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Chapter Five

Gewirth on Necessary Goods: What is the Agent Committed to Valuing?

Donald Regan

I first read *Reason and Morality*¹ soon after it appeared. It has remained my favorite version of the neo-Kantian project. (I should say that I am far from being a neo-Kantian myself.) Rawls's argument in *A Theory of Justice* begins from an abstract agent who has no idea what her "conception of the good" is, but who wants to be able to pursue her conception whatever it turns out to be. The concerns of such an agent have always seemed to me irrelevant, not to say objectionable, for reasons I shall explain below. Gewirth, in contrast, begins with an agent who has some particular purpose and who therefore has a view about the good with some specific content. Gewirth attempts to show by his "dialectically necessary method" what every such agent, regardless of the precise content of her view about the good, is committed to. I do not think Gewirth's method can actually get him from his starting point to the conclusions of *Reason and Morality*. Nonetheless, both Gewirth's starting point and his attempt to rely on the method of dialectical necessity seem to me exactly right.

In this chapter I shall be concerned with stage I of Gewirth's argument, in which he argues that the agent must value her freedom and well-being as necessary goods. Stage I has attracted less criticism over the years than stages II and III,² but even so, a good deal has been written about it. I do not claim to have found any brand new objection to Gewirth's argument. The core of my objection occurred to me during my first reading of *Reason and Morality*, and it obviously occurred to a number of other people as well.³ But it is clear that there is not yet universal agreement on the merits of Gewirth's argument, and the argument is important enough so that it is worth trying to establish definitively whether or not it succeeds.

As I say, I shall be concerned with stage I, in which, starting from the existence of an agent who acts for some purpose, Gewirth attempts to show that the agent must value her freedom and well-being as what Gewirth calls "necessary goods." I shall concentrate on the agent's freedom, and I shall argue, as others have before me, that the agent need not value a freedom nearly as broad as Gewirth supposes.

Gewirth thinks the agent must value a freedom which would support a broad range of possible purposes, going well beyond her actual purposes. This is essential to Gewirth's claim that all agents claim the same necessary goods (59), and it is essential to the neo-Kantian shape of his eventual regime of rights and freedoms.

I have formulated Gewirth's claim about necessary goods with some care, in order not to prejudice the issue from the start. I have attributed to him the claim that the agent must value a freedom which would support a broad range of possible purposes, going well beyond her actual purposes. It is tempting to regard this as equivalent to the claim that the agent must value a freedom which goes beyond the freedom she needs for her actual purposes. But that is not logically equivalent. Whether it is equivalent in practice depends on whether or not the freedom which is necessary for the agent's actual purposes is itself broad enough to support a range of other possible purposes as well. This in turn depends on how far it is proper to view the agent's freedom in particularistic terms. Is the freedom to paint one's house blue distinct from the freedom to paint one's house orange? Obviously, if freedom can properly be viewed in particularistic terms, so that these freedoms (for example) are distinct, it is intuitively quite implausible that an agent is committed by having some actual purposes to valuing a freedom which is adequate to a wide range of possible purposes. It seems the agent need value only those particular freedoms required by her particular purposes, and other purposes will be unprovided for. Much of the extant criticism of stage I depends on taking a particularistic view of freedom.

To this Gewirth would presumably respond (and Beyleveld, in his exhaustive defense of Gewirth, does respond)⁴ that the particularistic approach misconceives the nature of freedom, at least as the agent sees it. Freedom is to be conceived abstractly, in "generic-dispositional" terms, and in these terms, the freedom which is necessary to the agent's actual purposes is itself enough to support a broad range of other possible purposes. Now obviously, if we are to deal properly with Gewirth's views, we must confront this claim. Unfortunately, it seems to me that Gewirth is not very clear either about the content of freedom viewed "generically-dispositionally" or, and this is crucial, about why the agent must view her freedom that way if a more particularistic view of freedom is available as an alternative. And to complicate matters, Gewirth makes some arguments that seem to go beyond reliance on a generic-dispositional analysis, arguments that seem to be aimed rather at showing that even if freedom is viewed in particularistic terms, the agent, by having some purposes, is committed to regarding herself in such a way that she must want freedoms which are relevant to other possible purposes even if those freedoms are not necessary for her actual purposes.

If Gewirth does indeed make both sorts of argument—(1) that the agent must claim a generic-dispositional freedom which supports purposes beyond her actual purposes at the same time it supports her actual purposes, and (2) that the agent must claim particularistic freedoms which support merely possible purposes even though those freedoms are not necessary at all to her actual

purposes—there is an explanation. Freedom has both an internal or psychological aspect and an external or socio-legal aspect. Gewirth recognizes this (31), although he often elides the distinction by speaking of freedom as simply the ability to control one's behavior by one's own unforced choice. It seems to me that the only possible argument for the claim that an agent must view her freedom in generic-dispositional terms is a conceptual claim that on a proper understanding of freedom, the freedom, say, to paint one's house blue and the freedom to paint it orange are identical. To have one *just is* to have the other. This conceptual claim, and therefore the claim that the agent cannot avoid thinking in generic-dispositional terms, has some plausibility in regard to internal freedom, although I shall argue it is false even there. To my mind, the conceptual claim has no plausibility where external freedom is concerned. This means that if Gewirth's general position is to be made good as to external freedom, he cannot avoid relying on arguments about why the agent who views freedom in particularistic terms must claim freedoms which support merely possible purposes even though those freedoms are not necessary for her actual purposes.

What follows is in four parts (plus an appendix). In part I, I shall introduce an agent, Zeke, whose commitments we shall be investigating in the remainder of the chapter. I shall discuss, both for its own interest and as a sort of a warm-up exercise, whether life is a necessary good. In part II, I shall concentrate on Zeke's interest in internal freedom and consider the viability of Gewirth's "generic-dispositional" approach in that context. In part III, I shall concentrate on external freedom and on possible arguments why Zeke must want particularistic freedoms adequate to a broad range of possible purposes, over and above what is needed for his actual purposes. These three parts constitute the chapter as it was read at the Marymount Conference.

In part IV, I shall explain why my criticism of Gewirth goes deeper than it may appear. At the conference, a common reaction to my paper was that I had indeed shown Gewirth's argument could not stand exactly as presented in *Reason and Morality*, but that my refutation depended too much on examples involving zealots or monomaniacs, and that Gewirth could avoid my objections by some relatively painless adjustments. It is true that my primary argument concentrates on extreme cases, but that is for convenience and clarity of exposition. As I shall explain, the thrust of the argument can be avoided only by a major and costly reformulation of Gewirth's premises.

Finally, in a brief appendix prompted by James Sterba's chapter in this volume, I want to turn around and defend a different aspect of Gewirth's strategy, which I think is more original and powerful than is generally understood. I want to consider how, and indeed whether, what we normally think of as "moral" considerations make their appearance in Gewirth's argument. I shall suggest that, in an important sense, they do not. Unless we understand why this is so, and what Gewirth's alternative grounding for universal rights is, we miss the most striking aspect of his approach.

I

Gewirth's argument purports to show what *any* agent is committed to by virtue of acting for a purpose. If the argument is to work at all, it must work for any particular agent. Let us therefore take a particular agent, with a particular purpose, and see if the argument works for him. Consider Zeke, a worshipper of Baal, whose sole purpose is to glorify Baal by performing rituals Baal has commanded. Since Zeke's purpose is to glorify Baal, we can infer, along with Gewirth, that Zeke regards his acts of glorifying Baal as good. The question is, what else, if anything, does this commit Zeke to valuing?

On the face of it, the most obvious candidates for what Zeke must value seem to be things like the following: (1) being alive (and having food and shelter adequate to keep him physically and mentally able to carry out his observances); (2) having the psychological capacity to choose to worship Baal (whatever exactly having that capacity involves); and (3) freedom from social or legal interference with his Baal-worship. This list differs from Gewirth's list of "necessary goods," most significantly in that I have not stated goods (2) and (3) in "generic-dispositional" form. I have limited the psychological capacity on the list to what is required for Baal-worship, which it would seem might be inadequate to a broad range of common human purposes. Similarly, I have limited the freedom from interference that Zeke is concerned with to freedom from interference with Baal-worship.

