Part I

Vulnerability, Individual Agency and Social Justice

1 Vulnerability and the Incompleteness of Practical Reason

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This chapter concerns vulnerability as a constitutive feature of human agency and argues that the ontological approach to vulnerability provides an important insight about rational agency and practical reasoning. This claim is defended in contrast to two established theoretical approaches to vulnerability. On the one hand, most theories of rationality are primarily concerned with vulnerability as a source of limitations and defects, and they presume to offer normative guidance by adopting an idealized account of rational agency, which brackets the defective features of human agency. On the other hand, theories of bounded or limited rationality and theories of minimal or impure agency reject idealization and privilege a circumstantial approach to vulnerability. An often implicit but widely shared assumption in this debate is that vulnerability is morally relevant insofar as it is pathogenic.

By contrast, I argue that vulnerability as an ontological category provides the normative standard for identifying distinctive ways in which we function or fail as agents. The philosophical relevance of vulnerability as an ontological category is not limited to moral theory narrowly understood and defined by what we owe to each other. Rather, vulnerability plays a crucial role in explaining the importance of reasoning by norms and opens the prospect of moral progress and development within practices of mutual respect and recognition. I vindicate these claims from within a Kantian constructivist account of rational agency and practical reasoning.[1]

Constitutive and Circumstantial Vulnerability

That humans are vulnerable is an assessment that we are generally inclined to take at face value, but there is a divisive disagreement about its theoretical and normative implications. This disagreement further depends on a conceptual dispute about the definition of vulnerability and its relation to other concepts such as autonomy, reciprocity and obligation.[2] Different concepts of vulnerability drive competing philosophical agendas, and these differences become dramatic when we consider their moral impact.

We may distinguish two broad approaches to vulnerability: one ethical and the other one ontological. The concept of vulnerability has gained currency, especially in debates focusing on discrimination and concerned with the protection of vulnerable subjects. In such debates, it seems natural to favor the ethical approach to vulnerability, which aims to identify some categories of agents as especially subjected to harm because of some disfavoring conditions, or else because they are the target of social and political discrimination. The concept of vulnerability seems to serve ethical theory well by providing a useful characterization of subjects that are particularly susceptible to wrongful harms. Paradigmatically, minorities belong in the category of vulnerable subjects because they are especially susceptible to suffer wrongful harms. In these cases, vulnerability is contingent, due to facts such as natural disasters, the outburst of civil war, the biological features of infancy and body aging or the oppressive and discriminatory practices of a given society. This approach deploys vulnerability as a pivotal concept in representing and defining moral and political problems. In particular, the concept furnishes a shared basis for addressing wrongs directed to specific disadvantaged groups such as women, minorities, children, migrants and refugees. For instance, by placing refugees in the category of the vulnerable, one is in the position to argue that refugees make legitimate claims on stable societies, thus availing oneself to arguments in favor of special (moral and political) obligations of hospitality and protection. Similarly, one can argue that children, the elderly and the sick are especially vulnerable subjects insofar as they cannot provide for their welfare and well-being by themselves and thus ought to have their interests and needs protected.

There is, however, a more general sense in which all humans are fundamentally vulnerable and in ways that are inherent to their existential condition, rather than due to the circumstances, although the severity, gravity and moral relevance of such vulnerability may vary according to contingent features and patterns. This concept of vulnerability picks out an ontological feature grounded in our biology, partly which we share with non-human animals.[3] Some philosophers are skeptical that anything morally relevant can be achieved by focusing on the ontological dimension of vulnerability. A particular worry is that focusing on the ontological dimension of vulnerability distracts from a thorough investigation of the circumstances in which some subjects become particularly vulnerable.[4] To this extent, the ontological concept of vulnerability would be detrimental to ethical theory.

While these worries are not altogether misplaced, I want to press the case that the ontological approach to vulnerability has ethical implications that have not been fully appreciated. My claim is that limiting the significance of the concept of vulnerability to the ethics of discrimination, reparation and redress is, ultimately, not a good strategy for comprehending the ethical, epistemic and political impact of vulnerability. I will not argue that the ontological conception of vulnerability is all we need for ethical purposes. My aim is to establish that the ontological conception of vulnerability plays

a crucial role in a general account of normativity and that this role is crucial for understanding how we function and fail as rational agents.

To carry on this investigation, I propose that we deploy an alternative contrastive pair of concepts: constitutive and circumstantial vulnerability.[5] *Constitutive* vulnerability, understood as a feature constitutive of human being and agency, indicates a generic capacity to be affected and understood in a very broad sense and marked by positive and negative valence. It depends on a complex network of dispositions and capacities, e.g., suffering and enjoyment, frailty and resilience and reliance and dependency. *Circumstantial* vulnerability, instead, indicates a contingent vulnerability to specific kinds of wrongs and inflicted harms due to discrimination, such as loss of status, lack of recognition, oppression and deprivation.

