

A Rawlsian Revitalization of Gewirth's Normative Structure for Action

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ABSTRACT: Alan Gewirth's *Reason and Morality* justifies certain fundamental moral principles and develops morality out of the basic structure of action. Contemporary literature exposes a critical flaw in the second stage of Gewirth's argument contending that Gewirth fails to create agent-neutral moral claims. In order to provide a transfer of interests between agents, the solution to Gewirth's problem, I argue that certain Rawlsian concepts buttress and are consistent with Gewirth's argument for the normative structure of action.

When looking to the history of moral philosophy, one can trace a search for moral rules that one must unconditionally accept. The two main branches of ethical theory highlight this search. The Categorical Imperative develops a moral framework from the principle of the good will. Utilitarianism maintains the absolute rule of maximizing happiness. Conflicting moral intuitions prevent resolution in judgment between these two theories. We are then led down the eventual path of ethical nihilism, as to abandon absolute norms would be the catalyst for losing morality to relativism.



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The slippery slope emerges as relativism evolves into ethical subjectivism; once morality is reduced to opinion, the skeptic can question the purpose of morality. The nihilist, who would abandon morality's existence entirely, then follows.

In an attempt to defend the existence of moral rules, we should look to Alan Gewirth's *Reason and Morality*.¹ Gewirth's argument that action has an essential normative structure provides an argument for morality which surpasses other ethical doctrines. Even if one's moral intuitions disagree with Gewirth's moral theory, one is found, according to Gewirth's argument, in a logical contradiction. To defend Gewirth's argument and the ontological existence of morality, I shall address the criticism of Gewirth recently raised by Vaughn Huckfeldt. This project shall engage Gewirth's position, evaluate Huckfeldt's critique, and then show how Rawls' thought experiments can be used to defend Gewirth's supreme principle of morality.

Gewirth discusses the purposive nature of actions to introduce the normative structure of action. Gewirth highlights how agents act towards some goal or end. The purpose of acting or achieving that goal constitutes a reason for action. For example, if I desire a sip of soda pop, I connect that purpose with a specific action, such as moving the can to my mouth for a drink. Gewirth then connects an action's purpose to values. Gewirth writes, "[T]he agent necessarily regards his purposes as good and hence makes an implicit value judgment about them."² When looking at any purpose, even one as simple as taking a drink, the reason one acts is because he/she views his/her goals, such as quenching thirst, as good in some respect.

Gewirth then formulates his supreme principle of morality with three main steps. The first step evaluates the goodness of one's purposes and the necessary goodness of what helps one act on those purposes: free-

1. Alan Gewirth, *Reason and Morality* (Chicago: The University of Chicago Press, 1978).

2. *Ibid.*, 41.

dom and well-being. The second step transforms evaluative judgments about the necessary goods into deontic judgments forcing one to make right claims to freedom and well-being. The third step shows both how every agent must claim certain rights and how every agent must logically accept that “all prospective purposive agents have rights to freedom and well-being.”³ These steps will be the blueprint for providing further details to Gewirth’s argument for absolute rights.

The first concept of Gewirth’s to unpack is his dialectically necessary method (D.N.M.). Gewirth makes a distinction between two different types of methods, the dialectically contingent method and the D.N.M. The dialectically contingent method is described by Gewirth as, “[Beginning] from singular or general statements or judgments that reflect the variable beliefs, interests, or ideals of some person or group.”⁴ This method would allow one to determine what is contingently valuable to an individual. For example, the dialectically contingent method would say that a can of soda pop is necessary for me acting on the purpose of taking a drink of soda pop. Gewirth then defines the D.N.M. as, “[Beginning] from statements of judgments that are necessarily attributable to every agent because they derive from the generic features that constitute the necessary structure of action.”⁵ When one engages the D.N.M., he/she examines what it takes to act in general.

As one reflects on using the D.N.M., the agent would discover certain necessary goods needed for any agent to act on any purpose. Gewirth argues that because we necessarily see our purposes as good, we must then see how freedom and well-being, both required for acting, are necessary goods.⁶ Freedom is the procedural aspect of action as it allows agents to act on the purposes he/she views as good.⁷ When looking at the possibility of taking a drink, I would need to have the freedom to be able to move

3. *Ibid.*, 48.

4. *Ibid.*, 43.

5. *Ibid.*, 43-44.

6. *Ibid.*, 61.

7. *Ibid.*, 53.



