LIFE AND AGENCY: CONSTITUTIVISM AND THE SOURCE OF PRESCRIPTIVE NORMS

by

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ABSTRACT
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I explore a recent project in metaethics known as "constitutivism," and presents an outline of a new approach to that view. Constitutivism is an approach to moral realism that attempts to ground objective moral norms in the nature of action. This is done by showing that action has a constitutive aim, and that agents are committed to action, and so are thereby committed to that aim. Since agents can fulfill that aim with varying degrees of success, this aim generates a standard of evaluation. If this project succeeds, it would serve to make moral norms real and objective and simultaneously avoid the serious epistemological or metaphysical obstacles that traditional realism faces. This view has come under criticism from philosophers who argue that the norms deriving from the nature of action will be insufficient to deal with moral skepticism and will be arbitrary from a normative point of view. I outline a form of neo-Aristotelian constitutivism that I think does not face these problems.We can conceive of action in both a minimal and substantive way, and that a substantive conception of action generates objective norms when coupled with important considerations about the biological nature of human beings. Finally, I discuss the crucial role of choice in my view of morality and the objectivity of norms.

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Introduction

Constitutivism is a relatively recent project in the philosophy of action that has arisen from the idea that objective norms derive from the nature of agency. Since our agency (our capacity to engage in intentional action) is such an important feature of human existence, constituvists believe that investigating it can answer important questions about ethics and the nature of rationality. These philosophers aspire to show moreover that we can have an objective basis for our normative claims without facing the traditional metaethical obstacles to moral realism.[1] This objective basis would be rooted in the fact that agency offers a standard of evaluation regulated by mind-independent facts of reality, but facts that are neither mysterious nor unaccountable.[2]

Constitutivists face some difficult challenges if they are to vindicate their position. David Enoch has identified at least one important challenge to the view that the *objectivity* of the norms of agency can be foundational.[3] Since the goal of constitutivism is to ground moral norms in agency, we can reformulate this challenge to make it clearer for my purposes here. On the one hand, Enoch's challenge raises the question, "Why should

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[1] Moral realism here being the view that some moral claims are true and pertain to objective facts. Another closely related benefit of the constitutivist project, if it can be made to succeed, is that it finds a nice middle ground between the internalist and externalist positions on reasons. See Williams, "Internal and External Reasons." This is important because both internalists and externalists seem to face counterintuitive implications to their views.

[2] This is broadly similar to the view of objectivity present in the natural sciences. I do not wish to enter the debate here on whether objectivity in moral philosophy is *domain-specific* or not, i.e., whether it is different in kind from objectivity in the natural sciences. See Leiter (2001). Instead I focus here on what I take to be the relevant issue, which is that the norms deriving from agency are relevant to moral discourse and not rooted in feelings or attitudes of individuals.

[3] This appears first in Enoch (2006), and appears again in Enoch (2011). (I will here mostly focus on Enoch's arguments in the latter paper, since these are his updated views.)

one care about being a good agent?" and on the other, "Can objective norms be grounded in agency?" What I take Enoch to be arguing is that neither of these questions can be satisfactorily answered by the constitutivist. I hope to show that at least one version of constitutivism can withstand Enoch's challenge and defend objective and prescriptive (i.e., action-guiding) moral norms.

First, I will examine the basic elements of constitutivism and Enoch's challenge more closely. Next, I shall outline a constitutivist view inspired by Philippa Foot's discussion of the natural basis of norms in *Natural Goodness*. Ultimately, I argue that Enoch's criticism does not succeed against a constitutivist view that holds prescriptive moral norms as being conditional upon the basic choice to pursue life. If one makes this choice, one ought to be moral and abide by the norms of agency, since living well requires being a good agent. I will argue that the norms of morality are objective because they are ultimately rooted in objective facts about human beings and the way they live.

I. What is Constitutivism?

Let us clarify what constitutivism is and what it hopes to achieve. I characterize constitutivism primarily by its methodology, rather than the specific content of the norms it seeks to establish. These views suggest that human action has one or more constitutive aims that allow us to evaluate specific actions or agents as being good or bad members of their kind. But what does it mean for action to have a constitutive aim? David Velleman (2009), a proponent of a constitutivist view, explains this as "an aim with respect to which behavior must somehow be regulated in order to qualify as an action." In other

words, what *makes* something an action is the fact that it aims at a certain end. Constitutivists disagree on what the specific aim or function of action is, and so their normative conclusions vary widely.[4]

Constitutivist accounts begin with two basic maneuvers. First, a claim is made about some goal, aim, or function being constitutive of action. To count as an action, behavior must be regulated by the right aim. For example, Velleman suggests that action must aim at a kind of self-knowledge.[5] On Velleman's view, actions are just those instances of behavior that are constituted to promote self-knowledge. Behavior that does not promote self-knowledge in any way, such as unintentional reflexes or "Freudian slips" will therefore not count as actions according to Velleman. Second, a set of norms evaluating human action are derived from that constitutive aim, and individual actions can fail to fully promote that aim. Constitutivist views aim at showing how interesting prescriptive norms (ideally, ethical norms) can rest upon the standards evaluating action as such, and that agency is therefore the source of all normative reasons for action. If prescriptive norms (i.e. norms guiding our choices) of agency can be derived in this way, they would exhibit a feature that other norms do not; they would (at least, on some con-

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[4] See Velleman, Korsgaard, and Katsafanas. Velleman and Korsgaard each defend a version of constitutivism that is influenced by Kantian moral theory, while Katsafanas defends a Nietzschean constitutivism. Katsafanas has a view which superficially may seem similar to mine, in which he argues that action has two constitutive aims. It is worth noting that my approach is the not the same as his.

[5] Consider the following examples: for Katsafanas (2013), the aim of action is power, for Korsgaard (2009), the aim of action is self-constitution, for Velleman (1996) the aim of action is self-understanding or coherence.

stitutivist approaches) be inclusive of all other prescriptive norms.[6] On this view, the justification of any specific prescriptive (i.e. action-guiding) norm (such as "one ought to be honest") rests upon its relation to the aim of action.

A constitutivist-style evaluation about many activities is pre-theoretically appealing. For instance, farming, medicine, or construction have certain constitutive aims (growing food, promoting health, and designing stable human buildings), and these determine the standards by which specific instances of those activities are evaluated. These norms have an additional feature in being *prescriptive*: they provide guiding principles that individuals must choose to conform to if they are to perform that activity well. The question concerning constitutivists is whether evaluative and prescriptive moral norms can be applied to *all* intentional human action (agency) *as such*, and whether these norms can serve the foundation of other norms, especially ethical norms.

As a meta-ethical project, I must stress that constitutivism is not necessarily committed to any particular approach to normative ethics, and although my discussion in this essay may suggest a specific view, different normative ethical systems could be justified by a constitutivist foundation. I take it that this is yet a further strength of the constitutivist project.

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[6] Of course, this assumes that there are no prescriptive norms for which there are no normative reasons to act. However, I will not consider here the possibility of such non-reason-giving norms, and take this claim to be sufficiently plausible for my argument here.

II. The Shmagency Challenge

David Enoch (2011) argues that constitutivism as a general approach cannot work. The main problem, as he sees it, is that:

> …the status of being constitutive of agency does not suffice for a normatively non-arbitrary status. Of course, if there were some independent reason to be an agent (for instance, rather than a shmagent), or to perform actions, this objection would go away. But the price would be too high, for such an independent reason — one not accounted for by the constitutivist story, but rather presupposed by it — would make it impossible for constitutivism to be the whole, or the most foundational, account of normativity, or to deliver on its promised payoffs.

On his view, even if it can be shown that action has a constitutive aim and agency is something all humans must engage in, these norms cannot be objective unless there is a more fundamental normative reason to care about agency in the first place. This is because constitutivism itself cannot offer a normative reason for why one ought to be an agent rather than something similar to an agent that does not meet the aim of action, e.g., a "shmagent." Enoch agrees that we plausibly have reasons to care about being good agents. However, he thinks that these are reasons that do not derive from any constitutive aim that we have, but rather derive from a scheme of irreducibly normative reasons.

