

# Normativity as fact and procedural realism: Some observations on the prologue and 1<sup>st</sup> lecture of Ch. M. Korsgaard's *The Sources of Normativity*

Emanuele Tredanaro<sup>1</sup>

Universidade Federal de Lavras - UFLA

## Abstract

In this paper, we offer some observations on the mobilisation of categories and arguments that Christine Marion Korsgaard presents in her work *The Sources of Normativity* (SN). In particular, in the main thesis set out in the prologue, we will identify normativity as fact, a common thread for reading those philosophers of modernity, whose ethical-political theorisations are taken by Korsgaard, in the lecture part of SN, as illustrative references of two conceptions of normativity: the realist and the voluntarist. We thus propose to modulate Korsgaard's interpretation, seeking to show some implications of her main thesis and notion of procedural realism, since the prologue and the first lecture of SN, generally underestimated by the interpreters.

**Keywords:** Korsgaard; normative activity; procedural realism; realism; voluntarism.

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<sup>1</sup> E-mail: emanuele.tredanaro@ufla.br. <http://orcid.org/0000-0001-8475-2637>

Korsgaard's theoretical proposal might conceivably offer one of the most consistent contributions that the renewed attention to Kant's practical philosophy has produced within the milieu of Anglo-Saxon reflection, based on and indebted to Rawls<sup>2</sup>. As is widely known, following her doctorate at Harvard in 1981<sup>3</sup>, supervised by Rawls himself, in 1992, Korsgaard is invited by the University of Cambridge to be a lecturer for the 'Tanner Lectures on Human Values'. On that occasion, Korsgaard gives a series of four lectures titled *The Sources of Normativity* (SN), which represents a first and – in substance – definitive systematisation of her Kantian conception of moral normativity, published under the same title four years later, in 1996<sup>4</sup>. As Onora O'Neill notes in her introduction to SN, the lectures given by Korsgaard at the 'Tanner Lectures on Human Values' cause a broad and lively debate (cf. O'NEILL 1996, xi). Utilising a structure that recalls – *mutatis mutandis* – the editorial history of Descartes' *Meditations*, the final version of SN includes four significant commentaries by Gerald Allan Cohen, Raymon Guess, Thomas Nagel and Bernard Williams, who, more promptly than others who will follow<sup>5</sup>, raise critiques of SN, after the circulation of the text in the North American academic context; those commentaries constitute lectures 5 to 8, respectively, of the nine that ultimately comprised SN. The first four are practically identical to the 1992 lectures, with Korsgaard responding to her interlocutors in the ninth.

Beyond those additions, there is yet another section appended by Korsgaard to the 1992 version, we imagine also due to the new format of the lectures, now a book: the prologue, titled "Excellence and obligation", the subtitle of which – at first glance preposterous, or at least pretentious, considering that it is merely a prologue – is "a very concise history of western metaphysics 387 BC to 1887 AD". The dissimulation, however, is honest, and not only because it is indicated graphically by the italics. From the very beginning, the intention of the entire prologue is evident: a pretext for presenting – succinctly but convincingly – the general reading key of the work, rather than a history of the more than thousand-year-old tradition of Western metaphysics. In addition, the reading key offered by Korsgaard seems to be general for two complementary reasons: one methodological and the other concerning the main thesis of SN. First, taking advantage of the addition of those initial pages, Korsgaard clarifies for the reader the method of investigation that she will follow throughout SN. Despite the claim in the subtitle – perhaps now revealing a certain jocular character – the interest that Korsgaard demonstrates is neither historiographic nor exegetical but, rather, primarily theoretical,

<sup>2</sup> We do not want to ignore the fact that from its beginning contemporary ethics – including that of an analytic nature – has been in dialogue with Kant and Kantianism. We should not forget that the work considered to be the starting point of contemporary ethics, *Principia Ethica* of 1903, was written by George Edward Moore, based on the lectures for his 1898 course titled *The Elements of Ethics with a view to an appreciation of Kant's Moral Philosophy* (cf., for example, Baldwin, 1993, xiii). Nor should we forget that at least two ambitious undertakings in the ethical theorisation of the twentieth century take Kantian moral philosophy as a reference: deontological ethics, proposed by William David Ross in *The Right and the Good* of 1930, and moral universalism, revisited by Richard Mervyn Hare in *Freedom and Reason* of 1963. Additionally, however, it seems impossible not to acknowledge that until the early 1970s, mainstream analytic philosophy was based as much on a mistrust of the cognitive validity of moral judgment as on the affirmation of utilitarian perspectives. We therefore understand the publication of Rawls' *A Theory of Justice* in 1971 as an explicit and resolute return to Kantianism in the analytic environment. For an extensive overview of the dialogue between the exponents of analytic ethics and Kant, cf., for example, Stratton-Lake, 1998, 1-13.

<sup>3</sup> Korsgaard's doctoral thesis on Kant, *The Standpoint of Practical Reason*, will be published with minor revisions in 1990. Korsgaard's thesis is part of the debate on the question of moral foundations that animated the 1980s. In her study, Korsgaard focuses on the Kantian notion of practical reason, identifying the foundation of morality in the rational agent's capacity for autonomous reflection.

<sup>4</sup> This same year also brings a collection of essays written by Korsgaard after her doctorate, titled *Creating the Kingdom of Ends*. As in SN, Korsgaard's handling of Kantian texts is never solely exegetical but, rather, aimed at constructing her own theoretical proposal. Similarly, Korsgaard works on philosophical historiography, particularly Aristotle (whose theses on action and deliberation she attempts to reconcile with Kant's moral philosophy), Hume and the English moral philosophers of modernity (against whom she critically positions herself), and Rawls (whose arguments and method she applies to questions unrelated to strictly political theory). As with SN, this collection also provokes broad debate: cf., among others, Ginsborg, 1998; Guyer, 1998; Schneewind, 1998; Wood, 1998. For the response, cf. Korsgaard, 1998.

