

Categorical and Agent-neutral Reasons in Kantian Justifications of Morality

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Abstract The dispute between Kantians and Humeans over whether practical reason can justify moral reasons for all agents is often characterized as a debate over whether reasons are hypothetical or categorical. Instead, this debate must be understood in terms of the distinction between agent-neutral and agent-relative reasons. This paper considers Alan Gewirth's Reason and Morality as a case study of a Kantian justification of morality focused on deriving categorical reasons from hypothetical reasons. The case study demonstrates first, the possibility of categorical agent-relative reasons, and second, that inattention to this possibility has caused considerable confusion in the debate between Kantians and Humeans.

Keywords Morality · Practical reason · Categorical · Agent-neutral

Introduction

The debate between the Humeans and Kantians over whether practical reason justifies moral reasons for all agents is often characterized as a controversy over whether our reasons for action are categorical or hypothetical.¹ Hypothetical reasons are dependant for their authority on contingent psychological states of the agent, whereas categorical reasons do not depend upon the contingent psychological states of the agent. Humeans often claim that only hypothetical reasons can be justified, and the Kantians argue that categorical reasons can be justified. The crux of this debate, according to the Kantians, is the worry that moral reasons must necessarily apply to everyone, which the contingency of hypothetical reasons will not ensure.² In this

¹See, for example, Phillipa Foot's (1972) classic article "Morality as a system of hypothetical imperatives," *Philosophical Review*, 81, 305–316.

²I define Kantians as those who hold that all agents must accept reasons to be moral derived solely from procedures of practical reasoning based on facts about the nature of rational agency. This definition of the Kantian view is non-standard in various ways, particularly in leaving out considerations about respecting the autonomy of others. Nevertheless, it serves as a useful definition for distinguishing camps in the debate over whether or not practical reason can be used to justify moral obligations that apply to all agents. Alan Gewirth, Christine Korsgaard, and Thomas Nagel in his early work are examples of contemporary Kantians under this definition.

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paper I will argue that the debate between Humeans and Kantians should not be construed in terms of the categorical/hypothetical distinction, but should rather be understood in terms of the distinction between the agent-neutral and agent-relative.³ The distinction between agent-neutral and agent-relative reasons is best seen as the distinction between reasons that require everyone to pursue a particular object and reasons that require only one agent to pursue a particular object. I will argue that the sense in which Kantians want moral reasons to apply to all agents cannot be satisfied by mere categorical reasons, but requires agent-neutral reasons instead. Furthermore, I will suggest that Humeans have been mistaken in insisting that the rejection of categorical reasons is essential to their view.

The first section of this paper will elucidate the categorical vs. hypothetical and the agent-neutral vs. agent-relative distinctions, as well as highlighting the differences between those two distinctions. I will then consider Alan Gewirth's 1978 *Reason and morality* as a case study of a Kantian justification of morality that focuses on deriving categorical reasons from hypothetical reasons.⁴ I have chosen to consider Gewirth not only because he confuses categorical and agent-neutral reasons, but also because he provides a convincing argument for the existence of categorical reasons. After summarizing Gewirth's argument, I will criticize his justification of morality on the grounds that although he establishes categorical reasons, his argument cannot succeed without assuming that the categorical reasons he establishes are also agent-neutral. I will then show how Gewirth's failure to recognize the relevance of the difference between categorical reasons and agent-neutral reasons, revealed in his use of the term 'necessary' as applied to reasons, led to the failure of Gewirth's justification of morality. Categorical reasons will be shown to be insufficient for justifying morality in the sense required by the Kantians, allowing Humeans to embrace the idea of categorical reasons while still rejecting Kantian justifications of morality. My central point will be that it is possible to have reasons that are categorical, but agent-relative, and that inattention to this possibility not only led Gewirth astray, but has also caused considerable confusion in the debate between Kantians and Humeans over practical reason and the justification of morality.

Categorical and Agent-Neutral Reasons

The Kantian hope is that reasons for action may be justified that require all agents to act morally. Humeans, in contrast, have been skeptical that morality can be justified in the strong sense demanded by Kantians. Humeans have often argued that all our reasons depend on contingent desires such that if someone happened to lack the relevant desires, then that person would have no reason to be moral. This Humean claim that reasons are based on contingent desires may appear to imply the claim that all reasons are hypothetical, but I will argue that this implication is mistaken.

Given the Kantian concern with justifying a reason to be moral for *all* agents, a connection between categorical reasons and morality may seem plausible. Categorical reasons, after all, are not based on an agent's contingent desires, and thus agents cannot escape categorical reasons simply by failing to have the appropriate desires. Therefore, categorical reasons *necessarily* apply to all agents regardless of their contingent desires. The

³In "Categorical and agent-neutral reasons" section, I offer more complete definitions of categorical and hypothetical reasons, as well as agent-relative and agent-neutral reasons.

⁴Gewirth, A. (1978). *Reason and morality*. Chicago: University of Chicago Press.

Kantian belief that a moral theory is only satisfactory if *all* agents necessarily have reason to be moral may then lead Kantians to conclude that categorical reasons are essential to justifying morality. There is, however, an ambiguity in what it means for a reason to be necessary, or to apply to all agents, because this necessity can be understood either as the agent-neutrality or the categorical nature of the reason. In this section I will clarify the ambiguity in what it means for a reason to be necessary, and I will do so by explaining the difference between the agent-neutral and the categorical in terms of the requirements reasons place on agents.

Before I move on to consider the types of requirements entailed by necessary reasons, as well as the difference between the categorical/hypothetical and agent-neutral/agent-relative distinctions, I will offer brief definitions of these two distinctions. A categorical reason is one in which the authority of the reason over an agent does not depend on any contingent psychological state of the agent. A hypothetical reason, however, depends for its authority over an agent on some contingent psychological state of the agent. Typically the primary relevant psychological states of an agent are the agent's desires (Gewirth, for example, holds this view), so for the sake of simplicity, I will refer to categorical reasons as ones in which the authority of the reason is not based on any contingent desire of the agent.

Whereas the distinction between the categorical and hypothetical focuses on the conditions under which a reason has authority over an agent, the distinction between the agent-neutral and the agent-relative focuses on the scope of agents required to pursue a particular object. An agent-neutral reason requires all agents to pursue some particular object, and in requiring that pursuit of all agents, there is a sense in which agent-neutral reasons apply to everyone. In contrast, an agent-relative reason requires the pursuit of some particular object by only *one* agent, the agent to whom the reason is relative. The distinction between the agent-neutral and agent-relative, then, is the distinction between everyone being required and only one person being required to pursue a particular object.

Given that all reasons place some requirements on the agents to whom they apply, the ambiguity in what it means for a reason to be necessary may be clarified by focusing on the types of requirements entailed by necessary reasons. If a reason is necessary, it should imply a requirement that is necessary as well. All requirements, however, express some necessity, in that all requirements entail that an agent *must* do something.⁵ For example, my non-necessary (in the sense of being neither categorical nor agent-neutral) reason to get ice cream entails a requirement that I must get some ice cream (unless I have a stronger reason to get something other than ice cream). Hence my ice cream-requirement, in virtue of this 'must,' expresses necessity. An equivalence between reasons and requirements will therefore have even non-necessary reasons entailing requirements that themselves express necessity, and this is as it should be.⁶ Given that the issue at hand is the type of necessity

⁵There is an important issue that I will set aside, namely, the idea that a reason requires one to actually perform the action of pursuing its object. Instead, my view is that a reason requires one to consider pursuing its object. Typically, we do not count agents as irrational if they fail to pursue what they want. After all, there may be other options available that the agents could rationally pursue. Thus, if I have a reason to get ice cream, the requirement I must express is 'I must at least consider getting some ice cream.' For the sake of simplicity, and because nothing in my current argument rests on one's view of this issue, I will ignore this issue and instead treat reasons as if they did require pursuing their objects. Furthermore, this issue of whether a reason requires the pursuit of an object or merely the consideration of the pursuit of an object is also an entirely different issue than whether the reason and its corresponding requirement are merely *pro tanto* or all-things-considered.