By the nature of the constitutivist project, constitutivists are committed to prescriptive norms deriving from agency, so these philosophers cannot appeal to some *independent* (non-agential) normative reason to ground agency; in other words, the constitutivist cannot merely suggest that "you ought to be an agent because that is what is prescribed by the more fundamental set of norms X." For as Enoch points out, that would mean that X is a more fundamental source of normativity than action itself. In that case,

the view is contrary to the explicit goals of the constitutivist project. On the other hand, if there is *no* reason to be an agent, then the normative standards deriving from agency would be arbitrary, and constitutivism is false. They would be arbitrary in just the same way that telling someone to care about the constitutive aim of chess, even when that person has no reason to care about chess, would be arbitrary. As I take it, we can reformulate Enoch's challenge into two questions:

a) Why should one care about being a good agent?

b) Can we ground objective normativity in agency (a non-normative feature of the world)?

As Enoch (2011) observes, the fact that we might be currently engaged in action is not a sufficient reason for us to care about agency. Agency is in this respect no different for us than any other (specific) activity, such as playing chess. Chess has its own internal standards; if you are not attempting to checkmate the opponent's king, or if you are not moving your pieces in accordance with the rules to further that aim, you are not really playing chess. But no one believes that the fact that we are playing chess (or something like chess) at any given moment suffices for our having reasons to checkmate our opponent, for we might have no reason to play chess in the first place. This situation does not change even if playing chess is somehow inescapable, for instance if there is a gunman coercing one into playing chess.[7] Supposing that there were some individual who did not

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[7] Of course, you would then have a reason to play chess if you had some independent reason not to get shot, but that is not the point. The point is that the mere inescapability does not suffice for caring about the constitutive aim of chess.

care about the constitutive aim of agency, a "shmagent," what could the constitutivist say to her?

Luca Ferrero (2009) has responded that constitutivists have no refutation of Enoch's "shmagent," but are able to defuse the challenge. This is because of two features that make agency special. First, it is the enterprise with the "largest jurisdiction." This is because all our projects and enterprises are expressions of agency more broadly. Secondly, agency is "closed under the operation of reflective rational assessment." This means that we cannot ask questions about what we have reason to do, or what it is rational to do, apart from or external to agency; in short, only agents can engage in practical reasoning. We could only suppose otherwise if we make an implausible analogy between agency and ordinary activities, such as playing chess. Playing chess has constitutive standards and aims (including having the aim of checkmating the opponent's king), but it is possible, even while playing chess, to ask whether one has a reason to checkmate the king; one can sensibly ask whether one has a reason to play chess to begin with external to the game itself. Since the shmagent is asking an impossible question, the shmagency objection is defused.

Enoch finds this response to be unhelpful for the constitutivist, without support from further arguments or different lines of reasoning. The "external challenge" to agency seems on the face of it coherent: it seems perfectly coherent to ask why one should care about the constitutive aim of action (whatever it turns out to be). Therefore, we might be suspicious that the constitutivist should have more to say. From a dialectical

point of view, the self-defeating nature of the skeptic is irrelevant, since this is perfectly consistent with the possibility that constitutivism is false. I shall grant Enoch these points here. I am sympathetic with Ferrero's response, but unless we show more substantively how agency is connected to what we rationally care about and value, the challenge has not been met.

Velleman's (2004) response to Enoch's skepticism is similar to Ferrero's, but stresses a different issue. On his view, since action aims at self-knowledge, the "shmagent" is incoherent because the very fact of asking whether one has reasons entails "trying to bring his behavior under descriptions that would embody knowledge of what he was doing." What this amounts to is the claim that one does not even count as an agent without having certain basic motivations. As Enoch rightly stresses, this puts Velleman in a difficult position. On the one hand, Velleman can "pack in" very little into what is constitutive of agency, and hence maintain a plausible view of the constitutive aim of action. If he does this, however, he cannot then easily derive interesting norms of practical reason and morality. On the other hand, if Velleman packs more in, for example by claiming that a certain commitment is itself constitutive of agency, his account becomes less plausible. Kieran Setiya makes this latter point especially clear when he remarks that "if acting in accordance with one's intention is sufficient to satisfy the constitutive aim of ac-

tion, and thereby sufficient for doing what there is *most reason* to do, the standards of practical reason are too easy to meet."[8]

My view takes a radical departure in responding to Enoch's challenge. In this essay, I will concede Setiya's (and Enoch's) point that a minimal conception of agency cannot generate prescriptive norms of morality. However, a minimal conception of action need not be our *only* interpretation of action; on my view, we can answer both questions that Enoch raises with a *dual* conception of agency. We can ground prescriptive norms in light of the facts that action aims at life, together with the basic goal of individuals to pursue life. We can then show that the question "why be moral?" is answerable only by those individuals, but that morality is still objective. This bypasses Enoch's challenge to the plausibility of constitutivist standards, since I will argue that pursuing life gives rise to a complex set of normative prescriptions.

In this essay, then, I adopt a dual conception of agency involving both a minimal and a substantive interpretation. On the minimal interpretation, we may formally call an action that which constitutively aims at realizing our intentions, and hence an agent one who merely pursues any goals or intentions in her activities. Given the more specific context of agents acting to preserve their existence, we can identify the *proper* aim of action as life. This is the substantive interpretation. In other words, *proper* actions, actions proper to agents *given their nature*, constitutively aim at life. Both of these two interpretations

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[8] Setiya (2003). Setiya admits that Velleman's response is to point out that there are degrees of self-knowledge, and that we can thereby explain away implausible candidates for justified (but intentional) actions. Setiya then argues, (convincingly, in my opinion) however, that this still fails because Velleman does not provide the right account of how self-knowledge is the aim of action.

are essential for determining what counts as action in the broad sense and identifying the proper aim of action in the narrow sense. Note that what counts as a proper action on my view cannot be answered without reference to some account of what it is to be a morally good individual (e.g., a list of specific virtues), which I will not address here. Instead, I will treat 'proper' action as indeterminate, referring to those actions that are characteristic of a morally good life, *whatever that turns out to be*.

In the following sections, I will further explain and justify these claims. First, I will present the two interpretations of action in basic outline. While the first interpretation of action serves to constrain what counts as an action generally, the second provides the foundation for prescriptive norms given a certain foundational choice. Then I will show how these claims answer Enoch's objection and give us an interesting conception of constitutivism. I will here be using the concept of living, in a rich way, that implies *living well* (or flourishing), but in a way that is indeterminate and open-ended. Rather than specify a definite description of a flourishing life, my view here places a broad constraint on what a normative ethical theory will look like: that we understand it by reference to our needs as organisms that need agency to live well. It also requires that we consider the objectivity of morality in a specific way, viz., that is paradigmatic of the objectivity of activities such as the useful arts, the natural sciences, or the learning of any skill. In each of these cases, we consider prescriptive norms associated with these activities to be objective because of facts of reality that require us to pursue them only in certain ways to do them well: it is possible to be mistaken in these practices due to their internal standards of

correctness. Moreover, we take it to be the case that these activities place norms upon us only if we have made relevant choices (e.g., to learn a skill or practice science). Consider a contrast with an activity such as picking an ice cream flavor: there are no standards of correctness that apply, and hence no objective prescriptive norms for proceeding. One simply chooses whichever flavor one happens to desire at the time. As I will explain further in section V, the objectivity I am focusing on here is to be distinguished from categoricity.

My methodology here is similar to that of a recent constitutivist approach outlined by Paul Katsafanas (2013). While I do not ultimately agree with the view that Katsafanas lays out, his theory is similar to my approach in an important respect, and therefore a brief observation may clarify my discussion. Katsafanas argues that action has two constitutive aims, equilibrium and power, but that only the latter can generate substantive normative conclusions. He develops this view by noting that we have good philosophical and empirical reasons to understand full-fledged action as a kind of activity that is stable under reflection in the face of further information or consideration.

