

## Other Agents: A Blessing and a Curse

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### 1. Introduction

The thesis of this article is that the presence of other individual agents is two things at the same time: a blessing and a curse for one's own agency and identity. This Janus-faced feature of other agents is the core of my response to an objection that I received regarding my earlier work on constitutivism.<sup>1</sup> In Sections 2-4, I present my most recent response to that objection in the form of an interpersonal extension of constitutivism, introduce a new puzzle that I see in my response's structure, and resolve this puzzle. I introduce in Section 5 a worry concerning my response. Sections 6-9 go into detail regarding my current project, which is to come to a better understanding of Saul Kripke's complex account of Wittgensteinian rule-following. More precisely, I apply "Kripkenstein's" arguments in the course of evaluating individualistic versions of constitutivism.

### 2. The Public Identity Claim

Constitutivist accounts of normativity have recently been popular, with Christine Korsgaard and David Velleman as the most prominent representatives.<sup>2</sup> The historical origins of such accounts are found in Aristotle's and Immanuel Kant's work. The argument constitutivists offer is that certain norms are unconditionally binding

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<sup>1</sup> Christoph Hanisch, *Why the Law Matters to You: Citizenship, Agency, and Public Identity* (Boston, MA: De Gruyter, 2013). This book is based on my PhD dissertation, which I wrote under the supervision of Fred D. Miller, Jr. at Bowling Green State University.

<sup>2</sup> See Christine M. Korsgaard, *Self-Constitution: Agency, Identity, and Integrity* (New York, NY: Oxford University Press, 2009); J. David Velleman, *How We Get Along* (New York, NY: Cambridge University Press, 2009).

because they are determinant (descriptively and normatively) of activities that we are inescapably confronted with. Korsgaard sums up constitutivism's message, when she claims that "the function of action is self-constitution."<sup>3</sup> Human beings, according to Korsgaard, have to constitute themselves into agents, understood as the authors of their actions. Only when they engage in practical deliberation, choice, and action, are individuals successfully turning their first-personal standpoints into stable, internally consistent, and coherent perspectives. The unification in question is achieved when individuals structure their deliberative stances by means of endorsing practical principles that guide their actions.

These sets of principles define an agent's normative self-conception, which Korsgaard calls the agent's "practical identity."<sup>4</sup> Korsgaard says that practical identities are "principles in terms of which we accept and reject proposed actions."<sup>5</sup> She adds that an individual's practical identity is a "set of principles, the dos and don'ts of . . . a role with a point."<sup>6</sup> A practical identity is both the result and the precondition of self-constituting action. Especially important for my proposed social extension of constitutivism is that these normative self-conceptions are an agent's commitment to her principles and rules, which define her as the particular agent she understands herself to be. Constitutivism is a theory of many things, but first and foremost it tries to account for the unconditional normativity of practical principles and the ontology of personal identity.

Kantian constitutivists argue that the categorical and hypothetical imperatives are the two constitutive norms of this activity of action as self-constitution. In order for an agent to unify herself successfully, her actions have to incorporate a commitment to these two Kantian principles. Something important for my argument is to consider two general and not necessarily moral versions of these Kantian imperatives, which are requirements of practical rationality. First, the categorical imperative prescribes that self-constituting actions

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<sup>3</sup> Korsgaard, *Self-Constitution*, p. xii.

<sup>4</sup> Christine M. Korsgaard, *The Sources of Normativity* (New York, NY: Cambridge University Press, 1996), pp. 100–102 and 128–30.

<sup>5</sup> Korsgaard, *Self-Constitution*, p. 22.

<sup>6</sup> *Ibid.*, p. 21.

must have a minimally universal form. Korsgaard rejects the possibility of what she calls radical “particularistic willing.”<sup>7</sup> Such willing is not constituting its agent successfully because it would, if it were possible, consist in an act of choice that does not commit its author at all to any normative correctness standards regarding future choices in identical circumstances. Second, all actions worth the demanding constitutivist label, must minimally comply with means-end rationality. If individuals were to ignore the normativity of the hypothetical imperative entirely, they wouldn’t successfully perform any actions and, hence, wouldn’t get the process of identity-constitution going.

I argue that this account of why we need a practical identity is basically correct, but incomplete. The two Kantian imperatives put structural limits on every agent’s actions and on the principles that guide the choice of these actions. In the presence of other agents, however, this internal and individualistic account about what is necessary and sufficient for self-constitution must be supplemented by interpersonal components. I call this the public (practical) identity claim.

