

REASONS AND REFLECTIVE ENDORSMENT IN CHRISTINE KORSGAARD'S

THE SOURCES OF NORMATIVITY

ERIC C. BROWN

(Under the direction of Melissa Seymour-Fahmy)

ABSTRACT

The Sources of Normativity is lauded as one of the most important contemporary works in ethics. However, Korsgaard's lectures are brief and gloss many complicated theoretical maneuvers which warrant further consideration. In the first section of the paper I will analyze Korsgaard's arguments regarding reasons and reflective endorsement in order to clarify the nature of what it is for something to constitute a "reason" as well as suggest a different understanding of the function of practical identity and reasons in moral action. I will offer an alternative to Korsgaard's formulation of the process of reflective scrutiny and endorsement, one that incorporates good maxims while also relying on particular features of the agent to give reasons the normative force we are looking for. This will be necessary to complete the project that Korsgaard sets out.

INDEX WORDS: Normativity, Ethics, Reasons, Korsgaard, Reflective Consciousness

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by

ERIC C. BROWN

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by

ERIC C. BROWN

Major Professor: Melissa Seymour-Fahmy

Committee: Richard Winfield

Piers Stephens

Electronic Version Approved:

Maureen Grasso
Dean of the Graduate School
The University of Georgia
August 2013

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Chapter I: Introduction

The Sources of Normativity is lauded as one of the most important contemporary works in ethics. However, Korsgaard's lectures are brief and gloss many complicated theoretical maneuvers which warrant further consideration. This paper will begin with an examination and restatement of Korsgaard's argument. From there I will examine critical responses and finally offer a modified form of Korsgaard's argument which I believe will avoid some of the criticisms which have been leveled against her theory. What constitutes the foundation of the normative power of moral claims? Korsgaard, following Immanuel Kant, contends that individual autonomy is the source of normativity, i.e. that normativity must be found in the will of an agent. Korsgaard holds that "autonomy is commanding yourself to do what you think it would be a good idea to do, but that in turn depends on who you think you are."¹ For Korsgaard autonomy is an individual commanding herself to act in a particular way with a view of who they are. She expresses this most concisely when she notes: "A view of what you ought to do is a view of who you are."²

Of course Korsgaard does not merely assert this position as truth ex ante. She reaches this conclusion by way of a discussion which is grounded in Kant's ethical theory.³ Korsgaard argues that the normative problem arises from the reflective structure of human consciousness. Because of this reflective nature we require reasons for acting and in turn this requires some conception of good and right. Korsgaard contends that acting on any such conception is just to have some "practical conception of your

¹ Christine Korsgaard *The Sources of Normativity* pg 107.

² Ibid, 117.

³ Though there may be some notable divergence between her particular articulation and Kant's own, it seems that Korsgaard wants her position to be, at least generally, compatible with Kant's own.

identity”⁴ That is to say, to act on a conception of the good or the right is to have some conception of yourself which you value or consider of value.⁵

Korsgaard’s theory of normativity relies on reasons for action. She claims that we only have a *reason* when our impulse withstands reflective scrutiny. Reasons are born from the individual’s conception of her own *practical identity*. Or rather, that aspect of themselves which they understand as operative in the particular deliberation they are currently undertaking. In this paper I will address the widespread concern that Korsgaard’s argument does not offer sufficient ground for her claim that an individual must respect the humanity in others. I will further argue that with some substantive modifications Korsgaard’s account of reflective scrutiny can be salvaged. I will take the general framework that she provides and offer an alternative account of the role of practical identity and the way in which reflective scrutiny determines what reasons we have to act. In so doing I will articulate a slightly different theory of reasons than Korsgaard.

In the first section of the paper I will analyze Korsgaard’s arguments regarding reasons and reflective endorsement in order to clarify the nature of what it is for something to constitute a “reason” as well as suggest a different understanding of the function of practical identity and reasons in moral action. I will also show how Korsgaard’s argument that reasons carry the normative weight fails to establish that claim. The second section of the paper will consist of presentation and critical examination of several responses to *The Sources of Normativity*. In this section I will

⁴ Ibid, 122.

⁵ Ibid, 114

motivate my reworking of Korsgaard's argument through my examination and response to the critical literature.

In the third section of this paper I will offer an alternative to Korsgaard's formulation of the process of reflective scrutiny and endorsement, one that incorporates good maxims while also relying on particular features of the agent to give reasons the normative force we are looking for. This will be necessary to complete the project that Korsgaard sets out. My argument that Korsgaard's initial formulation of reasons fails will entail that her argument for respecting humanity in others fails as well. I believe that her conclusion can be recovered through my alternate formulation of reasons and the role of practical identity in reflective scrutiny.

The second part of my argument will constitute the fourth and final section of the paper and consist of an explication for how my theory allows me to make the move from respecting the humanity in oneself to respecting the humanity in others. I will show that if we accept the argument that one must respect the humanity in themselves they must, on pain of inconsistency, respect the humanity in others. I will argue that reasons have a kind of formal quality which necessitates their shareability. Insofar as something constitutes a reason it will have, as a part of its formal nature as a reason, respect for humanity in the agent and in others necessarily. The justification for this move will rest on my articulation of what constitutes a reason and the role which practical identity plays in the formulation of reasons. The conclusion of this work will be to show that while Korsgaard's theory of normativity has great merit, it also has serious deficiencies, some of which I will endeavor to correct. I will show how, with my account of the nature of reasons, many of the critical arguments against reasons (and against Korsgaard's claim about respecting humanity) are easily defeated.

Chapter II: Korsgaard's Argument

Christine Korsgaard articulates the “normative problem” thusly: “what justifies the claims that morality makes on us?”⁶ This question is a response to the difficulty which attends some of the determinations of morality. As she notes:

...the day will come, for most of us, when what morality commands, obliges, or recommends is hard: that we share decisions with people whose intelligence or integrity don't inspire confidence; that we assume grave responsibilities to which we feel inadequate; that we sacrifice our lives, or voluntarily relinquish what makes them sweet.⁷

Korsgaard maintains that the normative problem is a first-person problem and that some of the issues other theorists have had in explicating a theory of normativity have resulted from a misunderstanding of the perspective at issue. She holds that an answer to the normative question must offer more than mere explanation of what morality commands; it must further offer a justification for acting morally. The distinction here is important. An answer that merely explained what morality commanded would simply be a listing, or an elucidation of that *what* was being commanded. Even if that explanation further offered an answer to the question of why morality appears to be so important to us it would fall short of legitimating that importance. Examining moral actions from a third-

⁶ Ibid, 9-10.

⁷ Ibid, 9.

person perspective can offer an explanation of *what* is done and *why*, i.e. how certain groups or individuals behave. However, as Korsgaard notes, “when you want to know what a philosopher’s theory of normativity is, you must place yourself in the position of an agent on whom morality is making a difficult claim. You then ask the philosopher: must I really do this?”⁸ Understanding, even simply comprehending, an answer to the normative question through a 3rd person perspective will be, if not impossible, seemingly incoherent. Korsgaard directly links normativity to individual identity. She claims that identity “gives rise to reasons and obligations.”⁹ The concept of identity plays a central role for Korsgaard in determining the context in which reflective judgment occurs.

Korsgaard asserts that there are three conditions that any answer to the normative question must meet. First, the answer must actually speak to the person challenging the claims made on them by morality. Korsgaard avers that the second condition is sometimes referred to as “transparency”.¹⁰ A theory of normativity should lay bare the facts of how morality motivates us. If a moral theory lacks transparency then there may be certain motivations which are concealed from us. The type of transparency required is more than merely explanatory. According to Korsgaard “A normative moral theory must be one that allows us to act in the full light of knowledge of what morality is and why we are susceptible to its influences, and at the same time to believe that our actions are justified and make sense.”¹¹

The third condition states that any answer to the normative question must appeal, in a deep way, to the individual’s sense of who they are, to their identity. If morality demands that I give up my life to save others, or take another’s life to save someone, then

⁸ Ibid, 16.

⁹ Korsgaard, pg 101.

¹⁰ Ibid, 17. See footnote 16 on the same page.

¹¹ Ibid.

the justification for that claim must say something about who we are and how our identity is linked to being moral. Korsgaard claims that the justification might entail showing the agent that failing to do what morality commands will actually be worse than death, or taking another's life. What this amounts to is a loss of self, the destruction of the agent's identity. Korsgaard contends that the normative problem arises out of the structure of human consciousness. She claims that human beings take their perceptions and desires to be the object of their attention, i.e. the objects of consciousness are the mental activities themselves. This reflective distance allows humans to examine (question, doubt etc.) the perceptions and desires which present themselves to us. Describing the process she notes "I perceive, and I find myself with a powerful impulse to believe. But I back up and bring that impulse into view and then I have a certain distance. Now the impulse doesn't dominate me and now I have a problem. Shall I believe? Is this perception really a *reason* to believe?"¹² The structure of human consciousness is such that we can distance ourselves from our impulses and either accept or reject them.

The need for reasons arises from the reflective nature of human consciousness and so too, Korsgaard claims, must the solution. Korsgaard contends that we get reasons when our impulses "withstand reflective scrutiny." Moral reasons do the normative work in Korsgaard's theory. Therefore moral reasons, for Korsgaard, must fulfill the three aforementioned conditions. Korsgaard invokes Kant to show how freedom is an essential part of answering the question. She notes

He [Kant] says 'we cannot conceive of a reason which consciously responds to a bidding from the outside with respect to its judgments.' If

¹² Ibid, 93. Emphasis is Korsgaard's.

the bidding from outside is desire, then the point is that the reflective mind must endorse the desire before it can act on it, it must say to itself that the desire is a reason. As Kant puts it, we must *make it our maxim* to act on the desire. Then although we may do what desire bids us, we do it freely.¹³

Freedom of the will is essential for Korsgaard. In the *Groundwork* passage, which Korsgaard references, we find the claim that a reason cannot be understood as determined by anything other than reason. If there were some other influence, or determining factor, the agent “would then attribute the determination of his judgment not to his reason but to an impulse.”¹⁴ Korsgaard is claiming that when an impulse survives reflective scrutiny it is endorsed by reflective judgment and so becomes the product of the agent herself. Once an impulse is endorsed by reflective judgment it is no longer a mere impulse, it is now a reason for action. This satisfies the first condition which Korsgaard laid out for any answer. If reasons are a product of the agent then they are not merely an answer for the person who questions morality’s dictates but they are a product of that very same person who does the challenging. For Korsgaard freedom is an essential part of the process of reflective scrutiny because the agent is determining for herself what it is that she ought to do. If the agent was not free, or autonomous, in this determination then the claim that the agent was making the determination would be undermined.

For Korsgaard, as with Kant, to be free the agent’s will must be free from external constraints and “it must have its *own* law or principle.”¹⁵ The law of the free will, for

¹³ Ibid, 94. Emphasis is Korsgaard’s. The passage to which Korsgaard is referring can be found at 4:448 of the *Groundwork* in the section titled “Freedom must be presupposed as a property of the Will of all rational beings.”

¹⁴ Kant, Immanuel. *Groundwork of the Metaphysics of Morals*. Translation by Mary Gregor. 4:448, pg54.

¹⁵ Sources, 98.

Kant, is the categorical imperative, i.e. act only on a maxim which can be willed as law. For Kant the only restriction on the agent's choice is that what is chosen must have the form of a law.¹⁶ From here Korsgaard shifts away from Kant, she makes a distinction between the categorical imperative and what she calls the "moral law". She asserts that "the moral law, in the Kantian system, is the law of what Kant calls the Kingdom of Ends, the republic of all rational beings. The moral law tells us to act only on maxims that all rational beings could agree to act on together in a workable cooperative system."¹⁷ The will operates free of any external constraints,¹⁸ with the only limitation being that what it wills must be a maxim that all members of the Kingdom of Ends could agree upon. This is a shift from the formula of universal law version of the categorical imperative in that the categorical imperative did not dictate any determinate content for the law, rather it simply required that what was willed take the form of a law per se.

Understanding the operation of the free will in this way allows us to see that Korsgaard has fulfilled the second condition she set out, the "transparency" condition. The transparency condition requires both explanatory and justificatory clarity. The appeal to freedom can be seen as transparent in the sense that it is the agent's own will which determines the content of the moral law. If the will of the agent determines what that agent has reason to do then that agent will have full access to his motivation for the action in question. This is how her theory fulfills the transparency condition. Korsgaard acknowledges that to be bound to the moral law "the agent must think of *herself* as a

¹⁶ That is to say, universal.

