Abstract: Aim of this paper is to support the view that all human practical identities are contingent by arguing against the view that there is at least one necessary practical identity shared by all human beings, namely Humanity. The view that Humanity is a necessary practical identity is explicitly defended by Christine M. Korsgaard (Korsgaard, C. M. 1996. The Sources of Normativity, edited by O. O’Neill. Cambridge: Cambridge University Press; Korsgaard, C. M. 2009. Self-Constitution: Agency, Identity, and Integrity. New York: Oxford University Press) and indirectly by Marya Schechtman (Schechtman, M. 2014. Staying Alive: Personal Identity, Practical Concerns, and the Unity of a Life. New York: Oxford University Press). Korsgaard understands Humanity both in terms of pure self-legislation, and as deep sociality. In the first case, Humanity as self-legislation faces what I call ‘Existential dilemma’: either Humanity has specific content, typical of contingent practical identities, but stops being necessary for all human beings; or Humanity is emptied of its content and is conceived of as necessary self-legislation, but stops being a practical identity. In the second case, i.e., Humanity as deep sociality, Korsgaard confuses the necessary natural fact that human beings are social creatures, with contingent contexts of human socialization, which are the true sources of specifically human practical identities. I articulate this confusion in the guise of what I call ‘Nature/Nurture dilemma’, which also applies to the morally neutral account of human personhood advocated by Schechtman (Schechtman, M. 2014. Staying Alive: Personal Identity, Practical Concerns, and the Unity of a Life. Oxford University Press). In conclusion, I address the worry that without the necessary practical identity of Humanity we might not be able to extend our practical and moral concerns to distant fellow human beings by sketching an alternative path to extend such concerns.

Keywords: practical identity, Humanity, Christine M. Korsgaard, Neo Kantianism, Marya Schechtman
1 Introduction

Konstantin Dmitrievich Levin is a Russian landowner, brother of Nikolai Dmitrievich Levin and half-brother of Sergei Ivanovich Koznyshev, suitor of the Princess Ekaterina (Kitty) Alexandrovna Shcherbatskaya and amateur hunter, among many other interesting things. Being a Russian, a landowner, a brother, a suitor and an amateur hunter are all practical identities of Levin. Christine M. Korsgaard’s definition of a practical identity nicely captures what Levin’s attributes have in common: “a description under which you value yourself, a description under which you find your life to be worth living and your actions to be worth undertaking.” Indeed, Levin is a proud Russian nobleman, who speaks Russian as his native language, and even plans to write a book about improving agriculture in his home country. He is also a socially high-ranking man, used to the etiquette of Russian upper classes. Despite being restive to bon ton rules and showing a marked preference for the more spontaneous life of the countryside, he still complies with all the norms and mannerisms a man of his name and rank is expected to comply with, especially in the presence of Kitty, the girl he has desperately fallen in love with. Levin is also a zealous landowner, committed to improving the working conditions and the efficiency of his subordinates and displaying profound love and understanding for nature and rustic life. As a suitor of Kitty, he knows the rules regarding how to ask for somebody’s daughter’s hand in marriage, and how to control his outer behavior in case of refusal. Finally, as an amateur hunter, he is familiar with the woods, how to spot games, how to shoot with a carabine, and everything that is related to going hunting with fellow Russian noblemen of the 19th century.

Talk of practical identities concerns the normative and practical side of our social identities and social roles, including our gender identities, professions, personal relationships and other ways in which we can conceive of our lives as subject to specific guidelines of conduct. Having a practical identity is not so much a matter of describing people as behaving in certain recognizable ways, but rather a matter of accepting that one ought to act in distinct ways depending on the practical identity one has. Although for simplicity’s sake I will refer to Korsgaard’s use of the expression ‘practical identity’, it should be clear that practical identities are an ordinary phenomenon; therefore, I take it that the question I am about to raise concerning practical identities has general validity and is not limited to Korsgaard’s account thereof.

1 See Korsgaard (1996, p. 101).
The question I want to ask is whether any practical identity of Levin can be considered necessary for the kind of being that he is. What is a necessary practical identity? A straightforward way to grasp this notion is to say that whoever has any contingent practical identity C, necessarily has the practical identity N. That is, if someone S is C, then necessarily S is N. I shall understand a necessary practical identity as follows:

**Necessary Practical Identity:** A practical identity N is necessary if and only if, for each and every practical identity of person S, whenever S has a practical identity, necessarily S has N.