I shall consider in due course whether the divergence between my list and Gewirth's in respect of items (2) and (3) is real and if so whether my version is defensible, but I think we may learn some useful lessons if we pause briefly over an item which is common to my list and Gewirth's, Zeke's being alive. Gewirth claims that life is a necessary good, an element of basic well-being (54, 63), although as we shall see this may not be entirely consistent with his view that suicide is permissible (264, 324). I put life on my (tentative) list as well because life is unquestionably a prerequisite for Baal-worship, at least on this earth, so it would appear to be something Zeke must value at least instrumentally. But the appearance is misleading. It may not actually be true that Zeke must value his life.

Bernard Williams has pointed out, in connection with the issue whether death is a harm, that our projects may be of two types.⁵ We may have some projects that we are committed to unconditionally, and that we want to remain alive in order to carry through. On the other hand, we may have projects that we are committed to only on the condition that we continue to live. So long as I am alive, I want to engage in such a conditional project, but I have no desire to stay alive for the sake of that project. Plausible examples of the first sort of "unconditional" project might be proving the Riemann hypothesis or giving one's children a good start in life. For those things, one would want to stay alive. Plausible examples of "conditional" projects might be eating at every three-star restaurant in France or breaking 100 on the golf course. (Breaking 70, on the other hand, would be an unconditional project. Any golfer would want to stay alive for that, if there were serious prospects.)

What about Zeke? Is his project of Baal-worship conditional or unconditional? We didn't specify, but I see no reason why it should not be conditional, why it should not be the case that Zeke wants to worship Baal as long as he is alive, but has no desire to stay alive for that purpose. Perhaps "Worship while you are alive" is all that Baal commands, without commanding attempts to prolong one's life and hence the worship. Perhaps Zeke expects to be taken into paradise with Baal after his death. In these circumstances, it would make perfect sense for Zeke's project to be merely conditional. But if his project is conditional, there is no reason he must value his life. *A fortiori*, there is no reason he must value his life as a necessary good, to which he claims a right.⁶

We have imagined only one purpose for Zeke, and I have said that that purpose could be conditional. Is this possible? Could an agent have only one purpose? Or, if he has more, could all his purposes be conditional? I don't see why not. Zeke will in all probability have some independently describable purposes which are subsidiary to his purpose of glorifying Baal, such as a purpose to keep his graven image of Baal well burnished. But there seems to be nothing in the standard conception of agency that guarantees that an agent must have more than one final purpose, nor that an agent must have any final purposes which are unconditional. (It might be suggested that every human agent necessarily has the purpose of avoiding severe pain or extreme physical discomfort, at least *ceteris paribus*. This we can grant for present purposes, without affecting the rest of the argument. For one thing, these purposes obviously entail no commitment to being alive. If the agent is dead, these purposes are achieved.)

Lest it seem that I put too much weight on the odd possibility of an agent who has only conditional projects, let us consider a different agent, Joan, who wants to commit suicide (a sad purpose, by no means a bizarrely unusual one). I mentioned a while back that Gewirth regards suicide as permissible, and this means that, whatever he says about life being a basic good, Gewirth cannot be committed to the claim that an agent must value her life for itself.⁷ And yet Gewirth insists, with good reason, that even an agent who wants to commit suicide must value her agency (or, I would say, some aspects thereof). If Joan is currently alive but has as a near-term goal being dead, then in most circumstances she needs to do something towards securing her death. She must value as a means both those capacities of her own which will enable her to commit suicide, and the absence of interference by others with her project. There are people alive right now, some of them competent to make choices for themselves, who would like to die but who have not the physical capacity to end their lives, and who are being denied assistance in reaching their goal, or even prevented from reaching it. The examples of such people give us concrete demonstration of Gewirth's claim that there are some aspects of her freedom which even an agent bent on suicide must value.

But this leads us to a paradox. Joan is alive and wishes to commit suicide. She must therefore value her capacity (assuming she has it) of killing herself. But her being alive is a necessary condition of her having any capacity to do anything. So,

being alive is a necessary condition of something that, given her goal and her circumstances, she must value. It might seem to follow that she must value being alive at least as a means. But that cannot be right. If she lacked this "means," or this condition for her acting to achieve her goal, then her goal of no longer being alive would ipso facto be achieved. So she need not value her being alive in any way at all, neither for itself, nor as a means, nor as a necessary condition for the possession of a necessary means. We see that we cannot in general infer from "A values X" and "Y is a necessary condition of A's acting to achieve X" to "A must value Y, at least in some subsidiary way."

I have been assuming, of course, that Joan's goal is "being dead" or "no longer being alive." The situation would be different if her goal were instead, as we have sometimes said, "committing suicide"—that is, if her acting to cause her own death were valued for itself, and not merely as a means to her death. If what Joan wants, for itself, is to act and thereby secure her death, then, ironically, she must value being alive, at least for the present. If her goal is to act in any way, then unless she is alive her goal cannot be achieved.

The general lesson of this exercise is that we must be precise about the characterization of agents' purposes. What Joan is committed to valuing depends on whether she wants just to be dead or wants (for itself) to kill herself. What Zeke is committed to valuing depends on whether his project is conditional or unconditional. Superficially similar purposes may have very different consequences for what means or necessary conditions the agent must value.

II

We turn now to the question of what Zeke must value in the way of internal freedom. What must he value in the way of his own capacity for choice? Deryck Beyleveld says that any agent who has purposes must value his "freedom to choose [his] purposes."⁸ I am confident that the freedom Beyleveld has in mind, and the freedom Gewirth has in mind, includes not just the possibility of choosing to worship Baal, but also the possibility of choosing to worship Marduk (or Dagon, or any number of other gods). For myself, I do not think the Baal-worshipping Zeke must value the freedom to choose to worship Marduk. Indeed, it is by no means certain that he must value even the freedom to choose to worship Baal. Let us start with this last point.

Zeke has as his purpose worshipping Baal. Does it follow that Zeke must value his freedom to choose to worship Baal? No. It depends on what Zeke thinks Baal wants. If Baal wants the adoration of followers who have freely recognized his supreme divinity and have freely chosen to glorify him, then of course Zeke must value his own freedom to recognize and glorify Baal in whatever sense of "freedom" is made relevant by Baal's wishes. (This possibility we will return to later.) On the other hand, if Baal is a rather stupid god, or alternatively a god so

superior that he can see nothing of value in the most exalted sort of “freedom” humans are capable of, it may be that all Baal cares about is that certain human bodies assume certain physical postures and perform certain physical movements at certain times and places. In that case, that is all Zeke is committed to caring about by his purpose of glorifying Baal. Zeke will be content if the high priests of Baal push his body around in appropriate ways by impulses transmitted to electrodes in his brain. Or he will be content if he is subject to irresistible psychological compulsions to perform the rituals Baal requires. He need not value in the least being able to choose “freely” to do what Baal wants, as long as it gets done and Baal is satisfied.

Of course, even the Zeke who is being manipulated through electrodes or who is subject to a compulsion could be aware that these are only contingent facts, and alterable. Should he not value a freedom to choose to worship Baal, which he could rely on even if he found himself suddenly uncontrolled or uncompelled? Perhaps in general the agent should value such presently useless but possibly useful capacities as insurance (although the case hardly seems as clear as when we are talking about capacities or aspects of freedom that are necessary to the achievement of the agent’s purposes in his actual circumstances). It might seem that in general there would be no cost to having such “insurance.” But in some cases, there might be a cost. In the case we are imagining now, where Zeke is controlled through electrodes (say), his having the freedom to choose to worship Baal might be thought to be logically inconsistent with his being so controlled. (To decide whether it is actually inconsistent would require a much deeper discussion of what we mean by freedom than I have space for or than Gewirth provides.) If Zeke’s being free to choose would be inconsistent with his being controlled, then in claiming for himself a freedom to choose, and thereby rejecting being controlled, Zeke would be giving up a more reliable guarantee of his performing Baal’s rituals (we assume the high priests of Baal never fall asleep at the switch) for a less reliable guarantee (freedom brings with it such possibilities as weakness of will). So I do not see how we can claim Zeke must want freedom to choose. What Zeke can reasonably want is that, *if* he were not controlled, then he would have the freedom to choose to worship Baal. But that is not the same as wanting unconditionally the freedom to choose to worship Baal.

