1996

Alan Gewirth and the Moral Law

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Abstract

Alan Gewirth constructed a deduction of moral obligation that is inspired by Kantian principles. He argued that any agent is committed by his very agency to acknowledging a universal right to freedom and basic well-being. The deduction is analyzed here step by step. It is found to contain much that is right but a fatal flaw as well. It is suggested how Gewirth's insights might be salvaged to establish obligations that are contingent on action choices.

1 Introduction

The moral philosopher Alan Gewirth spent several years attempting to deduce moral obligation Kantian-style. I do not believe that any of his efforts succeed, but his later ones, particularly those in his book *Reason and Morality* [1], move us measurably closer to a solution of the difficult problem of justifying moral claims. I want to make his case as convincingly as I can, to defend some links in his argument that may appear weak, and finally to expose what I consider to be a flaw. In an epilogue I will explain why I believe that although Gewirth's argument fails, it provides an example of the general kind of argumentation that, if executed properly, may establish moral obligation.

The goal of Gewirth's remarkable deduction is to prove that one's so much as engaging in purposive action commits him, on pain of inconsistency,
to conceding that all agents have certain fundamental or “generic” rights. I will begin with an exposition of the deduction, which I divide into eight steps. Afterwards I will pay critical attention to Steps 2, 3, 4 and 7.

2 The Deduction

Step 1. An agent who freely acts to choose a certain purpose is committed to regarding its achievement as good or worthwhile in some sense or other (perhaps only hedonically or prudentially good). If for example I choose to drive a large automobile, then I am committed to regarding a large car as good or desirable in some respect. (I may also of course regard it as bad in some other respect.) To refuse to regard it so is to be inconsistent and irrational.

Step 2. If a certain act or thing is an indispensable means to achieving a purpose an agent has chosen to regard as good or worthwhile, he is committed to saying he ought in some sense to perform or have it. This need not be a moral ‘ought’ and may in fact be only a prudential one. But even the prudential ‘ought’-statement is normative and prescriptive; it entails more than the factual claim that this certain means is indispensable to this certain end. If I, for example, choose to regard driving a large car as something good I intend to do, then my choice implies my decision to consume large amounts of gasoline, if that is the inevitable result of driving a large car. Furthermore, when I decide that I ought to consume large amounts of gasoline, I decide more than that this is necessary to my end; I also perform the illocutionary act of endorsing or prescribing it. The ‘ought,’ in other words, is normative.

Step 3. Two things are indispensable means to the achievement of any purpose whatever. These are the two “generic features” of purposive action: freedom and basic well-being. By freedom Gewirth means the ability to undertake actions “whose performance is under the agent’s control in that he unforcedly chooses to act as he does, knowing the

\[2\text{More accurately, my choice implies my decision to consume large amounts of gasoline, if I cannot be rational unless I accept the claim that I must consume large amounts of gasoline to drive a large car. I will take it for granted that I cannot be rational unless I accept the claim that in order to act I must have freedom and basic well-being (properly defined), and this is the means-end relation that matters for Gewirth’s argument.}\]
relevant proximate circumstances of his action” (page 27). By basic well-being he means a condition of mind, body and circumstance necessary to permit one’s choice and fulfillment of purposes. It consists of “dispositions ranging from life and physical integrity (including such of their means as food, clothing and shelter) to mental equilibrium and a feeling of confidence as to the general possibility of attaining one’s goals” (page 54).

**Step 4.** An agent is by definition a being who freely adopts purposes to be fulfilled, and any purpose he might adopt presupposes his freedom and basic well-being. Consequently his choice to act in any way at all involves (as shown in Steps 1 and 2) his decision that he ought to have the freedom and basic well-being necessary for his action. Whatever be his purpose or action, then, he is necessarily committed to maintaining that others ought to permit him his freedom and basic well-being. This is equivalent to his saying that he has a right, in some appropriate normative sense, to freedom and basic well-being. Even an agent who purports to put an end to all his purposive action, perhaps by suicide or taking drugs, remains committed, so long as he retains this purpose, to claiming a right to the freedom and basic well-being he yet possesses. To refuse to honor this commitment is to be inconsistent and irrational.