<sup>5</sup> In the years immediately following the publication of SN, cf., among others: Schneewind, 1997; Bratman, 1998; O'Day, 1998; Gibbard, 1999; Smith, 1999; Cohon, 2000.

returning to a typological use of different historically determined conceptions, according to a certain long-established habit within the Anglo-Saxon philosophical milieu<sup>6</sup>. The typological handling of the various theoretical perspectives thus becomes a distinguishing characteristic of SN as a whole, the prologue announcing it through quick sketches. At the same time, it also identifies the thesis of the work. It is precisely in the prologue that the main thesis appears: the affirmation of normativity as fact, the analysis of which will be articulated by the sub-theses that lend their names to the following four lectures<sup>7</sup>. More specifically, Korsgaard declares in the incipit:

It is the most striking fact about human life that we have values. We think of ways that things could be better, more perfect, and so of course different, than they are; and of ways that we ourselves could be better, more perfect, and so of course different, than we are. Why should this be so? Where do we get these ideas that outstrip the world we experience and seem to call it into question, to render judgment on it, to say that it does not measure up, that it is not what it ought to be? Clearly we do not get them from experience, at least not by any simple route. And it is puzzling too that these ideas of a world different from our own call out to us, telling us that things should be like them rather than the way they are, and that we should make them so (SN, 1).

Based on that maximally comprehensive affirmation, namely, the acknowledgement that human activity gives valuing meaning to the world, Korsgaard offers us an Ariadne's thread, searching for the shortest path through the labyrinth of Western metaphysics and its unfolding into ethical theorisation, both of which represent the expression of that eminent and primordial human activity. In an almost phenomenological excursus, the history of Western thought is read as an endeavour towards a (self)understanding of the dual relationship between values and the world, shaped by the relationship between signifying/valuative forms and signified/valued matter. As evidenced by the conceptions of, respectively, classical Greek antiquity, Christianity and post-modernity, that relationship is configured according to three theoretical paradigms: the natural contribution of matter to formal perfection, as well as the natural predisposition and tendency of matter towards formal excellence; the imposition on matter of form as an obligation; and the emptiness of formal significance in consideration of the inscrutability of matter (cf. SN, 3-4). Precisely because they are almost proposed as dialectic moments of a unitary and general movement of flexion, the macroscopic turns of Western reflection, understood as a manifestation of the human being's activity that gives valuing meaning to the world, can be identified by Korsgaard both as indications of a revolution in thought and, simultaneously, as always shaping – in principle, unreflectively – the revolutionary movement itself: “Now the revolution I'm talking about happened gradually, but the seeds of it were already present in what Plato and Aristotle thought” (SN, 3).

<sup>6</sup> A fine example of this *modus philosophandi* is undoubtedly the classic by Charles D. Broad, *Five Types of Ethical Theory*, of 1930, in which the author presents the moral philosophies of Spinoza, Butler, Hume, Kant and Sidgwick, in accordance with the following theoretical aim: “My primary interest in this book is to find out what is true and what is false about ethics; and the statements of our authors are important to me only in so far as they suggest possible answers to this question. I hope and believe that I have not misrepresented any of the moralists under discussion” (Broad 1930, 2).

<sup>7</sup> ‘The normative question’; ‘Reflective endorsement’; ‘The authority of reflection’; and ‘The origin of value and the scope of obligation’ constitute the moments of a single analysis intended to show how to understand normativity as fact. Four approaches to ethical theorisation are therefore identified: 1. voluntarism; 2. realism; 3. reflective endorsement; and 4. the appeal to autonomy, through which different proposals of modernity and contemporaneity are read, respectively: 1. Pufendorf and Hobbes; 2. Clarke, Price, Prichard, Moore, Ross and Nagel; 3. Hutcheson, Hume, Stuart Mill and Williams; and 4. Kant and Kantian constructivists, notably Rawls (cf. the general structure in SN, 18-19, in which Grotius is not mentioned, although he is taken in SN as the first representative of the realist tradition). In general, Korsgaard takes advantage of the confrontation between voluntarism and realism to show, in the first lecture, how the question about normativity is addressed at its emergence; in the second lecture, she broadly analyses the theory called reflective endorsement, showing its central role as a theoretical turning point in the debate on normativity; in the third lecture, she identifies in Kantian philosophy, and in its contemporary constructivist revival, the most conscientious and refined expression of the reflection on normativity; and the fourth lecture finally explains, in an original way and among other questions (cf. SN, 92), some assumptions that Korsgaard had been making throughout the previous lectures and that – according to our *ex post* reading – shaped SN since the prologue.

Korsgaard's interpretative suggestion thus has a double consequence. If, at the end of history, post-modernity can proclaim the death of God, that is, deny objective reality and necessity to the normative character of human valuative significance of the world, it is because, from its beginning, history has been open to that outcome. Since ancient times, in other words, the very relationship between values and the world, between form and matter, has created normativity, for that relationship is conceived as being nourished by conflict: "The form of thing is its perfection, but if a thing doesn't reach its perfect form then ultimately it is because there is some reluctance, some recalcitrance, some resistance in its matter: the matter refuses, so to speak, to take the form" (*ibidem*). If, moreover, at the end of history, post-modernity can proclaim the death of God, that proclamation ultimately does nothing other than reaffirm the motive, the principal theme underlying the whole of history, inasmuch as it has always been a single plot, to which even its outcome belongs<sup>8</sup>. As well, attempting to deny objective reality and necessity to the normative character of human valuative significance of the world ultimately represents one of the possible expressions of our eminent and primordial normative activity of giving value meaning to the world. Indeed, it represents its ultimate expression, while – in a performative contradiction – it is affirming, through the very act of denying it, the irrefutability of human valuative significance of the world as obligation.