⁶Reasons might also be necessary in the sense that they are universal, requiring an agent to acknowledge similar reasons obtaining in relevantly similar circumstances. I shall set aside the necessity of universality, as it may apply even to non-necessary reasons.

involved in a requirement that corresponds to a necessary reason, and given that even non-necessary reasons entail requirements with the necessity of a ‘must,’ the necessity of a ‘must’ can be placed aside when considering necessary reasons. Thus, necessary reasons must entail requirements that are necessary in some way other than simply expressing a ‘must.’

The central issue of this section is the type of necessity included in requirements entailed by necessary reasons. The relevant notion of necessity is the application of reasons to all agents, so the necessity of agent-neutrality and the necessity of the categorical are the two possibilities. In order to differentiate these two types of necessity, *particular* objects agents pursue must be distinguished from *types* of objects agents pursue.⁷ If one claims that all agents are required to pursue some object, for example freedom and well-being, there is an ambiguity revolving around who is pursuing that object for whom.⁸ Is each agent pursuing the object for him or herself, or are all agents pursuing the object for all other agents? This ambiguity is most easily resolved by moving from a consideration of the object as a type to a consideration of particular instances of the object, where the object is particularized by some relation to a particular agent.⁹ In the case of freedom and well-being, a particular instance of the object would be a particular agent’s freedom and well-being, for example John’s freedom and well-being. If one considers the object of pursuit as a particular object and still claims that all agents are required to pursue that particular object, then the reason is agent-neutral, but if only one agent is required to pursue the particular object of the reason, then the reason is agent-relative. If, however, one considers the object of pursuit as a general type of object, then the sense in which the reason is necessary will remain ambiguous, as both categorical and agent-neutral reasons will entail a requirement for all agents to pursue some particular instance or instances of that type of object.

The necessity of agent-neutrality thus concerns the scope of a requirement regarding a particular object – that the reason requires pursuit of a particular object by all agents.¹⁰ Categorical necessity is necessity regarding the conditions under which a reason requires pursuit of an object. If a reason entails a requirement for an agent regardless of the

⁷I have formulated reasons as requirements to pursue an object, but the term ‘object’ should be construed very broadly here. An object may be not only a physical object like a doughnut, but may also be a state of affairs like having a job. Further, a practical reason may be focused explicitly on an action, which can be accommodated in this formulation as a reason to bring about the state of affairs where the agent performs that action. The term ‘object’ is useful here simply to designate whatever the reason is directed towards, i.e. the object of the reason. Nothing of any substance should rest on this point, as reasons could be equivalently formulated in terms of a reason to perform some action, where the action may be construed simply as an action or as the pursuit of an object or state of affairs.

⁸Freedom and well-being will be the relevant objects when discussing Gewirth.

⁹More precisely, the particularization of the object must indicate some relationship between the circumstances under which the reason obtains and a particular agent. If the particular agent referred to by the circumstances under which the reason obtains is the only agent who is required to pursue the object of the reason, then the reason is agent-relative. If, however, all agents are required to pursue the object, even once the object has been particularized along the lines of a relationship between the conditions under which the reason obtains and a particular agent, then the reason is agent-neutral. This detail involving the conditions under which the reason obtains will be unimportant for the arguments at hand, and will therefore be set aside.

¹⁰I think it stretches the idea of necessity to express it as agent-neutrality, in that agent-neutrality is more appropriately construed as an issue of the scope regarding to whom the reason provides considerations that must be taken into account. Although this issue of scope can be glossed as necessity, in that it requires all agents to accept certain considerations, this does not seem to me to be a different type of necessity than agent-relative reasons have, but rather the same necessity with a different scope. I have provided this gloss of necessity as agent-neutrality, however, so as to not privilege the discussion in my favor and against Gewirth. In general, I am somewhat uncomfortable about the use of the term ‘necessity’ in this section, and my different possible readings of the term are attempts to find more precise ways of capturing certain ways of talking about requirements and “necessary” reasons.

contingent desires the agent happens to have, then that reason is categorically necessary. The categorical nature of a reason, however, does not resolve the issue of the scope of agents required to pursue an object – to resolve that issue, one needs to consider the particular object, rather than type of object, that the reason requires agents to pursue. Once the object of the reason is considered as a particular object, agent-neutral reasons will entail a requirement for all agents to pursue the particular object, but categorical reasons may not entail a requirement for all agents to pursue the particular object.

As an example of an agent-neutral reason, we might imagine that there is an agent-neutral reason for John, who is lonely, to find a friend. The particular object under consideration here is John's finding of a friend, and if this reason were truly agent-neutral, then all agents would be required to help, or at least refrain from hindering, John's finding of a friend.¹¹ An agent-neutral reason would then be necessary in two senses, it would carry the necessity of a requirement to pursue some object (for example, John's finding of a friend) from agents to whom it applied, and it would carry the additional necessity of placing the requirement for that particular pursuit on *all* agents. It is worth noting that the agent-neutral reason for John to find a friend requires other agents to act for the sake of John, and hence consider John's interests.

As an example of a categorical reason, we can consider the claim that every agent is required to avoid physical pain. This reason might be categorical in the sense that an agent must avoid a particular physical pain regardless of whether she has a psychological aversion to that pain or not. Such a categorical reason, however, may be either agent-relative (in that each agent is required to only avoid his or her own pain, rather than aiding other agents in avoiding pain) or as agent-neutral (in that each agent is required to aid all agents in avoiding pain), depending upon the relativity of the particular object of pursuit to the agent or agents of whom the reason requires pursuit of the object. One could easily enough imagine a categorical reason with the avoidance of pain for John as its object. If the categorical reason were agent-neutral, it would require all agents to pursue the avoidance of pain for John. If, however, the categorical reason were agent-relative, it would only require John to pursue the avoidance of pain for John, but it would place that requirement on John categorically, regardless of John's contingent desires. Even an agent-relative categorical reason thus carries two types of necessity, the necessity of requiring the pursuit of some object from agents to whom it applies (for example the avoidance of one's own pain), and the second necessity of requiring the pursuit of that object from every agent regardless of their contingent psychologies.¹²

Considering the object of a reason as a particular object and determining which agents are required to pursue that object allows us to clearly distinguish whether the reason is agent-

¹¹Note that this reason might be hypothetical in respect to John, in that if *John* did not have the contingent desire directed towards alleviating his loneliness, then he might not be required to do so. The reason, however, would be categorical in respect to others, because the requirements it places on others would not depend on any of *their* contingent desires or reasons. An agent-neutral reason thus (in some sense) entails a categorical reason, but I will maintain that categorical reasons do not entail agent-neutral reasons.

¹²Pain provides merely one example of a reason, which might be seen as a requirement that exists external to agents (in a Platonic or Moorean sense), rather than as a requirement that agents construct. Such external reasons are always categorical in the sense of placing requirements on agents regardless of their contingent psychological states, but may still, nevertheless, be agent-relative. G. E. Moore, for example, takes values to be simple and unanalysable, and hence necessarily external to agents (or not reducible to natural facts about agents), but still feels compelled to offer an argument against ethical egoism – i.e. an argument for the agent-neutrality of such values. See Moore, G. E. (1993). *Principia ethica* (rev. ed.), Chapter 1. Cambridge: Cambridge University Press.

neutral or agent-relative, and hence, whether a necessary reason is merely categorical or also agent-neutral. This consideration of the object of a reason as a type of object or particular object should not change the nature of the reason, but should only clarify the nature of the reason, allowing us to see whether the reason is agent-neutral or merely categorical.

