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Williams' False Dilemma: How to Give Categorically Binding Impartial Reasons to Real Agents

Abstract

According to Bernard Williams, attempts to justify a categorically binding impartial principle fail because they can only establish categorically binding requirements on action by making them non-universalizable (Gewirth), and can only establish impartial requirements by rendering them inapplicable to real agents (Kant). But, an individual cannot be the particular agent the individual is without being an agent every bit as much as an individual cannot be an agent without being the particular agent that the individual is. On this basis, it is argued that, when the actual Gewirthian argument for a categorically binding impartial principle is presented, which Williams does not do, his objections to it do not hold and the argument establishes that agents are categorically bound to accept a substantive impartial principle that, *at the same time*, permits them to live lives that respect their own personal interests. Consequently, Williams' dilemma is false.

Keywords: Gewirth; Kant; Williams; universalization; categorical impartiality

Introduction

Immanuel Kant¹ and Alan Gewirth² provide the most concerted attempts to justify morality viewed as a system of rules for action governed by a categorically binding universal (i.e., ‘impartial’ or ‘objective’) principle.³

As Kant claims, given the concept of a categorical imperative, for this project to succeed, it must be shown that there is a principle that is ‘connected (completely a priori) with the concept of the will of a rational being as such’.⁴ In Gewirth’s terminology, the principle must be shown to be ‘dialectically necessary’ for agents, one that they must accept on pain of failure to understand the mere idea that they do things for reasons, that they are agents.⁵ But this is not enough; the principle must also be impartial, which requires it to

¹ *Groundwork of the Metaphysics of Morals*, ed. Mary Gregor (Cambridge: Cambridge University Press, [1785] 1998) and *Critique of Practical Reason*, ed. Mary Gregor (Cambridge: Cambridge University Press [1788] 1997).

² *Reason and Morality* (Chicago: University of Chicago Press, 1978).

³ According to Gewirth, the supreme practical principle is the Principle of Generic Consistency (PGC), which requires agents (those who are capable of acting for reasons) to act in accord with the ‘generic rights’ of all agents. The generic rights are rights to the generic conditions of agency (GCAs), which are needs that agents have in order to act or to act successfully, regardless of what their purposes are or might be, hence categorical instrumental needs. Kant provides several formulae for what he considers to be the moral law. The one that is easiest to relate to the PGC is the Formula of Humanity: ‘So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means’. (*Groundwork*, 4:429)

⁴ Kant, *Groundwork*, 4:426.

⁵ I will use this terminology even when referring to Kant, with the understanding that no presumption is made that Kant and Gewirthians necessarily mean exactly the same thing thereby.

be shown that if it is dialectically necessary for one agent (Albert) to act under the maxim ‘Albert ought to do S’ then it is dialectically necessary *for any other agent* (e.g., Brenda) to treat ‘Albert ought to do S’ as a maxim with which all Brenda’s actions (and maxims for action) must be consistent. So, there can be a categorically binding impartial principle if and only if the formal moral principle

FMP: Act in accord with the dialectically necessary normative commitments of all agents

is dialectically necessary for all agents, which is to say, if and only if the following formal principle of universalisation is analytic:

FPU: It is dialectically necessary for agents to treat the dialectically necessary normative commitments of any agent as their own.

As I understand Bernard Williams,⁶ he maintains that the Kantian-Gewirthian project is faced with a dilemma. According to his reconstruction of the Gewirthian argument,⁷ a dialectically necessary requirement for Albert is one justified relative to what Albert necessarily wants. Because Albert necessarily wants to achieve the purposes he has chosen to pursue, if he is not opposed to courses of action that threaten to remove his

⁶ *Ethics and the Limits of Philosophy* (London: Fontana, 1985), Chapter 4.

⁷ Williams presents an argument that he claims is suggested by Gewirth rather than Gewirth’s own argument. He does not tell us what the differences are, only that he thinks that Gewirth’s own argument fails for the same general reasons (see *Ethics*, p. 210, n.2).

basic freedom, he fails to understand what it is for him to be an agent. Hence, the following principle is categorically binding on Albert:

Sa: I (Albert) must be opposed to courses of action that would remove my basic freedom.

Because Albert is a representative agent, it follows (in parallel) that the following principle is categorically binding on Brenda:

Sb: I (Brenda) must be opposed to courses of action that would remove my basic freedom.

But the reason why Sa is categorically binding on Albert is that he necessarily wants to achieve whatever purposes *he* chooses to pursue, whereas the reason why Sb is categorically binding on Brenda is that she necessarily wants to achieve whatever purposes *she* chooses to pursue. However, Albert does not necessarily want Brenda to achieve the purposes she chooses to pursue. The reason that makes it dialectically necessary for Albert to accept Sa (that Albert necessarily wants his basic freedom) is not the reason that makes it dialectically necessary for Brenda to accept Sb. Consequently, the reason why Albert is categorically bound to act in accordance with Sa does not bind him categorically to act in accordance with Sb.

If we are to show that there is a categorically binding *impartial* principle, the reason why Albert must accept Sa must be the same reason why Brenda must accept Sb, and not merely a parallel one, because the reason why Albert must accept Sa must necessarily be a reason for Brenda to act as must the reason why Brenda must accept Sb necessarily be a reason for Albert to act. According to Williams, Kant's version of the project attempts to show that the reason why Albert and Brenda must consider humanity in their own person to be an end in itself is the same reason. Instead of making a dialectically necessary reason for action for Albert what Albert ('a finite, embodied, historically placed agent',⁸ a being with particular powers and circumstances who chooses to pursue particular purposes) necessarily wants (or needs to do to obtain what he necessarily wants),⁹ it conceives of it as what Albert must accept when he is conceived *purely* as one agent among others in abstraction from all properties that distinguish him from other agents. Kant's dialectically necessary requirement is one that Albert must accept when he is conceived *solely* in terms of the properties that Albert and Brenda necessarily share that make them both agents. This says, Williams, is equivalent to conceiving of Albert 'as uncommitted to all particular desires',¹⁰ as 'a rational agent and no more'.¹¹ Constituted entirely in this purely generic way, Albert and Brenda are indistinguishable. So, if, as Kant claims, Albert must hold Za 'Humanity (rational agency) in Albert's person is an end in itself' (from which it follows that Brenda must hold Zb 'Humanity in Brenda's

⁸ Williams, *Ethics*, p.58.

⁹ It is not entirely clear which of these Williams attributes to Gewirth. As I will show, it does not matter: Gewirth holds neither.

¹⁰ Williams, *Ethics*, p. 69.

