

# What Does Reification Conceal? Will and Norm in Lukács, Schmitt, and Kelsen

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*ABSTRACT.* If reification is the projection of a false, thing-like appearance onto society, what is de-reifying critique supposed to reveal? After distinguishing between versions of reification based on a social ontology of will from those that think of the social as a normatively constituted domain, I argue that Lukács' work on reification fudges this distinction through his account of class. I then turn to the debate between Schmitt and Kelsen, where the will-versus-norm issue is central. I argue that the consonance between ideas about reification and will-based theories like Schmitt's is superficial, as the latter relies on identification with authority for its account of normativity, making Kelsen's ideas about normativity stemming from an orientation toward intersubjective process more convivial. I note, however, that norm-based accounts are less amenable to radical change than will-based ones, making the link between de-reification and radical politics less direct than is often thought.

*KEYWORDS.* Will; Social Ontology; Normativity; Reification; Law

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Although many authors who use a concept of reification in their work identify themselves with that concept's lineage, first in Marx, and then in György Lukács' seminal *History and Class Consciousness*, its main idea figures in many social theories (not necessarily Marxist, or even left/progressive<sup>1</sup>) in which society is said to perpetuate itself, in part, by generating a misunderstanding of what it is and how it works. As the literal meaning of the German term that Lukács popularized the use of (*Verdinglichung* [to make into a thing, «thing-ify»]) indicates, theories of reification are specifically concerned with the habit of misconstruing practices and institutions as inhuman, unchangeable things, the fixed background against which human agency can be exercised, when they are, in fact, historical creations that reflect the values and interests of their creators. As such, reification commonly operates as part of a demystifying critique of society: if society systematically proffers a false appearance of itself, critique aims to break the spell, revealing its true nature, i.e., what it is and/or could be.

But what exactly is de-reifying critique supposed to reveal? The formulation offered at the end of the previous paragraph itself contains an equivocation that sometimes remains unclarified in theories of reification, and other times divides different theories from one another.<sup>2</sup> Sometimes, we use a concept of reification when we want to argue that some feature of society is not as natural, fixed, unchangeable, etc., as it seems, but is rather the product of human agency and will (e.g., an assertion of class interests), and hence can be changed for the better through the application of a countervailing will.

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1 Ideas found in the work of Heidegger and Carl Schmitt – thinkers whose politics bordered on romantically anti-modern in the 1920s and became Nazi collaborators shortly thereafter – bear a close enough resemblance to Lukács' for us to regard reification as a more ideologically promiscuous concept than its Marxist heritage might suggest. I will make the case for Schmitt later in the paper; on Heidegger and Lukács, see GUNDERSON 2021.

2 See, e.g., the varieties of reification theories covered in BEWES 2002.

Other times, we want to maintain that the false objectivity proffered by, say, the preponderance of formalized exchange relations found in capitalism is dehumanizing, and obscures the fundamentally social nature of these relations, whether we want to cash out «social relations» (an underexplained expression in Marx and Lukács) in terms of shared values, cooperation, communication, mutual recognition, or the like. To be sure, these aims can overlap: after all, by revealing the underlying nature of an arrangement to be (in some sense or another) essentially social, we are at least strongly implying that it could be reordered to better reflect this essential nature, and that this would represent a moral improvement. And yet, they are not identical: one tends toward a social ontology based on will, that is, one where social institutions and practices are based on assertions of group power, class interests, and the like; the other tends toward more of a constructivist ontology, where society is conceived of as a normatively constituted domain, in which the recognition of some norm (e.g., of justification, personhood, or the like) is the necessary condition for an interaction context to be «social». Although I cannot fully defend it here, in general, I will be assuming that institutions and practices are social by virtue of having normative weight in a community, that is, a community takes them to provide proper templates and contexts for action coordination; taken thusly, they constitute the backdrop against which different signals (e.g., of intentions) and performances can become mutually intelligible (e.g., as conforming to the expectations for a given social role). The distinction between will- and norm-based ontologies, then, turns on the question of whence social institutions and practices ultimately derive their normativity<sup>3</sup>: from the *authority* of some entity viewed (either consciously or unconsciously) as entitled to command (e.g., God, the sovereign, the people, etc.), or from the *validity* of some norm whose validity does not, in turn, derive from it being posited by some

3 I will mostly be discussing normativity in a descriptive sense, where an institution or practice is normative if it is broadly treated as a valid source of reasons for action in the community, and where, in turn, reasons for action are conceived in an internalist sense. See WILLIAMS 2008.

authority.<sup>4</sup>

In what follows, I will argue that this question of whether society is constituted by will or by an orientation toward norms is elided in Lukács' pathbreaking work, as his particular conception of class combines both ideas in a way that is not entirely coherent. I then turn to see what can be learned from a debate where the will-versus-norm issue is front and center, namely, the one between Carl Schmitt and Hans Kelsen. While Schmitt's and Kelsen's relatively narrow focus on the nature of law, rather than society as such, limits what we can definitively conclude<sup>5</sup>, I argue that the consonance between ideas about reification and a will-based theory like Schmitt's is real but superficial, as the latter relies on identification with authority for its account of normativity, which should be at odds with the emancipatory ideals associated with the critique of reification, making Kelsen's ideas about normativity stemming from an orientation toward intersubjective process more convivial. However, as I note at the end, norm-based accounts like Kelsen's are less amenable to rupture and radical change than will-based ones like Schmitt's, which means that the link between the critique of reification and radical politics may not be as direct as some might like.

## 1. Lukács on Dualisms in Bourgeois Thought

The question of whether an ontology of social practices and

4 I am not assuming that all social theories are obliged to offer a unified ontology that selects between these options (Schmitt, for instance, does not), but that the distinction is nevertheless salient for examining how institutions and practices acquire their power to structure thought and belief, norm behavior, coordinate actions, etc., and furthermore, that most prominent social theories *do* have a dominant tendency toward either a will- or norm-based ontology. In modern social theory, I take Hobbes, Marx and Freud to be among the main inspirations for will-based theories (such as, more recently, MILLS & PATEMAN 2007, and LACLAU & MOUFFE 2001), and Rousseau (to the extent that we understand the general will more as a principle of judgment than a literal force or entity), Kant, and Hegel for norm-based ones (such as HABERMAS 1984, SEARLE 2010, HONNETH 2014, and JAEGGI 2018). I admit that these attributions are debatable.

5 See notes 37 and 69.

institutions ought to afford primacy either to will or norm is one that is, at first blush, alien to Lukács' thought, as it looks like another among a series of dualisms and chicken-or-egg puzzles that he finds to be endemic to bourgeois thought. In this section and the next, I argue that Lukács does not quite make good on his intention to sublimate this kind of dualism; that, for the most part, his writings adhere to a will-based ontology; that his pivotal account of proletarian class consciousness implies, however, a different, norm-based ontology; and that this represents an unresolved tension in his work.

