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Mathematics, Wittgenstein seems to be saying, is constituted by certain practices, e.g., inference in accordance with excluded middle. That is what it is to do mathematics. If one is asked, "Why do you use those practices rather than some others?" there is, ultimately, no answer one can give beyond the nonexplanatory, nonjustificatory "Because that's the way we do mathematics."

But what are we to make of the intuitionists? Are they not an example of an other-minded tribe making inferences according to different logical laws? There is certainly no need to see them this way.[18] For the law of excluded middle, as the classical mathematician understands it, is valid even when the quantifiers range over the intuitionist's domain of mental constructions: either there is a mental construction that is F or it is not the case that there is such a construction. The intuitionist introduces a stronger form of negation: "it is provably absurd that," and, if we let '$\neg$' stand for intuitionistic negation, it is certainly not valid that $(\forall x)[F(x) \lor \neg F(x)]$. But this is not an instance of the law of excluded middle: not even a classical mathematician would think this valid.

Of course, the intuitionist also goes on to say that classical negation is incoherent, and it is here that Wittgenstein would take issue with him. Wittgenstein's quarrel is not with anyone who simply wishes to practice intuitionistic mathematics for its own interest (he may also wish to practice classical mathematics). His quarrel is only with the intuitionist's quarrel with the classical mathematician. The intuitionists' two major mistakes, from a Wittgensteinian perspective, are, first, to think that certain classical inferences are illegitimate because they are unjustifiable and, second, to think that alternative inferences can be justified.

'Every existence proof must contain a construction of what it proves the existence of'. You can only say 'I won't call anything an 'existence proof' unless it contains such a construction'. The mistake lies in pretending to possess a clear *concept* of existence.

We think we can prove something, existence, in such a way that we are convinced of it *independently of the proof*. . . . . Really, existence is what is proved by procedures we call 'existence proofs'. When the intuitionists and others talk about this they say: 'This state of affairs

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[18] Here I am indebted to Saul Kripke for lectures given on the philosophy of logic at Princeton in 1974. Kripke represented himself, Gödel, and Kreisel as examples of people who wish to practice both intuitionistic and classical mathematics, and who do not think that the practice of the one should militate against the practice of the other. On this interpretation, classical mathematics and intuitionism differ primarily in their subject matter—one studying an ontology of abstract objects, the other studying mental constructions.

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can be proved only thus and not thus'. And they don't see that by saying that they have simply defined what they call existence. . . . We have no concept of existence independent of our concepts of an existence proof. (*Philosophical Grammar*, p. 374).

Wittgenstein is equally hostile to those who think they can justify the law of excluded middle and to those who think they can justify some alternative to it.

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COMMENTS AND CRITICISM

WHY AGENTS MUST CLAIM RIGHTS: A REPLY

IS IT possible to prove that all persons equally have certain moral rights? In *Reason and Morality*,[†] having shown that the proof cannot be provided by any of the familiar assertoric arguments based on human needs, interests, dignity, contracts, and so forth, I worked out a proof using what I call a *dialectically necessary method*. The method is *dialectical* in that it begins from statements presented as being made or accepted by an agent and it examines what they logically imply. The method is dialectically *necessary* in that the statements logically must be made or accepted by every agent because they derive from the generic features of purposive action, including the conative standpoint common to all agents. Using this method, I argued first that each agent logically must claim or accept that he has rights to freedom and well-being as the necessary conditions of his action. I argued further that each agent must admit that all other agents have the same rights he claims for himself, so that in this way the existence of universal moral rights must be accepted within the whole context of action or practice.

Reduced to its barest essentials, my argument for the first main thesis is as follows. Since freedom and well-being are the necessary conditions of action and successful action in general, no agent can act to achieve any of his purposes without having these conditions. Hence, every agent has to accept (1) "I must have freedom and well-

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being." This 'must' is practical-prescriptive in that it signifies the agent's advocacy of his having what he needs in order to act. Now by virtue of accepting (1), he also has to accept (2) "I have rights to freedom and well-being." For, if he denies (2), then, because of the correlativity of claim-rights and strict "oughts," he also has to deny (3) "All other persons ought at least to refrain from removing or interfering with my freedom and well-being." By denying (3), he has to accept (4) "Other persons may (i.e., it is permissible that other persons) remove or interfere with my freedom and well-being." And by accepting (4), he has to accept (5) "I may not (i.e., it is permissible that I not) have freedom and well-being." But (5) contradicts (1). Since every agent must accept (1), he must reject (5). And, since (5) follows from the denial of (2), every agent must reject that denial, so that he must accept (2) "I have rights to freedom and well-being."

