

Kevin Thompson. *Hegel's Theory of Normativity: The Systematic Foundations of the Science of Right*. Evanston: Northwestern University Press, 2019. ISBN 9780810139923, 117 pages.

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In *Hegel's Theory of Normativity: The Systematic Foundations of the Science of Right*, Kevin Thompson sets forth an outline of Hegel's theory of normativity through an interpretation and a defense of the systematic foundations of Hegel's political philosophy. The central thesis of Thompson's book, as he explains in the introduction, is that "Hegel's innovative conceptions of normative argumentation, practical agency, and social ontology provide the keys to understanding and evaluating his theory of normativity and his science of right as a whole" (p. 3). Through a careful and detailed reading of Hegel's most important writings on the notion of right (the *Elements of the Philosophy of Right* and the "Philosophy of Objective Spirit" section of the *Encyclopedia of the Philosophical Sciences in Outline*), Thompson is able to offer a faithful, engaging and clear rendering of the significance of **systematicity** for Hegel's thinking of the proper securing and grounding of normative justification.

In the introduction, Thompson clarifies some of the main concepts of the book and situates his approach within the broader context of the secondary literature dedicated to Hegel's social and political philosophy (or, using Hegel's terminology, his philosophy of "Objective Spirit"). Firstly, Thompson defines "normativity" as "the feature of institutions, principles, practices, and states of affairs that provides us with reasons to comply with what they command. It is their binding force that entitles them to specify our moral, legal, and political duties" (p. 4). Within the interpretative tendencies, Thompson subscribes to a **systematic-metaphysical** reading, and it is here that he introduces the dichotomy which remains central to his interpretation throughout the book: that between **representationalism** and **systematicity**. A systematic-metaphysical interpretation stands for the reading of Hegel's philosophy that understands his political theory as grounded on (a) Hegel's overall (metaphysical) claims on the nature of reality as structured by the immanent



development of the Concept; (b) the commitment to Hegel's claims on the necessary connection between the **systematicity** of his presuppositionless method and such metaphysical view of reality. For Thompson, any interpretation of Hegel's political philosophy which does not commit to being systematic and metaphysical will fall into **representationalism** and will thus be riddled by the justificatory epistemic challenges which arise with it. By "representationalism" in the broad sense, Thompson understands "any form of knowledge that takes the validity and soundness of its method of inquiry or its object of investigation for granted, rather than in need of demonstration" (p. 6). That is, in contrast to the process of immanent unfolding emphasized by Hegel, representationalism either presupposes or derives its validity from an unjustified source which, for the fact of being unjustified, remains somehow external to the deduction of the conceptual determinations. By drawing on external criteria (such as the standards of contemporary societies or determinate forms of desirable sociability) and attempting to apply such criteria to Hegel's political philosophy, representationalist readings take for granted precisely the normative content that Hegel's philosophy of right was meant to ground.

Besides the introduction and conclusion, the book is divided into three main chapters. In the first chapter, "Method", Thompson explains the method of normative justification that Hegel utilizes in order to scientifically ground his philosophy of right. The main claim defended in the chapter is that the justification of a normative claim requires such claim to be "necessarily entailed as a moment in the immanent unfolding of the concept of freedom within a general systematic order of knowledge" (p. 15). While the rationalist tradition derives normativity from the idealized rational moral order accessible through intellectual intuition, and while the empiricist tradition derives normative justification from the **empirical desiring** of a person or group of people for that principle to hold, Hegel's presuppositionless methodology guarantees that we can arrive at the **necessary** determinations of a given object without the need to borrow unwarranted principles from elsewhere such as "religious authority" or "natural law". In this way, for Hegel, a proper systematic – "immanent, necessary and retrogressive" – deduction of the concept of right is a necessary condition for the objective validation of normativity. But that normativity must be grounded systematically still does not tell us what the ultimate criterion for normative evaluation is. Thompson recognizes the importance of this point and considers that the response rests in the necessary relationship existing between the concepts of freedom and right (p. 32). The systematic

method, applied to the concept of right, produces the result that freedom must follow from **and** ground right – which Thompson seems to be assimilating to the property of having a normative standing.

