I, as an agent, am justified in believing that I should respect the generic rights of my recipients as well as myself, and unjustified in believing that I should not. Whether I choose to do so or not, I cannot deny that I should without involving myself in a contradiction. This is, in my view, the most we can hope for an argument in ethics to establish.

As Ferrero (2009) argues, "the oughts of rationality and morality are not qualified with the clause '-according-to-the-norms-of-rationality/morality/'." Questions concerning what we ought to do cannot be answered by appeal to anything other than reasons. Therefore, reflecting on what we ought to do is an activity that must be guided by the norms constitutive of reasoning. The most basic of these is consistency. My aim in this thesis is to find out whether Gewirth's argument can withstand the most central objections to constitutivism, in order to find out whether it is possible to provide justification for a moral principle by appeal to the laws of inductive and deductive reason. If we can show that a commitment to certain moral norms is rationally inescapable for agents, we have thereby shown that

those moral norms are justified. In my view, the fact that agents can choose not to be rational does nothing to undermine the objectivity or correctness of the moral norms justified by such an argument.

1.6: Conclusion

In this chapter, I have argued that Gewirth's constitutivist theory can overcome several central objections aimed at constitutivism in general. First, the objection that agency is escapable can be met by showing that the inescapability of agency must be understood phenomenologically rather than ontologically. The inescapability of agency can be safeguarded for a minimal conception of agency, understood as a conception of agency for which any attempt to avoid it is itself an instance of agency. Gewirth's conception of agency meets that criterion for inescapability.

Second, I have argued how, according to Gewirth, inescapability can provide a ground for normative content, by means of a dialectically necessary argument. If the normative input of such an argument can be shown to be logically implicit in something inescapable, the inescapability of understanding ourselves as agents can be used as a starting point for an argument that shows that this commits all agents to further normative claims, which can be said to follow logically from our perspective as agents. Furthermore, I have argued that if Gewirth is right that a commitment to the pursuit of our purposes is inescapable for agents, then we can also appeal to this inescapable commitment to show why all agents must have a reason to play the game of agency, insofar as their agency is a necessary means of achieving their purposes.

Third, I have tried to show that the claim 'NORM is false on any understanding of 'agency' that could support CONT' cannot be justified abstractly. I have done so by arguing that the dilemma Tiffany sets up for constitutivism can be avoided, so long as we distinguish phenomenological from rational inescapability, and do not need to impose an escapable, normative aim on our conception of agency in order to infer normative commitments from what is constitutive of agency. While NORM is true for a conception of agency that is phenomenologically inescapable, CONT can be true for that same conception of agency so long as we can derive normative commitments to its constitutive features from what is implicit in action from the agential perspective.

There are two general conclusions I want to draw from the discussion in this chapter with regard to establishing certain criteria a constitutivist approach must meet in order to be able to answer its critics. The first of these is that it is not necessary for a constitutivist argument to assume that the phenomenological inescapability of agency guarantees that its constitutive features have normative authority over agents by itself. If it were not the case that certain evaluative judgments are implicit in

action from the perspective of the agent, the inescapability of agency combined with the fact that it has constitutive features would not necessarily show that we must be normatively committed to agency's constitutive features. The claim that it does is what led to Enoch's shmagency-argument: even if chess were inescapable for me, its constitutive norms would still not bind me. What we need instead is an argument that shows that from the perspective of the agent, certain normative commitments are rationally inescapable, in the sense that to deny a commitment to them involves the agent in a self-contradiction. Therefore, if Gewirth's argument works, constitutivists can avoid a commitment to the premise that the phenomenological inescapability of agency by itself guarantees that its constitutive features have normative authority. Doing so may allow constitutivists to avoid Enoch's shmagency-objection.

The second general conclusion is that constitutivists need not impose an (escapable) normative aim on agency in order for their argument to have a normative conclusion. Instead, the normative input of the argument can come from the evaluative structure of the agential perspective and the necessary preconditions of successful action, rather than a constitutive aim. In that case, inescapability can serve as a starting point for a dialectically necessary argument, in which further normative commitments are inferred from an inescapable self-understanding. If so, a constitutivist argument may be able to overcome Tiffany's dilemma, since the conception of agency to which we need to appeal need in that case not contain a normative standard in order to derive normative commitments from what is constitutive of agency.

The final, related, general conclusion is that there is a good reason for distinguishing what is constitutive of agency from what is to serve as the normative criterion for evaluating particular actions. While the latter should be justified by appeal to the former, their equation has problematic implications for constitutivism. A constitutivist approach which develops a criterion for the evaluation of actions which differs from what the constitutive features of agency are, can avoid these implications.

Even if this defense of Gewirth's argument succeeds, however, there are still two important points in Tiffany's objection that need to be recognized. First, Tiffany's objection rightly shows that the conception of agency used to justify NORM must be the same that justifies CONT: we cannot appeal to an escapable conception of agency to infer moral content. This means that when it comes to spelling out what the necessary preconditions of successful agency are in specific contexts of action, we cannot appeal to a conception of agency that is not phenomenologically inescapable, or that does not follow rationally inescapably from that conception.

Second, Tiffany's objection points to a somewhat less devastating problem, but one that is significant in light of the main purpose of this thesis: that the inescapability required to justify NORM, which must

also hold for the justification of CONT, makes it implausible that we can derive a wide variety of interesting moral implications from what is constitutive of agency, understood as a phenomenologically inescapable form of self-understanding. This also applies to Gewirth: as we will see in the next chapter, in order to infer a rights-claim to additive goods, Gewirth appeals to a potentially escapable constitutive feature of agency, namely: prospectivity. So, it may still be true for Gewirth that the conception of agency he uses to justify NORM does differ relevantly from the conception of agency he appeals to in order to establish what we have rights to (the content). In this case, we still need to overcome a (somewhat more modest, but potentially equally problematic) version of Tiffany's main objection.

In sum: if the arguments in this chapter are correct and the inescapability of agency can provide a ground for an argument that shows that we must be normatively committed to its constitutive features, and there can thus be a conception of agency for which both NORM and CONT are true, this does not imply that a constitutivist argument can provide a ground for a wide *range* of moral content that could provide the basis for a substantive moral theory. Since CONT is formulated so generally, any agent-neutral reason will do to satisfy it. So, the fact that Tiffany's dilemma can be overcome at an abstract level does not even begin to show that the constitutivist strategy can provide us sufficient nor sufficiently determinate moral 'content' to provide a method of justification for ethics, which is the main concern of this thesis. In what follows, I will discuss the possible range of moral judgments for which Gewirth's constitutivist argument can provide justification.

Chapter 2: The Range of Normative Implications – What Agents Must Claim a Right to

So far, I have argued that if we take the inescapability of agency to be phenomenological, and if we do not presume it does all the normative work by itself but instead use it to provide a universal starting point for a dialectically necessary argument, we can side-step shmagency-objections and explain the way in which inescapability provides a ground for the derivation of normative content. However, when it comes to deriving sufficient content, this approach seems to run into trouble: if we can only claim a right to what is strictly necessary for the ability to pursue any purpose whatsoever, the rights-claims we can derive from the PGC would *prima facie* seem to be limited to basic rights to the smallest ‘amount’ of freedom and wellbeing required for any action. Therefore, the question I aim to answer in this chapter is, simply put: how much ‘moral content’ can we derive from what is constitutive of agency on Gewirth’s approach?

I aim to answer this question by means of discussing two main objections to the idea that we can derive sufficient interesting moral content from the PGC. The first is Regan’s (1999) objection that Gewirth can at best show that we have to claim a right to the particular, occurrent necessary means for achieving our purposes, but not to freedom and well-being understood generically-dispositionally. This would mean that Gewirth’s argument does not establish that all agents must claim a right to generic freedom. The second is the less devastating, but still significant, objection that though we may have to claim basic rights, which are the necessary conditions for performing any action whatsoever, we do not have to claim the nonsubtractive and/or additive rights Gewirth argues we must. This would mean that the ‘list’ of rights we can derive from the PGC is quite limited. This would, in turn, mean that though we can derive some moral content from the PGC, the content we can derive is relatively uninteresting, and very restricted, such that we would still have to rely on much normative ‘material from the outside’ to settle real, complex ethical cases. Both objections therefore undermine the claim that we can justify (a range of) substantive moral norms of action by appeal to the PGC.