¹¹ Williams, *Ethics*, p. 63.

person is an end in itself'), if Albert and Brenda are conceived in purely generic terms, we can interchange Albert and Brenda in Za and Zb. This entails

Z: Any agent must consider humanity in the person of any agent to be an end in itself

But, says Williams,

We are concerned with what any given person, however powerful or effective he may be, should reasonably do as a rational agent, and this is not the same thing as what he would reasonably do if he were a rational agent *and no more*. Indeed, that equation is unintelligible, since there is no way of being a rational agent and no more.¹²

So, those engaged in the Kantian-Gewirthian project can demonstrate categorically binding requirements on the actions of real agents only at the price of making them non-universal and can justify universal requirements on actions at the price of rendering them binding only on 'complete phantoms conjured up'.¹³

¹² Williams, *Ethics*, p. 63.

¹³ I borrow this phrase from Frederick Engels, according to whom

'In order to establish the fundamental axiom that two people and their wills are absolutely equal to each other ... '[t]hey must be two persons who are so thoroughly detached from all reality, from all national, economic, political, and religious relations which are found in the world, from all sex and personal differences, that nothing is left of either person beyond the mere idea: person. ... They

In this paper, I argue that this dilemma rests on the false proposition that Albert must either conceive of himself as bound *only* by the particular contingent properties that make him the individual agent that he is or conceive of himself as bound *only* by the properties that make him an agent like any other agent. I argue that the Gewirthian approach establishes the dialectical necessity of the moral law in a process of self-reflection guided by the following premise of judgment:

PRJ: For me (Albert) to think of myself as *a* particular real (i.e., finite, embodied) agent, I must think of myself as having the particular powers and characteristics that distinguish me from any other real agents that make me *the* particular agent that I am; but, equally, I cannot think of myself as *the* particular agent I am without recognizing that I am *a* particular agent, and I cannot think of myself as *a* particular agent unless I think of myself as *an* agent, as possessing the properties and characteristics that make me and any other agent (e.g., Brenda) *agents*.

The PRJ is analytic from the internal viewpoint of Albert; it defines what it is for Albert to be *an* agent *for* Albert. On this basis, I will show that Albert must hold SROa ('Albert ought to defend his possession of the GCAs from interference that is against his will')¹⁴ on pain of failing to understand what it is for him to be *an* agent. Consequently, he must

are therefore two complete phantoms conjured up'. (*Anti-Dühring: Herr Dühring's Revolution in Science* [New York: International Publishers, 1966], pp. 108-109).

¹⁴ In this context, by 'against his will' I mean 'against his contingent will to be (or continue to be) an agent'.

hold SROa on pain of failing to understand what it is for him to be *the* particular agent that he is. So, what is binding on Albert as *an* agent is also binding on him as *the* particular agent that he is. But, because SROa is justified relative to Albert's possession of the generic properties that make him *an* agent, the parallel prescription, SROb (Brenda ought to defend her possession of the GCAs from interference that is against her will), that Brenda must hold, is justified relative to her possession of the same properties. Consequently both SROa and SROb will be categorically binding on both Albert and Brenda as real agents, which means that Albert and Brenda are categorically bound to defend any agent's possession of the GCAs from interference against that agent's will, which renders Gewirth's PGC the supreme practical principle for real agents.

This paper has three Parts.

In Part I, I present Williams' critique of 'Gewirth'.

In Part II, I outline the genuine Gewirthian argument.¹⁵

¹⁵ What I present is, in part a distillation of, in part reflection on, the rational construction and analysis of Gewirth's argument originally presented in Deryck Beyleveld, *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, 1991) (which received Gewirth's endorsement in his Foreword to this work), in the light of clarifications offered in Deryck Beyleveld and Gerhard Bos, 'The Foundational Role of the Principle of Instrumental Reason in Gewirth's Argument for the Principle of Generic Consistency: A Response to Andrew Chitty', *King's Law Journal* 20 (2009), pp. 1-20.

In Part III, I explain why Williams' objections to this argument do not hold, with the consequence that his dilemma is false. I responded to Williams' objections in my defence of Gewirth in 1991,¹⁶ and many of the responses I made in that work to other critics bear on Williams' objections. However, I did not then articulate as clearly as I will in this paper the interrelationship between the dialectically necessary and prudential (categorically instrumental) commitments of agents. Also, I will present two arguments against Williams' objections that I did not present then, one of which, the 'Argument for Dialectically Necessary Mutual Recognition', I have not previously formulated.

I Williams' Objections

Williams objects to the following reasoning.

Since I necessarily want my basic freedom,¹⁷ I must be opposed to courses of action that would remove it. Hence I cannot agree to any arrangement of things by

¹⁶ Beyleveld, *Dialectical Necessity of Morality*, especially pp. 166-171 and pp. 308-310.

¹⁷He restricts his discussion to 'basic freedom'. He indicates a willingness to accept this premise (see *Ethics*. 59). He does not mention the GCAs as such at all. Gewirth groups the GCAs under the headings 'freedom' and 'well-being', and he differentiates basic, non-subtractive and additive freedom and well-being. Basic GCAs are needed for the possibility of action at all; non-subtractive and additive GCAs are needed for successful action (with non-subtractive GCAs being needed to maintain an agent's general capacities for successful action, and additive GCAs being needed to improve an agent's general capacities for successful action). He gives concrete examples (life and freedom from coercion are examples of basic

which others would have the right to remove my basic freedom. So, *when I reflect on what arrangement of things I basically need, I see that I must claim a right to my basic freedom.* In effect, I must lay it down as a rule that they respect my freedom. I claim this right solely because I am a rational agent with purposes. But if this fact alone is the basis of my claim, then a similar fact must equally be the basis of such a claim by others. ... In moving from my need for freedom to ‘they ought not to interfere with me’, I must equally move from their need to ‘I ought not to interfere with them’.¹⁸ (My emphases added)

He concedes that the

very last step—that if in my case rational agency alone is the ground of the right of non-interference, then it must be so in the case of other people—is certainly sound ... [It] is brought into play simply by *because* or *in virtue of* That must be so if enough is indeed enough.¹⁹

GCA—as are the means to life, like food and health); accurate information about one’s purposes is a non-subtractive GCA; and new knowledge, and the means to it, are additive GCAs). Absence of a condition need not have an immediate negative generic effect (i.e., one regardless of the purpose being pursued) on action or successful action to be a GCA. (See Gewirth, *Reason and Morality*, pp. 48-63). Specification of the content of the GCAs properly belongs to application of the PGC not to the argument for it.