**Step 5.** Another condition of rationality is that when one claims a right for himself that he is not willing to claim for everything, he must claim it in virtue of the fact that he has some property lacked by those things he denies the right. In other words, one can discriminate rationally only if he is prepared to cite a difference he regards as justifying the discrimination. It follows that if one is to be rational in claiming a right to freedom and well-being for himself and not for everything, he must be ready to point to a property of his that he believes to give him that right, whether it be the property of being a human being, being a purposive agent, being a member of the privileged class, or whatever.

**Step 6.** The next premise in the deduction is the principle of generalization. Here, it prescribes that if one cites some property of his as one that gives him a right to do such-and-such, then he is committed to the

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3 Gewirth in effect omits, “…lacked by those things he denies the right,” but to add this phrase only strengthens his argument.
proposition that *anything* with that same property has that same right. It follows that if I claim that my being human, for instance, gives me the right to freedom and basic well-being, then rationality constrains me to granting the right to all other human beings.

**Step 7.** It has been so far demonstrated that any agent is committed to claiming a right to freedom and basic well-being in virtue of some property of his that he believes to give him that right, and that he is committed to granting this right to all other agents with the same property. This result is sadly inadequate, however, because an agent is yet free to claim his rights by virtue of his membership in a certain race or class or even of his possession of a certain name or address. He would be required to concede no rights to those lacking this chosen qualifying property. A pointed illustration of this difficulty, given by R. M. Hare ([2], pages 104ff), is that of the Nazi who claims his fundamental rights by virtue of his being of Aryan descent. As long as he is fanatical enough to believe that he himself would have no such rights if he were, say, Jewish, we up to now have found no inconsistency in his position.

A central problem of neo-Kantian ethics is to show that this person’s values are not only fanatical but mistaken.

Gewirth attempts to solve this problem by arguing that the only property one can rationally maintain gives him his right to freedom and basic well-being is that of simply being an agent (i.e., an entity that freely chooses purposes to fulfill). If this can be established, then any agent is committed to granting all agents with this property, which is to say all agents, the same right to freedom and basic well-being he must claim for himself.

The argument goes something like this. Suppose Smith claims his right to freedom and basic well-being by virtue of his having property $P$. If $P$ is a property more restricted than that of being an agent, it is conceivable that an agent lack $P$. To be consistent Smith must concede that if he lacked property $P$ he ought to relinquish his claim to freedom and basic well-being. But if he lacked property $P$, rationality would constrain him to claiming these rights just the same, as has been shown. Gewirth thinks there is inconsistency here. That is, he thinks there is something inconsistent about being committed to the position that if one lacked property $P$ he would not have his generic rights but would be rationally constrained to claiming them anyway.
One can avoid this inconsistency only by choosing a property $P$ as general as that of being an agent, and he thereby commits himself to granting the right to freedom and basic well-being to all other agents.

**Step 8.** It has been argued that any agent is rationally committed to saying that all agents have the “right” to freedom and basic well-being and that they “ought” to respect this right. Now it is clear that Gewirth is not out to establish this ‘ought’ categorically. Rather his strategy is what he calls dialectical: he wants to show that an agent, so long as he remains an agent, would be irrational and inconsistent if he did not concede he is bound by this ‘ought.’ So, although Gewirth does not establish the ‘ought’ categorically, what he does is, as I interpret him, just as effective toward the cause of morality. After all, what one does when he proves something categorically is to make it so that the listener would be necessarily irrational or inconsistent if he did not assent to it. This is what Gewirth does, provided the listener is the sort of being to which an ‘ought’ can apply in the first place—an agent.

It is worthwhile to recapitulate the steps of Gewirth’s deduction.