"Nietzsche was right when he warned the enemies of obligation not to think of it lightly because it was born in pain and ugliness. Obligation is what makes us human" (SN, 5), states Korsgaard, concluding the prologue. Once understood as essential to the human being, there is no way to configure the activity that gives valuing meaning to the world as anything other than an obligation, inasmuch as, precisely when it is assumed as essential to the human being, that activity is manifested in the discrepancy between us and things, imposing itself on them. If the world did not resist us to a certain extent but was instinctively given to us, it would not be necessary to demand meaning and value from it. However, to give meaning and value to the world is what the human beings have always done, and in doing so, they endlessly reiterate that there is a gap between themselves and the world, which must be shaped. "Was Kant who completed the revolution, when he said that reason – which is form – isn't in the world, but is something that we impose upon it" (*ibidem*). The pain and ugliness which, according to Nietzsche, is caused within us by that distance, represent nothing more than the feeling of what the Kantian nomenclature calls *Grenze*, the limit, the resistant force upon whose meaning and value our reason is obliged to nourish itself as a driving force<sup>9</sup>. As has been said, any attempt at denial would result in a performative contradiction and, ultimately, in a constant affirmation of the tension between those forces.

Indeed, Korsgaard is quite clear when she shows that the return to Kant is aimed at discovering a response to the nihilistic attempt to refute the objective reality and necessity of valuative significance as normativity. To our eyes, the explicit reference to Nietzsche at the beginning of the prologue becomes fundamental to the presentation of the general key to reading SN. As an initial epigraph, Korsgaard cites a well-known passage from the second treatise of the *Genealogy of Morals*, on the conception of the will to power in its articulation as an active bad conscience<sup>10</sup>:

<sup>8</sup> Of particular note is the Heideggerian thesis, according to which Platonic philosophy already has "the character of what will later be called metaphysics" (GA I.9, 235). In conceiving of Western thought as a continuum, Heidegger designates Nietzsche as "the most intractable Platonist in the history of Western metaphysics" (GA I.9, 227), precisely by identifying that he was the one who brought it to the final consummation.

<sup>9</sup> According to a famous Kantian metaphor, "The light dove, in free flight cutting through the air the resistance of which it feels, could get the idea that it could do even better in airless space" (KrV, B9).

<sup>10</sup> We provide the entire passage, with the parts removed by Korsgaard indicated within brackets.

One should guard against thinking lightly of this phenomenon merely on account of its initial painfulness and ugliness. For fundamentally, it is the same active force that is at work on a grander scale in those artists of violence and organizers who build states, and that here, internally [on a smaller and pettier scale, directed backward, in the 'labyrinth of the breast', to use Goethe's expression], creates for itself a bad conscience and builds negative ideals – namely, the *instinct for freedom* [(in my language: the will to power)]; only here the material upon which the form-giving and ravishing nature of this force vents itself is man himself, his whole ancient animal self [– and *not*, as in that greater and more obvious phenomenon, some *other* man, *other* men]. This secret self-ravishment, this artists' cruelty, this delight in imposing a form upon oneself as a hard, recalcitrant, suffering material and of burning in a will [, a critique, a contradiction, a contempt, a No into it, this uncanny, dreadfully joyous labour of a soul voluntarily at odds with itself that makes itself suffer out of joy in making suffer – eventually this entire *active* 'bad conscience'] – you will have guessed it –, as the womb of all ideal and imaginative phenomena, also brought to light an abundance of strange new beauty and affirmation [, and perhaps beauty itself] (KSA 05, GdM II.18).

Following the argumentative line that Nietzsche himself adopts when admitting that normative imposition, whether *in foro interno* or *in foro externo*, is the result of a conscious, deliberate and will-creating activity of giving valuing meaning to the world – otherwise we would not even be able to discern our own will acting as a will to power or as an active bad conscience –, there is no longer any possibility of naturalising values themselves or seeing them as data. In other words, any appeal to a purported golden age, in which there would be no valuative imposition, in which values would simply mirror of natural power relations, given in an immediate and pre-significant way, becomes futile. The very thesis by which both the individual and public sphere are shaped by the violent imposition of form upon matter is ultimately defended by Nietzsche based on the recognition that such an imposition is effected by one's own will precisely as long as it is capable of obliging us towards meanings and values: after all, the "secret self-ravishment" is nothing if not an expression of the "active force" itself, the "will to power", when it confers a certain meaning and value to the things of the world, which – we might add – in themselves, have no meaning or value for us. If it were true that they had them for us, that is, if matter possessed, in itself, *de facto*, meaning and value, little or nothing could be constrained by human attempts at formal shaping, in which case it must be admitted that the will is not to power but is instead powerless.

It is within this context that Korsgaard's reference to a leitmotif as old as ethical-political theorisation itself emerges: namely, the analogical relationship between the normatisation of the motives within the human being and that of the behaviours of individuals in the state, both dimensions presented – as is also seen in the Nietzschean conception of the will to power – as modes of expression of a single activity that imposes meaning and value upon movements recognised as antagonistic. In addition to showing, as mentioned, the theoretical untenability of any attempt to naturalise values (a premise necessary for Nietzsche to conclude in favour of a moral revaluation in the name of values seen as primordial and now considered subverted), it appears that Korsgaard sets out her own conception of normativity, beginning in the prologue, with that analogy in mind.

The normative activity of valuative significance – when directed towards the ethical-moral realm – internally identifies the tension that is generally recognised between values and the world, between signifying/valuative forms and signified/valued matter. However, when directed towards the political sphere, that same tension between values and the world, between signifying/valuative forms and signified/valued matter, is reconfigured in a peculiar way: as external and objective, but adhering by analogy to subjective interiority much more than the external world. If metaphysics and Western



theoretical speculation can be read as a general expression of the normalisation of the world without the latter losing its alterity of *objectum*, it is practical philosophy, as an ethical and legal-political theorisation, that shows even more clearly how our activity of valuative significance shapes normatively the world according to forms identified as belonging to the *subjectum*<sup>11</sup>. Just as, *in foro interno*, the individual is split into their basic antagonistic facets, their rational nature opposing their instinctive nature, *in foro externo*, the state is split between its basic antagonistic entities, between rulers and the ruled, yet without failing to attribute unity to both the individual and the state. After all, by opposing “the ancient animal self” to the bad conscience, as well as man to the “other man”, the “artists of violence and organizers who build the state to other members of the political organisation, Nietzsche, in addition to showing that the forces that produce tension in both morality and politics manifest a single primordial normative activity, would be returning to a lecture by the so execrated Plato, based on which the normalisation of intersubjective relations in the *polis* is conceived according to that of intrasubjective relations in the soul<sup>12</sup>.