Perhaps you are getting impatient. What if Zeke is not being manipulated through electrodes by the high priests of Baal, and what if he is not subject to any psychological compulsion to engage in Baal’s rituals? In these circumstances, which are after all rather more probable than the converse, Zeke must rely on his own power of choice to get himself to perform the rituals. Must he not then value his power of choice, at least instrumentally?

Perhaps. But now we come to the central question for this part of our discussion: What exactly is this “power of choice” that Zeke must value? What it is clear Zeke must value is a capacity to get himself to perform the rituals of Baal when he regards it as good to do so, even though he is neither physically nor psychologically

compelled. Must Zeke also value a capacity to get himself to perform the rituals of Marduk if he regards it as good to do so, in the absence of physical or psychological compulsion? Not so far as I can see. On the face of it, the capacity for performing the rituals of Marduk does not appear to be instrumental to performing the rituals of Baal. But performing the rituals of Baal is all Zeke wants to do and it is that purpose which determines the limits of his instrumental commitments.

Gewirth wants Zeke to value freedom to worship Marduk as well as Baal. What Gewirth must presumably claim at this point is that the capacity to get oneself to perform the rituals of Marduk if one regards them as good (without supporting compulsion) is the very same capacity as the capacity to get oneself to perform the rituals of Baal (again, without supporting compulsion). The uses of the capacity are different in the two cases, but the capacity being used (so the claim must go) is identical. There is a single, indivisible capacity to get oneself to do things one regards as good but which one is under no compulsion to do. If that is so, then in valuing his capacity to choose to perform the rituals of Baal, Zeke is also, in that very same valuing, valuing his capacity to choose to perform the rituals of Marduk.⁹

But is it true that the capacity to choose to worship Baal if one regards that as good is identical to the capacity to choose to worship Marduk if one regards that as good? I see no reason to think the capacities are the same, and I shall offer an argument in a moment which I think has some force in showing they are different, although I do not claim the argument is irrefragable.

Gewirth has relatively little to say about moral psychology and the nature of choice. He says repeatedly that by "freedom" he means the ability to control one's behavior by one's own unforced and informed choice. In his most extended discussion, he says that this means, negatively, that the behavior must not result from compulsion, external or internal, or from coercion, and, positively, that the behavior issues from an "organized system of dispositions in which ... informed reasons are coherently interrelated with other desires and choices." (31) What is not clear is just where in this picture we find the agent and his positive capacity for choice. If Zeke and his capacity for choice are *constituted* by his "organized system of dispositions," then his capacity to choose to worship Baal is certainly not identical to the capacity to choose to worship Marduk, since a disposition to worship Baal is distinct from, and often antithetical to, a disposition to worship Marduk. Zeke, constituted as he is by a system of dispositions which includes a disposition to worship Baal, could not worship Marduk freely.

Gewirth might object that the capacity we are concerned with is not just a rootless capacity to choose to worship Baal, but a capacity to choose to worship Baal if one regards that as good. Similarly, what that capacity is supposed to be identical to is the capacity to worship Marduk if one regards that as good. But, Gewirth could continue, what one regards as good is reflected in one's dispositions. So we cannot expect to get the right result by holding constant Zeke's disposition to worship Baal. What we are saying, when we identify the capacities for Baal-

worship and for Marduk-worship, is that Zeke's capacity to choose to worship Baal, if he is so disposed, is identical to his capacity to choose to worship Marduk, if he is disposed in that way instead.

Unfortunately, I now do not see what this "capacity" is in any positive sense. It seems too like a logical truth, dependent on the meaning of "disposition," that an agent who is disposed to worship Baal and encounters no impediment will worship Baal, while an agent who is disposed to worship Marduk and encounters no impediment will worship Marduk. So what exactly is Zeke valuing in valuing his "capacity" to choose to worship Baal if he is so disposed? Is he valuing merely this logical truth? That can hardly be what Gewirth has in mind. In any event, the crucial point is that we have found nothing which is both an appropriate object for valuing as a "capacity for choice" and which is equally apt for employment in the service of either Baal or Marduk. If Zeke values his disposition to choose to worship Baal, then what he values has no tendency to support or even allow for Marduk-worship. If he values instead the fact that he tends to act on his dispositions, whatever they are, then it is not clear he is valuing anything at all. We have made no progress towards showing that Zeke must value a capacity for choice which includes the positive capacity to choose Marduk-worship.

There is a more particular point which also seems to establish that Zeke need not value the freedom to worship Marduk. Remember that Zeke may care about nothing but his own physical performance of the rituals of Baal (since that may be all Baal cares about). If that is indeed all Zeke cares about, then as we saw earlier, he would be perfectly content to be placed under an irresistible psychological compulsion to perform Baal's rituals. Indeed, he might welcome it. He is not committed to valuing, even instrumentally, his not being subject to such a compulsion to worship Baal.¹⁰ But not being subject to a compulsion to worship Baal is an essential element of the freedom (in its negative aspect, now) required by a would-be worshipper of Marduk. So even if it were true (though it has not been demonstrated) that the positive capacity for choosing to worship Baal if one regards that as good is identical with the positive capacity for choosing to worship Marduk if one regards that as good, it is still not the case that Zeke must value the complete psychological freedom to worship Marduk. There is an essential (negative) element of that freedom, the absence of a compulsion to worship Baal, which Zeke is at best indifferent to and might quite reasonably prefer to be without. Certainly it is not for him a necessary good. (At this point it somehow seems specially natural for the defender of Gewirth to suggest that Zeke should prefer not to be subject to a compulsion to worship Baal, because he might change his mind and find he wants to worship Marduk instead. The short answer to this is that Zeke as he is now may have no interest in catering to desires he would have if he changed his mind. Zeke now may regard Marduk-worship as the ultimate abomination, and he may welcome a compulsion to worship Baal precisely as a protection against his changing his mind and engaging in that abomination. We shall consider the issues around this line of argument in more detail in parts III and IV.)

We have been assuming so far that Zeke might care only about his own physical performance of the rituals of Baal, because that might be all Baal cares about. But what if Baal in fact cares about more? What if Baal wants the allegiance of people who choose to worship him freely, people who, for example, are not under any compulsion to worship him but who choose to do so? If Zeke's ultimate purpose is to please Baal, what Zeke cares about must obviously reflect what Baal wants, so Zeke must now value as means to his purpose whatever is necessary for him to choose freely to worship Baal. But what that means, in the present context, is determined entirely by what Baal has in mind. If, for example, Baal wants Zeke to worship him without being under a compulsion to do so, but doesn't mind Zeke's having an irresistible aversion to worshipping Marduk (Baal is content so long as Zeke is free to choose between worshipping Baal and worshipping no god at all), then Zeke need not value not having an irresistible aversion to worshipping Marduk. But in that case, once again, he does not value an essential element of the freedom to worship Marduk.

Baal might, of course, want Zeke to have a freer choice still. He might want him to have neither a compulsion to worship Baal nor an irresistible aversion to worshipping Marduk, in which case Zeke would value, as the means to worshipping Baal as Baal desires, at least those aspects of freedom to worship Marduk which we are currently concerned with. But Baal might still be content to have his worshippers constrained by irresistible aversions to worshipping Dagon or Ishtar—in which case Zeke does not need to value anything like a general freedom to choose the object of his worship. Why would Baal not want his worshippers to have as much freedom as possible? The freer their choice, we might think, the more glory to him. Perhaps Baal thinks that whereas a decent person might, mistakenly, worship Marduk (so that the allegiance of a potential Marduk-worshipper is worth having), no decent person could worship Dagon. Anyone who did worship Dagon would be manifesting weakness of will (perhaps seduced by Dagon's orgiastic rituals) or some deeper spiritual perversion. So there is no loss in putting Dagon-worship beyond the pale of an irresistible aversion.