Lukács claims that all manner of dualisms (mind and nature, free will and determinism, etc.) recur throughout modern philosophy and social thought, producing antinomies and aporias, due to the fact that these intellectual endeavors unknowingly reflect a certain class position in a system that requires the exploitation of living labor, but also requires this exploitation to be invisible (or seem entirely normal and natural) for the system to function properly. As result, bourgeois thinkers cannot come to terms with the reality of which they are a part.<sup>6</sup> At its most general level, bourgeois thought suffers from an incapacity to conceive of reason (or mind, spirit, etc.) as something that emerges from unreason (or nature); as a result, it is unequipped to grasp the dialectical, developmental relationship that capitalism's rational system of exchange has to the muck of labor exploitation that it emerges out of, rendering them instead as unrelated opposites that nevertheless depend on each other. So, while the patterns of thought typical of the bourgeois epoch place qualitatively diverse elements into systematic interrelation – a formal unity – they cover over the heteronomous impetus (instinct, interest, need, etc.) that drives systematic thought. This serves to reduce those elements to what the system «immediately» discloses them to be.

According to Lukács, reification is phenomenon that afflicts subjective consciousness as a result of the pattern of thought that Marx describes as «the fetishism of commodities» pervading society. For Marx, a main feature of capitalism is the separation of «the sphere of

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6 See LUKÁCS 1971, 109-10.

circulation» (i.e., the market) from «the sphere of production»: in order to circulate freely, commodities have to be understood not in relation to the particular conditions of their production, material constitution, possible use, etc., but rather in terms of their relation to other commodities.<sup>7</sup> In order to carry out an exchange, we have to abstract away from qualitative particulars and come to see commodities as essentially bearers of some quanta of «value» – common to all commodities – that inheres, so to speak, «in» the commodity itself. This, as Marx hints and Lukács insists, conditions subjects to experience what are fundamentally social relations of production through *things*, which seemingly operate according to their own laws (i.e., laws of value and exchange, movements of the invisible hand, etc.). A curious reversal takes place in reified consciousness: things which are themselves the inanimate products of human agency appear as the real prime movers of the social world; individuals' roles, possibilities and potentials, etc., are set primarily by their relationship to things, that is, where and how they fit into the system of production and exchange.<sup>8</sup> The system itself is something objective into which human beings are slotted:

The reified consciousness must also remain hopelessly trapped in the two extremes of crude empiricism and abstract utopianism. In the one case, consciousness becomes either a completely passive observer moving in obedience to laws which it can never control. In the other it regards itself as a power which is able of its own – subjective – volition to master the essentially meaningless motion of objects.<sup>9</sup>

On this outlook, the world fundamentally consists in will and nature (an ambiguous category of that which exists independent of human volition<sup>10</sup>); different versions of the outlook agree on this, and then

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7 MARX 1990, 176-7.

8 See LUKÁCS 1971, 154.

9 LUKÁCS 1971, 77.

10 See LUKÁCS 1971, 136.

differ in terms how constrained by nature the will is, and whether this or that feature of the world is attributable to will or nature.

But the task of striking a correct balance here proves elusive, since for Lukács, the real issue is not one of «getting it right» about what the respective domains of will and nature are, but of developing the perspective from which they can be seen as dialectically related to one another – something that is impossible within a detached and contemplative ideal of cognition. In the second section of «Reification and the Consciousness of the Proletariat», Lukács canvasses an array of obstacles that thinkers encounter in making sense of the world while ensconced in a reified outlook. This outlook attempts to do justice to the self-understanding of a capitalist system as something brought about through the voluntary actions of producers and consumers, while also being based on fundamental principles of natural right, harmonizing in accordance with objective laws of exchange. Lukács finds this attempt to be incoherent, as it conceives of the subject as at once highly empowered, in the sense of possessing in-principle unbounded capacities for self-determination and choice, and essentially powerless, being subject to the causality of the objective forces that surround it. For Lukács, this shuffle reaches its apogee in Kant: in Kant's theory of knowledge, the subject must be both spontaneous *and* receptive; in morality, it must author the moral law *and* be subject to it; in metaphysics, it must be the freely uncaused source of its own actions *and* subject to the causality that governs nature.<sup>11</sup> Like Kant's immediate successors in the idealist tradition, Lukács views Kant's own efforts to resolve these aporias by way of the idea of the «thing-in-itself» as illustrations of the problem more than solutions to it.<sup>12</sup> The presence of a brute unknowable introduces an irrational element into the heart of the system, unraveling its systematicity: «as soon as the question of the system is consciously posed, it is seen that such a demand is incapable of fulfillment.»<sup>13</sup>

11 For a thorough treatment of Lukács on bourgeois philosophy, see FEENBERG 2014, 91-119.

12 See LUKÁCS 1971, 115. On Lukács' engagement with Kant's doctrine of the thing-in-itself, see KAVOULAKOS, 2018, 29-34.

13 LUKÁCS 1971, 117.

Kant, however, links the claims of his philosophy to its systematic character; indeed, he claims that for us to be able to *think* and experience at all (as opposed to merely reacting to particulars), the bare particulars we take in must comprise a unity, that is, be grasped by a single «I», and be understood as part of one world that is governed by a single set of laws, knowable through a uniform set of concepts. As such, the unity that Kant attributes to the subject and the world of objects is a formal identity among a potentially infinite set of diverse particulars. Because the formal system of thought itself seems qualitatively distinct from all concrete phenomena, it becomes hard to see how a formal system of rationality could arise from a material world – the unity must be always, already there, in the original constitution of the subject and the world. And yet, an honest thinker like Kant has to admit that the spontaneity that makes thought possible, and therefore gives rise to the possibility of a system, cannot itself be part of that system<sup>14</sup> – it becomes a presupposition that the theory cannot comprehend.

By all indications, Lukács admires Kant for bringing into clear relief the unresolvable tensions of bourgeois life, in contrast to other fields that attempt to conceal the dilemma, or blindly grasp one of its horns. History is an example of the latter, as it gestures variously to mythology, fatalism, or the attribution of historical agency to a select cadre of great men.<sup>15</sup> Jurisprudence is an instance of the former, as it simultaneously purports that legal, bureaucratic decision-making is a rational practice with objective answers, even as the content of positive laws is contingent and arbitrary, «something purely factual and hence not to be comprehended by the formal categories of jurisprudence.»<sup>16</sup> Bourgeois thought cannot but view activity as taking place *within* structures (e.g., of production, exchange, adjudication, deliberation, etc.) that have a substantial, objective character, thereby blinding itself to the agency involved in the ongoing reproduction of

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14 See LUKÁCS 1971, 123.

