

[Title] Constructivism

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[Main text] The term “constructivism” names a family of political, moral and metaethical views that, in general terms, regard some or all normative claims as valid *in virtue of* being outcomes of a “procedure of construction” in which actual or hypothetical agents react to, choose or otherwise settle on principles of justice, moral rules, values, etc. Traditionally, moral validity or justifiability was thought to depend on God, the Forms or some other independent moral order. Various procedures of a different, epistemological, sort were then proposed to help us gain access to the moral facts, which were thought to exist independently of us (e.g. we might need to undergo physical and mental training of the sort described in Plato’s *Republic* or learn how to reflect in a “calm, cool hour”). Constructivists, by contrast, think that there are certain procedures that are not designed to *discover* which normative claims are *already* valid. For them, the validity of some or all reasons, principles, values or other normative claims *consist in* being the result of a procedure of construction. For example, Rousseau (1997) held that states are legitimate *just in case* and *because* they would be agreed to by reasonable people who were concerned to advance their own basic interests in freedom, self-improvement and happiness, while Locke (1998) argued that governments are legitimate *just in case* and *because* free and equal (male, property-owning) people in a state of equal freedom actually agreed to it so long as it remains within the confines of natural law.

This formal characterization, however, does not capture all that proponents of constructivism have come to include in constructivist thinking. Consider, in particular, the notion of a “procedure of construction”. As Onora O’Neill (1990) emphasizes, the metaphor of

construction implies a clearly specified task or goal along with a plan for constructing it, materials, an idea of how and the thing will be used, and who will be doing the “heavy lifting.” Analogously, constructivist views would ideally do each of the following: (1) They would specify a clear and specific aim, such as finding the most fundamental principles of political justice for the basic structures of a closed, well-ordered society existing under reasonably favorable conditions (Rawls 1993, 1999) or showing that everyone has sufficient reason to establish and support an absolute Sovereign as a means to securing lasting peace (Hobbes 1994). (2) A constructivist theory would also tell us what is supposed to move the actual or hypothetical participants in the procedure who are to settle on the resulting moral principles, rules, values, etc. Are these people, for example, motivated in their deliberations solely to secure their own rights, liberties, opportunities and the other so-called primary goods (Rawls) or are they moved by the reasons they have from the generic point of view they occupy (T. M. Scanlon 1998)? (3) Constructivist theories would also need to describe what information is available to the parties in the procedure – are they behind a “veil of ignorance” that prevents them from knowing particular facts about their race, gender, social class etc. (Rawls) or do they have any and all information at their disposal (Scanlon)? (4) We may also want to know what sort of context the resulting principles or values will be operating in – is this a closed society conceived as a cooperative system for mutual advantage where everyone is assumed to accept whatever basic principles of justice are settled on in the procedure (Rawls) or are we merely assuming a group of predominantly self-interested people who have the ability to coordinate their behavior (Hobbes)? (5) What kinds of people will be living with or under the resulting values or principles? Do we suppose that they are free, equal, reasonable and rational persons (Rawls) or predominantly self-interested ones (Hobbes). (6) Finally, we may need to know more about what role the resulting

values or principles are meant to serve in that context – are they, for example, supposed to specify a publicly shared point of view for adjudicating conflicting claims on how the benefits and burdens of society are to be distributed (Rawls) or are they to serve as informally enforced social moral rules that are to guide moral deliberation and public discussion (T. E. Hill 2007). Giving firm and definite answers to these particular questions, at least at the outset of moral theorizing, may not be seen as particularly important for methods of moral reasoning that assume an already existing moral order, but in order for constructivism to avoid indeterminacy and generate substantive and usable results, it must identify clear problems and provide specific procedures for resolving them.

When discussing constructivism, there are several important distinctions we should make that are not always recognized and respected. (1) Constructivist views can differ with regard to their scope and intended domain, with Rawls, for example, giving a constructivist view of justice and Scanlon offering one of what we owe to each other. Both Rawls and Scanlon explicitly formulate their procedures, however, with normative assumptions that are not themselves constructed and both happen to think that constructivist accounts of other moral notions, such as the good or virtue, may not be possible. O'Neill (1990), on the other hand, aims to give a constructivist account of normativity in general by appealing to Kant's Universal Law Formulation of the Categorical Imperative – act only on maxims through which one can at the same time will that they be universal laws – as the fundamental principle of reason and the only one that can be 'vindicated' by reason itself. (2) Constructivists need not *deny* the existence of an independent moral order. They can allow that some moral claims are true in virtue of facts, entities or truths that exist independent of their procedures of construction. In his later writings, Rawls argues that there may well be a universal, inflexible and independent standard of justice

