

Kantian Constructivism and the Normativity of Practical Identities

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ABSTRACT: Many neo-Aristotelians argue that practical identities are normative, that is, they provide us with reasons for action and create binding obligations. Kantian constructivists agree with this insight but argue that contemporary Aristotelians fail to fully justify it. Practical identities are normative, Kantian constructivists contend, but their normativity necessarily derives from the normativity of humanity. In this paper, I shed light on this underexplored similarity between neo-Aristotelian and Kantian constructivist accounts of the normativity of practical identities, and argue that both ultimately fail. I end by suggesting an alternative justification of the claim that practical identities are normative.

RÉSUMÉ : Plusieurs néo-aristotéliens contemporains soutiennent que nos identités pratiques sont normatives, c'est-à-dire qu'elles sont une source de raisons d'agir et d'obligations contraignantes. Les constructivistes kantien partagent ce constat, mais estiment que les aristotéliens contemporains n'en offrent pas une justification philosophique satisfaisante. À leurs yeux, nos identités pratiques sont normatives, mais ce fait dérive nécessairement du caractère normatif d'une identité plus fondamentale : notre identité d'être humain rationnel. Cet article se propose de mettre en lumière cette similitude rarement conceptualisée entre les théories néo-aristotéliennes et constructivistes kantien des identités pratiques, puis d'en offrir une critique. Après avoir dirigé une série d'objections contre ces deux théories, j'esquisse une justification alternative du caractère normatif des identités pratiques.

Keywords: neo-Aristotelianism, Kantian constructivism, practical identities, practical reasons, moral obligations, transcendental arguments

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One of the most significant neo-Aristotelian contributions to the philosophical reflection on normativity has been to draw attention to the possibility that the multiple dimensions of our identity are a source of reasons for action and create binding obligations. For contemporary Aristotelians, our identities are *practical*: not only do they define who we are, but also what we ought to do. As father, professor, physician, soldier, or best friend, I have reasons to behave in certain ways and avoid behaving in others. There are also certain duties I am obligated to fulfil from which individuals who do not bear these identities are exempt. Call this the ‘normativity of practical identities’ thesis.¹

In this paper, my first objective will be to demonstrate that Kantian constructivists share this neo-Aristotelian insight but develop it further by arguing that our practical identities are not normative on their own. If such identities have the power to create reasons for action and binding obligations, Kantian constructivists argue, they must be morally valuable, but such value can only be derived from the value of a more fundamental identity, which is the ultimate source of normativity: our identity as rational human agents. In their view, the value of practical identities derives from the value of rational human agency: it is only *qua* rational human agents that we can confer value and normative power to our more specific practical identities.

If such an interpretation is plausible, Kantian constructivists face the task of explaining why our practical identities cannot be valuable and normative on their own, that is, why they must acquire their value and normative power to create binding obligations from elsewhere. They must also account for the fact that rational human agency is itself valuable and normative. In contemporary metaethics, one influential way to do so has been to argue that valuing rational human agency is a precondition of valuing anything else, including our specific practical identities. When I try to assess the value of my practical identities, it would simply be *impossible* for me to avoid relying on my identity *qua* rational human agent.

Let us say I am trying to determine if my professional duties as a soldier are morally binding. In order to decide this, I must first determine if my identity *qua* soldier is morally valuable.² The Kantian constructivist will then argue

¹ Throughout this article, I sometimes refer to this philosophical thesis by speaking of the obligations that stem from the multiple ‘dimensions’ of our practical identity. Other times, I speak of the obligations that stem from our practical ‘identities’ using the plural form. I take both words to refer to the same fundamental idea, which is that we have obligations *qua* x, where x may refer to a profession (physician, school teacher, lawyer, etc.), a familial relationship (brother, mother, cousin, etc.), friendships, religious affiliations or political affiliations. I thank an anonymous reviewer for inciting me to clarify this point.

² Here, the implicit assumption (to which I will come back in Section 3) is that a practical identity cannot create binding obligations if it has no moral value. As we will see in Section 1, not all contemporary Aristotelians are committed to such a claim.

that I can only assess the moral value my identity *qua* soldier from the standpoint of humanity: I know that I am a soldier, but do I have any reasons to be a soldier *qua* rational human agent? If I believe that this is the case, then I will be able to take my duties as a soldier seriously: I have reasons to be a soldier, and this allows me to take the reasons and obligations that spring from this identity seriously. Interestingly, the fact that I rely on my identity *qua* rational human agent to assess the nature of my duties as soldier seems to entail that I attribute at least some moral value to my humanity. After all, why would I rely on my rational human agency to assess the value of being a soldier if I did not consider the fact that I am a rational human agent to have any kind of moral significance?

This argument need not be entirely convincing at this point. In what follows, I will argue that it ultimately fails, but I must reconstruct it step-by-step before drawing such a conclusion. For the moment, we must only note that such an argument lies at the basis of the most important philosophical claim defended by Christine Korsgaard in the *Sources of Normativity* and her more recent works: “if you value anything at all, or, if you acknowledge the existence of any practical reasons, then you must value your humanity as an end in itself.”³ The argument that supports this claim is a transcendental argument: it starts from the assertion that ‘I value some things’ and establishes the necessary conditions of this assertion being true. If it is true that I value some things, Korsgaard argues, then I *must* value my humanity as an end in itself.