I will first discuss what Gewirth thinks agents must claim a right to. I will then discuss Regan’s (1999) objection to the claim that agents must claim a freedom that goes beyond the freedom required for their current particular purposes. I will argue that there are two argumentative strategies available to Gewirthians to show that agents must indeed claim a right to a freedom that goes beyond the particular freedom required for their current purposes. The first of these is to argue that rational agents are necessarily prospective agents: agents who have concern not just for their current ability to achieve their current purposes, but also for their future ability to achieve their future (currently non-existent) purposes. However, the ascription of prospectivity (understood as a concern for our future ability to pursue future purposes) to agents does not fall within ‘rationality’ understood as a

commitment to the laws of inductive and deductive logic, nor does it seem to be phenomenologically inescapable to understand ourselves as prospective agents. As a result, Gewirth would need a separate argument to show that a denial of a concern for our future ability to pursue our purposes involves the agent in a self-contradiction. The second strategy consists of arguing that agents must value not just their ability to freely *pursue* their purposes, but also their ability to *choose* their own purposes. This, in turn, requires that we consider a freedom that goes beyond the freedom required for our current purposes good. I will argue that although this strategy is more promising, it requires the addition of a premise concerning the extent to which agents' conceptions of the good, or the means they deem fit to pursue the good, must be open to revision. In the final paragraph, I will discuss the well-being to which agents must claim a right. I will argue that agents must claim a right to basic and nonsubtractive well-being, but that the inclusion of additive well-being, understood as an increase in our agential capabilities, must only necessarily be considered good by agents if it is always possible to increase the effectiveness of our purpose-fulfillment by increasing our agential capabilities. I will spell out the ways in which this premise could be justified.

2.1 The Generic Features of Agency

Gewirth's argument for the PGC establishes that we must claim a right to the generic features of agency. So, the first question is: what are the generic features of agency? Gewirth (1978, 25) describes the 'generic features of action' as "certain invariant features that pertain generically to all actions." Gewirth (1978) argues that there are two generic features of agency, namely: voluntariness or freedom, and purposiveness or intentionality. In order for our behavior to be an instance of action, it has to be free in the sense that "its performance is under the agent's control in that he unforcedly chooses to act as he does, knowing the relevant proximate circumstances of his action" (Gewirth 1978, 27). It also has to be performed intentionally, in the sense that the agent acts for some end or purpose that constitutes his reason for acting. So, according to Gewirth, the generic features of agency to which we must claim a right insofar as we are rational agents are those capabilities and conditions that are required in order for us to be able to act voluntarily and purposively. Now, the question is: what are those capabilities and conditions to which agents must claim a right?

Let's start with the freedom to which all agents must claim a right. According to Gewirth (1978, 52) "the freedom thus valued consists both in his controlling each of his particular behaviors by his unforced choice and in his longer-range ability to exercise such control". To be free to control our behavior by our unforced choice means that we must be free to pursue our own purposes, which includes the general capacities required to make plans and to execute them. These capabilities and

conditions must be considered good by all agents according to Gewirth, since they are the necessary preconditions of our action, which in turn is our means to pursue our purposes, which we consider good. If we must value not only controlling our current behaviors by our unforced choice, but also our longer-range ability to exercise this control, the freedom thus valued is quite extensive: it consists not only of the freedom to pursue our current purposes, but also the freedom to pursue a wide range of possible future purposes.

Besides generic freedom, agents must, according to Gewirth, also claim a right to well-being. The well-being we must claim a right to consists of three kinds of 'goods': basic, nonsubtractive and additive goods. Basic goods are "those basic aspects of his well-being that are the proximate necessary preconditions of his performance of any and all of his actions" (Gewirth 1978, 53). So, our life as well as our health are basic goods, without which we could not act at all. However, we are not just committed to those goods that are required to act at all: we are committed to acting *successfully*, where a successful action is understood as an action by means of which we gain something we consider good. So, an agent must also consider it good that "his level of purpose-fulfillment not be lowered by his losing something that seems to him to be good" (Gewirth 1978, 53-54). The conditions and abilities required to maintain our level of purpose-fulfillment are 'nonsubtractive goods'. Finally, any agent must also consider it good "that his level of purpose-fulfillment be raised by his gaining something that seems to him to be good, namely, the goal or objective for which he acts" (Gewirth 1978, 54). These are called additive goods, which form the third dimension of well-being. Together, our freedom and these three dimensions of well-being form the generic conditions of our successful agency, where generic freedom and basic well-being are necessary conditions of our agency as such, while nonsubtractive and additive goods are constitutive of *successful* action (Gewirth 1978, 54). The rights all agents must respect are thus rights to freedom and to basic, nonsubtractive and additive well-being. Gewirth regards all these 'goods' generically dispositionally: as general abilities and conditions that are required for our ability to act successfully, understood as a disposition, regardless of the particular content of our purposes.

In what follows, I will discuss two objections to the claim that agents must claim a right to freedom and well-being so understood. The first is an objection to the freedom Gewirth argues we must claim, the second is an objection to the well-being Gewirth argues we must claim. I aim to show that there is a way for Gewirthians to respond to these objections, but not without commitment to anthropological premises. In the final paragraph, I will provide an overview of the premises that require justification by means of appeal to a conception of human nature or human action in order to determine which generic-dispositional goods agents must claim a right to.

2.2 To What 'Level' of Freedom Must Agents Claim a Right?

Regan (1999) argues that agents need not value nearly as great a level of freedom as Gewirth thinks they do. Rather: "It seems that the agent need value only those particular freedoms required by her particular purposes, and other purposes will be unprovided for" (Regan 1999). The idea is that since we derive a commitment to the means of our agency from our purposes rather than from our being agents as such, this raises a problem for Gewirth: what if our purposes are very limited, such that the necessary preconditions of our pursuit of our purpose (E) are also very limited? Why would an agent have to be committed to more than what is strictly necessary to attain their current, existing purposes?

According to Regan (1999), Gewirth must, but fails to, argue for one or both of the following claims:

- (1) The agent must claim a generic-dispositional freedom which supports purposes beyond her actual purposes at the same time it supports her actual purposes.
- (2) The agent must claim particularistic freedoms which support merely possible purposes even though those freedoms are not necessary at all to her actual purposes.

The first claim is of course the claim Gewirth explicitly makes: that there is a general level of freedom (or: voluntariness) involved in all action, which is necessary for the successful pursuit of any purpose whatsoever. Therefore, an agent who is committed to some purpose must be committed to whatever level and type of freedom allows us to pursue any purpose in the first place. However, according to Regan, there is no reason to suppose that this freedom must be understood generically-dispositionally, as the general freedom needed to pursue a wide variety of possible purposes. Instead, according to Regan, we only need to claim a right to the *particular* freedom that is strictly necessary for our actual purposes.

As a counter-example to Gewirth's claim that agents must claim a right to freedom understood generically-dispositionally, Regan introduces an agent, Zeke, who has only one purpose: to worship the god Baal. Regan argues that Zeke has no reason to claim a right to anything more than the particular freedom needed to worship Baal. What this objection shows is that what we must value, or what we must claim a right to, seems to depend entirely on our purposes and conception of the good: "what he [any agent] will want in the way of freedom will depend on just how and why he thinks his actual purpose is good" (Regan 1999).

However, the main ambition of a constitutivist argument is to show that there are some reasons for action that are, in Tiffany's words, 'agent-neutral': that apply to all agents, regardless of their particular purposes or conception of the good. This is a central objective of Kantian constructivism in general. One advantage of Gewirth's argument is, as we saw, that it does not leave a large gap between what

the agent must value and the agent's actual, personal concerns: Gewirth derives a commitment to the PGC from a commitment to a concrete purpose. However, the argument must work independent of whatever our purposes are. Gewirth's argument for the PGC aims to show that we must value the necessary means of our agency, because the necessary means of our agency are necessary means for the achievement of any purpose whatsoever, and we must be committed to some purpose if we are agents. Therefore, the content of our purposes makes no difference for the argument. More strongly: it is necessary for this content to make no difference, in order for the argument to be universal and objective, since the universalization in the third stage of the argument only works if what we claim a right to in the second stage of the argument is something to which we must claim a right *solely* in virtue of being agents. If what we must claim a right to depends on our particular purposes, the rights-claim cannot be universalized. So, if what we must claim a right to depends on the content of our purposes, or on our conception of the good that drives those purposes, Gewirth's argument fails.

