Hegel and realism – constructivism controversy in ethics

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Analytic philosophy, which emerged in opposition to Hegel’s philosophy, now seems to be returning to him. The analytic return to Hegel began with the critique of classical empiricism and has culminated in Robert Brandon’s inferentialism. Nevertheless, it has its ethical facet as well. In this paper I address some of the ethical aspects of the analytic turn to Hegel as espoused in contemporary Anglo-American philosophy. I am particularly interested in interpreting Hegel’s philosophy from the perspective of Kant’s notion of autonomy. If, following Kant, we assume that “[a]utonomy of the will is the property of the will by which it is a law to itself,” we can attribute to him a certain form of anti-realism or constructivism in ethics. On this view, norms and values are not independent of us; on the contrary, they are products of our self-legislating will. The question thus arises whether we can see Hegel’s philosophy as a continuation of Kant’s constructivism or whether Hegel departs from Kant in the direction of ethical realism, without, however, thereby excluding the subject’s autonomy. In contemporary Anglo-American philosophy, this issue is a bone of contention, hotly disputed by Robert Pippin (who claims that Hegel elaborates on Kant’s idea of self-legislation, imbuing it with historical and social meaning) and John McDowell (who interprets Hegel’s philosophy as an expression of a realist stance that is necessary for self-legislation to be something other and more than simply an arbitrary choice).

It was probably John Rawls who first spoke of Kant’s moral constructivism. In his Political Liberalism Rawls wrote:

Another and deeper meaning of autonomy says that the order of moral and political values must be made, or itself constituted, by the principles and conceptions of practical reason. Let us refer to this as constitutive autonomy. In contrast with rational intuitionism, constitutive autonomy says that the so-called independent order of values does not constitute itself but is constituted by the activity, actual or ideal, of practical (human) reason itself. I believe this, or something like it, is Kant’s view. His constructivism is deeper and goes to the very existence and constitution of the order of values.

His line of reasoning was followed by such thinkers as, for example, Jerome Schneewind, Christine Korsgaard, and Robert Pippin. In broad strokes, Kant’s constructivist and anti-realist stance would consist in asserting that norms and values are not “out there” in the world, that they do not exist independently of our acts of legislation, which are rooted in the rational will and not, as David Hume contended, in instincts, feelings, and desires. According to Kant, our will is a self-legislating will. In a well-known passage in the Groundwork for the Metaphysics of Morals Kant wrote:

Hence the will is not merely subject to the law but subject to it in such a way that it must be viewed as also giving the law to itself [als selbstgesetzgebend] and just because of this as first subject to the law (of which it can regard itself as the author [Urheber]).

The foundation of all moral law is thus inherent in the self-legislation of the will, that is, in its autonomy. This rule of autonomy can be negatively construed as independence from any external

3 I. Kant, *Groundwork of the Metaphysics of Morals*, 81.
(empirical) motives determining action. Positively, in turn, it can be construed as self-determination or self-legislation. In this sense, ethical realism would provide a heteronomous explanation of our action since it refers to external causes (desires, inclinations, needs or God’s will). However, when viewed from the realist perspective, Kant’s idea of autonomy harbours a certain problem. If nothing prior to the normative act of legislating exists, if this act is not anchored in reasons which antecede this act, then self-legislating will remains within a normative void and is incapable of making a decision that could be anything more than simply an arbitrary choice of these particular laws rather than any others.

