

THE SHMAGENCY QUESTION

Matthew Silverstein

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INTRODUCTION

A familiar strategy among philosophers grappling with questions about the foundations of ethics is to locate the sources of normativity in the nature of action and agency. Philosophers tempted by such an approach seek to show that being subject to the authority of certain norms or principles is somehow constitutive of agency. Following others, I shall call this the *constitutivist* strategy.

The appeal of constitutivism is difficult to ignore. If authoritative practical principles really do fall out of an account of what is constitutive of action, then such principles will be immune to a common sort of challenge. About any norm, we can ask what reasons we have to abide by it, and it seems that we can answer this question only by appealing to some further norm according to which the first is justified. Constitutivism promises to reveal norms or standards that do not depend on other norms for their authority. Norms extracted from what is constitutive of action—which I shall call *constitutive norms* for action—derive their authority not from other norms but rather from the nature of agency. If there is a constitutive norm for action, then it would not make sense to challenge that norm by asking whether one should act in accordance with it, since action *just is* (at least in part) behavior that falls under the authority of this norm. In other words, if being an agent entails being subject to the authority of a particular

principle that provides genuine reasons for action, then there will be no grounds from which one can challenge that principle.

Constitutivism promises quite a bit, then. Can it deliver on these promises? David Enoch has recently argued that it cannot. Enoch contends that regardless of any differences among particular constitutivist theories, there is something fundamentally unsound about the constitutivist approach. Enoch's objection to constitutivism is rooted in the thought that even if facts about what is constitutive of agency settle all of the normative questions we face as agents, those are not the only normative questions that need settling: even if being authoritatively governed by a certain norm is constitutive of agency, one can still wonder *whether one has any reason to be an agent*.

If a [constitutivist] theory is going to work for agency, then, it is not sufficient to show that some aims or motives or capacities are constitutive of agency. Rather, it is also necessary to show that the "game" of agency is one we have reason to play, that we have reasons to be agents And this, of course, is a paradigmatically normative judgment. ... [I]f we need a normative judgment ... in order for the constitutive-of-agency strategy to kick in, then the constitutivist strategy cannot give us the whole story of normativity. (Enoch 2006, p. 186)

Even if it is constitutive of action that agents are governed by some authoritative norm, that norm cannot play the foundational role that constitutivists want it to play. And so, Enoch concludes, there is no way to make constitutivism work: "Normativity will not come from what is constitutive of action" (Enoch 2006, p. 171).

To press his objection, Enoch asks us to imagine a skeptic who acknowledges the constitutivist's claim that agency is authoritatively governed by some norm but nonetheless asks: "Why should I be an agent?... Why should I act?" (Enoch 2006, p. 179). This skeptic is perfectly content to be a *shmagent*—"a nonagent who is very similar to agents" but who lacks those features of agency that give rise to agency's constitutive norm. Similarly, he is perfectly content to perform *shmactions*—"nonaction events that are very similar to actions" but that lack those features of action that ground practical norms and reasons (Enoch 2006, p. 179). What constitutivism must provide in order to answer this skeptic is some reason why he should be an agent rather than a *shmagent* (and why he

should act rather than shmact). However, Enoch observes, this is something constitutivism cannot do. Constitutivism derives norms and reasons from the nature of agency, and any such norms will therefore be authoritative *only for agents*; they will apply only from within the standpoint of agency. And so constitutivism can have nothing to say to someone wondering whether to be an agent rather than a shmagent.

My goal in this paper is to defend constitutivism against the shmagency objection. I believe that the force of this objection has been considerably overestimated both by critics of constitutivism and by constitutivists themselves. In my view this is because philosophers on both sides of the debate have so far failed to grasp the true source of the authority of action's constitutive norm. Some constitutivists contend that this authority is rooted in the *inescapability* of agency, and so many discussions of the shmagency objection have turned largely on the normative significance of inescapability. Yet the inescapability of agency cannot ground the authority of action's constitutive norm, because agency is not, in fact, inescapable. Other constitutivists have argued that what grounds the authority of agency's constitutive norm is the fact that there is no standpoint outside of agency from which we can intelligibly ask normative questions. There is, such constitutivists urge, a deep connection between the domain of agency and the domain of reasons. I believe that these constitutivists are on the right track. Unfortunately, they have not identified precisely what the special connection between agency and normativity is. Nor have they properly explained how it is supposed to defuse Enoch's shmagency challenge. I hope to correct those oversights here. Once I do, we shall see that the only point of view from which it makes sense to ask what our reasons are is the point of view of agency, and thus that there are no normative questions left unanswered by agency's constitutive norm.

