

How to Derive Ought from Is
On the Anatomy of a Core Element of Critical Theory

“Can’t you see there are children here!” shout the witnesses of a U.S. ICE raid against migrants, in which mothers and fathers are thrown to the ground before their children’s eyes, mistreated, and taken away in front of their fearfully left-behind children. The horrified and outraged cry means: the presence of children forbids exposing them to such a militaristic and cruel situation — precisely because they are children.

“This is no longer a democratic constitutional state” – this is a formulation that often expresses concern for the stability of liberal democracies in light of the systematic dismantling of constitutional procedures and the regularly occurring overreach of police powers in countries threatened by authoritarianism.

And just as the presence of children (if nothing else) forbids brutality because they are children, so too does this critical-evaluative statement derive its standard from what a democracy is; it calls upon the questioned order to return to what it actually is. “This is not who we are,” said participants in the No Kings protests in the USA – and this expression, too, interestingly refers to an is and not (at least not directly) to an ought.

But aren’t those cases questionable inferences from is to ought — a naturalistic fallacy, which, as every boastful first-semester philosophy student will proudly object, is inadmissible? Why should one be able to conclude from the fact that we are dealing with humans, children, or a democracy, how we should treat them? And if that’s not ‘who we are’ — should we be something else, or are we actually something else?

Now, the objection of a naturalistic fallacy sounds as if someone had made a stupid and avoidable mistake. And clearly: how could one, as common sense says, infer from the being of a thing — the nature of an apple or a table, for example — to its ought?

But the philosophical world is famously divided here into (at least) two camps. Those who, on every conceivable occasion, emphasize that such an inference is impossible. This camp includes Hume, Moore, and their followers. But there is also a second camp, which includes Hegel, Marx, Nietzsche, Horkheimer and Adorno — the tradition of Critical Theory — as well as contemporary thinkers as diverse as Hilary Putnam, Philippa Foot, MacDowell, Raymond Geuss, Alasdair MacIntyre, Elizabeth Anscombe, and Alice Crary. From this perspective, the strict separation between fact and value, and the unbridgeable gap thereby opened between the empirical and the normative world, is a fatal philosophical misstep.

And this camp, too, can appeal to a kind of common sense:

Indeed, we find the inference from being to ought in every apartment listing: to describe an apartment as 'flooded with light,' clearly suggests that it is desirable.

Something similar happens when we describe a piece of music or artwork as 'kitsch.' Here, too, the evaluation contains the description, and the description the evaluation. When you call the music kitschy, the question "and how do you like it?" is usually already answered negatively — unless you want to make a case for kitschy trash. (But even this provocation still derives from the presumed negative evaluation.)

A somewhat different (but just as common) inference from is to ought is found — as John Searle has shown — in institutional facts such as promising. If it is indeed a promise — i.e., if we have not misinterpreted the event — then it follows from this fact that the person is (in principle) obligated to repay the money. The contentious questions are then: Was it really a promise? (Did the person actually say that?) Is the person authorized to make such a promise? (Or are they underage, incapacitated, addicted to gambling, or a junkie?) What makes no sense, by contrast, is to ask whether, from the fact that a promise has been made, it follows that one should keep it.

These admittedly very different cases may suffice, for now, to assert the factual presence of the inference from is to ought and the interweaving of fact and value as effective moments in our social world. “Ethically thick’ concepts (as one has called them) like cruelty or kitsch articulate an ethically complex world, they provide us with orientation and they structure the fabric from which our social world is made. And the inference from what a social institution is to what it ought to be inspires some of the most powerful critics of our social order — such as Karl Marx, Rosa Luxemburg, or T.W. Adorno — whose critiques arise from analyzing the crises of capitalist society thereby deriving their critique from an analysis of the dysfunctions of the social order in question.

In this presentation, I do not intend to directly address the is/ought problem, let alone (standing on the shoulders of giantesses) solve it. Instead I want to argue that the inference from is to ought is a core and distinctive feature of Critical Theory (specifically: the so-called Frankfurt School in its left-Hegelian variant). And I want to first understand how it is performed in this context: What characterizes Critical Theory then is that it does not only locate normativity in reality itself—in the sense of a kind of moral realism or essentialism—but that it historicizes this normativity, seeking it in the historical unfolding of potentials, i.e., in a crisis- and contradiction-driven dynamic development. It infers from our “damaged” social life (Adorno) —its crises, dysfunctions, deformations, and distortions — to its inherent possibilities and potentials, to what it could and should be.

You might now say: if such an inference is indeed a central element of Critical Theory—then all the worse for Critical Theory.