We can take Regan's objection to imply that Gewirth is committed a premise he cannot justify:

The upshot is this: We can rescue Gewirth's argument only by taking as a premise that the agent we are interested in is an agent who wants to be free to pursue her future projects, whatever they might turn out to be. We cannot demonstrate that any reasonable agent must have this sort of content-free commitment. If we are to use this premise, we must assume it. (Regan 1999, 68)

Generally put, the objection is that Gewirth must presuppose more about agents than that they are committed to the pursuit of their current purposes. He must also presuppose that agents are committed to the successful pursuit of their future projects, understood in a 'content-free' way, such that our future purposes could consist of many things we do not currently value. It is only if we must consider our future projects 'open' in this sense that we must claim a right to a freedom that would allow us to pursue a wide variety of possible purposes.

I argued earlier that the more minimal a conception of agency involved in a constitutivist argument is, the more convincing its conclusions are. While Gewirth's argument seems to start from a minimal conception of agency ('I do X for purpose E'), the conception of agency he appeals to in order to specify the rights we must claim seems to be much less minimal. So, we can see how Regan's objection relates to Tiffany's: Regan's objection, if successful, would show that the conception of agency to which Gewirth needs to appeal to justify the inference of substantive moral content (human rights) from the PGC is escapable, while his inescapable conception of agency (consisting only of a commitment to the free pursuit of our existing purposes) fails to provide a ground for the derivation of the content Gewirth argues for.

So, the first question is: why must we claim a right to freedom and well-being understood generically-dispositionally, rather than to the particular freedom and well-being required for our actual purpose(s)?

2.3 Meeting Regan's Objection: Two Strategies

What we need in order to meet Regan's objection is an argument that shows that agents must be committed to a freedom that supports many purposes beyond their existing purposes. Otherwise, the freedom to which agents must claim a right according to the argument is only the freedom required for their current purposes. Assuming that the basic structure of Gewirth's argument works, and assuming that we only have to claim a right to the particular freedoms required by our purposes, then, as Narveson (1980) argues, "the result will be that we concede to each agent the amount of freedom and well-being which is required by a suicidal masochist." That is: the agent with the purposes that require least freedom determines the minimal freedom to which all agents must claim a right, since only that freedom would be universalizable in the final stage of the argument. And this, of course, would prevent this approach from providing a rational justification for any substantive moral content. Furthermore, things may be even worse: it may be the case that there is also no *particular* freedom, no matter how minimal, to which *any* agent must claim a right given their purposes; even non-interference with my ability to continue living is not something the suicidal agent must necessarily claim, if we assume that agents only need to claim rights to the particular freedoms needed for their current purposes. This objection is therefore more than just an objection to the idea that we can derive *sufficient* content from the PGC: it is an objection which, if true, would potentially show that we can derive no concrete norms of action (in this case: rights) from the PGC at all.

In order for Gewirth's approach to meet this objection, it must be necessary for all rational agents - understood as: beings who freely pursue their purpose(s) and who are responsive to the laws of inductive and deductive logic - to claim a right to generic freedom, understood as the freedom that allows us to pursue a wide variety of purposes, going beyond our actual purposes.

There are at least two argumentative strategies to support this claim. The first is to show that rational agency must be *prospective*, that is: future-oriented. If we must care about our future level of purpose-fulfillment as well as our current purposes, this would provide a ground for a claim to a freedom that goes beyond the particular freedom needed for our current purposes. The second is to show that agents must be committed to the free *choice* of their purposes and not just the free *pursuit* of their purposes. If we must be committed to both the free choice and the free pursuit of our freely chosen

purposes, then we would also need to claim a right to a level of freedom that goes beyond the particular freedom required to pursue our current purposes. I will discuss these in turn.

First Strategy: Prospectivity

The first way to show that we must be committed to a generic freedom that would support many possible purposes beyond our current purposes is to argue that rational agents are necessarily prospective agents – agents who care not only about the pursuit of their current purposes, but also about their future purpose-fulfillment. This is the approach Gewirth (1999, 196) takes in his direct response to Regan:

[The generic-dispositional view of freedom] consists [...] in one's "long-range ability to exercise control" over one's particular behaviors. This longer-range aspect is essential for what I have called being a prospective agent as well as an actual agent. [...] This point about prospective agents is obviously of first importance in my whole doctrine of rational agency, and it serves as a significant counter to Professor Regan's exclusively particularistic perspective.

Gewirth's response is thus to claim that his conception of agency, which includes prospectivity, is more convincing than Regan's 'exclusively particularistic perspective', which takes agents to be committed only to their current, existing purposes and the particular means required to attain those. However, what is lacking in this response is an argument why rational agency must necessarily be understood as prospective agency; this is what Gewirth needs to establish in order to make this response convincing. Instead, Gewirth (1998) argues that "Professor Regan has given no reason for this restriction to present purposes", thus implying that the burden of proof is on Regan's side. However, in my view, this is the wrong way around: it is not *prima facie* obvious that rational agency must include a concern for one's future purposes, to which one is not currently committed.

Gewirth's reply in *Critical Essays* is unsatisfactory with regard to Regan's objection, since it does not contain an argument that shows why prospectivity is an inescapable aspect of rational agency. An argument that establish most agents are prospective in this way would not satisfy the demands of Regan's objection either: what must be shown is that agents must, *inescapably*, be committed to their future level of purpose-fulfillment, in order for appeal to prospectivity to justify the claim that agents must care about a level of freedom that goes beyond the particular freedom required for their current purposes.

However, Gewirth (1998) argues: "Even if it is true that the purposes one projects are projected in the present, both their contents and the values one assigns to them pertain to the future as envisaged by

the prospective agent.” This last sentence seems to be key to Gewirth’s conception of prospectivity, but contains certain ambiguities: how do the contents and the value one assigns to one’s purposes ‘pertain to the future’, and why do they do so ‘necessarily’? As we saw, Gewirth (1978) argues that “the freedom thus valued consists both in his controlling each of his particular behaviors by his unforced choice *and in his longer-range ability to exercise such control*” (emphasis mine). The question is whether agents must necessarily be committed to their longer-range ability to exercise such control. Even if we agree that all agential purposes extend over time in some sense, prospectivity can only serve as an argument why we must care about freedom that goes beyond the particular freedom needed for our particular purposes if it is understood as a content-neutral commitment to the freedom needed to pursue a variety of possible future purposes. And this conception of prospectivity as a necessary component of rational agency stands in need of justification. For agents who have purposes that extend over long periods of time, it is clear why their commitment to their purposes also commits them to longer-range control over their behavior. However, for agents without such purposes, this is not obvious. An argument that moves from a commitment to our current purposes to a commitment to the long-range control over our behavior thus seems to depend on the contents of our purposes, and therefore fails to establish what Gewirth needs it to establish.

So, if we are to appeal to prospectivity to justify that we must claim freedom that goes beyond the freedom required for our current purposes, we need an argument that establishes that rational agency is necessarily future-oriented, in the sense that we must be committed to our purpose-fulfillment in the future, concerning our currently non-existent purposes. Furthermore, we need to show that such a commitment to our future purpose-fulfillment is inescapable for us: the claims that are attributed to the agent in Gewirth’s argument must derive from the generic features of action in such a way that they provide a universal starting point for a dialectically necessary argument. If a commitment to prospectivity is optional for rational agents, we cannot appeal to it to justify necessary rights-claims.

It seems to me that there are three ways for Gewirth to argue that prospectivity, understood as an agent’s commitment to his future level of purpose-fulfillment, can be ascribed to the agent as a necessary feature of rational agency within the structure of his argument: (1) by showing prospectivity is implicit in the normative structure of action, the way voluntariness and purposiveness are, (2) by showing prospectivity is phenomenologically inescapable for agents, (3) by showing prospectivity can be inferred from something that is implicit in the normative structure of action or from an aspect of agency which is phenomenologically inescapable, using only induction and deduction.

