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THE SIGNIFICANCE OF NORMATIVITY

STUDIES IN POST-KANTIAN PHILOSOPHY AND SOCIAL THEORY

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CBS COPENHAGEN BUSINESS SCHOOL
HANDELSHØJSKOLEN

The Significance of Normativity

Studies in Post-Kantian Philosophy and Social Theory

Thomas Presskorn-Thygesen

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Thomas Presskorn-Thygesen
The Significance of Normativity –
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The Doctoral School of Organisation and Management Studies (OMS) is an interdisciplinary research environment at Copenhagen Business School for PhD students working on theoretical and empirical themes related to the organisation and management of private, public and voluntary organizations.

Preface

First of all, I must thank the dissertation committee, Professor Patrick Baert of Cambridge University, Associate Professor Anne-Marie Søndergaard Christensen of University of Southern Denmark and Associate Professor Morten Sørensen Thaning of Copenhagen Business School. I am honoured that such immensely distinguished scholars from within both philosophy and social theory have agreed to evaluate my work. Secondly, I wish to thank my supervisors, Professor Sverre Raffnsøe and Professor Christian Borch. They have helped the dissertation in more ways than I think they know; and each of them in their own way.

In addition to the Department of Management, Politics and Philosophy at CBS – which I think of as a second home – the Faculty of Philosophy at Cambridge University must be thanked for accepting me as a visiting academic of the Michaelmas term of 2015. At CBS, Ole Bjerg deserves thanks for inviting me into his research just as librarian Thomas Basbøll must be mentioned as an aid in the craft of research. Also, it is not the first time that Marius Gudmand-Høyer has been named as the *sine non qua* of a PhD dissertation and I doubt that it will be the last. This dissertation, in any case, confirms the rule. Finally, Lars Nørgaard, expert in the history of early modernity, must be thanked. Lars, you are, after all, my worst interlocutor and my best friend.

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The dissertation is dedicated to my family who – in an instance of cruel irony – has both suffered the most and supported me the most.

Til Pelle, Sophus og Cecilie

Thomas Presskorn-Thygesen
Frederiksberg, 9th of November 2016

English summary

This dissertation examines the concept of normativity through a series of studies in post-Kantian philosophy and social theory. The overall aim is to analyse the historical as well as systematic relevance of the concept of normativity to modern philosophy and to the methodological challenges of social theory. In pursuing this overall research agenda, the dissertation contributes to a number of specific research literatures. Following two introductory and methodological chapters, Chapter 3 thus critically examines the analysis of normativity suggested in the recent attempts at transforming the methods of neo-classical economics into a broader form of social theory. The chapter thereby contributes to the critical discourses, particularly in philosophy of science, that challenge the validity of neo-classical economics and its underlying conception of practical rationality. In examining the practical philosophies of Kant and Hegel, Chapter 4 substantiates and collects the numerous, specific insights on normativity, practical rationality and autonomy that have been generated by the so-called 'post-Sellarsian' reading of German Idealism. The chapter thereby contributes not only to this particular branch of philosophical exegesis, but also to the social theoretical concern with the conceptions of autonomy and agency that have influenced European modernity. Chapter 5 examines the social theoretical transfiguration of the problems of German Idealism that occurred in the works of Durkheim and Weber. It does so by situating Durkheim and Weber in the context of Neo-Kantian philosophy, which prevailed among their contemporaries, and the chapter thereby reveals a series of under-thematised similarities not only with regard to their methodological positions, but also in their conception of social norms. Chapter 6 employs the late Wittgenstein's much-debated rule-following considerations to recapitulate the significance of normativity to philosophy and social theory; in this way the chapter shows a wider import of the rule-following considerations that go beyond the strict mathematical and epistemological perspectives most often analysed in the Wittgenstein scholarship related to this topic.

Keywords: Normativity, post-Kantian philosophy, social theory, philosophy of social science, German Idealism, Neo-Kantianism in classical sociology, economic conceptions of norms, I. Kant, G.W.F. Hegel, É. Durkheim, M. Weber, L. Wittgenstein, G.S. Becker.

Dansk sammendrag

Afhandlingen undersøger begrebet normativitet igennem en række studier i post-kantiansk filosofi og socialteori. Afhandlingens overordnede mål er således at analysere den ikke kun historiske, men også systematiske relevans, som dette begreb kan tillægges både i moderne filosofi og for samfundsvidenskabernes metodologiske udfordringer, således som disse sædvanligvis har været behandlet i såkaldt socialteori. Mere specifikt bidrager afhandlingen hermed til en række særegne forskningsområder. Efter to indledende metodologiske kapitler, undersøger Kapitel 3 således de nutidige forsøg på at analysere normer, som har fundet sted inden for transformationen af neoklassisk økonomi til en mere generel samfundsteori. Der bidrages hermed til kritikken, særligt inden for videnskabsteorien, af neoklassisk økonomi og dens underliggende men kontroversielle begreb om praktisk rationalitet. I en undersøgelse af netop opfattelser af praktisk rationalitet hos Kant og Hegel samler og underbygger Kapitel 4 den række af indsigter om normativitet, handling og autonomi, som den særligt 'post-sellarsianske' læsning af tysk idealisme har genereret. Hermed bidrages der ikke blot til denne specifikke gren inden for filosofisk eksegese, men også til den socialteoretiske interesse i de opfattelser af autonomi og agens, som afgørende har præget den europæiske modernitet. Kapitel 5 undersøger på et mere konkret analyseniveau den socialteoretiske transfiguration af den tyske idealismes problemer, som fandt sted hos Durkheim og Weber. Dette gøres ved at genlæse Durkheim og Weber med udgangspunkt i de neo-kantianske standpunkter, der gjorde sig afgørende gældende i deres samtid og hermed vises en række undertematiserede ligheder imellem Durkheim og Webers metodologiske standpunkter såvel som imellem deres respektive analyser af normer. Kapitel 6 anvender Wittgensteins regelfølgeovervejelser til at reartikulere normativitet-begrebets betydning for moderne filosofi og socialteori og der vises dermed en bredere implikationsrække af disse overvejelser, der går hinsides de strengt matematiske og epistemologiske perspektiver, som regelfølgeovervejelserne sædvanligvis har givet anledning til at debattere.

Emneord: Normativitet, post-kantiansk filosofi, socialteori, samfundsvidenskabelig videnskabsteori, tysk idealisme, neo-kantianisme i klassisk sociologi, norm-opfattelser i økonomi, I. Kant, G.W.F. Hegel, É. Durkheim, M. Weber, L. Wittgenstein, G.S. Becker.

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Introduction

Chapter 1: The question of normativity

§**1.** Prologue: Introduction to the concept of normativity §**2.** The problems and aims of the dissertation §**3.** Outline of the dissertation

§1. Prologue: Introduction to the concept of normativity

> Normativity pervades our lives. We do not merely have beliefs: we claim that we and others ought to hold certain beliefs. We do not merely have desires: we claim that we and others ought to act on some of them, but not on others. We assume that what somebody believes or does may be judged reasonable or unreasonable, right or wrong, good or bad, that it is answerable to standards or norms... We find ourselves all at sea because there is a huge disagreement about the source and the authority of the norms on which we all constantly rely.[1]

- Onora O'Neill

Where would you go to see norms? To a courtroom where judgements determine the transgressions of law? To a church sermon where a certain conduct of life is preached? To a monastery where this conduct is realized? A philosophical lecture on ethics? A street protest where normative critique is shouted in unison? To a factory floor or a formal dinner where most behaviour proceed according to predictable standards? To a market place where our sense of value seemingly takes the abstract but exact expression of prices? Or perhaps to a corporate board meeting where a new set of norms and corporate values for thousands of employees is issued? All of these places and practices – some juridical, some political, some economic – concern rule-directed and more or less organized forms of action and judgement, and at least to this extent they instantiate or express social norms.

Yet, and in spite of the familiarity of these places and practices, we can be struck by the elusiveness of the norms involved: How exactly do norms direct or guide us? What is their binding force? What are their effects? Their social conditions? As O'Neill indicates by using a Wittgensteinian trope ('we find ourselves all at sea'), these are distinctly philosophical questions,

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[1] O. O'NEILL 1996: 'Introduction', in C.M. Korsgaard 1996: *The Sources of Normativity*, p. xi. See the 'Bibliography' for a short note on the applied referencing system.

but they are also questions that have haunted the social sciences from their very inception.[2] As the arguably first female social scientist, Harriet Martineau, remarked in her classic work *How to Observe Morals and Manners* (1838), 'the science of morals' is 'the science which, of all the sciences which have yet opened upon men, is perhaps the least cultivated, the least definite, the least ascertained in itself, and the most difficult in its application.'[3] She added against Mary Wollstonecraft, who opposed philosophical reflections on morality to the study of actual conduct and manners, that progress in this science could be achieved only by acknowledging that 'manners are inseparable from morals, or, at least, cease to have meaning when separated.'[4]

This dissertation shows that the question of normativity – almost 180 years after Martineau but still posed midway between philosophy and social science – remains highly pertinent. Specifically, the dissertation presents a philosophical examination of normativity that relates philosophical questions from the history of ideas to the challenges of social science and, more precisely, to the methodological reflections on social science as these occur in social theory (see Chap. 1, §2). In overall terms, social norms pose a distinct philosophical and methodological difficulty still worthy of consideration: On the one hand, norms possess normative force binding us in various ways, but on the other hand, they seem to be mere empirical traits of various social practices; a mere indication of what regularly happens. Social norms thus constitute, as it were, a daily and continuous insult to the Humean separation of 'is' and 'ought'.[5] While words such as 'ought', 'must', 'shall', 'right' and 'wrong' typically characterize

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[2] More specifically, it belongs to the set of post-Wittgensteinian tropes that identify philosophical questions by their ability to induce disorientation: 'A philosophical problem has the form: "I don't know my way about".' (L. WITTGENSTEIN 2001 [1953]: *Philosophical Investigations*, §123). For an example of its maritime variant, see *ibid.*, Part II, p. 227.

[3] H. MARTINEAU 1838: *How to Observe Manners and Morals*, p. 3. Also see S. HOECKER-DRYSDALE 1992: *Harriet Martineau, First Woman Sociologist* and G. ABEND 2010: What's new and what's old about the new sociology of morality?', in S. Hitlin and S. Vaisey (eds.): *The sociology of morality*.

[4] H. MARTINEAU 1838: *op. cit.*, p. 220. Compare with M. WOLLSTONECRAFT 2008 [1792]: *A Vindication of the Rights of Women*, p. 16. Against Wollstonecraft, Martineau was aligned with Hegel's position, which claims that abstract morality [*Moralität*] cannot be grasped independently of 'ethical life' [*Sittlichkeit*] conceived as a part of actually existing custom. Cf. G.W.F. HEGEL 2003 [1820]: *Elements of the Philosophy of Right*, §33. ❖ See Chap. 4 of the dissertation.

[5] Cf. D. HUME 1965 [1739]: *A Treatise of Human Nature*, Book III, Part I, Sect. I, pp. 469–470. Hume's claim of the non-derivability of 'ought' from 'is' is only one way of phrasing the separation of *fact* and *value*. Another classical formulation of the separation of the normative and the factual is Kant's discovery, in the introduction to the *Critique of Judgement*, of what he calls a seemingly 'incalculable gulf' separating theoretical reason from practical reason; a gulf, however, to be bridged by the power of judgement [*Urteilskraft*]. Cf. I. KANT 1790: *Critique of Judgement*, 5: 175. ❖ In referencing Kant's works, I use the cross-edition standard pagination of Kant's works. The pagination follows Rosenkrantz and Schubert's Prussian Academy Edition from 1837 in which, for instance, the

appeals to norms, words like 'is', 'were', 'will', 'predict', 'possible' usually characterize statements of empirical fact. While laws of nature are falsified and revised if contradicted, norms can be upheld in spite of their infringement. Infringement of the prohibition against murder, for instance, does not falsify the relevant laws banning murder. Norms set expectations that we are willing to uphold in spite of their disappointment.

It has thus been suggested within several disciplines – in philosophy by Wittgenstein, in the history of science by Canguilhem, in linguistics by Ziff, in jurisprudence by Hart[6] – that there is a distinction between a norm understood as (1) 'regularly doing something', i.e. doing something with an empirical regularity, and a norm understood as (2) 'having a rule about something', i.e. doing something in light of commitment, responsibility or binding obligation. Such distinctions are clarificatory and important. Yet a crucial predicament here is that while modern moral and even political philosophy (especially in its dominant Rawlsian forms) have tended to shun all empirical accounts of norms, modern social theory (especially in its Marxist, post-structuralist and historicist variants) has conversely tended to bracket the question of responsibility and normative bindingness. In contrast to such one-sided accounts of norms and the tendency to oscillate between them, this dissertation argues that these two sides of norms are related and that we can benefit from seeing their mutual relations. Hence, this dissertation examines a series of historical and philosophical perspectives in which such relations can be acknowledged, even highlighted.[7] The mutual relations of this kind are indeed neatly indicated by the etymology of the very word 'norm' as derived from and containing a semantic layer of

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Groundwork was printed towards the end of volume 4. Hence, a reference to that work can be given as I. Kant 1785: *Groundwork of the Metaphysics of Morals*, 4: 431. In the case of the first critique, I follow the pagination following the A/B-editions, e.g. 'I. Kant 1787: *Critique of Pure Reason*, B74'. This mode of reference allows the reader to consult any edition or translation of Kant's works with little difficulty. The English translation preferred here is P. GUYER and A.W. WOOD (eds.) 1995–2016: *The Cambridge Edition of the Works of Immanuel Kant*, 16 volumes.

[6] L. WITTGENSTEIN 2001 [1953]: *Philosophical Investigations*, §82, §§198ff. G. CANGUILHEM 1998 [1966]: *The Normal and the Pathological*, pp. 237–256. P. ZIFF 1960: *Semantic Analysis*, p. 37. H.L.A. HART 2012 [1961]: *The Concept of Law*, pp. 8–10. The distinction echoes Kant's distinction between acting in mere 'accordance with law' (that is, with an empirical regularity) and acting 'according to a *conception* of law' (that is, in light of practical reason). Only beings endowed with practical reason possess the capacity [*Vermögen*] to take the latter stance. Cf. I. KANT 1788: *Critique of Practical Reason*, 5: 23.

[7] Acknowledging their mutual relations is, of course, neither to simply identify these two aspects nor to conflate facts and values. On the contrary, charting their relation presupposes great care in *not* conflating them. Yet as Heidegger concisely stated of the concept of a norm: 'A law of nature is a principle of explanation, a norm is a principle of evaluation [*Beurteilung*]. These two kinds of lawfulness are not identical, but they are also not absolutely different from each other.' (M. HEIDEGGER 2002 [1919]: *Towards the Definition of Philosophy,* p. 28).

'prescription' and 'law' as well as a layer of 'actual conduct' and 'custom' (see Table 1). As the etymology of 'norm' indicates, norms are prescriptions or standards of correct measurement, but insofar as norms are also realized in practice they are not merely ideal prescriptions, but also empirical and historical items with real social and practical effects to be described.[8]

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[8] For a further description the lexical semantics of 'norm' and a brief analysis of its partial synonyms like 'standard', 'prescription', 'rule', 'pattern' and 'directive', see G.H. VON WRIGHT 1963: *Norm and Action – A Logical Inquiry,* 'On Norms in General', pp. 1–15. And for a concise account of its historical evolution, see J. RITTER (ed.) 1971–2007: *Historisches Wörterbuch der Philosophie,* Vol. 6 (1984), entry 'Norm', pp. 906–915.

Table 1: An etymological sketch of "norm": *Gnōnōm* and *norma*

Etymologically, "norm" stems, via French *norme*, from the Latin *norma* ('rule', 'pattern', 'precept'; 'carpenter's square'). From Latin, it stems from the Greek *gnōmōn*, which qualifies 'one that knows, interprets or discerns'. *Gnōmōn*, itself derived from *gignōskō* ('coming to learn or know'), refers as a noun, according to B. Cassin's translation, to 'that which rules or regulates': It was thus applied predominantly to instruments of measurement. It is the needle of a sundial or the dial itself (Plutarch, *Morals*, 1006e; Herodotus, *Histories*, 2.109); it is a water clock or it is the sometimes sharp edge separating the natural forest from cultural farmland (Athenaues, *Deipnosophuistae,* 42b). Most of all, however, *gnōnōm* is a 'carpenter's square'; a practical instrument of right measure (*metron*) for the carpenter. As Aristotle emphasizes in the *Categories* (15a), a square (*gnōnōm*) 'surrounding another square, magnifies it without altering it'. The term thus belongs to the most abstract and intellectual – to geometry, where Euclid uses *gnōnōm* as the name of the complementary parallelogram which can be drawn from any side of an existing parallelogram – just as it belongs to the most concrete, where *gnōmōnes* in Xenophon (*On Horsemanship*, 3.1) denotes the teeth by which one can determine the age of a horse. In ancient Greek, *gnōnōm* was thus literally an instrument of measurement, but also decisively an index of just or right measure (*metron*).

Via Etruscan, it was this complex of meanings which first entered into Latin as *norma*. With the rise of the Roman Republic, *norma* was however burdened by a new semantic layer. With the rise of the "urbanistic" law of the *urbs* and the rise of civic law, *civitas*, instruments of measurement came to take on a decisive metaphorical meaning as that which could organize the space of the city. In reference to the original Greek, Cicero can thus state that just as the Greeks used *gnōnōm* to measure carpentry and buildings, so *norma* and *regula iuris* are the measures of right (Cicero, *De legibus* I, 19). Finally, with the rise of the Empire, *norma* came to betoken, as emphasized by J. Baud's etymology, the virtual form of the societal matter from which the jurists could make law, *lex*. *Norma*, in this sense, was the already constituted customs, the already established rules of social order distinguishing between correct and incorrect, which the jurists could then codify in *lex* thereby specifying justice or 'that which is binding', *jus*. It was this sense of *norma* as that by which the social 'regulates itself' by 'binding itself' that entered – through a myriad of historical and linguistic variations - into the languages affected by Latin. It is, of course, also this sense of *norma*, as concerning the very core of social relations, that renders the concept worthy of consideration even today.

Sources used for the etymological sketch: H. LIDDELL and R. SCOTT 1940: *A Greek-English Lexicon*. C.T. LEWIS and C. SHORT 1879: *A Latin Dictionary*. J. RITTER (ed.) 1971–2007: *Historisches Wörterbuch der Philosophie*, Vol. 6 (1984), entry 'norm', pp. 906-915. B. CASSIN 2014: 'Gnômôn, metron, kanôn' and J. BAUD 2014: 'Lex/Jus'; the two latter in B. Cassin (ed.) *Dictionary of Untranslatables*, pp. 565–70.

§2. The problems and aims of the dissertation

For the present dissertation, the concept of normativity constitutes a prism through which the boundaries of philosophy and social theory can be explored and negotiated. Normativity, in this sense, prompts a *problem of disciplinary differentiation*. While the concept of normativity does not exhaustively define the disciplinary differentiation of philosophy and social theory in its current and historical complexity, it offers a specific angle on this differentiation, since it constitutes a specific object of convergent interest despite all the differences between philosophy and social theory. This is clearly one of the analytical merits of investigating the concept of normativity. However, when viewed from this position mid-way between philosophy and social theory, normativity also raises questions that reach beyond negotiations of disciplinary boundaries and into questions of independent philosophical and theoretical weight.[9] At this latter level, the dissertation addresses problems such as the following:

— What grounds the capacity to maintain, make and break the norms that define and orient our collective human condition as social creatures?

— What is it to be a subject for whom norms have significance?

— What picture of practical reason and our human capacities must we have in order to make sense of normative action in a social setting?

These questions are pressing especially when seen from the perspective of the increasing amount of work in philosophical enquiry carried out under the rubric of 'normativity'. As a recent and quantitatively supported literature review states, interest in normativity has been on the rise since the 1990s.[10] Reasons not only for action but also for belief and other attitudes have increasingly been viewed as normative, especially within analytical philosophy. Consequently, the concept of normativity has migrated from ethics into the important analytical disciplines of epistemology and philosophy of language, thereby broadening the scope of

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[9] As pinpointed in S. FULLER 2010: 'Explaining the normative', *The Times Higher Education Supplement*, 10th of June 2010.

[10] 'A date range search of the *Philosopher's Index* for titles with the word 'normativity' returns zero results before 1980, three results for the '80s, 76 results for the '90s and (to date) 218 results for the 2000s.' (S. FINLAY 2010: 'Recent Work on Normativity', *Analysis Reviews* 70(2): 331–346; p. 331.) While Finlay's methodology – using the *Philosopher's Index* as an indicator and not comparing with the occurrence of the less technical word forms like 'normative' or 'norm' – can be challenged, there is no reason to challenge the overall trend in recent research indicated by these numbers.

research carried out under the rubric of 'normativity'.[11] In this expansion, the work of Robert B. Brandom and John McDowell has played a decisive role.[12] Under the banner of 'normative pragmatics', Brandom has developed a novel approach in the philosophy of language, while McDowell has invigorated the interest in the concept of normativity by his attempt to exorcise contemporary epistemology from the threat of reductive naturalism. Natural science encourages contemporary philosophers to question whether there are normative facts involving, say, reasons, obligations, meanings and values that cannot be accommodated within a scientific image of the world dealing exclusively with law-governed causal relations.[13] In arguing that there are indeed such irreducible normative facts, McDowell phrases the issue in terms of finding the right place for two distinctive kinds of intelligibility thereby relieving the confusions and anxieties that accompany a one-sided emphasis on reductive naturalism:

> Modern science understands its subject matter in a way that threatens, at least, to leave it disenchanted, as Weber put the point in an image that has become a commonplace. The image marks a contrast between two kinds of intelligibility: the kind that is sought by (as we call it) natural science ['the kind we find in a phenomenon when we see it as governed by natural law'] and the kind we find in something when we place it in relation to other occupants of 'the logical space of reasons' ['the kind of intelligibility that is proper to meaning'].[14]

Like McDowell, Brandom also makes the claim that the normative notions of commitment and responsibility are indispensable to the epistemological grasp of meaning, knowledge claims and intentionality. As Brandom writes:

> A typical twenty-month-old child who toddles into the living room and in bell-like tones utters the sentence 'The house is on fire', is doing something quite different from what

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[11] Normativity does not yet occupy an equally central role within continental philosophy. Yet work on normativity as a key concept is also on the rise within this tradition, especially within work on German phenomenology and on Michel Foucault. Cf. the important work on normativity in phenomenology by, e.g., S. CROWELL 2013: *Normativity and Phenomenology in Husserl and Heidegger*; S. GOLOB 2014: *Heidegger on Concepts, Freedom and Normativity*; and M.S. THANING 2015: *The Problem of Objectivity in Gadamer's Hermeneutics in Light of McDowell's Empiricism*. On Foucault, see S. LEGRAND 2007: *Les normes chez Foucault*; P. MACHEREY 2009: *De Canguilhem á Foucault – la force des norms*; J. LAIDLAW 2014: *The Subject of Virtue*, pp. 92–138; and S. RAFFNSØE, M. GUDMAND-HØYER and M.S. THANING 2016: *Foucault: A Research Companion*.

[12] E.g. J. MCDOWELL 1996: *Mind and World* and R. BRANDOM 1994: *Making it Explicit*.

[13] Cf. M. DE CARO and D. MACARTHUR 2010: 'Science, Naturalism and the Problem of Normativity', in M. De Caro and D. Macarthur (eds.) 2010: *Naturalism and Normativity*, pp. 1–2 and p. 17 n. 1.

[14] J. MCDOWELL 1996: *Mind and World,* p. 70. The insertions in bracketed quotes are from McDowell's further explanation of the contrast at p. 71.

his seven-year-old sister would be doing by making the same noises. The young child is not claiming that the house is on fire, for the simple reason that he does not know what he would be committing himself to by that claim, what he would be making himself responsible for. He does not know what follows from it, what would be evidence for it, what would be incompatible with it, and so on. He does not know his way around the space of reasons well enough yet for anything he does to count as adopting a standing in that space.[15]

In addition to Brandom's and McDowell's work, recent research in ethical theory, like Christine M. Korsgaard's revival of Kantian ethics, has also displayed an intensified interest in the concept of normativity.[16] This present dissertation is inspired by the arguments put forward by these authors and looks especially to McDowell's work for a number of its key points.

Yet the concerns of the dissertation are different. Hence, rather than examining normativity in articulating a positive ethical doctrine or continuing McDowell's important work in elaborating a general epistemological picture, the dissertation focuses specifically on normativity as it becomes relevant within social theory and the social sciences: What are the implications of normativity within social practices for the explanation and understanding of those practices? This question has to be treated both historically and in conjunction with an analysis of particular theoretical and social scientific frameworks. As the vocal critic of abstract normative

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[15] R. BRANDOM 1995: 'Knowledge and the Social Articulation of the Space of Reasons', *Philosophy and Phenomenological Research* 55(4): 895–908; pp. 897–898. Both McDowell and Brandom are sometimes characterized as 'post-Sellarsians', since their normative conception of knowledge owes much to Wilfred Sellars. The point of Brandom's above example is thus the 'Sellarsian' one that knowledge belongs in normative context: '[I]n characterizing an episode or a state as that of *knowing*, we are not giving an empirical description of that episode or state; we are placing it in the logical space of reasons, of justifying and being able to justify what one says.' (W. SELLARS 1956: 'Empiricism and the Philosophy of Mind', in H. Feigl and M. Scriven (eds.) 1956: *Minnesota Studies in the Philosophy of Science*, pp. 298-299.)

[16] C.M. KORSGAARD 1996: *The Sources of Normativity*. As T.M. Scanlon has recently argued, contemporary meta-ethics has quite generally shifted from discussing its issues in terms of *motivation* to articulating its concerns in terms of *normative reasons*. Cf. Scanlon's account of this general development in meta-ethics in T.M. SCANLON 2014: *Being realistic about Reasons*, pp. 1–15. In the 1950s, '60s and '70s, Scanlon argues, questions of morality were discussed predominantly in the Humean and quasi-positivist terms of what desires that might motivate an agent to prudence. For instance, even when Thomas Nagel, in *The Possibility of Altruism* (1970), argued for the rationality of altruism, he framed the question in terms of what desires, emotional states or pro-attitudes that might motivate or incline the agent to certain forms of behaviour rather than in terms of the reasons and patterns of practical reasoning that might lead to altruistic conclusions. Nagel argued that altruism was a *rational* constraint on action, but he nevertheless characteristically framed that question in terms of motivation: 'I conceive ethics as a branch of psychology. My claims concern its foundation or ultimate motivational basis.' (T. NAGEL 1970: *The Possibility of Altruism*, p. 1). By contrast, and as argued by Scanlon, meta-ethics now discusses the meaning of 'right', 'wrong', 'good', etc. in terms of normativity and the *normative reasons* that might rationalize and ground actions so characterized. For a systematic review of the novel meta-ethical positions that attach privileged significance to the concept of normativity, see S. FINLAY 2010: 'Recent Work on Normativity'.

concepts in social science, Stephen M. Turner, has rightly complained, philosophical defenders of strong notions of normativity in social science often neglect disciplinary histories and exhibit ignorance of even basic social scientific frameworks such as those of Weber, Durkheim, Coleman, Bourdieu or Foucault.[17] Rather than carrying out a philosophy of social science *in abstracto*, the treatment of normativity in the present dissertation aims to avoid the pitfalls indicated by Turner by providing historically sensitive analyses of social theory and of specific social scientific theories. In this way, it is a fundamental premise and ambition for the treatment of the question of normativity to maintain a *concrete* analysis of social theory as the persistent reference point for the philosophical discussions developed here.

This ambition, however, requires a determination of what is understood by 'social theory' and of the intellectual field between philosophy and social theory. Social theory, in the specific sense intended here, could, almost 200 years after its inception, be defined by an interest in the social field running along three axes: (1) *Economic relations*, which have reached their high point in market relations under the system now known as 'neo-liberal capitalism'. (2) *Ideologies, or orders of justification*, that offer reasons for action and justify social power by defining the place proper to those subject to it. (3) *Forms of political power and action* made possible in different geographical,

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[17] S. TURNER 2010: *Explaining the Normative*, pp. 1–29. Turner is especially critical of perspectives within philosophy of social science that, like the present dissertation, draws on Neo-Kantian and McDowellian-Brandomian notions of normativity. Turner regards such notions as mere 'fashion'; a flawed attack on causally grounded social science and a failed attempt at ascribing 'epochal significance to what might otherwise seem like a parochial dispute among professional philosophers' (p. 3). Needless to say, the dissertation stands opposed to the philosophical arguments of Turner and to the concrete 'anti-normative' readings of, e.g., Max Weber that he offers (pp. 70–73). Nonetheless, Turner is arguably right that much philosophy of social science tends to operate at a too abstract level preferring references to Carl Hempel or Donald Davidson rather than to Durkheim or Bourdieu. Hempel's deductive-nomological model of social scientific explanation and Davidson's account of agent causation are no doubt important ideas, but they are no substitute for the concrete analysis and commentary of actual instances of social scientific frameworks. Not falling prey to this pitfall constitutes the reason why this dissertation treats and analyses concrete instances of social theory rather than doing philosophy of social science *in abstracto*. A similar waring is issued in P. BAERT and F.D. RUBIO 2009: 'Philosophy of the Social Sciences', in B. Turner (ed.) 2009: *The Blackwell Companion to Social Theory*, pp. 75–76. Also note the commendable alternative approach, which insists on a more comprehensive dialogue with social scientific authors and concepts, outlined in P. BAERT 2005: *Philosophy of the Social Sciences: Towards Pragmatism*, pp. 2–3. While there are thus exceptions, the problematic tendency is illustrated by numerous of the contributions to a standard collection like M. MARTIN and L.C. MCINTYRE (eds.) 1994: *Readings in the Philosophy of Social Science*. An exception specifically within research on normativity is found in Julie Zahle's excellent work, which extends Brandom's notion of normativity while also engaging carefully with the arguments of Harold Garfinkel, Pierre Bourdieu and Anthony Giddens. See J. ZAHLE 2009: *Practice, Perception and Normative States*, pp. 8–57. For a discussion and critique of S. Turner's viewpoints, also see the contributions to M. RISJORD (ed.) 2016: *Normativity and Naturalism in the Philosophy of Social Science*.

legal and constitutional settings.[18] The founders of social theory – Marx, Durkheim and Weber – were all deeply concerned with tracing the interconnections of these axes or domains of social life to various forms of normativity, especially as they emerged and evolved under the condition of modernity in the Western world. Indeed, anyone interested in understanding, let alone changing, the organization of the social world should have a keen interest in the various relations that have and could be drawn between these three axes. The present dissertation contributes to such a social theoretical understanding, since it offers a philosophical and historical analysis of the concept of normativity as a cluster or subset of relations that runs through these three axes.

The objective of the dissertation is twofold, namely (a) through an inquiry into the *history of ideas* to understand the theoretical and philosophical conceptions that made it possible and pertinent to take an interest in normativity within social theory; and (b) in light of these historical materials and based on systematic *philosophical analysis* to understand how normativity can be adequately grasped and conceptualized more precisely. These two objectives are addressed through four detailed studies of paradigmatic instances of post-Kantian philosophy and social theory. In particular, the dissertation analyses the significance of normativity within (1) the seminal practical philosophy of German Idealism; (2) the foundational and classic social theories of Durkheim and Weber; (3) the late Wittgenstein's much-debated conception of rules; and (4) the contemporary forms of social theory inspired by neo-classical economics (for an overview of these studies and their coherence, also see Chap. 1, §3 and Chap. 2).

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[18] The three axes described above follow the definition provided by A.T. CALLINICOS 2011: *Social Theory*, p. 1. Callinicos equates the birth of social theory with the emergence of G.W.F. Hegel's *Elements of the Philosophy of Right* (1820). By contrast, J. HEILBRON 1995: *The Rise of Social Theory,* p. 88, offers J.J. Rousseau's *The Social Contract* (1762) as the first work of social theory. Both these also philosophically important works by Hegel and Rousseau are extensively discussed in Chapter 4 of the dissertation. In semantic rather than historical terms, 'social theory' is an inclusive term rather than the segregative 'sociological theory'. Yet it often stands in contrast to 'empirical sociology'. Boltanski, for instance, defines 'social theory' by an avowed interest in 'theory' and by marking a (perhaps too derogative) contrast to 'empirical sociologists, who know their field – such as the sociology of education, or, even more specifically, the sociology of primary education – and who have a theoretical background which is a patchwork and not very strongly integrated, usually made up of a variety of ongoing and mainstream ideas' (L. BOLTANSKI 2014: 'Whatever Works: Political Philosophy and Sociology', in S. Susen and B.S. Turner (eds.) 2014: *The Spirit of Luc Boltanski*, p. 550). As Baert and da Silva likewise cogently argue social theory may thus be understood as a transdisciplinary endeavour characterized by a degree of generality, abstraction and systematicity that partially contrasts empirical sociology, cf. P. BAERT and F.C. DA SILVA 2010: *Social Theory in the Twentieth Century and Beyond*, pp. 1–2.

In light of this overall objective, the present dissertation can be characterized as a philosophical groundwork that insists on a dialogue with social theory. If norms pervade our lives and if it concerns the way in which we become social subjects, then an exploration of normativity aims at enriching our philosophical understanding of norms as well as the very conceptual core of social theory. The inter-disciplinary nature of this undertaking reflects an underlying, *basic conception of philosophy*; a basic conception that is arguably shared across Wittgenstein's so-called 'quietism', Hegel's 'encyclopaedic' conception of philosophy and Foucault's insistence that his historical genealogies of various sciences, practices and forms of rationality constitute a kind of philosophy in the honourable tradition of Kant.[19] The conception amounts to no more but also no less than this: There are no fundamental problems of philosophy – if philosophy should try to describe, understand and discuss such concepts as truth, beauty, nature, freedom, value or normativity, it is because another group of people or some other discipline is already engaged in a debate concerning such concepts. The point is not, as Wittgensteinian 'quietism' is sometimes taken to imply, that philosophy should not ask "big questions" such as 'What is Man?' The point is merely that productive philosophical reflection starts, as it were, beyond or outside of itself. Philosophy recollects what we already know, what history has already shown us, if we only cared to remember it all.

Accordingly, the dissertation will revisit parts of the *historico-problematic* terrain upon which the concept of normativity has been articulated. In particular, the dissertation contends that it is necessary to revisit the inception of modern philosophy in Kant and Hegel and the founding of social theory in Durkheim and Weber. Even if normativity poses a distinct philosophical problem, a 'fly-bottle' in Wittgensteinian parlance, the form of the fly-bottle has still been

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[19] In specifying this conception of philosophy shared across Wittgenstein and Hegel, I am following Brock's unpublished paper, S. BROCK 2006: 'Subjectivity and Form of Life: Themes in Heidegger, Cassirer and Wittgenstein', lecture for 'The Nordic Wittgenstein Network', Conference on Wittgenstein and Subjectivity, October 2006 and S. BROCK 2011: 'A Resolute Reading of Cassirer's Anthropology', *Synthese* 179(1): 93–113. On Foucault's insistence that his historical investigations should be thought of as a kind of philosophy in the Kantian tradition, see M. FOUCAULT 2001 [1984]: 'Foucault' [dictionary entry authored pseudonymously under 'Maurice Florence'], in M. Foucault 2001: *Dits et écrits*, Vol. 4. For a demarcation of his enterprise vis-à-vis conventional history, see M. FOUCAULT 2001 [1980]: 'La Poussière et la nuage', in M. Foucault 2001: *op.cit.* In Foucault's historical works as well, normativity or what he calls 'matrices normatives de comportement' [normative frameworks of action/behaviour] are a key concern. Specifically, it is a constitutive element of what Foucault takes to be the 'history of thought [pensée]': 'Et par 'pensée', je voulais dire une analyse de ce qu'on pourrait appeler des foyers d'expérience, où s'articule les uns sur les autres: premièrement, les formes d'un savoir possible; deuxièmement, les matrices normatives de comportement pour les individus; et enfin des modes d'existence virtuels pour des sujets possible.' (M. FOUCAULT 2008: *Le Gouvernement de soi et des autres: Cours au Collège de France 1982–83*, pp. 4–5).

moulded historically and accordingly its contours can only be displayed by means of an historical archaeology.[20] As Craig Calhoun notes with regret, the contemporary landscape of social theory has:

> ... not carried forward Durkheim's task of creating a sociology of morality. We have tried to sever normative from empirical discourse even more sharply than he did. We have lost sight of the philosophical problems Durkheim thought sociology could solve.[21]

Prominent social theorist Peter Wagner supports this conclusion and, like Calhoun, he has argued that this present neglect is due to the fact that social theory has stopped considering or has overlooked the philosophical prerequisites of social enquiry. Wagner, in similarity with the dissertation, argues that social theory ought to revisit its partial roots in German Idealism in order to remedy this neglect.[22] While the dissertation is in agreement with this call to draw on philosophical vocabulary in bridging normative and empirical discourse, Calhoun's statement is arguably inaccurate in one respect: The interest in norms and morality inherited from Durkheim and Weber has clearly survived.[23] The claim advanced here, therefore, is *not* that work on normativity is absent in contemporary social theory, nor is the aim to remedy a general malaise of social theory. Nevertheless, as Abend points out in his careful review of the present conception of morality:

> There is an important respect in which Calhoun is surely right. In order for sociology to improve its understanding of morality, better conceptual, epistemological, and methodological foundations are needed. And this is the task that sociologists have not carried forward.[24]

It is in responding to this much more specific call for better epistemological foundations and for careful methodological and conceptual reflection that the present contribution to social

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[20] L. WITTGENSTEIN 2001 [1953]: *Philosophical Investigations*, §309: 'What is your aim in philosophy?—To shew the fly the way out of the fly-bottle'. The connection of the Wittgensteinian metaphor of philosophical 'fly-bottles' to the Foucauldian historical analytic of 'archaeology' has been elaborated by Ian Hacking; first in I. HACKING 2002 [1973]: 'Leibniz and Descartes: Proof and Eternal Truth', in I. Hacking 2002: *Historical Ontology*.

[21] C. CALHOUN 1991: 'Morality, Identity, and Historical Explanation', *Sociological Theory* 9(2): 232–263; p. 232.

[22] P. WAGNER 2001: *Theorizing Modernity: Inescapability and Attainability in Social Theory*, especially pp. 1–15.

[23] For a survey of the interest in social norms in 20th and 21st century social theory, see G. ABEND 2008: 'Two Main Problems in the Sociology of Morality', *Theory and Society* 37(2): 87–125.

[24] *Ibid.*, p. 118.

theory is to be found.[25] The aim is not to construct a *theory* of normativity in the sense of a deductively related set of propositions exhausting a phenomenon, but rather to contribute to an analytics of normativity in the sense of providing methodological pointers that enhance empirical sensitivity and theoretical imagination. Accordingly, if the dissertation aims for an adequate or more precise conception of normativity, this does not mean a mere indication of a fixed set of empirical objects, e.g. a conclusion of the form 'such and such objects are norms', but an increased intelligibility and theoretical imagination with regard to normativity.[26]

More specifically, the dissertation argues that social theory should free itself of two restrictive conceptions of normativity: One such conception is (a) the model of norms as the product of the rational pursuit of exogenously given preferences, a view held by rational actor theory and the social theory inspired by neo-classical economics (see especially Chap. 3). Instead, the

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[25] Abend's call for 'better conceptual, epistemological, and methodological foundations' is backed up by numerous other calls for a reviewed interest in normativity within contemporary social theory. Sverre Raffnsøe's 'diagnosis of the present' , for instance, has forcefully stressed a *normative ambiguity of the present social bond* in designating the paradoxical fact that the present seems characterized by a perception of an erosion of common social norms, while it simultaneously seems that the normative currents of the present Western societies exhibit a strong degree of inevitability. Raffnsøe locates this normative ambiguity at the centre of the current social bond, arguing that grasping its complexity calls for 'social philosophy'. See S. RAFFNSØE 2002: *Sameksistens uden Common Sense*, Vol. I, pp. 16–20 and Vol. III, pp. 411–414 and for a full explication of the notion of a 'diagnosis of the present' see S. RAFFNSØE, M. GUDMAND-HØYER and M.S. THANING 2016: *Foucault: A Research Companion*, pp. 426–454. Equally and in combining an overall view of the social field with an analysis of economic phenomena, one of the most debated paradigms of contemporary social theory, Luc Boltanski's 'pragmatic sociology', has advocated for the development of a taxonomy of the normative frames of reference that ordinary actors employ, arguing that such normative frames are especially relevant in the analysis of contemporary capitalism, see e.g. L. BOLTANSKI and L. THÉVENOT 2006 [1991]: *On Justification*. The debate on Boltanski and pragmatic sociology is represented by the noteworthy contributions of, e.g.: P. WAGNER 1999: 'After Justification: Repertoires of Evaluation and the Sociology of Modernity', *European Journal of Social Theory* 2(3): 341–357. P. RICŒUR 2003: 'The Plurality of Instances of Justice', in P. Ricœur 2003: *The Just*. B. LATOUR 2009: 'Une dialogue sur les deux systèmes de sociologie', in M. Breviglieri et al. (eds.) 2009 : *Compétences critiques et le sens de la justice*. A. HONNETH 2010: 'Dissolutions of the Social: The Social Theory of Luc Boltanski and Laurent Thévenot', *Constellations* 17(3): 376–389. B.S. TURNER and S. SUSEN (eds.) 2014: *The Spirit of Luc Boltanski: Essays on 'The Pragmatic Sociology of Critique'.* ❖ In previous empirical work charting contemporary forms of normativity, I have drawn on the above perspectives emphasizing normativity, but the present dissertation is focused of the *theoretical* problems of normativity. Nonetheless, I shall sometimes use this previous empirical work within the sociology of work and in political theory as illustrations of the independent theoretical reflections discussed in the present work. See in particular, T. PRESSKORN-THYGESEN 2015: 'The Ambiguous Attractiveness of Mobility: A View from the Sociology of Critique', *Ephemera – Theory and Politics in Organization* 15(4): 725–753 and T. PRESSKORN-THYGESEN 2015: 'How Do We Recognize Neoliberalism?', *Oxford Left Review* 14 (Feb. 2015): 11–20.

[26] Notice, in addition, that the expectation that there is some fixed sort of thing which shall bear the name 'norm' is potentially misleading. Compare with the concept of 'energy' in the natural sciences: there is no *one* such thing which should carry that name. What bears the name 'energy' – and bears it legitimately, i.e. what stands in instancing relation to the concept of 'energy' – is not *one* thing, but an open range of things or, in Wittgensteinian parlance, a *family* of things (cf. L. WITTGENSTEIN 2001 [1953]: *Philosophical Investigations,* §§65–71). The grasp of the connections between kinetic, thermal, chemical, mechanical, potential, electric and numerous other kinds of 'energy' is a striking feature of the theoretical imagination and empirical sensitivity of physics.

dissertation promotes a conception of practical reason in which preferences are themselves normatively shaped. Another conception is (b) the contrasting but equally restrictive picture of normativity held by those forms of critical sociology that reserve true critical judgment and normative competence to the theorist (see especially Chap. 5). In challenging this picture, the dissertation holds that this sort of competency and judgment must be seen as already exercised by the practitioners themselves. Practitioners are not to be viewed as suffering from some kind of false consciousness to such a degree that they may be compared to people possessed by aliens controlling their every movement – as explicitly suggested by the late Bourdieu at the height of the influence of his critical sociology in the 1990s.[27] If we want to overcome the hypothesis of 'false consciousness', of a pervasive discontinuity between what people know and the social realities in which they live – a hypothesis which in highly diverse forms has exercised modern social theory – then normativity will turn out to be an immensely important concept.[28] This is so, since it constitutes a key aspect of the way in which practical reason sets into action socially acquired rules of correct conduct and since it simultaneously implies a specific mode of knowledge for navigating social reality.

Finally, the philosophical engagement with normativity within the present dissertation takes a special interest in the role of norms in *economics*. When the concepts of 'normativity' and 'economics' are conjoined in social theory, what is usually expected is a *critical* debate of capitalism that tends to divide participants into either *bitter critics* of capitalism or *ardent defenders* of its virtues.[29] A critical debate in this sense is, however, not what is at stake in the conjunction

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[27] The imagery of 'aliens', and the reference to Ridley Scott's *Alien* (1979) in particular, is explicitly Bourdieu's own: P. BOURDIEU 1992: *Réponses: pour une anthropologie réflexive,* p. 174. If it is necessary to stress that this was at least Bourdieu's position at the height of his influence in the 1990s, it is because such stress on a classical notion of 'false consciousness' seems at odds with Bourdieu's earlier and more nuanced methodological writings, e.g., P. BOURDIEU 1990 [1980]: *The Logic of Practice,* especially pp. 25–51. However, it seems that as Bourdieu's critical sociology grew more explicitly political during the 1980s, it paradoxically developed an increased dogmatism and a suspicious paternalistic attitude towards the actors. For an account of this development in Bourdieu's authorship, see L. BOLTANSKI, A. HONNETH and R. CELIKATES 2014: 'Sociology of Critique or Critical Theory? Luc Boltanski and Axel Honneth in conversation with Robin Celikates', in B. Turner and S. Susen (eds.) 2014: *The Spirit of Luc Boltanski.*

[28] Compared to so-called 'critical theory', what is at issue for the dissertation is, in brief, not so much the *critical and the normative stance of the social theorist,* but rather helpful conceptualizations of *the normative character of social reality itself.* ❖ Also see Chap. 5.

[29] The unproductive character of such debates was recently illustrated in the critical reception of Thomas Piketty's *Capital in the Twenty-First Century* (2014), which mostly dealt in questions like: Should Piketty not be more explicit about his normative position? Is he not too left-wing to be neutral? Or isn't he really too right-wing? If this sort of discussion can be deemed unproductive, it is not because Piketty's analysis, given its largely statistical nature, is

of normativity and economics within the present dissertation. What is pursued here is thus not a direct response to the problems of capitalism or governance in the form of a normative critical *theory* of, say, justice or equality.[30] What is at stake, rather, is the deeper but also more elusive question of the moral embeddedness of economic and market relations, i.e. the pre-contractual and moral relations upon with economic relations themselves rest or within which they are mediated. By preceding his economic treatise on *The Wealth of Nations* (1776) with his *The Theory of Moral Sentiments* (1759), Adam Smith himself alluded to this prior presupposition of morality in economic relations.[31] This explains why historical sources such as Smith or Hegel (and indeed also Durkheim and Weber), are often richer in their analyses of market relations than the subsequent and present economic models, which tend to reduce both human motives and even more decisively, human rationality to a never-ending quest for monetary utility.[32] Exploring such historically elaborated connections between moral norms and the market remains pertinent today, but its main significance as understood here is descriptive before it is critical or evaluative: what norms are presupposed by economics and economic relations even before bitter critics or ardent defenders pass judgment on them? By taking this lesser travelled route, the dissertation partly avoids the many discussions within social theory and sociology concerning the proper content of a critical theory, but it also gains the opportunity of refining the often stereotypic terms of this debate – e.g. the market as a 'norm-free ethical travesty' *or* 'the only way to freedom' – by trying to clarify the ways in which normativity might already

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somehow free of normative or political commitments or, to use an expression from Niklas Luhmann, that it is somehow 'immune to the virus of ideology'. Rather, the unproductive trait of such discussions, as also pointed out by Luhmann, is their insistence that controversies concerning social scientific theories can be reduced to a conflict between persons or groups that have an economic or social interest in establishing a normative truth. Such discussions risk remaining a trivial form of scepticism if the hard labour of placing the argument within a greater theory of the normative structures of society is neglected, which is so often the case. T. PIKETTY 2014: *Capital in the Twenty-First Century*. N. LUHMANN 1994: "What is the Case?' and 'What lies behind It?': The Two Sociologies and The Theory of Society', *Sociological Theory* 12(2): 126–139; p. 129.

[30] For a similar stance see L. BOLTANSKI 2012 [1990]: *Love and Justice as Competencies*, pp. 18–26 and the Wittgensteinian approach to critique taken by J. TULLY 2008: *Public Philosophy in a New Key*, pp. 13–133.

[31] Cf. e.g. Winch's eminent discussion of the intricate relationship between morality and economics in Smith in D. WINCH 1978: *Adam Smith's Politics: An Essay in Historiographic Revisionism*. As Winch argues (p. 10), *The Theory of Moral Sentiments* consistently operates at a higher level of generality than the empirical realism of *The Wealth of Nations,* and to that extent, the latter may be seen as an application of the more general moral framework contained in the former. Such a reading of Smith would thus have it that Smith holds economic relations to be *socially embedded* in a broader nexus of non-economic moral relations; thereby making Smith a precursor to the notion of 'embeddedness' as employed by Granowetter's seminal contributions to contemporary economic sociology. Cf. M. GRANOWETTER 1985: 'Economic Action and Social Structure: The Problem of Embeddedness', *American Journal of Sociology* 91(3): 481–510.

[32] Cf. L. HERZOG 2013: *Inventing the Market – Smith, Hegel and Political Theory,* pp. 17–41, 156.

implicitly, and thus beyond such explicitly evaluative attitudes, be involved in economic relations.

§3. Outline of the dissertation

As indicated above, the aim of the dissertation is to analyse aspects of the historical as well as systematic relevance of the concept of normativity to modern philosophy and to the methodological challenges of social theory. In pursuing this overall research agenda, the dissertation contributes to a number of specific discourses of research literature. These contributions, each realized in separate chapters, are delimited in three overall ways: (1) In contextualizing its subject matter historically, the dissertation focuses on *post-Kantian conceptions of normativity* encompassing the works of Hegel and Kant himself. While 'post-Kantian' is a, of course, negative temporal delimitation of the dissertation's historical scope, it is also a positive determination of the dissertation's focus on theoretical perspectives that explicitly or implicitly acknowledge the breakthrough of Kant's assertion of the 'primacy of practical reason'. In addition, the dissertation (2) finds it most pertinent to contribute to the discussion of the social status of norms and morality, highlighting the instances of dialogue, influence or conflict between *philosophy and social theory*.[33] Finally, (3) the dissertation takes a special interest in economic conceptions of norms. While the 'economic values' of the market and the 'normative values' of morality have often been defined as conceptually opposed or antithetical in social theory, this study highlights instances where the interest in economic and normative values have in fact converged.[34] These three unifying themes of the dissertation, especially the historical and post-Kantian focus, will be further discussed in following chapter on methodology. At the

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[33] As indicated above, this focus involves a partial disregard for the ethical questions discussed in constructive ethical 'theory'. It implies an absence of considerations to ethical 'trolley dilemmas', etc., but it also entails a marginalization of several of the more productive discussions of normativity in contemporary meta-ethics. For an overview of these discussions, see S. FINLAY 2010: 'Recent Work on Normativity'. ❖ For further discussion of this methodological focus and choice, see Chap. 2.

[34] J. Habermas is often cited as an example of this tendency towards a conceptual opposition of morality to economics (e.g. J.F. SITTON 1998: 'Disembodied Capitalism: Habermas' conception of the Economy', *Sociological Forum* 13(1): 61–83). While Habermas has surely grappled with the dynamics of the economic sphere, it is always defined as opposed to the communicative and moral rationality of the social world. And vice versa: a primary usage of Habermas' so-called 'discursive ethics' is to analytically limit the supposedly 'mute' and brute forces of a market devoid of norms. The analytical and empirical insensitivity of this opposition, however, has also been criticized. This is, for instance, one of Honneth's central criticisms of Habermas. Cf. A. HONNETH 2014: 'Paradoxes of Capitalist Modernization', in A. Honneth 2014: *The I in We*.

outset, however, it is useful to make the scope and the specific contributions of the dissertation apparent by outlining its structure.

Excluding the present and the next methodological chapter, the dissertation consists of four chapters divided into three main parts (see Table 2: 'Overview of the dissertation' below). The division of the dissertation into parts, however, mainly serves to specify the different analytical aims and placements of emphasis among the chapters. The analytical aim of the first part, entitled 'Practical Rationality contested: Normativity and Economics', is *critical* and it treats normativity and practical rationality in the context of the contemporary form of social theory derived from neo-classical economics. The aim of the second part, entitled 'Normativity in the History of Ideas: German Idealism and the birth of social theory', is *historical*. In particular, it aims to uncover the roots of the modern conception of normativity via in-depth treatments of the practical philosophies of Kant and Hegel and the social theories of Durkheim and Weber. The aim of the third part, entitled 'Normativity at bedrock: Rules, practices and post-Kantian conceptions of normativity', is *systematic*. It seeks to provide a formal indication of the complexity of the concept of normativity in philosophy and social theory in light of the late Wittgenstein. In more detail, the dissertation outline is as follows.

PART I: Practical Rationality contested: Normativity and Economics

Chapter 3: Neo-classical economics and the failure of rational actor theory as a theory of normative action. Chapter 3 critically examines the analysis of normativity entailed by the recent attempts at transforming neo-classical economics into a broader form of social theory, a project that has been pursued by key figures such as Nobel Prize laureate in economics Gary S. Becker and the extensively cited sociologist James S. Coleman. The chapter thereby contributes to the critical discourses, particularly in the philosophy of science, that challenge the validity of neo-classical economics as a perspective capable of generalization. In the expansion and transformation of the neo-classical approach in economics into a social theory proper, norms have, by the lights of its own proponents, served as a partial 'criterion of success': If social norms could be satisfactorily modelled, it would reveal the success of the economic approach as a full-fledged social theory. After an analysis of the underlying framework of this approach, the chapter offers a critical assessment of its attempts at modelling norms and of the particular conception of practical rationality entailed by this novel approach in social theory. In offering its methodological criticisms and in seeking to refine (rather than to reject) the concept of

practical rationality, the chapter draws on the fundamental Kantian distinctions but also on the later Wittgenstein and Talcott Parsons.

PART II: **Normativity in the History of Ideas: German Idealism and the birth of social theory**

Chapter 4: The Kantian-Hegelian origins of the problematic of normativity. Chapter 4 takes a closer look at the concept of practical rationality, focusing on the role of norms as seen from the perspective of the debate between Kant's and Hegel's practical philosophies. In particular, the chapter substantiates and collects the numerous, specific insights on normativity, practical rationality and autonomy that have been generated by the so-called 'post-Sellarsian' reading of German Idealism. The chapter thereby contributes not only this particular branch of philosophical exegesis but also to the social theoretical concern with the conceptions of autonomy and agency that have influenced European modernity. Specifically, the chapter shows that two of the main issues in German Idealism – the question of differentiating *reasons* from *causes* and the problem of adequately conceptualizing *autonomy* – were couched in normative terms, which ultimately led to a normative conception of *freedom* as consisting in the *capacity to recognize norms and to act on the basis of them*. This conception of freedom as self-legislation became crucial to the novel philosophical anthropology of modernity and as such it heavily influenced the overall methodology of the emerging social sciences in the late 19th and the early 20th centuries.

Chapter 5: The significance of normativity in Durkheim and Weber. Chapter 5 examines the social theoretical transfiguration of the problems of German Idealism that occurred in Durkheim and Weber's foundational work in social theory. It does so by situating Durkheim and Weber in the context of the prevailing Neo-Kantian philosophy of the time, and the chapter thereby exposes a series of under-thematised similarities not only with regard to their methodological positions but also in their conception of social norms. The chapter historically examines the crucial methodological impulses that Durkheim and Weber received from German Idealism in general and most clearly from the South West School of Neo-Kantianism, counting among its members Wilhelm Windelband (1848–1915) and Heinrich Rickert (1863–1936). Situating Weber and Durkheim in this Neo-Kantian context reveals a series of similarities often overlooked in the typically antagonistic portrayal of Durkheim and Weber in terms of positivism vs. *Verstehen* or collectivism vs. individualism. In addition, the chapter

points out that normativity in Durkheim and Weber played a foundational but rather different role from the one that it is often today type-casted to play in social theory. In contemporary debates, the notion of normativity is most frequently invoked to discuss *the normative stance of the social scientist* and more specifically, the normative standards capable of grounding a radical *critique* of society. Thought-provokingly, what was at stake earlier in the debates of Weber and Durkheim was rather *the normative character of social reality itself*.

PART III: Normativity at bedrock: Rules, practices and post-Kantian conceptions of normativity.

Chapter 6: In the shadow of the late Wittgenstein: Rule-following and normativity. Chapter 6 employs the late Wittgenstein's conception of rules to examine normativity. In doing so it pursues two main, systematic aims. The first is to account for Wittgenstein's so-called 'rule-following considerations' and discuss their interpretation in light of present scholarship. Against the influential sceptical interpretations of Wittgenstein, the chapter argues that Wittgenstein's aim is rather to exorcize certain seductive misconceptions of the grounds of human rule-following that blind us from seeing the full extent of the role that normativity plays in our shared practices. The chapter thereby defends the interpretative claim that Wittgenstein's conception of rule-following views normativity as the very bedrock of our shared practices. The second aim of the chapter is to show how Wittgenstein's conception of rules can enrich our understanding of a number of the insights gathered throughout the earlier parts of the dissertation; in particular, on practical rationality and the relation between facts and norms conceived as larger motifs in post-Kantian philosophy and social theory. The chapter thereby clarifies Wittgenstein's conception of rules while also pinpointing a set of prejudices about normativity that are prone to capture the theoretical imagination of social theory. In this way, the chapter shows and emphasizes a wider import of the rule-following considerations that goes beyond the strictly mathematical and epistemological perspectives most often highlighted in the Wittgenstein scholarship related to this topic.

While the dissertation is progressive in structure – treating, for instance, the relationship between normativity and practical rationality continually over several chapters – each of the above chapters enjoys a relative independence and each chapter contains a separate concluding section. The dissertation is thus completed with a short and concise overall conclusion summarizing these results.

	Aim	Chapters
Table 2: Overview of the dissertation: Structure and Aims.		
Introduction	Methodological	Chap. 1: The question of normativity Chap. 2: Methodology
Part I: 'Practical Rationality contested: Normativity and Economics'	Critical	Chap. 3: Neo-classical economics and the failure of rational actor theory as a theory of normative action
Part II: 'Normativity in the History of Ideas: German Idealism and the birth of social theory'	Historical	Chap. 4: The Kantian-Hegelian origins of the problematic of normativity Chap. 5: The significance of normativity in Durkheim and Weber
Part III: 'Normativity at bedrock: Rules, practices and post-Kantian conceptions of normativity.'	Systematic	Chap. 6: In the shadow of the late Wittgenstein: Rule-following and normativity

Chapter 2: Methodology

§1. Introduction: method and methodology **§2.** History, Philosophy and Social Theory: methodological and interpretive remarks **§3.** Norms and Practical Reason: implications of the post-Kantian perspective.

> Thoughts without content are empty, intuitions without concepts are blind.
>
> - I. Kant, *Critique of Pure Reason*

> Philosophy without the history of philosophy is, if not empty or blind,
> then at least dumb.
>
> - W. Sellars, *Science and Metaphysics*

§1. Introduction: method and methodology

It is well-known that 'method' in the original Greek (μετ᾽, meta, 'after' + ὁδός, hodós, 'way' or 'path') denoted a path followed, a way of proceeding or traveling. In this etymological sense, the 'method' of the dissertation has thus already been determined by the specification of its structure, scope and outline (see Chap. 1, §3). Yet a further discussion of the *methodology* of the present work is required in order to explain and justify the specific 'path' taken. Since the dissertation is *itself* concerned with the details of various analytical strategies and philosophical assumptions, its methodology cannot consist of the simple application of a ready-made analytical strategy like, say, 'Fairclough's discourse analysis' or in the elaboration of a particular view from the philosophy of science like 'critical realism'. Rather, the methodology must take the form of adding to the concrete exposition of the argument and structure of the dissertation by describing the unifying methodological presuppositions that guide the dissertation in its investigation of normativity, so as to ensure a coherent understanding of its aims, structure and arguments. In specific, the two following overall methodological presuppositions and choices require explanation and justification:

(1) *History, Philosophy and Social Theory: methodological and interpretive remarks.* The strategy of examining the historico-problematic terrain upon which the study of norms emerged is particularly evident in Part II of the dissertation, which analyses the significance of normativity in German Idealism (Chap. 4) and historically traces the Idealist and particularly Neo-Kantian influence on Durkheim and Weber (Chap. 5). But why is such an inclusion of historical perspectives relevant and necessary? And what methodology guides the investigation of the selected historical texts? These questions are treated in §2 below.

(2) *Norms and Practical Reason: implications of the post-Kantian perspective.* The dissertation treats normativity from a post-Kantian perspective. On the one hand, this implies a *negative* temporal limitation, a focus on the historical period of modernity and an emphasis on concepts and theories that emerge after Kant's 'Copernican revolution' of 1781. On the other hand, a study of normativity from a post-Kantian perspective implies a *positive* determination, acknowledging the breakthrough of Kant's assertion of the 'primacy of practical reason' and his emphasis of Man's *responsiveness to reasons*. The dissertation thus finds Kantian and post-Kantian thinking not only a significant historical source for the theorizing of normativity but also an indispensable resource for a systematic determination of normativity. The decisive perspective opened by Kant consists, briefly stated, in making practical reason and constraint by norms constitutive for the question of what it is to *be* an agent at all. Acting (as opposed to simply manifesting a given sort of behaviour) *is* being guided by practical reason and engaging in various practices of justification and reason-giving. This connection between normativity and practical rationality is a thread that runs through the dissertation: It is found in its treatment of rational actor theory and neo-classical economics (Chap. 3), which puts at its core a relation between rationality, action and normative patterns. Equally, it is a main theme in the treatment of German Idealism and its influence on the birth of social theory (Chaps. 4 and 5) and in the Wittgensteinian examination of the normative significance of rules and social practices (Chap. 6). But why is Kantian and post-Kantian thinking a highly pertinent source for enquiring about normativity specifically? And what are the methodological implications of the commitment to a post-Kantian perspective, especially vis-à-vis social theory? See §3 below.

§2. History, philosophy and social theory: methodological and interpretive remarks

In his comments on Kant's *Was ist Aufklärung?* (1784), Michel Foucault famously teaches us that the threshold of modern philosophy is its acquisition of the ability to inquire into its own present, that is, its ability to conduct a diagnosis of the present. However, modern modes of theorizing – as Foucault was acutely aware – are not only characterized by their relation to the present, but perhaps even more so by their relation to the past.[35] In this respect, the essential fact of 'the modern', of modern theory, lies in the relation between the present practice of a theoretical enterprise and the history of that enterprise, and, more specifically, in the fact that this relation is seen as problematic.[36] 'Innovation in philosophy', as Stanley Cavell notes, 'has characteristically gone together with a repudiation – a specifically cast repudiation – of most of the history of the subject.'[37] Yet in the type of philosophy that can be called modern rather than, say, traditional – and as examples of such distinctly 'modern' philosophy, Cavell mentions the later Wittgenstein and the Heidegger of *Being and Time* – such a repudiation takes on a 'transfigured significance'. In his comments on the Heideggerian method of *Destruktion*, Morten Thaning brings out this transfigured significance by observing that this method 'implies a radical questioning of an aspect of tradition… with the immediate aim of demonstrating that our traditional, self-evident conception is misleading. However, the further goal of the *Destruktion* is constructive, namely to uncover an unrecognised potential of the truth behind the distorting façade of tradition.'[38] A modern relationship to the past, therefore, contains the double realization that history will not go away, 'except through our perfect acknowledgment of

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[35] Foucault's most well-known invocation of Kant's essay as expressing the threshold to modern philosophy is M. FOUCAULT 1984: 'What is Enlightenment?', in P. Rabinow (ed.): *The Foucault Reader*. Another articulation of that specific take on Kant's essay occurred earlier that year in *Magazine Littéraire* (M. FOUCAULT 1984: 'Un cours inedit', *Magazine Littéraire* no. 207, May 1984). Both essays, however, build on his *Collège de France* lectures from 1983. Here Foucault states in more concise form what he takes to be the importance of Kant's *Aufklärung* essay: 'Now I think that with Kant – and it seems to me that we can see this very clearly in this text on the *Aufklärung* – a new way of posing the question of modernity appears or surfaces, which is no longer in a longitudinal relationship to the Ancients, but […] in a vertical relationship to its own present reality.' (M. FOUCAULT 2010: *The Government of Self and Others – Lectures at the Collège de France 1982–83*, pp. 13–14). Hegel, of course, inherited this 'modern conception of philosophy from Kant and further refined its relation to history by maintaining that philosophy, while building on history, was tasked with 'comprehending its own time in thoughts.' (G.W.F. HEGEL 2003 [1820]: *Elements of the Philosophy of Right*, 'Preface', p. 21).

[36] Cf. S. CAVELL 2002: *Must we mean what we say*?, p. xxxiii.

[37] *Ibid.*

[38] M.S. THANING 2015: *The Problem of Objectivity in Gadamer's Hermeneutics in Light of McDowell's Empiricism*, p. 57. For similar themes in Wittgenstein's work, see S. CAVELL 1988: 'Declining Decline: Wittgenstein as a Philosopher of Culture', *Inquiry* 31(3): 253–264.

it (in particular, our acknowledgment that it is not past), and that one's own practice and ambition can be identified only against the continuous experience of the past.' [39] This dissertation embraces this distinctively modern conception of philosophical activity as essentially connected to history, and Wittgenstein's and Foucault's works in specific are invoked to substantiate it.[40]

Two specific yet overall points, both derivable from the *Historische Wörterbuch der Philosophie* and its entry on the concept of 'normativity' within the legal and social sciences, affirm the methodological necessity of applying a historically oriented conception of philosophical enquiry to normativity. The *first* point is that while the usage of the concept of normativity became more and more restricted in the social sciences during the 20th century, especially due to the influence of positivism, the problems and questions pertaining to the concept of normativity 'have not quite disappeared [*nicht gänzlichen verschwunden*]'.[41] Regardless of which concepts are

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[39] S. CAVELL 2002: *Must we mean what we say?*, p. xxxiii.

[40] The dissertation's use of Foucault deserves additional comment: Foucault is an appealing partner of dialogue for the dissertation – sometimes employed in the main text and frequently commented in the footnotes – since his work indubitably belongs to the heart of social theory as it is practiced today (for a critical overview of Foucault's influence in social theory, cf. J. LAIDLAW 2014: *The Subject of Virtue: An Anthropology of Ethics and Freedom*, pp. 92–137). In particular, I read Foucault along the trajectories suggested by R. Geuss, P. Macherey and S. Raffnsøe. As Geuss forcefully suggests: 'Foucault's work can be interpreted as an initial contribution to a genealogy of normativity, and his writings will remain highly relevant until such time as the task is fulfilled.' (R. GEUSS 2005: *Outside Ethics*, p. 159). Equally, Macherey writes: 'Ce qui a sans doute le plus préoccupé Foucault, c'est de comprendre comment l'action des normes dans la vie des hommes détermine le type de société auquel ceux-ci appartiennent comme sujets. [My translation: What no doubt preoccupied Foucault the most was to understand how the action or effect (*l'action*) of norms in the life of men determines the type of society in which they emerge as subjects.]' (P. MACHEREY 2009: 'Pour une histoire naturelle des normes', in P. Macherey 2009: *De Canguilhem á Foucault – la force des normes*, p.71). Various forms of normativity, on this reading, remained a central and indispensable part of what was subjected to historical investigation in Foucault's works. While this reading is a corollary of the 'lesser known Foucault' that Raffnsøe, Gudmand-Høyer and Thaning have excavated in their exegesis of Foucault's authorship, it should be noted that this picture of Foucault – the supposedly great theoretician of power relations – as constitutively concerned with normativity will be unrecognizable for large parts of the commentary literature on Foucault. For large parts of both the affirmative and critical commentary literature on Foucault, 'normativity' is exactly what is either deliberately suppressed or ill-defined in Foucault's supposedly power-oriented analyses. Cf. the seminal critique of Foucault in N. FRASER 1981: 'Foucault on Modern Power: Empirical Insights and Normative Confusions', *Praxis International* 1(3): 272–287. Contrasting Fraser's interpretation, cf. S. RAFFNSØE, M. GUDMAND-HØYER and M.S. THANING 2016: *Foucault: A Research Companion*, especially pp. 72–97. If Foucault's works are not allotted an even greater role in the dissertation, it is for the simple reason that the subject matter of Foucault's works is somewhat different from the subject matter examined here: While Foucault's historical analyses often examine marginal texts with the aim of charting the practical significance of certain types of rationality, the present dissertation examines mostly canonical texts with the aim of charting their methodological and theoretical significance for the study of normativity. There is, however, as far as I can discern, no reason to think of these two aims as inconsistent rather than as complementary.

[41] J. RITTER (ed.) 1971–2007: *Historisches Wörterbuch der Philosophie*, Vol. 6 (1984), entry 'Normativismus', pp. 919–920.

used to denote the problem – morality, critique, norms, normativity – the task remains, as the *Wörterbuch* points out, to determine the relation between an isolated philosophical concept of normativity and a sociological account of complex social reality. The *second* point, then, is the hermeneutic one that this problem cannot be understood in abstraction from its rich history, whose modern starting point lies within the classical philosophical writings on morality and jurisprudence of the 17th and 18th centuries. Taken together, these two observations indicate a rather precise methodological imperative concerning normativity, namely, to address the still pertinent problems related to the account of normativity by uncovering parts of its history beyond the partial repression of normativity effected, among other factors, by the logical positivism in the 20th century.[42]

These points and the conception of modern philosophical inquiry outlined above motivate a substantial engagement with the *history of the conceptual apparatus* that has been used to describe norms. They provide, in specific, the methodological rationale for the examination of the founding moment of social theory in Durkheim and Weber (Chap. 5) and the investigation of their reliance on and similarity with themes within German Idealism (Chap. 4). While it is sometimes recognized that Durkheim and Weber generally worked within a Neo-Kantian framework, the exact nature of the Neo-Kantian influence on Durkheim and Weber is not well charted and the dissertation seeks to make this influence explicit in relation to their methodological conceptions of norms and morality.[43]

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[42] These other factors include the decisive influence of orthodox Marxism in the 1970s. While no doubt articulating itself as a moral critique of capitalism in general and of the ways of organizing the labour market in particular, the study of normativity was led to a reductive conclusion by the basic adherence to the stance expressed in the (in)famous footnote 34 to Volume I of K. MARX 2006 [1867]: *Capital*: 'the economic structure of society is the real basis on which the juridical and political superstructure is raised and to which definite social forms of thought correspond [and that] the mode of production determines the character of the social, political, and intellectual life generally'.

[43] The commentaries of M. Fournier, W. Watts Miller, G. Oakes, W. Schluchter and H.H. Bruun provide useful starting points for tracing the Kantian influence on Durkheim and Weber as well as the significance of normativity in their respective methodological vocabularies: M. FOURNIER 2013: *Émile Durkheim: A Biography*, especially pp. 70–87. W. WATTS MILLER 2003: *Durkheim, Morals and Modernity*. G. OAKES 1988: *Weber and Rickert: Concept Formation in the Cultural Sciences*. W. SCHLUCHTER 1996: *Paradoxes of Modernity: Culture and Conduct in Theory of Max Weber*. H.H. BRUUN 2007: *Science, Values, Politics in Max Weber's Methodology: New Expanded Version*. A challenge for such commentaries, however, is that while the commentary on Durkheim and Weber is usually of the highest standard, the analysis of Idealist and Neo-Kantian concepts and ideas often remains somewhat underdeveloped.

By examining such historical themes, the dissertation might be seen as embarking on a terrain belonging to the tradition of 'intellectual history'. Within intellectual history, Quintin Skinner has put forward the most convincing and clearly articulated methodology. Skinner argues for a rigorous contextualist analysis, the goal of which is to uncover the true intention of a text by revealing 'the general social and intellectual matrix' from which it emerged.[44] This matrix includes not only biographical data about the author, but also the events of time, earlier texts, inherited assumptions about science and society as well as all the more ephemeral historical circumstances pertaining to the production of the text. If the text is divorced from this context and overburdened with present concerns, we lose sight of its true content, and to this extent, 'we must learn to do our own thinking for ourselves.'[45]

While acknowledging the results of Skinner's 'Cambridge School', this dissertation departs somewhat from the contextualist demands of Skinner's method. Fully elaborating the 'context' and 'intellectual milieu' of the various thinkers and texts used, let alone those mentioned, is neither possible nor consistent with the aims of the dissertation. The historical parts of the dissertation are thus in no way an attempt at an intellectual history of the *discipline* of social theory and much less that of philosophy.[46] Rather than embarking on such a fully historicized account, the dissertation instead finds it more pertinent to follow Lord Acton's classic

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[44] Cf. Q. SKINNER 1978: *The Foundations of Modern Political Thought, Volume I: The Renaissance*, p. x. The methodological contribution to intellectual history from Skinner's so-called 'Cambridge School' commenced with Q. SKINNER 1969: 'Meaning and Understanding in the History of Ideas', *History and Theory* 8(1): 3–53, and his contributions are recapitulated in Q. SKINNER 2009: *Visions of Politics, Volume One: Regarding Method*. Skinner's inventive methodological views combine a rigorous contextualist historical method with a pragmatic view of texts derived from Wittgenstein and J.L. Austin. Drawing on Foucault, Wittgenstein and Austin, Skinner arrives at a view of conceptual history in which concepts are never seen in abstraction from 'what can be done with them in argument' and in which historical concepts are seen more as normative tools and 'less as statements about the world' (Q. SKINNER 2009: *op. cit.*, pp. 176–177). In relation to the subject matter of the present dissertation, Skinner's 'Cambridge School' has inspired many invaluable contributions to the analysis of the historical interaction between norms, politics and market relations, e.g. A.O. HIRSCHMAN 1997: *The Passions and the Interests: Political Arguments for Capitalism before its Triumph*.

[45] Q. SKINNER 1969: 'Meaning and Understanding in the History of Ideas', p. 52.

[46] A history of a *discipline*, in this sense, has recently been powerfully exemplified by C. Borch's meticulous historical study of the discipline of sociology in terms of both its internal power struggles, its minute conceptual transformations and its response to historical events. C. BORCH 2012: *The Politics of Crowds: An Alternative History of Sociology*. Such a contribution to a detailed intellectual history of a discipline is not pursued. Yet, the *counter-historical* ambition of Borch's book, aimed at displaying how analytically useful concepts – in Borch's estimation specifically that of the 'crowd' – are lost or repressed in historical power struggles remains an inspiration, in as much as the concept of 'norm' arguably belongs to the group of such concepts.

methodological advice: 'study problems in preference to periods'.[47] As Foucault also stressed, it is fruitful to identify a theory by means of its 'problematic', that is, the particular problems that the theory finds itself obliged to respond to in a particular way.[48] The selection of historical texts and arguments – for instance, the choice to examine Hegel's *Philosophy of Right* (1820) rather than analysing his *Lectures on Aesthetics* (1826) – is thus based on their interest in and relevance to problems related to normativity.[49] Equally, no claim of historical exhaustiveness is implied by picking out German Idealism or the social theories of Durkheim and Weber as paradigmatic instances of post-Kantian philosophy and social theory. The dissertation rather holds such paradigmatic instances to be exemplary of the historical rectification of the concepts that articulate normativity to such an extent that the problems that these theories found themselves obliged to respond to are still worthy of attention and relevant to present conceptual discussions.