1. An agent, when he adopts a purpose, is committed to regarding its achievement as good in some sense.

2. He is committed to saying that any indispensable means to his chosen purpose is one that he “ought” to have.

3. Freedom and basic well-being are generic features of action and as such are indispensable means to the achievement of any purpose whatever.

4. Consequentially any agent, whatever his purpose, is committed to claiming that he “ought” to have (i.e., he has a “right” to have) his freedom and basic well-being.

5. He must claim this right by virtue of some property of his that he believes to give him this right.

6. He must concede that all other agents having this same property also have a right to freedom and basic well-being.

7. This property must be no less general than that of agency itself. For any agent who maintained that only those who have some narrower
property have a right to freedom and basic well-being. Freedom would hold to the inconsistent position that if he lacked the property he would not have this right but, as just shown, would be committed to claiming this right anyway.

8. Therefore, any agent having any purpose in any circumstance is committed to granting all other agents the right to freedom and basic well-being and to acknowledging that he ought to respect these rights.

3 On Step 2

I said earlier that I would criticize Steps 2, 3, 4 and 7. A difficulty with Step 2 is that I need not be committed, it seems, to claiming that I ought to have a thing whenever I regard that thing as good. I might regard, say, a large car as good but gasoline conservation as still better. If I believe these two are incompatible I can clearly be consistent in saying I ought to be conservative and refusing to say I ought to drive a large car, even while I regard large cars as good. Gewirth can respond that this objection does not hold in the special case in which the generic features of action are at issue, and this is the only case that matters ultimately for his deduction. I cannot, by my action, commit myself to regarding freedom and basic well-being as good but something incompatible with them as still better, thereby supposedly escaping my commitment to saying I ought to have freedom and basic well-being. For precisely because every action presupposes freedom and basic well-being, no action can presuppose anything incompatible with them in the first place. Consequently every action commits me not only to regarding the generic features of action as good but also to asserting that I ought to have them.

The objection can be pushed further, however. Suppose I am in a dire situation in which my continued survival brings discomfort to many others. It is difficult to see why I cannot be consistent, if perhaps mistaken, in denying that I ought to continue to live. Yet Gewirth can agree that it is difficult to see at this point why I must say that I ought in a moral sense to have freedom and basic well-being. He never intended to deduce a moral ‘ought’ of any other particular kind of ‘ought’ directly from one’s agency. When he says that an agent must concede that he “ought” to have the generic features of action, he means merely that the agent must make a statement that carries “his practical advocacy or endorsement” of his having them (page 79, my emphasis). That is, every agent is committed, let us say,
to performing the illocutionary act of endorsing, advocating or prescribing his possession of freedom and basic well-being. As will be seen shortly, the propositional content of the endorsement, if any, is not important for Gewirth’s purposes.

This interpretation of Step 2 weakens the objection just raised. It is quite reasonable, at least to one sympathetic to a Kantian view of action, that every agent in fact makes or is committed to making some kind of endorsement of his action choice. On the Kantian view, to choose a particular action is to determine somehow, on the basis of practical reason, that this action is the rational or appropriate thing to do under the circumstances. It is in fact the capability of being viewed as the outcome of rational choice that distinguishes action from mere behavior. Consequently any choice of action involves a kind of endorsement of the action chosen, and by implication an endorsement of the agent’s having the prerequisites of that action.

The plausibility of Step 2, then, seems to require that one interpret “he says he ought to have X” to mean simply, in the context of Gewirth’s deduction, “he endorses or prescribes his having X.” Neither the precise nature of this endorsement nor any cognitive assertion that may accompany it need be specified. Gewirth’s aim is only to show that one’s endorsement of his own agency, whatever sort of endorsement it may be, must extend to the agency of others, so that an agent who deprives others of agency is caught acting in a way contrary to his own endorsement. It is true that Gewirth’s language is somewhat misleading. When he proves to the transgressor that he must grant others the “right” to agency, he is not speaking (necessarily) of a moral right. He means only that the transgressor must endorse the agency he is destroying and is therefore inconsistent. The ‘ought’ Gewirth thus establishes dialectically is a nonmoral one.