These two ways to be vulnerable are not mutually exclusive: circumstantial vulnerability presupposes ontological vulnerability. The fact that we are vulnerable to viruses depends on the fact that we are embodied and thus susceptible to being affected by external agents such as viruses. Yet this is not to say that being sick with a virus is a normal or healthy condition for embodied agents. It is a pathological condition, but it is a condition that affects us insofar as we have bodies that can be affected. For the same reason, we are capable of enhancement and development. Pathogenic and circumstantial forms of vulnerability presuppose some ontological definition of vulnerability, but these notions drive different philosophical agendas. The distinction is relative to the alleged sources of vulnerability, and, mostly, the concept of vulnerability has been used in the third sense so as to identify possible sources of discrimination and injustice, as well as normative sources of specific obligations toward the vulnerable.[6]

The distinction between constitutive and circumstantial vulnerability allows us to reset the debate as follows. Moral philosophers have privileged the circumstantial approach to vulnerability because it is more readily applicable to moral and political projects of addressing injustice and redressing discrimination and inequality. Such critics are concerned with identifying categories of subjects that are particularly susceptible to having their interests threatened, their needs undercut, their life projects jeopardized, their opportunities for action denied or severely limited and their normative status undermined. The availability of this category facilitates the identification of adverse social or political circumstances that produce pathogenic vulnerability and provide justification of special obligations to protect or compensate the vulnerable. However, the characterization of circumstantial vulnerability has direct normative implications.[7] Its definition determines the scope and moral impact of vulnerability, the scope of moral obligations and the correctives or reparatory strategies to be implemented. In addition, it is unclear that the category of vulnerable subjects is the best way to identify the specific moral and political responsibilities associated with the condition of vulnerability. One concern is that the qualification of special vulnerable subjects is often associated with victimhood, inferiority,

incapacity to provide for oneself, pathological dependence and failures to meet the condition for attribution of the status as moral and epistemic peers. As a consequence, this sort of characterization misrepresents the challenges associated with vulnerability by exaggerating the tension with the concept of autonomy or implicitly condoning paternalistic attitudes.[8]

By contrast, focusing on constitutive vulnerability allows us to identify the general constraints and predicaments that agents face insofar as they are embodied, but also to appreciate the practical resources that are distinctively associated with the status of constitutive vulnerability. Three generic features of human biology seem especially relevant in the present context of investigation. First, as are all living things, humans are affected by time, because they act in time, they are finite and subjected to various sorts of temporal bias. Second, insofar as they are social animals, humans are mutually dependent in profound ways. They depend on each other, not only occasionally but systematically, and not only strategically for the sake of survival but also, and in a pervasive way, for the ordinary exercise of their cognitive and practical agency. Third, emotional vulnerability allows humans to develop a complex network of dispositions, skills and capacities by which to respond to the predicaments of a situated life. On the basis of these truisms about constitutive vulnerability, we can argue for more substantial claims. Some of these dependencies are not merely biological necessities but also, and perhaps more importantly, morally valuable features of human life and indeed contributive to leading a life that is worth living. This claim can be advanced from a moral and an epistemic perspective. Civic and personal friendships, as well as loving relations, are shared activities grounded both on reciprocity and on mutual dependency. Likewise, we depend on others in acquiring knowledge, searching for truth, forming beliefs and learning about our surroundings.

The Relevance of Vulnerability as a Constitutive Feature

When understood as a constitutive feature of human agency, vulnerability is primarily characterized as an aspect of embodiment—a dimension that humans share with other non-human animals.[9] This characterization of human vulnerability highlights different clusters of problematic aspects of human agency. First, it pairs vulnerability to situatedness, hence revealing how human agency is exposed in contextual contingencies. Human agency is constrained and susceptible to some significant forms of luck (Williams 1981).

Second, when tied to embodiment, vulnerability makes the temporal structure of human agency apparent. Humans are finite, and the importance of temporal constraints reverberates at different levels, which concern the nature of agency, the resources that rational agents have and the external conditions of the context of choice. As Makropulos's case powerfully illustrates, agency acquires meaning and significance only within the framework

of mortality.[10] This is a paradoxical condition because the pressure of time also importantly challenges the agent's moral integrity and metaphysical integrity over time. Practical and cognitive resources are finite. Humans act in time and under the pressure of time; they produce finite actions, even though the long-lasting effects of an action may survive the action itself as well as the agent who produced the action. Humans represent their own agency within the horizon of death; they conceive of their own agency as a perishable good. Consequently, they are subjected to various forms of temporal bias.[11] Furthermore, the reflective perspective on agency as finite is in itself a temporal achievement—that is, something that humans acquire in time and through experience, and in particular through the experience of the body as changing and declining. Partly, this is the subjective experience of measuring how internal resources run out and opportunities fade accordingly, but there are deeper normative dimensions of this temporal acquisition, which requires a hermeneutics sensitive to temporal change.[12]

Third, when focusing on the corporal dimension of agency, vulnerability is associated with interests, needs, desires and other conative states. Being the repository of needs and interests, the body makes us susceptible to suffer from deprivation of resources in ways that deplete both the opportunity and the capacity for action. This particular aspect of vulnerability is a traditional theme in moral philosophy, because desires, interests and needs stand in a problematic relation with morality. On the one hand, they are sources of resistance to morality, as the vice of frailty and weakness of the will exemplify. On the other hand, needs are exactly the sorts of things that morality must protect: it is a primary moral obligation to provide for shelter, food and basic means of survival, and the grounds of such a moral obligation have to do with the protection of humanity, rather than with benevolence.

Finally, embodiment stands in an interesting relation to the social nature of human animals. In this connection, vulnerability indicates emotional mutual dependency as well as the susceptibility to be harmed or helped, obstructed or facilitated, undercut or enhanced, directed or manipulated by other agents. Fundamentally, vulnerability is the root of shared agency.