The question the first chapter responds to is thus *methodological* or formal (which, as Thompson correctly emphasizes, constitutes a central part of Hegelian philosophy), namely: which method must be followed in order to secure that our grounding of normativity and right will not contain the flaws of representationalism? The answer is that it must be the systematic method, where a concept is secured through immanent, necessary and presuppositionless unfolding. The second question naturally following from this first is: once the method has been established, what does this method **show** to be the proper grounding of normativity? To this question, Thompson answers that “The normative standing of a concept, principle, institution, or practice thus derives, in Hegel’s account, from its being shown to be a necessary determination, and this means a necessary actualization, of freedom” (p. 37). He develops this answer in more detail in the following two chapters.

In Chapter 2, “Freedom”, Thompson examines Hegel’s systematic theory of freedom in relation to normativity. He begins by situating the concept of **right** within Hegel’s account of spirit: human social processes marked by a “distinctive kind of self-relation” and especially his account of the will as **free**. Freedom, as we have seen, cannot be equated to an external representation but must be properly deduced; the systematic conclusion of this deduction posits that the will emerges as the expression of a special form of self-apprehension distinctive of our (human) form of life (cf. p. 44-45). Thompson claims that this type of self-relation is for Hegel primarily **practical** rather than purely cognitive: the self-apprehension that allows for an individual to not merely **react** to the environment but to **determine** her activity by the setting of ends (*Zwecke*) (cf. p. 45). Crucially, this is the systematic meaning of freedom: the expression of determination through action, which, according to Thompson, is **natural**. I shall return to the question of freedom’s naturalness later.

Now, Thompson argues that for an act to be “genuinely free”, it must meet two reciprocal conditions: (a) the agent who pursues it must be **self-determining** and (b) that the end or purpose of the act must become actual or objective. Regarding the first condition, the key is the notion of **individuality**, which for Hegel means the integration of particularity and universality. In the context of freedom, it means that the will is able to abstract or **purify** the natural or artificial

elements within itself and determine its action in accordance to the **universal** (necessary, rational) while at the same time, through the determination of itself in this manner, being able to self-differentiate (**particularize**) itself in a distinctive way. Within this first condition of self-determination Thompson's account appears most indebted to Kant: for an action to be self-determining (the first necessary condition for freedom), the end of such action must have been established in accordance with the principle of autonomy. Normativity is first **felt** as practical feeling, it is experienced as an **ought**, but the **elevation** of this feeling into the determination of an act can only be done through the purification of all other possible motivations: only then, it seems to follow, can the content which first appeared as feeling be objectively translated into a **norm** – practical feeling by itself, without purification, could not do the job of meeting the first condition of freedom (cf. p. 49). The normative nature of practical feelings emerges from a “discord between their form and their content” (p. 50).

In my view, the problem of accounting for the emergence of normativity (to be differentiated from accounting for the **objectivity** of normativity) through an appeal to **practical feeling** rests in the apparent arbitrariness of feeling; **if** the process of the emergence of normativity depends on an agent first having a feeling or an intuition that somehow demands the overcoming of the particularity, then the problem would rest in assuring that feeling is or can be, **in principle**, a fundamental experience for all relevant agents without fully emptying such feeling from significant content. If practical feeling is not *in principle* a fundamental, natural, or constitutive experience of all relevant (spiritual) agents, then it seems that the universality of normativity would be sacrificed – that human beings without the relevant internal experience would thus not be bound by the norms. If, on the other hand, practical feeling is introduced *a priori* into the definition or the structure of spirit itself (equating it with, for example, having a will or desiring in general), then the empirical content of it would be in danger of being sacrificed, and Hegel's theory could be subjected to his own charges of empty formalism. Thompson makes clear that the disposition to **respond** to the discordance presented by the practical feeling is part of “its [spirit's] own nature” (p. 51), but the constitutive aspect of “practical feeling” within the account of the emergence of normativity remains somehow unclear.