AGENCY, SHMAGENCY

Enoch's first presentation of the shmagency objection addressed the constitutivist views of Christine Korsgaard and J. David Velleman. Korsgaard and Velleman both argue for normative conclusions on the basis of their respective accounts of what is constitutive of action or agency—of what I shall call the *constitutive conditions* of action. These accounts differ: according to Korsgaard, action is self-constitution, whereas for Velleman action

constitutively aims at intelligibility. For our purposes here, though, these differences are insignificant. What matters is that both Korsgaard and Velleman believe that agency is governed by a constitutive norm. That is, they both believe that there is a norm which authoritatively governs agents merely in virtue of their being agents. This is what makes Korsgaard and Velleman constitutivists.

Enoch's shmagency challenge is meant to call the source of the authority of constitutive norms into question. According to Enoch, a constitutive norm of agency authoritatively governs some agent *only if that agent has a reason to be an agent*. In support of this conclusion, Enoch appeals to the constitutive norms governing games. Chess is an activity that is governed by a constitutive aim: you are not playing chess unless you are trying to checkmate your opponent. Moreover, this aim plausibly gives rise to a constitutive norm: the correct move for a chess player to make is the one that is most likely to achieve that aim. Enoch argues that we cannot derive any normative conclusions about what some chess player has most reason to do merely from this norm. The constitutive norm of chess tells us what the correct chess move is, but it does not necessarily tell us what the correct move *for me* is, even if I happen to be playing chess. For, as Enoch observes, it might be the case that I have very good reasons not to be playing chess. If, for instance, the building in which I am playing is about to collapse, then the fact that advancing my rook is the correct chess move does not tell me anything about what I should do. Presumably, I should stop playing chess and evacuate. The important point here is that the correct chess move has no normative significance for me unless the activity of playing chess has normative significance for me—unless, in other words, I have some reason to play chess.

The same goes for the constitutive norm of agency, according to Enoch. This norm has normative significance for me only if agency has normative significance for me—that is, only if I have some reason to be an agent. But why, Enoch asks, should I bother with agency? Even if action's constitutive norm authoritatively governs agents and their reasoning, *shmagents*—nonagents who are very similar to agents but who lack the relevant feature (constitutive of agency but not of shmagency)—fall outside of this norm's jurisdiction. Shmagents perform *shmagactions* rather than actions; their reasoning is *shmagactical* rather than practical. And the standard of correctness for shmagactical

reasoning may be quite different from the one governing practical reasoning. So, unless I have some reason to be an agent rather than a shmagent, I am not subject to the authority of action's constitutive norm. Its authority over me depends on my having a reason to place myself under its jurisdiction. And thus, Enoch concludes, the constitutive norm of agency cannot be the last word when it comes to normativity. Although an investigation of the constitutive conditions of agency may unearth all manner of interesting truths, it cannot locate the foundations of ethics or the sources of normativity. There is at least one normative question—the question of whether one has a reason to be an agent rather than a shmagent—that constitutivism cannot answer.

What makes Enoch's shmagency objection so potent is that it grants so much to the constitutivist. Enoch picks no bones with any of the accounts of agency's constitutive conditions advanced by constitutivists; he is content to suppose that these accounts are "immune to criticism" (Enoch 2006, p. 178). He is also willing to grant that we can derive constitutive norms from these accounts of agency's constitutive conditions. His point is that conclusions about these norms amount to no more than *conditional* normative claims—claims of the form: if *A* has a reason to be an agent, then *A* has a reason to *φ*. And if that is all that constitutivism delivers, it cannot tell us the whole story about normativity, since it cannot tell us the conditions under which the normative claim in the antecedent of such conditionals is true. Even though constitutivism may teach us something about normativity and reasons for action, it leaves the most fundamental normative questions unanswered.

THE SHMAGENCY QUESTION

Enoch's original shmagency paper has provoked a pair of constitutivist replies (Velleman 2009; Ferrero 2009), which in turn have prompted Enoch to defend and refine the objection in a second paper (2011).¹ This exchange has greatly clarified the scope of the shmagency challenge. Enoch and his constitutivist targets all seem to agree that the force of the objection hinges on the intelligibility and aptness of what we might call the

1. More recently Paul Katsafanas has entered the fray (2013, ch. 2).

shmagency question: “Do I have any reason to be an agent rather than a shmagent?” The problem with constitutivism, according to Enoch, is that it lacks the resources to answer the shmagency question. If, however, the question turns out to be unintelligible or inapt, then it will be no failing of constitutivism that it lacks the resources to answer it.

Enoch is certainly correct that there is nothing wrong with the analogous question about chess. Even if I am in the midst of a championship match against Garry Kasparov, the question of whether I have a reason to play chess is both intelligible and apt: as we have already seen, there may be very good reasons for me to abandon the match. And the intelligibility of this question does indeed show that the constitutive norm of chess does not generate any normative reasons by itself. But what does this tell us about the constitutive norm of *agency*? Is the shmagency question just as intelligible as the question about chess? And if it is, should we draw the same conclusion about the constitutive norm of agency that we draw about the constitutive norm of chess?