Vulnerability, Normative Failures and Defective Practical Rationality

The notion of vulnerability figures prominently in the explanation of defective forms of rationality. Indeed, vulnerability is perhaps the major source of normative failures. Or, rather, all normative failures can be ultimately traced back to constitutive vulnerability. However, to identify vulnerability as the source of normative failures is not a trivial move. It commits us to engage in a debate about the normative standards that are appropriate for rational but vulnerable subjects.

In the present context, I take "normative failure" as a broad category that includes several kinds of failures to be guided by the norm, including

failures to recognize correct principles of action, failures to act in conformity to the rule and failures to be responsive to the norm. Each of these kinds of normative failures may be ultimately grounded on constitutive vulnerability. On the other hand, if we were not vulnerable, we would not need laws, principles and norms. We would know things aright. This is to say that while constitutive vulnerability is the root of all sorts of normative failures, it is also the deepest reason why we need norms. In short, vulnerability necessarily appears not only in the explication of irrationality and defective rationality but also, and importantly, in the explanation of the emergence of norms and of normative authority.

I am advancing the view that vulnerability plays a crucial explanatory role, not only in detecting the ways in which we go astray in understanding, applying or acting against the norms but also, and more importantly, in the account of why norms are needed. In short, I propose that it is a requirement of descriptive plausibility for a theory of practical reasoning to bring constitutive vulnerability in close relation to the emergence of norms and the basic issue of normative authority. Remarkably, this is a requirement that many theories of normativity and normative authority fail to meet.

Most theories of practical rationality presume to offer normative guidance by adopting an idealized account of rational agency. They propose standards that vulnerable agents can only approximate, and thus they also need to adopt corrective systems of enforcement. These theories face serious problems of feasibility, which I highlight by raising the following questions. Given that vulnerability is the main source of failures to respond adequately to normative claims, how shall we conceive of the ideal standards of rational agency? Such standards are prescriptive, but how can they be put into practice? Are they regulative, or merely inspirational? In each of these cases, how shall we assess failures to abide by the norm? Is it unfair or unduly punitive to judge normal people by idealized standards that they cannot meet in reality?

There are two major approaches to these questions. On the one hand, the idealized approach treats the standards as regulative, but supply norms of reasoning that guide agents under non-ideal conditions of rationality. For instance, in Kantian ethics, the moral law is a regulative ideal insofar as human agents cannot reach it but only approximate it. This is because "the crooked timber of humanity" is unlikely to conform spontaneously to the moral law. However, humans can approximate the ideal standard by reasoning according to a norm, which is the categorical imperative. Likewise, some variation of preference utilitarianism identifies a hierarchy of rational agents and distinguishes two levels of moral thinking, which are governed by different forms of utilitarian formulas.[13]

On the other hand, there are theories of bounded, limited and impure rationality, which are designed to deal with constitutive vulnerability by renouncing idealized standards. One of the strongest reasons in support of non-idealized strategies concerns the feasibility and practical impact

of ethical theory. By adopting idealized standards of rationality, ethical theory—any normative theory about conduct and action—misses its target. That is, it fails to guide the very agents it intends to address—namely, human agents. If we want to guide human agency by a normative theory, the first question to ask is what such agents are really like, and this is where the concept of ontological vulnerability makes its first appearance. Methodologically, the claim is that moral psychology is the first step toward a feasible account of practical reasoning.[14]

By dropping idealized standards of rationality, normative theories do not merely flatten the perspective of normative assessment down at the level of ordinary performance. Their aim is evaluative and prescriptive, not descriptive: they aim to assess ordinary behavior against the background of normative standards. However, the normative standards are such that constitutively vulnerable agents (i.e., humans) can be expected to understand, master, manage and implement them. By contrast, theories that contrast human rationality with ideal rationality assume that there is a gap between two sorts of agents, which is also reflected in the nature of principles or rules that govern their respective moral thinking and conduct.[15] Given that the users of normative theories are not ideal agents, in order to be feasible, a theory ought to include rules that adapt the theory of rationality to non-ideal agents, or else it will be inapplicable and impractical.

Strictly speaking, theories of bounded rationality deal with constitutive vulnerability under the characterization of logical and cognitive limitations and address the normative problems that arise insofar as humans have partial and perspectival information and limited inferential competences.[16] Their efforts are directed toward identifying normative systems that humans can realistically be expected to use. Thus one significant theoretical result of shifting to models of bounded rationality is that the informational constraints are weakened. This is a well-established line of investigation in economic rationality (Gigerenzer 2010; Simon 1983). Famously, Simon's critique of the idealized models of rationality points toward a more realistic description of human rational capacities so as to determine how to meet "the needs for reason in human affairs" (Simon 1983: 4).

However, it is an interesting question to ask whether this is the only dimension under which human rationality is constrained. For instance, Adam Morton has recently argued that there are different senses in which humans fail to be rational. Rational failures exemplify different senses of limitations (Morton 2010). He argues that the management of limitations should be considered a chief task for ethical theory. As Simon, Morton is also concerned with the situatedness of human conditions, which expose us to different kinds of vulnerabilities, but also point to specific virtues that allow limited agents to realize their ends. On this picture of limited rationality, the function of ethical theory is to identify prescriptive desiderata that limited agents may achieve, rather than setting the standards so high that they are bound to fail. This is not so much a rehabilitation of the human

condition of vulnerability as an attempt to deal with it by producing an account of the specific virtues of limitation management. These are intellectual virtues that allow us to face and cope with the fact of insoluble practical and cognitive problems and adjust to the circumstances (Morton 2012). The model thus exploits the cognitive interaction between agents and their environment.