In this context, Christine Korsgaard emphasizes that if the will is the cause of action, „it must act according to some law or other; a lawless cause is for Kant a kind of contradiction.“ 4 In other words, the will as practical reason cannot be understood as the will acting and choosing without reason. And since we derive reasons for action from rules, the free will must act in accordance with its laws and principles. If they were imposed from outside, the will would not be free. Hence the will itself must establish the principles of its own action. Here a pertinent question forces itself upon us: How does the will know what those principles are and why these principles are to be selected rather than any other? It looks as if the free will, by imposing this or that principle upon itself, must restrict its own freedom in an arbitrary way. Charles Larmore identifies a further problem in Kant’s concept. According to him, if autonomy means anything, it means self-legislation, or conferring authority upon some principles by imposing these principles on oneself, thereby acknowledging that they possess an independent relevance that we are simply obliged to endorse. Some principles pertaining to our intellectual or practical ways of action are undoubtedly of such a character. For example, principles which establish the acceptable margin of experimental error. However, the idea of autonomy cannot provide a full account of the authority of principles on which we think or act. This is the case, first of all, because when we impose principles on ourselves, we do it for certain reasons: we assume that it is beneficial for us or that endorsing these principles will further our interests. „Self-legislation is an activity that takes place against a background of reasons that we must previously recognize, whose authority we do not establish but rather find ourselves called upon to acknowledge.“ 5

Secondly, some principles of thought and action (e.g. basic laws of logical inference) are so fundamental to our performance that we do not possess any coherent notion of what not acknowledging their relevance would actually mean, and therefore we do not possess any coherent notion of what could determine our action in spite of it, what it would be that we should impose on ourselves. Such principles can present themselves as categorically binding, independently of our interests and desires, but this observation implies that we must be seen as actually imposing these principles on ourselves. This reflection leads Larmore to an anti-Kantian conclusion that reason is basically a receptive faculty. It is a capacity to perceive and acknowledge the independent relevance of reasons. From Kant’s point of view, as well as from that of his faithful followers, that would however imply a heteronomous concept of reason.

John McDowell heads in a similar direction. He believes that it is difficult to accept the image of a self-legislating subject that establishes laws or norms in a normative void. The legislating will must always start with some prior set of reasons and norms on which to base its legislating. As he puts it, „the insistence on freedom must cohere with the fact that we always find ourselves already subject to norms. Our freedom, which figures in the image as our legislative power, must include a moment of receptivity.“ 6 McDowell is nevertheless fully aware of the fact that moral norms are not part of reality understood as accessible from outside any

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human perspective on it, from outside our form of life. The evaluative thought presents itself as a matter of sensitivity to aspects of the world, just as our perceptual judgements do, so for him both are receptive and open to reality. Indeed, moral values as norms are not part of the world observed from the external point of view proper to science. Nonetheless, according to McDowell, the notion of reality exceeds what science can tell us about it. It also encompasses properties including norms and values, which are accessible only from an internal point of view. For example, colors and the so-called secondary qualities in general are our subjective reactions to external stimuli. Norms and values constitute a similar case: they do not exist independently of human consciousness and reactions, but they do not mean that they are any less real. Like colours, they are part of the objective world, albeit the objective world as conceived of from a human perspective. Scientific naturalism, which McDowell calls bald naturalism, looks at the world from an Archimedean point. McDowell contrasts this kind of naturalism with Aristotelian naturalism, in which ethical values can be discernible only to those who have been educated in the way that enables them to see the world from a certain ethical perspective. This upbringing creates a man’s second nature, which is what Hegel and other German thinkers referred to as Bildung. According to McDowell, one can see a continuity between Aristotle and Hegel, though the latter was more conscious of the diversity of forms of ethical life, resisting at once both relativism and the Kantian division of the world into the phenomenal and the noumenal realms. McDowell thus sees Hegel as an ethical realist in the sense that he accepts a social order of norms and values independent of the individual, in which an individual remains entangled and by which his or her action is determined. We could refer here to the young Hegel’s critique of Kantian ethics. I do not think that contemporary analytic appraisals of the Kantian idea of autonomy and moral law go far beyond Hegel’s critique.

However, is not ethical realism (including that of the Hegelian type) a threat to the autonomy and freedom of the individual? If autonomy means, in the first place, that subjects are not subordinated in their moral decisions to an alien will, e.g. God’s or society’s will, and, secondly, that subjects can determine on their own whether their actions are right or wrong, then autonomy does not preclude realism. According to McDowell, this does not lead to contradiction since a moral agent can be aware that in certain situations s/he is required to act in a given way. In such cases the awareness consists in acknowledging moral reasons, and motivation for action will inhere in the perception of these reasons rather than in external causes such as God’s will or the desire for happiness. In this case an agent’s action cannot be accounted for as constrained by an alien will. Agents can clearly perceive the moral properties of a given situation, which institute their action’s rightness, and in this way they achieve a kind of self-knowledge that underwrites the autonomy of their actions.