In response to this argument, I will contend that we do not, in fact, need to value our human agency to rationally value our more specific practical identities. I will also argue that, even if we accept Korsgaard’s argument, it does not confer on human agency the moral weight she believes it does. I may value my humanity as an end, acknowledge that reasons for action and obligations spring from it, but still consider that such obligations do not override the obligations that stem from the more particular dimensions of my identity: my duties as parent, professor, physician, soldier, best friend, etc.

My argument will proceed as follows. First, I will clarify the idea that our practical identities are normative by relying on a contemporary Aristotelian defence of this claim (Section 1). By reconstructing Korsgaard’s argument which, leads us from rational agency to the value of humanity through the Categorical Imperative, I will then be able to demonstrate that this same idea is at the heart of contemporary Kantian metaethical constructivism (Sections 2 and 3). Finally, in Section 4, I formulate two objections against Korsgaard’s transcendental argument and defend an alternative justification of the normativity of practical identities by relying on the concept of well-being. Even if the concept of rational human agency does not have the *a priori* moral force

³ Korsgaard, *The Sources of Normativity*, pp. 120-125. For another version of this argument, see Korsgaard, *Self-Constitution*, pp. 18-26.

Kantians think it does, I contend, we have reasons to believe that our practical identities are a source of reasons for action and create binding obligations if responding to these reasons and obligations promotes our well-being and the well-being of others.

1. The Neo-Aristotelian Teleological Account of Practical Identities

Although one does not need to be an Aristotelian to endorse the idea that practical identities are a source of reasons for action, some passages in Aristotle's works unambiguously tie the aim of our actions to such identities. Consider, for instance, Book III of the *Nicomachean Ethics*, where Aristotle underlines that the bearers of specific practical identities do not deliberate about the ends they ought to pursue. Such ends do not depend on our individual preferences, Aristotle contends, but are internal to our identity:

We deliberate not about ends, but about things that are conducive to ends. For a doctor does not deliberate about whether to cure, nor an orator whether to persuade, nor a politician whether to produce good order; nor does anyone else deliberate about his end.⁴

The point here is that it would be absurd for a physician to wonder if she really ought to cure her patients, as the very point of having physicians is to make sure that patients will be cured. In Aristotle's perspective, the end 'to cure' teleologically belongs to the practical identity 'physician': the very *function* of physicians is to promote health, and this fact allows us to conclude that physicians have reasons to cure their patients. What physicians may deliberate about is not *whether* they ought to pursue the end that belongs to their practical identity (independently of their preferences), but *how* they should pursue this end given the circumstances of the case at hand.

Let us note that one can accept this teleological conception of practical identities without endorsing Aristotle's wider and philosophically controversial natural teleology. More specifically, I can accept that it is a physician's function to cure her patients without simultaneously believing that human beings as such also have a natural function (*ergon*). I may also believe that only some practical identities have internal ends, but that the identity 'human being' itself does not. In many contemporary Aristotelian accounts of the normativity of practical identities, indeed, Aristotle's natural teleology plays little to no role. According to his own words, Alasdair MacIntyre's most influential work—*After Virtue*—does not rely on what he defines as Aristotle's "metaphysical biology."⁵ Quite the contrary, its philosophical

⁴ Aristotle, *Nicomachean Ethics*, p. 43 (1112b).

⁵ MacIntyre, *After Virtue*, p. 58. MacIntyre revised his judgement on that matter in his later works, but this does not affect the philosophical account examined here. For these second thoughts, see MacIntyre, *Dependent Rational Animals*, p. x.

basis is a teleological understanding of identities and practices that is “rooted in the forms of social life.”⁶

To see this, consider MacIntyre’s Aristotelian account of the practical syllogism, that is, the reasoning through which an agent determines how she ought to act in a concrete situation. By constructing the major premise of this syllogism, the agent first identifies an end she ought to pursue. Let us imagine, for instance, a soldier who considers that she ought to defend her city-state. Then, by constructing the minor premise of her practical syllogism, the agent defines the circumstances of the case at hand. In our hypothetical scenario, let us say that the city-state to which our soldier belongs is under attack and that she has the means to join the fight against the invaders. Finally, MacIntyre follows Elizabeth Anscombe by claiming that the conclusion of the practical syllogism must be an action: our soldier now runs to the battlefield with her comrades and starts combating the attackers.

What interests us here is the major premise of the practical syllogism: how does an agent manage to identify the ends that she must pursue? MacIntyre’s answer is that she must first determine which social practices she is engaged in, and then identify which goods are internal to these practices. The end internal to the practice of playing chess is to win chess games and, as Aristotle suggested, one end that is internal to the practice of medicine is to cure patients. In MacIntyre’s view, practices involve “standards of excellence and obedience to rules as well as achievement of goods” that teleologically belong to them, and entering those practices is to accept the authority of those standards and goods.⁷ Like the physician who wonders if she really ought to cure her patients, an Olympic runner who questions the idea that the end of Olympic running is to win races is asking one question too many.

A second non-naturalistic teleological account of the normativity of practical identities can be found in the works of French Aristotelian philosopher Vincent Descombes, who was also largely influenced by Anscombe’s reflection on practical reasoning. Descombes more specifically relies on such an account to provide us with an answer to Anscombe’s influential ‘rational Nazis’ challenge.⁸ In Anscombe’s thought experiment, a group of Nazis are caught in a trap where they are sure to be killed. They nonetheless can exterminate Jews before they die. In fact, they are firmly committed to doing so under the pretext that “it befits a Nazi, if he must die, to spend his last hour exterminating Jews.”⁹ What is disturbing in Anscombe’s hypothetical scenario is that the imagined individuals use a teleological understanding of their practical identity *qua* Nazis to justify the pursuit of a morally reprehensible end. Such an end is internal to

⁶ MacIntyre, *After Virtue*, p. 58.