These are valuable attempts to rethink the standards of practical rationality beyond the framework of idealized rationality. Nonetheless, in my view, these theories still reveal a residual attachment to the traditional models of rationality insofar as they are solely concerned with informational and cognitive limitations. Indeed, this is one sadly important aspect of ontological vulnerability, but it is not the only dimension of vulnerability that is interesting and relevant. By focusing on informational and cognitive constraints, such theories propose explanations and correctives that do not adequately address the practical, political and moral dimensions of vulnerability.

My conjecture is that this mistake in accounting for vulnerability is rooted in a mischaracterization of the nature of cognitive and informational limitations. These limitations are often perspectival and thus importantly connected with embodiment. Focusing on embodiment in the account of perspectival knowledge opens up to a different account of the normative remedies and a different catalogue of the virtues associated with vulnerability.[17]

Theories of "impure agency" may seem to represent a step forward in this direction.[18] The category of impure agency calls attention to the experience of being inextricably part of the causal world in a way that makes human agents more similar to non-rational animals than to ideal agents. Alastair MacIntyre (1999) emphasizes this aspect of human agency to reject the Kantian model of practical reason, which requires rational and moral autonomy, thus instituting a distinction between rational beings and brutes, which breaks the continuity between human and non-human animals.[19] By restoring the links between humanity and animality, MacIntyre makes room for the virtues of vulnerability, along with the virtues of autonomy.

A similar argument against the Kantian model of rationality drives Margaret Urban Walker's account of responsible agency as sensitive to moral luck (Urban Walker 1991). Both MacIntyre and Urban Walker discuss mutual dependence as an aspect of our embodiment and animality. Ordinary practices seem to show that we assess ways in which we respond and react to the circumstances of action and features of the situation about which we have no control, but which importantly express and represent the kind of people we are. As for MacIntyre, the catalogue of virtues is revised so as to include dispositions that specifically deal with the human condition of situatedness. For instance, grace and lucidity name the virtues of bearing with luck in a dignified way. Urban Walker points out that impure agency puts integrity in perspective; it is a virtue precisely because responsibilities and commitments outrun control. Impure agents typically incur responsibilities that they have not contracted voluntarily. Under some descriptions, it is plainly false that

we have obligations only insofar as we choose them. In fact, it is a conceptual matter that obligations bind and constrain independently of what we happen to want and desire, and even despite our interests. It happens all too often that we are morally required to do things that we would not have chosen because they run against our inclinations, interests or desires. The mismatch between what morality demands of us and what we want is no excuse for failing to comply with moral obligations. However, it raises questions about the legitimacy of moral claims and their place in our life of rational and mutually dependent animals. Vulnerability forces us to face our moral, social and political obligations in the first person as demands that we recognize as binding in the first person rather than as things that merely happen to us. This is not to say that it is up to us to determine whether and when such obligations apply. On the contrary, insofar as they apply independently of us, it is up to us to undertake them as authoritative in the first person. The difference is subtle and, on some occasions, it threatens to have a tragic dimension. In some tragic conflicts, when obligations are not bonds to which we recognize legitimate authority, metaphysical integrity and moral integrity come apart.

These are normative issues, and in what follows, I argue that they are to be addressed from within an account of practical reasoning, which makes room for a broad concept capable of capturing both the negative and positive valences of constitutive vulnerability.

A Kantian Claim about the Incompleteness of Practical Reason

In the next two sections, I argue that Kantian constructivism understands vulnerability as a practical resource rather than a major liability inherent in the human condition. The project may sound at least surprising since philosophers interested in vulnerability have generally targeted Kant's model of practical reason as the main historical root of the contemporary neglect of vulnerability, embodiment and mutual dependence in practical reasoning (MacIntyre 1999; Nussbaum 2006; Urban Walker 1991). While I do not directly engage with this critique, my aim is to establish that there is a *Kantian* concept of vulnerability as a network of capacities rooted in our embodiment.[20]

To begin with, let me restate the concept of constitutive vulnerability. I take it to name the cluster of constitutive constraints that shape practical reasoning. Susceptibility to time constraints makes sense of the agents' engagement in action, their distinctive temporal perspective and temporal bias. Susceptibility to bodily needs, desires and emotions tracks the normative relation between motivations and reasons for action, as well as the corporal roots of the agents' efficacy in a perceived context through representation of the circumstances of action. It also reveals how emotions partake of reasoning. Susceptibility to others makes it possible to broaden

the scope and the modes of individual agency by way of interaction and shared agency, as well as exploiting emotional modalities that are crucial in building personal relations. Insofar as we are susceptible to others, we enjoy opportunities and forms of agency that independent and solipsistic agents would not have. By emphasizing the aspects of vulnerability, we are able to appreciate how this concept positively informs and shapes practical reasoning. In short, vulnerability gives practical reasoning a point.

It may be objected that this claim is alien to Kantian ethics. Kant makes no concession to our epistemic limitations. However, I do not ascribe to constructivism the view that it makes truth accessibility dependent on epistemic limitations. Constructivism rejects the (realist) idea of truth accessibility, precisely because it makes practical truths dependent on practical reasoning. Also, constructivism does not make the practical truths relative to human limitations, since it maintains that there are objective constraints of practical reason. Constructivism provides for an account of how this idea of reason can be made practical to animals endowed with reason.