Before moving on to consider Gewirth's argument, I will take a moment to consider two further issues. The first is a brief point on the relation between categorical reasons and morality. My primary claim in this paper is that categorical reasons are not sufficient to provide a Kantian justification of morality, but I do believe that categorical reasons are a necessary condition of a Kantian justification of morality.¹³ The necessity of categorical reasons to Kantian justifications of morality can explain the Humean focus on hypothetical reasons. If Humeans could show that only hypothetical reasons exist, they would have undermined a necessary condition for a Kantian justification of morality. My worry, however, is that Humeans have become overly focused on hypothetical reasons. If categorical reasons are insufficient for a Kantian justification of morality, then maintaining that only hypothetical reasons exist is merely one possible way to provide a Humean criticism of Kantian justifications of morality.

The second issue I wish to consider is whether it is possible to infer that a reason is agent-neutral simply because the reason is categorical. There are two reasons to believe that no implication from categorical reasons to agent-neutral reasons obtains. Conceptually, the categorical and the agent-neutral are not equivalent, as the first involves the dependence of a reason on one's contingent desires and the second involves whether that reason places requirements on all agents regarding the pursuit of a particular object. The importance of the conceptual difference between the categorical and agent-neutral is that agent-neutral reasons involve the direct consideration of other agents whereas categorical reasons need not. Consider a reason with an object particularized to a single agent such that the object would be pursued for the sake of that agent. If that reason is agent-neutral, then all agents will be required to pursue the object for the sake of that single agent. Hence, the agent-neutral reason will require agents to act for the sake of other agents – i.e. to directly consider other agents.¹⁴ If, however, the reason is categorical, then the reason may be interpreted to require only that each single agent pursue the object for his or her own sake.

In the context of a Kantian justification of morality, the direct consideration of others involved in agent-neutral reasons may be thought of as the fundamental moral issue that stands in need of justification.¹⁵ Categorical reasons, unlike agent-neutral reasons, need not involve the direct consideration of others, and hence may be unsuitable for justifying

¹³If agent-neutral reasons are all categorical, and if agent neutral reasons are necessary for a Kantian justification of morality, then categorical reasons are necessary for a Kantian justification of morality. See note 11.

¹⁴There also may be some types of reasons other than agent-neutral that require the direct consideration of other agents. Some have held that morality is best captured by agent-relative reasons that involve the direct consideration of others, considering, for example, cases of promising to involve agent-relative reasons. Nevertheless, the primary thrust of this paper is that categorical reasons need not involve the consideration of others that is essential to morality, and instead that agent-neutral reasons provide one of the most plausible ways of including this direct consideration of others.

¹⁵There are, of course, moral theories that do not involve the direct consideration of others, but Kantians have typically found such theories to be unsatisfying. For example, Humean theories of morality provide consideration of others, but only indirectly, based on contingent desires of an agent.

morality. Therefore, an inference from categorical reasons to agent-neutral reasons would move us from reasons that may not provide a suitable foundation for morality to reasons that do provide a suitable foundation for morality according to Kantian standards. In the context of any justification of morality, an inference from categorical to agent neutral-reasons would satisfy the primary task to be accomplished, and hence, must be subjected to the highest level of scrutiny.

Secondly, there are apparent cases of categorical agent-relative reasons. For example, consider a categorical reason (applying to me not because of any contingent desires I have) that requires me to develop the virtue of courage. The reason to develop various virtues, although categorical, may be interpreted in an agent-relative way. If interpreted as agent-relative, each agent would be required to develop his or her own virtues, but would not be required to assist others in developing their virtues. Of course, many particular virtues do require an agent to accept something like agent-neutral considerations, as in the case of generosity. The example at hand, however, concerns the reason to develop a particular virtue, rather than the requirements of the virtue itself. The reason to develop the virtue of courage for myself can therefore be a categorical, but agent-relative reason.¹⁶

Given the conceptual difference and the availability of apparent examples of categorical agent-relative reasons, there is a substantial burden of proof to be met in making a transition from a categorical reason to an agent-neutral reason. This burden is one that Gewirth attempts, but is unable, to meet.

The agent-neutral/agent-relative and categorical/hypothetical distinctions, as well as the difference between them, should now be clear. The remainder of this paper will be devoted to demonstrating the importance of the difference between these two distinctions, primarily by considering how inattention to the difference leads Gewirth astray, even though his argument for the existence of categorical reasons may well be successful. My refutation of Gewirth's argument should also, however, add plausibility to the idea that categorical agent-relative reasons are possible by reinforcing the difficulty in making an inference from categorical to agent-neutral reasons. In moving on to consider Gewirth's justification of morality, there are three points that must be kept in mind: first, the ambiguity in saying that a reason is necessary, second, that considering the object of a reason as a particular object allows the determination of whether a reason is agent-neutral or merely categorical, and third, that the introduction of the consideration of other agents marks the primary burden in a justification of morality.

Gewirth's Justification of Morality

Gewirth's justification of morality, from his 1978 *Reason and morality*, can be divided into three distinct stages. In the first, Gewirth attempts to show that all agents see themselves as

¹⁶As another example, one can consider Christine Korsgaard's claim that every agent must value his or her own capacity to construct reasons. The purported value of our capacity to construct reasons is a categorical value, capable of creating categorical obligations, but Korsgaard recognizes that claiming that each of us must value his or her own capacity to construct reasons does not, by itself, entail that each of us must value everyone's capacity to construct reasons. As such, Korsgaard recognizes (although not explicitly) the purported value of an agent's capacity to construct reasons to be categorical, but not necessarily agent-neutral. It is interesting to note that Korsgaard herself seems somewhat unclear on the relevance of the difference between categorical and agent-neutral reasons, as she does proclaim that in justifying categorical reasons she has made *some* progress towards justifying morality. See Korsgaard, C. (1996). *The sources of normativity*, Lectures 3 and 4. Cambridge: Cambridge University Press.

having some contingent values, or reasons, based on the fact that they have desires. Second, from those contingent values, or reasons, Gewirth derives necessary values, or reasons, through the use of instrumental, or means–ends reasoning. Finally, once he has derived necessary values, or reasons, he uses those necessary values, or reasons, in his attempt to justify morality. I will briefly summarize the first two stages before moving on to consider the final stage in greater detail. My criticism of Gewirth’s argument will then focus on the final stage of his justification of morality.

Gewirth believes that actions are purposive, in the sense of involving desires, and as the first step in his argument he attempts to show that an agent must see the object of her desire as valuable, based on a feature present in all desires. The relevant feature included in a desire for an end E is, according to Gewirth, “some sort of favorable interest in, or mind-set toward attaining E, as against being indifferent or hostile towards it.”¹⁷ Gewirth’s justifies the view that desiring entails a favorable interest with the idea that one must, as he says, “regard one’s doing X as having some point or purpose.”¹⁸ He reads this idea of an agent seeing a point to an action as the agent seeing a point in favor of the action. From the fact that desires involve an agent seeing a point in favor of their pursuit, Gewirth then concludes that all agents place value on the objects of their desires.¹⁹

Gewirth here uses the term ‘value’ and later the term ‘law,’ but I will replace these terms with ‘reason’ and ‘requirement’ respectively. His usage of ‘value’ is identical to current usage of the term ‘reason,’ as a consideration in favor of an action, and his usage of ‘law’ simply indicates some requirement on an agent (something an agent must, or ought to, do). The terminology used by Gewirth can therefore be translated into the more contemporary terminology of ‘reasons’ and ‘requirements’ without any change in meaning or effect on the arguments involved. The conclusion to the first stage of his argument, then, is that an agent must see those ends she desires as reasons.

Gewirth next introduces the idea of necessary reasons by arguing that there are certain ends all agents must accept reasons to pursue. He employs the instrumental principle: that if one has a reason to pursue an end, one has a reason to pursue the means necessary to that end. He then argues that there are certain means, which will be the possession of freedom and well-being, necessary to the achievement of any end. Gewirth concludes that because we all do have various ends we desire, and thus have reason to pursue, we must all have reason to pursue those means that are necessary to our various ends.

Gewirth argues that every agent with desires has a necessary reason to pursue his or her or well-being (which Gewirth sees as a set of dispositional goods he calls our capabilities of

¹⁷Gewirth, A. (1978). *Reason and morality*, p. 40. Chicago, IL: University of Chicago Press.

