

Is Constructivism an Alternative to Realism?

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Christine Korsgaard has argued that value realism is unable to explain the normative force of ethical requirements, and that her own “constructivist” position fares better on this count. In “The Practical Turn in Ethical Theory” William Fitzpatrick argues that Korsgaard has failed to show that her constructivist position has any such “practical” advantage over realism.¹ He argues that there are at least two ideas of normative force at play in Korsgaard’s constructivist argument. If securing the normative force of an ethical requirement requires showing that it would be impossible to exercise agency or act if one didn’t try to meet the requirement, Fitzpatrick argues that Korsgaard’s argument fails to secure normative force. If securing the normative force of an ethical requirement merely requires showing that exercising one’s agency or acting commits one to abiding by the requirement, he argues that the realist has an explanation of normative force available to him that is as good as the one Korsgaard gives.

We think that Fitzpatrick has shown convincingly that on either interpretation of Korsgaard’s argument, it is flawed. However, we want to call into question the assumption that he shares with Korsgaard, which is that her constructivist position is an alternative to realism. We will argue that Fitzpatrick attempt on behalf of Korsgaard to express a metaethical position that is in competition with realism fails, and therefore it is at best misleading to say that Korsgaard’s constructivism does no better at explaining normative force than realism.² We will argue that

¹ William Fitzpatrick, "The Practical Turn in Ethical Theory: Korsgaard's Constructivism, Realism, and the Nature of Normativity," *Ethics* 115 (2005): 651-91.

² In Nadeem J. Z. Hussain and Nishi Shah, "Misunderstanding Metaethics: Korsgaard's Rejection of Realism," *Oxford Studies in Metaethics* (2005) (forthcoming) we argue that

‘constructivism’ is ambiguously used by Fitzpatrick to refer to both a type of transcendental argument and a set of metaphors about the relationship between norms and mind. The transcendental argument is perfectly compatible with value realism, whereas the metaphors associated with constructivism are insufficiently filled out to contain any particular metaethical position. We will conclude by describing a threat to the very intelligibility of a distinctly constructivist metaethical position.

1. Constructivism and Realism: An Initial Assessment

Normative realism is a position about the semantics, metaphysics, and epistemology of value judgments. All realists agree that normative judgments express beliefs with truth-conditional contents, and that normative predicates ascribe properties. They all agree that moral facts are independent of our actual moral judgments, and therefore that a substantial tracking epistemology is required in order for us to know moral truths. Naturalist realists think that moral predicates refer to natural properties and that we come to know moral truths via essentially empirical means, whereas non-naturalist realists think that moral predicates refer to non-natural properties and that we come to know moral truths in some non-empirical way.³

Attempting to contrast realism with constructivism, Fitzpatrick writes,

[T]he target of Korsgaard’s attack is the realist’s commitment to the existence of ethical truths that are not themselves constructed from our use of ethical concepts, but are to be discovered and represented by propositions that accurately employ those concepts.

Korsgaard’s own attempt to articulate a constructivist metaethical position also fails.

³ The non-naturalist’s epistemology used to be called intuitionism, but most current non-naturalists would bristle at this label.

According to realists, there are facts about what is good or about what should be done, which are there to be *recognized* and expressed using our ethical concepts rather than being *constructed* through our constrained use of such concepts. (654)

Obviously, talk of construction here is metaphorical and will need to be explained before any difference between constructivism and realism can be made out. In order to demonstrate such a contrast, the constructivist must show that an ethical fact or truth cannot both be constructed and discovered. It cannot be that one constructs ethical facts the way that one constructs physical objects such as tables and chairs or abstract objects such as works of music or novels, since all of these are also objects of discovery as well. Saying that ethical truths are constructed from *constrained* uses of concepts does not help either. As long as the constraint on usage is that the concepts be employed to accurately pick out their referents, the realist will agree. Fitzpatrick does say a bit more about what Korsgaard's constructivism might come to:

The constructivism Korsgaard embraces and contrasts with realism is a form of proceduralism according to which the rightness of correct answers to normative questions is grounded in the fact that these answers are yielded by principles deriving from procedures that have some special status. (654-5)

That ethical principles are derived from procedures with a special status is something that a realist can also accept as long as the special status that the procedures have is that they accurately track the truth. However, Fitzpatrick says that the special status that Korsgaard has in mind is *practical necessity* in the sense of procedures that agents must follow in order to function as agents at all (655). Does this give us the contrast between constructivism and realism we were looking for?