Katsafanas argues that we need some way to connect the "notion of agential activity…with some standard enabling us to assess our values and attitudes" for our theory to generate substantive results, and for him Nietzsche's will to power serves that role. He rightly points out that if the only aim of action is something like equilibrium, or Velleman's "self-knowledge," we could only have a limited interest in the normative conclusions (if any) of the constitutivist project.

The way Katsafanas formulates his account around two aims of action is very similar to the approach I am using in the next two sections, except that my view of action's substantive aim (which I instead refer to as the substantive interpretation of action) is life. I agree with Katsafanas that we need not understand action in merely a minimal way, although this is in itself a perfectly legitimate perspective on action. To create a foundation for ethics, we must be able to understand action in a more substantive way as having a richer and more complex aim.

Before I continue, it is important to mark a set of important distinctions that I shall rely upon for the remainder of this essay. These are the following:

1. Passive activity vs. full-fledged action
2. Distinctively human action vs. non-agential processes
3. Proper vs. defective action in the context of human life

The first distinction between passive activity and full-fledged action is one that I shall make use of in outlining my minimal interpretation of action. I am interested here in a certain spectrum of cases that range from totally passive behavior to full-fledged action. The minimal interpretation, which I will discuss in section III, serves to mark this difference between passive behavior that is often not under our control or awareness and the complex intentional action that is involved in normativity, planning, etc. This distinction is compatible with the fact that within human agency there are degrees of complexity and reflectiveness that can accompany actions. For instance, my actions this morning in getting out of bed and brushing my teeth may arguably not be as expressive of my agency as

my writing of this essay, but nevertheless the former actions are in some sense not entirely passive. For the purposes of the minimal interpretation of action, I group these together insofar as they are intentional and therefore distinct from involuntary activity (such as knee-jerks).

The second distinction, which I rely on in section IV, serves to identify that distinctively human form of living that involves full-fledged action as I have described it. While human beings still need many forms of passive activity in order to live (such as our circulatory system or our lymphatic system), this is not the distinctive form that our lives take compared to other organisms. The third distinction, also important to section IV, is what is captured by my substantive interpretation of action as aiming at human life or flourishing. Full-fledged human actions in the minimal sense can be inimical to a successful human existence (e.g., vicious and immoral actions), and these would count as defective actions in the substantive sense.

III. The Minimal Interpretation of Action

To even begin discussing what agency is (even in formal terms), we first need some broad outline of what counts as an agent in a minimal sense, and a distinction between action and mere activity. Since this is the broadest context in which ethical action occurs, laying out a minimal description of action will allow me to define a narrower range or subset of those actions that count as proper or good actions. According to standard views in the philosophy of action, we are engaged in action when we are in some way behaving in accordance with our reflectively endorsed intentions, desires, or goals.

Minimally, action aims at realizing our stable intentions.[9] When we act, we create a concrete or real version of what we intended or planned to do, both in our mental lives (such as by forming beliefs, opinions, etc) or in the physical world (with physical movement). In basic terms, this captures the difference we want to identify between a mere activity, such as my heart beating, or my reflexive knee-jerking, versus my current decision to write this paper and the practical expression of that decision. These passive activities do not reflect the same kind of complex teleology and purposive nature that full-fledged action expresses. These observations highlight the difference between agents who are akratic and those who act in accordance with goals that are stable under reflection and coherent with the agent's larger scheme of values. Philosophers such as Michael Bratman (2000) and Harry Frankfurt (1988) have discussed at length what our pre-theoretical view of agency involving self-government or the realization of stable intentions amounts to. While I do not have space to discuss this view (and related or competing views of intentional action) in detail, it is broadly agreed among different views in this literature that part of what it means to be an agent and engaged in full-fledged action is that we can reflect upon the attitudes driving our actions, and that we endorse them. To the extent that we do not endorse our attitudes, the activities that result from these cannot count as full-fledged actions, since there is a gap between our self-governance and our behavior. It is this that I mean when I suggest that action aims at realizing our stable intentions. In this

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[9] This is quite similar to the view Kieran Setiya defends in "Explaining Action," (2003) a paper I am quite sympathetic with in several ways. However, unlike Setiya, I think that we do not need to stop at a minimal conception of action.

minimal sense, we cannot yet set apart "good" from "bad" actions. Either an action is the realization of the intention of the agent, or it is not.[10]

On this level of explanation, a wide variety of individuals count as agents, and a wide variety of behavior will count as action. Individuals we typically regard as evil, or even sociopathic *are* agents in this sense; they have goals and intentions that are stable. In short, no negative evaluation is used in determining who *counts* as an agent or not. This does not entail that we cannot evaluate such individuals as being bad by some separate standard. It just means that such an evaluation is not based *merely* on this minimal definition.

Once we have delimited the scope of agency in the minimal sense, we can investigate whether agency can give rise to normative prescriptions. The question is whether any fact of reality requires the choice to use one's agency (that is, act in accordance with a certain standard) only in certain ways. The answer will determine whether there are objective normative standards governing how agents ought to act, and what counts as a good or bad action, given a certain goal. This is similar to how we might proceed in justifying normative standards in other activities. In a minimal sense, anyone who is engaged in a practice of prescribing treatments to injured or sick people is engaging in medicine. Once we have established that fact, we can see that the goal of preventing disease and death together with facts of biology gives rise to substantive norms, dictating what counts

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[10] How we understand "intention" here is of course also going to be relevant (as Anscombe's 1957 work suggests) and potentially controversial. This is not the place to resolve this issue however, since I take it that whatever account of intention we provide it is agreed in general that intention is key to something counting as an action.

as good or bad medicine. However, we can still maintain a minimal interpretation of the concept "medicine" for use in a broader context; for example, if we are discussing shamanistic rituals in pre-historic eras, witch-doctors, medieval practices of leeching, etc.

If the way we use our agency (i.e., the way we make decisions, direct our intentions, develop dispositions to form intentions, etc.) has no implications for how we ought to live or values we should pursue, then Enoch will be right, and the features of agency will be arbitrary from a normative point of view.

However, here we must be careful. For on a view such as Enoch's, how we act is of course normatively important, since there are facts about what constitutes good action or evil action, etc. Therefore, it is not sufficient as a defense of constitutivism merely to point out that how we act has normative implications. For constitutivism to be true, it must be the case that action itself gives rise to or constitutes the values that are the source and ultimate standard of normativity. In the next section, I shall develop and defend this view. My view will defend the following four claims:

1. The biological process of life for human beings is constituted by action.
2. The biological process of life is the source of all normative reasons for action, because it is life that necessitates and makes possible proper action.
3. Action aims at living well (i.e., successfully meeting the requirements of life).
4. Life provides normative reasons for action only if we have embraced the goal of living.

IV. Life as the Proper Constitutive Aim of Action

1. The biological process of life for human beings is constituted by action.

To explain my first claim, we must define the concept of 'life.' In this context, life is a process; it is a constant self-produced activity and reaction to the external world. The common characteristics used to define 'life' and set living things apart from non-living things *all* involve certain kinds of processes: metabolism, growth, reproduction, response to stimuli, self-organization. A mere list of the physical and chemical components of living organisms would not suffice to grasp the concept of life. Indeed, it is the fact that life is and requires constant motion and self-initiated processes in the face of the constant threat of death that makes a wide number of uniquely biological concepts possible.[11] These include the concepts of 'health,' 'fitness,' 'nutrition,' 'harm,' and so on. These concepts, and the judgments applying them, are a kind of evaluation that can only occur against the backdrop of this threat and the fact that living necessitates engaging in specific processes or activities.[12]

Let us use 'activity' to refer to these kinds of self-initiated processes, which in living organisms aim at their continued survival and flourishing, regulated by their tendency to perpetuate themselves. As Christine Korsgaard (2009) puts it in *Self-Constitution*, when (discussing Aristotle) she claims that: "a living thing is a thing so designed as to

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[11] By this I mean: processes that are not mere reactions to external stimuli without any aim or function. Even plants, on a more basic level than humans and other animals, exhibit teleological causation in that they are organized in a way such that their processes "aim at" or are regulated by the contribution of those processes to the goal of survival. For a defense of this view of teleological causation, see Binswanger.

