Introduction

Carla Bagnoli

The central idea behind constructivism is that moral values and moral norms are not discovered, or revealed to us as if by the gods, but rather *constructed* by human agents for specific purposes. The metaphor of construction implies agents who do the constructing, materials for the construction, a method or procedure for carrying it out, and a plan (KrV A707/B735; O'Neill 1989: 11; O'Neill 2003b: 347). In principle, this is a metaphor that lends itself to different theoretical projects, but it is typically deployed in contrast to the metaphor of discovery, which suggests that there are independent moral truths to be discovered; at the same time, it is also deployed in contrast to the metaphor of creation, as the process of construction is not itself arbitrary or unconstrained.

Perhaps the oldest form of constructivism is the view that normative claims are like social artifacts, which are created by the activity of some group or groups (O'Neill 1998). Formulated in this way, constructivism appears to have an undermining effect on morality; for, if moral truths are social constructions, the justification of morality as a normative practice may well turn out to be different from what it purports to be. On some accounts of this sort, for instance, morality is an instrument of political enforcement, and moral norms are manufactured with the purpose of constraining and binding individuals in order to achieve social control. Also, since moral norms are seen as social constructions, it is to be expected that their content will vary according to place and time. Morality, then, is not absolute but relative to one society or another, and its authority is therefore limited.

John Rawls is to be credited with introducing into contemporary debates a conception of constructivism that differs radically from the variety outlined above. In his influential Dewey Lectures on "Kantian Constructivism in Moral Theory" (1980), Rawls in turn attributes to Kant the view that moral truths are "constructions of reason" and thus necessarily apply to all rational agents. Far from inviting skeptical considerations

about the nature of morality, this idea of construction is supposed to show that moral obligations are universally binding and have categorical authority by virtue of being such "constructions of reason," i.e. rational requirements. The advantage of constructivism, in this Kantian form, is its objectivity, insofar as it arises out of the practical problems of coordination that face agents as such, regardless of their particular circumstances. The task of Kantian constructivism is to establish the authority of moral claims by reference to an account of agency and rationality, without relying on the agents' actual desires and preferences (O'Neill 1989: 188). The norms of reason are held to express a shared ideal of rational agency marked by autonomy (Reath 2010). However, the metaphor of construction leaves open the question of whether there is more than one way in which rational agents can proceed in thinking of themselves and others, and thus in following the procedure that constitutes the norms or values of morality.

In the last thirty years, Kantian constructivism has become a leading position in philosophical debates about the nature of moral obligations and, more generally, about the function and structure of practical reasoning. The critique of its main tenets has been the focus of intertwined debates in meta-ethics and normative ethics, and in action theory, which has given new impetus to these sub-disciplines. This critique has also generated a number of non-Kantian varieties of constructivism, which all share some of the basic concerns of Kantian constructivism, but with significant qualifications. The case for non-Kantian varieties of constructivism rests on "the untenability of realism plus the failure of Kantian versions of meta-ethical constructivism" (Street 2008a, 2010; see also LeBar 2008).

A first point of departure from Kantian constructivism concerns the *scope* of constructivism in ethics (Galvin 2010; Bagnoli 2011a: sections 2, 6.1). According to Rawls, Kant offers a constructivist account of practical reason which combines both meta-ethical claims about the nature of moral concepts and practical truths, and normative claims about what we ought to do. Some constructivists defend constructivism as a general view of normative claims about reasons for action (e.g. O'Neill 1989; Copp 1995; Korsgaard 1996b, 2003; Bagnoli 2002; Street 2008a), while others restrict its scope to some class of moral judgments, such as judgments about right and wrong (e.g. Milo 1995; Scanlon 2003b; Hill 2008). This distinction reflects a deeper difference in what fundamentally drives each of these forms of constructivism. Some constructivists aim to offer a broad account of meta-normativity because they regard traditional options in meta-ethics as inadequate to account for the authority and objectivity of

normative claims (O'Neill 1989; Korsgaard 2003; Street 2010), while other constructivists think of themselves as only contributing to normative ethics with an account of the objective justification of moral judgments, because they are not dissatisfied with traditional meta-ethics (Scanlon 2003a), or because they want to leave open meta-ethical questions about the semantic and ontological status of normative claims (Rawls 1989, 1993, 1999b). Such restricted constructivism is typically associated with contractualism, the view that moral reasons are the product of an agreement that is best captured in terms of a hypothetical contract (Rawls 1980; Hill 1989, 2001; Scanlon 1998). Hobbesian theories can be regarded as constructivist in this sense because they explain the nature of morality and of moral truths by using a similar notion of hypothetical contract, even though they do not use the term 'constructivism' itself (Gauthier 1986).