The Kantian concept of vulnerability I advocated is not to be contrasted with the concept of "super-sensibility," but with the technical notion of "intelligibility."[21] The standpoint of intelligibility is the standpoint from which the events that we cause can be legitimately regarded as actions. Vulnerable subjects are agents, nonetheless, in the specific and demanding Kantian sense that does not equate actions to events and agents to causes. Vulnerable subjects are classified as "practical subjects"—that is, rational animals capable of acting on the basis of reasons. Insofar as they are rational, vulnerable subjects enjoy the distinctive practical sort of freedom that is requisite in order to be agents. Importantly, the property of being embodied, hence finite does not undermine the normative status of autonomous beings. The finitude that concerns us here is not a property of the faculty of reason that humans have, but of their being live things. Finite rational beings are vulnerable because they are finite, but they are agents insofar as they are endowed with reason. This is not to deny that the predicaments of finitude posit specific challenges to rational agency, which infinite and perfect rational beings would not experience. However, such challenges can be addressed by adopting the very same rational norms that govern rational beings.

How can this be if we take seriously the facts associated with finitude and vulnerability? The proposal will strike some as ludicrous, especially in consideration of the fact that injustice, oppressive relations of power, neglect of special needs and moral claims are (pathogenic) forms of vulnerability. I hope to show that Kantian constructivism points toward a promising direction in addressing and treating the predicaments of contingency in terms of failures of recognition. I do so by accounting for recognition as an aspect of constitutive vulnerability.

From the Kantian view, the distinction between finite and infinite rational beings does not affect the claim that rational norms apply to all rational

beings alike, but this is certainly not the end of the story about the impact of vulnerability. While practical thinking is governed by the same rational norms, such norms do not affect all rational beings in the same manner. This is where the concept of constitutive vulnerability plays its most interesting explanatory role. Finite beings need norms in order to cooperate and survive the predicaments of contingency. Constitutive vulnerability explains why and how we bind each other through reasoning and obligations.

For finite rational agents, morality necessarily takes the form of bonds and constraints.[22] Norms prove necessary because finite rational agents suffer from limitations. By contrast, it would be absurd to think that infinite rational beings are exposed to predicaments of rationality that affect finite beings insofar as they are finite and temporal, such as planning fallacies and other fallacies due to temporal bias.[23] It is also absurd to expect these infinite rational beings to suffer from standard sorts of akrasia, weaknesses, frailty or lack of motivational drive to abide by the norms.[24] For such beings, rational laws are like laws of nature that describe how matters are, rather than prescriptive laws that are imposed as regulative ideals. This is to say that infinite rational beings are invulnerable but also, and for the same reason, *unconcerned* with the normativity of laws. The question of how to transgress and how to be bound by such laws does not arise for them. Conversely, the *normativity* of the laws of reason is crucial for finite rational beings.

Kantian constructivism is an attempt to answer this question. It begins with the acknowledgment of constitutive vulnerability as the original feature that gives practical reasoning a point: it is "the being rather than simply the rationality of finite rational beings that is limited."[25] This broad notion of vulnerability suffices to capture the interesting difference between finite rational agents and infinite rational beings. Like brutes, finite rational beings are vulnerable, but unlike brutes, they are free. This is because they are endowed with reason. And yet differently from infinite rational beings, humans are capable of acting for the sake of good ends only by reasoning. Engaging in the activity of reasoning is the way finite rational beings learn what they ought to do. This is not because the laws of reasoning suffice to determine how we think and act. They do not. But the argument in support of this conclusion does not show that empirical psychology, i.e., the characterization of rational agents as vulnerable, determines the laws of reason. Vulnerability plays no role in the foundation of norms, since there is only one genuine source of normative authority, and this is reason.[26] The upshot of the argument is that vulnerable subjects avail themselves to reasoning because they have no direct insight into how matters ought to be. This is one sense in which human practical reason is incomplete. Infinite rational beings just know what there is to know. For finite rational agents, it takes reasoning. It is by engaging in the activity of reasoning that constitutively vulnerable agents determine what to do.

Vulnerability as a Resource in Practical Reasoning

In the previous section, I argued that vulnerability gives reasoning a point. Taking into account the fact of vulnerability allows us to characterize practical reason as incomplete and indeterminate, rather than imperfect, impure, limited and defective. The completion of practical reason does not aim to correct or erase vulnerability, but it exploits vulnerability as a resource to build up autonomy, which is a requisite for moral and rational agency. Kantian constructivism provides the appropriate theoretical framework to support this claim by reconceiving the powers and forms of practical reasoning.

A surprising consequence of putting constitutive vulnerability in the right perspective is that there are no rational agents who are solely instrumentalists.[27] From facts about constitutive vulnerability, many conclude that reasoning ought to be instrumentalist and limited to the realization of ends fixed by nature or by the circumstances of action. By contrast, on the constructivist view, reasoning is something we do with others. Engaging in this activity requires something different than the instrumental pursuit of natural ends.[28] Reasoning is not merely an instrument, even though it is oriented toward problem resolving, and it can be shown as advantageous in a just-so evolutionary account. Thus constructivism demands that the relation between instrumental and non-instrumental rationality be reconceived. The subordination of instrumental reasoning to non-instrumental reasoning calls for a revisionary account of what it takes to reason with others. Reasoning with others requires practices governed by mutual recognition and respect.