[12] My discussion of the concept of 'life' here has been largely influenced by Thompson (2011).

maintain and produce *itself*: that is, to maintain and reproduce its own form. It has what we might call a self-maintaining form."

Recall that (as Ferrero (2009) put it) for humans beings, agency (understood as our complex mode of deliberation and cognition) is crucial; it is the enterprise that sets the stage for the pursuit of all other, less fundamental enterprises. But for human beings, agential activity is something we engage in *only* insofar as we are living, and acting is necessary in order to *continue* living, so there is an intimate relation between agency and human life. The distinctive feature of human agents is that we survive and flourish *through* our particular mode of cognition, which is agential in nature.[13] Using our capacity for agency, we acquire and communicate conceptual knowledge and apply it to our chosen purposes. We use this capacity to discover knowledge about what furthers our lives, and how we interact with our environment in order to fulfill our needs. From one perspective, agency just *is* our power to reason: we reflect, deliberate, and form conscious intentions to practically apply our knowledge in the service of our values. Since our knowledge is not given to us automatically, we have no choice about whether to do this if we are to survive successfully. Agency plays an essential role in human existence, and the choice to exist as a human being entails abiding by the norms of agency.

My view acknowledges that human life from a biological perspective involves more than just action. However, action plays a distinctive and unique role in human life, especially in making possible the distinctively human values upon which we depend,

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[13] In the context of this essay, I will refer to surviving and flourishing (for human beings) interchangeably. I explain this point in greater detail towards the end of the essay.

such as complex social values (governments, economies, religions, etc). From a biological perspective, human life is also made possible by sub-agential processes, such as the involuntary operations of our muscles, organ systems, and so on, as well as our more basic cognitive processes such as perception and sensation. This is the biological aspect of the view of minimal action that I have laid out in section III: in categorizing human beings as agents, we are conceptually separating them from non-agential organisms such as microbes, plants, and the lower animals.[14] In drawing this conceptual separation, agency plays a crucial and central explanatory role, and therefore can properly be said to be the distinctive constitutive element of human existence.

One way to think of this idea is to relate it to Korsgaard's concept of a 'practical identity,' which I take to be a slightly different perspective on the same issue. Korsgaard (2009) notes that human beings "…are self-conscious in a particular way: we are conscious of the grounds on which we act, and therefore are in control of them…Our conceptions of our practical identity govern our choice of actions, for to value yourself in a certain role or under a certain description is at the same time to find it worthwhile to do certain acts for the sake of certain ends…" On Korsgaard's approach, our lives are constituted by our agency in the sense that the self-perpetuating processes that constitute life take the form of practical identities for us. Korsgaard (1996) views this not as an aspect of our biology as such, but a "description(s) under which you find your life to be worth living."

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[14] There may be plausible reason to suppose that some nonhuman animals can exhibit primitive forms of agency, however I will not get into this empirical question here. At most, this might require a more subtle distinction between forms of agency (i.e., human vs. nonhuman), but it would still be the case that humans have a distinctive form of agency due to its complexity and volitional nature.

This is a different approach to constitutivism than mine, since on this view our existence is tied much more closely to complex psychological and social issues. I am making a similar claim in the sense that I am focusing on the particular agential structures that set us apart from other animals and define our existence, but not in terms of practical identities. On my view, our particular agential mode of activity, expressed in our ability to conceive of goals and pursue complex intentions, is what human life is essentially made of. The basic difference between my view and Korsgaard's, then, is that her form of constitutivism is tied to our existence as *persons* (more specifically, persons with practical identities), whereas my form of constitutivism is tied to our existence as *human organisms*.

In developing the concept of 'life' in my argument, it is helpful to note that which specific self-initiated processes constitute these activities, and what specific needs they are aimed at fulfilling, is not universal across life forms. The metabolism of an amoeba is not aimed at the kind of life proper to a bee, whose gathering of honey is not aimed at the kind of life proper to an albatross, whose thousand-mile flights across oceans are not aimed at the kind of life proper to a human being. The particular conditions and needs of each organism play a role in setting the standard for what counts as its life-furthering activity. Here we can benefit from an important insight from Phillippa Foot's *Natural Goodness.*

Foot (2001) suggested that "features of plants or animals" can have a natural goodness or natural defect that is intrinsic to its specific species. This is what allows us to

make special evaluations of plants and animals, that do not need to refer to any instrumental consideration.[15] For example, a male peacock that does not use his tail to attract mates, or a mother wolf that ignores its cubs, are each arguably a defective instance of their kind. These kinds of judgments are intimately related to the teleological structure of the characteristics of the organisms in question: "the way an individual *should be* [in the case of non-human organisms] is determined by what is needed for self-maintenance, and reproduction…" To flourish, animals must behave in certain ways and exhibit certain specific characteristics rather than others. Indeed, this is what gives rise to the possibility of such judgments as "that is a healthy tree" or "that flower is sick" or "the honey is nutritious for the bees." In each case there is an implicit reliance upon the particular function or life-form of the organism in question, and the specific activities it must pursue in order to successfully continue its life-process.

2. The biological process of life is the source of all normative reasons for action, because it is life that necessitates and makes possible proper action.

The self-maintaining activity I described in my first claim is a *distinctively* biological phenomenon; non-living things do not and cannot engage in activities. Rocks, rivers, mountains, corpses, desks, phones, and cars cannot engage in self-initiated processes in

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[15] So, for instance, I am not referring to cases where we might say that a dog is "good for me" because owning it makes me happy.

the relevant sense because there is nothing at which they can *aim*.[16] Their causal interactions with the world are not self-regulated teleologically. They can have no goals or purposes because nothing is at stake for them; they have nothing to lose or gain by any change in the world, whether it results in their destruction or continued existence. *Living things*, on the other hand, *do* have something at stake: their lives can end or be lost, and thereby be permanently extinguished from the universe. For plants and animals, self-initiated activities, such as a flower turning its petals towards sunlight, or a whale migrating towards nutrient-filled waters, aim not merely to avoid this destruction, but to achieve the opposite: life or flourishing.[17] From another perspective, this is *just what it is* for a flower or a whale to live.

It is the alternative of life and death that makes these self-regulated processes both possible and necessary. Life makes these possible because non-living things cannot aim at any goals or have values. Life makes goals and values necessary because continual effort is required to meet the needs of the living organism. When we consider my earlier claim, that human life is constituted by agency, we can see that this supports the further view that life is the only possible foundation of our normative reasons for action (of

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[16] It might be thought that human artifacts can be properly said to have aims or functions in the relevant sense. For example, a knife as the function of cutting, a lawn mower the function of cutting grass properly, or a ship transporting goods and people across bodies of water. However, note that in each case the identification of a function requires a connection with the human goals intimately related to those artifacts, and function is not an intrinsic feature of those objects themselves. See Foot (1961).

[17] I use this word because I think it is useful to highlight the fact that action aims not merely at "not dying in the next instant" but meeting biological needs to the greatest degree possible and an existence in accord with the nature of the being in question.

course, to fully defend and explain this view will require the vindication of my next two claims).

An important and useful contrast can be made here with complex human artifacts that can arguably have some form of self-regulated teleological behavior. Setting aside the issue of artificial intelligence (and the fact that such a phenomenon might require a new definition of 'life'), artifacts such as computers, robots, and so on may have apparently self-regulating mechanisms that are highly intricate and complex, yet clearly these artifacts do not themselves give rise to independent normative standards of the kind I am considering.

Primarily, this is because complex artifacts could not have a teleological structure that is unrelated to the human goals or intentions behind their creation. This means that any teleological structure exhibited in artifacts, even if it is in some limited sense self-regulating such as in the case of an advanced computer, is derived from the living human beings who created it and their purpose in creating that object. This point can be put in terms of the form of explanation sought for the activity that such complex artifacts may exhibit. Suppose we were to discover an alien robot that exhibit apparently complex self-regulating mechanisms, setting itself computational tasks and printing out results in a language we could not understand. How could we explain the success or failure of this artifact relative to its purposes? The answer is that without knowledge of the intentions of the designers of the artifact, no satisfactory explanation could be given. Suppose further that the robot self-destructed. Could we say that the robot was defective? Not unless we

can know that the intentions of the designers of the robot were not to cause it to self-destruct. In the case of living organisms, no such external explanation is needed to evaluate the success or failure of the organism or understand the source of its normative standards; the life-form and biological structure of the organism is sufficient.