15 See LUKÁCS 1971, 48-9, 145, 158.

16 LUKÁCS 1971, 108.



those structures: «man's activity does not go beyond the correct calculation of the possible outcome of the sequence of events (the 'laws' of which he finds 'ready-made')». <sup>17</sup> So, bourgeois thought ends up being merely «contemplative» and incredulous of collective agency. <sup>18</sup>

## 2. Will and Norm in Lukács' Account of Class Consciousness

This might suggest that Lukács subscribes to a will-based ontology, insofar as he thinks that a certain kind of collective will *is* responsible for the genesis of systems and that Marxist theory gives us the vantage point from which it is visible. I actually think this is the most coherent interpretation of his position, at least as far as society before the revolution is concerned, but as we shall see, there is some ambiguity involved.

When Lukács characterizes precapitalist societies, he usually claims that their institutional shape is determined, in the first instance, by the will of the dominant social classes asserting their parochial class interests; this fact makes those societies both more and less opaque than capitalist society. On the one hand, premodern societies «never achieve full (economic) articulation» <sup>19</sup>, tending to be a mishmash of institutions («much less *cohesive*») lacking the unity that the reified system of exchange imparts to capitalist society. As a historical materialist, it is still true for Lukács that societies need to ultimately be understood in terms of how they deploy labor to satisfy human needs, but there are large swaths of society (e.g., family, religion, martial and court life, etc.) that are not efficiently geared to contribute to production, and in which non-economic values (piety, honor, etc.) predominate: «Status consciousness – a real historical factor – masks

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17 LUKÁCS 1971, 98.

18 LUKÁCS 1971, 97.

19 LUKÁCS 1971, 55.

class consciousness; in fact it prevents it from emerging at all.»<sup>20</sup> On the other hand, Lukács also thinks that, for as haphazard as the structure of a precapitalist society may be, it is also more transparent than its capitalist successor, insofar as the social character of domination is plain to see: even as they are typically soaked in some kind of ideological rationale (divine ordination, social betters, etc.), these relations clearly involve the control of some groups' labor by others, for the sake of those others. Furthermore, social classes in a precapitalist society (serfs, nobles, clergy, etc.) are often defined by law, their respective rights and privileges enforced through law. In other words, the political system of such a society directly creates social hierarchies, and sustains them in the interests of the class that created them.<sup>21</sup> This differs from a capitalist system in which there is, of course, also a system of class domination, but one which is mediated through a pervasive system of commodification and exchange, which appears natural (or just invisible); moreover, the participants within this system are nominally free, and so it «immediately» appears that inequality is the result of natural processes, rather than directly engineered by one group at the expense of others:

It is true that society as such is highly unified and that it evolves in a unified manner. But in a world where the reified relations of capitalism have the appearance of a natural environment it looks as if there is not unity but a diversity of independent objects and forces.<sup>22</sup>

In sum, Lukács thinks that social institutions are based on assertions of class power that have been formalized and preserved, often through law; this is clearly the case in a precapitalist society and remains so in a capitalist one, but reification masks this underlying reality in the latter. Presumably, then, de-reifying critique will penetrate the surface

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<sup>20</sup> LUKÁCS 1971, 58.

<sup>21</sup> See LUKÁCS 1971, 56-7.

<sup>22</sup> LUKÁCS 1971, 70.

appearance of a seemingly autonomous system of exchange and reveal the ongoing assertion of class power.<sup>23</sup>

We could, at this point, safely conclude that Lukács subscribes to a will-based social ontology, but for an ambivalence involved in a concept that so much of his theory centers around: class. For Lukács, class operates in both a descriptive and an aspirational way. On the one hand, he thinks that there are, and long have been, classes, and that they (not individuals, nations, religions, etc.) are the real movers of history – classes are, in this sense that corresponds to the way Marx standardly used it, defined by the common material interests their members share by virtue of having a similar relationship to the means of production.<sup>24</sup> Considered thusly, classes exist as something «in itself», that is, as a collection of individuals united by objective features of their material condition. But Lukács' real interest is in class as something «for itself»: a group only becomes a class in this sense when they attain consciousness of themselves as sharing this common interest *and* become prepared to act in concert, on this basis.<sup>25</sup> In this regard, the proletariat enjoys a special status as the only class that can truly be «in and for itself»: the true interest that the workers under the capitalist system share is not the parochial one of expanding or maintaining their grip on some piece of the economic pie – after all, they have nothing but their own labor to survive by, and profit not from its proceeds – but the counterfactual one of overturning, root and branch, the present order.<sup>26</sup> Workers' distinctive experience of having their labor power turned into an abstract commodity reveals to them something essential about how society constitutes itself:

Inasmuch as he is incapable in practice of raising himself

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23 Although I have been leaving aside consideration of Lukács' work on the topic of social ontology from later in his career, he does claim there that human labor has the power to «posit» functions, channeling natural causal powers toward goals that have become real by virtue of being woven into the fabric of society. See LUKÁCS 1980a, 12. For more on later Lukács on this topic, see THOMPSON 2011.

24 See LUKÁCS 1971, 46, 58-9.

25 See LUKÁCS 1971, 171.

26 See LUKÁCS, 1971, 69, 71, 149.

above the role of object his consciousness is the *self-consciousness of the commodity*; or in other words it is the self-knowledge, the self-revelation of the capitalist society founded upon the production and exchange of commodities.<sup>27</sup>

Their shared interest is therefore something made actual through their achievement of consciousness, to the extent that the achievement of proletarian class consciousness cannot help but be the catalyst for the active, revolutionary transformation of society.

This movement is not aptly described in terms of willing: what is happening here is not collective action aiming to create some institutional change for the sake of the group's existing interests. Instead, the proletariat creates the substantial shared interest that makes it a class, in the in-itself sense (prior to this, the in-itself exists in, at most, a merely negative way, as opposition to that which exists), through the societal transformation made possible by the dawning of class consciousness. In other words, here class consciousness is brought about through what would better be characterized as the *mutual recognition of a norm*. This is not how Lukács puts it, but what he is talking about is a group's realization (brought about by their experience of being commodified) that their shared situation implies something about what *necessarily ought to happen*; this shared recognition is what then constitutes the class as an agent *and* actualizes its interest, in one fell swoop: «this consciousness is nothing but the expression of historical necessity.»<sup>28</sup> In this context, reification obscures the normative basis that would allow an (in-itself) class to constitute itself as an agent of transformation (for-itself).