But it’s worth emphasizing from the start: the inference from ‘is’ to ‘ought’ isn’t just some silly or easily avoided logical mistake. It’s not that those in the second camp simply fail to notice that moving from the presence of children to the intolerability of police conduct skips over a normative step—as if they’ve just forgotten to include the moral assumption, ‘we shouldn’t subject children to cruelty.’ This frequently repeated suspicion can obscure what’s really at stake in the debate: at its core, the disagreement between the two camps reflects fundamentally different ways of understanding the world and our place within it.

In some respects, what is happening in Critical Theory (and the other positions mentioned in the beginning) is not so much a classical inference from is to ought, but rather a subversion of the distinction itself — a challenge to the very separation between the descriptive and the normative. Put differently: if an ought can be derived from an is, it is because normative elements are already embedded within what is — that is, reality itself is normatively structured. And conversely, norms are not freestanding or externally imposed; they arise from, and are shaped through, social practices — that is, from within the fabric of social reality itself.

What's at stake in the inference from is to ought is therefore not just the validity of the inference, but also our conception of what the *is* (or the actual) means, what *ought* means, and what '*inferring*' means.

- a) The possibility of deriving normative aspects from the 'being' of an object depends on a non-empiricist understanding of what is. Being then is itself already conceived as normatively structured or shaped—not a mere empirical fact or collection of observable data.
- b) This perspective also rests on a conception of *ought* that is not confined to strictly prescriptive norms. In contrast to the “empty ought,” the *ought* here is not externally imposed upon objects but is, in a certain sense, immanent within them. As I will suggest, within the tradition of Critical Theory, Hegel's understanding of the *concept* (*Begriff*)—and the idea that an object or practice can fail to actualize its own concept, when understood in a pragmatist, dialectical, and processual manner—provides a powerful framework for this conception.
- c) The derivation of one element from another—the *inference*—then also has a distinctive character: it is grounded in a judgment (in Hegel's sense) about what is genuinely contained within an object, and proceeds as an immanent critique.

In what follows, I will examine these three aspects (1–3), to lay the basis for arguing for the explanatory potential of the resulting position, particularly with regard to its contribution to social critique.

1. Another Mode of Being: The Entanglement of Is and Ought

In the first step, I want to revisit the seemingly self-evident and convincing claim: 'One cannot infer from is to ought. Let's stick with seemingly uncontroversial descriptions for now.

From the fact that a granite stone has a certain weight and, when on Earth, is subject to gravity, we can infer that it will likely fall in a predictable direction at a predictable speed when dropped. We also know it probably won't break when dropped from 1.5 meters onto a carpet. From those features and properties (the *is*) we can thus infer how the stone *will* behave. It will fall—that's simply how it is. But from these features, according to the mainstream narrative, we cannot infer prescriptively how the stone *ought to* behave.

There are no good or bad stones. Stones are what they are. Nor can we derive, from the fact that the stone possesses certain characteristics, any conclusion about how we ought to treat it. At least, that's how it appears at first glance.

A second glance, however, reveals another side of the story. While the initial perspective treats the stone as a brute fact—a simple given—this alternative view sees it not merely as an object of passive observation, but as something defined by its potential uses and our intentions toward it. The stone's hardness, therefore, is not just one of its properties; it becomes a functional prerequisite—for instance, in its suitability as a kitchen countertop. Within such practical contexts, it becomes entirely reasonable to distinguish between good and bad stones: those that fulfill the expectations placed upon them, and those that fall short.

If something that appears to be granite begins to crumble, we would take it as a flawed or deficient instantiation of what it means to be a granite stone. We might even begin to doubt whether it is granite at all—perhaps it is, in fact, shale, misidentified as granite. In this sense, one can indeed infer an ought from an is: a stone that is to serve as a countertop must have certain qualities; otherwise, it is a bad stone—at least for that

particular purpose. In this practical context, if the stone proves unable to meet certain demands, then either something is wrong with the stone itself—it may not be granite after all—or something is wrong with our knowledge about stones—perhaps stones are not as hard as we thought.

It is now the function of the stone (as a countertop) that gives rise to certain demands. A kitchen countertop that isn't water-resistant, smooth, and durable doesn't make a good countertop because of what we do with it (cutting and washing vegetables, placing pots on it..)

The stone (as part of an artifact) is good-for-something only if it has the right features. Its makeup makes it useful for some purposes, unsuitable for others. Its usefulness defines its ought. A good stone is one that, depending on context, is hard, soft, smooth, or handy enough.

But then one might say: However, this function is derived from us—stemming from our intentions and imposed upon the stone by human use. The stone itself doesn't care, he is indifferent towards our goals; there is nothing inherent in its being that dictates it ought to serve as a kitchen countertop. It is not the telos of the stone to be a good table; the stone is indifferent to whether it is used to eat from, to chop vegetables on, or to smash a window. In this case, the stone is simply the material we use to create or perform something that serves our purposes. From this usefulness, the ought—that is, our expectations of how the stone should be constituted—is derived.