However, according to Robert Pippin it is a misconception to interpret Hegel as an ethical realist. On his view, Hegel is a post-Kantian philosopher and, as such, cannot be placed in the line with Aristotle. He tackles Kant’s idea of self-legislation and imbues it with social and historical meaning. According to Pippin, the difference between Kant and Hegel lies not in the fact that the former was a transcendental idealist and the latter a realist, but in the fact that Kant made legislation a matter for the individual subject’s practical reason while Hegel made it a matter for spirit (Geist) as a collective subject. Hegel claims that we can never encounter normative claims as individual, independent, noumenal beings, capable of acting on their own, but only as subjects situated in diverse socially and historically constituted relationships of mutuality. Contrary to Kant’s view, self-legislation cannot consist in a singular moment of choice since each act of this kind must be conditioned by norms and values proper to the given community of which the

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individual is part. In contrast to the realist view, these norms and values do not exist in such a way that the community could be said to find or discover them; rather, they are an outcome of the collective, historical process of creating them. Importantly, the process is itself conditioned by difficulties and predicaments encountered in previous attempts to endorse a certain system of norms and values that proved either to be unstable or not to correspond to human pursuits. On Hegel’s account of the relevance of the principles and norms that direct our actions, a „decisive classificatory procedure or evaluative criterion“ will never be coherent if what we mean by that is some „ultimate explanatory principle or basic argumentative strategy.“ There are no rules for specifying which principles we should endorse in our discursive practices, just as there are no axioms for how to construct such principles. There are no transcendental arguments supporting the necessary conditions for all experience. All we can do is adopt a narrative account of way we have come to regard some set of rules or a practice as authoritative. Hegel’s phenomenology is an example of such an account which always refers to the pre-discursive context of historical experience, whose common name is life, as a source of ultimate procedures or principles.“ Our description of our basic sense-producing practices is thus always bound up with the description of the inconsistencies experienced in the life of Spirit. According to Pippin, Hegel completes the Kantian project of self-legislation, but still manages to evade realism by integrating into it his characteristic concern with society and historicity.

Even so, Robert Stern has raised the following objection. If ethical norms are not constructed in a moral void, but are always established in opposition to the prior norms which have proven unacceptable for this or that reason, i. e. if moral aporiae are treated as a rationale for rejecting some of those norms and constituting new ones, then the wish to avoid these aporiae must act as precisely the sort of ultimate explanatory principle, general regulative ideal, or basic argumentative strategy that Pippin strove to avoid in his model of self-legislation. Stern writes:

„It is hard to see, on Pippin’s interpretation, what could entitle Hegel to hold that an aporia in a practice governed by certain norms gives those engaged in the practice a reason to overcome that aporia, in such a way that this reason has itself got its normative status from the prior aporia in previous practices; rather, it looks as if this reason governs the way in which our practices are meant to be constructed, but is not itself constructed in the same manner.9"

A fundamental problem of constructivism thus seems to persist. Should Hegel then be interpreted as an ethical realist? If there exists an order of norms and values that is independent of us and thus not an outcome of our legislation, does it not threaten our autonomy as moral agents? According to Stern, here everything depends on how Hegel approaches the validity of morality. The notion of obligation is central to Kant’s ethics. For Kant, morality is a result of an act of legislating to which a legislator is actually subordinate. In the constructivist account, the source of validity of values and norms lies in the fact that they have been commanded to us, not however by an alien will (e. g. God’s will), but by ourselves. Abandoning the constructivist stance for the realist one, we would face serious difficulty in explaining why some norms and values are binding for us. A realist could reply that, by their nature, moral facts themselves oblige us internally, but then s/he says only that the right and good are obligatory without actually explaining why it is so and how it happens that they become obligatory to us. Moreover, if we discard the model of self-legislating and assume that the moral obligations that bind us are commanded (rather than established by us), we arrive at an account that seems incompatible with our autonomy. Yet, according to Stern, Hegel showed how validity of moral obligations could be understood outside the model of self-legislation without impinging on our autonomy. The young Hegel’s struggle against all forms of positivism can serve as a telling example here insofar as it initially entails an erasure of the subject’s moral autonomy. Hegel is even more radical than Kant. While Kant sought to transfer the source of moral authority