Concerning (1), the problem is that it is perfectly possible for an agent to act without any long-term concerns at all. We can say that an action is not an action if it is not free (voluntary) or intentional

(purposive), but to say that an action is not an action if it is not future-oriented seems to be clearly false for most commonly accepted conceptions of agency if this future-orientedness is understood as involving a concern for currently non-existing future purpose-fulfillment. The only option I think is left to us within (1) is to argue that a positive evaluation of our future agency in general as a means to the achievement of our purposes is implicit in action. But this would be to beg the question against Regan, who argues that we need only value those aspects or parts of our agency that allow us to pursue our current purposes. Actions are performed with the aim of achieving a purpose we have at the time we act, not necessarily with a view to the future beyond that.

Concerning (2), I see no particular reason to assume that prospectivity (a concern for our future ability to pursue future purposes) is phenomenologically inescapable for agents; it is possible for agents to consider possible future purposes unimportant to them in the current moment. While we may say that it is impossible for agents to have no concern for the future at all, since their current projects and purposes also take time to achieve, a concern for their possible future purposes is the concern we need to argue is inescapable here. While I think it likely that most agents will have this concern, I see no basis for regarding it as inescapable. This would require a further argument that shows why the phenomenology of agency inevitably leads to such a concern. I argued that the fact that the world is not normatively determined for agents provides a plausible ground for arguing that we must understand ourselves as beings who have to make their own choices, form their own conception of the good, etc. When it comes to prospectivity, an argument of that kind seems to be unavailable, especially in light of the fact that there seem to be agents who have a non-diachronic experience of themselves (often called an 'episodic' experience of the self: see Strawson (2008)). Though it does seem to be irrational in some sense for agents not to claim a right to the necessary means to pursue different purposes in the future, there are two problems with this 'irrationality': 1) it is not the result of a contradiction, so it goes beyond the level of rationality Gewirth wants to ascribe to agents, 2) it is not irrational for all agents: a lack of concern for their future level of agency is not irrational for suicidal agents, for example, or for episodic agents, or perhaps for agents like Zeke, who have only one purpose and no reason to believe this will change. So, to argue that rational agency is prospective agency, Gewirth must be able to show that suicidal agents, episodic agents, or agents like Zeke involve themselves in a contradiction if they do not consider their future purpose-fulfillment, understood as the fulfillment of currently non-existent purposes in the future, good. I do not see why this would be so.

Concerning (3), it is not clear to me how a commitment to prospectivity would follow from the agent's inescapable commitment to his current purposes, and the generic features of his action as the conditions for his ability to achieve these purposes. A commitment to our current purposes does not

by itself imply a commitment to possible, different future purposes. At the same time, it also seems clear that prospectivity understood as a commitment our ability to pursue possible, different future purposes is not a necessary means of our ability to act, nor that it is implicit in action from the perspective of the agent.

In sum: while it may be true that most agents are prospective agents in the sense that they value not only their current ability to pursue their purposes but also their long-term ability to keep doing so, we cannot show that all agents *must* consider this good, which is what Gewirth's argument requires. It has to be the case that we must value our long-range ability to control our behavior good simply in virtue of being a rational agent, for the universalization in the final stage of the argument to work. The only way to argue for that by appeal to prospectivity is to say that agents like Zeke, or suicidal agents, or agents who are committed to living in the moment, are not rational agents. This is conceivable if by 'rational agent' we mean something more than 'an agent who is committed to the laws of inductive and deductive rationality'. However, as we saw, our conception of 'rationality' cannot involve more than that and still be morally neutral:

It is to be noted that the criterion of 'rational' here is a minimal deductive one, involving consistency or the avoidance of self-contradiction in ascertaining or accepting what is logically involved in one's acting for purposes and in the associated concepts. (Gewirth 1978, 46)

Furthermore, to argue that agency is necessarily prospective would undermine the moral neutrality of this concept:

The concept of action that is to be used as the basis of the justificatory argument is morally neutral. For since this concept comprises the generic features of all action, it fits all moralities rather than reflecting or deriving from any one normative moral position as against any other." (Gewirth 1978, 25)

A conception of 'rational action' that involves prospectivity, understood as an interest in the long-range control over our behavior for the sake of our future level of purpose-fulfillment, seems to necessarily violate either one of these commitments to a neutral, minimal conception of 'rational' and 'agency'.

When it comes to a case like Zeke, Gewirth (1978, 59) argues explicitly that:

So long as the religionist and the intellectual are agents, acting for purposes they want to achieve, they must satisfy the necessary general conditions of agency. They must control their behaviors by their unforced choices, they must be able to make certain minimal plans for what they will do in order to achieve what they want, and they must have or maintain the general abilities and conditions required for exerting such control and making such plans. The need for and positive evaluation of these

capabilities are hence common to all such agents amid their diversities of particular purposes and values.

However, the control Zeke needs to assert, and the plans Zeke needs to make, concern only the particular control and plans required to continue his successful worship of Baal: they do not necessarily include the freedom to pursue a different purpose than that. And if the only freedom we need to claim is the freedom needed to pursue our current particular purpose, agents need not positively evaluate the abilities and conditions needed to pursue any other purpose than their existing purpose. With regard to Zeke's existing purpose, 'freedom from interference with Baal-worship' and the freedom required to perform the right rituals are the only freedoms he must claim. We must show either a) that Zeke is not a rational agent, or b) that Zeke must be committed to the freedom needed to pursue a wide variety of purposes anyway. Appeal to prospectivity as a necessary aspect of rational agency aims to do the former. In what follows, I will argue for a way to justify (b), namely: to show that any rational agent must be committed to the free pursuit *and* choice of his purposes.

Second Strategy: The Freedom to Choose Our Purposes

As we have seen, though agents need to be somewhat future-oriented in the sense that even their existing purposes will extend over a certain amount of time, they need not necessarily value their future purposes, or their future ability to freely pursue their future purposes. One other argumentative strategy to show that agents must be committed to generic freedom, rather than their particular freedoms needed for their current purposes, is to show that agents must be committed to the free *choice* of their purposes. This is the option Beyleveld chooses in response to Narveson's objection, which is related to Regan's. Beyleveld (1991, 86-87) argues:

What I must value, whatever my purposes, as my "generic-dispositional freedom," is noninterference with my capacity to choose my purposes. In other words, the freedom I must value irrespective of my purposes is my freedom to choose my purposes.

However, Beyleveld does not elaborate on this claim that we must be committed to the free choice of our purposes in his response to Narveson. In what follows, I will argue for one way to strengthen this claim.

Recall that Regan objects that an agent like Zeke, who only values Baal-worship, has no need for the general abilities and conditions required to be able to pursue a wide variety of possible different purposes: the freedom to which he must be committed is only the freedom of Baal-worship, and the well-being to which he must be committed is only the well-being that is necessary for him to be able

to worship Baal. Furthermore, if we assume that his purpose is conditional, i.e.: ‘to worship Baal so long as I live’ rather than just ‘to worship Baal’, he need not even be committed to staying alive; the most basic good. So, it seems that the capabilities and conditions needed to *pursue* any purpose whatsoever freely are not sufficient to warrant a rights-claim to generic freedom and well-being.

At this point, we need to distinguish several forms of freedom, which are easily confused with one another: first, agents’ free *choice* of purpose(s); second, agents’ free *pursuit* of their purpose(s), and third: the freedom required to *achieve* their purpose(s). Prima facie, it seems to be the case that we can value any one of these freedoms without valuing any of the others. Now, it seems uncontroversial to me that agents value the free pursuit of their purposes, as well as whatever is required for the achievement of their purposes: given that we must take our purpose to be good, it follows that we must not want others to interfere with our pursuit of it, and we must value the means necessary for its achievement. But must we also necessarily value the free *choice* of our purposes? Even if one were to point out that the free choice of purposes is the very essence of human agency: could an agent not consistently claim to rather not have been (or be) an agent at all?

Since the choice of purposes is such an essential feature of agency in general, and could therefore be said to be inescapable for us, it is important to note that an argument that says we *must*, inescapably, choose our own purposes does not suffice; we must consider our free choice of our purposes *good* in order for the argument to work. That is: a commitment to our choice of purpose must be an *evaluative* claim that is implicit in the normative structure of action. The move from ‘I must choose my own purposes’ to ‘I must claim a right to the necessary conditions of my freedom to choose my purposes’ does not work, since it is not necessarily the case that I must not want others to interfere with something inescapable; I must not want others to interfere with something I consider to be *good*. Hence, we need an argument that shows that agents must consider the free choice of their purposes good.