Intuitively, it seems impossible to consider any of Levin’s practical identities as a necessary practical identity, for all his practical identities can be imagined being different from what they are. He might have abandoned Russia for South Africa at a relatively young age, and after many years (perhaps decades) even have forgotten his own native language; he might have grown to appreciate Muscovite events and parties and find the countryside boring and provincial; he might have never fallen in love with Kitty or never met her in the first place; or he might have developed ethical concerns about hunting down animals for fun in favor of oil painting or playing the accordion. On the other hand, we can also think that each and every one of these practical identities might have been shed. For instance, Levin might have relinquished his title of landowner because of progressive, democratic ideals. If he had grown increasingly resentful towards his brothers, he might have repudiated them, not entertaining any relationship with them anymore, hence shedding his practical identity as a brother. As Korsgaard writes

[...] you can even walk out of a factually grounded identity like being a certain person’s child or a certain nation’s citizen, dismissing the reasons and obligations that it gives rise to, because you just don’t identify yourself with that role. Then it’s not a form of practical identity anymore: not a description under which you value yourself. (Korsgaard 2009, p. 23, emphasis in the original)

Are all practical identities contingent in this way? I propend for answering this question in the affirmative, but I lack here the space and resources to explicitly defend such a strong thesis. Instead, I will focus on the more limited task of attacking the view that one specific practical identity is necessary, namely the practical identity of Humanity. It is indeed widely held a conviction that human beings share Humanity as a nontrivial quality, connected with action. This intuition has been systematically developed by Kant as a ground stone to his moral philosophy but reverberates throughout ordinary talk on morality. We often ascribe Humanity to other people as a moral property, as if being human was some
kind of universal background for action and lack of this quality would imply
degeneration to a beastly state. We say things like ‘How could a human being, in
her right mind, treat other people like that!’ or ‘We helped those refugees because
they are fellow human beings’ or, in a somewhat religiously inspired fashion, ‘we
need to overcome what separates us and see the common Humanity in one
another’, etc.

This paper doesn’t put up a trial against common sense morality, but rather
defends the view that Humanity cannot be considered a necessary practical
identity, even though we still might use the term ‘Humanity’ as a placeholder for
universalistic moral convictions of ours. In other words, the polemical target of this
paper is a specifically philosophical account of capital-h Humanity as a normative
self-conception shared by (at least average, adult)\textsuperscript{2} human beings. There are two
main routes to arguing for this position: a moral route, championed by Christine
Korsgaard and a morally neutral route, championed by Marya Schechtman. The
moral route aims at proving that there is a constitutive connection between human
nature and moral thinking and conduct, whereas the morally neutral route aims
at proving that treating each other as human persons, independently of moral
concerns, is inescapable. In the remainder of the paper, I will try to show why
both these defenses of the necessity of Humanity fail by encountering similar
challenges.

I will proceed as follows. The next section is dedicated to a reconstruction of
Korsgaard’s understanding of Humanity as a necessary practical identity and to
singling out her first strategy to defend this position, which appeals to the self-
legislating nature of human reflectiveness. I will show the main shortcoming of
Korsgaard’s argument and formulate a dilemma against her position, which I call
‘Existential dilemma’. Later on, I will focus on Korsgaard’s second strategy of
Humanity as deep sociality, and argue that Korsgaard’s claim faces what I call
‘Nature/Nurture dilemma’. Section 3 is dedicated to showing that the Nature/
Nurture dilemma can be further applied to the quite different and morally neutral
account advocated by Marya Schechtman.\textsuperscript{3} In conclusion, I will respond to the
worry that without Humanity as a necessary practical identity we cannot ground
moral concerns for human beings not sharing our contingent practical identities,
by opening the path for an alternative way of ‘reaching out’ for distant fellow
human beings, which is not itself a necessary practical identity.

\textsuperscript{2} From now on, I will omit this specification, in such a way that whenever I talk about human
beings I refer to ‘at least average, adult human beings’.

\textsuperscript{3} See Schechtman (2014).
2 The Moral Route

In the philosophical tradition conventionally associated with Kant, human beings have a special status because, through being rational, they inescapably commit themselves to moral laws. In line with this tradition, Korsgaard introduces the practical identity of Humanity in the attempt to better explain how rationality and morality can be connected. If Kant believed that acting rationally according to the Categorical Imperative (maxims that can be willed as universal laws), implied morality ipso facto, Korsgaard thinks instead that human beings shall first self-identify as belonging to a community of rational agents, and only in a second instance can they be said to be subject to the moral law. In other words, being subject to the moral law requires identification as Citizens of the Kingdom of Ends. From this very beginning, Korsgaard puts an emphasis on both the self-legislative and the social aspect of practical identity. However, as we have seen already, she also admits that practical identities are in general contingent.

So, how is it possible for human beings to necessarily self-identify as Citizens of the Kingdom of Ends, if practical identities are contingent? Korsgaard adopts two constitutivist strategies to answer this question, according to which there is a constitutive relation between being human (in a particular sense) and morality. In other words, conceiving of oneself as human (in a particular sense) amounts to conceiving of oneself as being a moral agent, i.e., a Citizen of the Kingdom of Ends, and one cannot be the former without being subject to the moral law. The two constitutivist strategies are rooted in two respective accounts of Humanity: on the one hand, we can think of human beings as intrinsically self-legislating creatures; on the other hand, we can think of human beings as deeply social creatures. I call the former strategy ‘Humanity as self-legislation’ and the latter strategy ‘Humanity as deep sociality’.