INESCAPABILITY

If there is something wrong with the shmagency question, there must be a problem with the chess analogy. There must, in other words, be something special about agency that makes its constitutive norm function differently from the constitutive norm of chess. Some constitutivists have argued that the feature of agency which distinguishes it from activities like chess is that it is *inescapable*. You can stop playing chess whenever you like—there are alternative ways to occupy yourself. There are no alternatives to action. Agency, as Korsgaard puts it, “is our *plight*”: we are “*condemned* to choice and action” (2009, pp. 2, 1). Luca Ferrero concurs: “the success of this [constitutivist] strategy depends on establishing . . . that we cannot but be agents, that agency is non-optional” (2009, p. 304). Paul Katsafanas goes so far as to say that the “core idea” of constitutivism is that “the authority of universal normative claims arises from a certain form of inescapability” (2013, p. 47).

It is not clear whether the inescapability of agency would help constitutivism survive the shmagency objection. On the one hand it seems that it might. If what drives the shmagency argument is the possibility that there might be something other than actions—perhaps shmactions—that we should be performing, then the inescapability of

action would appear to defuse that argument. On the other hand, as Enoch has observed, merely showing that agency is inescapable would not establish that agency has any normative significance for us. In fact, showing that something is inescapable usually drains it of its normative significance: if I am falling from a great height and cannot arrest my descent, questions about whether I *should* be falling are inapt, to say the least. More generally, where there are no alternatives, normative thoughts seem out of place.

Fortunately, we need not attempt to resolve this dispute, for despite what various constitutivists have maintained, agency is *not* inescapable. In fact, agency is all too easy to escape: I can escape it temporarily by falling asleep or taking a pill, or permanently by getting hit by a bus or committing suicide. Why, then, do constitutivists think otherwise? Katsafanas defends the inescapability of agency by arguing that “any attempt to avoid acting will itself be an action” (2013, p. 53). Here he is echoing Korsgaard, who claims that “choosing not to act makes not acting a kind of action, makes it something that you do” (2009, p. 1). But there are alternatives to action that are not attempts or choices to avoid acting. If I suddenly fall asleep, then I am doing something other than acting. I am falling asleep (and thereby escaping agency). Of course I am not doing anything *intentionally* if I just fall asleep, so perhaps the relevant point is that I cannot *intentionally* escape from agency except by exercising my agency. That certainly seems right, but it does not entail that agency is *inescapable*. On the contrary, it provides the road map for escape: perform the right sort of intentional action, and you will no longer be an agent.

There is, I suppose, a sense in which agency is our plight: it is our plight *so long as we are agents*. But this does not make agency inescapability. An example may help here. Being in my office is my plight *so long as I am in my office*. I can escape my office only by performing some action in my office, such as standing up or scooting my chair toward the door. Any action I might take in order to escape my office will be an action performed in my office. Does this show that my office is inescapable in any interesting way? Hardly. My office is not Alcatraz. Does it show that there is something wrong with the question of whether I should remain in my office? No. That question remains perfectly intelligible. All we can conclude is that I will be in my office so long as I am in office, and that I cannot leave my office without first doing something in my office.

Agency, then, is not our plight in any way that threatens the intelligibility of the shmagency question. We can stop acting whenever we want, even though we may have to act (one more time) in order to do so, and so constitutivists cannot show that there is something wrong with the shmagency question by appealing to the inescapability of agency. Put another way, if there is some way in which agency is different from activities such as chess (thereby making Enoch's analogy to such activities problematic), it is not by being inescapable.

Perhaps I am being too literal, though. Velleman and Ferrero, at least, both acknowledge that agency is not inescapable in the sense I have been considering. That is, they both recognize that there are various ways in which we can stop being agents, and hence that agency is not our plight. Yet they maintain that there is some other sense in which agency is inescapable and thus crucially different from activities like chess. According to Velleman, what distinguishes the constitutive aim of action from the constitutive aim of chess is that the former is "constitutively inescapable for you as an agent": if you lack this aim, "then you are not in the business of practical reasoning, and so you cannot demand reasons for acting or aiming" (2009, p. 137). Ferrero agrees: "one cannot put agency on hold while trying to determine whether agency is justified because this kind of practical reasoning is the exclusive job of intentional agency" (2009, p. 309). This, Ferrero adds, is what "makes agency *inescapable*" (2009, p. 309).