If we must be committed to the free choice of our purposes as well as their free pursuit, then we must be committed to a freedom that would support the pursuit of many possible purposes beyond our particular current purposes. The question is, however, why an agent must necessarily be committed to this. It is one thing to argue that we must be committed to the purposes we have; what it means to have a purpose is to consider it good. It does not follow from that, however, that I must value my capacity to choose my own purposes. In what follows, I will argue that there is a way to justify the claim that we must consider the free choice of our purposes good.

Why We Must Value Our Ability to Choose Our Purposes

What I will argue we must value is our ability to allow our own conception of the good to ‘determine’ our choices and actions. Our purposes are only good according to us if they correspond to our conception of the good. And in order for our conception of the good to be in line with our purposes, we need to be free to choose our own purposes. If we must value the freedom to choose and pursue our own purposes, we must value a freedom that goes beyond our ability to achieve our current, existing purposes: in that case, it is inconsistent to value only the particular freedom needed for our current purpose(s).

For our purposes to be considered good by us, they must be in line with our conception of the good. So, ‘I do X for end E’ only invariably leads to ‘E is good’ if end E was an end we chose in light of our conception of the good. In that sense, Gewirth’s argument already presupposes that agents choose their own purposes; that is just part of what it means to be an agent. Now, however, we can also see why they must *value* this ability: so that their action can be aimed at the achievement of something they consider good in the first place. Put slightly more formally, my argument for the claim that agents must be committed to the free choice of their purposes (rather than only the free pursuit of their purposes), goes as follows:

- 1) We must value our ability to gain something we consider good by means of our action (inescapable)
- 2) To gain something we consider good by means of our action, our actions must be performed with a view to a purpose that is in line with our conception of the good. (necessary precondition)
- 3) Our purposes can only be in line with our conception of the good if we are free to choose our purposes. (necessary precondition)
- 4) We must consider our freedom to choose our own purposes good. (conclusion)

The success of this argument relies on my ability to show that (1) is inescapable for all rational agents, and that (2) and (3) are the necessary preconditions of (1).

According to (1), all agents must value their capacity to gain something they consider good by means of their action. This looks like a tautology: to gain something good is good. Perhaps one may object that the ‘by means of our action’ is unnecessary: agents care about gaining something good, not about the way in which they gain this. However, it is a fact of human existence that our purposes are not automatically fulfilled for us. For human agents, to have something as a purpose is to intend to act for

its sake. In acting, agents aim to gain something they consider good. This is an evaluative claim that is implicit in the normative structure of action: for our action to be intentional, which is a constitutive feature of action, we must consider it good in some way. And for us to consider our action good in some way, we need to be free to choose if, why and how to perform it. Gewirth (1978, 41) argues:

It is important to [see] the connection [...] between purposiveness and wants or desires. For from this connection stems the fact that the agent necessarily regards his purposes as good and hence makes an implicit value judgment about them.

In my view, the connection between purposiveness and wants or desires also provides the ground for the claim that agents must consider the unforced, free choice of their purposes good: for purposive action on the part of agents to be possible, purposes must be self-chosen. And since purposive action is a means to the attainment of ends or purposes we consider good, agents must value their free choice of purposes instrumentally. Furthermore, Gewirth (1978, 52-53) argues that:

In addition to this instrumental value, the agent also regards his freedom as intrinsically good, simply because it is an essential component of purposive action and indeed of the very possibility of action. [...] For it is the uncoerced or unforced aspect of his action that enables him to pursue what he regards as good.

This must include the freedom to choose and pursue our own purposes, since a lack of either would undermine our ability to 'pursue what we regard as good'. So, in my view, what Gewirthians should do is argue for the combination of the free choice *and* pursuit of our purposes as a necessary good for all agents. To complete the argument, we would need to add:

- 5) We must consider our freedom to choose and pursue our own purposes good solely in virtue of being agents.
- 6) Other agents must also regard their freedom to choose and pursue their purposes good
- 7) The freedom to choose and pursue our own purposes is a generic, necessary good for all agents.

And as we saw, this, in turn, would imply that we must claim a right to a freedom that goes beyond the particular freedoms needed for our particular purposes.

Counter-Argument: Agents with Final Purposes

However, one may object that there is still a problematic prospectivity implicit in this: agents who consider their purposes final will not have to consider their ability to choose their purposes good. If

their existing purposes are already in line with their conception of the good and they see no reason why these might change, then they have no reason to claim a right to the freedom to choose and pursue their purposes: they need only claim a right to pursue their existing purposes. So, this version of the 'free choice of purposes argument' still cannot show by itself that all agents *must* be committed to a freedom that goes beyond the pursuit of their existing purposes. The problem with the argument in its current form is that there are agents for whom their existing purposes are perfectly in line with their conception of the good, and who consider these purposes final, such that they no longer need to consider the freedom to choose their purposes good. For agents with final purposes that are settled, the freedom to choose purposes is not a necessary precondition for their ability to gain something they consider good by means of their action.

Similarly, Regan (1999) objects to what he argues Beyleveld's insistence on a commitment to the free choice of purposes involves: "he [the agent] need not want freedom to pursue all purposes indifferently." However, there is an important difference between wanting the freedom to pursue all purposes indifferently, and wanting the freedom to choose our own purposes. Our ability to choose our own purposes requires that many courses of action are open to us, not that we must positively evaluate any of those particular courses of action: what I must value is my ability to choose which of these I wish to pursue. To be able to do so, I must indeed be free to pursue a wide variety of purposes, but it is not the particular freedom to pursue any of these particular purposes that we must value. So, Zeke need not value the particular freedom to worship any other god than Baal, but Gewirthians must show that he must value his generic ability to decide which god he wants to worship, insofar as he is a rational agent.

Regan could say that Zeke need not want to be free to choose his purposes: he considers his purpose of Baal-worship the only valuable purpose any agent could have. That is: Zeke can deny (1) in its general form, and instead only value that his action is aimed at something particular which he considers good, namely: Baal-worship. And for that to be possible, he need only claim a right to freedom of Baal-worship. Hence, what we must now be able to show, is that agents must consider their purposes open to revision in light of new reasons, desires, beliefs, etc., such that there can be no rational agents with 'final' purposes only, and that we must therefore value our general ability to choose our purposes (to keep our conception of the good in line with our purposes) rather than merely the abilities needed to pursue our existing purposes.

Human Purposivity and Fallibility

First, it is important to note that agents' purposes consist of the ends for which they intend to act. As such, they can range from 'getting ice cream' to 'getting a degree' to 'becoming wise' – that is: agents' purposes are not necessarily either long- or short-term, nor are they necessarily ambitious or easy to achieve. This means, as we saw, that we cannot directly derive a commitment to our long-term control of our behavior from our commitment to our purposes, since all of our purposes may be short-term purposes. But it also means that the case of an agent with only one final purpose is a hypothetical one: to notice an ice-cream truck in the street and decide to get ice cream is to formulate an entirely new purpose. An agent with one purpose would thus have to be an agent who has lost all human desires (except the one on which his one final purpose is based, perhaps). Furthermore, and more importantly, a rational agent, understood as an agent who uses the laws of inductive and deductive reasoning in her deliberation, is an agent whose conception of the good is subject to change in light of reasons, changes in her desires, new facts, changes in her circumstances, etc. If human agency is such that in order to keep our conception of the good in line with our purposes, we must continually be able to choose our purposes freely, we can show that agents must be committed to their general capacity to choose their own purposes. For this to work, however, we need an extra premise, namely something like this: 'a rational agent must consider his purposes open to change (in light of reasons)'. By adding this premise, we can see that what we must value as good is our ability, understood as a disposition, to choose and pursue our own purposes. Once again, put somewhat more formally, the argument goes as follows:

- (1) We must value our ability to gain something we consider good by means of our action
- (2) To gain something we consider good by means of our action, our actions must be performed with a view to a purpose that is in line with our conception of the good.
- (3) Any rational agent's purposes are open to revision.
- (4) Therefore, our purposes at any given time can only be in line with our conception of the good if our ability to choose our purpose is a generic disposition.
- (5) Therefore, we must consider the generic disposition to be able to choose our own purposes good.