¹⁷ Ibid, 99.

¹⁸ "External constraints" here indicates any sort of determining factor outside of the will itself. That is to say, outside of reason. Refer back to 4:448 from the *Groundwork* for the discussion of the necessity of freedom of the Will.

Citizen of the Kingdom of Ends.”¹⁹ This demonstrates that the answer will appeal to the agent’s sense of who she is and thus satisfy the third condition. The link between the three conditions is most clearly seen when Korsgaard states that “when you deliberate, it is as if there were something over and above all of your desires, something which is *you*, and which *chooses* which desire to act on. This means that the principle or law by which you determine your actions is one that you regard as being expressive of yourself.”²⁰

Korsgaard moves from the freedom of the will to the formulation of maxims. Korsgaard follows Kant in understanding a maxim to be a “subjective principle of volition.”²¹ A subjective principle of volition is important for both Korsgaard and Kant because it stands as the principle which the agent makes his rule for action. One of the interesting aspects of *Sources* is that Korsgaard is working to link subjective principles of volition with principles of duty in such a way that agents themselves have their identity tied up in the principles. Korsgaard’s appeal to integrity can be seen as avoiding some of the criticisms which have been leveled against Utilitarianism.²² It can also be seen as a pre-emptory block of the very criticism which Bernard Williams offers in his reply, found in *Sources*.²³ Having the agent directly identify with the principle of action and the principle of duty allows Korsgaard to show how the demands of morality are not imposed from outside of agents. Rather, the demands of morality are the demands we place on ourselves, in virtue of our identity as human beings and our more particular conceptions of our identity. Who we are (or who we think we are) is tied up, directly, with morality.

¹⁹ Ibid, 100.

²⁰ Ibid.

²¹ Kant defines a maxim as a “subjective principle of volition.” He says this in several places notably in the *Metaphysics of Morals* at 6:225 and in the *Groundwork* in a footnote from section 4:401.

²² In, for example, *Utilitarianism: For and Against* by J.C.C. Smart and Bernard Williams.

²³ *Sources*, pg 214-215.

Korsgaard contends that the maxim which the agent formulates must have a particular structure if it is to be a *good* maxim. She reaches back to Aristotle to explain how a maxim is composed of both form and matter. She contends that the matter constitutes the parts of the maxim while the form is the functional arrangement of those parts. She uses an example of a house to show why the arrangement of the parts cannot be arbitrary but rather must be a functional arrangement for a thing to be what it is, or “do whatever it does.”²⁴ She notes that “if the walls are joined and roof places on top *so that* the building can keep the weather out, then the building has the form of a house.”²⁵ In the case of a maxim the parts must be put together in such a way that the maxim can be willed as a law. If the parts are arranged in just such a way then the maxim is good. The parts of a maxim of action are the action and the end for which the action is done. Korsgaard offers three examples from Plato to elucidate the functional arrangement of a maxim:

1. I will keep my weapon, because I want it for myself.
2. I will refuse to return your weapon, because I want it for myself
3. I will refuse to return your weapon, because you have gone mad and may hurt someone.²⁶

Korsgaard contends that the difference between the good maxims (one and three according to her) and the bad maxim cannot be understood by looking at the content. The second and third maxims have the same action and the first and second share ends. What

²⁴ Ibid, 107.

²⁵ Ibid, 108. Emphasis is Korsgaard's.

²⁶ Ibid.

makes the first and third maxims good is the way in which action and the end are arranged. It is the internal structure of a good maxim which, Korsgaard avers, allows it to be willed as law. From that she concludes that good maxims are intrinsically normative. Korsgaard moves from the formulation of good maxims per se to her argument about the importance of practical identity in determining the content of a good maxim.

When an agent deliberates it is as though a part of her takes a step back and removes itself from the immediacy of perception and desire. The impulse that the agent ultimately ends up endorsing is seen as an expression of who they are, i.e. the agent is in a sense identifying herself with the maxim. Korsgaard acknowledges that an agent might think of herself in many different ways. She could consider herself “a Citizen of the Kingdom of Ends...or she might think of herself as someone’s friend or lover, or as a member of a family or an ethnic group or a nation.”²⁷ The conception of an individual’s identity serves a foundational role in the life of the individual. She claims that it is “a description under which you value yourself, a description under which you find your life to be worth living and your actions worth undertaking.”²⁸ Korsgaard calls this the agent’s “practical identity” and she acknowledges that an agent will have many differing conceptions under which she values herself. At any one point in time a person may fill the role of parent, employee, citizen, etc. To determine what you think that you ought to do requires you to have some understanding, or picture, of who you are. The conception of practical identity that is operative for the agent is what Korsgaard is referring to when she says that the principle you determine is expressive of yourself.²⁹ It is in this way that

²⁷ Ibid, 101.

²⁸ Ibid.

²⁹ “Principle” here refers to maxim of action which is formulated by reflective scrutiny.

the agent can be understood to “identify” themselves with the law. If the law is expressive of who they are then it is an expression of some form of their identity.

There remains at least one problem. Which practical identity should the agent take to be operative when there are multiple possibilities? This question is important because, as Korsgaard notes, the law of the Kingdom of Ends (the moral law) may be different than the law for other groups (e.g. a family, the episcopal church etc.). Korsgaard contends that her argument, to this point, has established that freedom is the source of normativity and that there is a difference between power and authority as it regards the role of reflective scrutiny. The agent legislates; or rather the reflective structure of human consciousness legislates, for itself and the “acting self concedes its right to government.”³⁰ Korsgaard maintains that the relationship between the “acting self” and the “thinking self” is one of authority, which she contends is importantly different from mere power. Korsgaard makes this point most directly when she notes “reflection does not have irresistible power over us. But when we do reflect we cannot but think that we ought to do what on reflection we conclude we have reason to do.”³¹

An example might serve us well. Korsgaard harkens back to a story she told in the first section of *Sources*:

...you are visiting some other department...and fall into conversation with a graduate student. You discover that he is taking a course in some highly advanced form of calculus, and you ask him why. With great earnestness, he begins to lay out an elaborate set of reasons...and just when you are

³⁰ Ibid, 104.

³¹ Ibid.

about to be really impressed by this young man's commitment and seriousness, another student comes along smiling and says 'and anyway, calculus is required in our department'.³²

Korsgaard maintains that the *reason* the student is taking the class is that it is a requirement. She contends that the "better reasons" he offers are excluded by his practical identity, which is being a student. Insofar as the individual identifies as a student, the program requirements constitute reasons over and above anything else that might be offered, as a potential reason, by the student herself.³³ This is not a special case. Korsgaard says that a "good citizen cannot pay her taxes because she thinks the government needs the money. She can *vote* for taxes for that reason. But once the vote is over, she must pay her taxes because it is the law."³⁴ How we identify ourselves determines what our reasons are.

Having established that the source of normativity lies in the agent's autonomy and the endorsement of particular practical identities, Korsgaard argues that there is one practical identity which underlies them all, one that all people share and that is a necessary aspect of human existence, the identity *being human*. Each of the many, disparate, practical identities which an individual may take to be normative depending on the context can be shed, they are all contingent.³⁵ However, it cannot be the case that an

³² Ibid, 105.

³³ She contends that there are two implications from this: insofar as one identifies as a student they do act autonomously and it is an essential part of being a student that turn the right to make some decisions about one's education over to teachers.

³⁴ Ibid, 106.

³⁵ The shedding of particular practical identities is a natural enough idea. She notes that several things may cause it. The agent may simply stop caring about a role (which carries an identity) or there may arise conflicts between identities, she offers this fun example: "loyalty to your country and its cause may turn you against a pacifist religion, or the reverse." The claim that particular practical identities may be set aside

agent could shed *all* of her practical identities without losing sense of who she is entirely. Korsgaard's argument to this point has shown that [an agent] "must be governed by *some* conception of your practical identity."³⁶ On the picture of reflection which Korsgaard has given us an agent must operate on some conception of her practical identity. If an agent were to abandon all of the particular conceptions then she would not have any reason to do one thing rather than another. She would be incapable of acting for reasons, as these are derived (in part) from conceptions of practical identity, and as such she would be incapable of acting at all.

She claims that the reason you need reasons does not emerge out of any of the particular practical identities but rather that it comes from the agent's identity as a human being. The implication of this is that you must identify yourself with your humanity in order for any particular practical identity to be normative for you. If the agent regards her humanity as her practical identity then the need for particular practical identities will be a reason. Agents must value themselves as human beings, i.e. they must respect their own humanity in order for any other practical identity to be normative. The need for particular practical identities stems from the reflective structure of human consciousness. Korsgaard has argued that the structure of human consciousness is such that we can reflect on our desires and perceptions and that reflection provides us with a reason to act one way or another. Reasons, according to Korsgaard, derive (at least in part) from a conception of ourselves under which we find our lives to be worth living. Our nature as reflective beings requires us to have some particular practical identities. Korsgaard states it thusly: "Since you cannot act without reasons and your humanity is the source of your reasons,

or discarded entirely appears *prima facie* true and as such I will not offer any further argument in favor of that point here.

³⁶ Ibid, 121.

you must value your own humanity if you are to act at all.”³⁷ When an agent acknowledges that she has this human identity and that it is normative for her, that it is a source of reasons, then she has what Korsgaard calls a “moral identity”.

At this point Korsgaard has, at best, shown that an agent must value her own humanity. One primary concern, regarding the success of her ethical project, remains. Korsgaard’s argument that we have to value humanity in ourselves in order to have reasons for acting does not appear to entail that one must value the humanity in anyone else. For Korsgaard human beings are deeply social creatures and this deep social nature plays a vital role in understanding her answer to the normative question. The argument that I describe on the preceding pages is meant to establish not merely that our identity as *human beings* is necessary but further that that necessary identity is our moral identity. This conclusion will only follow if Korsgaard can show that human beings are in fact deeply, inherently, social creatures. She must show that part of being human is living and acting in concert with other human beings. As it turns out she does not offer an argument for this position directly. However, human beings do live and act in concert with one another. Many, if not all, of the particular practical identities that an individual has will involve ties and commitments to other individuals or groups. As we have seen these particular practical identities get their value from the identity of *being human*. Insofar as we recognize ourselves as human beings and recognize that we live and interact with other human beings we can understand ourselves as part of a group. At the very least we are part of the human species. But, as Korsgaard has been arguing, being human carries with it reflective distance and the need for reasons to act. Those reasons require a conception of our practical identity. So when an individual recognizes that she is part of a

³⁷ Ibid, 123.

group, part of the human species, she recognizes that she is what Korsgaard calls “a member of the party of humanity, a Citizen of the Kingdom of Ends.”³⁸ This just is a recognition of our moral identity. Korsgaard goes on to say that acting morally is just to act as a person who values her humanity should. What Korsgaard appears to have established at this point is that when an agent values her humanity she is recognizing herself as a Citizen of the Kingdom of Ends, she is acknowledging her moral identity. Those impulses which our moral identity determines to be reasons will be moral reasons. Korsgaard acknowledges that there will be reasons that stem from our particular practical identities which are non-moral reasons.

Korsgaard contends that the objection to the standard neo-Kantian arguments in favor of the necessity of respecting the humanity in others exploit a problematic understanding of the nature of reasons. She maintains that other neo-Kantian arguments of this kind assert that reasons are essentially private and that they attempt to construct the publicity of reasons out them. She notes that “the public character of reasons is as it were *created* by the reciprocal exchange of inherently private reasons, where that in turn is forced on us by the content of the private reasons themselves.”³⁹ The objection goes something like this: the pain of inconsistency may be strong enough to ensure that I acknowledge that your humanity has the same normative status for you as my humanity does for me. That, however, does not entail that I take your humanity to have the same normative status for myself as it does for you. Each of us could have distinct reasons, reasons that may even come into conflict and yet each of us would be consistent.

³⁸ Ibid, 127.

³⁹ Ibid, 133-134.