that specifies what we each deserve, but from the standpoint of his constructivist theory of *political* justice, we are asked to set aside our beliefs about such controversial matters and try to work out with other reasonable people standards of justice that are shareable by all from within their various religious, moral and philosophical points of view. Christine Korsgaard (1996), by contrast, lays out a more Kantian version of constructivism that explicitly denies the existence of independent moral facts, entities or truths. She argues that by fully reflecting on the basic problem of free choice that inevitably confronts all of us as agents, and by coming to see that free action must be performed by an agent *with an identity* that we construct for ourselves, proper use of our reason will lead us to Kant's Formula of Universal Law as the supreme principle of reason, which we can then use to address more specific moral questions. (3) A related point is that the outcomes of a procedure of construction need not be seen as *true* or as constituting *moral facts*. The results of a procedure of construction may instead be understood as what is most *reasonable* or *justifiable* for the intended domain, without implying or even denying that the claims are true in the same way that scientific or moral realist claims are usually thought to be true. (4) While constructivist views tend to be Kantian because of the ways they rely on the reasoned choices of actual or hypothetical people who are part of a procedure that is itself endorsed by reason, there can also be constructivist views drawn from other moral traditions. Those who are inspired by Hume, for instance, might argue that a virtue is any character trait that would give rise to approbation or approval "by the mere survey" on the part of anyone whose sympathetic capacities were in good working order and who was concentrating on the likely effects that the traits would have on those who would be likely to encounter them. Even utilitarians might endorse a sort of constructivist theory by arguing, as John Harsanyi (1955) does, that egoistic people who were ignorant of their place in society would agree to

maximize the average wellbeing of everyone.<sup>1</sup> , Locke (1988) held that a government is legitimate *just in case* and *because* free and equal people could consent to it in a state of equal freedom. (5) Finally, to prevent misunderstanding, it is sometimes asserted by sociologists and others that the prevailing ethical or political standards of actual societies are mere “social constructs” that are arbitrarily created and endorsed by a society but have no relevance outside it. These views are typically offered as scientific *explanations* of the beliefs, concepts, values, rules, etc. that a society accepts and affirms whereas constructivism in moral and political philosophy is about what *justifies* these things.

Constructivist thinking has had a prominent role in the history of moral and political philosophy, going at least back to Gloucon’s account of the origins and nature of justice in Plato’s *Republic*, gaining notoriety in the social contract theories of Hobbes, Locke and Rousseau and put to its most vaulted ambitions in the work of Kant. In contemporary times, John Rawls is credited with rediscovering constructivism, describing its main features, characterizing it as a distinct form of moral reasoning, refining it in various respects, and applying his own brand of constructivist thinking in subtle, complicated and persuasive ways. Rawls has been enormously influential in the recent explosion of constructivist views and criticisms of constructivist thinking, both through his published works and through his students, who were also inspired by Rawls’ lectures on Kant and the social contract theorists to go on and develop some of the leading versions of constructivism today (examples include Thomas Hill, Onora O’Neill, Barbara Herman, Christine Korsgaard and Andrews Wreath).

Rawls described three distinct constructivist theories, which he calls *political constructivism*, *Kantian constructivism* and *Kant’s constructivism*, although these are not always

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<sup>1</sup> Harsanyi, J. 1955. "Cardinal welfare, individualistic ethics, and interpersonal comparisons of utility." *Journal of Political Economy* 63, 309-321.

kept separate by critics. Briefly describing these views will help to illustrate some of the possible distinctions within constructivism, provide paradigms of constructivist thinking, aid in our understanding of contemporary views that are inspired by Rawls and help us to interpret Rawls' influential views about justice.

Rawls began his career gesturing at a fully general constructivist theory of what we ought to do. These ambitions are reflected in how he came to interpret Kant's ethical theory, but Rawls quickly limited his scope to describing a constructivist theory of justice that was Kantian in spirit. Later he took a sharper turn towards the political by dropping even more of his original ambitions and proposing what he called political constructivism, which aimed to be the focus of an "overlapping consensus" of "reasonable comprehensive doctrines."

### Political Constructivism

Rawls' aim in *Political Liberalism* is to specify the most fundamental principles of political justice for the basic structures of a closed, well-ordered society existing under reasonably favorable conditions, whose citizens affirm a persistent plurality of reasonable moral, religious and philosophical views. The context of this problem, Rawls suggests, is something like our own constitutional democracy in which, despite disagreement on many issues, there is a set of deeply held political convictions and values that we tend to share (e.g. slavery is unjust, religious persecution is unjust and the common good, freedom, equality, toleration are all important, etc). These considerations may have to be more 'deeply' justified in a different context – Rawls leaves it open, for example, whether they have a basis in an external moral order or pure practical reason – but for purposes of his political constructivism, he takes them as provisionally fixed, not because they show up on sociological studies about our public political culture, but because rational and reasonable people over time have tended to settle on them. A

central task of political philosophy, as Rawls sees it, is to interpret these somewhat abstract, vague and potentially conflicting values and judgments, render them more determinate and apply them to real-world situations, all in ways that can secure reasoned and free agreement among persons, or at least diminish conflict among them, on more divisive political questions. Rawls' strategy is to interpret and apply these values in stages, beginning with moral conceptions of *society* and the *person* that help to organize and structure the values, specifying a more precise set of questions to be addressed in light of them, and then describing a reasonable procedure for choosing principles of political justice that reflect and incorporate these ideas.