A second point of departure from Kantian constructivism concerns the nature of the constraints placed on construction and their normative implications. Constructivists differ radically in the way that they envision the process of construction. As a meta-ethical view, the defining feature of Kantian constructivism is the claim that we can explain why moral judgments are objective by elucidating the requirements of practical reason. While this is the most prominent *objectivist* variety of constructivism, other varieties take rational agreement as the basis for objectivity, but they construe rational agreement in different ways. For instance, according to David Copp's "society-based constructivism," moral truth depends on what it would be rational for societies to choose. True moral norms are thus seen as the output of a decision procedure that takes into account the needs and values of the society, as well as facts about the society's circumstances (Copp 1995, 2007a). Like Kantian constructivism, this view explains the nature of moral truth in procedural terms, and so implies that there are no moral facts that are independent of the procedure. In contrast to Kantian constructivism, however, the procedure is based on a view about the nature of practical rationality, but it does not connect this to any claim concerning autonomy. Finally, in contrast to the anti-realist varieties of constructivism, Copp defends constructivism as both a decisively realist and a naturalistic theory. It is realist insofar as it claims that moral propositions are truth-evaluable, and that some moral properties are instantiated; and it is naturalistic because it claims that such moral properties are natural (Copp 1995).

By contrast, *subjectivist* constructivists admit of different and equally validating ways of constructing normative truths. They construe ethical objectivity as actual agreement within a specific class of evaluators about

specific classes of judgments. Subjectivist varieties of constructivism carry relativist consequences, because they accord to morality only a limited or local authority (Wong 2008; Street 2008a). These theories reject the distinctively Kantian claim that moral obligations are rational requirements. The constitutive norms of practical reason may favor morality, but do not entail it (Lenman 2010: 192). For instance, Sharon Street holds that the substantive content of a given agent's reasons is a function of his or her particular, contingently given, evaluative starting points, such as the desires and interests he or she happens to have (Street 2010). Agreement among various practical standpoints is possible, but not guaranteed by facts about the nature of reason. This is not meant to be a debunking conclusion, however, since we can count on a significant degree of moral agreement based on contingent facts and the existence of a shared human nature.

The essays collected in this volume are a representative sample of the debate which has arisen since the introduction of Kantian constructivism into moral theory. In their own way, they each build upon the achievements and shortcomings of Kantian constructivism, as John Rawls defined it in 1980. The rest of this Introduction will highlight some of the ways in which the volume contributes to the discussion of ethical constructivism as a general account of normative and moral truths.

In the first section, I consider some of the most ambitious and contested arguments for constructivism, which are based on a constructivist interpretation of Kant's account of practical reason, value, and obligation. These arguments have been the focus of intense debate in Kantian scholarship, but here they will be examined solely as argumentative strategies in support of meta-ethical constructivism.

In the second section, I consider the place of constructivism in meta-ethics. In its most ambitious version, constructivism claims to occupy a space between realism and relativism. This is a disputed claim, and the dispute has several different foci. First, there is a question as to whether the negative arguments in support of constructivism succeed, in particular the arguments against realism. Second, there is a question about the credibility of positive arguments in support of constructivism and, in particular, the argument concerning the autonomy of practical reason. Third, there is a general issue about the constructivist account of practical reason as self-authenticating. Such questions arise as we try to understand whether and how constructivism differs from and improves on rival accounts of normative truths, but they also connect with foundational issues about the nature and authority of moral obligations. Constructivists are divided amongst themselves on this issue.

In the third section, I consider how constructivism accounts for normative practices and their historical development. The canonical challenge to Kantian ethics is that it amounts to an empty formalism, insensitive to the concreteness of human nature and the historical development of human institutions. Kantian constructivism is proposed as an alternative to the formalist rendering of Kant's ethics (Rawls 2000; Reath 2010), and constructivists have been sensitive to this charge, but their strategies are widely divergent. Some choose to narrow the scope of construction (Rawls 1993; Scanlon 2003b; Baldwin this volume), while others argue that the recursive and reflexive critique of reason allows for a historical development of moral truths (O'Neill 1989). How to account for the development of norms is an issue that is still outstanding.