The problem is that even this description of constructivism stands in need of a metaethical

interpretation. The claim that a procedure is practically necessary is either a normative or a non-normative claim. If it is a normative claim, the constructivist has left us with at least one uninterpreted normative claim. Various metaethical interpretations of the semantics, metaphysics, and epistemology of this claim are available, including realist interpretations. The normative version of constructivism thus isn't a metaethical competitor to realism or any other metaethical theory. If the claim that a procedure is practically necessary involves the ascription of a non-normative property (practical necessity) to the procedure, then we can ask the same metaethical questions about this non-normative property that we can about any other non-normative property. Are we being offered a reduction of the property of a procedure's special status—its correctness—to the property of being practically necessary, such that a procedure's being correct is the same as its being practically necessary, in which case we have a version of reductive realism? Is the claim that correctness is constituted by practical necessity an expression of a pro-attitude towards practical necessity, in which case we have a version of non-cognitivism?

In fact, we can also give this description of constructivism a non-reductive realist interpretation. G.E. Moore, the non-reductive realist *par excellence*, claimed that all pleasurable experiences are good, and that there are synthetic necessary truths connecting normative and natural properties (e.g., pleasure is good). Thus, while Moore denied that pleasure is identical to goodness, he did accept that that the non-normative property of pleasure can make an experience good. So too a "constructivist" non-reductive realist could claim that although a procedure's having the normative property of correctness is not identical to its having the property of practical necessity, being practically necessary does make a procedure correct; that is, practical necessity is correctness-making in the same sense that Moore thought that pleasure is good-making. Our "constructivist" non-reductive realist would still need to provide an independent

tracking epistemology to explain how we come to know that a procedure is correct, or that practical necessity is correctness-making, and it is unclear why this is any less daunting a task than it was for Moore's version of non-reductive realism. The point here is not that Fitzpatrick's description of constructivism implies any of these metaethical theories, but that his description of constructivism is consistent with all of them and thus does not yield any particular metaethical theory.

2. The Kantian Argument

It is important to be clear that realism is not a position within normative ethics about the correct normative principles. A realist can just as easily be a rights-based deontologist as a card-carrying utilitarian. Realism is a metaethical position about what this debate is about, not a normative position within the debate. More importantly for our purposes, realism is not a position about the place of moral requirements within practical reason. One can be a moral realist and think that moral requirements are requirements of practical reason or one can be a moral realist and deny that moral requirements are requirements of practical reason. The dispute between externalists and internalists about the relation between moral requirements and practical reasons is about the relation between some normative concepts and other normative concepts, e.g., wrongness and reasons for action. Realism, on the other hand, is a position about the nature of normative judgments in general. It seeks to explain what the debate between internalists and externalists is about by giving an interpretation of the judgments such as "The wrongness of an action gives anyone a (sufficient) reason not to do it" that they disagree about.

The reason this last point is important is that Korsgaard says that the "normative question"

that realists fail to answer adequately is whether we have reason to do what morality requires.⁴ Fitzpatrick follows Korsgaard in accepting this as a legitimate question for realism (656-7),⁵ but argues that the realist has available to him just as plausible an answer to it as Korsgaard (688-9). But if realism is not aimed at answering this question, then how could it be a failing of realism that it doesn't answer it, and how could Fitzpatrick show that the realist has a plausible answer to it?

The failure to appreciate this distinction between metaethical questions and normative questions leads Fitzpatrick and Korsgaard to misunderstand the import of the Kantian argument that Korsgaard gives to try to secure the normative force of ethical requirements. We will argue that a realist can adopt whatever answer to the "normative" question that Korsgaard gives, and thus that realism, rather than being in competition with Korsgaard's answer, is perfectly compatible with it. Of course, realism doesn't imply Korsgaard's answer either. Therefore, by showing that her position fails to successfully explain the normative force of moral requirements, Fitzpatrick has not demonstrated any defect in realism.

⁴ Christine Korsgaard, *The Sources of Normativity* (Cambridge: Cambridge University Press, 1996), 15. For our interpretation of the normative question and an extended discussion of whether it generates a real problem for realism, see Hussain and Shah, "Misunderstanding Metaethics," (forthcoming).