⁷ *Ibid.*, p. 190.

⁸ See Anscombe, *Intention*, §§ 38-43, pp. 72-80.

⁹ *Ibid.*

their identity: it *befits* a Nazi to pursue it. This raises the worry that the neo-Aristotelian teleological account of practical identities is a poor guide to morality. It may be true that exterminating Jews is an end internal to the practical identity ‘Nazi,’ but this surely does not constitute a moral reason to pursue this end. In fact, if we found that such an account authorizes individuals to engage in genocidal violence, we may be tempted to reject it as a starting point for the philosophical reflection about what agents ought to do.

In Descombes’s view, however, we can resist the conclusion that the neo-Aristotelian’s discourse on practical identities legitimizes such violent practices. In order to prove Anscombe’s Nazis wrong, Descombes contends, Kantians are likely to argue that such individuals violate moral principles that all rational agents must respect to act rightly. They will then face the challenging task of providing us with a philosophical justification of these universal moral principles, one that Kant himself attempted to accomplish in the *Groundwork*. According to Descombes, however, there is no need to resort to Kantian universal principles to demonstrate that Nazis act wrongly as a less metaphysically demanding solution is available. To philosophically defeat Nazis—that is, to rationally demonstrate that they are wrong to pursue a grossly immoral end—what one should do is use the ‘normativity of practical identities’ thesis against them. How so?

Let us start from the fact that our practical identities are complex. Many individuals have a profession, but are also part of a family, have friends, and may be part of associations such as political parties or religious groups. Moreover, many moral dilemmas come from the fact that the ends internal to our practical identities are often difficult to pursue simultaneously. It may be my role *qua* friend to help my colleague move and my duty *qua* father to attend my daughter’s martial arts exam, but it is always possible that I will not have time to do both and be forced to choose between the two.

In Descombes’s view, the same goes for Nazis. More specifically, real Nazis are not like the ones in Anscombe’s thought experiment, that is, individuals about whom we know nothing else than the morally reprehensible end they are firmly committed to pursuing. They also bear complex identities from which conflicting reasons for action and obligations can spring. To use one of Descombes’s own examples, imagine a Nazi who bears two practical identities that create significantly different obligations for him: he is a member of the NSDAP, but he is also the rector of a renowned university. Now, the rector judges that it befits him to do anything he can to support the NSDAP. In his view, he has only one objective *qua* Nazi and *qua* rector: to help the party’s leader achieve his political objectives. The Nazi rector is right to think that it befits him to act in such manner *qua* Nazi, argues Descombes, but he is mistaken in believing that it also befits him to act in such a way *qua* rector. The end internally tied to the practical identity ‘rector’ is to promote higher education and research, not to support a political party by agreeing with everything its ‘enlightened’ leader desires to accomplish, even when this hinders the pursuit

of knowledge. When our rector behaves in this ideological manner, he may be an excellent Nazi, but he is nonetheless a mediocre rector.

Descombes's example is intended to show that agents can make rational mistakes by misidentifying the ends and standards of correctness that internally belong to their practical identities. The Nazi rector's mistake is not to believe that his identity *qua* Nazi is to promote the political objectives of the NSDAP, but to consider that promoting these objectives is also his duty *qua* rector. Indeed, the idea that a good rector is one who subordinates knowledge and truth-seeking to ideological ends is just as absurd as claiming that the main end an Olympic runner ought to pursue is to bake good cakes. Once again, the underlying Aristotelian idea that unites these two cases is that agents cannot choose to assign external ends and standards of correctness to the practices in which they engage. Instead, practical identities and their associated practices have internal ends and standards of correctness that agents ought to respect:

Will our ideologist say that athletes in his country are the best, even if they only win by fraudulent means? Will he say that his soldiers are the best according to his own 'table of values' even if they do not win battles, or if they only do so at the cost of the total ruin of their country [...] If we claim that any notion of success and failure is arbitrary and depends on our opinions, we do away with the *practical sense*: we abolish the difference between doing one thing and not doing it.¹⁰

In the end, Descombes believes that Nazis will be rationally defeated when we demonstrate that their ideological way of thinking rests on their philosophical inability to identify the ends that internally belong to the practices in which they engage. It is true that the end pursued by the Nazi rector is internal to his identity *qua* Nazi, but when he attributes this end to all dimensions of his identity, he makes the rational mistake of replacing the end internal to such dimensions by an external one. It is in this very manner, argues Descombes, that monomaniacal reasoners who pursue one single objective are irrational: by concentrating on one sole end, they assign such an end to practices to which it does not teleologically belong, and fail to recognize that their practical identities may create conflicting duties. Defending the ideology of the NSDAP at all costs is incompatible with promoting truth-seeking, but the Nazi rector remains oblivious to this fact.

Nevertheless, the neo-Aristotelian teleological understanding of practical identities faces an important problem. One implicit premise of Descombes's reasoning is that the Nazi rector is irrational because he is unaware that his duty *qua* rector is not to promote the political objectives of the NSDAP, but to encourage the pursuit of knowledge. Yet, we can easily imagine a Nazi rector who understands very well that he is failing at his duties *qua* rector by pursuing

¹⁰ Descombes, *Philosophie du jugement politique*, pp. 37-38. My translation.

ideological ends, but nonetheless chooses to do so. In other words, this Nazi rector makes the conscious decision to give priority to his practical identity *qua* Nazi over his practical identity *qua* rector. ‘Good Nazis are bad rectors,’ he thinks, ‘but being a good rector is not as important as being a good Nazi.’ Would such an individual make any rational mistake? Ultimately, Descombes does not provide us with reasons to believe so, and philosophical questions therefore remain unanswered. Even if we admit that practical identities are a source of reasons, indeed, do we also have reasons to endorse specific practical identities and reject others? If so, where do these reasons come from?