Recall the central constitutivist tenet that “action is self-constitution.” However, action is possible only when other agents commit themselves, together with oneself, to minimal norms of non-interference, including moral principles and legal norms. Mutual non-interference is necessary to perform actions. Actions are the means of identity constitution. Therefore, that others do not randomly interfere with one’s actions is a necessary external prerequisite for constituting oneself successfully into an agent. I call this the “public identity claim.” The public identity claim highlights that the specific norms that regulate these non-interference practices must get incorporated into every agent’s practical perspective. Only if these interpersonal action-enabling principles get internalized into an agent’s practical identity, the agent constitutes herself successfully. Hence, in the presence of other agents, an individual’s self-constitution always results in a practical identity that incorporates this minimally public and interpersonal normative attribute. This is the main thought behind my initial defense of the normative inescapability of public identities and of the interpersonal principles that partly, but necessarily, define those self-conceptions that emerge in the presence of other agents.

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<sup>7</sup> Ibid., pp. 72–76.

### 3. The Objection to the Public Identity Claim

One objection to my argument for public identities calls into question the necessity of these shared non-interference norms. I deliberately emphasize the normativity of the shared practices in question. “Okay,” my critic acknowledges, “the constitutivist story is relatively plausible when it comes to the two Kantian imperatives and their role as principles that every agent must endorse in order to unify her first-personal point of view.” Their normative force appears relevantly inescapable, unless one is “willing” to see one’s agency fall apart entirely as a result of particularistic willing and thoroughgoing instrumental irrationality. However, the objection continues, the same constitutivist story does not seem to be correct when it comes to justifying the interpersonal normative structures that the public identity claim attempts to vindicate as equally non-optional. The best way to summarize the main objection to the public identity claim is the following valid argument:

Premise one: If agency (self-constitution, maintaining a practical identity) is possible in the asocial world with regular laws of nature, then agency is possible in the social world without social norms and practices.

Premise two: Agency (self-constitution, maintaining a practical identity) is possible in the asocial world with regular laws of nature.

Conclusion: Agency (self-constitution, maintaining a practical identity) is possible in the social world without social norms and practices.<sup>8</sup>

Before I respond to this argument in its entirety (and discuss head-on its second premise), I need to present the objector’s sub-argument for premise one. Assume, as stated in the premise’s antecedent, that a character like a born Robinson Crusoe were to successfully constitute himself as an agent. He would perform actions, endorse practical principles, and act according to them as Kantian constitutivists claim. However, the objector continues, interpersonal non-interference *norms*, in the sense of the public identity claim, could

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<sup>8</sup> I am indebted to Michael Weber (who served on my dissertation committee) for this formal construction of the objection.

not have played a role in Crusoe's case. He is, after all, the only individual populating the universe. There are no other agents around who could potentially interfere with his self-constituting actions. Having said that, Crusoe is imagined encountering certain threats to his agency, for example, tigers and tornados. Still, even in the face of these threats, self-constitution is presumed to be possible according to the antecedent of premise one because Crusoe can predict and "manage" these threats, namely, in accordance with entirely descriptive (non-normative) laws and regularities of nature.

Next, the crucial thought underlying premise one—the rationale for its leap from antecedent to consequent—is that individual agents in the social condition appear to be able to take up the same practical attitudes toward other agents that Crusoe was imagined adopting with regard to tigers and tornados. Recall, however, that Crusoe's stance toward these natural phenomena (and threats to his agency) was thoroughly non-normative. It seems, the presenter of premise one concludes, that other agents (in the social condition) *can* be regarded in such a non-normative mode, too, for example, in purely psychological terms that more or less reliably predict how they will behave in response to my action attempts. As stated in premise's one consequent, interpersonal norms would, therefore, be optional requirements even in the social condition, that is, when other individuals are present. At least a crude and rudimentary manifestation of individual agency seems possible when other persons are treated and conceptualized as mere forces of nature (analogously to Crusoe's non-normative stance and attitude toward tigers and tornados).

#### **4. Response to the Objection to the Public Identity Claim**

I begin my response by examining premise two and the notion of a born Crusoe. How might interpersonal accounts of rule-following help my argument? Recall that a practical identity is a set of principles that an agent endorses in the process of practical deliberation. It is an important part of constitutivism that agents inescapably have to tackle the task of self-constitution across time. Practical principles are the "glue" that holds together an agent by structuring her self-constituting activities into a coherent and consistent manner. Notice that we can rephrase the constitutivist view and argue that these principles are rules that individual agents endorse and follow.

According to Kripke's influential interpretation of Ludwig Wittgenstein's *Philosophical Investigations*,<sup>9</sup> rule-following is a

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<sup>9</sup> See Saul A. Kripke, *Wittgenstein on Rules and Private Language: An*

problem for an individual “considered in isolation”<sup>10</sup> from any other potential fellow community members who together maintain shared practices of awarding one another the status of successful rule-followers insofar as they are in *de facto* agreement on how a rule is, and ought to be, followed. These shared practices are influentially referred to as “forms of life”<sup>11</sup> and “language games.”<sup>12</sup> Presuming for a moment the plausibility of “Kripkenstein”<sup>13</sup> so understood, I highlight that such an interpersonal account supports the claim that a character like born Crusoe fails to successfully constitute himself.