It appears that such an interpretative perspective reverberates in SN as early as the first of the four lectures on moral normativity. In her first lecture, Korsgaard draws upon *De iure belli et pacis*, by Grotius; *Leviathon*, by Hobbes, and *De jure naturae et gentium* and *De officio hominis et civis iuxta legem naturalem*, by Pufendorf, handling those works as simultaneously political and moral theorisations<sup>13</sup>. Specifically, Grotius’ thesis that “human beings would have 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’ [Grotius 1625, Proleg., xvi]<sup>14</sup>” (SN, 7) is used to structure the realist approach. According to that perspective,

normative claims are simply there, part of the framework of the universe. He tells us that what makes the laws of nature, as moral laws were called, different from positive laws, is that the acts which they enjoin or forbid ‘are, in themselves, either obligatory or not permissible ... by their own nature’ [Grotius, 1625, I.i.x, 6]<sup>15</sup> (SN, 22).

In turn, the thesis that it “is not really *obligatory* unless some sovereign authority, backed by the power of sanctions, lays it down as the law” (SN, 7), stated by Korsgaard while thinking of Hobbes and Pufendorf, exemplifies the voluntarist approach. Notably,

he [Pufendorf] held that: ‘since ... moral necessity ... and turpitude ... are affections of human actions arising from their conformity or non-conformity to some norm or law, and law is the bidding of a superior,

<sup>11</sup> Remember the Kantian distinction, within the *a priori* pure principles, between those inherent to the metaphysics of nature, or laws of nature, and those inherent to the metaphysics of morals, or laws of freedom (cf., for example, GMS, AA 04: 387; RL, AA 06: 214-216). The former are limited to the normalisation of the external world solely as a physical dimension, while the dynamics of the external world as a legal-political dimension are governed by the latter, that is, by the same laws that shape the internal dynamics of moral deliberation.

<sup>12</sup> Cf., in particular, *Resp.*, 368c-369a.

<sup>13</sup> Several pages later, Korsgaard openly identifies the political philosophers mentioned here as moral philosophers: “he [Grotius] is often identified as the first *modern* moral philosopher. But the credit for that should really go to Hobbes and Pufendorf. For they were the first to identify clearly the special challenge which the Modern Scientific World View presents to ethics, and to construct ethical theories in the face of that challenge” (SN, 21). Basically, Korsgaard embraces the reading of Jerome B. Schneewind, to whom she acknowledges her debt (cf. *ibidem*, footnote no. 21).

<sup>14</sup> Korsgaard quotes Grotius from the selection presented in Schneewind 1990, vol. I, 88-110 (who uses the 1925 translation by F. W. Kelsey).

<sup>15</sup> As Korsgaard reminds us when she demonstrates the revival of the realist position among the English moralists of the eighteenth century, a position very similar to that of Grotius, or at least compatible with it, it is defended by Price in *A Review of the Principal Questions in Morals* of 1758: “as Richard Price puts it: ‘all actions, undoubtedly, have a *nature*. That is, *some character* certainly belongs to them, and somewhat there is to be *truly* affirmed to them. This may be, that some of them are right, others wrong. But if this is not allowed; if no actions are, *in themselves*, either right or wrong, or anything of a moral and obligatory nature, which can be an object to the understanding; it follows, that, in themselves, they *are* all indifferent’ [Price 1758, I.iii, 72]” (SN, 30). Korsgaard quotes Price from the selection presented in Schneewind, 1990, vol. II, 586-604, which draws on the anastatic reprint from 1948 by D. D. Raphael.

it does not appear that [they] ... can be conceived to exist before law, and without the imposition of a superior' [Pufendorf, 1672, I.ii.6, 25]<sup>16</sup> (SN, 22).

However, rather than Pufendorf on one side and Grotius (and Price) on another, it seems to us that the voluntarist and realist position acquire a certain theoretical sophistication with Hobbes and Clarke, even if the theses of the latter continue to be worked by Korsgaard as distant from one another and parallel to those of the former. It is undeniable that Hobbes' and Clarke's conceptions are diametrically opposed in terms of theoretical claims. Possibly, however, they also suggest a certain point of contact, insofar as they are read as pointing to normativity not only as naturally real, nor only as voluntary and conventional, but as referring to the continuity between these two perspectives, without that precluding the two thinkers from placing more emphasis on one or another. In other words, Hobbes and Clarke, even maintaining, like Pufendorf and Grotius (and Price), conflicting views when privileging either the natural character of normativity or its artificial and conventional character, can be considered to have demonstrated a certain theoretical sensibility to the relationship between those two dimensions. Quoting the famous final paragraph of Chapter XV of *Leviathan*, Korsgaard recalls that

Hobbes, after laying out the laws of nature, says: 'These dictates of Reason, men use to call by the name of Lawes; but improperly: for they are but Conclusions, or Theoremes concerning what conduceth to the conservation and defence of themselves; whereas Law, properly is the word of him that by right hath command over others' [Hobbes, 1651, XV, 80]. So the role of the legislator is to make what is *in any case* a good idea into *law* (SN, 23-24).

If, for Hobbes, the normative activity of meaning and valuation is fully accomplished only if there is a legislator – whether it is the author of the original agreement or the sovereign actor<sup>17</sup> – at the same time, such an activity refers to dictates that reason cannot fail to recognise as intrinsic to its nature, hence the conceptual and terminological confusion produced by the expression 'laws of nature': even if they are not strictly speaking laws (since laws themselves require the voluntary act of a legislator), there is no better term than 'laws' to express the normative necessity (even if only in a logical sense) that the dictates of reason naturally manifest. Nor does one need to look far to find that Hobbes is conceiving the normativity of a law of nature in terms analogous to that of a law resulting from the voluntary act of a legislator. Equally famous is the passage in which, at the beginning of Chapter XIV of *Leviathan*, attempting to distinguish *ius naturale* and *lex naturalis*, Hobbes defines a law of nature as a form imposed by reason upon unlimited instinctive freedom, which is thus limited, defined, shaped by it:

A law of nature, *lex naturalis*, is a precept, or general rule, found out by reason, by which a man is forbidden to do that which is destructive of his life, or taketh away the means of preserving the same, and to omit that by which he thinketh it may be best preserved. For though they that speak of this subject use to confound *jus* and *lex*, right and law, yet they ought to be distinguished, because right consisteth in liberty to do, or to forbear; whereas law determineth and bindeth to one of them: so that law and right differ as much as obligation and liberty,

<sup>16</sup> Pufendorf's writing, *De jure naturae et gentium*, is also quoted by Korsgaard based on the selection presented in Schneewind, 1990, vol. I, 156-182 (who uses the 1934 translation by C. H. Oldfather and W. A. Oldfather).