In the following two sections, I will argue that Kantian constructivism should be understood as a philosophical attempt to provide a satisfying answer to these questions. If practical identities are a source of reasons for action and create binding obligations, we must understand how they acquired this normative power as well as which identities it is morally appropriate for individuals to bear. As I suggested earlier, Korsgaard argues that the normativity of practical identities ultimately derives from the value of humanity. Let us then examine the argument that supports this conclusion, beginning with the Kantian theory of action on which it rests.

2. Acting According to One’s Own Law

The first step of Korsgaard’s argument regarding the value of humanity is a defence of the Kantian claim that free actions can only be performed by an agent who acts according to her own law. In her view, an individual lacking the power to act according to a law she gave to herself would necessarily lack free will. To see this, imagine an individual who is solely moved by her strongest current desires. Such an individual is also deeply unreflective: she consistently follows the beckoning of desire without ever noticing that she does. Korsgaard argues that this individual would not count as an agent capable of free will. She would rather resemble an automaton who can respond to stimuli, but who lacks the cognitive apparatus and decisional power required to be free. Note, however, that this conclusion would not be true if our individual *reflectively* chose to only act on her strongest current desires, as she would then act according to a law she gave to herself. In this case, this law would be the following: ‘Act only to fulfil your strongest current desires.’¹¹

Korsgaard’s claims relate to Kant’s considerations on free will in the *Critique of Pure Reason*, where he explains that the human will is an *arbitrium liberum*, not *brutum*, “because sensibility does not render its action necessary.”¹² In the human being, “there is a faculty of determining oneself from oneself, independently of necessitation by sensible impulses,” and the presence of this

¹¹ Here, I summarize what Korsgaard calls the ‘argument against particularistic willing.’

¹² Kant, *Critique of Pure Reason*, p. 533 (A534/B562).

faculty in ourselves makes us free agents.¹³ More specifically, Korsgaard is committed to the Kantian view that free will necessarily presupposes reflectivity. To be free, agents *must* be able to stand back from their desires and choose whether they represent appropriate motives on which to act:

[...] when you deliberate, when you determine your own causality, it is as if there is something over and above all of your incentives, something which is you, and which chooses which incentive to act on. This means that when you determine yourself to be the cause of the movements which constitute your action, you must identify yourself with the principle of choice on which you act.¹⁴

In Kantian terms, the principle of choice on which you act is the law you give to yourself. At this stage of the argument, however, it remains unclear why such law must be one *that you give to yourself*. After all, why could you not act freely according to a law that someone else gave you? In which sense, exactly, is this claim contradictory (if it is at all)?

Korsgaard's answer is that acting according to one's own law—that is, acting *autonomously*—is part of the structure of free agency itself. When I act according to a law you gave me, I am the one who decides to do so, and this law thus becomes the principle of choice I give to myself. In other words, unless you constrain me to comply with a law of your choosing, what I do when I act on it is to make your law my own. As an agent, “nothing is a law to you except what you make a law for yourself.”¹⁵

Now, if acting freely amounts to acting according to one's own law, are there any constraints on the content of this law? Korsgaard does not believe that there are; the principle that one must act according to one own's law leaves the substance of this law undetermined. For Kant, the problem of free will is that such a will must give itself its own law, but nothing determines what this law must be: “all that it has to be is a law.”¹⁶ On Korsgaard's reading, the Categorical Imperative, and more specifically its first formula (i.e., the

¹³ *Ibid.*

¹⁴ Korsgaard, *Self-Constitution*, p. 72.

¹⁵ Korsgaard, *The Constitution of Agency*, p. 109. Once again, Korsgaard's considerations relate to Kant's own claims. In *Religion Within the Bounds of Mere Reason*, Kant writes that “freedom of the power of choice cannot be determined to action through any incentive *except so far as the human being has incorporated it into his maxim* (has made it into a universal rule for himself, according to which he wills to conduct himself).” See Kant, *Religion and Rational Theology*, p. 74 (AK 6:23-24). The pagination following AK (which stands for ‘Akademieausgabe’) refers to the original German edition of Kant's collected writings by the Prussian Academy of Sciences. For instance, AK 6:23 refers to p. 23 of the sixth volume of this edition.

¹⁶ Korsgaard, *The Sources of Normativity*, p. 98.

Formula of Universal Law), is the philosophical principle that expresses this very idea:

The Categorical Imperative merely tells us to choose a law. Its only constraint on our choice is that it has the form of a law. And nothing determines what the law must be. *All that it has to be is a law.* Therefore the categorical imperative is the law of a free will.¹⁷

In Korsgaard's Kantian perspective, asserting that one must act according to one's own law simply is alleging that one must comply with the Categorical Imperative. Note that, by defending such a view, Korsgaard remains faithful to the methodology of the third section of the *Groundwork for the Metaphysics of Morals*, where Kant attempts to demonstrate that freedom itself entails the Categorical Imperative or, in his own words, that once "freedom of the will is presupposed, morality together with its principle follows from it by mere analysis of the concept."¹⁸ Nevertheless, Korsgaard's version of Kant's argument is deliberately idiosyncratic insofar as it clearly distinguishes between the Formula of Universal Law and the Moral Law proper. While the Formula of Universal Law is devoid of any moral content, she contends, the Moral Law is not. Yet, the reasoning we examined so far only intends to show that acting freely amounts to respecting the Formula of Universal Law, and an additional argument must be furnished in order to bridge the gap between this formula and the Moral Law.¹⁹

