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## A Brief Rejoinder

Abstract: Two main points in MacIntyre's reply to my Rights and Virtues are shown to be incorrect. First, the right-claims I attribute to every agent are based on the needs of action, and the correlative "must" hence falls within the recognized language of practical advocacy. Second, the 'conative normality' I attribute to all agents is not confined to 'the individualistic social order of modernity' but instead characterizes every agent who wants to act for the fulfillment of his or her purposes.

While I appreciate MacIntyre's general laudatory remarks about my writings, I regret that he has not seen fit to comment either on my replies to his criticisms of my argument about rights or on my own critique of his account of the virtues. He has now presented some further criticisms of my argument, and it is important to see why they do not get very far.

Discussing the statement "I must have freedom and well-being", which I attribute to every agent as part of the logical structure of his agency, MacIntyre says that I "insist that the 'must' of the agent's assertion does not express either a need or a want". But MacIntyre is mistaken about this "must": "It is on his own necessary prudential needs of agency that he bases his claim" (Gewirth 1978, 71; emphasis added); "his claim is a particular one concerned only with the justification that his own agency-needs provide for his having the rights of freedom and well-being" (74; emphasis added. See also Gewirth 1982, 7, 12-13, 20, 48). Thus my argument for rights, in being based on the agent's recognition that he must have the necessary conditions of his action, is also based on the needs of action.

This point also cuts the ground from under MacIntyre's contention that "Gewirth's 'must' is not the 'must' of ordinary English". This "must" is indeed a very stringent one because its object, being the general necessary conditions of action, cannot be waived by any person who intends to be and remain an agent. Such a general intention, with which alone I was directly concerned, should of course be distinguished from what some agent might decide on some particular occasion where his

maintenance of his general agency-needs would not be threatened. But the agent's "must", expressing his general needs of agency and his resolve to fulfill them, falls directly within the recognized language of practical requirement and advocacy.

MacIntyre also applies his familiar historicist contention to the concept of "conative normality" which I attribute to all agents as grounding their right-claims. He says that, far from being a characteristic of all agents, this concept in fact pertains only to "the individualist social order of modernity", because it reflects "a conception of social life as an arena in which self-interested individuals contend for advantage and aggrandizement". I have two comments on this. First, MacIntyre fails to take account of the passages I cited in my paper from Plato's Republic (surely not a document of "modernity") where the individualist striving for advantage is also depicted - and similar passages can be found in the Old and New Testaments, in Aristotle, Augustine, Aquinas, and many other pre-modern writers. Hence, contrary to MacIntyre's assertions, the contentious feature of agency is not confined to "the individualist social order of modernity".

Second, MacIntyre incorrectly generalizes from my citations of Callicles, Thrasymachus, and Nietzsche, whom I presented as extreme amoralists, to all cases of "conative normality". What all such cases have in common, however, is not the extreme egoism or self-aggrandizement upheld by these amoralists but rather the concern to have the ability to act for the fulfillment of one's purposes, whether these be narrowly self-interested or of some other sort. As I explained in Reason and Morality, when it is said that the criteria for the agent's right-claims are prudential, "'Prudential' is here not identical with 'egoistic', for the purposes the agent pursues, and for whose achievement he requires freedom and well-being, need not be exclusively self-interested ones. He might even be an altruist who wants mainly or solely to advance the interests of other persons. But for his actions to succeed even in such purposes he still needs freedom and well-being." (Gewirth 1978, 71)

I would urge, therefore, both that MacIntyre be more careful in characterizing the generic features I have attributed to agency and that he take more seriously the detailed historical considerations I have presented (Gewirth 1978, 98-102) to show the historical universality of the concept of rights.

#### Bibliography

Gewirth, A. (1978), Reason and Morality, Chicago

- (1982), Human Rights: Essays on Justification and Applications, Chicago