This elaboration of Baal's preferences may seem rather fanciful, but it is just what is called for if we take seriously the question of what precisely Zeke's purpose of worshipping Baal is, and thus what precisely it commits him to valuing. And remember that it was only by hypothesizing about what sort of worshippers Baal might want, by imagining that he wanted "freely chosen" adulation, that we gave Zeke any interest at all in being able to worship Baal freely. Of course, we could just have taken as an assumption that Zeke's purpose was not merely to worship Baal but to worship Baal freely, even if that gave Baal more than he cared about. But such an assumption would be much too contingent for Gewirth's purposes, contingent both in regard to Zeke's having any such preference at all and in regard to just what version of "freedom" Zeke valued. (The same questions we have raised about Baal's preferences regarding Zeke's freedom now arise about Zeke's own preferences.)

In fact, our “fanciful” inquiry into Baal’s wishes is functionally analogous to an inquiry which is indispensable if we take what seems to me the correct approach to fundamental questions about practical reasoning. Let me retreat just one step, and approach the matter indirectly. Gewirth begins his whole argument with an agent who has some particular purpose which (Gewirth insists) she regards as good. A paradoxical feature of the argument is the rapidity with which the particularity of the starting point disappears. Gewirth argues that the core of what the agent must value as means to her purpose is invariant with respect to the particular purpose from which she starts, and this (quite extensive) invariant core is all the agent claims a right to. That the starting point should matter so little seems very implausible (and I have been arguing, with the example of Zeke, that the starting point in fact matters a great deal).

If the agent really starts from a substantive view about the goodness of a particular purpose, he is likely to have other beliefs about the inferiority or positive badness of other possible purposes. So he need not want freedom to pursue all purposes indifferently. Furthermore, what he will want in the way of freedom will depend on just how and why he thinks his actual purpose is good. If his purpose is to be an excellent pianist and he believes that it is essential to the value of playing the piano that it be chosen and done freely in some sense, then he will want whatever sort of freedom is necessary for valuable piano playing. If he is reflective, and if he realizes that he could give no account of the value of piano playing which did not entail a similar value for playing the violin, or (further afield) for writing poetry, or (still further but not at all beyond the bounds of plausibility) for studying botany or elementary-particle physics, then he should value all these things. He should hope that others will engage in these activities even if he himself has no inclination for them, and he should therefore value others’ relevant freedom. If, on the other hand, he regards playing video games as a seductive and stultifying waste of time, he need not value the freedom to play video games, either for himself or others. The point of this rapid and extremely condensed excursion is that what freedom the agent values and what “rights” he endorses will depend, and should depend, not on the contingency of his own precise purposes, but nonetheless on his view of what projects (pursued in what way) are actually good. This is the question which is formally analogous to the question of what Baal wants.

Gewirth purports to make his argument from the agent’s internal point of view. That is the point of the appeal to dialectical necessity. But in fact Gewirth never gets fully inside the agent’s point of view. “Good” remains for Gewirth an essentially formal notion, rather than a substantive one. For Gewirth, the agent’s belief in the goodness of his project is inferred from the fact of the agent’s choice. Now, insofar as the first point some other philosophers need to be persuaded of is that the genuine agent has beliefs about goodness, this inference and the supporting argument is fine, indeed indispensable. But having established by this inference that the agent has a view about the good, we should nonetheless remember that in

the agent's internal point of view, his choice follows from the substance of his view about the good, rather than vice versa. And from a substantive view that some projects are good and some others are not (probably that even some others that are purely self-regarding are not), it is most unlikely that we are going to be able to get to the neo-Kantian regime of rights that is Gewirth's goal.

III

Let us turn our attention now to external freedom. What is Zeke committed to valuing in the way of freedom from legal interference with his religious activity? (I shall ignore the question of freedom from social interference, which raises identical issues.) Obviously, and centrally, Zeke is committed to valuing the absence of legal prohibitions on the performance of Baal's rituals. We might assume that Zeke will also value the absence of legal disabilities imposed on Baal-worshippers, and the absence of legal requirements to participate in or otherwise support the rituals of other deities, such as Marduk; but I am not sure those further claims are necessary. Certain legal disabilities imposed on Baal-worshippers Zeke might be indifferent to; and he may have no objection to going through the form of Marduk's rituals or even contributing through his taxes to Marduk's coffers, so long as he can carry out his own worship of Baal as well. In any event, the most important issues can be raised if we focus just on Zeke's wanting non-interference with his Baal-worship, so I shall stick to that.

Zeke wants to be free to worship Baal. For purposes of argument, let us assume with Gewirth that in consequence: (1) Zeke regards the freedom to worship Baal as something he must have, (2) he regards himself as having a *right* to that freedom, and (3) he must therefore concede the same right to other agents. Still, "the same right" that he must concede to others is just a right to be free to worship Baal. We have no argument as yet that Zeke must claim for himself or concede to others a right to worship Marduk.

Gewirth would presumably claim at this point that we have taken too particularistic an approach to what Zeke wants and values. According to Gewirth, we must consider the relevant freedom in its "generic-dispositional" form. What Zeke wants is religious freedom, and that encompasses not only the freedom to worship Baal, but also the freedom to worship Marduk if one so chooses. But why should Zeke think in terms of an abstract religious freedom rather than in terms of the freedom to pursue his own particular religion? Why must he *necessarily* think in "generic-dispositional" terms?

In connection with the psychological power to choose, it was at least initially plausible to suggest that the power to choose to worship Baal could not even be conceived except as an aspect of a broader power that included the power to choose to worship Marduk instead. This suggestion, which I argued against in the context of the power to choose, is not even initially plausible in connection with

freedom from legal interference. There is no difficulty at all in conceiving a freedom from legal interference with Baal-worship which does not include freedom from interference with Marduk-worship. Many legal regimes have allowed or encouraged the worship of one god and penalized or forbidden the worship of others. We modern liberals of course prefer a regime of general religious freedom, but this surely cannot be on any simple ground of conceptual necessity, of the impossibility of conceiving a one-sided permission to worship.

So, if Gewirth is to show that Zeke must value not only freedom to worship Baal, but also freedom to worship Marduk, it cannot be on the ground that the first freedom conceptually involves the second. Gewirth must argue that Zeke is committed to valuing certain legal freedoms, such as the freedom to worship Marduk, which go beyond the freedoms necessary for his present purposes. For convenience, let us refer to this as the “additional freedoms” claim.

It is difficult to find a clear argument for the additional freedoms claim in *Reason and Morality*. This is not surprising, given Gewirth’s wish to carry on the discussion in generic-dispositional terms. In the section on “Purposiveness and Goods” (48-63), the section most directly devoted to establishing what the agent must value as necessary goods, there is some rhetoric which suggests support for the additional freedoms claim, but there is nothing like an argument. As it happens, the material that most suggests an argument for the additional freedoms claim appears considerably later, in connection with what Gewirth calls the “argument from the sufficiency of agency” (110 et seq.). Therefore, that is where I propose to start. (Let me say at the outset that I am taking arguments Gewirth offers for a slightly different purpose and asking whether they can support the additional freedoms claim, which it seems they might. I shall show that they cannot. But as I shall explain in due course, it is possible that the arguments have more force on the point Gewirth offers them for than they have in support of the additional freedoms claim. The reason for the difference will be of interest in its own right.)

Suppose we are discussing with Zeke what freedoms he must want if he is to carry out his purposes. Zeke asserts that so far as freedom from legal interference with religion is concerned, all he cares about is freedom from interference with Baal-worship. We agree with Zeke that, since he has it as his purpose to worship Baal, it makes sense for him to value freedom to worship Baal. But we also point out that he might, as a matter of logical possibility, want to worship Marduk instead, and if he wanted to worship Marduk, he would want and value the freedom to do that.

To this Zeke says, “So what?” Zeke agrees that if he were a follower of Marduk, he would believe that worshipping Marduk was good. He agrees that if he were a follower of Marduk, he would want freedom to worship Marduk. But, Zeke continues, the truth is that Marduk-worship is abominable, and if he were a Marduk-worshipper, he should be put to death. As a Marduk-worshipper, he would no doubt object. But he would be mistaken in so objecting. And that, says Zeke, is that.