Korsgaard contends that the solution to this problem must somehow show that reasons are not inherently private. Rather, reasons are public by their nature and are only incidentally private. For Korsgaard this means that reasons are inherently shareable. She claims that this is equivalent to the thesis that “what both enables us and forces us to share our reasons is, in a deep sense, our *social nature*.”⁴⁰ She expects the argument for this to show that acting on a reason is, in essence, to act on a consideration which has a normative force that is inherently shareable. To make this argument Korsgaard invokes Wittgenstein.

Wittgenstein contends that a language that was essentially private would be necessarily incommunicable.⁴¹ Wittgenstein refers to such a thing as a “private language”. If such a language were to exist there would be nothing that it could communicate. Any sensation, for instance, could not be given a name (at least not one we would recognize) because if there were a name, then the language would not be truly private. Wittgenstein maintained that there is not, and could not be, any language like this. Korsgaard explains one way to interpret his argument

...meaning is relational because it is a *normative* notion: to say that X means Y is to say that one ought to take X for Y; and this requires two, a legislator to lay it down that one must take X for Y, and a citizen to obey...since it is a relation, in which one gives a law to another, it takes two to make a meaning.⁴²

⁴⁰ Ibid, 135. Emphasis is Korsgaard’s

⁴¹ Everything that follows will be as it is articulated by Korsgaard. I accept her understanding of Wittgenstein’s argument. The reason I make the latter claim will become clear when I make my own argument.

⁴² Ibid, 137.

If meaning is normative and it requires two individuals to make a meaning then the normativity of meaning, and meaning itself, would be precluded by an inherently private language.

The analogy between a private language and a private reason is fairly clear. Korsgaard outlines an argument, similar to Wittgenstein's, against private reasons

...reasons are relational because reason is a normative notion: to say that R is a reason for A is to say that one should do A because of R; and this requires two, a legislator to lay it down, and a citizen to obey...since it is a relation, and indeed a relation in which one gives a law to another, it takes two to make a reason.⁴³

Now, one important point to note is that this alone does not establish the inherent publicity of reasons. What it shows is that the construction of a reason requires a legislator to lay down the law and a citizen to obey. This duality exists, according to Korsgaard, in the reflective structure of human consciousness. Korsgaard moves from here to an argument about the privacy of human consciousness. In brief, she maintains that "it is nearly impossible to hear the words of a language you know as mere noise...it means that I can always intrude myself into your consciousness...the space of linguistic consciousness is essentially public."⁴⁴ If I understand Korsgaard correctly, she is asserting that when one individual speaks in the presence of another, in a language that

⁴³ Ibid.

⁴⁴ Ibid, 139-140.

the other knows, that other individual (the hearer) cannot help but recognize the utterance as more than sound simpliciter.⁴⁵

Turning to reasons Korsgaard claims that with the mere utterance of your name I give you reason to stop. I do not force you to stop, and you may have other reasons to continue on your way but by uttering your name I have given you a reason to stop. This is supposed to follow from the public nature of linguistic consciousness. Korsgaard maintains that when a person speaks to another in a language that they understand it forces that person to think. It is a kind of linguistic intrusion into the consciousness of the other person. From this she claims that “human beings are very susceptible to one another’s pressure.”⁴⁶ She presents us with a scenario to consider

A student comes to your office door and says: “I need to talk to you. Are you free now?” and you say “No, I’ve got to finish this letter right now, and then I’ve got to go home. Could you possibly come around tomorrow, say about three?” And your student says “Yes, that will be fine. I’ll see you tomorrow at three then.”⁴⁷

For Korsgaard this scenario shows two individuals reasoning together and arriving at a shared decision about what course of action to take. This leads to an understanding of how we obligate each other. We can reason things out together. We can work together and think together to come to a shared practical reason. I do not believe that this

⁴⁵ I must note that Korsgaard does not provide much, if any, argument in defense of this position. She does note that “If I say to you ‘Picture a yellow spot!’ you will. Are you cooperating with me? No, because at least without a certain active resistance, you will not be able to help it.... What kind of necessity is this, both normative and compulsive? It is *obligation*.” Ibid, 139.

⁴⁶ Ibid, 141.

⁴⁷ Ibid.

conclusion in itself shows that reasons are inherently public, or inherently shareable.

Korsgaard argues that if one individual, call him Steve, were to command another, call him Bill, to stop bullying or tormenting him, as well as ask “How would you like it if someone did that to you?”, then Bill (i.e. the one who has been commanded) cannot continue to act just as he had done before.⁴⁸

It is the case that Bill can continue to bully and torment Steve but now he considers how he would feel if someone were bullying him. Korsgaard suggests that Bill would not like it, that he would assert that the other person has a *reason* to stop. This reason would spring from Bill’s objection to being tormented. In fact, in this scenario Steve has made himself an end for Bill and Bill has in turn imagined himself in the position of Steve. Steve has forced Bill to recognize Steve as a human being by showing Bill that he himself, a human being, would think that the other has a reason to stop, a reason which springs from Bill’s own humanity. Which creates a kind of circle where Bill would suppose that the other has a reason to stop in exactly the same way that Steve is asserting that Bill has a reason to stop. Steve has made himself an end for Bill by forcing him to consider the position which he is in. In this objection and subsequent obligation we see that Steve has made himself an end for the other. Korsgaard then claims that if Steve is an end, and also a law, to others merely as a human being then the humanity of others must also be a law for Steve. By forcing the other, by mere utterance, to this consideration Steve has obligated Bill to stop by forcing him to recognize and respect his (Steve’s) humanity. This argument seems thin, at best. Korsgaard is relying heavily on the idea that when an individual hears words in a language that they understand they are forced to acknowledge them (at least to some extent). From that she

⁴⁸ I created these characters. Korsgaard does not attach any names to anyone in this scenario. Ibid, 142-143.

concludes that one individual can use language to convey their humanity to the other in such a way that the other is forced to recognize that humanity. This is the sense in which one agent is supposed to be able to make themselves an end for another. Language may be powerful but, though I can agree with the claim that hearing my name called out forces some measure of acknowledgment from me, I cannot accept her further claim that by mere utterance I can make myself an end for another.

She closes this argument with a claim that will be of particular importance to my argument: “Human beings are social animals in a deep way. It is not just that we go in for friendship or prefer to live in swarms or packs. The space of linguistic consciousness – the space in which meanings and reasons exist – is a space that we occupy together.”⁴⁹ Korsgaard has laid out an ambitious set of arguments. In the following section I will lay out some of the standard criticisms to Korsgaard’s project and indicate just how the problems which these criticisms describe justify modifying her argument. From there I will lay out my alternative picture of reflective endorsement and my argument for the public nature of reasons, as well as the necessity for valuing the humanity in others.

⁴⁹ Ibid, 145.

Chapter III: Critical Responses to *Sources*

- Practical Identity

Korsgaard's work has been hotly debated since *The Sources of Normativity* was published. The book itself includes critical responses from Raymond Guess, Thomas Nagel, G.A. Cohen and Bernard Williams. The critical literature that has followed the book is myriad. In this section I will outline problems with three different aspects of Korsgaard's argument. First I will discuss objections to the necessity of practical identity in Korsgaard's picture of reflective scrutiny, i.e. the necessity of linking some aspect of the individual's identity to the law which the agents lay down for themselves. Second, I will examine the argument against the legislative authority of reflective consciousness, as well as the standard objection that the universalizability requirement leaves Kant's (and by relation Korsgaard's) morality as an empty formalism. Finally, I outline a few objections to Korsgaard's argument that respecting humanity in oneself necessarily entails respecting the humanity in others. I should note; that these concerns are not necessarily distinct from one another.

In his review of *The Sources of Normativity* Allan Gibbard notes: "I have agreed that when the reflective agent stops to look at a picture, he's consistent only if his vague, implicit rationale fits some general, consistent rationale that he doesn't reject. Must he, though, 'identify himself' with this law?"⁵⁰ This is a particularly important question. In fact, this question gets straight to the point of Korsgaard's aim in the book. Even if

⁵⁰ Allan Gibbard. "Morality as Consistency in Living: Korsgaard's Kantian Lectures" pg 152. *Ethics* 110. October 1999. Pgs 140-164.

Korsgaard can establish that a good maxim determines which actions are right, why should the agent, or any agent, identify themselves with that law? Gibbard claims that the agent must “in a very thin sense” identify himself with the law in that the law is a “law for him to follow.”⁵¹ Or rather, the agent must identify that they themselves are subject to the law. This aspect of Gibbard’s criticism follows from his understanding of Korsgaard’s argument about maxim’s and consistency. He claims that Korsgaard’s argument seems to be

...that if an agent adopts a maxim and the maxim passes this logical test, it is then satisfactory. Not every conceivable logically consistent maxim is good, to be sure, for some will have no appeal to an agent, and others will have their appeal but lose out to other maxims in the agent’s reflective endorsement.⁵²

If Gibbard has offered a fair picture of Korsgaard’s argument then the question of why an agent must, or even ought, to identify with the law is serious. As noted previously, Korsgaard places an appreciable amount of weight on the role of practical identity. If, as Gibbard is questioning, there is nothing that requires the agent to identify themselves with the law, then Korsgaard’s answer to the normative question falls short. Gibbard’s criticism is two-fold: (1), that logical consistency alone seems insufficient to establish that a maxim is *good* (or right) and (2), that even if logical consistency alone could

⁵¹ Ibid.

⁵² Ibid, 148.

establish that an action is good that does not imply that the agent must identify, in any substantive way, with that law.

Gibbard's challenge appears to ignore Korsgaard's insistence that the answer to the normative question, like the question itself, will take first personal form. It is true that there are many conceivable maxims which could be formulated in such a way as to make them logically consistent. It is also true that a good number of these would not have any appeal, would not have any applicability, or would be trumped by some other well-formed maxim which the agent formulates during reflective scrutiny. However, if a maxim has no applicability (i.e. it does not apply in the particular context of the agent's deliberation) then the agent would not have reason to consider it during reflective scrutiny.

What might Gibbard mean when he says that some maxim might "have no appeal to an agent."⁵³ If by "no appeal" he means something like "the agent will not want to adopt the maxim" then all he has done is return to the source of the normative question. If I have interpreted what Gibbard means by "no appeal" correctly then the normative question remains open and Korsgaard's attempted response stands unchallenged. Now, this challenge could also be read as somewhat less substantial. Rather than addressing Korsgaard's contention about adopting, or identifying with, a maxim it could be read as challenging the idea that logical consistency makes a maxim "good". However, any challenge on these grounds would rest on an overstatement of what Korsgaard says about the content of a maxim.

When Korsgaard speaks of a "good maxim" she is contending that the maxim in question has the proper form. If the action and the end (the two parts of the maxim) are

⁵³ Gibbard, 148.

arranged in such a way that the maxim can be willed as a law then the maxim is a good one. It is those maxims which have the proper functional arrangement of their parts that can be called good. Korsgaard acknowledges this when she notes that “realism is true after all.”⁵⁴ When reflective consciousness is presented by an impulse and subsequently formulates a good maxim from that impulse it finds that the impulse is a reason to act, i.e. the impulse can be understood in such a way that it is intrinsically normative. From this we can see that the first part of Gibbard’s challenge misses its mark. He claimed that consistency alone could not determine the goodness of a maxim but Korsgaard has argued that consistency just is the measure by which we understand a maxim to be good. It should be noted that calling a maxim “good” is not the same as saying it is obligatory. To say that it is “good” is just to say that it is morally acceptable for the agent to act on the maxim.

There is however, one further aspect to the challenge that Gibbard is making. Why, even if I can formulate a “good maxim”, do I *have* to identify with it? It may be the case that I can act without ever examining any conception of my practical identity. G.A. Cohen contends that “merely acting on reasons carries no such commitment.”⁵⁵ This is an important issue for Korsgaard because her answer to the normative question relies on the individual recognizing and endorsing their identity as a human being. Gibbard claims that Korsgaard’s argument (for valuing one’s humanity) takes the form “‘Value X!’ Next we have ‘X entails Y,’ The conclusion is ‘Value Y!’”⁵⁶ Gibbard takes the example of an ascetic to show his point directly. He claims that if the above argument is a valid general form then we get something like this: if I am an ascetic then I value being someone who

⁵⁴ Korsgaard, 108.

⁵⁵ Cohen. *Sources*, 185.