Many questions may be raised about this argument. Here I want to consider only the objections presented by Edward Regis, Jr.* His objections fall into three main groups, and I shall deal with each in turn.

I

Regis offers many specific criticisms of my thesis that every agent must accept the ought judgment stated in step (3) of my above argument. But his criticisms overlook at least four salient points. First, he questions the other-directedness of the ought judgment: "there is no contradiction in the notion of an agent's acting for some end while refraining from setting forth requirements to others" (787). Here, however, Regis has failed to note that my argument is concerned not with "some end" indiscriminately but with the agent's having freedom and well-being as the necessary conditions of his action. Since, for the agent to have these conditions, it must be the case that other persons do not interfere with or remove his freedom and well-being, and since this negative condition is a pervasive social condition of which, as rational, he is aware, he also says or thinks, "Other persons must refrain from interfering with my freedom and well-being." This 'must' is equivalent to the 'ought' stated in step (3) above. Thus, contrary to Regis's assertion, there is a necessary connection between being a purposive agent and setting forth requirements to other persons. This "setting forth," as I explain in detail in *Reason and Morality* (42-44), is usually not explicit, but is part of the practical thinking

*"Gewirth on Rights," this JOURNAL, LXXVIII, 12 (December 1981): 786-794; parenthetical page references to Regis are to this article.

that dispositionally accompanies action. Regis has failed to note here that, from the agent's standpoint, the necessity of his having freedom and well-being entails the necessity that other persons not interfere with or remove these general conditions of his action.

Second, Regis questions the prescriptiveness I attribute to the agent's 'must'. He says that the necessity in question "is simply a fact," so that it is not the case that "the agent must advocate others' noninterference with these necessary goods" (788). Regis also says I do not "show that the agent must want non-interference other than as a favor from others" (790). Here, however, Regis overlooks the point that the agent's 'must' is practical, not merely theoretical or factual; it derives from and reflects the agent's practical commitment to acting for his purposes, so that it is more than "simply a fact." Regis also overlooks that since freedom and well-being are *necessary* goods for the agent, he cannot rely on their being vouchsafed to him as a mere "favor" by others, for a favor is at the *option* of the giver and hence does not provide the needed assurance.

Third, Regis says I do not show that the agent's ought judgment rests on a reason that "justifies" the requirement he addresses to other persons. But, on the contrary, I show this in considerable detail (72/3, 77/8, 81/2). The point is that, since freedom and well-being are *the necessary conditions of the agent's action and successful action in general*, this provides for him "the most fundamental of all specifically practical justifying reasons" (72) for demanding that other persons not remove or interfere with his having these conditions. To justify something is to show or establish that it is right or correct according to some relevant criterion, and the criterion here is prudential, consisting in the agent's need for the necessary conditions of action. Thus, from his own conative standpoint as an agent he has a justifying as well as a motivating reason for addressing to all other persons the requirement that they not interfere with or remove his freedom and well-being.

Regis also says that "the notion of duty owed is not part of the agent's mere resolve that the necessary conditions of his action not be obstructed" (792). Here, however, the phrase 'mere resolve' is mistaken. For the agent's 'must' rests on the practical justifying reasons that have been shown to enter into his ought judgment, and it is because of these reasons that the notion of duty owed pertains to this 'must' as well.