2.1 Humanity as Self-Legislation

Korsgaard thinks that human beings are constantly confronted with a problem arising from their reflective nature. Whenever we are presented with an incentive

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4 Ibid, pp. 98–99.
5 In what follows I will avail myself of quotes from Korsgaard’s monographs The Sources of Normativity (1996) and Self-Constitution (2009) as if the latter was a harmonious continuation of the former. Although it can be argued that Self-Constitution proposes an even more radical reading of Kant’s philosophy and draws much more extensively from the works of Aristotle and Plato to convey its points, at least as far as the topics of practical identity and Humanity are concerned, Korsgaard underlines the continuity of themes between the two works (see for instance Korsgaard 2009, pp. 20, 22, 24–25)
for action, an inclination, a desire or a belief, we can always take a step back and ask whether that is how we really should act, whether we really should follow that inclination, whether it is alright to desire what we desire and believe what we believe. In other words, we are constantly choosing how to act and thus agency is for us inescapable. The inescapability of agency is our very own human plight. The way we cope with this plight is by formulating universal laws for our conduct:

Making the contingent necessary is one of the tasks of human life and the ability to do it is arguably a mark of a good human being. To do your job as if it were the most important thing in the world, love your spouse as if your marriage was made in heaven, treat your friends as if they were the most important people in the world – is to treat your contingent identities as the sources of absolute inviolable laws. (Korsgaard 2009, p. 23)

Although our practical identities might all be contingent in some sense,

[...] there is a reason not to abandon all of our identities. The reason is given by the problem I started out from: the human plight. We must act, and we need reasons in order to act. And unless there are some principles with which we identify we will have no reason to act. Every human being must make himself into someone in particular, in order to have reasons to act and to live. Carving out a personal identity for which we are responsible is one of the inescapable tasks of human life. (Korsgaard 2009, pp. 23–24)

For Korsgaard, indeed, we must have reasons to act and to live (because that is our plight), which means that we must conceive of ourselves in some contingent way. The emphasized ‘must’ refers to a necessary practical identity as rational, self-legislating beings: “[...] in valuing ourselves as the bearers of contingent practical identities, knowing, as we do, that these identities are contingent, we are also valuing ourselves as rational beings.” (Korsgaard 2009, p. 24)

2.1.1 The Argument from Contingency

The full extent of the argument from contingent practical identities to the necessary practical identity of Humanity emerges clearly in following passage:

What is not contingent is that you must be governed by some conception of your practical identity. For unless you are committed to some conception of your practical identity you will lose grip on yourself as having any reason to do one thing rather than another – and with it, your grip on yourself as having any reason to live and act at all. But this reason for conforming to your particular practical identities is not a reason that springs from one of those particular practical identities. It is a reason that springs from your humanity itself, from your identity simply as a human being, a reflective animal who needs reasons to act and to live. And so it is a reason you have only if you treat your humanity as a practical, normative, form of identity, that is, if you value yourself as a human being. (Korsgaard 1996, pp. 120–121, my emphasis)
I call this argument *Argument from Contingency*. The *Argument from Contingency* is supposed to show that Humanity is a necessary practical identity, starting from two premises: 1) human beings need practical identities to act and to live; 2) only a necessary practical identity can guarantee that they have practical identities at all. However, why does it have to be a practical identity that expresses this fundamental human need for Korsgaard, rather than a merely constitutive element that is not itself a practical identity, i.e., a description under which we value ourselves? For Korsgaard, whenever we conceive of ourselves in a certain contingent way, we automatically conceive of ourselves as self-legislating creatures: Humanity is the lawlike self-conception that structures every more contingent lawlike self-conception.6 But nothing in her argument elicits the conclusion that we must value ourselves as self-legislat ing creatures any more than the fact that we put our limbs and brains to good use elicits valuing the very fact that we have limbs and brains. To see this point more clearly, let me offer a paraphrasis of the *Argument from Contingency*:

**Argument from Contingency:**

C1. In order to act and to live, one must necessarily conform to at least some contingent practical identities.

C2. However, no contingent practical identity entails that one necessarily conforms to at least some practical identities, for contingent practical identities can always be shed.

C3. Therefore, in order to act and to live, there must be a necessary (non-contingent) practical identity about conforming to at least some practical identities.

C4. An animal who needs reasons to act and to live and finds them through self-legislation is a self-legislating creature.

C5. *Humanity* as self-legislation: If somebody S is a self-legislating creature, then necessarily S has the practical identity of Humanity as self-legislation.7

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6 See esp. ibid, p. 123.
7 An anonymous reviewer has drawn my attention to Christoph Bambauer’s highly engaging reading of this argument (Bambauer 2017). For Bambauer, Korsgaard would infer the strict normativity of contingent practical identities from the normativity of the necessary practical identity of Humanity (respectively ‘particular’ and ‘general’ in his paper). If this turned out to be the correct way of interpreting the argument, Bambauer would be right in drawing the conclusion that we cannot infer the strict normativity of contingent practical identities from that of a necessary practical identity, for the latter merely tells us to choose some practical identity, but doesn’t yet transmit its necessity to the more contingent practical identities we end up complying with. However, this interpretation would empty practical identities of their importance in Korsgaard’s framework, where instead they are supposed to rescue her account from the problems of more standard Kantian theories. Quite on the contrary, I think that Korsgaard’s argument is presented backwards: our contingent practical identities already have a self-legislating structure and the question is whether that self-legislat ing structure itself is a practical identity. The *Argument from Contingency* is aimed at proving precisely that.
I don’t think that the Argument from Contingency is sound, and here’s why.