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around, as opposed to being tied in a chair, to get that beverage. Well-being is the substantial aspect of action which provides one with the ability to perform actions to achieve his/her goals.⁸ When I attempt to take a sip of soda pop, I need to be able-bodied to such a degree that I can physically achieve my goal.

After establishing these two necessary goods through the D.N.M., Gewirth enters the second stage of his argument: turning the generic goods of freedom and well-being into generic rights for an agent. Gewirth opens his argument with the following question: "If he regards these conditions as indeed necessary for the very possibility of his agency and for his chances of succeeding in his actions, then must he not hold that all other persons ought at least to refrain from interfering with the conditions?"⁹ Not only would rights be important for acting on one's purposes, but also rights would be in place to defend the value of the necessary goods. As freedom and well-being are necessary goods, Gewirth contends agents must believe that others should not interfere with the agent's own freedom and well-being. In other words, the agent is logically committed in claiming a right to freedom and well-being.¹⁰

Gewirth then gives his most explicit argument for why each agent must claim rights to freedom and well-being or else be caught in contradiction:

Suppose some agent were to deny or refuse to accept the judgment (1) 'I have rights to freedom and well-being.' Because of the equivalence between generic rights and strict 'ought,' this denial of (1) would entail the agent's denial of (2) 'All other persons ought at least to refrain from interfering with my freedom and

8. Ibid. A good article which provides further details about the hierarchy of well-being is Gewirth's "Ethical Universalism and Particularism," *The Journal of Philosophy* 85.6 (1988): 283-302.

9. Ibid., 63-64.

10. Ibid., 64.

well-being.’ By denying (2), the agent would have to accept (3) ‘It is not the case that all other persons ought at least refrain from interfering with my freedom and well-being.’ But how can any agent accept (3) and also accept (4) ‘My freedom and well-being are necessary goods’? That he must accept (4) we saw above; for by virtue of regarding his purposes as good the agent must also a fortiori value his freedom and well-being as required for achieving any of his purposes.... He must therefore accept, on pain of contradiction, that he has generic rights.

At this point in his theory, Gewirth has made a formal argument that because one must value freedom and well-being, one must accept he/she has certain generic rights with which others ought not to interfere.¹¹

In step three, Gewirth logically forces an agent into accepting similar right claims for all agents. Gewirth argues, “Now whatever the description under which or the sufficient reason for which it is claimed that a person has some right, the claimant must admit, on pain of contradiction, that this right also belongs to any other person to whom that description or sufficient reason applies.”¹² Gewirth uses the basic principle of universality of reasons to extend right claims to all agents. Gewirth now thinks he has justified that all agents must acknowledge that everyone has rights to freedom and well-being, the normative basis of morality.

Huckfeldt’s critique of Gewirth can now be examined. Huckfeldt first identifies the area with Gewirth’s argument where he discovers a problem. Huckfeldt claims that the success of the argument depends on “whether or not the necessary reason to pursue freedom and well-being require me to make agent-neutral claims (i.e. rights claims).”¹³ This assessment takes one back to the formal argument which forced one into logically

11. *Ibid.*, 80.

12. *Ibid.*, 104-105.

13. Vaughn E. Huckfeldt, “Categorical and Agent-neutral Reasons in Kantian Justifications of Morality,” *Philosophia* 35 (2007): 34.



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accepting both the necessary goodness of freedom and well-being and the claim that other agents ought to refrain from interfering with one's necessary goods. If one could escape a logical contradiction and accept both claims (3) and (4), then the right claims preventing others from interfering with one's freedom and well-being cannot be made.

Huckfeldt goes on to explain where he sees the possibility of non-contradiction between claims (3) and (4). Huckfeldt argues, "[W]e notice that although it is required that I pursue my own possession of uninterfered with freedom and well being, and that others pursue their own, it is permissible, even according to my own judgment, for others to interfere with my freedom and well being. Although both myself and the other are in pursuit of f ,¹⁴ neither of us is required to pursue the possession of f for anyone but ourselves."¹⁵ Huckfeldt's rejection of Gewirth is founded on the argument that one has no reason to think others should have any positive consideration for another's necessary goods. Though Gewirth does attempt to universalize this principle during the third stage of his argument, the argument cannot follow when the *reductio* Gewirth provides during the second stage does not establish a reason for consideration of the non-interference of others' necessary goods.