Gewirth is of course aware of this possible response. Gewirth says that if Zeke admits he would claim a right to religious freedom if he were a Marduk-worshipper, then he contradicts his claim that only a Baal-worshipper has a right to such freedom. "Now let us ask the agent whether, while being an agent, he would still hold that he has the right of freedom and well-being even if he were not D [in this case, a Baal-worshipper]. If he answers yes, then he contradicts his own assertion that he has these rights only insofar as he is D [a Baal-worshipper]" (110; cf. 96). But there is simply no contradiction here. There is no contradiction in Zeke's saying (1) that he has rights only as a Baal-worshipper, but (2) that if he were a Marduk-worshipper, he would think otherwise.

Why does Gewirth see a contradiction where there is none? The explanation is a general one, not specific to this precise issue about Zeke and Baal and Marduk. It seems to me that in a variety of contexts Gewirth confuses, under ambiguous formulations, two very different propositions (or their local equivalents). The first proposition is: (1) Whatever an agent's particular purposes are, he regards those particular purposes as good. The second proposition is: (2) Any agent must have the attitude, "My purposes, whatever they are or whatever they might be under other circumstances, are good." (1) is the very first proposition Gewirth argues for, when he moves from "I do X for purpose E" to "[I regard] E as good." It is not uncontroversial,¹¹ but I agree with Gewirth that it is true. (2) is different from (1), specifically in respect of the location of the quantifier represented by "whatever," which operates *outside* the agent's own thinking about what is good in (1) and *inside* the agent's own thinking about what is good in (2). Gewirth claims in effect that an agent who recognizes the general truth of (1) must have the evaluative attitude described in (2). In our present example, Gewirth claims that if Zeke sees the truth of (1), in other words, if he sees that if he were a Marduk-worshipper, he would want the freedom to worship Marduk, then in order to avoid self-contradiction Zeke must presently, as a Baal-worshipper, want (2) that if he were a Marduk-worshipper, he should have the freedom he would then want. But (2) simply does not follow from (1). As I have pointed out, the quantifier (or in the more specific formulations, the condition "if I were a Marduk-worshipper") appears in a different location. Some agents might have the attitude specified in (2), but not all agents. This sort of "whatever I might happen to choose must be good" attitude is not characteristic of agency as such. And it is not entailed by acknowledgment that "Whatever I might happen to choose, I would regard it as good as I chose it."

It is easy to confuse (1) and (2) because they are both suggested by certain ambiguous formulations such as "the agent regards fulfillment of his purposes as good regardless of their specific contents" (57). Here the quantifier which is ambiguously outside or inside the agent's own evaluation process is represented by "regardless." What is true is that regardless of the specific contents of his purposes, the agent regards his purposes, in their full specificity, as good. What is false is that he holds the view "they are good, regardless of their specific

contents." It is precisely because of their specific contents that he regards them as good, or at least it should be. The alternative view, "my purposes are good, regardless of their specific contents," must mean in effect, "they are good because they are mine." This sort of evaluative solipsism involves either overweening arrogance or (more charitably) a misuse of the concept "good."

Gewirth makes two further moves in support of his position. At one point Gewirth says of an agent like Zeke, who asserts that if he lacked some property D which he now has, he would not have certain rights even though he would still claim them, that such an agent must be "distinguish[ing] between two different standpoints: that of an (actual or prospective) agent, who necessarily holds that he has the generic rights regardless of whether or not he has D, and that of a hypothetical beholder of himself or others who has the superior vantage point provided by an awareness of D and of its necessary relation to having the generic rights. From this superior vantage point, the agent would put a hypothetical distance between himself qua agent (who necessarily claims the generic rights) and himself qua contemplating himself or someone else as lacking D" (125). Gewirth goes on to assert, on grounds we shall consider in a moment, that this supposed second standpoint should not be allowed any relevance. But Gewirth's argument has already gone off the rails. Zeke needs no second standpoint from which to say that he would not have rights of religious freedom if he were a Marduk-worshipper. He can say that from his first standpoint, as an agent who is a Baal-worshipper and who thinks that only the worship of Baal is defensible.

Gewirth invents the supposed necessity for the second standpoint by misrepresenting the first. Gewirth says, as we have just quoted, "an (actual or prospective) agent ... necessarily holds that he has the generic rights regardless of whether or not he has D." But this formulation is crucially ambiguous, in a way the reader should now recognize. It is true (or it would be true if Gewirth's argument for rights of a generic form were otherwise good up to this point) that (1) an agent, regardless of whether or not he has D, necessarily holds that he has the generic rights. It does not follow that (2) an agent necessarily holds "that I have the generic rights regardless of whether or not I have D," or in other words, that an agent holds he would have the rights even if he did not have D. Once again, the difference is in whether the quantifier represented by "regardless" is outside or inside the agent's own evaluative thought process. It is only the groundless claim (2) that suggests the agent needs a second standpoint from which to claim that he would lack rights if he lacked D.

Gewirth's final argument appears both as his objection to the "second standpoint" in the continuation of the passage just discussed and also independently elsewhere (97). Gewirth points out (in effect) that if Zeke claims a right to religious freedom as a Baal-worshipper, which he would deny to a Marduk-worshipper, he must be appealing to a normative principle, a principle for which, so far as we know, he offers no rational justification grounded in the concept of action. But, says Gewirth, "the use of the dialectically necessary method requires

that the whole sequence of argument leading to the supreme principle of morality must respect the restriction that only those propositions are to be accepted as warranted that necessarily follow from the concept of action" (97). So Zeke's preference for Baal over Marduk is out of bounds.

Actually, it is Gewirth who is out of bounds. He has forgotten that it is he who is committed to the dialectically necessary method, not Zeke. And he may have muddied the water slightly by describing the method as unfolding "the concept of action," though there is a sense in which it attempts to do just that. In its original and compelling statement, the dialectically necessary method is about showing what every agent, by virtue of choosing and acting, is committed to. But Gewirth is not entitled to reformulate the question posed by the method as "what every agent who makes choices and acts and is himself committed to the dialectically necessary method is committed to." Whether this reformulation would get Gewirth to his conclusion or whether it would bog down in circularity, I am not certain. But it is illicit in any event. The method of dialectical necessity is compelling because it claims to show what all agents are committed to, not what all agents are committed to who are assumed in addition to be committed to the method. Gewirth needs a better reason than this to deny Zeke his belief in the special status of Baal (for which he may have all sorts of arguments). The dialectically necessary method is supposed to show that if Zeke denies freedom to Marduk-worshippers, he is engaged in self-contradiction; but the ground of the contradiction cannot be just that Zeke has violated the strictures of the method, since he never accepted them.

Let me now explain why I said earlier that Gewirth's arguments may have more force than I have so far suggested (but if they do, it is not on the issue we have been discussing). Remember that my concern is with Zeke, who wants to worship Baal, and with the issue of whether Zeke must claim, in addition to the right to worship Baal, a right to worship Marduk. Zeke's claim is that Baal-worship is a specially valuable activity, and we conceded for purposes of argument that Zeke must not only claim for himself, but must concede to everyone, the right to worship Baal. But Zeke does not need to claim for himself the right to worship Marduk, and therefore he need not concede it to others. All Zeke is required to do is concede to others the same right he claims for himself. (On one description, of course, Zeke denies the would-be Marduk-worshipper what he claims for himself, namely the right to worship as he pleases. But that is not the relevant description. The relevant description, under the method of dialectical necessity, is determined by Zeke's point of view, and Zeke does not claim *even for himself* "the right to worship as he pleases." What he claims for himself, and what he must therefore concede to others, is simply "the right to worship Baal.") In their original context, however, Gewirth's arguments are framed against an agent who claims precisely that he is entitled to rights others are not entitled to, because he is of a certain race, or because he is exceptionally intelligent, or because he is Wordsworth Donisthorpe.