1 Constructivism and Kantian arguments

In the *Critique of Practical Reason*, Kant writes that "the concept of good and evil must be defined after and by means of the law" (KpV 5:63; cf. KrV A707/B735ff.). On the constructivist interpretation, this means that moral concepts do not track properties that exist prior to and independently of reasoning, but rather result from the self-legislating activity of reason. The claim about self-legislation serves a double purpose: it is a normative standard for determining what to do, and also a meta-ethical account of the nature of moral truths as produced by reason. The dispute concerns the persuasiveness of the arguments invoked in support of constructivism, and especially the status of self-legislation and its normative force.

A first issue concerns the negative arguments used in support of constructivism, which are inspired by Kant's argument against heteronomous doctrines in ethics. On the constructivist reading, Kant argues that all previous foundational moral theories fail to account for the objectivity and authority of morality because they fail *as* theories of practical reason (GMS 4:441–44; KpV 5:35–41). On such theories, practical reason has either the cognitive function of tracking moral truths or the conative function of driving action. In both cases, the claims of reason derive their authority from an external source, i.e. independent moral truths in the former case and desires in the latter. Both doctrines are heteronomous, even though this heteronomy stems from two contrasting accounts of reason, the former being intuitionist, the latter being sentimentalist.

The case for the heteronomy of sentimentalism seems pretty straightforward. According to sentimentalism, reason is incapable of prescribing

good ends. Its practical function is to help us to achieve ends that are given to us by our desires, by working out how best to attain them. On this view, morality binds us only via hypothetical imperatives, instructions for action that are conditional on the agent's desires and interests. The claim here may seem to be that sentimentalism recognizes only the instrumentalist conception of practical rationality. But there is a more radical implication, namely, that sentimentalism lacks any conception of practical rationality at all (Rawls 1989/1999b: 504ff.; Rawls 2000: 37). Christine M. Korsgaard uses this argument to show that there is no instrumental principle separable from the categorical imperative, hence there is only one principle of practical reason, and that is the categorical imperative (Korsgaard 2008a: 67–68).

The charge of heteronomy is less obvious in the case of dogmatic rationalism, which holds that ethical concepts are apprehended through an intellectual insight into the good (GMS 4:443; Rawls 2000: 50, 228). According to Rawls, while Kant fails to make this case against rationalism explicit, it should still be seen as underlying his opposition to the realism that goes along with this point of view (Rawls 1980/1999b: 343–46; Rawls 1989/1999b: 510–13; Rawls 2000: 228–30). This dogmatic form of rationalism conceives of the function of reason as that of discovering the good in some objects that are good prior to and independently of the activity of reason itself. Like sentimentalism, the dogmatic rationalist is seen as misunderstanding the proper function of reason in its practical use; for, like sentimentalism, dogmatic rationalism ignores the role of reason in making the ends of action worthy of choice and thus fails to explain how reason binds with genuine authority. As a consequence, it fails to account for moral obligations (GMS 4:441; Rawls 1980/1999b: 343–46; Rawls 1989/1999b: 510–13). Both sentimentalist and realist theories, then, are taken to have skeptical implications. Furthermore, they are said to render the ordinary phenomena of morality unintelligible, hence failing to make sense of the place that morality has in our lives.

However, critics take issue with this negative argument in support of constructivism, mainly because of its supposed implications against realism. There is a general problem in trying to use Kant's argument against heteronomy in support of the constructivist attack on realism. For instance, Robert Stern has forcefully argued that realism is not Kant's intended target and that the objection of heteronomy is solely directed against theories that reduce moral motivation to the force of inclination, not realism as such (Stern 2012: 7–68). In contrast to Stern, Stephen Engstrom's essay in this volume argues that the main innovative claim of Kantian ethics is

to represent practical reason as "desiderative," thereby offering a view that avoids both dogmatic rationalism and sentimentalism (see also Engstrom 2009, 2010, 2012; cf. Höffe 1993; Bagnoli 2012, 2013).

A second cluster of problems concerns the positive argument for constructivism, which is centered on the autonomy of practical reason as a self-legislative and self-certifying activity. On a constructivist reading, Kant's proposal is that practical reason is best understood as an autonomous activity, by which rational agents choose specific ends as morally worthy (GMS 4:421). Practical principles for action may serve a practical purpose only insofar as they are conceived as practical laws which apply with categorical authority and necessity (GMS 4:402, 421; KpV 5:22, 27–30). The main task of the argument is to establish that there are moral obligations that apply with rational necessity and genuine authority; hence, morality is firmly grounded on nothing but the laws of reason (KpV 5:33). There is a necessary link between the authority of the precepts of morality and the autonomy of reason (GMS 4:439). All of these claims are contentious and widely discussed in Kantian scholarship.