Such an approach can be efficiently described by invoking the image of a spectrum of historical readings.[50] On the one end of the spectrum, we find readings of historical texts that focus on the purely systematic and logical evaluation of arguments, thus assuming that historically textured conceptions can be flawlessly translated into present logical calculi. On the other end of the same spectrum, we find a purely historicizing form of reading that locates the meaning of a text in the intentions of its author(s) and in its historical context, thus displaying the foreignness of the text and its total incommensurability with the present. In contending that the historical debates on normativity have raised problems, which are also relevant today – given their *Wirkungsgeschichte* but also in terms of their substantial arguments – the dissertation

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[47] J.D. ACTON 1956 [1895]: *Lectures on Modern History*, p. 24. The context of Lord Acton's oft-quoted maxim reads: '…see that your judgments are your own, and do not shrink from disagreement; no trusting without testing; be more severe to ideas than to actions; do not overlook the strength of the bad cause or the weakness of the good; never be surprised by the crumbling of an idol or the disclosure of a skeleton; judge talent at its best and character at its worst; suspect power more than vice, and *study problems in preference to periods*…'(p. 24, emphasis added). Callinicos also invokes Acton's classic precept as an alternative to Skinner's approach, cf. A.T. CALLINICOS 2011: *Social Theory*, p. 7.

[48] M. FOUCAULT 1984: 'Polemics, Politics and Problematizations: An Interview with Michel Foucault' in P. Rabinow 1984 (ed.): *The Foucault Reader*. For the arguably most accurate reconstruction of the late Foucault's methodological reflections on 'problematizations', see the account put forward by M. GUDMAND-HØYER 2013: *Stemningssindssygdommenes historie i det 19. århundrede – Omtydningen af melankolien og manien som bipolære stemningslidelser i dansk sammenhæng under hensyn til dannelsen af det moderne følelseslivs relative autonomi. En problematiserings- og erfaringsanalytisk undersøgelse*, vol. 1, pp. 32–74.

[49] G.W.F. HEGEL 1986 [1826]: *Vorlesungen über die Ästhetik*, Vol. 13 of G.W.F. Hegel 1986: *Werke in zwanzig Bänden*.

[50] This image of a 'spectrum of historical readings' is borrowed from L. HERZOG 2013: *Inventing the Market – Smith, Hegel and Political Theory*, pp. 12ff.

occupies the middle ground in this spectrum by insisting on the possibility of a conversation between past conceptualizations and present concerns. Clearly, this position also reflects that of Hans-Georg Gadamer's philosophical hermeneutics: '*Understanding is to be thought of less as a subjective act than as participating in an event of tradition*, a process of transmission in which past and present are constantly mediated'.[51] What matters is not so much 'objective' distance to either past tradition or present debate, but an awareness that proper understanding is achieved through engaged discussion of the presuppositions of both.[52]

In such a conversation with the past tradition, the focus on problems has a straightforward analytical advantage: Problems can be rather precisely *individuated* and conceptually circum-scribed – we can thus, e.g., speak of the normative problem of autonomy in Kant or the problem confronting Weber in trying to explain the emergence of capitalism – whereas 'the past' as such, in all its richness, cannot be individuated at all. However, in taking this approach some interpretive caution is needed in order to avoid the risk of conflating the present concerns of a theoretical enterprise with *the* concerns of a theoretical enterprise; a conflation, which leads to the use and abuse of history as little more than a projection of the present.[53] Accordingly, each chapter of the historical Part II (Chaps. 4 and 5) carefully elaborate their interpretive presuppositions and the specific concepts and problems, whose development they trace.

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[51] H-G. GADAMER 2006 [1975]: *Truth and Method*, p. 291, extended emphasis in orig.

[52] Cf. J. GRONDIN 2003 [1999]: *The Philosophy of Gadamer*, pp. 93ff. For a discussion of the epistemological significance of 'tradition,' cf. also M.S. THANING 2015: *The Problem of Objectivity in Gadamer's Hermeneutics in Light of McDowell's Empiricism*, pp. 117–129.

[53] Cf. Q. SKINNER, J.B. SCHEEWIND and R. RORTY 1984: 'Introduction', in Q. Skinner, J.B. Scheewind and R. Rorty (eds.): *History in Philosophy – Essays on the Historiography of Philosophy*. As an example of the risk to be avoided in the dissertation's focus on problems in its engagement with the history of ideas, one could – like Skinner, Scheewind and Rorty – mention Bertrand Russell's *The Problems of Philosophy*. Although stringent in argument, this book makes little of the problems of philosophy beyond what appeared to be *the* problems of philosophy for a middle-aged English lord at a given and, in retrospect, rather turbulent period in the development of Logical Empiricism. See B. RUSSELL 1997 [1912]: *The Problems of Philosophy*.

§3. Norms and Practical Reason: implications of the post-Kantian perspective

The concern with the role of practical reason in human life runs transversally through economic, sociological and philosophical modes of theorizing, especially within the conceptualization of norms. The specific theoretical perspectives analysed in this dissertation are no exception to this tradition of treating normativity as intrinsically bound to exercises of practical reason. The forms of social theory drawing on neoclassical economics (as discussed in Chap. 3) have thus, for instance, devoted a significant amount of energy into modelling normativity as a function of its particular view of practical reason as the exercise of rational self-interest.[54]

Most importantly, however, and supported by its analysis of the debate between Kant and Hegel (Chap. 4), the dissertation adopts and devotes particular attention to the Kantian conception of practical reason. Kant's breakthrough in the area of practical philosophy was to make freedom contingent on constraint by norms. Consider again Kant's little text *Was ist Aufklärung?* and its guiding notion of attaining maturity or legal majority [*Mündigkeit*]. When a young person reaches legal majority, she is subjected to all sorts of new norms and constraints. However, the ability to bind and subject herself to the constraints of these legal norms also means a huge increase in *positive* freedom. She can now sign a contract, apply for a mortgage, obtain a driver license, start a family of her own, etc.[55] In general, Kant makes the question of practical reason and constraint by norms constitutive for the question of what it is to *be* an agent: The ability to bind oneself through the use of the categorical imperative, i.e. the ability to justify actions by giving laws to oneself, is what makes agents *autonomous*, while the ability to apply hypothetical imperatives, i.e. laws in pursuit of particular ends, is what makes agents *efficacious*.[56]

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[54] Cf. e.g. the seminal works of Coleman: J.S. COLEMAN 1990: *Foundations of Social Theory*; J.S. COLEMAN 1992: 'The Problematics of Social Theory', *Theory and Society* 21(2): 263–283. J.S. COLEMAN 1993: 'The Impact of Gary Becker's Work on Sociology', *Acta Sociologica* 36(1): 169–178; and J.S. COLEMAN 2009 [1986]: *Individual Interests and Collective Action*.

[55] This example is borrowed from R. BRANDOM 2009: *Reason in Philosophy – Animating Ideas*, p. 59. As Brandom stresses, we can think of the acquisition of other capacities and of the decisive process of acquiring language in similar terms: Obeying the rules of grammar means a massive increase in the positive freedom of the child, etc.

[56] The suggestive conceptual pair, autonomous and efficacious, is elaborated by Korsgaard, cf. C.M. KORSGAARD 2009: *Self-constitution*, pp. 81ff.

On this conception of practical reason, many of the definitions of Mankind – as knowing animals (*homo sapiens*), as creatures endowed with the power of reason (*animal rationale*), as living beings picked out by their unique capacity for language (*zoon logon echon*), as creatures defined by their engagement in argument and politics (*zoon politikon*), as desiring and competitive creatures (*homo homini lupus*) or indeed as social animals (*animal sociale*) – converge in the view of human beings as *responsive to reasons*.[57] The capacity of being responsive to reasons means the ability to justify and to account for not only for one's beliefs but also for one's actions. As the pragmatic social theory advocated by Boltanski and Thévenot has stressed, this means that social contexts are characterized by an 'imperative to justify' one's actions in the face of possible challenge or dispute. Such justifications, apparent in the most ordinary situations they argue, orient themselves around a plurality of normative vocabularies or 'orders of justifications'.[58] But, at an even more foundational and philosophical level, it means that human actions are, as Heidegger noted, not only causes that bring about effects.[59] Rather actions are something for which we are *responsible* in particular ways and something that carry a normative content, which is brought out in the way that we give reasons for them or *account* for them; what the Greeks called *logon didonai* and what the Latins called *rationem reddere*.[60] It is, as Hegel remarked, a great obstinacy of human action – but 'the kind of obstinacy that does honour to human beings' – that it requires justification.[61]

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[57] As pointed out by R. FORST 2014**:** *The Right to Justification*, p. 2. The above enumeration of possible determinations of Mankind is, with slight modification, derived from Forst.

[58] L. BOLTANSKI and L. THÉVENOT 2006: *On Justification*, pp. 28–42. On the 'imperative to justify' of ordinary situations, see pp. 34ff. and L. BOLTANSKI 2012: *Love and Justice as Competencies* especially pp. 3–88. In holding that ordinary actors navigate a 'plurality' of 'orders of justifications' in accounting for their actions, Boltanski and Thévenot emphasize the competency of ordinary actors, but deny that the norms followed and the conceptions of justice mobilized in critique are clustered around a single, universal and quasi-transcendental structure. In particular, the aim is not, as for Habermas and other strands of critical theory, to develop a morally informed sociology – a *moralizing* sociology as it were – but rather to develop a sociology *of* morality. From the perspective of the dissertation, this contemporary but basically Weberian and Durkheimian research program of a non-reductive study of forms of social morality seems promising. ❖ See Chap. 5.

[59] 'We are still far from pondering the essence of action decisively enough. We view action only as causing an effect.' (M. HEIDEGGER 1998 [1946]: 'Letter on Humanism', in M. Heidegger 1998: *Pathmarks*, p. 239. For a reading of Heidegger stressing the theme of normativity in this regard, see S. CROWELL 2013: *Normativity and Phenomenology in Husserl and Heidegger*, especially pp. 282–303.

[60] R. FORST 2014: *op.cit.*, p. 13. For an account of the foundational character of accounting for oneself or 'the paradigm of *logon didonai*', see M.S. THANING 2015: *The Problem of Objectivity in Gadamer's Hermeneutics in Light of McDowell's Empiricism*, pp. 51–61.

[61] G.W.F. HEGEL 2003 [1820]: *Elements of the Philosophy of Right*, 'Preface', p. 22.

While the dissertation, drawing on Hegel, raises a host of worries for the formal aspects of Kant's account of practical rationality, it remains firmly within the tradition inaugurated by Kant. In particular, the post-Kantian view of practical reason commits the dissertation to the view that individual members of a community belong to a 'space of reasons' which provides them with justifications that are used both in the coordination of action and in the mobilization of conflict and critique. It is by being responsive to reasons and grounds that people can "stand their ground" and can try, though often in vain, to determine who has claim on what. Justification and responsiveness to reasons, on this account, are thus not exclusively tied to epistemic or scientific contexts, but to human action in general.

Evidently, there are important methodological implications of this view, especially vis-à-vis social theory. Foremost, it is crucial to note that this view is not taken to entail a specific *ethical* view, as, say, a commitment to a specific deontological theory. Nor does it not it entail, in spite of a similar stress on justification, a specifically critical or proceduralist view of justice as that espoused by Jürgen Habermas' regulative ideal of communicative rationality within social theory.[62] In adopting a post-Kantian approach, it is possible, as Skinner writes, 'to continue to harbour a special prejudice against those … who imagine an ideal speech situation in which everyone (*everyone*?) would make the same moral and cognitive judgements.'[63] The mere connection, even if a necessary connection, between action, justification and practical rationality implies neither a specific ethical principle nor commitment to the quasi-empirical hypothesis of *normative consensus*. As Geuss' otherwise sympathetic account of Habermas states:

> I find it quite hard to burden pre-dynastic Egyptians, ninth-century French serfs and early-twentieth-century Yanomamö tribesmen with the view that they are acting correctly if their action is based on a norm on which there would be universal consensus in an ideal speech situation.[64]

This is important to acknowledge in order not to foreclose dialogue with social theory, which has often, in its non-Habermasian versions, tended to stress the empirical and historical plurality of moral and ethical views. Without necessarily committing itself to Nietzschean

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[62] E.g. J. HABERMAS 1996 [1992]: *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, pp. 414–446.

[63] Q. SKINNER 2009: *Visions of Politics, Volume One: Regarding Method*, p. 177, emphasis in original.

[64] R. GEUSS 1981: *The Idea of a Critical Theory – Habermas and the Frankfurt School*, p. 66.

doctrines, large parts of social theory have instead implicitly or explicitly followed Nietzsche in stressing the analytical necessity and productivity of considering 'many moralities':

> It is precisely because moral philosophers knew the facts of morality only somewhat vaguely in an arbitrary extract or chance abridgement, as the morality of their environment, their class, their church, the spirit of their times, their climate and zone of the earth, for instance – it was precisely because they were so ill-informed and not even very inquisitive about other peoples, ages and former times, that they did not so much as catch sight of the real problems of morality – for these come into view only if we compare *many* moralities.[65]

A view of normativity as connected exercises of practical reason is clearly consistent with such a consideration of the *de facto* plurality of moral viewpoints. The view of Mankind as a practical being guided by responsiveness to reasons, however, is not consistent with another, more specific motif that so-called 'post-structuralist' or constructivist social theory has often claimed to find in Nietzsche, namely the 'non-existence of the subject'.[66] The key passage for this post-structuralist motif is found in §13 of *Zur Genealogie der Moral* (1887):

> … the seduction of language (and the fundamental errors of reason petrified within it) construes and misconstrues all actions as conditional upon an agency, a 'subject' […] And just as the common people separating lightning from its flash, and take the latter to be a *deed,* something performed by a subject, which is called lightning, popular morality separates strength from the manifestation of strength, as though there were an indifferent substratum behind the strong person which had the *freedom* to manifest strength or not. But there is no such substratum; there is no "being" behind the deed, its effect and what becomes of it; "the doer" is invented as an afterthought – the deed is everything. [67]

Everything here hinges on the interpretation of Nietzsche's words, which leaves plenty of interpretive leeway. On a reading suggested by Pippin, Nietzsche might here be taken as a

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[65] F. NIETZSCHE 1990 [1888]: *Beyond Good and Evil*, p. 186.

[66] While so-called 'post-structuralism' is perhaps, properly speaking, more a nominalist name of a broad range of radical post-1970 theories than the name of a coherent body of substantive doctrines, it is nonetheless often defined exactly by 'its declaration of the subject's death' (N. WIDDER 2015: 'How Do We Recognize the Subject?', in B. Dillet et al. (eds.): *The Edinburgh Companion to Poststructuralism,* p. 207). The 'death' or 'radical decentering' of the subject is frequently taken to be a Nietzschean insight and has been taken to be of wide-reaching epistemological significance in social theory, where it has been used as a 'trump card' to exclude rival theories as problematically 'subjectivist'. On the latter, cf. S. ŽIŽEK 1999: *The Ticklish Subject*, pp. 1–5. In spite of often being classified as a 'post-structuralist', Foucault rejected the classification and remained sceptical of the term as well as of its supposedly radical implications, cf. M. FOUCAULT 2001 [1983]: 'Structuralisme et poststructuralisme: entrerien avec G. Raulet', in M. Foucault 2001: *Dits Et Écrits*, Vol. 2.

[67] F. NIETZSCHE 2006[1887]: *The Genealogy of Morality*, §13, p. 26.

sensible Wittgensteinian pragmatist *avant la lettre*: deeds are important; language might mislead us into making too sharp a distinction between capacities and the manifestation of capacities; subjectivity is not some hidden private 'interiority'.[68] These Wittgensteinian views correspond rather precisely to those held in this dissertation. But as Pippin also observes, if Nietzsche's words are taken to imply the strong metaphysical thesis that there is no subject behind the deed *tout court*, that subjects are merely illusory linguistic constructs, then Nietzsche and, *mutatis mutandis*, his followers in social theory who emphasize such an aspect are immediately in trouble.[69] The denial of a subject in this strong sense immediately jeopardizes the very concept of action. Our concept of practical reason, at least as defended here, is rather such that there must be a subject "behind" the deed in the at once minimal and powerful sense of being able to 'answer for it' and of having 'responsibility' for it. This is a requirement for there to be events conceivable as *actions done* by *someone* at all.[70] Without such a conception of responsibility – and this indicates the force of the requirement – it is difficult to see how individuals could be legitimately punished in courts of law; how they could be said to have earned university degrees or career promotions; how they could be said to hold world records in athletics; or, indeed, how they could be said to have purchased an apple or to have promised to pick up the kids from school, etc.

Finally, the post-Kantian conception of practical reason serves an important methodological role in providing a contrast to the picture of agency suggested by neo-classical economics and the key contemporary varieties of social theory inspired by it (Chap. 3). While both accounts

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[68] R.B. PIPPIN 2006: *Nietzsche, Psychology and First Philosophy*, pp. 70–77. To substantiate Pippin's suggestion of a Wittgensteinian motif in Nietzsche's remark (see p. 72 n. 5 and p. 77): Wittgenstein, too, emphasized the 'primacy' of the deed, often quoting Goethe's maxim: '*Im Anfang war die Tat* [In the beginning was the deed.]'. See L. WITTGENSTEIN 1969: *On Certainty*, §402, also cf. §204. Similarly, the late Wittgenstein's rule-following considerations are rightly seen as stressing that the analysis of human capacities must not be divorced from consideration of their actual manifestation, just as his so-called 'private language argument' is often seen as an attack on a substantive Cartesian notion of a subjective interiority, cf. L. WITTGENSTEIN 2001 [1953]: *Philosophical Investigations*, respectively §§185ff. and §§243ff.

[69] R.B. PIPPIN 2006: *Nietzsche, Psychology and First Philosophy*, pp. 72ff.

[70] The vocabulary of conceiving actions as a subset of events, namely those 'done by someone', is due to G.E.M. ANSCOMBE 2000 [1957]: *Intention*. This view that appeals to the necessity of assigning 'responsibility' and 'ownership' to, at least, some actions is also held by McDowell and Brandom, but it has perhaps been most carefully elaborated by P. RICŒUR 2003: 'The Concept of Responsibility: An Essay in Semantic Analysis', in P. Ricœur 2003: *The Just*, pp. 11–35. An essential modern precursor, as Ricœur also notes (p. 32 n. 6), for this view is Hegel, who emphasized the necessity of the element of responsibility if actions are to be counted *as* "mine" or indeed anyone's at all, cf. G.W.F. HEGEL 2003 [1820]: *Elements of the Philosophy of Right*, §115, p. 143. The major attractiveness of the "ownership" metaphor, as employed by Hegel and others, is that it allows one to *place* the responsibility of actions with particular subjects.

stress the role of practical reasoning in the account of agency, the post-Kantian conception presents a significantly richer picture of practical reason. Within neoclassical economics and its counterparts in social theory, the account of practical rationality is always stopped short by the addition of *ceteris paribus* clauses. These clauses are not, as they masquerade to be, merely shorthand for something that we could make explicit if we took the time or the trouble.[71] Rather, the use of such clauses indicates a less rich and – most importantly – an empirically inapplicable picture of practical reason. In summary, and considering the above contrasts to both the Habermasian theory of justice as well as its post-structuralist critics, what the dissertation aims for is a conception of normativity that does not imply or presuppose a too restrictive or implausible view of practical reason.

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[71] Cf. R. BRANDOM 1998: 'Action, Norms and Practical Reasoning', *Noûs* 31(12): 127–139; p. 133. ❖ Also see Chap. 3, §5 and Chap. 6, §4.

PART I

Practical rationality contested: Normativity and the Economic Sphere

Chapter 3: Neo-classical economics and the failure of rational actor theory as a theory of normative action

Chapter 3: Neo-classical economics and the failure of rational actor theory as a theory of normative action

§**1.** Introduction: the 'metaphysics' of neo-classical economics §**2.** Neo-classical economics as social theory: scope versus approach §**3.** Foundations: the structure and key concepts of rational actor theory §**4.** Norms conceived as a result of rational action §**5.** Flawed foundations?: concluding discussion of rational actor theory as a theory of normativity.

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§1. Introduction: the 'metaphysics' of neo-classical economics

Given the triumph of the neo-classical approach within modern economics and its instrumental role in the subsequent economic imperialism into social theory via rational actor theory, it is curious that the origin of the word 'neo-classical' is rarely remarked upon by either critics or proponents of this approach. In fact it was Thorstein Veblen, who more than a century ago coined the term 'neo-classical' economics in a small and seemingly innocuous remark in his paper 'Preconceptions of Economic Science' published in 1900:

> No attempt will here be made even to pass a verdict on the relative claims of the two or three main 'schools' of theory, beyond the somewhat obvious finding that, for the purpose at hand, the so-called Austrian school is scarcely distinguishable from the neo-classical, unless it be in the different distribution of emphasis.[72]

In this remark, the term 'neo-classical' refers to the body of economic theory represented by 'Professor Marshall', i.e. Alfred Marshall's (1842–1924) and William Stanley Jevons' (1835–1882) groundbreaking work on marginal utility and general equilibrium. The 'scarcely' differentiating contrast is to the Austrian school, which, according to Veblen, proceeds from the same theoretical assumptions concerning utility maximizing behaviour, but tends to lay emphasis on the productive character of *de facto* inequilibrium.[73] The true contrast, as revealed in the next paragraph of Veblen's essay, was rather to the 'historical and Marxist school', which, according to Veblen, tends to explain specific economic phenomena as emergent particulars of

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[72] T. VEBLEN 1900: 'The Preconception of Economic Science III', *Quarterly Journal of Economics* 14(2): 240–269; p. 260. Also cf. the analysis of the origins of the term 'neo-classical' in T. LAWSON 2013: 'What is this 'school' called neo-classical economics?', *Cambridge Journal of Economics* 37(5): 947–983 and T. ASPROMOURGOS 1986: 'On the origins of the term 'neoclassical'', *Cambridge Journal of Economics* 10(3): 265–270.

[73] As later emphasized by the Austrian theory of 'creative destruction', cf. J.A. SCHUMPETER 2003 [1942]: *Capitalism, Socialism and Democracy*, pp. 81–87.

capitalism conceived as an historical totality.[74] But what was 'the purpose at hand' that Veblen speaks of in the above quote? In 'Preconceptions of Economic Science', the aim was to clarify the methodological presuppositions of economics. Veblen referred to these presuppositions as the 'metaphysics' of economics. The aim was thus to tease out 'the underlying metaphysics of the scientific research and purpose' inherent to economics.[75] However, in Veblen's examination of this underlying metaphysics, 'neo-classical economics' came to betoken a problem rather than a coherent doctrine. Preferring institutional and historical explanations of social action, Veblen ultimately deemed the neo-classical method inconsistent and regarded it as an unsustainable social theoretical method in the long run.[76]

If there are degrees of being wrong, Veblen could hardly have been more wrong in this prediction concerning the development of the social sciences. Within economics itself, the neo-classical method has since vastly grown in influence to such extent that economist Roy Weintraub has recently suggested that 'we're all neo-classicists now, even the Keynesians'.[77] In addition, the 20th and the 21st century witnessed an expansion and continuing growth in the application of neo-classical methods in the social sciences generally under such headings as 'rational choice theory', 'rational actor theory' or Gary S. Becker's term 'human capital theory'.[78]

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[74] T. VEBLEN 1900: 'The Preconception of Economic Science III', p. 261.

[75] *Ibid.*, p. 241. Veblen pursued this aim in the whole of his so-called 'Preconception' series. Two other papers belonged to this series, T. VEBLEN 1899: 'The Preconception of Economic Science I', *Quarterly Journal of Economics* 13(2): 121–150 and T. VEBLEN 1899: 'The Preconception of Economic Science II', *Quarterly Journal of Economics* 13(4): 396–426. Concerning the interpretation of Veblen's 'Preconception' series, I am following and relying on the analysis in T. LAWSON 2013: *op.cit.*, p. 953ff.

[76] T. VEBLEN 1900: 'The Preconception of Economic Science III', pp. 267–68. Lawson's interpretation argues that this fateful verdict on the future of neo-classical economics was indeed Veblen's ultimate judgement. See T. LAWSON 2013: *op.cit.*, p. 972ff. Veblen does, however, acknowledge the at least limited contribution of the strain of theory that he terms 'neo-classical' and he remarks that it casts light – although a 'regrettably dry light' (p. 267) – on some aspects of human action.

[77] E. ROY WEINTRAUB 2002: 'Neo-classical economics', entry in D.R. Henderson (ed.) 2008: *Concise Encyclopedia of Economics.*

[78] E.g. G.S. BECKER 1993: *Human Capital – A Theoretical and Empirical Analysis, with Special Reference to Education.* 'Human capital theory' refers to the application of the rational choice theory to the specific investment in immaterial human assets such as health or education. Other used labels in the literature and here – such as 'rational choice theory', 'rational actor theory', 'rational action theory', 'rational action' – are synonymous and they do not reflect systematic nor substantial differences (as emphasized by e.g. J.S. COLEMAN 1993: 'The Impact of Gary Becker's work on Sociology', *Acta Sociologica* 36(1): 169–178; p. 169,). The term 'social exchange theory' is also sometimes used, but this term is mainly applied to weaker versions of rational actor theory such as the theories of 'bounded rationality' espoused by J.G. MARCH and H.A. SIMON 1994 [1958]: 'Bounded Rationality and Satisficing', printed in R. Collins (ed.) 1994: *Four Sociological Traditions.* Note that this chapter does not treat such weaker versions separately and that the chapter gives terminological preference to the terms 'rational choice' and 'rational actor theory'.

Nevertheless or perhaps rather exactly because of this development, it is still worth following the analytical strategy indicated by Veblen: to examine the underlying metaphysics of the neo-classical approach as a *problematic* entity. What is particularly striking about this economic approach, in the context of the present dissertation, is its *self-avowed* interest in social norms. In the expansion of the neo-classic approach in economics into a social theory proper, norms have, by the lights of its own proponents, served as an explicit 'criterion of success': If social norms could be satisfactorily modelled, then the economic approach would, its proponents suggest, have successfully shown its worth as a full-fledged social theory.[79]

Following Veblen's suggestion, this chapter will thus examine the methodological presuppositions of the economic approach in social theory with special regard to pointing out its problematic features in relation to the role and modelling of normativity and social norms. More specifically, the chapter will first describe (1) the introduction of the economic approach into social theory that has occurred through the work of key figures such as Nobel Prize laurate Gary S. Becker, influential professor of law Richard Posner and the extensively cited sociologist James S. Coleman,[80] (2) analyse the structure of rational actor theory as the underlying framework of this approach, (3) discuss the attempts at accounting for the existence and function of norms within the rational actor approach taken by Becker and Coleman, and finally (4) offer a critical evaluation of these attempts at modelling norms and the general picture of practical rationality entailed by this approach. In specific, I criticize the neo-classical conception of social norms for its indistinction between exercises of theoretical and practical rationality and for failing to realize the social endogeneity of preferences. Such methodological flaws, I argue, distort the role of normativity in human action and challenge the viability of the neo-classical perspective in social theory.

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[79] Coleman is explicitly in setting this success condition: 'Most social theory not based on methodological individualism assumes the existence of social norms, and most theory that is based on methodological individualism disregards their existence altogether. [But] the central theoretical problem [of sort of novel social theory espoused by Coleman] is to characterize the process through which individuals' actions lead norms (with sanctions) to come into existence.' (J.S. COLEMAN 1986: 'Social Theory, Social Research, and a Theory of Action', *The American Journal of Sociology* 91(6): 1309–1335; p. 1326). For a similar emphasis of an account of norms as the central ambition or achievement of this tradition in social theory, see J.S. COLEMAN 1992: 'The Problematics of Social Theory', *Theory and Society* 21(2): 263–283.

[80] Witnessing the growing influence of economic models in social theory, Google Scholar's list of 'Most cited authors' within the category 'Sociology' presently (as of 2016) indicates that Becker is almost as cited as Max Weber, while the Coleman is listed a bit lower alongside Émile Durkheim.

Accordingly, the chapter does not focus on the strict economic hypotheses of neo-classicism, but rather on providing a critical exposition of its theory of action as a perspective in social theory. Following the economic depression of 2008, there has been a growing number of dissenting voices at the margins of the economics profession itself that critically interrogates the strictly economic hypotheses: Could there be something wrong with neo-classical theory, a theory which instead of macroeconomic crisis predicted stable economic growth, steady low inflation rates and uniform employment across the US and the Eurozone? Within the philosophy of science, there is also an extant critical literature treating the falsifiability and empirical adequacy of the economic doctrines in a mostly Popperian light.[81] The chapter contributes to such critical discourses on neo-classical economics, particularly those in the philosophy of science. Yet the present chapter does so by contrasting these two approaches, since the focus here is neither on the falsifiability of economic predictions nor on the (disputed) success rate of such predictions within macroeconomic analysis. Contrasting these bodies of critical literature focused on economic predictions, the aim of the present chapter is rather to determine the underlying conceptual coherence of its economic conception of norms and the specific notion of practical rationality inherent to it. As such, the chapter answers the calls for critical explorations of the capacity of contemporary economic models to account for the role of norms in social life.[82]

In the vocabulary made popular by Milton Friedman, I will interpret rational choice models as the core of *positive* economics, i.e. as a key set of predictively relevant generalizations describing how agents *in fact* behave given a certain model of practical reason.[83] Initially, however, it is

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[81] E.g. H. ALBERT 2012 [1963]: 'Model Platonism: Neoclassical economic thought in critical light', *Journal of Institutional Economics* 8(3): 295–323. B. CALDWELL 1982: *Beyond Positivism: Economic Methodology in the Twentieth Century*. B. CALDWELL 1991: 'Clarifying Popper', *Journal of Economic Literature* 29(1): 1–33. M. BLAUGH 1992: *The Methodology of Economics: Or How Economists Explain*; and the main part of the contributions to D. HAUSMAN (ed.) 2007: *Philosophy of Economics*.

[82] Calls made by, for instance, E. TSAKALOTOS 2006: 'Homo Economicus and the Reconstruction of Political Economy: Six Theses on the Role of Values in Economics', *Cambridge Journal of Economics* 29(6): 893–908; W. BRADLEY WENDEL 2002: 'Mixed Signals: Rational-Choice Theories of Social Norms and the Pragmatics of Explanation', *Indiana Law Journal* 77(1): 2–56 and C.R. SUNSTEIN 1996: *Social Norms and Social Roles: The Coase Lecture in Economics*.

[83] M. FRIEDMAN 1966 [1953]: 'The Methodology of Positive Economics', in M. Friedman 1966: *Essays in Positive Economics*. Friedman's influential article – by far the most influential article in 20th-century economic methodology – popularized the distinction between *normative* economics, i.e. prescriptive advice concerning the economy, and proper *positive* economics, i.e. descriptive economics aimed at explanation and prediction. While it is in some ways more plausible to interpret rational choice theory as a normative theory indicating how choices *ought* to be made (and in spite of the fact that economists often, and often unintentionally, have problems steering clear of the

necessary to sketch how this model of practical reason has fuelled economic imperialism and furthered the transformation of neo-classical economics into a proper social theory.

§2. Neo-classical economics as a social theory: scope versus approach

Regardless of its highly abstract, deductive and mathematical methods as well the differences among its diverse sub-fields, most economists will, in the final analysis, agree that economics is an empirical science concerned with tracing back its phenomena to individual actions, preferences, desires and decisions. Economics thus contains a strong commitment to methodological individualism and to individuals as the explanatory entities which have to explain higher-order phenomena like the market prices of specific goods or assets, laws of supply and demand, and ultimately macro-economic factors such as national interest rates. Given its basic commitments to empirical explanation and methodological individualism, one can go on to further defining economics in two ways: either in terms of its *scope*, i.e. the extension of its empirical objects, or in terms of its *approach*, i.e. its methodological presuppositions or what Veblen called its 'metaphysics'.

In contemporary neo-classical economics in general and within the extension of economics into a proper social theory in particular, there is strong preference towards emphasizing a particular approach rather than delimiting economics in terms of its scope. The result is an approach that is powerfully scope-expanding. Becker, for instance, critically highlights classical definitions such as 'Economics is the study of the allocation of material goods to satisfy material wants' and 'Economics is the study of the market sector' and argues that these definitions are too narrow in scope, since economics can equally study immaterial goods or behaviour that does not occur within contexts of overt market form.[84] Instead Becker prefers to define economics in terms of its methodological approach and draws on rational actor theory in defining economics as '[t]he combined assumptions of maximizing behaviour, market equilibrium and

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normative interpretation), Friedman and neo-classical economics generally opt for interpreting rational choice theory as a part of *positive* economics – that is, as predictively relevant generalizations describing how agents *in fact* behave. Also see M. FRIEDMAN and J. SAVAGE 1952: 'The Expected-Utility Hypothesis and The Measurability of Utility', *Journal of Political Economy* 60(6): 463–474.

[84] G.S. BECKER 1978: *The Economic Approach to Human Behaviour*, pp. 3–4.

stable preferences, used relentlessly and unflinchingly'.[85] Equally, for Posner 'economics *is* the analysis of rational choice, or more precisely a body of useful terms and techniques for analysing rational choice'.[86] For Posner and Becker, then, the analysis of rational choice – conceived as a general descriptive theory of how actors behave – is analytically and empirically primary to other more technical and scope-narrow definitions of neo-classical economics. Weintraub brings out this explicit connection of rational actor theory and neo-classicism: '1. People have rational preferences among outcomes. 2. Individuals maximize utility and firms maximize profits. 3. People act independently on the basis of full or relevant information. Theories based on, or guided by, these assumptions are neo-classical theories.'[87] Before looking more closely at the postulates of rational actor theory, it is necessary to note how the extension of scope by means of emphasizing the broadly applicable nature of rational actor theory displaces a standard criticism of economics.

An influential line of critique directed against economics concentrates on its scope and argues that it simply ignores other, not strictly economical parts of social life including norms, institutions and all other areas of private and social life. This line of critique, for instance, played a vital role in Hans Albert's classic reproach of the neo-classicist *Denkstil*.[88] According to this line of critique, the empirical scope of economics quite clearly fell under that of sociology – conceived as the science of social relationships – and it appeared as a sort of special branch of sociology dealing with commercial relationships. Yet economics, Albert held, ignored its lack of consistency with others parts of sociology and passed over other parts of social life in silence. Accordingly, economics could be distrusted for its total lack of interest in other forms of social relationships and for its curious refusal to reap the benefits of the results achieved within other

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[85] *Ibid.*, p. 5.

[86] R.A. POSNER 2009 [1992]: *Sex and Reason*, p. 85.

[87] E.R. WEINTRAUB 2002: 'Neo-classical economics'. From a critical perspective C. Arnsperger and Y. Varoufakis – former finance minister of Greece – arrive at the same conclusion: 'It is hard to imagine how any standardly trained economist could deny that her theoretical practices digress from the three methodological moves mentioned above: *Methodological individualism, methodological instrumentalism and methodological equilibration.* For simplicity we shall henceforth refer to them as the *neo-classical meta-axioms*.' (C. ARNSPERGER and Y. VAROUFAKIS 2006: 'What is neo-classical economics?', *Post-Autistic Economics Review*, issue no. 38: 2–13).

[88] H. ALBERT 2012 [1963]: 'Model Platonism: Neoclassical economic thought in critical light', *Journal of Institutional Economics* 8(3): 295–323. Originally published as 'Modell-Platonismus. Der neoklassiche Stil der ökonomischen Denkens in kritischer Beleuchtung'. Albert's article became a classic due to another of its arguments, namely its Popperian debunking of neo-classical macro-economics, which contrasted Friedman's equally classic invocation of Popper in favour and defence of neo-classical economics. See M. FRIEDMAN 1966 [1953]: 'The Methodology of Positive Economics'.

areas of social science. While this critique recognizes some of the theoretically penetrating analyses of economists into a very particular area of social life, e.g. market prices, it nevertheless faults economics for its failure to locate its analysis into the broader concerns of social life.[89]

This line of critique directed against economics is no longer valid. While it is certainly the case that the majority of economists are still mainly interested in subjects as they behave on markets (as consumers, as entrepreneurs, as investors, as employees, as holders of liquid as well as illiquid assets, etc.), this is, with the advent of authors like Becker, Coleman and Posner, no longer uniformly or even predominantly the case. In the analyses that such authors inspired from the 1960s onwards – within social theory in general and within the novel field of law and economics in particular – there is an intense interest in a broader range of social phenomena such as crime, the family, schooling, law and the formation of social norms and institutions.[90] So in contrast to the description of the economic profession given by Albert, there is now a patent interest in broader patterns of social life.

However, the obsoleteness of this critique and the partial transformation of economics into a social theory proper give rise to a new sort of problem confronting us today. The problem is that of *economic imperialism*. In subsuming other parts of social life under its empirical scope, economics is aggressively asserting its own theoretical autonomy and it may thus be seen as "conquering territory" from sociology and other social sciences to the extent that it no longer sees itself as a special branch of social science, but rather and precisely as the science of social

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[89] H. ALBERT 2012 [1963]: *op.cit.* , pp. 296ff., 316ff.

[90] Given this expansion of scope, and by explicitly relating questions of economic value with questions of social values, the form of economic analysis practised by Becker, Posner or Coleman marks an attempt to break the rigid analytical separation between 'economic' and 'moral' conceptions of value, a separation often dubbed "Parsons' Pact". As Swedberg has noted, this attempt has not failed to generate attention and partial applause within contemporary economic sociology. Coleman is acknowledged as a key contributor, and Becker's work is applauded as foundational in spite of being controversial. Even if contemporary economic sociology still retains a strong Weberian or Veblian focus, Swedberg notes: 'The key person in any contemporary discussion of relationship between economics and sociology has to be Gary Becker.' (R. SWEDBERG (ed.) 1990: *Economics and Sociology: Redefining their boundaries – Conversations with economists and sociologists*, p. 27). Coleman's importance is stressed in almost identical terms (p. 47). Similar characterizations of Becker and Coleman are reiterated in Swedberg's more recent analysis of the discussions in economic sociology, R. SWEDBERG 2007: *Principles of Economic Sociology*. The term "Parsons' Pact" has been popularized in contemporary economic sociology by D. STARK 2009: *The Sense of Dissonance: Accounts of Worth in Economic Life*, pp. 7ff. While the term itself reflects an arguably questionable understanding of the works of Talcott Parsons, Stark takes breaking with "Parsons' Pact" to imply an important break from a rigid separation of 'value' into a social-moral and an economic element.

relationships *in general*. As Nobel Prize laureate in economics George Stigler noted in 1984 summing up what he saw as the tendency of economic science from the 1960s onwards:

> [E]conomics is an imperial science: it has been aggressive in addressing central problems in a considerable number of neighbouring social disciplines and without any invitations.[91]

Economic imperialism may here be understood as a form of expansionism, where new types of explanandum phenomena are found within other disciplines and where economics asserts the hegemonic superiority of its methods.[92] Norms belong to this new group of explanandum phenomena and have attracted intense interest from economists.[93] The question or problem that this poses is the methodological adequacy of this imperialistic spread of economics and the inherent threat of reductionism that it leads to: What becomes of social phenomena if they are implicitly reduced to economic preferences?

As argued by Angner, this philosophical or methodological problem associated with the rise of economics within social theory remains immensely important to address, especially given the huge political prestige and impact of the advice given by economists.[94] In this sense, one can plausibly say that the problem of economic imperialism is the scientific equivalent of the historical and political question that Foucault posed in his lectures on Becker and neo-liberalism, namely the question of 'how far the market economy's powers extend' with regard to

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[91] G. STIGLER 1984: 'Economics – an imperial science?', *Scandinavian Journal of Economics* 86(3): 301–13; p. 311. Stigler, a former president of the neo-liberal Mont Pèlerin Society from 1976–78, applauded this imperialistic tendency. Gary Becker's 1992 Nobel Prize in Economics was also awarded for furthering economic imperialism in the social sciences or, as phrased by Nobel Prize Committee itself, 'for having extended the domain of economic theory to aspects of human behavior which had previously been dealt with – if at all – by other social science disciplines such as sociology, demography, and criminology' (Nobel Prize Committee quoted from U. MÄKI 2009: 'Economic Imperialism', *Philosophy of the Social Sciences* 39(3): 351–380; p. 360). See also P. MIROWSKI and D. PHELWE (eds.) 2009: *The Road from Mont Pèlerin: The making of a neo-liberal thought collective*.

[92] Cf. U. MÄKI 2009: 'Economic Imperialism', p. 374.

[93] E.g. N. ROWE 1990: *Rules and Institutions*. R.H. MCADAMS 1997: 'The Origin, Development and Regulation of Norms', *Michigan Law Review* 96(4): 338–370. D. CHONG 2000: *Rational Lives: Norms and Values in Politics and Society*. R.A. POSNER 2009 [1992]: *Sex and Reason*. Although a sociologist by training, Coleman's work also stands out as particularly important, cf. J.S. COLEMAN 1990: *Foundations of Social Theory* and J.S. COLEMAN 1992: 'The Problematics of Social Theory'.

[94] E. ANGNER 2006: 'Economists as Experts: Overconfidence in Theory and Practice', *Journal of Economic Methodology* 13(1): 1–24. For a further sustained argument for the contemporary political relevance of a critical philosophy of economics also see M. NUSSBAUM 2015: 'Philosophy and Economics in the Capabilities Approach: An essential dialogue', *Journal of Human Development: A multi-disciplinary journal for people-centered development* 16(1): 1–14.

'informing the state' and 'reforming society'.[95] As Foucault states in reference to Becker, the political implications of neo-liberalism 'owe their seriousness, their density, or, if you like, their coefficient of threat to the very effectiveness of the [Becker-style economic] analysis'.[96] Before commencing the discussion of methodological adequacy of this sort of analysis with regard to norms, it is, however, appropriate to look more closely at the contents of 'rational actor theory' or 'rational choice theory', since this is the framework that grounded and continues to support the scope-expanding tendencies of contemporary neo-classical economics.

§3. Foundations: the structure of rational actor theory

Rational actor theory determines action as *rational* action performed by *individuals* seeking to maximize *utility*. While such a determination of action might seem unattractive by being overtly reductive with regard to, say, 'collective action', it is nevertheless this reductive characteristic that yields the explanatory power and intuitive basis of the framework. That an agent, *A*, performed action *θ* rather than *β*, because it was advantageous for *A* to do so, provides a strong intuitive basis for the explanation of action *θ*. As Coleman has observed, this form of explanation has a 'unique attractiveness' consisting in the fact 'that we need ask no more questions about it.' Martin Hollis has articulated the same point by stating that 'rational action is its own explanation'.[97] Coleman, indeed, goes so far as to assert that we have explained an action if, *and only if,* we have specified its rational reasons in accordance with the strictures on rationality set by rational actor theory.[98] But what are these strictures?

The 'praxeological principles', to use von Mises' expression, which govern the behaviour of agents, and which are therefore applicable in the prediction of their actions, are charted by

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[95] M. FOUCAULT 2008: *The Birth of Biopolitics: Lectures at the Collège de France, 1978–79*, p. 118. In Lectures 9 to 11, Foucault charts a relationship between economic *methodology* and governmental *policy* in the specific context of Becker's economic methodology and neo-liberal policies. For a broader historical overview of this relationship also see A. DESROSIÈRES 2003: 'Managing the economy', in Porter and Ross (eds.) 2003: *The Cambridge History of Science Vol. 7: The Modern Social Sciences*.

[96] M. FOUCAULT 2008: *op. cit.*, p. 233.

[97] J.S. COLEMAN 2009 [1986]: *Individual Interests and Collective Action*, p. 1. M. HOLLIS 1977: *Models of Man: Philosophical Thoughts on Social Action*, p 21. Hollis is, however, duly critical of the formal conception of rationality in rational actor theory. Also cf. R. BOUDON 1998: 'Limitations of Rational Choice Theory', *America Journal of Sociology* 104(3): 817–828; p. 817.

[98] See J.S. COLEMAN 2009 [1986]**:** *op. cit.*, pp. 1–15 and J.S. COLEMAN 1990**:** *Foundations of Social Theory*, p. 29.

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expected utility theory. Since everything in an economic world is scarce, agents are, obviously, subjects to all sorts of external restrictions. They are restricted by their initial level of wealth, by their competencies, by their time, by the access to certain goods, by initial access to other people or social networks, etc. In short, they are restricted by a budget constraint consisting of time, money, skills and other competencies.[99] Equally obvious, agents are also presented with a range of varying opportunities: the opportunity to enjoy certain options of consumption, the opportunity to invest wealth in liquid or illiquid assets, the opportunity to receive wage for work, the opportunity to spend free leisure time, the opportunity to spend money on the private tutoring of children, etc. Utility theory is concerned with the question of how a rational agent acts given such restrictions and opportunities. The key concepts used in answering this question are those of *preference*, *utility* and *utility-function*:

1. *Preferences*. An agent has preferences. These cover everything relevant to the utility of the agent: his wishes, his motives, his desires, his tastes, his likings, his opinions, his political sympathies, his abstracts dispositions, etc. All such preferences are treated as given. While everything else in rational actor theory is subjected to the test of rationality, preferences are neither rational nor irrational; they are simply a-rational. Rational deliberation only extends to the means and not to the goals of practical action. In short, the maxim *de gustibus non est disputandum* holds good for all preferences.[100] Furthermore, it is a condition for the application of the theory that all such preferences can be treated as homogenous and as comparable – despite their apparent radical psychological and logical differences. Preferences about, say, ethics, morality or politics are basically analogous to the preference for tea or coffee, and vice versa.[101]

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[99] As stressed by Becker's human capital theory, such a broad interpretation of 'budget constraint' is required for rational actor theory to get a grip on other social phenomena beyond simple consumption. More diverse social phenomena are, however, still analysed on par with simple consumption: The non-monetary elements in the budget constraint are interpreted as directly commensurable with monetary wealth and the other social phenomena such as educational or health-related choices analysed by human capital theory are interpreted as acts of consumptions or, more often, as investments directed at future possibilities of consumption. See G.S. BECKER 1993: *Human Capital – A Theoretical and Empirical Analysis, with Special Reference to Education*.

[100] Cf. G. STIGLER and G.S. BECKER 1977: 'De gustibus non est disputandum'*, The American Economic Review* 67(22): 76–90.

[101] '…the economic approach does not draw conceptual distinction between major and minor decisions, such as those involving life and death in contrast to choice of a brand of coffee; or between decisions said to involve strong emotions and those with little emotional involvement…' (G. S. BECKER 1978: *The Economic Approach to Human Behaviour*, p. 7). Not drawing such more or less ordinary distinctions is, *prima facie*, highly surprising trait of

2. *Utility*. Utility is a property of any good – material or immaterial – that occurs in the preferences of an agent. Utility remains tied to the perspective of the agent in two respects. First, utility is *expected* utility. Since the notion of utility is tied to that of making a rational choice even under uncertainty or risk, it is not concerned with the utility realized at the actual outcome of things. Rather utility amounts to what can be rationally expected, when choosing among a range of possible courses of action. Lottery tickets in most cases turn out to be actually worthless, but they possess an expected utility, however limited. Second, utility is *subjective* utility. The utility of something is relative to some specific preference of the specific agent. Hence, the utility of, say, a hammer is not the utility of having a hammer *as such*, rather its utility is relative to what the agent has in mind: he may need it to repair his house; he may regard the possession of a hammer as an investment in his ability to repair his house at some possible future point; he may regard it a possible murder weapon or he may just want to sell the hammer at a later point, if a profit is to be expected. This expected subjective utility is imagined to be a homogenous quantity and assigned a quantifiable or numerical value so that it may (a) be compared to the utility of other goods and (b) enter into the mathematical procedures by which choices are modelled.[102]

3. *Utility functions*. All the preferences of an agent indexed by their expected subjective utility are collected and weighed in a utility function, which in turn grounds the decision of the actor and his subsequent action. In spite of supposedly mirroring an either conscious or unconscious psychological reality, decisions are modelled as characterized by perfect rationality and near-perfect information about opportunities. An agent can assess the utility of *any* course of action and order these in a formal schema such that all preferences are: (a) *complete* – Any package of goods or courses of action can be ordered: $(x_1, x_2) < (y_1, y_2)$ or $(y_1, y_2) < (x_1, x_2)$ etc.; (b) *reflexive*

this framework, but assertions of this type concerning the scope of the economic concept of 'preference' are nonetheless typical, cf., e.g., J. HIRSHLEIFER 1985: 'The Expanding Domain of Economics', *American Economic Review* 75(6): 53–68; p. 53.

[102] Strictly speaking, only so-called *cardinal* utility models (often preferred in text-books because of their more easily graspable character) assign a numerical magnitude to the expected utility of a preferred good, while stricter so-called *ordinal* utility models only order them transitively such that the agent possess a transitive preference-ordering: the utility of A > utility of B > utility of C *ad inf*. In ordinal utility models, one can only say that an agent desires A *more* than C, not that A=7 and C=3. In both cases, however, the key is transitivity – transitivity follows trivially from numerical ordering in cardinal utility models - and in both cases utility is treated as a quantity (cf. below). While V. Pareto (1848–1923) had earlier introduced the concept of 'ordinal utility', the much utilized distinction between 'ordinal' and 'cardinal' utility models was introduced into economics in J. HICKS and R. ALLEN 1934: 'A Reconsideration of the Theory of Value', *Economica* 1(1): 52–76.

– Any package of goods or courses of action is at least as good as itself or any identical combination of goods or courses of action: $(x_1, x_2) \leq (x_1, x_2)$; and (c) *transitive* – If $(x_1, x_2) < (y_1, y_2)$ and $(y_1, y_2) < (z_1, z_2)$, then $(x_1, x_2) < (z_1, z_2)$.[103] These conditions are constitutive of the mental model that rational actor theory assumes agents to be guided by in their actions and allow for perfectly rational decisions, since (1) any course of action can, given transitivity, be clearly evaluated in contrast to all others and (2) perfect information about the cost/utility ratio of any option is a uniform criterion for deciding among them.

Given these specified strictures, it is exceedingly easy for an agent to make the rational choice. The chosen course of action is, in fact, simply a logical consequence of the transitive preference ordering that rational actor theory assumes the agent to be in possession of. This is what yields the supposed predictive power of rational actor theory. Given a complete and transitive ranking of all relevant alternatives, information about their cost and their expected short-term utility (as items of consumption) or long-term utility (as investments in future possibilities of consumption), the actor simply does – and can be predicted to do – the best thing he or she can afford.

The sketched ability to deduce predicatively relevant generalizations about human behaviour from a narrow and parsimonious number of assumptions is what constitutes both the attractiveness and broad applicability of rational actor theory as a social theoretical perspective. As Lazear asserts:

> The power of economics lies in our rigor. Economics is scientific; it follows the scientific method of stating a formal refutable theory… Economics succeed where other social sciences fail because economists are willing to abstract… The parsimony of our method and ability to provide specific well-reasoned answers gives us a major advantage in analysis.[104]

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[103] Lexicographic utility functions require a forth axiom of continuity just as modelling of choices under uncertainty requires axioms of standard mathematical probability theory. For a full derivations of the axioms of probability required by expected utility theory see S. HARGREAVES HEAP 1997: *The Theory of Choice*, pp. 5–11. The critical literature often points out, following Tversky and Kahneman, that agents in fact, when tested in laboratory conditions, show an *at best* very limited grasp of the mathematical knowledge of probability required by rational actor models. A. TVERSKY and D. KAHNEMAN 1981: 'The Framing of Decisions and the Psychology of Choice', *Science* 211: 453–458.

[104] E.P. LAZEAR 2000: 'Economic Imperialism', *The Quarterly Journal of Economics* 115(1): 99–146; pp. 102–103. Mäki draws the attention to Lazear's work as illustrative in U. MÄKI 2009: 'Economic Imperialism'.

As Becker equally points out, the attractiveness of the economic approach consists in its ability to construct, from a small number of assumptions about rationality, 'a valuable unified framework for understanding *all* human behaviour'.[105] In summary, what according to this view lends legitimacy to neo-classical economics and its increased applicability as a social theory is: (1) the universal applicability of a small number of analytical categories from rational actor theory – utility, preference, scarcity, opportunity; and (2) the structured application of these concepts in tracing processes of utility maximization and equilibrium creation at a personal, interpersonal and societal level.[106]

§4. Norms conceived as a result of rational action

Hailed as a landmark of the economic approach, Coleman's *magnum opus*, *The Foundations of Social Theory* (1990), spends its first pages dismissing approaches to society, which have asserted the irreducible character of norms as suffering from 'intellectual superficiality'.[107] Coleman's point is that such norm-centred approaches have been superficially impressed by the social and emotional inputs to action and that this leads them to miss the role of rationality in human action *and* its role in the formation of norms, which may in turn be explained as bargains carried out by rationally self-interested individuals. As pointed out by Bradley Wendel as well as Mouzelis, Coleman hereby exemplifies the standard position adopted by rational actor theory in the analysis of social norms.[108] In brief, the aim of this approach is to develop an endogenous theory of norms and institutions, that is, an account of how institutions and norms are directly generated by the rational pursuit of personal interests. Norms must, to use Coleman's expression, be explained by 'norm-free interests'.[109] In this section, I will give a brief critical treatment of this approach.

The very existence of shared norms initially presents a problem to the rational actor theory analysis of behaviour, since its horizon of analysis is a Hobbesian 'state of nature' in which a

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[105] G.S. BECKER 1978: *The Economic Approach to Human Behaviour*, p. 14.

[106] Cf. J. HIRSHLEIFER 1985: 'The Expanding Domain of Economics'.

[107] J.S. COLEMAN 1990: *Foundations of Social Theory*, p. 5.

[108] W. BRADLEY WENDEL 2002: 'Mixed Signals: Rational-Choice Theories of Social Norms and the Pragmatics of Explanation', pp. 12–19. N. MOUZELIS 2005: *Sociological Theory: What went wrong?*, pp. 35–38.

[109] J.S. COLEMAN 1990: *Foundations of Social Theory*, p. 29.

collection of essentially self-interested individuals wage war upon each other with no incentive to be guided by norms.[110] Accordingly, some authors have simply rejected that there is a sensible rational actor theory analysis of norms. Social theorist Jon Elster, for instance, defends the limited applicability of the rational actor model, but rejects it as categorically inappropriate for the analysis of social norms. As Elster succinctly sums up his approach: 'Many phenomena, which are related to social norms, are just very difficult to make sense of in rational choice terms…But I don't mean to say that the Becker approach isn't useful [in delimited contexts].'[111] On Elster's account, social institutions as well as anthropological and juridical factors – which all have complex histories – impose extrinsic restrictions on the economic games that rational actors play with each other. Hence, Elster argues that economic analysis needs to account for such historically, juridical or socially mediated factors that embeds the exercise of economic rationality.

For Becker and Coleman, however, such an introduction of non-economic factors is un-parsimonious. There is, on their account, no need to view, e.g., gender roles or family patterns as constituting extrinsic factors, which rational actors optimize in light of, e.g., when a firm chooses its labour policies or an employee decides to take a job. Rather and as shown by Becker's celebrated analysis of the family, such seemingly extrinsic factors – while they may seem fixed from the perspective of a particular economic game – do not fall outside the purview of economics.[112] Even such factors are to be modelled as resulting from the unflinching and rational pursuit of preferences. Accordingly, if Hobbes explained the existence of norms by introducing the notion of a supreme sovereign or *Leviathan* into his scenario, the solution proposed by rational actor theory is no less simple. For Hobbes, the obligation of a norm stemmed directly from the ability of the sovereign to punish his subjects.[113] On the rational actor approach, there is no sovereign, but instead of being constrained by an *external* sovereign, the rational agent escapes the misery of the 'state of nature' by adopting rules of

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[110] In his very first articulation of economic rational actor approach to social theory Coleman also invokes Hobbes as its starting point, cf. J.S. COLEMAN 1964: 'Collective Decisions', *Sociological Inquiry* 34(1): 166–81.

[111] J. ELSTER 1990: 'Interview with Jon Elster', in R. Swedberg (ed.) 1990: *Economics and Sociology: Redefining their boundaries – Conversations with economists and sociologists*, p. 238.

[112] See, e.g., the collection of essays in G.S. BECKER 1993: *A Treatise on the Family: an enlarged edition*.

[113] T. HOBBES 1994 [1651]: *Leviathan*. For an interpretation of Hobbes emphasizing such conception of normative obligations in Hobbes, see in particular C.M. KORSGAARD 1996: *The Sources of Normativity*, pp. 21ff. and Nagel's classic analysis in T. NAGEL 1959: 'Hobbes' concept of obligation', *The Philosophical Review* 68(1): 68–83.

action with normative content, which optimizes his utility in the long run. That is, he is constrained *internally* by his own considerations on utility.[114] Although social norms may, in the short term, limit the agents' exercise of rational self-interest, such norms only occur, where they benefit the long term utility of the involved actors.

Take the simple example of property rights often invoked by rational actor theorists. A rational agent might decide to adopt the norm of property rights *as a strategy* on the grounds that this strategy furthers his long-term interests.[115] This would involve the agent foreclosing on the possible benefits of stealing and perhaps suffering some further expenses to take punitive or protective action if he himself is stolen from; expenses that he would suffer in view of optimizing his long-term utility. Here it is of vital importance to the analysis proposed by rational actor theory that the agent is *believed* to follow this strategy by other agents; only then will other agents have reason to adopt a strategy of respecting his property rights. Mutually adopted strategies by several agents will, in this case, create property rights *ex nihilo*: an agent A defends his property, thereby deterring other agents from theft, thus creating his own property rights, and agent A is similarly deterred to respect the property of agent B, thus creating the property rights of B – and vice versa.[116]

A more concrete example is provided by Becker's analysis of the norms guiding optimal family size.[117] In accordance with historical evidence, Becker observes that birth rates and the number of children have declined steadily over the last 150 years, but that this decline has been less steep in rural than in urban areas. A normal sociological approach to the historical changing number of children would perhaps involve a complex historical examination of changing views of the family, of gender roles, of sexual conduct, a comparative geography of rural and urban populations, evolutions in the influence of religion, etc.; in short, an examination of the normative patterns that Weber analysed under the rubric of *lebensführung* perhaps supplemented

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[114] Cf. N. ROWE 1989: *Rules and Institutions*, p. 113.

[115] A full analysis of the emergence of property rights as described in the following is found in *ibid.*, pp. 113ff.

[116] Much more informal norms are analysed on this model too. Coleman, for instance, provides what he takes to be a convincing example of the explanatory power of this model by giving a mathematical deduction of the genesis of seeming norms guiding the use of a single public phone in the halls of college dormitories: Each resident student will initially have a preference for a strategy that monopolizes the use of the phone and it is merely the deterrence provided by the possibility of other students adopting this strategy too, which explains that the empirically observable norms for the usage of such phones seem quite co-operative and non-hostile. See J.S. COLEMAN 1990: *Foundations of Social Theory*, pp. 288ff.

[117] G.S. BECKER 1993: 'The Demand for Children', in G.S. Becker 1993 *A Treatise on the Family: an enlarged edition*.

by more technical accounts of, say, innovations in sexual contraception. For Becker, however, such sociological explanations are excessively complex and unparsimonious. A simple economic explanation suffices to explain the majority of historical data: The real wage income increased over the same period and that made it attractive for women to join the labour market. Taken together these two facts massively increased what economists call the 'shadow price' of children, since caring for children and partially or temporarily leaving the labour market have higher alternative costs given higher real wages and the possibility of being a permanent two-income family. The same effects apply among rural populations, but here they were contravened by the fact that housing and food prices – two pre-requisite goods for a higher number of children – are lower in the rural areas thus decreasing 'the price of children'.[118]

While such analyses of the emergence of norms and institutions vary in their degrees of abstraction and convincingness, we should note that their conclusions along with their quite radical ontological consequences are taken at face value within the applications of the economic approach in social theory. Nicholas Rowe, for instance, states the conclusion of his Coleman-inspired analysis of norms and social institutions by specifying its radical ontological consequence: '…social institutions are in fact nothing more than agents rationally following rules of action, and being believed by others agents to do so.'[119] Similarly, organizational economists such as Barnes and Ouchi can surprisingly state that '…there is no such thing as an "organizational boundary"… there is no such thing as an "organizational environment"… there is no such thing as an "organizational structure"'.[120] Entities such as 'boundaries' or 'structures' are inconsistent with the Hobbesian scenario that the analysis proceeds from, and yet organizational norms emerge in absence of such of entities because the organizational members

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[118] G.S. BECKER 1993: 'The Demand for Children', pp. 143–144.

[119] N. ROWE 1989: *op. cit.*, p. 5.

[120] J.B. BARNEY and W.G. OUCHI 2015 [1986]: 'Learning from Organizational Economics', in J.M. Shafritz, J.S. Ott and Y.S. Jang (eds.) 2015: *Classics of Organization Theory*, p. 219. Also note the recent analysis in T. LOPDRUP-HJORT 2015: 'Object and objective lost?', *Journal of Cultural Economy* 8(4): 439–461. In Lopdrup-Hjort's brief intellectual history of how once commonly invoked explanatory factors like 'norms', 'social rules' and 'organizations' (p. 450) became increasingly 'problematized' by neo-classical economics during the second part of the 20th century, Lopdrup-Hjort notes the work of the financial economists Jensen and Meckling (1976) as particularly illustrative of these wide-reaching ontological consequences of the 'metaphysical stance' (p. 440) attached to the economic approach in social theory. As Jensen and Meckling themselves state, social organizations such as 'firms… universities, hospitals… cities, states and the Federal government' are mere 'legal fictions', which serves as nexuses for 'the complex process in which the conflicting objectives of individuals are brought into equilibrium.' (Jensen and Meckling quoted in *ibid.*, p. 453.)

adopt mutual strategies leading to Nash equilibria that, qua 'self-enforcing agreements' functions as 'stable social conventions'. [121] As Mouzelis points out, the logico-deductive methods applied in such analyses of norms clearly avoids reifying contingent social entities and offer a consistent analysis of social norms and institutions as aggregate phenomena, which proceeds from assumptions of the basis of all social phenomena are specific actors striving for utility maximization.[122] In the next section, however, I will explore some respects in which the proposed analysis of norms and its methodological commitments are problematic.

§5. Flawed foundations?: concluding discussion of rational actor theory as a theory of normativity

> We predicate of the thing what lies in the method of representing it. Impressed by the possibility of comparison, we think we are perceiving a state of affairs of the highest generality.
>
> – L. Wittgenstein, *Philosophical Investigations*, §104.

The breeding ground of economics was the practical philosophies of Aristotle and Smith, but neo-classical economists have for long stopped heeding the advice of philosophers. Given the absence of inspiration from practical philosophy and moral psychology that was present among the classical economists, Schumpeter's dictum in fact seems right: 'There is no more sense in calling the Jevons-Menger-Walras theory neo-classical than there is in calling the Einstein theory neo-Newtonian.'[123] Rather than systematically developing connections with established and philosophically nuanced accounts of human action, contemporary forms of economic analysis have instead plunged into the development of their own theory of practical reason, which is now brought to bear on the analysis of broader social phenomena with the emergence of rational actor theory as a paradigm for social theory. As noted above, the modelling of norms has attracted a substantial amount of attention from rational choice theorists and social

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[121] Game-theoretical models of social norms as Nash-equilibria are outlined in, e.g., M. KANDORI 1992: 'Social Norms and Community Enforcement', *Review of Economic Studies* 59(1): 63–80 and C. BICCHIERI 2006: *The Grammar of Society: The nature and dynamics of social norms.*

[122] Cf. N. MOUZELIS 2005: *Sociological Theory: What went wrong?*, p. 38.

[123] J. Schumpeter's *History of Economic Analysis* (1954), quoted from T. LAWSON 2013: 'What is this 'school' called neo-classical economics?', p. 949.

theorists of an economic bent, since they have perceived the modelling of norms as a 'criterion of success': If social norms can be satisfactorily modelled, then the economic approach successfully shows its worth as a fully-fledged social theory. As Coleman indeed stated, 'the question for rational action theory is why and how does a norm arise and how is it maintained.' [124] Yet, norms remain a particularly thorny issue, since the ordinary as well as philosophical conception of normative action does not seem to square well with the postulates contained in what Veblen called the 'metaphysics' of the neo-classical approach.

As the exposition undertaken in this chapter shows, the postulates of the neo-classical approach, as a minimum, include: that agents are (a) rational maximizers of utility; (b) that utility can for predictive and explanatory purposes be understood as a magnitude varying only in quantity; (c) that action emerges on the background of a transitive preference ranking; (d) that preferences are treated as given and hence that practical rationality and deliberation do not extend to the ends of action, but only to the means; and (e) that preferences are best seen as exogenous, i.e. that preferences are not shaped by norms and institutions, but that the rational pursuit of such preferences is itself the ground of such norms and institutions.[125] The account of social norms offered by these postulates is *reductive*, where 'reductive' implies, strictly, that an entity or a property is reducible *iff.* all of its characteristics and its total function is entailed by lower-level properties, or less tersely phrased, *iff.* it is 'really something else'.[126] Norms on the rational actor account are 'really something else', namely equilibria of preferences, where the explanatorily relevant part is that these preferences are pursued by agents who are 'rational' in a distinctive and special sense. In critically commenting on this picture of norms, the initial focus should thus be on the notion of rationality.

In evaluating and criticizing the neo-classical conception of rationality, there is a need to distinguish between two issues. Whether rational reasons can explain and ground action is one thing. Whether action is "rational" in the special and highly specific sense required by rational

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[124] Coleman cited in L. UDEHN 2001: *Methodological Individualism*, p. 294. Also see J.S. COLEMAN 1992: 'The Problematics of Social Theory' and J.S. COLEMAN 1990: *Foundations of Social Theory*, especially pp. 4–5, 240–246.

[125] Cf. M. NUSSBAUM 1997: 'Flawed Foundations: A Philosophical Critique of (a Particular Type of) Economics', *University of Chicago Law Review* 64(4): 1197–1214; p. 1197. Nussbaum delivers a critique of a similar list of minimum assumptions in her analysis of the 'Law and Economics' movement.

[126] Following Fodor's suggestive simple definition of 'reductionism' as entailing that the explained entity is 'really something else'. J. FODOR 1988: *Psychosemantics*, p. 97.

actor theory is quite another.[127] In the following, I focus on the latter aspect pointing to the ways in which rational actor theory distorts or arbitrarily delimits the concept of practical rationality. It is thus necessary to stress that it is clearly possible to challenge all of the characterizations of "rational" given by rational actor theory without thereby diverging from its dictionary sense as "the power of being able to exercise one's Reason" and without compromising the broadly post-Kantian conception of human beings as the kind of beings who are *responsive to reasons*.[128] Since the dissertation has earlier expressed commitment to this post-Kantian conception (see Chap. 2, §3), the critique of rational actor theory is simultaneously a further determination of that commitment, since it specifies a pitfall to be avoided in the conception of human action as responsive to reasons. At an overall level, one should note that the capacity view of rationality, as endorsed by the dissertation, is consistent with lapses of rationality (since failure to exercise a capacity does not entail the absence of the capacity in question), while rational actor theory is conversely endorsing a notion of rationality, which is assumed to be mechanistically guiding agents thereby not allowing lapses of rationality.[129]

While the more detailed issues that I will direct critical attention to do indeed concern the conceptual core of the neo-classical model of man, they are, importantly, not merely *terminological* issues. The issue is not our linguistic intuitions about calling θ rational or labelling β irrational. The real issue is the shortcomings of the neo-classical model of practical reason taken

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[127] R. BOUDON 1998: 'Limitations of Rational Choice Theory', p. 817. Also cf. R. BOUDON 2013: *The Origin of Values*, p. 57.

[128] The consistency of denying the postulates of rational choice theory while upholding commitment to an ordinary conception of 'rational' is stressed by A. SEN 1977: 'Rational Fools: A Critique of the Behavioral Foundations of Economic Theory', *Philosophy & Public Affairs* 6(4): 317–344. According to Sen, the sense of 'rational' implied by rational actor theory is characterized by at least four restrictions: *First*, it is an instrumental conception of rationality: acts are judged by their consequences only. *Second*, it is conception favouring a theoretical conception of rationality in the sense that it assumes that the primary stance of agents towards the world is a calculative and theoretical stance. *Third*, it is a conception of rationality biased towards act evaluation rather than rule evaluation. It favours the evaluation of the utility of individual acts. To the extent that it reflects on norms and rules, it reflects upon them only as permitting individual acts of utility maximization. *Fourth*, it is a personalist conception. In evaluating the consequences of acts, only personal interests count. Such interests may of course be very diverse, including altruistic interests, but beyond such personal interests and ends, everything else is at best an intermediary. However, as Sen points out (p. 342) vis-à-vis these restrictions, it is clearly possible to call actions incurring, e.g., heavy costs by commitment to a rule or a norm 'rational' without infringing any of the standard criteria for the application of the word 'rational'.

[129] On the 'capacity view' of practical rationality and for further contrasts with 'deductive' conceptions of rationality, like that espoused by rational actor theory, see J. MCDOWELL 1998: 'Virtue and Reason', in J. McDowell 1998: *Mind, Value and Reality* ❖ For a critique of deductive conceptions of normative reasoning in general, see Chap. 6, §4.

as a predictively relevant hypothesis about how agents *in fact* act. In specific, I will discuss the substantive methodological challenges to neo-classical economics and rational actor theory connected to (a) its decisive lack of an account of preference formation and (b) its apparent conflation of model and reality as well as its indistinction between exercises of theoretical and practical rationality.

§5.1. Norms and the absence of any account of preference formation. In rational actor theory and the social analyses that it has inspired, there seems to be a significant problem attached to the notion of preferences and specifically to the formation of preferences and the empirical regularity of ends pursued in actual social practices. Although preferences stand out as central to the theoretical edifices of Becker, Coleman and the neo-classical models of behaviour, there has been an unfortunate absence of accounts of how preferences are formed and come into existence. Instead the neo-classical models have favoured a simplified Humean account, where preferences and desires are just *given* exogenously and independently of any of the practical, social and institutional frameworks in which they are operative.

This is in clear contrast to the arguably ordinary or default conception of preferences as endogenous and as at least partly shaped by norms and social institutions. The endogenous conception has in varying degrees been recognized by almost every major historical writer on human motivation, emotion and action, including Aristotle, the Stoics, Spinoza, Kant, Hegel, Adam Smith as well as numerous contemporary social psychologists and sociologists such as e.g. Bourdieu – whose *Distinction* (1979) could even have provided some basic coordinates for a theory of preference formation, since it was formulated in terms not at all alien to an economic perspective on action.[130] Given the lacking recognition of the endogeneity of preferences and the somewhat problematic absence of an account of preference formation, it seems clear that the proponents of neo-classical models are yet to answer Parsons' classical complaint directed

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[130] On the stance of Aristotle and the additionally mentioned with regard to the endogeneity of preferences, cf. M. NUSSBAUM 1997: *op. cit.*, p. 1198. Also see P. BOURDIEU 2002 [1979]: *Distinction: A Social Critique of the Judgement of Taste*, especially pp. 13, 101–114, 230–244. On the unexploited relevance of this productive aspect of Bourdieu's work to a theory of preference formation see R. SWEDBERG 2003: 'Two Issues for Economic Sociologists to Think About', *Distinktion* 4(2): 41–47. Note that Coleman has indeed taken great care to appropriate Bourdieu's notion of 'social capital'. Yet Coleman conceives of social capital only as an *end* towards which preferences might be directed and not – as Bourdieu intended – as partly explanatory of preference formation. J.S. COLEMAN 1988: 'Social Capital in the Creation of Human Capital', *American Journal of Sociology* 94: 95–120.

against the unmodified and unrestricted use of neo-classical frameworks in social theory. As Parsons' wrote with admirable clarity in *The Structure of Social Action* (1937/1966):

> [A]lthough the conception of action as consisting in the pursuit of ends is fundamental, there is nothing in the [neo-classical] theory dealing with the relations of the ends to each other, but only with the character of the means-end relationship. If the conceptual scheme is not consciously "abstract", but held to be descriptive of concrete reality… then this gap is of great significance. For the failure to state anything positive about the relation of ends to each other can then only have one meaning – that there are no significant relations, that ends are random in the statistical sense.[131]

Parsons acknowledges the role of rationality and the pursuit of ends in action, but what Parsons critically pinpoints by stating that ends, on the neo-classical account of action, can only be conceived as statistically random is the lack of any account of preference formation. The result is an inexplicability of the *de facto* regularity of ends in coordinated social practice. In addressing this problem, classical economists like Smith appealed to prior and common moral sentiments to account for the regularity of the ends pursued and Parsons pointed to the role of different normative spheres in society in structuring preferences.[132]

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[131] T. PARSONS 1966 [1937]: *The Structure of Social Action*, p. 59.

[132] What Parsons (cf. T. PARSONS 1964 [1940]: 'The Motivation of Economic Activities' in T. Parsons: *Essays in Sociological Theory*, especially pp. 54ff.) thereby suggested was that preferences will be shaped by pre-existing norms which confer a social and in that sense 'impersonal' value to the different alternatives of a choice. As Parsons writes, such social values 'are normative patterns which define what are felt to be, in the given society, proper, legitimate, or expected modes of action or of social relationship' (p.54). Some social settings, often backed by good reasons, will confer an 'impersonal' value to, say, becoming a lawyer or being monogamous. Contrasting Parsons' account, the rational choice theorist holds that insofar as I act in conformity with norms, it is only because these norms are among (or conducive to) my personal goals. The rational actor theorist is right to object that 'impersonal' value ascriptions do not *determine* personal choices: Surely, I need not become a lawyer or stay monogamous. Perhaps I am unfit to study law or perhaps I will lapse into infidelity. Seeing an action in light of an 'impersonal' value does not *entail* (logically or causally) the personal choices that I will, after all, go on to make. Yet this objection is misguided, since Parsons was not aiming for a deterministic account or an account that excludes the influence of competing personal goals. Parsons' point (and, in any case, the point asserted here) is rather that we need an account of practical reason, where action can be sensibly interpreted as directed at compliance with norms *in addition to* being directed towards personal goals (p. 55). This is the account lacking in neo-classicism and rational actor theory. What is lacking in this account is the simple distinction between impersonal normative value *and* personal choice based on utility. To exemplify this simple distinction: I may favour jobs that primarily deal in teamwork; individual responsibility may make me anxious etc. But surely, I need not think that jobs that require individual responsibility are worthless or of no value and such value determinations will continue to orient my normative evaluations of others as well as of my own actions. Models of practical reason that are not able to recognize and handle such simple distinctions and facts are arguably deficient. For an emphasis of the necessity of being able to make the latter sort of distinction see R. MARSHALL and J. RAZ 2014: 'From Normativity to

If agents are to be conceived of as rationally responding to their social environment, it is, from the perspective of the present dissertation, hard to see how such a prior account of norms could be avoided, since the role of such an account is to pick out the specific traits of the social environment that are salient for the rational response to the social environment. That is to say, an account of what agents pick out as important, as a problem, as easy, as of little relevance, as noteworthy, as insulting, as displays of care or interest, as inducing to social standing, etc. In the absence of such an account, and more importantly without models which could even include such an account, rational actor theory and the neo-classical approach are left, conceptually, with an impoverished conception of practical deliberation and, empirically, without an explanatory frame for the relative uniformity of ends pursued by agents in social action. Becker himself admitted that his model was perhaps insufficiently capable of dealing with the possibility of endogenous preference shaping by norms and institutional frameworks, but he did not before his death manage to revise the human capital model in order to take stock of this possibility.[133] The problem hereby indicated does not only concern the role of social norms, but equally the ability to account for action of an explicitly economic nature. By depicting the agent as unconditionally economically driven, neo-classical models foreclose the possibility of elaborating the social, historical and economic preconditions of economic action itself and exclude inquiry into how such conditions shape preferences. In brief, the neo-classical framework has no answer to the objection that preferences and interests are themselves shaped and that normative orientations are central to their constitution.

