Constitutivism, Moral

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A constitutivist theory purports to explain or ground the normativity (*see* NORMATIVITY) that applies to certain entities in the nature of those very entities. More precisely, a constitutivist wants to explain or ground the *authority* (*see* AUTHORITY) and *content* of some of the normative facts or pressures – such as reasons (*see* REASONS), norms, or requirements – that apply to some kind of entities in the more fundamental, constitutive features of those entities (Tubert 2010; Smith 2015, 2017; Lindeman 2017; Schafer 2019).

For instance, epistemic constitutivism purports to ground epistemic normative pressures on the basis of constitutive features of beliefs or believers (Côté-Bouchard 2016; Flowerree 2018; Zanetti forthcoming; Horst manuscript). Constitutivism about logic might ground the laws of logic on the nature of thinking (Leech 2015).

The major attraction of any constitutivist view is the hope of grounding at least some normativity on a more fundamental (and less controversial) metaphysics (*see* IS–OUGHT GAP).

In the case of *moral* constitutivism, the target of the explanation is morality (or some related aspect of practical reason) and the ground is usually the nature of *agency*. (Henceforth, unless otherwise noted, I will use "constitutivism" to refer to "moral constitutivism" only.) (*See* RATIONALISM IN ETHICS.)

The aspiration of constitutivism, at least in its most ambitious form, is to ground the categorical (unconditional, objective) and robust authority of morality: authority is *categorical* when its force does not depend on the agent's contingent motives or attitudes (although it might still depend on motives or attitudes that are necessarily constitutive of agency as such). Authority is *robust* when it is a matter of actual pressures to comply with its demands rather than the mere formal evaluation of whether an entity or activity meets some standards of success (Baker 2017). For instance, the nature of a knife determines what counts as a good knife in the *evaluative* sense (Thomson 2008): it tells us how to evaluate knives as good or bad "as knives" (*see* GOOD AND GOOD FOR; EVALUATIVE VS. DEONTIC CONCEPTS). But this evaluation, by itself, does not tell us whether we have any robust reason to do anything specific about knives, including the good ones. For instance, we might have a concluding reason to destroy a perfect knife which is used as a potentially lethal weapon.

Moral constitutivism promises to ground categorical robust normativity by eschewing the problems of moral realism (*see* REALISM, MORAL), including the realist's appeal to normative facts that allegedly hold independently of our nature as agents or reasoners with practical (and theoretical) standpoints.

The Analogy with Games

Constitutivist arguments are often illustrated by analogy with games, especially chess. The rules of chess are authoritative on account of what is constitutive of the game: one cannot violate the constitutive rules of chess without thereby failing to play chess altogether. A strategically defective move (e.g., one that leads to an easy checkmate by one's opponent) is a move *in* the game of chess. But ~~in~~ moving a rook along a diagonal, say, one thereby no longer plays chess. As long as one is to play chess, one must respect the constitutive rules of the game. In other words, the rules of chess are authoritative on the ground of the nature of that game.

A similar argument might be used to argue that one must respect the normative pressures of morality. If the pressures of morality can be derived from the nature of agency, one could not possibly reject their authority without thereby failing to be an agent altogether. Hence, if one is to be an agent, one must respect the authority of morality. Or so the argument goes.

There are two major issues with this argument. First, unlike the rules of chess, the normative pressures of morality are not explicitly stated when one specifies the constitutive features of agency. Hence, at best, the argument could only ground the authority of the ~~norms~~ but it couldn't explain their content. The moral constitutivist would thus still need to show how to derive substantive moral norms from the constitutive features of agency.

Second, the authority secured by this argument is only conditional. The rules of chess are authoritative only to the extent that there is an *independent* normative pressure to play chess. Likewise for morality: the argument seems to prove only that we must respect the authority of morality *to the extent* that we are to be agents. But this is only ~~a form of~~ conditional, rather than categorical, authority. How can moral constitutivism address these serious concerns?

An Example of Ambitious Constitutivism: Korsgaard

Consider the responses offered by Korsgaard (2009) – a well-known and most *ambitious* version of constitutivism. Her account is ambitious both in the derivation of the content of the normative pressures (nothing less than morality) and in the grounding of their force (nothing less than categorical robust authority).