¹⁸ Williams, *Ethics*, pp. 59-60.

¹⁹ Williams, *Ethics*, p.60.

Consequently, if the argument goes wrong it must be at an earlier step, which is ‘when I first assert my supposed right’.²⁰ His objection, therefore, is to the move from ‘I must be opposed to courses of action that would remove my basic freedom because I necessarily want basic freedom’ to ‘I must hold that I have a right to my basic freedom’ (or to the move from ‘I necessarily need basic freedom’ to ‘I necessarily have a right to basic freedom’).

He provides three specific reasons for rejecting this move, though the second and third are presented as elaborations of the first.

A. The ‘prescription’ *Pa*, ‘Let others (B) not interfere with my (A’s) basic freedom’ is ‘reasonably related’ to A being an agent, as is *Pb* ‘Let others (A) not interfere with my (B’s) basic freedom’ reasonably related to B being an agent.²¹ But this means only that B is as rational in making the claim *Pb* as A is in making the claim *Pa*, and does not commit either A or B to refrain from interfering with the other’s basic freedom. This is because the ‘reasons that B has for doing something are not in themselves reasons for another’s doing anything’.²² Here, insofar as *Pa* is validly derived, it is derived from ‘I must be opposed to courses of action that would remove my basic freedom’ (read as ‘I am necessarily opposed to courses of action that would remove my basic freedom’), because this is derived from ‘I

²⁰ Williams, *Ethics*, p.60.

²¹ See Williams, *Ethics*, pp. 60-61.

²² Williams, *Ethics*, p.61.

necessarily want my basic freedom'). But then, *Pa* is reasonably related to *A*' does not universalize to '*Pa* is reasonably related to *B*', unless 'I necessarily want my basic freedom' universalizes to 'I necessarily want your basic freedom', which is not the case.

- B. While '[c]ertainly I do not want'²³ others to interfere with my basic freedom, if this fact requires me to consider that I have a right to basic freedom then surely I should

more ambitiously prescribe that no one interfere with whatever particular purposes I may happen to have. I want the success of my particular projects, of course, as much as anything else, and I want other people not to interfere with them.²⁴

- C. If reason presented me with an exclusive choice between making a rule enjoining (requiring/positively permitting) others to interfere with my basic freedom (a rule granting others a right to interfere with my basic freedom) or making a rule prohibiting others from doing so (a rule granting me a right to my basic freedom), I would have to consider that I have a right to basic freedom, for, given that I necessarily want my basic freedom, I cannot rationally grant others a right to interfere. However, I might, consistently, consider interference to be neither

²³ Williams, *Ethics*, p. 61.

²⁴ Williams, *Ethics*, p. 62.

permissible nor impermissible, whilst wanting others not to interfere, so do not have to consider that I have a right to basic freedom!²⁵

II The Gewirthian Argument

Albert, as *an* agent, is defined as a being who does something (X) *voluntarily* in order to pursue the purpose (or purposes) E that he chooses to pursue.²⁶ The argument proceeds in terms of Albert's self-reflection on what it is *for him* (the particular being he is who does X voluntarily in order to pursue his chosen purposes) to be *an* agent (a particular being who does X in order to pursue his chosen purposes). The criterion Albert must comply with in this self-reflection, the criterion governing the Gewirthian dialectically necessary method is

CDNM: I (Albert) *may and must* accept a maxim if (and only if) my failure to accept it entails that I fail to understand what it is for me to be an agent.

That the CDNM must be the criterion to use (to act on!) in an argument to establish a categorically binding principle on action follows simply from understanding the idea of

²⁵ See Williams, *Ethics*, p. 62.

²⁶ The properties attributed to an agent are those that a being must have in order to be an intelligible subject of practical precepting (a being that can ask what it has reason to do).

such a principle. However, that the CDNM is analytic entails that it is dialectically necessary for Albert to accept the following criterion of rational action:

GCRA: *If* there is a maxim N that is dialectically necessary for me (Albert) to adopt then I categorically ought to act on it, and I may act on a maxim M only if M is consistent with N.

But this entails that the following *maxim* is dialectically necessary for Albert:

GMRA: I (Albert) categorically ought to act on any maxim that it is dialectically necessary for me to adopt, and I may act on a maxim M only if M is consistent with whatever maxims are dialectically necessary for me to adopt.

And, this has the consequence that Albert is categorically bound to accept that he ought to act according to a maxim (the GMRA) merely by understanding the concept of a categorical imperative.²⁷

²⁷ Although I cannot justify this here, I consider this to be the essential form of Kant's reasoning when he claims that consciousness of the moral law 'may be called a fact of reason' (*Critique of Practical Reason*, 5:31), which is certain and apodictic (see *Critique of Practical Reason*, 5:47). I take the fact of reason to be the fact that an agent cannot understand the idea of morality (of a categorical imperative, of pure reason being practical) without having to accept that pure reason *is* practical, meaning thereby that to act rationally (in the sense of compliance with the GCRA) is an end in itself. Consequently, I consider that Kant's appeal to the fact of reason does not involve an abandonment of his claim to have established the dialectical

The CDNM does not prohibit Albert from acting under maxims that are not dialectically necessary for him. It only prohibits him from appealing to any considerations that are not dialectically necessary for him *as premises in the sequence designed to establish a dialectically necessary conclusion* (either to support or undermine an inference). So, by the GCRA, unless (and until) some maxims (additional to the GMRA itself) are shown to be dialectically necessary for him, Albert is permitted to adopt any self-coherent maxims for possible actions. He is not, therefore, *at the outset*, prohibited from adopting, *as a matter of contingent commitment*, either altruistic or egoistic maxims, moral maxims or amoral maxims. But, as the argument proceeds, he may only retain such contingent commitments if he can do so consistently with whatever emerges (additional to the GMRA itself) as a dialectically necessary commitment for him.

The argument proceeds through the following steps:

- (1) 'In choosing to do X for E, I (Albert) necessarily attach a value to E sufficient to motivate me to do something to bring about E' = 'I necessarily care about E enough to move me to do something to bring E about' = 'I necessarily proactively want E'.
- (2) 'If doing X (or having Y) is necessary for me to pursue or achieve E then I *ought* to do X (or ought to act to ensure that I obtain or keep Y), or give up my pursuit

necessity of the moral law (that it is connected entirely *a priori* with the concept of the will of a rational being as such) in *Groundwork*., Chapter III.

of E'. This is the Principle of Instrumental Reason or Hypothetical Imperatives (PHI).