Why might this be a problem? When he is operating in the mode of a historical observer, Lukács seems happy to treat reification as a form of false consciousness that inclines people to see social systems that are biased and created by class power as neutral, objective, natural, etc., and hence de-reifying critique operates as a form of

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27 LUKÁCS 1971, 168.

28 LUKÁCS 1971, 177.

demystification – all of this presupposes that the real basis for the institutions and practices that are being demystified is will, a raw assertion of class power. Yet something else is going on when we look at Lukács' primary interest in reification as something that obscures the normative basis whereby the proletariat constitutes itself as the real subject-object of society, and which can only be dispelled, not by a mere mental exercise of consciousness raising, but only through a *praxis* whereby this collective agent constitutes itself and changes the world as a result. So, it seems that in the more observational, backward-looking mode, Lukács' theory implies a will-based social ontology, whereas in its practice-oriented, forward-looking mode, it implies a norm-based one. But Lukács is not Walter Benjamin: for Benjamin, this kind of dual ontology might be appropriate, holding as he does that hitherto existing history has been a rolling calamity that cannot but reproduce its horrors as it tumbles inexorably onward; the only revolution worthy of the name would be one that redeems this bad past by effecting a total break from it, constituting society on an entirely new basis on the other side.<sup>29</sup> But, along with Marx, Lukács is too much a committed Hegelian to fully embrace a picture like this. To be sure, he and Marx are thinkers of radical change in way that Hegel is not: most fundamentally, the revolution is projected to abolish class division – the scar on and motor of all history, hitherto. Lukács characterizes this as a qualitative change that, for the first time, allows «us» to genuinely be the makers of our own history.<sup>30</sup> In that sense, the revolution is a decisive break with a bad past, ushered in by a terminal «crisis» in the present system. But for all of the possible connotations of this kind of language, Lukács' simultaneous insistence on grasping these developments dialectically indicates that the revolution is not a *ex nihilo* event following on the heels of its opposite other's destruction; it is not so much a rupture with the past society so much as its culmination: «When the proletariat furthers its own class aims it simultaneously achieves the conscious realization of the – objective –

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29 See BENJAMIN 2007, 253-64.

30 LUKÁCS 1971, 145-6.

aims of society».<sup>31</sup> Indeed, in the same breath as he characterizes the transition as «a leap», Lukács hastens to add that it is also «a process».<sup>32</sup> Even the phenomenon of reification itself – for as much as we, along with Lukács, tend to emphasize how it is an obstacle to class consciousness and revolution – has a role in germinating society’s potential to grasp itself as a totality, being the historically first prevalent mode of thought that allows the subject to rationally (albeit one-sidedly) grasp all of society’s elements as systematically interrelated.<sup>33</sup> So, however transformative the proletariat revolution is supposed to be, we should not expect society to have an entirely different nature on the other side of it.

To clarify these matters, Lukács’ theory would benefit from a better account of normativity, especially on the question of how social norms become reasons for action. He supposes that an obtusely one-sided view of social reality facilitates compliance with the capitalist system by compelling the adoption of a cognitive habit whereby human beings, their activity, and the social fabric that connects them are understood as objective things standing in quantitative relations to each other. But why is this habit adopted? In accordance with the very strong notion of social totality at work in Lukács’ philosophy, in which all of society’s elements mutually determine one another, we might say: this just is what it is to be a thinking subject in this kind of social world. While this conception of totality largely stands in for what in other theories would call for a psychological account, it seems safe to say here that such an account would hold that, at a very basic level, being socialized to function in this totality involves being conditioned to internalize this habit without any real awareness that this is going on. But this description elides the pivotal issue of *what is being*

31 LUKÁCS 1971, 149.

32 LUKÁCS 1971, 252. In the next sentence, Lukács does describe this leap as an «unmediated turning toward the radically new character of a consciously ordered society», which might suggest a rather more existentialist reading than the one I am offering here. However, read in context, it seems that what is «unmediated» here is the organization of society, post revolution: to wit, it is no longer mediated by the kind of natural necessity and need for coercion that mark capitalist and pre-capitalist societies.

33 See LUKÁCS 1971, 13, 85.

*internalized*, a source of *authority* (in this case, society itself) or a *norm*? Further: what is the extent to which kind of normativity tied to the reified mindset is either aberrant or continuous with the kind we might associate with pre- and post-capitalist society? Lukács seems to view the traditional society that reification supplants, and the forms of thought associated with it, as a kind of heterogenous set of reasons for action rooted in a cosmological authority. It remains somewhat murky whether the normativity of proletarian class consciousness is intended to be of a different sort, or (as I have tried to suggest as a better rendering of Lukács' view) one where *praxis* has cleared away the obstacles (i.e., the coercive internalization of authority) to recognizing the immanent and constructed nature of reasons for action that existed all along. Going forward, I will be holding to a version of the latter position, namely, that social practice involves accepting and utilizing some norm according to which the practices are adopted and *made* authoritative, whereas with reification, the unwitting acceptance of society's factual authority («that's just the way things are») short circuits this process. I propose to illustrate this point by looking at the debate between Schmitt and Kelsen concerning the nature of law. For Schmitt, the normativity of the constitution derives from it being an act of will, whereas Kelsen insists that law, properly understood, is a matter of thought, not will, and as such involves the acceptance of a norm, i.e., «the basic norm».

### **3. Schmitt, the Political, and The Constitution as an “Act of Will”**

In their early years, Lukács and Schmitt were both students of the great sociologist Max Weber; both seem to have found compelling Weber's bleak *Zeitdiagnose*, to wit, that the development of forms of law, administration, and cultures of discipline characteristic of modernity had been galvanized by a Protestant ethic whose spiritual

vitality had since diminished.<sup>34</sup> These institutions proved enduringly effective, but were increasingly experienced as meaningless by those that lived within them, turning them into as much a mental prison (“iron cage”) as anything else. Both rejected Weber’s stoic liberalism, though, drawn instead to the idea that dramatic *political* interventions could undo the *cultural* malaise that Weber was resigned to. Despite being polar opposites on an ideological spectrum, Schmitt argues for something strongly resembling Lukács’ critique of reification. He claims that modern society suffers from an unduly restricted sense of political possibility, which he wants to overcome through a kind of populist existentialism, in which the masses break through the elite-constructed façade of liberal politics to reclaim the open, unrestricted space of “the political”.