But this does not mean that Gewirth’s achievement has nothing to do with morality. It is open to him to say that to be immoral is to fail to do what one is committed to saying he “ought” (in a nonmoral sense) to do. That is, Gewirth can say that the kind of practical inconsistency he detects in the transgressor is immorality. Kant, after all, would not have it otherwise. But if this manner of speaking is adopted, it is important to understand that the transgressor is shown categorically, not dialectically, to be immoral, because he is shown categorically to be inconsistent.
Before proceeding with Gewirth’s deduction it is important to realize that freedom and basic well-being, except in the weakest sense of the words, are not generic features of action. Step 3 argues that they are, on the ground that one cannot act freely, even if his act is suicide, unless he has the freedom to carry out his purposes and the basis state of health required for doing so. It is true that I cannot carry out my purposes unless I have “the freedom to carry out my purposes.” But the only sort of freedom or well-being that is required, no matter what may be my purpose or condition, is “the freedom to choose and carry out at least one purpose in at least one circumstance.” Any state richer than this would not be presupposed by every instance of agency. If, for example, I am totally paralyzed and can control only my thoughts, I am still an agent, because I can freely choose to think about this or that. Yet my condition is so severe that it is misleading to speak of it as freedom and basic well-being. It appears, then, that the “freedom and basic well-being” to which Gewirth establishes a right, even if his argument succeeds elsewhere, is no better than, say, a conscious state of total paralysis, because no greater degree of freedom and well-being is required by all instances of agency.

The generic features of action are restricted not only in quality but in time. When I act I do not necessarily commit myself to saying that I ought to have freedom and basic well-being indefinitely, because the purposes I have at a given moment may require only a short period of time to carry out. In fact, given any interval of time, however short, it is possible to conceive of an agent who at some instant can carry out his purposes within that interval—if, for instance, he is about to kill himself. Yet one can safely say that at any moment any conceivable agent requires some nonzero interval of time for the completion of his purposes, even if perhaps no one minimal interval is required for all conceivable purposes. Gewirth can establish at best, then, that every agent has a right to some very minimal sort of freedom and basic well-being for some nonzero length of time.

I bring up this last restriction in order to address a sophistical inference one might try to draw. A sophist may try to infer that he obligated to let another live only some nonzero length of time, perhaps five seconds, after which he has moral permission to kill him (or otherwise deprive him of the generic features of action). This is of course a mistake. Because the sophist’s purposes require some nonzero period of his existence at any time he is an agent, he must (if Gewirth is right) grant other agents this right at any given
moment of their agency.

A more interesting sophistical objection is that violation of generic rights is impossible, because at any time the victim either exists as an agent, so that his generic rights are yet inviolate, or else no longer exists, at which point there still exists no agent whose rights are violated. This elastic puzzle is solved if one presumes that to kill another (or otherwise deprive him of agency) is to make it so that at one instant he is an agent and at all succeeding instants no longer exists as an agent. At the last instance of his agency he is an agent, and it is not the case that he is allowed some nonzero length of time to carry out his purposes, so that his generic rights are violated.

This puzzle is not entirely frivolous because there is another way to view the temporal properties of death (or cessation of agency). It may be conceivable that the moments of the victim’s agency form an infinite but bounded series, as do the rational numbers less than one. If they do, at each instant of his agency there remains, one can argue, further time for the fulfillment of some purpose, just as there is for each rational number less than one an interval of larger rational numbers that are all less than one. If a killer could bring about this sort of death, which I will call “open” death, he arguably would not violate the victim’s generic rights. It is in fact tempting to suppose that suicide results in an open death, whereas the killing of another results in a prohibited “closed” death. This is unreasonable, however, because one who kills himself ordinarily sets in motion a series of events that kill him, so to speak, so that as far as the temporal properties of his death are concerned it makes no difference whether the events were set in motion by him or by another. If killing another is temporally interpreted so as to be a violation of generic rights, due to the inconsistency it entails, it appears that suicide is equally wrong. When death overtakes the suicide victim he is prevented from carrying out any purpose he might have at his last moment of agency, in violation of his previous commitment to endorsing continued agency, at least for a short time, in every conceivable circumstance. It may be, of course, that such temporal distinctions as open vs. closed make sense in a mathematical context but not in the description of experience. But if so, an alleged temporal distinction between suicide and other deaths is still less plausible.