As I suggested earlier, Korsgaard ultimately defends the idea that we must value humanity as an end in order to rationally value anything at all, and this view is more reminiscent of the second formula of the Categorical Imperative—the Formula of Humanity—than its first. Contrary to the Formula of Universal Law, the Formula of Humanity—"act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means"—clearly has substantive moral content.²⁰ How is it then possible to move from the first formula to the second while remaining, as Kant wanted, within the confines of *a priori* philosophical reflection? It is in her discussion of this philosophical question that Korsgaard encounters the neo-Aristotelian teleological account of practical identities.

¹⁷ *Ibid.*

¹⁸ See Kant, *Practical Philosophy*, p. 95 (AK 4:448). Contrast this with the argument found in the first part of the *Critique of Practical Reason*, which proceeds the other way around, that is, from the moral law to freedom. There, Kant argues that it is "the *moral law* [...] that first offers itself to us" and "leads directly to the concept of freedom" (AK 5:30). For an account of the complementarity of these two arguments, see Tenenbaum, "The Idea of Freedom and Moral Cognition in *Groundwork III*," pp. 555-589.

¹⁹ Korsgaard, *The Sources of Normativity*, pp. 99-100.

²⁰ See Kant, *Practical Philosophy*, p. 80 (AK 4:429).

3. Valuing Practical Identities: The Kantian Constructivist Perspective

According to the theory of agency I just sketched, a free action is an action committed according to one's own law the content of which remains indeterminate. Nothing, yet, precludes the agent from providing this law with any content of her choosing. A patriotic individual could consider, for instance, that the moral and social norms of her nation are more valuable than anything else and consequently give herself the following law: 'act only so that the results of your action contribute to the glory of your nation.' It *befits* a patriot, she thinks, to act according to such a law. While it is true that she does not always respect the Formula of Humanity by acting in this manner—she fails to value, for instance, the humanity of agents who are not her compatriots—she nonetheless respects the principle according to which she must act according to her own law. The question we face, then, is to know whether the Kantian constructivist can demonstrate that our patriot fails to act rationally when she violates the second formula of the Categorical Imperative.

It is certainly Korsgaard's ambition to argue that she does. In her perspective, the patriot reasons like the neo-Aristotelian when she tries to achieve the end that is internal to her identity *qua* patriot, but doing so is not a sufficient condition of rational action. More precisely, the patriot's mistake is that she does rationally assess the value of her practical identity *qua* patriot before attempting to achieve its internal end. In other words, Kantian constructivists accept that our identities have internal ends and that such identities are a source of reasons for action. As Korsgaard notes, "we may begin by accepting something like the communitarian's point. It is necessary to have *some* conception of your practical identity, for without it you cannot have reasons to act."²¹ Such a claim, however, is only the beginning of the philosophical reflection on morality, which neo-Aristotelians like MacIntyre and Descombes do not carry to its conclusion. Surely nobody would object to the idea that physicians have reasons to cure their patients, maybe even that it *befits* a Nazi to commit genocidal actions, but the important enquiry begins when I try to assess the moral value of such practical identities.

To be fair, neo-Aristotelians do not ignore this idea. On the one hand, communitarian Aristotelians like MacIntyre argue that valuable practical identities help us realize the ends internal to the philosophical tradition to which our community belongs.²² On the other hand, neo-Aristotelian naturalists contend that acting well amounts to pursuing the ends that are internal to my practical

²¹ Korsgaard, *The Sources of Normativity*, p. 120.

²² See MacIntyre, "The Rationality of Traditions," in *Whose Justice? Which Rationality?*, pp. 349-369.

identity *qua* member of the human species.²³ For the Kantian, such answers remain unsatisfying as they do not put an end to the philosophical query. What reasons do I have, indeed, to consider that my identity *qua* member of a specific community or *qua* member of the human species has value and that I can therefore consider it to be a source of moral reasons?

Korsgaard's transcendental argument about the value of humanity precisely aims to answer this question. Practical identities are a source of reasons for action, but the reasons that stem from a specific practical identity are not themselves reasons to accept or reject this identity. Being a fireman gives me reason to extinguish fires, but it does not give me reasons to become a fireman. How can I therefore rationally ground my choice to be or not to be a fireman? Are there properly moral reasons to decide in one way rather than the other?

The Kantian constructivist's answer is that the moral value of specific practical identities needs to be assessed from a standpoint external to those very identities, and more specifically from the standpoint of rational human agency. It is *qua* rational human agents that we must assess the value of being a father, rector, or Nazi. Without this standpoint, our decision to endorse specific dimensions of our practical identity will be unjustified. But what is so special about the standpoint of rational human agency? What makes my decision to determine what I morally ought to do from this standpoint less arbitrary than the neo-Aristotelian choice to do so by considering my identity *qua* member of this specific community or *qua* member of the human species?