But what is striking here is that this evaluation goes beyond simply deeming the stone suitable or unsuitable for our purposes; it asserts that the stone is, in itself, of poor quality. It is not merely unfit for use as a kitchen countertop — it is a poor example of stone as such. Hardness, water resistance, and similar traits are what define stone as a material, traits that we count on when we consider using a specific stone as a countertop. It is precisely because this stone lacks the inherent qualities of a good stone that it is not good as a countertop, it proves inadequate for practical use — assuming, of course, that stone is in principle a suitable material for such applications.

Thus, the criticism extends beyond its failure to meet specific functional requirements; it fails to embody the very qualities that define its value as a material — as what it fundamentally is. (From these qualities, we derive our expectations regarding its potential practical relevance for us.)

We can now also see that the ascription of function that is in play here is not arbitrary; we cannot attribute just any function to just any material. In order to be suitable for use as a kitchen countertop, the stone we wish to use must be heat-resistant, scratch-proof, and easy to clean. That is why granite or marble is appropriate, while sandstone is not. (By contrast, to be suitable for breaking a window a stone must primarily be handy.) The judgment ‘this is a good stone for a table’ is possible because the stone has inherent properties that make it suitable for that purpose. These inherent properties are what we count on when we choose a certain material for a certain purpose. So even if the same entity can be used for a variety of purposes (a stone can also be used in order to break a window) some properties qualify it for certain purposes and the other way around: If I intend to build a kitchen counter, I will seek a material that possesses certain properties—one I can reasonably expect to exhibit those qualities. Conversely, if a material lacks them, I will regard it as a deficient instantiation of its kind.

Even if what a “good” stone is depends on the (practical) context, one that is as it ought to be, is simply one that—depending on the context of use—is hard enough, soft enough, smooth enough, or handy enough for us to use it. The function is still not only externally imposed but an adequate or inadequate reaction to the possibilities inherent in the stone. (To ascribe the function of a bedpillow to any kind of stone would be stupid. That granite, if it is a good instantiation of its species - and not rotten - should be a good material for a kitchen counter on the other hand is a reasonable expectation.)

Let us compare this situation to one in which we describe someone as a good doctor, a good philosopher, or a good cook. A good doctor is someone who examines their patients attentively, possesses the necessary expertise, experience, and skills to apply this knowledge effectively, and is not solely driven by financial gain. A good cook is someone who has knowledge, experience, and craftsmanship, and who displays creativity in dealing with the material — along with a sense of appropriateness toward it. (What constitutes a good philosopher, I will leave open in this context.)

Here too, at first glance, a transition from being to ought seems possible: what a doctor is — what constitutes being a doctor — is also what makes a good doctor and thereby defines what a doctor ought to do. If someone is a doctor, then they should act accordingly. These are precisely the cases where we are inclined to say of someone who lacks clinical judgment or subjects patients to unnecessary ultrasounds for economic reasons, “That’s not really a doctor” (but rather: a profiteer). Or conversely: “That’s a real doctor,” as a way of explaining or justifying their conduct.

So, what is the difference here compared to the idea of a good stone? The difference lies in the fact that being a doctor is situated within a broader framework of cooperation embedded in a social order—one in which it also makes sense to say that it is good that doctors exist.

I’ll get back to this.

Let me summarize where we currently stand in relation to our central question. The initial claim was this: in order to draw a conclusion from *is* to *ought*, we must reconceive *is*, *ought*, and the act of inference itself in a way that departs from empiricist assumptions.

In this first part of my reflections, several lines of thought have emerged that cast the starting point—the *is*—in a different light. My reflections are moving in the direction of a critique of what Wilfrid Sellars, in a memorable phrase, called *the myth of the given*. This critique finds resonances—despite significant differences—with Hegel’s critique of epistemology, Horkheimer’s materialist program of a Critical Theory, and with pragmatism.

What unites these approaches is a shared thesis: the “*is*” from which we might hope to derive an “*ought*” is always already conceptually mediated—and, as such, is bound up with normativity. In short, everything we encounter as “reality” is always already apprehended as *something*, and within this conceptual and interpretive framework, we attribute to it qualities that are normatively relevant.

Not only the stone we wish to use as a countertop is defined by the practical context that makes it meaningful for us. The more radical claim underpinning the critique of the myth of the given is that *nothing* is ever given in a way that is free from conceptual mediation or detached from practically relevant contexts.

Of course, one need not use a stone as a kitchen countertop; one might use it to defend a barricade or reinforce a dam. One could even simply gaze at it, as we might admire the gleaming surfaces of the Eiger North Face from a cable car. Yet even in such acts of contemplation, what is present to us—even something as ostensibly self-evident as a stone—is never given in a pre-conceptual or immediate way.