⁵ "The real question is just whether there is something about realism that makes it essentially ill suited to answer the normative question in a satisfactory way" (656). To accept that realism might be well or ill suited to satisfactorily answer a question presupposes that the question is one about which realism could give even an unsatisfactory answer.

Korsgaard takes her own argument for the normative force of ethical requirements to be a more complicated version of Kant's argument for the formula of humanity. Fitzpatrick thus starts by pointing out problems with her version of Kant's argument, and then argues that her own argument, having the same essential features, suffers from the same problems. Fitzpatrick also says that Korsgaard's reading of Kant is shaped by her constructivist interpretation of Kant, so if there is a constructivist alternative to realism, we should find it here (660).

Here is his reconstruction of Korsgaard's reconstruction of Kant:⁶

- (1) In order to function as agents at all (which we cannot avoid, as self-conscious beings), we *must* act on reasons, which means that we *must* regard some considerations as providing us with good reasons to act in certain ways rather than in others.
- (2) In order to regard some considerations as providing us with good reasons to act in certain ways, we *must* regard some ends as being genuinely good, i.e. worth pursuing.
- (3) If we are to regard some ends as genuinely good, "we *must* regard ourselves as capable [by virtue of our rational nature] of conferring value upon the objects of our choice, the ends that we set," i.e. we "*must* see ourselves [*qua* possessors of rational nature] as value-conferring" and "regard [*ourselves*] as "the source of [the] value" of those ends.
- (4) If we are so to regard ourselves, we "must . . . take ourselves to be important," or "set a value on ourselves," and indeed *must* regard ourselves as unconditionally valuable *qua* possessors of rational nature.

⁶ The following reconstruction is contained on pages 662-3.

(5) Therefore, we *must* regard ourselves as unconditionally valuable *qua* possessors of rational nature. (1-4)

(6) And if we are to regard ourselves as having such value simply by virtue of our possession of rational nature, we *must* so regard other beings equally possessed of rational nature.

(7) Therefore, we *must* regard rational beings as unconditionally valuable ends in themselves, which is the essence of the formula of humanity. (5-6)

Fitzpatrick suggests two interpretations of the practical necessity that Korsgaard thinks is conferred on the principle of humanity by this argument. One interpretation of the conclusion that we must regard humanity as unconditionally valuable is that unless one is trying to conform to the principle of humanity, one isn't exercising agency (664). The other interpretation is that exercising agency *commits* one to following the principle (665). The important difference between these two interpretations is that according to the first interpretation it is metaphysically impossible for an agent to fail to try to follow the principle of humanity in exercising his agency, whereas on the second interpretation it is metaphysically possible for an agent to exercise his agency even if he does not try to follow the principle of humanity. According to the second interpretation, when one performs an action that violates the principle of humanity, one's will suffers from something like inconsistency, but one still acts and exercises one's will for all that (672). Let us call these different notions of practical necessity *strong* (first interpretation) and *weak* (second interpretation) practical necessity respectively.

Fitzpatrick's strategy is to argue that the Kantian argument cannot successfully confer strong practical necessity on the principle of humanity, and that only a modified version of the Kantian argument has a chance of conferring weak practical necessity on the principle of humanity.

However, once the argument has been thus modified, he argues that it has no advantage over a competing realist account of practical necessity (665).

We don't dispute that the Kantian argument has the defects that Fitzpatrick claims, what we dispute is his underlying assumption that either interpretation of the argument constitutes an alternative to realism. We will first argue that on either interpretation of practical necessity, the conclusion of the argument is compatible with realism. We will then argue that although premise three might seem to be incompatible with realism, it is obscure what premise three is saying; there are some interpretations of it that are clearly compatible with realism and none that are clearly incompatible with realism.