As Korsgaard notes, most of our practical identities are contingent: "you are a mother of some particular children, a citizen of a particular country, an adherent of a particular religion, because of the way your life has fallen out."²⁴ Because they are contingent, we may come to call the importance of such identities into question, and maybe even stop attributing any practical importance to them. If the members of my family never treated me well, I may simply reject claims that it is important for me to act *qua* son or brother or even consider that I am no longer, in a purely moral and non-biological way, the son or brother of person x. This practical identity will then stop having practical force: I will no longer consider it to be a source of reasons for action. There is, however, one dimension of my identity that is not contingent: my identity as rational human agent. Whatever I do, I cannot stop relying on my rational

²³ See Foot, *Natural Goodness*. Readers may wonder why I do not spend more time discussing Foot's perspective on morality and normativity. Briefly, the reason is that the question Kantian constructivists will be tempted to ask Aristotelian naturalists and communitarian Aristotelians is precisely the same: what reasons do I have to attribute value to my practical identity *qua* x? Whether x is defined as 'member of my community' or 'member of the human species,' here, does not affect the structure of the Kantian constructivist's argument.

²⁴ Korsgaard, *The Sources of Normativity*, p. 120.

powers when I try to assess the value of my practical identities. This fundamental identity is *necessarily* mine: the one with which I will be left if I stop attributing importance to all my contingent practical identities. Rational human agency is the fundamental standpoint from which I assess their value, and Korsgaard believes that this makes it the identity from which the value and normativity of our contingent practical identities spring. It is, in her view, moral identity *per se*:

Most of the time, our reasons for action spring from our more contingent and local identities. But part of the normative force of those reasons springs from the value we place on ourselves as human beings who need such identities. In this way all value depends on the value of humanity; other forms of practical identity matter in part because humanity requires them. Moral identity and the obligations it carries with it are therefore inescapable and pervasive. Not every form of practical identity is contingent or relative *after all*: moral identity is necessary.²⁵

Here, Korsgaard is merely summarizing an argument of which I will offer a piecemeal reconstruction and critical discussion in the next section. Before I do so, however, note that such an argument does not ground the Formula of Humanity by itself. Indeed, what it intends to show is that I must value *my* humanity to also value my contingent practical identities, but the Formula of Humanity requires me to value my humanity *and* the humanity of others. Korsgaard is well aware of this fact and offers a second argument to support the conclusion that I must value the humanity of others if I value my own.²⁶ Yet, this second argument is not the one on which I want to focus as it presupposes that the first argument succeeds, but I will argue that it fails. Even if valuing my own humanity entails that I also value the humanity of others, I contend, we have reasons to contest the idea that I *must* value my humanity to value my contingent practical identities.

4. Humanity, Well-Being, and the Moral Force of Practical Identities

I propose the following reconstruction of Korsgaard's transcendental argument regarding the value of rational human agency:

²⁵ *Ibid.*, pp. 121-122.

²⁶ In a nutshell, the second part of the argument is intended to show that the reasons I have to value my humanity cannot be private reasons as there is no such thing as private reasons. They are necessarily *shared* reasons that others also have to value my humanity. Nagel objects that such an argument rests on a misunderstanding of what private reasons are. Contrary to what Korsgaard presupposes, the egoist who does not value my humanity, only his own, does not have to assert that there is such a thing as private reasons in order to argue that he is right to be an egoist. See Nagel, "Universality and the Reflective Self," pp. 200-209.

- (1) In order to rationally value anything at all, I must have reasons to do so.
- (2) In order to have reasons to value anything at all, I must value a specific practical identity from which these reasons will spring.
- (3) In order to rationally value a specific practical identity, I must have reasons to do so.
- (4) In order to have reasons to rationally value a specific practical identity, I must value my identity *qua* rational human agent from which those reasons will spring.
- (C) In order to value anything at all, I must value my identity *qua* rational human agent.

Such a reconstruction helps us understand why Korsgaard is inclined to describe her reasoning as a transcendental argument; each premise establishes a necessary condition of a specific form of valuing and the resulting conclusion is that valuing my identity *qua* rational human agent is the necessary condition of all forms of valuing.

To assess the validity of Korsgaard's argument, let us first examine the premises. The least controversial of the four premises are (1) and (3). Surely, in order to Φ rationally, I must have reasons to Φ , at least if we understand rationality as the cognitive power to respond to reasons. More contentious are premises (2) and (4). While (2) expresses the neo-Aristotelian idea that reasons for actions spring from contingent practical identities, (4) more radically asserts that my reasons to endorse those very identities necessarily spring from a more fundamental identity: my identity *qua* rational human agent. Yet, it remains possible to accept (2) while rejecting (4). In other words, one can admit that contingent practical identities are a source of reasons without accepting that such identities can themselves only be rationally endorsed from the standpoint of a rational human agency.²⁷

More specifically, my suggestion is that an individual can rationally assess the value of one of his contingent identities by using the reasons that spring from the other contingent identities he bears. Let me clarify this idea with an example:

On a Sunday morning, Miguel, a physician who is also a patriot and a Catholic, joins the other members of his parish for Mass as he does every week. During Mass, a very conservative newly appointed priest gives an inflammatory discourse against euthanasia and nationalism (which diverts believers from divine authority). Shaken by this experience, Miguel concludes that his practical identity as a member of the Catholic Church is in tension with the other dimensions of his identity. Not only is he a patriot, but he strongly believes that his duties *qua* physician occasionally require him to discontinue painful life-sustaining treatments. He already feels his religious fervour diminish. Six months later, it is completely extinct.

²⁷ In what follows, I use 'the standpoint of rational human agency' and 'the standpoint of humanity' interchangeably.