Note that this does not mean that agents need to be committed to the claim that their conception of the good must necessarily change (all the time, often, or even sometimes): it only means that to be a rational agent is to consider one's purposes open to revision in light of changes in one's conception of the good in accordance with new arguments, new reasons, new desires, new facts, etc. Hence, what

we need to make the argument work is a justification for the claim that agents must consider their purposes open to revision, or must consider their ability to choose new purposes good.

One way to justify that would be by means of an anthropological premise concerning our fallibility in our conception of the good, our choice of purposes, or the means we intend to use to pursue those purposes. This would imply that the free choice of our purposes is a necessary precondition of our ability to gain something we consider good by means of our action, regardless of what our purposes are. However, one may argue that this would once again commit me to what I rejected earlier: a conception of rational agency that includes more than a commitment to the laws of inductive and deductive logic. However, this is not necessarily the case: if we can appeal to the premise that human judgment concerning our conception of the good, as well as our knowledge of the world and ourselves, is fallible or otherwise necessarily subject to change, we can show that a commitment to attaining something good by means of our action (to which we are inescapably committed insofar as we are agents) implies a commitment to the possibility of pursuing a range of possible purposes beyond our current purposes.

We can say that the fallibility just argued for justifies something like an alternative to prospectivity: agents need not necessarily consider the pursuit of their purposes in the future good according to this argument, but they must consider the possibility of changing their purposes or formulating new purposes good, from their perspective as agents, 'now' rather than in the future. Even an agent entirely dedicated to living in the moment can acknowledge that purposes can change in the blink of an eye: if we find out our purpose relies on a premise that turns out to be false, if we develop new desires (based on new conceptions of the good, or perhaps vice versa), if something that seems more important than our current purpose comes along, if new opportunities present themselves, etc. What it means to understand oneself as an agent is to understand oneself as someone who can determine what they do according to their own conception of the good. The reason we must consider the freedom to pursue a variety of purposes good is not only because our conception of the good may change, but also because the world continually changes, such that we constantly have to make up our minds in light of new relevant circumstances and ideas even if our conception of the good were to remain the same. As a result, the idea of an 'agent' with only final purposes seems to be at odds with the nature of human judgment and the circumstances in which we must make these judgments, as well as the phenomenology of agential decision-making and of the development of a conception of the good in an overly complex, ever changing world.

Regan (1999) dismisses the fallibility objection rather quickly, arguing that it is not clear what fallibility implies, morally. However, it may be plausible to claim it must mean that rational agents cannot

consider any of their purposes final, and must always consider the freedom to change their purposes good, even if they have no (great) concern for the future. By taking as a premise that the agent values her ability (and, by implication, the conditions of the successful use of this ability) to gain something she considers good by means of her action, and who considers her purposes and the means she chooses to achieve them as open to revision, we can argue for the conclusion that agents must consider the free choice of their purposes good, and that the realization of this possibility requires a great level of freedom at any moment in time. Combined, these premises support the claim that agents need to be committed to a freedom that supports a wide variety of possible purposes as well as her actual purposes; the recognition of the role our voluntary action plays in our purpose-fulfillment in general, combined with the openness of our purposes and the means by which we intend to pursue them, leads to the recognition that the freedom to pursue our purposes by means of our agency requires general abilities and conditions that allow us to pursue a wide variety of purposes, rather than merely our particular, occurrent freedom.

2.4 To What Level of Well-Being Must Agents Claim a Right?

So far, I have argued that agents need to claim a right to the freedom required to choose and pursue their own purposes. The question for this paragraph is what agents must value in terms of their well-being. I will argue that while Gewirth can justify the claim that we must claim a right to basic and nonsubtractive well-being, his claim that agents need to claim a right to additive well-being requires further justification. I will provide one possible argument for the inclusion of additive rights, understood as rights to increase our agential capabilities, in the set of goods to which agents must claim a right.

Recall that according to Gewirth, agents need not only claim a right to the necessary precondition of any action whatsoever (basic goods), but also to the goods required to maintain and increase their level of purpose-fulfillment:

Thus, just as the basic goods consist in the necessary preconditions of action, so the nonsubtractive goods viewed generically-dispositionally consist in the abilities and conditions required for maintaining one's level of goods and for retaining undiminished one's capabilities of action, and the additive goods consist in the abilities and conditions required for improving one's level of goods and for increasing one's capabilities of action.

The first question is why agents should claim a right to anything more than what is strictly necessary for their ability to act.

The Normative Structure of Action

Regan's objection points to a more general type of tension discussed earlier: on the one hand, the generic features of action need to be so general that they are required for the successful pursuit of any purpose any agent may have, while on the other hand, we want to be able to derive a concrete and substantive list of moral norms from the PGC. Prima facie, one seems to be at odds with the other: for any feature of action to be necessary for *any* successful action for the sake of any purpose, it must be rather minimal: even an action such as 'getting coffee' counts. The necessary preconditions of any action understood in this way seem to necessarily be rather few.

However, Gewirth need not claim that what we must claim a right to must be that which forms a strictly necessary precondition of any action whatsoever. Rather, Gewirth's claim is that action has a normative structure: that certain evaluative claims are implicit in our performance of actions, and that when we submit these claims to rational analysis, we discover that they imply further normative (in this case deontic, i.e.: rights-) claims. So, while the conditions and capabilities of action to which we must claim a right need to be only those conditions and capabilities that are involved in successful action in general, they need not all be 'basic goods': they need not all be necessary preconditions for the performance of any action whatsoever. For example, as we saw, a nonsubtractive right is a right to not have others interfere with our existing goods. It is of course *possible* to perform an action while having one's nonsubtractive right violated in the transaction. So, nonsubtractive rights – rights to maintain the level of goods one has – are not necessary preconditions of all action. However, the reason agents must, from their perspective as agents, claim nonsubtractive rights is that agents cannot succeed in increasing their level of purpose-fulfillment if their existing goods are constantly under threat. And agents act in order to increase their level of purpose-fulfillment: to gain something by means of their action which they consider good. If our acting to gain something good would constantly come at the expense of losing other goods, agents would fail to be capable of acting successfully, where 'successful' is understood in terms of making a gain. So, it is not true that a condition or capability of action needs to be strictly necessarily involved in any given action for any purpose in order to say that agents must claim a right to it based on Gewirth's argument: instead, given the normative structure of action, there are certain conditions and abilities that all agents must regard as good. Hence, agents must claim a right to what is required for increasing their level of purpose-fulfillment by gaining goods in transactions as well as to the necessary preconditions of any action whatsoever.

However, it is still unclear why an increase in our purpose-fulfillment must necessarily involve an increase in our agential capabilities. The problem is that some agents have purposes for which their current agential abilities are (more than) enough: if one's purposes consist only of things such as

'getting coffee', 'talking to friends', 'listening to music', etc., it is simply not the case that achieving these purposes requires increasing one's agential abilities. So, agents who only have purposes for which their current abilities are satisfactory do not seem to be rationally committed to claim a right to an increase in their agential abilities in light of their commitment to their level of purpose-fulfillment. While agents are necessarily committed to increasing their level of purpose-fulfillment (which is just to say that they are committed not only to striving for but also to achieving their purposes), it does not follow from this that agents must be committed to increasing their agential abilities. In what follows, I will examine to what extent this problem can be solved.

Why Should Agents Consider an Increase in Their Agential Capabilities Good?

While we can show that agents must be committed to raising their level of purpose-fulfillment, we cannot show that they must therefore also be committed to raising their agential capabilities, so long as achieving their purposes does not require such an increase in capabilities. If it is assumed that agents must have purposes such as 'be a good person', 'become wise', 'have a successful career', it makes more sense to say that raising one's agential capabilities is a condition for achieving these purposes. However, as we saw, the argument has to work for all agents, regardless of the particular content of their purposes.

The argument for additive rights hence assumes that agents have either 1) at least one purpose that they cannot attain without increasing their agential capabilities, 2) at least one purpose that they could achieve more effectively by increasing their agential capabilities, 3) that agents must care about potential future purposes which an increase in their agential capabilities will allow them to pursue (more effectively), or 4) that agents must consider their ability to pursue a wider variety of purposes good.