9 Ibid., 255.
from God to human beings, Hegel embarked on an even more fundamental examination, asking whether the relations between a subject and what s/he should do ought to be conceived in the first place as relations of being commanded or bound. Stern points to the early unpublished text *The Spirit of Christianity and Its Fate*, in particular to the figure of Jesus, who, as Hegel writes, „to complete subjection under the law of an alien Lord...opposed not a particular subjection under a law of one’s own, the self-coercion of Kantian virtue, but virtues without lordship and without submission, i. e. virtues as modifications of love.”¹⁰

According to Stern, Hegel liberates us from subordination to any law at all. In this sense he goes beyond Kant, whose anthropocentrism can be interpreted as a deification of man who replaces God as the originator of moral laws. For Hegel, to escape from submission to the law does not consist in locating us beyond the ethical; Hegel discerns in us a fundamental capacity for reconciling our desires and characters with what is right in our actions. While in the sphere of morality obligation is still felt as a command imposed on a subject, it ceases to be experienced in that way in the sphere of *Sittlichkeit*. In the *Philosophy of Right*, Hegel discusses ethical laws in a more Kantian sense as laws which have an absolute authority and power, adding immediately however that,

„on the other hand, they are not something alien to the subject. On the contrary, the subject bears spiritual witness to them as to its own essence, in which it has its self-awareness [Selbstgefühl] and lives as in its element which is not distinct from itself – a relationship which is immediate and closer to identity than even [a relationship of] faith or trust“.¹¹

Stern interprets this passage in the spirit of the young Hegel’s theological text *The Spirit of Christianity and Its Fate*. Hegel’s statement that „the subject bears spiritual witness to them as to its own essence,“ means according to Stern that a moral agent and his/her nature become unified with ethical laws, at which point it becomes entirely pointless to speak of „inner obligations“. In the *Philosophy of Right*, Hegel demonstrates that the case of love, where we do not feel bound or obliged by the person we love, has a counterpart in our experience in the social and political world. According to Stern, the tension felt by constructivists between realism and autonomy does not exist for Hegel. This is not however because Hegel is a constructivist, but because the legalistic concept of morality is not the ultimate explanation of our moral action. Pippin may be right that for Kant law requires a legislator and that, if the legislator is not God, it must be us. However, from the Hegelian perspective the proper response is a critique of the concept of an ethics based on law, not the pursuit of a Kantian constructivist account of self-legislation.

The elimination of the tension between realism and autonomy through love cannot in my opinion be Hegel’s last word on the issue. Indeed, already in his Frankfurt period Hegel himself identified weak points of this solution. Love is a feeling, and as such is something subjective. It lacks the objectivity it would require in order to accomplish a genuine reconciliation of subjectivity and objectivity. In his mature philosophy, particularly in the *Philosophy of Right*, Hegel seeks to mediate between individual autonomy and the objective order of norms and values, but he no longer appeals to love to do so. I am thinking here of his concept of ethical life, specifically his concept of the state as a sphere of ethical life, in which the antagonism is to be overcome. Such an account implies, however, a complex and frequently debated conflict of *Moralität* and *Sittlichkeit* as well as Hegel’s political philosophy with its central axis of individuality and community. Viewed from this perspective, the problem of ethical realism and anti-realism (constructivism) takes on a different form, even though it does not entirely disappear at all. For if we agree with Hegel and other communitarians that freedom and autonomy should be understood in the context of mutual human interactions and that the structure of these interactions creates a context in which freedom and autonomy become reality and not only an idea, then a rather

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different problem emerges, whose core is, as Rousseau saw, to understand how can one live in a community with others and yet remain a free and autonomous individual.