- (3) 'If I fail to accept that I must structure my actions according to the PHI then I fail to understand what it is for me to be an agent (because I then fail to understand that *as an agent* I am trying *voluntarily* to achieve a purpose by doing something)', which is to say that the PHI is dialectically necessary for Albert to accept.²⁸ Consequently, there is at least one maxim N (the PHI) to instantiate the GCRA.
- (4) 'If Y is a GCA, then it is dialectically necessary for me to accept 'I *ought to want* to have Y proactively, *for my purposes, whatever they might be*', which means that it is dialectically necessary for me to accept the self-referring prescription, SROa, 'I ought to defend my having the GCAs, *for my purposes, whatever they might be*'. SROa can be expressed in a number of equivalent ways; e.g., 'I categorically instrumentally ought to defend my having the GCAs' = 'I ought to defend my having the GCAs, unless (and only unless) I am willing to suffer generic damage to my ability to act'²⁹ = 'I ought to defend my having the GCAs, unless (and only unless) I do not (contingently) will to be (or continue to be) an

²⁸ Compare Kant, according to whom 'Whoever wills the end also wills (insofar as reason has decisive influence on his actions) the indispensably necessary means to it that are within his power' is analytic. (*Groundwork*, 4:417). The PHI is not analytic (if it were, it would be impossible for agents not to follow it); it is dialectically necessary (they ought to follow it if they are rational in the sense of acting consistently with the idea that they are agents). What is analytic is the statement that the PHI is dialectically necessary.

²⁹ This condition is expressed this way because not all GCAs are necessary for the very possibility of action. (See footnote 17 supra).

agent’’. I will frequently state this simply as ‘I ought to oppose unwilling interference with my having the GCAs’. The statement that this self-referring ‘ought’ is dialectically necessary for me will be abbreviated as $\{SROa\}_{\text{Albert}}$.³⁰

While the content of SROa is that Albert has a categorically instrumental reason to defend his having the GCAs, the reason why he must act under SROa, and so accept that whether or not he ought to defend his having the GCAs depends on his (contingent) willingness to be and continue to be an agent or successful agent, and on *his* (contingent) willingness alone, is not instrumental. Although his having the GCAs is necessary for him to pursue/achieve whatever his purposes, *SROa* is not something he must accept in order to pursue/achieve his purposes. He must ascribe to SROa in order to be consistent with the idea that he is an agent, *which is the idea* that he does X (whatever X is) *voluntarily* for whatever E he has *chosen*.

- (5) Because I generically need to have the GCAs in order to defend them, I will not be able to defend my having them if Brenda prevents me from having them, ‘ $\{SROa\}_{\text{Albert}} \rightarrow \{\text{Brenda ought not to interfere with my having the GCAs unless (and only unless) I am willing to suffer generic damage to my ability act}\}_{\text{Albert}}$ ’ =

³⁰ A proposition in face brackets is dialectically necessary, the subscript indicating for whom it is dialectically necessary.

$$\begin{aligned} & \text{'\{BRO\}_{Albert}'} \leftrightarrow \text{'\{I have a right to non-interference with my GCAs\}_{Albert}'} = \\ & \text{'\{AR\}_{Albert}'}.^{31} \end{aligned}$$

Gewirth's main argument for this rests on the claim that if Albert considers that he ought to do X by some prescriptive criterion that requires him to do X, then he must, by the same criterion, consider that he ought to have the necessary means to do X.³² So, since Albert categorically instrumentally ought to defend his having the GCAs (i.e., categorically ought—in order to pursue/achieve his purposes—to defend his having the GCAs), Brenda categorically ought—in order for Albert to pursue or achieve his purposes—not to interfere with Albert's having the GCAs, which is to say that SROa entails BROa. SROa does not entail that Brenda categorically ought not to interfere with Albert's having the GCAs in order for Brenda to pursue/achieve her purposes (i.e., SROa does not entail BROb). However, since it is dialectically necessary for Albert to accept SROa, it is not merely in Albert's generic interests for him to hold BROa (AR), but dialectically necessary for Albert to hold BROa (AR). In other words, Albert has two reasons for holding AR: it is in his generic interests to hold AR *and* it is dialectically

³¹ The generic rights are argued to be positive as well as negative; i.e., they are argued to be rights to assistance as well as rights to non-interference. For convenience, I shall, in the main, only follow the track of the claims as claims to negative rights. The claims as positive rights are not derived from the claims as negative rights, but are parallel to them: I need assistance to secure my having the GCAs when I cannot do so by my own unaided efforts as much as I need non-interference. (See Alan Gewirth, 'Replies to My Critics', in Edward J. Regis, Jr. (ed.), *Gewirth's Ethical Rationalism: Critical Essays with a Reply by Alan Gewirth* (Chicago: University of Chicago Press, 1984), pp. 192-255 at pp. 228-229.

³² See Gewirth, *Reason and Morality*, pp. 91-92.

necessary for him to hold AR. Furthermore, since it is only because the PHI is dialectically necessary that Albert *must* regard the fact that he categorically needs to have the GCAs as providing him with a reason to defend his GCAs, the fact that AR is dialectically necessary for Albert takes precedence over the fact that it is in Albert's generic interests to hold AR. Therefore, the claim that the PHI, SROa, and AR are dialectically necessary for Albert cannot be reduced to the claim that it is in Albert's generic interests to comply with the PHI, SROa, or AR.³³

If Williams' objections are properly directed at the Gewirthian argument, then this is the step that they are primarily directed against. As I will show, when replying to his objections, there are also other ways of defending this step.

(6) By the Argument from the Sufficiency of Agency (ASA),³⁴ $\{AR\}_{\text{Albert}} \rightarrow \{I \text{ am an agent} \rightarrow AR\}_{\text{Albert}}$.³⁵

The ASA may be summarized as follows:

In order for me to deny 'I am an agent \rightarrow AR', I must assert 'AR \rightarrow I have D'
(where D is a property I do not, as an agent, necessarily have), by which I

³³ See Beyleveld and Bos, 'The Foundational Role of the Principle of Instrumental Reason'.

³⁴ See Gewirth, *Reason and Morality*, p.110.

³⁵ What the ASA purports to show is that if my being an agent is my dialectically necessary *ratio cognoscendi* for my claim to have AR then it is dialectically necessary for me to accept that it is also the *ratio essendi* for my having AR.

contend, ‘If I do not (or did not) have D then I do not (or would not) have the generic rights’. But given $\{AR\}_{\text{Albert}}$, I implicitly deny that I am an agent if I deny AR. It follows that I deny that I am an agent if I assert, ‘AR \rightarrow I have D’. In order not to deny that I am an agent I must deny ‘AR \rightarrow I have D’, which means that I must accept ‘I am an agent \rightarrow AR’. Therefore, $\{AR\}_{\text{Albert}} \rightarrow \{I \text{ am an agent} \rightarrow AR\}_{\text{Albert}}$.