This brings us to a second point about partners in reasoning. A shared claim in the literature about vulnerability is that humans are mutually dependent animals. This remark furnishes the basis for a normative claim, which is that such animals are not merely "social" but also "political" and capable of binding each other through institutions such as promise and obligation. Political animals are capable of acting in concert by designing institutions and practices where social action takes place and acquires meaning. They can do so insofar as they have basic moral powers and are capable of and entitled to a conception of a good life.[29] Thus the plurality of agents with diverging interests and claims is not merely a factive feature of preconstituted contexts, but a salient normative concern.[30] Constructivism holds that such a concern should be taken as a normative constraint on practical reasoning.

This claim can be rephrased in terms of the normative status of others. Reasoning implicates others insofar as it demands that the reasoner takes into account considerations that all relevant others would take into account. The normative status of others is that of constraining the way in which reasons are formed. This is not a demand to transcend the actual conditions of agency and thus bracket constitutive vulnerability. Rather, the requirement is that reasoners represent themselves as capable of autonomy in relation to

agents with the same normative status. Additionally, finite rational agents represent themselves as autonomous insofar as they recognize in themselves the capacity to act and think on the basis of reasons that others can understand and challenge. As a consequence, others partake in the process of reason construction.

This account of reasoning has important implications for the debate on vulnerability. The normative relation between representing oneself as autonomous and recognizing others as having equal standing shows that at no point in this process are finite agents required to represent themselves as solitary and solipsistic beings forced to cooperate with others by the external pressure of contingency. Thus there is no tension between the aspiration to autonomy and the ineludible facts of vulnerability.

Furthermore, reference to relevant others is also a constitutive part of how rational agents represent the context of choice. Deliberation is not a survey of the options available but an activity of choice that involves others as relevant interlocutors: they participate in the process of deliberation by constraining the options we regard relevant. They can play this constraining role insofar as they are sources of legitimate claims. Respect and mutual recognition are key subjective attitudes that play a structural role in accounting for the normative authority of moral obligations. They are emotional attitudes, hence rooted in our constitutive vulnerability. It is by the aesthetics of respect that Kantian constructivism accounts for a sort of normativity specific to constitutively vulnerable and mutually dependent agents.[31] This is a fundamental way in which sensibility positively contributes to situate oneself correctly in regard to another, thus establishing a normative relation of mutual recognition and respect.

These considerations mark important differences between the constructivist conception of vulnerability and its impact on rational agency. According to constructivists, autonomy is recognitional—that is, based on the representation of and relation to others as epistemic and moral peers. Because of the role of mutual recognition in the activity of reasoning, constructivism eschews the canonical objection moved against autonomist views, which is that they do not acknowledge vulnerability.[32] From the constructivist view, autonomy is an achievement rather than a property that humans have insofar as they are rational beings.[33] In contrast to others' recognitional views, however, the sort of recognition that constructivism picks out is not grounded on a preexisting value of humanity, as Kantian realists claim, nor is it the result of social negotiation.[34]

Several constructivists explain the emergence of autonomy in terms of self-reflexivity, which is the capacity to take a reflective stand on one's own states of mind and actions. To be endowed with reason consists primarily in the reflective capacity to acquire a critical perspective on oneself. Such a critical perspective can be described in different ways, and the different descriptions characterize differently the structure and achievements of reflection. On the one hand, speculative accounts represent the reflective stance as the

stance of a third-person party, a spectator or bystander totally disengaged from the specific interests, desires, passions, beliefs and viewpoint of the agent. When the agent reflects upon himself, he views himself as another rather than privileging the concerns and values he happens to have because he has them. On this construal, the reflective stance provides an external perspective on action, which warrants objectivity understood as invulnerability to distortions of judgment owing to the interference of desires and interests, or value attachments.

By contrast, constructivism conceives of the reflective stance as an active engagement by which the agent authorizes (epistemic and practical) states of mind, such as beliefs and intentions. The reflective stance does not serve the purpose of providing ideal standards of rational agency by which to assess the validity of the agent's normative judgment about what to do. Rather, it allows the agent to act on purpose. In short, the reflective achievement is to be captured in terms of agential autonomy. The reflective stance is where success and failure in agential autonomy are situated. Failures of reflexivity are also failures of agential autonomy, although not all failures of agential autonomy may be due to failures to achieve a reflexive perspective on oneself. This is because agential autonomy may be obstructed by external causes, including the interferences of other autonomous agents. However, the possibility of critically considering one's standing and one's ends is a precondition of agential autonomy.

The achievements of the reflective stance are precarious and negotiable. Reflectivity has an impact on agency, but it certainly does not block all the sources of pathogenic vulnerability. However, some progress has been made in addressing these issues. First, constructivism offers the diagnostic tools for identifying pathogenic vulnerability in terms of failures of recognition of others as peers. Second, constructivism recognizes that theories of practical reason are indeterminate. To rehabilitate the role of constitutive vulnerability and make it central in the account of practical reasoning does not resolve all the moral and political problems that arise insofar as humans are sensitive to relations of power. For this very reason, constructivism is also importantly committed to guaranteeing the material and institutional circumstances of autonomy, but I will not argue for this claim here. Here my claim is that constitutive vulnerability importantly contributes to the criticism of the pathological, submissive and oppressive relations of powers from the stance of rational agency. Practical reasoning attributes to agents the epistemic, moral and political responsibility of relating with their circumstances. This is where vulnerable subjects open up to the prospect of enhancement and development.