Likewise, one need not take up the normatively structured social role of a doctor or a cook. But in declining those roles, one does not become a “mere human being”; rather, one becomes someone *else*, situated within a different set of normative expectations.

The next section will address how to understand the kind of normative expectations that arise in such practical contexts.

Even in the case of the crumbling stone, it would be peculiar to say that it *ought not* to behave in such a way—as if it had a choice, or as if it were confronted with a “practical question.” The crumbling stone simply lacks the properties a stone *should* have; therefore, it cannot behave otherwise. It is not, so to speak, at fault or even his fault. And yet, it remains a *deficient stone*—a poor instantiation of what a stone is supposed to be.

The normativity that emerges here will be the focus of the next part of my talk. Central to that discussion will be an analysis of a further Hegelian motif: the (mis)alignment between reality and concept and the normativity of the concept.

2. Another Normativity: The concept and its deficient realization

The inference from *is* to *ought* can only succeed if we understand the *is* as already normatively constituted. But what happens then with the „ought“?

To borrow a (seemingly cryptic) Hegelian formulation: if the *ought* is a moment of the actual, then this has implications for how we conceive of normativity itself. What emerges is a different kind of normativity than the one envisioned by critics of the *is/ought* inference. If we find an „ought“ here it will not be the one that Hegel famously has criticized for its „emptiness“.

Being is institutionally and thereby normatively constituted—for Hegel, this means: it is conceptually constituted. And conversely: the concepts through which we grasp our (social) reality are not arbitrary definitions or merely convenient descriptions—they grasp what is.

For the social world (the world of objective spirit), this implies that when Hegel “gives the concept” of civil society, or “brings civil society to its concept,” he is not merely describing it. Rather, he is understanding it in its relation to other institutions and its historical formation—and, in doing so, legitimating it as necessary *in and for* this relational context. Civil society, then, is not merely what it is; it has a foundation and a justification that must be deciphered and articulated (but not constructed). In understanding what it is, one simultaneously understands why it is good or rational.

This might sound purely affirmative: the actual is the rational. But for Hegel, reality (*Wirklichkeit*) is not simply everything that happens to exist. Not everything that exists is thereby already “real” in the full Hegelian sense—and conversely, to be real means already to occupy a particular normative status. An entity is “real” when it corresponds to its concept. A social practice, for example, that fails to realize the freedom it implicitly contains is not *truly* real. In this sense, the “ought” is contained within the “is,” without the two collapsing into each other. The distance necessary for critique and normativity—the gap between the current state and the desirable one—is preserved without positing an unbridgeable gulf between norms and facts.

Critique and norm-guided transformation are thus grounded in an *internal* deficit within what *is*—in its internal failure to actualize its concept. To correspond to one’s concept means: unity of being and ought. To fall short of that concept means there is a distance—but not a distance of mere external obligation or demand. It is a gap *internal* to the thing itself, not one imposed from outside.

I will elaborate on this theme in more detail shortly. But first, let me point out how this framework allows us to make sense of the kinds of examples with which I began above. Consider, for instance, utterances like “but there are children here!” or “this is no longer a democracy!” These statements acquire a specific normative weight, in which description and evaluation begin to interpenetrate. From a Hegelian perspective, the gap between being and ought that becomes apparent here can be understood as a social formation failing to correspond to its own concept. Thus, the democracy in question—*according to its concept*—is something that, *in its actual realization*, it fails to be. This reveals a tension between being and ought that is located in the object itself, rather than being imposed externally. And overcoming this tension would be precisely what allows the object to become what it truly is.

Hegel’s concept of the concept

In Hegel’s *Science of Logic* we find the expression that some existing (ethical) entities, as they exist empirically, “do not correspond to their concept.” The distinction between concept and (empirical) reality at work here is intended to explain how an object can lack essential characteristics that typically define it (they can, in Hegel’s words, be “stunted,” “immature,” “defective,” or be “entirely missing”), without it having ceased to be an instantiation of this object. In contrast to an “empirical search,” which believes that it can derive the essential characteristics of an object from the totality of its “immediate properties” and therefore must assume that the loss of these properties means that the object thereby ceases to be this particular object, here Hegel establishes the notion that in the case of “the concrete existence” a difference may arise “between the concept and its realization”¹. Therefore, although an actual thing will indeed manifest in itself what it ought to be, yet ... it may equally also show that its actuality only imperfectly corresponds with its concept, that it is bad. Now the definition is supposed to indicate the determinateness of the concept in an immediate property; yet there is no property against

¹ G. W. F. Hegel, *Science of Logic*, trans. and ed. George di Giovanni (Cambridge: Cambridge University Press, 2010), p. 712.