There are two distinct problems here—(1) the agent (Zeke) who wants to allow rights only to pursue certain *purposes* (identifiable *de re* but not *de dicto* as the purposes he himself has) but who allows those rights to everyone, and (2) the agent who wants to limit rights to *people* in some way like himself. Up to this point, I have fudged this distinction (in order to make plausible the transfer of Gewirth's arguments from the latter context to the former) by referring to Zeke as a "Baal-worshipper" who wants to deny rights to "Marduk-worshippers." I have thereby made a purpose-based restriction on rights sound like a person-based restriction. But I hope and expect the reader has understood it was always a purpose-based restriction we were really dealing with. "Baal-worshipper" and "Marduk-worshipper" have the grammatical form of descriptions of the agent, but they describe him only in terms of his purposes, so that is where the real distinction lies.

I think it has not been unreasonable to consider Gewirth's arguments as potentially applying against purpose-based restrictions. It took minimal modification to make them seem relevant, and if Gewirth does not offer them for that purpose, it is presumably because he thinks he has already dealt with purpose-based restrictions by insisting that the necessary goods must be generic-dispositional. Still, the arguments are offered primarily against person-based restrictions, and against those they at least appear to have somewhat more persuasive force. The reason is one Gewirth hints at in a passage we have already adverted to.

The dialectically necessary method asks what an agent is committed to in virtue of having purposes. Agents have particular purposes, and that is all they have sufficiently uncontroversially to be a starting point for Gewirth's strategy. What I have been arguing is that there is no way to force agents to claim or acknowledge rights broader than those particular rights which support their particular purposes. But the person who claims particular rights for herself on the ground of her ethnicity, say, imports a distinction which is not intrinsic to her purposes. Even if Mary, who wants to climb Dhaulagiri, is Irish-American, her purpose of climbing Dhaulagiri includes no essential reference to that fact. She is Irish-American, and she wants to climb Dhaulagiri, but her purpose is not, at least in ordinary circumstances, "to climb Dhaulagiri as an Irish-American" or any variant thereof. It is to climb Dhaulagiri, *simpliciter*. So to deny the rights necessary for climbing Dhaulagiri to non-Irish-Americans would be to import an arbitrary distinction. We can put the same point in terms of Mary's thinking about the good. Mary's purpose of climbing Dhaulagiri commits her to the view that her climbing Dhaulagiri is good. If the ethnicity of the climber makes no difference to the value of the activity—and we assume that is how Mary really conceives the matter when she is focused on the activity, when she is inside her own purposiveness, as it were—then it is good that anyone else climb Dhaulagiri as well. But if that is so, then whatever rights Mary claims as protection for her own climbing of Dhaulagiri she must concede to others on the same ground.

But now compare Zeke. Zeke's purpose of worshipping Baal commits him to the view that his worshipping Baal is good. And if his personal characteristics

make no difference to the goodness of his worshipping Baal, then everyone should have the same rights to worship Baal as he does—all of which he happily admits. But it is intrinsic to Zeke's own purpose that the worship be directed to Baal and not to Marduk, so Zeke need not concede any rights to Marduk-worshippers with their different purposes. (More precisely, he need not concede them the right to worship Marduk.) In sum, we cannot force agents to grant rights more broadly than their particular purposes require; we can prevent them from limiting rights on grounds (such as personal characteristics) which are not intrinsic to their own purposes. This is the true constraint that attention to their own purposive agency, considered from within, imposes on them.¹²

Let us return now to Gewirth's section on "Purposiveness and Goods" and see if there is any support there for the "additional freedoms" claim. Before we look specifically at two possible arguments, it is worth noting that in this section, as in the later one we have been discussing, there is a tendency to conflate the (true) claim that an agent, whatever his purposes, regards those purposes as good, and the different (false) claim that an agent necessarily has the attitude, "my purposes, whatever they may be, are good." Indeed, we have already quoted and commented on a passage from this section which embodies or strongly invites this confusion: "[T]he agent regards fulfillment of his purposes as good regardless of their specific contents" (57). Both of the arguments I am about to discuss may gain some spurious plausibility from having this confusion in the air, so it is worth emphasizing again that it is a confusion. In fact, I am inclined to think some version of this confusion must underlie every attempt to show that an agent necessarily values the means to purposes he does not have.

The two arguments I want to discuss now (or possible arguments—remember that Gewirth does not argue explicitly for the "additional freedoms" claim, because he thinks he does not need to) are related. One of them depends on the often repeated idea that each agent is not merely a present but a "prospective" agent. The other depends on the idea that an agent must care, not just about her particular purposes, but about her "well-being as an agent." Both can easily be read to suggest that an agent must value her ability to accomplish possible future purposes she does not now have.

Let us start with Gewirth's claim that "a person ... claims the right to freedom and well-being not only as a present agent but also as a prospective agent" (68). I am prepared to concede that, since action occurs in time and takes some time, and since most purposes require more than the minimum time possible for a single action, any agent with purposes must conceive of herself as projected into at least the near-term future and must want to have certain capacities and certain sorts of freedom from interference in that near-term future as well as in the present. In that sense, the agent must exhibit some future-oriented concern. But what we have said so far turns on the fact that some future goods are required for the achievement, partly by future action, of present purposes. In other words, even if the agent must have some future-oriented concern, what she must care about in regard to the

future is still determined by her present purposes.

Of course, one thing that may happen in the future is that her purposes may change. And it is an easy slide from the idea that the agent must have some concern for the future to the idea that she must have some concern for her future purposes as such—that is, that she must have some concern for her future purposes whatever their contents, and even if they are different from or antithetical to her present purposes. But this is a slide, and it is illicit. The agent's having purposes in the present can hardly commit her to valuing now whatever different purposes she may have in the future. It is true that, whatever her future purposes, she will value them at the relevant time in the future. It does not follow at all that she presently values her future purposes "whatever they are." Nor, therefore, that she must presently want the means to fulfill them, whatever they are. For that reason, it is a mistake to characterize the agent's necessary prospectivity by quoting Hobbes, "the object of man's desire is not to enjoy once only, and for one instant of time, but to assure forever the way of his future desire" (62).

Turning to Gewirth's last argument, he writes: "The generic-dispositional goods have a further important role in the agent's values. For he regards his capabilities of action as constituting his own well-being as an agent. ...[Prospective agents'] well-being is centrally constituted by what enables them to act with some hope of fulfilling in general the purposes of their action" (60). The reference to the agent's "well-being as an agent" may seem to suggest that the agent's primary concern is for herself as a formulator and pursuer of purposes, and that her concern for her particular purposes is secondary or subordinate. Indeed, only a page later Gewirth says, "[I]t is not the particular purposes and outcomes but rather the generic abilities and conditions that for the agent primarily constitute his well-being, since they are the necessary conditions of all his pursuits and purposes. ...[A]ny rational agent must regard these abilities and conditions as constituting his well-being because of their strategic relation to all his purposive actions irrespective of the more particular contents he may assign to various of his purposes" (61).

Surely something has gone wrong. How could it possibly be the case that the agent, by virtue of having some particular purposes, finds herself logically committed to regarding her general capacities as more important than her particular purposes, which is what Gewirth appears to be claiming (60, 72, 77)? We might read Gewirth as saying only that general capacities which are necessary to many of the agent's actual purposes are more important to her than any single particular purpose, but this would still hardly justify the assertion that the agent's well-being is "constituted" by her generic abilities, since the importance of those abilities remains merely instrumental. Nor does it seem plausible to claim that the generic abilities are more important to the agent than the one or two particular purposes she regards as most central to her life.

Admittedly, the particular purposes Gewirth denigrates and subordinates to general capacities in the paragraph just quoted are self-destructive purposes such

as smoking (his example), which Gewirth may not regard as genuinely chosen at all. ("Although such actions and purposes may evince the agent's preferences, they are not thereby good for him" [61]). Even if they are chosen in the first instance, such purposes should of course be unchosen by a rational agent if they undermine other purposes she has that are more important to her. Gewirth may have in mind no more than this. But what he says appears to go further. To reject smoking because, for example, it interferes with one's more valued purpose of becoming a great dancer is one thing; it still leaves the agent valuing only the means, or disvaluing impediments, to purposes she actually has. But to reject smoking because it interferes with one's general abilities for purposes unspecified and not yet entertained is another thing entirely. Not only does this go beyond any plausible argument about what the agent's particular purposes commit her to; it creates new difficulties.