<sup>17</sup> In the interaction between author and actor as conceived by Hobbes in Chapter XVI of *Leviathan*, the fact that normative authorship is recognised only for the former in its originality does not prevent the latter from assuming it, even if it is derived, i.e., by authorisation. Furthermore, it is precisely through the authorisation that the actor receives from the author to represent it, that the author ultimately silences itself in the presence of the voice of the actor.

which in one and the same matter are inconsistent (Hobbes, 1651, XIV, 64).

Shifting the emphasis, something speculatively similar can be said regarding Clarke, according to the passages that Korsgaard presents from *A Discourse Concerning the Unchangeable Obligations of Natural Religion, and the Truth and Certainty of the Christian Revelation*.

But why are we obligated to conform to the social contract? Clarke says: ‘To make these *compacts* obligatory [Hobbes] is forced ... to recur to an antecedent *law of nature*: and this destroys all that he had before said. For the same law of nature which obliges men to *fidelity*, *after* having made a compact; will unavoidably, upon all the same accounts, be found to oblige them, *before* all compacts, to *contentment* and mutual *benevolence*...’ [Clarke, 1705 (1728), 227]. If the need to establish a cooperative system can obligate us to conform to a social contract, why doesn’t that same need obligate us to behave ourselves in cooperative ways in the first place? Or, if we say that obligation comes from the fact that the laws have been made by the sovereign, what then are we to say about why we are obligated to obey the sovereign? Again Clarke complains: ‘that compacts ought to be faithfully performed, and obedience to be duly paid to civil powers: the obligation of *these things* [Hobbes] is forced to deduce entirely from the internal reason and fitness of the things themselves...’ [Clarke, 1705 (1728), 231]<sup>18</sup> (SN, 28).

Clarke’s arguments reveal the primacy conferred upon the primordial, natural and pre-deliberative character of human normative activity. We might add that the social contract itself, in fact, is still accomplished in the absence of the sovereign (if the latter existed, there would be no reason to make the original agreement), which would be obeyed solely for the same reason that one naturally obeys “internal reason” and not only because of the agreement made through the contract. It should be noted, in a complementary way, that if, for Clarke, the very dictates of reason are operating as truly normative, because they are intrinsic to the nature of the human being, they simultaneously act as a kind of internal sovereign, the authority of which is immediately recognised in a kind of tacit agreement.

Korsgaard thus recognises that “The realist’s response is to dig in his heels. The notion of normativity or authority is an irreducible one. It is a mistake to try to explain it. Obligation is simply there, part of the nature of things” (SN, 30). At a first glance, the realist perspective succeeds in demonstrating – better than others – the crux of the fundamental question about the normative activity of valuation, namely, normativity as fact. However, such an assertion is only acceptable in one sense, as Korsgaard makes a point of clarifying through the distinction between procedural moral realism and substantive moral realism. Once again returning to a Kantian theoretical position<sup>19</sup>, Korsgaard clarifies that the former is committed to the analysis of the question of values, while the latter is committed to the assumption of the necessary existence of given values.

Procedural moral realism is the view that there are answers to moral questions; that is, that there are right and wrong ways to answer them. Substantive

<sup>18</sup> Clarke is quoted by Korsgaard from Raphael, 1991, vol. I, 189-225, referring to the 7<sup>th</sup> corrected edition of Clarke’s speech from 1728.

<sup>19</sup> We are thinking here of the transcendental characterisation of the distinction between form and matter, in which the former differs from the latter precisely because it loses any substantive character and, once there is no possible objectification in an ontological sense, there can only be reflection on the conditions of possibility, whether they refer to knowledge, internal deliberative intention, or external interaction between wills.



moral realism is the view that there are answers to moral questions *because* there are moral facts or truths, which those questions ask *about*.

To see the difference, it helps to consider normative realism more generally. The procedural normative realist thinks that when we ask practical questions like ‘what must I do?’ or ‘what is best in this case?’ or ‘how should I live?’ there are correct and incorrect things to say. This is not just a view about morality. Suppose the correct answer to the question ‘how should I live?’ is ‘just as you like’. Then people deluded by duty who don’t live as they like would be making a *mistake*. The view that there is *no* normative truth about action is the view that it is impossible to fail to do what you have reason to do, or should do, or ought to do: it is the view, more or less, that it doesn’t matter what you do. Procedural normative realism isn’t completely trivial, for it does have an opposite, but that opposite is a kind of nihilism. The denial of procedural normative realism says that there is no ought, should, must, or reason at all (SN, 35)<sup>20</sup>.

The question of normativity, as addressed by procedural realism, is equidistant between substantive realism based on the naturalisation of values (and a certain intuitionism<sup>21</sup>) and normative nihilism; these latter two perspectives are – as mentioned at the beginning – the extremes between which the Nietzschean conception oscillates problematically. If our reading of Clarke’s passages on normativity is correct, it seems that, unlike Grotius (and Price), Clarke can be ascribed a position that is also compatible with that of the procedural realist. Although, in general, Korsgaard follows the canonical interpretation and considers Clarke to be a substantive realist (cf. SN, 39, 42 and 46), she cannot help but underline the theoretical oscillations present in the conception of normativity proposed by Clarke, as well as stressing a certain theoretical difference between him and Price<sup>22</sup>.