which an instance could not be adduced where the whole habitus indeed allows the recognition of the concrete thing to be defined, yet the property taken for its character shows itself to be immature and stunted. In a bad plant, a bad animal type, a contemptible human individual, a bad state, there are aspects of their concrete existence that are defective or entirely missing but that might otherwise be picked out for the definition as the distinctive mark and essential determinateness in the existence of any such concrete entity. A bad plant, a bad animal, etc., remains a plant, an animal just the same. If, therefore, the bad specimens are also to be covered by the definition, then the empirical search for essential properties is ultimately frustrated, because of the instances of malformation in which they are missing; for instance, in the case of the physical human being, the essentiality of the brain is missing in the instance of acephalous individuals; or, in the case of the state, the essentiality of the protection of life and of property is missing in the instance of despotic states and tyrannical governments.²

The merely “empirical search” for features and characteristics that constitute a natural or social entity, is aimed, according to Hegel’s remarks, at the attempted “definition” of an entity qua reference to its essential characteristics. However, such a definition faces the alternative of either not being able to conceive of an entity that lacks the constitutive features as an instantiation of its “kind” (a rose without thorns no longer as a rose, the short-necked giraffe no longer as a giraffe, the despotic state no longer a state), or of including the deviations indiscriminately in the definition. Each of these alternatives is unsatisfactory. The first alternative misses the fact that even a rose without thorns is still a rose, and that the despotic state is still a state. The second alternative cannot distinguish between essential and inessential features. It completely misses the “essentiality,” the essential or constitutive character of certain properties for the corresponding entity. This dilemma can now be resolved with the concept of the concept and the conceptual, as opposed to definitional, stance to which this seems to point. The key point is that insofar as the “conceptual” (unlike the definitional) approach no longer rests on the merely subsuming designation of an empirical accumulation of properties, one can now assume that a difference between the concept and its realization is possible. The distinction

² Ibid.

between the concept and its realization enables us to distinguish essential from inessential properties other than in quantitative terms (for example, based on the frequency of their occurrence). If something can fall under a concept without corresponding to it in all respects, then properties will still be attributed to the corresponding object even if the latter does not actualize them or if the properties that in fact constitute a natural or ethical entity are, as Hegel puts it, “stunted.” Then the concept [Begriff], as it is sometimes put, is a matter of comprehending [Begreifen]. It comprehends, which means that it understands, subsumes, describes, and determines something as something. In comprehending, it takes account of what is, and in doing so simultaneously specifies how it should be. In other words, the concept neither merely grasps what is given (passively), nor does it imprint its determinations on reality (in an active and external way). In this way it shows itself to be not only a sorting and classifying, but also a normative-evaluative, instance in terms of which a reality that is itself normatively constituted can be judged, and at the same time comprehended, in normative terms.

The possibility that reality and concept can diverge and the normative definitional power of the concept with respect to reality (if I may express myself in such un-Hegelian terms) now opens up the possibility of a particular variety of normative criticism of social phenomena—namely, criticism of incomplete or inadequate instantiations of concepts (for example, the state, democracy, or the family), even if this is not the perspective that primarily interests Hegel himself.

In several respects, such a figure of criticism is normative in a different way from a simple prescription that would be imposed on a (social) entity from the outside. The tension between the concept and its realization is not a matter of a straightforward difference between normative requirement and empirical realization. Rather, such an argument derives its standards from the conditions laid down with a practice and from their own claims. But what does such a manner of speaking imply? What is meant by saying that a social practice or social entity “does not correspond to its concept”? And in what sense does this capture the success and failure of a social practice?

First, if you assert that a social entity “does not correspond to its concept,” then by this is meant neither a strictly descriptive nor a strictly normative statement. You do not merely

assert what this entity is or is not; but neither do you prescribe to it what it should or should not be.

The corresponding assertion is not purely descriptive insofar as it involves more than just the empirical observation that a social entity lacks features generally associated with it. Thus, you could clarify that a mixed-generation group sitting across from you in the subway is a small kindergarten group accompanied by teachers and not a six-member family, as an observer had first assumed. This is the fact-based clarification of a state of affairs. If, by contrast, the claim is that a family is “no longer a family” in the sense that it “does not correspond to the concept of a family,” then this statement has an evaluative undertone. It involves a reference to a normative deficiency of the corresponding constellation and implies a rebuke. Nevertheless, it is not a purely normative assertion or a normative assertion in the narrow sense either, in the sense that the practices of interactions among family members encountered here are different from what they should be because they do not meet set standards or guidelines for families.