Here is a quick summary of her derivation of morality from the nature of agency. According to Korsgaard, the constitutive function of agency is the agent's *self-constitution*: the primary work of agency is not the instrumental and efficacious pursuit of specific goals but the integration of the agent as an agent, that is, as the *author* of her actions (*see* ACTION) rather than the locus of the operation of mere causal forces.

Actions are necessarily *of* agents. As such, actions are the manifestations of the agent as an integrated whole. A unified agent does not preexist the performance of its actions. Rather, the agent constitutes itself as the author of the action in the very performance of the action: agency is self-constitution (the constitution of oneself as the agent of one's own actions).

The integration is to be constantly achieved because it is under a permanent threat of dissolution. Our biological life is under threat in the same way in which the life of nonrational animals is. As *rational* agents (*see* RATIONALITY), however, we are also under the threat of psychic disunity. For us, there is always a "reflective distance" between the incentives we experience and our responses to them. Unlike nonrational animals, we cannot rely on instincts to determine these responses. We must instead choose the *principles* that determine which incentives give us *reasons* to act (*see* REASONS FOR ACTION, MORALITY AND). We are thus in control of the grounds of our own actions. Human action is self-conscious action; it requires not only a conception of *what* one is doing but also of *why*.

In order to count as genuine reasons, the considerations offered by the principles must be public, that is, they must be acceptable by all other rational agents, simply as such. In other words, any principle of action must be willed as a universal law. Thus, to serve its function, our agency – as *rational* agency – must conform to the Kantian categorical imperative (*see* CATEGORICAL IMPERATIVE). Once this basic requirement is in place, it is easy to see how one can derive morality in a familiar Kantian fashion (*see* KANT, IMMANUEL).

The previous sketch shows a way in which a constitutivist might derive substantive normative pressures (in this case, morality itself) from the nature of rational agency. But how can one derive the *authority* of these principles? Korsgaard argues that these pressures have *categorical authority* because there is something special about our agency. Whereas playing chess is optional, agency is not. Acting is "an inexorable fact of the human condition"; it is our "plight" (Korsgaard 2009: 2). Given that we cannot but be agents – that agency is *inescapable* for us – the norms of agency are categorically normative for us: "a constitutive principle for an inescapable activity is unconditionally binding" (Korsgaard 2009: 32).

In sum, Korsgaard's account is ambitious in both dimensions of the constitutivist grounding: the content of the substantive norms and the force of their authority.

Varieties of Constitutivism

Other versions of constitutivism have similarly ambitious aspirations about categorical force. Like Korsgaard, they appeal to the inescapability of agency, although they offer somewhat different interpretations of this inescapability and its specific role in supporting categorical authority (Velleman 2009; Ferrero 2009, 2018; Walden 2012; Katsafanas 2013).

Concerning the content of the norms, some versions agree with Korsgaard that nothing less than morality can be grounded in the nature of agency (Smith 2015) (*see* MORAL AGENCY). Other versions stop short of morality but they still purport to ground something in the vicinity, for instance constraints on practical norms (Katsafanas 2013) or pro-moral pressures that encourage us to develop a moral way of life (Velleman 2009).

Another important difference between various versions of constitutivism is the exact characterization of the nature of agency that is supposed to be the basis of the derivation

of the norms and their authority. The various versions usually find initial inspiration in the conception of agency of some important historical figures, thereby giving rise to various families of constitutivism, such as Kantian (Korsgaard 2009; Velleman 2009; Schafer 2019), Humean (centered around the less demanding conception of rational agency as merely instrumental, see Street 2012; Smith 2015), Hegelian (centered around the constitutive role in agency of mutual intelligibility and interpretability, see Walden 2018b), Nietzschean (based on an account of our agency in terms of drive psychology and the special role of the will to power, Katsafanas 2013), and Aristotelian (centered on our nature as human beings rather than as rational agents *as such*, Lavin 2017; see Frey 2019 for Aquinas' version) (*see* NEO-ARISTOTELIAN ETHICAL NATURALISM).

The disagreement between the various kinds of constitutivism often stems from a disagreement about what counts as *the* correct conception of agency *as such*. But some have suggested that constitutivism should be pluralist rather than absolutist: there are various kinds of agency, with distinctive constitutive features, which might ground somewhat different sets of norms (Millgram 2010; Sussman 2015; Lavin 2017; Walden 2018a; see below for a discussion about whether pluralism threatens categorical authority).