Back to Thompson's account, Hegel considers **purification** (*Reinigung*) to satisfy the measure that judges over the different drives and inclinations to determine the action – a

purification that seeks to eliminate not desire itself but the **formal immediacy** from which the motivating force of the action arises. This aspect seems to be reasonably close to the Kantian universality criterion for maxims as established by the Categorical Imperative, which requires an act of **abstraction** from the particularity of the agent's individual motivational standpoint. The difference seems to rest in that, while for Kant the universalizability test suggests the capacity for any content, in the form of a maxim, to be in principle apt for testing, "purification" appears as a process where the starting point is **already present normative content** – the normativity emerges **first** as the conflict between the form and the content of practical feeling, and the task of purification consists in eliminating the arbitrariness of the form so that it is in line with the universality and necessity of the content. Thompson thus seems to be suggesting that, for Hegel, the content of the will – its drive towards happiness – is not **in principle** in contradiction with the normative universal content (cf. p. 60-61) But then what exactly does this process of purification achieve? The answer seems to be that it allows for the will to have the epistemic certainty of acting in accordance to **norms**, while without purification we might have an agent doing what is **in itself** right (acting in accordance to the universality of the content) without such determination being right **for itself**. Without purification, we might have a rudimentary (or "immediate") version of goodness but no true **self-determining universality** or **autonomy**, thus no true freedom.

Thompson has thus far provided us a clear and insightful interpretation of Hegel's theory of self-determination as the first necessary condition for an act to be properly free. The objectivity condition (b), that the act must result in the actuality of the end, is the subject matter of the third chapter, "Right". Departing from more "culturalist" interpretations of Objective Spirit where certain aspects of social life and the world of culture, norm and tradition are assumed as given, the author emphasizes the importance of the systematic immanent deduction of the concept of objective spirit. Thompson clarifies the relevant senses of "objective", where "freedom must not only be a principle of action, but normative and ontological as well" (p. 70). In its normative meaning, the objectivity of freedom is secured by the process of purification, where the will posits its rational determinations as universally valid; as in accordance with its own concept. In its ontological meaning, the rational system of norms arrived at through the normative purification of the will must also be "concretely actual" (p. 71). For Thompson, the ontological sense of the objectivity of freedom necessitates the institutional validation of the norms which the will has

rationally arrived at; immediate actuality must present the will with “resilient structures whose normative and symbolic content and associated practices define and sustain a rightful, and a just, social order” (p. 72).

At this point the account of the necessary and sufficient conditions for an act to be properly free, and thus in accordance with **right**, has been completed. In the remainder of the third chapter, Thompson considers two further crucial features of Hegel's account of right: the first he terms the “Axiom of the Hierarchy of Right” and the second the “Master Argument of the Science of Right” (p. 73). According to the “Axiom”, the determinations of right form a hierarchy where the more concrete and universal determinations of right have a higher normative standing than those which embody freedom to a lesser degree. In this way, Abstract Right enjoys less normative authority (and it is thus less binding) in the determination of the rightness of the act than the more concrete forms of Morality or Ethicality (p. 74-75). The existence of hierarchy assures the possibility of resolving conflicts between norms within the different spheres of right. The “Master Argument” is meant to **systematically** legitimate Ethicality's higher claim to normative authority than both Morality and Abstract Right. Following Thompson, such legitimation can only occur by showing that Ethicality embodies freedom more concretely; Thompson's reconstruction of this argument, in turn, relies on exhibiting how, within the immanent development of right, Abstract Right –with the **universality** of the principle of Personhood – and Morality – with the particularity proper to **subjectivity** – reach a point of contradiction which only comes to be resolved in Ethicality by showing it to be the ground and result of both of these preceding determinations: the institutional order **demand**ed by the “concrete actualization of freedom as self-determination” (p. 81).

Thompson's conclusion serves to argue for the relevance of Hegel's social philosophy, in accordance to his interpretation, for an immanent normative critique. He appeals to a distinction between the systematic and extra-systematic uses of reason, where the former refers to the use of reason proper to the method of philosophical science – to immanently develop the determinations of the concept – and the latter to the more “polemical” uses of reason, where the aim is rather, through formation or education (*Bildung*), to prepare the reader or listener for a systematic use of reason. By utilizing certain elements of the common life-world and the forms which prevail in our time, the philosopher's extra-systematic or **public** use of reason enters the otherwise forbidden space of representationalism. Yet, in the public use of reason, representationalism is justified, in

Thompson's interpretation, by the normative need to make freedom actual and objective, as well as to remain vigilant of the contingent determinations of the present to ensure that they measure up to the actualization of freedom (cf. p. 90-95).