Here internal, not external norms come into play, i.e. norms that are given with an entity itself and are linked in its normative evaluation with the description of a particular practice, with their functional conditions, and with the meaning of the practices interwoven with these conditions. The “concept” of a social entity comprehends or understands a social formation or practice as something and through this comprehending, hence by grasping what constitutes the practice or formation, specifies the fulfillment conditions that are inherent in it.

The fact that a social formation (form of life or institution) does not correspond to its concept can then be tentatively understood as implying that it is “not a good instance of its genus or type.” The term “concept” then functions analogously to that of “genus” for the social domain. (But: Hegel historicizes the presumedly essentialist approach.) It asserts that the formation in question has or lacks the social “generic properties,” as it were, hence the properties that define what constitutes it as an institution.

Accordingly, a formation that did not correspond to its concept would be inadequate in that it lacked the properties posited with its genus. These “set properties” should now be understood in such a way that, firstly, they are not standards applied to the object from

outside, but requirements established with it; secondly, the properties in question already exist at least in a rudimentary way in the corresponding formation—and they would lack any normative significance if they did not exist at least potentially in the formation.

If we think of “generic or species properties” with reference to biological creatures, then it is comparatively easy to explain the relationship between is and ought at work here.

Among the generic properties of giraffes is their long neck, among those of lions powerful teeth and jaws, where the properties in question are functionally necessary for the survival of lions and giraffes. A short-necked giraffe or a toothless lion lacks essential features of the species. The animal in question is in a certain sense no longer “a giraffe” or “a lion”; it does not correspond to its concept and it does not realize its generic properties or realizes them only in part. The short-necked giraffe neither represents a different kind of giraffe—the short-necked giraffes—nor is it simply entirely different from a giraffe. It is a deficient exemplar of its species; thus it belongs to something (the species) those characteristics it at the same time does not satisfy. But why does it remain—even in absence of corresponding properties—a giraffe? And why is it deficient and not simply different from all the other giraffes?

If the answer to these questions is already complicated in the case of natural species, it is easy to see that transferring this model to social formations will be confronted with even greater difficulties. Human forms of life, as fluid, historically variable, and modifiable formations, cannot be pinned down through functional conditions and essential features in a similar way to the form of life of giraffes or lions. Social practices and forms of life do not have short necks or bad teeth. Hence they do not have any pre-interpretively recognizable functions and dysfunctions that are given independently of the determinations that we lay down; which of their numerous properties are “essential” for them is a notoriously contentious issue. If a modern family in which the autonomy of the individual is disregarded, a democracy in which there is no democratic decision-making, or a city without public spaces represent deficient or defective instantiations of the concepts of the family, democracy, or a city, then, in contrast to biological species, what constitutes the type in the social case is itself a result of human design and of the self-understanding that develops within social contexts of interpretation.

The description of the state of affairs presented here raises two questions, specifically

with regard to social entities. First, the question concerning continuity: How can we explain that even the deficient family is still supposed to be a family and that the deficient city is still supposed to be a city? What kind of continuity does a deficient instantiation have with its type even if it simultaneously lacks essential properties of the type? To rephrase the question: What kind of continuity does the deficient exemplar of a type have with its type, if “not corresponding to its concept” suggests simultaneously both continuity with and difference from this type?

Second, the question concerning normativity: How exactly can the specific tension between is and ought, a normatively described difference that opens up the possibility of judging the respective instantiation of the corresponding type, be explained? From which standpoint can the lack of a public space be conceived as a deficiency and not just in a normal-free sense as a mere difference? Hence, what explains the normative guiding function of the concept with regard to a reality that deviates from the concept? And to what extent can this difference be explained in terms of internal and not just external norms?

First I will try to answer the question of the nature of the continuity between insufficient realization and concept, and then go on to discuss the source of the normativity of the concept.

So why, for example, is a city in which social homogeneity prevails and from which public spaces have disappeared, a deficient city—why does “city” remain the concept under the relevant formation falls, even though there is a lack of fit between it and the concept of the city? One possible answer to this question would be in quantitative terms. Notwithstanding its deficiencies, the city would still have to be measured in accordance with the concept of a city because it still exhibits enough of the constitutive features of the concept of a city. There are still many houses, streets, a subway, and smog. Therefore, it is a city and not to a forest or a village. However, this answer is of limited value. How many properties exactly still have to be present for the deviant formation to exhibit continuity with what its concept designates? Or are there essential core (as opposed to peripheral) properties that must remain if something is to count as a deficient instantiation of a concept? However, such an answer would merely shift the problem to

the difficulty of singling out such core features.

Another conceivable answer is the following: “city” remains the concept under which the deficient city falls and its normative content remains binding for the city, because there is not (yet) any other concept under which it could fall. Obviously, the fact that it has certain deficiencies as a city does not mean that it is suddenly a forest. Nor is it even something “akin” to a city, such as a village. However, this undoubtedly informative point is of only limited help for our problem—after all, it could simply be that we are at a loss for an alternative and should perhaps create a new concept as soon as possible.