- (7) By the logical principle of universalization (LPU)³⁶ operating on ‘I am an agent \rightarrow AR’ within ‘ $\{AR\}_{\text{Albert}} \rightarrow \{I \text{ am an agent} \rightarrow AR\}_{\text{Albert}}$ ’, $\{Brenda \text{ is an agent} \rightarrow I \text{ ought not to interfere with Brenda's having the GCAs, unless she is willing to suffer generic damage to her ability to act}\}_{\text{Albert}} \rightarrow \{Brenda \text{ has a right to non-interference with her GCAs}\}_{\text{Albert}}$
- (8) By the LPU, $\{All \text{ agents have a right to non-interference with their having the GCAs}\}_{\text{all agents}} = \{The \text{ PGC}\}_{\text{all agents}}$

Williams explicitly accepts the validity of steps (7) and (8). Whether or not he accepts step (6) is not certain as he does not consider or mention the ASA. However, the argument he presents moves, without comment, from my *claiming* my right ‘solely

³⁶ This may be stated as ‘If the fact that A has π is sufficient to infer that A has ρ , then the fact that B has π is sufficient to infer that B has ρ ’. The principle depends, as Williams recognizes, merely on the meaning of ‘sufficient to infer’. In its application here, ‘having π ’ is ‘being an agent’; and ‘having ρ ’ is ‘having the generic rights’.

because I am a rational agent' to 'rational agency alone is the ground of the right',³⁷ which suggests that he does not see a problem with step (6).

III Response to Williams

a Reply to Williams' First Objection: The Argument for Dialectically Necessary Mutual Recognition

Williams' first objection does invalidate the reasoning he offers for consideration. But although many philosophers accept this as being Gewirth's reasoning,³⁸ it is not. The Gewirthian argument derives $\{AR\}_{\text{Albert}}$ from $\{SROa\}_{\text{Albert}}$, which is not equivalent to 'I am necessarily opposed to interference with my having the GCAs' (including 'I am necessarily opposed to interference with my basic freedom', where basic freedom is a GCA). And while it is true that SROa (= 'I categorically instrumentally ought to oppose interference with my having the GCAs in order to achieve the purposes I choose to pursue') is derived *in part* from CIa (= 'I categorically instrumentally need to have the GCAs in order to achieve the purposes I choose to pursue'), $\{SROa\}_{\text{Albert}}$, is not derived *solely* from CIa. It is derived from 'It is dialectically necessary for me to structure my

³⁷ Williams, *Ethics*, p. 60.

³⁸ See, e.g., James P. Sterba, 'Building on Gewirth: A Defense of Morality', in M. Boylan (ed.), *Gewirth: Critical Essays on Action, Rationality, and Community* (Lanham, Maryland: Rowman and Littlefield, 1999), pp. 159-182 at p. 172; and Christine M. Korsgaard, *The Sources of Normativity* (Cambridge: Cambridge University Press, 1996), p. 133.

practical reasoning in accordance with the PHI' coupled with CIa, which coupling provides the dialectically necessary PHI with a dialectically necessary substantive content. So, it is irrelevant that 'I necessarily want my basic freedom' does not universalize to 'I necessarily want your basic freedom'. And it is equally irrelevant that SROa does not universalize to 'I (Albert) categorically ought to oppose interference with Brenda's possession of the GCAs against her will.'³⁹ Unless Williams wishes to deny that the PHI is dialectically necessary,⁴⁰ what he has to show is that $\{SROa\}_{\text{Albert}}$ does not entail $\{SROb\}_{\text{Albert}}$, in which SROb has the same prescriptive force for Albert as SROa has for him (and SROb has for Brenda). In other words, he has to show that $\{SROa\}_{\text{Albert}}$ does not entail $\{\text{Albert is an agent} \rightarrow \text{'Albert ought not to interfere with Brenda's having the GCAs against her will'}\}_{\text{Albert}} = \{\text{Albert is an agent} \rightarrow \text{Brenda has the generic rights}\}_{\text{Albert}} \rightarrow \{\text{BR}\}_{\text{Albert}}$.⁴¹

However, using the reasoning involved in the ASA (see step [6] in the argument above), $\{SROa\}_{\text{Albert}}$ entails $\{\text{Albert is an agent} \rightarrow SROa\}_{\text{Albert}}$,⁴² which, uncontroversially, entails (by parallel reasoning) $\{\text{Brenda is an agent} \rightarrow SROb\}_{\text{Brenda}}$.

³⁹ It does not universalize because I (Albert) do not categorically need Brenda to have the GCAs (or to be able to pursue/achieve her purposes) for my purposes.

⁴⁰ In which case he would have to deny that there are any reasons for action at all, and he is not that kind of normative sceptic.

⁴¹ It should be clear that if this entailment holds then the FPU is established as a necessary truth.

⁴² In order for Albert to deny 'Albert is an agent \rightarrow SROa', Albert must assert 'SROa \rightarrow Albert has D' (where D is a property he does not, as an agent, necessarily have), by which he contends, 'If I do not (or did not) have D then I do not (or would not) have to hold SROa'. But given $\{SROa\}_{\text{Albert}}$, Albert implicitly

Now, ‘Albert is an agent \rightarrow SROa’ states that the sufficient reason why Albert must defend his having the GCAs from interference against his will is that he is *an* agent, and ‘Brenda is an agent \rightarrow SROb’ states that the sufficient reason why Brenda must defend her having the GCAs from interference against her will is that she is *an* agent. So Albert has the same dialectically necessary reason for abiding by SROa as Brenda has for abiding by SROb. It follows that Albert must consider Brenda’s claim that she ought to do what SROb requires to be as justified as his claim that he ought to do what SROa requires. This does not merely amount to Albert conceding that Brenda is as rational in following SROb as he is in following SROa. Albert must consider that it is simply by virtue of his possession of the generic properties that make him an agent that he is duty bound to do what SROa requires (defend his possession of the GCAs from interference against his will). But this means that Albert is required to take the fact that he is an agent (the fact that he has these generic properties, ‘possesses agency in his person’) as laying down the rules for *his* behaviour in relation to his possession of the GCAs. Albert must, in other words, recognize agency in his person (not as an end in itself—as Kant has it), but as the legislative authority that delegates to his (contingent) will supreme authority over what *he* may or may not do in relation to the disposal of his person. Equally, it is dialectically necessary for Albert to recognize that Brenda is required to recognize

denies that he is an agent if he rejects SROa. It follows that Albert denies that he is an agent if he asserts, ‘SROa \rightarrow Albert has D’. In order not to deny that he is an agent Albert must reject ‘SROa \rightarrow Albert has D’, which means that he must accept ‘Albert is an agent \rightarrow SROa’. Therefore, $\{SROa\}_{\text{Albert}} \rightarrow \{\text{Albert is an agent} \rightarrow SROa\}_{\text{Albert}}$.

agency in her person as the legislative authority that delegates to her (contingent) will supreme authority over what *she* may or may not do in relation to disposal of her person.