Velleman and Ferrero are on to something here. There is indeed something special about agency that distinguishes it from activities like chess. Moreover, this special feature has something to do with the relation between agency and practical reasoning. Unfortunately, neither Velleman nor Ferrero explains precisely what this relation is and how it is supposed to render the shmagency question moot. They do not help matters by referring to the feature in question as a kind of inescapability, which just brings to mind the problematic idea that agency is out plight.² I believe that we should therefore jettison the language of inescapability. Once we do, and once we examine more closely the connection between agency and practical reason, we will be able to see more clearly just

2. Ferrero also refers to the feature as "agency's closure . . . under the operation of reflective rational assessment" (2009, p. 308). As Enoch observes (2011, p. 231 n. 20), this does not help.

what is wrong with the question of whether we have reason to be agents rather than shmagents. First, though, we must disambiguate that question.

TWO VERSIONS OF THE SHMAGENCY QUESTION

In his reply to Enoch, Velleman observes that the shmagency question is actually ambiguous:

Are you contemplating agency and *shmagency* as alternatives between which you are trying to make an autonomous choice? Or are you viewing them as *alternatoids* between which you are trying to make an *autonomish shmoice*?
(2009, p. 143)

Following Enoch, let us call these respectively the *internal* and *external* versions of the shmagency question.

The difference between these two versions of the shmagency question depends on the kind of person asking the question. The internal version of the shmagency question is asked by someone who is already an agent—that is, by someone who satisfies agency’s constitutive conditions (whatever they are)—and who is engaged in the business of practical reasoning. It is posed by an agent who is deliberating about whether to remain an agent. The external version of the question is asked by someone who is *not* an agent—that is, by someone who does not satisfy agency’s constitutive conditions (whatever they are)—and who thus is not engaged in the business of practical reasoning. We can also think about the difference between these two versions of the shmagency question in terms of the standpoints or perspectives from which they are posed. The internal version of the question is raised from within the standpoint of agency, whereas the external question is raised from outside the standpoint of agency—from some other (perhaps similar) standpoint.

With respect to each of these versions of the shmagency question, we must ask two questions: Is that version of the shmagency question intelligible? If it is, does that show that action’s constitutive norm cannot provide the last word when it comes to ethics?

THE INTERNAL QUESTION

The internal version of the shmagency question—posed by an agent considering whether to remain an agent—is clearly intelligible. We ask ourselves versions of this question every day: Should I take a nap this afternoon? Should I elect to receive the general rather than the local anesthetic? Should I stop with the third martini? Other versions of the question are less common but no less intelligible: Should I render myself unconscious to make myself immune to torture or blackmail? Should I jump on the grenade to save my comrades? Should I kill myself to end my suffering? These questions are not only intelligible but often pressing. And they are all versions of the question of whether to suspend (or in some cases to terminate) my agency.

Enoch suggests that these internal questions pose a normative challenge to the authority of action's constitutive norm (2011, p. 221). In particular, were it ever the case that one should *not* remain an agent—were shmagency or nonagency ever preferable to agency—then the foundational credentials of action's constitutive norm would be exposed as fraudulent. That norm could not be the last word when it comes to normativity. Enoch's idea seems to be that a constitutive norm for agency that sometimes counseled us to abandon agency would be self-undermining. If it turns out that we should at least occasionally abandon agency and its constitutive aim, how could that aim be what determines the correctness and incorrectness of our actions? How could it dictate what we ought to do?

Enoch does not actually press this version of the objection with much conviction, since he is willing to grant that there are plausible candidates for action's constitutive norm that may not undermine themselves in this way. He supposes that the best way to comport with the norms governing agency may very well be to continue to be an agent. Yet this is a mistake. It should go without saying that there are myriad cases in which the norms governing action and practical reasoning recommend suspending or even terminating one's agency—for instance, by going to sleep at the end of an exhausting day, rendering oneself unconscious to make oneself immune to torture or blackmail, or jumping on a grenade to save one's comrades. Of course, precisely what action's constitutive norm recommends will depend on what that norm is, and that will depend in turn on what the constitutive *condition* of action is. Suppose, for example, that some form

of psychological hedonism is true and that agency and practical reasoning constitutively aim at pleasure. Suppose further that on the basis of this fact constitutivists argue that pleasure is also the constitutive *norm* of action and agency: the correct action is the one that brings about the most pleasure for its agent. Is it the case that this norm would always counsel us to remain agents? Put another way, is aiming at pleasure always the best way to attain pleasure? The so-called *paradox of hedonism* tells that it is not.³ The pursuit of pleasure, if undertaken with too much awareness, is frequently self-defeating. And so were pleasure agency's constitutive norm, that norm might well advise us to avoid practical reasoning and thereby to suspend our agency wherever possible. Similar conclusions follow from Velleman's account of the constitutive aim of action. It does not always promote intelligibility to pursue intelligibility; sometimes what makes the most sense is to stop making sense.⁴ We should not suppose, then, that agency's constitutive norm will always come out in favor of agency over nonagency.