The answer that I would like to venture here is different from the two just mentioned. The reason why we can, or even must, measure a deficient country, a deficient city, or a family against the concepts of city, family, and state is that there is a history of deformation associated with the missing properties of the corresponding construct. To the (ideal-typical European) city belong public space, social density, and the coexistence of difference. Should these features ever disappear entirely, then that can only be as a result of a development that the constellation of social practices and institutions has undergone. This development can be described (anticipating the theses to be developed in the following chapters) in such a way that here existing claims to successful-problem solving have not been redeemed or have been inverted, because essential practices have become eroded, have disappeared, or have been transformed beyond recognition. The disappearance of the features constitutive for a city would then be a history of a normative failure, a history of crisis. The continuity between the good and the defective instantiation can then be attributed the fact that the corresponding construct not only lacks the essential properties, but that it has “squandered” them in a certain way. Thus, the practices and institutions that have become defective and obsolete still bear the inverted traces of the claims and possibilities once posited with them. Not only does the reality not correspond to its concept; rather, it has failed to measure up to it, failed to redeem it, and as a result (continues to) embody its claim. “Concepts,” on this understanding, function as a kind of problem or task.

A deficient city, family, or democracy would then remain an—albeit failed—instantiation of the respective concept, because the problem to whose solution it contributes nothing (any longer) still exists. It still as it were occupies the place where the practices and

institutions belonging to a “city,” a “democracy,” or a “family” are located within the division of labor of the functional context of a form of life. The concepts “city,” “democracy,” or “family” would then function, figuratively speaking, as conceptual and normative “placeholders.” If this placeholder is called “city,” then in cases of normative failure and non-correspondence what occupies it is simply no longer a proper city—but it is nevertheless still deficient as a city.

However, this account of continuity does not resolve the problem of normativity, that is, the validity of the concept with regard to the phenomena covered by it. What is the source of the normative guiding function of the concept, and what right does the concept have vis-à-vis reality? When a social construct does not correspond to its concept, why do we criticize the construct as deficient and not instead simply abandon the concept? To rephrase the question: What exactly makes a specific description of the problem normatively relevant? In the case of giraffes and lions, there are obvious clues for answering this question. The giraffe’s long neck and lion’s healthy teeth and jaws make it easy for them to survive. In this respect, it may seem obvious to stipulate that the giraffe is an animal with a long neck and that the lion is an animal with powerful teeth and jaws as a matter of their concepts, and thus to understand these properties as the norm in terms of which deviations are to be determined. By contrast, what it means for a form of life to be good or good and functional, or under what conditions social practices are worth preserving or rightly undergo change or become eroded for understandable reasons, is precisely what is up for debate.

Drawing on my understanding of concepts as “placeholders” for a description of a problem, therefore, I will approach the normative validity claim of concepts by way of demarcation from two alternatives.

(1) The first alternative reflects the fact that we are ourselves the authors of the conceptual-ethical relations, and hence are free to posit norms and thereby to influence the institutions and practices that determine us. Therefore, the definition of the generic properties or of the concept against which the individual “exemplar”—in this case, the instantiation of a social practice—is to be measured, can be conceived in definitional (or definitional-contractual) terms. What constitutes a family, a democracy, or a city would

then be what we have agreed upon (if necessary collectively). Then certain instances of families, democracies, or cities correspond to our agreement about what they should be and how we want to understand them—or they do not. “Not corresponding to one’s concept” or not satisfying one’s generic properties would then amount to violating these collective postulates. The result is normative difference between the social definition and the reality of a social construct. According to this version, the definition of generic properties would be a simple (and voluntaristic) normative posture that existed quite independently of the actually existing social practices.

(2) The second alternative is to situate the desired generic properties historically and in the context of a specific culture. What constitute formations such as families, democracies, or cities would then be the specific historical manifestations that they have assumed. The “concept” of a family, a city, or a democracy would include what we have come to associate with it against a particular historical and cultural background. This history would have become sedimented in the concept as it were. The set of properties and features that these constructs have developed over the course of this history—what they have become—would then dictate what they should be, hence what corresponds to them (and, in this sense, to their concept). The normative surplus of the concept over its actual realization, and thus the possibility of a normative difference, is in this case the result of a historically evolved expectation against which the currently existing instantiations of the concept must be measured. The city that no longer corresponds to its concept then no longer corresponds to what cities once were; a family that is deficient in the relevant sense no longer corresponds to what families once were. A certain social formation is then deficient in relation to its history and tradition, as well as to the specific claims that have developed in the context of the latter. Whether a social construct “corresponds to its concept” or not, therefore, is decided by successful insertion into a specific historical and cultural context. Therefore, it is normatively binding as the result of its history.