If we put together the above account about the role that practical rules play in one’s normative self-conception, on the one hand, and the idea that following any rules is contingent on being embedded in a community of other agents with normative and judgment-enabling abilities, on the other, then premise two of the counter-argument is called into question. Born Crusoe’s attempt at self-constituting action fails because he fails as a rule- and principle-follower in the first place. Crusoe simply cannot put himself under practical rules, unless other independent agents are around who co-guarantee and co-certify the normativity of his identity-defining rules.

My response here to premise two is why we can regard the presence of other agents as a blessing. The Kripkensteinian paradigm helps us to realize that a community of independent agents is capable of providing a source of normativity that no solitary individual can provide or simulate on her own and for herself. I do not deny that we often argue as if individuals hold themselves robustly accountable; Korsgaard makes much of these ordinary ways of talking in order to vindicate her account. The interpersonal view of rule-following, though, rests on a competing thought that the accountability

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*Elementary Exposition* (Cambridge, MA: Harvard University Press, 1982); Ludwig Wittgenstein, *Philosophical Investigations*, 3rd. ed., trans. G. E. M. Anscombe (Malden, MA: Blackwell, 2001).

<sup>10</sup> Kripke, *Wittgenstein on Rules and Private Language*, pp. 79 and 89.

<sup>11</sup> Wittgenstein, *Philosophical Investigations*, p. 148.

<sup>12</sup> *Ibid.*, p. 184.

<sup>13</sup> I follow the convention of labelling Kripke’s (not undisputed) interpretation of Wittgenstein as the arguments put forward by “Kripkenstein.”

relationships that other rule-followers provide are of a distinct and irreplaceable kind. It is their unique ability to provide a normative yardstick for rule-following that even the strongest-willed Crusoe cannot establish for himself in his isolated existence.

Let us continue with the other part of the objection. Premise one claims that if, *pace* my reply to premise two, self-constitution turns out to be possible in born Crusoe's case, then this implies that an individual can constitute herself successfully in the presence of other agents, and can do so even in the absence of any shared (non-interference) norms. It is in the course of criticizing this premise that I ultimately present the positive case in support of my claim that self-constituting action is possible only when agents incorporate certain interpersonal rules into their practical identities, rules that establish spheres of non-interference with action. It is at this point, though, that we can see the unique threat—or curse—that other agents pose to individual agency. In premise two's complete absence of any interpersonal practices, the resulting practical arbitrariness and interference with one's actions leads to a complete mutual undermining of the external preconditions of individual self-constitution.

Even if Crusoe's solitary self-constitution were possible (which is currently presumed), it would not follow that the same feat is achievable in the social condition without interpersonal norms. Different from tigers and tornados, the threat of interference posed by other agents is a distinct expression of the judgment-enabling abilities that had drawn us into the normative realm that I describe above, that is, the space in which individuals co-certify and co-guarantee each other's practical rules that hold them together as agents across their existence. Our inescapable aim of constituting ourselves into unified rule-followers unavoidably hits its target when other potential agents, as distinct from tigers and tornados, are present in the social condition.

However, the other side of the account now becomes relevant. It is these facts about the unique normative capacities of other agents (which underlay the blessing attribute) that are at the same time the explanation for why only these other agents present a unique threat to our self-constituting activities in the social condition. This kind of threat can be eliminated only by putting our individual agencies under shared normative rules of non-interference that guarantee at least some minimum sphere in which each of us can complete, as distinct from merely attempt, her actions in a reliable and stable environment.

### **5. A Puzzle Regarding My Response to the Objection to the Public Identity Claim**

Let me explain what troubles me about my attempt to undermine the objection's first premise.<sup>14</sup> I begin my attack on premise one by granting, for the sake of examining the truth-value of the whole conditional, that born Crusoe's agency is possible. I then have to show that even if this assumption is granted, it does not follow that self-constitution is possible in the presence of other agents without non-interference norms. This is so because other agents present a unique threat to individual self-constitution. It is a unique kind of (potential) interference with one's action, different in kind from the one originating in tigers and tornados, in that the resolution of this threat must be shared normative answers in the form of interpersonal non-interference practices and rules. To overcome the curse of cancelling out each other's agencies, individuals put themselves under shared institutions that prop, at least, these non-interference frameworks.

Notice, however, that the non-interference component of the rejection of premise one appears to ultimately depend for its persuasiveness on denying, along Kripkensteinian lines, the antecedent of that very premise. Recall that I wanted to assume, for the sake of argument, the conceivability of Crusoe's agency. Why does this puzzle emerge? In order to show that the possibility of Crusoe's agency does not imply the possibility of self-constitution in a social (but normatively barren) condition, I was in effect relying on the same normatively determinant features of other agents that had been appealed to earlier, when trying to undermine head-on the possibility of Crusoe's agency. This, however, seems to amount to having denied, contrary to my intended procedure, the conditional's antecedent from the get-go, making the whole conditional of premise one trivially true.