Let us start with the conclusion understood as claiming that the principle of humanity is practically necessary in the strong sense. On this interpretation, the conclusion says that unless an agent regards rational nature as unconditionally valuable, it is metaphysically impossible for him to exercise his agency. The conclusion, if it is correct, thus tells us something about the connection between agency and a particular normative judgment. One must accept a certain normative claim—that rational agency is unconditionally valuable—in order to exercise one's agency. This may be because the very idea of agency involves the idea of accepting such a judgment, or it may be for some other, non-conceptual reason. The important point for our purposes is that the conclusion doesn't say anything about what it is to accept the claim that rational agency is unconditionally valuable, it just says that unless one does accept it, and try to conform one's behavior in accord with it, one cannot be an agent. Various metaethical interpretations of this conclusion thus are left open. For example, the non-reductive realist gives us an interpretation of what it is to judge that rational agency is unconditionally valuable, claiming that it expresses a belief that rational agency has the non-natural property of being

unconditionally valuable, and that it is via some non-empirical means that we can discern whether or not rational agency has this non-natural property. Of course, if the conclusion is true, and we cannot function as agents unless we accept that rational agency is unconditionally valuable, we won't ever be in a position to coherently deny it. But this is not the same as saying that it must therefore be true and we must therefore know that it is true. That a belief is inescapable is one thing, that it is true is another.⁷

According to the weak interpretation of practical necessity, the conclusion of the Kantian argument is that when one exercises one's agency, one is committed to accepting that rational agency is unconditionally valuable. To be committed to a claim is not to actually believe it, but to be guilty of inconsistency if one believes something inconsistent with it (672). For example, if one believes that Socrates is human, and that all humans are mortals, one is committed to the claim that Socrates is mortal, in the sense that if one believes that Socrates is immortal one is being inconsistent. According to Fitzpatrick, one is also committed to those claims that are implied by things that one merely treats as valuable. Treating *X* as *F* needn't involve actually being willing to assent to the claim that *X* is *F* though, it just requires that "in acting in a certain way, one treats *X* as if it were *F* insofar as the action is predicated on one's taking it to be the case that *p*, and *p* could in fact be the case only if *X* were *F*" (670). Even if many people are unwilling to assent to the claim that rational agency is unconditionally valuable, as long as everyone's actions require that they take their own ends to be valuable, and if an agent's ends

⁷ We realize that according to "judgment dependent" accounts of value there is a connection between the necessity of believing *that x is valuable* in certain circumstances and its being the case that *x is valuable*. For a discussion of judgment dependence, see §3 below.

couldn't be valuable unless his rational agency were unconditionally valuable, then everyone acts in such a way that they treat their own rational agency as unconditionally valuable. And if it is inconsistent to value one's own rational agency and disvalue the rational agency of others, then anyone who acts (that is, anyone who exercises his agency) is committed to valuing rational agents as such.

Of course there are many controversial steps in this version of the argument, and we think that Fitzpatrick convincingly shows that there are serious obstacles to be overcome before it could succeed. But our question is not whether the argument succeeds, or whether it even could succeed, but what it would show if it did succeed. The conclusion of the argument is that an agent would be inconsistent if he were to disvalue rational agency, whether in himself or in anyone else. But why is this supposed to be a conclusion that a realist must deny? The conclusion says that the commitment that is involved in acting is inconsistent with the judgment that rational agency is not unconditionally valuable, but we are not given an interpretation of the semantics, metaphysics, or epistemology of the claim that rational agency is valuable. If the argument is correct, this is a judgment that we would be inconsistent to deny, but this doesn't entail any particular answers to the questions that the realist is concerned with.

It might be thought that the argument, on either interpretation of practical necessity, does answer, or close, our epistemological question. After all, it would show that we could never get ourselves into the position to coherently deny that rational agency is valuable. Therefore there can never be a live threat to this normative judgment. But if there is no real threat to our normative judgments, we don't need an epistemological story to show us how normative skepticism is to be avoided.

While some of us may lose interest in the epistemological question how we come to

know normative truths once we are shown that it is impossible for us to reject our normative judgments, this does not mean that it isn't a real question. Even if we can't give up a judgment (e.g. there exist material objects), and even if the judgment is obvious and indisputable, we won't understand how we know it until we are given an epistemology of the judgment. Being shown that we can't give up the judgment—that it is inescapable—is no substitute for an epistemology showing how we know it to be true.

The Kantian argument, on either interpretation, is not the expression of a metaethical position, and thus does not threaten realism. And because it is not an answer to any metaethical questions, it also is detachable from the constructivist metaphors that Korsgaard uses to try and express a metaethical alternative to realism. Insofar as 'constructivism' is intended to mark out a metaethical position, it thus is a mistake to apply this label to the Kantian argument.