If Schmitt’s philosophy could be said to have master concept, this notion of the political has to be the leading candidate.<sup>35</sup> To hazard a pithy formula: the political is a kind of virtual space in which a people exercises its inalienable power to decide the shape of its way of being. Schmitt insists that the political is unrestricted: it is the source of normative authority in civic life and therefore cannot itself be bound by any pre-existing custom, morals, law, etc.:

The decision requires no justification via ethical or juristic norm. Instead, it makes sense in terms of political existence. A norm would not be in a position to justify anything here. The special type of political existence need not and cannot legitimate itself.<sup>36</sup>

As such, Schmitt’s view of the political pretty clearly implies what I have been calling a will-based ontology: while we should acknowledge that Schmitt never undertakes a general theory of society, much less strives (*à la* Lukács) to theorize it as a totality – indeed, some of Schmitt’s admirers take that notion to be anathema to

34 This triangular relationship is well-explored in McCORMICK 1998.

35 See BÖCKENFÖRDE 1998 and SCHUPMANN 2017, 69-105.

36 SCHMITT 2008, 136.



the pluralism they find attractive in Schmitt – he does hold that what is decided in the domain of the political gives a society its basic character and numerical identity<sup>37</sup>; every element of civic life is, at least in principle, subject to «the people's» unbounded «constituent power», which, «without being itself constitutionally established, nevertheless is associated with any existing constitution in such a way that it appears foundational to it – even if it is never subsumed by the constitution, so that it can never be negated either».<sup>38</sup> Law's validity derives from a force that is not legally constituted, nor bound by the legal structure it enacts, nor ever absorbed into that structure.

According to Schmitt, liberalism surreptitiously attempts to tame the political by conceiving of all legitimate politics as contained within a legally defined structure of statuses (citizens, officials, heads of state, etc.) and procedures (elections, legislation, adjudication, etc.). Of course, liberal writers are aware that insurrectionary or otherwise extrajudicial forms of politics are possible, but these are taken to be illegitimate, or at any rate morally dubious in most situations: the ethos and infrastructure of liberalism seeks to ensure that politics takes place through speech and persuasion, not violence and coercion, with a modicum of civility and mutual respect.<sup>39</sup> Although plainly not to Schmitt's taste, his basic objection to liberal legalism is not so much to its doctrinal substance, but rather with the erasure it attempts on the decisionistic moment inherent in politics.<sup>40</sup> Whereas liberal constitutionalism and parliamentarism view legitimate politics as something that depends on the appropriate type of legal infrastructure being in place, for Schmitt this has it exactly backwards: the true essence of the political is the moment of decision, when things are up for grabs and have to be settled one way or another, when the very

37 More specifically Schmitt does not claim that all aspects of social life (e.g., religious, economic, family) necessarily should be subordinated to the political, or that they *derive* from the political. (SCHMITT 1996, 38) Nevertheless, he evinces some discomfort with the functional differentiation of modern society, as he fears that economic or technocratic imperatives could come to impinge on the domain of the political. See PRIBAŇ 2011.

38 SCHMITT 2014, 119.

39 See SCHMITT 1996, 69-71.

40 See SCHMITT 1996, 69.

identity and mode of being of the polity is at stake. What liberal theory calls “politics” is only really political in a derivative sense, to the extent that normal political life implicitly affirms the prior decision, i.e., the decision to order political life in *this* way.

In legal theory, all of this maps onto Schmitt’s distinction between “the political constitution” as the repository of a people’s decision to organize the unity of the state in a certain way, and “constitutional law,” which refers to the actual positive laws that organize the state’s activities. His complaint here is that liberal legal theory either ignores the political constitution, or reduces it to constitutional law.<sup>41</sup> This point brushes against a few of Schmitt’s other key concepts – namely, sovereignty and «the exception» – that I will not be discussing in any detail, but we can see here why he would accuse liberal legalism of «negating» sovereignty.<sup>42</sup> In his view, liberal legalism likes to maintain that law is able to legitimate itself, a notion Schmitt regards as making an absurd fetish of it. According to liberal legalism, the law does this by guiding its own application, through its inherent values (natural law) or procedures internal to it (legal positivism); someone must, of course, have the authority to render judgements in actual cases, but the law itself is what it is, and so it should be administered by folks with some professional competence (i.e., lawyers and judges) in ascertaining its content. If this is the case, then there is no special need to designate some office or figure with the distinctive power to imbue the law with authority through declarations concerning what the law is and when it applies – the demand for such a thing would be redundant. For Schmitt, none of this is the case: the constitution is an inherently political piece of law; whatever normative authority it has to regulate the behavior of people in the community stems from it representing a decision by the people to have their political life be thus and so.<sup>43</sup> The actual substance of the law is permanently subject to the determination by this constitution-making power, or whatever

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41 SCHMITT 2008, 55; see also SCHEUERMAN 1996.

42 SCHMITT 1985, 20-1.

43 See SCHMITT 2008, 140.

sovereign entity stands in for it: «Every unforeseen case, whose decision the foundational political decision effects, is decided by it.»<sup>44</sup> Since «the people» is too diffuse an entity to decide very much or very often, beyond registering its acclimation to or rejection of some political event, it requires a sovereign capable of acting in a clear, decisive manner to defend the real substance of the constitution against foreign and domestic enemies.<sup>45</sup> Schmitt's antipathy to an enlightened technocracy that views law as something to be administered in a neutral, disinterested manner is another point where his ideas resonate strongly with Lukács' critique of reification (which also comes close to a legal realist position on the relationship between law and politics<sup>46</sup>): for Schmitt, all law is politics; concealing this fact services the interests of an elite, technocratic status-quo.

At this point, it should be clear that, for Schmitt, norms in the domain of the political acquire normative standing by virtue of being expressions of *the will* of some entity that has normative authority.<sup>47</sup> For his view to cohere, it seems that the people has to be the kind of entity that has normative authority in the domain of the political by its nature, a notion we can make sense of along the following lines: for political life to be meaningful in its own right, it must take a concrete, distinctive form that is identifiable and that people can identify with; an act of will by the people is the only thing that can specify such a mode of political being in an authentic way. Furthermore, it is hardly automatic that the domain of the political *be* meaningful, and Schmitt fears that it is ceasing to be: in an era of anodyne liberalism that reduces politics to legal procedures, and removes evocations of friends and enemies, public affairs may have a practical, or moral significance, but not a distinctively political one, and this chalks up as a loss of existential meaning.<sup>48</sup>

In comparison to Lukács, Schmitt's conception of normativity is

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44 SCHMITT 2008, 126.