Let me clarify this train of thought. I argued that non-interference norms are non-optional in the social condition. As soon as an individual agent finds herself in the presence of other independent beings who are recognized as possessing the ability to co-certify her first-personal normative rules (something that the first agent needs for the sake of her own individual self-constitution), she gets thereby drawn into the space of normativity rather than the space of exclusively causal and psychological laws and regularities that the sub-argument

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<sup>14</sup> I am indebted to audiences at the University of Pardubice (2018) and at the University of Vienna (2019), who formulated objections in the vicinity of the presented puzzle.



for premise one had appealed to as sufficient for agency in the social condition. Next, my argument against premise one continued, with this acknowledgment of inescapable normativity comes the realization that the *same* certifying, identity-establishing capacities of the other agents are the origin of a peculiar kind of interference threat, namely, one that endangers successful action at the hands of creatures who are inevitably conceptualized as normatively potent beings (as distinct from tigers and tornados).

However, this latter argument then seems (at least implicitly) to depend on rejecting the possibility of a born Crusoe *qua* agent in the first place. What constitutes this tension between the rejection of the conditional as a whole, on the one hand, and the (unintended) rejection of its antecedent, on the other, is that both arguments discussed so far appeal to the same normative competencies that are exclusive properties of agents: one in the curse version (when premise one is rejected) and the other in the blessing version (when premise two is rejected). This creates the impression that I argue in a circle by begging the question. I now turn to the task of rendering these issues less abstract by looking carefully into some of Kripke's and Wittgenstein's arguments. In so doing, I will vindicate my response to the counter-argument.

## **6. Resolving the Puzzle with Kripkenstein (I): The Service and Utility of Independent Wills**

The exchange so far has focused on a structural and dialectical puzzle about my response to a powerful objection to the idea that agency is a normative social phenomenon. Before updating my reply to this objection, I dedicate the upcoming sections to the task of filling in some of the substantive details concerning the interpersonal prerequisites of individual agency by investigating some of Kripke's and Wittgenstein's arguments. My purpose here is to test these passages with respect to their usefulness for critiquing my main target, namely, the solipsistic constitutivist.

I begin with a central passage, in which Kripke replies to the view that it seems intuitively plausible to consider an individual in isolation who seems nevertheless fully capable of correcting herself with regard to a rule that she claims to endorse.<sup>15</sup> My strategy is to

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<sup>15</sup> Keep in mind that this passage is one of the final reflections in Kripke, *Wittgenstein on Rules and Private Language*, that is, it is a passage that gets introduced after Kripke has both presented his comprehensive attack on non-interpersonal accounts of rule-following and after he has introduced the so-

equate Kantians like Korsgaard with the target of Kripke's argument, that is, meaning-determinists who believe that an individual's mental states (e.g., intentions) suffice to constitute the ontological fact that she is following a particular rule. The end of this passage is especially striking:

As members of the community correct each other, might a given individual correct himself? . . . Indeed, in the absence of the paradox [the inevitability of which Kripke defended in the previous pages], it would appear that an individual remembers his own "intentions" and can use one memory of these intentions to correct another mistaken memory. In the presence of the paradox, any such "naive" ideas are meaningless. Ultimately, an individual may simply have conflicting brute inclinations, while the upshot of the matter depends on his will alone. The situation is not analogous to the case of the community, where distinct individuals have distinct and independent wills, and where, when an individual is accepted into the community, others judge that they can rely on his response . . . . No corresponding relation between an individual and himself has the same utility. Wittgenstein may be indicating something like this in §268.<sup>16</sup>

The passage in Wittgenstein's *Philosophical Investigations* that Kripke mentions is worth quoting at length:

Why can't my right hand give [schenken] my left hand money?—My right hand can put it into my left hand. My right hand can write a deed of gift and my left hand a receipt.—But the further practical consequences would not be those of a gift. When the left hand has taken the money from the right, etc., we shall ask: "Well, and what of it?" ["Nun, und was weiter?"] And the same could be asked if a person had given himself a private definition of a word; I mean, if he has said the word to

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called "sceptical solution" (pp. 66-69 and 84-86) to the problem that the individualist is confronted with, that is, the "sceptical [Wittgensteinian] paradox" (p. 21).