This does not threaten the foundational status of action's constitutive norm, however. Enoch misunderstands how normative authority works within a constitutivist framework, and thus he overestimates the force of the internal version of the shmagency question.⁵ According to the constitutivist views Enoch targets, the authority of reasons for action is not based on agency's always (or even usually) being the best (or even a good) thing. The normative authority of practical reasons is not predicated on your having good reasons to remain an agent. Rather, it is predicated on the fact that *you are already an agent*. If you are already an agent, then any authoritative recommendation you receive—even a recommendation to cease being an agent—owes its authority to agency's constitutive norm. And so the force of such a recommendation could never undermine the authority of that norm. To return to our example, the hypothesis that pleasure is the constitutive aim (and thus the constitutive norm) of action does not entail that we should

3. The paradox of hedonism was christened as such by Henry Sidgwick: "Here comes into view what we may call the fundamental paradox of Hedonism, that the impulse towards pleasure, if too predominant, defeats its own aim" (1913, p. 48).

4. See Velleman 2009, p. 138, as well as Velleman 2007.

5. Defenders of constitutivism often misunderstand this as well. See note 9 below.

always be aiming at pleasure. It does, of course, entail that we always *are* aiming at pleasure, at least insofar as we are agents, but there may be times when we are better off not being agents. That is, there may be times when actively pursuing the aim that is constitutive of agency will hinder our chances of achieving that aim. That there are such times in no way undermines the authority of the pleasure norm.

More generally, we do not challenge the authority of a norm by pointing out that it sometimes recommends that we remove ourselves from its jurisdiction. Of course that norm will not apply to us so long as we remain expatriates, but as soon as we return—as soon as we become agents and take up the practical question of what to do—we will find ourselves under its authority once again.

Enoch cites the intelligibility of the shmagency question in order to demonstrate that there are normative questions left unanswered by agency's constitutive norm and thus that this norm cannot provide the last word when it comes to normativity. We can now see that appealing to the intelligibility of the *internal* version of the shmagency question does not advance this project. Various internal versions of the shmagency question are indeed intelligible and often urgent, but they are not left unanswered by agency's constitutive norm. On the contrary, because these questions are internal—because they are asked from within the standpoint of agency—the correct answers are dictated by agency's constitutive norm.⁶ No matter how the internal version of the shmagency question is answered, then, its intelligibility poses no threat to constitutivism.

6. This presupposes, of course, that agency's constitutive norm is robust enough to yield substantive answers to the various pressing internal versions of the shmagency question. Kieran Setiya has recently argued that it is not (2010). (See also Tiffany 2012.) Yet it is no part of Enoch's shmagency objection to challenge this aspect of the constitutivist strategy. The claim that the constitutive aim of action is too slim to generate a substantive constitutive norm—a norm of sufficient substance to answer all (or even most) of our pressing normative questions—amounts to an entirely different objection to constitutivism. For my response to this further objection (as it is articulated by Setiya), see Silverstein 2010.

THE EXTERNAL QUESTION

The external version of the shmagency question is raised from outside the standpoint of agency. It is posed by someone who is *not* an agent and who thus is not engaged in the business of practical reasoning. If this question is intelligible, then there will indeed be a proper normative question—namely, the nonagent’s question of whether to be an agent or a shmagent—left unsettled by agency’s constitutive norm, and that norm will not be the foundational standard it purports to be.

But is the external version of the shmagency question intelligible? Can we make sense of a shmagent who asks whether he should become an agent? It is tempting to interpret the shmagent’s question as one about reasons for action: Do I have any reason to become an agent rather than a shmagent? But that cannot be right, for a shmagent is not in a position to perform actions. Only agents can act, and so only agents can be in the market for reasons for action. What makes the external version of the shmagency question seem intelligible is Enoch’s suggestion that becoming an agent is something a nonagent can *do*, and hence something a nonagent might demand a practical reason to do. But of course becoming an agent is not really something a nonagent can *do*—or at least it is not something he can do for a reason. When I awake each morning, I return to agency, but this is not something I *do* for a reason. It would be ludicrous for you to insist that I have a reason to wake up. How could I wake up for a reason? When I am sleeping I am not yet an agent, and so strictly speaking I cannot *do* anything. Just as it would be incomprehensible to say that something incapable of having beliefs nevertheless has reasons to believe, so would it be incomprehensible to suggest that something which cannot perform actions nevertheless has reasons to act.