Consider: The training involved in becoming a great dancer is inconsistent with the development of many other capacities. If the agent should reject smoking because it interferes with general abilities to pursue unspecified purposes, then it would seem the agent ought to reject her commitment to dancing on the same grounds. This is of course a ludicrous suggestion, but so far as I can see Gewirth does not have the resources to avoid it. It is not at all clear that smoking interferes with more other potential purposes than does a serious commitment to dancing. We view the cases differently because, somehow or other, it seems clear that smoking is not valuable in the way dancing is. But that is just the sort of substantive judgment Gewirth wants to rule out of bounds (not different in principle from the judgment that Baal is the one true god and Marduk an impostor). It is surely not a judgment every agent can be shown to be logically committed to just by the fact of entertaining at least one purpose, whatever it is.

To return to the main point, there is no reason to suppose the agent must care about her "well-being as an agent" in any sense beyond wanting the capacities to pursue her present particular purposes. Indeed, it seems to me potentially quite misleading to say she must care about her own well-being in any sense at all. Her one noninstrumental purpose in life might be, for example, to stop the Three Gorges Dam on the Yangtze River, because of the environmental damage it will do. This is not a concern for her own well-being in any ordinary way of speaking. Having this purpose, she will of course want herself to have certain abilities useful in resisting the dam. But she does not want these abilities for her own benefit. Her own well-being simply does not figure among her basic concerns.

It may seem that the agent must care about her "well-being as an agent" because this is connected to the sort of future-concern I have already acknowledged. The agent ought to be interested not only in abilities that are now relevant to resisting the dam, but also in abilities that might in the future become relevant to that same purpose. I admit that that extends her concerns considerably, but it does not convert her concern about the Dam into a concern for herself. And even though the list of abilities which might under some circumstances be useful in

opposing the dam is extensive and open-ended, so that *ceteris paribus* the agent will want a great deal, there are limits. The agent still has no reason to want abilities that could be relevant only to some other purpose. For example, she will not want legal freedom to build the dam without interference, nor legal freedom to advocate it, nor even a power in herself to choose to promote the dam. None of these could possibly be useful in opposing the dam. So, even if the agent's future-concern makes her want freedoms and abilities that are only possibly relevant to her present purposes, there will still be many freedoms and abilities she does not value, because they are not even possibly relevant to her present purposes, but only to possible purposes she does not in fact have.

To summarize the conclusions thus far: On the face of it, an agent who has some particular purposes is only committed to valuing the particular freedoms necessary for the pursuit of those purposes. I have explained briefly and in passing why even I think the agent is committed more broadly than that. She is committed to valuing the freedoms necessary for the pursuit of all projects which are identified as valuable by whatever theory of the good underwrites her actual projects. This broadened commitment may be quite broad. In my opinion, it will be quite broad on a correct theory of the good. But it will not be broad enough to underwrite Gewirth's claims. Gewirth needs to argue either (1) that the agent must value a freedom conceived so generally and abstractly that it will support at a minimum any self-regarding project (the "generic-dispositional" approach), or alternatively (2) that the agent must value particular freedoms which support a wide range of possible projects even though those freedoms are not necessary to support the agent's actual projects (the "additional freedoms" claim). I believe I have shown that neither (1) nor (2) has been established.

IV

As I mentioned earlier, it may seem that my argument is of limited consequence because I rely on extreme examples—the zealot Zeke, the suicidal Joan, the monomaniacal defender of the Three Gorges. Let me therefore explain why my criticism of Gewirth is actually very robust.

First, the point of using extreme examples was just to reveal as starkly as possible that if we adopt Gewirth's approach, the scope of the agent's claim to rights, and therefore the scope of the rights she must concede to others, depends on the *content* of her projects. It is *particular* commitments that are treated by Gewirth as fundamental; it is from them that the argument proceeds. The agent is not compelled to think in "generic-dispositional" terms. Nor is she compelled by having particular projects to value her agency for itself, nor therefore to value an untrammelled freedom to express her agency in any conceivable direction. These are the crucial conclusions thus far.

Now, I admit that Zeke is an extreme case. And I admit that if we look at a more

“normal” agent, this more normal agent will find herself committed to a broader range of rights for herself and others than Zeke is. The normal agent will have many projects and will claim (and concede) the rights necessary to support all of them. Even more important, the normal agent probably will have some concern for her future of a kind I said Zeke need not have. Specifically, she will recognize that in the future she may have different projects from those she has now, perhaps including projects she has not yet even imagined, and she will want (within limits) that in the future she be able to pursue those projects. I am prepared to concede for purposes of argument, though I think the proposition is not obviously correct, that the normal agent will claim (and therefore concede) *now* the rights she would need in order to pursue those possible projects in the future. All of this expands enormously the range of rights that the normal agent will claim and concede.

But this is not enough to establish the broad right to freedom Gewirth means to argue for. The reason is that even the “normal” agent will regard some possible projects (even some purely self-regarding possible projects) as beyond the pale. Consider Zelda, a Baal-worshipper like Zeke, but much more ecumenical. We can imagine Zelda explaining her rights-claims as follows: “I believe in Baal, but I can see that I might be mistaken. I might someday change my mind and come to believe in Marduk or Ishtar instead. These are comprehensible commitments. And so I want the right to follow those other gods, should I choose. ...But Dagon-worship—that is unthinkable degraded. Only a lunatic or a psychopath could worship Dagon. I could never worship Dagon unless I had been brainwashed or become demented, and I have no interest in protecting my ability to pursue the ‘projects’ I would have in such an eventuality. So, no rights for the worship of Dagon.”

I have put my latest hypothetical in a religious context, but that is again for clarity and convenience. The point is more general. Rawls himself assimilates all sorts of moral interests and cultural ends to religious commitments and makes his argument for religious freedom (which I regard as unsuccessful, partly for reasons suggested by this essay and partly for reasons peculiar to Rawls’s construction) the paradigm case for his broader argument against perfectionism.¹³ So, my more general point is that any “normal” agent, religious or not, will regard some possible projects as simply too base or too degrading to deserve protection and support.

Perhaps that is slightly too strong. Part of the problem is that there really is no well-defined “normal” agent. Perhaps some normal agents put nothing beyond the pale. But what I think is certainly and obviously true is that there are many quite ordinary agents who do regard some possible commitments as beyond the pale—too many to allow us to dismiss all of them as extreme or aberrational. One need not be a zealot to think some projects, even some self-regarding projects, are not fit for a human being. To be sure, different non-dismissable agents will condemn different projects; but that only makes matters worse for Gewirth’s claims. Agents will not claim generic rights to freedom, and they will not even all claim the same nongeneric rights.

There is one last possibility for rescuing Gewirth’s conclusions.¹⁴ We might say

we are interested only in agents who are committed to being guided by reason and rational deliberation. We might then point out that any agent truly committed to being guided by reason must recognize that she is fallible, that she might in fact be mistaken in any of her beliefs, and therefore that a change in her beliefs might be not just an arbitrary variation, but a change for the better. And we might claim finally that an agent who recognizes this will want the right to act on her changed future beliefs, whatever they might be.

There are a number of possible responses to this suggestion, but I shall content myself with the one that seems to me central. Consider again Zelda, who believes that Dagon-worship is contemptible. She recognizes, of course, that she could be mistaken. But we must not forget that at present she does not believe she is mistaken. To recognize that a present belief could be wrong is not to be suddenly without the belief. What Zelda presently believes is that her utter rejection of Dagon-worship is justified. We can remind her that she could be wrong. We can remind her that she might become a devotee of Dagon in the future, and that she must admit at least a logical possibility that in such a conversion her belief would have changed for the better. All true. But of course what she presently believes is that that logical possibility is not a real possibility—that if in fact her beliefs changed in this way they would have changed vastly for the worse.