⁵⁶ Gibbard, pg 154.

resists the cravings of the flesh. I can't resist cravings without having cravings. Therefore I must value having cravings of the flesh.⁵⁷ The problem, as Gibbard sees it, is that this picture seems counter-intuitive. It does not seem necessary that one value having the things which they wish to resist.⁵⁸ Shifting this logic to Korsgaard's argument for valuing humanity in oneself we find that the particular identity in question does not necessarily entail making reflective choices. As Gibbard notes "I could value making whatever reflective choices I might make in a way that befits the brave Achaean. This doesn't entail making any reflective choices at all, and so doesn't commit me to valuing my 'humanity.'"⁵⁹

The necessity of practical identity in Korsgaard's theory has also been questioned by Michael Smith. He notes, in concurrence with Korsgaard, that many of our practical identities are contingent, and could be shed or altered. Smith contends that Korsgaard's main argument can be understood as "moving from a meta-ethical premise (the premise about the nature of normative thinking) to a normative conclusion (the conclusion that people have value as ends in themselves)."⁶⁰ It is with this understanding of the structure of her argument that Smith engages Korsgaard's conception of reflection and the reflective self. He claims that Korsgaard can answer the question of how an individual ought to conceive of her practical identity only if she can find one practical identity that cannot be questioned. According to Korsgaard this practical identity would be that of *being human*. Smith does not accept this argumentative line. He claims that "the situation thus seems to be...if when we deliberate, and imagine our reflective selves over and

⁵⁷ Ibid.

⁵⁸ I should note that I find the ascetic argument compelling. The ascetic must value having the cravings, insofar as what the ascetic values is the resistance thereof.

⁵⁹ Ibid, 155.

⁶⁰ Michael Smith. "Search for the Source". Pg 385 *The Philosophical Quarterly*. 1999 Vol. 49. No. 196.

above us choosing which desires we are to act upon, we have to suppose that the imagined choices of our reflective selves provide us with an example we are to emulate, then her argument might well go through.”⁶¹

Smith claims that there are two ways of making sense of talk about a reflective self that is over and above the individual. The first is the emulation depiction just mentioned. He claims that we could alternatively conceive of our reflective selves as advisers, providing advice on what to do. He dismisses the latter claiming that “...Korsgaard seems to commit herself to the view that we should interpret such talk on the model of exemplars, rather than advisers.”⁶² Smith contends that Korsgaard must have the “emulation” picture in mind, i.e. that our reflective selves stand as exemplars to our acting selves, when she says that the reflective self stands over and above us when we must act. Smith rejects this picture. He claims that on this picture we get the following:

...believing that my reflective self would want me to act in a certain way in certain circumstances commits me to believing that my reflective self would want that I have cares and concerns like those that he himself has. But that does not seem in the least plausible. The only thing we know for certain about my reflective self’s cares and concerns is that they are one and all reflectively formed.⁶³

He further contends that it is entirely conceivable that my reflective self could desire that I have cares and concerns spontaneously, or at least not formed by reflection. He offers

⁶¹ Smith, Pg 392

⁶² Ibid. This claim is not afforded any defense.

⁶³ Ibid, 393.

an example of the problematic nature of having our reflective self be an exemplar for our actions. He wonders what would the reflective self of some agent, call him Jim, want him to do if a mad scientist declared his intention to blow up the world if Jim acquires the desires that his reflective self has. This leads into a troubling series of thoughts...something like, my reflective self would desire that I not have the cares and concerns that it has. Yet, if I do this then I would be fulfilling the desire of my reflective self so it must be the case that I do adopt the cares and concerns of my adopted self.⁶⁴

Smith concludes by asserting “what all this shows, I think, is that it is simply not true that the non-optional conception of my practical identity...my conception of myself as a creature who is capable of forming desires via reflection, provides a description under which I value it.”⁶⁵ This is, of course, a different criticism than those offered by Cohen or Gibbard but one that is related to them both. The importance of practical identity in Korsgaard’s theory is not merely its connection to reasons. She claims that a practical identity is a description under which we find our lives to be of value, and worth living. If it is the case that our reflective selves cannot stand as exemplars for our acting selves then the idea that our practical identity is a description under which we find our lives having value seems to fall away, as does any importance that practical identity had generally.

Smith’s argument is intended to show that the idea of reflective consciousness as an “exemplar” does not necessitate my valuing a life guided by reflection. This criticism is in much the same vein as that offered by Gibbard. Smith offers an example which appears to show the absurdity, or potentially paradoxical, nature of desiring to live a life

⁶⁴ Ibid. A scenario worthy of Vizzini the Sicilian criminal mastermind.

⁶⁵ Ibid, 394.

like the reflective self. However, Smith is mistaken in his description of Korsgaard's position. The reflective self does not lead any kind of life, other than reflecting simpliciter. The reflective self is not something separate from the agent and Korsgaard never suggests that it is separate. If Smith is not making the claim that the reflective self leads some kind of separate life, separate from the acting self, then what could he mean?

Smith sums up Korsgaard's argument thusly: "normative thought is a matter of the formation and expression of beliefs about what we would first-order desire if our desires were to survive a process of reflective critical scrutiny."⁶⁶ However, on Korsgaard's theory it is not the case that we are attempting to find what we would first-order desire should our desires survive reflection.⁶⁷ In Korsgaard's theory, how we ought to act is determined by which impulses survive critical scrutiny. Reflective scrutiny is about how we ought to act. This further explains why Smith's understanding of Korsgaard's picture of the reflective self as "exemplar" ultimately fails.⁶⁸

Smith talks about the reflective self as though there actually is another person standing over and above the acting self. This is clear when he notes that "the general idea is simply that it is conceivable that my reflective self should want me – indeed, it is conceivable that he should want himself – not to be reflective."⁶⁹ This talk of what the reflective self "wants" is nonsensical. The reflective self does not have desires or impulses. It reflects. It is as though Smith is treating the reflective self as a particular, determinate, practical identity. He notes that "when I look for a description of the cares and concerns of my reflective self, I cannot doubt that it would be appropriate to describe

⁶⁶ Smith, 387.

⁶⁷ This may be an important question, though it will have to remain unaddressed here.

⁶⁸ A point that I believe Smith is correct about. It is just that Smith is not arguing with Korsgaard when he comes to this conclusion.

⁶⁹ Ibid, 393.

my reflective self as having the cares and concerns of a creature who is capable of forming desires as the result of reflection.”⁷⁰ The reflective self is an aspect of my humanity but it is not, in itself, a particular practical identity.⁷¹ Korsgaard says that in deliberating *you* choose which impulses to act on and as such any discussion of the reflective self as something other than the self is distinctly un-Korsgaardian.

Perhaps I am still not giving a particularly charitable reading to Smith’s articulation of Korsgaard’s project. It may be that he is suggesting that what the reflective self determines is what the acting self is supposed to emulate. Can this work for Smith? The reflective self simply reflects on those impulses which it is presented with and that would be the only activity which the acting self could emulate. But this would just be to shift the reflective aspect of human consciousness down a level. As Korsgaard explains it, the reflective self makes a determination and the agent either follows the dictates set down by the reflective self or not. The normative question is simply asking why the acting self should in fact follow the dictates of morality. The emulation picture fails. However, this picture is more in line with the idea of the reflective self as an adviser.⁷² Smith claims that Korsgaard needs the exemplar picture of the reflective self to make the move from a meta-ethical premise to a normative conclusion but, as I have shown, this claim rests on the aforementioned misreading of Korsgaard and as such Smith’s critique falls short.

⁷⁰ Ibid, 390.

⁷¹ Korsgaard reaches the conclusion that being human is the foundational practical identity and this is not what I am here denying. Rather, I am denying that the faculty of reflection is, in itself, a particular practical identity.

⁷² Smith dismisses this conception claiming that “in her reply to Williams on internal and external reasons, Korsgaard seems to commit herself to the view that we should interpret such talk on the model of exemplars, rather than advisers.” (Smith, 389). However, Smith offers no citation for this claim and I fail to find anything in Korsgaard’s work that is dismissive of the “adviser” role.

In his response to Korsgaard, G.A. Cohen contends that reflective scrutiny does not require that the individual be a law to themselves. He claims that “what the reflective structure requires, if anything, is not that I be a law to myself, but that I be in command of myself. And sometimes the commands that I issue will be singular, not universal.”⁷³ This criticism stems from his discussion about Korsgaard’s introduction of practical identity to the existing Kantian structure. Cohen is asserting that there may be times where reflective scrutiny will suggest (or command) something which is not a law, or not universal in any sense. He claims “it does not follow, and it is not true, that the structure of my consciousness requires that I identify myself with some law or principle.”⁷⁴ His suggestion here is that Korsgaard has not established that upon reflection I must endorse something that is a law, or has law-like structure. He contends rather, that the argument indicates that we must identify with our impulses. This objection is subtle. If Cohen is right and the agent need not endorse a law-like maxim but rather simply identify with the impulses presented to reflective consciousness then it seems that Korsgaard has only given us an egoistic picture of normativity.

Kant argues, and Korsgaard accepts his reasoning, that insofar as the will is to be understood as a faculty from which effects follow, i.e. as a causality, then it must be governed by some principle or other. For the will to be free it must be a law to itself.⁷⁵ Cohen is challenging the notion that reflective consciousness must offer its dictates in the form of a law. However, if Kant is right that the will is a causality and that we find in nature all causal forces being bound by some law or another then the argument that reflective consciousness could issue commands in any form other than a law would be to

⁷³ G.A. Cohen *Sources of Normativity* pg 176.

⁷⁴ Ibid.

⁷⁵ Kant, Immanuel. *Foundations of the Metaphysics of Morals*. Translation by Lewis White Beck. Indianapolis, IN. Liberal Arts Press. 1959.

suggest that reflective consciousness is not a causality. Or it could be an argument that the will is not free. Cohen does not offer any argument for either such position in particular. Korsgaard accepts the Kantian argument that the will is a causality and as such it must be governed by some principle or other. The clearest explication of the general principle which governs the will can be seen in Korsgaard's discussion of what makes a good maxim good.

A maxim is a subjective principle of volition and for such a principle of volition to be morally acceptable it must have a form such that it can be willed as law. If the maxim has such a form then it is a good maxim.⁷⁶ As Cohen notes, there does not seem to be any necessity for the agent to identify themselves with such a law.⁷⁷ However, if the agent does not identify themselves with the law then it can be understood as a subjective principle in name only. For without any particular subject identifying with the law then it is merely an objective principle. Without any identification with the law there is nothing about the maxim which is tied directly to the agent. Cohen articulates this particular criticism most succinctly when he notes "I do not see that I must consult an independent conception of my identity to determine whether a possible spring of action is to be endorsed or not, nor even that such endorsement must issue in such a conception...."⁷⁸

What Gibbard, Smith, and Cohen's criticisms reveal (even if they are not successful per se) is that Korsgaard's argument for the necessity of valuing one's humanity is less than compelling. I believe that the particular problems which Gibbard, Smith and Cohen offer are important because they expose weaknesses in both the

⁷⁶ *Sources*, 108.

⁷⁷ *Sources*, 176. Cohen claims that "I do not do that (Identify myself with some law or principle) when I identify myself with the impulse to save my own drowning child." I wonder if the agent in this scenario actually reflects (in the way we are here discussing) on how to act or if they merely react without reflection. That point may be neither here nor there.

⁷⁸ *Ibid*, 185.

articulation and structure of Korsgaard's argument. I believe that those weakness are a product of the way in which Korsgaard defines "reasons" and the inadequate way in which she incorporates practical identity into the formulation thereof. If Korsgaard's picture of reasons, i.e. a good maxim endorsed by reflective scrutiny from some particular practical identity, is correct, then her theory lacks the tools to adequately address this objection. That would leave her theory with an insoluble problem. However, I believe that this challenge can be met. That will require several key alterations to the way in which we understand what reasons are and how they are related to practical identity. In the final section of this paper I will offer an alternative formulation of the relationship between reasons and practical identity which is intended to avoid this line of critique.