45 See SCHMITT 2008, 131.

46 See HEDRICK 2019, 79-84.

47 See SCHMITT 2008, 125, 128-32.

48 See SCHMITT 1996, 57-8.

easier to identify, but similarly unarticulated. The gap that their accounts suffer from is similar, too: how should we describe the process of internalization that transforms norms from social facts to reasons for action? The answer to this question that Schmitt would presumably want to give is easy enough to see: it would be the recognition of the people as entity whose will possesses authority, in the form of an intrinsic constitution-making power, and this recognition, in most cases, would be brought about by an individual's identification with this entity, the people. But apart from questions about whether it makes sense to view sheer will as a source of normativity, such an account immediately runs into the complication that, as Schmitt has to and does acknowledge, the people is an idealized construct, one which he claims must be «presupposed» in a democratic state.<sup>49</sup> Certain kinds of events can be interpreted as appearances of it (uprisings, acclamations, etc.), but Schmitt does not think that there is any reliable procedure for gauging it (e.g., polls, anonymous ballot elections) apart from these appearances – hence the need for a living, breathing sovereign, who can be identified and can act. So, even if we grant that will can itself be normative, making it normative requires identification with a kind of idealized projection.

In sum, we can say that, on the one hand, Schmitt's legal and political theory dovetails well with a certain conception of the critique of reification, one specifically intended to rouse a sense of political possibility (but not, especially given Schmitt's hostility to the general concept of «humanity», to decry the de-humanizing consequences of the status quo): a certain status quo (liberalism) presents itself as neutral and objective, even though it, like every other political order, is the product of a political decision; Schmittian critique aims to reveal the will underlying the political order and allow us to reclaim the authentic basis of political order in the people's will. But on the other hand, there is something at least underdeveloped, and perhaps not entirely coherent, about Schmitt's account of normativity, and the social ontology associated with it. In order to bring this point, I will

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49 SCHMITT 2008, 268.

now turn to look at the alternative account in one of the theories Schmitt rejects: Kelsen's.

#### 4. Kelsen and the Normative Infrastructure of the Social

Kelsen's is among the theories Schmitt dismisses when asserting that the constitution is based on will, not a norm; it is Schmitt's main example of a theory that erases sovereignty and the moment of decision. However, from Kelsen's perspective, Schmitt attempts to reduce the validity of law to an unrestricted force behind the law (i.e., the will of a legally unbounded sovereign people), and thereby simply misses the fact that it is *laws*, not some force behind the law, that have a normative meaning.

Kelsen is at once a committed neo-Kantian thinker and a value relativist. The latter commitment is relevant to Kelsen's legal theory because, as a legal positivist, he wants to acknowledge the artificial, socially made nature of law: law is a specific kind of social institution that, historically, some communities have and others not, and whether they do depends not on holding any particular values, but rather on accepting a certain kind of recursive procedure of justification (e.g., «X is illegal» is justified by «norm Y makes X illegal», which is justified by «Y is authorized by the legislature», and so on) for settling matters pertaining to law.<sup>50</sup> So, law is necessarily both normative and a system. The core of Kelsen's legal theory thus centers around his efforts to answer the Kantian questions of a) what makes law a source of obligatory reasons for action (i.e., what makes it valid), and b) what accounts for the unity of a system of laws.<sup>51</sup> These are, however, not really distinct questions for Kelsen, answered as they are simultaneously by his famous, if somewhat elusive, concept of «the basic norm».

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50 See KELSEN 2001, 196.

51 See KELSEN 2001, 193.

Kelsen maintains that a system of rules only attains the status of law, becoming something other than just a set of coercive social facts, by being accepted *as law* by a critical mass of the community: the fact that someone commands or wills something may, if that person is powerful, mean that one has no real choice but to do it; with laws, though, the community generally accepts that they «should» be obeyed. Now, the obligatory «should» here needs to be understood in its proper context: the normativity of law is different from that of moral imperatives, being conventional and subject to «all other things being equal» considerations that vary among individuals. The fact that something is illegal is itself (likelihood of sanctions notwithstanding) *a* type of reason not to do it, but may or may not be a particularly compelling one (for someone who objects to the content of a law, doesn't consider legality to be all that important, etc.). People who accept legality as a normative standard find law talk *meaningful* and use it (among other standards) when thinking about what they and others should do – Kelsen's explains that it is only by accepting a basic norm that «interpretation» of legal norms and utterances is possible.<sup>52</sup> So, if we grant that laws are a particular type of normative standard whose existence depends on the broad acceptance of this type of standard, then positing a law (as with any other norm) is essentially an «act of thinking»<sup>53</sup>, and to insist, on the contrary, that law is fundamentally an act of will would be to beg the question about *why* an act of will ought to norm behavior: «The norm is the *meaning* of an act of will, not the act of will.»<sup>54</sup> A request to answer *that* kind of question has to itself be met with a norm (i.e., the norm establishing that such and such an act of will is a valid establishment of law): «The reason for the validity of a norm can only be the validity of another norm.»<sup>55</sup> For this kind of recursive procedure to avoid regress, there must come a norm that is not subject to further justification: this is Kelsen's basic norm.

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52 KELSEN 2001, 199-200.

53 KELSEN 2001, 204.

54 KELSEN 2001, 10.

55 KELSEN 2001, 193.

Kelsen's basic norm is not so much a substantive rule instructing how to make or recognize law; it is more akin to Kant's «fact of reason» (indeed, Kelsen sometimes refers to the basic norm as establishing a «law creating fact»): a kind of original consciousness of, and receptivity to, «the fundamental law» (for Kant, the moral law), which cannot derive from «antecedent data of reason»<sup>56</sup>, because in order to consider norms *qua* norms (rather than as social facts or behavioral patterns), we find that this consciousness and receptivity is always already there.<sup>57</sup> Unlike other versions of legal positivism, the basis for a legal system in Kelsen is not some foundational legal rule (e.g., the constitution) that allows us to make and identify law.<sup>58</sup> Kelsen does discuss what he calls «the material constitution»<sup>59</sup>, which is the actual set of procedures that govern the creation of new law (along with high offices, etc.) in a polity, but denies that it is the foundation of the legal system. Essentially, this is because it does not explain what directs people to regard the material constitution as the highest law in the land. To the extent that Kelsen thinks the basic norm *can* be formulated, he suggests something like: «One ought to obey the prescriptions of the historically first constitution.»<sup>60</sup> But he quickly draws back and insists that the basic norm is not used in everyday legal practice in a way that would require it to be formulate-able in this way. We do well in capturing Kelsen's point when we regard the basic norm as embodying an orientation toward the social world in which calling things «lawful», «illegal», and the like, is meaningful, in the sense of rendering them as reasons for action. This helps to explain Kelsen's insistence that, in all legal thinking, the basic norm must be «presupposed» and «cannot be questioned»: if we were to withdraw our allegiance from the basic norm, this would represent not so much a rejection of established laws, but a withdrawal from the

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56 KANT 1996, 5:31/164.