The problem with (1) and (2) is, as we saw, that whether this is true for any agent seems to clearly depend on the content of his purposes. Based on my argument in the previous paragraph, however, a case for a combination of (3) and (4) could be made. If agents must consider their ability to gain something they consider good by means of their action good, and their conception of the good, themselves, their roles or duties, the world, etc., are subject to change, I have argued that they must consider their ability to choose their purposes good. The reason I have argued they must consider this good, is because their free choice of purpose is necessary for their action to be aimed at what they consider good. An increase in our agential capabilities represents an increase in our level of purpose-fulfillment to the extent that it allows us to pursue a wider variety of possible purposes effectively, which means that our chances of successfully pursuing (i.e. gaining) something that seems good to us

improve. An increase in our agential capabilities allows our actions to be more in line with our conception of the good; agents who have access to higher education can pursue a much wider variety of purposes than agents without such access can. Though no agent must value this particular additive good, what agents must value according to this line of argumentation is an expansion of their range of achievable purposes. If it is true that our purposes are subject to change in light of many factors (changes in: desires, conception of the good, factual knowledge, self-understanding, etc.), then agents must consider an increase in their agential capabilities good, so long as an increase in their agential capabilities results in an increase of the possible purposes they could successfully pursue. Hence, if the case made for the free choice of purposes in the previous paragraph is convincing, it follows that an increase in our agential capabilities must also be considered good by agents.

As an example of additive goods, Gewirth (1978, 242) mentions various virtues of character: "These are additive goods because they serve to ground and reinforce the agent's self-esteem and because, as deep-seated enduring dispositions that underlie and help to motivate actions, they contribute to his effectiveness in acting to fulfill his purposes." What is clear from such examples is that Gewirth assumes that people's agential capabilities can be increased in general to 'contribute to the effectiveness' of their purpose-fulfilling action, regardless of what those purposes are.

This argument for additive rights requires an analysis of human action in its actual circumstances: to what extent it is plausible to say that agents' possibilities for pursuing what they consider good can always be increased by increasing their agential capabilities depends on the extent to which agents' conceptions of the good must always include possible purposes which they cannot yet attain, or which they could attain more effectively. One way to strengthen this claim is to say that human agents are weak-willed, in the sense that their ability to pursue their purposes successfully can always be improved. This is in line with Gewirth's focus on increasing agents' self-esteem and motivation for action. If agents are necessarily imperfect pursuers of their purposes, an increase in our agential capabilities would increase our level of purpose-fulfillment regardless of the content of our purposes. This argument for additive rights would consist of an attempt to justify (2): that agents must necessarily have purposes which they could achieve more effectively by increasing their agential capabilities. However, this argument requires a justification of the claim that all agents are necessarily weak willed in a way that undermines their abilities to achieve what they deem good, regardless of what their actual purposes are. The limits of this thesis do not allow for a justification of that claim. However, if it is possible to show convincingly that agents are imperfect pursuers of their purposes regardless of the content of those purposes, this would justify the inclusion of additive rights among the set of rights we must claim insofar as we are agents.

There are thus two lines of argumentation that could support the inclusion of additive rights, understood as rights to increase our level of purpose-fulfillment, in the generic features of human agency: first, it is possible to argue that agents must consider a more extensive range of possible purposes good (such that their actions can be more in line with their conception of the good). Second, it is possible to argue that agents are always imperfect pursuers of their purposes, such that an increase in agential capabilities must be considered good (since it allows them to pursue their purposes more effectively). Though I have not given conclusive justification for either, my conclusion is that the Gewirthian strategy needs to be coupled with a specification of the generic features of human action in its relevant circumstances, in which facts about human nature (weakness of will, fallibility, etc.) play a signification role.

2.5 Conclusion

In this chapter, I have argued, pace Regan, that Gewirth can justify the claim that we need to claim a right to a freedom that would support many purposes beyond our existing purposes. I have done so by trying to show that agents must be committed to choosing as well as pursuing their purposes freely. If we combine this claim with the claim that rational agents must consider at least some of their purposes open to revision or must be committed to formulating new purposes, we can show that agents must consider a freedom that goes beyond the particular freedom needed for their current purposes good.

Second, I have argued that agents must also claim a right to basic and nonsubtractive well-being, since agents must necessarily value the necessary preconditions of their action as well as the abilities and conditions required for maintaining what they consider good. However, I have argued that we can only justify the claim that agents must consider an increase in their agential capabilities good on the basis of anthropological premises that show that human agents must have at 1) at least one purpose that they cannot attain without increasing their agential capabilities, 2) at least one purpose that they could achieve more effectively by increasing their agential capabilities, 3) that agents must care about potential future purposes which an increase in their agential capabilities will allow them to pursue (more effectively), or 4) that agents must consider their ability to pursue a wider variety of purposes good. The justification of any of these options would do to justify the claim that agents must consider increasing their agential capabilities good, which would justify the inclusion of additive rights among the set of rights Gewirth argues agents must claim.

In sum, my arguments in this chapter can be summarized as follows.

If:

- (1) Agents must consider their free choice of purposes good,
- (2) Agents cannot consistently consider all of their purposes final,
- (3) It is always possible for agents to increase their level of purpose-fulfillment by increasing their agential capabilities (agents are imperfect pursuers of their purposes), or if agents must consider an increase in their range of achievable purposes good, and
- (4) The main structure of Gewirth's argument is correct,

Then: agents must claim a right to the freedom to choose *and* pursue a wide range of purposes beyond their current purposes, to maintaining their goods and to increasing their level of purpose-fulfillment by increasing their agential capabilities.

It is important to note that both the argument for understanding the freedom to which we must claim a right generically-dispositionally as well as the argument that we must consider an increase in our agential capabilities good, depend on a conception of human nature and human judgment in its circumstances. The limits of this thesis do not allow for the investigation these anthropological considerations require. As a result, the conclusions of this chapter should be considered preliminary, their most important purpose being to provide a ground for the claim that it is worth further developing the Gewirthian approach by means of integrating it with theories of human nature and the nature of human action, as well as the phenomenology of human action in light of these considerations of human nature. What I hope to have shown is that such a project would be worthwhile.

General Conclusion

In this thesis, I have argued that Gewirthian constitutivism should be considered a fruitful alternative to the mainstream understanding of constitutivism. The first chapter aimed to show that Gewirthian constitutivism has four central characteristics that allow it to avoid several fundamental objections to constitutivism in ethics. We can now summarize these as follows.

First, according to Gewirth's approach, it is inescapable for us to understand ourselves as agents, that is: as beings who have ends they consider good and take themselves to be able to act in the world in order to achieve these ends. This does not mean that it is impossible to stop being an agent: agents can be asleep, in a coma, or die – all of which are ways to stop being an agent. It also does not mean that it is impossible for an agent to wish to rather have been something other than an agent: *prima facie*, there is no reason why one cannot despise the fact that one cannot help but understand themselves as an agent. This means that on Gewirth's approach, the value of agency is not assumed from the start. Rather, what is assumed to be inescapable is a normative commitment to consider our ability to achieve our ends by means of our action good for us, insofar as we are agents. As a result, Gewirth can overcome objections that hold that since agency is not in fact inescapable, its constitutive features do not have normative authority.

Second, according to Gewirth's constitutivist approach, while it is true that the constitutive features of agency have normative relevance from the perspective of the agent, it is not the case that they have normative authority *simply* in virtue of being constitutive of agency: rather, their normative authority is a result of the fact that it is impossible for agents to understand themselves consistently without taking themselves to be committed to the constitutive features of their agency. As a result, the constitutive features of agency have normative authority over us insofar as to deny that they do involves the agent in a self-contradiction. It is true that if agency were not inescapable, the self-contradiction would not occur. However, what is important to note is that Gewirth need not commit to an argument of the following structure:

- (1) X is inescapable for A
- (2) Y is a necessary precondition of X
- (3) Therefore, A must value Y.

Instead, in Gewirth's case, the normative structure of action from the perspective of the agent provides the normative input of a dialectically necessary argument. Hence, I would argue that it is not necessary for a Kantian constitutivist to be committed to the claim that an inescapable something's constitutive features are unconditionally binding per definition. This allows us to sidestep one type of shmagency-objection, namely: the objection that even if an activity is inescapable

for us, its constitutive aim would still not have normative authority over us unless we have a reason to engage in that activity (that is: to Enoch's 'shmagency-objection').