So, $\{SROa\}_{Albert} \rightarrow \{\{SROb\}_{Brenda}\}_{Albert}$. But, by the reasoning involved in the ASA, this entails $\{Albert \text{ is an agent} \rightarrow \{SROb\}_{Brenda}\}_{Albert}$. Similarly, this entails $\{Albert \text{ is an agent} \rightarrow \{Brenda \text{ is an agent} \rightarrow SROb\}_{Brenda}\}_{Albert}$. So, *Albert must consider that the reason why Brenda must consider that agency in her person is the supreme authority over what she may or may not do in relation to disposal of her person is that Albert is an agent.* So, it is dialectically necessary for Albert to consider that agency in his person is the legislative authority that makes it dialectically necessary for Brenda to consider that agency in her person is the legislative authority that delegates to her will supreme authority over what she may or may not do in relation to disposal of her person. Therefore, it is dialectically necessary for Albert to hold that the reason why he must accept SROa and the reason why Brenda must accept SROb is the same *legislative* reason, which is that Albert is an agent. But if *Albert* must hold that it is agency in *Albert's* person that requires Brenda to hold that her will is the supreme authority over her disposal of her person, then Albert must accept that Brenda's will *is* the supreme authority over her disposal of her person. This is the Argument for Dialectically Necessary Mutual Recognition.

Suppose, then, that Albert were to interfere with Brenda's possession of the GCAs. If he does so, she will not be able to comply with SROb. It follows that Albert must consider that he ought not to interfere with Brenda's possession of the GCAs against her will,

which is to say that Albert must grant Brenda the generic rights. If Albert denies that he ought not to interfere with Brenda's possession of the GCAs against her will, he denies that Brenda's will is the supreme authority over her disposal of her person, which it is dialectically necessary for him to accept. This is because, if Albert interferes with Brenda's possession of the GCAs against her will, she will not be able to defend her possession of the GCAs, and this will be *because of what Albert has willed*. For Albert to think that it is not impermissible for him to interfere, is for him to hold that his will, not Brenda's will, is the supreme authority over what she may or may not do in relation to her disposal of her person..

To this it might be objected that if an earthquake deprives Brenda of the GCAs, she also will not be able to defend her possession of the GCAs. Consequently, it is not true that Albert must think that whether or not Brenda ought to defend her GCAs is subject to her will and her will alone (which is what is meant by saying that Brenda's will is the supreme authority over her disposal of her person). What Brenda ought to do is also subject to what it is possible for Brenda to do. If Albert deprives Brenda of the GCAs, all that he is doing is rendering it impossible for her to defend her possession of the GCAs. So, in this event, instead of thinking that he ought not to interfere with Brenda's possession of the GCAs against her will, he might simply stop thinking that Brenda ought to defend her possession of the GCAs.⁴³

⁴³ See Colin Davies, 'Egoism and Consistency', *Australasian Journal of Philosophy* 53 (1975), pp. 19-27 at p. 23.

But it is not simply interference with Brenda's possession of the GCAs that we are considering, but Albert's view on *his willed* interference against Brenda's will. So, while it is true that whether or not Brenda ought to do what SROb requires is subject to it being possible for her to do so, for this objection to be relevant, it must claim that Albert may consider that Brenda ought (when possible) to defend her possession of the GCAs from interference against her will, subject to her will alone (which Albert must accept), subject to his *contingent* will. This is not coherent.

For Albert to have to consider that it is agency in his person that legislates that Brenda's contingent will is the supreme authority over her disposal of her person, is not for Albert to have to consider that it is his contingent will that legislates this. It is Albert's having *a* will that legislates this, just as it is Albert's having *a* will that legislates to him that his contingent will is the supreme authority over his disposal of his person.

Consequently, $\{SROa\}_{Albert}$ entails $\{BR\}_{Albert}$.⁴⁴

The only way out of this is to try to deny that Brenda and Albert do have the same reason for their claims. This can, however, only be the case if what is predicated of Brenda *by Albert* in 'Brenda is an agent' is not the same as what is predicated of Albert *by Albert* in

⁴⁴ In Beyleveld, *Dialectical Necessity of Morality*, (e.g., pp. 263-264), and Deryck Beyleveld, 'Gewirth and Kant on Justifying the Supreme Principle of Morality', in M. Boylan (ed.), *Gewirth: Critical Essays on Action, Rationality, and Community* (Lanham, Maryland: Rowman and Littlefield, 1999), pp. 97-117 at pp. 105-106, I argued that this universalisation holds (as, indeed, it must if the argument is valid), but not in this way. I now think that the arguments presented there are too elliptical.

‘Albert is an agent’. What might such predication be? Perhaps ‘Albert is an agent’ is to be read as ‘Albert is that unique being who necessarily values Albert’s contingently chosen purposes’, whereas ‘Brenda is an agent’ states ‘Brenda is that unique being who necessarily values Brenda’s contingently chosen purposes’.