§5.2. Conflations of 'theoretical' and 'practical' rationality and the risk of frictionless models. On a frequent critique, often advanced by proponents of so-called critical theory, neo-classical economics is dubious on "ethical" grounds: Neo-classical agents are "greedy" or "free-wheeling privateers" as displayed by the fact that they act solely on the basis of their *own* preferences and never on the basis of universal or public interest. In the classical terms of Kantian ethics, neo-classical economics are thereby criticized for neglecting the 'formal practical

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Responsibility: Joseph Raz interviewed by Richard Marshall.', *3am Magazine*, 1 September 2014. On the stance of Smith, see A. SMITH 2009 [1759]: *The Theory of Moral Sentiments*. In Part V, Chapter II entitled 'Of the Influence of Custom and Fashion upon Moral Sentiments', Smith sketches the contours of what, in a modern vocabulary, would be an endogenous view of preferences and utility (pp. 234–246).

[133] See G.S. BECKER 1993: 'Nobel Lecture: The Economic Way of Looking at Behavior', *Journal of Political Economy* 101(3): 385–409. Nussbaum polemically argues that Becker should not be credited for this admission, since this mistake lay open to view *to begin with*. M. NUSSBAUM 1997: *op. cit.*, p. 1198 n. 1.

laws of morality' in favour of 'material practical principles' aimed solely and instrumentally at pleasure.[134] Rather, however, than pursuing this well-known and out-worn moralistic critique, I will instead direct attention to a larger-scale conflation of 'theoretical' and 'practical' rationality, thereby indicating that the problems confronting the neo-classical framework are not only ethical but equally, and perhaps even primarily, epistemological.[135] This stronger epistemological critique, however, can likewise be phrased in Kantian terms.

Kant used the terms *theoretical* and *practical* rationality in order to distinguish between two sorts of normative competencies; namely those manifested in giving and asking for reasons for *judgements* and those manifested in giving and asking for reasons justifying *actions*.[136] Regardless of the question of how to incisively frame such a distinction between theoretical and practical rationality, it seems important to note the problems that arise from the fact that the rational choice approach makes no such distinction. Indeed, the perspective requires theoretical and practical rationality to be strictly identical insofar as it requires theoretical judgements quantifying over the maximum of utility to be necessarily and perfectly realized in the practical actions of agents. For the "perfectly" "rational" agent*,* theoretical considerations directly determine action. Such an identification or conflation of theoretical and practical rationality in studying a particular field of action is prone to the analytical danger, which Bourdieu aptly termed the 'scholastic fallacy'.[137] This fallacy consists in modelling the practice of agents as if they were concerned with the very same things as the researcher is concerned with in modelling

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[134] Cf. I. KANT 1788: *Critique of Practical Reason*, 5:22–5:25.

[135] At any rate, the 'moralistic' critique also fails to match up with, for instance, Becker's often progressive political agenda. On behalf of 'public interest', Becker often critically pinpointed the state-sanctioned under-investment in the human capital of under-privileged groups such as immigrants or low-income families. Nonetheless there are interesting moral discussions of *why* one should appreciate some of the policy-suggestions made by Becker. Sen, for instance, notes that he agrees with Becker that investment in education is in some general sense good, but that he disagrees with Becker's reasons for reaching this conclusion. Becker holds that investments in human capital and education is good solely because it augments the *production possibilities* of one's labour, but one might reach the same conclusion from a more nuanced view of education as entailing both instrumental benefits and more intrinsic forms of worth. Cf. A. SEN 2001, *Development as Freedom*, pp. 292–296.

[136] Cf. Brandom's framing of Kant's distinction, e.g. R. BRANDOM 1994: *Making it explicit*, p. 230. As already Aristotle knew, practical rationality is, of course, further distinguished from the theoretical by *being itself the source of what it understands*. Practical wisdom [*phronēsis*] brings about what it understands, i.e. it is the exercise of a normative capacity that itself brings about or causes the very objects with which it is concerned. In Kantian terminology, the exercise of practical rationality is the exercise of the 'peculiar form of causality' that is freedom (I. KANT 1787: *Critique of Pure Reason*, B560). For the relevant characterization of Aristotle's viewpoint, cf. S. RÖDL 2007: *Self-consciousness*, pp. 46ff.

[137] P. BOURDIEU 1990 [1980]: *The Logic of Practice*, pp. 30–42.

them. That is, it consists in the projection of the theoretical consciousness of the researcher unto the practical action of the studied subjects. The tendency towards such a form of projection is clearly detectable in rational actor theory: The theoretical rationality of expected utility theory calculates *optimal* courses of action and subsequently slips into assuming that such calculations are the *actual* basis of practical reasoning and action.

That the strictures of what counts as theoretically "rational" is constitutive of what can count as empirical data concerning actual praxis is simultaneously the strength and weakness of the neo-classical framework. It is a strength in so far as it leads to a universal and empirically applicable framework formed by a small number of analytical categories like utility, preference and scarcity. But it is a decisive weakness in so far as it leads to the frictionless expansion of formal constructions, a resistance to empirical revision and the oft-noted recalcitrance to falsifiability possessed by standard economic models. This resistance and recalcitrance is clearly detectable in Becker's own and admirably clear summary of his method:

> So I start with the assumption that behavior is rational, and ask, "As I apply this to a particular problem, is there behavior that I cannot explain with the rationality model?" Since rationality is pretty flexible and the data often very limited [*sic*], I don't frequently encounter decisive evidence against rationality. Anyway, that is my way of doing things.[138]

Such a heuristic principle is highly efficient at bringing empirical data under the scope of Becker's theory, but it does so at the cost of skipping the question of *whether* the facts are consistent with the theory and instead it proceeds directly to the question of *how* the facts are consistent with the optimization calculus of Becker's rationality assumption.[139] Beyond the often noted Popperian concerns of falsifiability that such attitudes give rise to, I suggest that the stance expressed by Becker above also calls for an invocation of the Wittgenstein's critical diagnosis of the pitfalls of unrestrained conceptually driven models. In a crucial passage in the *Philosophical Investigations*, Wittgenstein warns of the possibility of conflating a simplified

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[138] G.S. BECKER 1990: 'Interview with Gary Becker', in R. Swedberg (ed.) 1990: *Economics and Sociology: Redefining their boundaries – Conversations with economists and sociologists* p. 41. Coleman also emphasizes the priority of formal models and openly admits disinterest in conflicting evidence: '… a lot of cognitive psychologists are interested in variations upon ways in which people are not rational. I am not interested in that at all; I'd much rather take a very simple structure of the level of the actor, and then construct this [theoretical] edifice onto it.' (J.S. COLEMAN 1990: 'Interview with James Coleman', in R. Swedberg (ed.) 1990: *op. cit.*, p. 54.)

[139] S. Winter was the first to note this, in a Popperian light, problematic trait of neo-classical theories. S. WINTER 1975: 'Optimization and evolution in the theory of the firm', in R. Day and T. Groves (eds.): *Adaptive Economic Models*, pp. 81–82.

conceptual framework (in this case, a specific conception of rationality) with the thing described by means of this framework (in this case, social action):

> We predicate of the thing what lies in the method of representing it. Impressed by the possibility of comparison, we think we are perceiving a state of affairs of the highest generality.[140]

Wittgenstein's words of warning are, of course, here directed more at philosophy than at the social sciences. Yet the tendency towards over-simplification, reduction and the obsessive use of a small range of jejune examples in establishing faux generalizations is, as Austin pointed out, far too common to be dismissed as a weakness which only plagues philosophy.[141] Indeed, it seems that theorists like Becker and Coleman believe themselves to be perceiving 'a state of affairs of the highest generality'; they take themselves to be contemplating the most formal and general features of what can count as rational choice. The intense perception of such 'a state of affairs of the highest generality' is, however, disclosed as an illusion once we realize that the crystalline purity of formal economic analysis is not itself a *result* of an investigation, but rather an arbitrary *requirement* on the investigation. The almost sublime purity of the model is a not reflection of the purity of its subject matter; it is merely a distorting side effect of its mode of representation. In Krugman's acerbic formulation, this sort of economic analysis tends to 'mistake beauty, clad in impressive-looking mathematics, for truth'.[142] For Wittgenstein, the way to avoid this illusion consists in directing the attention back to the messy and rough ground of praxis:

> We have got on to slippery ice where there is no friction and so in a certain sense the conditions are ideal, but also, just because of that, we are unable to walk. We want to walk: so we need *friction*. Back to the rough ground![143]

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[140] L. WITTGENSTEIN 2001 [1953]: *Philosophical Investigations*, §104.

[141] J.L. AUSTIN 1960: *Sense and Sensibilia*, p. 4. Rather than disagreeing with Wittgenstein, Austin here captures the true gist of Wittgenstein's remarks on the dangers of this 'craving for generality' (L. WITTGENSTEIN 2007 [1958]: *The Blue and Brown Books*, p. 17). The 'craving for generality' is an all-too human temptation that pertains to modern scientific and theoretical reflection as such rather than to philosophy narrowly. On the latter point, cf. S. CAVELL 1998: 'Declining Decline: Wittgenstein as a Philosopher of Culture', *Inquiry* 31(3): 253–264.

[142] P. KRUGMAN 2009: 'How Did Economists Get it So Wrong?', *New York Times,* 2 September.

[143] L. WITTGENSTEIN 2001 [1953]: *Philosophical Investigations*, §107. For an analysis of this remark and its consequences within anthropological and social scientific method see D.F. PILARIO 2005: *Back to the rough ground of Praxis* ❖ Also see Chap. 6, §§4–5.

If the rough ground of praxis is ignored, and the object of study is constituted as *logos* rather than *praxis*, then the result is a tendency to slip, with Marx' pun, into conflating the 'the things of logic' with 'the logic of things' or, perhaps more precisely, into conflating 'the model of reality' with 'the reality of the model'.[144] This risk – the risk of predicating of the thing what lies in the method of representing it – is a regrettably persistent trait of rational actor theory and its concept of practical reason.

§5.3. Concluding remarks. The specific characterization of practical rationality inherent to rational actor theory and neo-classical economics contains a number of characteristics that impedes its applicability as a model of social action and casts a critical light on its supposed ability to act as a unifying paradigm in social theory. Within the critique of the neo-classical model, particularly as articulated in philosophy of science or within dissenting forms of social theory, there is, I contend, no need to deny the capable, knowledgeable and skilful – in short rational – ways in which agents interact with the world and each other.[145] Yet conversely, there is also no reason to accept the specific spin that neo-classical economics and rational choice theory has given this idea. There are, in fact, when one follows Veblen's example of critically examining its underlying 'metaphysics', good contravening reasons not to accept this specific interpretation of practical rationality.

In this chapter, I have thus first highlighted that the neo-classical model has no answer to the forceful objection that preferences are themselves historically and socially shaped and that normative orientations are central to their constitution. The implausibility of the project undertaken in Coleman's neo-classicist social theory – namely to derive social norms from the unflinching rational pursuit of 'norm-free interests' – becomes clear as soon as we ask if 2nd-century Roman legionaries and 20th-century Weberian bureaucrats have the same 'norm-free

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[144] Marx quoted in P. BOURDIEU 1990 [1980]: *The Logic of Practice*, p. 39. Equally suiting, one could here invoke Weber's diagnosis of the early forms of neo-classical economics as entailing a 'problem conflation' of fact and ideal such that the ideal is mistakenly treated as fact. Specifically, early neo-classical economics had '…experienced a typical process of "problem conflation". The pure theory – which, thus conceived, was "independent of the state", "independent of morals" and "individualistic" – was and will always be indispensable as an instrument of economic method. But, in the eyes of the radical free trade school, it gave an exhaustive picture of a reality that was "natural" (that is to say: not distorted by human foolishness); and, moreover [it was seen], on this basis, as an "Ought": not as an ideal type to be used in the empirical investigation of facts, but as an ideal.' (M. WEBER 2012 [1917]: 'The meaning of value-free in the sociological and economic sciences', in H.H. Bruun and S. Whimster (eds.) 2012: *Max Weber: Collected methodological writings*, p. 332. ❖ Also see Chap. 5, §4.3 in which of the basis of this specific comment of Weber's is elaborated.

[145] T. LAWSON 1997: 'Situated Rationality', *Journal of Economic Methodology* 4(1): 101–125; p. 121.

interests'? To give this objection further force, one can point out that even if it is asserted that Roman legionaries and Weberian bureaucrats do indeed have the same 'norm-free interests' – almost *per impossibile* – then rational choice theory still has no way of informatively analysing nor even accounting for this sameness of interests.[146] Secondly, I have indicated the underlying distortion that results from the indistinction between theoretical and practical rationality in the neo-classicist framework and have pointed out how this leads to a methodological imperialism that derives more from a problematic commitment to *metaphysical generalities* than from its alleged attention to *empirical particulars*.

This problematic, metaphysical commitment incurred by neo-classical models contrasts the form of economic imperialism found in Marxist social theory. Marxism arguably represents another and equally problematic form of economic imperialism, but Marx' economic imperialism leaned more towards *substantive hypothesis* than *methodological generalization*.[147] That is, if Marx asserted that all social relationships are, at bottom, subordinate to economic relationships, it was, at least partly, because Marx believed that to be a valid empirical description of how social relationships were *in fact* structured. In neo-classicism, by contrast, the driver of economic imperialism is methodological. What drives, for instance, Becker's economic analysis of family relationships is not some supposed new empirical insight into the mechanisms of marital or parent-child relationships, but rather the ungrounded methodological contention that family relations can and ought to be described in economic terms.

In summary, the forms of social theory influenced by neo-classicism and rational actor theory simultaneously explain 'too little' and 'too much'. It explains 'too little' in simply treating preferences as given and 'too much' by uncritically generalizing the scope of its models. In addition, the above critique implies that there is a lack of conceptual resources to describe let alone theorize the situated character of practical rationality. This indicates the task of making explicit how forms of practical rationality and normative commitments can be conceptualized in richer, historical and socially specific ways. While this task is not novel, it nonetheless still

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[146] Cf. N. MOUZELIS 2005: *Sociological Theory: What went wrong?*, p. 36.

[147] At least, such a reading of Marx is suggested by, e.g., A.W. WOOD 1972: 'Marx: The Critique of Justice', *Philosophy and Public Affairs* 1(3): 242–282 and J. HIRSHLIEFER 1977: 'Economics from a Biological Point of View', *Journal of Law and Economics* 20(1): 1–52; p. 4 n. 8.

necessary.[148] Showing the aspects of a richer concept of practical rationality is undertaken in Part II of dissertation in reference to German Idealism (see Chap. 4) just as the relationship between norms and economics is revisited in context of Durkheim and Weber's social theories (see Chap. 5). Part III and its analysis of the implications of a Wittgensteinian position likewise consolidate some of the critical points in this chapter by stressing the situated character of our practical dealings with norms (see Chap. 6, §4). These continuities with the remaining parts of the dissertation and the extent to these parts rework some of the problems pinpointed in this chapter are explained further below in the introduction to Part II.

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[148] As emphasized by Lawson, such a task is necessary, cf. T. LAWSON 1997: 'Situated Rationality', p. 121. But as emphasized by, for instance, Ricœur, it is not novel, since even Aristotle attempted to show that preferences, *proairèsis*, are no more than the psychological condition for a much more richer and fine-grained concept of practical rationality, cf. P. RICŒUR 1986: 'La raison pratique', in P. Ricœur 1986: *Du texte à l'ation: Essais d'herméneutique II*, pp. 241, 246–247

PART II

Normativity in the History of Ideas: German Idealism and the birth of social science

Chapter 4: The Kantian-Hegelian origins of the problematic of normativity

Chapter 5: The significance of normativity in the Weberian-Durkheimian tradition.

Introduction to Part II: Aims and interpretive strategy

In looking back at 20th-century social theory, Gillian Rose makes the surprising claim that it was born as a Kantian project, that contemporary social theory remains 'Neo-Kantian' and that it is essentially indebted to German idealism in more ways than is readily realized by its practitioners.[149] Part II could be seen as at once confirming and nuancing this sweeping claim by focusing on the historical dimension of the conceptualization of normativity. The chapters of Part II trace the development of normativity as a key category in the heated debate between the Kantian and the Hegelian systems of practical philosophy (Chap. 4) and go on to trace a significant degree of influence from German Idealism on Émile Durkheim and Max Weber, whose work founded 20th-century social theory (Chap. 5). For Durkheim and Weber, norms and values were not an arbitrary object among other objects, which the social sciences might choose to study. Rather normativity seemed as a *constitutive* concern for the social sciences – as reflected in Durkheim and Weber's attempts to ground sociology as a specifically *moral* science, or perhaps rather, a science *of* morality.

The interest taken in German Idealism in Part II is, however, neither historiographical nor exclusively related to Durkheim and Weber. In relation to the problems raised in the previous chapter (Chap. 3), I contend that German Idealism is helpful in elaborating a suitable conception of practical rationality that is, in brief, able to satisfy two conditions: (i) a conception of practical *reason* which is truly deserving of that name, but which (ii) avoids reducing practical reason to an instrumental form of rationality merely subservient for the realization of exogenously given preferences. [150] Practical reason is arguably neither to be conceived instrumentally nor as a special faculty concerned with ethical dilemmas (Is abortion acceptable? Is it acceptable to work for an arms company? etc.). It is more productively understood as concerned with norms for practical comportment more generally. The previous chapter showed that the form of social theory inspired by neoclassical economics also stresses the necessity of a broad determination of practical reason and similarly underscores its relevance to the

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[149] G. ROSE 2009: *Hegel contra Sociology*, pp. 1ff. ❖ I have provided Part II with a short separate introduction in order to highlight the relative unity of its chapters, its overall methodological aims and its continuities with the rest of the dissertation.

[150] Ricœur emphasizes two similar minimal conditions in P. RICŒUR 1986: 'La raison pratique', in P. Ricœur 1986: *Du texte à l'ation: Essais d'herméneutique II.*

understanding of norms, but the analysis also showed that its instrumental conception of practical rationality is in various respects deficient to fulfill this task.

Yet the concept of practical reason must not be scrapped all together in making sense of normativity. In insisting on this point, the dissertation is in agreement with a number of philosophically minded social theorists such as Jürgen Habermas, Rainer Forst and Luc Boltanski. But rather than getting caught in the convolutions of these later positions, the dissertation revisits the problematic in the original form that it received in the tension between Kant and Hegel. German idealism and its connection to the ideal of 'modernity' has also been implicated in many of the key debates within social theory, for example, the so-called Habermas-Foucault debate; but rather than engaging in the polemics of these debates, the aim is to get one step deeper into the original arguments of Kant and Hegel.[151] Even contemporary thinking, as Ricœur argued, is under the obligation to continually revisit these two 'daunting giants'.[152] The point of revisiting of Kant and Hegel is, in this case, to explore what can be meant by "practical reason" and what allows later generations of theorists to refer to such a concept in describing action (a) as the *free* normative exercise of practical rationality (Kant) and yet (b) as informed by a particular *social and historical* form of life (Hegel).

The progression and structure of Part II is straightforward: Chapter 4 unfolds the relationship between Kant's and Hegel's practical philosophies focusing on the idea of *freedom understood as autonomy*. In doing so, Chapter 4 directs attention to the Kantian-Hegelian discussion of practical reason and autonomy as a minor signpost of a major historical change of philosophical anthropology, which forces consideration of normativity as a key issue in philosophy as well as in the human and social sciences. This topic is one of considerable complexity and care is

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[151] The polemics of the so-called 'Foucault-Habermas debate' on modernity was originally sparked by a controversy over the interpretation of Kant's text 'What is enlightenment?' (1784). While Foucault intended his well-known essay on Kant's text to indicate a rapprochement with Habermas' commitment to modernity and enlightenment, Habermas had difficulty in seeing the sincerity of Foucault's invocation of Kant. Foucault declared himself in 'complete agreement' with what he took to be Habermas' basic stance, namely that 'if one abandons the work of Kant… one risks lapsing into irrationality' (M. FOUCAULT 1982: 'Space, Knowledge and Power', in P. Rabinow (ed.) 1984: *The Foucault Reader*, p. 248). Yet Habermas deemed Foucault's work exactly such a lapse into irrationality. See J. HABERMAS 1990 [1985]: *The Philosophical Discourse of Modernity: Twelve Lectures*, especially pp. 238–294. For the other original contributions to this debate, see M. KELLY 1994 (ed.): *Critique and Power: Recasting the Foucault/Habermas Debate*.

[152] '… c'est une tâches de la philosophie de procéder toujours à une récapitulation critique de son propre héritage, même si c'est une tâches écrasante de se confronter à géants comme Kant et Hegel.' (P. RICŒUR 1986: 'La raison pratique', p. 237).

needed to establish the relevant philosophical arguments, including systematically setting up the various starting points for the discussions within German Idealism. Complementing this philosophical argument, Chapter 5 takes stock of the both oblique and straightforward ways in which Kant and Hegel did, in fact, influence the formation of social theory. As emphasized by, for instance, Heidegger, the Neo-Kantian attention to different 'forms of normativity' in the late 19th century were the key to the formation and separation of the social and natural sciences. [153] Taking this clue, Chapter 5 analyses the influence of late 19th-century Neo-Kantian thought on Durkheim and Weber and their apparent reliance on (a) the Kantian idea of a 'differential epistemology' carving up the natural and the social world and (b) the Hegelian idea of norms as an actual (rather than ideal) and social (rather than individual) form of morality.

The purpose of Part II in relation to the overall goals of the dissertation is to uncover the formation of a main problem pertaining to normativity and to trace the historical rectification and development of the concepts that articulate this problem.[154] If Part I of the dissertation illustrated some concrete challenges to the grasp of normativity within a key contemporary branch of social theory, then the historical strategy of Part II is necessary in order to indicate what Foucault at one point designates as 'the historical coordinates' of our 'present conceptual needs'.[155] Realizing the importance of normativity in the post-Kantian philosophy dominant among Durkheim's and Weber's intellectual contemporaries – such as Heinrich Rickert (1863–1936), Wilhelm Windelband (1848–1915) or Émile Boutroux (1845–1921) – allows for a clearer grasp of the historical coordinates according to which 'norms' and 'values' came to play an important in the formative years of social science. Yet such interest in the relatively abstruse complexities of German Idealism ultimately derives from the fact that its categories are still pertinent to present conceptual needs and to the questions confronting us as social creatures.

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[153] The emphasis on 'forms of normativity' occurs in Heidegger's 1919 lectures on Dilthey's *Geisteswissenchaften* and Rickert's *Kulturwissenchaften*, which both included 'the study of society'. M. HEIDEGGER 2002 [1919]: "Phenomenology and Transcendental Philosophy of Value', in M. Heidegger 2002: *Towards the definition of philosophy*, especially pp. 139ff.

[154] As Georges Canguilhem remarked: 'L'histoire d'une science ne saurait être une simple collection de biographies, ni à plus forte raison un tableau chronologique agrémenté d'anecdotes. Elle doit être aussi une historie de la formation, de la déformation et la rectification des concepts scientifiques.' (G. Canguilhem quoted in P. MACHEREY 2009: *De Canguilhem à Foucault – la force des normes*, p. 33).

[155] M. FOUCAULT 1983: 'Afterword', in H.L. Dreyfus and P. Rabinow 1983: *Michel Foucault: Beyond Structuralism and Hermeneutics*, p. 209.

Chapter 4: The Kantian-Hegelian origins of the problematic of normativity

§1. Introduction: Modernity and Idealism. §2. Interpretative approach: the normative problem of post-Kantianism and the revindication of idealism §3. Self-legislating Reason: the move from certainty to normativity and the idea of a differential epistemology §4. Kant: Autonomy and the Primacy of Practical Reason. §5. The motivation for the Hegelian response to Kant. §6. Hegel's critique of Kant: the 'empty formalism objection' §7. Hegel: *Sittlichkeit* and the question of the 'actuality' of norms. §8. Conclusion: normativity, social theory and the legacy of idealism.

§1. Introduction: Modernity and Idealism

> Gentlemen! We find ourselves in an important epoch, in a fermentation, in which Spirit has made a leap forward, has gone beyond its previous concrete form and acquired a new one. The whole mass of ideas and concepts that have been current until now, the very bonds of the world, are dissolved and collapsing into themselves like a vision in a dream. A new emergence of Spirit is at hand; philosophy must be the first to hail its appearance and recognize it, while others, resisting impotently, adhere to the past, and the majority unconsciously constitute the matter in which it makes its appearance. But philosophy, in recognizing it as what is eternal, must pay homage to it.
>
> - G.W.F. Hegel, *Lectures at Jena*, 1806

As reflected in these exalted words of Hegel, German Idealism marks the beginning, if not the apex, of philosophical modernity. Modernity for both Kant and Hegel signifies a radical break in history and their ideas have in turn been taken to express the central elements of this break. As such, German Idealism simultaneously expresses and belongs to the collective human aspiration associated with the highly contested civilizational ideal of modernity.[156] In spite of its contested nature, there is reasonable agreement on the historical distinctness and uniqueness of European modernity and on its at least basic characteristics. It is marked by the advent of a new concept of nature due to the Copernican advances in natural science; a decline or a reconfiguration of the authority of religion; wide-spread problematizations of the mode of government; a post-Cartesian comprehension of human consciousness as eminently practical and autonomous;

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[156] R.B. Pippin 1997: *Idealism as Modernism*, pp. 1–10 and more generally R. Koselleck 1988: *Critique and Crisis: Enlightenment and the pathogenesis of modern society*.

and, of course, by the presence of a continually renewed hope for freedom and progress.[157] It is these modern developments and common human aspirations that are reflected and expressed in German Idealism.

This connection of German Idealism and modernity – an era to which we arguably still belong – has attracted considerable interest within social theory. Peter Wagner's disciplinary genealogy of the social sciences, for instance, has equated the empirical and theoretical object of sociology with the role and function of specifically 'modern' institutions.[158] Equally, constructive social and political theorists, such as Rainer Forst, have defended the role of Kantian ethics in delineating a theory of justice capable of dealing with 'the contemporary challenges' of 'globalization and multiculturalism'.[159] In a similar vein, Axel Honneth's social theory can be seen as the continuing attempt to unfold Hegel's dialectic of recognition as a perspective on contemporary society, while others such as Lisa Herzog have applied Hegel's thought in analysing the dilemmas of modern economic exchange in specific.[160]

Contributing to this overall discussion of German Idealism, this chapter makes three claims. First, the chapter aims to show that what was registered in German Idealism was not only the immensely important political or social project of modernity, but also the emergence of a new philosophical anthropology, which in turn opened up a distinctive space for social theory and social science. Second, the chapter argues that key concerns of German Idealism were phrased in or tied to a normative vocabulary. Third and in particular, the chapter proposes that with German Idealism the crucial notion of *freedom* came to be understood as autonomy and, more specifically, as a capacity to recognize norms and to act on the basis of them. With Kant, freedom came to be understood as a self-legislation by norms, a kind of *Verbindlichkeit*; and with Hegel this sort of freedom came to correspond to a certain kind of factuality, namely to *social praxis*. In bringing out this normative interpretation it is essential to understand German

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[157] R.B. PIPPIN 1997: *op. cit.*, pp. 2–3.

[158] P. WAGNER 2001: *A History and Theory of The Social Sciences* and P. WAGNER 2013: *Modernity: understanding the present*.

[159] R. FORST 2014: *The Right to Justification: Elements of a constructivist theory of justice*, pp. 43–62, 229–241. Also see J. HABERMAS 2003: 'From Kant to Hegel and back again: The move towards Detranscendentalization', in J. Habermas 2003: *Truth and Justification*.

[160] A. HONNETH 1995: *The Struggle of Recognition: The moral grammar of social conflicts* and A. HONNETH 2014: *Freedom's Right: The social foundations of democratic life*. L. HERZOG 2013: *Inventing the Market – Smith, Hegel and Political Theory*. The precursor to this contemporary reading of Hegel was C. TAYLOR 1999 [1975]: *Hegel*.

Idealism as making – above all – a claim in *practical* philosophy. In putting forward such these substantial claims, the chapter contributes, more specifically, to the interpretation of German Idealism put forward by in the works of Robert B. Pippin and the so-called 'post-Sellarsians', John McDowell and Robert Brandom (see below, Chap. 4, §2). The interpretive avenue opened by these authors is promising in the context of the dissertation because they distil certain key issues related to normativity, but their work is also hermeneutically exemplary because they reactivate the idealist tradition and bring it to bear on contemporary issues. The chapter contributes the existing research literature of this 'post-Sellarsian' interpretation by (a) substantiating as well as collecting the scattered but important insights on normativity that this approach to German Idealism has generated and (b) by showing its implications for a number of social theoretical topics.

Despite the more or less evident anachronisms in the Kantian-Hegelian debate, the contention here is thus that it contains some key stances on normativity that are worth salvaging and which evidently still exercise an influence on contemporary thinking. [161] Kant's modification of Rousseau's idea of self-legislation as contained in the Kantian ideal of autonomy still plays a role in our conception of freedom and agency. Equally, what deserves even contemporary attention in Hegel is his intricate account of how such autonomy conceived of as a reflective and deliberative relation to oneself is possible only insofar as agents stand in institutional and, ultimately, norm-governed relations to others. [162] Such points, I contend, are of staying

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[161] Among these anachronisms, I do not only include the obvious, e.g. Hegel's problematic view of women (G.W.F. HEGEL 2003 [1820]: *Elements of The Philosophy of Right*, §166) or Kant's remark on 'the Jews in Poland' (I. KANT 1798: *Anthropology from a Pragmatic Point of View*, 7: 206, n. 132). More decisively, I leave out of consideration Hegel's notion of 'speculative logic'. From a 21st century perspective, it seems relatively clear that Hegel, in his *Science of Logic*, failed in his attempt to canonize speculative logic as the main discipline of philosophy. When logic did indeed - with Frege and the early Wittgenstein - emerge as a central philosophical discipline, it did so by focusing on the (proposition-based) aspects of logic that Hegel's (term-based) logic ignored or found most dispensable. Yet as Wood remarks in response to these points, 'speculative logic is dead, but Hegel's thought is not.' (A.W. WOOD 1990: *Hegel's ethical thought*, p. 4). Honneth holds a stance similar to Wood's and lays the main emphasis on Hegel's Jena period, cf. A. HONNETH 1995: *The Struggle of Recognition: The moral grammar of social conflicts*. In contrast to Wood and Honneth, Pippin attempts a novel interpretation of Hegel's *Science of Logic* as an 'anti-metaphysical' 'theory of categories', which strips the account of 'speculative logic' of much of the weight traditionally assigned to it. The result of such an arguably 'deflationary' reading, however, is to some extent the same; namely, a focus on the social aspects of Hegelian thought, see R.B. PIPPIN 1989: *Hegel's Idealism: The Satisfactions of Self-Consciousness*, pp. 174ff. For further discussion of the anachronisms of German Idealism in specific relation to social theory, see F. NEUHOSER 2007: *The Foundations of Hegel's Social Theory*, pp. 273ff.

[162] As emphasized in R.B. PIPPIN 2005: *Hegel's Practical Philosophy*, p. 4.

importance to any account of normativity and they determined significant parts of the reception and impact of German Idealism in social theory (also see Chap. 5).

The structure of the chapter is as follows: (1) First it presents its interpretative approach by positioning itself towards standard, dismissive readings of Kant and Hegel and by arguing that two main issues in German Idealism – the question of differentiating reasons from causes and the problem of adequately conceptualizing autonomy – were couched in normative terms. (2) The chapter then proceeds to examine how Kant handled these two problems and how his response leads not only to his famous assertion of 'the primacy of practical Reason', but also to a normative conception of concept-use and autonomous human agency more generally. (3) In order to highlight the novelty of this Kantian conception, the chapter then takes a historical excursus backwards to the natural law tradition and Rousseau specifically. After (4) a summary of the Kantian account and a specification of the motivations behind Hegel's enthusiastic yet corrective response to Kant, the focus is moved to Hegel. In specific, (5) Hegel's so-called 'empty formalism' objection to Kant, from §135 of his *Rechtsphilosophie*, is examined and set into the wider context of the friction between Kantian concept of *Moralität* and the Hegelian notion of *Sittlichkeit*. Before concluding, (6) I address the persistent but misguided worry that Hegel's social philosophy is somehow 'irrationally conservative' as a part of addressing the underlying difficulty of what it means and entails to call norms 'actual' (*Wirklich*).[163] In conclusion, (7) the general import of the idealist conception of norms, agency and freedom is summarized and related to the concerns of the dissertation.

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[163] ❖ On the persistent worries that arguably still shrouds understanding of Hegel's philosophy, see below, Chap. 4, §2 and §§7–8.

§2. Interpretative approach: the normative problem of post-Kantianism and the revindication of idealism

> It was towards the end of 1898 that Moore and I rebelled against both Kant and Hegel. Moore led the way, but I followed in his footsteps.
>
> - Bertrand Russell[164]

From the perspective of the relation between modern philosophy and German Idealism that Bertrand Russell here outlines in his 'creation myth' of analytic philosophy, it might, as Redding notes, seem surprising that anything could be learned from German Idealism. Indeed, it might even seem surprising that German Idealism had attained the large degree of influence at the end of the 19th century that Russell after all correctly credits it with.[165] In his 'creation myth', Russell faults German Idealism for not being able to make even the slightest distinction between 'fact' and 'experience' and he goes on to rehearse the standard caricature of Hegel as a 'mystic' seeking 'absolute knowledge' and as a political reactionary to be ridiculed for supposedly holding the dysfunctional kingdom of Prussia to be *the* zenith of History.[166] However, as Richard A. Watson has argued in 'Shadow history in Philosophy', Russell hereby enacts a more or less fictitious idealist system, which conveniently makes some obvious mistakes that his version of analytic philosophy can then easily correct.[167]

In other words, this caricature of German Idealism, which has also widely circulated beyond analytic philosophy, is so distorting that it is a hardly caricature proper, since a 'caricature' would imply an exaggeration of traits actually possessed by the depicted subject. While Russell's enactment of German Idealism was particularly conductive in giving analytic philosophy a sense of unity by providing a negative point of reference, it cannot be ascribed solely to Russell nor is it is unique to his narrow brand of logical positivism. To mention an illustrative recent example, Jonathan Wolff's introduction to political philosophy still defines German Idealism as the counterpoint against which contemporary political philosophy must be understood and goes on

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[164] B. RUSSELL 1959: *My Philosophical Development*, p. 42.

[165] Cf. the exposition of Russell's views in P. REDDING 2008: *Analytic Philosophy and the Return of Hegelian Thought*, pp. 4ff. ❖ For an account of the degree of influence that Neo-Kantian philosophy had achieved in academia and cultural life by the end the 19th century, see Chap. 5, §2.

[166] B. RUSSELL 1959: *op. cit.*, p. 42 and B. RUSSELL 1967 [1945]: *A History of Western Philosophy*, pp. 731, 737.

[167] R.A. WATSON 1993: 'Shadow history in Philosophy', *Journal of the History of Philosophy* 31(1): 95–109; p. 99. I owe the reference to Watson to P. Redding, cf. P. REDDING 2008: *op.cit.*, pp. 7ff.

to define this counterpoint in a Russellian way as a metaphysical 'doctrine of internal relations', which (somehow) leads to 'highly conservative' and 'organicist' political doctrines.[168] In addition, several varieties of continental philosophy have erected similar intellectual barriers that even today stand in the way of clearly recognizing the significance and influence of German Idealism.[169]

Contrary to such enactments of German Idealism as an unsustainable 'spiritualist metaphysics' and contrary to the intellectual repression that such dismissive enactments imply, this chapter reads Kant and Hegel from an *anti-psychological* and *non-metaphysical* perspective.[170] Such a perspective on Kant and Hegel was first stressed by the German neo-Kantianism of the 1880s, but has it has later been revived in contemporary philosophy and exegesis. The revival of this perspective on German Idealism was pioneered by Pippin's *Hegel's Idealism: The Satisfactions of Self-Consciousness* (1989). Rather than a lapse into mysticism, Pippin emphasized that Hegel's project is continuous with Kant's critique of traditional metaphysics. On Pippin's interpretation,

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[168] J. WOLFF 2013: 'Analytical Political Philosophy', in M. Beaney (ed.): *The Oxford Handbook of The History of Analytic Philosophy*, pp. 798ff.

[169] Crucially, Hegel acted as a convenient strawman when the "post-structuralist" movement of the 1960s sought to distance themselves from their former Hegelian teachers (A. Kojève, J. Hyppolite); and Deleuze could thus influentially maintain that French philosophy henceforth had to be defined as 'a generalized anti-Hegelianism' (G. DELEUZE 1994 [1968]: *Difference and Repetition*, p. xi.). The straw-man enacted in this break from Hyppolite and Kojève contained a portrayal of Kant as a naïve metaphysician and of Hegel as a proponent of a totalitarian finalism and teleology of history. Foucault, however, while often categorized as a 'post-structuralist' did not accept this portrayal of either Kant or Hegel. On the contrary, Foucault articulated his own project as at bottom Kantian and he quite explicitly rejected the vision of contemporary French philosophy as an escape from Hegel (see, e.g., M. FOUCAULT 1971 [1970]: 'The Order of Discourse: Inaugural Lecture at the Collège de France', *Social Science Information* 10(1): 7–30; pp. 28-29). Equally, the more recent attempts to revive Hegelian thought within continental philosophy also sternly reject the early post-1968 caricature of German Idealism, e.g. B. LONGUENESSE 2007: *Hegel and the Critique of Metaphysics* or S. ŽIŽEK 2012: *Less than Nothing: Hegel and the Shadow of Dialectical Materialism*. For a brief historical account of Hyppolite's and Kojève's mid-20th century influence in France, see J. HYPPOLITE 1974 [1946]: *Genesis and Structure of Hegel's Phenomenology of Spirit*, pp. xv–xli.

[170] The division of "psychological" and "anti-psychological" interpretations of German idealism stem from two different approaches to Kant's *Critique of Pure Reason* made plausible by the A (1781) and B (1787) editions respectively. The distinction is effectively summarized by Crowell: 'The first leads to phenomenology and to some naturalistic, cognitive-science readings of Kant, while the second leads from Hegel to neo-Kantianism and to an interest in transcendental arguments. The first takes its departure from the A-Edition version of Kant's Transcendental Deduction, with its account of how categories originate in a threefold synthesis (apprehension, reproduction, recognition). This may be called the "psychological" reading, since it attributes syntheses other than purely inferential or logical ones to the transcendental subject. The second – which may be called the 'logical' reading – emphasizes the B-Edition's insistence on the autonomy of the understanding (i.e. the purely inferential, categorical character of the experiential synthesis) and the merely formal character of the unity of apperception' (S. CROWELL 2013: *Normativity and Phenomenology in Husserl and Heidegger*, p. 13). ❖ Also see Chap. 5, §2 on the anti-psychologism shared across the so-called 'Marburg School' and the 'The Southwest School' in the reception of Kant and Hegel in late 19th-century German Neo-Kantianism.

Hegel 'extends and deepens [the] Kantian antiempiricist, antinaturalist, antirationalist strategies' and completes Kant's project by riding it of its last traces of a 'subjectivist metaphysics'.[171] This non-metaphysical interpretation has gained momentum especially through the efforts of the so-called "post-Sellarsians", John McDowell and Robert Brandom. McDowell and Brandom, each in their own way, show that Hegelian thought, if combined with Wilfred Sellars' critique of 'The Myth of Given', addresses a series of pressing problems within contemporary philosophy, especially within epistemology (McDowell) and philosophy of language (Brandom).[172, 173]

In line with the post-Sellarsian interpretation, the interpretation that I have adopted here is largely affirmative and focussed on the key relation between normativity, freedom and practical reason. To be fair, this reading implies a modest lowering of the dialectical complexity and the sheer number of claims put forward by Kant and Hegel, but it has the advantage of re-vindicating the dignity of the philosophical label of idealism, which has otherwise fallen into considerable disrepute.[174] This is the overall interpretive approach that informs the otherwise highly selective focus of the present chapter.

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[171] R.B. PIPPIN 1989: *Hegel's Idealism: The Satisfactions of Self-Consciousness*, pp. 6ff. Also see J. MCDOWELL 2009: 'Hegel's Idealism as radicalization of Kant', in J. McDowell 2009: *Having the World in View* and A. REDDING 2008: *op.cit.*, pp. 13ff.

[172] These systematic ambitions rather than narrow exegetical concerns were expressed in J. MCDOWELL 1996: *Mind and World* and R. BRANDOM 1994: *Making it Explicit*. Also see W. SELLARS 1997 [1956]: *Empiricism and the Philosophy of Mind*. While largely congruent in exegetical matters, Brandom's and McDowell's systematic ambitions are however not consistent. On McDowell's Wittgensteinian quietist line – with which the present dissertation is more closely allied – Brandom's project of reviving the otherwise dead project of classical analytical philosophy by using late 20th century pragmatist insights is perverse: 'Brandom risks making his new creature look like a sort of Frankenstein monster, enabled to stumble about in a semblance of life by dint of the grafting of new organs, donated by pragmatism, into something that would otherwise have been a corpse - and should have been allowed to stay that way [*sic*].' (J. MCDOWELL 2008: 'Comments to Lecture One', *Philosophical Topics* 36(2):45–53; p. 47.)

[173] The post-Sellarsian reading is often dubbed the 'non-metaphysical reading' and it thus contrasts the 'traditional metaphysical interpretation' exemplified by Russell, just as it partially contrasts the so-called 'revised metaphysical interpretation' defended in a contemporary context by, e.g., S. Houlgate and F. Beiser. Both authors recognize some of the aspects brought forward by a Pippin's anti-rationalist and anti-metaphysical interpretation, while however still stressing especially Hegel's implicit reliance on a Spinozist form of metaphysics. Hegel, on this type of reading, is a 'reformed Spinozist'. Within social theory, Charles Taylor's more apologetic work on *Hegel* (1975) hold a similar position. See C. TAYLOR 1999 [1975]: *Hegel*; S. HOULGATE 2005: *An Introduction to Hegel: Freedom, Truth and History* and F. BEISER 2005: *Hegel*. In addition to Pippin and McDowell, Terry Pinkard's and Allen W. Wood's work should be noted as a significant exegetical contributions to a 'non-metaphysical' or post-Sellarsian reading of German Idealism., see T. PINKARD 1996: *Hegel's Phenomenology: The Sociality of Reason*; T. PINKARD 2013: *German Philosophy 1760–1860* and A.W. WOOD 1990: *Hegel's ethical thought*.

[174] As noted by F. JAMESON 2010: *The Hegel Variations*, p. 10. In accepting the modest lowering of dialectic complexity implied by the post-Sellarsian reading, I am following M.S. THANING 2015: *The Problem of Objectivity in Gadamer's Hermeneutics in Light of McDowell's Empiricism*, pp. 84–104. Thaning instructively notes some of the exegetical challenges to the post-Sellarsian reading – among them the rendering of Kant's account of the 'formal

§2.1. Interpretive focus: two problems. The selective focus here is on the conceptual development that occurred as a result of the dispute between the moral and practical philosophies of Kant and Hegel. Yet this chapter will make no reference to the standard picture of Kant's practical philosophy as an alternative to utilitarianism. The standard narrative of a clash between Kantian deontology and Millian utilitarianism is arguably a recipe for misunderstanding both the immediate historical influence as well as the deeper philosophical concerns of Kant and Hegel. Having died in 1804, two years before the birth of J. S. Mill, Kant could hardly have perceived his practical philosophy in this light nor did the contrast with, say, a more simultaneous figure like Bentham strike Hegel or Kant as relevant.[175] Within the selective focus of the present chapter, Hegel is rather and more rightly seen as responding a problem that he had inherited from Kant regarding the authority of the moral law. Kant had believed that individual self-legislation by means of pure practical reason was alone capable of determining the will. Kant hereby conceived the normativity of practical norms as, at once, "laws" *for* and nevertheless "products" *of* autonomous individual activity.[176] With this Kantian move two decisive problems concerning normativity came into full view:

First, a paradox concerning autonomy became visible; a paradox that Pinkard has adequately called '*the* normative problem of post-Kantianism' thereby indicating its significance and the fact that this significance reaches beyond Kant:

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consciousness' (pp. 90, 94–95) and Hegel's idea of knowledge of as 'the free development of the Notion' (pp. 91, 96–100). Yet Thaning also notes that the post-Sellarsian reading is largely '*systematically* correct' (p. 97) in spite of these *exegetical* challenges. It thereby allows us to see 'the contemporary philosophical relevance' of the 'guiding intuitions' of Idealism (p. 93).

[175] On this historiographical point, cf. D. COUZENS HOY 1989: 'Hegel's Critique of Kantian Morality', *History of Philosophy Quarterly* 6(2): 207–232; p. 207. Excluding utilitarianism in the tradition of Mill as a contrast does not, of course, not exclude Kant's broad concern with teleological conceptions of ethics, such as those emphasizing happiness. Kant's pre-critical writings of the 1760s shifts between intuitionism (B. Butler) and theories of a moral feeling (A. Smith/F. Hucheson), which could lead one to believe that Kant's later critical writings took these be the main viable alternatives to his mature practical philosophy. While not neglecting this fact, this chapter, however, instead lays a considerable stress on the contrast with the natural law tradition of Hobbes, Locke and Rousseau, which Hegel also related to as the main alternative to Kant. For an emphasis of the exegetical legitimacy of this move see W.B. SCHNEEWIND 1993: 'Kant and the Natural Law Tradition', *Ethics* 104(1): 53–74.

[176] R. FORST 2014: *The Right to Justification*, p. 47.

[Autonomy] seems to require a 'lawless' agent to give laws to himself on the basis of laws that from one point of view seem to be prior to the legislation and from another point of view seem to be derivative from the legislation itself.[177]

Secondly, a related problem of rational authority comes into view: How can we reconcile our claim to rational normativity with the naturalistic view of ourselves that rational inquiry has itself produced?[178] That is, how can we reconcile normative action with the naturalistic view that Kant himself had espoused in holding that human beings *from a certain perspective* are nothing but cogs in the necessary causality of the natural realm?[179]

In brief, this chapter will argue that the reply to the first paradox is contained in Hegel's account of the sociality of Reason; the bindingness of norms is only intelligible within the historical and social unity of *Sittlichkeit*. Rational agency is not a natural property of human beings that we can exercise from birth; it is an achieved normative status and it requires a social context to be intelligible.[180] As a reply to the second problem focused on the role of causality, the doctrine of what I will call a *differential epistemology* emerged from German Idealism. That is, what I take to have emerged in post-Kantianism is the positing of an epistemological (rather

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[177] T. PINKARD 2013: *German Philosophy 1760–1860*, p. 59. Also cf. the so-called '*Urheber*' description of the moral law in I. KANT 1785: *Groundwork of the Metaphysics of Morals*, 4: 431: 'The will is therefore not merely subject to the law, but is also so subject that it must be considered as also giving the law to itself and precisely on this account as first of all subject to the law (of which it can regard itself as the author [*Urheber*]).'

[178] As also emphasized by A. REDDING 2008: *op.cit.*, p. 14.

[179] I. KANT 1781/1787: *Critique of Pure Reason*, A445/B473. I. KANT 1785: *Groundwork of the Metaphysics of Morals*, 4: 460–61. The difficulty is also touched upon by Kant in the context of the human or social sciences. In the *Anthropology*, Kant thus distinguishes between two approaches to the study of Man: 'Physiological' studies of Man as determined by causality and 'pragmatic' studies of Man as a free rational being, cf. I. KANT 1798: *Anthropology from a Pragmatic Point of View*, 7:119.

[180] Cf. J. MCDOWELL 2009: 'Towards a Reading of Hegel on Action in the "Reason" Chapter of Hegel's *Phenomenology*', in J. McDowell 2009: *Having the World in View*, p. 166. As indicated, it is a feature of Hegel's account that rational agency is, *in some sense*, a social and historical *achievement*. However, as McDowell argues in partial disagreement with "Pippin's Hegel", some caution is needed here. The caution needed could be formulated along these lines: While rational agency on a collective level is rightly seen as an 'achievement' in the sense of being 'the result of an effort or a struggle' (with concepts, illusions, institutions etc.), it is on the individual level more rightly seen as a more passive practical achievement on par with being initiated into a language and a culture. Achieving rational agency in the sense of being able to judge apperceptively is thus, on the individual level, rather to be understood on the model of learning a language. For Pippin and McDowell's debate on this and related exegetical matters, see R.B. PIPPIN 2005: 'Postscript: On McDowell's Response to "Leaving Nature Behind", in R.B. Pippin 2005: *The Persistence of Subjectivity*; J. MCDOWELL 2007: 'On Pippin's Postscript', *European Journal of Philosophy* 15(3): 396–411; R.B. PIPPIN 2007: 'McDowell's Germans: Response to 'On Pippin's Postscript', *European Journal of Philosophy* 15(3): 411–430 and R.B. PIPPIN 2011: *Hegel on Self-Consciousness*, p. 18 n. 16, p. 34 n. 31, pp. 37–51. In spite of the sometimes impatient tone of their debate, my judgment is that McDowell and Pippin are in basic agreement (if taken in comparison to other interpretive lines on German Idealism). Their controversy is thus not of overall importance for my interpretation, but I indicate the few places, where the controversy has brought forward interesting contrasts.

than ontological) difference between the study of nature and matter, on the one hand, and man and culture, on the other hand. As the dissertation will explore in the next chapter (see Chap. 5), this distinction reached its most full articulation in the neo-Kantianism of the late 19th century with important consequences for the concurrently emerging social sciences.

§3. Self-legislating Reason: The move from certainty to normativity and the idea of a differential epistemology

As I have indicated, German Idealism contains a number of wide-ranging points related to practical reason, autonomy and normativity. In order to arrive at these points, we must, however, first specify how German Idealism, while most commonly understood as a mainly epistemological doctrine, was simultaneously if not primarily *a claim in practical philosophy*. In order to make this general point explicit, I will make two initial detours into the epistemological aspects of German Idealism, starting with an explication of (1) *the move from Cartesian certainty to normative validity* and proceeding to (2) *the idea of a differential epistemology* separating man from nature, which may be illuminated through the distinction between *properties* and *proprieties*.

§3.1. Knowledge and concepts: from Cartesian certainty to normative validity. Hegel famously opened the *Phenomenology of Spirit* (1807) with an epistemological analysis of 'sense certainty' [*sinnliche Gewissheit*], that is, of the seemingly 'immediate knowledge of the immediate' [*unmittelbares Wissen des Unmittelbaren*] or the 'knowledge which is at first [*zuerst*] or immediately our object.'[181] While the opening sections at first seem to be a calm analysis of 'sense certainty', it soon becomes clear that Hegel is in fact ridiculing the empiricist fetish of sense certainty by rehearsing the empiricist reliance on a dubious realm of sensuous 'givens'; qualities simply given to sensibility, which can only be denoted by a multitude of patently uninformative demonstratives, a host of *this*es and *that*s.[182] Hegel's attack on the priority of the *senses* is, of course,

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[181] G.W.F. HEGEL 1979 [1807]: *The Phenomenology of Spirit*, p. 58 / ¶90 ❖ Page numbers refer to the applied English 1979 translation by J. N. Findlay and A. W. Miller, while the ¶-indication refers to the cross-edition paragraph numbers also indicated in the Miller and Findlay translation. When the original German is conferred, the Suhrkamp edition has been used, G.W.F. HEGEL 1980 [1807]: *Phänomenologie des Geistes*, Vol. 3 of G.WF. 1980: *Werke in zwanzig Bänden*.

[182] Cf. G.W.F. HEGEL 1979 [1807]: *The Phenomenology of Spirit*, the first section A1 entitled 'Certainty at the level of sense-experience – The "This" and "Meaning"' (¶90ff.). The analogy with Wilfred Sellars' later attack on the empiricist reliance on a 'Myth of The Given' ought to be evident, cf. W. SELLARS 1997 [1956]: *Empiricism and the*

directed against the empiricists, but his quips about the incessant strife for shallow *certainty* are, however, equally directed against the rationalists. Contra the empiricists, Hegel is attacking the notion of sense experience as an irreducible given and as the foundation of thought; and contra dogmatic rationalism, he is denying that there is any idea "behind" sense experience that provides it with certainty.[183] As Hegel concisely states in a remark that is overtly anti-metaphysical, the aim is to nullify both 'the sensuous here-and-now' and 'the nightlike void of the supersensible beyond' and to step out into the sobering 'daylight of the present.'[184]

Kant's *Critique of Pure Reason* (1781/1787), of course, also defined itself in terms of this two-fold struggle against empiricism and rationalism. While denying empiricism as a sceptical dead-end, Kant also limited the speculative force of reason (emphasized by rationalism) to the limits of possible experience (as emphasized by empiricism). For Kant the limits of experience were constituted by the distinct contributions from the three faculties of Intuition, Understanding and Reason. Kant thus assigned to Intuition the forms of sensible intuition (space and time),[185] to the Understanding the twelve categories legislative of experience (unity, plurality, totality, reality, negation, limitation, substantia et accidens, causality, community, possibility, existence and necessity),[186] and to the Reason the regulative ideas of pure reason (soul/world/God).[187]

While Kant's distinction between Intuition, Understanding and Reason is well-known, it is crucial to note that the relation between these three distinct faculties was conceived as a *legislative* relation. In the *Anthropology*, for instance, Kant makes it perfectly clear that he conceived the compromise between sensibility and understanding in legislative terms:

Philosophy of Mind. Hegel's argument may, however, also be fruitfully compared to Wittgenstein. Wittgenstein precisely formulates the picture that he (and Hegel) wants to exorcise: 'One would like to say: "I see red thus", "I hear the note you strike thus", "I feel pleasure thus", "I feel sorrow thus", or even, "This is what one feels when one is sad, this, when one is glad", etc. One would like to populate a world, analogous to the physical one, with these *thus*es and *this*es…' (L. WITTGENSTEIN 1998 [1980]**:** *Remarks on the philosophy of Psychology*, Vol. I, §896. This picture, however, 'plays hell with us', as Wittgenstein phrases it his *Lectures on "Private Experience" and "Sense Data"*. In specific, this picture misconstrues the role of almost all of its elements: demonstratives, inner states *and* the content of experience. See L. WITTGENSTEIN 1968: 'Notes on Lectures on "Private Experience" and "Sense Data"', *The Philosophical Review* 77(3): 275–300; p. 276.

[183] Cf. B. LONGUENESSE 2007: *Hegel and the Critique of Metaphysics*, p. 7. This interpretation is also collegial to J. MCDOWELL 2009: 'Hegel's Idealism as radicalization of Kant'.

[184] G.W.F. HEGEL 1979 [1807]: *The Phenomenology of Spirit*, pp. 110–111/ ¶177.

[185] I. KANT 1781/1787: *Critique of Pure Reason*, A22–37/B37–53.

[186] *Ibid.*, A80/B106.

[187] *Ibid.*, A671/B699ff. See Caygill on this well-known but complex topos in Kant in H. CAYGILL 1998: *Walter Benjamin - The Colour of Experience*, pp. 2ff.

… it is required that *understanding* should rule without weakening sensibility (which is in itself like a mob, because it does not think), for without sensibility there would no material that could be processed for the use of legislative understanding.[188]

Legislating intuitional sensibility according to the categories of the Understanding and the self-legislating of Understanding by means of Reason ought then, on the Kantian account, to bring about the desired compromise of empiricism and rationalism or, in modern parlance, to bring about the 'equipoise' of sensibility and concepts also desired in contemporary epistemology.[189] Rather, however, than going through the well-known details of Kant's well-described 'transcendental compromise' between empiricism and rationalism, it is, within this context, more useful to tease out the Kantian notion of normativity and the overarching role of practical reason by asking: What is this Kantian form of 'legislation' and 'self-legislation' at all? In order to answer this question, it is initially productive to note Kant's shift away from a rationalist and Cartesian notion of *certainty*. In particular, Kant's move away from the Cartesian notion of certainty can, as suggested by Brandom, be used as an illustrative means to expound a key Kantian insight that also Hegel inherited, namely the conception of concepts as normative.[190]

Descartes founded his philosophical system by making a distinction between two sorts of substances, *res extensa* (the realm of nature) and *res cogitans* (the realm of thought) and by defining knowledge in terms of certainty and doubt. The former distinction, which emerges over the course of the Second and the Sixth Meditation of *Meditationes de prima philosophia*, is an ontological distinction in that it distinguishes two sorts of substances or two sorts of *res* from each other. There exists things which are spatio-temporally extended (*extensa*) and there exists things which are not so extended but that are thinking (*cogitans*).[191] Kant broke away from this picture by means of an entirely novel and *normative* theory of concepts and judgement and by

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[188] I. KANT 1798: *Anthropology from a Pragmatic Point of View*, 7:144, emphasis org.

[189] J. MCDOWELL 1996**:** *Mind and World*, pp. 9–23. On the relevance of 'retaining the equipoise' in contemporary epistemology also cf. M.S. THANING 2015: *The Problem of Objectivity in Gadamer's Hermeneutics in Light of McDowell's Empiricism*, pp. 85–100.

[190] R. BRANDOM 1994: *Making it Explicit*, especially pp. 9ff., 30ff., 49ff.

[191] E.g. '[O]n the one hand I have a clear and distinct idea of myself, in so far as I am simply a thinking, non-extended thing, and on the other hand I have a distinct idea of body [*corpus*, Descartes is punning on 'my body' and 'physical bodies' in general], in so far as this is simply an extended, non-thinking thing. And accordingly, it is certain that I am really distinct from my body, and can exist without it.'(R. DESCARTES 1996 [1641]: *Meditations on First Philosophy*, 'Sixth Meditation', p. 54). And further, '…the true and most clearly intelligible feature which differentiates corporeal things from incorporeal ones [is] that the latter can think, but the former not' (*ibid*., p. 76). Also cf. R. BRANDOM 1994: *op. cit.*, pp. 9ff., 30ff.

the distinguishing between the realm of nature and realm of thought in epistemological rather than ontological terms. The key to understanding this turn – away from certainty as the criterion of knowledge and away from ontological dualism – is the Kantian conception of concepts.

What is it then, on the Kantian account, that I have when I have the concept of, say, a 't-shirt', a 'job' or 'blue'? *The Critique of Pure Reason* provides a compelling even if very brief dual answer:

> Whereas all intuitions, as sensible, rest on affections, concepts [*Begriffe*] rest on functions. By function I mean the unity of the act [*Handlung*] of ordering various representations under one common representation. (B93/A68)

> All knowledge demands a concept, though that concept may, indeed, be quite imperfect [*unvolkommen*] or obscure [*dunkel*]. But a concept is always, as regards its form, something universal which serves as a rule [*zur Regel dient*]. (A106)

This first significant thing to note is that Kant thinks of concepts as akin to abilities, as being able to *do* something ('By function I mean the unity of the *act*…'). As Bennett has noted, Kant's 'actual working use of "concept" is… thoroughly Wittgensteinian. For him as for Wittgenstein, the interest of concepts lies in the abilities with which they are somehow associated.'[192] The second thing to note is that Kant's account superseded his Cartesian as well as empiricist predecessors, who attached great significance to the highly mysterious qualities of subjective 'faintness' or 'clarity' in representations ('a concept… may, indeed, be quite imperfect or *obscure*.').[193] The third characteristic is the most important, namely, that concepts have the form of *rules* ('…something universal which serves as a *rule*').[194] It is on the basis of this latter characteristic of concepts that Kant can take his decisive move of defining the faculty of understanding [*Verstand*] as nothing but the ability to apply rules[195] and can go on to define the

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[192] J. Bennett's *Kant's Analytic* (1966), quoted from R.B. PIPPIN 1979: 'Kant on Empirical Concepts', *Studies in History and Philosophy of Science* 10(1): 1–19; p. 3. Also cf. Pippin's instructive comments to B93 and A106 (pp. 2–4) which I am here following.

[193] On epistemological significance of 'clarity' in Descartes see e.g. R. DESCARTES 1996 [1641]: *op. cit.*, 'Fourth Meditation', p. 41. Within the empiricist tradition, Hume equally contrasts the 'faintness' of possibly deceitful 'ideas' with the 'vivacity' and 'liveliness' of sensible 'impressions', see the very opening of D. HUME 1965 [1739]: *A Treatise of Human Nature*, Book I, Part I, Sect. I, pp. 1–2.

[194] On concept-use as a rule-following activity in Kant also see I. KANT 1787: *Critique of Pure Reason*, B170ff. ("Transcendental Judgement in General"), B176ff. ("The Schematism of the Pure Concepts of Understanding"), B74ff. ("Transcendental Logic").

[195] 'We may now characterize it [the Understanding] as the *faculty of rules*. This characterization is more fruitful and approximates its essence more closely.' (I. KANT 1781: *Critique of Pure Reason*, A126).

power of judgement [*Urteilskraft*] as nothing but the ability to unify and subsume empirical phenomena under a concept *according to a rule*.[196] It is this characteristic that prompts Heidegger's significant observation that, on Kant's account, concepts are 'normative unities'.[197] Concepts are normative unities simply because rules specify what *ought* to be done in certain circumstances.

§3.2. The idea of a differential epistemology: properties and proprieties. In contrast to Cartesian rationalism, we are thus presented with a 'concept of a concept' that is centred on normativity and legislative bindingness rather than on certainty. For Descartes the key questions to ask of a concept were: Is it clear? Is it distinct? What certainty guarantees it?[198] These are not the key questions for Kant ('...concepts may, indeed, be quite imperfect or obscure').[199] Rather, the key questions to ask of a concept become: Is it binding? Is it necessary? The authority and bindingness of concepts, which Kant denotes as their *Notwendigkeit*, is a form of deontic, normative and 'juridical' necessity rather than a form of alethic or causal necessity.[200] The question of the legitimate application of concepts is, Kant programmatically holds, a *quaestio quid juris* (a question of right) rather than a *quaestio quid facti* (a question of fact).[201] So whereas for Descartes, the relevant thing about a concept is its ability to clearly and descriptively pick out a property, the relevant thing for Kant is the prescriptive power of concepts imposed by the deontic force of the 'self-legislation' of Reason. And for Descartes, the distinction between being a thing (*res extensa*) and being a subject (*res cogitans*) is a matter of possessing certain

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[196] 'If the understanding in general is explained as the faculty of rules, then the power of judgment is the faculty of **subsuming** under rules, i.e., of determining whether something stands under a rule (*casus datae legis*) or not.' (I. KANT 1987: *Critique of Pure Reason*, B171, italics and bold in org.). It is well-known that the *Critique of Judgement* operates with a more differentiated conception of judgement. The third critique thus makes a distinction between *determinative* [*bestimmend*] judgement, which subsumes particulars under rules, and *reflective* [*reflectirend*] judgement, which proceeds from given particulars to yet undetermined rules. But the essential connection between judgement, rules and concepts is maintained: 'The power of judgment in general is the faculty of thinking of the particular as contained under the universal [*das Allgemeine*].' (I. KANT 1790: *Critique of Judgement*, 5: 179).

[197] M. HEIDEGGER 1997: *Kant and the problem of metaphysics*, p. 69.

[198] Descartes underscores this importance of 'clarity' and 'distinctness' by stating that one should 'simply refrain from making judgments in cases where I do not perceive the truth with sufficient clarity and distinctness' (R. DESCARTES 1996 [1641]: *Meditations on First Philosophy*, 'Fourth Meditation', p. 41.) On this theme in Descartes, also see R. BRANDOM 1994: *op.cit.*, pp. 30ff.

[199] I. KANT 1781: *Critique of Pure Reason*, A106.

[200] R. BRANDOM 1994: *op.cit.*, p. 9.

[201] I. KANT 1781/1787: *Critique of Pure Reason*, A84/B116.

(natural) *properties*, while for Kant the distinctive about being a rational human subject is being bound by certain (normative) *proprieties*.[202]

Accordingly, the distinction between thing and subject in Kant is not between two different ontological substances, but rather an epistemological distinction between agents that are correctly conceived as guided by laws in a specifically normative sense and inanimate objects, which are correctly seen as guided by laws causally. The orbital motion of a planet, say, is *described* by the Keplerian laws, but certainly the planet does not *comply* with these laws.[203] Natural laws describe relations between properties, while juridical laws prescribe certain proprieties. These two conceptions of law imply, as Kant more fully specifies in the *Critique of Practical Reason* (1788), a distinction between rational subjects that act in accordance with *conceptions* of rules and inanimate objects, which *just* act according to rules.[204] That nature and man is distinguished by this epistemological rather than ontological feature was later to become important to the distinctions between natural and social-historical sciences presented in the late 19th century by neo-Kantian such as Heinrich Rickert, Wilhelm Windelband or Émile Boutroux (see Chap. 5). Human beings could indeed, using a certain epistemological perspective, be considered as inanimate, mechanical objects and could be described as such. Indeed physiology, medicine and other forms of natural sciences were committed to the application of just this sort of epistemological perspective. Such delimitation of their mode of description aimed at securing the scientific autonomy of medicine and physiology and their ascendency to the rank of proper natural sciences (as opposed to "mere" practical arts). However, the historical or social sciences were conversely, but likewise in order to gain autonomy, committed to include the perspective of rational agency and thus to supplement the search for natural causes with a hermeneutic uncovering of 'intentions', normative proprieties and rational reasons.[205] To use Kant's own

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[202] The neat conceptual pair 'properties' and 'proprieties' stems from Brandom's interpretation of Kant. See R. BRANDOM 1994: *op.cit.*, pp. 49ff.

[203] 'Hence the difference between the laws of a nature to which *the will is subject* and those of a *nature that is subject to a will* (in regard to what refers the will to its free actions) rests on this: that in the former nature the objects must be causes of the presentations that determine the will, but in the latter nature the will is to be the cause of the objects, so that the will's causality has its determining basis solely in the pure power of reason, a power that can therefore also be called a pure practical reason.' (I. KANT 1788: *Critique of Practical Reason*, 5:44, emphasis expanded)

[204] I. KANT 1788: *Critique of Practical Reason*, 5:31–32.

[205] This is the distinction among the sciences that Kant himself came close to suggesting in the *Anthropology* (I. KANT 1798: *Anthropology from a Pragmatic Point of View*, 7:119) and that Weber re-iterated under the neo-Kantian influence from Rickert: 'Unlike the process of natural science, we can here [in the social sciences] obtain a

vocabulary from the introduction to the *Critique of Judgement*, this difference among sciences corresponds to seeing Man through 'the prisms' of 'two different sorts of legislation'.[206]

A first result of our investigation the Kantian idea of normativity is thus: On Kant's view of the normative character of agency and conceptual activity, what radically distinguishes rational subjects is that they are *responsible* for their judgements and actions. Using the trope that I have previously employed, human subjects may be said to be *responsive to reasons* in the dual sense of (i) explaining their judgements and actions in terms of reasons and (ii) by undertaking certain forms of responsibility by doing so. A basic feature of normativity, on the Kantian account, is then that it involves both forming judgements and performing actions. Not only do we respond to our environment, we form judgements about it, indeed we cast judgements *upon* it. Not only do we produce behaviour, we intentionally perform actions. By intentionally producing them and taking "ownership" of them, subjects become responsible for their judgements and actions; they hereby undertake normative commitments that are not undertaken in clear-cut cases of unconditioned reflexes, physiological reactions or unintentional behaviour.[207] That it is our capability for conceptual activity that differentiates reactions from judgements and behaviour from actions is a fundamental Kantian insight.[208] For Kant then, what is distinctive about the sayings and doings of rational subjects is that they are implicated with a use of concepts – and such concepts may ultimately be cashed out as normative rules specifying what is to be done. Kant's conception highlights the importance of the bindingness – the *Gültigkeit* or *Verbindlich-keit* – of the various norms related to rationality and responsibility. However, in order to understand the *Verbindlichkeit* of norms, we must look at the Kantian concept of *autonomy*; a concept that also makes plain the practical motif inherent to Kant's entire critical project.

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subjective interpretation of the behavior of the individuals directly involved. This is so because the natural sciences are limited to the formulation of the causal uniformities of objects…' (M. WEBER 1990 [1913/1925]: *Basic Concepts in Sociology*, p. 45). ❖ For a full interpretation of this Kantian theme Weberian and Durkheimian tradition of social science, see Chap. 5.

[206] I. KANT 1790: *Critique of Judgement*, 5: 195–196.

[207] For an account of Kant that stresses "ownership" of action see C.M. KORSGAARD 1996: *The Sources of Normativity* ❖ Also see previous account given in Chap. 2, §3.

[208] Henry E. Allison elaborates even more fully than Brandom and McDowell, the emergence of this 'discursivity thesis' in Kant. By 1769, Kant had realized that understanding and the sensibility were separate and irreducible cognitive powers. Kant referred to this as the 'great light' of his pre-critical period. The true insight of his critical period, however, was that although separate cognitive powers, sensibility only yields cognition when implicated with the understanding's use of concepts. The cognition of rational subjects is, then, intrinsically discursive and irreducibly tied to conceptual activity, cf. H.E. ALLISON 2015: *Kant's Transcendental Deduction: An Analytical-Historical Commentary*. Yet also see R. BRANDOM 1994: *op.cit.*, p. 8.

§4. Kant: Autonomy and the Primacy of Practical Reason

> The concept of freedom, insofar as its reality is proved by an apodeictic law of practical reason, forms the *keystone* of the whole edifice of a system of pure reason …

> - I. Kant, *Critique of Practical Reason*

In his second critique, Kant asserted what he called the 'primacy of practical reason' over theoretical reason specifying that what he meant by 'primacy' was the 'the preeminence of one thing [insofar as] it is the first determining basis of the linkage with all the rest.'[209] It was Kant's notion of autonomy or freedom that entailed this uniting primacy of practical reason. In denying normative authority to brute preferences against the Humean conception of practical reason and in blocking theoretical reason access to the supersensible against the rationalists, Kant instead to opted assign primacy to freedom and a strong conception of practical reason.[210] This is why Kant could only infer that practical reason and the concept of freedom 'forms the *keystone* of the whole edifice of a system of pure reason.'[211]

In unpacking this seemingly sweeping claim, one should start by noting that if the free commitment to normative proprieties forms the keystone of both practical and theoretical reason, it is because it concerns both action *and* judging. It may be easy enough to grasp why action for Kant is bound by certain normative *proprieties*, since it is plain that not all actions are equally appropriate in a practical context. In fact, one might – not quite jokingly even if not quite strictly either – define a 'context' as the sort of thing that makes an action appropriate or inappropriate. Developing a sense of how to act at, say, a job interview or a funeral just *is* developing a sense of prudence thereby coming to act in accordance with the relevant proprieties involved. The capacity to act in accordance with normative proprieties, however, was for Kant not to be understood as mere passive subjection to cultural etiquette. The capacity to act in accordance with normative proprieties is rather a decidedly active capacity connected

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[209] I. KANT 1788: *Critique of Practical Reason*, 5: 119.

[210] On the Humean conception, (1) practical deliberation only extends the means and never to the ends of action and (2) reason can never cause any action if not aided by a passion, which is itself uninformed by reason. Passions and desires are, as Hume writes, 'an original existence; compleat in itself' and as in constituting exclusive cause and motivation of action, they are 'neither contrary nor comformable to reason.' (D. HUME 1958 [1738]: *A Treatise of Human Nature*, Book III, Part I, Sect. I, p. 458, spelling original.). Both claims are denied by Kant's stronger account of practical reason.

[211] I. KANT 1788: *Critique of Practical Reason*, 5: 4.

with freedom, thought and spontaneity. As Kant writes, this source of 'all true sociability' constitutes 'a whole new direction for thought' insofar as it determines Man as a specifically moral and active being.[212]

If judging and not only action may also be said to be bound by certain normative proprieties, it is for the simple reason that judging – in the sense traditionally examined by epistemology and not only practical philosophy – is also a special form of active "doing". As McDowell notes in issuing an important philosophical reminder, judging is simply making up one's mind and making up one's mind is one's own doing.[213] It is something for which one is responsible, and to engage in judging is to engage in free cognitive activity rather than merely having something happen in one's life; outside one's control. What Kant alternately calls 'the spontaneity of concepts', 'the spontaneity of cognition' and 'spontaneity of thought' is simply this active side of judging.[214] In contrast to the receptivity of sensible intuitions, the A-Deduction of the first *Critique* thus speaks of judging and spontaneity as 'inner action' (A97), while the B-Deduction, stripping away the psychological metaphor of inwardness, speaks simply of 'acts of spontaneity [*Actus der Spontanität*]' (B132).

For Kant, the objective purport of empirical and theoretical judgements consisted in the fact that the objects of these judgements are *within reach* of spontaneity. The epistemological implications of the Kantian concept of spontaneity are thus almost the exact opposite of the Fichtean and metaphysical concept of 'spontaneity' through which the subject merely posits [*Setzen*] a (fictional) world of its own.[215] Fichte had, by dropping the Kantian requirement of

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[212] '… Man's development as moral being came from his *sense of decency*, his inclination to inspire respect in others by good manners (i.e. by concealing all that which might invite contempt) as the proper foundation of all true sociability. – A small beginning such as this, which nevertheless has epoch-making effects in imparting a whole new direction to thought, is more important than whole endless series of subsequent cultural developments.' (I. KANT 1786: 'Conjectures on the Beginning of Human History', reprinted in I. Kant 2009: *An Answer to the question: What is enlightenment?,* p. 93).

[213] J. MCDOWELL 2009: 'Hegel's Idealism as radicalization of Kant', p. 77. Calling it a 'philosophical reminder' notes the Wittgensteinian spirit of McDowell's remark as non-controversial yet philosophically helpful, cf. L. WITTGENSTEIN 2005: *The Big Typescript: TS 213*, p. 306e: 'The work of a philosopher consists in assembling reminders for a particular purpose.'

[214] I. KANT 1787/1781: *Critique of Pure Reason*, A69/B94, emphasis added: 'Concepts are based, therefore, on the *spontaneity of thought*, sensible intuitions on the receptivity of impressions. The only use which the understanding can make of these concepts is to judge by means of them.' The other mentioned phrases – 'the spontaneity of concepts' and 'the spontaneity of cognition' – are from A50/B74 and A51/B75 respectively.

[215] Cf. J.G. FICHTE 2013 [1794]: *Grundlage der Gesamte Wissenschaftlehre*, in Volume I of J.G. Fichte 2013: *Ausgewälte Werke in sechs Bänden*, see especially pp. 285–319.

intuitional constraint, been forced to give up the objective purport of judgement and had instead conceptualized everything 'Not-I' as the spontaneous constructs of the 'I' merely imposed or projected onto the external world.[216] This "imposition idea" is the fatal danger of subjective idealism since it leaves only an instable, confusing and ultimately unsatisfying conception of truth. What we encounter here is, with McDowell's metaphor, the deeply unsatisfying and anxiety-provoking picture of human knowledge as a 'frictionless spinning in the void'.[217] Kantian spontaneity, on the reading I am suggesting here, is however not tainted by this subjective idealist notion of positing the world. The capacity for independent reflection and spontaneous thought is, on the contrary, what puts us into *contact* with the world. Spontaneity does not stop short anywhere of the fact; and the contact with the world established through apperceptive spontaneity is what constrains judgment and gives it objective purport. Especially in the B-Deduction, Kant could thus be taken to hold the same stance that Wittgenstein forcefully expresses in the *Investigations*: 'When we say, and mean, that such-and-such is the case, we -- and our meaning -- do not stop anywhere short of the fact; but we mean: *this -- is -- so.*'[218]

The spontaneous side of judging as a form of *doing* and its pivotal role in securing even the objective epistemological purport of judgements provide the clue to 'the primacy of practical reason' and to the foundational importance that Kant assigned to the practical concepts of autonomy and freedom. For Kant, the importance of these practical concepts, which are usually understood politically, thus extended well beyond the political sphere and well into the epistemological. Kant's normative conception of autonomy and the 'primacy of practical reason', however, cannot be fully understood without seeing in (§4.1) what respects it was

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[216] At least under the standard interpretation of Fichte also adopted by Hegel in his 1801 *Differenzschrift*, cf. T. PINKARD 2013: *German Philosophy 1760–1860*, p. 219. For a recent 'revisionist' interpretation emphasizing more 'realist' elements in Fichte, see A.W. WOOD 2016: *Ficthe's Ethical Thought*, pp. 48ff.