In fairness to Clarke, it must be noticed that his view is ambiguous. Clarke sometimes says that it is their reasonableness that makes certain actions obligatory [...] But on other occasions it sounds as if Clarke is anticipating Kant’s view - which I will explain in lecture 3 - that obligation derives from the dictate of the agent’s own mind. For example, Clarke says: ‘For the judgment and conscience of a man’s own mind, concerning the reasonableness and fitness of the thing, that his actions should be conformed to such or such a rule or law, is the truest and formalist *obligation* [Clarke 1705 (1728), 188-189] ... For no man willingly and deliberately transgresses this rule in any great and considerable instance, but he acts contrary to the judgement and reason of his own mind, and secretly reproaches himself for doing so. And no man observes and obeys it steadily ... but his own mind commends and applauds him for his resolution, in executing what his conscience could not forbear giving its assent to, as just and right [Clarke 1705 (1728), 190]. Here the normative force derives not from the intrinsic reasonableness of the action alone, but from the fact that the agent determines herself to do what is reasonable. Clarke himself does not seem to have noticed the difference between these two views, nor do any of his followers, before Kant, seem to

<sup>20</sup> Note that Korsgaard immediately reconciles the position of procedural realism with that of Rawlsian procedural constructivism, in fact, she considers the latter one of the possible specifications of the former: “Procedural realism does not require the existence of intrinsically normative entities, either for morality or for any other kind of normative claim. It is consistent with the view that moral conclusions are the dictates of practical reason, or the projections of human sentiments, or the results of some constructive procedure like the argument from John Rawls’s original position” (SN, 35).

<sup>21</sup> Remember the polemic waged by Rawls against intuitionism throughout his magnum opus and, notably, in section 7 of the first chapter (cf. Rawls, 1971 (1999), 34-40).

<sup>22</sup> Rawls also corroborates that traditional reading of Clarke, although the Rawlsian nomenclature prefers the term ‘intuitionism’ to ‘realism’, as evident from the exceptionally rare occurrences of the former term in his major works. In his lectures on modern moral philosophy, delivered at Harvard beginning in the early 1970s and over the course of three decades, Rawls considers Clarke, Price and Reid all to be representatives of the school of rationalist intuitionism (cf. Rawls, 2000, 8-11). In particular, Rawls presents Clarke’s intuitionism in order to explain the critique of it in Hume’s *Treatise* (cf. Rawls, 2000, 69-83). Rawls quotes Clarke from Schneewind, 1990 [vol. I, 293-312] (cf. Rawls 2000, 69 footnote), as will Korsgaard in SN, but disregards those Clarkean passages indicated by Korsgaard as susceptible to ambiguity or an interpretation that does not adhere *tout court* to the canonical.

have picked it up. Price, who says that obligation itself is a property of actions, is more straightforward a realist (SN, 31-32).

The reflection on “the truest obligation” leads Clarke to intuit – in a theoretical context completely foreign to that of Kant’s transcendental practical criticism – the theoretical centrality of the formal character of normativity, that is, in the terms of procedural realism, to identify as fundamental question of normativity the very human activity of imposing meanings and values, taking that activity as fact.

In turn, if we are correctly reading the Hobbesian proposal on normativity – emphasising its distance from Pufendorf’s proposal<sup>23</sup> and, according to the approach indicated, a certain possible point of contact with Clarke’s position – it seems that the interpretative tool suggested by Korsgaard can be used later on to understand if and how Hobbes’ voluntarist perspective is also compatible with procedural realism. In this regard, the reading that Nagel offers, even though the general aim of his observation is different, sketches the general outlines of the question.

I think that in lecture 1, Korsgaard misinterprets Hobbes. He was not, in her sense, a voluntarist, because he did not believe the command of the sovereign was the source of obligation. Rather, the sovereign’s commands, and his monopolistic capacity to enforce them, remove the excusing condition of insecurity which makes the laws of nature oblige only *in foro interno* when we are in the state of nature. Even the command of God is not the source of moral obligation. I read the passage from *Leviathan* she quotes in section 1.3.2 as a purely linguistic point – that we can’t literally *call* these moral principles ‘laws’ except in so far as they are commanded – but they oblige us nonetheless, since they are rational dictates of self-preservation, which is our first aim (Nagel, 1996, in: SN, 208).

Although Nagel is emphatic in departing from Korsgaard’s interpretation, we are interested here in showing that the remarks offered by Nagel, when mobilised not because they contradict Korsgaard’s handling of Hobbes, can be used to complement our reading. Accordingly, attributing a “purely linguistic” character to the Hobbesian conception of the normativity of laws of nature, insisting on the naturalness of their obligatoriness, does not prevent Nagel himself from reiterating that it is precisely “in so far as they are commanded” that moral principles are called laws. In other words, moral principles are called laws by virtue of the immediate recognition of the authority of the internal sovereign, which is legislative reason. The dynamics inherent to normative voluntarism, that is, the obligation derived from the act of a legislator, is internalised. Furthermore, the Hobbesian passages that Korsgaard quotes from Chapters 25 and 31 of *Leviathan*, seeking to explain the non-original normative function that assumes the effective power of sanction by the legislator, not only do not make it impossible to glimpse traces of procedural realism in Hobbes but even point in that direction (cf. SN, 24-26). The thesis is thus summarised:

both Pufendorf and Hobbes believed that no one could be a legislator without the power to impose sanctions to enforce his law. And it is frequently inferred that the point of these sanctions is to provide the subjects of the law with motives to obey it. Actually, however, both of these philosophers thought that morally good action is action which proceeds from what we would now call the motive of duty. One does the right thing because it is the right thing, because it is the law, and for no other reason (SN, 24).

<sup>23</sup> According to another passage recalled by Korsgaard, unlike Hobbes, Pufendorf is direct when he separates laws of nature and moral normativity: “this indifference of physical motion in the actions of men is maintained by us only in respect to morality. For otherwise actions prescribed by the law of nature have ... the native power to produce an effect good and useful to mankind, while actions similarly forbidden produce a contrary effect. But this natural goodness and evil does by no means constitute an action in the field of morals” (Pufendorf, 1673, I.ii.6, 25-26; cf. SN, 23).