Fortunately, Huckfeldt presents both a problem in Gewirth's argument and what is needed to fix Gewirth's justification. Huckfeldt acknowledges, "For his argument to work, Gewirth would need a principle entailing a transfer of interests between people."¹⁶ To rebuild Gewirth's justification for morality, one would need to establish a principle within his argumentative structure that transfers interests between agents without simply assuming said moral principle. The remainder of this paper will attempt to describe a possible solution to Huckfeldt's critique by connecting Gewirth's D.N.M. with certain Rawlsian concepts. The main argument

14. The letter 'f' is standing in for 'uninterfered with freedom and well-being' within Huckfeldt's argument.

15. Huckfeldt: 35.

16. Ibid.

I will defend is that certain aspects of Rawls' philosophy can be adopted by an agent engaging the D.N.M. When these two philosophical principles work together, a new D.N.M. will justify one's interest in the non-interference of other agents' freedom and well-being.

When looking for compatibility between these two philosophies, we see that Rawls' thought experiments are quite similar to the way Gewirth frames the D.N.M. Gewirth frames the D.N.M. so that any agent acting on a purpose must acknowledge certain necessary goods for generic action. Rawls' original position adopts a similar outlook. Rawls believes the original position is one that the same results are produced when it is adopted by anyone at anytime.¹⁷ It follows that both the identification of certain necessary goods reached through the D.N.M. and the principles chosen in the original position will always be the same for any agent entering either reflective state.¹⁸

Another similarity is found when Gewirth adopts the D.N.M. rather than the dialectically contingent method. The dialectically contingent method looks for goods in relation to contingent and variable purposes. This is parallel to the specific inequalities Rawls wants to avoid. Rawls contends that the principles behind the veil of ignorance would be those chosen by interest-advancing rational agents "when none are known to be advantaged or disadvantaged by social and natural contingencies."¹⁹ Both Gewirth and Rawls desire to avoid contingent matters of morality and justice, respectively, and focus on near objective and necessary principles.

The advantages of using the veil of ignorance and the original position with Gewirth's argument, namely that adopting the D.N.M. under Rawls' veil of ignorance, will force a contradiction in Gewirth's *reductio*, can now be explored as we have seen how the two theories are similar and compatible. The first argument stems from the result of social cooperation.

17. John Rawls, *A Theory of Justice*. (Cambridge: Harvard University Press, 1971): 139.

18. This is not to argue that the principles of Rawls are equivalent to freedom and well-being, what Gewirth identifies as necessary goods.

19. *Ibid.*, 19.



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Rawls contends that "There is an identity of interests since social cooperation makes possible a better life for all than any would have if each were to try to live solely by his own efforts."²⁰ When one is logically committed to viewing freedom and well-being as necessary goods, one is also logically committed to pursuing and maintaining them. To secure one's necessary goods, it is seen that one can better pursue his/her freedom and well-being in conjunction with others rather than on one's own. One is then logically committed to promoting each other's right claims to freedom and well-being, under the veil of ignorance, as one is always logically committed to the pursuit and maintenance of one's own freedom and well-being. This new conclusion from the D.N.M. would be the direct result of our Rawlsian addition. Furthermore, Rawls writes, "There is no inconsistency, then, in supposing that once the veil of ignorance is removed, the parties find that they have ties of sentiment and affection, and want to advance the interests of others and to see their ends attained."²¹ The advantages Rawls is able to produce, namely social cooperation, are remedies to the exact problem Huckfeldt addresses. The ties of sentiment and advancement of others' interests, as Rawls describes, is the principle allowing a transfer of interest needed to force a contradiction between the claims (3) and (4).

The second argument relates to how the agent would not know which agent he/she will be outside the veil of ignorance. If an agent reflects on one's necessary goods under the D.N.M., the agent recognizes that freedom and well-being are essential to any action, but the agent's ability to pursue and obtain those necessary goods in the real world is unclear. When the agent does a similar reflection, this time with a veil of ignorance, the agent would not be able to determine the practical ability of pursuing freedom and well-being at all as knowledge of contingent features are removed. Therefore, that agent, before he/she emerges out of the

20. *Ibid.*, 126.

21. *Ibid.*, 129. While Rawls contends that the ties of sentiment emerge outside the veil of ignorance, the ties of sentiment still need the veil of ignorance to provide a justification in taking impartial action for the promotion of others.

veil of ignorance after using the D.N.M., would contend that an interest in other's non-interference of freedom and well-being would be a necessary moral principle guaranteeing his/her own pursuit of necessary goods as knowledge of which identifiable agent one will be is unknowable.