[217] J. MCDOWELL 1996: *Mind and World*, p. 11. The rejection of the "imposition idea" was also characteristic of Hegel's philosophy, at least on the reading suggested here. For an exegetical defence of this interpretation of Hegel, see R.B. PIPPIN 2005: *Hegel's Practical Philosophy*, pp. 100ff. For combined exegetical and systematic attack on the "imposition idea" in the context of German Idealism and contemporary epistemology, also see M.S. THANING 2015: *The Problem of Objectivity in Gadamer's Hermeneutics in Light of McDowell's Empiricism*, pp. 44–51, 77–92. Extrapolating from Thaning's analysis, I would suggest, that while Fichte assumed this anxiety-provoking picture *heroically* deeming it a sign of human creativity, it resurfaces in contemporary social constructivism as a *tragic* sceptical gesture.

[218] L. WITTGENSTEIN 2001 [1953]: *Philosophical Investigations*, §95. Also cf. J. MCDOWELL 1996: *op. cit.*, 'Lecture II: The Unboundedness of the Conceptual', pp. 24–46. The analogy with Wittgenstein and §95 of *Philosophical Investigations* is developed by McDowell in his attempt at uncovering an, at least, *reformed* Kant capable of dealing with the threat of subjective idealism.

informed by Kant's predecessors, Rousseau in particular, as well as (§4.2) broke away from his historical predecessors and the political ideas of his time, and (§4.3) it how it coalesced into a novel philosophical anthropology afterwards.

§4.1. Historical background: the inheritance from Rousseau. There were a number of historical influences on Kant's assignment of a central status to practical reason and freedom. In France, the controversial royal tutor and influential pietistic bishop François Fénelon (1651–1715) had given both Cartesianism and Catholicism a twist towards the practical, and in the Germany, Luther's *On the freedom of a Christian* (1520) had emphasized human freedom as a necessary condition for obeying the law of God just as the philosopher and jurist Thomasius (1655–1728), more of a contemporary to Kant, had continued in further in this direction.[219] Later, of course, Feuerbach and Marx would also emphasize the practical nature of Reason itself. Yet the greatest and most immediate historical influence on Kant came from Rousseau's *Du contrat social* (1762), which Kant read and re-read several times.[220] There are several ways of re-constructing Rousseau's influence on Kant, but the most promising line is arguably to emphasize that Rousseau's innovative writings awoke Kant's pre-critical practical philosophy from its dogmatic slumber by articulating a new conception of *freedom* and *autonomy* that Kant had to respond to.

The writings of Rousseau placed themselves innovatively in relation to the Renaissance and Enlightenment discussions of the relationship between morality, social norms and political sovereignty. In 1625, Hugo Grotius had argued that Mankind has obligations, 'even if we should concede that which cannot be conceded without the utmost wickedness, that there is no God, or that the affairs of men are of no concern to him.'[221] Even if no external authority,

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[219] In passing judgment on the relative importance of these historical influences on Kant, I rely on Henrich, D. HENRICH 2003 [1973]: *Between Kant and Hegel – Lectures on German Idealism*, pp. 55ff. For a more detailed historical account of the philosophical stimuli on the Kantian conception, see L. WHITE BECK 1969: *Early German Philosophy: Kant's Predecessors*, see pp. 115–139 and pp. 247–256 on the influences mentioned here.

[220] Legend, Henrich recounts, has it that Kant re-read Rousseau's *Du contrat social* several times in order to let the initial excitement *settle*, while Hegel conversely read and re-read Rousseau in order to *intensify* the excitement and to rid himself of the shackles of his bourgeois upbringing. D. HENRICH 2003 [1973]: *op.cit.*, p. 55.

[221] Grotius quoted in C.M. KORSGAARD 1996: *The Sources of Normativity*, p. 7. The invocation of Grotius as a relevant contrast to the Hobbesian natural law is also derived from Korsgaard (p. 7–20). Based on what he called *affectus socialis* (a notion that Grotius claimed to derive from the 'the stoic notion' of 'sociableness'), Grotius elaborated his anti-Hobbesian reasons for thinking of mutual normative commitments as primary: 'Among the traits characteristic of the human being is an impelling desire for fellowship, that is for common life, not of just any kind, but a peaceful life, and organized according to the measure of his intelligence, with those who are of his

religious deity or worldly prince, backed the obligations in question, Grotius believed that Man would still be obligated by certain norms. Thomas Hobbes famously disagreed. Only an external authority enjoying sovereignty to the point of being an almighty *Leviathan* (1651) could bring men out of the state of nature and into a state of mutual obligations. Supported by a keen eye for contemporary English politics but proceeding from the dubious historical hypothesis of past 'state of nature', Hobbes argued that morality was not *real* in the sense of being a thing of nature.[222] By being mere convention dependent on power and subjective attitudes, morality and social norms seemed to lack the objective foundation that other parts of human cognition and nature could readily be given in the emerging natural sciences. By 1714, Bernard de Mandeville (1670–1733) could thus suggest, with Thrasymachean scepticism, that virtue is nothing but the illusory 'invention of politicians' designed to make 'their human cattle walk in line'.[223]

Rousseau placed himself orthogonally in relation to this debate between Grotius and Hobbes. While clearly belonging to the tradition of social contract theorists inaugurated by Hobbes, Rousseau did not assert that that morality is the unnatural product of a social contract. Rather our normative commitments are, for Rousseau, the very thing which is at stake in our ascension to convention and sociality, and the 'state of nature' is nothing but a projection and dramatization of that question. As Cavell remarks, Rousseau could be conceived as the 'deepest' of the classical social contract theorists, since he, unlike Hobbes and Locke, did not claim to know what 'the state of nature' was, when it occurred or how it ceased to be.[224] In first pages of *The*

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kind … Stated as a universal truth, therefore, the assertion that every animal is impelled by nature to seek only its own good cannot be conceded.' (H. GROTIUS 1925 [1625]: *On The Laws of War and Peace / De Jure Belli ac Pacis*, §6).

[222] T. HOBBES 1994 [1651]: *Leviathan*. The first part of *Leviathan* entitled of 'Of Man' offered a bleak vision of mankind with no natural propensity for social norms or morality: '[L]ife itself is but motion, and can never be without desire, nor without fear, no more than without sense' (VI. 68). '[D]uring that time when men live without a common power to keep them at awe, they are in that condition which is called war' and their lives in this period or 'state of nature' is 'solitary, poor, nasty, brutish and short' (XIII. 8–9). This situation can only be averted and morality artificially created if men 'confer all their power and strength upon one man', the sovereign (XVIII. 13). Also see Callinicos' analysis of Hobbes, A.T. CALLINICOS 2007: *Social Theory*, pp. 19ff.

[223] Mandeville quoted in C.M. KORSGAARD 1996: *op. cit.*, p. 8. Thrasymachean scepticism is the doctrine that 'Might is Right'; derived from the challenge posed to Socrates by Thrasymachus in Book I of Plato's *The Republic*. On the many historical avatars of this sceptic stance, see R.E. ALLEN 2006: 'Introduction', in Plato 2006: *The Republic*, pp. x–xii. In his commentary on *The Republic*, Blackburn does not only connect Thrasymachus to Hobbes' and Mandeville's positions, but also disturbingly suggests that Thrasymachus is the 'direct ancestor' of 'the contemporary worship of the free market, and the ethics of the business school.' (S. BLACKBURN 2006: *Plato's Republic*, p. 34).

[224] S. CAVELL 1999 [1979]: *The Claim of Reason*, p. 25.

Social Contract Rousseau liberatingly answers these questions with a simple 'I do not know.'[225] Rousseau was thus well aware that what philosophers, jurists, and ordinary people say about the 'state of nature' belong to a set of projections that echo the present societies to which they belong rather than mirroring a distant prehistoric state.

In effect, what Rousseau investigated under the heading of 'the social contract' was not the particular details of a historic 'state of nature' leading to civilization, but rather the conditions of our knowledge of and our relationship to society. He did not claim to know what the 'state of nature' was like, but wanted rather to investigate the relationship of individuals to society through the *fiction* of such a natural state. Investigating this relation, for Rousseau, was then not a question of obtaining historical facts. As Cavell stresses, rather than obtaining such facts (of a distant past), Rousseau's problem was a different one: How does society speak through individuals and in what sense can individuals act as representatives of society? There was a relationship here that had to be explained, since Rousseau noticed and attached significance to the fact that people are obviously not (necessarily not) merely guessing when they state their allegiance to a particular public representative or when they state to which society they belong.[226]

Hobbes had imagined that what individuals consent to in consenting to the social contract is mere obedience to a deity and Hobbes' account thus appeared as a perfect explanation of the condition Rousseau took as his point of departure: 'Man was born free, and everywhere he is in chains.'[227] However, Rousseau crucially corrected Hobbes' account in two respects: first, by pointing out that consent to the social contract also amounts to *membership* of a society; and second, by emphasizing that a "true" social contract – i.e. one in which Mankind is emphatically *not* 'everywhere in chains' – requires not only formal political equality but also that individuals recognize society as their *own* and recognize the laws of society as their *own* laws. [228] In the ideal

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[225] J.J. ROUSSEAU 2002 [1762]: *The Social Contract*, in J.J. Rousseau 2002: *The Social Contract and The First and Second Discourses*, p. 149.

[226] Cf. Cavell's analysis of Rousseau as 'a grammarian of society' and as the inventor of 'the epistemological problem of society' consisting in the question of how the seeming *certainty* of my communal attachments is grounded and established. S. CAVELL 1999 [1979]: *op. cit.*, pp. 23–27.

[227] J.J. ROUSSEAU 2002 [1762]: *op.cit.*, p. 156.

[228] 'What I consent to, in consenting to the contract, is not mere obedience, but membership in a polis, which implies two things: First, that I recognize the principle of consent itself; which means that I recognize others to have consented with me, and hence that I consent to political *equality*. Second, that I recognize the society and its

case, citizenship is the same as autonomy and to the extent that this ideal is realized, society can speak for individuals and they for it.[229] As Hegel would later proclaim, there is an I in We and a We in I.[230] On Rousseau's conception, normative commitments – individual as well as social commitments – thus had to be cashed out in these terms of self-legislation and autonomy. Mankind cannot recapture his original and innocent freedom from the state of nature in which there is no government at all – in modern parlance, an absolute negative freedom from all interference – but he can instead secure a higher and positive form of freedom, the freedom to govern to himself.[231] It was this emphasis on freedom as autonomy that Kant inherited from Rousseau and transposed into the decisive modern project of a critical philosophy.

§4.2. Kant's radicalization of Rousseau: The reality of autonomy and freedom as the essence of Man. Kant placed freedom at the centre stage of modern thought by once limiting and radicalizing Rousseau's idea of autonomy. In 1764 and after reading Rousseau's *Du contrat social* (1762), Kant began his journey towards his mature critical philosophy by noting the maxim 'subordinate everything to freedom' and he would end it forty years later in 1804 by stating that his critical philosophy rested on two hinges only: namely, 'the *ideality* of space and time and the *reality* of the concept of freedom'.[232]

On the one hand, Kant responded to Rousseau's emphasis on autonomy by limiting its explicit political utopianism as well the elaboration of the social preconditions of autonomy. While

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government, so constituted, as *mine;* which means that I am answerable not merely to it, but for it. So far, then, as I recognize myself to be exercising my responsibility for it, my obedience to it is obedience to my own laws; citizenship in that case is the same as my autonomy; the polis is the field within which I work out my personal identity and it is the creation of (political) *freedom.*' (S. CAVELL 1999 [1979]: *op. cit.*, p. 23)

[229] 'In short, each giving himself to all, gives himself to no one; and since there is no associate over whom we do not acquire the same rights which we concede to him over ourselves, we gain the equivalent of all that we lose […] Each of us puts in common his person and all his power under the supreme direction of the general will [*volonté géneralè*]; and in return each member becomes an indivisible part of the whole.' (J.J. ROUSSEAU 2002 [1762]: *op. cit.*, p. 164)

[230] G.W.F. HEGEL 1979 [1807]: *The Phenomenology of Spirit*, p. 110/¶177.

[231] 'Although, in this state, he gives up many advantages that he derives from nature, he acquires equally great ones in return; his faculties are used and developed; his ideas are expanded; his feelings are ennobled; his entire soul is raised to such a degree that, if the abuses of this new condition did not often degrade him below that from which he has emerged, he ought to bless continually the wonderful moment that released him from it forever, and transformed him from a stupid, limited animal into an intelligent being and a man.' (J.J. ROUSSEAU 2002 [1762]: *op. cit.*, p. 167). Also cf. S. DUNN 2002: 'Rousseau's Political Triptych', in J.J. Rousseau 2002: *The Social Contract and The First and Second Discourses*, p. 11.

[232] These two statements from 1764 and 1804 are from Kant's hand-written *Nachlass*. Both quoted from D. HENRICH 2003: *Between Kant and Hegel – Lectures on German Idealism*, p. 53, n. 9 and p.57, n. 18.

holding Rousseau's politically radical account in reverence, Kant never systematically pursued the concept of *volonté géneralé*, collective will, through which Rousseau explored the social pre-conditions and political implications of self-government to the freedom of socially governing ourselves as we collectively wish. On the other hand, however, Kant also radicalized the conception of autonomy on two fronts: First, Kant resolutely expanded the notions of autonomy, self-legislation and freedom and gave them equally political, moral and epistemo-logical significance. Second, Kant decisively held that the kind of the far-reaching autonomy that Rousseau had described was not contingent upon some sort of future ideal state. Autonomy was not waiting to be realized by a perfect social contract, which would institute a metaphysically new sort of individual. On contrary and on the Kantian account, the utopian ring of Rousseau's thought is redundant, since autonomy as self-legislation is *already* real and in full existence in our most ordinary moral and epistemological dealings with the world.

This emphasis that Kant hereby placed on autonomy is a minor signpost of a major change of philosophical anthropology, which designates *freedom as the central characteristic of Man*. Freedom was determined as the essence of Man – in a way that clearly contrasted the previous Spinozistic account of freedom as a sort of sophisticated illusion or, say, the concept of freedom as a mere necessary condition for following the will of God found in Luther's account.[233] From this historically new vantage point, Hobbes' proposition that men should give up their freedom in the social contract in exchange for security and order seemed absurd. Hobbes might as well tell a fish to think of air as its proper element: How could people give up their essence, what they *are*? This question and the conceptual change that it implied, of course, became tangibly registered in the echoes of the French Revolution: How could a juridical, social or political order that deprives of men of their freedom, their very essence, claim to be 'in order' or indeed claim to be 'orderly' at all?

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[233] On Spinoza's conception of freedom as an illusion see, e.g., B. de SPINOZA 2001 [1677]: *Ethics*, Part II, Prop. XXXV, n. 1: '[M]en are mistaken in thinking themselves free; their opinion is made up of consciousness of their own actions, and ignorance of the causes by which they are conditioned. Their idea of freedom, therefore, is simply their ignorance of any cause for their actions. As for their saying that human actions depend on the will, this is a mere phrase without any idea to correspond thereto.' On the Lutheran conception of freedom understood as the possibility of obedience to God see M. LUTHER 2007[1520]: *On the freedom of a Christian*. On the overall conceptual changes to the concept of freedom during the period, see, see D. HENRICH 2003: *op.cit.*, pp. 57ff.

§4.3. The role of freedom and justification in the philosophical anthropology of post-Kantianism. In this novel philosophical anthropology epitomized by Kant's practical philosophy, freedom became closely connected to notions of *rationality* and *justification*. Freedom became understood not merely as the negative freedom consisting in the absence of dependence but also as the positive freedom to self-legislate; a capacity understood as the capacity to offer justifications for action rather than merely following one's inclinations or desires. Kant did believe that practical reason supplied agents with the capacity to purposely pursue their desires, inclinations and preferences in much the same way as Hume or later 20th-century rational actor theory interprets instrumental reason as the invigorating instrument setting agents into action (see Chap. 3). Yet, it is clear that this is not the picture of practical reason and of human agency that Kant left to his successors within the post-Kantian tradition. For Kant, the particular sensitivity of practical reason to 'justifications' implies, on the contrary, that its instrumental aspect does not exhaust practical rationality. In Korsgaard's suggestive vocabulary, the ability to apply hypothetical imperatives in pursuit of particular ends is decisively but merely what makes agents *efficacious*, while the key ability to bind oneself, i.e. the ability to justify actions by giving laws to oneself, is what make agents *autonomous*.[234] The *Critique of Practical Reason* (1788) itself stresses again and again the importance of being able to justify one's actions and, in particular with reference to the categorical imperative, the ability of justifying it to *all* other rational subjects. The second critique, however, still leaves it somewhat unclear what role justification plays in Kant's idealism and its larger philosophical anthropology.

Following Pippin's suggestion, one can locate an important *aperçu* to this larger motif of German Idealism in Kant's ambitious attempt, towards the end of the Introduction to the *Critique of Judgement* (1790), at providing a synoptic presentation of all the basic human capacities.[235] At this junction, Kant summarized his understanding of the human capacities involved in all thinking, knowing, doing and feeling by dividing our basic capacities [*Vermögen*] into three groups and assigning each of them with what Kant called 'a higher cognitive faculty';

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[234] Cf. C.M. KORSGAARD 2009: *Self-constitution,* pp. 81ff.

[235] I. KANT 1790: *Critique of Judgement*, 5: 195–198 and R.B. PIPPIN 2011: *Hegel on Self-Consciousness*, p. 55. From a somewhat different perspective, Foucault also stress Kant's philosophical anthropology as larger motif in and legacy of German Idealism, cf. M. FOUCAULT 2008 [1964]: *Introduction to Kant's Anthropology*, pp. 118–124.

something like a higher expression of the capacity in question.[236] To the basic faculty of cognition Kant assigned 'understanding' as its higher expression, to the capacity of feeling pleasure and displeasure he assigned 'aesthetic judgment'. Finally and somewhat at odds with the standard picture of Kantian philosophy, 'reason' is assigned the place as the higher expression of the basic capacity of desire [*Begehrensvermögen*].[237] As Kant emphasizes, the higher expression of each capacity denotes the capacity in so far as it is 'autonomously' exercised.[238] But what is the connection between reason, the seemingly most formal of all faculties, and desire, the seemingly most conflictual? Why is reason the higher or autonomous expression of desire?

As Pippin suggests, the answer lies in the simple fact that rationality for Kant is not a cold calculative faculty, not a mere tool for the realization of ends.[239] Rather a rational creature endowed with reason is, in its simplest sense, responsive to reasons in such a way that rational creatures expect, demand, desire and warrant justification in all epistemic as well as practical matters. Such creatures feel a distinct lack when justifications are lacking. To be a rational creature is thus to be in restless search for justification and to be unable to rest to content with arbitrarity in knowledge and mere inclination in action. Rather than a mere servant of inclination and desire, reason must on the Kantian account be conceived as possessing its own motivational power, as it were, its own "Begehren" and its own "interests". In the second critique, Kant had already stated that to 'every power of the mind one can attribute an *interest,* i.e., a principle that contains the condition under which alone the power's exercise is furthered.'[240] But on the even broader and quasi-anthropological picture of Man's capacities hinted at in the third critique, the motivational power of reason is reflected in the all too human aspiration for reasons and justification. To be a reason-responsive creature is thus to stand in an aspiring, interested or 'erotic' (in the classical Greek sense) relationship to the world, i.e., to be not quite content with things and actions before they have been placed or weighed within a

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[236] I. KANT 1790: *Critique of Judgement*, 5: 196. To avoid the minimal reification of *Vermögen* implied in its standard translation into 'faculty' and its problematic connotations of a distinct "place in the mind" (or perhaps rather: "place" "in" "the mind"!), one could as often noted equally speak a 'power' or a 'capacity' to capture the simple sense of 'being able to' implied by the German *Vermögen*.

[237] *Ibid.*, 5: 197, also cf. R.B. PIPPIN 2011: *op.cit.*, p. 56.

[238] KANT 1790: *Critique of Judgement*, 5: 196.

[239] R.B. PIPPIN 2011: *op.cit.*, p. 56.

[240] I. KANT 1788: *Critique of Practical Reason,* 5: 119.

normative framework of reasons. [241] As McDowell has emphasized, this conception is a fundamental and irreducibly *normative* conception of the connection between autonomy and reasons:

> [T]he Kantian conception of autonomy can be summarized like this: one is self-determining when one's thinking and acting are determined by reasons that one recognizes as such. We can think of "autonomy" as labelling a capacity, the capacity to appreciate the force of reasons and respond to it. But determining oneself is actually exercising that capacity. That is what it is to be in control of one's own life. If we approach the idea of autonomy in this way, we are indeed placing it in a normative framework.[242]

While Hegel developed and nuanced this conception in several respects, he remained committed to the basic idea of humans as responsive to reasons and as particularly sensitive to the normative force of justifications. It was this exact point that Hegel re-iterated in the *Philosophy of Right*, when he remarked that human beings are characterized by a particular 'obstinacy' which consists in requiring justification in all its dealings with the world; Hegel crucially added that this stubborn obstinacy belong to the rare class of obstinacies that 'does honour to Mankind'. [243] The next sections examine the details of Hegel's enthusiastic yet corrective response to this normative idea of autonomy and justification.

§5. The motivation for the Hegelian response to Kant

In the interpretative approach of this chapter (Chap. 4, §2), I emphasized how Hegel's practical philosophy and parts of what is sometimes called Hegel's social theory can be seen as motivated by two distinct problems concerning normativity: One concerned the nature of autonomy, while the other concerned to the role of human agency given the Kantian account of causality. This section will substantiate that claim by summarizing where Kant had left the issue

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[241] R.B. PIPPIN 2011: *op.cit.*, p. 57. Pippin's claim is that it is also from this Kantian vantage point stressing a connection between rationality and striving that we begin to see how Hegel could assert that 'self-consciousness is desire itself [*Begierde überhaupt*]' without thereby contradicting the other Hegelian claims that self-consciousness is rationally structured and that agency requires justification. G.W.F. HEGEL 1979 [1807]: *The Phenomenology of Spirit*, p. 105 / ¶167.

[242] J. MCDOWELL 2011: 'Autonomy and Community', unpublished lecture for the 'German Idealism Workshop' at Chicago University, pp. 1–2.

[243] G.W.F. HEGEL 2003 [1820]: *Elements of the Philosophy of Right*, 'Preface', p. 22.

concerning these two problems and by specifying how later Hegelian thought found the Kantian solutions to these problems sufficient in some regards and insufficient in others.

In the previous sections, I provided an interpretation of Kant's account of practical reason and of what it more specifically entails with regard to the concept and phenomenon of normativity. I have stressed how this account implies a basic normative characterization of actions and judgments. *Actions* are the sorts of events for which reasons might be asked and *judgments* can be modelled as the sorts of statements for which reasons might be asked.[244] Such reasons are, on the Kantian account, normative in at least two senses: (1) They refer to action-guiding rules – for practical action as well empirical judgement – and (2) they refer to ways in which subjects are not only determined to do or to believe certain things, but also *take themselves* to be determined in such ways. Subjects are not only compelled by causality; they must be able to take the stance of normatively evaluating the correctness of what they do and what they believe. On the Kantian account, rational autonomy *is* being appropriately minded to take this normative and justificatory stance. As specified, I will now focus on how Hegel inherited and responded to the problems left by this Kantian heritage. In specific, the aim is to see how and why Hegel added an additional and third normative element to the Kantian picture, namely: (3) The reflective and deliberative relation to oneself that Kant denoted autonomy is possible only in so far as agents stand in institutional and, ultimately, norm-governed relations to others.[245] In order to understand what motivated and led Hegel and other post-Kantians to assert something like element (3), it is necessary to specify where Kant had left the issue with regard to the normative twin problems connected to relationship between *causality and freedom* and the enigmatic character of *autonomy and self-legislation*.

When we consider why one way of acting is ethically preferable to another or even when we consider the epistemological question of why we have, say, the concept of nature that we do, Kant had argued we ought to frame such questions in terms of what is justifiable or legitimate for a self-legislative subject to do or believe.[246] In other words, Kant saw these questions as incapable of being answered by appeal to deterministic laws of thought, desire or the brain.

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[244] The characterization of actions as 'a specific sort of event', admittedly, owes more to the vocabulary instigated by Anscombe in the 20th century than to Kant's original terminology. G.E.M. ANSCOMBE 2000 [1957]: *Intention*.

[245] Cf. R.B. PIPPIN 2005: *Hegel's Practical Philosophy*, pp. 4ff.

[246] Cf. R.B. PIPPIN 1987: 'Kant on the Spontaneity of Mind', *Canadian Journal of Philosophy* 17(2): 449–475; p. 474.

This entailed a particular picture of the relationship between causality and freedom: In evaluating claims of a deterministic causal influence from physical objects, sensibility or desire, Kant emphasized the presence of an additional but necessary element of spontaneity consisting minimally in the subject *taking itself* to be so minded or so determined, at least in so far as this influence should be deemed relevant to the subject's way of acting or judging. In Korsgaard's interpretive terms, being a subject for Kant thus minimally entails the capacity to *step back from impulses* and to call them into question. Actions may be determined or strongly affected by desires – say, for a drink or the company of a sexual partner – in ways that the subject might ultimately find it hard to justify, but as a minimum the subject must take itself to be so determined.

In Kant's own and equally straightforward terms, the capacity to act in accordance with *motives* is the capacity to act independently of *stimuli*.[247] This conception provided the Kantian picture with a concept of negative freedom consisting in the partial 'independence from being determined by sensible impulses', while a positive concept of freedom was provided by autonomy conceived as practical self-legislation:

> Freedom of choice is this independence from being determined by sensible impulses; this is the negative concept of freedom. The positive concept of freedom is the capacity [*Vermögen*] of pure reason to be of itself practical.[248]

At least in broad outline, Hegel accepted this Kantian account of the relation between *causality and freedom* and Hegel thus likewise emphasized spontaneity, justification and freedom at the expense of causality. Subjects are and can be determined in all sorts of ways. However, in autonomous action they act *in light of* such determinations and not by causally being determined by them. Yet the Kantian account and especially its positive concept of freedom still left the nature of the *self-legislative relationship* more than a little obscure. Indeed, Kant seemed himself to admit to as much in employing an almost overtly circular vocabulary to describe this relationship. Hegel reacted strongly to this obscurity. In the *Critique of Practical Reason*, Kant had described it as 'the sole fact of reason' – with full acknowledgement of the oxymoronic

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[247] Cf. I. KANT 1773–79 [2005]*: Notes and Fragments*, 15: 457: 'The power of choice… is a capacity to act independently of *stimuli* and in accordance with motives' (p. 408). *Notes and Fragments,* a collection of untitled notes on metaphysics and moral philosophy, is Vol. 13 of P. Guyer and A.W. Wood (eds.) 1995–2016: *The Cambridge Edition of the Works of Immanuel Kant*, 16 volumes.

[248] I. KANT 1797: *Metaphysics of Morals*, 6: 213

undertones of this phrase[249] – and in describing the self-legislative relation the *Groundwork* had earlier left the issue at a near-paradoxical description of the structure of this relationship:

> The will is therefore not merely subject to the law, but is also so subject that it must be considered as also giving the law to itself and precisely on this account as first of all subject to the law (of which it can regard itself as the author).[250]

This description, which emphasizes the agent as at once author of *and* subject to his own laws, seems to require him to give laws to himself from a perspective that is at once 'lawless' by being prior to any self-legislation *and* 'lawbound' by the very laws that he wishes to impose on himself.[251] In responding to this problem, Hegel did not dismiss Kant's account of autonomy as plainly paradoxical. Rather he sought to complete Kant's account by investigating, as Pinkard phrases it, 'how we might make it less lethal to our conception of agency while still holding onto it, all in terms of integrating it into some overall conception of agency that showed how the paradox was in fact liveable and conceivable.'[252]

What Hegel in vain desired from the formal Kantian account was a more positive story of what sustained and stabilized the self-legislative relationship to one-self. By rightly saying that an important aspect of human thought and action cannot be captured in the terms of a causal system, Kant had not added much to a more positive story of what autonomy and self-legislation consists in. Causal independence, while necessary to the establishment of a correct perspective on human (and social) activity, was not in itself a positive account of that activity.

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[249] A 'fact of reason' is close to an oxymoron, since all of the Kantian critiques are supposed to interrogate Reason from the perspective of rules rather than facts, from *quid juris* rather *quid facti*. This problematic issue is clearly detectable in Kant's own argument and choice of words in I. KANT 1788: *Critique of Practical Reason*, 5: 31: 'Consciousness of this fundamental law may be called a 'fact of reason' because one cannot reason it out from antecedent data of reason, for example, from consciousness of freedom (since this is not an antecedently given to us) and because it instead forces itself upon us of itself as a synthetic a priori proposition that is not based on any intuition, either pure or empirical, although it would be analytic if the freedom of the will were presupposed; but for this, a positive concept, an intellectual intuition would be required, which certainly cannot be assumed here. However, in order to avoid misinterpretation in regarding this law as given, it must be noted carefully that it is not an empirical fact but the sole of fact of reason, which, by it, announces itself as originally lawgiving (*sic volo, sic jubeo*).'

[250] I. KANT 1785: *Groundwork of the Metaphysics of Morals*, 4: 431.

[251] T. PINKARD 2013: *German Philosophy 1760–1860*, p. 59.

[252] *Ibid.*, pp. 226–227.

What was missing, in particular, was a richer description of *the materials and content that human self-legislation deals with at all.*[253]

Hegel thus thought, along with several other post-Kantians, that the norms of human activity required a more complete story than the formalistic account Kant had left to his successors. Hegel upheld the Kantian commitment to autonomy, but his conception of autonomy also marked a step backwards towards Rousseau by emphasizing the social and institutional context that Kant's account had neglected. In this way, Hegel included a social aspect in the very idea of being 'appropriately minded' for autonomous judgement and agency. This Hegelian development, which influenced 19th-century thought decisively, can be described in next two sections (cf. §6 and §7 below), first, by indicating Hegel's *negative* view of Kantian 'Moralität' as impaired by an 'empty formalism'; and second, by turning the attention to the concept of 'Sittlichkeit', which *positively* articulates Hegel's post-Kantian view of normative relations between agents.

§6. Hegel's critique of Kant: the 'empty formalism objection'

Human beings become free as participants in particular, historically situated forms of life. This claim is clearly recognizable as Hegelian. Given the preceding sections, it should also be clear that it partially contrasts Kant's account emphasizing the relation between freedom and pure practical reason. But why would Hegel hold such a claim? And how could this claim be viewed as a response to a problem or a deficiency in the Kantian account? This section will address these questions through an interpretation of §135 in Hegel's *Philosophy of Right*, which provides a crucial reference point for Hegel's so-called 'empty formalism' objection against Kant.

The *Philosophy of Right* §135 is highly interesting since it provides a sort of culmination to a particular and recurrent strand in Hegel's critical engagement with Kant. This engagement with Kant's moral philosophy was a consistent theme in Hegel, detectable from the early 1798 commentary on Kant's *Metaphysics of Morals* through the *Phenomenology* and to the late 1820 publication of the *Elements of the Philosophy of Right*. Already in the 1798 manuscript, Hegel had

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[253] R.B. PIPPIN 1987: 'Kant on the Spontaneity of Mind', *Canadian Journal of Philosophy* 17(2): 449–475; pp. 473ff.

protested against the 'dismemberment of man brought about by a casuistry that is dominated by the concept of duty.' [254] This objection to Kant was a frequent point of criticism among Hegel's romantic contemporaries. It was voiced as an objection to the 'rigorist' and 'authoritarian' Kant, who did not only police his many conceptual distinctions with exceptional rigor but also contributed to a policing of human subjects by burdening them with excessive moral duties leading to an impoverished account of human life.[255] As Schiller polemically wrote, Kantian ethics was for the servants of the house, not for its children or its free spirits.[256]

Hegel agreed, but rather than flatly rejecting the Kantian picture in favour of a romantic one, Hegel sought to remedy the one-sidedness of Kant's account. The subjective and inward aspect of duty, which Kant had so adequately articulated, had to be stabilized by considering its dependence on the outward or social aspects of action; this is what Hegel would simply call the 'objective sphere of Spirit' [*Der Sphäre des objektiven Geist*]. Rather than a Spinozist or somehow free-floating heavenly "world-soul", what Hegel calls *objektiven Geist* is simply this outward, communal or social aspect of life.[257] Even the early Hegel thus sought to combine 'the legality of positive law and the morality (*Moralität*) of the inward consciousness' within a new social unity denoted 'ethical life' (*Sittlichkeit*).[258] This argument against Kant's formal account of *Moralität* was re-iterated by the "middle" Hegel in the *Natural Law* (1802) essay and in the

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[254] The contents of this essay was reported by Rosenkrantz' *Life of Hegel* (1844). Here quoted from H.B. ACTON 1975: 'Introduction', in G.W.F. Hegel 1975 [1802]: *Natural Law: The Scientific Ways of Treating Natural Law, Its Place in Moral Philosophy, and Its Relation to the Positive Sciences of Law*, p. 22.

[255] In the *Phenomenology*, Hegel also touched upon this criticism of excessive moral policing of subjects by connecting Kantian 'moral consciousness' with 'terror'. G.W.F. HEGEL 1979 [1807]: *The Phenomenology of Spirit*, p. 567 / ¶589. In a modern context, the connection of Kantian ethics with a sort of obsessive hysteria has (in)famously been exploited by J. LACAN 1997: 'On the Moral Law' in J.A. Miller (ed.) 1997: *The Ethics of Psychoanalysis, The Seminar of Jacques Lacan 1959–60*, especially pp. 71–86.

[256] F.H. Schiller quoted from R. GEUSS 2013: 'Post-Kantianism', in R. Crisp: *The Oxford Handbook of the History of Ethics*, p. 490.

[257] The portrayal of *objektiven Geist* as implying an unsustainable metaphysics of 'cosmic spirit' is a part of the shadow historical caricature of German Idealism that the interpretive approach employed here explicitly opposes, see above Chap. 4, §2. Note that this this *overall* interpretation of Hegel's use of the word *Geist* as requiring a 'social' rather than 'metaphysical' interpretation is supported by numerous exegetical accounts of almost all philosophical persuasions: It is defended by historical (Pinkard), Marxist (Geuss), analytical/post-Sellarsian (Pippin, Brandom, McDowell) and even some post-structuralist interpretations (Žižek, Jameson). On the interpretation of *Geist* in Jameson and Žižek, who are not otherwise referenced here, cf. F. JAMESON 2010: *The Hegel Variations*, pp. 74–95 and S. ŽIŽEK 1999: *The Ticklish Subject*, pp. 87–88. In calling it an 'overall' interpretation I am, however, recognizing the instances of conflicting textual evidence in especially the late part of Hegel's oeuvre.

[258] Hegel's 1798 essay on Kant, quoted from H.B. ACTON 1975: 'Introduction', in G.W.F. Hegel 1975 [1802]: *Natural Law: The Scientific Ways of Treating Natural Law, Its Place in Moral Philosophy, and Its Relation to the Positive Sciences of Law* , p. 22.

Phenomenology (1807).[259] This line of criticism arguably receives its most potent and precise expression in §135 of the *Philosophy of Right* (1820), which condenses what has come to be known as 'the empty formalism objection' against Kant's practical philosophy.[260] It is thus worthwhile, in the context of this chapter, to subject this specific passage to a close reading.

§6.1. The 'empty formalism objection' in *Philosophy of Right*, §135. To contextualize §135 and to specify the exact aspect of Kant's account that Hegel is here aiming at, it is important to note that the *Philosophy of Right*, in line with Hegel's earlier writings on law, aimed at overcoming two positions: (a) The position of the social contract theorists, which placed the origin of law in historical and empirical events, i.e. in the state of nature, and (b) the formalist position of Kant, which placed the origin of law in the transcendental fact of freedom as that which is 'originally lawgiving'.[261] Contra the social contract theorists Hegel held that 'the state of nature' was nothing but a 'negation' of society and that contract theorists were mistaken in thinking such a negation as 'positively substantial', e.g., an empirical collection of human dispositions as in the case of Hobbes. In the terms of Hegelian logic, 'the negation' of society could contain nothing 'positively substantial' that in turn could explain the emergence of society and the bindingness of law. In more mundane terms, if Hobbes and Locke had seemed to offer explanations for the emergence of society, it was because they had smuggled "social content" into their so-called "natural state". Hegel thus arguably followed Rousseau, who had aptly mocked this aspect of Hobbes' and Locke's attempts to deduce the laws of society from a natural state prior to society: 'In speaking of savages they have described citizens.'[262] Conversely, and at opposite end of the spectrum, Kant saw the origin of law exactly in an abstraction from any prior state or any empirical collection of human dispositions. Rather the effective legitimacy of law springs directly from the *form* of a law; the legitimacy of a particular norm or maxim springs directly from its formal ability to be universalized in accordance with the categorical imperative. It is

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[259] See G.W.F. HEGEL 1975 [1802]: *Natural Law: The Scientific Ways of Treating Natural Law, Its Place in Moral Philosophy, and Its Relation to the Positive Sciences of Law* and G.W.F. HEGEL 1979 [1807]: *The Phenomenology of Spirit*, pp. 548–550/ ¶419–437.

[260] See G.W.F. HEGEL 2003 [1820]: *Elements of the Philosophy of Right*, §§133–135

[261] I. KANT 1788: *Critique of Practical Reason*, 5: 31. Also cf. L.B. LARSEN 2001: 'Monarki og naturret i Hegels retsfilosofi', *SATS – Nordic Journal Of Philosophy* 2(2): 120–144; especially pp. 125–130. Larsen provides helpful commentary on the Hegelian ambition of overcoming positive empirical Hobbesian theories of law as well as Kantian-Ficthian formalism.

[262] J.J. ROUSSEAU 2002 [1762]: 'Second Discourse on the Origin and the Foundations of Inequality Among Mankind', in J.J. Rousseau 2002: *The Social Contract and The First and Second Discourses*, p. 88

this specific yet important feature of Kant's account that provides the context for the critique advanced in §135 of *The Philosophy of Right*.

Not surprisingly, the introductory remark of §135 begins by enthusiastically praising Kant for having introduced the concept of autonomy. Kant is praised not only for having thereby shown the human capacity to be led by more than impulse and inclination, but also for having disclosed the ability to be practically motivated by reason alone thereby coming to express to one's freedom as self-determination.[263] As Hegel also states earlier in *The Philosophy of Right*: 'In doing my duty, I am with myself [*bei mir selbst*] and free. The merit … of Kant's moral philosophy is that it has emphasized this significance of duty.'[264] This embrace of the Kantian position, however, is followed by a tightly articulated critique of Kant for having reduced and distorted this position into an inequitable and one-sided formalism, which absolutizes a very specific mode of moral reflection:

> From this [Kantian] point of view, no immanent theory of duties [*Pflichtenlehre*] is possible. One may indeed bring in material *from outside* and thereby arrive at particular duties, but it is impossible to make the transition to the determination of particular duties from the above determination of duty as *absence of contradiction*, as *formal correspondence with itself*, which is no different from the specification of *abstract indeterminacy*; and even if such a particular content for action is taken into consideration, there is no criterion within that principle for deciding whether or not this content is a duty. On the contrary, it is possible to justify any wrong or immoral code of action by this means. – Kant's further form – the capacity of an action to be envisaged as a *universal* maxim – does yield a more concrete representation [*Vorstellung*] of the situation in question, but it does not in itself [*für sich*] contain any principle apart from formal identity and that absence of contradiction already referred to. – That *no property* is present [Hegel is here alluding to Kant's own example of 'respect for private property' as passing the test of the categorical imperative from the *Critique of Practical Reason*, cf. below], is in itself no more contradictory than the non-existence of this or that individual people, family, etc., or the complete *absence of human life*. But if it is already established and presupposed that property and human life should exist and be respected, then it is a contradiction to commit theft or murder; a contradiction must be with something, that is, with a content which is already fundamentally present as an estab-

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[263] G.W.F. HEGEL 2003 [1820]: *Elements of the Philosophy of Right*, §135. Also cf. F. FREYENHAGEN 2011: 'The Empty Formalism Objection Revisited: §135R and Recent Kantian Responses', in T. Brooks (ed.): *Hegel's Philosophy of Right*, pp. 44–45.

[264] G.W.F. HEGEL 2003 [1820]: *Elements of the Philosophy of Right*, §133.

lished principle. Only to a principle of this kind does an action stand in a relation [*Be-ziehung*] of agreement or contradiction.[265]

This condensed passage – packed with tight argument as well as implicit allusion – offers a synopsis of Hegel's relation to Kant's practical philosophy. As Freyenhagen helpfully suggests, it articulates at least two main objections.[266] In will be useful to note these two objections before providing each of them with a more extensive commentary:

1. *No criterion for testing particular norms and duties*. Kant's account is excessively focused on a conception of duty as 'absence of contradiction'. Even if candidate duties were provided from 'the outside', testing the mere consistency of rational willing (testing if the candidate maxims can be willed as universal law) does not provide a sufficient criterion for determining whether or not the candidate duties are genuine duties ('…there is no criterion within that principle for deciding whether or not this content is a duty').[267] In §135, Hegel references the Kantian example of respect for private property, but the point is general. To take another well-known example: Eichmann famously claimed to have acted in accordance with the categorical imperative and cited it several times during his defence at his 1961 Jerusalem trial thereby expressing an apparently sincere conviction that his dreadful actions accorded with the categorical imperative. Hegel took the implication of such examples to be that the categorical imperative – on its own – is insufficient and even unreliable in determining genuine normative obligation.[268]

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[265] *Ibid.*, §135.

[266] Cf. Freyenhagen's helpful synopsis of §135, F. FREYENHAGEN 2011: *op.cit.*, pp. 45ff.

[267] *Ibid.*

[268] H. ARENDT 1964: *Eichmann in Jerusalem: A report on the Banality of Evil*, pp. 135–136. For a brief discussion, see F. FREYENHAGEN 2011: *op.cit.*, pp. 65–66. If Eichmann simply misapplied the categorical imperative, as the immediate Kantian counterargument would claim, Hegel's objection only stands out all the more clearly; the very point being that the application of the categorical imperative is unreliable in providing sufficient guidance *on its own*. A more nuanced but also conceding Kantian counter-argument to Eichmann-type examples of misguided application would be that Kant himself already anticipated this problem concerning the under-determination of the application of the categorical imperative. This is the line taken by Henrich in his much cited explication of the 'Kantian concept of moral insight'. Henrich states that Kant himself anticipated the problem that '[m]an subtly refines the moral law until it fits his inclination and his convenience, whether to free himself from it or to use the good for the justification of his own importance' (D. HENRICH 1994: *The Unity of Reason: Essays on Kant's Philosophy*, p. 66). This Kantian rejoinder seems to fit the Eichmann-example better, since, as Arendt also alerts us to, other parts of Eichmann's defence seems grossly inconsistent with Kantian ethics. In specific, Eichmann's insistence on 'blind obedience to his superiors' amounts to blind acceptance of heteronomy; the very opposite of the Kantian ideal of autonomy.

2. *No immanent account of morality.* More generally, Kant's perspective fails to provide an 'immanent' and worldly account of norms. While correct in determining the significance of freedom and moral duty, the Kantian account fails to consider the actuality of freedom and morality as ingrained in a set of actually existing social institutions. These actually realized conditions contain the 'already established principles', which provide the inescapable starting point for moral reflection by providing the very *content* of moral reflection.

In commenting on these two objections, let me start with the first point and its convoluted allusion to Kant's economic example of respecting private property (see §6.2.) before proceeding to Hegel's more general point on the non-immanent and the empty character of Kant's account (see §6.3.).

§6.2. No criterion for testing particular norms: Hegel on Kant's economic example.
Hegel repeatedly in *The Philosophy of Right*, in the *Phenomenology* as well as in the in early 1802–1803 *Natural Law* essay complained that Kant's highest principle of moral philosophy, the categorical imperative, remained too focused on 'absence of contradiction' and mere 'formal correspondence with itself'.[269] From the Hegelian point of view, this highest principle was superfluous – at best, it could serve as a heuristic device but it was by no means, as Kant had intended, constitutive of morality – since no substantial content could be derived from it. It even proved unreliable as a test of candidate maxims with content brought in from 'outside' the principle, i.e. from ordinary, actual social practice. §135 of *Philosophy of the Right* re-iterated this critique by means of a convoluted but illustrative commentary on Kant's own economic example of respecting private property by honouring deposits and repaying loans as it appears in Kant's *Critique of Practical Reason*.[270] In Kant's second critique, it appears as an example of the exact procedure that Hegel denied was possible; namely, the derivation of a particular, immanent duty from the categorical imperative alone. What is at stake in the example is thus

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[269] G.W.F. HEGEL 1979 [1807]: *The Phenomenology of Spirit*, p. 262/ ¶437. Also see G.W.F. HEGEL 1975 [1802–3]: *Natural Law: The Scientific Ways of Treating Natural Law, Its Place in Moral Philosophy, and Its Relation to the Positive Sciences of Law*, p. 77.

[270] I. KANT 1788: *Critique of Practical Reason*, 5: 27–28. Logically, the example is a variant of the false promising example from I. KANT 1785: *Groundwork of the Metaphysics of Morals*, 4: 422. Hegel, however, seems to have taken more of an interest in the derived economic example than in the original.

the possibility of deducing the legitimacy of a particular norm directly from its ability to be universalized according to the categorical imperative.[271]

In the example, Kant encourages us to imagine someone who have stumbled upon a large sum of money or someone who have been left with a large loan from a benefactor, who has now died leaving no record of the loan. Kant suggests that having, in one way or another, stumbled upon this large sum of money provides an opportunity for utilizing the maxim 'increase my wealth by all safe means', but also for testing the consistency of this maxim willed as a universal law. Kant, as we know, denies that the maxim can be so-called 'consistently willed', since if it was universal law that people did not seek to return deposits to their rightful owners, then 'there would be no deposits at all'. The maxim can be rejected, since the very concept of a 'deposit' and of 'property' in general would be undermined leading to a contradiction in the proposed maxim. Conversely, the maxim to respect private property by 'seeking to pay back deposits' (even if it is safe to keep them) can be asserted as a particular and binding duty, since it is non-contradictory when tested for consistency via the categorical imperative.

The Hegelian rejoinder to this Kantian picture of ethical duty was stern. Attempting to derive particular duties or norms with concrete content from the abstract logical demand of non-contradiction alone is, at best, a fault and at worst, sophistry. As Hegel had already pointed out in the "Reason" chapter of the *Phenomenology* (1807), Kant's talk of a 'contradiction' in this particular context is out of place. Unless we are willing to accept that we are guilty of logical self-contradiction in, e.g., receiving a present from a relative or giving to money away to charities, then the absence of logical contradiction is an improper concept to describe the validity [*Geltung*] and bindingness [*Verbindlichkeit*] of the norm in question:

> If I should keep for myself what is entrusted to me … I am not in the least guilty of contradiction; for then I no longer look upon it as the property of someone else: to hold on to something which I do not regard as belonging to someone else is perfectly con-sistent. [272]

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[271] I. KANT 1788: *Critique of Practical Reason*, 5: 27. Here Kant writes that this example purportedly shows that: 'The most common understanding can distinguish *without instruction* what form in a maxim makes it fit for a giving of universal law and what does not' (my emphasis). This intuitive, 'un-instructed' derivability of valid maxims from the mere procedure of universalization is exactly what strikes Hegel as both too abstract to be of use in even an ethical *theory* and as a plainly wrong assumption about the realities of practical inference.

[272] G.W.F. HEGEL 1979 [1807]: *The Phenomenology of Spirit*, p. 262/ ¶437.

Hegel's point is, of course, not to defend theft or disrespect of private property, but rather that it is simply not 'because I find something is not self-contradictory that it is right'.[273] As Hegel makes perfectly clear, it is a fundamental fact about our social practice that certain material things and amounts of money *can* indeed be the property of someone. The extension of such things, however, is historically variable. In our times as opposed to, say, Hegel's times, certain ideas and pieces of music can also be someone's property. Yet and in spite of all such historical variability, it is equally clear that I *can* come into contradiction with such facts if I steal or improperly retain deposits rightfully belonging to others. However, this sort of 'contradiction' is not of the abstract logical type envisioned by Kant's procedure of universalization. It is a contradiction with an established social practice. As Hegel flatly retorts to Kant in an earlier manuscript that implicitly references a contra-factual social practice with an alternate or absent monetary system: 'But where is the contradiction if there were no deposits?'[274] This is also the point of the argument in §135 of *The Philosophy of Right*. Talk of contradiction and consistency in the use of practical reason only makes sense on the historical and social background that provides practical reason with a substantial content that goes beyond the formal strictures charted by Kant. Talk of 'contradiction' is thus appropriate only in light of such background conditions or as §135 states, if and only if:

> … it is already established and presupposed that property and human life should exist and be respected, then it is a contradiction to commit theft or murder; a contradiction must be with something, that is, with a content which is already fundamentally present as an established principle. Only to a principle of this kind does an action stand in a relation [*Beziehung*] of agreement or contradiction.[275]

This necessity of this notion of 'agreement' and 'contradiction' with an already established moral practice – one whose normative force is already 'fundamentally present' – indicates that Hegel believed that Kant had failed to provide substantive content to dictates of pure practical reason. The duty to treat others with 'respect' or the duty 'to help those in need' are perfectly good examples of norms that both Hegel and Kant wanted to defend, but what counts as 'respect' and 'help' vary immensely from age to age and from society to society. As Freyhagen

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[273] *Ibid.*

[274] G.W.F. HEGEL 1975 [1802]: *Natural Law: The Scientific Ways of Treating Natural Law, Its Place in Moral Philosophy, and Its Relation to the Positive Sciences of Law*, p. 77. The vocabulary from the natural law essay is re-iterated in §135 of the *Philosophy of Right* ('where there is nothing, there can be no contradiction either').

[275] G.W.F. HEGEL 2003 [1820]: *Elements of the Philosophy of Right*, §135.

notes, the concrete content of the duty to help others, for instance, hinges on the social context. Is there, for example, a state-driven and compulsory redistribution mechanism to secure the help to those in need? Is the redistribution mechanism dysfunctional? Or is there nothing of the sort?[276] Equally, 'respect for others' will play out differently in 21st-century Denmark and 17th-century Japan at the height of its Edo culture.

Note, however, that such emphasis on the context-relative nature of norms and values does *not* imply relativism. That 'respect for others' plays out differently in different contexts is, on the contrary, a simple common sense fact. Rather than arguing for anything like relativism, Hegel can be read as merely reminding us of that simple fact, while polemically pointing out that Kant's formalism has difficulties in handling it. In specific, it followed for Hegel, that the categorical imperative could not genuinely guide action unless supplemented with a richer, thicker and more historically sensitive conception of practice than the one offered by Kant's formal account. This led Hegel to his second and more general objection mentioned above (2); namely, that Kant's account, in spite of its insights, offers no us *immanent* account of norms.

§6.3. From the emptiness of *Moralität* to the immanence of *Sittlichkeit*. Practical rationality needs to be provided not only with form, but also with content and materials to work with. In so far as Kant's account focused exclusively on the absence of logical contradiction and on the *form* of moral imperatives, it is from Hegel's viewpoint distortingly incomplete; or, as Hegel phrases it, it is 'defective' in the specific sense that 'it lacks articulation'. [277] While Kant had fared well in describing the significance of moral duties and autonomy, he had remained at the level of ideality and had not given an *immanent* account of our normative responsibilities – that is, of their social and historical actuality, their *Wirklichkeit*.

In providing examples of applications of the categorical imperative in, like the just sketched example of repaying deposits, Kant is by his own admission in the *Groundwork of Metaphysics of Morals* merely assuming that his examples are in fact 'actual duties'.[278] Whether the duties that Kant deduces from the categorical imperative are actually liveable, feasible, socially practical or in fact obeyed is, to Kant, a question to be decided by he calls an empirical 'practical

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[276] F. FREYENHAGEN 2011: 'The Empty Formalism Objection Revisited: §135R and Recent Kantian Responses', p. 54.

[277] G.W.F. HEGEL 2003 [1820]: *Elements of the Philosophy of Right*, §135.

[278] I. KANT 1785: *Groundwork of the Metaphysics of Morals*, 4: 424. Also cf. F. FREYENHAGEN 2011: *op.cit.*, p. 48.

anthropology'.[279] The notion of a 'practical anthropology' is surely an interesting one as it roughly covers what we would now call the social sciences. For Kant, however, these questions treated by 'practical anthropology' are exactly the ones that must not be allowed to taint the purity of the 'metaphysics of morals' with historical detail, empirical dirt and social smear. A pure moral theory must, to use Kant's own vocabulary, be 'completely cleansed of anthropology' and of everything 'only empirical'.[280] This strategy, however, is exactly what Hegel questions by pointing out that the individual duties, which Kant treated under the heading of *Moralität*, only truly emerge as 'actual' on the background of concrete ethical life, *Sittlichkeit*:

> The sphere of right and that of morality [*Moralität*] cannot exist independently [*für sich*]; they must have the ethical [*Sittlichkeit*] as their support and foundation.[281]

In this quote, we encounter the Hegelian figure, derived from Schiller, of 'sublation' or *Aufhebung*: The sphere of abstract right as law ("the letter of the law", e.g. the Penal code) and *Moralität* as the subjective side of duty ("the spirit of the law" as inner conviction) are combined by their mutual presupposition of actual ethical life and practice. *Sittlichkeit* thus denotes what is presupposed by *Moralität* and abstract right – as the quote indicates, it is a 'support' and a 'foundation' for these spheres which cannot exist independently of it [*für sich*]. In the triple sense of the German *Aufhebung* as "cancellation", "preservation" and "raised", abstract right and morality are *aufgehoben* in actual practice.[282] This is the reason that Hegel starts *The Philosophy of Right* by stating that it will use the concepts of morality [*Moralität*] and ethics [*Sittlichkeit*] in 'essentially distinct senses'.[283] Rather than treating these concepts as synonymous, *Moralität* thus becomes Hegel's name for the tendency towards subjectivist metaphysics that he attempts to rid from Kant's project.

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[279] I. KANT 1785: *Groundwork of the Metaphysics of Morals*, 4: 389. Also see I. KANT 1797: *Metaphysics of Morals*, 6: 217.

[280] I. KANT 1785: *Groundwork of the Metaphysics of Morals*, 4: 389. This is, at least, Kant's stance in the *Groundwork of the Metaphysics of Morals*. Numerous commentators, however, have pointed out that Kant's ethics – in spite of its explicit self-description – did in fact rely on thick anthropological hypotheses, see e.g. A.W. WOOD 1991: 'Unsociable Sociability: The Anthropological Basis of Kantian Ethics', *Philosophical Topics* 19(1): 325–351 and P. GUYER 2006: *Kant*, pp. 179ff.

[281] G.W.F. HEGEL 2003 [1820]: *Elements of the Philosophy of Right*, §141, p. 186.

[282] See Pinkard on the lexical semantics of *Aufhebung* and the origin of Hegel's usage of the term in Schiller's philosophy. T. PINKARD 2013: *op.cit.*, p. 227.

[283] G.W.F. HEGEL 2003 [1820]: *Elements of the Philosophy of Right*, §33 / p. 63.

As a 'term of criticism' in Hegel's vocabulary, *Moralität* denoted a distinctive form of moral practice as well as a philosophical conception of moral reflection.[284] As a practice, an exclusive focus on *Moralität* implied a reliance on the empty and abstract rhetoric of what Hegel called 'the moral standpoint' of naïve *Weltbesseren*. As Hegel remarked of 'the moral standpoint', which he clearly saw not only as a philosophical danger but as also as a defective one-sidedness in certain forms of political critique: 'One may speak of duty in a most sublime manner, and such talk glorifies the human being and fills his heart with pride. But if it leads to nothing determinate, it ultimately grows tedious…' [285] Disdainful of the mere talk of political 'ideologues', Hegel frequently criticizes this so-called moral standpoint for its adherence to an empty universality and for its failure to lead to anything determinate or particular. Some of the later Marxist ambivalence towards Hegel may partly be traced to such remarks. On one reading, emphasizing the apparent anti-Marxist implication, Hegel defends the *status quo* against radical forms of critique dismissing them as 'tedious'. However, on another equally plausible reading, Hegel calls for the sort of *realpolitik* that is also the ultimate goal of Marxist critique. For Hegel, in any case, the failure to reach determinacy was not an intrinsic feature of this or that political content – progressive or conservative – but one which as derivative of the philosophical presuppositions of 'the moral standpoint'. As a philosophical concept rather than a political position, the problematic sides of 'the moral standpoint' included, as Wood argues, its alienation of reason from sense; its neglect of social life, its radical severing of spirit and nature, its separation of practice and ideal; and most importantly its insistence on an empty "ought" which can never become an "is".[286]

It was in this stricter philosophical sense that *Moralität* became associated with Kant. More specifically, Hegel's polemical use of the concept of *Sittlichkeit* as an explicit counterpoint pinpointed the lack of immanence in the Kantian account. Kant's account seemed to assume that certain rights and obligations *pre-exist* any form of actual political, social or practical

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[284] I borrow the phrase 'term of criticism' from S. CAVELL 1965: 'Austin at Criticism', *The Philosophical Review* 74(2): 204–219. A 'term of criticism' is a term characteristic of rebuttals of alternative standpoints; a conceptual "enemy", as it were. Cavell notes that the usage of such terms is 'characteristic of modern philosophy' (p. 215).

[285] G.W.F. HEGEL 2003 [1820]: *Elements of the Philosophy of Right*, §136 / p. 163.

[286] Cf. A.W. WOOD 1991: *Hegel's ethical thought*, p. 154.

organization.[287] However, to see such rights and obligations as *pre-given* in advance of *any* actual political or practical organization were, to Hegel, if not completely vacuous, then at least needlessly abstract. The key elements of the Kantian picture – that is, the relative causal independence of reflective action as well as the philosophical anthropology of humans as self-legislative agents – were also necessary notions for Hegel. But as an account of freedom, this picture remained incomplete if not supplemented by an account of the social institutions that allowed these human capacities and rights to be meaningfully exercised. As Hegel remarked in the addition to §135, Kant's categorical imperative and so-called formula of universal law are 'all very well', but without 'determinate content'.[288] Without an account of the social institutions, which could provide genuine content to its maxims, this universal law remained empty; almost a form of mere ornament. Rather than relying on an exclusively transcendental account, freedom thus had instead to be understood *socially*, i.e. as a matter of how agents take themselves to be situated in "social space".[289] In short, Hegel's call for 'immanence' in §135 may, to use Forst's pun, be understood as a call for turning Kant's account of autonomy from its 'transcendental head onto its social feet'.[290]

§7. Hegel: *Sittlichkeit* and the question of the 'actuality' of norms

> Right is concerned with freedom, the worthiest and most sacred possession of man, and man must know about it if it is to have binding force for him.
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> - G.W.F. Hegel, *Philosophy of Right*, §215

It was for the reasons sketched above, that Hegel believed that Kant had failed to provide a description of freedom, this most 'worthiest' and 'sacred' possession.[291] At a fundamental level, Kant had erred because he focused on the mere concept of freedom, while Hegel required a thicker account encompassing both the concept and its 'actuality' [*Wirklichkeit*]. The historical

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[287] This similarity between Kantian ethics and Lockean natural rights theory, which emerges when viewed from the Hegelian perspective, is elaborated by S. SEGDWICK 2001: 'The State as Organism: The Metaphysical Basis of Hegel's Philosophy of Right', *Southern Journal of Philosophy* 39(1): 178–188.

[288] G.W.F. HEGEL 2003 [1820]: *Elements of the Philosophy of Right*, §135 / p. 163.

[289] Cf. T. PINKARD 1996: *Hegel's* Phenomenology: *The Sociality of Reason*, p. 272.

[290] R. FORST 2014: *The Right to Justification*, p. 48.

[291] G.W.F. HEGEL 2003 [1820]: *Elements of the Philosophy of Right*, §215 / p. 247. Also cf. R.B. PIPPIN 2001: 'Hegel and Institutional Rationality', *Southern Journal of Philosophy* 39(1): 1–25.

account of *Sittlichkeit* as presented in the *Phenomenology of Spirit* and in the *Philosophy of Right* was thus, in one way or another, intended to give a more complete and positive picture of the norms that we collectively hold ourselves to in our use of practical reason. 'Spirit' itself is, arguably, nothing but a gestalt of these norms, since 'Spirit' or *Geist* is for Hegel not a *thing* (neither material nor immaterial) but rather, in one of its primary senses, the mere name of the collective *activity* of human mindedness including the standards to which to this activity holds itself.[292]

In the final section of the chapter, I will examine some of the elements of this alternative picture of collective norms suggested by Hegel at the outset of the 19th century. I will, however, refrain from giving an explication of the three paradigmatic social institutions – the family, civil society and the state – which for Hegel constituted the core of *Sittlichkeit*. Equally, I will refrain from going through the well-known topic of reciprocal recognition in Hegelian practical philosophy.[293] It is more productive to focus on the underlying analytical difficulty inherent to the frequent Hegelian invocations of 'actuality'. The difficult analytical question that this section will re-constructively address is thus: What could it possibly mean to say that the horizon of freedom and normative action is structured through "actual" institutions? And *in what sense* were norms deemed "actual", *wirklich*, through this process?

As Pippin rightly notes, it is notoriously difficult to know what Hegel asserts when he stresses the *actuality* of freedom, but at the very least, it means that actualized freedom consists in participation in various historically *actual* institutions; and Hegel does not shy away of stressing that such historical actuality entails that what he has in mind is a set of distinctively modern and European institutions.[294] Hegel was clearheaded enough to see that these modern European institutions had developed for altogether contingent reasons, but their emergence was nevertheless significant in addressing some of the limitations and breakdowns of previous

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[292] Cf. R.B. PIPPIN 2005: *Hegel's Practical Philosophy*, pp. 34ff.

[293] This expresses a strategic choice rather than it expresses a judgement of relevance; the concept of recognition is a vital element in a full account of Hegel's view of social relations. Note, for instance, the role played by recognition in Hegel's account of needs, means and satisfaction in economic and occupational life: 'This universality, as the *quality of being recognized*, is the moment which makes isolated and abstract needs, means, and modes of satisfaction into *concrete*, i.e. *social* ones.' (G.W.F. HEGEL 2003 [1820]: *Elements of the Philosophy of Right*, §192).

[294] R.B. PIPPIN 2001: 'Hegel and Institutional Rationality', p. 1. Hegel's invocation of these institutions as distinctively modern, European and too some extent also Protestant is clearly signalled in the 'Preface' (¶13–14) to the *Elements of the Philosophy of Right*.

historical forms of *Sittlichkeit*. Hegel left the complexities of such limitations and historical breakdowns rather underexplored, but Hegel nevertheless took the *Phenomenology* (1807) to have established this point such that it could function as an unargued premise of his description of modern institutions in the *Philosophy of Right* (1820).[295] In their specifically modern form, the social institutions of the family, civil society and the state had somehow transgressed their previous limitations and reached a "rational" form, that is, a form that allows for individual rational autonomy to be *more* perfectly realized.

In the *Phenomenology*, Hegel found a 'paradigmatic example' of such previous historical limitations in Sophocles' *Antigone*, which Hegel took to be signalling a practical contradiction in the ethical life of the Greek *polis*.[296] On Hegel's analysis, Sophocles thus presents a key practical dialectic in the figure of Antigone: In virtue of being the particular Greek woman that she inescapably *is* (i.e. in virtue of having *no* other way of making sense of herself than through complying with the normative expectations that ancient Greek society had to a woman of her standing), Antigone is presented with three contradictory demands: she must bury her brother, she must obey Creon's wish not to bury her brother, and she must not herself decide which one of these ethical demands to obey. Whatever Antigone does, she will be condemned, and whatever she does, it will be difficult to count her actions as autonomous. For Hegel, this practical dialectic signalled a deeper contradiction in the Greek ethical outlook, which ultimately made it 'uninhabitable' not only from a modern perspective but also for the Greeks themselves.[297]

The Greeks thus played a dual role in Hegel's thinking. On the one hand, they had failed to realize a viable form of *Sittlichkeit* that allowed for individual moral freedom; as reflected in the denial of this freedom to Antigone. But on the other hand, the Greeks (and particularly Aristotle) had rightly grasped what Kant had partially missed; namely, that virtuous action was only possible on the background of custom. As indicated by the very words, ethical life

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[295] Cf. T. PINKARD 2013: 'Hegel and Marx', in R. Crisp: *The Oxford Handbook of the History of Ethics*, p. 511.

[296] Cf. Pinkard's remarks on Hegel's 'paradigmatic' analysis of *Antigone* in *ibid.*, p. 510. Also see G.W.F. HEGEL 1979 [1807]: *The Phenomenology of Spirit*, pp. 274–275/ ¶457.

[297] T. PINKARD 2013: *op. cit.*, p. 510. As Pinkard remarks, however, much more than what Hegel actually says needs saying about this notion of an 'uninhabitable' ethical outlook. The conceptual complexities involved in the cultural processes of decay by which an ethical outlook becomes 'uninhabitable' are helpfully explored even not resolved in J. LEAR 2006: *Radical Hope: Ethics in the face of cultural devastation*.

[*Sittlichkeit*] and making civil society "ethical" [*Sittlich*] is possible only through custom [*Sitte*]. As Hegel phrased it in one of his lectures, the Greeks had rightly seen that social 'customs and habits are the form in which the right is willed and done'.[298] As noted by many commentators, Hegel thereby sought to revive a form of Aristotelian moral philosophy: Objective customs form the necessary social background for the subjective exercise of freedom and the normative ideas expressed in social institutions become the 'second nature' of individual agents.[299]

In criticizing the "abstractness" of Kant's position, Hegel continued and renewed Aristotle's classic conception of ethics. As Ritter points out, ethics was, for Aristotle, the doctrine of "ethos" understood as the constitution of life and action shaped by custom and tradition.[300] Aristotelian ethics is practical philosophy exactly because *praxis* does not have its reality in the immediacy of action but only within its integration with the institutional order of the *polis*. Aristotle's *Nicomachean Ethics* begins by elaborating the foundations of human action in general (Book I), but it goes on to treat "ethics" only as the various forms of right conduct that a citizen might develop faced with the virtues, usage and customs of the polis (Book II-X).[301] Only within such contexts do freedom and the virtues ascend from possibility to actuality. An accurate articulation of this Aristotelian stance is found in Gadamer, who argued that Aristotle hereby held an intricate position, which steers clear of both the Scylla of abstract *transcendentalism* and the Charybdis of moral *relativism*. This stance of avoiding both transcendentalism and relativism, I would hold, could also serve as an instructive characterization of the position that Hegel was aiming for with his concept of *Sittlichkeit* that likewise emphasized the relation

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[298] Hegel's *Vorlesungen über die Philosophie der Geschichte*, quoted from R.B. PIPPIN 2001: 'Hegel and Institutional Rationality', p. 4.

[299] The connection between Aristotle and Hegel is invoked in communitarian political philosophy (e.g. C. TAYLOR 1999 [1975]: *Hegel*, pp. 515–518). A particularly well-developed exegetical commentary of the relationship between Hegel and Aristotle is found in J. RITTER 1984: *Hegel and the French Revolution*. The concept of 'second nature', even if the term itself does in fact not occur in Aristotle's works, derives from Aristotelian moral philosophy (see, for instance, ARISTOTLE 2011: *Nicomachean Ethics*, 1103a24–26, trans. Bartlett and Collins). Hegel appropriated the term 'second nature' [*secundum naturam*] from later medieval Aristotelian philosophy, where it denoted the dispositions of Man that could be developed from biological 'first nature' without them being *extra naturam* ("outside" nature) nor *supra naturam* ("beyond" nature, e.g. magical or miraculous). The concept of 'second nature' is equally central to McDowell's contemporary appropriation of Aristotle and Hegel, see J. MCDOWELL 1996: *Mind and World*, pp. 78–86 and J. MCDOWELL 2008: 'Responses', in J. Lindgaard (ed.) 2008: *J. McDowell: Experience, Norm and Nature*, especially pp. 214–219 and H. FINK 2008: 'Three Varieties of Naturalism', in *ibid*.

[300] J. RITTER 1984: *Hegel and the French Revolution*, pp. 163–168.

[301] *Ibid.*, p. 165.

between morality and custom. In articulating the status of Aristotelian moral concepts, Gadamer instructively writes:

> All these concepts are not just arbitrary ideals conditioned by convention, but despite all the variety of moral ideas in the most different times and peoples, in this sphere there is still something like the nature of the thing [*Sache*]. This is not to say that the nature of the thing – e.g. the ideal of bravery – is a fixed standard that we could recognize and apply to ourselves. Rather, Aristotle affirms as true of the teacher of ethics precisely what is true, in his view, of all men: that he too is always already involved in a moral and political context and acquires his image of the thing from that standpoint. He does not himself regard the guiding principles that he describes as knowledge that can be taught. They are valid only as schemata. They are concretized only in the concrete situation of the person acting. Thus they are not norms to be found in the stars, nor do they have an unchanging place in a natural moral universe, so that all that would be necessary would be to perceive them.[302]

The unconventionality of Hegel's moral philosophy – an unconventionality shared with Aristotle – is that he is not hereby suggesting any sort of ethical theory or recommending any universal solutions to ethical or political dilemmas in the form of, say, a new theory of rights or a model of a perfect society. In Hegel, there is thus no trace of the explicitly critical or so-called 'constructive' form of moral reflection, which Rawls' and Habermas' Kantian positions have imprinted on contemporary political philosophy and critical theory.[303] Rather social disputes, individual moral failures and questions of which ethical considerations that should take precedence will continue to arise and they will have no general (no once and for all) solutions. They will have only practical solutions to be negotiated within some historical gestalt of *Sittlichkeit*.

Considered under this aspect, *Sittlichkeit* is a distribution of social roles among individuals, which makes possible justifications of actions that exceed both blind authority as well as the narrow narcissistic concerns of the individual. In so far as an individual recognizes himself in these institutions and critically uses the justificatory patterns offered by them, then he is not just

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[302] H-G. GADAMER 2004: *Truth and Method*, p. 317. I am indebted to Thaning's analysis for drawing attention to this aspect of Gadamer's account, cf. M.S. THANING 2015: *The Problem of Objectivity in Gadamer's Hermeneutics in Light of McDowell's Empiricism*, pp. 133ff.

[303] See in particular J. RAWLS 1999 [1971]: *A Theory of Justice* and J. HABERMAS 1996 [1992]: *Between Facts and Norms*. Pinkard also notes the 'unconventionality' of Hegel's views vis-à-vis this tradition, T. PINKARD 2013: 'Hegel and Marx', p. 511.

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formally free but *actually* free. As Taylor notes, reason and freedom can have 'real normative content only via the notion of a *sittlich* community', which they require for 'their realization'.[304] Crucially, this does *not* mean that agents are generally corrupt and in blind, pathetic conformity with the demands of custom, but rather that our sense of self is 'positively governed by the norms that define what makes sense in the particular social and historical world that we inhabit'.[305] It is not such that ordinary life in so far as it is oriented towards a particular and actual gestalt of *Sittlichkeit* is a sort of deplorable ethical error – a 'fall into inauthenticity' as a questionable reading of the Heideggerian figure of '*das Man*' would have it.[306] Conforming and binding oneself to the standards of already established practices is, on the contrary, a positive condition of freedom that sensitizes Reason to the norms involved in social comportment.

§7.1. The actuality of 'norms': reasons and practical identities. In light of the above emphasis of historical actuality and established practices, it seems that Marx was mistaken or at least unevenly prejudiced when he made his famous critique that Hegel neglected actuality by 'deriving reality from the concept' in *The Philosophy of Right*.[307] Marx' interpretation is simply undermined by the text. Again and again, Hegel emphasizes the connection between *Sittlichkeit* and actuality: *Sittlichkeit* is 'essentially actuality [*Wirklichkeit*] and action'; *Sittlichkeit* is the 'existence [*Existenz*] of the ethical idea'; and most radically, the *Sittlichkeit* is nothing but the actualization of the norm of freedom in 'the existing [*vorhandenen*] world'.[308] But what, after all, could it mean to say that norms are "actual"? In further elaborating the Hegelian answer to that question, one can, following Pippin's suggestion, invoke the notions of *reasons for action* and of *practical identities*.[309]

In the simplest sense, the actuality of norms means that they figure as actual reasons for action. People can and frequently do, of course, fail to act on their normative commitments towards

[304] C. TAYLOR 1999 [1975]: *Hegel*, p. 515.

[305] T. Carman quoted in Golob's parallel discussion of Hegel's concept of *Sittlichkeit* and Heidegger's concept of 'das Man', S. GOLOB 2014: *Heidegger on Concepts, Freedom and Normativity*, p. 219.

[306] For a critique of this popular reading of 'the one', 'the ordinary' or *das Man* in Heidegger, see *ibid.*, pp. 213–258.

[307] K. MARX 1970 [1843]: *Critique of Hegel's Philosophy of Right*, pp. 8–11 and G. ROSE 2009: *Hegel contra Sociology*, p. 89.

[308] G.W.F. HEGEL 2003 [1820]: *Elements of the Philosophy of Right*, quotations from §140 (p. 181), note to §140 (p. 181) and §142 (p. 186) respectively.

[309] R.B. PIPPIN 2005: *Hegel's Practical Philosophy*, pp. 86ff., pp. 147–161.

others (or themselves) thereby failing to realize or to instantiate the norms in question.[310] The possibility of such failure even in widespread empirical cases is, however, not threatening to the Hegelian account, but rather an obvious and necessary possibility: Reasons that could somehow brutely force agents to do something are not 'reasons' at all; rational constraint is not brute force. Yet actual norms must be such that they can and regularly do figure in answers to what Anscombe called the "why"-question of action.[311] That is, actual norms must thus be able of being cited as an understandable answer to the question: Why did you do that? When we do answer that question or when we trace the perspective of other agents by trying to understand how they see matters, what they hold to be right, valuable etc., specifications of normative commitments and conceptions of value are exactly the sort of thing that can be cited as an explanation.[312] As Hegel (and Kant) clearly saw, normative reasons and determinations of value are the key members of the class of justifications, which can be invoked to explain actions, goals, intentions and aspirations; and through such further concepts much more can be explained.