Notes

1 The qualification Kantian constructivism may be confusing. However, there are good reasons for me to maintain this label. I argue for a cognitivist form of constructivism, which is not realist in terms of ontology for reasons analogous to those Kant affords against "dogmatic rationalists." See Bagnoli (2013: 153).

2 For a useful taxonomy of vulnerability, see Dodds et al. (2014: 4–10).
3 Arguably, ontological vulnerability bridges the gap between human and non-human agents. This is an interesting direction of investigation, which I cannot pursue in this chapter. There is a variegated literature on this aspect of the topic, see, e.g., MacIntyre (1999), Nussbaum (2006), Ricoeur (2007). On corporeal vulnerability, see Butler (2004) and Turner (2009), even though they do not engage in normative ethical inquiry.
4 For instance, Luna (2008) holds that the ontological concept is too generic and too vague to be of any help in identifying and perspicuously representing moral problems associated with vulnerability.
5 Dodds et al. (2014) distinguish three concepts of vulnerability: inherent, situational and pathogenic. What I call "ontological vulnerability" corresponds to what they call "inherent vulnerability," while "circumstantial vulnerability" includes both situational (non-pathogenic) and pathogenic aspects of vulnerability. I prefer the contrastive pair constitutive/circumstantial vulnerability in order to stress the analogy with the pair constitutive/circumstantial luck, which belongs in a debate whose main concerns overlap with those central in my account of the vulnerability.
6 One of the *foci* of this debate is the critique of the liberal model of justice, which is rooted in a Kantian model of rational agency. By focusing on vulnerability, critics of liberalism argue that such a model discriminates against vulnerable subjects by adopting an idealized and abstract conception of moral agent; see, e.g., MacIntyre (1999), Nussbaum (2006: esp. 125). The category of vulnerable subjects importantly includes the social category of disability; see Feder Kittay (1999). The idealized model describes the vulnerable in the negative, as somebody who does not have, does not possess the required threshold properties and does not meet the requirements for membership in the relevant community. If Rawls's theory does not address these concerns, this is because it is designed to address issues regarding the basic institutions; see Rawls (2000: 481). In any case, this debate is beyond the scope of this chapter.
7 For a definition in terms of interests, see Goodin (1985). For a definition in terms of needs, see Reader (2005, 2007), Wiggins (1991), and for a plurality of approaches to needs, see Brock (1998). For a critical account in terms of risk, see Straehle (2014).
8 The risk of paternalistic misrepresentations is particularly evident in the case of trust-relations, as shown in Jones (2013). Fineman (2008) alerts us against the usage of the term, insofar as it is associated with victimhood, deprivation and pathology. Anderson (2014) shows that the concepts of autonomy and vulnerability, properly understood and spelled out, are entangled. Constructivism offers a different argument toward a similar conclusion: autonomy needs to be achieved because of constitutive vulnerability, and it can be achieved because of constitutive vulnerability.
9 For instance, MacIntyre makes crucial use of vulnerability as distinctive from animality; see MacIntyre (1999: 1–10).
10 This problem is identified in Williams (1973: 82–100). The debate about the impact of time on agency rapidly intensifies. See Ferrero (2016), Hedden (2015), Sheffler (2013), Wallace (2014). I am investigating these problems in a cluster of forthcoming papers.
11 Some of these cases of temporal bias, such as planning fallacy, impact bias and hindsight bias build upon empirical studies, see, e.g., Sanna and Schwarz (2004).
12 The philosophical treatment of such cases are still sparse, but see Jay R. Wallace (2014), who discusses the phenomena of immunity to regret toward past decisions owning to present attachments. For a critique see Bagnoli, "Vulnerability to Contingency, and Immunity to Regret."

13 See, for instance, the ideal observer models as exemplified in Firth (1952), Hare (1981) and Railton (1986). Another question is what kind of normative theory an ideal observer would adopt. For instance, Hare (1981) assumes that the idealized level of moral thinking would be governed by utilitarianism and that any comparison would require aggregation. This is highly debatable. An argument is needed to show that ideal reasoners do not disagree about how to reason on practical matters.
14 This is an important aspect of Kantian constructivism that sets it apart from other meta-ethical and normative theories. I leave open whether moral psychology should be carried on with the sole means of empirical psychology, even though I am inclined to think not.
15 This is particularly evident in the case of utilitarian theories. For instance, Hare (1981: chapter 2) distinguishes between the level of moral thinking that is appropriate for limited agents, named "prolet," and the ideal level of moral thinking of "angels." Ideal agents think in terms of act-utilitarianism, while the intuitive moral thinking is governed by rule-utilitarianism. Furthermore, the defeasible rules that govern intuitive moral thinking are selected according to the ideal model of moral thinking—that is, on the basis of act-utilitarian considerations.
16 A distinct set of related issues about the limitations of rationality and memory inspire the Christopher Cherniack's project of "minimal rationality" in computational models of cognition, which I will not discuss here; see Cherniack (1986).
17 This claim has interesting consequences, especially in relation to emotional vulnerability. Arguably, emotions select relevant information because they are perspectival, and this property is crucially related to embodiment.
18 Margaret Urban Walker (1991) uses this label, but I think it can be extended to other normative theories of rationality, which are based on the recognition of embodiment. See, e.g., Taliaferro (2001). In contrast to Urban Walker, part of my argument in section 5 is that Kantian constructivism builds upon the acknowledgment of vulnerability. On Kant's own model of impure agency, see, e.g., Louden (2000).
19 Vulnerability plays a crucial role in the definition of social goods and ends, but also in the account of reasons for action; see MacIntyre (1999: 53–81).
20 My aim here is speculative: I investigate the theoretical benefits of including vulnerability as part of the description of the target domain of normativity. For an argument that places vulnerability at the center of the derivation of moral duties, see Formosa (2014).
21 O'Neill clarifies the distinction as follows: "The intelligible world is not a transcendental realm beyond this world, but the system of formal conditions that our understanding of the empirical world presupposes; it is precisely intelligible, not supersensible," O'Neill (1989: 69). This claim is central in CPR A539 B567ss.
22 The interesting claim for our purposes is Kant's remark that "a good will is exposed to subjective limitations and obstacles," G 4.397.
23 As it is often acknowledged, the timeless character of rational agency is a problematic aspect of Kant's account. My suggestion is that we regard the atemporal feature of rational agency as a consequence of the fact that being an agent is a normative status, not a piece of descriptive metaphysics
24 I say "standard sorts of akrasia" because some cases of akrasia may be due to a plurality of good ends that are conflicting. It is unclear if infinite rational beings are completely free from such forms of akrasia. I suppose this partly depends on the (finite or infinite) nature of the ends and the circumstances of their conflict, but it also depends on how one conceives of infinite beings' agency. I have no firm answer to the latter issue, but my impression is that action requires a situated agent. The thought I pursue is that vulnerability gives practical reasoning a point in this very sense.