If she is fallible now, she will also be fallible in the future. Her present fallibility entails that a change in her beliefs might, as a matter of logical possibility, be a change for the better. But it absolutely does not entail that any change that occurs, even as a result of her continuing best attempts at rational deliberation, will actually be for the better. In a sense, what Zelda must decide is whether she is sufficiently confident of her present belief so that she is prepared to say that if her belief changes in support of Dagon, it will be more likely that she has gone astray in her intervening deliberations than that she has discovered a new truth. This question is not settled immediately and straightforwardly by the fact that she currently abhors Dagon-worship. But still, there is no reason why she might not, upon fully reasonable reflection, answer this question in the affirmative. So far as she can now see, even her own sincerely-felt-to-be-reasonable change of heart at some future time would be more likely the result of grievous error than a step towards wisdom. If this is her present considered conclusion, she will neither claim nor concede a right to Dagon-worship.

We have just touched on one of the deepest conundrums about practical reasoning, which has received all too little attention, perhaps because it is so intractable. What are the consequences of the fact, which any reasonable agent must acknowledge, that we are fallible? I have no general answer, but I think I have shown that there is no simple way to move from the fact that we might be mistaken in imposing any particular limitation on the pursuit of projects to the conclusion that we must impose no such limitation at all.

The upshot is this: We can rescue Gewirth's argument only by taking as a premise that the agent we are interested in is an agent who wants to be free to

pursue her future projects, whatever they might turn out to be. We cannot *demonstrate* that any reasonable agent must have this sort of content-free commitment. If we are to use this premise, we must assume it. To be sure, the required assumption is congenial to many contemporary liberals, but to me it is obnoxious. In any event, many or most actual agents lack this unlimited, content-free commitment to their future projects, whatever they may be. Hence, if we rely on this assumption, we must give up the claim to be inferring moral rights from what all agents, or even most agents, are committed to. We must, in short, give up the most appealing feature of Gewirth's approach.

APPENDIX

As I said early on, I want now to consider briefly James Sterba's criticism of Gewirth. For this purpose, it will suffice to rehearse very schematically the main stages of Gewirth's overall argument. Gewirth starts with an agent strongly committed to some projects. He next asserts that if the agent is truly committed to those projects, she cannot accept or reflectively endorse any situation in which she lacks the means to realize those projects. In particular, the agent cannot accept that anyone else should prevent her from realizing her central projects. From her point of view, others must not interfere. In that sense, she claims a right that they not interfere. Sterba objects that at this point Gewirth's agent has pointed to nothing that makes a claim on any other agent. She has pointed to nothing that any other agent necessarily recognizes, or is required by reason to recognize, as imposing a "must" on him. Sterba is correct, but as we shall see, the objection is beside the point.

At the next stage, Gewirth's agent realizes that if she claims rights against others on the ground of her commitments, then she must acknowledge their possession of rights against her in virtue of any analogous commitments of theirs. At this point Gewirth says the agent has progressed to making a moral claim (145-47), but Sterba objects that no ground of moral obligation, nothing which plausibly makes a claim on all rational agents, has been broached. Here I think there is a misunderstanding, although it is one Gewirth's language encourages. The reason Gewirth says the agent has now progressed to a moral claim is just that the agent now recognizes certain rights of *others* (at least as binding on the agent herself). This other-concern is one standard mark of morality. But it is clear that the claim that others have these rights against the agent is still a "prudential" claim in the sense that the ultimate foundation for the claim is nothing more than the agent's own commitment to her own projects. The argument thus far has simply been about the transferability of the force of that original commitment (of the agent to her projects) along a chain that goes first to her having the necessary means for her projects, and then onward to others having the same or analogous means. There is an issue, of course, about whether this last transfer-of-force is really compulsory for the agent—about whether she really cannot help extending

her concern to others. But Gewirth's argument that she cannot help extending her concern, even assuming it is successful, still does not impose any "must" on any other agent, *nor does it purport to*.

But then, where does what we normally think of as morality, something which is a source of obligation for all agents, come into the picture? Actually, it doesn't. We have asked the wrong question. The right question, suggested by Sterba's first objection, is, "When does a claim on those other agents that *they* must recognize come into the picture?" The answer to that question is simple and elegant. It comes into the picture as they go through the same chain of reasoning we have already traced for the agent we started with. Each other agent has projects, and therefore holds that others (including our original agent) must not interfere with him (or his projects), and therefore realizes in due course that he must not interfere with them (or theirs). What binds each agent to recognize the rights of others is ultimately nothing more than the force of his own commitments. It is my commitments that compel me to recognize your rights, and it is your commitments that compel you to recognize mine. There is nothing, in this picture, that compels us both.

Gewirth argues, of course, that every agent will be led to recognize the same bundle of rights for everyone, and on that assumption one can speak for convenience of a uniform commitment to general rights, which can seem like an overarching "morality"—some one consideration, or type or family of considerations, that binds all agents. But that is not the real picture. There is nothing which binds all agents, though all are bound. To look for the standard picture in Gewirth, or to complain that the elements of that picture are not to be found, is to miss what is most striking in Gewirth's argument.

NOTES

1. Chicago: University of Chicago Press, 1978. Cited hereafter by page numbers in parentheses in the text.

2. See the exhaustive discussion of the literature on Gewirth up to 1990 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) (cited hereafter by page numbers in "DB").

3. For example, E. J. Bond, "Gewirth on Reason and Morality," *Metaphilosophy* 11 (1980): 36-53; J. Narveson, "Gewirth's Reason and Morality—A Study of the Hazards of Universalizability in Ethics," *Dialogue* 19 (1980): 651-74.

4. DB pp. 81-87.

5. "The Makropulos Case: Reflections on the Tedium of Immortality," in *Problems of the Self: Philosophical Papers 1956-1972* (Cambridge: Cambridge University Press, 1973).

6. Notice, incidentally, that everything we have supposed about Zeke would be perfectly consistent with Baal's forbidding, and Zeke's dutifully eschewing, suicide. Zeke could eschew suicide and still be quite indifferent to the prospect of dying or being killed.

7. We might consider reading into Gewirth a claim that the agent must accord life some value in itself, which may however be outweighed. But that won't do. There is nothing in the text to suggest the sort of substantive restrictions on the permissibility of suicide that this would imply.

8. DB pp. 86-87.

9. It might seem that even if these capacities are identical, Zeke can value the one without valuing the other because Zeke may not realize they are identical, and "Zeke values . . ." creates a referentially opaque context. Even if true, this point has no force as an objection to Gewirth's overall argument. Gewirth's point is that Zeke must claim for himself, and therefore must concede to all agents, the capacity to choose to worship Baal. Zeke must claim that he, and therefore all other agents, should have that capacity. But if they have it, and if the claim of identity is correct, then they have also the capacity to choose to worship Marduk. "Zeke has . . ." is not referentially opaque in the way "Zeke values . . ." is.

10. Gewirth cannot object that if Zeke worshipped Baal because of an irresistible compulsion he would not be choosing, and so would no longer be an agent. That is true, but Zeke might not care. That Zeke is now an agent, worshipping Baal without compulsion, does not entail that he must value continuing in that state, if the alternative is being a non-agent who worships Baal under compulsion.

11. See, for example, the chapters by Virginia Held and Michael Slote in this volume.

12. It may occur to the reader to wonder, for example, what if Mary's purpose is "to climb Dhaulagiri as an Irish-American"? I cannot answer this very serious question fully in my own voice without developing my view more than I have and disentangling it more completely from Gewirth's. So let me for the moment simply concede for purposes of argument that if this is really Mary's purpose, then she is not committed by this purpose to granting any rights to non-Irish-Americans. But I say, "if this is really Mary's purpose" in order to remind us that the question is not just what she is prepared to say in order to ward off the claims of others, but how she really does understand her project and its value. I doubt that many people really value their projects in the way that allows them to cut off others' claims. (Under special circumstances, people may not only value their projects in this way but may be justified in doing so.)

13. *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), pp. 327, 211, 206.

14. Suggested to me by David Cummiskey.