- **Respecting the Humanity in Others**

Ken O'Day's criticism is one which carries over from the longstanding criticisms of Kant's ethical theory, i.e. that even if individuals must respect the humanity in themselves as an end in itself it has not been established, nor does it seem to follow, that one must further respect the humanity in others as an end in itself. Korsgaard attempts to justify this shift by way of an argument by analogy with Wittgenstein's private language argument. She attempts to show that reasons are inherently public and that individuals can and do share reasons. The only way this could be the case is if there were something in the other which the individual recognizes and acknowledges as normative for themselves. O'Day contends that "to demonstrate that we can obligate one another (i.e. to reject egoism), as Korsgaard aims to do, she must show that practical reasons are shareable in the substantive sense that we share *reasons* (where this means that your reasons can obligate me and my reasons can obligate you). And this, it seems, language by itself cannot do."⁷⁹ Korsgaard claims that by merely calling out your name I give you a reason to stop. The argument is that because we must recognize the words of another as words, rather than as merely noise, we must somehow acknowledge the meaning of the words that are uttered and those meanings give us pause to reflect. From this pause of reflection we either have a reason to stop or a reason to continue on (or potentially both).

This understanding of Korsgaard's use of the publicity of language is a very strong interpretation of her argument. On this interpretation we get the publicity of reasons as part and parcel of the public nature of language. According to O'Day this only follows because the argument "involves a serious equivocation."⁸⁰ The equivocation is

⁷⁹ Ken O'Day. "Normativity and Interpersonal Reasons". *Ethical Theory and Moral Practice* 1: 61-83. 1998. Page 67, emphasis is the author's.

⁸⁰ Ibid, 66.

“on what it is to ‘share’ practical reasons, because shared *meanings* don’t entail shared *reasons*.”⁸¹ O’Day is contending that the mere fact that two individuals can share language, i.e. understand the utterances of one another, that does not imply that the reasons of one can obligate the other. He claims that “meanings are the kind of thing which by their very nature must be shareable, but that does not apply to reasons.”⁸² The strong interpretation, of Korsgaard’s use of the publicity of language argument, is placing all of the work on the share-ability of meaning. If, as O’Day contends, this strong interpretation fails what is left for Korsgaard to utilize in justifying the shift from respecting the humanity in oneself to respecting the humanity in others? O’Day does suggest another, weaker, interpretation.

The weaker interpretation is that the publicity of meaning is meant as a tool for the development of an analogous argument about reasons. So, the publicity of reasons is not a consequence of the publicity of meaning. Rather, the publicity of reasons is shown through an analogy. This seems to be more in line with Korsgaard’s aims. Where language is a crucial aspect of her argument it is not the case that the publicity of reasons is intended to be a consequence of the Wittgensteinian argument. O’Day goes on to claim that the analogy between meanings and reasons (asserting that the analogy is apt) may have two consequences which Korsgaard would be unwilling to accept. First, if the weaker interpretation holds then the problem of agent-neutrality would follow. As O’Day puts it: “to be relevantly analogous the argument would have to hold that just as meanings cannot only be normative for an individual, so too reasons cannot only be normative for an individual. But if this is right it threatens to open the floodgates of

⁸¹ Ibid. 67.

⁸² Ibid, 68. The claim here about the nature of meanings is actually an explanation of why the private language argument is supposed to work. I do not mean to imply that O’Day accepts the private language argument

agent-neutrality.”⁸³ This would be a consequence which Korsgaard would scarcely allow. However, O’Day offers a potential response that Korsgaard could offer, noting that the claim that reasons are essentially public is not to say that individuals cannot have a reason which does in fact only apply to them but rather that any such reason must be, in principle, a reason which another *could* have.⁸⁴

I believe that this is exactly the line which Korsgaard would take in response to such criticism. The question remains however, as to whether or not her theory supports such a response, or if some further argument is necessary. O’Day, unsurprisingly, does not find this response compelling. He contends that the analogy between meanings and reasons fails to support such a claim because if a thought were to be expressed then its meaning could be understood by others. O’Day claims that there is no analogous counterfactual available in the case of reasons.⁸⁵ This is where I find Korsgaard’s theory to fall short.⁸⁶ She can offer the proposed response but her theory offers nothing with which to address O’Day’s claim about the failure of the analogy. That being said, I think that the failure of the analogy, to be perfectly apt, is not the downfall of Korsgaard’s theory. Korsgaard does make the analogy do a lot of the work in getting us from private reasons to inherently public reasons. However, if the analogy is understood as illuminative of Korsgaard’s claim about the publicity of reasons, i.e. merely an argument by analogy rather than the analogy serving as a premise in the argument itself, then we

⁸³ Ibid, 68-69.

⁸⁴ Ibid, 68. Footnote 12.

⁸⁵ Ibid.

⁸⁶ O’Day makes the further claim against Korsgaard that her argument falls prey to the same criticism that she levels against arguments which attempt to move from private to public reasons. He notes: “To invoke an analogue of the private language argument only at this last step (valuing humanity in others) would seem to be too late as the argument has already conceded that reasons are private.” Ibid, 70. Were it the case that Korsgaard says nothing about respecting the humanity in others until the final section of the book then perhaps O’Day would have a point. However, Korsgaard make quite clear that she was assuming the public character of reasons for the argument proving that an agent must value the humanity in herself. She left the argument for the public nature of reasons until the end for the sake of simplicity in the preceding section.

can avoid this issue. I do not see anything within *Sources* to suggest that this is what Korsgaard wants and I believe that her argument may need the analogy as a premise for it to do the work she wants. As such, I am obliged to make a few revisions to her formulation of the argument for the publicity of reasons.

In what follows I will offer a reworking of Korsgaard's argument which is intended to address the problems that I have been discussing. I will begin by offering a different picture of the process of reflective scrutiny and endorsement. This is necessary because Korsgaard herself has left out some of the details of the process and that lack of detail has opened her up to criticism, some justified and some not. I will also offer a slightly different understanding of what constitutes a *reason*. This will constitute the main contribution I will be attempting to make. Korsgaard believes that the answer to the normative question lies in the fact that the agent who asks the question has a moral identity which they cannot deny without losing a part of themselves. Where I am willing to grant that the agent has the moral identity which Korsgaard ascribes to her, I do not believe that the fact of that identity constitutes the answer. Rather, it serves as the grounding for the answer. From my reworking of Korsgaard's theory of reasons and her explication of reflective endorsement I hope to counter the criticisms I have addressed while retaining the overall structure and the general conclusion of her argument.

Chapter IV: A New Understanding of Reasons

Talking about reasons can be confusing and often misleading. Is a reason something that is used to explain why something was done or is there something substantial about the nature of reasons such that they are logically prior to any action? Reasons are supposed to be the answer to the normative question. But what is a reason? Korsgaard is not particularly clear on what constitutes a reason. She notes “we need reasons because our impulses must be able to withstand reflective scrutiny. We have reasons if they do. The normative word ‘reason’ also refers to a kind of reflective success.”⁸⁷ Perhaps Korsgaard’s most direct statement on the subject, is this: “‘reason’ means reflective success.”⁸⁸ Korsgaard is arguing that we should understand a *reason*, in her system, to be an impulse (for action) that reflective scrutiny endorses. Korsgaard contends that the impulse must be formulated as a maxim by reflective scrutiny. From this, the maxim is put the test of universalizability. It is tested to see if it can be willed as law (law for the Kingdom of Ends). If it can be willed as law then it is a “good maxim”. If the impulse can be made into a good maxim then reflective scrutiny can be said to have “endorsed” that maxim.⁸⁹ The agent now has a reason for action.

Before I show how the problems I have outlined can be overcome I will offer my modified formulation of reasons, the work of reflective scrutiny and what constitutes endorsement. I must do that now because Korsgaard’s theory is distinctly lacking in

⁸⁷ Korsgaard, 93.

⁸⁸ Ibid, 97.

⁸⁹ When claiming that reflective scrutiny is endorsing a good maxim I am saying the same thing as “reflective scrutiny endorses the impulse.” A good maxim incorporates the impulse and as such endorsement of the former entails endorsement of the latter.

details. In particular I will here offer an understanding of “good maxims” which will show how, and why, they are distinct from reasons. It will be through this, and my restructuring of the nature of reasons, that my reformulation of Korsgaard’s argument will take shape. As I noted previously, there are a few areas of Korsgaard’s argument that need modification so as to avoid problematic critiques such as the ones discussed herein. I will begin by making the major modifications then follow by showing how I can still maintain the general structure, and conclusions, of Korsgaard’s argument while avoiding the aforementioned problems.

Through her discussion of what constitutes a good maxim she contends that the formal structure of the maxim is what determines whether or not that maxim is in fact good. In my explication of Korsgaard I contended that the Kingdom of Ends is the domain within which Korsgaard locates the moral nature of laws. Korsgaard is attempting to narrow the domain over which the law ranges. She contends that “it is only if the law ranges over every rational being that the resulting law will be the moral law.”⁹⁰ There may be laws which have a wider (or narrower) domain than “every rational being” but those laws will not be moral. Rather, a good maxim just is a maxim which has the proper formal structure and which has the proper scope, i.e. it is correctly formed and ranges over every rational being. Here we can understand “good” and “correctly formed” to be synonymous.⁹¹ Korsgaard does not believe that a good maxim is, in itself, the answer to the normative question. She notes that

⁹⁰ Ibid, 99.

⁹¹ Kant claims that even the agent who is inexperienced in the world can determine what volition will be morally good. He claims that “I ask myself only: can you also will that your maxim become a universal law?” The universalizability is what sets some laws apart from others and what determines the morally good volition from others. Immanuel Kant. *Groundwork of the Metaphysics of Morals*. Mary Gregor Translation. Pg 16. Cambridge University Press. Cambridge, UK. 1997. Korsgaard goes further than Kant does (in the Groundwork) by limiting the moral law to the laws of the Kingdom of Ends. Korsgaard might

...when an impulse presents itself to us, as a kind of candidate for being a reason, we look to see whether it really is a reason, whether its claim to normativity is true. But this isn't an exercise of intuition, or a discovery about what is out there in the world. The test for determining whether an impulse is a reason is whether we can will acting on that impulse as a law. So the test is a test of endorsement.⁹²

This combined with the claim that a good maxim is, in itself, intrinsically normative only moves us part of the way to answering the normative question. Korsgaard believes that the answer lies in our moral identity. In what sense is a good maxim intrinsically normative if there is no appeal to our moral identity? Looking back at what the normative question was about we will see that if "good maxim" is the entirety of Korsgaard's answer to the question then it will fall short, at the very least. The individual upon whom morality makes the claim is central to the question at hand. Yet looking at a good maxim I see nothing about the individual. I see nothing that would suggest any relationship between a particular agent and the maxim. Korsgaard is offering a constructivist picture of normativity, and she goes to great lengths to deny that substantive moral realism can answer the normative question. As such it would be odd for her to offer a picture of normativity wherein the agent discovers a normative proposition, or a fact about the world, that is intrinsically normative in itself, without any reference to the agent who is

equivocate on the term "good" in *Sources* but I believe that understanding the law of the Kingdom of Ends being properly formed...is what she wants to understand as a "good maxim."

⁹² Korsgaard, 108.

asking the normative question. However, the claim that good maxims are intrinsically normative precludes the need for any endorsement by the agent.

When agents formulate a maxim they have to determine if that subjective principle can be willed as law. When the maxim is initially formed the “I” has determinate content. It refers to the agent who formulates it in the first place. To determine whether or not this maxim has the form of a law the agent has to determine if it can be willed as a law. The only way to make such a determination is to remove all determinate content from the “I” and determine if the universal law can be willed without contradiction. A good maxim will, of course, have the proper structure such that it can be willed as law. Once the maxim has been determined to have this proper structure then reflective scrutiny can endorse it. As I have noted, the subjective principle, which reflective scrutiny forms from the impulse presented to it, must have the proper form such that it could be willed as a law. The method of determining whether or not the subjective principle could be agreed upon by all rational beings in a cooperative system is just to determine if the maxim can be willed as law.⁹³ To do this one must remove all subjective content. What remains after that is complete is a universal principle. All of that is prior to any endorsement by the agent. The test is a test to determine if the maxim is fit for endorsement.

Based on Korsgaard’s claim about what a good maxim *is* it seems that the only work done by reflective scrutiny, regarding the maxim, is determining whether or not the impulse presented can be legitimately formed into a maxim. However, as I noted before,

⁹³ One question which I do not have space to address here is whether Korsgaard’s determination of the scope of the moral law as ranging over all rational beings does any more work than Kant’s contention that “the supreme principle of the doctrine of morals is, therefore, act on a maxim which can also hold as a universal law. – Any maxim that does not so qualify is contrary to morals.” Kant, *Metaphysics of Morals*. 6:226 Does the domain of Korsgaard’s moral law tell us anything that Kant’s universal law does not? Does it limit action in any way different than Kant?