Hegel's further suggestion was that actual norms must be a part of our practical identities, which rely on social institutions and the multitude of practices that make up social life. Actual norms thus form part of people's practical identities – as friend, mother, professor or Swedish – and it is through their role in the constitution of such practical identities that they offer rationalizations of actions ("Because I am your friend!", "I am, first of all, a mother, so I can't… ", "A professor should provide guidance to her students, shouldn't she?", etc.). Practical identities may, to borrow Korsgaard's concise definition, be productively understood as 'a description under which you value yourself, under which you find your life worth living and your actions to be worth undertaking.'[313] From a strict Kantian position, like Korsgaard's, practical identities

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[310] J.L. Austin's classic analysis of 'excuses', for instance, underscores this frequency and the numerous different ways in which actions can fail and in which actors can fail to act even on their self-avowed commitments: 'I realize that I should have done X and in fact I wanted to do X, but…' See J. L. AUSTIN 1957: 'A Plea for Excuses', *Proceedings of the Aristotelian Society* 57: 1–30.

[311] G.E.M. ANSCOMBE 2000 [1957]: *Intention*. To borrow Bernard Williams' succinct formulation: 'If there are reasons for action, it must be that people sometimes act for those reasons, and if they do, their reasons must figure in the correct explanation of their action.' (Williams quoted in R.B. PIPPIN 2005: *Hegel's Practical Philosophy*, p. 155, n. 19).

[312] In a contemporary context, Joseph Raz holds this exact conception of what is cited as explanations in our language game of explaining actions, see J. RAZ & R. MARSHALL 2014: 'From responsibility to normativity: Joseph Raz interviewed by Richard Marshall', *3am Magazine*.

[313] C.M. Korsgaard cited in R.B. PIPPIN 2005: *Hegel's Practical Philosophy*, p. 86.

arises from an agent's reflective endorsement such that an autonomous agent can be seen as the reflective author or *Urheber* of her practical identity. From a Hegelian position, however, this picture is apt to be misunderstood. As Pippin has argued in elaborating Hegel's position in dialogue with Korsgaard's notion of practical identity, social roles and practical identities must rather be seen as providing the *starting point* of reflective endorsement.[314] Rather than its end results, social roles or practical identities form the content that reflective endorsement proceeds from. That is, it is through finding themselves categorized and socially recognized as 'mother', 'father', 'artist', 'nurse', 'priest' or 'professor' and through remaining rationally responsive to the norms involved in such roles (rather than to the whims of inward inclination or outward coercive power) that agents can come to see themselves as authors of their lives and as essentially free. Freedom is bound to the social roles that we express commitment to via our practical identities. 'Freedom', in this specifically Hegelian sense, thus means the alignment of the practical identity of an agent, the actions of the agent and the social institutions which makes both things possible. As Pippin has instructively stressed, Hegel's prime examples of freedom are neither abstract rational choices nor metaphysical instances of uncaused causality, but rather the social relations of friendship and love.[315]

§7.2. The 'actuality' of norms: Social theory, conservatism and the market question.
While overshadowed by innumerable invocations of 'dialectical method' in social theory, I would contend that this stress on actuality and immanence of norms in social relations, at least in retrospect, constitutes one of the most significant analytical heritages that Hegel left to social theory and to the development of the social sciences. Hegel's description of the institutions of the family, civil society and the state was highly specific to the early phase of the capitalist industrialization and the political history of continental Europe. What was analytically decisive, however, was the insistence on describing them *at all* along with the specific perspective that Hegel used in describing them. Rather than describing such institutions from an external perspective, Hegel sought to describe them from "within" and from the perspective of the normative orientations that these institutions *actualized*. Thus when Hegel, for instance, proposed to contravene to the socially destructive effects of emerging capitalist markets by

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[314] *Ibid.*, pp. 85–89.

[315] R.B. PIPPIN 2014: 'Reconstructivism: On Honneth's Hegelianism', *Philosophy & Social Criticism* 40(8): 725–741; p. 727.

means of a novel regulatory institution (a so-called *Polizey*) and through semi-formalized groups for maintaining work force solidarity (so-called *Kooperationen*), he took himself to be correcting capitalist markets not from an external critical perspective, but from the perspective of the normative structures and the form of freedom that the capitalist market itself actualized and presupposed.[316] This stance was seminal and conducive to the development of social theory just as it more or less repeated itself in, for instance, Durkheim's analysis of modern economic life (see Chap. 5, §3).

Yet this actuality and immanence of norms in social relations have also haunted social theorists, who want to make use of Hegel for progressive purposes, since it seems to imply an intrinsic conservatism. The thrust of this charge is that *Sittlichkeit* and the insistence on the formative function of modern institutions exclude the possibility of taking up a critical and progressive distance towards those very institutions.[317] Axel Honneth, for instance, is at great pains to show the possibility of taking up such critical stance and Honneth thus places great significance to the few places in which Hegel himself takes up a dismissive attitude to institutions that seem distinctively modern in the relevant Hegelian sense. Accordingly, Honneth places great significance to, e.g., the passage in the *Philosophy of Right* that criticizes the modern market form for furthering hording of wealth and unhealthy forms of conspicuous consumption.[318] Lisa Herzog has, even more systematically than Honneth, shown that Hegel took up a systematically ambivalent stance towards the market.[319] On the one hand, Hegel was, as Herzog convincingly shows, intimately aware of the arguments of Adam Smith and David Ricardo and following them Hegel praised the market as an important 'sphere of subjective freedom'. On the other hand, Hegel took up a critical stance towards the market, clearly rejected the idea of its 'invisible hand' and pointed out that it tended towards unjust forms of unpredictability rather than order. Based on such and other examples, Honneth and Herzog can acquit Hegel and the concept of *Sittlichkeit* from the seemingly sticky charge of conservatism.

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[316] Cf. A. HONNETH 2014: *The I in We*, pp. 64–65. And more generally on Hegel's view of economic institutions, see L. HERZOG 2013: *Inventing the Market – Smith, Hegel and Political Theory*.

[317] For summary of this conservative charge, see M.O. HARDIMON 1994: *Hegel's Social Philosophy*, pp. 24–37. As Honneth writes, the concept of *Sittlichkeit* seems to have 'a tendency to affirm the existing order.' (A. HONNETH 2014: *Freedom's Right: The social foundations of democratic life*, p. 8)

[318] *Ibid.*, pp. 8–11, pp. 198ff. and G.W.F. Hegel 2003 [1820]: *Elements of the Philosophy of Right*, §253.

[319] L. HERZOG 2013: *op.cit.*, pp. 40–84.

Honneth and Herzog are enlightening on the economic issues on which they touch and their analyses disclose Hegel as an important historical precursor in the social critique of capitalism. Yet the reading of *Sittlichkeit* performed in this chapter entails a significantly stronger "anti-conservative" thesis. On the suggested reading, there is no need to take refuge in examples in order to show Hegel's non-committal to dogmatic conservatism, since *Sittlichkeit*, in the suggested sense, cannot fail to offer individuals the possibility of taking up a critical stance towards the institutions that shape them. As McDowell notes, '[w]e should not be frightened away from holding that initiation into the right sort of communal practice makes a metaphysical difference.'[320] This difference, in particular, is *not* one robbing an already full-fledged individual of his responsiveness to reasons by replacing it with blind, pathetic compliance to arbitrary demands of a monolithic community. Hegel's historically developmental account of modernity is at odds with such a picture – the very aim of distinctively modern institutions is to make individuals think *for themselves*[321] – just as Hegel's overall philosophical 'architectonic' is at odds with idea of community as blind conformism. On the Hegelian conception, initiation into a community do make a categorical difference, but the difference is rather that of marking out a metaphysically new sort of individual, who is more than a biological particular by being responsive to reasons. The fully fledged human individual is not answerable to a mute and brute reality (that would be a lapse into pre-critical empiricism) nor to an abstract ideational realm (that would be lapse into pre-critical rationalism), but to a communal 'space of reasons'.[322] From this perspective there is no reason to think that Hegel's position somehow excludes the

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[320] J. MCDOWELL 2009: 'Towards a Reading of Hegel on Action in the "Reason" chapter of Hegel's Phenomenology', p. 173

[321] This historical-developmental motif is especially important to Pippin's interpretation of Hegel: '… in any society there are always also contesting views on what it is to be a human being, and that means what it is to flourish, live well as just such a being. No fact of the matter will ever settle the issue. Moreover, basic forms of self-understanding, and so basic forms of human being, change over historical time. The aspiration in Hegel is that, in a retrospective analysis of such contestations and attempts across historical time, we can detect a kind of 'logic', even a kind of necessity. At least (and it is a massive qualification) within the western tradition, the history of these attempts makes a certain kind of sense, and the sense it makes has everything to do with the supreme value of freedom.' (R.B. PIPPIN 2014: 'Reconstructivism: On Honneth's Hegelianism', p. 729)

[322] J. MCDOWELL 2009: *op.cit.*, p. 174, pp. 183–185. Whereas Pippin's interpretation of Hegel stresses the historically developmental point that distinctively modern institutions aims at making individuals think *for themselves*, McDowell differs in emphasizing the more 'architectonic' reasons related the Hegel's overall philosophical vision: 'The vision Hegel aims to convey is a clear-sighted awareness of groundlessness, bringing with it the understanding that *all* such attempts at grounding are misguided. Hegel aims to liberate us from the felt need to have philosophy fill what, when we feel the need, presents itself as an alarming void: the supposed need that expresses itself in an empiricist foundationalism or in a rationalistic postulation of insight into the independently constituted intelligible structure of reality, or in a transcendental grounding for a conceptual scheme.' (p. 185)

possibility of criticism and opposition. Normative questions are posed and answered in dialogue with others, but it is individuals who have to commit to their answers and nothing forces a conservative endorsement of the status quo on them.

Finally, it is important to note that Hegel's emphasis on communal and historical practices does not lead to a form of relativist historicism (that would be a lapse into a dead-end scepticism). Admittedly, it would be tempting to regard the Hegelian critique of Kant as a simple historicist critique emphasizing historical contingency over universal principle. Hegel certainly had little patience with Kant's lack of historical sensibility and Kantian preferences for grand principles in ethics. Yet such an interpretation would be misleading in light of the terrain covered in this chapter. As Foucault reminds us, the form of what is properly called 'historicist critique' is quite simple: it starts from considerations of supposed universals and then proceeds to destroy these universals by pulling them through the barbed wire of history. Historicist critique, for instance, starts from a unitary and universal idea of justice, madness or sexuality and then destroys such ideas by carving them up in the grinder of history.[323] While some commentators, notably K.R. Popper, have found it tempting to see Hegel's emphasis of history in this light – as an inference ticket to a form of historicist relativism – Hegel's problem, however, is more properly and productively understood as the diametrically opposite.[324] Hegel's problem was not one dismantling the ideal of autonomy and the norms of practical reason by showing their historical relativity; his emphasis on history rather aimed at showing more fully than Kant himself that these Kantian ideals were not merely ideals, but actual. In short, the Hegelian emphasis on historical and social forms aimed at showing the reality of practical norms rather than at dismissing them as unreal in an act of hasty historicist criticism.

[323] M. FOUCAULT 2008: *The Birth of Biopolitics*, p. 3. Note that while Foucault is sometimes read as a historicist critic, he explicitly contrasts his own method from any such form of historicist critique.

[324] Popper's critique of historicism cites Hegel as its prime exemplar; see K.R. POPPER 2011 [1952]: *The Open Society and Its Enemies*, pp. 242–291. More specifically, Popper cites Hegel as 'the source of all contemporary historicism' (p. 242).

§8. Conclusion: normativity, social theory and the legacy of idealism

In contributing to a 'post-Sellarsian' interpretation, the chapter has collected, substantiated and widened the insights on normativity that the seminal doctrines of German Idealism generate. In addition, the chapter has made a series of historical and social theoretical implications of German Idealism explicit. While all the points arrived at cannot be reiterated, it nevertheless seems essential to restate the main elements of the interpretation. Phrased simply, I have argued that key heritage that German Idealism left to philosophy and social theory was that *freedom became understood as the capacity to recognize norms, to be bound by their commitments and to act on the basis of them.*[325] How was this interpretation arrived at and what do its conclusions indicate for the further examination of normativity within the context of this dissertation?

One can restate the interpretation of normativity, freedom and practical rationality covered in this chapter in quite simple terms: Kant adopted but modified Rousseau's highly original idea of freedom as self-legislation by stressing that autonomy requires it to be placed within a normative framework of reasons.[326] Hegel followed the Kantian conception but added that autonomy can only be understood within the context of a social community. If Rousseau imagined that a metaphysically new and free being would emerge as the result if his utopian social contract was put into force, Kant pointed out that such freedom was already real and to be found in our most ordinary dealings with the world. All beings capable of acting 'under the idea of freedom' are '*really* free in a practical respect'.[327] Kant thereby generalized Rousseau's political idea of autonomy and made it the keystone not only of practical reason but of human rationality in its entirety. Hegel followed Kant in this generalization, but Hegel also took a step back towards Rousseau by emphasizing community and social context. Human action is always to be grasped on the background of actual social institutions and its historical contexts. This is the reason why Hegel underlined the importance of the actual social arrangements that he labelled *Sittlichkeit*; it is only, Hegel holds, within and on the background of such social arrangements that actions can ultimately be fully counted *as* actions. This interest not only in

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[325] Golob argues for a similar summary of the conception of freedom in German Idealism, see S. GOLOB 2014: *Heidegger on Concepts, Freedom and Normativity*, pp. 195ff.

[326] The restatement draws on McDowell's concise characterization of the relation between Kant, Rousseau and Hegel in J. MCDOWELL 2011: 'Autonomy and Community'.

[327] I. KANT 1785: *Groundwork of the Metaphysics of Morals*, 4: 448, emphasis added.

the concept or the 'ideality' of moral norms, but in their 'actuality' or *Wirklichkeit* is what paved way for a social conception of norms (also see Chap. 5). This general outline of the terrain covered provides an opportunity to restate the two initial problems posited in the beginning of this chapter (see Chap. 4, §2.) and an occasion to specify the points of intersection with the remaining parts of the dissertation.

§8.1. Causality and freedom as regulative ideals of inquiry: social science and differential epistemology. As indicated, one can see the central concern with normativity in German Idealism as emanating from two key problems. The first problem concerned the question of how can we claim to possess a form of free practical rationality, when one of the rational claims to hold is the naturalistic view of ourselves as subject to the causality of the natural realm? The response shared by Kant and Hegel that emerged to this problem was: Causal explanations of human behaviour, as a subset of natural events, and the rational explanation and justification of human action are two wholly different and separate *epistemological* perspectives on the same subject-matter. These two perspectives constitute what I have tentatively called a 'differential epistemology'. They can, as Guyer phrases it, 'be rendered compatible only by the thought that each, causal explanation of behaviour on the one hand and rational assessment of actions on the other, is only a regulative ideal for our conduct of inquiry and thus that neither represents a metaphysically privileged point of view.'[328] As I have argued, this compatibilism inherent to Kant and Hegel's works was necessitated by a novel *philosophical anthropology*, which offered a picture of Man as an essentially free and justificatory animal. As Kant phrased it in his *Metaphysics* lectures, this conception of freedom and this division between reasons and causes is connected with the very possibility of agency, with the question of *what it is to be an agent*:

> If I say I think, I act, etc., then either the word "I" is used falsely or I am free. Were I not free, I could not say: "I do it" but must rather say: "I feel in myself an impulse to do it which something has incited in me".[329]

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[328] P. GUYER 2002: 'Lewis White Beck on Reasons and Causes', *Journal of the History of Ideas* 63(3): 539–545; p. 540.
[329] I. KANT [circa mid-1770s]: *Metaphysik L*, 28: 261, quoted in Golob's translation, S. GOLOB 2014: *op. cit.*, p. 199. Ameriks' Cambridge-translation is slightly different, compare with I. KANT 2001: *Lectures on Metaphysics*, p. 81, vol. 9 of P. GUYER and A.W. WOOD (eds.) 1995–2016: *The Cambridge Edition of the Works of Immanuel Kant.*

The difference seems simple; it is a difference between considering agents as subjects *of* their lives and considering them as merely subject *to* an external influence.[330] Unless agency was to be abdicated altogether, the validity of the first perspective and the reality of freedom had to be asserted. Yet this simple distinction was to become a point of considerable conflict when it came to serve as partitioning criterion carving up different forms of scientific inquiry, neither of which could be given metaphysical privilege. These points of conflict and specifically the role that Neo-Kantian thought played in the foundational debates of social theory will be explored in the next chapter (see Chap. 5) with reference to Durkheim and Weber: Could the social sciences be seen as employing an exclusively causal vocabulary? What vocabulary must be used if humans are to be studied as subjects for whom norms have significance? Hegel too had argued that *Wissenschaft* had to become more "concrete" in its dealings with historical context and social community – with the *Dasein* of *Geist*, as Hegel phrases it at one point – and this endeavour included as a key element an engagement with concrete and actual forms of normativity.[331] But it remained – and perhaps remains – an open question, how it was possible for philosophy and theories of society to become more "concrete" in their dealings with the social world without collapsing into quasi-naturalistic and purely empirical disciplines, like those of experimental psychology or social statistics?[332] Examining such questions in the context of Durkheim and Weber serves as an instructive extension of the thematic unfolded in this chapter.

§8.2. Autonomy, history and sociality. The other key problem of normativity posited at the beginning of this chapter concerned the Kantian conception of the normativity of moral rules as at once laws *for* and products *of* individual autonomous activity. This generated the paradox of a seemingly 'lawless' agent who was to legislate for himself on the basis of laws, which was once prior to and derivative of his self-legislative activity. On Hegel's view, this paradox ensnared Kant into the empty prescriptions of what has come to known as 'Kantian constructivism' in 20th-century ethics and social theory. Kant saw

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[330] Cf. R.B. PIPPIN 2011: *Hegel on Self-Consciousness*, p. 73.

[331] G.W.F. HEGEL 1979 [1807]: *The Phenomenology of Spirit*, ¶651. In Hegel, *Wissenschaft* characteristically always occurs in the singular form, never in the plural, *Wissenschaften*. As such it includes philosophy as well as the sciences.

[332] Lear emphasizes the pressing character of this question from Hegel and onwards. J. LEAR 1998: *Open Minded*, p. 8. ❖ See Chap. 6, §5, where this question is addressed.

…no alternative except what has come to be called "Kantian constructivism". If the normative force of reasons is, as against naturalism, a subject matter for what Kant would recognize as exercises of reason, but, as against intuitionism, not an independent reality, a topic for discernment, the only possibility left, in Kant's view, is that we determine it ourselves, by legislating for ourselves in an exercise of pure practical reason.[333]

As we have seen, Hegel challenged that account. The neat simplicity of the Kantian account of practical reason consists in its *only* having formal considerations to guide it. However, and as this chapter has shown by its commentary on §135 of the *Philosophy of Right*, it followed for Hegel that Kant cannot provide for substantive content. The Kantian form of formal moral reflection remains empty, and Hegel's main critique is thus immanent, namely, that Kant's moral philosophy cannot attain the goal it sets for itself: it was intended to provide guidance for autonomous moral action, but if it fails to exclude any maxims, it cannot provide any guidance at all. What was missing was a richer and more social story of the materials that human self-legislation deal with. As McDowell has continually stressed in defending the Hegelian position, Hegel's conclusion was not to give up Kant's normative idea of autonomy as responsiveness to reasons, but rather rectify it by pointing out that *the normative force of reasons impinges on us not as possessors of pure practical reason, but as participants of concrete practices and historically situated forms of life*.[334]

This theme is also further explored in the examination of Durkheim and Weber in Chapter 5, but within the context of the dissertation this Hegelian conception also brings into focus the notion of rule-governed practices. Wittgenstein's exploration of rule-following and the notion of normativity is the topic for discernment in Chapter 6, since Wittgenstein allows for a more systematic comprehension of why this practical thematic could emerge as fundamental in post-Kantian theorizing. In particular, Wittgenstein's rule-following considerations allow for further analysis of the relationship between situated forms of life and the notion of practical reason explored in this chapter.

§8.3. Idealism and social theory. As initially stated, there is a significant literature in contemporary social theory that relates to German Idealism (see above, Chap. 4, §1). In ending

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[333] J. McDOWELL 2009: 'Towards a Reading of Hegel on Action in the "Reason" chapter of Hegel's Phenomenology', p. 170.
[334] *Ibid.*, p. 171.

this chapter, however, I want to pinpoint two aspects of the Kantian and particularly Hegelian stance that are arguably worth developing further. First, Kant's normative conception of *what it is to be an agent* supports the necessity of the concept of 'agency', which has loomed large in social theory due to the influence of the so-called 'practice turn' and the recurrent debates of the so-called 'structure-agency problem'.[335] Yet the Kantian heritage in some respects go decisively deeper than this contemporary discussion in which the concept of 'agency' has often been taken to indicate nothing more than the relatively truistic conviction that agents are 'more than the passive effects of the structures in which they exist.'[336] While Kant's formal conception is certainly underdeveloped in other respects, it goes beyond this negative limitation of the influence of 'structures', since it furnishes further normative concepts such as 'responsibility' and 'justification' that go further in specifying the positive conditions of agency; concepts that for their part have been somewhat neglected in contemporary social theory.[337]

Second, there are several different ways in which Hegel's social philosophy may be better understood in social theory. Marx and his followers, as have I argued, seem to have been simply wrong to assert that Hegel derived social reality from mere concepts. Similarly, even sympathetic readers of Hegel in social theory overestimate the charge of 'conservatism' attributed to him by the 'shadow history' of 20th-century dismissals of German Idealism.[338] Finally, I have indicated the way in which theorists of a historicist bend might go wrong in interpreting the overall direction of Hegel's concerns. Rather than dismissing Hegel as a historicist, an irrational conservative or a peculiar sort of social constructivist, we ought to recognize the boldness of Hegel's claim in social philosophy and its commitment to rooting freedom in actual social institutions. To be sure, Habermas' critical theory, Rawls' political theory and other contemporary right-based approaches in critical social theory also argue 'that no one interested in the possible exercise of freedom can be uninterested in the social

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[335] The 'structure-agency'-problem poses the epistemological problem of determining the relative explanatory significance that should be accorded to the agency of persons and the supposedly overarching influence of social structures. For the paradigmatic exposition of the structure-agency-problem, see A. GIDDENS 1984: *The Constitution of Society: Outline of the Theory of Structuration.* For a debate of its wide-reaching relevance in social theory see T.R. SCHATZKI, K. KNORR CETINA and E. VON SAVIGNY (eds.) 2001: *The Practice Turn in Contemporary Theory.*

[336] J. LAIDLAW 2014: *The Subject of Virtue: An Anthropology of Ethics and Freedom*, p. 180.

[337] *Ibid.*, pp. 180–188. I am relying on Laidlaw in making this estimation. Laidlaw argues that contemporary social theory has tended to neglect the development of a nuanced account of the concepts of 'freedom', 'responsibility' and 'justification', which might be conducive in conceptualizing agency more positively and adequately.

[338] Again cf. R.A. WATSON 1993: 'Shadow history in Philosophy', pp. 99ff.

conditions that favour its exercise and flourishing'.[339] Hegel's claim, however, is an even stronger one. It is not just that a pre-existing set of rights or forms of freedom could be optimized by some set of more favourable social conditions. As Pippin in particular has emphasized, Hegel's idea is that freedom *is* a social relation; a way binding oneself to the norms proper for the particular social individual that one is. Such basic coordinates of the Hegelian stance are worth considering even in contemporary social theory. For instance, it makes a crucial difference whether we think of modern workers as analytically isolated private individuals selling their human capital to the highest bidder (as Becker would have it, see Chap. 3), or rather as individuals who are decisively shaped by their professional identities and who achieve a degree of freedom by recognizing and competently navigating the norms involved in such identities (as Hegel would have it).[340]

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[339] R.B. PIPPIN 2014: 'Reconstructivism: On Honneth's Hegelianism', p. 728.

[340] Elsewhere I have made this basic Hegelian idea of the normative character of professional identities sociologically consequential in a contemporary setting. In particular by analysing the normative ideal of 'being mobile' among contemporary knowledge workers. T. PRESSKORN-THYGESEN 2015: 'The ambiguous attractiveness of mobility: A view from the Sociology of Critique', *Ephemera – theory and politics in organization* 15(4): 725–753.

Chapter 5: The significance of normativity in Durkheim and Weber

§1. Introduction: normativity in present and past controversies of method **§2.** The 'most pregnant expression' of the 19th century: normativity and the characteristics of Neo-Kantianism **§3.** Durkheim and Neo-Kantianism: society as a moral reality **§4.** Weber's Neo-Kantianism: cultural science, values and the concept of a norm **§5.** Concluding remarks: past similarities and contemporary implications

§1. Introduction: normativity in present and past controversies of method

In October 1961 at Tubingen University, the two academic champions Karl. R. Popper and Theodor W. Adorno clashed at a conference entitled 'The logic of the social sciences' thereby sparking a decisive methodological debate that still preoccupies social theory. Popper vigorously defended his so-called 'critical rationalism' and argued that the social sciences were destined to adopt his falsificationist method of empirically testing and refuting clearly defined hypotheses. Even if an 'open society' remained a Popperian ideal, empirical social science had to remain essentially value-neutral and had to abstain from making explicitly normative and critical judgments.[341] At least within the strictures of empirical science, any 'ought-to-be' constituted a naturalistic fallacy. In turn, Adorno refused to recognize even the label of 'critical rationalism' and instead deemed Popper's methodology within the social sciences a thinly disguised form of 'positivism', whose refusal to engage in social criticism marked it out as eminently 'ideological'. In its very refusal to be explicitly normative, Popper's methodology showed its true normative colour as leaning towards conservatism.[342] Assisted by the arguments of his then young student Jürgen Habermas, Adorno called the result of this seeming neutral positivism 'a corruption of facts into ideology', while Popper's ally, the prominent philosopher of science and macro economist Hans Albert, called aspects of Adorno's position 'downright grotesque.'[343]

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[341] K.R. POPPER 1976 [1961]: 'The Logic of the Social Sciences', in T. W. Adorno (ed.) 1976 [1969]: *The Positivist Dispute in German Sociology*.

[342] '… an apolitical stance becomes a political fact…' (T.W. ADORNO 1976 [1961]: 'Introduction', in T. W. Adorno (ed.) 1976 [1969]: *The Positivist Dispute in German Sociology*, p. 59. Also cf. T.W. ADORNO 1976 [1961]: 'On the Logic of the Social Sciences', in *op. cit.*

[343] T.W. ADORNO 1976 [1961]: 'Sociology and Empirical Research', in T.W. Adorno (ed.) 1976 [1969]: *The Positivist Dispute in German Sociology*, p. 85. H. ALBERT 1976 [1969]: 'A short post-script to a long introduction', in *op.*

In stepping back from this heated rhetoric, the point of substantial disagreement should be noted: What was debated in this crucial middle and late-20th-century controversy was the *normative stance of the social scientist,* i.e. was the theorist to critically prescribe for society or was she to refrain from such normative evaluation? It is well-known that this 'positivist controversy' resembled and rearticulated some of the issues from earlier foundational debates of the modern social sciences like the *Methodenstreit* of 1883 and, perhaps especially, from the *Werturteilungsstreit* of 1909. [344] What is less noted, however, is that the substantial disagreement of earlier foundational controversies proceeded from presuppositions that were somewhat opposite to the presuppositions of the post-1961 debate: The heated questions of such earlier controversies did not first and foremost concern *the normative stance of the social scientist*, i.e. whether or not the social scientist should assert some set of norms by which social reality could be critically judged. The earlier questions were different. As Therborn has asserted, 'the central contribution' of the birth of the social sciences to 'a scientific discourse on society' consisted rather in its 'discovery and study' of a particular sort of community, a 'community of values and norms'.[345] The central concern was the constitution of a particular object of study, "society", and society was in turn conceived as a moral and normatively formed reality. Rather than revolving around questions of normative critique, the foundational debates of Western social science from 1870 to 1914 thus concerned *the normative character of social reality itself.* The central question here was rather how to combine a conception of society as a collage of norms with a modern scientific conception that at least seemingly required it to be a mere collection of facts?

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cit., p. 285. Also cf. J. HABERMAS 1976 [1963]: 'The analytical theory of science and dialectics: A post-script to the controversy between Popper and Adorno' in *op. cit.* The 1961 debate, which became known as 'the positivist controversy', retains contemporary relevance. Popper's stance was to become hugely influential in empirically driven social science while Adorno's position as modified by Habermas, Bourdieu and others were to become defining of so-called 'critical theory'. In so far as these traditions continue to be influential, the divide between descriptive and prescriptive modes of theorizing that was characteristic of the 1961 debate is thus still characteristic of social theory.

[344] D. FRISBY 1976: 'Introduction to the English Translation', pp. xv-xxvii, in T. W. Adorno (ed.) 1976 [1969]: *The Positivist Dispute in German Sociology.* Frisby provides instructive commentary of these earlier debates and their relation to 20th-century debates.

[345] Göran Therborn quoted in A.T. CALLINICOS 2011: *Social Theory*, p. 124. While Niklas Luhmann has noted that social sciences tend to historically constitute themselves as responses to various forms of 'crisis', Luhmann also notes in reference to Durkheim that these earlier debates were not characterized by an explicit critical intention, but rather by the ambition that 'normative facts' had to become the 'object of an empirical science' (N. LUHMANN 1996: 'The Sociology of Ethics and Morality', *International Sociology* 11(1): 27–36; p. 28).

This chapter explores the Neo-Kantian ideas and concepts that were used in addressing the latter question in Max Weber and Émile Durkheim, thereby tracing a *social-scientific transfiguration* of the Kant-Hegel debate charted in the previous chapter. The pertinence of tracing such a connection can be easily brought out by asking: Which philosophical and intellectual movement was dominant in Europe from 1870 to 1914 during the formation of social theory and the modern social sciences? Several answers have intuitive appeal in light of their influence in the later parts of the 20th century: Was it Positivism? Marxism? Jamesian Pragmatism? Fregean logicism? Or perhaps Nietzschean "historicism"? Yet the most historically correct answer, especially if measured by its influence within official *Kathederphilosophie*, is Neo-Kantianism.[346] During the period from 1870–1914, Neo-Kantianism held sway in most German philosophy departments. Neo-Kantian interpretations of cultural phenomena loomed large in French intellectual life and until the end of the 19th century it also dominated the English academies. Even American universities lectured extensively on, for instance, the now completely forgotten figure of German Idealism, Rudolf Hermann Lotze (1817–1881).[347] The language in which academic, scientific and cultural issues were couched was simply predominantly Neo-Kantian. More specifically, as this chapter will argue, it was also the language in which the social sciences could assert their autonomy and independence from the competing discourse of scientific naturalism and their resistance to, especially, psychologism.

While it is thus clearly historically justified to assert an immense influence of Neo-Kantian thought in the formative period of Durkheim's and Weber's social theories, the task of this chapter is not to somehow deduce all of the positions reflected in the works of Durkheim and Weber from the tenets of Kant and Hegel. The task is more modest and cautious, namely to answer the following question: Given that there was, of course, a number of diverse non-idealist influences on Durkheim and Weber – e.g. Marx, Comte, Nietzsche and Spencer – what aspects of their work can nonetheless be described as *clearly* Neo-Kantian? And what features of

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[346] A. CHIGNELL and P. GILGEN 2013: 'Review of 'Neo-Kantianism in Contemporary Philosophy'', *Notre Dame Philosophical Review*, 2013.01.20. For an overview of the influence of Neo-Kantianism 1870–1914, see S. LUFT 2015: 'Editor's introduction' in S. Luft (ed.) 2015: *The Neo-Kantian Reader*. *Kathederphilosophie* ["lectern philosophy"], of course, implies academic influence as opposed to the popular influence of philosophical 'mavericks' like Kierkegaard. As Luft also points out (p. 80), the term *Kathederphilosophie* was in fact widely applied during the 19th century to characterize Neo-Kantianism. Also cf. F. BEISER 2014: *After Hegel: German Philosophy 1840–1900*, especially pp. 133–157.

[347] On Lotze's influence, cf. F. BEISER 2013: *Late German Idealism. Trendelenbrug & Lotze* and G. ROSE 2009: *Hegel contra Sociology*, pp. 6–12.

the role of normativity emerge and are better understood if such a characterization is accepted? When compared to the politico-critical role of concept of normativity in contemporary debates of the sort dramatized and inaugurated by Popper and Adorno, what emerges in this historical terrain is, as indicated, a highly different role; namely, a conception of normativity as a key feature of *social reality itself*. In this way, this chapter indirectly addresses the current methodological presuppositions of social theory and aspects of its present conceptual needs.

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Given that elements of the Neo-Kantian interpretation of Durkheim and Weber defended in this chapter might seem unorthodox or outright controversial, it is necessary to specify the hermeneutic aim of the interpretation that I propose. [348] If we make a methodological distinction between three non-equivalent sorts of influence or dependence, namely (i) genetic dependence, (ii) logical dependence and (iii) hermeneutic dependence, this chapter thus charts a hermeneutic connection between Neo-Kantianism on the one hand and Durkheimian-Weberian themes on the other. [349] Consider, for instance, the relation between Heinrich Rickert's Neo-Kantian concept of value relevance [*Wertbeziehung*] and Weber's later concept of value relevance [also *Wertbeziehung*]. If we take the dependence to be (i) genetic, the connection is a matter of pure historico-biographical fact. Such purely biographical evidence, however, does not entail any systematic connection between Weber's and Rickert's concepts. Conversely, if the dependence is taken to be one of (ii) logical presupposition, then the connection between the two is excessively strong. If Rickert's reasoning concerning value relevance is invalid, then that entails the invalidity of Weber's notion. Finally, the dependence could be taken to be (iii) hermeneutic. Hermeneutic dependencies are supported by 'genetic' and 'logical' ones, but the contention of such a dependency is different, namely that Neo-Kantian philosophy is conducive to the *understanding* of Weber and Durkheim. More specifically, the hermeneutic

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[348] Watts Miller, for instance, notes that the idea of what he terms 'Sociological Kantianism' tends to be met with 'puzzlement' if not scepticism. W. WATTS MILLER 2003: *Durkheim, morals and modernity*, p. 258.

[349] This three-fold distinction is suggested in this historical context by G. OAKES 1988: *Weber and Rickert: Concept formation in the cultural sciences*, p. 15ff. The elaboration of the three-fold distinction follows Oakes. Oakes' approach, especially in his later work, contrast the dissertation's, since he employs (ii) logical dependence to present arguments of the form: Rickert's work is inconsistent; hence Weber's work is plagued by inconsistency. See, e.g., G. OAKES 2003: 'Max Weber on Value Rationality and Value Spheres', *Journal of Classical Sociology* 3(1): 27–45. Oakes' later work, however, hereby neglect the (iii) hermeneutic task and his specific analyses arguably risk mischaracterizing both the complex Kantian problems that Rickert's work responds to and Weber's *Auseinandersetzung* with these problems.

relationship sought for in this chapter is aimed at pinpointing important similarities that tend to go unnoticed. As Gillian Rose has argued, the standard literature on Durkheim and Weber enacts their relationship in terms of dichotomies: *Erklären* vs. *Verstehen*, collectivism vs. individualism, naturalism vs. anti-naturalism, positivism vs. hermeneutics. [350] Yet what is persistently missed or unnoticed in such an antithetical enactments of their relationship is the *common* structure of Durkheim and Weber's theories, derived from Kantian and Hegelian strands of thought, and their commonality in making values and normativity a *constitutive* concern; a *primary object* for the social sciences.[351]

The structure of the chapter is straightforward. It will first describe (§2) the defining characteristics of Neo-Kantianism focussing on its conception of the social and historical sciences with special reference to the South West and Marburg schools; (§3) then analyse the distinctly but not well-recognized Neo-Kantian aspects of Durkheim's methodology in order to clarify his subtle conception of society as an essentially moral reality; (§4) discuss Weber's reliance on Neo-Kantian categories and his fffof the concept of a norm in his methodological attempt to balance 'value relevance' with 'value neutrality'; and finally (§5) offer a brief conclusion on the similarities between Durkheim and Weber and the relevance of the picture of norms that their accounts entail. By proceeding according to this structure, the chapter does not only aim to display largely unnoticed similarities between Durkheim and Weber. It also contributes to the main aims of dissertation by further tracing the historical rectification and development of the concepts that have articulated normativity.

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[350] Parsons' seminal comparative presentation of Durkheim and Weber is sometimes cited as the source of this (problematic) tendency, see T. PARSONS 1966 [1937]: *The Structure of Social Action*, especially pp. 343–375, 579–639. For a recent example of a such dichotomist portrayal of Weber and Durkheim, see H. JENSEN 2012: *Weber and Durkheim: A methodological comparison*. While Durkheim was, for instance, unquestionably more inclined towards methodological collectivism than Weber, what Jensen's otherwise sound commentary thereby risks is failing to draw attention to their deeper commonalities. This risk is especially noticeable in the account of their overall 'epistemologies' (pp. 30–38) in which Durkheim is depicted as a positivist 'inductivist' who stood quite unequivocally opposed to Weber's 'softer' focus on values.

[351] G. ROSE 2009: *Hegel contra Sociology*, pp. 1, 13ff. Some commentators both classical and contemporary – e.g. G. GURVITCH 1938: *Essais de Sociologie* as well as W. WATTS MILLER 2003: *Durkheim, morals and modernity* – supports this view and have pointed to the common concern with normativity and Kantian practical philosophy in Durkheim and Weber. There are, however, also noteworthy dissenters, who insist on interpreting Weber and Durkheim in anti-normative, naturalistic and proto-behaviourist terms, e.g. S. TURNER 2010: *Explaining the Normative*, pp. 69ff.

§2. The 'most pregnant expression' of the 19th century: normativity and the characteristics of Neo-Kantianism

As shown in the previous chapter, normativity was a central theme in German Idealism. As argued, this central importance of normativity stemmed from at least two key themes: (1) the nature of self-legislation as both practically and epistemically relevant and (2) its role in differentiating reasons from causes thereby marking out a normative conception of intentional human agency. These two key themes led to a philosophical anthropology with a strong emphasis on *freedom*. A superficial but common picture of the Kantian stance on freedom has it that we are empirically bound by causality, hence not free, but that we nevertheless have to assume that we are free – as if Kant's line of reasoning was something like the openly contradictory 'Not-P, but nevertheless P'. This common picture, however, is both philosophically and historically misleading and I have instead emphasized that the post-Kantian conception held human freedom to be *real* (not a sort of necessary illusion) and that freedom was held to consist in *the capacity to recognize norms* and in the capacity to *actualize* norms in patterns of actions. Historically indeed, the ascription of central importance to freedom and norms thrived and it became characteristic of the Neo-Kantianism of the late 19th century and the early 20th century. The two key interpretive themes that structured the examination of Kant and Hegel thus retain their importance in the present chapter.

A further defining feature of the Neo-Kantianism of the late 19th century was that it made the reliance of post-Kantian thought on normativity linguistically explicit. For while Kant and Hegel did at times apply the German term *Norm*, it was not until Wilhelm Wundt's (1832–1920) attempt at developing a nuanced Kantian account of moral and social behaviour in his *Ethik* (1886) that the very term *Norm* gained extensive prevalence as a philosophical and scientific concept.[352] More specifically, Wundt proposed ethics should be reconceived as a 'science of norms' [*Normwissenschaft*] and introduced a myriad of distinctions between various kinds of norms.[353] The innovation, however, was far from merely linguistic. As Heidegger remarks,

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[352] W. WUNDT 1892 [1886]: *Ethik: Eine Untersuchung der Thatsachen und Gesetzen des Sittlichen Lebens* and on the instrumental role of that book in spreading the philosophical and scientific prevalence of the concept of 'norm', also see J. RITTER (ed.) 1971–2007: *Historisches Wörterbuch der Philosophie*, Vol. 6 (1984), entry 'Norm', pp. 906–915.

[353] W. WUNDT 1892 [1886]: *Ethik*, pp. 1–8, 534ff. On Wundt's reconception of ethics, see the introduction entitled 'Die Ethik als Normwissenschaft' (pp. 1–8). And for Wundt's only partially systematic distinctions between kinds of norms, see its Chapter 11 'Die Sittlichen Normen' (pp. 535–594).

attention to 'forms of normativity' were the key to the Neo-Kantian distinction between the 'cultural' and 'natural' sciences.[354] Indeed, Heidegger goes on to diagnose the Neo-Kantian attention to normativity and its denial of naturalism as one of the 'most pregnant expressions' of 19th-century thinking and to praise the Neo-Kantian stance on this matter in terms congruent with the non-speculative interpretation of German Idealism suggested in the previous chapter:

> [In this Neo-Kantian stance] the intellectual history of the nineteenth century comes to its most pregnant expression [*prägnantesten Ausdruck*]: a safeguarding of the continuity and connection with German Idealism, but simultaneously a critical deflection of speculative idealism.[355]

In specific, the concept of a norm became central to the South West School of Neo-Kantianism. Deriving its name from its centres of influence in Freiburg and Heidelberg in the southwestern Baden region of Germany, the South West School was the value theoretical [*werttheoretische*] school of Neo-Kantianism, which counted among its prominent members Wilhelm Windelband (1848–1915), Heinrich Rickert (1863–1936), Wilhelm Dilthey (1833–1911) and Emil Lask (1875–1915). While the South West School sternly denied the latent psychologism of Wundt's interpretation of Kant preferring a stricter transcendental interpretation, they were quick to take over the use of the concept of a norm especially in examining wider scientific issues.[356] Windelband thus argued that transcendental idealism

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[354] M. HEIDEGGER 2002 [1919]: 'Phenomenology and Transcendental Philosophy of Value', in M. Heidegger 2002: *Towards the definition of philosophy*. Heidegger analyses Neo-Kantianism as the 'Cultural Philosophy of the Present' (pp. 111–118) and analyses its division of sciences especially at pp. 139–148.

[355] *Ibid.*, p. 118. Heidegger's praise is here specifically directed at Lotze, whom Heidegger took to have cleared the way for the later distinctions among different sciences in Dilthey, Windelband and especially Rickert (pp. 143ff.). Heidegger sees the foundation of such distinctions between 'natural' and 'cultural' sciences in a 'cultural philosophy of value' that makes 'practical reason the principle of all principles' (pp. 121–124). Heidegger applauded this form of Neo-Kantian philosophy as 'one of the most important philosophical currents of the present' (p. 108); not, however, without leaving room for a corrective criticisms advanced from the perspective of his own project of developing a novel kind of phenomenology. The Neo-Kantian reflections on various, actual sciences should not, Heidegger warned, divert attention away from the 'grounding of philosophy itself' as a 'primordial science' (pp. 108–109). On Heidegger's philosophical relationship to, particularly, his former Habilitation supervisor, Heinrich Rickert, see M. HEIDEGGER and H. RICKERT 2002: *Martin Heidegger/Heinrich Rickert: Briefe 1912 bis 1933 und andere Dokumente*, pp. 9–77.

[356] In fact, Durkheim too worried that Wundt's latent psychologism undermined Wundt's official adherence to Kant. In an untranslated essay, Durkheim writes that Wundt's work is '… animée d'un souffle d'idéalisme que l'auteur déclare tenir de Kant, quoiqu'il semble n'avoir rien de bien particulièrement kantien.' [My translation: [Wundt's work is] animated by a breath of idealism that the author claims to derive from Kant, but he does not seem have been a particularly good Kantian.']. More specifically, Durkheim worried that the psychologism of Wundt's work, which Durkheim otherwise admired, meant that Wundt had no way of accounting for the genuinely binding character of morality. É. DURKHEIM 1887: 'La Science positive de la morale en Allemagne', *Revue Philosophique* 24: 33–58, 113–142; p. 135.

applied in 'the analysis of culture' had to operate with a dual concept of a 'norm'. On the one hand, norms were 'ideal' in the sense that they were 'demanded or given as tasks' to a certain 'cultural state of affairs [*Kulturzüstande*]', but on the other hand a philosophy of culture also had to consider the empirical plurality of norms within a 'historically *found* or *given* culture'. [357] Norms, in brief, were held to be part of cultural reality. While Kant was held in the highest regard, there was an evident Hegelian element in this insistence on placing norms and philosophical issues more broadly within a historical and social context. Late 19th and early 20th-century Neo-Kantianism, especially as practiced by the South-West school, should indeed in overall terms be conceived as a philosophy of culture that insisted on standing in an inextricable relationship to actually existing culture without thereby reducing itself to a purely empirical discipline nor without marking a differentiating contrast to the sciences. [358]

The other prominent strand of Neo-Kantianism, the Marburg School led by Hermann Cohen (1842–1918) and Paul Natorp (1854–1924), was not as such opposed to the value theoretical orientation of the South West School. Cohen's *Ethik der Reinen Willen* (1904), for instance, was structured by a critique of Kant's dualism between proper morality [*Moralität*] and mere conventional legality [*Gesetzlichkeit*] and it arrived at the quasi-Hegelian conclusion that even a transcendentally grounded morality – one of pure will – demanded a context of social legality. Even the claims of pure ethical rights or duties required particular social institutions to be in place in order to be *intelligible* at all. [359] Yet the Marburg School generally had different philosophical and methodological preoccupations. Both schools shared the project of carving out spaces for various distinct sciences by examining their conditions of validity (addressing, in Kantian parlance, the question of their *quid juris*). But while the Marburg School was

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[357] W. WINDELBAND 2015 [1910]: 'Philosophy of Culture and Transcendental Idealism', in S. Luft (ed.) 2015: *The Neo-Kantian Reader*, p. 317. Characteristically of this late text in Windelband's oeuvre, Windelband openly acknowledge a Hegelian inspiration in addition to his primary reliance on Kant (also see e.g. p. 318 and p. 323, n. 8). On this Hegelian tendency in Windelband, cf. F. BEISER 2008: 'Historicism and Neo-Kantianism', *Studies in the History and Philosophy of Science* 39(4): 554–564.

[358] On this conception of philosophy and its dual Kantian and Hegelian inspiration, see C. KRIJNEN 2015: 'Philosophy as Philosophy of Culture?' in N. de Warren and A. Straiti 2015: *New approaches to Neo-Kantianism*. All of the contributions to De Warren and Staiti's edited volume express the currently growing realization that Neo-Kantianism represents a vital influence on 20th century philosophy and a partly neglected area in current research. The present chapter of the dissertation confirms that insight into the significance of Neo-Kantianism by analogously pointing to a similar influence in social theory via Weber and Durkheim.

[359] M. DE LAUNAY 2014: 'Cohen's *Ethics of Pure Will*', entry in B. Cassin 2014 (ed.): *Dictionary of Untranslatables*, p. 688.

preoccupied with making sense of the natural scientific worldview and its transcendental conditions, the South West School tended towards articulating, more positively, a method for the historical and social sciences emphasizing *understanding of particulars* as a contrast to the *generalizing explanations* characterizing natural science. Indeed, the Neo-Kantians could invoke Kant's authority in stressing that such distinctions among sciences could lead not only to conceptual clarity but also to new authentic sources of knowledge. As Kant had written:

> I have encountered a fair amount of harm from the carelessness of letting the boundaries of the sciences run into each other and have pointed that out, not exactly to everyone's liking. Moreover, I am completely convinced that through the mere separation of what is heterogeneous [*Scheidung des Ungleichartigen*] and what had previously been left in a mixed state, a completely new light is often cast on the sciences – which may reveal quite a great deal of paltriness that was previously able to hide behind heterogeneous collections of information [*fremdartige Kenntnisse*], but also open many [new] authentic sources of cognition [for the sciences] where one would not at all have expected them.[360]

The Neo-Kantians – both of the Marburg and the South West School – preferred in these contexts to speak of *Geisteswissenschaften*, sciences of 'Spirit' or human sciences, but this group of sciences also included the social sciences and even the new-fangled science of sociology as Wilhelm Dilthey (1833–1911) explicitly argued in the later editions of his influential *Einleitung in die Geisteswissenschaften* (1883).[361] The German word *Geisteswissenschaften* was, in fact, introduced into German in the 1860s by the translations of J.S. Mill's notion of 'the moral sciences' including, for Mill, economics as well as social psychology.[362] While Dilthey followed Mill in including economics and psychology under the label of *Geisteswissenschaften*, Dilthey was at first sceptical towards sociology, which he had only encountered in Auguste Comte's and Herbert

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[360] I. KANT 1788: 'On the use of teleological principles in philosophy', 8: 162. Translation slightly amended, cf. the translation in I. Kant 2007: *Anthropology, History and Education*, p. 198, Vol. 7 of P. Guyer and A.W. Wood (eds.) 1995–2016: *The Cambridge Edition of the Works of Kant*. This little known passage does indeed concern the differences among the natural, "social" and "human" sciences. Although the distinctions among these sciences were not well established in Kant's time, Kant's text goes on to discuss the differences between a 'biological' and 'historical' conception of 'race' and the necessity of distinguishing between them.

[361] Cf. DILTHEY 1989 [1906]**:** "Postscript to Book One: 'Sociology'", appendix to W. Dilthey 1989 [1883]: *Introduction to the Human Sciences*.

[362] J.S. MILL 1843 [1981]: *A System of Logic: Ratiocinative and Inductive*, Book VI entitled 'On the Logic of the Moral Sciences' (pp. 830–952). As if to make the circle of the major European languages complete with regard to this concept, Mill himself had derived the word from the French *sciences morale*.

Spencer's rudimentary and positivist versions.[363] Later, however, when Dilthey encountered the sociology of Weber and Simmel, he welcomed its inclusion into his Neo-Kantian system of sciences.[364] This inclusion of the developing social sciences into the domain of proper sciences with a distinct logic contrasting the natural sciences was equally apparent in Rickert's competing label of 'cultural sciences' or *Kulturwissenschaften*, a label later adopted by Weber to describe his own scientific enterprise.[365]

From the late 1870s onwards, this proliferation of Kantian thought to social and historical domains of inquiry also came to dominate in France, where it competed with Spencer's evolutionary and biologically inspired account of human societies. In France, the influence from Germany was propagated and intensified by Charles Renouvier (1815–1903) and the Émile Boutroux (1845–1921), who were communicators of the German tradition as well as eminent Neo-Kantian philosophers of science in their own right. As Durkheim's prominent class mate at the *École Normale Supérieure*, Henri Bergson concisely described the intellectual milieu of the 1880s: 'There were two sides within the university. One, which was by far the majority, believed that Kant had asked the questions in their definitive forms, while the other rallied to Spencer's evolutionism.'[366] The French context can indeed be elaborated further by looking directly at the Neo-Kantian influences on Durkheim.

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[363] W. DILTHEY 1989 [1883]: *Introduction to the Human Sciences*, pp. 136–162. In these pages, i.e. Chapter 14–17, Dilthey heavily criticizes the 'sociology' of Comte and Spencer.

[364] W. DILTHEY 1989 [1906]**:** "Postscript to Book One: 'Sociology'".

[365] Cf. H. RICKERT 1926 [1899]: *Kulturwissenschaft und Naturwissenschaft*, pp. 7–8, 17–28. In this 7th edition, Rickert himself notes and embraces Weber's adoption of his vocabulary (pp. 7–8). Yet Rickert's favoured example of a 'cultural science' remains the discipline of history (pp. 78ff.). Henceforth references are to its translation, H. RICKERT 1962 [1926]: *Science and history: A critique of positivist epistemology*. For Weber's own explicit embrace of the term, see for instance M. WEBER 2012 [1904]: 'The "objectivity" of Knowledge in Social Science and Social Policy', in H.H. Bruun and S. Whimster (eds.) 2012: *Max Weber: Collected methodological writings*, p. 109.

[366] Henri Bergson cited in M. FOURNIER 2013: *Émile Durkheim: A Biography*, p. 38.

§3. Durkheim and Neo-Kantianism: society as a moral reality

> I owe the Germans a great deal. It was in part they who taught me the meaning of social reality... [367]

- É. Durkheim

In October 1907, the mature Durkheim sent the first of two letters to the editor of the journal *Revue néo-scholastique*. The two letters were a response to an article of a certain 'Monsieur Deploige', who had accused Durkheim's works of merely reproducing the results of German Neo-Kantianism thereby taking advantage of the ignorance of the general French public with the German language to pass off, as Durkheim phrased it, 'borrowings from German writers' as his own original thoughts.[368] While Durkheim staunchly rejected the accusations of 'Monsieur Deploige' arguing that he had always been open about his sources of inspiration, Durkheim clearly recognized his indebtedness to the Neo-Kantian thinkers of Germany ('I certainly have a debt to Germany…').[369] Beyond emphasizing a significant reliance on the value theory of Neo-Kantianism – singling out Wilhelm Wundt's *Ethik* (1886) which, as noted earlier, was the first modern work to popularize the term 'norm' as a key philosophical and scientific concept – Durkheim's letters were, however, not very explicit about the nature of his 'debt to Germany'. Yet this influence or debt allows for historical and philosophical reconstruction.

In addition to the German debt incurred by Durkheim during his stay at various German universities, among them the Neo-Kantian centre of Marburg, in 1886 at the beginning of his academic career, Neo-Kantian thought influenced Durkheim through Charles Renouvier (1815–1903) and through Durkheim's influential professor Émile Boutroux (1845–1921).[370] Renouvier had, much like the interpretation of Kant performed in this dissertation, emphasized that Kantian philosophy was to be read as a claim in practical philosophy. Freedom, on Renouvier's reading of Kant, was not to be relegated to some noumenal sphere; it was rather a

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[367] É. DURKHEIM 1902: 'Enquête sur l'influence allemande' [conference contribution], quoted from M. Fournier 2013: *Émile Durkheim: A Biography*, p. 82.

[368] É. DURKHEIM 1982 [1907]: 'Influences on Durkheim's View of Sociology' [Two letters of 20 October and 9 November 1907], printed as appendix to É. Durkheim 1982 [1895]: *The Rules of Sociological Method*.

[369] *Ibid.*, p. 260.

[370] For an account of Durkheim's travels in Germany, cf. M. FOURNIER 2013: *op.cit.*, pp. 70–87 and on the methodological ideas picked up during his stay in Germany see R.A. JONES 2004: *The development of Durkheim's Social Realism*, pp. 172–232.

real and practical matter. Even Kant's admired but abstract transcendental deduction of the categories in the first critique, Renouvier claimed, had to read in term of what it was practically justifiable for an autonomous subject *to do*.[371] From Renouvier's emphasis of the practical element of even abstract categories, there was only a small (even if highly contentious) step to claiming that such categories were in need of social *expression* and that less abstract empirical categories had a decisively social *origin* as Durkheim would later hold in *Primitive Classification* (1903).[372]

From Boutroux, his Kantian teacher at the *École Normale Supérieure*, Durkheim inherited the contention that all sciences had to independently define the object of their inquiry. Just as Kant had emphasized that human knowledge was divided by distinct regulative ideals of inquiry, Boutroux held that for each science a regulative ideal of inquiry and a range of suitable objects had to be determined and constructed. Each science, as Boutroux phrased it, has to be clear

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[371] C.B. RENOUVIER 1869: *Science de la Morale*, p. 14: 'En effet la thèse du criticism [Renouvier's term for Kantian philosophy] est précisément la primauté de la morale dans l'esprit humain à l'égard de l'établissement possible ou non des vérités transcendantes, des quelles on prétendait jadis, inversement, déduire la morale. Le criticisme subordonne… la raison théorétique à la raison pratique.' [My translation: In effect, the thesis of critical philosophy (*criticism*) is precisely the primacy of morality in the human mind with regard to the possibility of establishing transcendental truths, which was previously and conversely alleged to deduce morality. Critical philosophy subordinates… theoretical reason to practical reason.]. Also cf. Lukes' exposition of this 'fundamental respect' (p. 56) in which Renouvier's Kantianism influenced Durkheim's work in S. LUKES 1985: *Emile Durkheim: His Life and Work*, pp. 54–57, especially p. 55, n. 52.

[372] É. DURKHEIM and M. MAUSS 2009 [1903]: *Primitive Classification*, especially pp. 1–6. The proposed account in *Primitive Classification* (1903), I would maintain, remains Kantian in so far as it asserts that classificatory judgements presuppose certain categories that cannot be derived directly from empirical intuition and it is aligned with Kant in denying that such categories can be reduced to 'individual psychology' (pp. 1–2). It is, however, contentious and non-Kantian in so far as it suggests that key classificatory concepts have a social origin in the social structures of primitive societies; an origin that Durkheim and Mauss take to be shown by anthropological and historical evidence belonging to what they call 'a history of logic' (p. 6). Durkheim's examination of the social origin of classification is sometimes taken to imply an extreme form of relativism inconsistent with Kantian thought and the basic Kantian 'categories of understanding', i.e. the 'pure concepts of the understanding', in specific. The attribution of unequivocal relativism to Durkheim, however, is misguided. As Durkheim explicitly pointed out: 'If, at every moment, men did not agree on these fundamental ideas, if they did not have a homogeneous conception of time, space, cause, number, and so on. All consensus among minds, and thus all common life, would become impossible. Hence society cannot leave the categories up to the free choice of individuals without abandoning itself. To live, it requires not only a minimum moral consensus but also a minimum logical consensus that it cannot do without either' (É. DURKHEIM 1995 [1912]: *The Elementary Forms of Religious Life*, p. 16). Furthermore, Durkheim's claim that classificatory concepts are collective representations – *représentations collectif* that are similar to 'tools' (p. 18, n. 24) – might also be taken to express a precursor to the later Wittgenstein's productive idea that concepts acquire life within a social 'form of life'. Yet, as Lukes has carefully shown, Durkheim's more specific ambition, namely that of giving a *causal* account of the historical *genesis* of semantic and conceptual content through an examination of primitive clan structures fails: It is, in fact, insufficiently supported by anthropological evidence and, analytically, it fails to distinguish between causal, interpretive and functional claims – the more specific causal thesis thus seems highly unattractive on Kantian as well as Wittgensteinian grounds. See S. LUKES 1985: *op.cit.*, pp. 437–462. ❖ Also see Chap. 6.

about the kind of 'lawfulness' that it charts and it has to possess its 'own specific principles'.[373] Indeed, Boutroux's own summary of his teaching at the *École Normale*, published as *De l'Idée de Loi Naturelle dans la Science et la Philosophie Contemporaines* (1895), is nothing but a systematic philosophical description of a range of distinct principles each proper to the specific sciences of 'logic', 'mechanics', 'physics', 'biology', 'psychology' and finally 'sociology'.[374]

The formative influence of such Neo-Kantian lineages of thinking on Durkheim is biographically attested by Durkheim's early – but only relatively recently discovered – 1883 lectures on Kantian philosophy and Boutroux' idea of carving out a specific set of principles for a coming sociological science is detectable and even well illustrated by Durkheim's idea of founding sociology as an independently defined 'positive science of morality'.[375] This section will further specify the core elements of Durkheim's method that can be characterized as Neo-Kantian starting with an exposition of the (1) main problem that Durkheim posed in his first major work, the economically themed *The Division of Labour in Society* (1893) and then proceeding to an extended discussion of (2) the Kantian and positivist aspects of Durkheim's consistently held idea of a 'positive science of morality' and of (3) the subtle connection between normativity and the statistically normal in Durkheim's conception of society.

§3.1. Durkheim's problem and the presupposition of norms in modern societies.

Durkheim's first major work *The Division of Labour in Society* (1893/1902), often hailed as 'the first classic' of sociology, posed its main problem in terms that echoed and effectively relied on the central conceptual innovation of German Idealism analysed in the previous chapter, namely that of making freedom contingent upon a certain form of normative constraint. [376] As

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[373] É. BOUTROUX 1914 [1895]: *Natural Law in Science and Philosophy*, p. 19.

[374] For the analysis of 'sociology' specifically, see É. BOUTROUX 1914 [1895]: *op. cit.*, pp. 188–204.

[375] Durkheim's lectures on Kant are recorded in a recently discovered and published set of notes by his student André Lalande. É. DURKHEIM 2004 [1883–84]: *Durkheim's Philosophy Lectures: Notes from the Lycée de Sens Course, 1883–1884*, see especially pp. 227–276 for Durkheim's introduction and analysis of the elements of Kantian practical philosophy. While the lectures document that Durkheim was intimately familiar with Kant's work and with his practical philosophy in particular, the lectures take the form of introducing Kant to his very young *Lycée* students rather than of making a systematic exposition of Kantian viewpoints that can be easily ascribed to Durkheim himself. Yet as H. Joas notes in his introduction, these lectures show that the early Durkheim's self-understanding was as a 'Kantian' rather than as the 'arch-positivist' that he is often portrayed to be (p. ix).

[376] For a characterization of *The Division of Labour in Society* as 'the first classic' see e.g. E. TIRYAKIAN 1994: 'Sociology's First Classic: *The Division of Labour in Society* and its Actuality', *Sociological Forum* 9(1): 3–16. ❖ On this notion of freedom as an innovation of German Idealism see Chap. 4, §§4–8.

Durkheim concisely phrased it, 'there is no paradox here'; freedom is 'liberating dependence'.[377] Durkheim thus phrased his basic problem as a sociological analogue to that peculiar relationship between freedom and constraint:

> How does it come about that the individual, whilst becoming more autonomous, depends ever more closely upon society? How can he become at the same time more of an individual and yet more linked to society? For it is indisputable that these two movements, however contradictory they appear to be, are carried on in tandem. Such is the nature of the problem that we have set ourselves.[378]

In responding to this sociological transfiguration of the idealist problem of autonomy, *The Division of Labour in Society* developed two major ideas: first, a constructive sociological thesis about the changing relationships between morality, work and economics and, second, a decisive methodological imperative for founding the new social science of 'sociology'. [379] The constructive sociological thesis was that neither modern individualism nor the massive rise of economic activity had diminished the normative force of morality as a social phenomenon. Instead, sociology had to distinguish between 'mechanical solidarity', typical of less advanced societies, and 'organic solidarity', typical of more advanced and contemporary societies. [380] Mechanical solidarity was characterized by absolute and religious forms of authority, while the second and organic form of solidarity left decisively lofty room for individual autonomy and economic initiative. These two forms of solidarity were in part distinguished by Durkheim as incarnating two different 'types of norms' according to which the former was characterized by

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[377] É. DURKHEIM 2010 [1906]: 'The Determination of Moral Facts', in É. Durkheim 2010: *Sociology and Philosophy*, p. 37

[378] É. DURKHEIM 2013 [1893]: *The Division of Labour in Society*, p. 7.

[379] ❖ For analysis of the latter methodological idea see below in Chap. 5, §3.

[380] The very terms 'mechanical' traditional societies and 'organic' modern societies are also, even if indirectly, related to the discourse of German Idealism. These terms can, at first, seem odd, since they are opposed to a number of other distinctions that social theorists have used the mark the contrast between 'modern' and 'traditional' societies. They are, for instance, diametrically opposed to F. Tönnies' (1855–1936) classic distinction between *Gemeinschaft* and *Gesellschaft* (see F. TÖNNIES 1922 [1883]: *Gemeinschaft und Gesellschaft: Grundbegriffen der reinen Soziologie*, pp. 8ff., 37ff.). Here traditional *Gemeinschaft* is associated with an 'organic' relationship among individuals while modern *Gesellschaft* is explained as a 'mechanical' economic relationship. Durkheim's oppositely associated terms were, however, deliberately chosen to counteract this implicit pessimism, which had spread from German Romanticism. On the Romantic picture, the 'organic' belonged to a lost and idealized past, while modernity was characterized by the 'mechanical'. In Durkheim's outlook, modernity surely presented vital moral and political challenges of its own. Yet Durkheim was no romanticist but rather, like the German idealists, a proponent of modernity and he thus polemically chose the term 'mechanic' to characterize the past and the 'organic' to denote the present and advanced forms of social interaction. For further remarks on the polemic nature of Durkheim's terms and their relation to 19th-century discourses see L. COSER 1984: 'Introduction to the 1984 Edition', in É. Durkheim 2013 [1902]: *The Division of Labour in Society*, pp. xiv-xvii.

'rules with repressive sanctions' while the latter was characterized by 'rules with restitutory sanctions' or encouraging incentives.[381] Such historically differing moral forms of solidarity, Durkheim argued, were relevant to the study of the division of labour in modern societies since they were presupposed by all economic relations.

In concisely summarizing this substantive sociological thesis, Durkheim can plausibly be seen as attempting a *normative reconstruction* of the presupposed conditions of economic life: Even the most instrumental and contractual economic relationships already presupposed forms of trust, solidarity and other mutually shared normative commitments among the parties to the contract. In taking this line, Durkheim sided with the German historical school of economics against Carl Menger's (1840–1921) and Alfred Marshall's (1842–1924) early forms of neo-classical economics. Rather than relying on the individualist and deductive method of Menger and Marshall, Durkheim followed the German historical school of economics that pursued the Neo-Kantian line of Dilthey and Rickert in developing a method of examining economics in relation to the changing historical development of morality, custom and law.[382] It is wrong, Durkheim argued, to suppose with Menger that economic life is to be conceived as mere groupings of individuals each pursuing their private preferences. Rather economic life has 'its own intrinsic morality'.[383] Durkheim's criticisms, however, were not exclusively directed at the methodological individualism of early neo-classical and Austrian economics, but equally against the very different economic perspectives of Marx and Saint-Simon (1760–1827). The failure of Saint-Simonism, Durkheim remarked in an 1896 lecture, was due to the fact that 'Saint Simon and his disciples wanted to derive the most from the least… moral rule from economic matter.' Saint Simon's economic perspective had failed to realize that 'without charity, mutual obligation and philanthropy, the social order – and still more the human order – was impossible.'[384]

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[381] Cf. S. LUKES 2013: 'Induction to this Edition', in É. Durkheim 2013 [1902]: *The Division of Labour in Society*, p. xxxi.

[382] For Durkheim's invocation of the German historical school of economics, cf. É. DURKHEIM 1887: 'La Philosophie dans les universités allemandes', *Revue internationale de l'enseignement* 13: 313–38 and É. DURKHEIM 1982 [1907]: 'Influences on Durkheim's View of Sociology' [Two letters of 20 October and 9 November 1907]. For an analysis of the reliance of German historical school of Economics on Dilthey's and Rickert's concepts, see D. FRISBY 1976: 'Introduction to the English Translation', in T. W. Adorno (ed.) 1976: *The Positivist Dispute in German Sociology*, pp. ix-xliv and W. SCHLUCHTER 1989: *Rationalism, Religion and Domination: A Weberian Perspective*, pp. 475ff.

[383] É. DURKHEIM 2013 [1893]: *The Division of Labour in Society*, p. 178.

[384] Durkheim quoted in J.C. ALEXANDER 2005: 'The inner development of Durkheim's sociological theory: from early writings to maturity', in J.C. Alexander and P. Smith (eds.) 2005: *The Cambridge Companion to Durkheim*, p. 152.

Such a normative reconstruction of the norms presupposed by even economic relations, much like Hegel's analysis of market relations in the *Philosophy of Right*, had a political usage and it could be used to critically point out that concrete forms of market organization fail to fulfill the normative promises than condition them.[385] The ideals by which society can be criticized in such instances, however, proceeds from immanent and existing reality; as Durkheim states, even an 'idealist can follow no other method, for an ideal is stayed on nothing, if its roots are not grounded in reality.'[386] The use of forced labour, for instance, could be criticized, since it contradicts the normative presuppositions that condition the existing and supposedly free forms of market exchange. Yet the thrust of Durkheim's analysis was descriptive and explanatory before it was prescriptive and political. Norms, normative commitments, their historical development, their juridical codification and their role in practical life were simply among the sorts of *objects* that explanatory social science should include in its examination of even seemingly non-normative market behaviour.

§3.2. 'A positive science of morality': Positivist and Kantian aspects of Durkheim's establishment of independent object for a sociological science. The substantive sociological hypothesis about the presupposition of normative relations in the study of even economic phenomena was continuous with Durkheim's second main idea of the *The Division of Labour in Society* (1893), i.e. his novel conception of an independent methodology for the science of 'sociology'. It was, as Durkheim wrote in a little read essay, 'not only with economic facts [*les faits économiques*] that ethics stand in relation [*en relation*], but with all social facts [*tout les faits sociaux*].'[387] By "ethics", however, Durkheim hastened to add, he did not mean an abstract form of reflection that 'construct the whole of ethics in order to then impose it on things', but rather the branch of ethics that in Germany, following Hegel, F.C. Savigny (1779-1861) and R. Jhering (1818-1892), had become known as *Rechtsphilosophie*.[388] This tradition, Durkheim wrote, 'has

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[385] G.W.F. HEGEL 2003 [1820]: *Elements of the Philosophy of Right*, §§189–208. In addition to its analytical structure, Durkheim's account also shares with Hegel the emphasis on the importance of professional identities and the norms of occupational groups and unions; in both Hegel and Durkheim denoted as 'corporations'. ❖ See Chap. 4, §7.

[386] É. DURKHEIM 2013 [1893]: *The Division of Labour in Society*, p. 4.

[387] É. DURKHEIM 1887: 'La Science positive de la morale en Allemagne', p. 48. The translations from this article draws on those provided by R.A. JONES 2004: *The development of Durkheim's Social Realism*, pp. 194, 196–197.

[388] While there were continuous stretches between the philosophy of right suggested by Hegel, Savigny and Jhering, Hegel stood opposed to the romantic inclinations of these latter authors and especially to the Prussian conservatism of Savigny, cf. G.W.F. HEGEL 2003 [1820]: *Elements of the Philosophy of Right*, p. 394 n. 4.

performed a great service to ethics by definitively integrating it with the study of customs.' As Durkheim concluded, this German tradition and its ability to distinguish between an individual form of *Moralität* and a social form of *Sittlichkeit* implied that 'norms of individual conduct' [*normes individuelles*], 'social norms' [*normes sociales*] and 'norms of humanity' [*normes humaines*] had not only an individual, subjective aspect but also a social, objective aspect.[389] In continuity with this possibility of examining moral norms as 'objective' historical forms, *The Division of Labour in Society* famously articulates the aim of the new science of sociology as treating 'the facts of moral life' within the framework of 'a positive science':

> This book is above all an attempt to treat the facts of moral life according to the methods of the positive sciences. Yet this term 'method' has been employed in a way that distorts its meaning, and it is one to which we do not subscribe. Those moralists who deduce their doctrine not from an *a priori* principle, but from a few propositions borrowed from one or more of the positive sciences such as biology, psychology or sociology, term their morality 'scientific'. This is not the method we propose to follow. We do not wish to deduce morality from science, but to constitute the science of morality, which is very different. Moral facts are phenomena like any others. They consist of rules for action that are recognisable by certain distinctive characteristics. It should thus be possible to observe, describe and classify them, as well as to seek out the laws that explain them.[390]

This methodological conception was further elaborated in his *Rules of Sociological Method* (1895) and subtly refined and applied in works of the late Durkheim such as *Elementary Forms of Religious Life* (1912).[391] The *Rules* clarified that the facts of moral life were to be conceived as

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[389] É. DURKHEIM 1887: 'La Science positive de la morale en Allemagne', pp. 133–136. Durkheim's tripartite distinction between 'individual', 'social' and 'human' norms mirrors Wundt's distinction between 'die individuellen Normen', 'die socialen Normen' and 'die humanen Normen', cf. W. WUNDT 1892 [1886]: *Ethik: Eine Untersuchung der Thatsachen und Gesetzen des Sittlichen Lebens*, pp. 558–565. In other places too, Durkheim was reliant on the distinction between *Sittlichkeit* and *Moralität*. For instance, when Durkheim distinguished between individual moral 'obligations' and socially 'desired ends' and wrote that 'moral reality always presents simultaneously these two aspects which cannot be isolated empirically', he was reliant on the distinction between individual *Moralität* and social *Sittlichkeit* that characterized the dispute between the practical philosophies of Kant and Hegel. While Lukes does not point to the essay 'La science positive de la morale en Allemagne', he draws attention to the latter instance of reliance from É. DURKHEIM 1961 [1925]**:** *Moral Education: A Study in the Theory and Application of the Sociology of Education*, p. 45. Cf. S. LUKES 2008: *Moral Relativism*, p. 120.

[390] É. DURKHEIM 2013 [1893]: *The Division of Labour in Society*, p. 1.

[391] The works of what sometimes denoted 'the late Durkheim' meant a re-orientation of his studies towards religion, symbolism and ritual epitomized in É. DURKHEIM 1995 [1912]: *The Elementary Forms of Religious Life*. Durkheim remarked that finding, in the end of the 1890s, 'a means of tackling sociologically the study of religion' was a 'revelation' that 'marked a watershed in [his] thinking' (É. DURKHEIM 1982 [1907]: 'Influences on Durkheim's View of Sociology' [Letters of 20 October and 9 November 1907], p. 259. While this 'watershed' certainly meant a reorientation of the objects and topics subjected to Durkheim's sociological analysis, Durkheim insisted on articulating this as an extension rather than an abandonment of his original methodological project of *The Division of Labour in Society* (1893) and *Rules of Sociological Method* (1895), and Durkheim continued to lecture on these methodological ideas till shortly before his death in 1917, e.g. É. DURKHEIM 1982 [1915]: 'Society', appendix

social facts [*les fait sociaux*] defined as rules capable of exercising a normative constraint on individual ways of acting; they were, according to Durkheim's well-known and inclusive definition, 'any way of acting, whether fixed or not, capable of exerting over the individual an external constraint'.[392] Such social facts could, for all intents and purposes, be understood as making up the core of society.

There can thus be little doubt that Durkheim aimed at treating social facts within the framework of 'a positive science', but was his methodology also, in a stricter philosophical and methodological sense, *positivist*? At least, the view of Durkheim as an 'arch-positivist' has dominated in Anglo-European literature ever since the first translations of Durkheim's works. In 1934, the prominent American social theorist Robert K. Merton could thus describe Durkheim as nothing less than the 'hegemonic protagonist' of 'the positivist tradition' in sociology and could go on to heavily criticize Durkheim's attempt 'to adopt the methods and criteria of the physical sciences.'[393] It is furthermore often noted that Durkheim's main reference for the treatment of 'moral facts' as observable and somehow 'lawful' is Auguste Comte's positivism.[394] Comte's positivism was, of course, by the lights of 20th-century positivism of a somewhat peculiar type, since it advocated a form of holism in the social sciences; a society, Comte wrote in denying methodological individualism, was 'no more

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[392] É. DURKHEIM 1982 [1895]: *The Rules of Sociological Method*, p. 59.

[393] R.K. MERTON 1934: 'Durkheim's Division of Labour in Society', *American Journal of Sociology* 40(3): 319–328; pp. 319–320. Interestingly, Merton proposes to contrast the methods of Durkheim with the Neo-Kantian tradition and in this regard he explicit refers to Heinrich Rickert's *Kulturwissenschaft und Naturwissenschaft* (p. 321, n. 4). As indicated, I will try to briefly specify the respects in which this Neo-Kantian tradition *also* left its marks on Durkheim. Also note another of the early Merton's influential articles, R.K. MERTON 1934: 'Recent French Sociology', *Social Forces* 12(4): 537–545. The description of Durkheim as a 'positivist', even resembling a 'logical positivist', is not infrequent in the French literature. Yet the reception history of Durkheim on this matter is, arguably, more complex in the French context given lesser influence of 20th century logical positivism in France and the continuing influence of Durkheim's pupils such as Marcel Mauss (1872–1950) and Célestin Bougle (1870–1940). For a sketch of the complexities of the French reception, see R. COLLINS 2005: 'The Durkheimian movement in France and in world sociology' in J.C. Alexander and P. Smith (eds.) 2005: *The Cambridge Companion to Durkheim*.