Enoch might reply by contending that even though shmagents cannot act or engage in practical reasoning, they can *shmacro* and engage in the sort of reasoning that normally issues in shmactions, namely, *shmactical reasoning*. It is therefore a mistake to interpret the external version of the shmagency question as one about reasons for *action*; it concerns only reasons for *shmacro*. And if questions about reasons for action are normative, then so too, it would seem, are questions about reasons for *shmacro*. Moreover, Enoch might continue, the intelligibility of these questions shows that the constitutive norm of action cannot settle all of our pressing normative questions. But this

is not a compelling line of argument. In a fanciful mood, I might declare that although rocks cannot perform actions, they can perform *ractions*. Yet in so doing I would not have shown that there are pressing normative matters about reasons for *raction* that are left unsettled by action's constitutive norm. Similarly, without an account of what shmagency consists in—that is, without an account of what shmagents and shmactions are and how they are similar to agents and actions—we have no reason to think that shmaction is something which shmagents can reach by way of reasoning, and thus we have no reason to think that there are such things as reasons for shmaction. In short, simply by making up new words Enoch cannot show that there are genuinely normative questions left unsettled by agency's constitutive norm.

But perhaps we are forgetting something. After all, shmagency is supposed to be “very similar” to agency (Enoch 2006, p. 179). The only difference, according to Enoch, is that the former lacks the feature constitutive of the latter. So perhaps there are reasons for shmaction after all—shmactical rather than practical. Yet in suggesting that shmagents are very similar to agents even though they lack the relevant constitutive feature, Enoch fails to take seriously the very claims in the philosophy of action he promises to grant for the sake of argument. The shmagency objection is not supposed to target theories of the constitutive conditions of agency drawn from the philosophy of action. Rather, it is supposed to challenge the constitutivist strategy of deriving foundational norms from those theories. Hence Enoch's offer to assume that the details of the various theories drawn from the philosophy of action are “immune from criticism” (Enoch 2006, p. 178). Yet in supposing that shmagency is just like agency except that it lacks the features constitutive of agency, Enoch does not take seriously the idea that these features *are constitutive of agency*. The constitutive conditions of action—if there are any—are *what makes action what it is*. Something “very similar” to agency but without the relevant features would not actually be similar to agency at all. Proposing that shmagency is just like agency is akin to suggesting that the game of *shmess* is just like the game of chess, except that the former has no pieces, no board, and a different set of rules.⁷ If agency's constitutive condition is what explains why agents have the various interesting features

7. Compare Ferrero 2009, p. 312 n. 20.

they do, then a shmagent would not look much like an agent. At best he would resemble Harry Frankfurt's wanton: he would have "no identity apart from his desires" and would be "no different from an animal" (Frankfurt 1988, p. 18).⁸ He would, in other words, be incapable of intentional or autonomous action. So, even if we allow for talk of shmagents and shmactions, the external version of the shmagency question looks no more intelligible than it did before.

I suspect that Enoch resists this conclusion because he regards the category of agency, along with the corresponding notion of intentional or autonomous action, as a merely technical, philosopher's classification. Sure, the thought goes, there may be a special category of *agents*. And sure, there may be features that are constitutive of this category. But creatures that lack these features can still *act*. They may not be able to act *intentionally* or *autonomously*, but they can still *do* things. And thus it is perfectly intelligible for us to ask what they *should* be doing, or what they have *most reason* to do. They may not be agents, but they are close enough.

Once again, though, this line of thought is inconsistent with Enoch's claim to treat constitutivist premises in the philosophy of action as immune to criticism. For it is precisely these premises that he is disputing. Both Korsgaard and Velleman, for instance, argue that the features which are constitutive of agency are the features in virtue of which agents can *act for reasons*. They acknowledge that creatures that fall short of agency can engage in various forms of behavior, but they deny that this behavior is performed for reasons. That is why it does not make sense to ask what reasons such sub-agential creatures have to behave one way rather than another. Squirrels engage in all manner of behavior; they do all sorts of things. But nothing they do rises to the level of action for a reason, and so it does not make sense to ask what their reasons are. If they do not act for reasons, then they do not have any reasons for action.

These claims are far from uncontroversial, of course. There are, for instance, philosophers of action who believe that desire-belief motivation is sufficient for action for a reason. These philosophers might have an expanded notion of agency according to which squirrels and Frankfurt-style wantons are agents. Or they might think that the

8. Compare Velleman 2004, pp. 292–3.

category of action for a reason is broader than the categories of agency and autonomous or intentional action (so that squirrels and wantons can act for reasons even though they cannot act intentionally). The important point here, though, is that the disputes between these philosophers and constitutivists like Korsgaard and Velleman fall squarely within the philosophy of action. They are disputes about the premises Enoch promises to grant. If, then, Enoch's argument for the intelligibility of the external version of the shmagency question hinges on such a dispute, the shmagency objection is not nearly as powerful as it first seemed. Nor is it the *kind* of objection Enoch claims it to be. He presents it as an objection to constitutivism—that is, to the normative (or metanormative) strategy of locating the foundations of ethics in agency's constitutive norm. But if the root of his argument is some claim in the philosophy of action, then the shmagency objection is not really a normative (or metanormative) argument at all.