Fourth, despite his avowed concern with my dialectically necessary method, Regis does not grasp how the method works. He says that it does not follow from the agent's "having made demands" that "he is warranted or justified in" enforcing them. But Regis

misconstrues the consequent here. What follows is not simply that the agent "is warranted or justified" but that from his own conative standpoint he *regards* himself as being warranted or justified; the consequent is agent-relative and hence dialectical, not assertoric (see below for more on this distinction). Regis also says that "the agent's conative attitudes of wanting his freedom and well-being, and resolving to maintain these, provide no justification for a claim that others owe him noninterference" (792). Here too, however, in keeping with the dialectical method, the question is not about justification *simpliciter* but rather about justification from the standpoint of the agent. Since he *regards* his freedom and well-being as necessary goods, he must also *hold* that other persons ought to refrain from interfering with his having these goods, and the justification of this 'ought' consists *for him* in his own needs of agency. At several other points, also, Regis misconstrues my statements about justification and obligation as assertoric rather than dialectical.

Regis has not, then, succeeded in his various specific criticisms of my arguments for the thesis that every agent logically must claim certain rights.

II

Regis also offers a more general objection. Its point can be seen by looking back at the argument I outlined above. One might contend that an "amoralist" agent rejects all use of normative deontic concepts; hence, by denying (2) and (3) above, he is not logically committed to accepting (4) "Other persons may (i.e., it is permissible that other persons) remove or interfere with my freedom and well-being." For such an agent would reject this normative use of 'may' and 'permissible'. A parallel point is suggested by Regis when he says: "It is empirically, and hence logically, possible, then, for a rational, conatively normal agent to enjoy freedom and well-being for his entire lifespan without claiming this as his right" (793).

In connection with this issue, I regret that Regis has not dealt at all with my extensive argument (89–95) for the thesis that even an amoralist agent logically must use normative deontic language, including the concepts of "ought" and "rights," and must at least implicitly claim rights to freedom and well-being, so long as he is rational (in the sense of accepting the canons of deductive and inductive logic) and conatively normal (in the sense of having the self-interested motivations common to most persons and being willing to expend the effort needed to fulfill them). I don't have the space here to reproduce this argument, but the interested reader is referred to the above-mentioned pages for a full presentation of it.

In addition, when Regis says that "one may possess and continually exercise a power without claiming (or having) it by right" (793), he overlooks the indispensable contribution that rights make. The difference between having X and having a right to X is that in the latter case one is in a position to make a justified demand on others that they provide or at least not interfere with one's having X (see 65/6). This is why rights are requirements not only in the sense that their objects (what they are rights to) are certain needed goods but also in the sense that they incorporate justified demands on other persons. I have also mentioned this point above in connection with the other-directedness of the agent's ought judgment and its being more than the asking of a favor.

This consideration also bears on Regis's suggestion that the rational agent may "persuade others to enter with him into a classical social compact of mutual nonintervention" (793). Since the purpose of such a compact is precisely to protect one's rights, this device does not avoid the right-claims with which Regis says the agent may dispense.

III

I turn finally to Regis's discussion of the dialectically necessary method. He says I make for this method the extreme and sensational claim that it provides a "distinctively new criterion of truth," "a radically new warrant for knowledge-claims" (794). The criterion or warrant in question is that "the truth of an assertion is . . . a function of the wishes or needs, . . . the agency-needs, of its utterer" (794). Because this claim is so implausible, Regis holds that the case I make for rights by using the method is doomed to failure.

His discussion, however, is based on a serious confusion between relational and nonrelational truths. The truths attained by the dialectically necessary method are relative to the conative standpoint of the agent. We are all familiar with the way in which a statement like "This penny is circular" is true when the penny is looked at from one point of view but not from another. What I have emphasized in the dialectically necessary method is that certain value judgments and right claims made by agents are true when they are viewed from within the conative standpoint that agents must adopt, and that they are not necessarily true outside this standpoint. But the truths in question are relational; they are propounded as relative to the agent's standpoint, not as true *tout court* (see 158). Since, however, this standpoint is common to all agents, the claims and judgments made within it are distributively ascribable to all agents, and so the resulting relativism does not involve

partiality or restriction to some agents as against others. Because Regis does not note that the truth I attribute to the agent's judgments is relative in this way, his assertion that I uphold "a conative warrant for truth" is misleading, just as his imputation of total novelty to my position as presenting a "warrant for knowledge-claims" is incorrect.