Korsgaard goes on to claim that the test for whether or not an impulse is a reason is a test of endorsement.⁹⁴ This would explain Korsgaard's inclusion of practical identity to the general Kantian picture. As it turns out the test of endorsement in Korsgaard is only a test of endorseability. Korsgaard does not explain further what this endorsement picture entails or how the process of determining the legitimacy of an impulse is linked to the step involving endorsement. This, I contend, is where Korsgaard's theory falls short. In what sense does the determination of an impulse's endorseability constitute endorsement?

Accepting that a good maxim is an intrinsically normative entity then what role does the test of endorsement play? It might be that a good maxim's intrinsic normativity does not do any work beyond making it a legitimate candidate for endorsement. If a good maxim is intrinsically normative there remains the question for whom is a good maxim normative. Korsgaard's reliance on practical identity would seem to answer this question but she does not offer an explanation of how maxims and practical identity are related to one another. If reasons just are good maxims then there is no role for practical identity to play and as such it will be superfluous and her further argument that we must respect the humanity in others will fail. So it seems that reasons (for Korsgaard) meet the first two conditions. However, they fail, entirely, to meet the third. The third condition states that the answer (to the normative question) "must appeal, in a deep way, to our sense of who we are, to our sense our identity."⁹⁵ In virtue of Korsgaard's failure to distinguish between good maxims and reasons the third condition is not met and reasons will fall short of fulfilling Korsgaard's outlined conditions. A good maxim fails to appeal to any aspect of the agent's identity much less in any "deep sense". If it is true that any agent

⁹⁴ *Sources*, 108.

⁹⁵ *Sources*, 17.

could endorse any good maxim (i.e. a maxim could survive the reflective scrutiny of any agent) then it would *appear* that they have a reason, however, they would only have a justification based on the universal nature of the maxim in question. They would fail to have any reason that carries with it normative force for *themselves*. A good maxim, does not offer any particular agent a reason to act. Or rather it does not offer any agent any particular reason for acting.⁹⁶ As I noted previously the normative question is 1st person in nature and as such anything that will count as an answer to the question must directly regard the particular agent in question. This is why Korsgaard insists on the third condition. In virtue of a good maxim's failure to address any particular agent, Korsgaard's claim that it is a reason for action fails.

Now someone might want to stop me and claim that I am not being fair to Korsgaard, that I am reading too much into the intrinsic normativity of good maxims and that a good maxim is not supposed to be the answer to the normative question in itself. But that position does not seem to be supported by the text. Korsgaard claims, in several places, that the fact of reflective scrutiny gives rise to the need for reasons and if an impulse survives reflective scrutiny then the agent has a reason.⁹⁷ However, there is no distinction made between good maxims and reasons. In fact, she seems to treat the two as synonymous. She notes that "A good maxim is good in virtue of its internal structure. Its internal structure...makes it fit to be willed as a law."⁹⁸ She follows this, almost immediately, with this: "the test for determining whether an impulse is a reason is whether we can will acting on that impulse as a law."⁹⁹ A maxim is good in virtue of it

⁹⁶ It offers a universal principle for action which could be endorsed by any agent. However, the normative question is about why any particular agent *should* act in a certain way...not who *could* endorse a maxim.

⁹⁷ This is most clearly articulated at the bottom of page 93 of *Sources*.

⁹⁸ Ibid, 108.

⁹⁹ Ibid.

being fit to be willed as law. An impulse is a reason when it can be willed as law. A good maxim is a reason.

I argue that Korsgaard located the focal point of her answer to the normative question on the wrong entity and that she failed to properly distinguish reasons from good maxims. I accept Korsgaard's general picture of human consciousness, and the fact of reflective scrutiny within her system. I also accept her view that the normative question is inherently a first-person question and as such the answer will also be first-personal.¹⁰⁰ I believe that the problems I just described can be avoided if we shift the locus of normativity from good maxims to reasons, while making the distinction between these two things clear. I now offer an alternative picture of the activity of reflective scrutiny and the normative output thereof. When an impulse is presented to an agent the agent has a choice, to act or not act with regards to the content of that impulse. Here, as with Korsgaard, I contend that the agent has a reflective capacity which must make the determination of how to act. It is *as though* there is some other consciousness over and above the level at which impulses are presented.¹⁰¹ Korsgaard implies that the work of practical identity is done prior to determining whether or not the impulse can be formulated as a good maxim, i.e. practical identity is the position from which a good maxim is endorsed.¹⁰² I contend that reflective scrutiny first determines whether or not the impulse can be formulated in the proper way such that it can be called a "good

¹⁰⁰ This is not a position accepted by everyone. Stephen Darwall does some very interesting work on this subject in his book *The Second Person Standpoint*. There are, of course, other approaches to the question but for the purposes of time and space I am obliged to accept the first-person standpoint so as to say something substantive about the meat of Korsgaard's argument.

¹⁰¹ This is what leads people like Michael Smith to attribute strange pictures of the reflective self as adviser or as a being to emulate. As I said before however, neither of those pictures is consistent with what Korsgaard actually says.

¹⁰² Though this is not stated explicitly, and it may be that there is no real temporal priority given to either in Korsgaard's system, the order in which she presents the argument implies that the determination of whether or not the impulse is a good maxim follows the work of determining what practical identity you have.

maxim”. If the impulse cannot be formulated as a good maxim then reflective scrutiny dismisses it out of hand.¹⁰³ If the impulse can be formulated as a good maxim then reflective scrutiny has the one further task of determining whether or not the *agent in question* can act upon that good maxim¹⁰⁴.

This last step may sound strange. One might contend that the agent has had the impulse to act in such a way and that the existence of the impulse would presuppose the agent’s ability to act upon said impulse. However, this is not the sense in which reflective scrutiny is determining whether or not the agent “can” act upon a good maxim. The sense of “can” which reflective scrutiny is searching for is a kind of internal consistency for the agent. This may seem to be a minor niggle but Korsgaard dedicated a fair amount of space to explaining why the normative question was an inherently 1st person question which required a 1st person answer. The agent’s internal consistency is a prime candidate for a 1st person answer to the normative question.¹⁰⁵ If an agent has some practical identity which a good maxim maintains, or supports, then that good maxim will be

¹⁰³ That is not to say that the agent will not follow through on the impulse...just that the action will not be moral, and that they will not have had a reason to act in that particular way. They will be acting contrary to what they, on reflection, have reason to do. In fact they will be acting contrary to morality.

¹⁰⁴ One objection that may arise concerns why reflective scrutiny would put a maxim to any particular test. Why would reflective scrutiny attempt to determine if a maxim can be willed as law for the Kingdom of Ends (for example) without first determining that the agent has the identity of “Citizen of the Kingdom of Ends”? I cannot give this objection the attention that it probably deserves but I will say that if we accept that the will is a causality and must be governed by some law or other then it I believe that reflective scrutiny would need to determine if the maxim could be willed as universal law. That is, reflective scrutiny would need to determine if the maxim could be willed without contradiction. That does not require any appeal to practical identity and yet it does offer a determination of whether or not the maxim in question has the proper form. From there the procedure I offer would take over. You have a good maxim and reflective scrutiny can determine what particular practical identity can be attached to that maxim. If it is determined that the agent has the identity “Citizen of the Kingdom of Ends” then the further test (whether or not the maxim can be willed as law by all rational agents in a cooperative system) can be performed (though it should be noted that the Universal law test and the Kingdom of Ends test are not supposed to give different answers, at least not for Kant). This is a brief discussion and incomplete but it will have to suffice for the purposes of this inquiry.

¹⁰⁵ As such it is a prime candidate to fulfill the third condition she claims is necessary.

endorsed by reflective scrutiny and the agent will have a *reason* to act.¹⁰⁶ It is not the case that if the good maxim in question does not have any corresponding practical identity the action in question is prohibited per se, but rather the action cannot be endorsed by reflective scrutiny.¹⁰⁷ This failure arises in virtue of there being no deep, or strong, connection between the agent and the action in question. There is a third option, if the action in question would force the agent to abandon some aspect of their identity (asserting for the moment that this is not a case of conflicting practical identities) then the agent will again have a reason, though in this case the reason will be a reason not to act in a particular way.¹⁰⁸

A reason, then, *is* the product of reflective scrutiny. A reason is not merely an impulse that survives reflective scrutiny, though that is part of it. A reason is constructed through the linking of a well formed maxim to some particular practical identity. The linking of a good maxim to some particular practical identity is the act of endorsement.¹⁰⁹ I call this an “act” though I am using that term in a purely metaphorical sense. The reflective self does not act in any proper sense of the term. Rather, within the process of reflection the reflective self formulates the impulse in such a way that it can be willed as universal law and subsequently determines that some particular practical identity of the agent has the kind of relation to the content of the maxim such that the agent has reason to either act in accordance with the maxim or refrain from acting in accordance with it. Once reflective scrutiny has made its determination the work of reflection is complete.

¹⁰⁶ I accept Korsgaard’s articulation of what constitutes a practical identity, i.e. a description under which we find our lives to be of worth living.

¹⁰⁷ When I refer to “action” here I am talking about whatever action is recommended by the original impulse and which becomes a part of a good maxim.

¹⁰⁸ Korsgaard calls this sort of distinction the difference between having an obligation and having a reason but that is linguistically tricky and I prefer to talk about both in the context of reasons.

¹⁰⁹ This act of endorsement returns the objective principle back to its original form as a subjective principle of volition. Endorsement is essentially the attachment of determinate content to the “I”.

This is what it means for an impulse to survive reflective scrutiny and for that impulse to be endorsed by reflective judgment. This is what constitutes a reason.¹¹⁰ A reason just is the linking of a good maxim to some practical identity of the agent in question. Moral reasons are intrinsically normative entities and stand as the answer to the normative question.

Of course this picture is different from the one offered by Korsgaard. She contends that a reason just is an impulse that survives reflection and that for an impulse to survive reflection it must have the form of a good maxim and be endorsed from the position of some particular practical identity. But wait, that is exactly what I have offered. The difference is that endorsement, on my view, does not happen out of some particular practical identity. The endorsement occurs because of the existence of some particular practical identity. Practical identity plays an explanatory role in the endorsement of a good maxim. It is not the case that reflective scrutiny endorses a good maxim from some particular practical identity because the reflective self has no particular practical identity over and above “being reflective.” Reflective scrutiny can only acknowledge the existence of some particular practical identity and determine whether or not it stands in one of the aforementioned kinds of relations to the good maxim in question. Reflection is an aspect of human consciousness, and it may be a part of some deeper conception of human identity,¹¹¹ but it is not, in itself a practical identity from which maxims can be endorsed. In fact, practical identities are not the kind of things

¹¹⁰ I am not sure what to say about the ontological status of reasons. They are a sort of queer entity, formed in the mind, from impulses and facts about the agent.

¹¹¹ Of course this does in fact turn out to be the case but that does not negate the point I am making here. I will show how the relation between the faculty of reflection and human identity works in due course.

which do any sort of endorsement at all.¹¹² Practical identities, as Korsgaard has described them, are just descriptions of who we are.

This picture of the process of endorsement, through reflective scrutiny, appears to encapsulate what Korsgaard was attempting to argue for.¹¹³ There are several immediate benefits that accompany my shift in what constitutes a reason. Perhaps most importantly it offers a way to fulfill the third condition necessary for any answer to the normative question. The third condition requires that the answer to the normative question appeal, in some deep way, to the agent's identity. Recall Korsgaard's explanation of what constitutes a practical identity: it is "a description under which you value yourself, a description under which you find your life worth living and your actions worth undertaking."¹¹⁴ Anything that fits this description will necessarily appeal, in a deep way, to the agent's sense of self, i.e. their identity.

I noted previously that Allan Gibbard questions Korsgaard's claim that the agent must identify themselves with the law. Where I earlier dismissed this criticism as ignoring Korsgaard's insistence that the answer to the normative question must appeal to the agent's sense of identity I return to it now to show how my reformulation of the process and output of reflective scrutiny answers his challenge more directly than does Korsgaard's original theory. In one sense Gibbard was correct in asserting that there did not appear to be any necessity for the agent to identify themselves with a good maxim.