In this case, Miguel rationally assessed the value of a specific practical identity he bears—his identity *qua* Catholic—without relying on his identity *qua* rational human agent as such. It is not *qua* rational human being that Miguel cannot accept the priest's conservative discourse, but rather *qua* patriot and *qua* physician. If it is *possible* for us to behave like Miguel, then this fact will undermine Korsgaard's claim that I *must* rely on the standpoint of humanity to rationally assess the value of my contingent practical identities. Of course, one could object that Miguel's strategy of rational evaluation is not a very good one and that it would be *desirable* that he also rely on his identity *qua* rational human agent to perform this task. Miguel could wonder, for instance, whether the priest's discourse respects the humanity of others as an end.²⁸ Note, however, that, in order for Korsgaard's transcendental argument to succeed, Miguel's behaviour must be *impossible*, not merely *undesirable*. As I suggested, Korsgaard's transcendental argument portrays reliance on the standpoint of humanity as a *necessary* condition of valuing my contingent identities. Yet, a coherentist reasoning about the value of his practical identities is available to Miguel, who *need* not rely on the standpoint of humanity.

There is nevertheless a second manner in which one can criticize Korsgaard's reasoning without, this time, contesting the validity of premise (4). For the sake of the discussion, let us concede that the standpoint of rational human agency really is inescapable, that is, that we cannot rationally assess the value of our contingent practical identities without relying on it. Let us also grant that whoever relies on the standpoint of humanity attributes *some* value to it. It would be a curious decision, after all, to rely on the standpoint of humanity if we envisioned it as devoid of any value. What we must now determine is how the value of humanity compares with the value I attribute to my other practical identities. Does the fact that my identity *qua* human is inescapable necessarily entail that it is *more* valuable than my contingent identities?

Korsgaard seems to assume that it does, but she does not offer a detailed explanation of why this is so. In her view, if I find myself in a situation where the obligations tied to my identity *qua* rational human being conflict with the obligations that stem from my contingent identities, I will have to prioritize the former over the latter. Let us consider, for instance, G.A. Cohen's case of an idealized Mafioso who lives by a code of strength and honour and "does not believe in doing unto others as you would have them do unto you."²⁹ In fact, he correctly believes that it befits a Mafioso to commit certain actions contrary to the Formula of Humanity so that his identity *qua* human conflicts with his identity *qua* Mafioso and that he will often have to choose between the two. Korsgaard believes that if the Mafioso is reflective and actively tries

²⁸ For the sake of the discussion, I am assuming that Korsgaard's argument that valuing my humanity necessarily entails valuing the humanity of others is successful.

²⁹ Cohen, "Reason, Humanity and the Moral Law," p. 183.

to rationally assess the value of his practical identities, he will unavoidably conclude that complying with his obligation as human is more valuable than fulfilling his Mafioso duties. As Korsgaard states, “his obligation to be a good person is [...] *deeper* than his obligation to stick to his code.”³⁰

Yet, even on the assumption that my identity *qua* human is rationally inescapable, it remains unclear why its inescapability entails that it has more value than my other identities. Why is it so, indeed, that such an identity is the most valuable of all *just because* I must rely on it to assess the value of my contingent identities? Does inescapability have by itself the power to confer the greatest value on things? My suggestion is that it does not. Even if I admit that humanity has value, I can still believe that my contingent practical identities are more valuable than my identity *qua* rational human agent. If I am right, it will then be possible for me to rationally prioritize my obligations *qua* father, professor, physician, best friend, etc. over my duty to comply with the Formula of Humanity.

Imagine, for instance, that Teresa, a paramedic, recognizes the value of humanity, but is inclined to prioritize her obligations as paramedic over her duty *qua* human being. By way of example, she often lies to individuals she assists *qua* paramedic by telling them that their injuries are not serious. This keeps them calmer, she finds, and facilitates her work. If Kant was right about lying, Teresa does not fully respect the humanity of the individuals she assists, and thereby violates the Formula of Humanity. Note, however, that her actions promote the well-being of the people it is her professional duty to help.

Is Teresa making a moral mistake? Possibly, but there remains a missing link between the outcome of Korsgaard’s transcendental argument—that is, the idea that humanity is necessarily valuable—and the claim that would allow us to establish that she did make such mistake. For the conclusion that I *must* attribute value to my identity *qua* rational human agent does not entail that I must also believe that it is the most valuable of all identities, and that the obligations that spring from it systematically trump the obligations tied to my contingent practical identities.

So, I may, like Miguel, assess the value of one of my contingent practical identities by relying solely on my other contingent practical identities or, like Teresa, recognize the value of humanity without considering that the obligations that stem from it override all my other duties. While the first case shows that my identity *qua* human being is not rationally inescapable, the second demonstrates that it is not necessarily more valuable than all contingent practical identities even if we assume that it is, indeed, inescapable. If these conclusions are plausible, we have grounds to (i) reject Korsgaard’s transcendental argument that aims to establish humanity as the source from which the normativity of all contingent practical identities ultimately derives, and (ii) reject the

³⁰ Korsgaard, *The Sources of Normativity*, p. 258.

claim that our identity as rational human agent bears more value than any other conceivable contingent practical identity.

We have come full circle and yet, this is philosophically troubling. More specifically, we are still looking for a satisfying account of the normativity of practical identities. As we have seen, neo-Aristotelian thinkers like MacIntyre or Descombes assume that practical identities are normative, but do not provide us with a detailed explanation of why this is so. Moreover, their view is vulnerable to a problem illustrated by Anscombe's rational Nazi scenario; if we simply assert that practical identities provide us with reasons to pursue ends that teleologically belong to them, we will be forced to admit that the bearers of problematic identities have reasons to pursue morally reprehensible ends. It *befits* a Mafioso or a Nazi to commit actions we deem unacceptable, so we need an account of why individuals should not be Mafiosi or Nazis in the first place. In other words, we need a point of view from which we can determine which practical identities it is morally appropriate for us to bear and which ends it is acceptable to pursue. The strength of Korsgaard's proposal is to acknowledge that we need such a point of view, but I ultimately found her philosophical defence of the standpoint of rational human agency to be lacking. Is there any other point of view from which we can critically assess the value of our contingent practical identities?