¹⁸Gewirth, *Reason and morality*, p. 39.

¹⁹If we introduce the language of reasons it becomes clearer in what sense an action having a point in its favor constitutes that action being valuable. A point in favor of an act can be read as a reason to perform the act because reasons are things that *count* in deliberation. In the most basic sense, reasons simply are points in favor of an act. If we accept this line of argument, then we can see the sense in which a desire counting for something constitutes a value. For how can something count, or carry weight in a normative system, unless it has value? This limited sense of value, as something that counts, is suggested in the exchange between Michael Slote and Lawrence Becker on Gewirth’s argument that desires constitute values. See Slote, M. (1999). Anticipating Gewirth: A critical disagreement. In M. Boylan (Ed.), *Gewirth: Critical essays on action, rationality, and community* (pp. 35–38 incl.) Lanham: Rowman & Littlefield and Becker, L. C. (1999). Values and ends: Comments on Michael Slote ‘Anticipating Gewirth.’ In M. Boylan (Ed.), *Gewirth: Critical essays on action, rationality, and community* (pp. 39–44 incl.) Lanham: Rowman & Littlefield.

action).²⁰ Well-being, constituting what allows an agent to successfully pursue an end, is a necessary means to any end an agent might have. Therefore, because all agents have reason to pursue the ends they desire, all agents must necessarily have reason to pursue their well-being. For example, without my health, I would be generally unable to pursue any of my desires. My continued health is therefore a necessary condition for the satisfaction of any of my desires. Thus, given that I have some ends that I desire and have reason to pursue, I must have a reason to pursue my health.

Gewirth next applies this instrumental argument to freedom. As freedom is a necessary means to satisfying any desire, all agents necessarily have a reason to pursue freedom, both occurrent and dispositional.²¹ If, for example, I were tied to a chair, I would not have the occurrent freedom necessary to pursue my desires. Further, attempting to satisfy a desire is a necessary means for satisfying any desire, and choosing (disposing oneself) to pursue a desire is a necessary means for any such attempt. Dispositional freedom is thus another necessary means to the satisfaction of any desire that I happen to have. Therefore, Gewirth's second conclusion is that all agents have a necessary reason to pursue their freedom, both occurrent and dispositional, as well as their well-being.²²

Gewirth has argued, up to this point, that every agent necessarily has a reason to pursue his or her freedom and well-being. In the final stage of his justification of morality, Gewirth moves on to argue that every agent must claim rights to that freedom and well-being. His basic idea will be that because all agents see their freedom and well-being as necessary goods, or things they necessarily have reason to pursue, all agents must see it as impermissible for others to interfere with their freedom and well-being, and hence must claim rights to them.

Gewirth provides this argument in several different forms, each of which is logically equivalent. I will focus on the most explicit formulation, a *reductio* he provides:

Suppose some agent were to deny or refuse to accept the judgement (1) 'I have rights to freedom and well being.' Because of the equivalence between generic rights and

²⁰Gewirth divides values into two classes: particular-occurrent goods and generic-dispositional goods. Gewirth tells us, "Viewed in the former way [occurrently], they consist in the particular purposes any person may actually try to fulfill by his actions, including maintaining particular basic goods, retaining the particular goods he already has, and obtaining further particular goods. Viewed in the latter way [dispositionally], the three kinds of goods [maintaining particular basic goods, retaining the particular goods he already has, and obtaining further particular goods] consist in the general conditions and abilities required for fulfilling any such particular purpose." See Gewirth, *Reason and morality*, p. 58. Examples of dispositional goods may include my health, enough to eat, and a place to live; without these, I could not earn the money necessary to pay my cable bill or buy new contraptions.

²¹Gewirth sees freedom as occurrent in requiring the absence of constraint on one's actions as they occur. He sees freedom as dispositional in allowing the freedom to dispose oneself towards whichever of one's ends one will actually pursue. Gewirth's actual definition of dispositional freedom is that free choices, "may be dispositional, in that if the agent had chosen not to perform the action, he would not have performed it." See Gewirth, *Reason and morality*, p. 32. This provides an agent counterfactual control over her choices, such that what she decides to pursue will depend upon her choice that is controlled by her, "antecedent, informed deliberation between alternatives." See Gewirth, *Reason and morality*, p. 31.

²²This necessary reason depends on the apparent assumption that all agents have desires, and hence, it might appear the necessary reason would fail to apply to agents without desires. Given Gewirth's broad definition of desires, an agent with no desires would have no purposes to pursue, nor interests in any goals, and would therefore fail to be an agent in the sense of someone who might take action. Thus, because the possibility of action is connected to agency, all agents must have desires and hence a necessary reason to pursue their freedom and well-being.

strict ‘oughts,’ this denial of (1) would entail the agent’s denial of (2) ‘All other persons ought at least to refrain from interfering with my freedom and well-being.’ By denying (2), the agent would have to accept (3) ‘It is not the case that all other persons ought at least to refrain from interfering with my freedom and well-being.’ But how can any agent accept (3) and also accept (4) ‘My freedom and well-being are necessary goods?’²³

Gewirth is arguing that if an agent views his or her freedom and well-being as necessary goods, or things they necessarily have a reason to pursue, then the agent cannot also see it as permissible for others to interfere with those goods. Therefore the agent must hold that others ought not interfere with his or her freedom and well-being, which Gewirth believes is equivalent to a claim of rights against others’ interfering with the agent’s freedom and well-being. The *reductio* turns on the move from the negation of (1) to (3), so that (3) can contradict (4), the proposition that Gewirth has, previous to this point, taken pains to establish.²⁴ Before moving on to the remainder of Gewirth’s justification of morality, let me examine a misconception about why others might have reason to respect my rights claim.

Christopher McMahon, in his 1986 “Gewirth’s Justification of Morality” provides a criticism of Gewirth’s argument based on a misunderstanding of how it functions, and examining McMahon’s misunderstanding will provide a better understanding of how the consideration of others actually enters into Gewirth’s argument.²⁵ McMahon’s criticism begins with the idea that an agent cannot make a valid rights claim (or a correlative ought claim) unless the persons to whom the agent addresses the claim have reason to respect it. This restriction on rights claims is one to which Gewirth agrees, so it is important to consider why persons addressed by an agent’s rights claim have reason to respect it.²⁶ McMahon mistakenly thinks Gewirth has assumed that reasons somehow transfer between people, so that the persons addressed by an agent’s rights claim are bound by the original agent’s reason for making the claim. That is, McMahon wrongly takes Gewirth to be arguing that the agent’s reason for making the rights claims becomes others’ reasons for respecting it. If McMahon were correct about the structure of Gewirth’s argument, then it would surely fail. Assuming that reasons transfer between people in such a fashion is equivalent to assuming we are required to directly consider other agents, which is the primary claim of morality in need of justification.

Gewirth’s argument, however, is more subtle than McMahon realizes, and the reasons others have to respect an agent’s rights claim are not in fact derived from that agent’s reason for making the claim. Instead, others’ reasons for respecting an agent’s rights claim are derived from the fact that those others make the same rights claim as the original agent.²⁷ Therefore others are bound by universality to respect that agent’s claim in the same way

²³Gewirth, *Reason and morality*, p. 80.

²⁴It is worth noting that the transition from (1) to (2) involves a transition from a rights–claim to an ‘ought’ judgment. Gewirth states, “A right–claim is correlative with and logically equivalent to a strict ‘ought’–judgment that other persons ought at least refrain from interfering.” See Gewirth, *Reason and morality*, p. 78.

²⁵McMahon, C. (1986). Gewirth’s justification of morality. *Philosophical Studies*, 50, 261–281 (incl.).

²⁶Gewirth, *Reason and morality*, p. 79.

²⁷Gewirth’s argument is most clearly represented this way in Gewirth, A. (1988). The justification of morality. *Philosophical Studies*, 53, 245–262 (incl.), especially p. 259.

that their claim demands respect from that agent.²⁸ To see how agents bind themselves to respecting the rights of others, let us move on to the next step in Gewirth's justification of morality: the move from an agent claiming a right to acknowledging that others must also be granted the same rights.