In my view, neither of the alternatives outlined here captures what we are looking for, that is, the specific meaning of the normativity of a concept as this is understood here in terms of the Hegelian motif. While the first alternative reduces the “concept” to a definitional normative postulate, the second, the attempt to derive the normative content

of a social formation from its history falls back on purely factual or descriptive aspects, even though these have a historical dimension. In the first case is and ought remain separated in an abstract way, in the second case they collapse into each other, so that the difference between is and ought shrinks to the normatively unspecific difference between “being” and “having become.”

Here I must confine myself to a provisional outline of my alternative proposal. According to this proposal, the concept of a social formation is determined by the fact that it reflects a certain manifestation of social practices as they have developed historically; therefore it is no mere normative postulate (not even a collective one). On the other hand, this formation is not merely factually given; its “concept” (as opposed to its merely historical-empirical reality) reflects something that can lay claim to rationality against a certain historical background. Translated into the vocabulary of “problem solving” alluded to above: the concept, as the result of responses to problems, captures a historically achieved problem at a historically achieved level of aspiration—and hence is both an anticipation and the result of a social learning process. Then not to correspond to its concept means (in a “pragmatist” reinterpretation of the Hegelian motif) to fall below the problem level thus described. Thus, although this interpretation takes up the historical character of the concept outlined as the second option, hence the fact that—unlike definitions—something has historically “accumulated” in it that constitutes its content, it nevertheless insists in contrast to this on the stronger conception of (historically situated) rationality and does not include the difference between is and ought in a straightforwardly historicist sense.

Then not corresponding to its concept as this applies to social structures means not fulfilling the tasks posited by the concept and not solving the historical problems accumulated in the concept. Drawing on an ethical-functional understanding of ethical norms developed above, this means that a form of life which does not correspond to its concept does not fulfill its ethically constituted function as this has evolved in the context of a specific problem-solving history.

The deficiency of a form of life or a nexus of social practices is then shown by the failure and the crisis-proneness of the practices it implies. The erosion of social practices or

whole forms of life, their becoming obsolete, is both an ethical and a functional failure. To use an expression of Terry Pinkard's, such forms of life "cannot be lived," they have become "uninhabitable."³ Just as short-necked giraffes have trouble surviving, a democracy, a city, or a family that does not correspond to its concept is, each in its own way, an uninhabitable construct—a construct that undermines itself. But, to reiterate, that is not a case of mere dysfunctionality, and this situation does not involve the factual non-existence of the corresponding construct either. Whether a social construct does or does not function depends, as we saw above, on normative ascriptions of functions. On the other hand, however, it is not just a matter of failing to satisfy an externally posited normative claim. It is a normative failure, a factual failure, albeit a failure within a formation constituted by a normative claims.

Here we encounter criteria that are at once immanent and transcendent, context-dependent and context-transcending. This is because it is situated in the interplay within the triangular relationship formed by being (current empirical state), ought (normative claim), and the changing objective conditions. It then becomes clear that the concept should not be understood, for example, on the model of the "standard meter," the eternally valid, immutable normative standard opposed to a changing reality; on the contrary, the concept itself is subject to normatively steered transformations in interaction with reality. Its normativity should not be conceived in static (or traditional) but instead in dynamic terms.

3. Another Logic of Inference

When speaking of inherent normativity, it is important to note that, in contrast to (neo-)Aristotelian positions, Hegel does not appeal to an essentially fixed and teleologically structured nature of things. Instead, he locates normativity within the historically unfolding rationality of ethical institutions. The normativity of the actual, therefore, is immanent to it—reality is normatively constituted and cannot be grasped apart from this normativity. However, this normativity becomes accessible and intelligible only through a developmental process. It is articulated and realized in and through the historical

³ Vgl. Terry Pinkard, *Hegel's Naturalism: Mind, Nature, and the Final Ends of Life*, New York 2012.

evolution of freedom and reason.

If freedom and reason are not merely abstract “ideas,” but attain actuality only through their practical realization—within the concrete practices and institutions of ethical life such as the family, civil society, and the state—then these institutions are both constituted by norms and subject to them. In this sense, reality is normatively structured. Yet the possibility of divergence or tension remains. It is precisely in this way that norms are already immanent within reality, forming part of it, while their full realization can only be conceived as an ongoing, historical process.

This brings us back to the final aspect of the inference from *is* to *ought*: namely, the inference itself. Here, the inference assumes a specific meaning—as a particular mode of “making explicit,” or more precisely, as a process of articulation in which what is brought forth is not already given in determinate form, but is in some sense constituted through the very process of its articulation.