This is a good point at which to take up two puzzles having to do with sleeping and unconscious agents. It may appear that one who gives himself or another a sedative violates generic rights, because at one’s last waking moment he is allowed no further time to carry out purposes. It is possible
to solve the puzzle by arguing that falling asleep is “open,” but this is not necessary. The sleeper’s generic rights are not violated because he will have time to carry out his purposes when he awakes (or at least the person who sedated him presumably did not intend otherwise). A related puzzle is that it may seem permissible to kill one in his sleep or while unconscious, because a person is not an agent while unconscious. But consciousness at a given moment is necessary only for the exercise of agency, and agency need not be exercised continuously to exist. Gewirth emphasizes that the possession of purposes or intentions, together with the potential for carrying them out, are enough for agency. Consequently a sleeper or even a temporarily comatose person can be an agent, because it is proper to speak of such a person as having intentions. This does not, of course, permit one to put another or himself to sleep permanently, on the excuse that the sleeper retains his agency. One who has no potential for action is not an agent. (It is assumed that the state of sleep or unconsciousness in question is sufficiently dreamless that the sleeper cannot be said to be acting in his dreams.) In fact, such a persons arguably fails even to have purposes or intentions. I can properly say of a person asleep for the evening, “he intends to go to Europe someday,” but of a person whom I know to be irretrievably asleep or unconscious I must say, “he intended to go to Europe someday.” The case of the unconscious agent, then, presents no special problems for Gewirth’s moral theory.

5 On Step 4

Once Steps 1-3 establish that every agent is committed to saying he “ought” to have the generic features of action, Step 4 infers that he is committed to claiming a right to them. The right is taken to entail that others “ought” not interfere with his having them. The job of Step 4, then, is to bridge the gap between “I endorse my having freedom and basic well-being” and “I endorse others’ allowing me to have freedom and basic well-being.”

It is possible to doubt this inference. One can argue that because it is my choosing an action (and as part of choosing it, willing it) that commits me to an endorsement, what I endorse is a choice to act in a certain way under certain circumstances. So, when Gewirth argues in later steps that I must endorse another agent’s freedom and well-being, his argument must be that I must endorse his choice to be free and have well-being, and not necessarily his success in doing so. It is not obvious that I would be inconsistent in depriving another of freedom and well-being even while saying that his choice
to have them is the reasonable or appropriate choice to make in his situation, the choice I myself would make. (I will suppose for the moment that it makes sense to speak of choosing or willing to have the generic features of action.) I might say that I am committed to making no statement about the outcome of my victim’s efforts, but only about whether he ought to make them.

A possible rebuttal to this objection is to content that to endorse a choice of action is to endorse a successful completion of the action, since otherwise there would be no point in endorsing the choice. This is in the right spirit but incorrect. It is possible to be consistent in endorsing a choice of action without endorsing its success. To appeal to a somewhat fanciful example, suppose that I have injured my arm in such a way that I have lost control over its motion. My physician tells me that it is good for my nerves to try to move my arm, but he does not tell me that I may further injure my arm if I succeed in moving it. He prescribes that I repeatedly will to move my arm, but he prefers that I fail to accomplish what I will. He is consistent in endorsing a choice of action (where making the choice is again understood to involve willing the action) even while not endorsing its success.

This illustration suggests that although it is true that one’s ground for endorsing a choice of action is always the expectation or hope that willing the action will bring about a desirable end (such as healthy nerves), the achievement of the end need not be the very thing willed. It is enough for Gewirth’s purposes, however, that my endorsement of a choice of action be grounded in an endorsement of some end’s being realized by one’s willing the action. This implies an endorsement of the possession of the generic features of action for some nonzero length of time. Step 4 appears to be correct, then, in saying that if I am committed to endorsing one’s choice to have the generic features of action (in particular, my choice), I am thereby committed to endorsing that agent’s success in having them.