Finally, although the basis of the derivation is usually taken to be some kind of agency, moral constitutivism might use a different basis. For instance, Schafer (2018, 2019) defends a form of moral constitutivism centered on the capacity of reason (in both its theoretical and practical forms) that aims at comprehension or *understanding*, rather than on the capacity of agency that aims at autonomy. (I will continue to talk about agency as the basis of the derivation but much of what I say might apply to other bases as well.)

Troubles with Constitutivism

Particular versions of constitutivism might be subjected to specific objections that cannot be discussed here, but there are three serious challenges that threaten the viability of constitutivism in its more general form: the shmagency challenge, the worry about the thin basis, and the bad-action problem.

The shmagency challenge

The most serious objection to the constitutivist account of categorical authority is raised by Enoch (2006, 2011). At the core of this challenge lies the notion of a kind of being – a shmagent – whose conduct might closely resemble that of genuine agents but who is not subjected to the pressures stemming from the nature of agency. There are different ways to interpret this challenge.

The most straightforward reading is the *external* one. Shmagents stand outside of agency and they can intelligibly ask whether there is any reason for them to be agents (and thereby subject themselves to the normative pressures of agency). Compare someone who is not playing chess but wonders, outside of the game, whether there is any reason for him to play chess. Such a subject can acknowledge the conditional

authority of the rules of chess, but she won't take these rules to be robustly authoritative unless she has an independent reason to play chess in the first place, that is, a normative pressure to engage in the game that does not derive from the constitutive features of that game. By analogy, an external shmagent could acknowledge the conditional authority of the pressures of agency but still wonder whether she has any reason to be an agent in the first place. The conceivability of an external shmagent, who stands outside of agency, would spell troubles for constitutivism. For it would show that appeal to the nature of agency, by itself, cannot ground robust categorical authority since it does not answer the question "why be an agent, in the first place?" (Enoch 2006, 2011; Railton 2003; O'Hagan 2014; Paakkunainen 2018).

The most promising constitutivist response to the external shmagency challenge is to argue that agency is "standpoint inescapable." We, as agents, cannot conceive of an external standpoint from which to raise the question whether there are reasons to be agents. Such a question, interpreted as a question that could be raised from outside of agency, is unintelligible from the standpoint of agency itself. Whereas we can stand outside of chess, we cannot stand outside of (rational) agency when asking questions about practical reasons (see "dialectical inescapability"; Velleman 2009; Ferrero 2009; Silverstein 2012, 2015; for discussion of other kinds of inescapability and why they might not help constitutivism, see Ferrero 2018).

This response to external shmagency does not purport to *refute* the (skeptical) shmagency challenge – no argument is offered to prove that shmagents (and *a fortiori* agents) have robust reasons to be agents. Rather, the response is meant only to *defuse* the challenge by showing that the external challenge cannot be properly raised.

Even if agency is standpoint inescapable, the shmagency challenge might still be raised *internally* to agency. Perhaps, constitutivism might have troubles addressing the question "Why be an agent?" asked by agents rather than purported shmagents. For instance, the internal question might bring to light internal inconsistencies in the agent's own commitment to her own agency. Alternatively, agents might fail to endorse or identify with the constitutive motives of agency, even if these motives are psychologically inescapable. Finally, agents might not really care about their own agency at all and just be half-hearted about it, if not even fully alienated from it (even while they continue to pretend to abide by its pressures) (see Enoch 2011).

On behalf of constitutivism, it might be argued that these scenarios do not articulate clear and definite challenges. Are the scenarios trying to revive some sort of external standpoint to agency? Or are they meant to show that there is a legitimate internal question that constitutivism is unable to answer? The internal shmagency challenge might turn out not to be as straightforward as the external challenge (see Ferrero 2018).

A stronger response by the constitutivist would be to question the legitimacy of the question "Why be an agent?" even from the internal standpoint. One might argue, for instance, that standpoint inescapability makes both the external and the internal question unintelligible (Velleman 2009). Alternatively, one might argue that the internal question is intelligible but moot, since there is no practical option that is open for the agent to take in response to the question but that of being an agent (Katsafanas 2013).

If the internal question is legitimate, however, constitutivism might still be able to answer it. Nothing appears to preclude the internal self-validation of agency. In principle, it seems possible for agency to show, in its own terms and without circularity, that agents have conclusive reason to be agents and, thereby, to subject themselves to the authority of what follows from the nature of agency (Velleman 2009; Ferrero 2009). Nevertheless, showing that self-validation is in principle possible does not yet guarantee that agency is actually able to validate itself.