The acceptance of premise C1 depends on the idea that no reason to act and to live can be instantiated without at least one contingent practical identity, i.e., contingent practical identities are necessary for having reasons to act and to live. Following C1, C2 tells us that contingent practical identities alone cannot grant one’s conformity to some practical identities, because contingent practical identities can always be shed and fail to provide reasons for conformity. But C3 does not follow from the previous premises. Indeed, even though it might be the case that without any contingent practical identity we cannot find reasons to act and to live, it is a mere statement of confidence that there must be a necessary practical identity to the extent that one conforms to at least some contingent practical identities. C3 does not follow from the previous premises.

C4 doesn’t lead us any further, for it simply states that human beings are subject to Korsgaard’s human plight, i.e., the condition of being inescapably agents because of our reflectiveness, whether we do something or refrain from doing it. The conclusion C5 is undermined by the non sequitur of C3. It is not the case that there must be a necessary practical identity in order to act and to live. Having reasons to act and to live is necessarily based on having practical identities, but no argument is given to the conclusion that having reasons to act and to live at all is based on yet a further necessary practical identity. Although some kind of conservatist argument might be plausibly formulated to the extent that, other things equal, there is a presumption in favor of valuing the way we are just because that’s how we are,8 for Korsgaard, Humanity is not only valuable as a merely constitutive element of our agency, let alone a fact about ourselves, but rather as a formal practical identity that sets the ground stone for universalistic morality. In other words, the success of the Argument from Contingency is for her paramount to anchor practical identities in morality and eventually connect reasons for action in general with morality. Unfortunately, the Argument from Contingency fails at its task and so the later project is put in jeopardy.9

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8 For such a conservatist argument see Cohen (2011).
9 In her critique of J. S. Mill’s utilitarianism, Korsgaard contends that, whereas utilitarian morality has force only if people are raised as Utilitarians in the first place, people needn’t accept any argument to self-identify as human beings, and morality based on this self-identification inescapably follows (see Korsgaard 1996, p. 124). However, if what I have claimed so far is sound, not only does Korsgaard need (and provide) an argument to understand Humanity as a practical identity, but without this argument, Humanity would merely amount to a brute fact about being reflective creatures without normative bearing.
2.1.2 The Existential Dilemma

Let’s however grant the point that human beings must have reasons to act and to live at all, that is, independently of any more contingent practical identity. Can we draw from this thought the conclusion that we are subject to a necessary practical identity? Many of us are all too familiar with the experience that often goes under the name of ‘existential crisis’. When we take seriously the question of whether we have reasons to act and to live at all, we open ourselves to the possibility that there might be just none. And this very thought drags us into a spiral of desperation, disorientation and meaninglessness. Tolstoy well-captures one such moment in his portrayal of Levin in Anna Karenina:

All that spring he was not himself, and lived through terrible moments. ‘Without knowing what I am and why I am here, it is impossible for me to live. And I cannot know that, therefore I cannot live,’ Levin would say to himself. In infinite time, in the infinity of matter, in infinite space, a bubble-organism separates itself, and that bubble holds out for a while and then bursts, and that bubble is – me. 

[...]

And, happy in his family life, a healthy man, Levin was several times so close to suicide that he hid a rope lest he hang himself with it, and was afraid to go out with a rifle lest he shoot himself.

But Levin did not shoot himself or hang himself and went on living. (Tolstoy 1873, Part 8, Ch. IX)

Levin is a character tormented by countless existential conflicts revolving around his practical identities. His attachment to the simplicity of life in the Russian countryside is contrasted with his complex obligations as a member of the Muscovite aristocracy; his esteem of the hard and unsophisticated work of the peasants conflicts with his ambition to write a book on agrarian economy; his solitary and pensive life is opposed to the passions caused by his troubled love for Kitty. Levin attempts to shed all his identities and dedicate himself for a while to the study of different philosophies, in the desperate endeavor to find the indisputable proof that life is worth living. However, he realizes that without contingent practical identities, his reflectiveness doesn’t lead him at all to some kind of primordial, pure form of practical identity, but rather to conceiving of himself as a ‘bubble-organism’, whose quest for a bedrock of reasons to act and to live beyond doubt is doomed to fail.

Although Levin represents a quite extreme case of existential crisis, the experience is rather ordinary and should be taken seriously as a hint to the fact that there might simply not be any such thing as a necessary practical identity. Compare Levin’s moments of deep torment to those in which he finds relative solace:
Levin also knew that, on returning home, he must first go to his wife, if she was unwell, and that the muzhiks who had waited for three hours could wait longer; and he knew that, despite all the pleasure he experienced when hiving a swarm, he would have to give up that pleasure, and let the old man hive the swarm without him, and go to talk with the peasants who had come looking for him at the apiary.

Whether he was acting well or badly he did not know, and not only would not start proving it now but even avoided talking or thinking about it.

Reasoning led him into doubt and kept him from seeing what he should and should not do. Yet when he did not think, but simply lived, he constantly felt in his soul the presence of an infallible judge, who decided which of two possible actions was better and which was worse; and whenever he did not act as he should, he felt it at once. (Tolstoy 1873, Part 8, Ch. X)

By “When he did not think, but simply lived” Tolstoy means of course that Levin was not ruminating in an obsessive way any longer. Levin doesn’t live thoughtlessly, but rather stops investing energies in the quest for a necessary practical identity. He exerts reflective control on his life, having many responsibilities and tasks to fulfill, but he simply lives life from inside his contingent practical identities, rather than trying to base them on an inescapable bedrock.