6 On Step 7

I think Step 7 is valid. Nonetheless I ought to say why I think so and to defend it from objection.

Steps 5-7 receive from previous steps the claim that I, an agent, am committed to endorsing my possession of freedom and basic well-being. Step 5 says that I must endorse this by virtue of my having a certain property $P$, and Step 6 requires of me a similar endorsement for all possessors of $P$. Step 7 argues that $P$ must be no narrower than agency itself. The force of Steps 6
and 7, then, is to take my commitment to endorsing freedom and well-being for any agent in my circumstances and to extend it to an endorsement of freedom and well-being for agents in any circumstances. In other words, the property $P$ that justifies my endorsement of having freedom and well-being cannot be the property of being in the particular circumstances in which I find myself, but must be a property all agents have.

Recall that Gewirth argues that I must extend my endorsement of freedom and well-being to all agents because it is inconsistent to be a fanatic, in Hare’s sense, with respect to freedom and well-being. I cannot refuse to endorse my own possession of freedom and well-being if I were in some other person’s circumstances, for the simple reason that if I were in those circumstances, I would be required on pain of inconsistency to endorse my freedom and well-being. Gewirth thinks this double position is inconsistent.

This is not obvious, however. I can concede that if I were in another’s circumstances, I would be committed to endorsing my freedom and well-being, but the fact is that I am not in those circumstances. It is unclear why I cannot say that if I were to endorse my freedom and well-being while in those circumstances I would simply be wrong, even though my agency would commit me to such an endorsement. Gewirth admits (in Step 8) that he cannot deduce, from one’s agency, that he has a right to the generic features of action; he attempts only to deduce that one is committed by his agency to claiming such a right. Why can I not concede the dialectical point that I would be committed to endorsing my freedom and well-being if I were in another’s circumstances and deny the categorical claim that the endorsement would be correct or appropriate?

This objection can be rebutted with an appeal to the Kantian conception of action. On this conception an agent chooses his actions as though he were a third party. That he happens to be in the circumstances for which he is choosing an action is irrelevant, because it is the circumstances alone, not the identity of the agent, that can bear on a rational choice. But on this view I cannot be rational in endorsing maltreatment of an agent when I would be irrational (because inconsistent) in making this endorsement if I were in his circumstances. Whether I am rational in endorsing a denial of persons in a given set of circumstances the generic features of action cannot depend on my own station in life; it can depend only on the circumstances. Furthermore, because such an endorsement would be irrational (because inconsistent) if those circumstances were mine, it is irrational, period. Once a racist Nazi, for instance, concedes (as he must) that denial of freedom and well-being for Jews would be the wrong act to endorse if he were a Jew, he
has already conceded that it would be wrong no matter what his condition. The dictates of practical reason cannot consistently be made to depend on the circumstances of the reasoner.\(^4\)

7 More on Step 2

To this point the essential validity of Gewirth’s deduction has not been refuted, even if its conclusion has been weakened. But it nonetheless contains, I believe, an irreparable flaw. The flaw, briefly put, is that the deduction fails to recognize that one can be rational in wishing that he were dead.

The error occurs in Step 2. There Gewirth concludes that my choice to perform a certain act commits me to endorsing that I be permitted to carry out the act and to possess its prerequisites, particularly freedom and basic well-being. The difficulty is that this commitment is overstated. If I choose to drive a large car, then my choice does not commit me to endorsing that I drive a large car \textit{and} therefore that I possess agency and its prerequisites. Rather, it commits me to endorsing that I drive a large car \textit{given} that I am an agent. Let me explain. A choice of action can commit me to endorsing only those aspects of the action I in fact choose. When I choose to drive a large car, I do not choose at that moment to be an agent, because I already am an agent. I do not choose \textit{to act}, because whatever I do I will act. What I choose is \textit{how} to act, and it is this choice that I am committed to endorsing. This is not to say that I cannot choose to endorse my present agency. It is only to say that my present agency does not commit me to endorsing it. In other words, the very fact that I am choosing what to do now means that I am exercising my agency now, so that whether I am to exercise my agency now (and for some nonzero length of time) logically cannot be a part of this choice. Consequently this choice does not commit me to endorsing my agency now and for some nonzero length of time. It commits me only to saying that \textit{if} I am to be an agent now, then such-and-such is the proper