57 See ACCETTI 2016.

58 See, e.g., HART 1961, 79-107; on the contrast between Kelsen and Hart, see DELACROIX 2004.

59 KELSEN 2001, 222.

60 KELSEN 2001, 204; KELSEN 2003, 110-11.

headspace within which laws can be reasoned about, *qua* laws (as opposed to being treated as social facts to be reasoned about instrumentally, or studied sociologically<sup>61</sup>), in the first place.<sup>62</sup>

At first blush, it looks like Kelsen's conception of law, and not Schmitt's, is prisoner to a reified outlook: it presents law as a closed, formal system in which all of the elements are rendered qualitatively compatible with one another, and (on a certain reading of Kelsen) whose validity is simply a product of their existing, in much the same way that the reified consciousness invests the facticity of the exchange system with normative authority. This is no doubt how Lukács sees it, and indeed, he and Schmitt have similar objections to Kelsen.<sup>63</sup> Both take Kelsen's basic norm to be akin more to a thing-in-itself than the fact of reason<sup>64</sup>, thereby making Kelsen a target of the critique that Lukács leveled at Kant: as in Kant, a rational system brushes up against an irrational «outside» that it cannot incorporate, and attempts to preserve its systematicity by sealing itself off, but this makes the system blind to the unreason from whence it came and which it reproduces within itself. Both take note of a certain kind of presentism, or immediacy, in Kelsen: for as much as he is happy to acknowledge that basic norms and the systems they underwrite are historical creations, these origins are more or less irrelevant for the validity of the laws in the system and, indeed, for the content of those laws, as they just end up being whatever present jurists make of them. For Schmitt, Kelsen's theory of law is bloodless and virtually meaningless: by making it exclusively a matter of adherence to correct procedure, law's vibrant political dimension is absorbed into legal technocracy.<sup>65</sup> And because there is nothing in Kelsen that is prescriptive concerning the content of law, the formal unity he insists

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61 See KELSEN 2001, 218.

62 See KELSEN 2001, 194-5.

63 See LUKÁCS 1971, 108-9, and SCHMITT, 1985, 18-22.

64 I am supposing here that Kant's appeal to the fact of reason is meant to refer to something more than a brute unknowable that grounds moral consciousness. See KLEINGELD 2010.

65 See DYZENHAUS 1994.



on is empty, devolving into the triviality that all laws in a system are interrelated by virtue of being elements of that system.

We can have sympathy for at least some of these criticisms, while also suspecting that they are missing the key point. Kelsen is arguing that there are dimensions of social reality that require a certain orientation toward normative validity in order to perceive. He denies that this normative orientation is either a psychological phenomenon or an ongoing act of will (these amount to the same thing for him).<sup>66</sup> To illustrate this point, it may be helpful to point out that, on Kelsen's reckoning, most of us, with few exceptions, *are* committed to a basic norm. The evidence for this is that most of us *do* find it meaningful to refer to things as «unlawful», «legal», «legitimate», etc., and understand these concepts as terms as involving a qualified «ought».<sup>67</sup> It is hard to say precisely how or when we acquire this normative commitment: presumably, we absorb it more or less passively as we learn about how society works and start to assume some measure of responsibility for our own conduct (say, in adolescence). And this underscores how difficult and/or unusual it would be to lack or refuse this commitment altogether: one would have to be severely anti-social or make a quite deliberate attempt to excise this kind of normative thinking from one's repertoire.<sup>68</sup> Thus, Kelsen thinks that it is quite distorting to think of the acquisition of this normative orientation as an unconscious submission to authority, much less the authority of the factual (as with reification).

One should not overstate Kelsen's point: he is describing a norm that necessarily lies at the foundation of the legal system and represents a standing commitment to be receptive to the normativity of law. But I

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66 See KELSEN 1924, 26.

67 In some footnotes to the second edition of *Pure Theory of Law* (KELSEN 2001, 218n82, 204n72), Kelsen (modifying some of his earlier statements, e.g., KELSEN 2003, 413) explains that an anarchist, for example, would likely reject *and* presuppose a basic norm: he «emotionally rejects the law as a coercive order» and has «a certain wish» that it not exist; yet, «insofar as he understands and can communicate about the normative import of laws, and what constitutes their conventional validity, he nevertheless presupposes it.»

68 Compare HABERMAS 1990, 98-109.

do not take him to be implying much about people's substantive outlook on law. Put another way: Kelsen supposes that almost everyone that interacts with the legal system presupposes the basic norm, but he is not claiming that everyone is therefore a Kelsenian legal positivist, whether they know it or not. Plainly, people are capable of consciously identifying the law, or the source of law's imperative character, with something other than the basic norm – Schmitt's theory of law is one example, where the recognition of law's normative claim amounts to some kind of submission to the will of a personified entity. Adherence to a view of this sort does not mean that one has renounced the basic norm – as we just saw, this would be a difficult, quixotic enterprise – but it can bury and obscure the normativity of law, causing it to be experienced primarily as a system of command and obedience, rather than mutual adherence to a norm for justifying conduct and coordinating action.

Kelsen inquires into the social consequences of this misunderstanding of law in an interesting essay on mass psychology, in which he recounts Le Bon's and Freud's accounts of conformity and loss of moral inhibition in crowd behavior. Kelsen is here addressing the question (in the aftermath of WWI) of whether the modern state should be considered a mass organization whose nature encourages collective irrationality – something he wishes to deny. The dynamic Freud and Le Bon concern themselves with is this: persons coping with feelings of powerlessness, who have not successfully internalized social norms and so experience normative requirements as external impositions, are liable to defend themselves against these feelings by identifying their will with that of a leader figure who makes the rules and is not bound by them (like Schmitt's sovereign people). While Kelsen is full of praise for these theories (especially Freud's), he denies that they are describing phenomena that can properly be called social. The gist of this distinction between the psychological and the social is that the psychological relationships Freud and Le Bon are talking about are ones where one person's mental state (will) impinges on another's in a more or less unmediated fashion, and tend to be a

relationships of domination, whereas social relationships are institutionally mediated and do not involve a direct relationship of domination to another's will, but rather a (minimally) voluntary, mutual orientation toward a norm that authorizes specific forms of action coordination.<sup>69</sup> Now, a number of caveats have to be made here: first, it will be difficult to draw a line as cleanly as Kelsen wants to between psychological and social-institutional relationships, foremost because it will be hard to find interactions that are not mediated by at least informal social norms. Next, if we follow Kelsen and regard institutionally mediated social relations as, in the first instance, non-dominative, we should acknowledge that social institutions very plainly can, and historically, usually do, set up hierarchical relations between classes of people. We would just be saying that, in most cases, people go along them, however grudgingly, subconsciously, etc., and we are cashing that «going along» out as being oriented toward a norm. As we saw a moment ago when examining why Kelsen thinks that, with few exceptions, people in a society with legal institutions *do* recognize a basic norm, the sense of voluntariness at work here is rather minimal, comparable to the way that Kant insists that the apperceptive unity of consciousness must be a «spontaneous» synthesis, achieved through the subject's own activity, even though everyone does it without much awareness that they are doing it. These caveats duly issued, Kelsen's point does allow him to maintain that, while identification with charismatic authority may be strongly correlated with psychological regression, no such dynamic is involved with the law, insofar as one correctly understands the law to be a norm, not will.<sup>70</sup> After all, the force by which a norm compels action comes through the recognition of it as a justifiable constraint on practical reasoning, which is of a quite different sort than the force (in the more familiar sense of the term) that puts law into place and

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69 KELSEN 1924, 10. This shows that Kelsen does apparently extend his view that law is a normatively constructed domain to the rest of society – in this respect, he resembles Lukács and not Schmitt. However, unlike Lukács, I see no indication that Kelsen thinks that society as such must have a hierarchy of norms that give it a systematic unity.