<sup>16</sup> Ibid., p. 112 n. 88.

himself and at the same time has directed his attention to a sensation.<sup>17</sup>

The passage on independent wills is a good example of the applicability of Kripkenstein's analysis to a critique of individualistic models of self-constitution. The target of Kripke's passage is the defender of the view that an endorsement of practical rules and principles can be achieved without any contribution by a second, independent person, let alone by a community of such persons and their shared practices and forms of life. In Korsgaard's examples of Jeremy<sup>18</sup> and Derek Parfit's Russian Nobleman,<sup>19</sup> in which she illustrates the mechanics of how specific practical identities work, she presents the process of reflection and endorsement as being completed within the perspective of a potentially lone deliberator whose mental life of past and current intentions provides the material for her self-legislative acts of identity-formation. These examples imagine two fictional characters who fail at the task of self-constitution, but they do so on purely internal grounds, systematically ignoring the principles of instrumental rationality and the categorical imperative, respectively.

When Kripke criticizes the supposed sufficiency of private mental states such as intentions and memories, this target finds its action-theoretical counterpart in the constitutivist's confidence that a robust commitment to practical norms can be achieved from within the first-personal stance. The Kripkensteinian account, however, suggests that the solitary rule- and principle-follower is condemned to achieving, at most, an inconclusive practical identity in which he simply witnesses, as Kripke says above, "conflicting brute inclinations [that he encounters], while the upshot of the matter depends on his will alone." (More on this in Sections 7 and 8 below.)

Still, it remains opaque what Kripke precisely means by the startling things that he says in this passage. I will return to Kripke's curiously Kantian language of "brute inclinations" and the "will," but before we get there, I need to say more about other passages in Kripke's text. I have in mind his claim that there is a special kind of

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<sup>17</sup> Wittgenstein, *Philosophical Investigations*, p. 80.

<sup>18</sup> Korsgaard, *Self-Constitution*, p. 169.

<sup>19</sup> *Ibid.*, pp. 185–86.

“utility” present only in relationships between myself and, at least, one distinct and independent other will.

Concluding his rejection of the traditional, meaning-determinist account of what we can and cannot attribute to a supposed rule-follower considered in isolation, Kripke refers to an influential passage in Wittgenstein that communitarians about rule-following often highlight. I quote the entire passage, but the negative part is crucial for my current purposes: “And hence also ‘obeying a rule’ is a practice. And to *think* one is obeying a rule is not to obey a rule. Hence it is not possible to obey a rule ‘privately’: otherwise thinking one was obeying a rule would be the same thing as obeying it.”<sup>20</sup> In the literature on Wittgenstein’s *Philosophical Investigations*, it is deemed important to conjoin this quotation with paragraph 258, which is considered the conclusion of the “private language argument.” According to Wittgenstein, by introspectively (and privately) assigning “S” to a specific sensation of mine, thereby attempting to establish my normative rule that is supposed to determine the (stable) meaning of “S,” I can tell myself at most the following: “I impress it [the connection between sign “S” and my sensation] on myself’ [and I do so] by the concentrating of my attention on the sensation.”<sup>21</sup> He concludes his critique of such an attempt at privately defining a sign next: “But ‘I impress it on myself’ can only mean: this process brings it about that I remember the connexion *right* in the future. But in the present case I have no criterion of correctness. One would like to say: whatever is going to seem right to me is right. And that only means that here we can’t talk about ‘right’.”<sup>22</sup>

Immediately after endorsing this set of thoughts by Wittgenstein, Kripke introduces for the first time the rationale for why the shortcomings of private rule-following can be rectified only when “considering [the individual] as interacting with a wider community.”<sup>23</sup> Kripke says, “Others will then have justification conditions for attributing correct or incorrect rule following to the subject, and these will *not* be simply that the subject’s own authority is unconditionally to

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<sup>20</sup> Wittgenstein, *Philosophical Investigations*, p. 69.

<sup>21</sup> *Ibid.*, p. 78.

<sup>22</sup> *Ibid.*

<sup>23</sup> Kripke, *Wittgenstein on Rules and Private Language*, p. 89.

be accepted.”<sup>24</sup> Another telling passage, again deploying the Kantian notion of “inclinations,” is the following: “The criterion by which others judge whether a person is obeying a rule in a given instance cannot simply be his sincere inclination to say that he is, otherwise there would be no distinction between his thinking he is obeying the rule and his really obeying it (§202), and whatever he thinks is right will be right (§258).”<sup>25</sup>

According to Kripke, the practice of acknowledging a specific individual as a rule-follower takes on the role of a verdict, a judgment, a—we might say—public act of awarding the candidate rule-follower a certain status. It is the social status of being someone who has successfully incorporated a certain principle into her practical identity, to put it in constitutivist terms. The above-criticized internal resources of first-personal self-ascription of a rule fall short of providing the kind of accountability relationship distinctive of the one that only other independent agents can provide. Again, “holding accountable” is not a narrowly defined moral notion in the current context. Rather, it is the judgment-based solution to Wittgenstein’s puzzle regarding the conceptual distinction between thinking one follows a rule, on the one hand, and actually doing so, on the other.