I have already raised the issue of the troublesome aspects which arise from Thompson's Hegelian account of the emergence of normative insight through a reliance on "practical feeling". Yet, in my view, this is a problem in the **epistemic** access, not a problem for Thompson's account of the justification for the objectivity of norms and normativity. Norms prove to be objective and thus have binding authority by being **essential** for freedom, but how a determinate agent achieves the certainty that a determinate norm or state of affairs accomplishes this (and is thus **right**) is another question. The systematic philosopher, as Thompson clarifies, is able to do so (and indeed **must** do so to avoid dogmatism) by following the immanent development of the concept, thus capturing the rational in the actual and being able to evaluate based on such rationality. Yet the existence of right and normativity does not wait for the philosopher to systematically derive it in order to have a binding claim (or **force**) over human matters and states of affairs. If correct, this shines light on an issue which remains somehow obscure in Thompson's book, namely what, according to his interpretation of Hegel, is the **ontological** source or status of norms? Does "practical feeling" capture something akin to a pre-existing value or does the experience of discordance rather **construct** or **constitute** such value? Where does a systematic-metaphysical approach to the philosophy of objective spirit, such as the one defended by Thompson, ultimately locate Hegel's contribution in the meta-ethical debates between constructivism vs realism and naturalism vs non-naturalism?

As Thompson himself recognizes, his emphasis on the "naturalness" of spirit, and thus of freedom, provides an opening for possible objections. Thompson calls "spirit" a **natural** process of externalization: he claims that, for Hegel, spirit is a **natural** process marked by "a special kind of self-relation" (p. 43) and furthermore defines Hegel's conception of the will as "a natural process of disclosure or expression characteristic of organisms that bear a relation to themselves in and through their registering and interacting with their surrounding environment" (p. 44). Such characterizations inevitably raise the questions: what are we to gain by calling spirit "natural"? Does it follow from this that norms are embedded in nature, independently from the activity of thinking? Especially considering the length at which Hegel consistently differentiates nature from

thought – consistently remarking on the difference between the natural existence of non-human animals, who immediately follow drives and inclinations, from proper thought-determined activity – the emphasis on the naturalness of spirit and freedom seems to undermine the importance of the moment of **universality** as marking a substantial difference between nature and spirit. Freedom (as **autonomy**) is characteristic of spiritual beings precisely because freedom is **non-natural**: the immediate freedom which produces thought is the capacity to go beyond and even against nature's thoughtless externality and exhibit universality through decision-based activity. This formal freedom as self-determination is surely not the broader, more encompassing, objective sense of freedom, but such self-determination and the capacity for self-attribution (the aspects of immediate or subjective freedom) stand as necessary moments in the process of actualization of objective freedom. Rather than spirit and freedom being natural, then, perhaps the suggestion would be that **desiring** or **having interests** (the "drives and inclinations" which, according to Hegel, are the immediate content of the will and which also appear for non-human animals) and acting in accordance to such desires and interests, which is natural in the sense of **proper to living creatures**, remains an essential presupposition for the emergence of freedom, being by itself by no means sufficient. Connecting this back to the previous point I raised, this would mean that the mediation of thought is a necessary moment in the metaphysical emergence of **norms**; that norms as such cannot exist without this mind-dependent process of elevation or purification whereby the constitutive universality of the immediate will becomes universality **for itself**.

The issues I have raised so far, rather than locating flaws within the book, are meant to highlight the richness of philosophical insights present within it, not only for those of us interested in Hegel but also in questions of normativity and political philosophy in general. Thompson makes a strong case for Hegel's need for a systematic account of normativity to be **presuppositionless** in order to avoid dogmatism. Another valuable aspect emerging from Thompson's excellent analysis is that it can help us understand the apparently paradoxical result that, in the Hegelian framework, we can have objectively unfree actions which nevertheless can further the establishment of objective freedom. Such actions can fail to be **properly** or **actually** free by either falling short of (a) the self-determination condition (that is, an agent taking part in an action that will, without her full knowledge or intention, further the concretization of objective freedom) or (b) the objectivity condition (in an unfree social world, where the agent's self-

determined rational intention is unable to be fully realized given the lack of institutional, social or political conditions on the part of the surrounding environment). In this manner, Hegel's theory of normativity proves to be radically collective, since it is not fundamentally about agents, internal intentions, or individual praise and blameworthiness, but about the **rational process of the advancement of the actualization of a free state of affairs.**

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