\(^4\)The principle invoked here is very similar but not identical to the principle of generalizability Gewirth uses in Step 6 (he calls it the “principle of universalizability,” page 105). The principle of generalizability says that if my possession of property \(P\) is sufficient for my possession of a right to \(X\), then another’s possession of \(P\) is likewise sufficient. Step 6 correctly infers that my endorsement of my possession of \(X\) on the grounds that I have \(P\) entails an endorsement of another’s possession of \(X\) if he has \(P\). The principle used above, however, says that if I would be \textit{rational}, while having property \(P\), in endorsing one’s possession of \(X\) while he has \(P\), then I would be rational in making this endorsement even if I lacked \(P\).
act to perform. Even though freedom and well-being are presupposed by the fact that I am choosing an act, I do not (as part of my present choice of action) choose to presuppose them, and so I am committed to endorsing my possession of them.

To put it still another way, my agency alone does not commit me to endorsing my possession of the generic features of action precisely because they are the generic features of action. Precisely because any conceivable choice I might make presupposes freedom and well-being, the mere fact that I am choosing actions does not commit me to endorsing my possession of freedom and well-being. It is true that if I were to choose an action whose completion requires that I exist as an agent five more seconds, then I would be committed to endorsing my agency five more seconds. But it is not inevitable that my completion of a given act require five more seconds of my agency. Because it is inevitable that it require my agency for some nonzero length of time, the mere fact that I have willed some act does not commit me to endorsing my possession of agency for some nonzero length of time. The very necessity of freedom and well-being for agency obviates the necessity that an agent endorse his possession of them.

This claim squares with common sense. Whereas it is problematic whether I can endorse my never having existed as an agent, I can clearly prefer that my agency had ceased before now. It was remarked earlier that action choices are grounded in endorsements of states of affairs. There is no reason I cannot endorse, above all else, a state of affairs that precludes my present agency. I can make this endorsement even as I choose an act to perform, because the action-choice commits me only to saying that given that I find myself an agent, such-and-such is the appropriate action. One might argue that if I endorse my present nonagency, I should have ended my agency before now. But I may not until now have endorsed my nonagency, and even if I did, that I have been inconsistent in the past is irrelevant to whether I can consistently endorse my nonagency now. One might similarly argue that if I endorse my present nonagency, I should at least choose to end my agency, perhaps by suicide. But endorsement of my nonagency now does not entail an endorsement of my nonagency at the time a suicide would take effect. Even if I do endorse my nonagency at that time, I can avoid inconsistency simply by acting in a way that will destroy my agency.

Gewirth’s dialectical strategy has been to establish first that any agent is necessarily committed to endorsing his own agency, and then to infer from this commitment a necessary commitment to endorsing the agency of others. It has been argued, however, that the former commitment need not obtain.
Consequently Gewirth has failed to establish a necessary commitment to endorsing the agency of others.

One might maintain that Gewirth has achieved at least a partial victory, because most agents do as a matter of fact endorse their own agency. Even Hare’s fanatic is likely to do so, and it would seem that Gewirth can infer from this endorsement a commitment, albeit a contingent one, to endorsing the agency of everyone else. But this response arises from a misunderstanding of Gewirth’s argument. The point of showing that one is committed to endorsing his own agency is to show that if I were in the circumstances of another agent, I would endorse my agency in those circumstances, so that I must endorse his agency even now. It does not matter, then, that I now endorse my agency in my present circumstances. What matters is whether I would be required to endorse my agency if I were to assume the circumstances of another. That most agents in fact endorse their own agency shows nothing. Furthermore, Hare’s fanatic stands undefeated, because he is a fanatic precisely because he presumably would not endorse his agency in the circumstances of one he wishes to harm. Because reason does not, so far as has been shown, require him to do so, no inconsistency in his position has been detected.