One fundamental role of political justice, argues Rawls, is to provide a shared point of view for adjudicating conflicting claims among free and equal citizens in a society conceived as a fair system of cooperation. Certain putative political conceptions of justice that presuppose controversial moral, political and possibly metaphysical ideas, Rawls argues, cannot serve this role. We cannot expect free-thinking people living in more or less free societies to settle on an independent order or an outside authority to tell them what each person deserves, but we also do not want to deny that there is an independent moral or religious order of that sort. Our only real alternative, argues Rawls, is the constructivist one of using the idea of fair *agreement* among equals by specifying a fair choice situation, which he calls the original position, for choosing terms of political justice that we hope can gain sufficient adherence among people who may be profoundly divided in their beliefs, values and ideals.

### Kantian Constructivism

In *A Theory of Justice* and his Dewey Lectures entitled "Kantian Constructivism in Moral Theory", Rawls describes a more aspiring version of constructivism, one in which the conception of society and the person that political constructivism takes for granted are given a foundation in

practical reason itself. There are two aspects of practical reason, according to Rawls: The reasonable, which has to do with justifying ourselves to others and reciprocating with them, and the rational, which is about conceptualizing and prudently pursuing our own good. According to Rawls, practical reason grounds a conception of the person as an agent who is reasonable and rational and, in virtue of being so, free and equal. It also grounds a conception of society as a fair system of cooperation that is guided by publicly acceptable rules and includes an idea of each person's own good. Practical reason, along with these corresponding ideas of what it is to be a person in a society, are modeled in the design of the original position for choosing principles of justice. The results of this procedure of construction, argues Rawls, express the principles and predispositions of our own practical reason, so they are best described as the principles of justice that are most reasonable for us. Kantian constructivism, so understood, denies the existence of an external moral order, and instead holds that when we accept and act on principles that are constructed in this way, we are expressing our true nature as agents with autonomy.

### Kant's Constructivism

As Rawls was developing his own positive constructivist views, he was also studying and lecturing on Kant's moral philosophy, ultimately publishing these and other of his lectures near the time of his death. While there is room for disagreement about how faithfully Rawls interprets Kant's texts, his reading illustrates how constructivist thinking can be extended to a comprehensive theory of morality. As Rawls reads Kant, particular moral requirements are valid in virtue of being constructed in what Rawls calls the "CI-Procedure", which is taken to represent all of the requirements of practical reason that pertain to our "maxims", which are the intentions, reasons, personal policies, etc. on which we act. Details aside, the CI-Procedure that Rawls attributes to Kant is a procedural interpretation of Kant's Formula of Universal Law,

which, as we have seen, requires us to act only on those maxims that we can will as universal law. The procedure begins by considering a maxim on which we propose to act and ensuring that the maxim is sincere and also prudent from our point of view. We then imagine a world like ours except that everyone acts on our same maxim publicly, as if by a law of nature. We are permitted to act on our proposed maxim, then, only if, as rational, reasonable, sincere and lucid agents, we can (1) consistently intend our maxim in that “adjusted” social world and (2) will and affirm that social world itself on the basis of our true human needs, without knowing anyone’s particular place in that society, including our own. On Rawls’ interpretation, when a fully reasonable person sincerely intends to act in a certain way, she implicitly endorses the features of practical reason that are represented in the CI-Procedure and so sees herself as putting forward public moral legislation for an enduring social world. Kant denied as “heteronomous” any attempt to ground morality in theology, a prior order of values or the sentiments of persons; instead, he argues that our own nature as reason governed agents gives rise to and grounds a conception of ourselves as beings who possess the powers of practical reason along with an idea of the public role that moral principles are supposed to play. Both of these conceptions, of the person and society, are then supposed to be reflected in the CI-Procedure that, as Rawls puts it, is “Kant’s attempt to formulate a procedural representation of all the criteria that are relevant in guiding our moral reasoning if our reasoning is to be valid and sound.” (Rawls 2000, 217).

### Objections

One way some have criticized constructivism is by questioning whether it really counts as a distinct metaethical position, in competition with other views about the metaphysical, epistemological or semantic presuppositions of morality (Hussain and Shah 2006; Street 2008). Others worry that constructivism is untenable because the procedures that it posits are redundant

or unnecessary epicycles that add nothing to what is already in some sense contained in the values or reasons that the procedures are meant to capture. Also, G. A. Cohen (2008) has suggested that justice, for example, stands as an abstract and fundamental ideal that is universal, inflexible, comprehensive, and not subject to empirical confirmation or constraint. The most we can conclude from constructivist procedures such as Rawls' that incorporate contingent facts about the nature of persons and society, the objection goes, are lower-level standards of social regulation for a world like ours, not *truly* fundamental principles of justice that apply in all times and places. Finally, Allen Wood (2008, 106-109) objects to the apparent implication that constructivist views of morality imply that morality is merely "human-made", subject to contingent "whims" and "expressions of individuality", and created in purely "subjective" acts that cannot ground any claims to "objectivity."

[Cross References]

SEE ALSO: Ethics; Hobbes, Thomas; Justice; Kant, Immanuel; Locke, John; Practical Reason; Rawls, John; Reason; Rousseau, Jean-Jacques; and Social Contract.

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