We can infer from his example a dilemma for Humanity as self-legislation:

– Existential dilemma:
  – 1st Horn: EITHER we understand Humanity as necessary self-legislation, constitutive of contingent practical identities, but we must give up the assumption that it is itself a practical identity, because unable to provide us with reasons to act and to live, let alone value ourselves as human beings;
  – 2nd Horn: OR we understand Humanity as being equivalent to contingent practical identities, which however means that Humanity is a superfluous addition, for nothing beyond contingent practical identities explains our actions.

In other words, Korsgaard is either forced to claim that Humanity is just pure self-legislation, constitutive of contingent practical identities but not a practical identity itself, or claim that it is a practical identity, but one indistinguishable from contingent practical identities and hence superfluous in explaining why we act and live on. My conclusion is that Humanity as self-legislation cannot be a necessary practical identity.

Let me now focus on a couple of worries that can be raised about the Existential dilemma. Some readers might be worried that theExistential dilemma is not about the necessity of Humanity, but rather about its sufficiency, a thesis that Korsgaard seems not to be committed to. Indeed, one might think that all that the
Existential dilemma tells us is that Humanity as self-legislation cannot be sufficient for acting and living, but is rather a necessary and constitutive condition for more contingent practical identities. However, this defense of Korsgaard is based on a misunderstanding of the object of dispute. Korsgaard doesn’t merely claim that Humanity is a necessary condition for other practical identities; she furthermore claims that Humanity is itself a practical identity, that is, “a description under which you value yourself, a description under which you find your life to be worth living and your actions to be worth undertaking”, one that tells you how you ought to act. A mere collection of cognitive, social and material resources doesn’t tell you how you ought to act, and doesn’t constitute a practical identity. Therefore, by claiming that Humanity is a practical identity, Korsgaard is also committed to the claim that occurrence of Humanity is sufficient for the occurrence of a practical identity – although it might never come alone empirically, but always constituting a contingent practical identity. This tautology is quite uninformative if compared to the much more substantial claim that, if the right cognitive, social and material resources for the development of any practical identity obtain, the practical identity of Humanity necessarily follows. This is the claim Korsgaard is committed to, and the one that is targeted by the Existential dilemma.

At this point, however, one could claim that Humanity is just like no other practical identity.\(^{10}\) Along this argumentative line, Humanity would be a set of merely formal requirements to rational agency, i.e., norms whose violation implies loss of any practical identity. There are two reasons why I am skeptical about this line of defense for Korsgaard. Firstly, it is doubtful whether a set of merely formal constitutive requirements of agency can ever amount to a practical identity. Although practical identities must meet such requirements inescapably, an argument to the extent that they amount to a special practical identity is owed – and Korsgaard provides one. Secondly, Korsgaard wanted people to actively self-identify as human beings in order for the moral law to be instantiated, which also means that in valuing oneself as a human being, one is not merely deducing principles from pure reason, but rather actively endorsing one’s own self-conception as a member of a community of rational beings. Again, this claim calls for the argumentative support that she provides and that I deem to fail in its intent.

\[2.2 \textbf{Humanity as Deep Sociality}\]

As we have seen already, for Korsgaard, our identity as rational beings corresponds to our moral identity as Citizens of the Kingdom of Ends. In her Neo-

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\(^{10}\) I am thankful to an anonymous reviewer for this observation.
Kantian framework, identifying as rational creatures means identifying as self-legislating creatures but also as deeply social creatures in a merely formal sense, i.e., as members of an ideal community of rational beings. Deep sociality is not a brute fact about human beings, but rather a constitutive practical identity of all more contingent forms of sociality. Just like Humanity as self-legislation, then, Humanity as deep sociality is also in need of argumentative support, which Korsgaard promises to provide.

Korsgaard starts by observing that reasons are public and shareable just like words in a language. We cannot ignore words in a language we master and consider them mere noise.\(^\text{11}\) If we hear them, we immediately grasp their meanings, and this because the meaning of a language is not private, but rather a public and shareable phenomenon. Along analogous argumentative lines, whenever there is reason for us to act in a certain way or to believe a certain proposition, that happens because reasons are public and shareable: they are reasons for everybody who can grasp them. Just like words in a language we know cannot be ignored as mere noise, neither can reasons presented to us: we are constantly under pressure to consider them and weigh them against other reasons. As Korsgaard claims “[…] reasons must be met with reasons, and that is why we are always exchanging them.” (ibid, p. 140)

For Korsgaard, then, reasons are public items like words in a language, and they are intrinsically so. This point, which I am not interested in disputing, is then linked to human social nature:

> Human beings are social animals in a deep way. It is not just that we go in for friendship or prefer to live in swarms or packs. The space of linguistic consciousness – the space in which meanings and reasons exist – is a space that we occupy together. (ibid, p. 145)

### 2.2.1 The Argument from Publicity

Korsgaard’s second argument to the extent that Humanity is a necessary practical identity is something like the following:

**Argument from Publicity**

P1. Just like grasping the meaning of words in a language implies that those words are meaningful for anyone who can grasp their meaning, if you can grasp reasons as reasons for you to \(\Phi\), then reasons to \(\Phi\) are such for anyone who can grasp them (the reason you can grasp is a reason for anyone who can grasp it).