25 O'Neill (1989: 74); see also Bagnoli (2011, 2013). As an example of how the claim is phrased, see Kant MM 6.213.

26 Kant is adamant that pure moral philosophy cannot be derived from empirical psychology, but only "applied" to the humans: this is only to mean that it furnishes the human being with the laws a priori of a rational being (G 4.389; MM 6.397).

27 This is anticipated in O'Neill (1989: 73). Current debate focuses on a more recent variant of the argument in Korsgaard (1999, 2008: 67–68). The argument seeks to establish that instrumentalism is incoherent, for the instrumental principle of practical reasoning presupposes the normativity of principles that prescribe some ends. One radical implication of the argument is that the distinction between instrumental and non-instrumental principles of rationality collapses (Korsgaard 2008: 67–68). There is no instrumental principle separable from the categorical imperative. Hence there is only one principle of practical reason and that is the categorical imperative. This importantly indicates that the function of the categorical imperative is much more basic than appears in the debates about instrumental reasoning. The categorical imperative does not merely prescribe final ends in particular contexts of choice, but it also structures and guides the very activity of the will: it is the general form of all rational actions, not just of moral actions. Moral is not a special category of action, but merely "the most complete" form of rational agency, which does not differ in kind from other less complete ways of exercising our rationality.

28 For Kant, reflection is counterproductive because natural preservation, welfare and happiness are better served by instinct than reason; see G 4.395. Paradoxically, Kant appears to agree with much experimental psychology about the reach and impact of reflection. As it appears, this claim does not justify an instrumentalist account of reasoning.

29 I use the notion of moral power or capacity in a deflated sense, as in Rawls (1971).

30 In this important respect, the constructivist view differs from game theory accounts of cooperative interactions; see Bicchieri (1993). Kantians are not oblivious of the fact that vulnerability is also the source of pathogenic interdependency, such as manipulation, coercion and discrimination. For instance, O'Neill writes, "Coercion is a matter of force or threat and what constitutes threat must vary with the vulnerabilities of those who threatened. Vulnerability depends on many things, including the forms of rationality, dependence, and independence that particular agents have at particular times. Coercers know very well that successful threats take account victims' specific vulnerabilities," O'Neill (1989: 216). She also remarks, "The features of actual situations that must be taken into account in judgments of justice is in the first place the security or vulnerability of agents that allows agents to dissent from the arrangements that affect their lives and whose absence compromises any ostensible 'consent,' " O'Neill (1989: 218).

31 Rawls (1971) identifies the social basis of self-respect and discusses attitudes of relating practically to oneself. I offer a constitutivist account of these practical attitudes in relation to moral authority and practical knowledge, respectively, in Bagnoli (2011) and Bagnoli (2013). This view differs from the sentimentalist view that the moral emotion of self-respect is the source of moral judgment and also from the realist view that respect is the emotional response to the value of others. The moral experience of respect is constitutive of reflective agency and does not play an evidential role in support of moral facts, nor is its function merely expressive.

32 The recognitional theories of autonomy are explicitly proposed "to highlight vulnerabilities that are overlooked by even the conceptions of social justice and autonomy that accommodate the material and institutional circumstances of

autonomy," according to Anderson and Honnett (2004: 130). For a contrary view that autonomy and vulnerability are opposite states, see Fineman (2008), but also MacIntyre (1999), Urban Walker (1991) and Williams (1981).

33 "Neither autonomy nor morality is fully achieved in the lives of finite beings. Nor do we know when and how well they are achieved," O'Neill (1989: 77), cp. O'Neill (1996: 105). I regard constructivism as supporting a dialogical account of autonomy, even though the term "dialogical" may be misleading in this context. By calling the constructivist model "dialogical" I mean to underline that constructivism takes others to be constitutively part of reasoning: the commitment to reasoning is a commitment to construct reasons that others can share; see Korsgaard (1996) and O'Neill (1989), O'Neill (2004).

34 "Autonomy is a capacity that exists only in the context of social relations that support it and only in conjunction with the internal sense of being autonomous," Anderson and Honnett (2004: 129).

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