[394] While Durkheim laments the general lack of previous interest in an independently established methodology of sociology, *The Rules of Sociological Method* (1895) refers to Comte's *Cours de philosophie positive* (1830–1842) as 'the only original and important study we possess on the subject' (É. DURKHEIM 1982 [1895]: *The Rules of Sociological Method*, p. 49).

decomposable into individuals than a geometric surface into lines or a line into points.'[395] Durkheim repeatedly appealed, often with Comte, to the necessity of 'observation', of gathering 'data', of an 'inductive method', of identifying the facts and functions of the social realm as any other science would do in their realm.[396] Comte's positivistic philosophy of science was thereby, it seems, partially effectuated in works of Durkheim. Further reinforcing the positivist interpretation of Durkheim was his famous insistence that 'the first and most fundamental' rule of sociological method was 'to consider social facts as things [*considérer les faits sociaux comme des choses*].'[397] The arguably positivist core element of Durkheim's method was thus his insistence on the thing-like character of society – as Durkheim's critics called it, its *choisisme* or "thingism" – and his reduction of Rousseau's traditional but multifaceted concept of society, *le lien sociale*, 'the social bond', to *les faits sociaux*, mere 'social facts'.[398]

Yet one should also notice the Kantian and Neo-Kantian traits of Durkheim's methodological framework. The standard view of Durkheimian methodology as 'arch-positivist' needs nuance. Here I want to point to three basic respects in which it is in need of revision. *First*, it seems rarely if indeed even ever noted that a key aspect of Durkheim's most basic methodology adhered rather strictly to the Kantian idea of rejecting ontological dualism in favour of what I have tentatively denoted a 'differential epistemology' (see Chap. 4, §3); that is, the idea of rejecting the view that the world consists of two ontologically different kinds of substances but affirming the view that that two different kinds of lawfulness are involved in respectively explaining human action and natural occurrences. As Durkheim explicitly points out, the

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[395] A. Comte quoted in S. LUKES 1985: *Emile Durkheim: His Life and Work*, p. 82. While 20th-century positivism has been decidedly in favour of methodological individualism in the social sciences, the history of positivism is a separate topic in itself. For an account that concisely registers the complex relationship between Comte's positivism and later forms of positivism, cf. I. HACKING 1983: *Representing and Intervening*, pp. 43–57. For comments on the relationship between Comte and Durkheim relating to positivism and specific the issue of statistics, cf. HACKING 1990: *The Taming of Chance*, pp. 169, 171–179.

[396] For appeal to 'observation' and 'functions' in reference to Comte, see e.g. É. DURKHEIM 1982 [1895]: *op.cit.*, pp. 125–126. On 'data' note: 'To treat phenomena as things is to treat them as *data* and this constitutes the starting point for science' (*ibid.*, p. 69). For an instance of Durkheim's use of the positivist phrase 'confirming inductive statements', see É. DURKHEIM 2013 [1893]: *The Division of Labour in Society*, p. 243. Yet Durkheim's references to Comte's "positivism" are more often than not accompanied by criticism, see e.g. É. DURKHEIM and P. FAUCONNET 1982 [1903]: 'Sociology and the Social Sciences', in E. Durkheim 1982: *The Rules of Sociological Method*, especially pp. 178–182. Durkheim's ambivalence with regard to Comte's positivism partially confirms the Kantian interpretation suggested here.

[397] É. DURKHEIM 1982 [1895]: *The Rules of Sociological Method*, p. 60.

[398] On the polemical use of the mocking neologism *choisisme* among Durkheim's critics, cf. J. C. ALEXANDER 2005: 'The inner development of Durkheim's sociological theory: from early writings to maturity', pp. 144–145.

emergence of 'the social sciences' needed Comte's rejection of ontological dualism in order to rule out the view that human action and social organization are altogether inexplicable; a dualist view that Durkheim simply rejects as 'metaphysics'.[399] Staying at the level of a positivist and materialist monism was, however, in Durkheim's view equally detrimental and unacceptable:

> The assertion of the unity of nature was indeed not adequate for social facts to become the content of a new science. Materialistic monism likewise postulates that man is part of nature, but in making human life, whether of individuals or of societies, a mere epi-phenomenon of physical forces, it renders both sociology and psychology useless.[400]

What Comte had insufficiently realized and what was instead needed, in a clearly Kantian spirit, was to '… acknowledge the natural heterogeneity of things.' 'It was not sufficient', Durkheim wrote in looking back at his own founding of a sociological science, 'to establish that social facts are subject to laws. It is also had to be made clear that they had their own laws.'[401] What economists like Menger had failed to grasp in their attempt to establish rigid formal laws that emulated those of natural science was that the laws of human society were of a fundamentally different and moral kind. At this point Durkheim adhered to his teacher Boutroux and Boutroux' Neo-Kantian emphasis on distinguishing between the logic of various sciences:

> Monsieur Boutroux, at École Normale Supérieure often used to repeat to us that every science must explain by 'its own principles', as Aristotle states: psychology by psychological principles, biology by biological principles. Very much imbued with this idea, I applied it to sociology.[402]

Since the "laws" studied by Durkheim were of a fundamentally different and distinctively moral kind, Durkheim also never shared with Comte the naïve optimism and envy of the natural

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[399] É. DURKHEIM and P. FAUCONNET 1982 [1903]: 'Sociology and the Social Sciences', p. 176.

[400] *Ibid.*, p. 177.

[401] *Ibid.*, p. 178.

[402] É. DURKHEIM 1982 [1907]: 'Influences on Durkheim's View of Sociology' [Letters of 20 October and 9 November 1907], p. 259. This is not the place to elaborate on Durkheim's debate with the criminologist Gabriel Tarde, which has been reviewed in contemporary social theory through B. Latour's invocation of Tarde. Yet it can be noted that – for better or worse – the quoted passage also contains Durkheim's only main argument against Tarde. Every time Tarde is criticized, Durkheim uses the Neo-Kantian argument expressed in the quoted passage: Given that Tarde's theory was based on the psychological principles of imitation, Tarde has failed to provide 'separate principles' for sociology and his latent psychologism thereby also fails to provide sociology with scientific autonomy and risks conflating sociology and psychology. See, e.g., É. DURKHEIM 1982 [1895]: *The Rules of Sociological Method*, p. 59 n. 3, É. DURKHEIM and P. FAUCONNET 1982 [1903]: 'Sociology and the Social Sciences', p. 189 and É. DURKHEIM 1982 [1901]: 'The psychological conception of society', in É. Durkheim 1982 [1895]: *The Rules of Sociological Method*, p. 253. On the recent debate on Durkheim's relationship with Tarde cf., e.g., B. LATOUR 2014 [2002]: 'Gabriel Tarde and the End of The Social' in P. Joyce (ed.) 2014: *The Social in Question. New Bearings in History and the Social Sciences*.

sciences typically of 19th-, 20th- and even 21st-century positivism. While not prudently refraining from remarks on the 'laws' and 'antecedent causes' of various social facts, Durkheim maintained that the laws that he attempted to chart were of a *deontic* kind (characterized by what Durkheim calls their 'imperative' power) rather than of the more strictly *causal* kind charted by natural science. To this extent, at least, Durkheim stayed within of the bounds of what the post-Kantian tradition articulates as the different regulative ideals of inquiry pertaining to the human and natural sciences. We should never, as Durkheim wrote, deceive or 'delude ourselves by the hope that, in the near future, the various sciences of man can arrive at propositions that are as certain and indisputable as those of mathematics and the physico-chemical sciences.'[403]

Second, Durkheim does not seem to have followed a consistently positivist or empiricist strategy in making sense of sociological observation. On the contrary and as Weber explicitly did, Durkheim seems to have inherited from the idealist tradition the insight that conceptual reflection and the constructive formation of categories are a necessary condition for scientific observation and interpretation. Durkheim's anthropology of religion, for instance, never followed the strategy of his colleague in the field, Bronislaw Malinowski (1884–1942), who insisted on making empiricism and 'an ethnographically orientated particularism along with its emphasis on the presumed solidity of ethnographic evidence the ultimate criterion for anthropological knowledge.'[404] A challenge for Malinowski's empiricist 'recourse to ethno-graphical evidence' was, as contemporary varieties of religious anthropology have argued, that it seemed to miss the meaning, import and distinctiveness of the empirical details that it itself amassed.[405] While not an 'armchair science', Durkheim's anthropology of religion, conversely, had no reservations in allowing conceptually driven cross-cultural comparisons with the quite explicitly Kantian aim of giving force and meaning to ethnographic observations by ordering

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[403] Durkheim quoted in S. LUKES 1985: *op. cit.*, p. 73. In the light of such remarks, Merton's analysis of Durkheim as attempting 'to adopt the methods and criteria of the physical sciences' in the spirit of a reductive naturalist positivism seems un-fitting.

[404] R. WILLERSLEV 2011: 'Frazer strikes back from the armchair: a new search for the animist soul - The Malinowski Memorial Lecture 2010', *Journal of the Royal Anthropological Institute* 17: 504–526; p. 505.

[405] *Ibid.*, p. 504. While Willerslev's contemporary religious anthropology is methodologically in line with Durkheim's toleration and usage of conceptually driven reflection, Willerslev takes issue with some of the substantive hypotheses suggested by Durkheim's theory of 'totemism', cf. R. WILLERSLEV 2007: *Soul hunters: hunting, animism, and personhood among the Siberian Yukaghirs*, pp. 17ff.

them conceptually.[406] In arguing for the 'universal' applicability of such conceptual constructs, Durkheim often appeals to the power of illustrative 'single cases'; a fact that Warfield Rawls rightly sees as challenging 'the general interpretation of Durkheim as a proponent of positivist and quantitative methods.'[407]

Third, it is also, in evaluating the positivist thread in Durkheim's thinking, necessary to clarify the underlying reasons for Durkheim's conception of social facts as "thing-like" and somehow palpable entities. Defined by the normative power rather than by their material character, *les faits sociaux* could, as Bauman have emphasized, be counted as real and thing-like by Durkheim only to the degree that:

> [l]ike other objects that we count among "real things", they [social facts] would not soften, let alone disappear, just for being wished to do so. Like other things, they could be ignored only at our peril: bitter and painful awakening awaits all those who by ignorance or ill will behave as if "social facts" were figments of imagination. We cannot go unpunished through the ["social"] space they fill, just like we cannot go through a locked door without bruising heads or knees.[408]

The underlying reason for stressing the 'factual' character of moral rules was thus not Durkheim's reliance on the varieties of materialism often associated with positivism as a stricter philosophical and scientific programme. Rather Durkheim defined the social facts [*les faits sociaux*] that made up society by their power to exercise a normative constraint on individuals, and their "thing-like" character thus boiled down to nothing more than the "external" restraint that thereby imposed on action and the freedom of individuals.

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[406] Cf. e.g. É. DURKHEIM 1995 [1912]: *The Elementary Forms of Religious Life*, p. 22. Also cf. É. DURKHEIM 1982 [1895]: *The Rules of Sociological Method*, pp. 82–83, which clearly try to balance the elements of concept formation and empirical observation in the description of scientific knowledge.

[407] É. DURKHEIM 1995 [1912]: *The Elementary Forms of Religious Life*, p. 418. A. WARFIELD RAWLS 2004: *Epistemology and Practice: Durkheim's The Elementary Forms of Religious Life*, p. 268. Warfield Rawls' influential study traces a significant pragmatist influence from William James and she terms Durkheim's methodology as novel kind of 'socio-empiricism'. Her commentary of Kant and Durkheim's relationship to him, however, remains plagued by inaccuracies: Warfield Rawls (p. 9), for instance, holds that Kant's breakthrough consisted in a critique of Hume's empiricism that occurred with the '1754 publication [sic!]' of the *Groundwork of the Metaphysics of Morals*. Presumably, the philosophical event that Warfield Rawls means to denote is rather Kant's dual critique of rationalism and empiricism that occurred with the 1781 publication of *Critique of Pure Reason*. Kant's *Groundwork of the Metaphysics of Morals* was, in any case, published no sooner than 1785.

[408] Z. BAUMAN 2005: 'Durkheim's society revisited', in J.C. Alexander and P. Smith (eds.) 2005: *The Cambridge Companion to Durkheim*, p. 363.

§3.3. The average and the ideal: Normality and normativity in Durkheim. The above conception of social facts has led David Lockwood to classify Durkheim's basic position as 'normative functionalism' thereby indicating that Durkheim held a normative conception of society as an entity whose 'intrinsic feature is a set of commonly held values and beliefs.'[409] In summarizing Durkheim's conception and in heightening the specificity lacking in the somewhat vague phrase 'a set of commonly held values and beliefs', I would to suggest, in conclusion, that normativity became, with Durkheim, connected to (a) *ideals of society* and, in significantly more subtly way, to (b) the *statistically average or normal*.

Norms in the sense of ideals (a) were, on Durkheim's conception, an immanent part of social reality. Norms were not imposed on social reality – legitimately as Adorno would have it or illegitimately as Popper would have it – by the 'critical' standards of the social scientist or theorist. Norms, on the contrary, were a part of what is *under investigation* by social science rather than what is *critically prescribed* by it. Note, for instance, the mature Durkheim's argument that the normative ideals studied by social science are immanent to society itself and to the most everyday tasks of individuals:

> [Society] brings about an uplifting of moral life that is expressed by a set of ideal concep-tions in which the new life thus awakened is depicted. These ideal conceptions cor-respond to… those we have at our disposal for the everyday tasks of life. A society can neither create nor recreate itself without creating some kind of ideal by the same stroke. This creation is not a sort of optional extra step by which society, being already made, merely adds finishing touches; it is the act by which society makes itself…[410]

In the light of the Neo-Kantian and Hegelian tradition of seeing ethics, law and morality as inseparable from their actualizations as historically instituted customs, Durkheim's conception of ideals as part of social reality seems like a natural extension of that idea. There was, however, also a more subtly and conceptually challenging aspect of the conception of normativity that Durkheim expressed. As Hacking have argued in his history of statistical inference, drawing on Canguilhem's analyses of the concept of 'normality' and 'abnormality' in 19th-century medicine

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[409] D. Lockwood's *Solidarity and Schism* (1992), quoted from A.T. CALLINICOS 2011: *Social Theory*, p. 135.
[410] É. DURKHEIM 1995 [1912]: *The Elementary Forms of Religious Life*, p. 424–425.

and physiology, Durkheim's position also signified a connection of normativity to (b) the *normal or statistically average*.[411]

On the one hand – and this indicates the conceptually challenging aspect of the connection – the normal, in one of its primary senses, stands in diametrical opposition to the normative or the imperative. In philosophy, inferences from the *de facto* normal to the normative have been viewed with suspicion, since they transgress Hume's interdiction against inferences from *fact* to *value* and risks committing what G.E. Moore would later call 'the naturalistic fallacy'.[412] One cannot infer from the high frequency of Jewish pogroms in the Russian empire in the 1880s to their normative or ethical validity or even, to pick the standard example, infer from the nutritional *facts* about the beneficial effects of apples to the proposition that one *ought* to eat apples. Sociologically too, inferences of this type are also known to generate invalid results; one cannot, e.g., infer from the statistically high frequency of extra-marital affairs to their normative or social acceptance. While Durkheim was amply interested in the statistical frequency of behaviour, as displayed in his famous monograph on the frequency, correlations and socio-pathological causes of *Suicide* (1897), he did not generally endorse inferences of this type.[413]

Yet, on the other hand, Durkheim emphasized that a 'principal purpose of any science of life, whether individual or social' is 'to define and explain the normal state and to distinguish it from the abnormal.'[414] Durkheim proposed a simple index of 'the normal'. It was the statistically average. In defining the normal as the average, however, Durkheim encounters the implicit conceptual and normative difficulty that haunt all such quantitative conceptions of 'the normal': How much, given the large variety of individual cases, must an individual case deviate from the average in order to qualify as 'abnormal'? As Canguilhem has observed of the implicitly normative epistemology behind the conception of normality that became increasingly dominant during the late 19th century:

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[411] I. HACKING 1990: *The Taming of Chance*, pp. 169, 171–179. G. CANGUILHEM 1998 [1966]: *The Normal and the Pathological*, especially pp. 237–256.

[412] D. HUME 1965 [1739]: *A Treatise of Human Nature*, Book III, Part I., Sect. I, pp. 469–470. G.E. MOORE 2000 [1903]: *Principia Ethica*, §§11–13, pp. 62–65.

[413] Cf. É. DURKHEIM 2010 [1906]: 'The Determination of Moral Facts', p. 37. Also see É. DURKHEIM 2005 [1897]: *Suicide: A Study in Sociology*, especially pp. 283ff.

[414] É. DURKHEIM 1982 [1895]: *The Rules of Sociological Method*, p. 104. Also cf. A.T. CALLINICOS 2011: *op.cit.*, pp. 132–33.

To define the normal as too much or too little is to recognize the normative character of the so-called normal state. […] To set a norm [Fr. *normer*, also to 'standardize', to make a 'normation'], to normalize, is to impose a requirement on existence, a given whose variety, disparity, with the regard to the requirement, present themselves as a hostile, even more than an unknown, indeterminant. It [the normal] is, in effect, a polemical concept which negatively qualifies the sector of the given which does not enter into its extension while it depends on it for its comprehension.[415]

As Hacking observes, in Durkheim's writings on the normal and pathological states of society, 'the normal tends to be something from which we have fallen.'[416] This Durkheimian stance was markedly different from the prescriptive conception of the statistician (and infamous eugenist) F. Galton (1822–1911), the very inventor of the statistical concepts of 'correlation' and 'regression', who held the normal to be 'something to be avoided', the less than excellent calling for improvement. It was also different from Comte's view that 'the normal was something for which we should strife.'[417] Yet, for better or worse, Durkheim could not escape the implicitly normative epistemology behind the conception of the normal that became dominant during the late 19th century. Even in its use of statistical methods, the import of Durkheim's conception of society thus remained the same. Society was a thoroughly normative and moral reality.

§4. Weber and Neo-Kantianism: cultural science, values and the concept of a norm

The basic idea of modern epistemology, which goes back to Kant, is that concepts are, and can only be, theoretical means for the purpose of intellectual mastery of the empirically given; and for anyone who carries this idea to its logical conclusion, the fact that precisely defined genetic concepts are by necessity ideal types will not constitute an argument against the formation of such concepts. [418]

- Max Weber

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[415] G. CANGUILHEM 1998 [1966]: *The Normal and the Pathological*, p. 59, 239. Canguilhem adds at p. 241: '…this really naive dream of regularity in the absence of a rule signifies essentially that the concept of normal is itself normative.' While affirming this point, one might add, with the later Wittgenstein, that the reverse is equally true: rules have no applicability in the absence of the, at least, limited regularity of an established praxis, cf. L. WITTGENSTEIN 2001 [1953]: *Philosophical Investigations*, §§198, 202, 208, 241. ❖ Also see Chap. 6, §3.

[416] I. HACKING 1990: *The Taming of Chance*, p. 169.

[417] *Ibid.*

[418] M. WEBER 2012 [1904]: 'The "objectivity" of Knowledge in Social Science and Social Policy', in H.H. Bruun and S. Whimster (eds.) 2012: *Max Weber: Collected methodological writings*, p. 135.

To place Weber's work in the context of Neo-Kantianism might seem curious in spite of compelling arguments. Weber's insistence on the 'value-free' character of science in his 'Science as Vocation' (1919) makes him, like Durkheim, easy to assimilate to the positivist tradition in the social sciences.[419] Especially in the American tradition of positivist sociology, Weber has thus often been construed as 'the patron saint' of positivist value-freedom.[420] However, a more proper way of understanding Weber's deeper motivations for asserting not only the 'value-freedom' but also the 'value relevance' of the social sciences is to focus on the aspects of his methodological framework that display an underlying relationship to Neo-Kantianism. Unlike the case of Durkheim, a Neo-Kantian influence on Weber's methodological framework is well-established within, at least, some parts of Weber scholarship.[421] The crucial question, in the case of Weber, is thus not so much *if* he was influenced by Neo-Kantianism, but rather *how*: how and in which respects did Weber's work draw on essentially Neo-Kantian lines of thought?

In broad outline, this chapter follows the interpretive approach suggested by Schluchter, but the chapter expands significantly on Weber's relationship with the Neo-Kantian Heinrich Rickert and specifically focuses on the Weberian concepts of *ideal types* and *value relevance*; concepts that

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[419] See M. WEBER 2012 [1904]: 'The "objectivity" of Knowledge in Social Science and Social Policy' and M. WEBER 2012 [1919]: 'Science as profession and vocation', also in in H.H. Bruun and S. Whimster (eds.) 2012: *Max Weber: Collected methodological writings*.

[420] On the American reception of Weber, see A. T. CALLINICOS 2011: *op. cit.*, pp. 146–147.

[421] While not universally recognized in commentary on Weber, the influence from Kantian and Neo-Kantian thought was first systematically articulated in 1952 by Kant scholar Dieter Henrich, who drew on earlier work by A. von Schelting. In a contemporary context, a Neo-Kantian interpretation is defended by, for instance, by G. Oakes and W. Schluchter. While clearly recognizing the fact of a Neo-Kantian influence, other competent commentators such as H.H. Bruun and B. Schiermer have questioned the extent of the Neo-Kantian dependency in Weber. More specifically, Bruun and Schiermer object that many of Weber's original thoughts should not be viewed as mere applications of fixed Neo-Kantian ideas. As especially H.H. Bruun emphasizes, Weber's correspondence and unpublished manuscripts frequently stress 'terminological disagreements' side by side with praise of the works of the Neo-Kantian tradition. While the present dissertation stress the extent of the Neo-Kantian influence, it has no quarrel with the latter sort of Weber commentary; the originality of Weber's ideas is not in question and the dissertation shares its concern with determining the extent and exactly *how* (rather than *if*) Weber was influenced by Neo-Kantian ideas. See A. VON SCHELTING 1934: *Max Webers Wissenschaftslehre*. D. HENRICH 1952: *Die Einheit der Wissenschaftslehre Max Webers*. G. OAKES 1988: *Weber and Rickert: Concept formation in the cultural sciences*. W. SCHLUCHTER 1989: *Rationalism, Religion and Domination: A Weberian Perspective*. W. SCHLUCHTER 1996: *Paradoxes of Modernity: Culture and Conduct in Theory of Max Weber*. H.H. BRUUN 2001: 'Weber on Rickert: From Value Relation to Ideal Type', *Max Weber Studies* 1(2): 138–160. B. SCHIERMER 2016: 'The Other Weber: On some neglected passages in Weber's methodological work', unpublished manuscript; reference to the manuscript approved by the author. Other lines of commentary – illustrating, as mentioned above, that a Neo-Kantian reading is not universally recognized – suggest instead that Weber should be read in a Nietzschean light, e.g. A. SZAKOLCZAI 1998: *Foucault and Weber: Parallel Life-Works* and D. OWEN 1994: *Maturity and Modernity*.

in spite of their relative specificity are arguably also paradigmatic of Weber's methodology.[422] Indeed, this section will point out the respects in which these key Weberian concepts are clearly Neo-Kantian and will go on to specify how Weber's very little commented concept of 'norms' may also be extrapolated from these Neo-Kantian premises. The exposition will proceed as follows: First, Weber's arguably Neo-Kantian turn is described in the context of his critique of naturalism in economics. Secondly, Weber's view of the simultaneous objectivity and value relevance is analysed in light of Rickert's view of the methodology of the 'cultural sciences'. Thirdly, Weber's concept of ideal type and its Neo-Kantian aspects is treated, before the chapter ends with a brief note on Weber's usage and determination of the concept of 'norm'.

§4.1. Weber's Kantian 'breakthrough': Weber's critique of implicit naturalism in economics and in the social sciences. For some reason or other, Weber suffered a nervous breakdown in 1898 and ultimately had to resign from his Heidelberg professorship in economics. When he recovered in 1903, his work started with a breakthrough.[423] Weber's work went, as it were, from breakdown to breakthrough. This 'breakthrough' can, as Schluchter suggests, be understood as posing 'a two-fold question of meaning.'[424] On the one hand, Weber inquired into the meaning of the modern world, capitalist organization and religion. On the other hand, Weber posed the question of the meaning of science, its divisions, its proper methodology and the role or vocation of the expert in it. In addressing the first line of questions, Weber was, we are often rightly told, a 'theoretician of disenchantment', whose sociological work charted the process of an increased disenchantment of the Western societies that occurred first in the partial transubstantiation of religion into capitalism and then in natural science. Yet, it would be a misunderstanding of Weber to ignore his simultaneous *methodological*

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[422] Cf. W. SCHLUCHTER 1989: *Rationalism, Religion and Domination: A Weberian Perspective*, especially pp. 10–53 and W. SCHLUCHTER 1996: *Paradoxes of Modernity: Culture and Conduct in Theory of Max Weber*. Agevall also provides useful commentary on Weber's relationship to the Neo-Kantian movement, but Agevall's focus is on Weber's reliance on Windelband's distinction *ideographic* (and individualizing) and *nomothetic* (and generalizing) sciences. This chapter emphasizes, by contrast, a constitutive concern with values as the *differentia specifica* of the cultural sciences. O. AGEVALL 1999: *A Science of Unique Events: Max Weber's Methodology of the Cultural Science.* Oakes' work has also emphasized Weber's relationship to Rickert, but Oakes' critical rather than hermeneutic aim – see above, Chap. 5, §1 – contrasts the approach present chapter. G. OAKES 1988: *Weber and Rickert: Concept formation in the cultural sciences.*

[423] For a detailed account of Weber's nervous breakdown and relative recovery, see J. RADKAU 2009: *Weber: a biography*, pp. 145–178. None other than E. Kraepelin (1856–1926), often acknowledged as the founder of modern psychiatry, diagnosed Weber as suffering from 'neurasthenia due to years of overwork', but Weber's illness never found completely adequate diagnosis or treatment.

[424] W. SCHLUCHTER 1989: *Rationalism, Religion and Domination: A Weberian Perspective*, p. 32.

attempts to define the *limits* of this 'disenchantment'.[425] In Weber's view, the primary mistake of naturalistic monism in social science was exactly that it overlooks these limits and thereby let itself be caught in the illusions of progress. His methodological writings may, in my opinion, be seen as an attempt to deflate such illusions in social science by indicating its conceptual limitations. Only by remaining within the horizon of Kant's critical turn of modern epistemology could such illusions be avoided. The overall suggestion in the remaining part of this chapter is thus that Weber's answers to the second line of methodological questions were Neo-Kantian in kind.

Preceding his famous monograph on *The Protestant Ethic and the Spirit of Capitalism* (1905) were two important and quite lengthy essays on methodology in general and economic method in particular.[426] Weber's first publications after his recovery were thus his essay on 'Roscher and Knies' from 1903 and the so-called 'Objectivity' essay from 1904.[427] These essays rework Weber's earlier stance with regard to the *Methodenstreit* of 1883 between Schmoller's historical school in Economics and Menger's Austrian marginalist economics, and like his earlier work it rejects aspects of both positions.[428] Weber, however, added a crucial element to his earlier work. Having never treated methodological questions systematically before and never referred to philosophical traditions to any considerable extent, he now explicitly stated that his new methodological work was based on 'the writings of modern logicians' such as 'Windelband, Simmel and, especially … Heinrich Rickert.'[429] In line with the 'differential epistemology of

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[425] I am here following Schluchter's overall suggestion, see *ibid.*, p. 15.

[426] M. WEBER 2002 [1905]: *The Protestant Ethic and the Spirit of Capitalism*. Weber's *The Protestant Ethic* is a separate interpretive issue in itself. Elsewhere, however, I have defended the view that norms were indeed central to its explanatory scheme. In brief, the emergence of capitalism was for Weber conditioned by a historically specific set of religious and pietistic norms or to what he called 'ethically slanted maxims for the conduct of life [*Lebensführung*]'. In brief, 'the spirit of capitalism' could thus be said to denote the set of normative orientations and (protestant) ethical motivations which, although foreign to the logic of capitalist accumulation itself, could support the 'call' [*Beruf*] of making money. See T. PRESSKORN-THYGESEN 2015: 'How do we recognize neo-liberalism?', *Oxford Left Review*, issue 14: 11–20; pp. 16ff. For similar reading see J. BARBALET 2008: *Weber, Passions and Profits: 'The Protestant Ethic and The Spirit of Capitalism' in Context*.

[427] M. WEBER 2012 [1904]: 'The "objectivity" of Knowledge in Social Science and Social Policy' and M. WEBER 2012 [1903]: 'Roscher and Knies and the logical problems of historical economics', in H.H. Bruun and S. Whimster (eds.) 2012: *Max Weber: Collected methodological writings*.

[428] On Weber's early work from before 1900 and their stance vis-à-vis the *Methodenstreit* of 1883, see W. SCHLUCHTER 1989: *op. cit.*, pp. 5–10 and on Weber's early work more generally, J. RADKAU 2009: *op. cit.*, pp. 71ff., 209ff.

[429] M. WEBER 2012 [1904]: 'The "objectivity" of Knowledge in Social Science and Social Policy', p. 100 n.1. Weber's use of the word 'logician' is idiosyncratic from the point of view of contemporary formal logic and Weber's inclusion of someone like Simmel in the category of 'logicians' may prompt questions. Weber's use of

post-Kantianism' and its preference for epistemological rather than Cartesian and ontological distinctions (see Chap. 4, §3, §8), Weber pointed out that what he appreciated in these authors was that they based their work on a 'logical' difference between the natural and social sciences and *not* on an 'ontological difference' between 'nature and the world of action'.[430]

Parallel to Durkheim's attitude to Schmoller and Menger (see above, Chap. 5, §3), these essays distance themselves from both Schmoller and Menger's positions. Schmoller's historical perspective in economics, Weber held, lacked the logical rigor of Menger's deductive methodology, while Menger lacked the historical sensitivity of Schmoller's account. Most of all, however, Menger was faulted for modelling the social sciences on the natural sciences thereby relying on a 'naturalist monism', which allegedly led him to misunderstand the character of economic laws. While economics and the cultural sciences could indeed cautiously uncover causal relationships using contrastive explanations arriving at (what would today be called) 'singular causal claims' relating singular events, Menger's quasi-naturalistic perspective aimed at causal *laws* was misguided.[431] As Weber wrote, it was wrong to believe 'that, in the cultural sciences, the decisive criterion can also in the last analysis be found in the "law-like" recurrence of certain causal connections.'[432]

While Durkheim had faulted Menger for his methodological individualism, the illegitimate inspiration from the natural sciences was Weber's primary concern. Weber thus worried that

'logician' was inclusive and did not only include theorists working within of classical Aristotelian or formal mathematical logic (which was still only in its infancy at Weber's time). Weber rather, almost in the spirit of the later Wittgenstein, understood 'logic' as all kinds of work that carefully elaborate concepts with a view to determining the interrelations between the proper uses of concepts. What especially interested Weber about Windelband and Rickert's "logical" work were thus the extent to which they could be seen as working out the interrelations and proper of methodologically relevant concepts. On this Weberian use of the word 'logic', see the editorial comments in H.H. BRUUN and S. WHIMSTER (eds.) 2012: *Max: Weber: Collected Methodological Writings*, pp. xxiii-xxiv.

[430] M. WEBER 2012 [1903]: 'Roscher and Knies and the logical problems of historical economics', p. 62, also see p. 10 n. 1 and p. 23 n. 2. Friedrich Gottl's (1868-1958) psychologism held the difference to be 'ontological' rather than epistemological and Weber's rejection of making an ontological distinction quoted here occurs in the context of Weber's rather stern criticisms of Gottl's psychologism. Weber, e.g., states that Gottl cultivates the 'ontological' perspective of 'psychologism' to the 'point of unintelligibility' (p. 5, n. 3).

[431] Weber, who did not have the later 20th century vocabulary of 'singular causal claims' (contrasting causal laws or general causal claims) available to him, wrote instead of 'concrete causal connections' that where *not* undertaken with 'the cognitive goal' of elaborating 'causal laws' and 'causal necessity'. See, e.g. M. WEBER 2012 [1903]: 'Roscher and Knies and the logical problems of historical economics', p. 87–88. For a classical exposition of the distinction between singular and general causal claims, see G.E.M. ANSCOMBE 1970: *Causality and Determination: An Inaugural Lecture*.

[432] M. WEBER 2012 [1904]: 'The "objectivity" of Knowledge in Social Science and Social Policy', p. 114 n. 1.

this implicit naturalism might even infect the perspective of the historical school: '… the idea constantly crops up – even among representatives of the historical school – that all the sciences, including the cultural sciences, strive towards … a system of propositions from which reality could be "deduced."'[433] This persistent idea that 'kept cropping up' was mistaken, since it conflated the cognitive goals of social science with those of natural science. In a later piece co-written with Werner Sombart (1863–1941), Weber clarified but also intensified the critique of mathematical driven economics in search of "laws":

> We would like to state, with the greatest desirable clarity, that we both accord the greatest significance imaginable to so-called "theory" in the framework of economics, i.e., to the rational construction of concepts, types and systems in our sense, which include especially the "discussions of value, price, etc." … What we both do oppose, however, is *bad* theory and *false* conceptions of its methodological significance.[434]

Weber's critique of naturalism and of the resultant misconception of the social sciences followed, as Weber indicated in a footnote, Rickert's work 'in all important respects'.[435] While Weber articulated his argument at a lower level of abstraction, correcting specific attitudes among from his fellow social scientists, the core of Weber's argument could indeed hardly have been more faithful to Rickert's Neo-Kantian philosophy. In the Neo-Kantian terms that Weber applied himself, what his fellow economists and social scientists tended to miss was that the proper forms of 'concept formation' belonging to the natural and cultural sciences entailed radically different ways of 'ordering' and 'conceptually mastering' reality.[436] Against this backdrop, it is therefore useful to investigate Rickert's work in greater detail. Specifically, his concepts of *Wertung* and *Wertbeziehung* can help to articulate Weber's refined notion of 'value-freedom' as stemming from a deep engagement with values and social norms rather than from a dismissal of their scientific relevance.

'We avail ourselves,' Weber importantly notes in his essay on the "objectivity" of knowledge in social science, 'of the right to employ the term "social" in the sense that it has acquired because

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[433] *Ibid.* Translation slightly modified in light of W. SCHLUCHTER 1989: *Rationalism, Religion and Domination: A Weberian Perspective*, pp. 14–15.

[434] Editorial statement from M. Weber and W. Sombart to the 1917–1918 edition of the *Archiv für Sozialwissenschaft und Sozialpolitik*, quoted from W. SCHLUCHTER 1989: *op .cit.*, p. 22.

[435] M. WEBER 2012 [1904]: 'The "objectivity" of Knowledge in Social Science and Social Policy', p. 100 n.1. The quoted passage also indicates a reliance on Windelband and Simmel, but emphasis is given to Rickert's work.

[436] Weber explicit uses Rickert's terms to summarize his argument, see *ibid.*, pp. 134–138.

of the concrete problems of the present day. If one wishes to use the term "cultural sciences" to refer to those disciplines that view the events of human life from the perspective of their *cultural significance and importance*, then social science (in our sense) belongs in that category.'[437] This statement relates and refers to Rickert's methodology for the so-called 'cultural sciences' [*Kulturwissenschaften*] which, for its part, was first of all opposed to the dominance of scientific materialism. Scientific materialism inclined towards the natural sciences flourished in the mid-nineteenth century, propagated in philosophy by the *weltanschauliche* materialism of Feuerbach but, of course, also advanced by the success of the natural sciences themselves. The tables, however, began to turn when physicists like the polymath Hermann von Helmholtz (1821–1894), whose natural scientific credentials outranked most if not all of the contemporary materialists, began to invoke Kant to emphasize that the natural scientific methods had to be complemented by essentially different but equally rigorous methods in the human or cultural sciences. Helmholtz displayed great respect for what he called 'the Hegelian tradition' in 'the human sciences', but argued that Hegel's poor understanding of natural science had tended, at least in the German context, to aggravate an artificial hostility between the natural and human sciences.[438] Returning to Kant, then, was on Helmholtz' account the safest route to restoring a healthy, complementary and equal relationship between the natural and cultural sciences. The motto 'Zurück zu Kant!', often attributed to Otto Liebmann (1840–1912), thus began to resound in broader circles. Defining the differentiating characteristics of the methodological rigour of human and cultural sciences, however, turned out to be excessively difficult. It was this task of defining the methodological rigour of the 'cultural sciences' that Heinrich Rickert, following Dilthey's and especially Windelband's previous attempts, had set himself.

Knowledge in general, for Rickert's strict Kantian position, was not merely accurate depiction of what is available to empirical or intuitional sensibility. To know was rather to be able to

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[437] *Ibid.*, p. 111.

[438] H. VON HELMHOLTZ 1995 [1862]: 'On the Relation of Natural Science to Science in General', in H. von Helmholtz 1995 (ed. D. Cahan): *Science and Culture: Popular and Philosophical Essays*, especially pp. 78–82. Weber, it is worth noting, shared this evaluation of 19th century German Idealism. It had correctly challenged naturalism, but its internal controversies had partially been conducive to the onslaught of naturalism that now had to be criticised: '… in spite of the massive bulwark which German idealist philosophy … have erected against the infiltration of naturalistic dogma, nevertheless, and partly *because of* that [idealist] work, naturalistic points of view have still not, on crucial points, been overcome.' (M. WEBER 2012 [1904]: 'The "objectivity" of Knowledge in Social Science and Social Policy', pp. 122–123). Also note, parenthetically, that Helmholtz also influenced Wittgenstein – particularly through Helmholtz' equally distinguished student, the physicist Heinrich Hertz (1857–1894), cf. R. MONK 1990: *Ludwig Wittgenstein: The Duty of Genius*, pp. 26, 446.

produce judgments and thus to be able to order what is empirically available according to a conceptual perspective.[439] This stance allowed Rickert to criticize positivist and empiricist ideas in the sciences of the time insofar as they claimed to extract knowledge directly from the empirically "given". It was, as Rickert wrote, only by the aid of 'conceptual thinking', which 'fundamentally differentiates itself from all pure intuiting', that could one 'hope, in conjunction with intuition, to master the multiplicity of the world in cognition.'[440] For Rickert, however, there was not only *one* way of conceptual ordering, but several distinct ones. This conviction supported Rickert's defence of the *sui generis* status of the 'cultural sciences', since the conceptual perspective of natural science could not claim any monopoly. Parallel to the 'differential epistemology' of German Idealism (see Chap. 4, §3), Rickert thus held that there were strict Kantian reasons to complement the conceptual perspective of natural science with one more sensitive to human affairs but of equal scientific dignity. In his *Science and History: A critique of positivist epistemology*, first published in 1899, Rickert summarized his main idea on the topic in this way:

> Only a concept which is likewise logical can constitute the opposite of the *logical* concept of nature as the existence of things as far as it is determined according to universal laws. But this, I believe, is the concept of *history* in the broadest formal sense of the word, i.e., the concept of a *nonrepeatable event* in its particularity and individuality, which stands in formal opposition to the concept of a universal law.[441]

While carving out an independent object for what Rickert almost interchangeably called the 'historical' or 'cultural' sciences, this distinction also provided the starting point of his analysis of a special 'selection problem' of empirical material that had hitherto barred a proper understanding of the objectivity of the historical and cultural sciences. On Rickert's view, the natural sciences did not have a 'selection problem' of empirical data, since all instances of an empirical class are equally interesting if the aim is to establish universal laws. From the perspective of universal law, Rickert held, all instances of, say, 'falling objects' or 'salmonella bacteria' are equally interesting. It was evident, however, that not all *nonrepeatable events* nor even all instances of a specific sub-class of such events – say, 'European revolutions' or 'English

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[439] See Luft's analysis of Rickert's work in S. LUFT (ed.) 2015: *The Neo-Kantian Reader*, pp. 325–326.

[440] H. RICKERT 2015 [1934]: 'Knowing and Cognizing' [*Kennen und Erkennen*], in S. Luft (ed.) 2015: *op. cit.*, p. 394. Also cf. Luft's analysis (pp. 325–326).

[441] H. RICKERT 1962 [1899/1926]: *Science and history: A critique of positivist epistemology*, p. 15.

literary publications' – carry equally interest for the historian or the social scientist. Rickert's proposal was that what guides the selection of data and what in the end guides the formation of *concepts* in the historical and cultural sciences are *values*.[442] In *The Limits of Concept Formation in Natural Sciences: A Logical Introduction to the Historical Sciences* (1902), Rickert wrote:

> In opposition to the objects of natural science, it is rather the case that the objects with which the historical sciences in the strict sense are concerned fall under the concept of *culture*. This is because the *values* that govern value-relevant concept formation in history and determine what the object of history is, are always drawn from cultural life, or are *cultural values*.[443]

Weber agreed and indeed directly echoed Rickert's attempt at hereby solving the 'selection problem' of the social and cultural sciences. As Weber wrote:

> The concept of culture is a *value concept*. Empirical reality *is* "culture" for us because, and to the extent that, we relate it to value ideas; it comprises those, and *only* those, elements of reality that acquire *significance* for us because of that relation. Only a tiny part of the individual reality that we observe at a given time is coloured by our interest, which is conditioned by those value ideas, and that part alone has significance for us; it has significance because certain of its relations are *important* to us by virtue of their connection to value ideas.[444]

Philosophy or logic could, however, never determine in advance the specific values that govern and orient a particular or given culture. A distinction between philosophy and empirical social (or cultural) science was thus introduced. As Weber stated, it was 'obvious' that no purely logical or 'presuppositionless' inquiry could explore these specific values that govern a given culture.[445] Only the cultural and social sciences themselves could do that.[446] These sciences had

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[442] Cf. D. OWEN 1994: *Maturity and Modernity*, pp. 85–86.

[443] H. RICKERT 2015 [1902]: 'Concept Formation in History', printed in S. Luft (ed.) 2015: *The Neo-Kantian Reader*, p. 333. The text is an abridged translation of H. RICKERT 1902: *Die Grenzen der Naturwissenschaftliche Begriffbildung: Eine logische Einletung in die historischen Wissenschaften.*

[444] M. WEBER 2012 [1904]: 'The "objectivity" of Knowledge in Social Science and Social Policy', p. 116. Later in the essay, Weber returns to the central importance of Rickert's insight as an insight into defining material of 'empirical social sciences': '…in the field of the empirical social sciences of culture, the possibility of gaining meaningful knowledge of what is important to us in the infinite multitude of occurrences is tied to the unremitting application of viewpoints that have a specifically particular character and that are all in the last resort oriented towards value ideas.' (p. 137). In Weber's late essays too, this idea is re-affirmed, cf. M. WEBER 2012 [1917]: 'The meaning of value-free in the sociological and economic sciences', in H.H. Bruun and S. Whimster (eds.) 2012: *Max: Weber: Collected Methodological Writings*, especially p. 317.

[445] M. WEBER 2012 [1904]: 'The "objectivity" of Knowledge in Social Science and Social Policy', p. 116.

[446] H. RICKERT 2015 [1902]: 'Concept Formation in History', p. 333.

to examine, as Rickert proposed to call it, 'normative generalities' and he emphasized that 'the concept of the normative', in this case, had to 'be differentiated from the idea of supra-empirical element of *objective* "validity"'.[447] More specifically, Rickert wrote, the cultural sciences would have to be 'factual' even in their engagement with 'normative values':

> Even as regards the normative, [the cultural sciences] remain within the domain of the factual in the following sense: [the cultural sciences] will call values "normatively general" when their recognition is in fact *required* of all members of a certain community. [448]

This conception provided the cultural sciences with a distinct object of study and Weber took that to be a crucial achievement of Rickert's analysis.[449] Yet the merely factual nature of the question of *which* values govern a specific culture simultaneously posed the problem of the objectivity of the cultural sciences. As Rickert stated, it had to be admitted that cultural sciences possessed a 'historically limited objectivity', which contrasted that of the natural sciences:

> If the objectivity of a representation of events that makes reference to values is always confined to more or less large circle of men with a common cultural background, it is a *historically limited objectivity*.[450]

There was (and is) a great philosophical temptation to conceive of this 'historically limited objectivity' as somehow second rate in comparison with the objectivity possessed by natural science. I would suggest that Rickert resisted that temptation and that Weber followed him in this regard. Indeed, on the most plausible interpretation of Rickert, this contained the *core* of the Rickert's solution to the problem of defining the methodological rigour of the 'cultural sciences' in a way that allowed for comparison to the scientific dignity of the natural sciences: Compared to natural science, the cultural sciences possessed an objectivity that was different *in kind* and this historically limited form of objectivity was not a sort of epistemological defect or imperfection but rather one which was enforced on the cultural sciences by their very object or

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[447] *Ibid.*, p. 376.

[448] *Ibid.*, p. 376. Rickert writes 'we' where I have inserted 'the cultural sciences'. If read in context, the passage clearly reveals that the rather abstract reference of 'we' is, exactly, the epistemological outlook belonging to the cultural and historical sciences.

[449] More specifically, it formed for Weber, a completely 'heterogeneous' alternative to the law-oriented and quasi-naturalistic picture of social science that he wanted to avoid: 'The relation of reality to value ideas which lend it significance, and the selection and ordering, according to their cultural *significance*, of the parts of reality coloured by this [value relation] form an approach that is completely heterogeneous and disparate from [that of] analysing reality with a view to finding *laws*, and ordering it in general concepts.' (M. WEBER 2012 [1904]: 'The "objectivity" of Knowledge in Social Science and Social Policy', p. 117).

[450] H. RICKERT 1962 [1899/1926]: *Science and history: A critique of positivist epistemology*, p. 136.

subject matter, i.e. normatively general cultural values.[451] As Rickert himself wrote, it would have been 'the most reprehensible of all misunderstandings' to see his work as implying relativism.[452]

However, in order to avoid such relativist implications, a distinction between *Wertungen* and *Wertbeziehungen* had to be introduced, i.e. between what can be rendered *valuations* [*Wertungen*] in contrast to *value relevancies* or *value relations* [*Wertbeziehungen*]. Weber adopted these concepts to affirm what he took to be the basic value-freedom and objectivity of the social sciences. 'Valuations' were to be conceived as explicit value-judgements, i.e. ethical or critical evaluations of specific historical and cultural phenomena. While neither Weber nor Rickert held valuations to be mere irrational exclamations – or mere expressions of emotion as in later positivist and emotivist theories of normative discourse – they were nonetheless not essential to the scientific vocation.[453] Explicit valuations were, Rickert stated, 'unimportant' for the scientific vocation.[454] 'Value relations or relevancies', on the other hand, did not imply explicit evaluations, but merely that something is 'worth knowing about' or 'significant' for the social sciences and to the cultural communities to which they belong. To employ Raymond Aron's straightforward example of the distinction that Weber inherited from Rickert: the socialist and the conservative differ radically in their 'valuations' [*Wertungen*] of specific policies, but they share the same 'value relation' [*Wertbeziehung*] to politics; politics is for both of them something 'significant' and 'worth knowing about'.[455] The social and cultural sciences only required the latter form of significance and they could thus retain their objectivity in the sense of their 'value-freedom' or 'impartiality'.

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[451] The suggested interpretation is hermeneutically 'charitable' to Rickert and Weber. It thereby contrasts Oakes' interpretation of this matter, which stress, exactly, 'epistemological defects' that supposedly, on Oakes' account, threatens to infect Weber's methodology with inconsistencies, cf. G. OAKES 1988: *Weber and Rickert: Concept formation in the cultural sciences*, pp. 95–110.

[452] H. RICKERT 2015 [1902]: 'Concept Formation in History', p. 351.

[453] Emotivism, the non-cognitivist ethical theory proposed by logical positivism, holds that the main function of normative vocabulary is to express a-rational emotion. It was proposed by C.K. Ogden and I.A. Richards in 1923, elaborated by A.J. Ayer in 1936 and received its most complete classical articulation in C.L. STEVENSON 1969 [1944]. *Ethics and Language*. Also cf. C.K. OGDEN AND I.A. RICHARDS 1989 [1923]: *The meaning of meaning: a study of the influence of language upon thought and of the science of symbolism*, pp. 124–125 and A.J. AYER 2001 [1936]: *Language, Truth and Logic*, pp. 102–120. For a critique, see S. CAVELL 1999 [1979]: *The Claim of Reason*, pp. 247–292.

[454] H. RICKERT 2015 [1902]: 'Concept Formation in History', p. 355.

[455] R. Aron's 'The Logic of the Social Sciences' (1970) cited in D. OWEN 1994: *Maturity and Modernity*, p. 86.

Weber's methodological writings – early as well as late – were more or less explicit in stating that it was Rickert's distinction between *Wertungen* and *Wertbeziehung* that led to his conception of the 'value freedom' of sociology and even more broadly of the social science as such. As Weber wrote in his 1917 essay on 'value-freedom':

> [T]he problems addressed by the empirical disciplines [of sociology and economics] must be solved in a "valuefree" way. They are not "value problems". But, within our disciplines [sociology and economics], they are influenced by the relation of elements of reality "to" values. As for the meaning of the term "value relation" [*Wertbeziehung*], I must refer to my own earlier writings and above all to the well-known works of H. Rickert … Suffice it to recall that the term "value relation" simply represents the philosophical interpretation of that specifically scientific *"interest"* which governs the selection and formation of the object of an empirical inquiry.[456]

In an explicitly Kantian vocabulary, Weber could thus maintain that the social and cultural sciences did not depend on making explicit value judgements, but only on the condition that its subject matter was related and of relevance to value:

> The transcendental precondition of every *cultural science* is *not* that we find a particular, or indeed any, "culture" *valuable*, but that we *are* cultural *beings*, endowed with the capacity and the will to adopt a deliberate *position* with respect to the world, and to bestow *meaning* upon it.[457]

While Weber's manifest invocation of Neo-Kantian vocabulary is noted in the commentary literature, the force of these arguments and the extent of Rickert's influence on Weber have often been doubted. Bjørn Schiermer has, for instance, in a recent analysis of Weber's relationship to Neo-Kantianism, suggested that Rickert's emphasis on 'objectivity' of cultural science does not yet solve the 'selection problem' for the historical and sociological research: given 'impartiality' and 'objectivity' why should the sociologist take an interest in *this* rather than *that*?[458] Schiermer argues that Weber was sensitive to this problem and that it prompted Weber, at least in this particular respect, to break with Neo-Kantianism. In particular, it supposedly led Weber to develop his own non-Kantian account of how the sociologist or historian selects data

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[456] M. WEBER 2012 [1917]: 'The meaning of value-free in the sociological and economic sciences', p. 317.

[457] M. WEBER 2012 [1904]: 'The "objectivity" of Knowledge in Social Science and Social Policy', p. 119.

[458] B. SCHIERMER 2016: 'The Other Weber: On some neglected passages in Weber's methodological work', pp. 15–17.

and objects of inquiry. In Schiermer's estimation, Weber's account of this matter was rather a proto-phenomenological one oriented towards 'creativity' and 'intuition'.[459]

Yet, on a stricter conceptual level, one ought to notice the *dual* import of Rickert's and Weber's distinction between *Wertung* and *Wertbeziehung*. Weber was, as Schiermer rightly points out, surely sensitive to the problem of why something stands out worthy of interest to social scientist, but the distinction between *Wertung* and *Wertbeziehung* was not merely to secure the relative impartiality of social research. An equally important consequence of the distinction was exactly to allow for an answer to the 'selection problem' of the cultural and historical sciences. As Rickert argued, a second main function of the distinction between critical *Wertung* and the culturally specific but neutral *Wertbeziehung* was exactly to determine on what basis anything stands out as 'important' or 'characteristic' for the cultural and historical sciences:

> The interesting, the characteristic, and the important can be good as well as bad, but the question of whether it is good or bad does not have to be considered at all. To this extent, its *valuation* [*Wertung*] is unimportant. But everything immediately loses the quality of the interesting, the important, and the characteristic when every sort of *relation* [*Beziehung*] to values is terminated […] [It is thus necessary to distinguish] every "practical" positive or negative value judgement from the *purely theoretical relation* [*Beziehung*] of objects to values as an essential criterion of the *scientific* historical conception. Indeed, insofar as the value perspective is decisive for history, this concept of "value relation" [*Wertbeziehung*] – in opposition to "valuation" [*Wertung*] – is actually the essential criterion for history as pure science.[460]

It was on account of the cultural worth and significance of societal, historical or cultural products that particular empirical objects of the cultural and historical sciences were chosen. Only by means of their relation to the cultural values that they embodied – their *Wertbeziehung* – could one determine what was 'interesting' or even empirically 'characteristic' about a particular empirical object. In describing Weber's relationship to his work, Rickert, in fact, pointed out that it was this aspect that had most impressed Weber. Windelband had earlier distinguished between *nomothetic* and generalizing sciences in search of laws and *ideographic* sciences in search

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[459] Schiermer's analysis of this aspect – an aspect that he denotes 'the neglected Weber' or the 'other Weber' – brings out interesting aspects of Weber's conception of the craft of research and it convincingly shows that Weber thought of the craft of research, especially the process of writing, as requiring certain forms of 'creativity'. Cf. *ibid.*, pp. 22–31.

[460] H. RICKERT 2015 [1902]: 'Concept Formation in History', pp. 351, 355.

of particular events, but this distinction, Rickert wrote, had left Weber unimpressed, since it did not account for the 'interesting' or 'characteristic' quality of the ideographic details that rightly attracted the attention of the historian and social scientist.[461] Whatever the merits of Rickert's solution to the 'selection problem', Weber's work with this problem, I would thus suggest, is most plausibly seen as an instance of the various ways that Weber furthered the perspective of Neo-Kantianism rather than breaking with it.

Weber, however, did add a crucial element to Rickert's picture of the objectivity of the cultural sciences by emphasizing that the idea of the 'value-freedom' of the sciences also derived from the inability of science to act as arbiter of the antagonistic values that he took to be characteristic of modernity and from the failure of science in addressing the modern 'problem of life'. Weber's "vocation" essay from 1919, for instance, ridicules the idea that the sciences can resolve 'problems of life':

> Naïve optimists have celebrated science – that is to say: the techniques of mastering life that are based on science – as the road to *happiness*; but I think I may be allowed to ignore this [idea] completely… Who believes it, apart from a few overgrown children occupying academic or editorial chairs?[462]

An earlier remark from 1909 expresses the same idea less polemically and with a broader historical scope:

> We know of no scientifically ascertainable ideals. To be sure, that makes our efforts more arduous than those of the past, since we are expected to create our ideals from within our breast in the very age of subjectivist culture; but we must not and cannot promise a fool's paradise and an easy street, neither in thought nor in action. It is the stigma of our human

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[461] Rickert's preface to the 5th edition of *Die Grenzen der Naturwissenschaftliche Begriffbildung: Eine logische Einletung in die historische Wissenschaften* printed in 1929 contained a biographical description of Weber's reaction to Rickert's work. On Rickert's biographical account, Weber had seen the early drafts of the book even before the turn of the century, but had deemed it a mere extension of Windelband's work. The later chapters written after the turn of the century that fully unfolded the distinction between *Wertung* and *Wertbeziehung*, however, greatly impressed Weber. The relevant passage from the preface to the 5th edition of Rickert's work is translated in full in W. SCHLUCHTER 1989: *Rationalism, Religion and Domination: A Weberian Perspective*, pp. 480–482 n. 41.

[462] M. WEBER 2012 [1919]: 'Science as profession and vocation', in H.H. Bruun and S. Whimster (eds.) 2012: *Max Weber: Collected methodological writings*, p. 344. There is an interesting parallel between Wittgenstein and Weber on this issue in the very year of 1919. At this exact time, Wittgenstein too was puzzled by the inability of science to even touch upon the 'problems of life': 'We feel that even if *all possible* scientific questions be answered, the problems of life have still not been touched at all.' (L. WITTGENSTEIN 2010 [1922]: *Tractatus Logico-Philosophicus*, §6.52; also cf. the remark on 'happiness' in §6.43).

dignity that the peace of our souls cannot be as great as the peace of one who dreams of such a paradise.[463]

In such remarks, Weber made it clear that he held science to be powerless as a final arbiter of the antagonistic ethical or moral values that he took to be characteristic of modern societies. Yet, as the above interpretation suggests, Weber's notion of 'value-freedom' is misunderstood if it is seen as only derived from such a set of negative reasons. 'Value-freedom' [*Wertfreiheit*] for Weber was rather the name of a two-fold positive condition for science. First, it made scientific activity *possible* under the social conditions characterized by the clash of antagonistic values and, second, it made science *desirable* exactly by shielding the scientific vocation from such conflicts.[464] In brief, Weber's refined notion of 'value-freedom', as also displayed by its roots in Rickert's philosophy, stemmed from an engagement with values and social norms rather than from a dismissal of their scientific relevance.

§4.3. Ideal types as Weber's addition to the Neo-Kantian tradition. The concept of ideal types [*Idealtypen*] is arguably Weber's key methodological contribution to social theory and the concept remains one of the most frequently used Weberian concepts in social science.[465] This success is remarkable, since the concept of ideal types denotes a *prima facie* paradoxical epistemological condition of the social science. On the one hand, Weber was adamant that what

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[463] M. WEBER 1978 [1909]: 'Intervention in discussion on "The productivity of the national economy"' quoted from M. Weber 1978: *Economy and Society: An Outline of Interpretive Sociology*, p. xxxiii. The passage from Weber 1909 "intervention" is rendered slightly different in its translation in H.H. Bruun and S. Whimster (eds.) 2012: *op. cit.*, pp. 358–361.

[464] Cf. G. ROTH AND W. SCHLUCHTER 1979: *Max Weber's Vision of History: Ethics and Methods*, p. 76. In order to exemplify how being relieved of the demand of constantly making ethical judgements might make the vocation of science desirable, one could note that Weber's conception was indeed for some of its actual contemporary recipients 'like a salvation.' When Weber in the beginning of 1919 presented his 'Science as vocation' essay at a conference in Munich, Germany lay scatted after the First World War, revolutionary fervour dominated the political scene and a few months later instances of outright civil war would break out in Bavaria. It was in this heated historical climate that Weber defended the ideal of value freedom and reminded his peers of the relative 'impartiality' required by the scientific ethos and intellectual honesty [*Redlichkeit*]. The philosopher Karl Löwith (1897–1973), who attended Weber's lecture in Munich, described its impact as 'stunning' and noted that 'after the innumerable revolutionary speeches by liberal activists, Weber's words were like a salvation.' (K. Löwith quoted in R. SAFRANSKI 2002: *Martin Heidegger: Between Good and Evil*, pp. 89-90.) Safranski takes an interest in Weber since he contends that Weber's conception of impartial intellectual honesty [*Redlichkeit*] may have influenced Heidegger (pp. 89–98).

[465] See the quantitative data on the frequency of the concept in research publication collected in O. AGEVALL 2005: 'Thinking about Configurations: Max Weber and Modern Social Science', *Ethics and Politics* 2(1): 1–20.

he wanted to pursue in social science was 'science of reality'.[466] On the other hand, Weber claimed that the reality of social life could only be grasped through ideal types that claim no correspondence with reality.

Weber employs a number of different characterizations of the concept of ideal type and uses various different terms to explain the concept of 'ideal type' throughout his authorship. In 'Some Categories of Interpretive Sociology' (1913) he stressed that ideal types are 'analytical constructions [*Gedankenbilder*]' that make social action intelligible by relating it to well-known forms of rationality or motivation;[467] in the 'Objectivity of Knowledge in Social Science' Weber speaks of ideal types as 'limiting concepts' against which 'reality can be measured';[468] and in *Economy and Society* (1922) Weber utilizes the term 'pure types' when discussing different form of authority.[469] Despite this evident diversity in definition and analytical usage, it is useful to note that Weber conceived of it as an independent addition to Rickert's Neo-Kantian framework. In particular, Weber indicated that he saw this concept as supplementing Rickert's concepts of *Wertung* and *Wertbeziehung*. As Weber wrote to Rickert in June 1904 upon Rickert's warm of reception of his methodological essays: 'I am very pleased that you can accept the idea of the "ideal type" [*Idealtypus*]. I feel that a category of this kind is indeed necessary to distinguish between "valuation" [*Wertung*] and "value relation" [*Wertbeziehung*].'[470] Indeed, Weber's explicit invocation of Kantian epistemology, also quoted above, specifies that it legitimizes the construction of ideal types in social sciences:

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[466] 'The social science that *we* want to pursue is a *science of reality*. We want to understand *the distinctive character* of the reality of the life in which we are placed and which surrounds us.' (M. WEBER 2012 [1904]: 'The "objectivity" of Knowledge in Social Science and Social Policy', p. 114.)

[467] M. WEBER 2012 [1913]: 'On Some Categories of Interpretive Sociology', in H.H. Bruun and S. Whimster (eds.) 2012: *Max Weber: Collected methodological writings*, p. 279. Also cf. Weber's well-known four ideal types of social action – i) traditional, ii) affective, iii) value rational [*Wertrational*], iv) instrumental-rational [*Zweckrational*] – in M. WEBER 1978: *Economy and Society: An Outline of Interpretive Sociology*, pp. 24–26. Schluchter takes to centrality of the two latter forms of social action in *Economy and Society* to indicate yet another Kantian aspect of Weber, namely his endorsement of a theory of the fundamental rationality [*ursprüngliche Vernüftigkeit*] of man, cf. W. SCHLUCHTER 1989: *Rationalism, Religion and Domination: A Weberian Perspective*, p. 31.

[468] M. WEBER 2012 [1904]: 'The "objectivity" of Knowledge in Social Science and Social Policy', p. 127

[469] M. WEBER 1978 [1922]: *Economy and Society: An Outline of Interpretive Sociology*, pp. 4, 9, 20, 223ff. While Weber, on one point, deems his early account "sketchy", it is hard to detect a systematic change or rupture in the concept of an ideal type over the course of Weber's authorship, see F. WEINERT 1996: 'Weber's Ideal Types as Models in the Social Sciences', in A. O'Hear (ed.) 1996: *Verstehen and Humane Understanding*, pp. 75ff.. Also cf. H.H. BRUUN 2001: 'Weber on Rickert: From Value Relation to Ideal Type', *Max Weber Studies* 1(2): 138-160.

[470] M. WEBER 2012 [1904]: 'Letter to Heinrich Rickert 14 June 1904', in H.H. Bruun and S. Whimster (eds.) 2012: *Max Weber: Collected methodological writings*, p. 375.

The basic idea of modern epistemology, which goes back to Kant, is that concepts are, and can only be, theoretical means for the purpose of intellectual mastery of the empirically given; and for anyone who carries this idea to its logical conclusion, the fact that precisely defined genetic concepts are by necessity ideal types will not constitute an argument against the formation of such concepts.[471]

In belonging to this horizon of Kantian epistemology, ideal types were not 'ideals' in the prescriptive sense. They were, as Weber wrote, 'totally indifferent to *evaluative* judgements.'[472] They were rather epistemological and conceptually constructed tools that could help in bringing order and surveyability to the empirical representations available to the cultural and historical social sciences. Weber saw it as 'an elementary duty of scholarly self-control' and as the only way of 'preventing misrepresentation' to 'distinguish clearly' between conceptual constructed 'ideal types' that allow for comparison and classification of empirical phenomena and mere prescriptive 'ideals' that allow for 'judging reality evaluatively.'[473]

Ideal types were, on Weber's most quoted definition, 'formed by the one-sided *accentuation* of one or more points of view and by the synthesis of concrete individual phenomena … into a unified analytical construct [*Gedankenbild*].' [474] In stressing the procedure of so-called 'accentuation', Weber revealed his Kantian preference for conceptual clarity over empirical specificity. Ideal types thus denoted a clearly articulated social trait under which a number of

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[471] M. WEBER 2012 [1904]: 'The "objectivity" of Knowledge in Social Science and Social Policy', p. 135.

[472] *Ibid.*, p. 130. As if to emphasize to this point of non-prescriptive character of ideal types, Weber adds a vivid example: 'There are ideal types of brothels as well as of religions.'

[473] *Ibid.* Again, the early forms of neo-classical economics were among Weber's targets. As Weber pointed to in later text, the formal conceptual constructs (utility, economic rationality, preferences) of early neo-classical economics were, on the one hand, perfect examples of 'ideal types', but on other hand, this sort of economic theory had '…experienced a typical process of "problem conflation". The pure theory – which, thus conceived, was "independent of the state", "independent of morals" and "individualistic" – was and will always be indispensable as an instrument of economic method. But, in the eyes of the radical free trade school, it gave an exhaustive picture of a reality that was "natural" (that is to say: not distorted by human foolishness); and, moreover [it was seen], on this basis, as an "Ought": not as an ideal type to be used in the empirical investigation of facts, but as an ideal.' (M. WEBER 2012 [1917]: 'The meaning of value-free in the sociological and economic sciences', p. 332.) The ideal types of neo-classical economics thus become not only prescriptive, but they also lose their legitimate use as a means of *comparison* with empirical facts and become illegitimate generalizations. ❖ Also see the critical analysis in Chap. 3, §5.

[474] M. WEBER 2012 [1904]: 'The "objectivity" of Knowledge in Social Science and Social Policy', p. 130. Translation revised. Bruun and Whimster renders 'Gedankenbild' as 'mental image'. While 'mental image' is a literally correct rendering, it carries a philosophically inappropriate set of connotations. The context of Weber's usage arguably reveals that he what has in mind is an analytical or conceptual construct rather than the sort of 'inner experience' connoted by 'mental image'. That translation is thus consistently revised in the following.

often very diverse empirical exemplars could be subsumed. Note, for instance, Weber's definition of the ideal type of "charismatic authority":

> "Charismatic authority" shall refer to a rule over men, whether predominantly external or predominantly internal, to which the governed submit because of their belief in the extra-ordinary quality of the specific *person*. The magical sorcerer, the prophet, the leader of hunting and booty expeditions, the warrior chieftain, the so-called "Caesartist" ruler, and, under certain conditions, the personal head of a party are such types of rulers for their disciples, followings, enlisted troops, parties et cetera.[475]

Ideal types were therefore relatively devoid of content [*inhaltsleer*] with regard to concrete particulars.[476] The gain for Weber, as Weinert has argued, laid in the determinacy of concepts thereby achieved, but the loss was that they were thereby removed from concrete empirical reality.[477] Weber thus rejects the inductive method of the social sciences according to which scientific concepts and hypotheses are simply derived from the observations of empirical regularities.[478] Rather Weber explicit appeals to Kantian aim of 'ordering' and 'conceptually mastering' social reality. As Weber writes:

> [An ideal type] *is not* a "hypothesis", but it seeks to guide the formulation of hypotheses. It *is not* a *depiction* of reality, but it seeks to provide [the scientific] account with unambiguous means of expression.

> [An ideal type is a] conceptual construct [*Gedankenbild*] which is neither historical reality nor even the 'true' reality… It has the status of a purely ideal *limiting concept* [*Grenzbegriffes*] with which the real situation or action is *compared* [*vergleichen*] and surveyed for the explica-tion of certain of its significant components.[479]

Ideal types are, then, abstractions rather than descriptions of empirical reality. They do not depict empirical reality and yet they seem, on Weber's account, capable of guiding empirical

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[475] M. WEBER 1948 [1915]: 'The Social Psychology of the World Religions', quoted from F. WEINERT 1996: 'Weber's Ideal Types as Models in the Social Sciences', p. 76.

[476] Being unspecific with regard to concrete particulars does not, logically, mean that the *empirical extension* of ideal types is narrow or empty. Due to its formal semantic *intension* the empirical extension is, on the contrary, broad but therefore also empirically unspecific: 'Charismatic authority' can, e.g., apply to magical sorcerers, party leaders, etc.

[477] F. WEINERT 1996: *op. cit.*, p. 76.

[478] That is, Weber explicitly rejected the inductive or positivist view according to which, Weber wrote, 'it is the end and goal of every science to order its data into a system of concepts, the content of which is to be acquired and slowly perfected through the observation of empirical regularities, the construction of hypotheses, and their verification' (M. WEBER 2012 [1904]: 'The "objectivity" of Knowledge in Social Science and Social Policy', p. 134).

[479] *Ibid.*, p. 125. Translation slightly revised.

judgement in, at least, two distinct senses. *First*, and like a Kantian 'category' (although Weber does not himself make that comparison), an ideal type is an *explication*. It makes explicit a structural feature of the vocabulary that is *already* implicitly employed in judgements describing and explaining empirical phenomena.[480] The Kantian category of 'causation' – to take the most well-known example of Kant's 'categories of pure understanding' – is not a way of somehow making existing judgement "more true" to reality, say, by transforming an ordinary empirical judgement like 'Peter broke the wine decanter' into the quasi-technical 'Peter was the immediate *cause* of the wine decanter breaking'. Rather a category is simply a way of making explicit what is already implicit in ordinary descriptions. Similarly, Weber does not reject investigations that do not explicitly employ ideal types, but merely emphasizes that the researcher in such cases will 'consciously or unconsciously, makes use of similar concepts, but *without* linguistic formulation and logical elaboration'.[481] In such cases, the theoretical framework will not be erroneous, but it will be lacking in explication and order. It risks, as Weber writes, to remain 'stuck in the area of what is vaguely "felt".'[482]

Second, Weber reserves a constructive role for ideal types in that they will further the *generation of hypotheses*. By allowing the clearly articulated ideal types to be compared to the often messy and complex phenomena of the social life, they sharpen the ability of the research to present hypotheses by making available a means of unambiguous expression. In constructive sociological research and in devising empirical hypotheses, concepts and ideal types constructed through Kantian procedure was of the essence, since they allowed an ambiguous reality to be compared with unambiguous concepts. Even the thoroughly empirical Weber could thus not but share the philosophical enthusiasm for conceptual clarity in the attainment of knowledge:

> The passionate enthusiasm of Plato in the *Republic* can be explained by the fact that, for
> the first time, the meaning of one of the great instruments for all attainment of scientific

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[480] I. KANT 1781/1787: *Critique of Pure Reason*, A70/B95–A93/B109. Kant arrives at his 'categories' – or 'pure concepts of the Understanding' – by examining the logical forms of possible judgements. Categories, in this sense, reflect the general features of the judgements already employed in the understanding and judgement of empirical objects.

[481] M. WEBER 2012 [1904]: 'The "objectivity" of Knowledge in Social Science and Social Policy', p. 127. As Weber even more explicitly writes elsewhere: '[O]ne does not need to be made explicitly aware of [methodological concepts] in order to produce useful work, just as one does not need to have knowledge of anatomy in order to walk "correctly".' (M. WEBER 2012 [1906]: 'Critical studies in the logic of the cultural science', in H.H. Bruun and S. Whimster (eds.) 2012: *Max Weber: Collected Methodological Writings*, p. 140.)

[482] M. WEBER 2012 [1904]: 'The "objectivity" of Knowledge in Social Science and Social Policy', p. 127.

knowledge: the *concept,* was found and raised to full awareness. It was Socrates who dis-
covered its full importance. He was not the only one in the world to discover it. In India,
you can find the first beginnings of a logic quite similar to that of Aristotle. But nowhere
else was there this awareness of its importance.[483]

In summary, the concept of ideal types is a complex one, which Weber used in a variety of
contexts. Swedberg and Agevall quote Gerhard Wagner, present editor of *Gesamtausgabe* of
Weber's works, who – based on the complexity of these different contexts – has uttered a blunt
warning: 'Weber failed to explain what an ideal type is.'[484] While Weber no doubt employed the
concept in a variety of circumstances, such a pessimistic diagnosis seems too hasty. Regardless
of whether there is a coherent definition covering all of its instances in Weber's works, it is no
doubt possible, even if Weber's definitions were not always definite and often flexible, to detect
a pattern in Weber's usage. Specifically, it seems clear that Weber reserved a special role for
ideal types in his constructive interpretive sociology – since they could provide clearly
elaborated forms of rationality and conceptions of value that could figure in the interpretation
of social action[485] – and, in addition, that a Neo-Kantian element is clearly detectable in some of
its key methodological instances. Moreover, the concept of ideal types, in spite of its varied
usage, cannot be simply dismissed, since it indicated for Weber the procedure through which a
science could make itself a conceptual gestalt of its core topics and empirical material. It thereby
serves an important role in not only Weber's abstract theory of science but also his substantial
differentiation of sociology from the competing sciences of economics and psychology.

§4.4. **Weber's use of 'norm'.** While most aspects of Weber's authorship are extensively
commented, commentary on his usage of the concept of a 'norm' remains scant. A good reason
for this omission is that Weber, as Swedberg has pointed to, tended to use the German word
Norm as synonymous with *Konvention*.[486] Nonetheless there are a few interesting passages that
employ the concept of a norm that it is worth briefly noting. Initially, however, it is important

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[483] M. WEBER 2012 [1919]: 'Science as profession and vocation', p. 343. Also see Swedberg's analysis that relates
this passage from the 'Vocation' essay to Weber's concept of ideal types. R. SWEDBERG 2014: *The Art of Social
Theory*, pp. 61ff.

[484] R. SWEDBERG and O. AGEVALL 2016: *A Max Weber Dictionary*, entry on 'ideal type' (pp. 156–158). For
accounts contrasting Wagner's pessimism, see e.g. W. SCHLUCHTER 1989: *Rationalism, Religion and Domination: A
Weberian Perspective*, pp. 31ff. H. H. BRUUN 2001: 'Weber on Rickert: From Value Relation to Ideal Type', pp. 153–
156, *Max Weber Studies* 1(2): 138-160 and Swedberg himself in R. SWEDBERG 2014: *The Art of Social Theory*, pp.
61ff.

[485] See especially M. WEBER 1978 [1922]: *Economy and Society: An Outline of Interpretive Sociology*, pp. 4–23.

[486] R. SWEDBERG and O. AGEVALL 2016: *A Max Weber Dictionary*, entry 'Norm' (p. 225).

to note the peculiar relationship between 'norm' and 'convention' that Swedberg rightly points to.[487]

Especially in *Economy and Society*, one finds sections entitled, e.g., 'The Economy and Social Norms' that surprisingly write primarily of 'convention', 'law' [*Recht*], 'custom' [*Sitte*] and 'usage' [*Brauch*] rather than of 'norms'.[488] The hierarchy of these concepts in Weber are reasonably clear and well-ordered. 'Usage' [*Brauch*] is any social action that happens to occur in present and actual practice, while 'custom' [*Sitte*] is usage based on a long and regular tradition.[489] 'Convention' [*Konvention*] contrasts 'custom', since 'conventions' unlike custom are defined not merely by established practice but furthermore by the normative expectation of compliance to its standards.[490] Finally, 'law' [*Recht*], in Weber's sociological perspective, is conventions whose normative compliance is backed by a coercive institutional apparatus.[491] Normativity is thus the *differentia specifica* of 'convention' and a key element of 'law'. This relation in itself signals the importance that Weber's social theory attached to normativity.

The relation to conventions and law, I would hold, is, however, not an inference-ticket to *identifying* norms or Weber's conception of normativity with either of these two concepts. From this perspective, it is thus unsurprising, even if little commented, that Weber's methodological writings contain a couple of interesting observations that give at least some independent weight to the concept of 'norm'. Three instances or aspects of Weber's use of 'norm' stand out as worthy of commentary.

First, the concept of a 'norm' occurs in the frequent places where Weber discusses Kantian ethics. Here Weber writes, e.g., of Kant's 'normative ethics' or of the 'unconditional norms' that

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[487] Also cf., e.g. G. ROTH 1978: 'Introduction', in M. Weber 1978 [1922]: *Economy and Society: An Outline of Interpretive Sociology*, especially pp. lxvii–lxix.