3. Is Metaethical Constructivism Possible?⁸

Is there conceptual space open for a uniquely constructivist metaethical position that is a genuine alternative to current metaethical theories? In order to answer this question the constructivist must tell us what it means to say that moral facts are constructed from certain procedures. The key question here is whether the specification of these procedures employs normative concepts. For example, Rawls's specification of the procedures that are used to construct justice makes use of the concept of the reasonable. There is nothing wrong with this so long as one is engaged in giving an account of justice within normative ethics, as Rawls is. But this won't do if one is attempting to give a metaethical account of the concept of justice, as it

⁸ This last section derives from Hussain and Shah, "Misunderstanding Metaethics," (forthcoming).

leaves us with the unexplained normative concept of the reasonable. The point of metaethical accounts such as realism and non-cognitivism is to explain normative concepts in general, not to describe the relations between some normative concepts and others. And if we try to give a constructivist account of the concept of the reasonable, we face a regress so long as the procedures used to construct the normative facts expressed using this concept are themselves couched in normative terms.

What if the metaethical constructivist tries to avoid this problem by specifying the procedures in non-normative terms? Do we now have a full-blown metaethical position? The problem is that even if the constructivist is able to specify the relevant procedures in non-normative terms, he is committed to the normative judgment that these are the *correct* procedures. After all, it is only if the procedures are the correct ones that one can use them to construct the relevant normative facts; presumably not any old procedure has the power to create normative facts. But then, what is the constructivist's metaethical account of what it is to judge that a procedure is correct? At this point, all the familiar realist metaethical options appear open.

For example, it is open to the reductive realist to say that the relevant normative property (e.g., justice) is identical to the property of being the output of these procedures, specified in non-normative terms. Since a social institution's property of being just and its property of being the output of these procedures are identical, the question of the correctness of the procedure doesn't come up. According to one version of this kind of account, justice would be a judgment dependent concept. As Gideon Rosen puts it,

a concept F is *judgment-dependent* if and only if

(10) It is a priori that: x is F iff certain subjects S would judge that x is F under

conditions *C*.⁹

C would be constituted by the above-mentioned procedures. Here is Rosen's example:

- (12) It is a priori that: A U.S. law is constitutional (at *t*) iff the majority of the US supreme court, after informed and unbiased deliberation, would judge it constitutional (at *t*).¹⁰

One might argue that such a constructivist view should be counted an alternative to realism because according to it constitutionality is constructed out of something subjective—out of thoughts—in this case our judgments after informed and unbiased deliberation.¹¹ However, it is hard to imagine that such a reductive view would capture the spirit of constructivism. In particular, it is hard to see how such a view could be plausibly ascribed to Korsgaard.¹²

⁹ Gideon Rosen, "Objectivity and Modern Idealism: What is the Question?" in *Philosophy in mind: the place of philosophy in the study of mind*, ed. Michaelis Michael and John O'Leary-Hawthorne, *Philosophical studies series; v. 60* (Dordrecht Boston: Kluwer Academic Publishers, 1995), 297.

¹⁰ Rosen, "Objectivity and Modern Idealism," 300.

¹¹ In order for this to be the kind of reductive account we are looking for, we would also need an account of "informed and unbiased deliberation" in non-normative terms. A more precise specification of the conditions such a judgment-dependent account would have to satisfy is given in Alexander Miller, *An Introduction to Contemporary Metaethics* (Cambridge: Polity Press, 2003), 130-31. For a related discussion, see Rosen, "Objectivity and Modern Idealism," 316 n. 26.

¹² We are putting aside for now the question of whether such a position is philosophically

According to such an account normative facts are, as Rosen puts it, “facts of modal sociology” available in principle from the “anthropologist’s perspective”.¹³ For example, an anthropologist studying us could determine when we are disposed to judge that a law is constitutional and could then determine which laws are constitutional (according to such an account) with reasonable accuracy by considering which laws we would be disposed to judge constitutional under the relevant circumstances.¹⁴ Judgments of constitutionality would be fully cognitive and such facts

plausible or attractive. Among other things, we need to know whether such an approach could actually provide an account of the content of the claim x is F given that in (10) the judgment that x is F turns up on the right hand side.