At this point, another question may arise. Why could we not accept that we must be alive in order to have normative reasons for action, but still maintain that we have reasons for action that do not pertain to our form of life? The answer is that any such reason would necessarily have to rely on some standard external to life. Consider, for example, a system of normative reasons for action that resulted in the view that what we have most reason to do is whatever would maximize the total amount of ice cream in the world.[18] This system could not generate genuine normative reasons because it would fail to take into account the context in which action (and hence reasons for action) arises. Since what makes action possible and necessary is the fact that we engage in it as a means of living distinctively human lives, there is no reason to maximize the total amount of ice cream in the world (except of course in a bizarre circumstance where doing so would most promote human flourishing).

One worry at this point might be that the view that all of our normative reasons for action must somehow relate to what promotes our mode of living, or in other words that life is the ultimate standard by which we derive our normative reasons for action, will fail to take into account all of our pre-theoretical ethical concerns. While further dis-

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[18] Clearly, this is an absurd view, but I think it helps illustrate why the standard of normative reasons I have described has objective force and is not merely an arbitrary selection.

cussion later in this essay shall address related concerns and hopefully remove them, I will comment here on why this would be a mistaken view. First, I have not (and will not) in this essay explicitly described the details of what I think a good life would include. I have relied instead upon a formal notion of flourishing, since it is the business of normative ethics and psychology to determine more fully what this involves, and is therefore beyond the scope of this essay. Second, we can see that my account does not so far rule out a rich conception of what is included in a good life, especially if we take seriously that human beings are social and political organisms and that many of our institutions are relevant to the kind of life that we need to live. Moreover, my account can easily accommodate the view that human beings must live according to certain principles or develop their character in certain ways in order to fulfill the demands of agency (though again, I have deliberately left this rather open-ended for the purposes of this essay).

3. Action aims at living well (i.e., successfully meeting the requirements of life).

My second claim ties my first observation to my earlier discussion of constitutivism. We can see how the view I laid out with my first claim leads naturally to the idea that action aims at living well.[19]

Generally, an organism's self-initiated behavior is an important part of the foundation for evaluating organisms (including humans) as instances of their kind. Since human life is constituted by agential activity, the foundation for evaluating human beings as instances of their kind will stem from the nature of action and its constitutive aim.

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[19] For an anticipation of a possible objection to my switch from discussing 'life' to 'living well,' or 'flourishing,' see section VII.

Let me quickly set aside a possible confusion. In the human case, this view does not entail that there is only "one kind of life" (perhaps in a way similar to certain interpretations of Aristotle) that is fit for human beings to live.[20] The role agency plays in our lives is more complex than that, for it pertains to one's basic *choices* in light of the goal of living. This fact is compatible with a wide number of interests, preferences, and careers, (or indeed, "practical identities") and it is compatible with a guide to evaluating and prescribing norms for action. Nor does it entail that humans must engage in reproduction to live well (which is arguably the case for other creatures) or that physical prowess or strength is necessarily important for human flourishing; the range and character of our needs and our characteristic mode of living is very different from that of other organisms.[21]

However, to reiterate, as humans we are organisms with the distinctive feature of intentional agency (here understood as the minimal interpretation): we can deliberate, form plans and intentions, organize our knowledge into concepts, predict the future, cultivate certain character traits or habits, weigh the consequences of our actions, etc. These features of agency are ones that we must employ, and employ *only in certain ways*, if we are to live as human beings and fulfill our individual physical and especially our *psycho-*

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[20] Of course, it does put constraints on what kinds of lives might be proper to human beings. A life of thievery, or of hedonism, may not be in accordance with the requirements of agency.

[21] I also wish to mention that there may be borderline cases of human beings who are unable to engage in practical reason because of a mental health condition or external circumstance such as extreme brainwashing or corruption. It may be that the standards I discuss here could not properly apply to such individuals, even if they are indeed human beings; this would not itself necessarily be problematic for my view since this can be dealt with by a theory of defective cases. This is not a problem specific to my form of constitutivism, since all forms of constitutivism must in some way or another respond to the charge that defective agents are possible.

logical needs successfully.[22] Living well requires acting well, and so on the *substantive* interpretation we are full agents to the extent that we strive to meet these needs.[23] This is why it makes sense to say that action aims at living well, rather than just life as such (interpreted in some minimal way). Contrast this picture with the function that our heart has in allowing us to live. Our heart must meet certain standards in order for us to live; it must not be too weak, it must beat regularly, and so on. However, it would be false to say that our heart aimed at our living well; because we have many complex needs and desires that hearts cannot fulfill. On the other hand, our complex psychological and social needs that we need to fulfill to achieve a (pre-theoretically) fulfilling and flourishing existence requires the successful use of our agency.

Given that action aims at living well, we are now in position to see (at least, in outline) how normative standards for evaluating human beings might be structured. A human being is evaluated as doing well insofar as she is a good agent according to the requirements of living a successful human life. But is this the right kind of evaluation? After all, as I mentioned earlier, the goal of constituvism was ideally to secure the foun-

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[22] I wish to remind the reader here that on this view, the specific needs we have, and how those translate into specific normative prescriptions, are normative and not metaethical issues, and therefore these questions are not answered directly here.

[23] It might be thought here that this view leads to a form of consequentialist ethical egoism, where the prescriptions of morality guide us to do whatever maximizes our chances or successes at survival. But this would be a misinterpretation of my position. The consequences of particular actions on our survival do not serve as the standard or criterion for good practical reasoning; rather, it is the other way around. What counts as "living" for human beings is determined by our characteristic mode of functioning, which is our agency. This is why we can make sense of the fact that courageously throwing oneself before a loved one to save them from a bullet is morally admirable despite the fact that it results in the death of the agent. On my view, acting with courage in this case is an instance of good practical reasoning because human beings need courage to flourish.

dation of ethical norms. What I have laid out so far seems only to secure the foundation of biological norms. Moreover, what I have argued so far only shows how we might undertake the evaluation of human beings according to certain biological norms, not any *prescriptive* norms. Just as the constitutive standards applying to functional artifacts like knives do not provide reasons for action apart from human choices or goals, neither do the constitutive standards applying to action. Therefore, I have not fully answered Enoch's two questions: 1. Why should we care about being good agents? and 2. Can we ground objective normativity in agency?

However, the direction in which my argument will continue might be foreseeable. For one thing, although I have laid out the foundation of biological norms, on my view our particular form of life is constituted by agential activity, which means that these are norms that govern the kinds of choices we make, the goals we set for ourselves, and how we conceive of ourselves (or our practical identities). It is clear that norms governing these issues are quite intimately relate to ethical norms. My answer to how prescriptive norms will be justified has also been suggested by my earlier remarks. For recall my observation in section I that for other constitutive-style norms such as in the sciences or useful arts, we take it that prescriptive norms acquire their application insofar as we have made the relevant choice or adopted a certain goal.

4. Life provides normative reasons for action only if we have embraced the goal of living.

For animals and plants, their biological success depends largely on pre-programmed patterns of behavior and they have no choice whether or not to maintain their existence. But for human beings, existence *is* a choice. There is no external cause that necessitates our desire to flourish and our commitment to the proper use of agency.[24] The capacity of agency that allows us to form complex intentions, plan abstract goals, and engage in deliberation, is volitional in nature.[25] Because agency is volitional, we cannot evaluate human beings in exactly the same way we evaluate plants and animals (i.e., as if their behavior were fully determined by their species).

How do we experience the volitional nature of agency? Basically, we experience this in the form of the reflective nature of agency. As Michael Bratman (2000) has put it, "…our reflectiveness, [and] our planfulness…are among the core features of human agency." A crucial aspect of living a human life (and living successfully, in ethical and biological terms) involves our ability to take a stand or reflect upon our values, and even our entire set of values. While it is true that, as Ferrero (2009) explained, we cannot reflect upon agency itself without being within its domain, this does not mean that we automatically act in accordance with the requirements of agency.