Let me illustrate this relational truth from some phases of my over-all argument for the thesis that every agent must claim rights to freedom and well-being. Suppose an agent A does something X for some end or purpose E. Assume that this doing is a genuine action in that it is a voluntary and purposive behavior: A controls his behavior by his unforced choice while having knowledge of relevant circumstances, with a view to attaining some goal. Now we may truly say (6) "A does X for end or purpose E." This is an assertoric statement, and its truth is not relational in the sense indicated above. But from (6) we may infer the dialectical statement (7) "A thinks or says, 'E is good'." This is a dialectical statement because it states not merely that something is the case but that A thinks or says that something is the case. The warrant for (7) is that, since A aims or intends to attain E by his unforced choice, he thinks E has sufficient value to merit his acting to attain it; the criterion of this value varies with his purpose. Here, the component statement "E is good" is true from A's own standpoint, but not necessarily otherwise. It is a relational truth in that, for the agent A, E is worth trying to get.

Suppose next we try from (6) to infer simply (8) "E is good." Here, (8) is stated assertorically, not as part of a dialectical statement as in (7). That (8) is true does not at all follow from (6), because (8) is not stated as being relative to A's purposes or standpoint and hence as carrying his endorsement. Contrary to Regis, then, I do not hold that "what allows the derivation of otherwise unavailable truths, is the conative standpoint of the agent" (cf. 794). That E is good is not true simply because of A's conative attitude toward it. Rather, that A thinks E is good, or that E is good relative to A's conation, is true; but this truth is relational, not nonrelational as Regis suggests.

Consider next a further stage of my argument. From (9) "A needs freedom and well-being in order to act" (or "Freedom and well-being are necessary conditions of A's acting"), there does not follow (10) "A has rights to freedom and well-being." A person who accepts (9) may without contradicting himself reject (10), because (10) is prescriptive, carrying the speaker's endorsement of A's ful-

filling his needs. One may agree that someone has certain even basic needs without advocating or approving of their fulfillment. In (10) the rights judgment is assertoric; it is stated as a nonrelational truth. On the other hand, from (11) "A regards his freedom and well-being as necessary goods," or (12) "A says or thinks, 'My freedom and well-being are necessary goods'," there does follow, for reasons I have sketched above, (13) "A rationally holds that he has rights to freedom and well-being," or (14) "A rationally says or thinks, 'I have rights to freedom and well-being'." Here, (13) and (14), unlike (10), are dialectical, not assertoric; and the component statement "I have rights to freedom and well-being" is true relative to the agent A's conative standpoint, but not necessarily otherwise. This component statement, unlike (10), cannot be denied by the agent A without contradiction; for, as I indicated above, if he were to deny it he would have to accept the permissibility of other persons' removing or interfering with his freedom and well-being; and this, in turn, would contradict his statement or belief, "I must have freedom and well-being," which every agent must accept for himself. But in this whole argument the constituents are dialectical, not assertoric. What does not follow in the attempted inference from (9) to (10) does follow in the inference from (11) or (12) to (13) or (14), because the latter inference, unlike the former, proceeds from within the agent's conative standpoint, and its conclusion is true relative to that standpoint.

We can now see the incorrectness of Regis's allegation that, according to my dialectically necessary method, "the agent propounds his claims not, as is usual, on grounds of assertoric or probative evidence that they are true, but on the grounds that he needs them to be true in order to secure his freedom and well-being" (794). The agent's right-claim—his claim that he has rights to freedom and well-being—is based on the "assertoric or probative evidence" that freedom and well-being are the proximate necessary conditions of his acting for any purposes he may regard as good. But there is a difference between holding that this evidence is sufficient to ground the assertoric ascription of the rights tout court and holding that this evidence, combined with the agent's conative standpoint, is sufficient to ground the dialectical ascription to any agent of claims to have the rights. I have argued for the latter, not the former. It is because the truths attained by the dialectically necessary method are agent-relative in this way that Regis's attribution of extremism to my description of the method's accomplishments is unwarranted. And it is because the existence of moral rights can be

proved only within the context of agents' necessary claims, that successful arguments for rights can only be dialectical, not assertoric.