70 See KELSEN 1924, 21-2.

makes it efficacious. Normative constraints on thought and action, as such, should only be experienced as limitations by an immature psyche that struggles to wean itself off of its attraction to feelings of infantile omnipotence – hence, there is no special need for the psyche to «identify» with the law in order to defend itself from injury to the ego, as only a narcissistic ego experiences normative constraint as injury.

To bring things full circle, back to the critique of reification, Kelsen points out, at the conclusion of his essay on group psychology, a persistent tendency – present in archaic religion, 20<sup>th</sup> century social science, and much in between – which he calls «theological», to posit a «double» to the social phenomenon in question: when dealing with a pattern of normed behavior, all kinds of lay and erudite thinkers feel the need to *ground* this pattern in something more substantial than the norms themselves, and then represent that double as the real force and authority behind the norms.<sup>71</sup> Schmitt, of course, is a prime example of this: for law to be binding, there must be some non-legal entity – namely, the sovereign and the untrammelled will of the united people – behind it to give it life. But this double almost always involves projecting a kind of abstraction: the entity doing the grounding must be more resolute, more complete than the phenomena it grounds, unrestricted not bounded. For Kelsen, on the other hand, there is an ever-present («must be presupposed») normative infrastructure to human social life, and in the final instance, it is through it alone that the shape that life takes is determined.<sup>72</sup> This felt need to ground and double this normative infrastructure is not a mere intellectual mistake, but a pernicious and consequential one, as it substitutes a relationship of authority – of submission to some entity, one that usually turns out to be an abstraction – for (to revert to the language of Marx and Lukács) a human, social relationship; the human, social relation is still

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71 KELSEN 1924, 36-8.

72 In his political theory, Kelsen does concede that democracy requires an idea of «the people», but denies that such an entity ever appears in an unadulterated form, and insists that whatever we might want to say about its will and preferences can only emerge through mediating institutions like political parties. See KELSEN 2013, 35-42.

there, but covered over, and the inability to perceive and respond to this level of social reality is both caused by and reinforces a kind of psychological maladjustment.

## 5. Conclusion

Fading confidence in the proletariat revolution as a kind of destiny and culmination of history deprives Lukács' account of reification of its main rationale for deeming reification to be normatively problematic, prompting us to find alternative grounds for this claim. One possible answer, which certainly has roots in Lukács' work, is that reification unduly limits the will of the people to have the kind of society that they truly want to. By presenting Kelsen's case against Schmitt, I have tried to indicate that centering the critique of reification around an ontology and politics of will is neither liberatory nor all that coherent. As a final gesture in this direction, it might be worth reminding ourselves of Hannah Arendt's admonitions against the politics of will: according to her, the idea that the authority of law rests not in the law itself, but in an absolute, normatively unrestricted force behind the law – an idea she associates with the French Revolution and the baggage of absolutism that it failed to divest itself of – means that profane, secular law will always fail to truly embody this imagined absolute, the revolution can never be completed, and there can be no solid ground for social and political life to take root on.<sup>73</sup> The politics of will has to hitch its account of normativity to an identification with something that represents a source of authority – attaching the critique of reification to this set of ideas involves swapping out the authority of facticity (characteristic of reified consciousness) for, if not Schmitt's «the people» then some other empty signifier. The conception of reification associated with a will-based ontology can certainly have important local uses (e.g., exposing the group interests underlying a facially neutral institutional practice),

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73 See ARENDT 1963, 148-90.

but if the thrust of this paper is substantially correct, more systematic critical social theories in which reification is called on to explain how that society sustains (but might transform) itself ought to look for another conception.

Another possible account, also present in Lukács (as well as Marx), holds that what is wrong with reification is that it twists up our essentially social nature by wedging it into a mechanical, inhuman system, denying us the experience of what is truly human in our social world. In the century or so since Lukács, the problem widely perceived with this latter version is that it seems to posit a gentle and optimistic, Edenic view of human nature, with socialization into capitalist institutions representing a secular version of the Fall – but neither Marx nor Lukács really attempt to defend such a psychology and it has long been hard to take all that seriously.<sup>74</sup> One of the benefits of the Kelsen-inspired take on reification sketched in the previous section is that it begins fleshing out this kind of account, but without relying on a prelapsarian psychology. Yet it also avoids thinking of social normativity as internalized coercion all the way down, allowing us to retain a sense that social life is fundamentally constituted by a mutual orientation towards norms, and that as such, there is *something* that deserves to be called free and voluntary in the ongoing construction and maintenance of social institutions and practices, even if that sense is fairly minimal and, historically, what has been agreed to and gone along with is decidedly oppressive by contemporary standards, and very far from fully rational.

These advantages notwithstanding, this version of reification may not deliver everything that many of its exponents have wanted. One way of understanding the criticism I directed toward Lukács in section 2 is to say that his conception of reification begins to lose its coherence when he presses it into the service of explaining the possibility of sudden societal change brought about by the resolve of a historical agent (that is, when it begins to resemble Schmitt's decisionism). The version of reification attached to a politics and ontology of will

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<sup>74</sup> See HEDRICK 2019, 84-6.

highlights the possibility of radical change, a punctuated reordering of things that can occur when a countervailing will encounters a calcified status quo. On the other hand, I freely admit the kinds of social theories I associate with a norm-based ontology tend to be more ambivalent and/or skeptical about punctuated, rupturing change: they suggest instead that social practices and institutions are usually things to be renegotiated rather than destroyed and built anew (and that usually there are limits on how much can be done at once). According to these theories, reification makes the process of societal reproduction opaque, undemocratic, non-discursive, and heavily biased toward the status quo, but this is not to say that de-reification by itself entails a dramatic reversal of the status quo, as it is an ingredient in rationally motivated social change, but only one.

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