REASONS AND REASONING

My argument for the unintelligibility of the external version of the shmagency question presupposes a conception of normativity according to which *reasons* are inextricably intertwined with *reasoning*: agents have normative reasons to act because they are capable of acting for reasons, and they are capable of acting for reasons because their actions are the product of reasoning. The connection between reasons and reasoning explains why there is no such thing as a reason for shmaction: shmactions are not the product of reasoning, and so they are not performed for reasons.

It is surely this conception of normativity—or something rather like it—that motivates Velleman and Ferrero's respective attempts to demonstrate what is special about agency and thus why the shmagency objection misfires. Recall Velleman's claim that if you lack the aim constitutive of agency, then you "cannot demand reasons for acting" (2009, p. 137). The problem is not that you *cannot* demand reasons, but rather that it would be *unintelligible* for you to do so. After all, to say that you lack the constitutive aim of agency is to say that you are not an agent. And that, in turn, is to say that you are incapable of genuinely practical reasoning—you are incapable of acting (or shmacting) on the basis of reasoning. Why does this render the shmagency question unintelligible? Because that question presupposes that shmagents are in the market for reasons. If

shmagents cannot do anything on the basis of reasoning—which Enoch must allow, since shmagents are not agents—then they cannot have any normative reasons to do anything. And if they cannot have any reasons, then the question of whether they have reason to be agents rather than shmagents clearly misfires. It turns out to be based on a false presupposition. Similarly, recall Ferrero’s contention that “one cannot put agency on hold while trying to determine whether agency is justified because this kind of practical reasoning is the exclusive job of intentional agency” (2009, p. 309). Only agents can engage in practical reasoning. How does this bear on the shmagency objection? If normative reasons arise only where there is the capacity for reasoning, then the fact that shmagents cannot engage in practical reasoning entails that shmagents cannot have any normative reasons. There are no reasons for them to do anything, since they are not in the market for reasons. And the external version of the shmagency question is therefore moot.

At times Enoch appears to reject this conception of normativity outright. He seems to think that something can have reasons to behave in certain ways even if it is incapable of reasoning its way to that behavior. If we adopt this alternative conception of normativity, then the external version of the shmagency question begins to make sense. But why should we adopt it? Why should we think that squirrels and wantons are subject to reasons that govern their behavior? In his more recent paper on the subject, Enoch suggests that we step back from these competing conceptions of normativity and ask whether the external version of the shmagency question is *prima facie* intelligible. He maintains that it is and that we therefore have at least *prima facie* evidence in favor of the conception of normativity according to which shmagents can have reasons (Enoch 2011, pp. 225–6).

Yet here Enoch misconstrues the external version of the shmagency question. He formulates it as the question, “Why should I be an agent rather than a shmagent?” The internal version, by contrast, he formulates as the question, “Why should I be an agent rather than a shmagent, *given that I share the aim constitutive of agency?*” What distinguishes the former from the latter, according to Enoch, is that the former is not indexed to any aim. Unfortunately, this account of the distinction between the internal and external versions of the shmagency question obscures rather than clarifies what is at stake. The question, “Why should I be an agent rather than a shmagent?” is indeed *prima*

facie intelligible. But, as we have seen, it is also ambiguous. What actually distinguishes the two versions of the shmagency question is *what they are about*: the internal version is about an *agent*, whereas the external version is about a *nonagent* or *shmagent*. Put another way, the internal version is a request for reasons for *action*, whereas the external version is a request for some other kind of reasons—reasons for *shmaction*, perhaps. Enoch’s unindexed question can be understood in either way. If, on the one hand, we interpret it as a question about reasons for *action*, then it turns out to be just a reformulation of the *internal* version of the shmagency question, and we have already concluded that the intelligibility of that question poses no threat to constitutivism. In other words, so long as we interpret Enoch’s unindexed question as a question about what an *agent* should do, then the question makes perfect sense but does not tell against constitutivism in any way. If, on the other hand, we understand the question as one about reasons for *shmaction*—or about some other kind of reasons *nonagents* can have—then it is not even apparently intelligible, or so I have argued. Either way, the *prima facie* intelligibility of Enoch’s ambiguous, unindexed question does not amount to evidence against the conception of normativity underlying my defense of constitutivism.

Where does that leave the shmagency challenge? At the conclusion of the more recent shmagency paper, Enoch suggests that at its core the shmagency objection is a way of illustrating doubts about the normative status of whatever turns out to be constitutive of agency (Enoch 2011, p. 229). If we assume that normative facts can be grounded only in other normative facts—that is, if we assume that the normative status of action’s constitutive aim can be explained only by some further, independent norm—then constitutivists will never be able to settle all of our normative questions. Enoch acknowledges, though, that this may not be the only kind of explanation available to us. We may be able to explain why considerations which engage action’s constitutive aim are reasons for action not by appealing to some further normative fact, but rather by showing that *this is just what it is for something to be a reason for action*. A metaphysical explanation of this sort is precisely what constitutivists aim to provide. The shmagency objection has no teeth against a view built around such an explanation. If being a consideration appropriately related to action’s constitutive condition is just what it is for

something to be a reason for action, then there are no intelligible normative questions about agents and shmagents left unanswered by action's constitutive norm.