But, on such a reading, it will not even follow by parallel reasoning that $\{SROa\}_{\text{Albert}}$ entails $\{SROb\}_{\text{Brenda}}$, because Albert will now be the only possible agent from his perspective as an agent.⁴⁵

So, if it is intelligible for Albert to even imagine that there could possibly be any agents other than himself, Albert must, in identifying himself as that unique being who only *necessarily* values the purposes he has contingently chosen, see this unique identity as a function of a universal relation that is shared by all beings who only necessarily value the purposes they have contingently chosen. In other words, Albert can only think of himself as the particular agent he is by also thinking of himself as just one member of the class of beings who stand in the universal relation to their own contingently chosen purposes of necessarily valuing them. Conversely, since from Albert’s internal perspective as an agent and from Brenda’s internal perspective as an agent, recognition of the generic perspective on being an agent mutually entails recognition of the particularized perspective on being an agent (which amounts to assertion of the analyticity of the PRJ from an agent’s internal perspective as an agent), Brenda and Albert do necessarily have

⁴⁵ For discussion of this ‘way out’ in the context of the application of the ASA at step (6), see Beyleveld *Dialectical Necessity of Morality*, pp. 288-300.

the same reason (and not merely parallel reasons) for considering themselves bound to defend their own GCAs from unwilled interference. Most importantly, because of the analyticity of the PRJ, $\{BR\}_{\text{Albert}}$ and $\{AR\}_{\text{Brenda}}$ are binding on Albert and Brenda as real agents (the particular agents that they are).

b Reply to Williams' Second Objection

It is true that if I must consider that I have a right to have the GCAs because I necessarily want them, then I must claim a right to all my contingently chosen purposes, which is absurd. But I do not necessarily want to have the GCAs. As I have already noted, the PHI is not analytic but dialectically necessary and my having the GCAs is categorically instrumental for my purposes. So, if I want to pursue a purpose, *I instrumentally ought to want to have them* (regardless of what that purpose is, *for that purpose*). This means that *if I respond rationally* (i.e., consistently with an understanding of what it is for me to be an agent) *I necessarily will want them* in order to pursue/achieve my purposes. But this does not mean that I necessarily will want them, as I might not respond rationally. And even if I do respond rationally, it is entirely possible for me not to want to continue to be an agent *for its own sake*, hence not to want to continue to have the GCAs *except for* my particular contingent purposes (which might merely be to end my life by my own actions). The case of my particular contingent purposes and that of my possession of the GCAs is entirely different. I necessarily *want to achieve those purposes I choose to*

pursue, but I necessarily *ought to want* to possess the GCAs in order to pursue or achieve *whatever purposes I choose to pursue*.

It is revealing that Williams presents the argument in terms of my basic freedom rather than the GCAs. ‘My basic freedom’ can refer to a number of things, which creates room for equivocation. For example, it can refer to my power to choose purposes. This is something that I *do* necessarily value. Since I choose my purposes by exercising my power of choice, and necessarily value my purposes in so doing, I necessarily value my power to choose purposes. But, in so valuing my power of choice (or its exercise), I value it *subsistently*, not as a GCA; and not as an end to be pursued for its own sake. To be a GCA it must be a necessary means by which I pursue or achieve (any of) my purposes, which it is not. To be an end to be pursued, it must be something that I might be an agent and not have; but its possession (or exercise) defines (at least in part) what it is to be an agent. The statement that I possess the power of choice is analytically connected to the statement that I am an agent. On the other hand, freedom of action (having the capacity, or being in the position, to act in accordance with the exercise of one’s power of choice) is a GCA. But this is not something that I necessarily have or necessarily *do value* as against something that I necessarily need and *ought to value* categorically instrumentally.

c Reply to Williams’ Third Objection

There are only a limited number of positions I can take on the permissibility or otherwise of interference with my dialectically necessary commitment to possess the GCAs viewed as categorically instrumental to my purposes. First, I can take such interference to be required (*non*-interference is impermissible even when it is against my will). This implies that I ought to want *unwilled* interference. Secondly, I can take unwilled interference to be positively permissible (the interferer has a right so to interfere, implying that I have a duty not to resist such unwilled interference). If so, I ought to want unwilled interference when it occurs. Thirdly, I can take such interference to be impermissible (implying that the interferer has a duty not to interfere unless I am willing to permit interference). This implies that I unconditionally ought to be opposed to unwilled interference. Or, fourthly, I can take it that such interference is neither positively permissible nor impermissible (implying that I do not have a duty not to resist such interference and that the interferer does not have a duty not to interfere). This does not imply that I ought to want unwilled interference nor that I ought to be opposed to unwilled interference. It, therefore, permits (i.e., does not prohibit) me from not being opposed to *unwilled* interference.

But it is dialectically necessary for me to be opposed to unwilled interference, which prohibits me from not being opposed to unwilled interference, and the only possible position compatible with this is the stance that unwilled interference is impermissible (that I have a right to non-interference).

This, in essence, is my Argument from Attitudinal Consistency.⁴⁶

⁴⁶ See Beyleveld, *Dialectical Necessity of Morality*, pp. 95-101.

If Williams' objection is directed at the actual Gewirthian argument then it must be taken to rest on (indeed, to constitute) the claim that for me to hold that unwilled interference with my having the GCAs is neither positively permissible nor impermissible is consistent with it being dialectically necessary for me to be opposed unconditionally to unwilled interference. But the Argument from Attitudinal Consistency shows this claim to be false.

But is it not the case that $\{SROa\}_{\text{Albert}}$ is compatible with me (Albert) allowing others to interfere? I must only desire non-interference insofar as non-interference is instrumental to my purposes, and my purpose might be to want you to interfere. Indeed! But *only on condition* that I am willing to suffer generic damage to my ability to act, i.e., *only on condition* that the interference *is not unwilled by me*. The point is this. If I, compatibly with $\{SROa\}_{\text{Albert}}$, permit you to interfere, I do not permit you to interfere *against my will*. I merely permit you to interfere *in accordance with my will*. Because SROa is dialectically necessary for me, I categorically may not permit unwilled interference. And this means that I must think that the non-impermissibility (or otherwise) of your interference is subject to my contingent will alone, not your will, which is precisely what is meant by my having to consider that I have the generic rights.

I (Albert) need to distinguish between what I must hold as an agent *in acting for or in intending to act* for a particular contingent purpose, whatever this purpose might be, and what I must hold by virtue of having the properties that make me an agent *per se* (a being

able to act for and intend to act for particular contingent purposes). In acting or intending to act (i.e., in proactive mode), I categorically ought to defend having my GCAs. I fail to understand what it is for me to be an agent *in proactive mode* if I do not recognize that I ought to defend having my GCAs. This ‘ought’ is not subject to my contingent will. However, as an agent *per se*, I am not required to act to ensure my continued existence as an agent *in proactive mode*. Thus, from my perspective as an agent *per se*, I am not required to defend my having the GCAs categorically. I do not fail to understand what it is for me to be an agent *per se* if I do not accept that I categorically ought to defend my having the GCAs. Nevertheless, I do fail to understand what it is for me to be an agent *per se* if I do not accept that *in acting or intending to act* (which will necessarily be for some particular contingent purpose/s) I categorically ought to defend my having the GCAs. Hence, it is dialectically necessary (from my perspective as an agent *per se*) to recognize a necessary content *for my actual and intended actions*. But because to act is to do something *voluntarily* for a purpose I have chosen, it is not dialectically necessary (from my perspective as an agent *per se*) to act to maintain my existence as a being capable of acting and intending to act. Hence, it is dialectically necessary for me (Albert) (from my perspective as an agent *per se*) to accept SROa, with the implication that it is dialectically necessary for me to consider the requirement *for me* to defend my having the GCAs (and only my GCAs) to be subject to my contingent will (whether or not to maintain being able to act) and to my contingent will alone.

d Another Argument

There is another argument, with which these replies and the reasoning in step (5) of the canonical Gewirthian argument (as presented in this paper) are all consistent.⁴⁷

It should be clear that from $\{SROa\}_{\text{Albert}}$ coupled with the FPU (= ‘It is dialectically necessary for agents to treat the dialectically necessary normative commitments of any agent as their own’), $\{BR\}_{\text{Albert}}$ (hence the dialectical necessity of the PGC) follows.