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BOOK REVIEWS

The God of the Philosophers. ANTHONY KENNY. New York: Oxford, 1979. 135 p. $15.95.

Erudite, engaging, forthright, even zany enough to report Peter Damian's and Desiderio of Cassio's discourse about whether God can restore virgins (perhaps there was a chronic shortage?), Professor Kenny has crammed information and adornment into the lectures that formed this book. It's full of things a worldly graduate student should know.

Still, as a whole, the book is a howling nonsequitur. Its conclusion is "the concept of God propounded by scholastic theologians and rationalist philosophers is an incoherent one" (121). Also:

> The traditional doctrine of omniscience and omnipotence cannot be stated in a way that makes them compatible with other traditional doctrines such as that of divine immutability, divine lack of responsibility for sin, and human freedom of the will (10/1).

That outcome is supported basically by arguments *ad ignorantiam* (e.g., of the form: God can't be omniscient and immutable, because Kenny finds in the broad spectrum of views he canvasses no way to explain how God knows what time it is now). The conclusion does not follow from any of the arguments Kenny endorses, and he egregiously omits accounts of God's power[1] that don't have the consequences Kenny derides; Peter Geach[2] was similarly oblivious, concluding that omnipotence is "incapable of coherent formulation" (7). At every main juncture Kenny skirts what are profound problems and opportunities when viewed against both the scholastic tradition and the framework of present science. (See below.)

Kenny concentrates upon the way the scholastic and rationalist tradition was spun out to handle conundrums about foreknow-

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[1] See my *Philosophical Theology* (Indianapolis: Bobbs-Merrill, 1969, 1980), pp. xx-xxiv, 210-212.

[2] "Omnipotence," *Philosophy*, XLVII, 183 (January 1973): 7-20.

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ledge and God's power through time, forsaking the deep metaphysics of that tradition for a misformulation of it that is *cosmologically incoherent* (like most analytic conceptions of God since 1970).[3] He talks as if God's being were *temporally* related to the cosmos (56), as if there were some real "now" across the cosmos, as if something could be future for *God* (though all the main figures denied that, interpreted nondenominatively and nonmetaphorically), and he talks in current fashion about God's "bringing about states of affairs," and "causing events," as if there were no crucial difference between causing *being* and determining facts or happenings. Aquinas and the rationalists were fully alert to that difference.

Actualizing possible worlds is only derivatively creative activity; it is the mere logical shadow, the consequential epiphenomenon of God's producing *being*. The metaphysical marrow of the tradition is sucked out of Kenny's descriptions. He doesn't even mention that God's causing events, "actualizing" or bringing about states of affairs[4] cannot be used reductively to analyze either the being of things into the actual states of affairs that obtain, or 'being through time' into 'existing at all dimensionless instants included in the interval of time'.[5]

ETERNAL TRUTHS

No crucial problem for God's power or knowledge arises from the eternal (mathematical) truths, whether they are explained platonistically, intuitionistically, or constructivistically, and further, philosophical theology has nothing to offer to what is essentially a problem in philosophy of mathematics. With that conclusion Kenny makes thin soup from the eternal truths that used to include the status of logic, necessary truths of *all* kinds, possible worlds and whether God created the essences of things (e.g., what water is), whether essences are determined (as Aquinas thought) by the possibilities of finite imitation (participation) in God's being, by external forms or by what God chose to think of. Certainly, how natural kinds and natural laws are related to God, whether any (or all) laws of nature, $E = mc^2$, are necessary or fall under God's will,

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[3] For example, Alvin Plantinga, *The Nature of Necessity* (New York: Oxford, 1974).

[4] See Plantinga, *op. cit.*, and Roderick Chisholm, *Person and Object* (La Salle, Ill.: Open Court, 1976).

[5] See Philip Quinn's careful proposals, "Existence throughout an Interval of Time, and Existence at an Instant of Time," *Ratio*, XI, 1 (June 1971): 1-12; and "Divine Conservation, Continuous Creation and Human Action," in Alfred Freddoso, ed., *The Existence and Nature of God* (Notre Dame, Ind.: University Press, forthcoming in 1983).