[488] M. WEBER 1978 [1922]: *Economy and Society: An Outline of Interpretive Sociology*, pp. 310ff. Section titles, however, are a matter of interpretive controversy among the editions of Weber's posthumous *magnum opus*. The German edition thus contains rather different section headings altogether and does not include the indicated section headline, cf. the revised 5th German edition M. WEBER 2002 [1972]: *Wirtschaft und Gesellschaft: Grundriß der Verstehenden Soziologie*, pp. 181ff.

[489] Cf. M. WEBER 1978 [1922]: *Economy and Society: An Outline of Interpretive Sociology*, p. 29.

[490] *Ibid.*, p. 60 n. 17.

[491] Weber's analysis of law also employs less simplified definitions. Yet note: 'As long as there is a chance that a coercive apparatus will enforce, in a given situation, compliance with those norms, we nevertheless must consider them as "law."' (*ibid.*, p. 312).

Kant's practical philosophy prescribes.[492] In these instances, the word or concept 'norm' occurs in an ethical sense in which it is clearly irreducible to 'conventions'. Notably, in virtually all of these instances Kant is referenced approvingly and Weber is quite ruthless in his criticism of authors who he takes to display an insufficient non-expert knowledge of Kant's writings.[493] Weber's substantial position on Kantian ethics is sensitive to Hegel's 'empty formalism objection' to Kant's practical philosophy (see Chap. 4, §6) and Weber arrives at a position in-between Kant and Hegel in that he holds the legitimacy of Kant's categorical imperative in matters of 'personal ethics' while also recognizing the force of Hegel's 'empty formalism' objection within areas relating to social, juridical and political matters.[494] Incidentally, the two most interesting uses of concept of 'norm' in Weber also belong to commentary on Kant and Hegel respectively.

Second, Weber thus discusses his social scientific methodology and its relation to Kantian *Geltungslogik* in terms of how his method relates to norms. In these discussions of the Kantian stress on the 'validity' [*Gültigkeit*] of norms, one finds an interesting suggestion of the social scientific relationship to 'norms':

> When the normatively valid becomes the object of an *empirical* inquiry, it loses, as an object, its normative character: it is treated as "existent" [*seiend*], not as "valid" [*gültig*]. […]

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[492] See M. WEBER 2012 [1917]: 'The meaning of value-free in the sociological and economic sciences', pp. 312–314 or M. WEBER 2012 [1917]: 'Fragment on formal ethics', in H.H. Bruun and S. Whimster (eds.) 2012: *Max Weber: Collected Methodological Writings,* pp. 421–422.

[493] Note, for instance, the following critique of W.G.F. Roscher (1817–1894): '… Roscher stays within the confines of Kantian analytical logic, although he did not use it correctly and probably was not completely familiar with it. On the whole, his only references to Kant are to his *Anthropology* and to the metaphysical first principles of the theory of law and of virtue. The section on Kant in [Roscher's] *History of Economics* (p. 635f.), where he [Kant] is simply, and quite superficially, disposed of as a representative of "subjectivism", is evidence of the deep dislike that Roscher, both as a historian and as a religious person, felt for all purely *formal* truth.' (M. WEBER 2012 [1903]: 'Roscher and Knies and the logical problems of historical economics', p. 15)

[494] 'It is a… misunderstanding that "formal" propositions – such as those say, of Kantian ethics – do not contain any *substantive* directives. The possibility of a normative ethic, however, is by no means called into question merely because there are problems of a *practical* kind for which such a normative ethic cannot by itself provide any unambiguous directives. (In my opinion, certain problems of an institutional – and therefore "social–*political*" – nature quite specifically belong to the group [of such problems for which Kantian ethics is inapplicable]).' (M. WEBER 2012 [1917]: 'The meaning of value-free in the sociological and economic sciences', p. 313). For an instance of Weber's explicit invocation of the categorical imperative in matters of personal ethics, see M. WEBER 2012 [1909]: 'Letter to Ferdinand Tönnies 19 February 1909' in H.H. Bruun and S. Whimster (eds.) 2012: *op. cit.*, p. 398.

> In that case, where [the] application [of certain norms] is an "object", their normative "validity" – in other words: their "correctness" – is not at all part of the discussion...[495]

When norms are considered in social science, they are not considered and examined under the aspect of their ethical, moral or political 'validity'. Weber thus radically contrasts notions later advanced in the critical theory tradition of Habermas, which makes exactly this question of validity pivotal for social theory (see above, Chap. 5, §1). For Weber, on the contrary, the basic problem was not the *abstract validity* of particular norms, but rather the *actual efficacy* of societal norms.[496] Weber's stance, however, neither reductively eliminated norms nor did it ignore normative commitments of agents as a substantial sociological phenomenon. Weber did not ignore the normative commitments of social agents, since it was, on the contrary, a vital part of his interpretive sociology to account for actions by reconstructing their subjective meaning and norms belonged to the set of things to which agents attach subjective meaning in orienting their actions.[497] What was, however, 'not at all under discussion' for social science was 'practical valuations [*Wertungen*]', that is, the explicitly evaluative or critical examinations of the 'validity' of the norms that agents are, in fact, guided by.[498] Social science recognized that agents follow norms, but refrained from critically judging these norms. In addition, this stance did not reduce norms or values to mere facts. Weber was, indeed, careful in pointing this out. As he illustratively wrote to Rickert:

> I find it *unacceptable* when the highest problems concerning *values* are mixed up with the question *why* the price of pork in Berlin today is x pfennig; – [for instance] when it is

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[495] M. WEBER 2012 [1917]: 'The meaning of value-free in the sociological and economic sciences', p. 328. Note the close similarity with Rickert, who, as quoted earlier, stated: 'Even as regards the normative, [the cultural sciences] remain within the domain of the factual in the following sense: [the cultural sciences] will call values "normatively general" when their recognition is in fact *required* of all members of a certain community.' Rickert also stated that this idea of normativity within the cultural sciences had 'to be differentiated from the idea of supraempirical element of *objective* "validity".' (H. RICKERT 2015 [1902]: 'Concept Formation in History', pp. 333, 376).

[496] Note, however, that the distinction between 'abstract validity' and 'actual efficacy' is mine and not Weber's. For a contemporary empirical application of this arguably Weberian distinction within economic sociology and the sociology of work, see T. PRESSKORN-THYGESEN 2015: 'The ambiguous attractiveness of mobility: A view from the Sociology of Critique', *ephemera – theory and politics in organization* 15(4): 725–753.

[497] On this point see M. WEBER 2012 [1917]: 'The meaning of value-free in the sociological and economic sciences', pp. 328ff., and most explicitly M. WEBER 1978 [1922]: *Economy and Society: An Outline of Interpretive Sociology*, pp. 4–10.

[498] M. WEBER 2012 [1917]: 'The meaning of value-free in the sociological and economic sciences', p. 311.

claimed that the ultimate standpoints that have the power to move the human soul can be read into woolly concepts of "productivity" (or something similar)…[499]

Weber's insistence on treating norms as 'existents' for the purposes of social science repeats Windelband's dual conception of 'norm' explained above (see Chap. 5, §2). On the one hand, Windelband insists, norms could be understood as 'ideal' in the sense that they were 'demanded or given as tasks', whose ethical validity could be assessed, but on the other hand, a philosophy of culture also had to consider the empirical plurality of norms within a 'historically *found* or *given* culture'.[500] While respecting both perspectives, Weber's social theory takes the latter perspective on norms and defines itself by excluding consideration of the first.[501]

Third and finally, I want to highlight Weber's penetrating use of the notion of 'norms' as a key ingredient of social life in his short discussion of Hegelian theories of societies and, in particular, of Otto von Gierke's (1841–1921) theory of society. Gierke's theory, Weber explains, is an 'organic view of society' that insist on interpreting society in terms of a 'total personality' and as a 'mystery' that science '*cannot* unveil'. Society as spiritual emanation and manifestation of this 'total personality' can only be '*interpreted metaphysically*.'[502] In short, Gierke's theory seems like what I have earlier characterized as a 'distorting caricature' of Hegelian philosophy (see Chap. 4, §2). Weber, however, clearly recognized that such metaphysical mysticism was not Hegel's proper position and Weber explicitly characterized Gierke's theory as a 'rejection' of Hegel's position.[503] Weber's condensed non-metaphysical account of norms, which follows this discussion, is worth quoting *in extenso:*

> [T]he objections which Hegel raised against Schleiermacher [Weber is alluding to Hegel's little known critique of Schleiermacher's metaphysics, see below] could be directed, with far greater justification, at Gierke. Neither (1) the cosmos of *norms* that govern a commu-

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[499] M. WEBER 2012 [1911]: 'Letter to Heinrich Rickert (Around 24 July 1911)', p. 403.

[500] W. WINDELBAND 2015 [1910]: 'Philosophy of Culture and Transcendental Idealism', p 317.

[501] Weber recognizes the central importance of the complex concept of *rules* in differentiating these two senses and like the later Wittgenstein, he contrasts 'rule' understood as "regularity" and as "norm", see M. WEBER 2012 [1907]: 'Stammler's "overcoming" of the materialist conception of history', in H.H. Bruun and S. Whimster (eds.) 2012: *op. cit.*, pp. 185–226; pp. 203ff. ❖ See Chap. 6.

[502] M. WEBER 2012 [1903]: 'Roscher and Knies and the logical problems of historical economics', p. 24 n. 1.

[503] While Weber seems to distinguish in this case, he did not consistently distinguish between an authentic Hegel *and* what he saw as dangerous tendencies among his contemporaries that claimed Hegel as an inspiration; in such cases, Weber would often criticize 'Hegelian panlogism'. In his letters, Weber writes, even if half-jokingly: 'I shall only be interested in the quality of the "real" Hegel, since everyone has his own version!' (M. WEBER 2012 [1909]: 'Letter to Franz Eulenburg', printed in H.H. Bruun and S. Whimster (eds.) 2012: *op. cit.*, p. 400).

nity, nor (2) the totality (viewed as a given state) of the *relations* – governed by these norms – between the individuals in the community, nor (3) the *influence* of those norms and relations on the *conduct* of individuals (viewed as a complex of processes) represent a total entity in Gierke's sense [of the term], nor do they in any way have a metaphysical charac-ter; nevertheless, all three of them are something else than a mere "summation of indi-vidual forces". Anyway, even the legally ordered *relation* between buyer and seller, together with its consequences, are something *different* from the mere *sum* of the *interests* of the two persons involved; nevertheless, there is nothing mysterious about it. In the same way, what lies behind the cosmos of norms and relations is not some mysterious living being, but a *moral idea* which governs the willing and feeling of human beings…[504]

This condensed passage affirms Weber's interest in the *actual efficacy* of social norms and shows his willingness, at least in this specific passage, to assign a tripartite importance to norms as *governing* a community, as *mediating relations* between individuals and as *influencing the conduct* of these individuals. In addition and somewhat at odds with a narrow interpretation of his methodological individualism, Weber is mirroring Durkheim's stance that even the simplest contractual relationships between buyer and seller presuppose a prior moral ideas that are not, as Weber writes, mere 'summations of individual forces' (on Durkheim's similar stance, see above Chap. 5, §3). Most importantly, however, Weber is confirming his general insistence that an idealist conception of normative issues need not be suspiciously metaphysical. Weber's allusion to Hegel in the above quote refers, indeed, to Hegel's ridicule of Schleiermacher's metaphysical perspective, which held that the existence of God was proved by intuition and 'feelings of absolute dependence'. To this, Hegel responds, that if that indeed was the case, a dog would be the best Christian, since it lives in absolute dependence on its master: 'if it were thrown a bone when it was hungry, it might even have intimations of salvation.'[505] The reference to Hegel's little known critique of Schleiermacher neatly illustrates the extent – and the easily overlooked character – of Weber's intense dialogue with German Idealism and Neo-Kantianism at the time of the formation of his social theory. It is, in summary, the extent of this dialogue with tradition of German Idealism and its implication of a normative horizon in Weber's and Durkheim's social theory that I have aimed to pinpoint in this chapter.

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[504] M. WEBER 2012 [1903]: 'Roscher and Knies and the logical problems of historical economics', p. 24.

[505] Hegel's critique of Schleiermacher occurred in Hegel's preface to a book of his pupil H.F.W. Hinrichs (1794–1861). I am quoting Hegel from H.H. Bruun and S. Whimster's erudite bibliographical note to Weber's text. H.H. BRUUN and S. WHIMSTER (eds.) 2012: *Max Weber: Collected methodological writings*, p. 426.

§5. Concluding remarks: past similarities and contemporary implications

> At any rate, 'psychologism' – which we shall in this context understand to mean: the claim by psychology to be, or to create, a 'world view' – is just as meaningless, and just as dangerous for the impartiality of empirical science, as 'naturalism' based either on mechanics or biology, or 'historicism' based on 'cultural history'.[506]

> \- M. Weber

Social theorists have not wholly overlooked the similarities of the problems addressed by Durkheim and Weber. Anthony Giddens, for instance, has argued that both can be analysed as responding to the problems of 'liberalism' and, more specifically, that 'the writings of both Durkheim and Weber have their origin in an attempt to defend the claims of political liberalism' in the face of 'the twin pressures of Romantic hyper-nationalistic conservatism on the one side, and revolutionary socialism on the other side.'[507] Charting such affinities belonging to their common political and historical context is important. Yet, it seems at least equally conducive to our understanding of Durkheim and Weber to note, as this chapter has done, the distinctly *methodological* similarities and shared problems that are easily overlooked in the antagonistic portrayal of Durkheim and Weber's methods as enacted through the dichotomies of collectivism vs. individualism, naturalism vs. anti-naturalism and arch-positivism vs. hermeneutic *Verstehen*. While there are distinct differences between Durkheim and Weber, there are also similarities. These similarities, as I have argued, can be adequately and productively understood as stemming from the shared concern with responding to the problems posed by post-Kantian and Neo-Kantian philosophy. In addition to the historical lines of influence from Neo-Kantian authors and methodological doctrines that have been detailed in this chapter, the following overall similarities are worth noting: (a) Weber and Durkheim shared a set of enemies – psychologism, naturalism and historicism – and applied a series of Neo-Kantian strategies to avoid them. In particular, (b) Durkheim and Weber saw a methodology inspired by Neo-Kantianism not only as a way to avoid the pitfalls of naturalism or psychologism, but also to assert the scientific autonomy of the social science and particularly sociology. In this endeavour,

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[506] M. WEBER 2012 [1903]: 'Roscher and Knies and the logical problems of historical economics', p. 41.

[507] A. GIDDENS 2003 [1971]: *Capitalism and Modern Social Theory: An analysis of Marx, Durkheim and Max Weber*, p. 244. Also see A. GIDDENS 2013 [1987]: 'Weber and Durkheim: Coincidence and Divergence', in W.J. Mommsen and J. Osterhammel (eds.) 2013: *Max Weber and His Contemporaries*, especially p. 188. The latter piece does, however, rightly mention the influence of neo-Kantianism (pp. 183–184).

(c) norms became not just an accidental concern but a *constitutive* concern; they emerged, indeed, as a *primary object* for the social sciences. These similarities and this constitutive concern derived from Kantian and Hegelian strands of thought has, it seems to me, been quite overlooked, perhaps especially due to the standard reception of Durkheim. While often portrayed as an arch-positivist counterpoised to Weber's interpretative methodology, Durkheim can indeed, in some respects, be productively understood as more Neo-Kantian than Weber. For while Weber pursued a Neo-Kantian line *methodologically* in marking out the bounds, requirements and autonomy of social theoretical understanding, Durkheim responded to the *substantial* problem posed by German Idealism and Hegel in particular, namely to problem of how to conceive of the social realization and actualization of freedom that seems to characterize modern societies. Ending this chapter, I will very briefly highlight the aspects of Weber and Durkheim's work that become worth reflecting on today when their otherwise little noticed similarities are uncovered.

First and foremost, their work displays an attentiveness of the social sciences' ancestral relation to practical philosophy that contrasts the current preoccupations of social theory. Rather than seeing social interaction in modern capitalist societies through moral categories and a refined concept of practical rationality, as suggested by Durkheim and Weber, large parts of social theory now opt for modes of analysis, which either privilege the strategic interactions of rational actors or completely anonymous processes of self-organization.[508] In the case of Durkheim, the contrast to this contemporary stance is clear. Indeed, Gurvitch's classic *Essais de sociologie* (1938) made the connection to practical philosophy apparent by comparing Durkheim to Columbus: In seeking to a new route to a reasonably well-known destination, namely a viable form of post-Kantian ethics, Durkheim had incidentally, like Columbus, discovered a new continent – sociology.[509]

Second, Durkheim and Weber also contrast the form of critical social theory that subjects modern societies to a normative critique articulated from a vanishing point somehow outside of social reality. In contrast to this approach, epitomized by Adorno's position in his 1961 clash with Popper, in which 'the question of normativity' concerns the *critical stance of the social scientist*,

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[508] According to Honneth's estimation, at least, it is these two opposite strands of analysis that seems to dominate contemporary social theory. Cf. A. HONNETH 2014: 'Dissolutions of the Social: The Social Theory of Luc Boltanski and Laurent Thévenot', pp. 98–99, in A. Honneth 2014: *The I in We*.

[509] G. Gurvitch's *Essais de Sociologie* (1938), cited in W. WATTS MILLER 2003: *Durkheim, morals and modernity*, p. 2.

the earlier conception of Durkheim and Weber was primarily concerned with the *normative character of social reality itself* (see Chap. 5, §1). As shown, Weber lucidly illustrated this conception in combining a clear assertion of the 'value relevance' or 'value signification' [*Wertbeziehung*] of his empirical material with the equally clear assertion of the 'value-freedom' [*Wertfreiheit*] of his analysis of that material. Weber's often misunderstood but, in my view, still productive point was to keep these aspects apart, not in order to crush political critique in the name of objective science, but in order to avoid sacrificing one for the other.[510] The further implication is, of course, that the Durkheimian and Weberian classics of social theory contain and make available a conceptualization of morality and norms that go beyond critical theory's assimilation of these concept into 'ideology', 'false consciousness', 'discourse', etc. This point is, of course, not that morality and norms are somehow sacrosanct and cannot be implicated with discourses, power or ideology, but rather that their specificity, their particular dynamic and the empirical phenomena picked out by them are liable to be mischaracterized or altogether missed, if one insists on articulating them through such reductively disposed categories. The realization that Durkheim and Weber make such a conception of normativity available thus supports the contemporary lines of research that seek to revindicate the dignity of classical sociology.[511]

Third, both Durkheim and Weber remind contemporary social theory of the dangers and constant allure of looking to the natural sciences. As Durkheim warned, we should not 'delude ourselves by the hope that, in the near future, the various sciences of man can arrive at propositions that are as certain and indisputable as those of mathematics and the physico-

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[510] Cf. W. SCHLUCHTER 1989: *Rationalism, Religion and Domination: A Weberian Perspective*, p. xiii. In a more contemporary context, Weber's stance on this matter seems partially mirrored in Foucault. While often unnoticed, Foucault, like Weber, recognized that theoretical and historical discourses, like Foucault's own, are 'permeated' or 'underpinned' by normative concerns, but also likewise rejected to make that condition the basis of a *theoretical* form of political critique: 'I do not think there is any theoretical or analytical discourse which is not permeated or underpinned in one way or another by something like an imperative discourse. However, in the theoretical domain, the [specifically critical kind of] imperative discourse that consists in saying "love this, hate that, this is good, that is bad, be for this, beware of that," seems to me, at present at any rate, to be no more than an aesthetic discourse that can only be based on choices of an aesthetic order. And the imperative discourse that consists in saying "strike against this and do so in this way," seems to me to be very flimsy when delivered from a teaching institution or even just on a piece of paper.' (M. FOUCAULT 2007 [1978]: *Security, Territory, Population: Lectures at the College de France 1977–78*, 'Lecture One: 11 Jan 1978', pp. 17–18).

[511] For instance, P. DU GAY 2001: *In Praise of Bureaucracy: Weber, Organization, Ethics*. Likewise, the rendering of Durkheim and Weber as primarily interested in *normative character of social reality itself* and only secondarily in *critical stance of the social scientist* could assist the present project of developing a pragmatic sociology *of* critique that distances itself from Bourdieu's critical sociology, see, for instance, BOLTANSKI, L. 2012 [1990]: *Love and Justice as Competencies*, especially pp. 18–46.

chemical sciences.'[512] Weber too, as I have argued, warned of the dangers of a naturalistic monism in social science that lets itself be caught in tempting 'illusions of progress' and he used Neo-Kantian concepts in setting up a bulwark against it. Instead, both Durkheim and Weber emphasized the autonomy of the social sciences and sought to clarify the special characteristics of the study of normative and rational animals. Allied to the Neo-Kantian rejection of psychologism, normativity became important for Durkheim and Weber as a crucial way of demarcating sociology from naturalist psychology.

In the next chapter, the attention is turned to Wittgenstein, who insisted that his entire authorship – in spite of its preoccupation with technical developments in formal logic, mathematics and philosophy of language – had to be read in a *spirit* foreign to scientific naturalism and to the 'illusions of progress' that he took to be characteristic of our 'civilization'.[513] The aim of that chapter is to gain a philosophical vantage point on some of the numerous difficulties and complexities of normativity that were encountered in this and previous chapters thereby showing the attraction of the concept of normativity that has been shown to haunt key modern thinkers such as Kant, Hegel, Durkheim and Weber.

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[512] Durkheim quoted in S. LUKES 1985: *op. cit.*, p. 73.

[513] 'Our civilization is characterized by the word 'progress'. Progress is its form rather than making progress be one of its features. Typically it constructs. It is occupied with building an ever more complicated structure. And even clarity is thought only as a means to this end, not as an end in itself. For me on the contrary clarity and perspicuity are valuable in themselves.' (L. WITTGENSTEIN 1980: *Culture and Value*, p. 7, syntax original ['be one of its']).

PART III

Normativity at bedrock: Rules, practices and post-Kantian pictures of normativity

Chapter 6: In the shadow of the late Wittgenstein: Rule-following and normativity

Chapter 6: In the shadow of the late Wittgenstein: Rule-following and normativity

§1. Introduction: Wittgenstein on rules and normativity in human practices **§2.** Rule-following: Wittgenstein's argument **§3.** Normativity at bedrock: practice and the denial of scepticism **§4.** Rule-following and practical reason: overcoming the deductive prejudice **§5.** Rule-following and the fact/value-divide: the blurring of the normative, normal and natural **§6.** Concluding remarks: pictures of normativity

§1. Introduction: Wittgenstein on rules and normativity in human practices

> The rule-governed nature of our languages permeates our life.
>
> These things are finer spun than crude hands have any inkling of.[514]
>
> -   L. Wittgenstein

The present chapter has two systematic aims. The first is to account for Wittgenstein's investigations of rule-following and discuss their correct interpretation.[515] Wittgenstein takes rules to be of fundamental importance to language and indeed to human practice as such. Yet, Wittgenstein holds that this fundamental importance is liable to be mishandled by 'crude hands'. Specifically, I take Wittgenstein's so-called 'rule-following considerations' to aim at exorcizing certain seductive misconceptions of the grounds of human rule-following that consist either in the illusion that rules compel and bind us independently of our participation in shared 'forms of life', or conversely, in seeing rule-following as consisting merely or exclusively in communal conformity. The chapter accordingly presents an interpretation of Wittgenstein's much-debated conception of rules that aim to bring out these aspects. [516]

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[514] L. WITTGENSTEIN 1977: *Bemerkungen Über Die Farben / Remarks on Colour*, III–302, p. 57e and L. WITTGENSTEIN 1994 [1978/1956]: *Remarks on the Foundations of Mathematics: Revised Edition* (London: MIT Press), VII–57. ❖ For the purposes of the present chapter, the above edition of *Remarks on the Foundations of Mathematics* is abbreviated '*RFM*'.

[515] Wittgenstein's most extended discussions of rule-following are found in L. WITTGENSTEIN 2001 [1953]: *Philosophical Investigations: The German Text with a Revised English Translation* (London: Blackwell), §§185–242 and in *RFM*, Part I, VI and VII ❖ For the purposes of this chapter, the above edition of the *Philosophical Investigations* is abbreviated '*PI*'.

[516] While the presented interpretation of rule-following is the result of a long struggle to understand Wittgenstein's stance on these matters, it is fundamentally indebted to the suggestions of J. McDowell, S. Mulhall, J. Lear and, in a more indirect way, S. Cavell. See J. MCDOWELL 1998: 'Wittgenstein on Following a Rule' and J. MCDOWELL 1998: 'Virtue and Reason', both printed in J. McDowell 1998: *Mind, Value and Reality*. S. MULHALL 2001: *Inheritance*

Secondly, and more unorthodoxly, this chapter also connects Wittgenstein's rule-following considerations to some of the underlying issues related to normative inquiry in social theory. In particular, the rule-following considerations provide an occasion to re-articulate and clarify some of the general complexities with regard to normativity already encountered during the course of the dissertation. In this regard, the systematic aim of the chapter is not only to clarify Wittgenstein's conception of rules, but also to pinpoint a set of prejudices or potentially distorting 'pictures' of normativity that are prone to capture the theoretical imagination of social theory. These are, specifically, prejudices with regard to the relationship between practical rationality and norms (see the analysis of the economic conception of practical rationality in Chap. 3); the relationship between community, conformity and normativity (see the discussion in Chap. 4) and between norms and facts (see especially the discussion of norms as a kind of social facts in Chap. 5). By discussing and re-articulating these previously encountered issues, the chapter also shows a wider import of the rule-following considerations that goes beyond the strict mathematical and epistemological perspectives most often analysed in the Wittgenstein scholarship on rule-following.[517]

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and Originality, especially pp. 97–151. J. LEAR 1998: 'Transcendental Anthropology', in J. Lear 1998: *Open Minded*. Also cf. S. CAVELL 1990: *Conditions Handsome and Unhandsome*, especially pp. 64–100 and S. CAVELL 1999 [1979]: *The Claim of Reason*, especially pp. 168–191. Cavell's influence is qualified as "indirect" since Cavell, unlike most Wittgenstein commentators, does not assign special importance to rules. Cavell rather sees it on a par with Wittgenstein's other "grammatical" investigations of concepts such as "understanding", "intention", "privacy", "sensation", etc.

[517] Discussions of the later Wittgenstein in relation to topics in social theory and its conception of norms are not absent, but they are at least limited in the commentary literature. For a brief overview, see T. PRESSKORN-THYGESEN and T. BASBØLL 2017: 'Ludwig Wittgenstein', review article in B. Turner (ed.) 2017 (forthcoming): *The Wiley-Blackwell Encyclopaedia of Social Theory*. The notable and oft-quoted exception is P. WINCH 1990 [1958]: *The Idea of a Social Science and its Relation to Philosophy*. Regrettably, however, Winch's classic work at the intersection of philosophy and social theory was, in my view, characterized by some degree of amateurism in its treatment of social theory. To exemplify, note Winch's treatment of Durkheim in *ibid.*, pp. 23–24, 95. Winch singles out Durkheim as an instance of a problematic approach in social science (p. 95). Yet the only support for this attribution is, as far as I can tell, a single quotation that Winch arguably both mistranslates and misinterprets (pp. 23–24). The extended quotation is from an 1897 review of a book by the Italian Marxist A. Labriola (1843–1904). Winch references the original French version (p. 24) but mistranslates parts of it, adding adjectives and confusing pronouns. Cf. the relevant passage in É. DURKHEIM 1897: 'La conception matérialiste de l'histoire', *Revue philosophique* 44(1): 645–651; p. 649. Most damaging, however, Winch fails to notice that in the quoted passage Durkheim is, in fact, characterizing Labriola's views rather than his own. In the passage immediately following, Durkheim goes on to indicate significant disagreement. Generally, Winch's work also inaugurated a somewhat dismissive tone in the limited dialogue between Wittgenstein and social theory; a stance reflected in, e.g. N. PLEASANTS 1999: *Wittgenstein and the idea of a critical social theory: a critique of Giddens, Habermas and Bhaskar* and recently in L. TSILLIPAKOS 2015: *Clarity and Confusion in Social Theory*. More productive applications of Wittgenstein within social theory are found in the work of D. Owen, J. Tully and P. Segerdahl. See D. OWEN 2001: 'Wittgenstein and Genealogy', *Sats – Nordic Journal of Philosophy* 2(2): 5–29, J. TULLY 2008: *Public Philosophy in a New Key*, pp. 13–133 and P. SEGERDAHL 2013: 'Gender, Language and Philosophical Reconciliation: What does Judith

That rules are normative and are expressive of a central human phenomenon is not in dispute within Wittgenstein scholarship. Yet considerable disagreements within scholarship pertain as to how to understand the kind of normativity involved and its grounds.[518] With regard to this question, I interpret Wittgenstein's discussion of rules as – in overall terms – aimed at exploring what a 'desublimated' conception of rules might look like, i.e. one that is neither bewitched by an idea of rules as abstract 'Platonic' entities nor by hypostasized notions of 'intuition', 'decision' or 'inclination'. Wittgenstein's favoured examples of rule-following are mathematical (e.g., applications of simple arithmetic) or epistemological (e.g., colour identification) and a significant engagement with such examples is needed in the present chapter. Yet I hold that Wittgenstein's interest in rule-following is – despite Wittgenstein's preference for mathematical examples – best understood as an interest in broader normative patterns of human interaction. The placement of rules in broader patterns of human interaction and ultimately within 'forms of life' also means that the form of normativity investigated by Wittgenstein is not exclusively of a mathematical, epistemic or ethical kind. In Christensen's apt phrase, Wittgenstein rather investigates 'the very possibility of taking up a normative attitude' in various practices and examines the concrete conditions under which such attitudes unfold.[519] The guiding idea of the present chapter is thus that Wittgenstein's desublimated conception of rules is also helpful in

Butler destabilize?' in Y. Gustafsson, C. Kronqvist and H. Nyan (eds.) 2013: *Ethics and the Philosophy of Culture: Wittgensteinian Approaches.*

[518] The controversy is, for instance, reflected in the debates over the so-called 'community view' represented by N. Malcolm and S. Kripke. The 'community view' holds that language gets its normative power from the fact that (1) language is *necessarily* social and shared. Other interpreters, notably P.M.S. Hacker and G.P. Baker, have denied that position and have instead held that (2) it is conceptually *possible* for a solitary Robinson Crusoe to in fact follow rules and to speak a solitary language, even if it is *impossible* for his language not be *potentially* shareable and social. I shall criticize Kripke's sceptical rendering of the 'community view' below, but I shall largely ignore other parts of the debate since its core discussion of the mere conceptual possibility of a Crusoe seems irrelevant to the matter at hand in this chapter. Both parties agree that actual forms of rule-following *are* social and that all forms must be shareable. Equally, Wittgenstein himself in fact seems to be actively avoiding the question of deciding in favour of (1) or (2), cf. e.g. *RFM* III-67: 'This consensus belongs to the essence of *calculation*, so much is certain. I.e.: this consensus is part of the phenomenon of our calculating. […] But what about this consensus—doesn't it mean that *one* human being by himself could not calculate? Well, *one* human being could at any rate not calculate just *once* in his life.' For reviews that similarly deem the debate moot and even contrary to the spirit of Wittgenstein's remarks, see J.V. CANFIELD 1996: 'The community view', T*he Philosophical Review* 105(4): 469–488 and S. MULHALL 2001: *Inheritance and Originality*, pp. 122–138. For the classic contributions to the debate see S. KRIPKE 1982: *Wittgenstein on Rules and Private Language*, N. MALCOLM 1989: 'Wittgenstein on Language and Rules', *Philosophy* 67(1): 5–28 and G.P. BAKER and P.M.S. HACKER 1990: 'Malcolm on Language and Rules', *Philosophy* 68(1): 167–179. Similar disagreements characterize the discussion of the kind of normativity involved in Wittgenstein's notions of 'criteria' and 'grammar', cf. S. MULHALL 2002: 'Ethics in the light of Wittgenstein', *Philosophical Papers* 31(3): 293–321; pp. 311ff.

[519] A-M. S. CHRISTENSEN 2011: 'Wittgenstein and Ethics', in O. Kuusela and M. McGinn (eds.) 2011: *The Oxford Handbook of Wittgenstein*, p. 799.

gaining a desublimated conception of norms, i.e. one which attains a non-prejudicial conception of practical rationality and to the forms of agreement that characterize historically instituted forms of life.[520]

The structure of the chapter is as follows. The two first sections present and defend an interpretation of Wittgenstein's conception of rules. In the first section (§2), the chapter carefully outlines Wittgenstein's argument and situates it within in the *Philosophical Investigations*. In particular, the chapter traces Wittgenstein's denial of the so-called 'Platonic conception of rules' and treats Kripke's influential but problematic sceptical reading of Wittgenstein, while also emphasizing that the target of Wittgenstein's argument is more nuanced than the talk of Platonism seems to indicate. In the second section (§3), I put forward the main interpretative claim by arguing that Wittgenstein's repeated appeals to 'training', 'customs', 'institutions', 'actual cases' and 'practices' must, contrary to any sceptical rendering of him, be seen as indicating that normativity is ineliminable and present at the very bedrock of practices. In the third and fourth sections, the chapter proceeds to its aim of utilizing Wittgenstein's rule-following considerations to address some of the more general complexities with regard to normativity. In showing and exemplifying the wider consequences of Wittgenstein's conception of rules, the chapter thus first (§4) returns to the notion of practical rationality discussed in Chap. 3 and Chap. 4. In particular, McDowell's attempt to defuse the so-called 'deductive prejudice of practical rationality' is used to argue that Wittgenstein's desublimated view of rules as relying on human forms of life articulates an equally desublimated account of practical rationality. In the final section of the chapter (§5), it is argued that Wittgenstein's philosophy is also helpful in setting into perspective the repeated attempts in post-Kantian social theory to handle the tension between fact and norm adequately. Jonathan Lear's scrutiny of the

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[520] *PI* § 94 warns against adopting 'subliming' accounts of phenomena [*die Sublimierung der ganzen Darstellung*]. In particular, the *Philosophical Investigations* warns against a 'sublime' account of logic (*PI* §§ 38, 89) since this leads to two viewpoints that are, in Wittgenstein's view, both tempting fallacies: *Either* one can be led to say the 'ideal is real' in the sense that ordinary language is really the application of a perfect but hidden logical calculus (a stance that Wittgenstein ascribes to own earlier work in the *Tractatus-Logico-Philosophicus*, cf. *PI* §97) – the problem here being the metaphysical one of 'penetrating… [an] essence [that] is hidden from us' (*PI* §92)), *or* conversely, one is led from a 'sublime' conception into denouncing the real in the name of the ideal, i.e. one is led to denounce ordinary language as 'vague', 'imprecise', 'imperfect in its presentation of logical form', etc.; a stance held by the positivist program of creating artificial, formal languages that avoid these supposed shortcomings of ordinary language. For further commentary on Wittgenstein's use of 'sublime', see S. MULHALL 2001: *Inheritance and Originality*, pp. 87–93. As explored below, similar dilemmas present themselves to, for instance, accounts of the relation between practical rationality and normativity ❖ See Chap. 6, §4.

anthropological motifs in the late Wittgenstein and Cora Diamond's analysis of the inter-weaving of the normative, normal and natural are particularly instructive in making Wittgenstein relevant to this broader tension in post-Kantian philosophy and social theory. A consistent theme throughout the dissertation is thereby clarified and further analysed.

§2. Rule-following: Wittgenstein's argument

The so-called 'rule-following considerations' are customarily interpreted to be confined to §§185–242 of the *Philosophical Investigations*.[521] Yet Wittgenstein already broached the topic of rules considerably earlier in the *Investigations* in a few key instances, which are helpful in understanding the gist of the series of remarks that follow from §185 and onwards. In *PI* §82, Wittgenstein marks a partial contrast between a regularity in observable behaviour and the rules which an agent consults in bringing about the given sort of behaviour. To Wittgenstein, this poses the question of what meaning we can assign to the phrase 'the rule by which he proceeds' and he emphasizes that this is a question worth asking.[522] Why is that? Because that question leads the normative core of rule-following. In saying that someone 'follows a rule', I can either mean that the rule happens to descriptively *fit* his behaviour, or that he is normatively *guided* by that rule. As Wittgenstein will never tire of pointing out, meaning is a *normative relation* of the latter kind. In assigning someone the status of having understood the meaning of the word 'pine-apple' or the rules for arithmetic addition, one is not *predicting* what they will say or do in certain situations.[523] They may, in fact, go on to make all sorts of mistakes. Rather, meaning is

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[521] E.g. G.P. BAKER AND P.M.S. HACKER 2009 [1985]: *Wittgenstein - Rules Grammar and Necessity. Volume II of an Analytical Commentary on the* Philosophical Investigations*: Essays and Exegesis §§185–242*, especially pp. 23–25. An equally frequent definition is the less restrictive §§138–242, cf. e.g. P. BOGHOSSIAN 1989: 'The Rule-Following Considerations', *Mind* 98: 507–549.

[522] The distinction between a regularity in observable behaviour and the rules which an agent consults in *PI* §82 reiterates the partial introduction of the same distinction in §54. Later, this time in §154, Wittgenstein will repeat that the question of following a rule is a good question. Here he encourages the reader to 'ask yourself: in what sort of case, in what kind of circumstances, do we say, "Now I know how to go on," when, that is, the formula *has* occurred to me?' (*PI* §154).

[523] See e.g. *RFM* VI-15: 'But why wasn't this a genuine prediction; "If you follow the rule, you will produce this"? Whereas the following is certainly a genuine prediction: "If you follow the rule as best you can, you will…" The answer is: the first is not a prediction because I might also have said: "If you follow the rule, you *must* produce this." It is not a prediction if the concept of *following* the rule is so determined that the result is the criterion for whether the rule was followed.'

normative in the sense that it specifies what someone *should* say or do given a certain task, e.g. picking out the right fruit or saying '12' rather than '15' in response to '6+6'.

In *PI* §85, however, Wittgenstein introduces the imagery of sign-posts and a partial problem for this conception by saying that a 'rule stands there like a sign-post', and by inviting the reader to see the complexities of rule-following as analogous to the question of understanding how people follow sign-posts. There is a partial problem here since if 'sign-posts' are conceived as just "standing there", they can come to be seen as normatively inert, dead pieces of metal or wood that are *seemingly* incapable of guiding action in any sort of way.[524] Sixty-odd paragraphs later, the problem of rules is brought into focus when *PI* §138 asks whether it is possible to learn to apply a word 'in a flash'. How can a word and the rules for its usage be learned 'in a flash', if its use extends in time and applies to an open-ended amount of different cases? How is it possible to learn to grasp the meaning of, say, the word 'tattoo', when tattoos have so many shapes, colours and sizes and when its application is neither limited in time nor to just a few empirical instances? Wittgenstein here tries to dissuade the reader from thinking that any flash – any "picture", mental or physical – can *force* a particular use on us.[525] Yet Wittgenstein does *not* deny that words can be can grasped in a flash. Instead he insists that he wants to clarify these instances where a large extension of possible usages is learned or grasped 'in a flash'.[526]

This theme culminates in *PI* §143, which suggests the example of teaching a child how to count as a model case of rule-following. Here the process of coming to understand and use rules is presented as a scene of instruction and thereby indirectly as a question of initiation into a community.[527] This is the example that is picked up in Wittgenstein's famous dramatization of a scene of instruction that radically fails. In *PI* §185, Wittgenstein writes:

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[524] ❖ The chapter returns to this complexity and the example of sign-post below. See Chap. 6, §3.

[525] Cf. S. MULHALL 2001: *Inheritance and Originality*, pp. 97–98. Mulhall stresses this particular importance of §138 for the later more sustained discussion of rule-following in *PI* §§185ff.

[526] ❖ The chapter returns to Wittgenstein's insistence on "clarifying" rather than categorically rejecting such conceptions below. See Chap. 6, §2.1.

[527] The mathematical example is not inept to show what an eminently teachable moment is; a fact also reflected in etymology of 'mathematics' in the Greek *ta mathēmata*, 'that which is teachable', that is, both capable of being learned and taught. On the importance of 'scenes of initiation and instruction' in Wittgenstein's authorship, but also on the differences between mathematics and ordinary concepts, see S. CAVELL 1999 [1979]: *The Claim of Reason*, pp. 122ff., S. CAVELL 1990: *Conditions Handsome and Unhandsome*, pp. 98ff. and S. CAVELL 1995: *Philosophical Passages: Wittgenstein, Emerson, Austin, Derrida*, pp. 107ff.

Let us return to our example in (143). Now – judged by the usual criteria – the pupil has mastered the series of natural numbers. Next we teach him to write down other series of cardinal numbers and get him to the point of writing down, say, series of the form

0, n, 2n, 3n, etc.

at an order of the form "+ n"; so at the order "+ 1" he writes down the series of natural numbers – Let us suppose we have done exercises and given him tests up to 1000. Now we get the pupil to continue one series (say + 2) beyond 1000 – and he writes 1000, 1004, 1008, 1012.

We say to him: "Look what you have done!" He doesn't understand. We say: "You should have added *two*: look how you began the series!" – He answers, "Yes, isn't it right? I thought that was how I was *meant* to do it." – Or suppose he pointed to the series and said: "But I did go on in the same way".[528]

This simple example, which occurs in several variations in Wittgenstein's work, has captured the imagination of a number of philosophers and interpreters of Wittgenstein.[529] The central significance of the example is most notably stressed by Saul Kripke's sceptical interpretation, which led to the prominence of the discussions of rule-following in contemporary philosophy.[530]

§2.1. The 'Platonic' conception of rule-following and its denial. In the passage following the quoted part of *PI* §185, Wittgenstein brings up the consoling possibility that the pupil who continues the expansion of the number series belonging to "+2 *ad. inf.*" as '1000, 1004, 1008…' is merely following another rule that we would ordinarily express as "+2 until 1000, +4 until 2000, +6 until 3000, etc." Yet this possibility is quickly dismissed: the pupil might also diverge from this new rule and still insist that he is doing "the same". Under *some* interpretations of the rule, any continuation is seemingly correct and, in fact, any continuation of the series will be consistent with an indefinite number of *other* mathematical functions, thus seemingly leaving it

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[528] *PI* §185.

[529] Another variation of the example is found, for instance, in *RFM* I-3.

[530] While often criticised, Kripke's interpretation instigated a still ongoing debate on the nature of rules that reach beyond Wittgenstein exegesis in a narrow sense. S. KRIPKE 1982: *Wittgenstein on Rules and Private Language*. Noteworthy contributions to the debate after Kripke's is contained in A. MILLER and C. WRIGHT (eds.) 2014 [2002]: *Rule-following and Meaning*. ❖ Kripke's interpretation and influence is elaborated below, see Chap. 6, §2.2.

indeterminate which rule is being followed, if any at all.[531] The challenge thereby illustrated is strictly formal and it threatens to multiply if it is taken seriously. Kripke's interpretation, which credits Wittgenstein with the discovery of a novel and global kind of 'scepticism', has indeed underlined that the problem threatens to expand to all instances of concept use.[532] It is contestable whether Wittgenstein's use of the example should be taken to contain a sceptical element at all. As I shall argue below (see Chap. 6, §2.3), Wittgenstein's point is non-sceptical and does not aim to show that we are not *in fact* confident, and *should* be confident, that our rule following will not come adrift in the sense of realising scenarios of the '1004, 1008, 1012' variety. Yet the sketched challenge does serve a purpose in changing our conception of the nature and ground of this confidence.[533]

This therapeutic aim, however, implies that there is a group of misleading conceptions of this confidence that are liable to capture our thinking about the normative force of rules. In the secondary literature, these alternative conceptions deemed problematic by Wittgenstein are collected under the heading of the so-called 'Platonic conception of rules', presumably following an early review essay by M. Dummett of Wittgenstein's *Remarks of the Foundations of Mathematics* (1956). While now an unavoidable term in Wittgenstein scholarship, it is not an entirely lucky umbrella-term, especially since it is unclear what, if anything, this conception shares with the philosophy of Plato.[534] Accordingly, it will become necessary below to introduce

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[531] To give an example of the type favoured by Kripke: if a pupil writes down, for instance, the number series '3, 5, 7…', then several continuations may be correct depending on whether we interpret that sequence to a part of a successive enumeration of primes or a part of the extension of y=2x+1 or some other more bizarre function.

[532] S. KRIPKE 1982: *op. cit.*, pp. 7ff. Wittgenstein himself elsewhere presents versions of the challenge in the context of the ostension and correct use of colour-terms, see *RFM* VI–28, VI–35 and L. WITTGENSTEIN 1989: *Lectures on the Foundations of Mathematics*, pp. 182ff. Kripke also takes the so-called 'private language argument' (*PI* §§243 ff.) to be a special case of the rule-following considerations; a connection that has in turn been disputed by other interpreters, e.g. G.P. BAKER AND P.M.S. HACKER 2009 [1985]: *Wittgenstein - Rules Grammar and Necessity. Volume II of an Analytical Commentary on the* Philosophical Investigations*: Essays and Exegesis §§185–242*.

[533] Cf. J. MCDOWELL 1998: 'Virtue and Reason', pp. 59-60.

[534] It has turned out difficult for me to track down the exact origin of the introduction of 'Platonism' and the 'Platonic conception of rules' in Wittgenstein commentary. These terms are not part of Wittgenstein's own vocabulary. The allusion to 'Platonism' as a target of Wittgenstein's rule-following considerations are, however, present as early as 1959 in M. DUMMETT 1966 [1959]: 'Wittgenstein's Philosophy of Mathematics' in G. Pitcher (ed.) 1966: *Wittgenstein*. An even earlier exemplar is Sellars, who mentions 'Platonism' in explicit connection to rule-following in a 1954 article. In Sellars, however, the connection to Wittgenstein remains at least oblique (in spite of the title of the relevant article), cf. W. SELLARS 1954: 'Some reflections on language games', *Philosophy of Science* 21(3): 204–228; pp. 205–206. Regardless of their exact origin within Wittgenstein commentary, these terms migrated from early 20th-century philosophy of mathematics. In the mid-1930s, the ancient label of 'Platonism' suddenly became widely used as a label of an opposition to mathematical constructivism. Specifically, 'Platonism' became the name of a form of realism about mathematical objects such that mathematical statements are about

additional categories to give a fuller picture of Wittgenstein's targets. Yet, in its most paradigmatic form, the so-called 'Platonic conception of rules' is taken to denote the view that in grasping a rule, the rule-followers grasp an abstract entity that lies behind the formulated rule.[535] In this sense, one could, as Raffnsøe suggests, speak of an at least *neuzeitliche* Platonism' that thematises how a 'higher form of reality' is represented in a rule-following praxis.[536] Wittgenstein gives voice to such a 'higher form of reality' by using a picture of infinite rails:

> 218. Whence comes the idea that the beginning of a series is a visible section of rails invisibly laid to infinity? Well, we might imagine rails instead of a rule. And infinitely long rails correspond to the unlimited application of a rule.

> 219. "All the steps are really already taken" means: I no longer have any choice. The rule, once stamped with a particular meaning, traces the lines along which it is to be followed through the whole of space.—But if something of this sort really were the case, how would it help?[537]

This picture is correct in so far as it captures the binding features of our concept of a 'rule'; rules do normatively constrain choices. But the imagery of rails that inexorably forces us – by almost brute force – to do a certain thing, to carry out a particular operation or to adopt a specific expression is, as Wittgenstein writes, only a 'symbolical' (*PI* §220) or a 'mythological' (*PI* §221) description. Briefly stated, the 'Platonic' conception goes wrong in taking this symbolic description literally by postulating a series of abstract entities or 'super-strong connexions' (*PI* §197) that can explain the rigidity of rule-following. Clearly distrustful of that idea, Wittgenstein styles such assertions of abstract entities as assertions of philosophically

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objects that "really" exist and which stand in definite relations independently of any particular notations adopted by mathematicians. As such, it corresponds to the views of Wittgenstein's Cambridge colleague, G.H. Hardy (1877–1947), whose work Wittgenstein discusses in L. WITTGENSTEIN 1989: *Lectures on the Foundations of Mathematics: Cambridge, 1939*, pp. 91ff., 169–171. While (metaphysical) realism about abstract objects is also indicative of its usage in Wittgenstein commentary, its usage here is broader and not reserved to mathematical objects. On the origin of the term within 20th-century philosophy of mathematics, see J. BOUVERESSE 2005: 'On the meaning of 'Platonism' in the expression 'Mathematical Platonism', *Proceedings of the Aristotelian Society* 101(1): 55–79. For a classic enactment of 'Platonism' as the overall target of Wittgenstein's remarks about rules, see D. PEARS 1988: *The False Prison: A Study of the Development of Wittgenstein's Philosophy*, Vol. II, pp. 461ff. and for a recent example, see T. MCNALLY 2016: 'Wittgenstein's Anti-Platonist Argument', *Philosophical Investigations* 39(3): 281–301.

[535] M. DUMMETT 1966 [1959]: *op. cit.,* pp. 421ff. Sellars also instructively dramatizes the Platonist stance in the form of a fictitious philosopher whom he calls 'Metaphysicus'. Metaphysicus holds – corresponding to the Platonic conception – that the norms which govern linguistic practice are abstract 'entities of which the mind can take account before it is able to give them a verbal clothing.' (W. SELLARS 1954: *op.cit.*, pp. 205–206.

[536] S. RAFFNSØE 2002: *Sameksistens uden common sense*, Vol. II, p. 245 n. ii.

[537] *PI* §§218–219

'superlative' facts (*PI* §192). Specifically, these 'super-connexions' conflate and run together 'causal' and 'logical determination' (*PI* §220). While correctly registering the normative features of rules that urge rule-followers to do certain things, Platonism is illegitimately led to postulate a quasi-causal picture in which the rule-followers are, as it were, merely "along for the ride."[538]

Yet there is a need to be clearer about the targets of Wittgenstein's remarks and to extend this initial diagnosis of a form of 'Platonism' that is prone to conflating normative and causal determination. At this level, I suggest, one ought to distinguish between at least four different targets that emerge and re-emerge at various stages of Wittgenstein's argument in the *Philosophical Investigations*: (a) The 'machine' conception of rules; (b) 'queer' mental episodes; (c) the idea of rules as requiring intuitions or a special kind of decision and (d) the interpretation idea of rule-following.[539] More specifically, these ideas involve the following:

(a) *The 'machine' conception of rules: dispositions and mechanisms.* An appealing explanation of the ability to produce the correct extension of a rule, say the number series in *PI* §185, is to postulate an underlying psychological disposition or neuro-physiological mechanism, which will, all other things being equal, produce the extension given appropriate external stimuli. Such an ability could be conceived as akin to a physical mechanism. It might need 'psychological conditioning' to come into existence, but once in place it would function like a 'machine' in producing the correct extension. In this way, a 'machine' can come to symbolize the application of rules: 'If we know the machine, everything else, that is its movement, seems already completely determined' (*PI* §193). Two things, however, are wrong with this picture: its idea of predetermination and its implicit idea of causality. Its idea of predetermination already caught Wittgenstein's eye in a 1933 lecture in which he remarked that such a 'disposition is thought of

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[538] In adding to Wittgenstein's charge of a conflation between 'causal' and 'logical' determination (*PI* §220), Pears phrases the point of the simile of fixed rails in *PI* §§218–219: 'The point that he [Wittgenstein] is making is not that some rules are more dictatorial than others, but, rather, that it is a general misrepresentation of all rules to assimilate them to rails laid down in advance. That view eliminates the contribution made by a rule-follower to what counts as following the rule, and makes him look like the 'driver' of some fully automated car…' (D. PEARS 1988: *op.cit.*, Vol. II, p. 466.). As Wittgenstein himself states in *RFM* I–116: '… the laws of inference do not compel him [a rule-follower] to say or write such and such like rails compelling a locomotive.'

[539] I owe the idea of a typology of different targets to H-J. GLOCK 2004: 'Rule-following' in H-J. Glock 2004: *A Wittgenstein Dictionary*, pp. 325–326. The typology presented here diverges substantially from Glock, but Glock's categories remain instructive in emphasizing the need for differentiation. A more nuanced diagnosis of the different conceptions that Wittgenstein critically interrogates – spanning more than one 'Scylla' of scepticism and one 'Charybdis' of Platonism – seems infrequent in the commentary literature. McDowell's otherwise masterly exposition, for instance, does not include such a presentation.

as something always there from which behaviour follows. It is analogous to the structure of a machine and its behaviour. […] Language uses the analogy of a machine - which constantly misleads us.'[540] Specifically, this picture is misleading since it fails, exactly like the Platonic conception, to distinguish between causal determination and normative correctness. Wittgenstein's claim is not that possession of dispositions is irrelevant to conceptual mastery and to normatively competent action. But as a response to the dilemma of *PI* §185, any natural science story of these dispositions and mechanisms will turn out be categorically inappropriate since the issue does not concern the causal conditioning of the pupil, but rather the sense in which one continuation of the series is *correct* and any other is *incorrect*. Rules sort performances into 'correct' or 'incorrect'; dispositions and mechanisms do not. They merely trigger whatever effects they are liable to produce.[541]

(b) *'Queer' mental episodes: Grasping the rule 'in a flash'*. Another explanation of rule-guided activity is, as already touched upon, to postulate a particular mental state that is not merely coextensive with, but defining of, the grasp of rules. Through such an episode of understanding 'in a flash', a person somehow fixes her future use of a concept. As soon as the pupil has undergone this 'eureka' experience, the use of the rule is fixed and uniform. Conceived in this specific way, *PI* §186 immediately rejects this as a possible response to the example of §185 since it seems to imply the implausible claim that the mental state in question encompasses an infinity of propositions: 'So at the time when [*zur Zeit*] you gave the order +2 you meant that he was to write 1002 after 1000 – and did you also mean that he should write 1868 after 1866 and 100036 after 100034 and so on – an infinite number of such propositions?'[542] As Wittgenstein states in *The Brown Book*, the misleading idea here is that there is some unique and ultimately 'queer' form of mental state in which a future use is somehow present, such that 'in the mysterious act of *meaning* the rule you made the transitions without really making them. You crossed all the bridges before you were there.'[543] That conception is correct in registering that the grasp of a

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[540] L. WITTGENSTEIN 2001: *Wittgenstein's Lectures: Cambridge, 1932–1935*, p. 91. The analogy between rules and machines also overlooks that actual machines often break down (*PI* §193).

[541] Cf. *PI* §198. Kripke is instructive on this particular point about dispositions, cf. S. KRIPKE 1982: *Wittgenstein on Rules and Private Language*, pp. 23–32 and J. BRIDGES 2014: 'Rule-Following Scepticism, Properly so-called', in J. Conant and A. Kern (eds.) 2014: *Varieties of Skepticism: Essays after Kant, Wittgenstein, and Cavell*.

[542] *PI* §186. Translation amended. G.E.M. Anscombe's translation merely reads 'So when you…'. Also see *PI* §§138ff. for Wittgenstein's remarks on understanding 'in a flash'.

[543] L. WITTGENSTEIN 2007 [1958]: *The Blue and Brown Books*, p. 142.

rule makes one able to with deal an open-ended amount of transitions and cases, but it makes a mess of this insight by conflating *being able to deal* with them with having in some 'queer' sense *already dealt* with them.[544]

(c) *Intuitionism*. Yet another target of Wittgenstein's remarks is the idea that a special form of intuition determines the application of rules. The idea here is that at every step of applying the rule 'a new insight' or 'intuition' is needed (*PI* § 186). Wittgenstein finds this dubious as a phenomenological description. On the one hand, it is correct that a rule can, in some cases, seem to direct us by taking the form of *eine innere Stimme*, 'an inner voice' (*PI* §213). On the other hand, Wittgenstein writes, 'one does not feel like' one has to 'await the nod' or the coming of an intuition in order to apply the rule (*PI* §223). The rule is applied unhesitatingly, or as it were, 'blindly' (*PI* §219). We are not, for instance, on tenterhooks eagerly awaiting what intuition will tell us next about the application of +2, or about the range of possible performances that satisfies the order 'shut the door!' More substantially and beyond phenomenology, however, Wittgenstein's critique is that *eine innere Stimme* by itself would be no of help, 'for if it [intuition] can guide me right, it can also guide me wrong' (*PI* §213). Intuition presupposes an independent determination of a standard of correctness and accordingly it cannot be mobilized to establish that determination.[545]

(d) *The interpretation idea of rule-following*. Finally, a tempting account of rule-following which Wittgenstein attached specific importance to is the idea that the rule itself is normatively inert, but is given its meaning by its *interpretation*. The rule-formulation does not itself determine its application, but its interpretation does. On this account, the act of interpretation adds to the bare rule-formulation what it itself supposedly cannot supply, namely, content. Each rule-

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[544] Cf. *PI* §195 and S. MULHALL 2001: *Inheritance and Originality*, p. 115.

[545] S. MULHALL 2001: *op. cit.*, p. 113. Notably *PI* §186 suggests an additional variant of the intuitionist conception by stating that 'it would almost be more correct to say, not that an intuition was needed at every stage, but that a new decision was needed at every stage'. Mulhall notes that 'almost more correct' can only mean 'not quite correct.' I would suggest, however, that Wittgenstein thinks that the decision idea is 'almost more correct' since the notion of a decision highlights that rules sometimes require *responsible judgement* and that following rules is something *done* for which one incurs responsibility. But why is this idea then nonetheless 'not quite correct'? It risks invoking the idea of an *arbitrary* decision – a decision divorced from its ordinary ("grammatical") connexion to responsibility – which would imply a 'logical decisionism' that would not explain rule-following but rather annihilate it. In addition, even if the notion of decision is rightly understood as responsible judgement, it seems – like the notion of intuition – to rely on a prior and independently established standard of correctness. What presumably makes individual judgements *responsible* is exactly their degree of responsiveness to this standard, and so they cannot be invoked to explain it. Also cf. L. WITTGENSTEIN 1989: *Lectures on the Foundations of Mathematics*, p. 237 ❖ See below for further comments on relationship between rules and judgement, Chap. 6, §3.

follower, on this conception, thus has to go through repeated acts of interpretation in order for there to be a rule-following praxis and mutual understanding of any kind.[546] Wittgenstein's objection to this conception echoes Kant's classic regress argument against 'rules for the application of rules' since Wittgenstein points out that the interpretation of rules merely prompts the need for additional interpretation.[547] As *PI* §198 replies to this conception: 'any interpretation still hangs in the air along with what it interprets, and cannot give it any support.'[548]

It is characteristic of Wittgenstein's conception of philosophy that he does not categorically reject the above four positions. Rather, Wittgenstein insists that he wants to clarify them and to survey the 'grammar' used to express them. Illustrative of this stance in Wittgenstein is his way of handling the following objection from his implicit "interlocutor" in the *Philosophical Investigations*. Wittgenstein's interlocutor is trying to defend the (b) idea of grasping rules 'in a flash':

> "But I don't mean that what I do now (in grasping a sense) determines the future use *causally* and as a matter of experience, but that in a *queer* way, the use itself is in some sense present."—But of course it is, 'in *some* sense'! Really the only thing wrong with what you say is the expression "in a queer way". The rest is all right…[549]

As McDowell points out, this passage indicates that Wittgenstein's aim in criticizing positions such as those above is not to deny the idea that rules do carry genuine normative content and that the understanding of something does carry commitment with regard to the future; that idea

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[546] Cf. 'But an interpretation is something given in signs. It is *this* interpretation as opposed to a different one (running differently). So if one were to say: "Any sentence still stands in need of an interpretation" that would mean: no sentence can be understood without a rider.' (L. WITTGENSTEIN 2005 [1974]: *Philosophical Grammar*, I-9, p. 47)

[547] I. KANT 1787: *Critique of Pure Reason*, B171: 'Now if it [General Logic] wanted to show generally how one ought to subsume under these rules, i.e., distinguish whether something stands under them or not, this could not happen except once again through a rule. But just because this is a rule, it would demand another instruction for the power of judgment, and it [thereby] becomes clear [from the threat of infinite regress] that although the understanding is certainly capable of being instructed and equipped through rules, the power of judgment is a special talent that cannot be taught but only practiced.'

[548] *PI* §198 ❖ For further comments on the interpretation idea of rules, see below Chap. 6, §2.2.

[549] *PI* §195

is, once appropriately conceived, 'all right'. Wittgenstein's aim is rather to free us from 'certain seductive misconceptions of that idea'.[550]

That 'therapeutic' trait of Wittgenstein's account is not particularly well captured in Kripke's account, which argues for a largely sceptical position with regard to rules and saddles Wittgenstein with a similarly sceptical position. Yet Kripke's position deserves discussion, not only because of its more than central place in the secondary literature, but also because Kripke's sceptical account is illustrative in bringing out the fact that what is ultimately at stake in 'the rule-following considerations' is something like *the conditions of possibility* of normativity, that is, the conditions under which is it possible to follow a prescription, an order or a norm.[551]

§2.2. Kripke, rule-scepticism and the interpretation idea of rule-following. Wittgenstein's rejection of the above conceptions as being deficient in various ways (even if driven by strong intuitions) leads interpreters following Kripke to assert that Wittgenstein held a sceptical position with regard to rules.[552] Indeed, Kripke asserts that what he calls the 'central idea' of *Philosophical Investigations* is contained in the following passage, which Kripke's reading glosses as a 'sceptical paradox':

> 201. This was our paradox: no course of action could be determined by a rule, because every course of action can be made out to accord with the rule. The answer was: if every-

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[550] J. MCDOWELL 1998: 'Wittgenstein on Following a Rule', p. 223. Yet the idea of 'grasping the rule in a flash' *does* become 'queer', if one gives in to the temptation of misinterpreting the quite ordinary occurrence of grasping something quickly as implying a special *mental state* that, on its own, *defines* understanding. If (mis)interpreted in this way, the state of understanding becomes pictured as capable of being identified independently of what it means to *act* on that understanding. That idea fares no better than the causal hypothesis of the mechanism idea. As McDowell pinpoints, 'the presence of [that special] state would be independent of what it would correct to do in order to act on the understanding that the state is supposed to be. The relation of such a state to the performances that issue from it could be at best brutely causal.' (J. MCDOWELL 2009: 'Are Understanding, Meaning, etc., definite states?', in J. McDowell 2009: *The Engaged Intellect: Philosophical Essays*, p. 84.

[551] As Bridges notes in assessing the influence of Kripke's work, 'it is not an exaggeration to say' that it singlehandedly 'gave birth to a new subfield of the philosophy of mind and language' within analytical philosophy and that it thereby also revived interest in Wittgenstein's rule-following considerations and came to partly dominate discussion of them. (J. BRIDGES 2014: 'Rule-Following Scepticism, Properly so-called', p. 249.)

[552] For an overview of Kripke's followers and for a defence of his position, see e.g**.** M. KUTCH 2006: *A Sceptical Guide to Meaning and Rules: Defending Kripke's Wittgenstein*. As Kutch emphasizes, Kripke's position is also influential outside the field of philosophy; especially within the 'strong programme' within the sociology of knowledge. This tradition related to social theory, following Bloor's original contributions, continues to take an interest in sceptical interpretations of the late Wittgenstein, cf. D. BLOOR 1997: *Wittgenstein, Rules and Institutions*.

thing can be made out to accord with the rule, then it can also be made out to conflict with it. And so there would be neither accord nor conflict here.[553]

In elaborating this daring claim with regard to the 'central idea' of the *Philosophical Investigations*, Kripke concentrates specifically on Wittgenstein's denial of the 'interpretation idea' of rule-following and dramatizes it further with a pupil who keeps insisting on various deviant interpretations of the operation '+' such that the pupil feels licensed to answer '58+67' with, e.g., '5' rather than '125'. The pupil can be temporarily corrected, but as Kripke holds, she is 'free to interpret' all further instructions 'in a non-standard way'.[554]As Kripke says in arriving at his sceptical conclusions, 'it seems that no matter what is in my mind at a given time, I am free in the future to interpret it in different ways.'[555]

Regardless of the pupil's degree of training and understanding of arithmetic (or any area of conceptual judgement), it is always open to the sceptic to point out that the interpretation suggested is not the only one possible and that there are always several ways and deviant ways of consistently making sense of the merely finite segment of conceptual mastery manifested by the pupil at any given time. More specifically, Kripke takes Wittgenstein's remarks on the interpretation of rules – that each interpretation of a rule can contends us 'only for a moment' until 'yet another' is found 'standing behind it.'(*PI* §201) – to mean that Wittgenstein is asserting what Kripke calls 'a sceptical argument' that shows a global problem concerning the grounding of rules and of normative practices in general extending from 'philosophy of mathematics' to 'all meaningful uses of language'.[556] Kripke summarizes the argument that he attributes to Wittgenstein in the following way:

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[553] *PI*, §201. Kripke calls it 'the central idea' of *Philosophical Investigations* at S. KRIPKE 1982: *Wittgenstein on Rules and Private Language*, p. 80.

[554] *Ibid.*, p. 34.

[555] *Ibid.,* p. 107.

[556] *Ibid.*, p. 7. As Kripke further clarifies in holding on to his mathematical examples while insisting on their general sceptical import: 'Of course, these problems apply throughout language and are not confined to mathematical examples, though it is with mathematical examples that they can be most smoothly brought out. I think that I have learned the term 'table' in such a way that it will apply to indefinitely many future items. So I can apply the term to a new situation, say when I enter the Eiffel Tower for the first time and see a table at the base. Can I answer a sceptic who supposes that by 'table' in the past I meant *tabair,* where a 'tabair' is anything that is a table not found at the base of the Eiffel Tower, or a chair found there?' (*ibid.*, p. 19). However, in order to foreground this chapter's rejection of Kripke's interpretation, note Cavell's reaction to this passage: Why should this sceptic, seemingly obsessed with the meaning of 'tabair', be answered *at all?* That is, in what context and in which language game is the meaning of 'tabair' relevant enough for it to be required that the sceptic is answered? Cf. S. CAVELL 1990: *Conditions Handsome and Unhandsome*, p. 87.

The entire point of the sceptical argument is that ultimately we reach a level where we act without any reason in terms of which we can justify our action. We act unhesitatingly but *blindly*. […] It is part of our language game of speaking of rules that a speaker may, without ultimately giving any justification, follow his own confident inclination that this way (say, responding '125') is the *right* way to respond, rather than another way (e.g. responding '5'). That is, the 'assertability conditions' that license an individual to say that, on a given occasion, he ought to follow his rule this way rather than that, are, ultimately, that he does what he is inclined to do.[557]

In response to this sceptical problem, Wittgenstein supposedly offers what Kripke calls a 'sceptical solution'. A 'sceptical solution' concedes to the sceptic that her critique is unanswerable, but then tries to give an alternative account of ordinary practice that does not make reference to the elements that the sceptical critique has shown to be untenable.[558] On a basic level, then, the reliance of ordinary practice on normativity as genuine rational responsiveness to norms drops out of the picture as an 'untenable' illusion. Yet an *ersatz* kind of normativity is derived from the simple fact that rule-followers are subject to the peer pressure of communal agreement and susceptible to communal correction and punishment. Within this so-called 'sceptical solution', conformity to certain regularities and social patterns of action is still present, but its foundation is shown to be different from what we believed. Ultimately, it rests on no more than a convergence of the 'inclinations' of individuals:

Now, what do I mean when I say that the teacher judges that, for certain cases, the pupil must give the 'right' answer? I mean that the teacher judges that the child has given the same answer that he himself would give. […] I mean that he judges that the child is applying the procedure he himself is *inclined* to apply.[559]

Agreement and disagreement about even mathematics can seemingly only be expressed by (and can be backed up by no more than) saying 'That is my inclination too' or conversely 'That is not my inclination.' However, if that is the case, one might, as Cavell argues, begin to express puzzlement at Kripke's account by noting that this so-called 'solution' seems *more* sceptical than the specific problem about the 'interpretation idea' that it was designed to answer. [560] Yet this idea of a communal assent that is not itself answerable to or even implicated with any norms –

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[557] S. KRIPKE 1982: *Wittgenstein on Rules and Private Language*, pp. 87–88.

[558] *Ibid.,* pp. 66ff.

[559] *Ibid.*, p. 90.

[560] Cf. S. CAVELL 1990: *op.cit.*, p. 75.

an idea which therefore leaves open the sceptical possibility that ordinary practical subjection to norms is merely an illusion – has been popular. It is also, as McDowell notes, plainly expressed in Crispin Wright's interpretation of Wittgenstein:

> None of us can unilaterally make sense of the idea of correct employment of language save by reference to the authority of securable communal assent on the matter; and for the community itself there is no authority, so no standard to meet.[561]

The idea expressed by Wright captures not only the gist of philosophical rule-scepticism, but also arguably the intuition behind some forms of social constructivism, since what social constructivism seemingly wants to assert is exactly that all epistemic and moral authority takes the form of a 'securable communal assent' that is ultimately based on no more than contingent inclination. Kripke's interpretation of Wittgenstein has, in any case, been popular within the movement of social constructivism, where it has been used to argue for explicitly 'reductive' accounts of knowledge within the sociology of knowledge, just as Wittgenstein's philosophy itself is sometimes bluntly characterized as 'social constructivist'.[562] Regardless of its popularity inside and outside the narrow field of philosophy, this sceptical interpretation, however, involves a profound mischaracterization of Wittgenstein's intent, and more importantly, it hinders an appreciation of the full extent of the role of normativity in social life. As I shall argue in the following, Kripke's influential account correctly registers Wittgenstein's justified distrust of Platonism and its assertion of 'superlative' philosophical facts (*PI* §192), but its sceptical impulse blinds us to the fundamental normative features of the practices that we share.

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[561] C. WRIGHT 1982: 'Strict finitism', *Synthese* 51(2): 203–282; p. 220. Also see C. WRIGHT 1980: *Wittgenstein on The Foundation of Mathematics*, especially pp. 220ff. I am following McDowell in relating the independently developed viewpoints of Kripke and Crispin Wright, cf. J. MCDOWELL 1998: 'Wittgenstein on Following a Rule', pp. 225ff. Note, however, that while Wright holds an equally sceptical interpretation, he disagrees with the specifics of Kripke's position. Cf. for further critique of Wright, see C. DIAMOND 1995: 'Wright's Wittgenstein', in C. Diamond 1995: *Wittgenstein: The Realistic Spirit*.

[562] For an example of the blunt characterization of Wittgenstein's philosophy as 'social constructivist', see A.B. HOLM 2013: *Philosophy of Science*, pp. 122ff. and for an overview of numerous invocations of sceptical interpretations of Wittgenstein within contemporary social constructivism, see F. COLLIN 2001: *Social Reality*, especially pp. 33–49. D. Bloor – the most productive and influential defender of the Kripke's sceptical interpretation of Wittgenstein in the sociology of knowledge – explicitly deems his own account 'reductive', cf. D. BLOOR 1997: *Wittgenstein, Rules and Institutions*, pp. 134–135. Kripke's reading has even been influential within economic sociology, where the prominent scholar Donald A. MacKenzie has employed its sceptical account of rule-following to develop an approach to the rules of company accounting. For MacKenzie's work with Kripkean interpretation of Wittgenstein that he, following Crispin Wright and Barnes, terms 'Strict Finitism' see D. HATHERLY, D. LEUNG and D. MACKENZIE 2008: 'The Finitist Account' in T. Pinch and R. Swedberg (eds.) 2008: *Living in Material World: Economic Sociology Meets Science and Technology Studies* and D. MACKENZIE 2008: 'Producing Accounts: Finitism, Technology and Rule-Following', in M. Mazzaroti (ed.) 2008: *Knowledge as Social Order*.

§3. Normativity at bedrock: practice and the denial of scepticism

As noted above, it is in *PI* §201 that Wittgenstein himself comes the closest to expressing the idea that Kripke's sceptical interpretation is pushing:

> 201. This was our paradox: no course of action could be determined by a rule, because every course of action can be made out to accord with the rule. The answer was: if everything can be made out to accord with the rule, then it can also be made out to conflict with it. And so there would be neither accord nor conflict here.

Here all the elements of the sceptical interpretation are present.[563] In this passage there is a 'paradox'; there are rules that can always be variously interpreted; and there is doubt as to whether there is anything which could count as the correct way of following a rule since there could be 'neither accord nor conflict' if rules could always be interpreted differently. Yet as McDowell and others have noted, Kripke's interpretation has no way of accommodating the passage that immediately follows the already quoted part of §201:

> It can be seen that there is a misunderstanding here from the mere fact that in the course of our argument we give one interpretation after another; as if each one contented us at least for a moment, until we thought of yet another standing behind it. What this shows is that there is a way of grasping a rule which is *not* an *interpretation,* but which is exhibited in what we call "obeying the rule" and "going against it" in actual cases.[564]

Kripke takes Wittgenstein to argue that the critique of the 'interpretation idea' of rule-following makes it implausible that rules can play the role they are ordinarily taken to play in fleshing out linguistic meaning.[565] In light of the further section of §201, it seems, however, that even if Wittgenstein accepts that inference from the failure of the 'interpretation' idea to the implausibility of specifying meaning in terms of rules for correct usage, he is applying *Modus Tollens* to that inference rather than affirming its sceptical conclusion. If anything, the inferential pattern seems the exact reverse of the one attributed to Wittgenstein by Kripke: *Given* that we

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[563] Cf. S. KRIPKE 1982: *Wittgenstein on Rules and Private Language*, p. 7.

[564] *PI* §201. It is damaging to Kripke's reading that it neither offers a reading nor even quotes the continuation of §201, especially given the otherwise prominent role of its first sentences in Kripke's interpretation. Cf. J. MCDOWELL 1998: 'Wittgenstein on Following a Rule', p. 229.

[565] Kripke emphasizes that Wittgenstein's account puts in jeopardy both ordinary explanations of meaning that explain the use of a word by indicating the rules of its employment, as well as technical accounts, e.g., Chomskyan generative semantics that specifies linguistic meaning as the result of the recursive application of formal rules. S. KRIPKE 1982: *op. cit.*, pp. 71–72 n. 20.

ordinarily *do* succeed in explaining the meaning of expressions by rules, ostension and training, then the interpretation idea must be wrong and hence 'there is a way of grasping a rule which is *not* an *interpretation*' (*PI* §201).[566]

The sceptical argument that supposedly called for a 'sceptical solution' is, as §201 clearly says, based on a 'misunderstanding' and as such it does not require a 'solution' at all.[567] Kripke's interpretation recoils from the collapse of the Platonic hypostatization of rules into a sceptical conception where rules are based on nothing more than inclination. More textually, Kripke conflates Wittgenstein's denial of the 'superlative facts' of Platonism in *PI* §192 with an embrace of the sceptical paradox outlined at the beginning of *PI* §201.[568] In *RFM*, Wittgenstein even questions the sort of 'philosophical mood' that leads to Kripke's sceptical questions: 'But how does it come about that I want to ask that [sceptical question], when after all I find no difficulty in following a rule? Here we obviously misunderstand the facts that lie before our eyes. Interpretation comes to an end.'[569] What should have been seen from the very outset is, of course, that 'interpretations *by themselves* [*allein*] do not determine meaning' (*PI* §198, emphasis added).[570]

Yet even when released from its sceptical reading, *PI* §201 still prompts two interconnected questions: What is 'the way of grasping of rules which is *not* an *interpretation*'? And what, if not interpretation, grounds our confidence that rule-following will not generally come adrift in the

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[566] This point is sometimes phrased – e.g. D. PEARS 1988: *The False Prison: A Study of the Development of Wittgenstein's Philosophy*, Vol. II*,* pp. 462–467 – as saying that §201 offers a *reductio ad absurdum* of the 'interpretation idea' of rules. The application of *Modus Tollens*, however, would be the most exact characterization of how that *reductio* would work. On this isolated point, see P. HORWICH 2012: *Wittgenstein's Metaphilosophy*, p. 162.