An illustration of this abstract train of thought is provided in Kripke’s example of Jones and Smith. Jones resides in a community and claims to perform an act of addition. He thus differs from Crusoe in that he is in the social condition of finding himself in the presence of at least one other agent, Smith. In what follows, let us again pay close attention not only to the deontic language that is used by Kripke, but also to the appeal to normative categories more generally. Kripke argues that Jones

is entitled, subject to correction by others, provisionally to say, “I mean addition by ‘plus’,” whenever he has the feeling of confidence—“now I can go on!” that he can give “correct” responses in new cases; and *he* is entitled, again provisionally and subject to correction by others, to judge a new response to be “correct” simply because it is the response he is inclined to give.<sup>26</sup>

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<sup>24</sup> Ibid.

<sup>25</sup> Ibid., p. 101 n. 82.

<sup>26</sup> Ibid., p. 90.

Keep in mind that constitutivist accounts are strongly first-personal, that is, they conceptualize the normative question of self-constitution from within the deliberative standpoint of, in our current case, Jones. Without explicitly drawing the distinction between first- and third-personal perspectives himself, this clearly is relevant for Kripke's account. After all, we learn two central things about Jones. First, according to Kripke, a certain kind of relatively stable self-conception suddenly appears feasible for Jones. It now seems that independently of whether or not the other person, Smith, co-certifies Jones's status as a successful member of the addition-community, Jones himself has a practically relevant "feeling of confidence" that makes Jones inclined to utter the claim that he is employing the addition rule. There even seems to be a distinctively normative element to Kripke's account of Jones's practical standpoint, namely, when he is described as having an "entitlement" (in the sense of authority) to do what he does. One therefore wonders, at this point, what has happened to the impossibility of rule-following in the absence of others' judgments regarding one's activities?

#### **7. Resolving the Puzzle with Kripkenstein (II): Provisional vs. Conclusive Self-Constitution**

However, let us pay close attention to other features of the Jones and Smith example in which Jones is awarded a distinctive first-personal authority, with its potential to be sufficient grounds for self-constitution. Kripke stresses that Jones's entitlement is merely provisional, that is, it awaits co-certification by at least one other person due to the latter's volitional capacities and powers of judgment. I doubt that Kripke intended any Kantian interpretation of the Jones and Smith scenario. Still, it is striking that his contrast between provisional and conclusive normativity is reminiscent of Kant's practical philosophy. Here, only Kant's political philosophy and jurisprudence are relevant for our interpretive task.<sup>27</sup> With regard to legal rights such as property and contracts, Kant argues that unilaterally declaring in the state of nature, for example, an external

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<sup>27</sup> The contrast between provisional and conclusive norms is developed in Immanuel Kant, "The Doctrine of Right," in Immanuel Kant, *The Metaphysics of Morals*, in *Practical Philosophy*, trans. Mary Gregor (New York, NY: Cambridge University Press, 1996), pp. 409–11.

possession to be mine remains an incomplete act of acquisition. In contrast to John Locke, Kant holds that only when we all move into the normative community (the “rightful condition”) constituted by the “omnilateral will” of all who are subject to the resulting coercive (and law-governed) institutions of property, will a provisional rights-claim become a conclusive, legitimate, and enforceable one. Kripke seems to use this language of provisionality to an analogous end, when describing Jones and his provisional attempts at constituting himself into a successful follower of a specific mathematical rule.

Given the contrast between provisional and conclusive normativity that I see in Kripkenstein, we can reformulate and clarify the objection to the public identity claim. We should ask the objector to clarify the following ambiguity: When you talk about two possibilities of self-constitution in your argument, do you mean the provisional or the conclusive acts of identity-constituting action? In particular, when the possibility of Crusoe’s self-constitution is postulated in premise two, are we talking about a robust, stable, and finalized self-understanding on the part of Crusoe in terms of the principles and rules that he strives to follow?

In light of Kripke’s passages discussed so far, let us state this revised formulation of the objection:

Premise one: If provisional agency (self-constitution, maintaining a practical identity) is possible in the asocial world with regular laws of nature, then provisional agency is possible in the social world without social norms and practices.

Premise two: Provisional agency (self-constitution, maintaining a practical identity) is possible in the asocial world with regular laws of nature.

Conclusion: Provisional agency (self-constitution, maintaining a practical identity) is possible in the social world without social norms and practices.