Gewirth might retreat with the claim that his deduction retains some bite, because most agents would in fact endorse their own agency if they were in the situations of most other agents. It is unclear how a counterfactual of this sort is to be understood, but this aside, an agent need not endorse the agency even of one in a situation in which he would endorse his own agency. Step 7 argued that I must endorse the freedom and well-being of an agent in other circumstances on the ground that I would be required to do so if those circumstances were mine. But Gewirth has failed to show that I would be required to do so. Consequently he has not shown that I must be inconsistent in admitting on the one hand that I would (for whatever reason) endorse my possession of freedom and well-being if I were in situation X and simultaneously insisting on the other that my endorsement would be wrong or inappropriate. Earlier this position was judged inconsistent on the ground that I would be demonstrably irrational in declining to endorse the possession of freedom and well-being by one in situation X if I were in situation X, so that it is therefore (on Kantian principles) irrational for me to decline to do so in my present situation. But now that this irrationality is seen not to be demonstrable, I am free to maintain that I would endorse my freedom and well-being in another’s situation only because I would be misled or prone to error. I might claim, for instance, that the will to survive
would warp my judgment. The unfortunate result is that even an agent who endorses his possession of freedom and well-being, and would do so in the circumstances of another agent, is not necessarily bound to grant other agents the right to freedom and well-being.

In a final effort to salvage Gewirth’s argument, one might contend that the typical agent not only would endorse his agency if he were in the situations of most other agents but also affirms that such an endorsement would be right. It seems that this typical agent is undeniably committed to endorsing the agency of these other agents. So he is, by virtue of the generalization principle invoked in Step 6. But to reduce Gewirthian dialectic to this state is to give up on the fanatic. It is to concede that a killer can escape moral censure by admitting that he ought to be killed if in his victim’s circumstances.

8 Epilogue

Much about Gewirth’s argumentation is right. He is right, I think, to argue that one’s choice to act in a certain way commits him to making certain endorsements. He is right to argue that these endorsements must be extended, by virtue of the universality of practical reason, to agents who share the circumstances that ground the endorsements. More generally, he is right to characterize immorality as a practical inconsistency between two kinds of acts: an act of endorsing the actualization of some state of affairs and an act of preventing the actualization of this same state of affairs. His error, I have argued, to to claim that any choice of action whatever commits one to an unconditional endorsement of the generic prerequisites of action.

Though fatal to the particular line of argument Gewirth attempts, this error need not affect arguments that share other elements of his thought. Although one cannot be shown to be committed to endorsing his freedom and well-being by the mere fact that he chooses actions, it may be that the grounds of his choice commit him to a similar endorsement. Recall that every choice of action is grounded in an endorsement of a state of affairs that the action, or its attempt, is intended to actualize. Gewirth has not found it necessary to examine the grounds of action, because for him it is enough to point out that any action presupposes freedom and basic well-being. But such an examination may prove fruitful. It is conceivable that practical reason grounds its choices in such a way as to imply an endorsement of freedom and basic well-being, an indeed of other goods, in a large class of
circumstances. If so, an agent would be committed to endorsing these goods for any agent whose circumstances fall in this class.

Even if the endorsement of no particular condition, such as freedom and basic well-being, can be shown to be integrally a part of practical ratiocination, agents may typically endorse a rich variety of goods when they choose actions. In this way commitments to respecting others in certain ways, commitments contingent on individual choices of action, might be established on a case-by-case basis. It is unclear why the contingency of such commitments results in obligations any less genuinely moral than obligations resulting from commitments that are not contingent on particular action choices.

References