First, the very idea of autonomy as self-legislation is problematic. Allen Wood concisely captures the predicament:

> To make my own will the author of my obligations seems to leave both their content and their bindingness at my discretion, which contradicts the idea that I am *obligated* by them. If we reply to this objection by emphasizing the rationality of these laws as what binds me, then we seem to be transferring the source of obligation from my will to the canons of rationality. The notion of self-legislation becomes a deception or at best a euphemism. (Wood 1999: 156)

This dilemma seems especially threatening for those constructivists who – unlike Kant – represent the agents as making laws for themselves (Korsgaard 1996b: 112; Korsgaard 2009: xii; cf. Cohen 1996: 170). Carla Bagnoli's essay in this volume deals explicitly with this issue and argues for a dialogical interpretation of self-legislation that is meant to dissolve the dilemma formulated above.

Second, critics also question the normative implications of self-legislation, its role as the basis of the categorical imperative, and its power to determine the content of moral obligations. As a method of construction of particular practical reasons, the categorical imperative is not itself constructed, but is a priori with respect to our empirical practical reason (Rawls 1989/1999b: 498; Rawls 2000: 212–14, 247–49). The constructivist interpretation seeks to show that the appeal to formal principles does not lead to an empty formalism. This is because the qualification

"formal" implies not only that such principles lack content, but also that they are constitutive of some domain of cognitive activity, and therefore cannot be rejected by anyone engaged in that activity (Engstrom 2009: 115–17, 122–27; Reath 2010). In this sense the appeal to formal principles commands agreement and it is held to be the only way to carry on the practical task of reason. Furthermore, it is taken for granted that the categorical imperative presupposes a certain moral sensibility and capacity for moral judgment (Rawls 2000: 165, 237–38). These are the "materials" from which rational constructions start. The basis of construction (or the starting point) is a conception of rational agency marked by autonomy, which can be warranted by moral experience and reflection (Rawls 2000: 240). This conception of rational agency expresses the requirements of practical reason, in the sense that it specifies the capacities that are required for engaging in practical reasoning in the first place. The challenge is to show that taking all this for granted does not thereby commit the constructivist to realist claims about the value of humanity and rational agency.

The first and second essays in the volume are critical of constructivist strategies because of the role attributed to the value of rational agency. In the first essay, Robert Stern critically examines the constructivist interpretation of the formula of humanity argument in the *Groundwork*, which on this account is deployed to address skeptical concerns. Notably Christine M. Korsgaard invokes the formula of humanity to show that constructivism is better able than realism to avoid the threat of moral skepticism. By contrast, Stern argues that this text is best understood as working in a realist fashion. His discussion is meant to neutralize one important part of the constructivist's interpretative argument, while shedding light on the broader debate concerning the merits of constructivism.

Stern joins a large group of critics who oppose the constructivist interpretation of Kant on the ground that it is a form of anti-realism at odds with Kant's claims about the objectivity of moral knowledge and the absolute value of humanity (Stern 2010; Stern 2012: 7ff.; see Wood 1999: 167; Ameriks 2003: 268, 274; Kain 2004, 2006; Johnson 2007; Langton 2007; Larmore 2008; Hills 2008; Wood 2008: 108, 337, 374–75; Irwin 2009; Galvin 2010; Skorupski 2010). However, Kantian constructivists do not positively endorse anti-realism, since they turn to Kant for an alternative to both realism and anti-realism (Rawls 1989/1999b: 516, 518–23; Reath 2006: 222; O'Neill 1989: 206). Constructivists such as Korsgaard hold that value is conferred, rather than belonging to the nature of things. However, they also argue that we confer value insofar as we are rational agents, and thus the ultimate source of value is rational agency; the voluntaristic

aspects of anti-realism are thereby avoided. The constructivist interpretation purports to have the advantage of capturing the novelty of Kant's insight about the self-authenticating nature of reason as a self-legislative activity and of making sense of Kant's conception of moral authority as bestowed through the critique of reason. The radical claim of Kantian constructivism resides in the idea that not only should moral doctrines be scrutinized by reason in order to be justified, but also that reason itself stands in need of rational justification. To this extent, practical reason itself is constructed because its authority is established and instituted by reasoning, rather than unquestionably given.