Even if the shmagency challenge in both its external and internal forms can be rebuffed, this is not yet a full validation of constitutivism. That constitutivism might be able to defend its viability on account of the standpoint of inescapability of agency does not yet amount to a positive explanation of *how* this inescapability helps with grounding categorical robust normativity (Ferrero 2019).

A nagging worry might therefore still lie behind the persistent attraction of some version of the shmagency challenge. Constitutivism promises to ground one kind of necessity (the "should" of categorical normativity) in a different but supposedly more fundamental kind of necessity (some combination of the "impossibility" underwritten by inescapability and the "must" of what is constitutive of the item's nature). This promise is the allure of constitutivism but also its most serious liability: for constitutivism still owes us a clear and convincing account of how the metaphysical necessities are supposed to ground some normative necessity (Paakkunainen 2018).

Finally, the shmagency challenge might be interpreted as standing for some other familiar challenge to accounts of morality. For instance, Enoch (2020) claims that the shmagency challenge is closely related to Moore's *open question argument* (*see* OPEN QUESTION ARGUMENT) in that it helps uncover where constitutivism, as a form of metaethical naturalism, makes the illegitimate move from the natural to the normative (*see* NONNATURALISM, ETHICAL). Whether the move is indeed illegitimate is something that constitutivism is going to dispute. Adjudicating this disagreement, however, might ultimately rest on more general arguments about the plausibility of metaethical naturalism that might not be specific to constitutivism.

In a similar fashion, the shmagency challenge might be interpreted simply as a version of the general skeptical question "Why be moral?" But, as such, the challenge by itself does not show that there is necessarily a problem with the constitutivist's attempt at addressing that very question (Rosati 2016) (*see* SKEPTICISM, MORAL).

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The problem of the thin basis

Even if constitutivism is able to answer the "why?" question – to ground categorical normativity – it might still face a major problem with the "what?" question – with the derivation of substantive normative pressures. The worry is that the nature of agency might offer too "thin" a basis for this derivation. This is especially so if, in order to reject the shmagency challenge by something like dialectical inescapability, constitutivism might be forced to rely on a minimal and formal conception of

agency, such as the generic capacity to act for reasons (Setiya 2003; Millgram 2010; Tiffany 2012). Thicker and more substantive conceptions of agency offer a more promising basis for the derivation of contentful norms, but the risk is that they could only ground conditional authority by leaving open why one should embrace the more specific kind of agency in the first place (see also, for opposite takes, Setiya 2014 and Tenenbaum 2019).

What if a thicker conception of agency might still go together with some suitable kind of inescapability? Some constitutivists have argued that the basis of the derivation should not be "agency as such" but some more specific conception of agency. Acknowledging this pluralism about various forms of agency might still allow for *us* to derive pressures from the nature of *our own* kind of agency, provided that other forms of agency are not accessible to us or at least to us at the present time (Lavin 2017; Sussman manuscript). If so, the authority of the normative pressures grounded in our agency depends in part on features that are contingent to the generic form of rational agency, but this authority still retains a categorical character for us, given that we cannot but be the specific kind of agents that we are.

These features, although contingent, are not the variable particular attitudes or values of individual agents; they are rather constitutive and inescapable facets of our agency that provide the stable and entrenched background structural framework of our exercise of practical reason. Examples of these features are our distinctive psychological combination of aims, motives, and drives (Katsafanas 2013; for a discussion, see Ferrero 2015); the constraints set by our specific biology, embodiment, and forms of socialization (Walden 2012, 2018a); or even our particular culture at large, such as our distinctively modern, liberal form of agency that we just happen to inhabit because of a contingent historical process (Sussman manuscript). Although metaphysically, rationally, or historically contingent, these features are biologically, psychologically, culturally, and socially so entrenched that they provide the inescapable horizon of *our* practical point of view and are, as such, explanatory of an authority that is *categorical for us*.

The bad-action problem

One final concern is the "bad-action problem": if normative pressures apply only to items that satisfy their constitutive standards, it seems that constitutivism cannot make room for any defective items, such as bad actions. In addition, there would be no point in talking about normative pressures at all, since all manifestations of agency would be guaranteed to be perfect and thus beyond any possible criticism (Railton 2003; Lavin 2004).