CONCLUSION

We are now in a position to answer the question we asked earlier: What is it about agency that distinguishes it (and its constitutive norm) from activities such as chess? In other words, what is it about agency that makes the shmagency question unintelligible? It is not that agency is our plight, as we have seen. Rather, it is that agency stands in a special relation to practical reasoning and thus to reasons and normativity. Questions about reasons only make sense from within the standpoint of agency. Put another way, questions about reasons are intelligible only if they are about *agents'* reasons. Chess is not like this. We need not think of someone as a chess player in order to ask about her reasons for action, whereas we must think of her as an agent. That is what distinguishes agency from activities such as chess. And that is what explains why Enoch's analogy to such activities is ultimately misleading. As Enoch suggests, the constitutive norm of chess does indeed leave normative questions unanswered. But this is because there are standpoints outside of chess where such questions are apt (and often urgent). One can stop playing chess and intelligibly wonder what one has reason to do. One cannot, however, stop being an agent and then intelligibly wonder what one has reason to do, for nonagents are not in the market for reasons. There are no standpoints outside of agency where questions about one's reasons are apt (or even intelligible). And thus there are no normative questions about agency or shmagency left unanswered by agency's constitutive norm.

Of course, the fact that the constitutive norm of agency answers these questions tells us nothing about *how* it answers them. But does it matter how it answers them? Put another way, does it matter whether the constitutive norm of agency endorses agency over shmagency? This brings us back to the internal version of the shmagency question—and to the lingering worry that the only way for agency to have the normative significance constitutivists ascribe to it is for that significance to be bestowed upon it by some authoritative norm. The worry, in other words, is that without some normative vindication of agency, the recommendations issued by agency's constitutive norm will be merely conditional: only if you have a reason to be an agent will you have any reason to do

what the constitutive norm of agency tells you to do. Earlier I argued that this worry rests on a mistake: the authority of agency's constitutive norm does not require the validation of any norm—even itself. According to constitutivists, the reasons for action identified by agency's constitutive norm are authoritative, unconditional reasons not because agency has some special *normative* status, but rather because agency has a special *metaphysical* status. Agents' reasons *just are* authoritative reasons: being a consideration appropriately related to action's constitutive aim is *just what it is* for something to be a genuine reason for action.

Perhaps we can now see more clearly why the internal version of the shmagency question poses no threat to constitutivism—regardless of how it is answered. Enoch's shmagency objection is meant to call the special status of agency into question by revealing a pressing normative question that arises from outside of the standpoint of agency. After all, if there were such a question, then agency could not be the last word when it comes to normativity. There would, in other words, have to be some space between agency on the one hand and our reasons for action on the other. Yet we have seen that there is no normative question that arises from outside the standpoint of agency: the external version of the shmagency question is unintelligible. That leaves only the internal version of the question. But that version of the question is just a garden variety normative question. And such a question could challenge the special status of agency's constitutive norm only if that status were normative in nature. That is, showing that we sometimes have very strong reasons not to be agents would cast doubt on agency's special status only if that status depended on agency's being normatively validated. But it does not depend on this sort of validation. As I have argued, it depends instead on the deep metaphysical connection between agency and normativity. So, the internal version of the shmagency question does not even challenge agency's special status.

Constitutivists often claim to be unearthing the foundations of ethics. This metaphor is appropriate. Foundations support a structure, but they do not receive support from any part of that structure. Nor do they receive support from themselves. That is precisely the relation between the constitutive norm of agency and every other authoritative practical norm. Those other norms are authoritative only because they are justified or supported by agency's constitutive norm. The constitutive norm of agency is

also authoritative, but it is not justified by any other norm. Nor is it justified by itself.⁹ It is foundational. Whence comes its authority, then? It comes from the close metaphysical connection between agency and normativity. In other words, the authority of agency's constitutive norm is rooted in the fact that the domain of agency *just is* the domain of reasons.

So, at any rate, goes the constitutivist story. There may be problems with this story—gaps that must be filled or questions that must be addressed. If the argument of this paper is correct, though, the shmagency question is not among them.

9. In other words, the authority of agency's constitutive norm does not depend on agency's being in any way *self-validating*. Ferrero's attempt to address worries about the legitimacy of self-validation (2009, pp. 322–31) and the comments about circularity by both Velleman (2009, pp. 141–2) and Enoch (2011, pp. 221–2) are, therefore, beside the point.

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