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[24] If we necessarily pursued the constitutive aim of action regardless of our choices, there could be no room for normative prescriptions.

[25] I do not mean here to commit myself to any particular view of free will or compatibilism, but to suggest that there is some sense in which the way we react to external and internal pressures for survival is based in part on decisions we make.

More important to the purpose at hand is my view that the volitional nature of our agency means that we can choose to reject life. We can reject this capacity, and our agency, and thereby give up the value of our lives. From this perspective, the constitutive aim of action as life applies to those who share the basic commitment to live. Once an agent embraces the goal of living well, and in a broad sense orients her intentions to pursue her life (in the way discussed above), this gives her normative reasons for action. This moreover means that what *constitutes* an action for such an agent (on the substantive interpretation) is that it aims at promoting her life, since that is her basic aim or intention.

We are now in a position to relate this view back to my two interpretations of action. We needed a minimal interpretation of action in order to understand the phenomenon of action as such: the fact that human beings have a distinctive mode of cognition that involves our ability to form intentions, goals, plans, etc. Given this context, I argued at the beginning of this section that our capacity for this kind of action is intimately related to our particular form of life. Indeed, our lives are constituted by action, and action aims at our living. Moreover, action is the only means by which we can live successfully. With these observations in hand, we can claim that on a substantive interpretation genuine or proper actions are those that promote our lives, while actions that go against the requirements of human life count as defective or lesser actions. This substantive interpretation is necessary to establish ethical norms as deriving from the constitutive aim of action, since it provides the content necessary to evaluate actions as being good or bad. However, it also means, given the volitional nature of agency, that adopting the aim

of life is a precondition for the normative prescriptions that guide us in acting well and living well.

The dependency of normative standards on a certain use of our volition is not unique to the norms governing agency. Consider another example, farming. Farming has constitutive standards, and even though the activity of farming is objectively defensible given the constitutive aim of action (because it is a life-promoting activity), we have no reasons or commitment to engage in farming or to subject ourselves to the standards of farming unless we adopt the goal of farming. Once we do, this entails abiding by certain objective standards specific to that activity, and (recall my discussion of objectivity in section II) means that we can be mistaken or fail with respect to those standards.

V. Choice and Objectivity

This example brings out an important point about the nature of objectivity. The objectivity of norms (including moral norms), on my view, does not imply *categoricity*. According to some (especially Kantian and neo-Kantian) approaches to moral philosophy, if moral prescriptions are to be objective, they must apply independently of particular features of our psychology such as our desires or goals. Since my view rests the applicability of moral norms upon a basic choice, it would fail this test of objectivity. However, it is my view that we need not understand objectivity in this way. Instead, we can think of the norms deriving from agency depending on a relevant goal, just as the norms deriving from farming depend on one's having certain goals. This does not make these norms any less important to our lives and our evaluations of others, and it does not make

these norms arbitrary. Importantly, my view still captures the notion of objectivity that is a hallmark of moral realism: "the relevant facts about humans and their world are objective in the same sense that such non-relational entities as stones are: they do not depend for their existence or nature merely upon our conception of them" (Railton 1986). Finally, this approach to the objectivity of moral norms, to reiterate a theme that has been present throughout this essay, makes it no more mysterious or unaccountable than the objectivity of other, derivative norms such as those governing sciences and the acquisition of skills. My view places a tight connection between our values and choices and the norms of morality, and therefore there is less room for the worry that the norms of morality are arbitrary from a rational agent's perspective or that we need additional explanations for why one ought to care about being moral. This is significant in light of Enoch's criticisms to the effect that constitutive norms would be normatively arbitrary.

Additionally, no part of this view contradicts the fact that agency is special in Ferrero's sense, explained in section II. Agency only prescribes certain standards once we have adopted the goal of living, but it is only within the context of living that we can deliberate or reflect upon our reasons for action at all. Furthermore, since to live well as a human being is at least partly constituted by being a good agent, the goal of living is arguably not some separate or more fundamental aim than that of being a good agent; it is that same goal from a different perspective. Since agency is the means by which humans live, *not* choosing to regulate one's actions by the aim of agency, or evading the need to

use our capacity to reason properly, precludes the possibility of achieving (genuine) values or acting on reasons.

What do we make of individuals who fundamentally are not pursuing their own lives, and in fact acting in such ways that destroy themselves and their values (and often those of others)? Perhaps fanatical terrorists or murderers will be extreme examples of such individuals.[26] However, these extreme examples need not exhaust the cases in which one chooses not to live. At any moment and with respect to any specific issue of human life, the volitional nature of our cognition entails that we can consciously abandon agency or fail to strive for its goal: living is a process that requires continual effort. If one does not choose to live, one's activities will tend towards the destruction of one's very capacity as an agent. On this account, individuals that do not pursue life could still be an agent in the minimal sense of having intentions (although even this might only be temporary), but insofar as such an individual does not aim at life at all, this individual would count as a defective agent.[27] In fact, this seems to be precisely what bothers us about such individuals (that is, thoroughly evil individuals, or individuals who have no regard for their lives and the lives of others); they do not share our goals and our prescriptive norms, and so in

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[26] I am sympathetic to the discussion by Kennett and Matthews (2008) on the relation between psychopathy and the norms of agency. In this paper, they argue that there is empirical evidence to support the view that those untouched by moral norms are also defective more broadly in terms of exercising practical rationality.

[27] There is an interesting question here about how we classify such individuals versus those who are fundamentally pursuing life. On my view, just as we cannot evaluate single decisions or events in a human life out of context, so we cannot evaluate single actions apart from the kind of life an agent is leading and the character traits exhibited by that agent. This is a further sense in which my view lends itself to a neo-Aristotelian approach to ethics.

a fundamental sense we cannot reach them.[28] While we can evaluate such individuals in this way, our prescriptions or moral arguments could have no force on such individuals until they take up the aim of life.

This may strike some as counter-intuitive, since it is often thought that the imperatives of morality could not be "hypothetical," and yet I seem to have defended precisely such a view.[29] But moral norms are not hypothetical in the usual sense. Since the choice to live is a basic choice upon which the possibility of values and reasons for action rest, my account can withstand such an objection. Classifying my account as a "hypothetical" view of morality would also be misleading for the reason that the choice to live is unlike any other choice. In a very real sense, the choice to live, while still being a choice insofar as it is volitional, is not hypothetical, and does not present one with options. Typically, when we make a choice, we are doing so in the context of a choice between possible (real or apparent) values. However, the choice to live is a choice between values and the lack of values. But even this is not entirely accurate, since the lack of all values in this context for a human being ultimately means non-existence. From this perspective, then, my view is simply a different perspective on the fact that humans can choose to abandon their goal

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[28] This might be similar, in a less negative way, to the way we treat children. Before they reach a certain age, in some sense we do not regard children as fully responsive to prescriptive norms. However, we still act as though they are beholden to promises and other obligations, for example, so as to condition them with habits and dispositions in the hope that they will eventually choose to pursue a good life.

[29] Kantian approaches to ethics are paradigmatic cases of this view. See Foot (1972) for a critical examination of this view. There is a sense in which my view grounds morality universally in that it is not relativistic; while prescriptive norms do not apply to all agents, there is only one set of basic prescriptive norms that could apply to agents. These norms do not depend on arbitrary features of those agents but rather what it means to live a human life as such.

of living and choose to reject the norms that we need to live successfully. This is a pre-theoretically uncontroversial claim.

At this point it may be insisted that my view, because of its departure at certain key points in the arguments, could not be properly considered constitutivist. For instance, it might be insisted that constitutivism is fundamentally a project that aims at grounding prescriptive morality categorically and universally to all agents regardless of their choices or goals. Certainly it is true that the projects of philosophers such as David Velleman and Christine Korsgaard have this element. If we wish to cast the debate in this way, I am perfectly happy conceding the term "constitutivism" to that project and calling my view something else. This does not itself undermine the theoretical advantages of my position, however. Apart from directly responding to Enoch, this view neatly avoids the tension that a view like Velleman's arguably faces. This is the problem that constitutivism must either rely on an implausibly rich account of what it means to be an agent to derive moral norms, or else maintain a plausible account of agency but concede the project of grounding moral norms in that capacity. Finally, I wish to stress that my account here includes a feature unique to the constitutivist project, in that it seeks to ground all norms in the special nature of agency.