However, if reasons are entities which consist in two parts: a good maxim and some

¹¹² I am here claiming that this is the kind of picture that Korsgaard is offering. As she notes: "We answer that question (whether or not an impulse which is presented to us can be a reason) by seeing whether the maxim of act on it can be willed as a law by a being with the identity in question." *Sources*, 113.

¹¹³ There is one potential objection to this picture that I should address before moving forward. That is, it could be alleged that my argument creates an entity (reasons) with a strange, even confused, ontological status. What sort of entity is a reason? Is it merely a concept in the sense that "good" and "right" are? Or is it somehow more substantial? I would contend that a reason, on this picture, does have a unique status. It is a normative entity, i.e. an entity which can only come to exist through the process of reflection.

¹¹⁴ Korsgaard, 101.

particular practical identity, then the necessity which Gibbard seeks is inherent in reasons themselves. Not only does this formulation of reasons appeal to the agent's sense of identity in some deep way, it does so necessarily. With that necessity it seems that my modification to Korsgaard's theory offers a somewhat stronger understanding of the relationship between reasons and the practical identity of the agent.

One of the challenges to Korsgaard involved the transitory nature of these particular practical identities, that integrity is problematic issue for Korsgaard's theory. Korsgaard acknowledges that the reflective self does not necessitate the actions of the acting self and as such the agent could choose to ignore what they, upon reflection, have reason to do. This problem does not disappear with my formulation. Reflection constructs a reason from an impulse and some aspect of the agent's identity. Once the construction is complete reflection is concluded and the agent can either act on the reason provided or not. If the agent chooses not to act on the reason that they have then they are being inconsistent with themselves but that is not an inconsistency in the theory. Rather, it is a fact of human existence that we sometimes do things which run contrary to that which we have reason to do. However, it does bring into question the legitimacy of the way in which individual view themselves.

There is still quite a bit of work to do to show that this formulation of reasons does the work that Korsgaard's theory requires. I have heretofore left the discussion of what particular practical identities *are* at the vague description offered by Korsgaard. However, as both she and her interlocutors have noted, there may be issues with the myriad particular practical identities which an agent could have. Korsgaard contends that the problem lies in the question of how one ought to identify themselves. This of course is an appeal for a reason. Why should an individual identify themselves in one way rather

than another? Further, why should an individual be required to have any sort of practical identity at all? The latter question is answered by the very structure of human consciousness. To determine how one ought to act requires an individual have some particular practical identity. This answer does not change with my new formulation of reasons. However, is her answer to the first question open to me as well? Or does it need some modification?

Korsgaard contends that there is one particular practical identity which underlies all of the particular practical identities of agents. That is, of course, their identity as a human being. Korsgaard maintains that

you must value your own humanity if you are to value anything at all....

Your humanity requires you to conform to some of your practical identities.... Since you are human you *must* take something to be normative, that is, some conception of practical identity must be normative for you.¹¹⁵

Can “being human” fit the requirement for some practical identity in the reflective process? My modification to the process of reflection requires a correlated modification to the move regarding humanity as a practical identity. First, I have to say something about what it is for an agent to value something on my theory.¹¹⁶ To understand what it

¹¹⁵ Ibid, 123.

¹¹⁶ I should note that the phenomenon of valuing is, for me, something like what Kant describes as “respect” in the *Groundwork*. He notes, in the second footnote on page 14 of the Gregor translation, “But though respect is a feeling, it is not one *received* by means of influence; it is, instead, a feeling self-wrought by means of a rational concept and therefore specifically different from all feelings of the first kind, which can be reduced to inclination and fear.” Kant contends that respect just is respect for the law and nothing more. I contend that the “feeling” of valuing is something like this feeling of respect.

means for an agent to value something we must have some conception of what it is for something to be good and or right. Now Korsgaard offered a picture of this when she said that the term “‘good’ names the problem of what we are to strive for, aim at, and care about in our lives. ‘Right’ names the more specific problem of which actions we may perform.”¹¹⁷ I will stipulate that this conception is, at the very least, adequate for my purposes. I contend that valuing is an agent’s recognition of the existence of a reason.¹¹⁸ To say that an agent values some particular practical identity is to say that the agent recognizes that that practical identity is part of reason for action. With that in mind I contend that an agent values those things which tend to lead to the good. The answer to the question of which actions we may perform will also answer the question of what things will tend to lead to the good.

How does this link up with the idea that an agent must value her identity as a human being? As I noted previously, the process of endorsement involves the agent reflecting on whatever impulse she is presented with and determining both; if the impulse can be formulated as a good maxim and if there is some practical identity which has the proper relation to it. I left the question of what it meant for a practical identity to have the “proper relation” to some good maxim aside but now I must say more. The proper relationship between a particular practical identity and a good maxim will be one in which the action entailed by the maxim maintains, or supports, the practical identity. I did contend before that this sort of relationship was what is necessary but with the introduction of the normative concepts “good” and “right” we can see that reasons really

¹¹⁷ Ibid, 114.

¹¹⁸ A reason for her. In due course I will show how this works for valuing the reasons of others. This of course, is a slightly different sense of the term than Korsgaard uses when describing what constitutes a practical identity. In her description we can understand “value” in the common sense, i.e. meritorious, or worthy. I am using “value” to mean “recognition of a reason to act in a way that maintains a life worth living.”

are intrinsically normative. I am not here contending that “good” and “right” are intrinsically normative. Rather, they get their normative value from the content of the reason in which they are constituted. A good maxim is good in virtue of its structure, i.e. its parts are arranged in a way such that it can be willed as law. The sense of “good” is just a formal sense. The properly formulated maxim is good in that it can be universalized. In this sense a good maxim does have some normative content. Reasons are good in the normative sense. A reason points the agent to both the right action and links that action to some part of the agent which they care about, some aspect of the agent which makes their life worth living, i.e. it links that action to the good.

Even with this normative structure in place, even with what appears to be a functional answer to first instance of the normative question someone could push further. Someone could ask “why should I have the particular identity that I have?” Here the threat of regression which Korsgaard worked so hard to avoid crops back up. I earlier noted that for Korsgaard the identity of being human was foundational. That is true in my modified version of her theory as well. If this second order formulation of the normative question is to be answered then the agent must have some reason to have some particular practical identity. Now, it is the case that human beings have to have practical identities if they are going to act. That is a fact that follows from the reflective nature of human consciousness.

Michael Brady contends that valuing humanity does not give us any justification for particular practical identities.¹¹⁹ This claim, were it true, would indeed be problematic. I contend that an agent can formulate a reason, in the sense that I have been

¹¹⁹ Brady, Michael. "Skepticism, Normativity and Practical Identity." *The Journal of Value Inquiry*. (2002): 403-412.

speaking of reasons, for some particular identity. The process looks like this: the agent is presented with a normative dilemma (they have to determine whether or not they should have some particular practical identity), they step back into the reflective standpoint. In the reflective standpoint the agent must determine whether or not they have a maxim for action. The sort of action in question here will be of the mental variety. The action in question is about whether or not to maintain some practical identity. A good maxim of this variety could be formed as: "I will maintain the practical identity of parent, because I love my child." With a good maxim now constructed reflective scrutiny must determine if there is some practical identity which corresponds to that maxim. It may be the case that some other particular practical identity could correspond to this maxim, but not as a reason for maintaining the practical identity in question.

Both Korsgaard and I have left out the details of what a practical identity really involves. There are a few things that need to be said on this subject before I move on. Korsgaard talks about practical identities as descriptions of who the agent is. These descriptions may involve certain explicit responsibilities (i.e. the sorts of things which are entailed by the roles that some people have) or it may simply be a listing of certain characteristics of the practical identity (i.e. the sort of qualifications necessary for someone to have an identity attributed to them). With that I contend that there are, at least, three descriptions that can be offered of the practical identity of human being.¹²⁰ The first two have been discussed at length previously: first, a human being is the kind of thing which must act for reasons. Second, a human being must have some practical identity in order to be able to act for reasons. The third is that human beings are

¹²⁰ There may be more than three but for my purposes here these three are enough.

inherently social creatures. I will return to the third description in the next section of the paper, for now the first two descriptions are all I need.

Remember that an agent just has some particular practical identity and when the question is asked “why should I have this particular practical identity?” the agent is not asking whether or not they should adopt the identity in question but rather, whether or not they have reason to maintain the particular identity in question. To simplify the discussion I will consider an agent with only one particular practical identity.¹²¹ Suppose that this agent asks the question about whether or not they should have the practical identity which they in fact have. Suppose further that they formulate a good maxim. Now reflection looks for some practical identity which can be linked to that good maxim, thus forming a reason. However, as the agent in this example only has one particular practical identity there is not some other particular practical identity which reflection can utilize in the formation of a reason. Also, reflection could not use the only existing identity itself as that would be to formulate a reason for the maintaining the identity in question from the identity in question and that would be circular. If reflection was able to utilize a practical identity as justification for that same practical identity’s being maintained then someone could rightly contend that I was falling prey to the naturalistic fallacy. However, even if I did contend that a particular practical identity could be used to justify itself there would be a regress (though this regress would take the form of a circle). One could simply continue to ask “why should I have this particular practical identity ad infinitum.

To end the regress, break the circle, reflection must find something else on which to ground the reason. I contend that *being human* fits the requirements needed for the formation of a reason. I further contend that being human avoids the regress problem.

¹²¹ Over and above “being human”.

First, being human is a practical identity, though it is not a particular practical identity in the same way that *parent*, *friend*, *teacher* and *politician* are. Korsgaard defined “practical identity” as a description under which a person finds their life to be worth living and their actions worth doing. The first two descriptions show that the identity of being human is the necessary precondition for having any other, particular, practical identity.¹²² Further, the identity of being human is the necessary precondition for valuing any particular practical identity. Therefore, reflective consciousness can answer the second order formulation of the normative question (“why should I have this particular practical identity?”) by forming a good maxim and linking it to the practical identity of being human to create a reason. If an agent values any particular practical identity then they must also value their humanity, as it is the foundation of all the reasons that they do, or could, have.

There is one objection that may arise in response to what I have said that is similar though distinct from the objections to Korsgaard. Someone could ask “but what if I don’t care that I am a human being? Why do I have to value my humanity and identify with it? Could I not just assert that my humanity is a brute fact about me as an agent?” I contend, following Korsgaard, that this sort of objection would be self-defeating. As she notes: “since you are human you *must* take something to be normative, that is, some conception of practical identity must be normative for you.”¹²³ The agent needs a reason to act; if they are to act at all they must take something to be normative. If the agent were to deny the normative force of their identity as a human being then they would be in a

¹²² I am not claiming that this theory only works for human beings. I have phrased this claim the way I have for the sake of simplicity. It may be that there are other rational creatures in the universe who also have reflective consciousness. As I have not yet been made aware of their existence I am limiting my discussion to human beings and limiting my terminology likewise.

¹²³ Ibid, 123.

kind of limbo...unable to act. The fact of human consciousness requires reasons, valuing humanity in oneself is merely the recognition that we need, and have, reasons to act. If an agent fails to value their humanity they will have no reason to act, to be human is to value your humanity.¹²⁴

¹²⁴ Here I am talking about something broader in scope than moral reasons. I am talking about action per se. As I noted, Korsgaard narrows the scope of moral reasons to the Kingdom of Ends. I am suggesting that even if the scope of moral reasons is wider than the Kingdom of Ends it will remain the case that humanity is the foundational practical identity.

Chapter V: Sharing Reasons

I have shown how an individual agent both needs and constructs reasons for action. My account seems to imply that reasons are personal or inherently individual entities. If it is the case that reasons for action are inherently personal then an agent would not need to take any other agent into account when determining in what way to act. If that is all there is to reasons then I have provided a very heavy handed form of egoism. However, the inherently individualistic appearance of reasons is a mere illusion. Like Korsgaard, I believe that individuals can obligate, and be obligated by, others.¹²⁵ To have a moral obligation is simply to have a moral reason; that is a reason which falls within the scope of the Kingdom of Ends. It is easy to see how my theory accommodates obligation on the individualist picture but obligating others may seem tricky at first glance.