The normative force of laws ultimately resides in the fact that they are laws, namely, they present themselves as impositions that mere rationality naturally prescribes upon the human being, or that, when enacted by an actor, are recognised as adhering to rationality. Even the law issued at the whim of the political sovereign, in order to be singled out and criticised as arbitrary, *ex parte populi*, must first be recognised as a law, and, vice versa, *ex parte principis*, in order to be enacted, it must first be proposed in the form of a law, that is, in both cases, as an expression of a normative activity of rational value.

Nor does Cohen's analysis, which uses a far from secondary aspect of Hobbes' own theoretical proposal, seem to challenge the assumption of normativity as fact, as assumed in SN. Emphasising that Hobbes identifies that the sovereign is the only person not subject to the normative authority of the law, Cohen proposes a double argument, one that is, at a first glance, decisive: "either the law says that everyone must act thus and so, or its scope is restricted to, say, everyone except me. If the latter is true, then I am clearly not obliged to obey the law" (Cohen, 1996, in: SN, 169-170). It would be contradictory to make an exception, and one of such a magnitude, when we consider the normativity of the law, although Hobbes justifies the uniqueness of the sovereign's position in relation to the law, considering, as is widely known, the authority that the parties transfer to him at the moment of the original contract. Once the law is accorded universal coverage, Cohen is obliged to conclude that the Hobbesian argument is wrong.

Suppose, then, that the law is indeed universal, or that it includes me within its scope by virtue of some other semantic or pragmatic feature of it. Then, if I had the authority to legislate it, it indeed binds me, as long as I do not repeal it. [...] The necessity to add that rider reflects the important element of truth in the argument about the sovereign, which is also incorrect in its unmodified form. The big mistake in that argument is the supposition that if I *can* repeal the law, then it fails to bind me even when I have not *yet* repealed it. Hobbes is wrong that, if you can free yourself at will, then you are already free [...] And, more pertinently to our theme, although you may be bound by a law that you can change, the fact that you can change it diminishes the significance of the fact that you are bound by it. There's not much 'must' in a 'must' that you can readily get rid of (Cohen, 1996, in: SN, 170).

Even correcting the supposed lacuna in Hobbes' argument, adding a certain clause explaining the terms of the derogation from the universality of the law, Cohen does not concede the validity of the Hobbesian conclusion that the absoluteness of the sovereign in front of the obligatory nature of the law is based on the power to repeal the law, which the sovereign himself possesses. If such a conclusion were to be accepted, in Cohen's reading, the universally normative character of the law would be invalidated, once again resulting in the initial contradiction.

Korsgaard, while recognising the relevance of Cohen's objection – regarding both the need to conceive normativity as universal and the difficulty posed by the exception represented by the sovereign in front of the obligatory nature of the law –, proposes a different solution that, in our reading, implies lessening Hobbes' voluntarism in favour of a certain procedural realism:

if I am to be an agent, I cannot change my law without changing my mind, and I cannot change my mind without a reason. But it follows that the sovereign himself cannot change his own law without changing his mind, and this makes escape from the authority of the law less easy than Hobbes's second argument would have it, for we cannot change our minds about just anything [...] With no standard

to constrain the agent's lawmaking, the agent can make and unmake laws at will, and so is not in any very interesting sense bound by them (SN, 234-235).

Whatever the sovereign's position before the law, he will always have to submit to the "internal sovereign" represented by the rationality with which he generally imposes meaning and value upon the world. There is no way for the sovereign to subtract himself as long as he is granted legislative reason, and, even if he wishes to do so simply because he is able to repeal the law he has previously enacted, he will first have to provide a reason for his repeal. It is thus significant that Korsgaard clarifies, only a few lines later, returning to, as shown to a certain extent in the prologue, normativity as fact:

More generally, if we contrast activities which are totally unconstrained with activities which are constrained in an external way by certain rules or principles, we may leave an important option out, and at the same time make too much of a mystery of the question why we have to conform to those rules and principles. The option is that the rules and principles are constitutive of, and therefore internal to, the activities themselves, so that we have to conform to those principles if we are really to engage in those activities at all (SN, 235)<sup>24</sup>.

Perhaps it is explained that way because, after all, Korsgaard is able to assert that "everyone who thinks that ethics isn't hopeless is a realist. I will call this *procedural* moral realism, and I will contrast it to what I will call *substantive* moral realism." (SN, 35). Procedural realism, without engaging in the assumption of valuative content nor being exempt from the interrogation of valuation, seems to lead to that distinctive and central notion which Kant called pure practical reason, namely, the normativity that *eminenter* characterises any and all human valuative practical principle. It is perhaps in that sense that our own normative activity of giving meaning and value to the world can be conceived as "the most striking fact about human life".

## References

- BALDWIN, T. T. "Editor's Introduction". In: MOORE, G. E. *Principia Ethica*, ix-xxxvii. Cambridge: Cambridge University Press, 1993.
- BRATMAN, M. "The Sources of Normativity". *Philosophy and Phenomenological Research*, 58, no. 3 (1998), 699-709.
- BROAD, C. D. *Five Types of Ethical Theory*. London: Kegan Paul, Trench, Trübner & Co Ltd, 1930 (facsimile reprint by London: Routledge, 2000).
- CLARKE, S. *A Discourse Concerning the Unchangeable Obligations of Natural Religion, and the Truth and Certainty of the Christian Revelation*. London: W. Botham, 7<sup>th</sup> corrected edition, 1728 [1705]. Available in: <https://archive.org/details/discourseconcern00clar>. Quoted by RAPHAEL, D. D. (ed.), *British Moralists 1650-1800*. Indianapolis: Hackett Publishing Company, vol. I, 189-225, 1991.
- COHEN, G. A. "Reason, Humanity and the Moral Law". In: KORSGAARD, Ch. M. *The Sources of Normativity* (SN). Cambridge: Cambridge University Press, 167-188, 1996.