VI. Caring About Morality

Enoch's challenge raised two basic questions: "can morality be grounded in non-normative considerations of agency?" and "why ought one be an agent?" Enoch argued that the constitutivist has not shown that we have a reason to act in accordance with its

constitutive aims, since we may have no reason to engage in that enterprise to begin with.[30]

Enoch's "shmagent," who asks why should I care about the constitutive aim of action, could now be understood (in the context of my argument) to be asking why one should care about living well or flourishing as a human being. Or, to view the issue in light of the two-interpretation view, the shmagent is an agent in the broad or minimal sense asking whether he should adopt the *proper* aim of action. How can we answer the "shmagent"?

A brief point from Philippa Foot (2001) is helpful here. When asking whether to act in accordance with the demands of practical reason, she notes that if we understand the question as being one about why *these specific things* (e.g. being honest, productive, just etc.) are what we should care about, it is a matter of first-order or normative ethics to explain how those things contribute to our lives, i.e. (on my view) are in accordance with the constitutive aim of action. On the other hand, if we understand the question as being about why we ought to live well, *whatever that turns out to be* (in a formal sense), then this is "…to ask for a reason where reasons must a priori have come to an end." In short, there is nothing in terms of reasons that could commit an individual who is only an agent in the minimal sense to adopt the substantive aim of action. It is the basic choice to live that bridges the gap between these two senses of action. One who does not aim at living

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[30] Enoch also cautions against making the "adversarial stance" mistake. This is the mistake Enoch (218) describes of pointing out that a skeptic of some kind is self-defeating, and concluding that the skeptic's arguments are thereby refuted. It is compatible with a skeptical position being self-defeating that it also points to problems in our own views.

has no *need* for morality, since the phenomenon of life is what grounds all needs. Therefore, this question could not arise for such an individual.

To reiterate, this does not mean that what follows from the choice to live is normatively arbitrary; it simply means that morality is meaningless and useless apart from that goal — one needs no guidance in order not to live, and *a fortiori* no reasons for action. Individuals who abandon the substantive aim of agency may attempt to realize their intentions in some sense, but they will be unable to flourish as human beings.

VII. Life and Living Well

In closing this essay I want to anticipate a further response from Enoch. It might be thought that in the course of arguing for life as the constitutive aim of action, and the norms that are created by this aim, I have equivocated between aiming at "living" and aiming at "living well" or flourishing. Surely the shmagent could respond with the following remark: "I did not intend to ask why should I care about living *at all*, but rather why should I care about living well or flourishing?"[31] After all, it is clearly possible for any organism, including human beings, to be living more or less well, and we can imagine human beings that only do that which is necessary to meet the basic threshold of physical survival. Throughout this essay I have been using 'living' and 'flourishing' interchangeably. However, does it not seem possible that a shmagent is aiming at life but not at a *full* commitment to the norms of agency? The shmagent might accept that in or-

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[31] This would be analogous, in this context, to asking why one should play the agency game well rather than just meet the basic standards of agency in order to continue existing.

der to be a shmagent, she must be alive, and therefore must meet that basic threshold. But why must the shmagent pursue life consistently?

Formulated in this fashion, however, this question would rest upon a confusion. This is for two reasons. First, it is not the case on my view that caring about living, or choosing to live, is some separate decision that one can make independently of one's current and possible values. Secondly, flourishing and living are two aspects of the same issue. I will address these points in turn.

1. Life as Constituted by Values

Life, understood here to mean "life as a human being" is the proper aim at which our actions must conform if we are to remain in existence and flourish.[32] But living for human beings is not some separate result or consequence that acting well achieves; using our agency properly *constitutes* life as a human being, and living as a human being is a fuller specification of what life is for us. To illustrate this more vividly, consider Aristotle's remarks in Book I of the *Nicomachean Ethics*. Aristotle observes that all our actions have some aim, and that this could not be possible unless there were some ultimate end or aim towards which all actions were a means. He ultimately concludes that this ultimate end is happiness (*eudaimonia*). Shortly after making this claim, however, Aristotle notes that this is a rather uninteresting way to describe our ultimate end, since everyone disagrees about what happiness consists in or is constituted by, and therefore such a formal description cannot actually guide our action. One could interpret Aristotle as holding the

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[32] Keep in mind that here I use the concept of flourishing *formally*, viz. as *that which constitutes living well or successfully*.

view that happiness is an end we all agree on (both formally and substantively) but that we disagree about the means required to achieve happiness. However, this would be mistaken (although to be sure, this type of disagreement is also possible). The important disagreement in Aristotle's context is that people disagree on what happiness consists in, since some hold it to be a life of pleasure, others a life centered on wealth, etc. In the context of my discussion, I am putting forward the view that life is the proper ultimate end and that it consists in acting well and pursuing values proper to a human being. As I discuss in section IV of this essay, it is important for my view that we can understand life as being a process or consisting of a certain kind of activity, rather than being conceived of as a static state.

Let us return, then, to the shmagent. What would it mean for the shmagent to pursue life up to some basic threshold but not be committed fully? It would mean, on my view, that the shmagent is compromising genuine values; the reason not to act in this way is that it means acting against the reasons and values that one has. Since life is constituted by proper action and the pursuit of proper values, one cannot compromise on one's commitment to life without compromising one's values. Moreover, viewed from the opposite perspective, there is nothing to be gained by reducing one's commitment to life, since it is the source and basis of all values.

2. How we choose to live

While it is beyond the scope of this essay to fully explicate how choice functions in our moral psychology, since choice plays an important role in the account I have outlined, it is worth making several observations on that point. It is also important not to interpret "choosing to live" exclusively as a single explicit decision that each individual must make, once and for all; while people are of course occasionally faced with such life or death decisions, this is not the norm. It is tempting to think of "choice" as referring solely to specific, concrete decisions such as a decision between "vanilla or chocolate?", "Hawaii or Florida?" and so on. However, can (and often do) think of choices on wider timescales.

Consider a choice by a fictional character, John, to pursue a graduate degree in philosophy. When did that choice occur? Is it possible for him to make that choice once and for all, and then do whatever he wants, with no normative consequences for that decision or his values? Of course not. Even if it is true that there was one specific moment of conclusive decision-making, choosing to pursue a graduate degree in philosophy involves more than just saying one is going to do it. John's decision involves various kinds of preparation, study, ability, and dedication. At the same time, we can observe quite accurately that specific moments of decision making reflect or partially constitute his choice. When John works to finish a term paper on time, or prepares his discussion sections, he is choosing to pursue a graduate degree in philosophy, since this is the goal that is constituted by these kinds of activities. Similarly, at any given time John can fail to

make this choice; he can fail to take the effort necessary to pursue the values that constitute getting this degree, and choose non-values or lesser values such as destructive habits or spending time around negative individuals. To the extent that John does this, he will fail to act well as a graduate student. In doing so, he may not immediately ruin his ability to get a degree, but over time he may diminish his prospects at succeeding in his field. In these respects, pursuing life is analogous, except that it is a much more all-encompassing perspective on all of one's projects and values. This choice is best understood over a long range, encompassing a wide variety of projects, habits, character traits, and so on. Just as a day of sloppy work will not immediately bring John's career crashing down (although in the right circumstances, it could), a day of immoral or irrational activity will not immediately kill a person or erase one's previous values (although in the right circumstances, it could).