P2. If reasons to \(\Phi\) are such for anyone who can grasp them (and not just for you), then reasons are intrinsically shareable and public.

\(^{11}\) See Korsgaard (1996, p. 139).
P3. Anyone who can grasp shareable and public reasons is a deeply social creature.

P4. **Humanity as deep sociality**: If somebody S is a deeply social creature, then necessarily S has the practical identity of Humanity as deep sociality.

The *Argument from Publicity* tells that the fact that reasons are intrinsically shareable presupposes the more fundamental fact that human beings are deeply social creatures, or rather, it is the same fact. Therefore, Humanity as deep sociality is a necessary practical identity for human beings.

Starting with P1, we can observe an analogy between words and reasons. P2 follows plausibly if we don’t consider reasons as merely private items, but rather as items that anyone within a certain community can grasp. This is the meaning of being ‘intrinsically shareable and public’. I contend that whether the *Argument from Publicity* works rather than not hangs on the interpretation of P3. It is true that the publicity of reasons implies an ability to grasp them and to share them. However, I don’t see why public reasons should ground a necessary practical identity as deeply social beings. Public reasons can be either ‘free-floating, identity-independent reasons’, like reasons based on one’s randomly insurging desires, reasons based on facts like the intrinsic aversiveness of pain, and maximal expected utility, or ‘anchored, identity-dependent reasons’, in which case they would amount to reasons of the form ‘contingently I am an X, therefore I ought to Φ’.  

P3 is granted only so long as we interpret our deep sociality either in terms of a brute fact about human nature of grasping reasons reflectively, which is however no practical identity because it doesn’t give us any guidance about how we shall act concretely; or as the way in which human beings socialize contextually, which, although being a practical identity, is certainly not necessary. In other words, deep sociality is either understood as a set of necessary facts about human nature, offering no reason as to why we should act, live or value ourselves, or as the context-dependent practical identity of being born in a certain country, speaking a certain language, being sensitive to particular social and cultural norms, which

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12 For Korsgaard, the very notion of an ‘identity-independent reason’ makes little sense as she says that “[…] unless there are some principles with which we identify we will have no reasons to act.” (Korsgaard 2009, pp. 23–24) Moreover, Korsgaard explicitly rejects the claim that pain is intrinsically aversive (see Korsgaard 1996, pp. 145–160). Nonetheless, if the general point I am arguing for is sound, we would be moving away from Korsgaard’s strictly Neo-Kantian framework of agency, making room instead for more basic normative phenomena outside practical identities. Further developments should aim at figuring out the boundaries and interconnections of these plural ‘sources of normativity’.
however is per definition a contextual and contingent practical identity. Either way, the conclusion P4, *Humanity as deep sociality*, does not follow.\(^{13}\)

### 2.2.2 The Nature/Nurture Dilemma

Let me put this point differently. Humans master languages, which boost their reflective capacities and allow them to manipulate the world in ways that no other species on Earth has been observed doing. However, this appeal to a broadly understood conception of human nature, shall be neatly distinguished from the specific sociality each human being develops, which can be loosely understood in terms of how humans are nurtured contingently. We were born and raised in certain particular social and cultural contexts, our values vary from place to place, just as our practical identities. To say that a deeper practical identity underlies our contingent forms of socialization is again to add a superfluous element to the explanation of our actions. There is no room left for a necessary practical identity between the Scylla of human Nature and the Charybdis of human Nurture:

\[\text{1st Horn: EITHER Humanity is a necessary fact about human nature, which has no bearing on the particular actions we perform, the particular reasons we are responsive to and the particular words we use, and hence is not a practical identity;}\]

\[\text{2nd Horn: OR Humanity is a practical identity expressed by particular forms of socialization, but not anymore necessary, for it would be indistinguishable from the contingent forms of socialization it is expressed by.}\]

The Nature/Nurture dilemma shares the same structure of the Existential dilemma: either we keep the necessity of Humanity as a constitutive element of practical identities, but we drop the thesis that it is a practical identity, or we maintain

\[\text{13 Kosgaard seems to have anticipated these issues when she wrote: “Our sociality seems to be too biological or contingent a fact to play a role in rational arguments […] But if our sociality is deep, in the sense that it is the nature of our reasons that they are public and shareable, then justifications of morality can and should appeal to it.” (Kosgaard 1996, pp. 135–136) However, I think that she underestimated the far-reaching consequences of the first observation: biology and contingency do underlie our linguistic capacities and, if the argument by analogy has to be rescued, so they do with our capacity to grasp reasons. I don’t understand why we should value ourselves as ‘reason-graspers’ in the same way as I don’t understand why we should value ourselves as linguistic beings, unless some kind of conservatist argument is provided. Even so, however, we would value a certain fact about ourselves and certainly not a necessary practical identity.}\]

\[\text{14 The choice of calling this dilemma ‘Nature/Nurture dilemma’ is mainly esthetic and has only vague and probably irrelevant connections to other debates about nature and nurture, like the one between sociobiologists and their opponents.}\]
Humanity as a practical identity, like when we say things such as ‘Don’t act like a (nonhuman) animal’ or ‘Love your (human) neighbor as you love yourself’, but we are left with contingent forms of socialization and no universally shared, necessary identity.\(^{15}\)