Third, Gewirth's conception of agency does not involve an escapable aim which agents must have in order to be real agents, nor do actions have to be performed with regard to a certain aim in order to count as actions. Agents who contradict the PGC do not fail to be agents, nor do actions that violate the PGC fail to be actions. Instead, agents' belief that they ought to perform an action which violates the PGC involve themselves in a self-contradiction. This allows us to avoid the objection that all aims must be escapable insofar as they are normative, which means that we can always make a shmagency-move with regard to a constitutive aim that serves as the evaluative criterion for action at the same time. While an aim can be unavoidable as a constitutive feature, this does not imply by itself that we must be normatively committed to it. This implies that the normative input of the argument need not be imposed on a conception of agency or its constitutive features. This allows us to overcome Tiffany's shmagency-objection.

Finally, on Gewirth's approach, the criterion for the evaluations of actions and institutional arrangements is not the same as the constitutive features of agency. While the constitutive features of our agency are what all agents have a right to according to the PGC, the PGC itself is a moral principle that is not constitutive of agency, which follows from what is constitutive of agency from the perspective of the agent only because certain normative commitments are implicit in the agential perspective. As a result, Gewirth's approach can overcome objections which point out the paradoxical implications of making an activity's constitutive aim its evaluative criterion as well.

In the second chapter, I argued that agents must claim a right to freedom understood as a generic disposition rather than to the particular freedoms required for their particular purposes. I aimed to show that the most convincing justificatory strategy for this claim is not appeal to prospectivity, but to the necessity of considering the free choice and pursuit of our purposes good. In order to show that agents must be committed to the free choice and pursuit of their purposes, I argued that agents must be committed to achieving something they consider good by means of their action, which in turn presupposes that they have control over their purposeful action. Furthermore, I argued that rational agents must consider their purposes open to revision, or must consider it possible to formulate entirely new purposes, given the fallibility of human judgment concerning not only their conception of the good, but also their conception of the world, their values, changes in their desires, new opportunities, etc. I have argued that in light of the nature of human action in its actual circumstances, the idea of an agent with only final purposes is an entirely hypothetical one.

Finally, I aimed to show that this also implies that agents must consider an increase in their agential capabilities good, since an increase in our agential capabilities leads to an increase in the range of purposes we could successfully pursue. If the argument of the previous paragraph that agents must consider their purposes open to revision in order to keep their purposes in line with their conception of the good, this implies that a larger range of possible purposes implies an increase in our ability to attain something we deem good by means of our action. Furthermore, there is a case to be made for the claim that an increase in our general agential capabilities must increase the effectiveness of our purpose-fulfilling action insofar as we are imperfect pursuers of our purposes. While either of these arguments could justify the inclusion of additive rights by itself, nothing excludes their combination.

It is clear that both the argument for the need to claim a right to generic-dispositional freedom as well as the arguments for the need to claim a right to an increase in agential capabilities provided here thus rely on anthropological premises, the justification of which could not be achieved within the limits of this thesis. However, I conclude both of these strategies for justifying the inclusion of additive rights could be considered fruitful opportunities to strengthen the Gewirthian approach.

Taken together, these considerations imply that Gewirthian constitutivism deserves more consideration in the current debate, as a fruitful and convincing method of justification for normative- and applied-ethical discourse.

Bibliography

Baiasu, Sorin. 2016. "Constitutivism and Transcendental Practical Philosophy: How to Pull the Rabbit Out of the Hat." *Philosophia* 44:4, 1185–1208.

Bagnoli, Carla. "Constructivism in Metaethics." *The Stanford Encyclopedia of Philosophy* (Winter 2017 Edition), Edward N. Zalta (ed.)
<<https://plato.stanford.edu/archives/win2017/entries/constructivism-metaethics/>>.

Beyleveld, Deryck. 1991. *The Dialectical Necessity of Morality: An Analysis and Defense of Alan Gewirth's Argument to the Principle of Generic Consistency*. University of Chicago Press.

Beyleveld, Deryck. 2015. "Korsgaard v. Gewirth on Universalization: Why Gewirthians are Kantians and Kantians Ought to be Gewirthians." *Journal of Moral Philosophy* 12:5, 573-597.

Beyleveld, Deryck. 2016. "Gewirth Versus Kant on Kant's Maxim of Reason: Towards a Gewirthian Philosophical Anthropology." In *Gewirthian Perspectives on Human Rights*, edited by Per Buhn. Routledge.

Bridges, Jason. 2009. "Rationality, Normativity, and Transparency." *Mind* 118:470, 353-367.

Clark, Philip. 2001. "Velleman's Autonomism." *Ethics* 111:3, 580–93.

De Maagt, Sem. 2017. *Constructing Morality Transcendental Arguments in Ethics*. Doctoral Dissertation, Utrecht University. Retrieved from the Utrecht University Repository.

Enoch, David. 2006. "Agency, Shmagency: Why Normativity Won't Come from What Is Constitutive of Action." *The Philosophical Review* 115:2, 169-198.

Enoch, David. 2011. *Taking Morality Seriously: A Defense of Robust Realism*. Oxford: Oxford University Press.

Ferrero, Luca. 2009. "Constitutivism and the Inescapability of Agency." *Oxford Studies in Metaethics* 4, 303-333.

Gewirth, Alan. 1978. *Reason and Morality*. University of Chicago Press.

Gewirth, Alan. 1983. "Rationality and Objectivity: Philosophical and Psychological Conceptions." *Synthese* 57:2, 225-247.

Gewirth, Alan. 1998. "Replies to My Colleagues." In *Critical Essays on Action, Rationality, and Community*, edited by M. Boylan, 191-219. Lanham, Md.: Rowman & Littlefield.

- Hanisch, Christoph. 2016. "Constitutivism and Inescapability: A Diagnosis." *Philosophia* 1:20.
Available at:
<https://www.academia.edu/33973559/Constitutivism_and_Inescapability_A_Diagnosis_Philosophia_2016_> (Accessed 10 June 2018).
- Katsafanas, Paul. 2013. *Agency and the Foundations of Ethics: Nietzschean Constitutivism*. Oxford University Press.
- Katsafanas, Paul. 2014. "Constitutivism About Practical Reasons." Draft, available at:
<<https://studylib.net/doc/11743257/constitutivism-about-practical-reasons--paul-katsafanas-d...>>
(Accessed 30 May 2018).
- Kohen, Ari. 2005. "The Possibility of Secular Human Rights: Alan Gewirth and the Principle of Generic Consistency." *Human Rights Review* 7:1, 49-75.
- Korsgaard, Christine. 1996. *The Sources of Normativity*. Cambridge University Press.
- Korsgaard, Christine. 2009. *Self-Constitution: Agency, Identity, and Integrity*. Oxford University Press.
- Lavin, Douglas. 2004. "Practical Reason and the Possibility of Error." *Ethics* 114, 424–457.
- Narveson, Jan. 1980. "Gewirth's Reason and Morality – A Study of the Hazards of Universalizability in Ethics." *Dialogue* 19, 651-674.
- Railton, Peter. "On the Hypothetical and Non-Hypothetical in Reasoning about Belief and Action." In *Ethics and Practical Reason*, edited by Garrett Cullity and Berys Gaut, 53–79. Oxford: Clarendon Press.
- Regan, Donald. 1998. "Gewirth on Necessary Goods: What Is the Agent Committed to Valuing?" In *Gewirth: Critical Essays on Action, Rationality, and Community*, edited by M. Boylan, 45-70. Lanham, Md.: Rowman & Littlefield.
- Silverstein, Matthew. 2012. "Inescapability and Normativity." *Journal of Ethics and Social Philosophy* 6:3, 1-26.
- Strawson, Galen. 2008. *Real Materialism and Other Essays*. Oxford: Clarendon Press.
- Street, Sharon. 2006. "A Darwinian Dilemma for Realist Theories of Value." *Philosophical Studies* 127:1, 109-166.
- Tiffany, Evan. 2012. "Why Be an Agent?" *Australasian Journal of Philosophy* 90:2, 223-233.
- Velleman, David. 2000. *The Possibility of Practical Reason*. Oxford: Oxford University Press.

Velleman, David. 2015. *Foundations for Moral Relativism: Second Expanded Edition*. Cambridge, UK: Open Book Publishers.

Walden, Kenneth. 2018. "Morality, Agency, and Other People." *Ergo: An Open Access Journal of Philosophy* 5.