What, then, is the nature of the harm that immoral or vicious action incurs upon an agent's life? Of course, we can easily point out that in contemporary society many immoral actions such involving harming others are punishable by law and therefore carry serious consequences, but this is not the form of explanation that my argument could rely upon, since the fact that these actions have these consequences is a result of human choice, not nature itself. However, I think if we understand our psychological needs, including the needs for self-respect and self-esteem, as playing an important role in an explanation of this kind. This strikes me as promising because I think any account of what a good human life consists in must take our psychological well-being very seriously. Paul

Bloomfield (2014), for example, has recently defended a view on which acting morally is always in the best interest of our well-being because it is a necessary precondition for acquiring self-respect, and that this is an objective need shared by all human beings. This way of treating the issue is especially illuminating for my purposes here since we do not take harm to self-respect to consist in all-or-nothing discrete events in people's lives. I may lie to a friend now, or misrepresent myself on my job application, and these actions will not immediately or obviously harm my self-respect in a serious way, but they do in the wider context undermine it. On this view, it is the principle of acting in accordance with the demands of morality that is itself in our self-interest; from this perspective, it makes no sense to check whether in any given concrete case our self-interest is furthered or harmed by acting morally. That is a limited view of the nature of self-interest, which ignores the long-range context of living an overall good life.

We choose to live or act well whenever we pursue a productive career, raise a family, help a friend in need, prepare a meal, contemplate art, study for an exam, etc., (on the assumption that these are indeed life-promoting values). Our lives *just are* this process of life-promoting activities and goals; there is no separate "life" that we could choose or gain apart from these activities. It is not necessary, then, for individual agents to understand the explicit philosophical connections between what they are doing to be able to choose life or care about agency (though of course this may lead to their choices being inconsistent). The question about why one should care about living well is really about why one should care about those things and activities in one's life (one's career,

one's romantic relationships, one's good character) that make one's life worth living. So from that perspective there is no separate choice from what furthers one's life or fulfills rational needs and what enables one to survive; these are not in conflict.

I can hardly stress enough that life occurs on a continuum. We can choose things that further our life to a lesser extent, e.g., a career that does not enable us to develop as great skills as we could, or a partner that abuses us, or drug habits that destroy our long-term health. Superficially, it seems to make sense to say that we could choose this kind of life, a life in which we value our agency only up to some basic threshold. And indeed, one might physically exist for a long time in such a state, and we can see that the vital processes of evil people or bad agents are not immediately arrested upon their performance of immoral and irrational actions.

My view can explain this, however. The process of living is constant and demands continued attendance to its requirements. The long-range nature of our goals and needs (especially psychological or spiritual needs) means that we can act for our own destruction, or against the constitutive aim of action, and we do not immediately fall over and die.[33] The effects of (arguably) life-hindering actions such as dishonesty, laziness, or intemperance also have long-term effects on our psychological health that are not immediately perceivable, but this does not make them any less real. Choosing to live just *is*

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[33] Moreover, there is the fact that our biological activities on a sub-agential level are aimed at our life as well, apart from our conscious decisions; and hence provided that we continue to receive a minimum of nutrition, oxygen, and rest our bodies will continue to engage in vital processes. This no more disproves my account than does the fact that a tree could be sick and sitting in poor soil means that trees do not need to be free from disease or have nutrient-rich soil in order to live. One cannot even have the concept of living for a particular organism or life-form, including human beings, apart from certain needs and a certain conception of flourishing that serves as that standard.

choosing to flourish, but the latter merely makes more explicit that living is a matter of degree and that different kinds of lives are proper to different kinds of organisms. A human being cannot flourish by attempting to live as a plant, or vice versa. To suggest that a complete human life consists merely of a beating heart and lungs filled with air is to drop the context of what a human being is and how we characteristically behave and must behave given our faculty of agency. Living as a human being successfully means living in accordance with practical reason, whether the "shmagent" likes it or not.

VII. Action and Character

What I have argued here may not fully settle the question of how we morally evaluate individual agents on particular occasions, however. We may still wonder, for example, whether the moral status of an individual who commits one vicious act after a lifetime of virtue compared to that same act committed by one who has lived an utterly immoral and depraved lifestyle. If on my view agency is the ultimate ground of normative prescription and evaluation, on what grounds could we find a moral difference between these two individuals?

While I cannot answer this question fully here, I hope to make some remarks that may illuminate the issue. This problem essentially stems from the fact that we apparently have two (and perhaps more) very different forms of moral evaluation: on the one hand, we can evaluate particular actions as actions abstracted away from the individual who committed the action (e.g. that individual's character, history, context, and so on) and on the other hand we can view the action within the context of an individual's character (and

so on) included. Notice that this is only a problem if we assume that both forms of moral evaluation are entirely separate and equally justified. However, on my view it is impossible to fully extricate the historical and deliberative context from the nature of any individual action, and therefore no action could be fully evaluated apart from this context.[34] Often, we can justifiably assume a certain context (e.g. we are not in a war zone, or some other extreme crisis) and say that, e.g., killing innocent individuals as such is morally wrong, because of the kind of action it is. However, we could not evaluate a particular instance of this action accurately without the deliberative and circumstantial context of the agent in question. On my view, there is no such action as "killing an innocent individual" apart from a time, place, historical circumstance, and context of deliberation.[35]

What this means for my view is that issues of character, in particular, cannot be treated separately from issues of action (and vice versa) for the purposes of moral evaluation. Our actions, insofar as we can be said to responsible for them, stem from the character we have developed and formed over time, and indeed might be said to be a reflection of our character. This is entirely compatible with the view that action is the foundation of normativity since our moral character is shaped and determined primarily by our actions. In unfortunate or extreme circumstances, our ability to retain or create a stable moral character may be obstructed or destroyed by circumstances beyond our control. Imagine,

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[34] This does not imply, absurdly, that we must know the *entire* historical context (e.g., the lifespan of the individual) in order to make a justified moral assessment of an individual's action. However, it does place important constraints on moral evaluation.

[35] We might think that actions often occur without deliberation at all. Insofar as these may still be fully fledged actions (since there are vague cases, I will not go into the matter here), this does not mean there is no context of deliberation. What I mean here can be understood as "whether and in what manner practical deliberation takes place with regard to the particular action in question."

for instance, the life of a child soldier in the Democratic Republic of the Congo, conditioned to kill innocent people. In such a case, the child's actions may not be said to be fully voluntary, and indeed may not count as full-fledged actions at all, precisely because of the full context in which that activity is occurring (i.e., an impoverished childhood, lack of education, emotional instability, psychological problems, etc.).

VIII. Conclusion

David Enoch has raised a challenge for constitutivist views in the philosophy of action that seek to derive objective norms from the nature of agency. In particular, they cannot answer the question of why we ought to be moral, and why the norms deriving from agency are not normatively arbitrary. I have argued that there is room for a constitutivist view that can address these two questions and retain the theoretical advantages of constitutivism.

In sketching out this view, inspired by the work of Phillipa Foot and other neo-Aristotelians, I showed how we can adopt a dual view of agency, in which we can interpret agency in a minimal or substantive sense. Minimally, we are agents just in virtue of pursuing and realizing our intentions. On a substantive interpretation, given the biological role agency plays for human beings, we are agents by choosing to live in accordance with the requirements of agency. We reach this substantive interpretation by observing that life makes action for human beings possible and necessary, and is the only possible objective foundation of normativity. The norms deriving from agency are not arbitrary for agents that have chosen to live, since those norms guide us in achieving this goal: human beings

survive by using their agency. Given the volitional nature of agency, we can say that we ought to be moral if we choose to live. If we do not choose to live, this question cannot arise. Finally, this account avoids the structural dilemma that other constitutivists (particularly Velleman) might face between "packing in" too much or too little normativity, in that it does not presuppose a rich set of normative prescriptions for agents unless they have adopted the goal of living well. This does not mean, however, that morality is "optional" or that we cannot morally evaluate the behavior of individuals who have rejected the aim of living well, to the extent that such individuals exist.

I have accomplished the aims of this essay only insofar as my assumptions about the nature of moral objectivity and the relationship between morality and choosing to live can be vindicated. In this respect, there is more work to be done in defending and expanding upon my suggested approach to constitutivism. In particular, this view relies on specific approaches to the philosophy of biology and the philosophy of psychology that require further exploration and explication in order to vindicate its mode of constitutivism.

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