In fact, given $\{SROa\}_{\text{Albert}}$, *if Albert contingently accepts the FPU* (whether or not it is a necessary truth) then he must accept BR (that Brenda has the generic rights) *on pain of contradicting this contingent acceptance*. But this entails that $\{SROa\}_{\text{Albert}}$ entails $\{AR\}_{\text{Albert}}$. This is because Albert’s contingent acceptance of the FPU requires him to attach the same significance and importance to Brenda’s categorical instrumental need for the GCAs (CIb) (hence to $\{SROb\}_{\text{Brenda}}$), as it is dialectically necessary for Albert to attach to his categorical instrumental need for the GCAs (CIa) (i.e., to $\{SROa\}_{\text{Albert}}$) *in relation to what Albert may or may not do*. And this has the consequence that Albert must grant Brenda the generic rights.

But this entails that the significance and importance that it is dialectically necessary for Albert to attach to CIa must be equivalent to $\{AR\}_{\text{Albert}}$. It simply cannot be the case that, merely by attaching the same significance to CIb as it is dialectically necessary for Albert

⁴⁷ See Deryck Beyleveld, ‘The Principle of Generic Consistency as the Supreme Principle of Human Rights’, *Human Rights Review* 13 (2012), pp. 1-18 at pp. 6-8.

to attach (because of $\{SROa\}_{Albert}$) to C_{Ia} , Albert is required to grant the generic rights to Brenda unless $\{SROa\}_{Albert}$ entails, indeed, is equivalent to, $\{AR\}_{Albert}$.

Since $\{AR\}_{Albert}$ entails $\{Albert \text{ is an agent} \rightarrow AR\}_{Albert}$, which (as Williams agrees) entails $\{BR\}_{Albert}$, this entails that the FPU is a necessary truth (an analytic statement).

Because the PRJ is itself an analytic statement, it must be concluded that the FPU is a necessary truth whether or not agents are conceived of generically or as the particular agents that they are.

Conclusion

All these replies lead to the same conclusion, which is that William's dilemma is false.

At the end of his critique, Williams asks

How can an *I* that has taken on the perspective of impartiality be left with enough identity to live a life that respects its own interests? If morality is possible at all, does it leave anyone in particular for me to be?⁴⁸

⁴⁸ Williams, *Ethics*, p.70.

His contention is that if morality is also conceived as categorically binding, then there is nothing in particular left for me to be.

In this paper, I have shown that I am categorically bound to accept a substantive impartial principle that, *at the same time*, permits me to live a life that respects my own personal interests. This is possible for two reasons. First, the argument for the PGC only requires Albert to have impartial regard to his and Brenda's dialectically necessary commitments: Albert is not required (contrary to Williams' second objection) to treat all of Brenda's reasons impartially: he is not required to treat all her purposes as reasons for him to act, only her dialectically necessary reasons. Secondly, Albert's and Brenda's dialectically necessary commitment is to pursue having their GCAs subject to their respective contingent wills. Consequently, both Albert and Brenda must take Albert's own purposes (interests) to be sovereign over the disposal of his person, as they both must take Brenda's purposes to be sovereign over the disposal of her own person. Hence Albert and Brenda may conduct their own lives in any ways they prefer (according to their own personal practical identities), provided only that they do not interfere with the possession of the other's GCAs against the other's contingent will. Far from it being the case that the idea of being categorically bound to an impartial principle renders unintelligible the idea of the *individual* self, it actually grounds this idea (and the idea of an individual *self*) through the idea of an *individual self*.

Williams' dilemma only arises on the supposition that we have an exclusive choice between a model in which the purely generic elements of agency wear the trousers, but

are empty of content and practical force, and a model driven by contingent elements that are essential to making an agent the particular agent that the agent is, which have content and practical force, but only provide that agent with reasons to act. But there is another option (which, if my arguments are sound, is the only coherent option), and that is to view the practical law as the product of a genuine synthesis between these two elements that is guided by the PRJ as the analytic principle of practical self-understanding.

In this paper, I have not challenged Williams' depiction of Kant's views, which is not to say that I accept it; and the way in which I have presented the Gewirthian argument renders it much more Kantian than the manner in which it is usually portrayed.⁴⁹

⁴⁹ This includes Gewirth's own portrayal. For reasons I have never been able to understand fully, Gewirth almost always portrays Kant's argument for the moral law as a dialectically contingent one (one from the contingent assumption of morality, not one trying to justify morality transcendentally) (see, e.g., Alan Gewirth, 'Can Any Final Ends be Rational?' *Ethics* 102 (1991), pp. 66-95). However, see his acknowledgment (Alan Gewirth, 'Replies to My Colleagues', in M. Boylan (ed.) *Gewirth: Critical Essays on Action, Rationality, and Community*, Lanham, Maryland: Rowman and Littlefield, 1999), pp. 191-213 at p. 213 that the Gewirthian way in which I portrayed Kant's position in Beyleveld, 'Gewirth and Kant', pp. 97-117 (or, if you prefer, the Kantian way in which I portrayed Gewirth's argument) is 'fundamentally sound'. I have also commented on the relationship between Kant and Gewirth in Deryck Beyleveld and Roger Brownsword, *Human Dignity in Bioethics and Biolaw*. (Oxford: Oxford University Press, 2001), pp. 87-110, and Deryck Beyleveld, *Morality and the God of Reason* (Department of Philosophy, Utrecht: University of Utrecht, 2009). ISBN 978-90-76912-95-0. But I now consider all these treatments to be only partly satisfactory.

Unfortunately, an analysis of the precise relationship between the Gewirthian position I have presented here and Kant's own views must be left for other occasions.

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