### 3 The Morally Neutral Route

The moral route to defend Humanity as a necessary practical identity heavily relies on a conception of how we ought to act from within, namely being self-legislating beings or grasping public reasons. However, human nature can also be understood in terms of broadly construed practical capacities, which elicit attribution of human personhood, independently of moral concerns. This is the route taken by Marya Schechtman in her 2014 book *Staying Alive*, where she argues that being a human person is a more fundamental concept than being a self-legislating creature or a deeply social creature.\(^{16}\) Both Humanity as self-legislation and Humanity as deep sociality have direct moral consequences, by grounding our self-conceptions as Citizens of the Kingdom of Ends, but we shouldn’t necessarily conceive of Humanity as implying morality. For Schechtman, even slaves were considered human persons by their slaveholders, although not treated as intrinsically valuable. Her point is that slavery-enforcing legislations regarded slaves as persons:

> Slaves in the Antebellum South were viewed as beings who might be able to fire guns, read and be inspired by anti-slavery literature, or testify in court for the simple reason that they were humans and so (in the typical case) capable of doing all of these things. It is not a decision or choice of those in power whether to see the humans they oppress as persons in the ways described above; they are forced to do so by the capacities of those they are oppressing. (ibid, p. 128, my emphasis)

This is not the place to discuss the details of Schechtman’s rather complex account of human personhood, but the quoted passage is sufficient to see how her argumentative strategy looks like: if we can attribute typically human characteristics to other living beings, and treat them accordingly, independently of whether the treatment is moral or not, those living beings partake to the fundamental practical identity of Humanity. Schechtman herself doesn’t use the term ‘practical identity’, but I see here a clear way of conceiving of ourselves and acting accordingly.

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\(^{15}\) The breadth of the scope of principles such as ‘not acting like nonhuman animals’ and ‘loving your neighbor as you love yourself’ depends on the contingent breadth of the scope of the concepts of ‘human animal’ and ‘neighbor’.

\(^{16}\) See Schechtman (2014, p. 126).
other words, even if for Schechtman we don’t automatically value ourselves as human persons in a moral sense, there is still a non-strictly biological sense in which we can see each other as human persons, with a normative bearing as to how we should (and indeed do) treat one another.17

I contend that Schechtman’s position incurs the Nature/Nurture dilemma. Either she means that slaves simply possessed broadly construed human cognitive and social faculties, which however do not per se imply any practical consequence, or she means that slaves belonging to the specific Antebellum social context could be considered human beings in a culturally-relative way, which, unfortunately, was often not even the case. Schechtman seems to bite the bullet by accepting the first horn of the Nature/Nurture dilemma and defends it by claiming that we simply don’t argue about the right to vote of pigeons and hamsters, whereas we do about disenfranchised human persons.18 However, in the case of slaves, this defense of her position doesn’t hold. Just like a society might have laws allowing farmers to shoot at foxes sneaking in their henhouses, because foxes have the ability to elude enclosures, so do pro-slavery societies have laws prohibiting slaves to sign contracts, because slaves have the ability to do so. The reason why pro-slavery societies oppress slaves doesn’t necessarily have to be that slaves are misrecognized as biological human beings,19 but rather that their status as socially equal is withdrawn and the measures to restrain them is of course based on their cognitive and noncognitive abilities, just like laws allowing farmers to shoot at foxes are based on the recognition of foxes’ cognitive and noncognitive abilities.

Schechtman admits that her position might not guarantee that oppressors will still see the oppressed as persons, but the fact that the oppressed see one another as persons seems to her beyond dispute:

_They will talk to one another, seek to comfort one another, strategize, exchange information, disagree and factionalize, and otherwise interact as persons despite the limitations within which they must operate._ (ibid, p. 129, emphasis in the original)

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17 Many thanks to an anonymous reviewer for inducing me to highlight the argumentative shift from Korsgaard’s focus on what we ought to value insofar as we are human persons, to Schechtman’s concern for treating each other as human persons irrespective of morality.
18 See ibid, p. 127.
19 Although I suspect that this is actually the case for people holding a racist conception of Humanity, insofar as their view claims to be biologically grounded (or otherwise culturally grounded, when a simplistic view of culture is held as an individual’s ineluctable destiny) when it is not. Nevertheless, Schechtman still thinks that total misrecognition of human personhood remains “deeply implausible” (ibid, p. 129).
This argumentative strategy falls however into the second horn of the Nature/Nurture dilemma: slaves will treat one another according to their contingent practical identities as rebels, friends, relatives, etc. but nothing from their self-conception as human persons in the fundamental sense advocated by Schechtman implies that they treat each other as human persons *simpliciter*.