¹³ Rosen, "Objectivity and Modern Idealism," 300-02. As Rosen also notes, we have not been given any “special grounds for thinking of [these facts] as less than entirely real” (300). We agree that unless one has some independent reason for not being realist about mental states it is not obvious that such a judgment-dependent account deserves to be contrasted with realism. The constructivist would presumably insist that such facts would be subjective, even if realist, in a way that other facts, say facts about rocks and stars, are not. Matters here are complicated and so for reasons of space we focus in this paper on whether such a constructivism could plausibly be ascribed to Korsgaard.

We take the distinction suggested above between more and less subjective forms of realism to be distinct from Korsgaard’s distinction between “substantive realism” and “procedural realism” (Korsgaard, *Sources*, 35). For a discussion of the latter distinction, see Hussain and Shah, "Misunderstanding Metaethics," (forthcoming).

¹⁴ Rosen, "Objectivity and Modern Idealism," 302.

could be accessed from a theoretical, third-person perspective. This, though, flies in the face of certain central themes of Korsgaard's work, namely, her insistence that constructivism represents a position that is an alternative to both cognitivism and non-cognitivism and that normative facts are inaccessible from the third-person, theoretical point of view.¹⁵ Thus much more work would need to be done to make any such reductive realist version of constructivism plausibly ascribable to Korsgaard.

On the other hand, a non-reductive realist could say that the procedure has the separate normative property of correctness. Might the constructivist try to give a constructivist account of the judgment that a procedure is correct, going constructivist all the way down, as it were? The problem is that there doesn't seem to be any way of doing this that doesn't violate the non-circularity condition. If the constructivist says, for example, that a certain procedure, call it x , creates the facts about which procedure of justice is correct, he must claim that x is the correct procedure for constructing facts about correct procedures of justice. And then we are left with an unexplained normative concept, since we still need to be told what it is to judge that procedure x is correct.

Might the constructivist specify a procedure that creates its own correctness? It is hard to

¹⁵ See, for example, Christine Korsgaard, "Realism and Constructivism in Twentieth-Century Moral Philosophy," *The Journal of Philosophical Research* APA Centennial Supplement (2003): 105 and 22 n.49 and Christine Korsgaard, "Normativity, Necessity, and the Synthetic a priori: A Response to Derek Parfit" (MS, 2003), 7-9. For further discussion of these themes in Korsgaard's work, see Nadeem J. Z. Hussain and Nishi Shah, "Metaethics and Its Discontents: A Case Study of Korsgaard" (MS, 2005), .

know what this would involve. If it just means that the procedure is self-validating, then it won't single out a unique procedure, since there are many procedures that are self-validating. And then the question arises as to which of these procedures is the correct one. Even if this problem could be avoided, we still wouldn't have an account of what it is to make a correctness judgment. We would just have an account of which correctness judgments are correct. Put it this way: we ask what it is to make a normative judgment. We are told that normative judgments are about normative facts that are created by correct procedures. We then ask what it is to call a procedure correct, and we are told that correct procedures are those procedures that are constructed by a certain procedure, x , which is the correct procedure for creating correct procedures. We then ask what it is to judge that x is correct. And now what? We never seem to get outside of the normative circle.¹⁶ The objection here isn't that the constructivist fails to give us a non-normative reduction of normativity, since we are allowing for positions such as non-reductive realism that commit themselves to sui generis normative properties. The problem is that non-

¹⁶ Steve Darwall has suggested to us that the constructivist might say that although the judgment that a procedure is correct is a normative judgment, it is a judgment not of morality, but of moral philosophy. But insofar as the metaethical interpretation of judgments of correctness is left open, so too will the metaethical interpretation of moral judgments that are analyzed in terms of the outputs of correct procedures be left open. To see this, notice that consequentialist attempts to "construct" the rightness of an action out of the goodness of the consequences of the act are not normally understood as constructivist. Whether facts about rightness are to be thought of along constructivist or realist lines then depends upon whether the goodness facts that they are defined in terms of are to be understood along realist or constructivist lines.

reductive realism or some other metaethical position needs to be added to constructivism in order to turn it from an account of which normative judgments to make into an account of what it is to make a normative judgment. But if this is so, then constructivism isn't really a metaethical position at all.