According to Gewirth, all rights claims are based on reasons that constitute sufficient conditions for making the claim. In the case of rights to freedom and well-being, the sufficient condition for making the claim is that the claimant views his or her freedom and well-being as necessary goods, things they necessarily have reason to pursue. Universality requires that if an agent sees his or her necessary reason to pursue freedom and well-being as a sufficient reason to claim a right to freedom and well-being, then the agent must acknowledge that others who necessarily have reason to pursue their freedom and well-being also have sufficient reason to claim the same right. This acknowledgement means that if I, for example, claim a right to my freedom and well-being and believe others have a reason to respect that claim, then I must acknowledge that I, in turn, have a reason to respect the similar rights claims of those others. Considering my rights claim under the lens of universality thus requires my acknowledgement of the rights claims of others. This consideration then applies, in the same fashion, to the reasons others have to respect my rights claim.²⁹

Therefore, contrary to McMahan's view of Gewirth's argument, it is not that others have reasons to respect my rights claims based on my reason for making those claims. Others have reason to respect my rights claims because they have claimed the same rights, and universality requires them to respect my claim because it was made for reasons similar to theirs. This reading of Gewirth's argument depends upon agents viewing their rights claims as requiring others to respect their claims, but Gewirth believes that this is part of the concept of a rights claim as he sees rights claims as inherently agent-neutral.³⁰ Gewirth holds that because we each necessarily have a reason to pursue freedom and well-being, we each must claim rights we believe others have a reason to respect. Thus, he believes he has shown that we each have reason not only to claim rights to freedom and well-being, but also to respect the similar rights claimed by others. Gewirth's understanding of rights claims is inherently agent-neutral, and the way in which universality gives us reasons to respect the rights claims of others, shifts the burden of Gewirth's argument away from showing that others have a reason to respect my rights claim and to the issue of whether I, and others, have reasons to claim rights that we see as binding on

²⁸Universality is the requirement that if an agent has a reason to pursue an end because of certain circumstances, the agent must acknowledge that any other agent in relevantly similar circumstances has a reason to pursue a similar end.

²⁹The fact that I cannot make a valid rights claim unless others have a reason to respect it, combined with the fact that the reason others have to respect my rights claim is that they make similar rights claims, creates a similarity between Gewirth's theory and social contract theories. Gewirth is not, strictly, a contract theorist in that he argues agents claim rights for themselves, rather than negotiating with others and forming a contract for those rights. Gewirth's theory is like a contract theory, however, in that one cannot make a valid rights claim unless every agent has reason to make a similar rights claim. If some agents have no reason to make a rights claim, then any possible rights claim that I made against them would be invalid, because they would have no reason to respect my claim.

³⁰Gewirth states that rights claims are claims made against other agents, and as justified claims, the agents against whom the right is claimed must reasons to respect that right. See Gewirth, *Reason and morality*, 65. In the generalized case where an agent claims rights against all other agents, Gewirth's view of rights claims is therefore inherently agent-neutral. To say that a rights claim is inherently agent-neutral is to say that it provides agent-neutral reasons to all agents who assent to the claim.

others.³¹ That is, the success of Gewirth's argument rests not on the issue of whether others have reason to respect my rights claims, but rather on the issue of whether or not the necessary reason to pursue freedom and well-being require me to make agent-neutral claims (i.e. rights claims).³²

³¹An anonymous reviewer has suggested an alternate interpretation of Gewirth's view of rights claims. On the suggested interpretation the claimant is committed to seeing the claim as binding on those to whom the claim is addressed, but the claimant is not thereby committed to the view that the addressees should see that rights claim as binding upon themselves. This interpretation is textually possible, and if this interpretation were workable within the overall context of Gewirth's argument, the burdens on Gewirth's argument would be significantly reduced. If the claimant need not hold that the addressees of a rights claim should see the claim as binding, then the way in which a consideration of other agents entered into Gewirth's argument would not be required to meet the full standard of agent-neutrality. Importantly, my criticism of Gewirth that appears in "Criticism of Gewirth" section would then no longer be valid. The suggested interpretation is not, however, workable in the overall context of Gewirth's argument, and although it would make it easier for Gewirth to establish the logical necessity for an agent to make a rights claim, it would render impossible Gewirth's later appeal to universality. To see the consequences of the suggested interpretation, one first needs to clarify the status of an apparent conflict within the interpretation. The interpretation seems to commit the claimant to a contradictory view in which the addressee both should and need not see the rights claim as binding. It is important to note that this cannot be a simple disagreement in which either the claimant or addressee must be mistaken. If such were the case, then in order for the rights claim to be valid, the addressee would have to be mistaken, and the claimant would be justified in both seeing the addressee as bound by the claim and holding that the addressee should see him or herself as bound by the claim. The apparent disagreement on the bindingness of the claim must therefore not constitute a logical contradiction, and the only way such contradiction can be avoided is if the bindingness of the rights claim is evaluated from two differing dialectical perspectives. From the perspective of the claimant, the claim is binding on the addressee, but the claimant acknowledges that the addressee has a differing perspective in which the claim may be validly judged to be non-binding. If, however, differing perspectives are allowed to give rise to conflicting, but equally valid, judgments, then the requirement of universality (which demands consistency in such judgments even amongst perspectives) would have to be abandoned. Furthermore, if the requirement of universality is abandoned, then Gewirth's argument will be unable to succeed, because universality would no longer demand that I see another agent's rights claim as binding on me, merely in light of the fact that I have made a similar rights claim that I see as binding on others. The anonymous reviewer's alternate interpretation of Gewirth's view of rights claims must therefore be rejected as it is incompatible with one of the most essential steps in Gewirth's argument.

³²Deryck Beyleveld has argued that most criticisms of Gewirth fail to appropriately account for Gewirth's Argument from the Sufficiency of Agency (ASA). See Beyleveld, D. (1991). *The dialectical necessity of morality. An analysis and defense of Alan Gewirth's argument to the principle of generic consistency*. Chicago: University of Chicago Press, and Beyleveld, D. (2002). A reply to Marcus G. Singer on Gewirth, Beyleveld and dialectical necessity. *Ratio Juris*, 15, 458–473 (incl.). The ASA attempts to show that no other grounds are relevant to claiming a right to freedom and well-being other than being an agent (hence having a necessary reason to pursue freedom and well-being), so that if I claim a right to freedom and well-being because I am an agent, then I must acknowledge the same right for any other agent. The ASA, then, is encapsulated in my explanation of McMahan's misunderstanding of how Gewirth's argument is intended to work. In one sense I am perfectly willing to grant that the ASA is successful, in that if I must claim a right to freedom and well-being based solely on my nature as an agent, then I must grant the same right to all other agents. This would be, in some sense, an important result because it moves us directly from my (potential) rights claim to acknowledging rights for all agents, which would be one suitable justification for morality. Nevertheless, the ASA, understood in the sense in which I am willing to grant its success, is entirely irrelevant because I will argue that Gewirth's argument fails before the ASA becomes applicable. That is, I will argue that even though my nature as an agent might require me to accept that I necessarily have a reason to pursue my freedom and well-being, I am not thereby logically required to claim rights to my freedom and well-being. The focus of my criticism will be that my necessary reason to pursue my freedom and well-being should be seen as a categorical agent-relative reason that does not require me to claim rights to my freedom and well-being (because such rights claims are inherently agent-neutral, involving the claim that all other agents have a reason to respect my rights). The primary difficulties in any Kantian justification of morality arise where agent-neutral considerations appear first, and in Gewirth's argument the agent-neutral considerations first appear when I make my rights claim.