I don’t think that Schechtman has a way out of the Nature/Nurture dilemma, but she still claims that her way of understanding slavery better depicts its horror than alternative conceptions all too easily concluding that slaves are deprived of their status of persons. As I understand it, the horror she is referring to is determined by the treatment slaves received in spite of being still conceived as human persons.

I disagree. Schechtman’s morally neutral account of personhood is not well-suited for appreciating the horror of slavery because, for her, recognition of personhood doesn’t imply recognition of any moral status. Why be horrified, if slavery-enforcing legislations attribute the status of human persons to slaves? Isn’t it just an alternative and equally valid way of attributing Humanity to people as being subject to the laws of the Kingdom of Ends? The reason why slavery is horrifying is that there are identity-independent facts about slaves that are entirely ignored, obscured or even falsified by the system of slavery. Human slaves can suffer terrible trauma and have a need to be freed from coercion as any other human being. Trauma and imprisonment, however, are facts about slaves, which obstruct opportunities to develop contingent practical identities, among having other identity-independent long-lasting terrible psychological and social consequences. If slaveholders had been willing, as Schechtman claims, to recognize the human personhood of slaves and act accordingly, they should have behaved with slaves as they did among themselves: treating them as equal human persons. But they didn’t, and this only means that there was no common *practical* identity slaveholders were willing to recognize, but only brute facts about the possibility of slaves to escape, revolt, or sign contracts. Indeed, the opposite is true: slaveholders in the Antebellum South systematically held false racist beliefs about the identity of slaves in order to justify their crimes.

I am not sure about the extent to which the Nature/Nurture dilemma can pose a threat to Schechtman’s otherwise complex and broad account of personhood. What I have been arguing for in this section is that, if we read her as providing a morally neutral route to grounding a necessary practical identity for human beings, which I take to be a plausible interpretation of her point, then she must face the Nature/Nurture dilemma.

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20 See ibid, pp. 126, 127.
4 Conclusion: From Humanity to Humaneness

In this paper I have argued against the thesis that Humanity is a necessary practical identity and given support to the thesis that all practical identities are instead contingent. The upshot of my criticism of Humanity as constitutive of all contingent practical identities is the emancipation of practical identity from a strictly Neo-Kantian or otherwise universalistic conception thereof, opening the path to alternative accounts, which cannot rely any longer on the reassuring presence of a necessary practical identity. From this point on, one might simply be content with the contingency of practical identities, and not look any further for sources of normativity that are independent of our identities.

However, one might be dissatisfied in thinking that our moral concerns must be limited to the scope of our contingent practical identities, namely to people that share our contingent practical identities to the exclusion of those who do not. It seems totally legitimate to expect human beings to be able to expand their practical and moral concerns beyond the contingency of their surroundings. In a globalized world, where refugees of war and oppression most need to be welcomed and given the opportunities that they were deprived of, and rampant social inequalities as well as social polarization threaten social cohesion and mutual understanding, it seems all the more cogent to underline something substantial that we share, instead of retreating to parochialism and indifference. This point is more or less explicitly defended by John Harris in his critique of Bernard Williams’s rejection of utilitarianism: it might be true that we need to hold up to our individual identities not to be torn apart by absolutist moral concerns, but it is just as equally true that the moral demands even of distant others cannot be ignored with a clean conscience.21 However, if the practical identity of Humanity, based on the qualities often associated with human excellence, namely high reflectiveness and complex sociality won’t do, what will work instead?

One first answer to this worry is that emancipating practical identities from a universalistic framework opens the path to pluralism about the sources of reasons for action. Identity-independent reasons, drawing from facts about the human condition and life on our planet, should be taken, at least prima facie, just as seriously as identity-dependent ones. However, I cannot offer here arguments in support of one such kind of metaethical pluralism. A more constructive answer, however sketchy and tentative, would instead focus on the chancy nature of human existence and human vulnerability. If no contingent practical identity can ground a concern for people living either geographically or metaphorically miles

21 See Harris (1974, esp. pp. 271–273) (I am thankful to an anonymous reviewer for having brought to my attention the relevance of Harris’s paper for the current discussion).
away from us, perhaps the recognition that it was nothing more than luck to create
more favorable conditions for some and much less favorable for others might work
instead. This recognition cannot be merely descriptive, but needs to reach further
for the root of what is shared among different human communities, which is our
very own human vulnerability – a limitation one might say, rather than a virtue.
We are intrinsically vulnerable, and appearance to the contrary is just a side effect
of the contingent stability of the part of the world we might have been lucky
enough to be raised in. Reminding ourselves that things might have taken quite
another turn, elicits a morally open attitude towards the world of human beings,
one that can be called ‘humane’.

Contrarily to Humanity, humaneness is not constitutive of human nature nor is
it a practical identity. Rather, it is an attitude responsive to luck that comes in
degrees depending on its cultivation. Besides, humaneness is metaethically
negotiable rather than burdened by complex Neo-Kantian assumptions, insofar as
it can be construed both in realist terms as responsiveness to the fact of human
vulnerability, but also in anti-realist terms as a shared feeling of sympathy for
fellow human beings in distress. The necessary practical identity of Humanity
implies undisputed praising of human nature, whereas humaneness much better
reflects the never-ending human struggle to overcome the boundaries of egoism
and parochialism.

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