I investigate this version of the objection because it poses the biggest threat to the public identity claim by undermining the idea that interpersonal norms of non-interference are necessary for self-constituted identity. In the presence of others, my analysis of Kripke’s passages—in which he refers to primitive inclinations as well as to provisional normativity—suggests that premise two of the revised

objection might actually hold, even with Kripke's attack on solitary rule-following. Especially from the first-personal point of view of a practically deliberating agent, it appears plausible that a certain level of subjective confidence regarding one's norms and principles can be achieved and maintained by a character like Crusoe. Crusoe might then count as a provisional rule-follower who tells himself such things as "I've got it!" regarding both the rule of addition and the practical-action principles that constitutivists consider the cement holding together individual deliberative standpoints. If provisional rule-following suffices for self-constitution, why should the Kripkean account present a challenge to individualistic varieties of constitutivism after all?

Let us grant for the moment premise two in its provisional formulation. It might appear plausible that provisional agency in Crusoe (antecedent) implies the same possibility in the case of individuals in the social condition without normative social practices (consequent). Why, the objector repeats, should not an individual agent treat other subjects in the same way in which Crusoe treats tigers and tornados? Yes, these are all threats to his provisional self-constitution. However, they are predictable, manageable threats that do not require a distinctively normative response.

Provisional rule-follower Jones, introduced by Kripke, even appears to satisfy the consequent of premise one. Jones utters, with his unique subjective confidence, the statement "I am engaged in an act of addition." That act seems to be something that he can accomplish without Smith and the community of rule-followers taking him in and without anybody awarding Jones the social status of a conclusive rule-follower. Isn't it enough that he constitutes himself provisionally?

The individualist about self-constitution might even grant that the resulting practical identity is deficient in terms of conclusive self-constitution. However, since self-constitution comes in degrees anyway, the strict necessity and inescapability that my public identity claim postulates is again not established. A provisional and low-degree-instantiation of agency would be possible in both Crusoe's and Jones's cases. And for the objection to do its devastating work regarding the claim that interpersonal norms are necessary for self-constitution *simpliciter* when others are around, establishing the possibility of provisional agency in Jones's case is all that is required for the first premise to remain true. The possibility of Crusoe's provisional practical identity implies the possibility of Jones's provisional self-constitution.



### **8. Resolving the Puzzle with Kripkenstein (III): Crusoe's vs. Jones's Provisional Self-Constitution**

I call into question premise one, though, even in its provisional formulation. In addition, in spelling out why premise one does not hold, I will identify a surprising benefit that comes with analyzing the revised version of the objection, namely, that it avoids the potential circularity identified above in Section 5. First, however, why does premise one fail? In other words, why does the possibility of Jones's provisional self-constitution remain unsecured, even if we grant that Crusoe, considered in isolation, can achieve it? I argue—contrary to what even Kripke seems to claim—that Jones is in an even *worse* position than Crusoe is with regard to his options and opportunities regarding self-constituting activities and rule-following.

In order to outline this last reply, I return to this article's central two contentions, which are reflected in its title: other agents are both a blessing and a curse. First, the presence of other agents ensures the services and utilities that Kripkenstein highlights and that interpersonal views of meaning are commonly thought to champion. Wittgenstein, as well as Kripke—though they do not discuss moral philosophical theses—regard the community and its services as a blessing for achieving the feat of conclusive rule-following. Kripke elaborates on the Wittgensteinian notion of “forms of life,” which he understands “as the set of responses in which we agree, and the way they interweave with our activities.”<sup>28</sup> When he describes Wittgenstein's skeptical solution as “the game of concept attribution,” Kripke connects that general game's service of “providing conditions under which we are justified in attributing concepts to others” with his earlier reflections on the “utility of this game in our lives.”<sup>29</sup>

The utility of this most basic of all games (mutually attributing the status of fellow rule-followers) is illustrated by a mundane interaction between a grocer and her customer who buys five apples.<sup>30</sup> Ignoring some of the nuances of Kripke's description, he concludes that the utility of us agreeing in terms of rules such as addition is evident in allowing two parties to form stable and predictable patterns

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<sup>28</sup> Kripke, *Wittgenstein on Rules and Private Language*, p. 96.

<sup>29</sup> *Ibid.*, p. 95.

<sup>30</sup> *Ibid.*, p. 92.

of interaction and expectations. The same counts for a child, who we take into our community of reliable rule-followers at a certain point in its development. Kripke sums up this act of initiation in the following passage, in which it is important to note what the community members are *doing* with regard to the child:

When we pronounce that a child has mastered the rule of addition, we mean that we can entrust him to react as we do in interactions such as that just mentioned between the grocer and the customer. Our entire lives depend on countless such interactions, and on the “game” of attributing to others the mastery of certain concepts or rules, thereby showing that we expect them to behave as we do.<sup>31</sup>

These claims by Kripke and Wittgenstein, while morally bland, are cast in a stark normative light. They point to the abilities and capacities that the community members *qua* individuals must have in order to succeed at any games and institutions in conclusively establishing and maintaining each other’s status as rule-followers.