My final proposition is to assess the value of practical identities by considering their potential contribution to our well-being and the well-being of others. More specifically, we should endorse a version of Joseph Raz's humanistic principle and assert that the justification of the goodness or badness of practical identities derives ultimately from their contribution, actual or possible, to human life and its quality.³¹ The main advantage of evaluating practical identities from the standpoint of well-being is that it dispels the mystery surrounding their normativity. All human beings must fulfil certain basic physiological and psychological needs in order to meet minimal standards of well-being, and the practical identities we see as truly normative are the ones that help us to do so. Physicians, educators, and psychologists are morally obligated to pursue the end that is internal to their practical identities because the consequences of them not doing so would entail a significant decrease in our well-being. Our life quality depends on them doing so, and it is their contribution to our welfare that gives moral value to the practices in which they engage.

By focusing on well-being, we are also in a position to identify practical identities that, conversely, have no moral value. I already raised doubts about the effectiveness of the philosophical strategy used by Descombes against the monomaniacal Nazi rector: when shown that his end *qua* Nazi conflicts with the internal ends of his other practical identities, such an individual can always respond that these identities are unimportant compared to the one political

³¹ See Raz, *The Morality of Freedom*, p. 194.

identity he truly values. Surely, Descombes is right that we will then be able to argue that he is a mediocre rector, but the Nazi can then countercharge that academic activities have no value in themselves, but only insofar as they serve ideological objectives. In doing so, he would not deny the Aristotelian idea that a good rector must pursue the end that is internal to his identity, but more radically reject the claim that he ought to be a good rector in the first place. In the end, Descombes underestimates the rational resources of the individual who is committed to pursuing a morally reprehensible end. In contrast, arguing from the point of view of well-being will be considerably more difficult for the rational Nazi. Experienced orators may convince us, if they are highly skilled, that fervently supporting the NSDAP will promote their own well-being and the well-being of their fellow countrymen, but it will not be difficult for us to identify whose well-being is likely to be negatively affected as a direct result of the NSDAP's political activities.

One possible objection to my suggestion is the claim that the standpoint of well-being really is the standpoint of humanity in disguise, that is, it roughly corresponds to the Kantian constructivist's discourse on rational human agency. It is true that such discourses will likely overlap: to guarantee a certain amount of well-being to each human being, for instance, we may conclude like Kantians that certain individual rights shall never be violated. It is also true that the standpoints of well-being and humanity serve a similar function, that is, they represent a perspective from which the value of all contingent identities derives, and without which it will be arduous—if not impossible—to counter-argue against the bearers of morally problematic practical identities. Yet, the proponents of each of these two standpoints will employ a significantly different methodology in order to determine their content. The Kantian constructivist's ambition is to demonstrate *a priori* that the standpoint of humanity is rationally inescapable and that humanity therefore has more value than any other contingent identity. As Korsgaard's argumentation makes clear, she is also committed to the idea that judging from this standpoint amounts to endorsing the Formula of Humanity. In contrast, the nature of human well-being cannot be determined *a priori*. Even the proponents of objective list theories of well-being according to which living a good life does not depend—or not only depends—on having one's preferences satisfied attempt to identify human goods that empirical communities value.³² In fact, it is unlikely that we will attain a satisfying definition of well-being while neglecting Aristotle's suggestion to begin by examining *endoxa*, that is, prominent judgements regarding what it is for a human life to go well.

A fully fledged defence of the normativity of well-being goes beyond the scope of this article, but I can already concede that following Aristotle's dialectical method will undeniably have drawbacks. Indeed, it will be laborious and time-consuming, as it is likely to lead us to cross-disciplinary boundaries

³² For lists of objective human goods, see Griffin, *Well-Being: Its Meaning, Measurement and Moral Importance*, and Finnis, *Natural Law and Natural Rights*.

and conceive of moral enquiry as going hand-in-hand with the sociological and anthropological study of people's considered judgements with regard to the constitutive elements of well-being: pleasure, health, knowledge, friendship, autonomy, etc. Surely, such an approach is less elegant than the Kantian constructivist's alternative methodology; it does not rely on transcendental moral proofs, nor does it lead us to principled certainties. Quite the contrary, tying the reflection on morality to the appraisal of empirical opinions regarding well-being may yield cross-cultural discrepancies and generate strenuous attempts to find overlaps between them.³³ In fact, if the Kantian constructivist's metaethical project of grounding moral universalism in *a priori* reasoning had shown successful, the temptation would be strong to conclude that there is no compelling reason to undertake such a taxing empirical enquiry. Yet, I have provided reasons to believe that such a project ultimately fails. Hopefully, the mishaps of contemporary *a priorism* will pave the way for thinkers who intend to construct moral universality *a posteriori*, that is, by coupling philosophical reflection with socio-anthropological observation.

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³³ Rice notes, for instance, that “the modern concept of loving relationships overlaps with Aristotle’s account of *philia* (friendship), Confucius’ account of *ren* (compassion), and [...] the Lakota concept of *wancantognaka* (generosity toward family and tribe members).” See Rice, “Defending the Objective List Theory of Well-Being,” pp. 196–211.

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