Criticism of Gewirth

The first question in the evaluation of Gewirth's argument is whether his reductio actually works, and it is easy enough to show that it does not. The crux of Gewirth's reductio is the purported contradiction between "(3) 'It is not the case that all other persons ought at least to refrain from interfering with my freedom and well-being,'" and "(4) 'My freedom and well-being are necessary goods.'"³³ The early stages of Gewirth's argument were intended to establish (4), so the issue of whether I must claim rights to freedom and well-being is determined by whether or not I may see it as permissible for others to interfere with my freedom and well-being. Thus, if (3) truly does contradict (4), then I must reject (3) and claim rights to my freedom and well-being.

The contradiction is supposed to arise from the apparently conflicting normative judgments in (3) and (4). It seems (3) can be read as 'it is permissible that I not have freedom and well-being' whereas (4) appears to translate as 'I ought to have freedom and well-being.'³⁴ The translations of (3) and (4), however, are not so clear cut. Recall that to distinguish between a reason being necessary in the categorical sense and necessary in the agent-neutral sense, we must consider the object of the reason as a particular object rather than a type of object, so that we may clarify the scope of agents required to pursue the object. Thus, to see how (3) and (4) should be translated, we must take note of who is pursuing freedom and well-being for whom.

Viewing the pursuit of freedom and well-being as relational makes the argument somewhat complex, so the easiest way to see the result is to formalize the details. In a universe of two people, where m =myself and o =the other person, let there be an object f =uninterfered with freedom and well-being, and the predicate $Pxyz$ =person x pursues possession of object y by person z . I will also make use of the Solens operator O as an operator on predicates indicating that the object predicated ought (is required) to be the case. In this system, given Gewirth's correlation between rights and oughts, (4) 'My freedom and well-being are necessary goods' is formalized as $(O)Pmfm$. Universality, along with the fact that the other person also views freedom and well-being as necessary goods, then forces me to admit $(O)Pofo$. Now (3) 'It is not the case that all other persons ought at least to refrain from interfering with my freedom and well-being' is formalized as $\neg(O)Pofm$. Formalized thus, however, the apparent contradiction has disappeared. The contradiction disappears when we notice that although it is required that I pursue my own possession of uninterfered with freedom and well being, and that others pursue their own, it is permissible, even according to my own judgment, for others to interfere with my freedom and well being. Although both myself and the other are in pursuit of f , neither of us is required to pursue the possession of f for anyone but ourselves.

For his argument to work, Gewirth would need a principle entailing a transfer of interests between people. Such a principle could be formalized as $(x)(y)[(O)Pxfx > (O)Pyfx]$. This principle would be needed to allow the inference from $(O)Pmfm$ to $(O)Pofm$, which would then contradict $\neg(O)Pofm$. Unfortunately for Gewirth, this principle which requires the transfer of interests between people is, so to speak, the whole enchilada. Requiring that

³³Gewirth, *Reason and morality*, p. 80.

³⁴The transitions from Gewirth's versions of (3) and (4) to the versions of (3) and (4) I mention here do involve some presumptions. The transition from Gewirth's version of (3) to the version of (3) that I mention here involves a transition from acts (of refraining from interfering) to states of affairs (my not having freedom and well-being). The transition from Gewirth's version of (4) to the version of (4) that I mention here involves a transition from an evaluative to a deontic (ought) claim. One might question either of these presumptions that allow the transitions from Gewirth's versions to the versions I mention here, but I am willing to grant both presumptions to Gewirth so as to focus on a different flaw in his argument.

interests transfer between people is the essence of morality that stands in question and cannot simply be assumed. Without such a principle requiring the transfer of interests between people, an agent can accept both (4) and (3), because the fact that an agent must do what she can to protect her freedom and well-being does not entail that she must also hold others responsible for protecting, or refraining to interfere with, her freedom and well-being. In the end, therefore, Gewirth's reductio argument cannot justify morality without assuming it from the start.³⁵

Categorical Agent-Relative Reasons

Gewirth's reductio argument is invalid, and the premise needed to make it work would beg the question against his critic. The primary question at this point is how Gewirth fell into the error of thinking that the necessary reason to pursue freedom and well-being logically entailed an agent-neutral rights claim. My explanation of Gewirth's line of thought will admittedly be reconstructive, but such a reconstruction is necessary if we are to avoid attributing to Gewirth the grossly erroneous *assumption* that all agents are required to directly consider all other agents. If we are to avoid attributing such an assumption to Gewirth, we must reconstruct his line of thought in a way that at least makes his erroneous conclusions seem initially plausible.

Gewirth's error can be traced to two connected thoughts, centered around his failure to recognize the ambiguity in what it means for a reason or value to be necessary. First, he has

³⁵Gewirth does deploy one last resource that might appear to save his argument. He offers a criticism of the universal ethical egoist position, directed to showing that there is some contradiction or equivocation involved in claiming only an agent-relative obligation to protect one's freedom and well-being. Gewirth argues that if the egoist is to escape commitment to contradictory goals, the egoist must equivocate in the sense of 'ought' that the egoist applies to him or herself as compared to the sense in which the egoist applies oughts to other agents. The issue of interest, according to Gewirth, is that the egoist thinks that oughts can be separated, in some sense, from their general action-guiding quality. Gewirth argues that this separation of oughts and their action-guiding quality involves the ethical egoist in an equivocation in her use of 'ought' regarding herself and her use of 'ought' regarding others. As Gewirth puts it, "But this nonuniversality and equivocation are in fact incurred by the egoist's position. For his 'ought' as he applies it to his own actions is unqualifiedly prescriptive; it sets a conclusive requirement for his actions. The egoist definitively endorses his own acting for his self-interest ... On the other hand, when he differentiates his 'ought'-beliefs about how other persons ought to act from his wants or desires as to their actions, he shows that his 'ought' as he applies it to other persons' actions is not unqualifiedly prescriptive but is at most hypothetical and *prima facie*." See Gewirth, *Reason and morality*, p. 85. The appropriate answer to Gewirth is that the action-guiding quality of an ought is not something that applies to any agent who accepts an ought-belief. Instead, the action-guiding quality of an ought, in the case of agent-relative oughts, is something that applies only to one agent. This relativity to an agent is, after all, what agent-relative oughts are all about. Agent-relative ought-beliefs, while themselves universal, have relative content such that the ought, and the action guiding-quality of the ought, both apply only to an individual agent. Therefore, there is no equivocation in the egoist's use of 'ought' because the oughts that the egoist applies to herself have action-guiding qualities only for herself, and the oughts the egoist applies to others have action-guiding qualities only for those others. It is instructive to note that Gewirth's argument here is quite similar to Nagel's argument from *The Possibility of Altruism*. See Nagel, T. (1970). *The possibility of altruism*. Princeton: Princeton University Press. Both arguments attempt to show that reasons cannot be relative to individual agents (i.e. agent-relative), and both attempt to do so by reference to the practical content of reasons or oughts (for Nagel, the motivational content, and for Gewirth, the action-guiding quality). Nagel's argument has, however, been widely rejected (even by Nagel himself). See Nagel, T. (1986). *The view from nowhere* (p. 159) Oxford: Oxford University Press. Insofar as Gewirth's criticism of the ethical egoist is similar to Nagel's it adds nothing new to the debate over the justification of morality. Hence, I have chosen to focus more directly on other features of Gewirth's argument.

the thought that value statements must be expressed as some sort of law (that reasons must be expressed as requirements), and second, he has the thought that the necessity attached to these reasons implies that the requirements expressed be of a certain type. First, let me address Gewirth's view on the basic relation between values and laws (reasons and requirements). Gewirth says, "Action has a deontic as well as an evaluative structure. Through its deontic structure, action encompasses not only that agent's evaluative judgements about the necessary goodness of his having freedom and well-being but also deontic judgements he makes or accepts."³⁶ Gewirth had earlier argued that the structure of our actions is underlain by values, in that agents see their desires as reasons, and in the above passage Gewirth is making the additional claim that deontic, or 'ought', judgments also underlie the structure of our actions. Gewirth's view here is that reasons are correlative with deontic judgments, which are equivalent to laws in the mere sense of requirements.