This argument is the key to how an appropriation of Rawls can force one to be logically committed to the positive consideration of others' freedom and well-being. It is so because if one did not add the moral principle of interest in others' non-interference with ones own necessary goods under the veil of ignorance, then one would not be consistent with his/her logical commitment to necessary goods. Because the veil of ignorance removes contingent features of an agent, yet lets the agent keep his/her essential agency, the agent reflecting on the D.N.M. would not know which agent he/she will be when the veil of ignorance is removed. Thus, to secure and allow the pursuit of necessary goods outside of the veil of ignorance, that agent, and every agent through the nature of the original position, must be committed to the interests of others in order to guarantee the promotion of his/her own necessary goods. As a rational agent, the only course to guarantee the maintenance of one's necessary goods is to have a well-ordered society, with extensive bonds between citizens,²² where everyone refrains from interfering with the freedom and well-being of all other agents—a society which agents respect the necessary goods of other agents.²³

Having explained how the veil of ignorance enhanced D.N.M. avoids Huckfeldt's critique, it needs be shown how Gewirth's critical remarks towards Rawls do not affect our defense of morality. Gewirth criticizes Rawls' for his contention that principles of justice need to be determined with an abandonment of particular qualities. "Since the assumption

22. *Ibid.*, 500.

23. This argument is buttressed by the fact that Rawls feels a rational agent would have characteristics of risk-aversion. *Ibid.*, 144. Even if complete risk-aversion is irrational, it should not be seen irrational to be risk averse when considering necessary goods. If one were to be risk averse towards anything, then it would be that which is fundamentally necessary for agency, namely freedom and well-being.



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of persons' total ignorance of their particular qualities, being factually false, is hardly rational, how can it be rationally justifiable to rational persons in the real world to which Rawls intends that his principles of justice be applied?"²⁴ Gewirth contends that in the real world there are factual claims about the inequality of power and ability between people.²⁵ Gewirth can justify the abandonment of contingencies to the rational agent because he is searching for generic goods, which apply to purposes beyond particulars, a generalization relevant to all agents. Rawls, on the other hand, abandons particulars in relation to how one should act outside the veil of ignorance, something specific and not general to all agents. While Rawls acknowledges his argument's hypothetical nature,²⁶ he also shows the value which can be derived from such a thought experiment. "The conception of the original position is not intended to explain human conduct except insofar as it tries to account for our moral judgments and helps to explain our having a sense of justice."²⁷ With this perspective, Rawls is not intending to justify the original position to rational agents, but rather follow why we make normative judgments.

It still must be held that a rational agent is justified in believing a transfer of interests, either as a matter of social cooperation or risk aversion, can be a principle of morality even when the concept of losing all knowledge about particular abilities and power is not rational itself. After all, Thomas Hobbes provides a justified worry for even the most able and powerful of agents. Hobbes points out the possibility of people living without security, being forced to live on their own strength, of everyone being in conflict with everyone else, and living lives which are "solitary, poore, nasty, brutish, and short."²⁸ Every agent, regardless of his/her ability or

24. Gewirth, *Reason and Morality*, 108.

25. *Ibid.*

26. Also see John Rawls, "Justice as Fairness: Political not Metaphysical," *Philosophy and Public Affairs* 14.3 (1985): 223-251, for how Rawls claims his philosophy develops a political framework, not moral metaphysics.

27. John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971): 120.

28. Thomas Hobbes, *Leviathan* (Cambridge: Cambridge University Press, 1651): 84.

power, has a justified reason in wanting to further secure his/her necessary goods of freedom and well-being as it is possible that even the strongest agent can be outclassed.

This paper evaluated Gewirth's justification of morality, from *Reason and Morality*, in an attempt to defend morality as an absolute and universal concept. After providing a thorough explanation of Gewirth's argument, Huckfeldt's critique of Gewirth was entertained. Huckfeldt's article exposes how the critical turn in Gewirth's argument could prevent an agent from making agent-neutral right claims. Huckfeldt's remedy of providing a transfer of interests between agents was the challenge the rest of the paper took up in the form of using Rawls' thought experiments of the original position and the veil of ignorance. Though Gewirth is critical of Rawls' principles, it was shown how Gewirth's philosophy can accept this paper's appropriation of Rawls' philosophy to justify morality as a normative feature of action by identifying aspects of social cooperation and risk aversion. Gewirth and Rawls are not only consistent, but also, when properly combined, provide an excellent justification of morality. ❖