At this point, the curse portion of my argument becomes relevant, and we can now return to this point in the light of the distinction between provisional and conclusive agency. The independence of other wills is not merely a prerequisite of conclusive (as distinct from provisional) self-constitution. That independence, manifested by Smith and the other community members vis-à-vis Jones, is for that very reason at the same time a unique threat to the accessibility of conclusive norms. The characteristic unpredictability, both in outward action and with regard to the acts and judgments of awarding the status of conclusive rule-follower, is the other side of Kripke’s coin of independent wills. This radical independence and sovereignty of others—and it must be radical, since individuals cannot emulate and simulate it from within their own first-personal stances and volitional perspectives—must be conceived of as coming with the property of potentially erratic and volatile arbitrariness.

I can now add a corollary to the revised version of premise one of the objection. The curse aspect of other agents’ normative abilities and powers does not merely threaten Jones’s conclusive self-constitution in the social condition insofar as others’ normative abilities remain unchecked by shared non-interference norms in that

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<sup>31</sup> Ibid., p. 93.

condition. The twist is that even the provisionally successful standing as a rule-follower of someone like Jones is in jeopardy due to the curse part of the picture. We need to vindicate this threat to Jones's provisional self-constitution in order to undermine the implication that revised premise one incorporates.

To see how this reply might unfold, I pull together the distinct strands of the argument against premise one that we have available at this point. We can keep granting the possibility of provisional rule-following and self-constitution in Crusoe's case. Even so, and in contrast to Kripke's own presentation of the case, we block precisely that possibility in the case of Jones. Jones finds himself in the presence of other beings like Smith, who possess the aforementioned normative abilities necessary for ascribing the status of conclusive rule-follower to Jones. Because of Smith's presence—and this presence's relevance for Jones's conclusive rule-following—Jones is now *not* in a position to adopt a thoroughgoing non-normative stance toward the potential impediments to his self-constituting actions, which, after all, co-reside in these abilities of Smith's agency. In this important respect, Jones's predicament necessarily differs from our born Crusoe's situation, who, again for the sake of argument, has taken up an entirely non-normative stance with regard to tigers and tornados.

Due to the curse of other agents, which has its origin in the abilities and competences that are necessary to provide the background for *conclusive* rule-following, Jones's prospects for *provisional* self-constitution are actually worse than those of Crusoe. Crusoe's provisional agency is viable in a way that is inaccessible to Jones. Moreover—and now we return to defending the public identity claim—in order to overcome this unique threat to even his provisional self-constitution, Jones must contribute to constructing the practical device of some kind of public identity, with its distinctive rules of non-interference. Only the latter's establishment and public acknowledgment secures the individual "assured free sphere"<sup>32</sup> that Jones needs in order to develop and manifest Kripke's "confidence" in his rule-following assertions, itself a part of his, initially, provisionally constituted practical identity.

As a result of considering the revised version of the objection to the public identity claim, it turns out that the inescapable task of self-constitution in the asocial condition is less of a challenge than its

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<sup>32</sup> Friedrich A. Hayek, *The Constitution of Liberty* (London: Routledge, 1960), p. 139.

pendant in the social condition. While Crusoe's provisional rule-following will never reach the stage of its conclusive counterpart, it can be accomplished and maintained in the absence of social practices and institutions of non-interference rules. Jones, on the other hand, cannot accomplish this task to the same extent as long as he remains within the reach of Smith's interference attempts.

### **9. Conclusion: Resolving the Puzzle**

There is more work to be done to spell out the notions of provisional and conclusive agency and how they differ from each other. Instead of engaging in that daunting task, let us have a brief final look at the structural consequences concerning my reply to the revised objection. Recall that the question has been: How do the above observations help with overcoming my worry regarding the response to the initial version of the objection? Different from the earlier exchange, we now call into question the possibility of what is postulated in premise one's consequent on grounds that are sufficiently independent of what is going on in any analysis of premise two. Since we are now unambiguously granting premise two and the possibility of Crusoe's rule-following in its provisional manifestation, we are not even implicitly relying on a rejection of premise one's antecedent.

My main task of undermining the truth of premise one now takes a detour via the freestanding idea of "conclusive rule-following," that is, via a claim about what is required for that inescapable aim to be accomplished. It turned out that Kripke's picture of what is required in terms of normative competencies and preconditions on the part of community members for a conclusive individual agency like Jones's, is at the same time the source of the distinct trouble for Jones's provisional (and not merely conclusive) self-constitution. Since the necessary prerequisites of the possibility of conclusive rule-following are conceptually distinct from the necessary prerequisites of the possibility of provisional rule-following, the starting point for attacking the material implication expressed in premise one does not run into the potential pitfall of my rebuttal discussed in Section 5. The more refined conceptual apparatus of the two distinct tasks of provisional versus conclusive self-constitution promises to make available this alternative dialectic.