The question of how the necessity of necessary reasons should be expressed in their corresponding requirements is at the heart of Gewirth's confusion. He begins with the idea that a reason must be expressed as a requirement to pursue the object of that reason. Gewirth then decides that necessary reasons must be expressed as a different type of requirement than contingent reasons. Otherwise, the necessity of the necessary reasons would remain unaccounted for in the corresponding requirements. In distinguishing between the requirements entailed by necessary and non-necessary reasons, Gewirth says, "But even if it is a necessary condition of someone's claiming a right to X that X see to him to be good, it is hardly a sufficient condition ... The final ground for maintaining that the agent must hold that he has rights to the generic goods of freedom and well-being is that, unlike the particular goods or purposes for which he may act, the generic goods are the necessary conditions not merely of one particular action as against another but of all successful action in general."³⁷ Later, he also remarks, "The agent is caught in the above contradiction [in Gewirth's *reductio* argument] only so long as the goods in question are necessary ones ... For it is only to necessary goods that the 'must' indicated above applies, and with it the requirement that they be kept inviolate."³⁸

Gewirth is correct that necessary reasons must be expressed as different types of requirements than contingent reasons, but he makes the mistake of believing that necessary reasons must be expressed as agent-neutral, rather than merely categorical, requirements.³⁹ Because all agents necessarily have a reason to pursue noninterference with their freedom and well-being, Gewirth then thinks that all agents must express an agent-neutral requirement, or rights claim, requiring noninterference with their freedom and well-being.

Recall that requirements entailed by necessary reasons should express either an agent-neutral or categorical necessity because the necessity of the reasons must be accounted for in their corresponding requirements. It seems that necessary reasons should add something to their respective requirements, something extra which accounts for the necessity of the reasons. Because it is the necessity of necessary reasons that drives the need to find

³⁶Gewirth, *Reason and morality*, p. 64.

³⁷Gewirth, *Reason and morality*, p. 77.

³⁸Gewirth, *Reason and morality*, p. 81.

³⁹The only other possible reconstruction of Gewirth here is that he believes that the necessary reasons should be expressed as categorical requirements, and then fallaciously believes that categorical requirements are sufficient to justify morality.

necessity in the requirements entailed, the necessity in those requirements must be tightly connected to the necessity of those reasons.⁴⁰

The reason to pursue freedom and well-being is necessary in the sense that one must pursue freedom and well-being regardless of which contingent desires one may have. Thus, the reason to pursue freedom and well-being is categorically necessary. Because the requirement that corresponds to this categorically necessary reason should be necessary in a corresponding way, the requirement must also be categorically necessary. Therefore, in virtue of my categorically necessary reason to pursue freedom and well-being, I categorically must express a requirement to the effect that “I must pursue my freedom and well-being.” The categorical necessity of this requirement is simply that I must express it regardless of what contingent desires I happen to have.

Given the possibility of categorical agent-relative reasons and the failure of Gewirth’s reductio, the categorical requirement “I must pursue my freedom and well-being” need only create an agent-relative requirement for me, not applying to any other agent.⁴¹ Even though I must express the requirement no matter what contingent desires I have, the requirement

⁴⁰Gewirth, apparently, would agree with my claim that the necessity of the requirements must be the same type of necessity in the necessary reasons. He remarks, “It would be contradictory for him to accept both that he must have freedom and well-being and that other persons may interfere with his having those, *where the criterion of the ‘must’ and the ‘may’ are the same, consisting in the agent’s own requirements for agency.* Hence, from the agent’s standpoint, the necessity of his having freedom and well-being entails the necessity of other persons’ at least refraining from interference with his having them.” See Gewirth, *Reason and morality*, p. 81, emphasis in original. Furthermore, if some type of necessity other than the necessity of necessary reasons were attributed to the requirements entailed by those reasons, then one would need a further justification of that attribution of necessity. Such a justification does not appear to be forthcoming, particularly not in Gewirth’s work.

⁴¹Given that each agent is required to pursue his or her own freedom and well-being, one might think that Gewirth intends an instrumental argument that claiming rights to freedom and well-being is a necessary means to securing one’s own freedom and well-being. Many commentators have read Gewirth this way, and criticisms of Gewirth based on the contention that we can secure our own freedom and well-being without claiming rights to them are common. Bernard Williams, R. M. Hare, Jesse Kalin, and Kai Nielsen among others have offered similar criticisms. See Williams, B. (1985). *Ethics and the limits of philosophy* (Ch. 4). Cambridge, MA: Harvard University Press; Hare, R. M. (1984). Do agents have to be moralists? In E. J. Regis (Ed.), *Gewirth’s ethical rationalism: Critical essays* (52–58 incl.). Chicago: University of Chicago Press; Kalin, J. (1984). Public pursuit and private escape: The persistence of egoism. In E. J. Regis (Ed.), *Gewirth’s ethical rationalism: Critical essays* (128–146 incl.). Chicago: University of Chicago Press; and Nielsen, K. (1984). Against ethical rationalism. In E. J. Regis (Ed.), *Gewirth’s ethical rationalism: Critical essays* (59–83 incl.). Chicago: University of Chicago Press. Nielsen, for instance, suggests it would be equally efficacious in protecting my freedom and well-being if I could merely bring others to believe that I had rights to freedom and well-being. Further, the production of this belief in others might be accomplished without actually making a sincere rights claim. See Nielsen, “Against ethical rationalism,” p. 69. Another possibility would be to simply accumulate enough material protection (in the form of strength or guile) to obtain a high probability of safeguarding one’s freedom and well-being. To these criticisms a defender of Gewirth might reply that one wishes for an assurance of maintaining one’s freedom and well-being, rather than merely a high probability of such. Claiming a right to freedom and well-being, however, provides no assurance, because others may still violate that right. Therefore, as one has no option but to pursue the best means for a high probability of maintaining one’s freedom and well-being, one need not claim rights to them. It is striking how closely the above arguments parallel arguments against Hobbes’ theory of morality. Early in *Reason and morality*, however, Gewirth states that Hobbes’ theory will not work for precisely the reasons discussed above. See Gewirth, *Reason and morality*, p. 19. I am therefore quite skeptical that Gewirth intended the connection between the necessary reason to pursue freedom and well-being and the rights claim to be an instrumental connection, and instead I believe Gewirth intended the connection to be one of logical entailment.

need not demand that other agents give any positive consideration to my freedom and well-being.⁴²

I have offered, up to this point, what I see as a diagnosis of how Gewirth falls into the error of thinking that the necessary reason to pursue freedom and well-being is logically equivalent to an agent-neutral rights claim, but my primary goal is to defend both the possibility of categorical agent-relative reasons and the importance of that possibility. As I mentioned early in this paper, there are two points in favor of the possibility of categorical agent-relative reasons. First, the concepts of the categorical and agent-neutral are distinct, and only the concept of the agent-neutral essentially involves the consideration of other agents, necessary for a Kantian justification of morality. Second, there do seem to be examples of categorical agent-relative reasons – I have argued that our reasons to pursue our own freedom and well-being constitute such an example, but there are other less theoretically motivated examples such as pain and the development of virtues. Given these first two points, there is a strong burden of proof on anyone who would claim that categorical reasons entail agent-neutral reasons, and as we have seen, this burden is not met in the case of Gewirth's argument. The fact that Gewirth's argument failed to meet this burden of proof does not entail that no argument could succeed where Gewirth failed, but in the absence of any other such argument, we are warranted in claiming that categorical agent-relative reasons do seem possible.

Furthermore, clarifying the distinction between the categorical and agent-neutral should help to clarify debates over practical reason and the justification of morality. Gewirth's mistake of taking the necessity of a reason as an agent-neutral requirement when in fact it should be expressed simply as a categorical requirement is an interesting result, in part because it helps to clarify the concept of the necessity connected to reasons in the debate between Humeans and Kantians. As I have pointed out, Humeans tend to criticize Kantians by arguing that only hypothetical reasons exist, and there is a good point in doing so because categorical reasons are necessary, although not sufficient, for Kantian justifications of morality. Humeans have, however, become overly focused on showing that only hypothetical reasons exist, when such a position is not essential to the Humean view.