In response, constitutivists have argued that bad actions are possible as *defective* instances of the kind "action" or as defective manifestations of the capacity of agency. The defective items are not individuated in terms of their actually meeting the constitutive standards but simply in terms of their being subject to these standards (which allows for the possibility of falling short of them). This subjection could be a matter of *having* a constitutive aim, function, or commitment but not

necessarily a matter of being *fully successful* in reaching the aim, performing the function, or carrying out the commitment (Korsgaard 2009; Lindeman 2017; Bachman 2018). Relatedly, constitutivism might have to embrace a metaphysics in which the essential (and good-making) properties of certain kinds can be lacking in at least some of their (defective) items (Fix 2020). The way in which constitutivism accommodates defective items and bad actions determines whether constitutivism can meet the error constraint (making sense of genuinely normative pressures by allowing for the possibility of violating them) without committing to a seemingly objectionable kind of radical freedom to reject the dictates of reasons or the denial of the possibility of perfect rational agency (see Lavin 2004; Cokelet 2008; Fix 2020).

However, by dissociating the conditions of membership from the perfection in responding to normative pressures, constitutivists might have to countenance the possibility of *maximally* defective items, which are nonetheless still members of the kind in question. If so, the constitutivist would have trouble trying to ground the authority of the pressures by claiming that they must be met "on pain of losing" the items in question. The "existential threat," to use Lindeman's (2017) expression, is no longer in place: maximally defective items continue to be items of their kind in spite of the maximal violation of their constitutive standards.

Less Ambitious Constitutivism

A more modest constitutivism is one that is unable to ground categorical authority of the pressures that can be derived from the nature of agency. This constitutivism must thus rely on some independent account of the ultimate source of the authority of these norms. Even if the authority of what can be derived from the nature of agency is only conditional, this does not mean that agency is normatively optional in the way that other ordinary enterprises, such as the game of chess, are.

The investigation of the nature of agency might show that agency is inseparable from a large "package" of the most valuable features of our existence. For instance, according to Bratman (2018), our distinctive kind of agency – planning agency – is constitutively inseparable from both our sociality and self-governance. If so, one can reject the authority of any of the pressures grounded in agency only by rejecting the entire valuable package. There can be no piecemeal rejection. The larger the package, the more difficult to reject any of its components.

In addition, our kind of agency might be said to be inescapable on account of the combination of its deep psychological and normative entrenchment, its integration with much of what we take to be important to us, and its stability under rational reflection (see "Strawsonian Inescapability" in Bratman 2018). Trying to resist the normative pressures of this agency might thus come at a very high cost because of what we would lose and of the effort it would take to get rid of something so deeply entrenched. Although the authority of its pressures is ultimately still conditional on the reason to embrace the package, only the most radical skeptics might be left unconvinced (see also Railton 2003).

Constitutivism and Metaethics

What is the role of constitutivism in metaethics? Constitutivism is usually explicitly presented as an alternative to moral realism. Some of its defenders cast it as a radical alternative to traditional ways of doing metaethics (Korsgaard 2003; Velleman 2009) (*see* METAETHICS). Constitutivism might also be seen as a self-standing metaethical view – especially in the guise of "constructivism" (Bagnoli 2017) (*see* CONSTRUCTIVISM, MORAL). Some argue, however, that constitutivism, even if successful in grounding robust categorical authority, might still need to be supplemented by some traditional metaethical views, especially expressivism, in order to answer standard metaethical questions about the logic and semantics of normative discourse and to address metaethical challenges such as the one raised by error theory (*see* ERROR THEORY) (Silverstein 2012; Wallace 2012; Ridge 2018).

See also: ACTION; AUTHORITY; CATEGORICAL IMPERATIVE; CONSTRUCTIVISM, MORAL; ERROR THEORY; EVALUATIVE VS. DEONTIC CONCEPTS; GOOD AND GOOD FOR; IS–OUGHT GAP; KANT, IMMANUEL; METAETHICS; MORAL AGENCY; NEO-ARISTOTELIAN ETHICAL NATURALISM; NONNATURALISM, ETHICAL; NORMATIVITY; OPEN QUESTION ARGUMENT; RATIONALISM IN ETHICS; RATIONALITY; REALISM, MORAL; REASONS; REASONS FOR ACTION, MORALITY AND; SKEPTICISM, MORAL

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