On the individual level the answer to the normative question (a moral reason) requires two parts: a properly formed maxim and some practical identity of the agent. As we saw, appealing to any particular practical identity could answer the first formulation of the normative question but ended up introducing the second formulation. Through my argument I will show that reasons are not the inherently private entities that some of Korsgaard's interlocutors think they are. In fact they are public, shareable, by their very nature. Though what this means might not be exactly what Korsgaard thinks it does. As I noted previously, Korsgaard relies on an analogy to Wittgenstein's private language

¹²⁵ I have not heretofore said much about obligation as Korsgaard has a specific meaning for it. However, I am setting aside her understanding and offering my own here.

argument in her attempt to show how reasons are inherently public. I find that the real failure of this line of argumentation is not the analogy so much as her decision not to rely on the structure of reasons to explain their inherently public nature. That might be explained by the differences between her formulation of reasons and my own. Reasons are only personal in the sense that they are endorsed by some individual but they are public in the very real sense that anyone could endorse any particular reason, insofar as they have the practical identity which constitutes one half of the reason in question.

If an agent formulates a good maxim then that maxim is universalizable, i.e. it can be willed as law without contradiction. There are two parts to a reason and the second part has a similar universal nature. When I explained the sort of particular practical identities I was discussing I made them somewhat vague (e.g. parent, Christian, American, etc.). That was intentional. No agent can have every particular practical identity however; any agent can have (nearly) any particular practical identity.¹²⁶ Reasons, like good maxims, have a formal quality. They are made of two parts which must be arranged in such a way that they justify the agent acting in some way. There may be several different particular practical identities which could be paired to the same good maxim to form a reason for action. In the same way we can see that there are many different good maxims which can be paired to any particular practical identity to form a reason. In this sense we can see that reasons are universal.¹²⁷ Any agent could endorse any reason, provided they formulate a good maxim and have the right practical identity.

How does the universal (or public as I will call it) nature of reasons offer any determinate answer to the question of how an agent can obligate, or be obligated, by

¹²⁶ Someone might want to object that a man could not have the identity of “mother” but a man can have the exactly analogous identity of “father” so I am not sure that that objection would carry any real weight.

¹²⁷ That is not to say that they will never conflict, either in a single agent or between agents.

another? The explanation for that is two-fold. First, the agent must recognize the other as the kind of thing that acts for reasons. If the agent does not recognize that the other acts for reasons then she will be unable to acknowledge that the other has reasons to share. With this recognition the agent recognizes that the other has practical identities which are, or could be, similar to those that the agent has themselves. This recognition is not a part of the process of reflection but rather a precondition for obligating and being obligated by others. Without the recognition of the other as a being which must have reasons for action there would be no possibility of reciprocal relationship of obligation.¹²⁸

Second, I previously claimed that an agent must recognize that they have a reason to act in some particular way which will maintain a life worth living. I further contend that with the recognition of the other as a creature which acts for reasons the agent must value the other. This valuing is just a valuing of the agent per se. This understanding of “value” is intended to include both my special definition of the term and the more general “meritorious” or “worthy” definition.¹²⁹ That holds here but I am claiming something a bit different. An agent values another agent when he recognizes that that agent is the kind of being which requires reasons for acting. There is only a limited necessity in this form of valuing. Insofar as an individual does not recognize the other as a being which acts for reasons then they will not value the other in this way. Insofar as they do have this recognition they *will* value the other.

¹²⁸ Korsgaard extends her argument such that human beings have obligations to non-human animals (I will not address that aspect of her argument here) but she notes that the idea of animals having obligations to us is absurd (*Sources*, 157). This absurdity is a consequence of non-human animals not needing reasons for action. They do not stand in the proper kind of relationship to us such that they could have an obligation. In fact it would be absurd to claim that animals have obligations to anything, at least in the sense we are discussing the concept.

¹²⁹ I said that valuing just is the “recognition of the existence of a reason.”

Now, even if you accept my explanation of what it means for an agent to value I clearly have not shown why, or even how, an agent can, much less does, take the reasons of others to be reasons for themselves. I contend that an agent will have the recognition necessary for valuing another agent through sheer recognition of the species of the other. That is, insofar as an agent can recognize that the other is a human being they can value the other.¹³⁰ Reasons are shareable in a way that is very close to what Korsgaard describes. I don't believe that her discussion of Wittgenstein is particularly fruitful, except insofar as it might buttress my claim that one human will recognize, and therefore value, another. However, she describes an exchange between two agents that shows exactly the way in which agents can share reasons. With this sharing we can see how agents can obligate one another. I return to the characters of Bill and Steve. Steve has given Bill a command: "Stop bullying me!" He has also posed a hypothetical to Bill: "How would like it if I did that to you?!" Korsgaard contends that Bill, reflecting on the hypothetical situation that Steve presents, would conclude that he "would not merely dislike it, you [Bill] would resent it. You would think that the other has reason to stop...."¹³¹

I contend that this picture is just Bill taking Steve's reason to stop bullying him as his own reason to stop bullying Steve. Bill is told to consider how he would feel if Steve were bullying him. Bill reaches the conclusion that Steve *ought* to stop bullying him. From this Bill is forced to acknowledge that in the actual world he is acting in exactly the manner that Steve is acting in the hypothetical scenario and as such he is forced to

¹³⁰ I do not intend this to mean that a blind person, for instance, could not recognize an agent as being of the same species. How the recognition comes about can vary. It is possible that an agent could in fact value something that is not another human by mistake. Say a complex computer program which is designed to mimic the communication of humans (a la Turing). However, it would take willful resistance for one human to claim that they do not recognize another human as a human.

¹³¹ Ibid, 143.

acknowledge that if Steve has a reason to stop bullying (in the hypothetical scenario) then he himself (Bill) has reason to stop bullying. To deny the consequent would require some inconsistency on Bill's part. The counterfactual scenario is directly analogous to the actual scenario. The only thing that is different is the position of the participants. For Bill to say that Steve has reason but that he himself does not would be *prima facie* inconsistent. So what does this reason look like? I argued that a *reason* has two parts: a good maxim and a practical identity. In the example of Bill and Steve the reason that Bill has to stop bullying is this: reflective scrutiny forms some good maxim then it sets out to determine whether or not there is a particular practical identity which fits with that maxim. In this instance Bill is taking Steve's identity as a human being (i.e. a being which acts for reasons) as the operative practical identity.

Now this might seem strange. How is it that Bill can take Steve's identity as a human being as a description under which he finds his life worth living? In point of fact he is recognizing the inconsistency of not recognizing, and valuing, Steve's identity as a human being.¹³² It is by recognizing the potential inconsistency that Bill can take Steve's humanity to be practical for himself and thereby avoid said inconsistency. I do not want to limit the taking of other's humanity to instances where a command has been issued and a counterfactual proposed. The Bill/Steve example is meant to be illustrative of *how* the process could work, and to show *why* the process does work. In much the same way that the *process* of reflective scrutiny is described throughout this work, and *Sources*, is not always (and maybe not even often) explicit, the *recognition* of the other may not be explicit in the way I describe it.

¹³² I should note that this recognition is not strictly determining. Bill could recognize the inconsistency and continue bullying.

Chapter VI: The Value of the Modified Argument

In this work I have attempted to show how Christine Korsgaard's seminal work on the sources of normativity is valuable but inadequate. Korsgaard's project is ambitious and, as the critical responses indicate, her argument leaves open some serious problem areas. The most important of those problems (for my considerations) are: that Korsgaard fails to successfully prove that there is any necessity for the agent to identify themselves with the law, and that even if she does prove that we must value our own humanity it does not follow that we must value the humanity of others. My alternative formulation of Korsgaard's argument gets around the first concern by making particular practical identities a constitutive part of reasons. By locating practical identity within reasons themselves I have built their necessity into my answer to the normative question. On my view the process goes like this: an impulse presents itself as a candidate for being a reason. Reflective scrutiny formulates a maxim from the action and the end which the impulse regards. From there reflective scrutiny determines whether or not this maxim is formulated in such a way that it can be willed as law. If it can be willed as law then it is a good maxim. That is half of the formal structure of a reason.

The work of reflective scrutiny is not complete. Once it has been determined that the maxim has the appropriate functional structure reflective scrutiny must still determine if the agent has a particular practical identity which makes endorsing this maxim important.¹³³ If reflective scrutiny determines that the agent has an appropriate particular

¹³³ I do not say "...makes endorsing this maxim necessary." because I think the necessity of endorsing any maxim would be a flimsy form of necessity. As Korsgaard herself notes, I can not do what, on reflection, I

practical identity then the agent will have a reason to act. The formal arrangement of a good maxim and a particular practical identity is what I call a “reason”. The linking of a particular practical identity to a good maxim is what I call “endorsement”. In my version of the argument there can’t be any endorsement of a good maxim without an appeal to some particular practical identity. By locating practical identity in the formal structure of reasons I have made practical identity the aspect of the answer that fulfills Korsgaard’s third condition (for a successful answer to the normative question). That is to say, on my view reasons necessarily appeal to the agent’s identity, to who they are and how they view themselves.

The second objection was found in the work of Ken O’Day. O’Day contends that Korsgaard has not established that we have to respect the humanity of others. It might be the case that Korsgaard’s formulation of the process of reflective scrutiny, as well as her articulation of what constitutes a *reason*, fails to show, in any deep sense, that reasons are shareable. O’Day’s concern is that without this there is no way for Korsgaard to claim that individuals obligate one another. My formulation of both avoids O’Day’s criticism. I argue that reasons have a formal quality which implies their universality. Any agent may have any particular practical identity and any agent could formulate a good maxim.¹³⁴ Reasons are shareable in the sense that they are universal. I do not attempt to argue that one agent must actually take the reasons of another to be their own reason. However, the example of Steve and Bill illustrated how one agent must, on pain of inconsistency, recognize the humanity in the other. In fact this recognition consists of the agent taking the other’s humanity to be the operative practical identity in the formation of their reason.

understand to be right. If I can act against what I determine to be the right thing then in what sense would it be necessary for me to endorse a maxim?

¹³⁴ With the caveat that some are biologically excluded but some exactly analogous particular practical identity would be available.

On my theory an agent does not endorse a good maxim *from* the position of some particular practical identity. Rather, practical identity is a constitutive part of a reason. When one agent encounters another they see that the other is the type of being which acts for reasons and from this they can form a reason which takes the humanity of the other to be operative.

Ken O'Day offered one other criticism which I find both compelling, and not. He contends that an agent legislating the moral law for themselves is problematic because when the individual is both law-giver and the subject of the law then they alone determine whether or not they are bound by that law. This is a standard sort of objection, which Korsgaard discusses, to the voluntarist picture that someone like Hobbes offers. However, it may be the case that the law-giver who is also the subject of the law can claim to not be bound by that law but that would be a kind of internal inconsistency. This inconsistency is something that Korsgaard mentions, though she forgoes a detailed discussion. It is not the case that we always do what we determine, on reflection, to be the right thing. We may be weak willed. We may be prevented. We might even just, occasionally, be inconsistent. That is a problem with the way we are, not a problem for the theory. We are not perfect, either rationally or practically.

I believe that my theory precludes any activity that does not respect the humanity in the other; which means something more in the formulation I have offered. On my theory the agent who is deliberating over how to act is forced to recognize the humanity in the other and in so doing the humanity of the other can serve as the practical identity of the agent doing the deliberating. This example of Smith and Jones is similar to the example of Bill and Steve. If Jones were to reply "Stop that! How would you feel if someone threatened you in such a way?" there could be an analogous reflective process

to the one that Bill undertakes. As such, Smith would conclude that he has reason to stop threatening Jones. This conclusion would come via his recognition of Jones' humanity and his taking up of Jones' humanity in the formation of his reason.

The *Sources of Normativity* is a complex and fruitful inquiry into the nature of normativity and normative grounding. I have not attempting a massive overhaul of Korsgaard's argument. I believe that she laid a successful framework for understanding how to answer the normative question. Where I find the text to be lacking is in detail and in virtue of that lack of detail I believe Korsgaard made a few mistakes which opened her up to the criticisms I have discussed herein. The aim of my project has been to fill in the details that I found lacking and show how Korsgaard went wrong. I believe that with my modified formulation of the argument I have successfully avoided the problems which were leveled against Korsgaard.

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