I take the Humean view to be most essentially characterized by the claim that an agent's reasons are all based on the agent's desires (or on some similar contingent psychological states). The view that an agent's reasons are based on the agent's desires is not, however, equivalent to the view that every reason an agent has is based on a *particular* desire. Gewirth's argument for a categorical reason to pursue one's own freedom and well-being

⁴²Furthermore, this categorical reason and its corresponding requirement may be more authoritative than requirements entailed by non-necessary reasons, but even so, it need only be more authoritative for me. Gewirth does claim that the rights to freedom and well-being would, "take precedence over other rights, in that the later, if they are to be valid, must not violate the rights to freedom and well-being." See Gewirth, *Reason and morality*, p. 64. Gewirth does not, however, explicitly defend this claim, so the considerations I offer are reconstructions of what I believe he most likely had in mind. Because my necessary reason to pursue freedom and well-being are foundational, in a sense, for all my other reasons (in that if I do not have freedom and well-being, I cannot achieve *anything* else that I have a reason to pursue) it may be that my freedom and well-being are incommensurable with my other reasons. That is, it may be that I cannot rationally trade my freedom and well-being for something else that I have reason to pursue, because if I lose my freedom and well-being, then all of my other reasons have, so to speak, the rug pulled out from under them. Thus, the requirement I express in virtue of my necessary reason to pursue freedom and well-being, that "I must pursue my freedom and well-being", can be both categorical and particularly authoritative, but still only agent-relative. Others have disputed this point. For example, see, Reagan, D. (1999). Gewirth on necessary goods. In M. Boylan (Ed.) *Gewirth: Critical essays on action, rationality, and community*, (vol. 63, pp. 45–70 incl.). Lanham: Rowman & Littlefield.

provides a reason that is based on an agent's desires, but not based on any particular desire the agent has. Instead, the categorical reason is based on the mere fact that the agent has some desires, without specification of what those desires happen to be. Thus, the Humean can accept such categorical reasons without thereby losing their essential claim that an agent's reasons are all based on the agent's desires.⁴³

There are, however, numerous examples of Humeans who characterize their views as the rejection of categorical reasons; I will mention just a few. Garret Cullity and Berys Gaut, in the introduction to their 1997 anthology *Ethics and practical reason*, distinguish between Kantian and Humean views of practical reason based on the categorical vs. hypothetical distinction.⁴⁴ Joseph Heath in "Foundationalism and practical reason," describes the Humean project as rejecting categorical imperatives in favor of hypothetical imperatives.⁴⁵ James Lenman in "Michael Smith and the Daleks: Reason, morality, and contingency," portrays the Kantian view as holding that moral requirements are equivalent to categorical requirements.⁴⁶

As a final Humean example I will consider Bernard Williams, who criticizes Gewirth in a way that is entirely ambiguous as to whether Williams is rejecting categorical reasons or agent-neutral reasons. Williams, in his 1985 *Ethics and the limits of philosophy*, criticizes Gewirth on the grounds that agents need not engage in legislation.⁴⁷ It is not, however, clear what Williams has in mind by 'legislation'. Gewirth's concept of a law is simply a requirement, but it seems unlikely that Williams is really criticizing the mere idea of accepting requirements. It seems much more likely that Williams is thinking of legislation in terms of requirements that apply to all agents, or perhaps necessary requirements. But as I have argued, the idea of a reason or requirement that is necessary or applies to all agents is ambiguous. Williams is quite correct that agents need not accept agent-neutral reasons and requirements, but it is unnecessary for Williams to claim that agents need not accept categorical reasons and requirements. As a critic of Kantian justifications of morality, a Humean such as Williams need not reject categorical reasons in order to reject the Kantian justification of morality. The Humean's primary positions are not threatened by Gewirth's argument that freedom and well-being are necessary means for the pursuit of any end, and if Gewirth's argument to that effect is correct, then the Humean may happily accept categorical reasons.

The crux of the issue between Kantians and Humeans is not, therefore, whether agents must engage in legislation, or some expression of reasons as requirements, but is rather

⁴³David Wiggins also argues that Hume could accept categorical obligations in "Categorical Requirements: Kant and Hume on the Idea of Duty." Wiggins argues for an interpretation of Hume in which obligations are justified by reference to linguistic practices, and in which desires (including benevolence) serve only as a genealogical origin for obligations. See Wiggins, D. (1991). Categorical requirements: Kant and Hume on the idea of duty. *Monist*, 74, 83–106 (esp. pp. 90–91). Wiggins' view in which obligations are justified by reference to linguistic practices undoubtedly can accommodate categorical obligations, but his view strikes me as profoundly non-Humean. The most central feature of Humean views is that reasons must have a justifying basis in an agent's desires (or similar psychological states), and Wiggins' view rejects desires as a justifying basis in favor of linguistic practices. In contrast, my argument that Humeans both can and should accept categorical reasons still preserves the central features of the Humean view.

⁴⁴Cullity G. & Gaut, B. (1997). Introduction. In G. Cullity & B. Gaut (Eds.), *Ethics and practical reason* (3–5). Oxford: Oxford University Press.

⁴⁵Heath, J. (1997). Foundationalism and practical reason. *Mind*, 106, 451–473, esp. 466.

⁴⁶Lenman, J. (1999). Michael Smith and the Daleks: Reason, morality, and contingency. *Utilitas*, 11(164), 164–177.

⁴⁷Williams, *Ethics and the limits of philosophy*, Ch. 4.

about the *type* of requirements agents must express in their reasons. In particular, distinguishing between different types of requirements, including categorical and agent-neutral requirements, allows the Humean to subscribe to reasons that express requirements, including categorical reasons and requirements, while refusing to subscribe to agent-neutral reasons and requirements along with their essential consideration of other agents. Humeans both can and should believe that each rational agent must accept reasons that place requirements only on herself, while Kantians believe that each rational agent must accept reasons that require all rational agents to pursue particular objects. My criticism of Gewirth should therefore make it clear that the debate between Humeans and Kantians over practical reason and the justification of morality should not be construed as a matter of hypothetical vs. categorical reasons, but rather as a matter of agent-neutral vs. agent-relative reasons.

Conclusion

There are several important conclusions to draw from Gewirth's failed justification of morality. Even granting that Gewirth's derivation of the necessity of the reason to pursue freedom and well-being is successful, that reason cannot be used to justify morality. As I have shown, the necessity of one's reason to pursue freedom and well-being is a categorical, rather than agent-neutral reason, and categorical reasons can be merely agent-relative. Thus the necessity of one's reason to pursue freedom and well-being does not logically entail an agent-neutral rights claim. Therefore, establishing the categorical necessity of certain reasons, although an important result in its own right, does nothing to help a Kantian justification of morality. An agent's reasons that are agent-relative in nature, even if they are categorically necessary, will not lead to an agent-neutral result.

The other important point that arises from my discussion of Gewirth is that the debate between Kantians and Humeans over theories of practical reason and morality must focus carefully on the types of reasons and requirements that each theory allows. The fact that Humeans can themselves use the concepts of categorical reasons and requirements, forces the Kantians, if they are to justify reasons that require all agents to consider other agents, to focus their arguments on specifically agent-neutral reasons and requirements. We are now, therefore, in a position to see why Kantians have more traditionally focused on the *concept* of a reason. Assuming that one cannot logically infer agent-neutral reasons from agent-relative reasons, and assuming that one cannot use instrumental reasoning to connect agent-relative reasons to agent-neutral reasons, it seems that the Kantian has no option other than to show that reasons are inherently agent-neutral. The most plausible way of doing so has appeared to be to focus on an agent's construction of his or her reasons and to show that the very nature of that construction implies the agent-neutrality of the reasons constructed. I want to end by suggesting that the Humean would be well served by adopting the Kantian methodology – focusing on the nature of an agent's construction of reasons and showing that it implies only agent-relative reasons, whether hypothetical or categorical.