Because of its transcendental claims concerning the necessary or constitutive principles of reason, many are inclined to regard the Kantian defense of the autonomy of reason as taking place within an overall foundational project (Krasnoff 1999; Wood 1999: 157, 114; Johnson 2007; Lance and Little 2007; Langton 2007; Hills 2008; Kain 2004, 2006; Galvin 2010). To some other critics the constructivist appeal to a transcendental argument for the value of humanity seems to be a decisive step toward realism (Crisp 2006: 52–55; Larmore 2008: 121; cf. Stern 2010, 2012). Kantian constructivists have not unanimously chosen to build morality on transcendental arguments. Notably, for example, Onora O'Neill makes no appeal to transcendental moral claims or idealized accounts of agency (O'Neill 1989). But critics question whether positions of this sort can succeed.

William J. FitzPatrick presses this charge against constructivism in Chapter 2. FitzPatrick focuses on the idea of human dignity, as the moral status of persons. Constructivists deny that we need any metaphysical commitment to real values in order to be in the position to make robust appeals to human dignity in normative ethical theorizing. Some constructivists bracket meta-ethical questions about the nature of dignity, and others offer explicit alternatives to a realist meta-ethical account of our moral status, arguing that dignity is not a "normative fact," but instead something that rational agents are committed to in the course of exercising their rational agency, which allegedly requires regarding others as sources of legitimate constraints. Against these strategies, FitzPatrick argues that they cannot yield the rich normative ethical results constructivism purports to reach while at the same time rejecting all realist appeals to facts about value.

Stern and FitzPatrick raise some legitimate concerns regarding the ambitions of constructivism to ground moral obligations on structural features of rational agency. Many critics are skeptical about the prospects of constructivism to derive moral obligations from the bare structure of rationality. Some attack constructivism for its rationalist underpinning:

the objection is that rationality is not valuable in itself but only depending on and relative to its benefits (Zangwill 2012). Others, instead, attack the constructivist claim that moral obligations can be successfully derived from structural claims concerning rationality. They object that the Kantian model of rational agency is not rich enough to provide grounds for subjective reasons; or level against constructivism the objection of formalism, which threatens Kant's ethics; or doubt that anything substantial can be derived from the sheer logic of rational agency (Bratman 1998; Gibbard 1999: 149, 152–53; Smith 1999; Scanlon 2003a; FitzPatrick 2005; Street 2008a, 2010; Krasnoff 2013).

The Kantian account of practical reason as self-vindicating is widely objected to on the grounds of bootstrapping. In the *Critique of Practical Reason*, Kant appears to be sensitive to the problem of the "paradox of the method" (KpV 5:62ff.; Rawls 2000: 274). The vindication of reason is "avowedly circular," in the sense that the vindication of reason is a reflexive process (O'Neill 1989: 173; Rawls 1989/1999b: 517–28). As O'Neill remarks: "If the standards of practical reasoning are fundamental to all human reasoning, then any vindication of these standards is either circular (since it uses those very standards) or a failure (since it is not a vindication in terms of the standards that are said to be fundamental)" (O'Neill 1989: 29; see also Velleman 2009: 138–41). If the discipline of reason is to reject any alien authority, then its norms must be self-constitutive.

The purported advantage of the constitutivist view of practical reason is that it establishes an internal connection between morality and agential integrity (Korsgaard 1996b: ch. 4; Engstrom 2009: section 5.4). The immoralist resists the demands of morality because he conceives of these demands as external impositions. The constitutivist argues that the demands of morality may be difficult to accommodate but they are not external impositions, as they are constitutive of reason itself. To this extent, the constructivist is able to respond to challenges against the rational authority of morality. But constitutivists disagree about the force of this response. For Korsgaard, the constitutivist argument shows that the immoralist position is internally inconsistent. For Engstrom, instead, Kant admits that a prudent amoralist could fulfill all of the rational requirements of "mere practical thought" (Engstrom 2009: 91–94, 243, section 3.7). On this reading, immoralism is ruled out on the basis of our constitution as practical subjects. The immoralist is bound to endorse moral obligations not because they override all his other concerns or interests, but because they constitute his being a practical subject. Stern's argument in his essay in this volume raises the worry, however, that the Kantian