<sup>24</sup> Furthermore, Korsgaard adds an analogy that points to the unitary character of normativity, as reiterated in a passage from Chapter XV of *Leviathan*: "in the same spirit one might argue that if I am going to think I must think in accordance with the principle of non-contradiction, or that if I am going to will an end, I must also will the means to that end, or that if I am going to will at all I must do so universally" (SN, 235).

- COHON, R. "The Roots of Reasons". *The Philosophical Review*, 109, no. 1 (2000), 63-85.
- GIBBARD, A. "Morality as Consistency in Living: Korsgaard's Kantian Lectures". *Ethics* 110, no. 1 (1999), 140-164.
- GINSBORG, H. "Korsgaard on Choosing Nonmoral Ends". *Ethics*, 109, no. 1 (1998), 5-22.
- GROTIUS, H. *De iure belli ac pacis*. Paris: Nio lau Buon, 1625. Available in: <https://gallica.bnf.fr/ark:/12148/bpt6k580227?rk=21459;2>. Quoted by SCHNEEWIND, J. B. (ed.), *Moral Philosophy from Montaigne to Kant*. Cambridge: Cambridge University Press, vol. I, 88-110, 1990 [from: GROTIUS, H. *On the Law of War and Peace*, transl. by F. W. Kelsey. Oxford: Oxford University Press, 1925].
- GUYER, P. "The Value of Reason and the Value of Freedom". *Ethics* 109, no. 1 (1998), 22-35.
- HEIDEGGER, M. *Platons Lehre von der Wahrheit* (1931/32 (1940)). In: *Gesamtausgabe* (GA) vol. I.9, 209-238. Frankfurt a. M.: Vittorio Klostermann, 1976.
- HOBBS, Th. *Leviathan or The Matter, Forme and Power of a Common-Wealth Ecclesiastical and Civil*. London: Andrew Crooke, 1651. Available in: <https://archive.org/details/leviathan00hobba>.
- KANT, I. *Kritik der reinen Vernunft* (KrV). Riga: Johann Friedrich Hartnoch, 1781 (A) e 1787 (B). In: *Gesammelte Schriften* (AA), vol. 03 and 04:1-252. Berlin: Preußische Akademie der Wissenschaften. 1911. Quoted by KANT, I. *Critique of Pure Reason*, transl. by P. Guyer and A. W. Wood. Cambridge: Cambridge University Press, 1998.
- KANT, I. *Grundlegung zur Metaphysik der Sitten* (GMS). Riga: Johann Friedrich Hartnoch, 1785. In: AA, 04:385-463, 1911.
- KANT, I. *Metaphysische Anfangsgründe der Rechtslehre* (RL). Königsberg: Nicolovius, 1797. In: AA, 06:203-372, 1914.
- KORSGAARD, Ch. M. *The Sources of Normativity* (SN). Cambridge: Cambridge University Press, 1996.
- KORSGAARD, Ch. M. "Motivation, Metaphysics and the Value of the Self". *Ethics* 109, no. 1 (1998), 49-66.
- NAGEL, Th. "Universality and the Reflective Self". In: KORSGAARD, Ch. M. *The Sources of Normativity* (SN). Cambridge: Cambridge University Press, 200-209, 1996.
- NIETZSCHE, F. W. *Zur Genealogie der Moral. Eine Streitschrift* (GdM). Leipzig: C. G. Naumann, 1887. In: *Sämtliche Werke* (KSA), vol. 05, 245-412. Berlin/New York/München: De Gruyter, 1980. Quoted by NIETZSCHE, F. W. *On the Genealogy of Morals and Ecce Homo*, transl. by W. Kaufman and R. J. Hollingdale, New York: Random HouseVintage Books, 13-163, 1967.
- O'DAY, K. "Normativity and interpersonal Reasons". *Ethical Theory and Moral Practice* 1, no. 1 (1998), 61-83.
- PRICE, R. *A Review of the Principal Questions and Difficulties in Morals*. London: A. Millar, 1758. Available in: <https://books.google.com.br/books?id=oudpnQAACAAJ&printsec=frontcover&hl=pt-BR#v=onepage&q&f=false>. Quoted by SCHNEEWIND, J. B. (ed.), *Moral Philosophy from Montaigne to Kant*. Cambridge: Cambridge University Press, vol. II, 586-604, 1990 [from: PRICE, R. *A Review of the Principal Questions and Difficulties in Morals*, reprinted by D. D. Raphael. Oxford: Oxford University Press, 1948].



- PUFENDORF, S. *De jure naturae et gentium*. Lund: Adam Junghans, 1672. Available in: <https://archive.org/details/samuelispufendor1672pufe>. Quoted by SCHNEEWIND, J. B. (ed.), *Moral Philosophy from Montaigne to Kant*. Cambridge: Cambridge University Press, vol. I, 156-182, 1990 [from PUFENDORF, S. *The Law of Nature and of Nations*, transl. by C. H. Oldfather e W. A. Oldfather, Oxford: Oxford University Press, 1934].
- RAPHAEL, D. D. (ed.), *British Moralists 1650-1800*. Indianapolis: Hackett Publishing Company, 1991.
- RAWLS, J. *A theory of justice*. Cambridge: Harvard University Press, 2nd revisited edition, 1999 [1971].
- RAWLS, J. *Lectures on the history of moral philosophy*. Cambridge: Cambridge University Press, 2000.
- SCHNEEWIND, J. B. (ed.), *Moral Philosophy from Montaigne to Kant*. Cambridge: Cambridge University Press, 1990.
- SCHNEEWIND, J. B. "The Sources of Normativity". *Mind* 106, no. 424 (1997), 791-794.
- SCHNEEWIND, J. B. "Korsgaard and the Unconditional in Morality". *Ethics* 109, no. 1 (1998), 36-48.
- SMITH, M. "Search for the Source". *The Philosophical Quarterly* 49, no. 196 (1999), 384-394.
- STRATTON-LAKE, P. "Kant and Contemporary Ethics". *Kantian Review* 2 (1998), 1-13.
- WOOD, A. W. "Creating the Kingdom of Ends". *The Philosophical Review* 107, no. 4 (1998), 607-611.