[567] Pointing out such a 'misunderstanding' – in line with what is sometimes called Wittgenstein's "quietism" – need not be seen as anything like a "refutation" of scepticism in favour of some other substantial thesis (say, Platonism about rules). In particular, it might merely be seen as the rejection of an only seemingly compelling argument: 'Philosophizing is: rejecting false arguments [*falsche Argumente zurückweisen*]. The philosopher strives to find the liberating [*erlösende*] word, and that is the word that finally permits us to grasp what until then had constantly and intangibly weighed on our consciousness. (It's like having a hair on one's tongue; one feels it, but cannot get a hold of it, and therefore cannot get rid of it.)' (L. WITTGENSTEIN 2005: *"The Big Typescript": TS 213*, p. 302e).

[568] Cf. J. MCDOWELL 1998: 'Wittgenstein on Following a Rule', p. 243. On an even more textual level and according to Hacker's archival work, Kripke's reading is also falsified by the underlying source material of this section of *PI*, namely MS 180(a) and MS 129. The first part of §201, to which Kripke attaches such great importance, is a later addition to an otherwise coherent argument. It is thus implausible that it is the driver of the argument as claimed by Kripke. P.M.S. HACKER 2001: *Wittgenstein: Connections and Controversies*, pp. 278–279.

[569] *RFM,* VI-38.

[570] Cf. E. MINAR 2011: 'The life of the sign: Rule-following, Practice and Agreement', in O. Kuusela and M. McGinn (eds.) 2011: *The Oxford Handbook of Wittgenstein*, p. 285.

ways dramatized by the '1004, 1008, 1012' scenario? Addressing both of these questions in the following will show the presupposition of normativity at the very bedrock of human practice involved in Wittgenstein's account. As indicated, *PI* §201 notes that one ought to heed the instances of 'obeying' and 'going against' the rule in *actual cases*. The talk of 'actual cases' thereby adds to the idea already advanced in *PI* §198 and forms the basis of a further qualification in §202:

> Let me ask this: what has the expression of a rule – say a sign-post – got to do with my actions? What sort of connexion is there here? – Well, perhaps this one: I have been trained to react to this sign in a particular way, and now I do so react to it.

> But that is only to give a causal connexion; to tell how it has come about that we now go by the sign-post; not what this going-by-the sign really consists in. On the contrary; I have further indicated that a person goes by a sign-post only in so far as there exists a regular use of sign-posts, a custom. (*PI* §198)

> And hence also 'obeying a rule' is a practice. And to *think* one is obeying a rule is not to obey a rule. Hence it is not possible to obey a rule 'privately': otherwise thinking one was obeying a rule would be the same thing as obeying it. (*PI* §202)

The appeal to 'training' (*PI* §198), 'customs' (§198), 'institutions' (*PI* §199), 'actual cases' (§201) and 'practices' (§202) is a recurrent theme in Wittgenstein's aim of achieving what I earlier called a 'desublimated' account of rules. In his *Lectures on Foundations of Mathematics*, Wittgenstein insists that following a rule does not require agreement in opinions, but rather a 'consensus of *action*', and in *On Certainty* he states that 'it is not a kind of *seeing* on our part; it is our *acting*, which lies at the bottom of the language game'.[571] In the *Philosophical Investigations*, Wittgenstein phrases the point in the following way:

> "So you are saying that human agreement decides what is true and what is false?"—It is what human beings *say* that is true and false; and they agree in the *language* they use. That is not agreement in opinions but in form of life.[572]

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[571] '[Conventionalist accounts of logic have argued] that the truths of logic are determined by a consensus of opinion. Is this what I am saying? No. There is no *opinion* at all; it is not a question of *opinion*. They are determined by a consensus of *action:* a consensus of doing the same thing, reacting in the same way. There is a consensus but it is not a consensus of opinion. We all act the same way, walk the same way, count the same way. In counting we do not express opinions at all. There is no opinion that 25 follows 24 – nor intuition. We express opinions by means of counting.' (L. WITTGENSTEIN 1989: *Lectures on the Foundations of Mathematics*, pp. 183–184. L. WITTGENSTEIN 1969: *On Certainty*, §204.

[572] *PI* §241

What then, on this picture, grounds our confidence that our rule-following will not come adrift? In answering this question posed above, it is, as suggested by McDowell, appropriate to invoke a condensed but clear passage from Cavell's early diagnosis of the overall vision expressed in the *Philosophical Investigations*:

> We learn and teach words in certain contexts, and then we are expected, and expect others, to be able to project them into further contexts. Nothing insures that this projection will take place (in particular, not the grasping of universals nor the grasping of books of rules), just as nothing insures that we will make and understand the same projections [This registers Cavell's sense of the collapse of the 'Platonic' conception of rules]. That on the whole we do is a matter of our sharing routes of interests and feeling, senses of humour and of significance and of fulfilment, of what is outrageous, of what is similar to what else, what a rebuke, what forgiveness, of when an utterance is an assertion, when an appeal, when an explanation – all the whirl of organism that Wittgenstein calls "forms of life". Human speech and activity, sanity and community, rest upon nothing more, but nothing less, than this.[573]

Cavell adds that this Wittgensteinian vision of language and its foundation in the forms of agreement that Wittgenstein called 'forms of life' is a 'difficult' and even 'terrifying' vision, if not handled with care. Wittgenstein himself writes that the appeal to human agreement in forms of life 'seems to abolish logic but does not do so' (*PI* §242). What makes this vision 'difficult' and what makes it *seem* as if logic were abolished (thus a 'terrifying vision') is the temptation to see the 'whirl of organism' that constitutes our human forms of life and shared routes of interest *as leeched of all norms*. That is, to see in it only interesting correlations between the behavioural dispositions of different people, but no shared commitments and no element of normativity. This is exactly how Kripke's sceptic perceives the matter. Kripke's sceptic assumes that '*normative* specifications of proprieties of concept use' are, at this bedrock level, 'in principle intelligible only if they can be reduced without remainder to specifications of *non-normative*

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[573] S. CAVELL 2002 [1967]: 'The Availability of Wittgenstein's Later Philosophy', in S. Cavell 2002: *Must We Mean What We Say?*, p. 52. Also cf. J. MCDOWELL 1998: 'Virtue and Reason', p. 60. Helpfully – but certainly at some distance from both Cavell's and Wittgenstein's text – Thaning suggests that this 'bedrock' level sketched by Cavell may be seen as what Gadamer calls 'tradition'. While historically constituted, 'tradition', exactly like 'forms of life', is only accessible from an internal vantage point and, like forms of life, it is treated as 'given' (cf. *PI*, Part II-xi, p. 192e: 'What has to be accepted, the given, is–so one could say–forms of life.') in the sense that it grounds practical judgement. Cf. M.S. THANING 2015: *The Problem of Objectivity in Gadamer's Hermeneutics in Light of McDowell's Empiricism*, pp. 163ff.

properties.'[574] If one, in this way, sees meaningfulness as resting on the mere matching of inclinations and behavioural dispositions, one will be thrown into a picture in which 'anything goes' – even in logic and mathematics. Logic would indeed, from this perspective, seem abolished. Yet, as Wittgenstein says, logic is not abolished and nothing Wittgenstein says, in fact, leaves any doubt there is something like a *correct* extension of a rule.

The key is instead to shift the conception of this bedrock and to stop seeing it as leeched of norms. While some of the traits of human forms of life that Cavell sketches – 'sharing routes of interests and feeling, senses of humour and of significance and of fulfilment, of what is outrageous, of what is similar to what else, what a rebuke, what forgiveness, of when an utterance is an assertion, when an appeal, when an explanation' – are certainly contingent matters belonging to what Wittgenstein calls 'the natural history of Mankind', they are decisively *not* somehow free of norms.[575] As McDowell has also emphasized, it is a mistaken interpretation of Wittgenstein – and a mistake *tout court* – 'to think that we can dig down at a level at which we no longer have an application for normative notions' like that of 'following the rule'.[576] Rather, such normative notions are fundamental even if – or exactly because – they are connected with a broad array of human activities. As Wittgenstein writes:

> Following according to the rule is FUNDAMENTAL to our language-game.

> The difficult thing here is not to dig down to the ground [*auf den Grund zu graben*]; no, it is to recognize the ground that lies before us as the ground [*sondern den Grund, der vor uns liegt, als Grund zu erkennen*].[577]

How are we to understand this notion of 'recognizing the ground that lies before us *as* the ground'? As Mulhall suggests, Wittgenstein's stance on this matter reflects a larger non-foundationalist strategy to re-orient philosophical problems from 'vertical' answers to 'horizontal' investigations. In the case of 'rule-following', Wittgenstein's implicit opponent keeps looking for answers, as it were, 'vertically': in digging deeper down towards the mere

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[574] R. BRANDOM 2001: 'Modality, Normativity, and Intentionality', *Philosophy and Phenomenological Research* 63(4): 587–609; p. 605. Note that Brandom does not endorse the view that he hereby concisely ascribes to Kripke's sceptic and that the ascription is perhaps a more adequate characterization of Kripke's *sceptic* than of Kripke's own position.

[575] *PI* §415.

[576] J. MCDOWELL 1998: 'Wittgenstein on Following a Rule', p. 242.

[577] *RFM* VI–28 and VI–31, capitals in original.

matching of behavioural dispositions, or conversely, by looking to the sky for supra-empirical 'Platonic' entities. Wittgenstein's response is to direct the attention 'horizontally' outwards towards a broader array of human life. Paraphrasing the imagery of *PI* §108, Wittgenstein wants to turn the entire 'axis of reference' for 'our philosophical examination' such that it is fixed towards 'our real need.' There is, in other words, a partly anthropological aspect of Wittgenstein's conception of philosophy.[578] It is to this horizontal and partly anthropological attention to broader aspect of human life that the attention to 'training', 'customs', 'practices', etc., belongs. We cannot grasp the normative techniques of rule-following without knowing where they belong in 'our life's activities'. As Wittgenstein remarks in *RFM*:

> We should presumably not call it "counting" if everyone said the numbers one after the other *anyhow* [i.e. without training]; but of course it is not simply a question of a name. For what we call "counting" is an important part of our life's activities. Counting and calculating are not – e.g. – simply a pastime. Counting (and that means: counting like *this*) is a technique that is employed daily in the most various operations of our lives. And that is why we learn to count as we do: with endless practice, with merciless exactitude…

> Our children are not only given practice in calculation but are also trained to adopt a particular attitude towards a mistake in calculating [variation in the underlying source MS: '…towards a deviation from the norm']. What I am saying comes to this, that mathematics is *normative*.[579]

It is crucial to see that the fact that pupils are trained, that newcomers are initiated, that certain forms of behaviour are encouraged and others discouraged in certain practices, etc., are not mere *causal* conditions for rule-following. Such activities are not an 'inessential outer layer of the

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[578] Cf. S. MULHALL 2001: *Inheritance and Originality*, pp. 120–121 and J. LEAR 1998: 'Transcendental Anthropology'. The anthropological thread is illustrated by Wittgenstein's peculiar remark in *PI* §125 that even in examining the concept of 'logical contradiction,' what concerns him is the '*civil status* of a contradiction, or its status in civil life: there is the philosophical problem.' In *RFM*, Wittgenstein phrases that point with explicit reference to anthropology: 'We shall see contradiction in a quite different light if we look at its occurrence and its consequences as it were anthropologically--and when we look at it with a mathematician's exasperation. That is to say, we shall look at it differently, if we try merely to *describe* how the contradiction influences language-games…' (*RFM*, III-87) ❖ The anthropological elements of Wittgenstein's philosophy and their relevance to social theory and previously rehearsed themes of the dissertation is commented and clarified in Chap. 6, §5.

[579] *RFM* I–4, VII–63. On the relation between rules and the 'activities of our life', also note VII–67: 'We say: "If you really follow the rule in multiplying, you *must* all get the same result." Now if this is only the somewhat hysterical way of putting things that you get in university talk, it need not interest us overmuch. It is however the expression of an attitude towards the technique of calculation, which comes out everywhere in our life. The emphasis of the *must* corresponds only to the inexorableness of this attitude both to the technique of calculating and to a host of related techniques.' These remarks must be seen as fleshing out Wittgenstein's more general reminders: 'Following a rule is a human activity.' (VI–29) and 'A game, a language, a rule is an institution.' (VI–32).

phenomenon of normativity' or a blind causal condition that would leave completely untouched the very relation between the rule and its *correct* application; rather, such activities form 'the medium' through which the normative connection between rule and correct application is 'established and maintained.'[580] It is only within such determinate activities and practices belonging to human 'forms of life' (*PI* §241) that there is a context in which 'there is a way of grasping a rule which is *not* an *interpretation*' (*PI* §201). Indeed, there *must* be such a way since if normativity was entirely determined by personal interpretations, anything could accord with any rule and there would be no such thing as normativity at all.[581]

This seemingly abstract demand that there must be a way of following the rule which is not an interpretation but a practice is easily concretized by pointing to 'actual cases' (*PI* §201). Wittgenstein, for instance, points to the case of a drowning person who shouts 'Help'. In this case, it seems highly implausible to say that the drowning person considers a number of divergent rules, interprets them and arrives at the conclusion that 'Help!' is the short string of syllables most likely to bring about the desired effect.

> If I am drowning and I shout "Help!", how do I know what the word Help means? Well, that's how I react in this situation.—Now *that* is how I know what "green" means as well and also know how I have to follow the rule in the particular case. [582]

To take another of Wittgenstein's mundane examples, if a stranger asks 'What is the time?', there is, as Wittgenstein writes, no 'inner process' of 'laborious interpretation'; the practice is well-established, so I simply react and tell the time or decline to do so.[583] Similarly, if someone draws a knife on an elderly lady in a dark alley, she can, of course, reply 'I interpret that as a threat', but in that case, she is at most displaying a sign of arrogance or revealing her socialization as a philosophy professor. She is not, in any case, carrying out the speech act of faithfully reporting on the occurrence of an inner mental process of interpretation.

The example of 'sign-posts' – introduced in *PI* §85 and described above – also provides an illustrative example of a practice of rule-following. For Wittgenstein, it serves as a clear example of what it is to act in light of a conception of correctness and of displaying an understanding of

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[580] S. MULHALL 2001: *op. cit.*, p. 121.

[581] *Ibid.*

[582] *RFM*, VI–35

[583] L. WITTGENSTEIN 2005 [1974]: *Philosophical Grammar*, I-9, p. 47.

something.[584] As such, it offers, for Wittgenstein, an opportunity to free ourselves from a conceptual bind that can easily captivate thinking about such conceptions of correctness. In particular, we are, after noting the connection between following a rule and 'training' (*PI* §198), 'customs' (§198), 'institutions' (*PI* §199), and 'practices' (§202), in a position to see what is misleading about seeing sign-posts as just "standing there", i.e. seeing them as normatively inert. For the particular conceptual bind that Wittgenstein has in mind, it will, as McDowell states, seem that 'there is always a conceptual gap between the expression of the rule [the sign-post] and the performances that are up for assessment according to whether or not they conform to the rule, a gap that is made vivid by that the expression of the rule [just] standing there.'[585] Providing the sign-post with an interpretation could seem a step in the right direction since an interpretation supposedly provides what the dead arrangement of "sign-post-shaped" matter cannot itself provide, namely, a sorting of actions into correct and incorrect. But as soon as one has been captivated by the idea of normative inertness, the problem repeats itself for every interpretation of the sign-post, e.g. a pointing gesture or an interpretative translation of the sign-post that says 'Go to the right here!' Yet nothing prevents such a gesture or this utterance from also standing in need of interpretation.[586] The sort of interpretive regress thereby started is not sound.

It is true that for someone who is not party to the relevant practice of following sign-posts or minding traffic lights – someone who, say, has received *no* relevant training in such areas – they will not mean anything. But it is disastrous to think, on that account, that it is only 'signposts under an interpretation' which point in a direction. In particular, it is disastrous to think that for someone who *has* received the relevant training and who *has* been initiated in the relevant practice, sign-posts are merely boards of wood which have to be provided with an interpretation. The right thing to say is rather: For people *with* the relevant practical mastery of the norms involved, the sign-post points the way without them needing to put an interpretation on it.[587] If it is objected that it sounds trivial to say that sign-posts only point the way to people

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[584] In interpreting Wittgenstein's sign-post example (*PI* §§85, 198), I am indebted to McDowell's analysis in J. MCDOWELL 2009: 'How not to read the *Philosophical Investigations*: Brandom's Wittgenstein', in J. McDowell 2009: *The Engaged Intellect: Philosophical Essays*, especially pp. 99–105.

[585] *Ibid.*, p. 100.

[586] *Ibid.*

[587] *Ibid.*, p. 105.

party to the relevant practice of following sign-posts, then the Wittgensteinian answer is that such triviality is exactly the point. In Wittgenstein's vocabulary, it is merely supposed to serve as a 'reminder' of the kind of practice that the rule-following *is*.

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In ending my exegetical and systematic presentation of Wittgenstein's investigation of rule-following, it is instructive to note how the presented interpretation deals with the possibility of *disputes* and the role of *judgement*, since these two issues seem pertinent to the question of norms in a broader social setting that go beyond the mathematical examples that Wittgenstein's account, for better or worse, concentrates on. First, Wittgenstein's account does not imply that disputes *cannot* arise with regard to rules – in fact, they do, for instance, when we play board games that we are only somewhat familiar with. The degree to which a practice is hospitable to such disputes out tells something about the kind of practice that it is. 'Loving someone' and 'calculating the number of days until Christmas Eve' are both in a trivial sense 'practices'; that is, something to which recognizable actions of a certain type belong. Yet these practices are, of course, radically different. One such difference is precisely that the language game for describing interpersonal relations like 'love' has a high tolerance for disputes and disagreement, it contains many things to be discussed in the late hours of the night, while the language game for describing colours or doing simple arithmetic, say calculating a specific number of days, has an almost zero degree of tolerance for disagreement. This tells us something about the kind of 'customs' and facts of 'the natural history of mankind' with which these distinct practices are respectively connected.

Secondly and for similar reasons, I take it that Wittgenstein's account does not imply that the application of rules *never* requires interpretation in the specific sense of careful judgement – in fact, rules do sometimes require just that when, say, medical doctors or legal judges exercise expert judgement concerning hard cases. The degree to which a rule requires non-routine judgement tells us something about the kind of the norm that is prescribed by the rule. For instance, the fact that the rule 'treat the patients that are in most need of care first' is one that, in some cases, requires careful and non-routine judgement tells us something about the kind of norm prescribed by the rule. 'Treat the patients that are in most need of care first' reflects a norm, where it is realized that the rule itself cannot specify all eventualities and it therefore leaves room for, and even calls for, judgement. Yet that constitutes no reason to say that the

rule is 'inexact' or that it does not objectively determine the judgements that responsibly aim to be in accordance with it. It would, for instance, be possible even with no special medical knowledge to specify actions that are in objective violation of the rule. Given only slightly further medical knowledge, it might even be possible to differentiate a "parody of compliance" from reasoned judgement. Yet norms in various empirical and institutional settings may, of course, be distorted in providing insufficient guidance in all sorts of obvious ways. An unreliable medical manual from a third world country might, for instance, be "inexact" in recommending merely that *some* sort of penicillin should be administered for an infection of *Staphylococcus aureus*, whereas a reliable Western one will rightly indicate that clindamycin is preferred and that methicillin is liable to be without effect. What is, however, clear from a Wittgensteinian perspective is that different language games and contexts impose different demands as to what counts as 'imprecise' or 'inexact'. 'Stand *roughly* there' might, in context, be a perfectly unambiguous rule (*PI* §88). Equally, if clindamycin is an expensive and unavailable rarity, the third world medical manual might be making the right and most 'exact' sort of advice, given the circumstances.

In particular, such cases provide no reason to enter onto the path already deemed a dead-end by Kant, namely, the regress-inducing idea that judgements concerning applications of a rule require further and additional rules as guidance.[588] On the contrary, cases that require non-routine judgement only confirm the relevance of Wittgenstein's basic reminder of rule-following vis-à-vis the concept of interpretation. In Mulhall's rendering of that reminder: 'Talk of competing interpretations of a rule makes sense only if there already is a rule about which competing interpretations might be advanced, so those interpretations can hardly be invoked to establish its existence.'[589] Accordingly, the occasional outbreak of disputes and the need for non-routine judgement does not invite us into introducing additional elements – interpretations, the grasp of universals, psychological mechanisms, etc. – into Wittgenstein's account of rule-following. The only relevant standard for exercising such judgment and mediating such disputes remains the norm itself and the practice to which it belongs.

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[588] I. KANT 1787: *Critique of Pure Reason*, B171.

[589] S. MULHALL 2001: *Inheritance and Originality*, p. 121.

§4. Rule-following and practical reason: overcoming the deductive prejudice

The modern notion of practical reason or the ancient idea of *phronēsis*, especially if seen in light of a conception of humans as the kind of beings who are responsive to reasons, commits one to the idea that practical rationality embodies a form of *knowledge that is normatively constrained*. Such a conception has been a consistent theme throughout the dissertation and is present in the parts oriented towards the basic coordinates of social theory, as well as in those oriented towards the understanding of modern philosophy. The idea of action as based on a kind of rationally constrained form of knowledge is evident in Chap. 3 in spite of the fact that this dissertation remains critical of the highly specific, instrumental and deductive conception of rationality held by the social theory inspired by neo-classical economics. Equally, Chap. 4 uncovers how the idea of practical reason as a form of normative constraint on action *and* thinking was highly influential in German Idealism and indeed became the decisive ground for the modern ideal of freedom that Kant and Hegel simultaneously defended and historically expressed. Finally, the same view re-emerges in Chap. 5 in, for instance, Weber's Neo-Kantian view of Man as possessing an *ursprüngliche Vernüftigkeit* that expresses itself in a series of different historical forms and in different types of action which social science could rightly be said to study.

On the background of Wittgenstein's investigation of rule-following as presented above, we can now refine and come to understand a crucial point connected to this consistent theme of practical rationality that also informs parts of social theory. In particular, we can come to understand that the compelling force of norms that informs practical rationality stems from our involvement in shared forms of life and from an engagement in a multitude of practices. Considering the reading that I suggested in Chap. 4, Hegel shares this conception: It is only from *within* those historically constituted but shared forms of involvement and engagement that we can come to see the *Wirklichkeit* and compelling nature of norms. This account implies that exercises of practical rationality are *situation specific and dependent on their embeddedness in a form of life*. In the vocabulary of the 'rule-following considerations', it is only within such a context that one

knows 'how to go on', 'what to do next', 'what counts as doing "the same"', 'how to expand the series', etc.[590]

However, a particular but deep-rooted prejudice about rationality obstructs ready acceptance of this conception. This is the prejudice that McDowell has adequately termed 'the deductive prejudice of practical rationality'. Since the deductive conception of practical rationality arguably also underpins the economic rational actor approach in social theory, it is worth discussing the challenge from the deductive conception and McDowell's attempt at defusing this prejudice.[591] Within the context of this dissertation, this discussion constitutes the final clarification of the concept of practical reason endorsed here. Moreover, McDowell's argument, made in his important paper 'Virtue and Reason', broadens the perspective of rule-following and illustrates some consequences of Wittgenstein's conception within an area where one might not have expected it.[592]

In 'Virtue and Reason', McDowell examines Aristotle's conception of practical rationality as *phronēsis* and an exegetical concern for McDowell is thus that Aristotle's conception of *phronēsis*, properly conceived, avoids the deductive prejudice. More substantially, McDowell wants to maintain, with Aristotle, that a virtuous person is characterized by a particular form of sensitivity and a distinctive way of *seeing* situations, actions, persons and other appropriate objects for practical reflection.[593] McDowell thus wants to hold on to the Aristotelian idea that being culturally inculcated into a specific moral outlook creates a specific form of *attentiveness*. To a "virtuous" person – i.e. to a person who has had her powers of judgement developed in a

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[590] Cf. *PI* §§183, 208, 225.

[591] For additional argument that the rational actor approach as analysed in Chapter 3 is 'deductivist' in the relevant sense, see T. LAWSON 2001: 'Economics and Explanation', *Revue Internationale de Philosophie* 2001/3 (no. 217): 371–393.

[592] J. MCDOWELL 1998: 'Virtue and Reason', in J. McDowell 1998: *Mind, Value and Reality*. 'Virtue and Reason' is an important paper not least since it was, as de Gaynesford notes, instrumental to 'much of the impetus behind the current interest in Virtue Ethics.' (M. DE GAYNESFORD 2004: *John McDowell*, p. 39). I shall, however, not be concerned with McDowell's defence of Aristotelian virtue ethics here, but rather with a particular argumentative thread in McDowell's defence, namely the attack on 'the deductive prejudice', which draws on Wittgenstein's 'rule-following considerations'. I also disregard the exegetical questions with regard to Aristotle and the question of how McDowell's reading positions *phronēsis* vis-à-vis other key Aristotelian categories such as *technē*. On the latter question, see M.S. THANING 2009: *The Space of Dialogue: Revisiting Hans-Georg Gadamer's Philosophical Hermeneutics in the Light of John McDowell's Minimal Empiricism*, pp. 200ff.

[593] '[T]he concept of virtue is the concept of a state whose possession accounts for the actions that manifest it. Since that explanatory role is filled by the sensitivity, the sensitivity turns out to be what the virtue is.' (MCDOWELL 1998: 'Virtue and Reason', p. 52. Also see Lovibond's helpful analysis in S. LOVIBOND 2002: *Ethical Formation*, p. 13.

suitable way – the moral significance of certain situations will also be practical in the sense that she will act and respond to them as she would in making an ordinary rational conclusion about her environment. That is, McDowell holds that a moral outlook is not merely a way of *seeing* the world, but that it is also immediately *practical* since the virtuous person's attention to particular features of situations may in a 'straightforward and non-elliptical way' explain why that person undertook a particular action (without necessarily taking detour of appealing to other additional motives, preferences, subconscious drives, etc.). [594] This broadly Aristotelian conception upholds the objectivity and normative role of practical rationality despite its situational dependency and its reliance on a culturally shaped outlook that does not allow for characteriza-tion via universal and context-independent principles. This intricate combination of practical rationality as at once situationally specific and yet capable of genuine normative guidance is, however, unacceptable to the so-called deductive conception.

On the deductive conception, the sort of rationality exhibited in competent action is wholly unproblematic since it is of a purely deductive kind. The idea is that action follows from explicit premises of a deductive power that allows for straightforward deductive inference, 'presumably in some such form as this: "In such-and-such conditions, one should do such-and-such".'[595] More explicitly, this conception adopts a "rule"-"case" model of practical rationality that sees action as the result of a practical syllogism in which the major premise states a universal rule of conduct and the minor premise that such-and-such conduct is feasible in this particular present circumstance. From these premises the judgement that such-and-such is to be done follows as the deductive conclusion.[596] Although McDowell takes this deductive conception to be a deep-rooted philosophical prejudice, the social scientific framework provided by rational actor theory seems to provide the best possible example of this conception. What rational actor theory suggests is precisely that action is guided by general, context-independent and explicit rules ranking preferences (the major premise) and various opportunities presented to a particular agent (the minor premise) with a particular action following deductively from these premises. Chap. 3 presented a series of objections to this conception, but in this context its crystalline

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[594] *Ibid.* and J. McDOWELL 1998: *op. cit.*, pp. 56–57. I am indebted to Lovibond's account of this point.

[595] J. McDOWELL 1998: 'Some issues in Aristotle's moral psychology', in J. McDowell 2002: *Mind, Value and Reality*, p. 27.

[596] J. McDOWELL 1998: 'Virtue and Reason', pp. 57–58.

account of practical rationality presents a challenge for the situation specific account of practical reason described above: If exercises of practical rationality are not applications of such a universal type of knowledge and normative constraint, how can such exercises deserve the name of rationality? Does rationality not require that actions are constrained by context *independent* and *explicit* principles, so that, for instance, consistency between preferences and choices can be clearly surveyed? On the deductive account, an appropriate conception of practical reason simply cannot combine situation specificity with its claim to knowledge and genuine normative constraint, and it therefore insists instead on seeing rational action as flowing deductively from the application of context-independent principles.

In order to defuse this deductive conception of practical rationality, McDowell first reminds us of its arguably excessively high standard for characterizing something as an instance of 'reasoning'. What the deductive approach claims, in a manner surely not foreign to post-Kantian thinking as such, is 'that acting in light of a specific conception of rationality must be explicable in terms of being guided by a formulable universal principle.'[597] The controversial part of this requirement concerns the deductive powers required of these principles, which should serve as the major premise in the schema of practical reasoning that supposedly underlies action on the deductive conception. These principles would have to reflect a completely *codifiable* form of knowledge, that is, they would have to be formulated in 'universal terms, with all conditions made explicit.'[598] However, as Aristotle remarked in the *Nicomachean Ethics*, even the best approximations for correct practical conduct are merely rough generalizations:

> …all law is general, but concerning some matters it is not possible to speak correctly in a general way. In those cases, then, in which it is necessary to speak generally, but it is not possible to do so correctly, the law takes what is for the most part the case, but without being ignorant of the error involved in so doing. And the law is no less correct for all that:

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[597] *Ibid.*, p. 58. As seen in Chap. 3, preference rankings are often controversially assumed to be *complete*, *reflexive* and *transitive* exactly in order for such rankings to acquire the deductive strength required of the major premise.

[598] J. MCDOWELL 1998: 'Some issues in Aristotle's moral psychology', p. 27. While this is itself an incredible doctrine, the conception of rational actor theory does meet such a condition by postulating that agents possess a complete and transitive ordering of preferences, or alternatively, that they possess several but jointly complete sets of rankings each relativized to a certain type of situation. As McDowell himself emphasizes, although not apropos of rational actor theory, conceptions that privilege 'sets of rankings' fall prey to the 'deductive prejudice', cf. J. MCDOWELL 1998: 'Virtue and Reason', p. 68. ❖ Also see Chap. 3, §3.

the error resides not in the law or in the lawgiver but in the nature of the matter at hand. For such is simply the stuff of which actions are made.[599]

Following Aristotle's characterization of actions ('such is simply the stuff of which actions are made'), McDowell thus argues that no conception of 'how to live', of 'how to act' and, specifically, no conception of how to live well, prudently, ethical or happily can meet this requirement of complete codifiablity. Such conceptions seem essentially *uncodifiable*, situation specific and relative to particular, culturally inculcated moral outlooks.[600]

However, if we uphold the commitment to the deductive conception, this creates a troubling dilemma that stands in need of dismantling.[601] *Either* further reflections or conceptual analysis must show that actions are, after all, guided by universal rules of the required deductive strength, even though they do not appear to be; *or*, in the absence of such a further account (which does not seem forthcoming), we lose grip on the idea that there is anything like being guided by practical reason at all. At this point Wittgenstein's rule-following considerations, somewhat surprisingly, show themselves pertinent to an appropriate conception of practical reason, and McDowell mobilizes Wittgenstein to avoid the dilemma by showing that it is founded on an illusion:

> The illusion is the misconception of the deductive paradigm: the idea that deductive explicability characterizes an exercise of reason in which it is, as it were, automatically compelling, without dependence on our partially shared "whirl of organism".'[602]

More specifically, McDowell utilizes the rule-following considerations to emphasize that even cases in which there *is* an explicit and completely *codifiable* rule like "Add 2" or "Only purple things should be called 'purple'", they rely on shared practices belonging to human forms of life

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[599] ARISTOTLE 2011: *Nicomachean Ethics* (trans. Bartlett and Collins), 1137b13–2. Also see *ibid.*, 1094b13–21.

[600] 'If one attempted to reduce one's conception of what virtue requires to a set of rules, then, however subtle and thoughtful one was in drawing up the code, cases would inevitably turn up in which a mechanical application of the rules would strike one as wrong—and not necessarily because one had changed one's mind; rather, one's mind on the matter was not susceptible of capture in any universal formula.' (J. McDOWELL 1998: *op. cit.*, p. 58.)

[601] In making out this 'dilemma', I am relying on Thaning's commentary, cf. M.S. THANING 2015: *The Problem of Objectivity in Gadamer's Hermeneutics in Light of McDowell's Empiricism*, pp. 164–165. Commentary on this point in 'Virtue and Reason' is also provided by S. LOVIBOND 2002: *Ethical Formation*, pp. 31ff. and for a critical but balanced account see A-M. S. CHRISTENSEN 2009: 'Getting it right in ethical experience: John McDowell and Virtue Ethics', *Journal of Value Inquiry* 43(4): 493–506; especially pp. 497ff.

[602] J. McDOWELL 1998: 'Virtue and Reason', p. 63. "Whirl of organism" is McDowell's allusion to Cavell's characterization of Wittgenstein's concept of 'forms of life' also quoted above, cf. S. CAVELL 2002 [1967]: 'The Availability of Wittgenstein's Later Philosophy', p. 52.

for their comprehensibility. It is impossible to evaluate what might count as the correct application of the term 'purple' independently of considering the kinds of situations in which it makes sense to consider whether or not some object should be called 'purple', and independently of the kind of way in which that question, in its practical context, becomes relevant to address at all.[603] As carefully rehearsed in above sections of this chapter, even the rule "Add 2" depends on basic forms of human agreement and practices without being robbed of the sense in which there is an objectively correct way of adding 2.

In invoking Wittgenstein's 'rule-following considerations', McDowell thus reminds us that if the application of even mathematical rules like "Add 2" rely forms of life and initiations into certain practices without thereby having their objectivity and compelling nature destroyed, then surely we should resist the temptation to dismiss the rational character of situation specific practical judgement solely because such judgement is also reliant on certain forms of life. Although McDowell is not very explicit about this, McDowell's point in invoking Wittgenstein's emphasis of our 'dependence on our partially shared "whirl of organism"' is not that deductive inferences are unrelated to practical rationality; the capacity to make valid deductive inferences is important in practical life as well as theoretical thinking. The point is that the aspects singled out by the deductive paradigm do not exhaust rationality. Its ambitions of comprehensiveness must be tempered. In particular, it must neither blind us to nor bar us from characterizing perfectly well-grounded, normatively constrained actions as fully legitimate exercises of practical rationality.

There is, as Wittgenstein phrases it during his lectures, an 'enormous temptation' to let the mathematical and the deductive serve not merely as a paradigm of logical compulsion, but as defining of all the kinds of normative constraints found in our language games.[604] As we have seen, Wittgenstein devotes particular attention to this 'temptation' and to the form of

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[603] For an argument to this effect drawing on Wittgenstein and McDowell, see S. BROCK 1986: 'Wittgenstein mellem fænomenologi og analytik – Om betingelserne for at opnå forståelse af handlinger og af kultuer', in S. Brock and K.K. Hansen (eds.) 1986: *Sprog, Moral & Livsform: Ludwig Wittgensteins Filosofi*, pp. 131ff. That correct identification of 'purple' things or patches belongs in the large group of language games where colour identification has a *human and practical point* does not in any way threaten the certainty and objectivity of ordinary colour identification. On the contrary: 'We know, with the same certainty with which we believe *any* mathematical proposition, how the letters A and B are pronounced, what the colour of human blood is called, that other human beings have blood and call it "blood".'(L. WITTGENSTEIN 1969: *On Certainty*, §340.)
[604] L. WITTGENSTEIN 1989: *Lectures on the Foundations of Mathematics*, p. 144.

normativity found in mathematical rules. The main bulk of the interpreters of Wittgenstein's remarks on rules follow these footsteps. This attention is no doubt well-placed, and not only because the seemingly inexorable rigour of such rules stand in need of clarification. In addition, if the 'rule-governed nature of our languages permeates our life' then mathematical rules will also be partly revelatory of our life with language.[605] Yet it is less noticed that the special character of mathematical rules should also highlight another fact for us, namely, that neither all forms of language nor all exercises of practical rationality can be characterized by means of them. As Cavell pinpoints, the use of ordinary concepts is particularly different to the extension of a mathematical formula in that it 'does not form a series', that is, ordinary concepts 'do not determine the first, or the succession, or the interval of their instances.'[606] In comparison with mathematics and clear cases of deduction, ordinary concepts can thus seem imperfect, deficient in rigor and as lacking 'something more'. Ordinary concepts are, however, not inferior to mathematics for they match it 'in precision, in accuracy, in the power of communication', even if they do not match the abstract generality of mathematical concepts.[607] The idea of 'something more', then, is exactly what Wittgenstein diagnoses as a 'sublime' conception of rules, and the rule-following considerations can, it seems to me, be interpreted as making such a 'sublime' conception unattractive by showing that it does not even fit the mathematical cases that inspire it. It is also, I would hold, this feature of Wittgenstein's account that McDowell's attack on the deductive prejudice brilliantly exploits: Even the mathematical cases rely on human practices, shared routes of actions and agreement in judgements in order to be compelling.

In the exercise of practical rationality, we can, as Thaning emphasizes, 'convince others in situations where the deductive paradigm finds no application.' We can give 'skilfully presented characterizations' and 'offer general considerations', and even 'if none of this adds up to a deductive proof it still counts as reasoning.'[608] Thaning's emphasis of the possibility of 'convincing others' and of making 'skilful presentations' of moral concepts highlights the discursive element of practical rationality, or to borrow Cavell's words, 'its power of accuracy' in actual communication. While practical rationality is, on this account, akin to what Ryle calls

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[605] L. WITTGENSTEIN 1977: *Bemerkungen Über Die Farben / Remarks on Colour*, III–302, p. 57e.

[606] S. CAVELL 1990: *Conditions Handsome and Unhandsome*, p. 90.

[607] *Ibid.*

[608] M.S. THANING 2015: *op. cit.*, p. 165. Also cf. J. MCDOWELL 1998: 'Virtue and Reason', p. 65.

knowing-how in resisting universal rules, it is not a form of knowledge that resists discursive presentation, like knowing how to swim or how to ride a bike.[609] The conception leaves plenty of room for the development of the verbal and discursive capacity that is, in fact, brought into play in our frequent agreements and disagreements about what to do, even if such discussions deal more in concrete situations than in universal rules.[610]

In summary, McDowell develops Wittgenstein's desublimated view of rules as relying on human forms of life in articulating an arguably equally desublimated account of practical rationality. The deductive prejudice, in this light, holds a *sublime* view of practical rationality that imposes excessive and illusory demands on what can be taken to count as 'rational'.[611] From a 'sublime' picture of practical rationality, one is easily led into two equally dangerous directions: *Either* into an overly ideal characterization of social action that holds that our practical dealings with the world are characterized by an ideal form of deductive inference, *or* into an overly pessimistic account that sees reality as falling radically short of the ideal, and which thereby dismisses the situational judgements of ordinary praxis as irrational. If we set demands for practical rationality too high, most actions will seem to us as driven by irrational emotion or false consciousness; and if we set the demands such that they exceed what can be achieved from the internal vantage point of our form of life, there will be no notion of rationality or objectivity left at all. However, once we are liberated from the deductive prejudice, there is no longer any need to fit practical rationality into the procrustean bed of deductive inference, and we can come to see practical rationality as the normative capacity that it is. Practical rationality is an *inherently normative capacity* not in spite of, but exactly because of its situational dependency; it is, as McDowell states, 'the ability to recognize requirements that situations impose on one's behaviour.'[612]

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[609] Cf. G. RYLE 1963 [1949]: *The Concept of Mind*, especially pp. 28–32. Also cf. S. LOVIBOND 2002: *Ethical Formation*, p. 30.

[610] *Ibid.*

[611] ❖ Note the parallel to the critique of the neo-classical conception of rationality in Chap. 3, §5

[612] J. MCDOWELL 1998: 'Virtue and Reason', p. 52.

§5. Rule-following and the fact/value-divide: the blurring of the normative, normal and natural

> Instead of the unanalysable, specific, indefinable: the fact that we act in such-and-such ways, e.g. *punish* certain actions, *establish* the state of affairs thus and so, *give orders*, render accounts, describe colours, take an interest in others' feelings. What has to be accepted, the given – it might be said – are facts of living [*Tatsachen des Lebens*].[613]

As Jonathan Lear has argued, the 'anthropological strains in Wittgenstein's later philosophy provides a way of focusing on a central problem in the history of post-Kantian philosophy.'[614] That central problem, as Lear rightly points out, concerns the relationship between fact and norm and the relationship between empirical social science and philosophy. Ever since Hegel's critique of critical philosophy, it has seemed that Kant's attempts at a purely formal philosophy could not succeed in holding apart considerations of the transcendental, the *quid juris*, from investigations of the empirical, the *quid facti*.[615] An essential tension in post-Kantian thinking, which Lear takes Wittgenstein's work to epitomize, thus concerns how one can uphold the no doubt still necessary distinction between facts and norms under the pressure from the critique of Kantian and pre-Kantian philosophy. This topic was, of course, also the one already broached in the very first pages of this dissertation (see Chap. 1, §1).

The tension thereby created in post-Kantian thinking has thus been a consistent theme in this dissertation. At a much more detailed and elaborate level than Lear's account, Chap. 4 shows that while Hegel entrenched Kant's 'differential epistemology' by affirming that there is a discontinuity between the causal explanation of behaviour and the rational assessment of actions, he also emphasized the importance of the actual social arrangements that he labelled *Sittlichkeit*. Hegel thus affirmed Kant's normative idea of freedom as responsiveness to reasons, but also tied this idea to a kind of *quid facti* by stressing that the normative force of reasons impinges on us only as participants of historically situated forms of life (see Chap. 4., §§6-8). Chap. 5 illustrates the same sort of entanglement between the factual and normative. In particular, its historical analysis of Durkheim's and Weber's Neo-Kantianism shows their attempt and struggle to conceive of values and norms as immanent features of social reality

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[613] L. WITTGENSTEIN 1998 [1980]: *Remarks on the Philosophy of Psychology I-II*, Vol. I, §630.

[614] J. LEAR 1998: 'Transcendental Anthropology', in J. Lear 1998: *Open Minded*, p. 254.

[615] *Ibid.*

without thereby committing the naturalistic fallacy or elevating norms into abstract critical prescriptions. On the one hand, they wanted to claim, as Durkheim programmatically wrote, that 'moral facts are phenomena like any others.'[616] On the other hand, however, they insisted that they were thereby neither reducing norms to naturalistic facts nor conflating fact and value. As Weber wrote, he found the conflation of fact and value 'unacceptable' and Durkheim stressed that a sociological reduction of Might to Right would be 'absurd'.[617] In so far as they adhered to the Neo-Kantian concept of culture as at once normative and factual, they had no choice but to take this stance. From the perspective (and prejudices) of traditional philosophy, however, the combination of these two claims, which seemingly belong to the different realms of the philosophical and the empirical, remains uneasy at best.

The final section of this chapter follows Lear's diagnosis of the pertinence of Wittgenstein's philosophy to this central but uneasy post-Kantian relationship between facts and norms. The claim advanced is that Wittgenstein relocates normative determination and places it within history and society without thereby conflating it with empirical determination and communal consensus.[618] Without resolving the tension or annihilating the difference, Wittgenstein thereby sets into perspective the repeated attempts in post-Kantian social theory to handle the tension between fact and norm adequately.[619] In particular, the section outlines Wittgenstein's insistence on a relative entanglement of normativity and facts about social practices by analysing the

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[616] É. DURKHEIM 2013 [1893]: *The Division of Labour in Society*, p. 1.

[617] Cf. the previously quoted passage from Weber: 'I find it *unacceptable* when the highest problems concerning *values* are mixed up with the question *why* the price of pork in Berlin today is x pfennig…' (M. WEBER 2012 [1911]: 'Letter to Heinrich Rickert (Around 24 July 1911)', in H.H. Bruun and S. Whimster (eds.) 2012: *Max Weber: Collected Methodological Writings*, p. 403.). Durkheim's authorship can no doubt be read as going further towards a reduction of normative force to social factors. Yet when pressed on the issue, Durkheim responded: 'I did not say that the moral authority of society derives from its role as moral legislator; that would be *absurd* ... The term 'moral authority' is opposed to material authority or physical supremacy.' (É. DURKHEIM 2009 [1951]: *Sociology and Philosophy*, p. 37, emphasis added). On the preceding page (p. 36), Durkheim stresses that only utilitarianism would be prone to such a conflation.

[618] Cf. S. MULHALL 2001: *op. cit.*, p. 121.

[619] Interestingly, Raffnsøe's broad historical investigation of the development of Western forms of rationality confirms Lear's verdict concerning the relevance of Wittgenstein's rule-following considerations to this larger question in post-Kantian theory. See S. RAFFNSØE 2002: *Sameksistens uden common sense*, Vol. II, pp. 237–260 and Vol. III, pp. 132–141. In summarizing an aspect of his historical analysis, Raffnsøe thus argues that Wittgenstein's conception of rules expressed a larger 20th century realization that the 'status of normativity' had to be reconceived (Vol. II, pp. 237–260). Previously, Raffnsøe argues, one had at times tended to conceive normativity as 'divine law'; as something which 'transcended the social' and which had the form of fixed 'commands' that a community could merely 'execute'. But with the development in post-Kantian thinking epitomized by Wittgenstein, it became clear that actual, historical communities were themselves responsible for the norms to which they held themselves (Vol. III, pp. 135ff.).

anthropological thread in Wittgenstein's philosophy that connects the normative to 'the natural' and to 'human agreement'. In making this interweaving of the normative, normal and natural explicit, I will add to Lear's account by accentuating the point concerning the relation between language games, regularities and agreement articulated in the work of Cora Diamond.[620]

Wittgenstein's later work is scattered with accounts of what foreign tribes might do in various circumstances. As Wittgenstein stresses, such accounts are instructive as 'objects of comparison' (*PI* §130) that serve to bring out the distinctiveness of our own practice and life with concepts. As Lear argues, Wittgenstein's later work thus seems to invite a sort of anthropological and naturalistic outlook, while clearly insisting on providing a distinctive kind of philosophy.[621] In articulating this outlook, the *Philosophical Investigations* uses the notion of 'natural history':

> Commanding, questioning, recounting, chatting, are as much a part of our natural history as walking, eating, drinking, playing.

> What we are supplying are really remarks on the natural history of human beings; we are not contributing curiosities however, but observations which no one has doubted, but which have escaped remark only because they are always before our eyes.[622]

The naturalism invoked here is not the sort of naturalism belonging to a natural science that would put forward causal hypotheses in order to explain certain forms of conduct, experience and concept use.[623] As Lear writes in stressing that point:

> The general regularities in nature allow us to talk of causes, but one must abandon as fictitious the idea that there is agency to be found in them. We cannot similarly treat our meaning something by our utterances as an acceptable *façon de parler*.[624]

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[620] C. DIAMOND 1989: 'Rules: Looking in the Right Place' in D.Z. Phillips and P. Winch (eds.) 1989: *Attention to Particulars*.

[621] J. LEAR 1998: *op.cit.*, p. 254. The anthropological interest in Wittgenstein's philosophy is also witnessed by Wittgenstein's excursus into religious anthropology in L. WITTGENSTEIN 1993: 'Remarks on Frazer's Golden Bough', in J. Klagge and A. Nordmann (eds.) 1993: *Ludwig Wittgenstein: Philosophical Occasions*. For exegetical commentary on these remarks, see the excellent contributions to the recent L. ALBINUS, J.G.F. ROTHHAUPT and A. SEERY (eds.) 2016: *Wittgenstein's Remarks on Frazer: The Text and the Matter*.

[622] *PI* §25 and §415.

[623] Cf. *PI* §§ 81, 89 and *PI*, Part II-vii.

[624] J. LEAR 1998: 'The Disappearing "We"', in J. Lear 1998: *Open Minded*, p. 296.

Wittgenstein's naturalism is, then, rather to be characterized as being of an anthropological type. As his account of rules rehearsed above shows, Wittgenstein's approach to philosophical problems is anthropological at least in the minimal sense that it asks what kind of particular "world" – what kind of customs, institutions and practices – makes it sensible to adopt a particular technique. [625] As Lear suggests, philosophy, as traditionally practiced, has been characterized by an ambition to get at a *non-local* perspective on what things are *really* like. As a negative gesture, Wittgenstein's quasi-anthropological method radically undermines that picture by emphasizing that the examination of any given concept will at least partly be an investigation of the kind of localizable practices, forms of life and human interests to which that concept makes a difference. The use of anthropological imagery is, however, 'not confined to pointing out the futility of this hope' harboured by traditional philosophy.[626] It also has a related positive aim. It aims to bring into prominence 'a general interweaving of the normative, the normal, and the natural.'[627]

§5.1. Language games and regularities: The normal and the natural. The relation between language games, the normal and the natural is most clearly articulated in §142 of the *Philosophical Investigations*. Here Wittgenstein writes:

> It is only in normal cases that the use of a word is clearly prescribed; we know, are in no doubt, what to say in this or that case. The more abnormal the case, the more doubtful it becomes what we are to say. And if things were quite different from what they actually are—if there were for instance no characteristic expression of pain, of fear, of joy; if rule became exception and exception rule; or if both became phenomena of roughly equal frequency—this would make our normal language-games lose their point.—The procedure of putting a lump of cheese on a balance and fixing the price by the turn of the scale would lose its point if it frequently happened for such lumps to suddenly grow or shrink for no obvious reason.[628]

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[625] This form of quasi-anthropological questioning as an analytical strategy in Wittgenstein is stressed by O. LAGERSPETZ 2013: "'Dirty' and 'Clean', and the dialectic between practices and facts" in Y. Gustafsson, C. Kronqvist and H. Nyan (eds.) 2013: *Ethics and the Philosophy of Culture: Wittgensteinian Approaches*.

[626] J. LEAR 1998: 'Transcendental Anthropology', p. 248

[627] S. MULHALL 2001: *Inheritance and Originality*, p. 103.

[628] *PI* §142. Wittgenstein explicitly emphasizes the significance of §142 by stating that '[t]his remark will become clearer when we discuss such things as the relation of expression to feeling, and similar topics.' Its significance is clearly brought out by C. DIAMOND 1989: 'Rules: Looking in the Right Place', pp. 16ff.

The import of Wittgenstein's remark is that our uses of language are attuned to what people normally do *and* to very general facts of nature. If language use was not in this way attuned to a communal life (in which, e.g., measuring and selling play vital roles) and to very general facts of nature (that excludes, e.g., that medium-sized objects like lumps of cheese change radically in size for no apparent reason), then our language games would, as Wittgenstein writes, lose their *point*. Yet as Diamond has pinpointed, there are two rather different ways of interpreting that claim.

One interpretation, which Diamond attributes to Baker, holds that Wittgenstein is saying that no regularities, whether natural or communal, are necessary conditions for establishing something as a metric unit of measurement. 'The utility, not the possibility', writes Baker, 'of metric concepts presupposes such regularities'.[629] On this interpretation, our language game of 'weighing' would lose its utility if objects behaved erratically in changing size and weight, or if we were not mutually attuned in our practices of measuring, but the language game itself and its concepts could retain the same basic structure. There would, in this instrumental sense, be no "point" to our normal concept of a weight, but presumably the metric concepts involved could remain intact even if they would be instrumentally useless under these abnormal circumstances. On this interpretation, there are two analytically distinct elements – our concepts and the normal circumstances of their use – and Wittgenstein's analysis could be seen as emphasizing the connection between these two elements through the relation of functional or practical utility.

Yet unlike Baker, Wittgenstein does not write that our normal *concept* of weighing would lose its point under the abnormal circumstances sketched in §142, but that the very 'procedure of putting a lump of cheese on a balance and fixing the price by the turn of the scale would lose its point.' As both Diamond and Mulhall emphasize, this indicates that the Wittgensteinian aim is to rather say that a radical abnormality of circumstances deprives us of the concept *altogether*.[630] Wittgenstein is withholding talk of specific concepts here, since the entanglement of language, normal and natural is much stronger than Baker suggests. Given this rendering, it is in fact *not* such that there are two analytically distinct elements – language games with normative standards

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[629] G.P. Baker quoted in *ibid.*, p. 17. This interpretation, however, is not unique to this early piece by Baker; it is arguably the standard interpretation.

[630] *Ibid.*, p. 19 and S. MULHALL 2001: *op. cit.*, pp. 100ff.

for the application of metric concepts *and* the empirical circumstances merely surrounding the use of such standards. Wittgenstein's aim is rather to negate the idea of the analytical distinctness of these two elements. As Diamond writes while commenting on a similar passage from *Zettel* (1967) that makes the same point vis-à-vis colour-terms, Wittgenstein's aim is to deny

> …the idea that there being a complex life with colour terms, a life involving agreement, is one thing, and that our having our colour concept is *something else,* standing or not standing in a relation of logical or conceptual dependence to that complex life involving agreement.[631]

Wittgenstein's target, on Diamond's reading, may thus come to be seen exactly as the idea entertained by Baker, namely that we could somehow separate the normative technique of measuring from its normal employment as embedded in general natural facts and human practice. Not leading our complex life with weights and measurement, embedded as it is in natural regularities and human agreement, does not mean, as Baker suggests, that our normal concept of weight would be impractical; it means not having *that* concept at all.[632]

Diamond instructively uses this significant tightening of the relation between normal, natural and normative to describe the form of agreement that characterizes rule-following. She rightly stresses that Wittgenstein's idea of agreement [*Übereinstimmung*] is not the standard idea of communal consensus as in 'Smith thinks that such-and-such and so do we'. On the contrary, the relevant form of agreement is a more pervasive one that makes mutual critique and the correcting of mistakes possible:

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[631] C. DIAMOND 1989: *op. cit.*, p. 19. Specifically, Diamond is commenting on L. WITTGENSTEIN 2007 [1967]: *Zettel*, §351: "*If* humans were not in general agreed about the colours of things, if undetermined cases were not exceptional, then our concept of colour could not exist.' No: our concept *would* not exist.'

[632] In order to see the extent to which that is so, Mulhall suggests to fill out the details of Wittgenstein's mundane vignette of weighing lumps of cheese under abnormal conditions, cf. MULHALL 2001: *op. cit.*, pp. 100ff.: If a tribe in fact used a weight to fix the price of cheese under these circumstances, a series of questions might be asked: How do customers react if the cheese changes in size while on the scales that fix the price? How does the shopkeeper pay his cheese suppliers? How do members of this tribe make sure that they bought enough cheese for four people? Does this happen to other food-items as well? And if so, how do they follow recipes? All such questions can be given specific answers and none of these answers prohibit us from using the concept of 'weighing' to characterize whatever the tribe is doing, but it is characteristic of the normal concept of 'weighing' that *none* of these questions arise at all. If these questions arose frequently, our concept of weighing would not be the concept that it is. For similar examples that also seem to support Diamond's and Mulhall's reading, see *RFM*, I–4, 5, 148–150.

[The relevant form of agreement is one which comes out] in an enormous number of ways. In fact, we are not just trained to go '446, 448, 450' etc. and other similar things; we are brought into a life in which we rest on, depend on, people's following rules of many sorts, and in which people depend on us: rules, and agreement in following them, and reliance on agreement in following them, and criticising or rounding on people who do not do it right - all this is woven into the texture of life; and it is in the context of its having a place in such a form of human life that a 'mistake' is recognisably that.[633]

From the perspective of traditional philosophy, the normative bindingness of concepts could seem to be threatened by a collapse into relativism if they are placed within such a 'texture of life'.[634] Yet the point of anthropologically imagining other foreign tribes or conditions under which cheese lumps change in size is *not* to imply that, say, our idea of correct measurement or the law of non-contradiction are mere deeply held tribal beliefs of ours.[635] As Lear argues, the use of anthropological examples in Wittgenstein rather serves a non-relativistic and almost "transcendental" function:

There are certain truths about us which, though they must be expressed anthropologically, are not confined to any particular form of life. […] For example, the reflective philosophical claim that what correct measurement is is itself dependent on our interests, desires, practices is not supposed to be a local claim about what constitutes correct measurement around here. Nor is it a universal sociological claim about human groups. It is a philosophical claim about the constitutive conditions of a form of life.[636]

In summary, the descriptions of, for instance, alternative measurement practices are thus supposed to further clarify what the discussion of rule-following rehearsed above also stressed, namely that the normative stances that we adopt towards tasks, issues and persons are not intelligible in isolation and 'do not exist in a void, sealed off from the other interests, aims,

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[633] C. DIAMOND 1989: *op. cit.*, p. 27.

[634] Wittgenstein does indeed present examples that invite a relativistic reading. In *RFM*, for instance, Wittgenstein offers an account of a seemingly rational foreign tribe that does not measure timber by its volume, but instead piles lumber 'in heaps of arbitrary, varying height' and sell it at 'a price proportionate to the area covered' (*RFM*, I–149). Yet as A-M. S. Christensen has argued in a recent lecture on the non-relativistic implications of these quasi-anthropological accounts, Wittgenstein seems consistently agnostic with regard to the question of whether such alternative measurements are really intelligible. The point of these accounts is rather to bring into focus the presuppositions of what 'measuring' is as such. A-M. S. CHRISTENSEN 2013: Unpublished lecture at a symposium on Wittgenstein's 'Remarks on Frazer' at Aarhus University, 4 April 2013. Also see A-M. S. CHRISTENSEN 2016: 'It's a kind of magic', in L. Albinus, J.G.F. Rothhaupt and A. Seery (eds.) 2016**:** *Wittgenstein's Remarks on Frazer: The Text and the Matter* and C. DIAMOND 2013: 'Criticizing from "Outside"', *Philosophical Investigations* 36(2): 114–132.

[635] J. LEAR 1998: 'Transcendental Anthropology', p. 254.

[636] *Ibid.*, p. 276.

projects, and practices of a community.'[637] Lear emphasizes that this Wittgensteinian attitude puts post-Kantian thinking in an uneasy position with regard to clarifying the relationship between philosophical inquiry and empirical social science, but at least it shows that just as social science and especially social theory has often supported itself by means of a philosophical vocabulary, so too must philosophy lend itself to an anthropological and historical vocabulary in order to express parts of its subject matter adequately. As Raymond Geuss appositely concludes in a work that situates itself mid-way between philosophy and social theory, one *can* draw the distinction between the factual and the normative in *any* particular context, but both disciplines ought to heed that it is neither helpful nor informative to do so in *all* contexts.[638]

§6. Conclusion: pictures of normativity

Commenting on the rules of chess in a rarely quoted passage from a 1934 lecture, Wittgenstein indicates that it is tempting to see these rules as following from our idea or concept of the king or the bishop, etc., but that this is mistaken. It is rather, Wittgenstein says, the rules that constitute the ideas and concepts of the particular chess pieces. He ends by stating that the 'rules constitute the "freedom" of the pieces.'[639] This remark is not Wittgenstein's most precise, but its allusion to the Kantian idea of freedom by constraint offers a good starting point for a concluding summary of the pictures of norms that is offered by Wittgenstein's more mature reflections on rules. The mature reflections indeed seem perceptive of two intuitive pictures of

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[637] J. LEAR 1998: 'The Disappearing "We"', p. 298.

[638] R. GEUSS 2008: *Philosophy and Real Politics*, p. 17. Geuss' theoretical point registers the mundane observation made by post-Wittgensteinian studies of ordinary moral discussions. Christensen, for instance, has thus argued that once we realize, with Wittgenstein, that ordinary moral discussions have to be seen in context, we also see that normative and descriptive statements begin to blur. Imagine, for instance, a sister urging her brother to visit their elderly father more often. She might, of course, try to persuade him by means of reasons using an explicitly normative vocabulary like "You ought to visit him more", "It is the right thing to do". She might even appeal to principles emulating those of Kantian moral philosophy like "Any child ought to follow the maxim of visiting their parents." But statements that are superficially descriptive certainly also belong in this language game, e.g. "He is old and does not get many visits", "You are his favourite child", "He will feel sad, if you don't", or "You have plenty of time." While the latter statements are superficially or grammatically descriptive, there is a variety of circumstances in which they count as normative reasons nonetheless. As Christensen writes commenting on a similarly constructed example: '… we cannot separate the factual and the evaluative dimension of the reasons, because even if the meaning of her sentences appears, in principle, to completely descriptive, any understanding of them must incorporate both their descriptive content and her particular purpose in offering them […] In general, we can only understand the use of reasons in ethics if we look at them placed within a context that provides them with a particular point.' (A-M. S. CHRISTENSEN 2011: 'Wittgenstein and Ethics', p. 808).

[639] L. WITTGENSTEIN 2001: *Wittgenstein's Lectures: Cambridge 1932–1935*, p. 86.

how we might think of our everyday relation to norms; either as dictatorial commands that demand compliance with a 'Platonic' standard, *or* as an '*innere Stimme*' that inclines or encourages us to do the appropriate thing at the right moment.[640] Wittgenstein's aim is neither to reject one of these conceptions in favour of the other nor merely to combine them. A mere combination of, say, an assigning dictatorial authority to our inner voice is more apt to serve as a description of neurosis rather than of rule-following. Instead, Wittgenstein offers a diagnosis of the tendency to oscillate between such one-sided and ultimately distorting pictures.

In a crucial first step, Wittgenstein's diagnosis emphasizes that acting in light of an understanding of something does constrain us in various ways and that these ways *presuppose a normative context in order to be intelligible*. Yet we are, as Wittgenstein's diagnosis indicates, apt to forget this fact or to be struck by its mysterious nature; a stance that Wittgenstein dramatizes through the example of coming to contemplate a sign-post (whose guidance can otherwise be unhesitatingly followed) as if it was merely a normatively inert piece of sign-post-shaped matter. Once we are struck by the mysterious nature of normative guidance, all sorts of consoling explanations offer themselves. While these explanations are related (one emerges as a response to the demise of another) they can, as the chapter has argued, at least be differentiated into conceptions of rules as guided (a) by naturalistically conceived dispositions or mechanisms; (b) by a 'queer' mental episode of understanding; (c) a special sort of decision or intuition; or (d) a kind of interpretation. Wittgenstein takes such explanations to be unattractive and devotes considerable energy on exploring why anyone would want to assert them or even take them to be explanations of rule-following. The reductive naturalism of the disposition or mechanism account is unattractive since it misses the fact that dispositions do not evaluate or sort performances into correct or incorrect, but at best causally trigger them. The idea of understanding a special mental state correctly registers our often immediate and creative ways of learning, but makes a mess of this insight by being prone to a conflation of being able to deal with an open-ended amount of cases and having, in some 'queer' sense, already dealt with them. Likewise, intuitionism fails to note that it presupposes the standards of correctness that the intuitions were mobilized to establish or instantiate. Finally, Wittgenstein devotes attention to the sceptical threat posed by the interpretation idea, which he deems as incapable of making

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[640] Mulhall also emphasize Wittgenstein's perceptiveness to such everyday conceptions of norms, cf. S. MULHALL 2001: *op. cit.*, pp. 148–150.

sense of the normative constraint that rules put on the practices that follow them. As I have argued in criticizing Kripke's sceptical rendering of Wittgenstein, the threat of scepticism blinds us to an appreciation of the full extent of the role of normativity in social life since it sees practice as a mere lifeless regularity of inclinations.

In rejecting such pictures, Wittgenstein explores what is arguably a 'desublimated' account of rules. This account rejects the articulations of scepticism as based on 'misunderstandings', while also conversely resisting a 'subliming account' [*die Sublimierung der ganzen Darstellung*] that presents or pictures the rule or norm responded to as an independent Platonic entity; as if rules existed or could exist in splendid isolation.[641] Rather than seeing rule-following as the grasp of such abstract entities, Wittgenstein's desublimated account is one that recognizes the interweaving of rules with 'training' (*PI* §198), 'customs' (§198), 'institutions' (§199), 'practices' (§202) and 'forms of life' (§241). The 'difficulty' of this 'simple vision', to use Cavell's words, is to *avoid* the impression that these elements belonging to the 'whirl of organism' of a form of life are leeched of normativity and that they reflect a mere matching of inclinations and behavioural dispositions; as if normativity itself required a non-normative foundation.[642] Instead, I have argued for the idea that Wittgenstein took normativity to be present at bedrock and requires no other foundation than the multitude of horizontally dispersed practices that support it. This conception is one that contrasts the 'philosophical superlatives' (*PI* §192) of a rampant Platonism that would stylize rules as expressions of higher abstract forms of reality that constrains us, as it were, from "outside" and independently of our shared forms of life. In particular, Wittgenstein shows that even the mathematical cases that seem to fit best with a subliming account are equally dependent on and interwoven into a shared 'whirl of organism.' The mathematical is exemplary of a practice or a technique with an almost zero degree of tolerance for disagreement, but it is neither the only such technique nor a privileged form capable of expressing the wide and varied array of normative techniques that make up rule-following.

The latter point is well-illustrated by the chapter's first exemplification of the broader consequences of Wittgenstein's conception, namely that the dismantling of the 'deductive

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[641] *PI* § 94. Also cf. J. MCDOWELL 1996: *Mind and World*, p. 92.

[642] 'It is a vision as simple as it is difficult, and as difficult as it is (because it is) terrifying.' (S. CAVELL 2002 [1967]: 'The Availability of Wittgenstein's Later Philosophy', p. 52).

prejudice' of practical rationality means precisely that we should not see a particular deductive technique as exhaustive of broader forms of the normative techniques at play in practical rationality. In insisting on a situation specific conception of practical rationality, McDowell at once reinforces the dissertation's critique of a neo-classical rationality (see Chap. 3) and affirms the Wittgensteinian and Hegelian point that it is only *within* historically constituted yet shared forms of involvement and engagement that we can come to see the compelling nature of norms (see Chap. 4). Once freed from the deductive prejudice, there is no longer any need to fit practical rationality to the procrustean bed of deductive inference.

As a second way of highlighting a wider import of the rule-following considerations that goes beyond the strict mathematical and epistemological perspectives often analysed in the Wittgenstein scholarship on the topic, the chapter also re-articulates a deeper relation between norms and facts that have been thematic in the post-Kantian theories explored by the dissertation. Diamond's reading of Wittgenstein brings out exactly such a relation in emphasizing that our uses of language are attuned to what people normally do and to general facts of nature. Language use and the sense of what is 'normal' and 'natural' are indeed so closely related that it challenges a strict, analytical separation of our normative techniques from their embeddedness in natural regularities and human agreement. Wittgenstein thereby places normative constraint within time, history and society without conflating it with, or reducing it to, mere empirical facts.

As Lear stresses, this 'anthropological thread' in Wittgenstein's philosophy is not an idiosyncratic quirk, but rather a theme that brings to fruition a larger post-Kantian development. In particular, it marks a sort of apex of the failure to keep *quid juris* completely distinct from *quid facti* and it thereby also epitomizes a challenge that is pertinent to the intersection of social theory and philosophy.[643] The challenge is the seeming danger that philosophy will collapse into the purely empirical, or alternatively that it will become irrelevant by idly remaining within the strict a priori bounds that Kant proscribed for it. In order to avoid this, philosophy must acknowledge that it needs a part of what social theory offers. It needs a historical and anthropological imagination in order to cure itself of Platonism. Yet it is crucial to note, as this chapter has argued, that the point of reminding ourselves of 'customs', 'practices'

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[643] J. LEAR 1998: 'Transcendental Anthropology', p. 254.

and various 'forms of life' is neither to allow for a dead-end relativism nor to support an illusion of detachment; as if our practices could be described from the outside using a vocabulary mimicking natural science. It is, on the contrary, supposed to remind us of our responsibility towards our concepts and of the simple fact that we cannot step outside of our form of life and cannot, as Lear writes, 'completely succeed in discussing it like some *objet trouvé*.'[644]

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[644] *Ibid.*, p. 249.

Concluding epilogue: implications and contributions

This dissertation has analysed the concept of normativity and its importance within post-Kantian philosophy and social theory. The overall aim of the dissertation was two-fold. A first objective was to provide a better historical understanding of the theoretical conceptions that made it possible and pertinent to take an interest in normativity within social theory. A second and closely related objective was to provide a systematic philosophical analysis of normativity in light of these historical materials. The dissertation has thus investigated and clarified some of the ways in which post-Kantian philosophy and social theory have registered the significance of normativity, and in particular it has examined this significance within the practical philosophy of German Idealism; in Neo-Kantian philosophy of culture; at the birth of social theory in Durkheim and Weber; in the context of the late Wittgenstein; and in the contemporary forms of social theory inspired by neo-classical economics. Yet, rather than summarizing all the arguments put forward and the vast historical terrain covered, I would like, by a way of conclusion, to merely highlight a few central contributions and implications of the conceptions of normativity, practical rationality and social science that have been mapped in this dissertation.

First, I have argued that practical rationality is not exhausted – neither empirically nor theoretically – by the deductive and instrumental conception of practical rationality held by the influential novel forms of social theory informed by neo-classical economics. The dissertation thereby contributes to the critical discussions of the attempts at transforming the methods of neo-classical economics into a broader form of social theory. In particular, the dissertation shows that these attempts betray their own promise of delivering a consistent and satisfactory analysis of social norms. As argued, they simultaneously explain 'too little' in simply treating preferences as straightforwardly norm-free, and 'too much' in generalizing the scope of their models in a fashion that the dissertation has diagnosed as owing more to problematic metaphysical commitments than to its alleged attention to empirical problems. An implication is thus that Becker and Coleman's seminal contributions to social theory should be reconsidered and that the frequent politico-moralistic critiques of economics-inspired models should be supplemented by detailed epistemological ones, particularly in so far as this novel tradition in social theory continues to assert that it provides explanations of how and why norms are maintained, made and transgressed in actual social settings.

Second, the dissertation has contributed to the analysis of the normative conceptions of practical rationality and autonomy that informs German Idealism and its legacy, especially on the backdrop of the recent discussions of German Idealism in Pippin, Brandom and McDowell's work. In particular, I have emphasized an interpretation of German Idealism as making, first and foremost, a claim in practical philosophy and as asserting a 'primacy of practical reason' and a conception of persons as subjects for whom norms have significance. On the reading defended in this dissertation, what is most significant in German Idealism is thus not Kant's conception of the 'synthetic a priori' or Hegel's peculiar conception of 'logic', but rather the emergence of a philosophical anthropology that sees Man as an essentially autonomous, responsible and justificatory animal: Man is bound by normative proprieties, while nature is determined by natural properties. My central argument here is that several implications, which are also of relevance to social theory, emerge from this picture of Man. One implication is the normative determination of *autonomy* as a crucial ideal and concept of modernity. Autonomy and freedom came to label a human capacity, namely, the capacity to recognize and appreciate the normative force of reasons; to respond to normative commitments and to act on the basis of them. Another closely related implication is the emergence of what I have called a *differential epistemology* capable of differentiating sciences according to a distinction between the causal explanation of behaviour on the one hand and the rational assessment of actions on the other. Finally, the dissertation has stressed the importance of Hegel's attempts at turning Kant's insistence on the primacy of practical reason from its transcendental head onto its social feet, and specifically, Hegel's attempts at providing an account of the historical and social *actuality* of norms. These overall ideas of German Idealism were historically significant in making it pertinent to take an interest in normativity, just as they provide an indispensable point of reference for contemporary theorizing about normativity. Highlighting these ideas and revindicating some of the arguments in favour of them, as this dissertation has done, ought in any case to make it more difficult to dismiss German Idealism as a lapse into epistemological mysticism or entailing an irrational form of political conservatism.

Third, the dissertation has traced the social theoretical transfiguration of the problems of German Idealism that occurred in the works of Durkheim and Weber, and has thereby tried to sketch a series of under-thematised similarities between Durkheim and Weber not only in regard to their methodological positions, but also in their conception of social norms. Such

similarities are, as I have argued, often overlooked in the antagonistic portrayal of Durkheim and Weber still current in the standard commentary literature. Yet, as the dissertation has shown, significant parts of Durkheim's and Weber's social theories can be productively understood as stemming from a shared concern with responding to the problems posed by Neo-Kantian philosophy. Durkheim and Weber applied Idealist and Neo-Kantian strategies not only in criticizing the competing discourses of naturalism and psychologism, but also in making norms and values a *constitutive* concern; a primary object for the kind of social science and social theory envisioned by Durkheim and Weber. Aligned with the rejection of psychologism inherent to the Neo-Kantian philosophy of culture, norms and values became important for Durkheim and Weber not only as a way of demarcating sociology from naturalist psychology, but also in providing social science with an independent scientific object of its own. As the dissertation has argued and emphasized, the specific conception of normativity held by Durkheim and Weber concerned the *normative character of social reality itself* rather than the *critical stance of the social scientist*. Durkheim's and Weber's classic contributions to social theory thus contain a remarkable conceptualization of morality and norms that go beyond the hermeneutics of suspicion that have dominated crude forms of critical theory, while also opposing a sterile, naturalistic positivism that would ignore norms by making them a mere epiphenomenon of factors more easily observed and quantified.

Finally, the dissertation has presented an interpretation of Wittgenstein's rule-following considerations as highlighting some fundamental normative features of the practices that we share and which are also necessary for social theory to conceptualize. While Wittgenstein's rule-following considerations are mostly invoked in contemporary discussions of scepticism or treated as a separate theme in the philosophy of language or mathematics, the suggested interpretation has instead stressed that Wittgenstein's exploration of a desublimated conception of rule-following in fact points to a wider array of normative techniques at the bedrock of our shared practices. In particular, I have interpreted Wittgenstein's aim as exorcizing certain seductive misconceptions of the grounds of human rule-following, consisting either in the 'Platonic' illusion that norms compel and bind us independently of our participation in shared 'forms of life', or conversely, as consisting merely in the sort of communal conformity that contemporary social constructivism suggests. Given this interpretation, one can appreciate Lear's claim that Wittgenstein's philosophy also epitomizes the uneasy post-Kantian

relationship between empirical facts and prescriptive norms, which has been shown to haunt both social theory and philosophy in their attempts to chart various relations between binding norms and actual social practices. The latter aspect has allowed the dissertation to substantiate its critique of reductive concepts of practical rationality, but also, more crucially, to reaffirm the basically Hegelian point that it is only *within* historically constituted and shared forms of involvement that we can come to see the compelling and binding nature of norms. A desublimated conception is thus one that recognizes the interweaving of rules with expectations of what is 'natural' and 'normal', and which sees the reliance on 'customs', 'institutions', 'practices' and 'forms of life' not as a sceptical threat to objectivity and the exercise of rational judgement, but as the very medium in which the normative connection between rule and correct application is established and upheld.

In conclusion, while the dissertation's treatment of post-Kantian conceptions of normativity has not, for obvious reasons, been exhaustive, I take the contributions sketched above to clarify key aspects of normativity and to show, at least, that the recent interest in normativity is no coincidence and that it instead derives from the problems and latent concerns of post-Kantian theorizing as such. Such a conclusion is not a call for a return to Kant within philosophy or for an uncritical restoration of Durkheim within social theory. Inheriting a research tradition always means reflectively modifying it. Yet I do think that the dissertation's rendering of concepts such as practical rationality, autonomy, forms of life, *les faits sociaux*, *Sittlichkeit* or *Wertbeziehung* shows that they are of more than just historical interest. They offer an attractive entry into the study of normativity, just as they ought to constitute a field worthy of interest for contemporary philosophy and social theory alike.

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Bibliographic note: The referencing system employed in the footnotes of the dissertation aims to provide the reader with a complete and informative specification of the utilized references. In addition to author, title and page(s), the footnotes thus indicate the year of publication (including original year of publication if relevant) and specify, for all articles, the place of publication (journal, edited volume, etc.) the first time an article is referenced in each chapter. The symbol '❖' is used to indicate cross-references within the dissertation. Listed below are the full bibliographic details of all utilized sources.

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